

The technical revolution in the development of new devices and appliances allowing greater recording of music, films and other works, has opened up a wide range of products to which the system for remuneration for private copying now applies.

After many months of negotiation between the owners of copyright, distributors, the technology industry, the PME, consumers and others, a list of products which are subject to this form of remuneration has finally been produced and adapted, at the same time as keeping clearly in mind the aims and objectives of maintaining simplicity and standardisation and achieving a wider extension of the range of products on which royalties are payable.

Remuneration for private copying is designed to apply to the music and audiovisual sector of the market (producers, artists, authors) based on the so-called private copying activities of individuals. Each of us has the benefit of our own space for private copying. We are able to copy films, music and a variety of works on appliances of our own choice to be enjoyed in the comfort of our own family circle. The opportunity for copying in our own space is a right conferred by law. In addition to the rights of reproduction enjoyed by authors, artists and producers (the principle) the law provides that sound and audio-visual reproductions made within the circle of the family and reserved for this space cannot be prohibited either by the author, the performer nor the producer (the exception to the principle). Provided that the individual stays within the legal limits, a space exists for individuals to record music and film in full freedom under the law. This space is known as private copying. The exception however is available alongside a system of remuneration for authors and artists. If there is no remuneration and no exception to the principle, then there is no right to private copying. Aware of the loss of income which private copying represents for artists and authors, the law has provided remuneration for them: remuneration from private copying.

Note: the act of private copying is an act separate and distinct from the act of purchase or downloading. A distinct act and a different and distinct remuneration: it forms part of the author's income.

This royalty is not a tax payable to the public treasury but recompense designed to be paid to the music creation and audio-visual sector. By royal decree, management of the remuneration has been delegated to a private company representing all creative sources: Auvibel.

As a general rule the remuneration is incorporated in the price of products used for private copying, purchased by the consumer. The amount of remuneration is determined, in accordance with the royal decree, by ministerial decision after consultation with the commission representing all relevant parties: authors, performers, artists and producers, the technology industry, distributors, retailers and consumers.

Devices and supports covered by the private copying remuneration system are listed in the royal decree. The list has not been modified since May 2004 when DVD appliances were first introduced. Since then a significant number of new products allowing private copying has been introduced which has been the cause of a decline in the sale of the traditional products listed in the royal decree. These developments were reflected in 2008 and 2009 at Auvibel by a fall of 30% in its royalty receipts and therefore in the remuneration of its beneficiaries! A wider extension of the range of products covered by the list was therefore necessary.

In conclusion, an improved system of royalties better adapted to these changes will remunerate and incentivise beneficiaries, guarantee to consumers free space for private copying and make an attractive market available to industry for the disposal of their products.

It is to be noted that the system is not peculiar to Belgium as the majority of member states of the European Union use comparable legal techniques. However, each member state retains its own tariffs and set of governing rules.

The current tariff figures

Tariffs are shown per device and before VAT.

New Products	Capacity range	Charges per device
Memory boards and USB keys	From 0 to 2 GB	0.15 euros
	More than 2 GB to 16 GB	0.50 euros
	More than 16 GB	1.35 euros

MP3, MP4 players, GSM with MP3 and/or MP4 functions	Between 0 and 2 GB	1.00 euro
	More than 2 GB to 16 GB	2.50 euros
	More than 16 GB	3.00 euros

External hard discs	Between 0 and 256 GB	1.30 euros
	Between more than 256 and 1 TB	6.75 euros
	More than 1 TB	9.00 euros

Home devices with integrated hard disc	Between 0 and 256 GB	3.30 euros
	Between more than 256 GB and 1 TB	10.75 euros
	More than 1 TB	13.00 euros

Traditional products	Charge per device
CDR data	0.12 euros
CDR Audio	0.12 euros
Minidisc	0.12.euros
DAT audio cassette	0.12.euros
Digital audio cassette	0.12.euros
Digital video cassette	0.40 euros
DVD	0.40 euros
Recording device, integrated or not, without hard disc	2.00 euros

Certain characteristic traits:

The new products are charged on the basis of the devices and appliances used and are modulated (calculated) by reference to the product's memory capacity.

Each product is divided into three capacity ranges: low, medium and high clearly defined.

Every year the capacity ranges will be modified in order to retain a majority of products in the intermediate range and to avoid tariffs which are too high compared to the final prices of products, which diminish as new capacities become available on the market. These adaptations to the limits between capacity ranges will not however involve any modification of tariffs as such, apart from possible indexation changes.

The main objectives in producing these new tariffs are in particular:

- a. Avoiding concentration of charges on one particular product
- b. Simplicity
- c. Standardisation.

In relation to traditional products, the extension of the system of remuneration for private copying to new products has allowed prices to remain fixed which in turn can often mean reduction in the tariff: example DVDs, audio CDs, K7 radios etc.

Simplification as a result of fixed prices generally in remuneration for private copying has led to the disappearance of tariffs expressed as a percentage of the price or by time of recording.

These various elements therefore simplify determination of the amount of remuneration from private copying and, as a result, the collection, management and control of these tariffs.