

SONT Decree on Private Copying Levies 2023 - 2024

The Stichting Onderhandeligen Thuiskopievergoeding (SONT; Foundation for Private Copying Levy Negotiations) has decreed the new private copying levies for the Netherlands, which will be in force from 1 January 2023 to 31 December 2024. This adjustment is necessary to comply with the ruling of the The Hague Court of Appeal in the case HP c.s. / SONT and Thuiskopie of 22 March 2022. For most devices, the adjustment results in lower tariffs.

In the aforementioned case the The Hague Court of Appeal ruled that ‘tethered downloads’, or ‘offline streaming copies’, cannot be considered private copies within the meaning of the law. These are offline copies from streaming services such as Spotify and Netflix. The Court rules that these copies are not made by the consumer but by the streaming service, and therefore are not private copies.

Against the ruling of 22 March 2022 appeal in cassation has been lodged. In the meantime, the ruling must be followed. Therefore, the SONT has decreed a reduction of most of the tariffs. The decree is in force from 1 January 2023 to 31 December 2024. However, the SONT decided on a small increase of the tariff on tablets, as it would have become very low in comparison with other countries. Two more adjustments have been made: a zero-tariff on set top boxes with hard disk and on HDD-recorders because of low sales figures, and an inflation correction. Because parties involved could not come to an agreement, the chair decided.

The SONT will use the years 2023 - 2024 to renegotiate the tariffs based on the ruling on cassation , as well as other relevant insights.

Private copying levies as from 1 January 2023

Table: Private Copying Tariffs and Devices 2023-2024

Devices/media	Tariff 2021-2022	Tariff 2023-2024
PC / laptop / notebook / server / media center	€ 2.70	€ 2.60
Tablet	€ 2.20	€ 2.60
Smartphone / phone with mp3 player	€ 7.30	€ 5.30
Portable audio / video player	€ 2.10	€ 1.70
Settop box with hard disk / HDD recorder	€ 3.80	-
E-reader	€ 1.10	€ 0.70
External HDD. SSD and USB stick >= 256 GB	€ 1.00	€ 0.80
USB stick < 256 GB	€ 0.50	€ 0.40
Wearables with storage	€ 0.60	€ 0.40

Refurbishment

In consultation with the industry and also in compliance with a recent ruling of the District Court of The Hague (Stichting de Thuiskopie / SES Computers BV), the SONT included in its decree a further clarification of the definition of a refurbished device. Refurbishment often entails more parties performing a part of the manufacture. The party which imports the device or which makes the device ready for end users is the one obliged to pay the private copying fee.

The new SONT decree on private copying levies has been published on 18 November 2022 in the [Staatscourant](#).

Background - Private copying levy

In the Netherlands, it is permitted to make copies of works protected by copyright and neighbouring rights for one's personal practice, study or use. For this exception, an equitable remuneration is legally owed to the authors and other rightholders of these works: the private copying levy. The amount of the remuneration is related to the damage suffered by rightholders as a result of private copying.

About the SONT

The Stichting Onderhandeligen Thuiskopievergoeding ([SONT](#)) (Foundation for Private Copying Levy Negotiations) is charged, pursuant to Section 16e of the Copyright Act and Section 10(a) of the Neighbouring Rights Act, with determining the amount of the private copying levies as referred to in Section 16c of the Copyright Act.

The SONT is chaired by independent chair Marco Pastors, who is assisted by independent advisors. On the board of the SONT, rightholders and those liable to pay are equally represented. Rightholders are represented by Stichting de Thuiskopie. Branch organisations NLdigital, STOBi, FIAR CE and NLconnect sit on the board on behalf of those liable to pay.

Note to editors (not for publication):

For questions about this press release, please contact the secretariat of the SONT, tel. 070 3109101, info@onderhandelingshuiskopie.nl.

You can find more information about the SONT and the new private copying decree on the [website](#).