

# DIGITALEUROPE warns against wrong application of 2001 InfoSoc Directive in Spain

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“We regret to see that hardware based levies are re-introduces in Spain without proper harm assessment”, said Cecilia Bonefeld-Dahl, Director General of DIGITALEUROPE.

After ruling of the Court of Justice of the European Union in EGEDA case in September last year, Government of Spain decided to reintroduce hardware based levies in Spain.

Government will now have to define the final product list and tariffs within 12 months. In the meantime, an interim product list (largely based on 2008 one) and tariffs will apply.

“We see again that levies are defined based on outdated product lists and with no assessment of real harm. This is worrying, as the Government already had harm assessment system in place, but they seem to be carried out in 22 different ways”, noted Bonefeld-Dahl.

“Such outcome at national level is another evidence why action at the EU level is needed. We regret that DSM mid-term review didn’t include work item on private copying, we need one common harm assessment of value of the private copying”, stressed Bonefeld-Dahl.

The digital industry was asking to apply the harm assessment that the Government conducted between 2012 and 2016, which assessed harm resulting from private copying to amount no more than €11 Million per year; however, rates approved by the Government will result in an overcompensation by consumers to right-holders, as our sales projections of devices subject to levies reflect that amount to be collected in levies annually is higher than €50 Million, which is 5 times more than harm actually caused for private copying. Consumers should expect higher prices accordingly, as the new rules enter into force on 1st August.

“DIGITALEUROPE and digital industry in Spain expects now that the Government will properly consult all stakeholders and consider all relevant developments, such as increase in streaming services that substituted private copying behavior”, mentioned Bonefeld-Dahl.

DIGITALEUROPE is ready to support these efforts and will provide active support in developing harm assessment methodology and questionnaire that will show the real impact of harm due to private copying”, concluded Bonefeld-Dahl.

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## ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include in total 2500 ICT Companies in Europe represented by 61 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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