



REPROBEL

STATUS REPORT 2003-2004

COUNTRY OF OPERATION : Belgium

ORGANISATION : Reprobel BCVBA – SCCRL
Koninklijke Prinsstraat 87
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1. GENERAL INFORMATION

a) History summary : Reprobel was incorporated in June 1994. Then, in October 1997, Reprobel was designated as the only collecting society entitled to collect reprographic fees in Belgium. Collection started on the 1st of January 1998. The first distribution of fees to the Belgian right holders took place in 2001.

b) Legal system : legal license, with equipment levy and operators levy for all sectors (education, public sector and private sector).

c) Members : All collecting societies of owners of reprographic rights of literary and artistic works.

Authors' societies : ASSUCOPIE, JAM/SAJ, KVBKB/ARAPB,
SABAM, SACD, SCAM, SOFAM and VEWA
Publishers' societies : COPIEBEL, COPIEPRESSE, REPROCOPY,
REPRO PP, REPRO PRESS, SEMU and
SABAM

d) Composition of Board of Directors :

14 members, 7 designated by authors' collecting societies and 7 designated by publishers' collecting societies.

e) Staff: 18,25 full time equivalent

f) Licensing: all sectors

g) Other rights: none

h) Dates of the financial year: January 1 – December 31

i) Total Income from all licensing for last financial year (2003): EUR 15,250,585.14

2. DOMESTIC REPROGRAPHIC COLLECTIONS BY SOURCE (2003)

a) **Equipment levy:** 5,273,245.31 EUR

b) **Operators levy:** total: 9,956,379.52 EUR

Operators levy (levies paid in 2003 for previous and/or future periods included!):

- **Education (53%)**
- **Government & government-funded (10%)**
- **Business & Professions (27%)**
- **Libraries (1%)**
- **Others (press reviews, color reproductions) (9%)**

3. REPROGRAPHIC INCOME FROM OTHER RROS (2003)

20,960 EUR (Access Copyright and Copibec)

4. ADMINISTRATIVE COSTS (2003)

1,792,742 EUR

This amount includes investments and provisions

5. DISTRIBUTIONS & DISTRIBUTION PLANS (up till May 2004)

a) Summary of distribution plan(s):

In 2003 the Authors' College distributed 4,339,000 EUR.

The Publishers' College distributed 2,487,607 EUR.

b) Author/Publisher split: legal split 50/50

For the collection period 1/1/2003 until 31/12/2003 the total amount of distribution for the Authors College is 7,267,081.91 EUR and for the Publishers' College also 7,267,081.91 EUR (without costs of the Colleges).

c) Distribution to National Rightsholders: see 5 a)

d) Distribution to Foreign RRO's of fees collected in 1998-2001:

Stichting Reprorecht (Netherlands): 1,283,244.40 EUR

CFC (France): 876,904.78 EUR

Copibec (Quebec): 63,850.22 EUR

6. DISTRIBUTION TO RIGHT OWNERS OF VISUAL MATERIAL

a) Do you distribute to visual artists (plastic artists, graphic designers, photographers) individually or through cooperation with a national collecting society representing this repertoire?

Both individually and through collecting societies are possible.

b) Do you apply a proportion by percentage for the distribution between the repertoires of writing authors and visual authors and can you describe this proportion?

Paid in 2003:

Publishers part (50%): proportion: unknown

Authors' part (50%) (up till March 2004)

Photographers: 4,55% & other visual artists: 13,39%; total : 17,94%
Writing artists : 82,06%

c) How much money did you distribute in the past year to visual artists in general?

Paid in 2003:

Publishers' part (50%): unknown

Authors' part (50%) (up till March 2004)

Photographers and other visual artists: 882,828.32EUR
Writing artists : 4,039,548.66 EUR

7. BILATERAL AGREEMENTS BY TYPE

Type A:

Stichting Reprorecht (Netherlands), CFC (France), Copibec (Quebec), CEDRO (Spain)

Type B:

Copy-Dan (Denmark), HKRRLS (Hong-Kong), Fjölis (Iceland), CEMPRO (Mexico), JAMCOPY (Jamaïca), KOPJAMALT (Malta)

8. ACADEMIC PERMISSIONS

by law

9. ELECTRONIC STORAGE & ELECTRONIC DOCUMENT DELIVERY

- a) **Legal situation:** no change (The Belgian legal situation is very complex, with a mix of exclusive right and legal license for education and research)
- b) **Actual licensing:** none by Reprobel; by publishers of newspapers and magazines some licensing based on exclusive right, for instance Mediargus (Dutch language newspapers and magazines) and Pressbanking (French language newspaper and magazines)
- c) **Pilot projects:** none

10. DEVELOPMENTS SINCE LAST REPORT

a) **Legislation:**

A proposal of law concerning the EU Directive on the Information Society of May 2001 will be introduced in Parliament end of May 2004.

A Royal Decree concerning the public lending right should be published end of May 2004. The remuneration foreseen in this Royal Decree is ridiculously low and no remuneration is foreseen for the publishers.

The tariffs for reprographic reproduction were indexed from the 1st of January 2004 on.

b) **Court cases:**

The "Council of State" pronounced a judgement in the case started in 1998 by machine makers for the abrogation of the equipment levy provisions of the Royal Decree.

The Council of State judged that the equipment levy is no infringement of the provisions of the EU-Treaty concerning the free movement of goods and that it is neither an infringement of article 6.2 of the European Convention for the protection of human rights and fundamental freedoms

c) Surveys & statistical results :

Reprobel has an legal obligation to provide for surveys on reprography. The first of these surveys, carried out by *INRA in Belgium* in 2002-2003, makes clear that, each year, some 22.139 billion copies are made in Belgium. Talking about copies of (printed) material, 1.707 billion copies (or: 7,7%) should be mentioned. The results of the survey can be read in Dutch and French on www.reprobel.be.

d) New areas of licensing: none

e) Others: none