

**Question for written answer E-008164/2013  
to the Commission**

Rule 117

**Françoise Castex (S&D) and Antonio Masip Hidalgo (S&D)**

Subject: New payment system for private copying in Spain

Spanish Royal Decree 20/2011 of 30 December 2011 brought in a new payment system for private copying whereby the rights holder had to be paid via the national budget. This means that all Spanish citizens and other European citizens paying certain taxes in Spain have to contribute to these payments regardless of whether or not they have made private copies of copyrighted works. In August 2012 Spanish rights holders' organisations lodged a complaint with the Commission on the grounds that the new system infringes EU and other case-law as it is not in line with the principle that it is the private users making the private copies that have to pay (Cases C-467/08 Padawan vs SGAE, C-462/09 Stichting de ThuisKopie vs Opus, and C-457/11 VG Wort vs Kyocera and Others).

Owing to its financial situation and the requirement to apply fiscal consolidation measures, Spain has reduced the payment from EUR 115 million to EUR 5 million without assessing the damage that private copying causes to rights holders. The decision was entirely based on Spain's current budgetary capacity. According to the Court, payment must be regarded as recompense for the harm suffered by rights holders resulting from the private copying of their works without their prior authorisation. Furthermore, in spite of the fact that the ICT industries have been exempted from having to make the payment, the sale prices of the affected media in Spain have not been reduced.

We are concerned about this issue. What decision has the Commission taken on this matter? What stage has been reached in processing the complaint? When will the Commission make a statement?