

PRESS RELEASE

EU COURT DECLARES BELGIAN REPROGRAPHY LEVIES ILLEGAL

Belgian consumers pay twice too much

BRUSSELS (November 12th, 2015) - Eurimag, the association representing the European imaging and printing industry, welcomes the judgement of the Court of Justice of the European Union (CJEU) in the case C-572/13 Hewlett-Packard Belgium vs. Repobel, which ruled that the Belgian reprography levy collection system is incompatible with the EU Copyright Directive.

The intention of the current EU framework is to compensate authors for the legitimate reproduction of their works. On top of that, the Belgian system also compensated publishers with the same amount which is paid to authors. This has led to a situation where Belgian consumers have paid at least twice the amount than they should have in levies. The Court has declared that no compensation is payable to publishers, but only to authors.

Furthermore, the Court also ruled that the Belgian system, which uses printer speed as the calculating factor for the levy, is not in line with EU law. The CJEU recognizes that the maximum speed or technical capacity of the device is not a valid criterion to determine the amount of the compensation, and that a proper distinction must be made between copying by consumers and by business users.

The Court also provides that authors must not be “overcompensated” and that no levy can be imposed in case an additional system of compensation by mean of operator fees is available.

Eurimag is confident that today’s CJEU ruling is a first step towards building a modernised Belgian reprography system which is fully aligned with EU law and provides a fair balance between the interests of Belgian consumers and companies on the one hand, and authors on the other hand.

Under the current Belgium system, when a customer buys a multifunctional printer, there is a contribution for the reproduction of copyright-protected works included in the price (levy). When you compare this contribution with other EU countries, the Belgian users pay more than 3 times the EU average. And on top of that, they are requested to pay operator fees. So definitively, this judgment is good news for consumers and business users in Belgium.

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EURIMAG was founded in 2007 and is the primary organisation representing the IT imaging and printing industry in Europe. Its membership is comprised of the leading manufacturers of printers, scanners, and multifunctional devices including Brother, Canon, Dell, Epson, Hewlett-Packard, and Lexmark. In Europe these companies account for the direct employment of about 100.000 people. <http://www.eurimag.eu>