

**Question for written answer E-010727/2011  
to the Commission**  
Rule 117  
**Emine Bozkurt (S&D)**

Subject: Dutch Government's plans to abolish compensation for private copying

Almost all EU Member States allow an exception to be made in the case of private copying to the exclusive rights of holders of copyright and related rights. Individuals may make a copy for their own private use, without prior approval, provided that this is done for ends that are neither directly nor indirectly commercial. The Copyright Directive (Directive 2001/29/EC) requires Member States to provide for fair compensation for rights holders for the exception made for private copying under the partial harmonisation of copyright and related rights in Europe. Compensation for private copying is thus a contribution to authors' and artists' income that is legally protected.

In April 2011 the Dutch Government announced plans to completely abolish compensation for private copying. In contrast, most EU Member States guarantee full compensation for private copying.

In its recent judgment in the *Opus* case, the Court of Justice of the European Union ruled that Member States have an obligation to achieve results in terms of ensuring that authors actually receive the fair compensation intended to compensate them for the harm resulting from private copying.

1. If the Netherlands abolishes compensation for private copying, would that contravene the Netherlands' obligations under the Copyright Directive (Directive 2001/29/EC)?
2. Could the abolition of compensation for private copying lead to the erosion of rights holders' income? What alternatives, if any, exist in order to guarantee rights holders' income?
3. If abolishing compensation for private copying would contravene EU legislation, is the Commission prepared to point out to the Netherlands its legal duty to ensure that rights holders receive fair compensation for private copying?
4. Is the abolition of compensation for private copying at odds with the practice in the majority of EU Member States? Is it desirable from a harmonisation perspective? Will these plans undermine the Commission's policy of reducing differences in practice between Member States' compensation systems?