



Collectieve Beheersvennootschap
voor het kopiëren voor eigen gebruik van geluids- en audiovisuele werken CVBA – Burg. Ven.

Société de gestion collective
pour la copie privée d'oeuvres sonores et audiovisuelles SCRL – Soc. Civ.

LEVY FOR PRIVATE COPYING OF SOUND AND AUDIOVISUAL WORKS

DECLARATION FORM*

For the monthly activities of the following period

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* This form is in actual use from February 01, 2010

Table of Contents

This form comprises six sections:

- I. Identification
- II. General information
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The first section concerns the identification of the liable person.

The second contains information about the declaration for the levy for private copying and the third includes the definitions.

In the fourth and fifth section the liable person fills in the products liable for the private copy levy for the above-mentioned operating period and then enters the end result in the sixth column.

I. Identification

Company:

Contact person:

Address:

Postcode: Locality:

Tel.: Fax :

VAT Reg. No.:

E-mail address:

Type of liable person¹ :

<input type="checkbox"/>	Manufacturer	Brand(s):
<input type="checkbox"/>	Exclusive importer/intra-EU purchaser	Brand(s):
<input type="checkbox"/>	Wholesaler importer/intra-EU purchaser	Brand(s):
<input type="checkbox"/>	Retailer importer/intra-EU purchaser	Brand(s):

¹ Please cross the appropriate box

All the details you provide about yourself will be processed in our Customer File. The holder of the file is AUBIVEL cvba – Burg. Ven. with head office at Avenue du Port 86c / 201a, B-1000 Brussels. Under the law of 8 December 1992 you have right of access thereto and the right to make modifications. You can find additional information about such processing in the public register described in Art. 18 of the law.



Approved by the R.D. of 01/21/1997 – Avenue du Port 86C/201a – 1000 Brussels

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II. General information

ALL THERE IS TO KNOW ABOUT THE DECLARATION

- A. Parties liable to pay the remuneration for private copying
- B. Categorization of the subjects to the remuneration
- C. Which devices and supports are concerned? – Tariffs
- D. When is the remuneration due?
- E. How, where and when do I need to declare?
- F. Further terms for the payment of the remuneration
- G. Invoicing the devices and supports

A. Parties liable to pay the remuneration for private copying

The Law of 06.30.2011 – Art. 55, paragraph 2

The RD of March 28, 1996 (BOJ 6/04/1996), 1st Chapter, Definitions and Report to the King.

- As a **manufacturer** you provide devices and blank media on the Belgian market which are subject to the levy of private copying.
- As an **importer** you provide devices and blank media on the Belgian market which are subject to the levy for private copying and which come from a country that is not a member of the European Union.
- As an **intra-EU purchaser** you provide devices and blank media on the Belgian market which are subject to the levy for private copying and which come from a country that is a member of the European Union. The basic principles are wide enough to be generalized to websites, even if they are established in countries abroad.

Comment: (Report to the King, Art. 1, paragraph 4)

To provide refers to actions that can notably be realized in the execution of a *sales, rent or leasing contract*.



B. Amongst the importers and intra-EU purchaser who are liable to pay the remuneration we distinguish 2 categories:

The category which your organization belongs to determines the way you need to declare:

- Importers and intra-EU purchasers who are listed as **exclusives** or **wholesalers**: You have an exclusive right to distribute media and/or devices on national territory or your main business activity is to provide media and devices to other distributors.
- The **other** importers and intra-EU purchasers (residual category which includes the **retailers**): Your main business activity is to provide media and/or devices to end-users.

C. Which devices and supports are concerned? – Tariffs

(The RD of December 17, 2009 as a revision of the royal decree of March 28, 1996, Art. 2, applied from February 01, 2010)

The tariffs are listed a piece and do not include VAT.

➤ Devices with internal support	From 0 to 256GB	€ 3,30
	More than 256GB to 1TB	€ 10,75
	More than 1TB	€ 13,00
➤ MP3 player, MP4 player, mobile phone with MP3 and/or MP4 function	From 0 to 2GB	€ 1,00
	More than 2GB to 16GB	€ 2,50
	More than 16GB	€ 3,00
➤ Memory Card and USB stick	From 0 to 2GB	€ 0,15
	More than 2GB to 16GB	€ 0,50
	More than 16GB	€ 1,35
➤ External hard disk drive	From 0 to 256GB	€ 1,30
	More than 256GB to 1TB	€ 6,75
	More than 1TB	€ 9,00

- | | |
|--|--------|
| ➤ CD-R data, CD-R Audio, Minidisc, Audio cassette DAT, Audio cassette analogue | € 0,12 |
| ➤ DVD, Video cassette analogue | € 0,40 |
| ➤ Recording device, possibly integrated, without internal support | € 2,00 |

D. When is the remuneration due?

The remuneration for private copying is due from the moment the device or the support is put into circulation on national territory (RD 03/28/1996, chapter III, Art. 3§ 1 to 3).

Concerning manufacturers as well as importers and intra-EU purchasers who are listed as exclusives or wholesalers

To put into circulation on national territory means that they *provide in Belgium (ex. sales, delivery)* one or more media or devices (so far as it does not concern export or intra-EU delivery from national territory).

Concerning the «other» importers and intra-EU purchasers

To put into circulation on national territory means respectively the *import and the intra-EU purchase (ex. sales, delivery)* of one or more media or devices.

E. How, where and when do I need to declare?

Parties liable to pay the remuneration for private copying have to hand in a declaration to Auvibel (through an electronic channel, by post or by fax) **every month**, before the twentieth day following the concerning month. This obligation also applies to months in which you don't have anything to declare. (RD 03/28/1996, chapter IV, Art. 5 § 1).

The monthly declaration (standard form)* should mention (RD 12/17/2009, rt. 4):

The number as well as the characteristics and the storage capacity when the latter is a parameter in the determination of the amount of the remuneration for private copying

***Comments:**

- ***When this is your first declaration***, it is required to pass on «all» your general information on the declaration form (in the appropriate section).
- ***If you declare nil for a certain month of exploitation***, it is sufficient to send us a message listing the name of the company, the VAT identification number and the month of which you declare nil.

F. Further terms for the payment of the remuneration

60 days

Manufacturers as well as importers and intra-EU purchasers, regardless of their designation as exclusives or wholesalers, pay the remuneration for private copying within sixty days, counting from the date of notification of the amount of the remuneration by Auvibel (RD 03/28/1996, chapter IV § 3).

Cash

The ***other importers and intra-EU purchasers*** (the retailers) pay the remuneration for private copying counting from the date of notification of the amount of the remuneration by Auvibel (RD 03/28/1996, chapter IV § 4).

G. Invoicing the devices and supports

(RD 12/17/2009, Art. 5)

Manufacturers or importers and intra-EU purchasers who are listed as exclusives or wholesalers:

The invoices delivered by this group, related to devices and media that were put into circulation on national territory, must clearly state the amount due for the remuneration for private copying.

Parties liable to pay the remuneration for private copying as well as parties not liable to pay the remuneration (wholesaler or retailer):

The invoices delivered by this group must make it possible to determine the storage capacity of the different types of media and devices these invoices refer to, so far as the storage capacity is a parameter in the determination of the amount of the remuneration for private copying.

Distributors, wholesaler or retailer:

This group is not allowed to accept invoices from the individuals defined in the preceding paragraphs that make no mention of the references and information prescribed corresponding each particular group.



III. Définitions

The RD of December 17, 2009 as a revision of the royal decree of March 28, 1996, concerning the right to a remuneration for private copies assigned to the authors, the performing artists and the producers of phonographs and audiovisual works and Report to the King.

Devices without internal support: Devices that cannot be integrated in a computer and that can function independently: a hi-fi system with radio-cassette-CD, a combined DVD drive and video recorder, a combined DVD burner and video recorder, a portable radio-cassette recorder, a combined portable radio-cassette-CD device, a television containing a DVD-burner, a DVD recorder, a cassette deck, a video recorder, a CD burner, a MiniDisc burner, a audio CD to MiniDisc converter.

Integrated devices with internal support: a television, a hi-fi system, a combined DVD burner and video recorder, a multifunctional DVD Home Cinema Center, a Set-top Box, a multimedia center.

Non-integrated devices with internal support: a DVD recorder, a DVD reader, a CD burner, a video recorder, a DVD Home Cinema Center

Set-top Box: a digital decoder, equipped with a hard disk which enables recording and reproducing of protected works.

Multimedia center: a device that consists of an integrated hard disk that disposes of his own case and all the connectors required to link up with any type of external device – within the domain of the information technology and/or the consumer electronics -, including all the controls (or remote controls) to exploit his content to the user.

MP3 player: a device especially designed to record and reproduce sonic works, which recognizes the MP3 format. The supports can be incorporated permanently and can consist of different types (hard disks with different capacities, memory cards, ...).

MP4 player: a device equipped with a color screen especially designed to record and reproduce video and sonic works, which recognizes the MP4 format. They can also be equipped with additional functions.

USB Stick: an external memory unit that connects trough a USB port, on which you can copy and read your data to and from another medium, an unlimited amount of times. Currently, the storage capacity goes up to some ten GB.

Memory Card: an external mini memory unit to record and read data. This card is employed with a large range of electronic devices, such as a MP3 player, a PDA or Smartphone. Currently, the storage capacity goes up to some ten GB.

External hard disk drive: a memory unit containing his own case, which has to be directed by another device. This portable hard disk drive enables the user to record and read all data an unlimited amount of times. Currently, the storage capacity varies from some hundred GB to some thousands of GB.

For all other questions, we invite you to visit our website www.auvibel.be.



IV. Information Carriers

A. Audio

a. CD Audio

Closer description of the item			Number of packages	Number of CD (A)	Tariff (€ 0,12)	Remuneration (A)*(€ 0,12)
Description/Reference	Brand name	Package				
Subtotal :						

b. Audio cassette analogue

Closer description of the item		Tariff (€ 0,12)	Quantity (B)	Remuneration (€ 0,12)*(B)
Description/Reference	Brand name			
Subtotal :				



IV. End Result

		Category	Quantity	Remuneration
Devices	Audio	Devices with internal support		
		Devices without internal support		
	Video	Devices with internal support		
		Devices without internal support		
	Multimedia	Devices with internal support		
		MP3 and/or MP4 player		
Mobile phone with MP3 and/or MP4 function				
Information Carriers	Audio	CD Audio		
		Audio cassette analogue		
	Video	Video cassette analogue		
	Multimedia	CD data		
		DVD		
		Memory card		
		USB stick		
		External hard disk drive		

<i>Audio : sum total</i>		
<i>Video : sum total</i>		
<i>Multimedia : sum total</i>		

END RESULT

Total amount due to Auvibel (excl. 6% VAT)

Name:

Function:

Signature:

Date:

Sender's address :

**AUVIBEL bvba/scrl
Department of declarations
Avenue du Port 86C/201a
B - 1000 Bruxelles**



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