

Society of Audiovisual Authors

Implementation of the SatCab II Directive (2019/789) January 2023

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Presentation outline

- The Society of Audiovisual Authors
- The retransmission right before the SatCab II Directive
- Main achievements of the SatCab II Directive (EU 2019/789) for audiovisual authors
- Implementation of the Directive in the Member States
- Application of the mandatory collective management regime to
 - Direct injection
 - + Domestic channels
- Unwaivable and untransferable right to remuneration for audiovisual authors for retransmission



The Society of Audiovisual Authors

- 33 audiovisual authors' CMOs in 25 European countries
- 160,000 film & TV screenwriters and directors
- Objectives:
 - Promote audiovisual authors' rights and remuneration
 - Develop the collective management of AV authors' rights and remuneration
 - Provide information on how audiovisual CMOs work and their challenges





Rights managed by SAA members Before the implementation of the SatCab II Directive

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Retransmission right before the SatCab II Directive

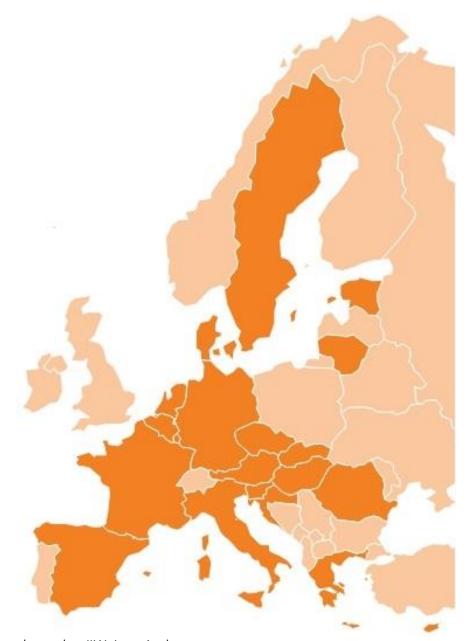
- Full harmonisation of the mandatory collective management (MCM) regime of the cable retransmission right, thanks to the 1993 SatCab Directive
- Partial application of the MCM regime to other retransmission modes (satellite, IPTV)
- → Specific cases:
 - + Italy: no cable technology deployed in the country, only satellite
 - ---- Bulgaria: long-lasting disputes prevent the collection of royalties
 - Finland: the only reported country where domestic retransmissions have not been licensed (legal dispute)



Main achievements of the SatCab II Directive

- Technology neutral definition of the retransmission (not limited to cable retransmission)
- Confirmation of the mandatory collective management (MCM) regime of the retransmission right
- This MCM regime may apply to transmissions of programmes through direct injection
- MCM regime may apply to **domestic retransmissions**





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Implementation in EU Member States (21)

Sweden (18 March 2021) Hungary (6 May 2021) The Netherlands (19 May 2021) Malta (1 June 2021) Germany (4 June 2021) Denmark (7 June 2021) France (23 June 2021) Croatia (22 Oct 2021) Spain (3 Nov 2021) Italy (29 Nov 2021) Estonia (20 Dec 2021) Austria (22 Dec 2021) Slovakia (16 Feb 2022) Romania (28 March 2022) Lithuania (30 March 2022) Belgium (1 April 2022) Luxembourg (1 April 2022) Cyprus (22 Sept 2022) Slovenia (29 Sept 2022) Greece (22 November 2022) Czech Republic (21 December 2022)



Application of the MCM regime to the transmission of programmes through direct injection

- Definition of direct injection introduced in all MS
- Most of the countries applied the mandatory collective management regime to the transmission of programmes through direct injection (15/21)
- + AT, BE, CY, CZ, DE, DK, EE, ES, FR, HR, IT, LT, LU, SI, SK



Application of the MCM regime to domestic channels

- Most of the countries applied the mandatory collective management regime to domestic channels (19/21)
- AT, BE, CY, CZ, DE, DK, EE, ES, FR, HR, HU, IT, LT, LU, NL, RO, SE, SI, SK



Unwaivable and untransferable right to remuneration for audiovisual authors

- A majority of countries provide for an unwaivable and untransferable right to remuneration with mandatory collective management for retransmission or an equivalent system (12/21)
- To secure that audiovisual author's CMOs can collect royalties for audiovisual authors from operators
 - + in spite of the transfer of the retransmission right to producer/broadcaster or
 - + By entrusting the audiovisual authors' CMO (mandate, ECL)
- → BE, DE, DK, EE, ES, FR, IT, LT, NL, RO, SE, SI





SAA's resources

How to ensure fair and proportionate remuneration for audiovisual authors?

- Recordings of SAA's online events
- Academic work and legal studies
- Presentations on existing remuneration schemes
- Case studies





Thank you for your attention!



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