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2 May 2012 (Constitutional Court judgment) [shall come into force on 2 May 2012];
23 October 2012 [shall come into force on 1 November 2012];
24 September 2013 [shall come into force on 1 January 2014];
8 April 2021 [shall come into force on 14 April 2021].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia
Cabinet
Regulation No. 321
Adopted 10 May 2005

Regulations Regarding the Amount of the Blank Tape Levy and the Levy of Equipment Used for Reproduction and the Procedures for the Collection, Repayment, Distribution and Disbursement Thereof

*Issued pursuant to
Section 34, Paragraph seven
of the Copyright Law*

I. General Provisions

1. The Regulation prescribes the amount of a levy for blank recording media and the equipment used for reproduction (hereinafter - the levy), the procedures for the collection, repayment, and disbursement thereof, and also the procedures by which the levy shall be proportionally distributed among authors, performers, and phonogram and film producers.

2. The levy shall be collected, distributed, and disbursed by one collective management organisation which has received a permit from the Ministry of Culture (hereinafter - the organisation).

[8 April 2021]

II. Amount of the Levy

3. The levy for blank recording media shall be determined and paid in the following amount:

3.1. for a USB flash drive as the percentage rate from the first price of alienation in the territory of Latvia excluding value added tax - 6 %;

3.2. for an external hard drive as the percentage rate from the first price of alienation in the territory of Latvia excluding value added tax - 4 %;

3.3. for all types of computer hard drives, including HDD and SDD drives - in the amount of EUR 2.85 per unit.

[8 April 2021]

4. The levy for the equipment used for reproduction shall be paid in the following amount:

4.1. for all types of personal computers, including portable computers and tablets - EUR 2.85 per unit;

4.2. for smart phones - EUR 1.5 per unit.

[8 April 2021]

III. Administration

5. The organisation shall register the manufacturers of blank recording media and equipment used for reproduction, including merchants which assemble computers in Latvia (hereinafter - the manufacturer) and merchants who import blank recording media or equipment used for reproduction (hereinafter - the importer) in the Payers Register, indicating the name and legal address of the person. The organisation shall update the information included in the Payers Register each month and keep it accessible to the public.

5.¹ The organisation is entitled to exclude the manufacturer or the importer from the Payers Register, notifying the addressee thereof if he or she:

5.¹ 1. does not submit the information referred to in Paragraph 6 of this Regulation within the specified time period;

5.¹ 2. does not fulfil the obligations referred to in Paragraph 26 of this Regulation.

[8 April 2021]

5.² The manufacturer or the importer which has been excluded from the Payers Register may, within a month after receipt of the information on exclusion from the Payers Register, submit a notification to the Ministry of Culture on the operation of the organisation.

[8 April 2021]

6. At the end of each month, but not later than the fifteenth day of the following month, the manufacturer or the importer shall submit a submission to the organisation, indicating therein:

6.1. the type, quantity and the combined nomenclature code of the manufactured or imported blank recording media and equipment used for reproduction and in relation to the blank recording media referred to in Paragraph 3 of this Regulation - the first alienation price in the territory of Latvia;

6.2. the country from which blank recording media and equipment used for reproduction have been imported;

6.3. the name, registration number and legal address of a person registered in the Manufacturer Register or the Professional Users Register referred to in Paragraph 10 of this Regulation, the date of transaction, and the type, quantity and the combined nomenclature code of alienated blank recording media and equipment used for reproduction;

6.4. the type, quantity and the combined nomenclature code of exported blank recording media and equipment used for reproduction;

6.5. the country to which blank recording media and equipment used for reproduction have been exported.

[23 October 2012]

7. [23 October 2012]

8. If the manufacturer or the importer has alienated (transferred) the blank recording media or equipment used for reproduction from the merchants included in the Professional Users Register referred to in Paragraph 10 of this Regulation, the levy for the blank recording media and equipment used for reproduction need not be paid by the manufacturer or the importer.

8.¹ If the manufacturer, including the merchant which is assembling computers in Latvia, uses such hard drives for assembling computers for which the levy has been paid in accordance with Sub-paragraph 3.3 of this Regulation, the levy for the equipment used for reproduction in accordance with Paragraph 4 of this Regulation need not be paid.

[8 April 2021]

9. If the manufacturer or the importer exports blank recording media or equipment used for reproduction from Latvia, the manufacturer or the importer shall:

9.1. not pay the levy for them;

9.2. be repaid if the levy has been paid.

10. The organisation shall establish a Professional Users Register, indicating the name and legal address of a person. The organisation shall update the information included in the Professional Users Register each month and keep it accessible to the public. The following shall be registered in the Professional Users Register:

10.1. broadcasting organisations which import or purchase blank recording media or equipment used for reproduction from the importer or the manufacturer and use them in professional activities;

10.2. merchants which import or purchase blank recording media or equipment used for reproduction from the importer or the manufacturer and use them for the reproduction of works and objects of neighbouring rights for commercial purposes;

10.3. merchants and State or local government institutions (agencies) which use blank recording media and equipment used for reproduction in their activities, not using them for reproduction for personal use and not alienating them.

11. In order to become registered in the Professional Users Register, the persons referred to in Paragraph 10 of this Regulation shall indicate their type of activities, name, registration number, legal address, telephone, electronic mail address, and contact person in their registration application.

[8 April 2021]

12. The organisation is entitled to delete a person from the Professional Users Register, notifying the addressee thereof if:

12.1. this person does not submit the information referred to in Paragraph 15 of this Regulation by the specified time limit;

12.2. this person does not fulfil the obligations specified in Paragraph 26 of this Regulation;

12.3. the use of blank recording media and equipment used for reproduction does not conform to the requirements of Section 34 of the Copyright Law and this Regulation.

[8 April 2021]

13. A person who has been excluded from the Professional Users Register may, within a month after receipt of the information on exclusion from the Professional Users Register, submit a notification to the Ministry of Culture on the operation of the organisation.

[8 April 2021]

14. [8 April 2021]

15. The persons registered in the Professional Users Register shall, at the end of each quarter, but not later than by the twentieth day of the first month of the following quarter, submit information to the organisation on the use of blank recording media or equipment used for reproduction, indicating for each quarter separately:

15.1. the manufacturer or the importer from which the blank recording media and equipment used for reproduction have been purchased;

15.2. the type and quantity of the purchased blank recording media and equipment used for reproduction;

15.3. the use of the blank recording media and equipment used for reproduction (for each unit).

[8 April 2021]

16. If a person included in the Professional Users Register does not submit information to the organisation on the use of blank recording media and equipment used for reproduction or if their use does not conform to the provisions of Section 34 of the Copyright Law and this Regulation, the abovementioned person shall pay the levy.

17. After receiving the submission referred to in Paragraph 6 of this Regulation, the organisation shall calculate the amount of the levy and issue a bill to the manufacturer or the importer. In the case specified in Paragraph 16 of this Regulation, the organisation shall calculate the amount of the levy according to the use of blank recording media or equipment used for reproduction. The manufacturer, the importer and the persons referred to in Paragraph 16 of this Regulation have an obligation to collect the bill from the organisation and to pay it within 15 days.

18. If the importer or the manufacturer does not submit a submission within the time period specified in Paragraph 6 of this Regulation or the levy is not paid within the time period specified in Paragraph 17 of this Regulation, the amount of the levy shall be doubled.

19. In the case referred to in Sub-paragraph 9.2 of this Regulation, the organisation shall reimburse the levy within 15 days time after receiving the submission referred to in Paragraph 6 of this Regulation.

20. The levy shall be distributed among the rightholder groups in the following percentages:

20.1. to authors - 38.66 %;

20.2. to performers - 30.67 %;

20.3. to phonogram producers - 24 %;

20.4. film producers - 6.67 %.

[23 October 2012]

21. [23 October 2012]

22. [23 October 2012]

23. [8 April 2021]

24. Collective management organisations have an obligation, by 15 December of the current year, to mutually agree on the expenditure estimates of the organisation administering the levy for the next year.

[8 April 2021]

25. After covering the management fees, the organisation shall, by 1 March of the current year, disburse the levy to collective management organisations which represent authors, performers, phonogram producers, and film producers.

[8 April 2021]

25.¹ The organisation may use up to 25 % of the levy for financing social, cultural, or educational services in accordance with Section 24, Paragraph three of the Law on Collective Management of Copyright.

[8 April 2021]

26. Upon request of the organisation, the manufacturer, the importer, or a person included in the Professional Users Register has an obligation:

26.1. to provide the organisation with the possibility of becoming acquainted with the documents allowing to verify the information referred to in Paragraphs 6 and 15 of this Regulation;

26.2. to provide the organisation with the possibility of becoming acquainted with the documents regarding blank recording media and equipment used for reproduction which have been alienated from the seller;

26.3. to present the blank recording media and equipment used for reproduction at the disposal thereof.

[8 April 2021]

27. Upon request of the organisation, the seller of blank recording media and equipment used for reproduction has an obligation, without delay:

27.1. to provide information to the organisation on the manufacturer or the importer wherefrom blank recording media or equipment used for reproduction have been acquired and, if necessary, to provide the organisation with the possibility of becoming acquainted with the documents justifying the relevant information;

27.2. to provide information to the organisation on the type and number of the acquired blank recording media and equipment used for reproduction and, if necessary, to provide the organisation with the possibility of becoming acquainted with the documents justifying the relevant information;

27.3. to present the blank recording media and equipment used for reproduction at the disposal thereof.

[8 April 2021]

28. The State and local government institutions have an obligation, upon request of the organisation, to provide information to the organisation which is necessary for the collection, disbursement, and repayment of the levy.

[8 April 2021]

29. The organisation is entitled to use the information referred to in Paragraphs 26, 27, and 28 of this Regulation only for the collection, disbursement, or repayment of the levy.

IV. Supervision

30. The organisation shall, by 1 April of the current year, submit an overview to the Ministry of Culture of the previous year, indicating:

30.1. information on the registers referred to in Paragraphs 5 and 10 of this Regulation;

30.2. the collected levy;

30.3. the repaid levy;

30.4. the distribution of the levy among collective management organisations;

30.5. the management fees;

30.6. the levy disbursed to collective management organisations.

[8 April 2021]

31. The collective management organisations which represent authors, performers, phonogram producers, and film producers shall, by 1 May of the current year, submit an overview to the Ministry of Culture, indicating:

31.1. the levy received in the previous year;

31.2. the justification for the distribution of the levy;

31.3. the management fees;

31.4. the plan for the disbursement of the levy;

31.5. the part and plan of distribution of the financing used for social, cultural, or educational services.

[8 April 2021]

32. The Ministry of Culture has the right to become acquainted with the accounting records of the organisation and the collective management organisations (which represent authors, performers, phonogram producers, and film producers) related to the collection, distribution, and disbursement of the levy, and also the management fees related thereto.

[8 April 2021]

V. Closing Provisions

33. Persons who had the obligation to pay the levy until the coming into force of this Regulation but have not paid it shall pay the debt in accordance with those conditions which were in force when the debt was incurred.

34. Cabinet Regulation No. 443 of 27 April 2004, Regulations regarding the Amount of the Blank Tape Levy and the Procedures for the Collection, Distribution and Payment Thereof (*Latvijas Vēstnesis*, 2004, No. 69) is repealed.

Informative Reference to European Union Directives

The Regulation contains legal norms arising from Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and neighbouring rights in the information society.

Prime Minister A. Kalvītis

Acting for the Minister for Culture,
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