

# *Opportunities of EU-Level Administration of Private Copying Levies*

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The conceptual foundation of the private copying levy is eroding. What was once a remuneration-based “reward” has transitioned into a compensation-based payment linked to the notion of rightholder “harm,” resulting in a wide range of levy applications, calculations and distribution schemes amongst EU Member States. This administrative fragmentation is further compounded by new technological issues, as streaming and cloud storage services forego the need to create private copies altogether. But how important is the private copying levy today, not merely in its sense of remedying “harm,” and can a more efficient implementation be achieved to better balance rightholder and user interests in the digital age?

This paper examines and critiques one approach to improving the function of the private copying levy to better realize the Digital Single Market objective: administrative intervention at the EU-level. Part I will first identify theoretical and technological shifts which have both defined and challenge the existence of the private copying levy as it is currently implemented by Member States of the EU, focusing on the most pressing issues that endanger the levy’s sustainability. After defining these issues, Part II will assess the feasibility of an EU-level institutional approach by first identifying regulatory gaps in the current implementation of the levy by national regulatory bodies, and then assessing to what extent a centralized EU-level institution can bridge such gaps. This paper will finally consider whether an EU-level institution can both preserve and enhance the unique cultural utility of the levy as technology continues to challenge the current model.