

Reaction to the consultation on Public Consultation on the review of the EU copyright rules.

The Dutch Retail Association represents the Dutch council for SME-retailers (MKB-Nederland) and of large retailers (Raad Nederlandse Detailhandel).

Registered as interest representative: nr 22232504133-92

Please find hereunder the reaction to the part of the aforementioned consultation we found most relevant for the Dutch retail sector.

On the issue of private copy levies

Abolish the private copy levy is the most cost efficient solution

Detailhandel Nederland is of the opinion that the private copy levies should be abolished. In some Member States the costs of administering the levies are almost as high as the collected amount.

We believe that having to pay for downloading digitally (like Spotify or Netflix), is much more transparent, efficient and fair, and this would make a private copy levy on equipment like USB-sticks, Cd's etcetera unnecessary. We believe that consumers are more and more willing to pay for such services if the offer is affordable. Paying 10-20 euro a month for having access to millions of digital files is much more cost efficient than paying -6 euro on equipment a couple of times a year, especially considering the costs of keeping the private copy levy in place.

No shift of liability

We support the report by Mrs. Castex as adopted in the European Parliament; there should be no shift of liability from manufacturer to retailer. This means that if the levy is maintained, we should keep the current system for collecting the levies. Shifting would result in more complex situations, for collecting societies who would need to collect the fees from every individual shop and for businesses who would need to keep data on collected levies from consumers. Transferring the payment to retailers will result in an excessive administrative burden for SMEs and also for the collective rights management organisations.

It is a mistake to assume that retailers when selling a certain product are able to make a distinction if the customer is using it for private or corporate use. This is very difficult to implement for retailers in over-the-counter-sales, but absolutely impossible in online sales.

Visibility of the levies

In general we do not support the visibility on the invoice since consumers are mainly interested in the final price of a product and it would result in administrative burden and costs for businesses, in particular for SMEs. We also fear that this could set a precedent, whereby one day we end up stating how much fuel is used by the truck that delivered the product. We feel strongly that an invoice should not become a bureaucrat's wish list.

If the levy continues to exist, and if the retailer should wish to make this levy visible than he should be able to do so, but only by choice.

The additional costs of make this levy visible should be borne by the collective management organisation of a Member State who benefits from the levy, and not by the retailer.

Special attention should be given to the price comparison websites, where sometimes prices include the levy and sometimes they do not. This creates unfair competition, and it should be clear that

prices on these websites are represented in a comparable manner, either all inclusive or with the normal price of sale, and the private copy levy mentioned separately.

Cross-border transactions

To preclude any double payment in cases of cross-border transactions, it is adopted that levies for the same product should only be able to be collected once by a collective management organisation of a Member State, and that levies unduly paid in a Member State other than that of the end user should be reimbursed. It is vital that we avoid the situation that where products travel back and forth between Member States, the levy needs to be reimbursed and recollected every time the same product enters or exits an EU Member State.

About Detailhandel Nederland

Detailhandel Nederland represents the collective social and economic interests of the retailers. The aim is to create the perfect climate for retailers to do business in the best possible way. Thanks to their cooperation in Detailhandel Nederland, small and medium-sized firms (SMEs) and chain stores can present one position together. This strengthens the representation of the retail trade vis-à-vis the Dutch and European authorities.

The Dutch retail trade

Almost 700,000 people are working in 110,000 shops in the Dutch retail trade. This makes the retail trade the biggest employer in the Netherlands. In 2013 the retail trade achieved a turnover of around 96 billion Euros. In the entire European Union around 31 million people work in the retail trade, in 6.2 million companies with a total turnover of about 2,273 billion Euros.

Lobby and communication

Detailhandel Nederland is the spokesperson of the retailers in the Netherlands. Consultation with the government and other consultative structures ensure that the retailers' voice is heard. In the European context, Detailhandel Nederland is a member of EuroCommerce.

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