



Society of
Audiovisual
Authors

Implementation of the SatCab II Directive (2019/789)

January 2023

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

Country	SAA member	Cable retransmission	Private copying	Other retransmission rights (satellite, IPTV)	Online / on demand uses	TV broadcasting	Video Sales	Educational uses	Video rental	TV archives	Cinema / public performance	Video lending
Albania	FMAA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Austria	Literar-Mechana	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Austria	VdFS	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Belgium	SABAM	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Belgium	SACD/SCAM	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Belgium	DeAuteurs	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Bulgaria	FILMAUTOR	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Croatia	DHFR	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Czech Republic	DILIA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Estonia	EAAL	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Finland	Kopiosto	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
France	SACD	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
France	SCAM	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Germany	VG Bild-Kunst	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Germany	VG Wort	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Greece	ATHINA-SADA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Hungary	Filmjus	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Italy	SIAE	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Lithuania	LATGA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
The Netherlands	LIRA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
The Netherlands	VEVAM	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Norway	Norwaco	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Poland	ZAPA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Portugal	SPA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Romania	DACIN SARA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Slovakia	LITA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Slovenia	AIPA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Spain	DAMA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Spain	SGAE	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Sweden	Copyswede	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Switzerland	SSA	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Switzerland	SUISSIMAGE	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
United Kingdom	ALCS	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
United Kingdom	Directors UK	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red

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**

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!