[FI] New system for compensating private copying

IRIS 2015-6:1/14

Anette Alén-Savikko
University of Helsinki

Reproduction for private purposes is permitted in Section 12 of the Finnish Copyright Act (404/1961), while compensation for private copying is regulated in Chapter 2a of the Act. In late 2014, the system was amended so that this compensation is included in the State budget. The reform meant a new formulation of Sections 26 a-b and references thereto, as well as the repealing of Sections 26 c-26 f and 26 h. The new provisions entered into force on 1 January 2015. However, levies collected in 2014 are paid out pursuant to the old provisions. The previous system relied on a levy imposed on the manufacturer or importer of recording devices. Resellers had secondary liability.

According to Section 26 a(1), the State compensates authors for private copying. Compensation is derived from the State budget and the amount should correspond to a fair compensation. Indeed, paragraph 2 requires research to be conducted on private copying in order to enable the appropriate sizing. The Government must also set up an advisory board for the purposes of this research (26 a(3)). The findings of the research will be taken into account when drafting the 2017 State budget, as noted in the provisions regarding the entry into force of the amending act. Section 26 b(1) notes that the payment plan is approved by the Ministry of Education and Culture annually. This plan may include more detailed instructions. The authors are compensated directly or indirectly. According to paragraph 2, the compensation is paid via an organisation representing numerous authors in a given field. With regard to distributing direct compensation, members and non-members must be treated equally.

The reform aims to update the system for compensating private copying, as well as to safeguard the economic prerequisites for creative work. Technological developments had rendered the previous system inadequate to address proliferation of means for private copying and the decreeing of specific devices had become increasingly difficult. In addition, new types of licensed content services had developed. The levy system was deemed unable to produce fair compensation, since the levels had been declining as opposed to the activity of private copying. In its report, the Education and Culture Committee pointed to the positive effects of the reform in this regard, as it is intended to contribute to a more stable system and increase efficiency. Moreover, reliable research results were deemed essential for establishing an appropriate level of compensation, while the advisory board should in this way have a wide representation of

© European Audiovisual Observatory (Council of Europe) 2026

authorities and stakeholders (including the consumer authority). The Government bill points to a decrease in retail prices of devices, such as digital recorders.

With the reform, decision-making is moved from negotiations between stakeholders to the level of the State budgeting. Research will be conducted by an impartial institution, while supervisory tasks are vested on the Ministry of Education and Culture. The initial level for the compensation is set at EUR 11 million for 2015-16. From 2017 onwards, the compensation will also be based on independent research on private copying, as well as future developments. Furthermore, the Parliament included a provision, suggested by the Education and Culture Committee, stating that the Government must prepare for a diversification of the system, for instance, by employing an additional system of device levies should the State budget prove an inadequate safeguard for the fair compensation pursuant to the Information Society Directive 2001/29/EC. A Government report on this matter is expected by the end of 2018.

Laki tekijänoikeuslain muuttamisesta 19.12.2014/1171

https://www.finlex.fi/fi/laki/ajantasa/1961/19610404?search%5Btype%5D=pika&search%5Bpika%5D=1171

Act on amending the Copyright Act

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026