

# Reprography in Belgium: past, present and (possible) future

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## REPROGRAPHY - AS IS

Art. 22, § 1, 4 & 4 bis (exception) & 59-61 (remuneration) CNRA 1994 – two exceptions, one remuneration scheme (dual levy system)

Exception limited to ‘short fragment’ for books

Scheme limited to photocopying (not print-outs)

Based on art. 5.2.a and b 2001/29 Directive but not fully implemented (no print-outs)

Royal Decree 30 October 1997 (tariffs)

Operator fee: professional end users only (broad: companies, copy shops, educational institutions, libraries, public sector)

Equipment levy: levy on copiers, MFDs, scanners & faxes - scheme for MFDs/copiers is speed based

Administered by Repobel ([www.reprobel.be](http://www.reprobel.be))

## REPROGRAPHY – the CJEU ruling in HP

November 2015 – C-572/13 - case referred to CJEU by Brussels court of appeal (CA hearings in October 2016)

Tarif modulation – 5.2.a/b

Publishers' share: should in any case not affect fair compensation to authors

Illegal reproductions / sheet music

Dual system acceptable in principle, but:

Equipment levy cannot be based on reproduction capacity (max. speed) only

No distinction based on level of cooperation in operator fee

If dual system compensates both actual (operator) and potential (equipment) harm –) reimbursement scheme needed

## REPROGRAPHY - TO BE?

Equipment levy likely to be scrapped completely or to be limited to private copying levy on B2C reproduction devices

Operator fee will become focus (or only component) of future reprography scheme – uncertain whether print-outs will be included too

Separate and broad exception for education and research: paper & digital – but with remuneration

Publishers will continue to be remunerated on the basis of a *sui generis* remuneration right under national law

Operator fee likely to be expressed as a yearly amount per pupil / public servant and as forfeited and modulated amounts per company per year (to increase collection efficiency) - special scheme for copy shops?

New reprography legislation and tariff decree likely to enter into force 1 jan 2017 or Q1 2017

Impact on future Reprobel collections from reprography not yet known

**Thank you  
for your attention**