

# REGULATION OF THE MINISTER OF CULTURE AND ART

of 5 December 1995

on the amount, detailed rules for collecting and remitting fees from blank carriers and devices for fixing works for purposes of personal use and the designation of collective administration organizations competent to collect such fees.

Under **article 20 paragraph 3** of the Act of 4 February 1994 on Copyright and Neighbouring Rights (official gazette *Dziennik Ustaw* No. 24, item 83 and No. 43, item 170), hereinafter referred to as “the Act”, it is hereby ordered as follows:

§ 1. Producers and importers of tape recorders, video recorders and other similar devices designed for reproducing the works for the purposes of personal use shall be obliged to remit fees in the amount of 3 per cent of the net selling price of these devices and carriers, without including goods and services tax therein.

§ 2. Producers and importers of reprographic devices shall be obliged to remit fees in the amount of 1 per cent of the net selling price of these devices, without including goods and services tax therein.

§ 3. If the devices specified in [§ 1](#) constitute a component part of another device and are included in its price, the basis of the fee determined in [§ 1](#) shall be the net selling price of a single reproduction device of similar parameters.

§ 4. 1. The collective administration organizations competent to collect the fees specified in [§ 1](#) shall be:

- 1) the ZAiKS Association of Authors (Stowarzyszenie Autorow ZAiKS) — on behalf of authors,
- 2) the Association of Artist Performers of Popular Music (Stowarzyszenie Artystów Wykonawców Muzyki Rozrywkowej) — on behalf of performers,
- 3) the Union of Audio-Video Producers (Związek Producentów Audio-Video) — on behalf of producers of phonograms and videograms.

2. The collective administration organization competent to collect fees specified in [§ 2](#) shall be the Association of Copyright Collective Administration for Authors of Scientific and Technical Works (Stowarzyszenie Zbiorowego Zarządzania Prawami Autorskimi Twórców Dzieł Naukowych i Technicznych).

§ 5. 1. Producers and importers shall be obliged to remit the fees specified in [§ 1](#) according to the following levels:

- 1) 50 per cent — to the account of the organization specified in [§ 4, subparagraph 1, point 1](#),
- 2) 25 per cent — to the account of the organization specified in [§ 4, subparagraph 1, point 2](#),
- 3) 25 per cent — to the account of the organization specified in [§ 4, subparagraph 1, point 3](#).

2. Producers and importers of reprographic devices shall be obliged to pay the fees specified in § 2 to the account of the organization indicated in [§ 4, subparagraph 2](#).

3. The producers and importers shall be obliged to pay the fees specified in [§ 1](#) and [§ 2](#) within 14 days of the end of each quarter.

§ 6. 1. The organizations specified in [§ 4](#) shall, according to the rules determined in article 20, paragraph 2 of the Act, remit the due part of the fees specified in [§ 5, subparagraph 1](#) and the documentation of the division made, to the competent organizations of collective administration of copyright or neighbouring rights within two months of the end of each quarter.

2. If, within the same category of entitled subjects, there is more than one organization of collective administration of copyright or neighbouring rights, each of them shall be entitled to claim from the competent organization mentioned in [§ 4, subparagraph 1](#), receipt of the part proportional to the number of works, recordings or artistic performances of the subjects represented by that organization and reproduced in a given period for the purposes of personal use.

§ 7. The competent organizations of collective administration of copyright or neighbouring rights shall promptly make a division and payments of amounts remitted by the organizations specified in § 4 and falling to the entitled subjects according to the rules operative in a given organization for a given period covered by the settlement.

§ 8. The organizations specified in [§ 4](#) and [§ 6](#) shall be entitled to reduce the amounts accruing to entitled subjects by costs validly incurred and supported by evidence.

§ 9. The Regulation shall come into force 30 days after the date of its promulgation.

Minister of Culture and Art: *K. Dejmek*

dmk/afc

---