Dear President Barroso,

We, the undersigned organisations representing European authors, composers, performers, publishers of books and other print media, and producers in the audio and audiovisual sectors, would like to draw your attention to Spain’s copyright laws, and specifically to its rules on private copying introduced in 2012.

Not only have the changes introduced over two years ago dramatically reduced the level of compensation due to right holders for private copies, but we believe they are also in clear contradiction with EU law (Article 5.2.b of Directive 2001/29/EC) and with the Court of Justice of the EU’s rulings which have repeatedly provided that it is for the natural persons benefitting from the said exception to effectively compensate right holders for the private use made of their works.

By paying out private copying compensation from the state budget, the current system makes all Spanish taxpayers contribute, therefore cutting the link between the act of private copying and the payment of fair compensation due to right holders.

The Spanish Collective Management Organisations and a number of European rightholders’ organisations lodged complaints to the European Commission over a year ago, for what they consider to be a serious infringement of EU law by the Spanish Government. However, we have been informed that the Commission would only take a decision as to the follow-up to the complaints after the results of the ongoing process of reform of the Spanish copyright law, which would however not entail a move away from the current compensation scheme paid via the state budget. This could only mean that no decision will be taken before the end of this year. Meanwhile, the new rules on private copying have been in place for over two years already, causing extensive harm to members of our organisations.

We believe that the European Commission’s decision regarding the initiation of the proceedings of the infringement procedure should not be delayed any further. Further delay will only increase the prejudice and will perpetuate a situation in clear contradiction with EU law.
We therefore respectfully urge the Commission to proceed now with the complaints launched by the right holders, given the vital importance that this issue entails for the entire European cultural and creative sectors. We count on the Commission’s commitment towards the rule of law and the fair remuneration of right holders, as provided by EU law.

The importance of this issue for the European economy and the European cultural and creative sectors as a whole has also been recognised by the European Parliament in its recently adopted Resolution on “private copying levies” prepared by MEP Mrs Françoise Castex.

We remain at your disposal for any further information and take this opportunity to convey to you our best regards.

Yours sincerely,

**NAMES OF ORGANISATIONS AND CONTACT PERSON**

Idzard Van der Puyl, Secretary General, EUROCOPYA

Cécile Despringre, Executive Director of SAA (Society of Audiovisual Authors)

Véronique Desbrosses, General Manager, GESAC (European Grouping of Societies of Authors and Composers)

Xavier Blanc, Secretary General, AEPO-ARTIS (Association of European performers’ organizations)

Helen Smith, Executive Chair IMPALA (Independent Music Companies Association)

Olivia Regnier, Director IFPI European Office, IFPI representing the recording industry worldwide

Olav Stokkmo, Chief Executive of IFRRO (International Federation of Reproduction Rights Organisations)