

Ifrro STATUS REPORT 2001-2002

COUNTRY OF OPERATION **B e l g i u m**
ORGANISATION **Reprobel**
 Rue du Prince Royal 87
 Koninklijke Prinsstraat 87
 Bruxelles B-1050 Brussel
 New e-mail address: reprobel@reprobel.be
 New website: www.reprobel.be

1. GENERAL INFORMATION

- a) **History summary:** Reprobel was founded in June 1994 and has been registered as a collecting society by the Minister of Justice in June 1996. Then, Reprobel was designated as the only collecting society entitled to collect reprographic fees in Belgium in October 1997. Collection started on the 1st of January 1998.
- Reprobel publishes an electronic newsletter, *Bruit de papier/Geluid van papier*. Its website is in Dutch, French and German and got a summary in English.
- 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, REPROPRESS, 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:** 20 full time equivalent.
- f) **Licensing:** all sectors.
- g) **Other rights:** none.
- h) **Financial year:** 1 January to 31 December.
- i) **Total income from all licensing for last financial year (2001):**
11.682.401,71 EUR

2. DOMESTIC REPROGRAPHIC COLLECTIONS BY SOURCE (2001)

a) **Equipment levy:** 5.404.721,92 EUR

b) **Operators levy:** total: 6.241.599,36 EUR

Note that this amount covers also collections for 2002 , 2003 and 2004, due to the Belgian system which allows operators to pre-pay for 2 or 3 years. And at the end of the fiscal year 2001, collections for 1998, 1999 and 2000 were still paid.

3. REPROGRAPHIC INCOME FROM OTHER RROS (2001)

36.080,43 EUR (Copibec)

4. ADMINISTRATIVE COSTS (2001)

Costs : 1.629.517,50 EUR

This amount includes investments and provisions

5. DISTRIBUTION PLANS (up till August 2002)

a) Summary of distribution plan(s): Spring 2001, the authors' and publishers' RRO's constituting Reprobel were handed over the fees collected 1998-2000. This was done partially, as not all studies were finished in order to distribute all the money collected. In November 2001, the Authors' College was able to fix the distribution of the fees 1998-2000. In July 2002, there was an agreement on the distribution of the fees 2001. Within the Publishers' College, there was an agreement on the different categories (Spring 2002). Further talks should lead to a complete distribution scheme Autumn 2002.

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

For the period 1/1/01 to 31/12/01 the total amount of distribution for the Authors' College is 5.635.994,76 EUR and for the Publishers' College also 5.635.994,76 EUR.

c) Distribution to National Rightsholders: see 5 a)

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

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?

Yes, both individually and through collecting societies.

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?

Distribution scheme 1998-2000:

Publishers' part (50%): proportion: unknown

Authors' part (50%): proportion:

Photographers and other visual artists: 20,12%

Writing artists: 79,88%

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

Distribution scheme 1998-2000:

Publishers' part (50%): unknown

Authors' part (50%):

Photographers and other visual artists: 3.016.695 euro

Writing artists: 11.974.870 euro

7. BILATERAL AGREEMENTS BY TYPE

Type A: none (in progress)

Type B: none (in progress)

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 newspapers and magazines)
- c) **Pilot projects:** none

10. DEVELOPMENTS SINCE LAST REPORT

- a) **Legislation:** none, although Government and Parliament are preparing the transition of the EU Directive of May 2001 before 22 December 2002
In the meantime, negotiations were started between authors, publishers and the government of the implementation of the public lending right.
- b) **Court cases:** still one case: In 1998, machine makers went to “the Council of State” for an abrogation of the equipment levy provisions in the Royal Decree. Resolution is expected in 2003. And authors’ collecting societies started a case against the Belgian State following the non-implementation of the public lending right in Belgium.
- c) **Surveys & statistical results:** a survey on copying (accent on type of works) by the Author’s College, a survey on copying (accent on mediums) by the Publisher’s College and a survey on copying in primary and secondary schools in Flanders.
- d) **New areas of licensing:** none.
- e) **Others:** none.