

EUROPEAN COMMISSION

Internal Market and Services DG

Knowledge-based Economy
Copyright and the knowledge-based economy



3178

02.08.07

Brussels,

MARKT D1 D(2007) 11497

Subject: Complaint 2007/4031 against Spain

Dear Sir,

I refer to your complaint of 14 November 2006 concerning the digital levies for private copying in Spain.

We acknowledge the concerns expressed in your complaint, in particular the fact that traditional levy systems do not distinguish between those customers using equipment and media for copying protected works or sound recordings and those who do not. The Commission is also aware that some Member States provide for compensation not only for acts of private copying but also for acts falling outside the scope of the exception, i.e. copyright infringements under their national laws.

These concerns were addressed in great detail in an Impact Assessment conducted last year by the Internal Market and Services DG as part of the 2006 levies reform initiative. Although this initiative has been temporarily suspended, this does not entail that the issues you describe are not further monitored and regularly assessed by the competent services.

We deem it more appropriate to address the issues you raise in a coherent and horizontal manner vis-à-vis all the Member States, rather than in an ad hoc case-by-case basis. This is why we decided, for the time being, not to initiate infringement proceedings against the Spanish Government. We will continue to strive towards a general solution that applies equally across all Member States.

Yours sincerely,

Trilman Lueder

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