At the end of August 2014, after three years of inaction concerning some of the copyright issues included in its program for government, and following SPA's constant pressure to obtain a positive legislation on those issues, the Portuguese Government approved and sent to Parliament a bill on private copying aiming to amend the private copying law currently in force by extending the payment of an equitable compensation to most of the equipment, devices and media used in digital reproduction.

After having introduced some amendments to the bill, the Parliament approved the new law.

However, on March 31st, 2015, the President of the Republic vetoed the law on private copying and sent it back to the Parliament to be reconsidered. The President echoed the arguments of the consumers organizations, considering that the law did not respect the necessary balance between the rights of the authors and the rights of the consumers. So, the Parliament had two possible alternatives. The Parliament could approve the same text by an absolute majority and the President of the Republic would be obliged to promulgate the law in the next eight days, or the Parliament could introduce some changes in the law in order for the President of the Republic to accept it. The Parliament followed the first alternative and approved the law again.

The President of the Republic promulgated the law yesterday, May 25th, and now it will come into force as soon as it will be officially published.

The new law aims to amend the private copying law currently in force by extending the payment of an equitable compensation to most of the equipment, devices and media used in digital reproduction.

SPA welcomes this new law as a very positive move, in spite of our considering the value of the levies to be very low. They are even lower than those proposed by the previous government in 2011. But, with the economic crisis Portugal is going through, it would be very difficult to obtain higher values.

The new law also enlarges the number of exemptions previously determined. And although it does not provide for an exemption for equipments, devices and media to be used for any professional purposes in general, the levies cannot be applied to equipments and media acquired by individuals or legal entities which activity may be:
- audiovisual communication;
- audio or video production, exclusively for their own productions;
- support to impaired people;
- preservation of the cultural mobile heritage;
- carriers to record images or other works to be used exclusively in the scope of professional activities of the author himself, such as photography, design, architecture, engineering or artistic professions under a specific economic activity code;
- equipments, devices or media to be used exclusively for clinical purposes and scientific research;
- equipments, devices or media to be used exclusively for public assignments in the fields of justice, defense and national security.

Finally the new law also provides for a threshold of 15 million euros, above which all the monies collected by the entity managing the private copying in Portugal must be allocated to the Portuguese Cultural Development Fund, a public structure controlled by the Secretary of State for Culture, whose main objective is to financially support the promotion and dissemination of all cultural fields.

Below, you may find the future values of the Equitable Compensation

**Chart on Equitable Compensation**

**Devices, equipments and technical instruments of reproduction:**

- Multifunction equipments or ink-jet photocopiers – 5 euros/unit;
- Multifunction equipments or laser photocopiers:
  - Up to 40 pages per minute- 10 euros/unit;
  - More than 40 pages per minute- 20 euros/unit;
- Scanners and other equipment meant only for digitization- 2 euros/unit;
- Ink-jet Printers- 2,5 euros/unit;
- Laser printers- 7,5 euros/unit;

**Devices, gadgets and supports:**

- Audio recorders- 0,20 euros/unit;
- Video recorders- 0,20 euros/unit;
- CD recorders- 1 euro/unit;
- DVD recorders- 2 euros/unit;
- CD and DVD recorders- 3 euros/unit;
- Blu-Ray disc recorders- 3 euros/unit;
- Analogue support materials, such as audio cassette tapes or similar- 0,10 euros/unit;
- Analogue support materials, such as video cassette tapes or similar- 0,10 euros/unit;
CD-R’s- 0,05 euros/unit;
8 inch CD's- 0,05 euros/unit;
Mini-disc's- 0,05 euros/unit;
CD-RW's – 0,10 euros/unit;
DVD-R’s- 0,10 euros/unit;
DVD-RW’s- 0,20 euros/unit;
DVD-RAM’s- 0,20 euros/unit;
Blu-Ray discs- 0,20 euros/unit;
USB flash drives- 0,016 euros per each GB of storage capacity or fraction with a limit of 7,5 euros;
Memory cards- 0,016 euros per each GB of storage capacity or fraction with a limit of 7,5 euros;
Memory devices and hard drives integrated in devices with copy functions of phonograms and/or videograms- 0,016 euros per each GB of storage capacity or fraction with a limit of 15 euros;
Supports or storage devices, such as external drives named “multimedia” or others that contain one or more exits or entries of audio and video and that allow for the recording of sound and/or animated pictures- 0,016 euros per each GB of storage capacity or fraction with a limit of 15 euros;
Memory devices and hard drives integrated into televisions and devices that ensure the interface between the broadcasting signal and the television set, including decoders or pay-per-view devices, which allow to store sound and animated images- 0,016 euros per each GB of storage capacity or fraction with a limit of 15 euros;
Memory devices and hard drives integrated into computers not encompassed in the previous line- 0,004 euros per each GB of capacity or fraction, with the limit of 7,5 euros;
External or internal hard drives that depend on a computer or other equipments or devices to perform the function of reproduction and allow for the storing of animated images and sounds- 0,004 euros per each GB of capacity or fraction, with the limit of 7,5 euros;
Memory devices and hard drives integrated into devices that reproduce, read and store phonograms, any musical works and other sound contents in compressed format- 0,20 euros per each per each GB of capacity or fraction, with the limit of 15 euros;
Memory devices and hard drives integrated into mobile phones that allow for storage, reproduction of musical works and visualization of audiovisual works- 0,12 euros per each per each GB of capacity or fraction, with the limit of 15 euros;
Memory devices and hard drives integrated into multimedia tablet devices with touch screen that allow for storage musical and audiovisual works- 0,12 euros per each per each GB of capacity or fraction, with the limit of 15 euros.