

Law 4481/2017:- Collective management of copyright and related rights... (701822)

LAW no. 4481 (OFFICIAL GOVERNMENT GAZETTE A 100/ 20.7.2017)

Collective management of copyright and related rights, multi-territorial licensing in musical works for online use and other issues falling within the scope of the Ministry of Culture and Sport.

THE PRESIDENT
OF THE HELLENIC REPUBLIC

We issue the following law voted by the Parliament:

PART ONE

COLLECTIVE MANAGEMENT AND OTHER REGULATIONS

Article 1

Purpose

The main purpose of the first part hereof is the adaptation of national legislation to Directive 2014/26/ EU ("the Directive") "on the collective management of copyright and related rights and multi-territorial licensing in musical works for online use in the internal market" (EE L 84), the regulation of operation of collective management organizations or collective protection of copyright and related rights and of independent management entities, as well as the amendment of the provisions of L. 2121/1993 (A 25).

Article 2

Scope

(Article 2 (1), (2), (3) and (4) of the Directive)

1. Articles 1 to 54 apply to collective management organizations established in the Greek territory and, where explicitly defined by law, to collective protection organizations established in Greece.

2. Articles 33 to 41 and paragraph 2 of Article 44 apply to collective management organizations established in Greece and manage copyright in musical works intended for multi-territorial online use.

3. Articles 1 to 54 apply to the management and protection of related rights regulated in the eighth chapter of L. 2121/1993 (A 25), unless otherwise specified.

4. The provisions of Articles 1 to 54 shall apply to entities owned or controlled, directly or indirectly, in whole or in part, by a collective management organization, provided that those entities engage in activities which, if carried out by the collective management organization, would be subject to the provisions of this law.

5. The provisions of Articles 1 to 54 shall also apply to the agents of collective management organizations (whether natural or legal persons) who have been wholly or partly entrusted with the powers or activities related to collective management provided for in this Law or in Law. 2121/1993.

6. Article 22 (1), Articles 25 and 27, items (a), (b), (c), (f) and (h) of paragraph 1, Article 28 (3), Articles 32, 43, 46 and 47 and 49 shall apply to all independent management entities established in the Greek territory.

7. The provisions on collective management organizations, as set out in Articles 1 to 54, with the exception of Article 32 (1) and (4), shall also apply to the independent management entities referred to in Article 50, unless otherwise specified herein.

8. Articles 1 to 54 also apply to collective management organizations established outside the European Union (EU) but operating within the Greek territory.

9. References to the EU herein include references to the European Economic Area.

Article 3

Definitions

(Articles 3 (a), (b) to (e), (f), (h) to (n)
and 36 (1) of the Directive)

For the purposes of Articles 1 to 54, the following definitions shall apply:

a. "Collective management organization" means any organization authorized by law or by way of assignment, license or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one rightholder for the collective benefit of those rightholders, as its sole or main purpose, and which fulfills one or both of the following criteria:

aa) it is owned or controlled by its members;

(bb) it is organized on a non-profit basis.

b. "Collective protection organization" means any organization authorized by way of assignment, license or any other contractual arrangement to protect copyright or rights related to copyright on behalf of more than one rightholders and for the collective benefit of those rightholders, as its sole or main purpose.

c. "Independent management entity" means any organization authorized by law or by way of assignment, license or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one rightholder for the collective benefit of those rightholders, as its sole or main purpose, and which is:

(aa) neither owned nor controlled, directly or indirectly, wholly or in part, by rightholders,
and

(bb) it is organized on a for-profit basis.

d. "Rightholder" means any person or entity, other than a collective management organization, which holds a copyright or a related right or, under an agreement for the exploitation of rights or by law, is entitled to a share of the rights revenue.

e. "Member" means a rightholder or an entity representing rightholders, including other collective management organizations and associations of rightholders, fulfilling the membership requirements of the collective management organization and admitted by it.

f. "Statute" means the memorandum and articles of association, the statute, the rules or documents of constitution of a collective management organization.

g. "Object of protection" means the subject-matter protected by a related right according to Law 2121/1993.

h. "Operating license" means the decision of the Minister of Culture and Sport authorizing the operation of a collective management or protection organization or an independent management entity referred to in Article 50.

i. "General Assembly of Members" means the body in the collective management organization, wherein members participate and exercise their voting rights, regardless of the legal form of the organization.

j. "Rights revenue" means income collected by a collective management organization on behalf of rightholders, whether deriving from an exclusive right, a right to remuneration or a right to compensation.

k. "Management fees" means the amounts charged, deducted or offset by a collective management organization from rights revenue or from any income arising from the investment of rights revenue, in order to cover the costs of its management of copyright or related rights. With respect to collective protection organizations, "management fees" means the amounts charged, deducted or offset from the contributions of their members.

l. "Representation agreement" means any agreement between collective management organizations whereby one collective management organization mandates another collective

management organization to manage the rights it represents, including the agreement concluded under Articles 38 and 39.

m. "User" means any person or entity that is carrying out transactions subject to the authorization of the rightholders, remuneration of the rightholders or payment of compensation to rightholders and is not acting in the capacity of a consumer.

n. "Repertoire" means the works or objects of protection in respect of which a collective management organization manages rights.

o. "Multi-territorial license" means a license which covers the territory of more than one EU Member State.

p. "Online rights in musical works" means any of the rights of an author in a musical work provided for under items (a) and (h) of par. 1 of article 3 of Law no. 2121/1993, which are required for the provision of an online service.

q. "OPI" means the Hellenic Copyright Organization, which is the competent body for copyright and related rights issues in Greece. Moreover, OPI is the competent authority for the disclosure of information provided for under Articles 36, 37, 38 and 41 of the Directive, in accordance with the more specific provisions of this law.

Article **4****Article 4****Operating License**

1. Any collective management organization, collective protection organization and independent management entity referred to in Article 50 established in the Greek territory and intending to assume the collective management or protection of the powers deriving from the property rights of the authors or rightholders of related rights is required to obtain an

operating license issued by the Minister of Culture and Sport in accordance with the procedure set out in this Article.

2. The organization or independent entity referred to in Article 50 shall, before commencing its operations, submit to OPI an application accompanied by the following:

a) its statute, stating its capital, to the extent that it is required under the respective legal form,

(b) the legal representative, members of the administrative and supervisory board and the director-general, if any. Such persons must not have been charged, by way of final judgment, with a felony or convicted of felony or misdemeanor punishable by a minimum term of imprisonment of two (2) years or, regardless of the quantum of the sentence, of crimes against property or property rights, for smuggling, counterfeiting or forgery, tax evasion, bribery or graft. In order to comply with the paragraph above, such persons shall submit to OPI a certificate issued by the competent judicial authority, certifying that they have never been charged with the crimes stated above, as well as a copy of the criminal records certifying that they have never been convicted. Those persons must also submit a declaration stating the information referred to in item d) of Article 31 (2)

c) regarding the number of rightholders who have entrusted or will entrust the organization with the management or protection of the powers deriving from their property rights,

(d) a draft of the assignment agreement, indicating the legal form and duration of management or protection,

(e) the rights distribution regulation, which provides for the time, principles and methods of distributing the rights revenue per category of rightholders,

(f) the amount of management fees, as well as any other information requested by the Ministry of Culture and Sport or OPI, to ensure the viability and effectiveness of the operation of the collective management or protection organization or the independent entity referred to in Article 50.

The collective management organizations shall not submit the item under (e) above nor the list of members of the supervisory board.

3. To the extent that the conditions of this law are met and it is evident that the applicant organization or applicant independent entity referred to in Article 50 is viable and can effectively manage the rights of the rightholders who have entrusted them with the management or protection of their rights and upon recommendation by OPI, the Minister of Culture and Sport shall grant an operating license by means of a reasoned decision which shall be notified to OPI and to the applicant organization or the independent management entity referred to in Article 50. The decision which grants the operating license to the collective management or protection organization or the independent management entity referred to in article 50, shall be published in the Official Government Gazette and posted on the websites of OPI and of the licensed organization.

4. The collective management organization and the independent management entity referred to in Article 50 shall, no later than three (3) months following the publication of their operating license in the Official Government Gazette, notify OPI of their tariff, to be posted on the OPI website in accordance with the provisions of Article 23 (2).

5. Any change in the information referred to in paragraph 2 shall be notified to the Minister of Culture and Sport and to OPI immediately and within five (5) days following the change at the latest. If the Minister of Culture and Sport does not raise any objections, upon reasoned recommendation by OPI and within thirty (30) days following the notification of the change, it shall be deemed approved. Until the expiry of the above time period, and in the event of non-disclosure, the information referred to in paragraph 2 and provided until the date of change, shall remain valid.

6. In the event that any collective management or protection organization wishes to extend its powers, it shall do so only upon extension of the respective license, which shall be granted in accordance with this article.

7. Any collective management organization or independent management entity established in another EU member state may operate in the Greek Territory, without requiring a license issued by the Minister of Culture and Sport, provided that they notify OPI of their intention

and deliver the registration and license certificates, evidencing their establishment in an EU member-state, insofar as it is provided for by the national legislation of that member-state. Moreover, those organizations shall provide their contact details, including their address, Tax Identification Number, registered office and their legal representative.

8. Subject to compliance with the requirements set out in Article 32, any independent management entity established in the Greek territory may operate within Greece, provided that it has notified OPI of its intention to do so, as well as of its contact details, including its address, TIN, its registered office and its legal representative. It shall also provide OPI with a list of the rightholders whom it represents and their respective works or objects of protection, as well as the type of management it engages in. The Minister of Culture and Sport, upon recommendation by OPI, shall prepare an act evidencing the submission of the relevant information, which shall be sent to the independent management entity. This information, without prejudice to Article 32 (4), shall be updated at least once a year and no later than on the 31st of January of each year.

9. Any collective management or protection organizations which have not been licensed in accordance with the provisions of this Article may not manage or protect the rights they represent nor exercise the powers provided for in Article 6. The same applies to the independent management entities referred to in Article 50.

Article 5**Article 5**

Establishment of a unitary
collective management organization

1. Collective management organizations licensed by the Minister of Culture and Sport may establish a unitary collective management organization which they authorize exclusively to negotiate, license, conclude remuneration agreements, make the relevant claims for

remuneration, take any judicial or extrajudicial action, collect the relevant remuneration from users and distribute it to the respective collective management organizations.

2. The provisions of this law on collective management shall also apply to the licensing of the unitary collective management organization, as well as any other matter relating to collective management.

3. Any pending trials, at the time of establishment of a unitary collective management organization shall be undertaken by the original litigating parties, until their completion by way of final judgment.

Article **6**

Article 6

Competencies

1. Collective management organizations have, by way of example, the following competencies and any other competence that is in accordance with the nature and purpose of a collective management organization under Article 3 (a), provided that they are included in the license granted by the Minister of Culture and Sport and are provided for in their statutes :

(a) to manage the property right, the powers deriving therefrom, categories of powers or types of works or objects of protection, in the territories selected by rightholders,

b) to enter into agreements with the users, on the terms on the exploitation of works, as well as on the payable proportional and/or reasonable remuneration,

(c) to ensure that rightholders receive a proportional remuneration according to par. 1 of article 32 of L. 2121/1993,

(d) to collect the remuneration provided for in this Law and L. 2121/1993 and to distribute to rightholders the amounts received,

(e) to exercise the right of the rightholder to grant or refuse authorization to a cable operator for retransmission through cable or other transmission materials in accordance with Article 35 of L. 2121/1993,

(f) to conclude representation agreements and inform the other collective management organizations of revenue, deductions, licenses issued and any other information relating to the management of rights under those agreements and provided for herein or in Law 2121/1993,

(g) to provide the rightholders, other collective management organizations, under representation agreements, and users - including potential users- with the information provided for in Articles 25 to 27 (h) and to publish and post on their websites the information required under Article 28,

(i) to prepare and publish the annual transparency report referred to in Article 29,

(j) to grant multi-territorial licenses for online rights in musical works, provided that they meet the legal requirements and take all relevant appropriate measures provided for in this Law,

(k) to initiate, in accordance with the fourth subparagraph of Article 7 (1), any administrative or judicial or extrajudicial proceedings for the legitimate protection of the rights of rightholders, and, more specifically, to lodge applications for interim measures, file actions, exercise legal remedies, file charges or complaints, appear before the court in the capacity of civil claimant, seek the prohibition of acts infringing their rights in respect of the powers entrusted to them and demand the confiscation of illicit copies or the judicial escrow of goods in accordance with Article 64 of Law 2121/1993,

(l) to receive from users any information necessary for the implementation of the tariff, the calculation of remuneration and the collection and distribution of rights, under the relevant industry standards,

(m) to conduct, in collaboration with the Public Authority, or in accordance with the procedure of art. 64 of L. 2121/1993, the necessary inspections in shops selling or renting or lending copies or publicly performing the protected works, to ascertain whether those acts infringe the rights of the rightholders,

(n) to provide social, cultural or educational services for the benefit of the rightholders (o) to arrange and participate in conferences on copyright and related rights.

2. Items (h), (k), (m), (n) and (o) of the preceding paragraph, and article 27 (1) shall apply to collective protection organizations as well.

Article	<u>7</u>
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Article 7

Presumption

1. Collective management organizations and collective protection organizations shall be presumed to have the power to manage or protect the rights in all works or objects of protection or all rightholders in respect of whom or which they declare in writing that they have been entrusted with the respective powers or that the right to fair remuneration has been transferred to them or that they act under power-of-attorney or other contractual agreement.

Insofar as a collective management organization operates under the license granted by the Minister of Culture and Sport, exercises rights and bring claims under L. 2121/1993, which are subject to mandatory collective management, it shall be presumed to represent all rightholders, both foreign and Greek, and all their works. If in the case of the preceding paragraph there are more collective management organizations for a specific category of rightholders, the presumption applies to the extent that the rights are jointly exercised by all relevant collective management organizations in accordance with the specific provisions of Law 2121/1993.

Collective management organizations and collective protection organization may initiate judicial and extrajudicial proceedings, in their own name, if their competence is based on the transfer of the relevant power, or on a power-of-attorney, or on any other contractual agreement. They are also entitled to exercise all rights transferred to them by the rightholder or fall within the scope of the power-of-attorney or any other contractual agreement.

2. In order to ensure the legal protection of works and rightholders, who are represented by a collective management or protection organization, it is sufficient to provide a mere sample reference to the works, which were exploited without prior authorization or without payment of reasonable remuneration, without requiring a full detailed list of such works.

3. The presumptions shall be applied by the organizations in such a way as to not affect the rights of the rightholders as provided for in the law, and more specifically their right to assign or not to assign, in whole or in part, the management of specific powers, works or objects of protection to various collective management organizations.

4. In the event that a rightholder disputes whether a work stated in the declaration referred to in paragraph 1 and in the contract concluded with the user on the basis of that declaration, falls within the competencies of the collective management organization, then the organization shall assist its counterparty in every way possible, and in particular, intervene in the relevant judicial proceedings. If it is shown that the work was not represented by the organization, the organization is liable to the counterparty for damages and may also incur sanctions according to article 46. The relevant claim of the rightholder shall be brought according to the procedure of labor disputes. This paragraph shall not apply to cases of mandatory collective management.

Article **8**

Article 8

General Provisions - Operation and Organization

1. Collective management organizations shall operate in any legal form under the terms of Article 3 (a).

2. If the collecting societies operate in the form of a public limited company, the shares of that company must be registered in their entirety and the provisions of paragraphs 2, 3, 5, 6, 7 and 9 of article 24 of Law no. 1746/1988 (A 2) shall apply. The notification provided for in Article 24 (6) and (7) of L. 1746/1988 shall be made to the Ministry of Culture and Sport and to OPI.

3. Collective management organizations may also operate in the form of civil cooperatives according to L. 1667/1986 (A 196). In this case:

a) references in L. 1667/1986 to the Ministry of National Economy as the Ministry entrusted with the enforcement of this law, shall be construed as references to the Ministry of Culture and Sport,

(b) those cooperatives may be established and operate on a pan-Hellenic basis, to the exclusion of the principle of locality,

(c) legal persons may also be members of the cooperatives,

(d) the statute of such cooperatives may provide for:

(aa) without prejudice to Article 13, conditions, internal procedures and bodies deciding on the entry, withdrawal or exclusion of a partner, by way of derogation from the conditions, procedures and bodies referred to in paragraphs 4, 5, 6, 7 and 8 of Article 2 of Law 1667/1986,

(bb) the right of the partners to obtain an unlimited number of optional shares, under the terms of Article 9 (5)

(cc) that the cooperative shares shall not be transferred,

(dd) without prejudice to Article 9 (5), categories of partners, either without voting rights or with a number of votes per partner, regardless of the number of mandatory or optional shares held by each partner,

(ee) conditions determining the quorum and participation in the general meeting, by way of derogation from the conditions laid down in Article 5 of Law no. 1667/1986.

e) such cooperatives operate at all times in the form of limited partnership and the partners shall not be personally liable for the debts of the cooperatives.

Article **9****Article 9****General Assembly of Members**

(article 8 paragraphs 2 to 12 of the Directive)

1. The general assembly of members of a collective management organization shall be convened at least once a year.

2. The general assembly of the members shall decide on the following issues:

(a) amendment of the statute,

(b):

(aa) the appointment or dismissal of the members of the board of directors and the members of the supervisory board,

(bb) the approval of remuneration or other benefits, monetary or non-monetary, received by the members of the administrative and supervisory boards and the Director-General,

following an assessment of their overall performance, as well as of the compensation in the event of dismissal of such persons, subject to paragraph 8,

(c) the method of distribution of the amounts due to the rightholders and the distribution of rights regulation,

d) the general policy on the use of non-distributable amounts,

(e) the investment policy with regard to rights revenue and to any income arising from the investment of rights revenue, taking into account Article 17 (4) and Article 19 (7),

(f) the deduction from rights revenue and from any income arising from the investment of rights revenue, taking into account Article 18,

(g) the use of rights revenue and of any income arising from the investment of rights revenue, in terms of manner, timing or any other detail,

(h) the use, on a case-by-case basis, of amounts which may not be distributed within the basic principles under item d, already decided upon,

(i) the management of potential cases which may affect the fulfillment of obligations and the achievement of the organization's purposes (risk management policy),

(j) the approval of any acquisition, sale or mortgage on immovable property,

(k) the approval of mergers and alliances, the setting up of subsidiaries and the acquisition of other entities, or shares or rights in other entities,

(l) the approval of taking out loans, granting loans or providing security for loans,

(m) drawing up, in accordance with Article 14, the conditions governing licensing for non-commercial use of their rights,

(n) any other matter referred to in this Law or in the Statute.

3. The general assembly of members of a collective management organization may delegate the powers listed in points (i), (j), (k) and (l) of paragraph 2, by a resolution or by a provision in the statute, to the supervisory board referred to in article 10.

4. The general assembly of members of a collective management organization shall control the activities of the organization by, at least, deciding on the appointment and removal of the auditors and approving the annual transparency report referred to in article 29.

5. All members of the collective management organization shall have the right to participate in and to vote at the general assembly of members. There must be no conflict of interest between the members, whether natural or legal persons, of the collective management organization and the organization. The general assembly of members may allow for restrictions on the right of the members to participate in and to vote at the general assembly of members, on the basis of amounts received or due to a member and/or the duration of membership, provided that such criteria are determined and applied in a manner that is a fair and proportionate, and that they are included in the statute of the collective management organization and made publicly available in accordance with articles 26 and 28.

6. Every member of a collective management organization shall have the right to appoint any other person or entity as a proxy holder to participate in and vote at the general assembly of members on his behalf, provided that such appointment does not result in a conflict of interest. The proxy holder may represent up to two (2) members of the collective management organization. Each proxy shall be valid for one (1) general assembly of members. The proxy holder shall enjoy the same rights in the general assembly of members as those to which the appointing member would be entitled. The proxy holder shall cast votes in accordance with the instructions given by the appointing member.

7. The powers of the general assembly of members of a collective management organization may be exercised by an assembly of delegates elected at least every four (4) years by the members of the collective management organization, provided that:

(a) appropriate and effective participation of members in the collective management organization's decision-making is ensured, and

(b) the representation of the different categories of members in the assembly of delegates is fair and balanced. The rules laid down in paragraphs 1 to 6 shall apply mutatis mutandis to the assembly of delegates .

8. If the collective management organization does not have a general assembly of members, by reason of its legal form, the powers of that assembly are to be exercised by the supervisory board in accordance with the provisions of Article 10.

9. The independent management entities referred to in Article 50 are required to provide in their statutes for a general assembly of members who have entrusted the management of their rights thereto. Paragraph 6 shall apply to the participation and representation in the general assembly by proxy.

With respect to the general assembly of members the following rules shall apply:

a) the general assembly members shall meet regularly once a year and within six (6) months following the end of the accounting year, and it must be convened by the board of directors of the independent management entity referred to in article 50. If it is not convened within fifteen (15) days from the expiry of the time period specified above, then it shall be convened by the supervisory board. If it is not convened within seven (7) days from the day following the expiry of the aforementioned 15 days period, it shall be convened by order of the Small-claims Court, at the request of at least ten (10) members.

b) the general assembly may also hold extraordinary meetings, at the request of 1/25 of the members or of at least five (5) members of the supervisory board, submitted to the board of directors, specifying the items to be discussed. If the board of directors does not convene the extraordinary general assembly within fifteen (15) following the request submitted by the supervisory board or 1/25 of the members, it shall be convened by order of the Small-claims Court at the request of at least 1/25 of the members.

c) The notice of invitation shall specify the location, date and time of the session, as well as the items on the agenda. The notice shall be notified to the members at least seven (7) days prior to the date of the general assembly, by registered letter or e-mail or by fax.

(d) The general assembly of members shall be in quorum and shall hold a valid meeting provided that at least half of the members are present at the beginning of the meeting.

If no quorum is present, then the general assembly of members shall be reconvened within five (5) days without further notice of invitation, at the same place and time, and shall decide on all items on the original agenda, provided that at least 1/5 of the members are present at the beginning of the meeting. If no quorum is present, then the general assembly of members shall be reconvened within three (3) days without further notice of invitation, at the same place and time, and shall decide on all items on the original agenda, regardless of the number of members present or represented at the meeting.

e) The exclusive competence of the general assembly of members includes:

(aa) the election of the members of the Supervisory Board referred to in Article 10 (8) and the determination of their remuneration,

(bb) taking a decision on how to represent the different categories of members of the independent management entity referred to in Article 50 in the supervisory board in order to ensure that their representation is fair and balanced. The revenue received by each member from the independent management entity referred to in article 50 and/or the membership duration, shall be taken into account as criteria for the determination of the number of votes of each member at the general assembly, provided that such criteria are determined and applied in a manner that is fair and proportionate.

(cc) the discharge of the members of the supervisory board from any liability,

(dd) the submission of a recommendation to the supervisory board on the remuneration and the tariff policy of the independent management entity and determination of the licensing terms and remuneration,

(ee) the submission of recommendations regarding the most appropriate distribution of the rights collected, as well as assisting the supervisory board with respect to any issue falling within the scope of the latter.

The members of the supervisory board shall not be entitled to vote on the issue of their own liability.

(f) The decisions of the general assembly of members shall be taken by an absolute majority of the votes cast.

10. With respect to the general assembly of members, the provisions on general assemblies of Law 1667/1986 shall also apply.

Article **10**

Article 10

Supervisory Board

(Article 9 of the Directive)

1. Each collective management organization shall have in place a supervisory board, for monitoring the activities and the performance of the duties of the natural or legal persons who manage the business of the organization. The supervisory board may consist of three (3) to nine (9) members.

2. There shall be fair and balanced representation of the different categories of members of the collective management organization in the supervisory board.

3. Each member of the supervisory board of the collective management organization shall make an annual individual statement on conflicts of interest, containing the information referred to in the third subparagraph of article 31 (2).

4. The supervisory board of the collective management organization shall meet regularly and in any case at least four (4) times a year and shall have at least the following powers:

(a) to exercise the powers delegated to it by the general assembly of members, under article 9 (3),

(b) to monitor the activities and the performance of the duties of the members of the board of directors, the director-general or the directors, if any, and of the persons to whom such duties and responsibilities have been delegated,

(c) to monitor the implementation of the decisions of the general assembly of members and, in particular of the duties listed in points (c) to (f) of article 9 (2),

(d) to comply with the provisions of Articles 1 to 54 and the statute.

5. In order for the exercise of its powers, the supervisory board may request that the persons referred to in paragraph 4 (b) provide any information, details, books or documents of the collective management organization required for the purposes of paragraph 4.

6. The supervisory board shall report on the exercise of its powers to the general assembly of members at least once a year.

7. Members of the board of directors or the director-general or directors may not participate in the supervisory board. Spouses and second-degree relatives of the members of the board of directors, of the director-general or a director are prohibited from participating in the supervisory board. The members of the supervisory board shall be liable under any type of liability. The members of the supervisory board may be discharged from their liability, upon resolution of the general assembly of members.

8. The supervisory boards of the independent entities referred to in article 50 shall consist of nine (9) members and shall be elected by the general assembly, in accordance with point (e) of article 9 (9). The term of the supervisory board shall be three (3) years, save for the term of the first supervisory board, which may not exceed two (2) years. By way of exception, the members of the first supervisory board as well as their term of office, shall be determined by decision of the Minister of Culture and Sport. The Minister of Culture and Sport may consider recommendations submitted to him in writing by members of the independent entity referred to in Article 50, provided that they are submitted within ten (10) business days of entry into

force of this Law. The first supervisory board must consist of authors, who have entrusted the management of their rights to the independent entity referred to in article 50.

9. The powers of the supervisory board of the independent entity referred to in Article 50 shall also include decision-making on matters relating to the management of the property right of the rightholders or powers deriving therefrom and the monitoring of their implementation, in particular:

a) the regulation of distribution of rights and amounts due to the rightholders. Such decisions shall be taken by a two-thirds majority (2/3) of the members of the supervisory board,

(e) the investment policy and use with regard to rights revenue and to any income arising from their investment, taking into account, respectively, Article 17 (4) and Article 19 (7),

d) the use of non-distributable amounts,

(d) the deduction from rights revenue and from any income arising from the investment of rights revenue, taking into account Article 18, including the decision on justifiable excess of management fees, provided for in article 18 (3),

(e) monitoring, controlling and overseeing strategic business management of rights management,

(f) the submission of an opinion to the board of directors, prior to the approval of the Annual Transparency Report referred to in Article 29,

(g) the proposal to the board of directors on the pricing procedure and the detailed remuneration adopted by the independent management entity, which proposal shall be binding,

(h) the proposal to the board of directors, regarding the amendment of the statute provisions relating directly or indirectly to the collective management, which proposal shall be binding,

(i) the provision of information to the board of directors, at the request of its chairman or other person mandated by him, on the matters of operation of the independent management entity referred to in Article 50,

(j) the submission of an opinion on how to deal with users who refuse to either obtain a license or to abide by the terms of the signed license agreement,

(k) the participation, through its legal representative, in negotiations on the setting of licensing terms and fees, as well as in procedures for amicable or consensual dispute resolution with contracted or non-contracted users,

(l) the submission of an opinion to the Board of Directors before deciding on resources, other than those already existing, and on the expansion and development of existing resources,

(m) the submission of an opinion to the board of directors before deciding on how to manage any potential circumstances that may affect the fulfillment of the obligations and the achievement of the purposes of the independent management entity,

(n) the approval of remuneration or other benefits, monetary or non-monetary, received by the members of the board of directors and the director-general, following an assessment of their overall performance,

(o) the submission of a proposal to the Board of Directors, on the allocation of funds for social, cultural and educational services and on the conditions under which licenses referred to in Article 14 are granted, which proposal shall be binding,

p) the submission of an opinion on any other matter introduced by the board of directors.

10. Where the supervisory board finds any infringements on the part of the board of directors, the supervisory board may act according to the procedure provided for in Articles 43 and 46 to 47 or 51.

11. Paragraphs 5, 6, 7 and 10 apply also to the independent management entities referred to in Article 50.

12. For the exercise of all its powers, the Supervisory Board may authorize independent auditors or accountants or legal advisers, selected at its own discretion, at cost amounting to up to 3% of the annual management fees, where appropriate, incurred by the collective management organization or the independent management entity referred to in Article 50, provided that the obligation of confidentiality is complied with and that there is no conflict of interest.

Article **11****Article 11**

Relations between the Collective

Management Organization and Rightholders- General Principles

articles 4 and 5 (1) of the Directive

1. Collective management organizations shall act in the best interests of the rightholders whose rights they represent and shall not impose on them any obligations which are not objectively necessary for the protection of their rights and interests or for the effective management of their rights.

2. The rights and obligations of rightholders, as described in Articles 12 to 16, must be provided for in the statute of the collective management organization.

Article **12****Article 12**

Management authorization

(Article 5 (2), (4), (5), (6),

7 and 8 (a) of the Directive)

1. Rightholders shall have the right to authorize a collective management organization to manage their property rights or the powers (rights) deriving therefrom or categories of powers or types of works or objects of protection of their choice, for the territories of their choice, irrespective of the Member State of nationality, residence or establishment of either the collective management organization or of the rightholder (authorization agreement). Such authorization may be granted by delegation of the right or of the relevant powers, for the purpose of management, either by power of attorney or any other contractual agreement. Authorization shall be in writing and for a specified period of time which may not exceed three (3) years. In case of doubt, it is presumed that the authorization concerns all works, including future works, for a time period that may not exceed three (3) years. Unless the collective management organization has objectively justified reasons to refuse management, it shall be obliged to manage the rights, powers, categories of rights or objects of protection, provided that their management falls within the scope of its activity.

2. Rightholders shall have the right to terminate, in whole or in part, the authorization to manage rights or categories of powers, or types of works or objects of protection of their choice, for the territory of their choice, or to withdraw from the collective management organization any of the rights, categories of rights, types of works and other subject-matter of their choice, upon serving three (3) months notice in writing. Such termination shall become effective upon expiry of the three month time period following the service of the written notice, whereas the licenses which had been granted before termination shall be in full force and effect until the date of their expiry.

3. If there are any amounts due to a rightholder for acts of exploitation which occurred before the expiry or termination of the authorization agreement, or before the withdrawal of rights took effect, or under a license granted before the expiry or the termination or before the withdrawal took effect, the rightholder shall retain his rights under Articles 18, 19, 25, 27, 37 and 42.

4. The collective management organization shall not restrict the exercise of rights provided for under paragraphs 2 and 3 by requiring, as a condition for the exercise of those rights, that the management of rights or categories of rights or types of works and other subject-matter

subject to expiry, termination or withdrawal, be entrusted to another collective management organization.

5. In cases where a rightholder authorizes a collective management organization to manage his rights, categories of rights, types of works or any other subject-matter, he shall give consent specifically for each right or categories of rights or types of works or any other subject-matter. Any such consent shall be evidenced in documentary form.

6. The rights of rightholders deriving from paragraphs 1 to 5 shall be included in the authorization agreement.

7. The collective management organization shall inform rightholders of their rights under paragraphs 1 to 5, as well as of any conditions attached to the right set out in article 14, before obtaining their consent to managing any rights under paragraph 1. This information shall be posted on the website of the collective management organization and shall be communicated to the rightholder by email.

Article **13****Article 13****Admission of members****(Article 6 of the Directive)**

1. A collective management organization shall accept rightholders and entities representing rightholders, including other collective management organizations and associations of rightholders, as members if they fulfill the membership requirements, which shall be based on objective, transparent or non-discriminatory criteria. Those membership and registration requirements shall be included in the statute and posted on the organization's website. In cases where a collective management organization refuses to accept a request for membership, it shall provide the rightholder with a clear explanation of the reasons of its decision.

2. The statute of the collective management organization shall provide for appropriate and effective mechanisms for the participation of all its members in the decision-making process of the organization. The representation of the different categories of members in the decision-making process shall be fair and balanced.

3. The collective management organization shall allow its members or the represented rightholders to communicate with it by electronic means, including for the purposes of exercising members' rights.

4. The collective management organization shall keep records of its members or the represented rightholders, and shall regularly update those records at least once a month. The collective management organization shall submit to OPI, once a year and no later than the 20th of January, a full list of its members or represented rightholders, along with their e-mail addresses.

Article**14****Article 14**

Licenses for non-commercial uses

(article 5 (3) of the Directive)

1. Rightholders shall have the right to grant licenses for non-commercial use of any rights, categories of rights or types of works or any other subject-matter of their choice.

2. By a decision of the general assembly, collective management organizations may determine the conditions on which the rightholders grant non-commercial licenses establishing an obligation to inform rightholders of their options and the greatest discretion possible regarding the exercise of their relevant rights.

Article 15

Rights of rightholders who are not members of a collective management organization (article 7 (1) of the Directive)

Article 13 (3) and (4), Article 27, Article 38 (2) and Article 42 shall also apply to rightholders who have, by law or by way of assignment, license or any other contractual agreement, the right to receive rights revenue, although they are not members of a collective management organization.

Article 16

Article 16

Obligation to inform of the rightholders' works.

Rightholders who have entrusted to a collecting society the management of all their works, shall inform in writing about the works they have published in any way, as well as of any new work published after the assignment of management to the organization. In this context, the collective management organization shall remind rightholders annually of this obligation and at the same time they shall enable them to provide this information by electronic means.

Article 17

Article 17

Rights revenue
(Article 11 of the Directive)

1. A collective management organization shall be diligent in the collection and management of rights revenue. Rights revenue includes interest accrued in connection with the investment of rights revenue. For the purposes of the first subparagraph, collective management organizations shall maintain appropriate register of members, licenses and uses of works and any other subject-matter. The relevant information required for the effective collective rights management shall also be provided by rightholders and users and shall be checked by the collective management organization.

2. The collective management organization shall keep separate in its accounts:

(a) rights revenue and any income arising from the investment of rights revenue,

(b) its own assets and income arising from such assets, management fees or from other activities.

3. The collective management organization shall not be permitted to use rights revenue or income arising from the investment of rights revenue, for purposes other than distribution to rightholders. Exceptions shall be made to the deduction or offset of management fees or to the use of rights revenue or income arising from the investment of rights revenue in compliance with a decision taken pursuant to Article 9 (2) or Article 10 (8).

4. Where the collective management organization invests rights revenue or any income arising from the investment of rights revenue, it shall do so in the best interests of the rightholders, whose rights it represents, in accordance with the investment policy and the management policy of potential circumstances which may affect the fulfillment of obligations and the achievement of the organization's purposes referred to in points e and i of article 9 (2) and having regard to the following rules:

a) where there is any potential conflict of interest, the collective management organization shall ensure that the investment is made in the sole interest of those rightholders,

(b) the assets shall be invested in order to ensure the security, quality, liquidity and profitability of the portfolio as a whole,

(c) the assets shall be properly diversified in order to avoid excessive reliance on any particular asset and accumulations of risks in the portfolio as a whole.

Article 18

Deductions

(Article 12 (1), (2), (3) and (4) of the Directive)

1. Deductions shall be reasonable in relation to the services provided by the collective management organization to rightholders and shall be established on the basis of objective criteria.

2. The collective management organization shall provide the rightholder, who has entrusted it with the management of his rights, with documented information on management fees and other deductions from the rights revenue and from any income arising from the investment of rights revenue, before obtaining his consent to manage his rights.

3. Management fees of the collective management organization shall not exceed the justified and documented costs incurred by the collective management organization in managing copyright. Management fees shall not exceed, in total and on average, 20% of the gross rights revenue of the collective management organization. This percentage does not include legal fees in connection with legal claims concerning the rights of the organization's members. The costs of a legal procedure include only the full amount which must be payed in order for the dispute to be brought before the court, and includes all relevant fees such as court stamps and judicial fees. This percentage also applies to cases where the collective management organization is a member of a unitary collective management organization.

The percentage of the collective management organization shall be taken into account along with the percentage of the unitary collective management organization in relation to the management exercised by the latter on behalf of the former. This limit may be reasonably

exceeded, following a feasibility study, which may be prepared at the request of the board of directors of the collective management organization, upon recommendation of the supervisory board, which shall be binding only in case the supervisory board accepts the results of the study. This 20% percentage figure shall not apply to newly established collective management organizations and up to three (3) years of the commencement of their operation, provided that at the end of each financial year, the general assembly or the supervisory board of the independent management entities referred to in Article 50, explores and ascertains the need to maintain the above percentage (20%).

4. What applies to the use and transparency of use of the amounts deducted or offset from the management fees, shall apply to any other deductions made in order to cover expenses arising from the management of copyright or related rights.

5. With respect to collective management organizations, the annual gross revenue of which does not exceed the amount of five hundred thousand (500.000) euro, management fees must not exceed in total and on average twenty five percent (25%) of the gross revenue of such collective management organizations.

Article**19**

Article 19

Distribution of amounts due

to rightholders

(articles 13 paragraphs 1 to 6 of the Directive)

1. The distribution of amounts to rightholders shall be made in proportion, to the extent possible, to the actual use of their works.

2. Without prejudice to Article 21 (2) and Article 37, collective management organizations shall regularly, diligently and accurately distribute and pay amounts due to rightholders. Each collective management organization or its members, who are entities representing

rightholders, shall distribute and pay those amounts to rightholders as soon as possible but no later than nine (9) months from the end of the financial year, in which the rights revenue was collected, unless objective reasons relating in particular to reporting by users, identification of rights, rightholders or matching of information on works and other subject-matter with rightholders prevent the collective management organization or, where applicable, its members, from meeting this deadline.

3. Where the amounts due to rightholders can not be distributed within the deadline set in paragraph 2, because the relevant rightholders cannot be identified or located and the exception to that deadline does not apply, those amounts shall be kept separate in the accounts of the collective management organization.

4. The collective management organization shall take all necessary measures, consistent with paragraph 2, to identify and locate the rightholders and shall verify the records referred to in Article 13 (4) and other readily available records. No later than three (3) months following the expiry of the deadline set in paragraph 2, the collective management organization shall make available information on works and other subject-matter, for which one or more rightholders have not been identified or located to:

(a) the rightholders it represents or the entities representing rightholders, where such entities are members of the collective management organization, and

(b) all collective management organization with which it has concluded representation agreements.

The information referred to in the second subparagraph shall include, where available, the following:

(aa) the title of the work or other subject-matter,

(bb) the name of the rightholder,

(cc) the name of the publisher or producer,

(dd) any other relevant information available which could assist in identifying the rightholder.

If the abovementioned measures fail to produce results, the collective management organization shall make that information available to the public at the latest one (1) year after the expiry of the three-month (3) period.

5. Where the amounts due to rightholders cannot be distributed after three (3) years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collective management organization has taken all necessary measures to identify and locate the rightholders, as referred to in paragraph 4, those amounts shall be deemed non-distributable. This provision also applies to non-distributable amounts from the collection of reasonable remuneration.

6. The general assembly of members of a collective management organization or, respectively, the supervisory board of the independent management entity referred to in article 50, shall decide on the use of non-distributable amounts in accordance with point d of article 9 (2) or article 10 (9) respectively, without prejudice to the right of rightholders to claim such amounts from the collective management organization or the independent management entity referred to in article 51, if they are not time-barred.

7. Only half of the non-distributable amounts may be used by the collective management organization or the independent management entity referred to in Article 50, for investments, whereas the remaining half may be used separately and independently for the funding of social, cultural and educational activities, for the benefit of rightholders. By decision of the general assembly of members of a collective management organization or of the supervisory board of the independent management entity referred to in Article 50, the amount of non-distributable amounts intended for investments, may be increased. Moreover, the general assembly of members of a collective management organization or the supervisory board of the independent management entity referred to in Article 50 may decide that part of the non-distributable amounts will be distributed to rightholders, provided that this decision does not prevent them from claiming and receiving the amounts which correspond to claims that are not time-barred.

8. Rightholders' claims for rights revenue collection against collective management organizations shall be time-barred ten (10) years from the end of the financial year in which they were collected. If the rightholders have not been identified or located, the ten (10) years period shall be calculated from the completion of the procedure referred to in paragraph 4.

Article **20**

Article 20
Rights management under
representation agreements
(Article 14 of the Directive)

The collective management organization shall not discriminate against any rightholder whose rights it manages under a representation agreement, in particular in relation to the applicable tariffs, management fees and the conditions for collection of the rights revenue and distribution of amounts due to rightholders.

Article **21**

Article 21
Deductions and payments in
representation agreements
(Article 15 (1), (2) and (3) of the Directive)

1. The collective management organization shall not make any deductions, other than in respect of the management fees on the rights revenue derived from rights it manages on the basis of a representation agreement, or from any income arising from the investment of that

rights revenue, unless the other collective management organization that is party to the representation agreement expressly consents to such deductions.

2. The collective management organization shall regularly, diligently and accurately distribute and pay amounts due to other collective management organizations as soon as possible but no later than nine (9) months from the end of the financial year, in which the rights revenue was collected, unless objective reasons relating in particular to reporting by users, identification of rights, rightholders or matching of information on works and other subject-matter with rightholders prevent the collective management organization or, its members, from meeting the deadline.

3. The other collective management organization, or, where it has as members entities representing rightholders, those members, shall distribute and pay the amounts due to rightholders as soon as possible but no later than six (6) months from receipt of those amounts, unless objective reasons relating in particular to reporting by users, identification of rights, rightholders or matching of information on works and other subject-matter with rightholders prevent the collective management organization or, where applicable, its members, from meeting than deadline.

Article **22****Article 22**

Licensing, determination of remuneration and reasonable remuneration (article 16 paragraphs 1 to 4 and 35 (1) of the Directive)

1. Collective management organizations and users shall conduct negotiations for the licensing of rights in good faith and shall provide each other with all necessary information.

2. Collective management organizations, in order to allow users to use the works of their repertoire, shall request from them a percentage fee as per Article 32 of Law 2121/1993.

3. Licensing terms shall be based on objective and non-discriminatory criteria. When licensing rights relating to online services, collective management organizations shall not be required to use, as a precedent, licensing terms agreed with a user where the user is providing a new type of online service which has been available to the public in the EU for less than three (3) years.

4. In connection with licensing, users shall submit a request to the collective management organization stating, inter alia, the information required for that purpose. Upon receipt of all relevant information, the collective management organization shall, without undue delay, either offer a license or provide the user with a reasoned statement explaining why it refused to offer the license, which statement shall also be notified to OPI.

5. Collective management organizations shall allow users to communicate with them by electronic means, including for the purpose of reporting on the use of the license.

6. In the event of non-payment of a license fee or of disagreement as to the amount of the remuneration required by the collective management organization, the user shall, before any use, advance to the collective management organization the requested amount of remuneration or the amount determined and awarded by provisional order of the Single-Member Court of First Instance, at the request of either the user or the collective management organization, in accordance with the procedure of interim measures, as usually paid in similar cases or, where there are no similar cases, as the Court deems reasonable. Following a lawsuit filed by the collective management organization or the user, the Single-Member Court of First Instance, which tries the case in accordance with the procedure of monetary disputes under the Code of Civil Procedure, shall definitively determine and award the amount of the remuneration.

7. In the event of dispute between the user and the collective management organization in respect of the amount of the reasonable remuneration referred to in Article 49 of L. 2121/1993 and the terms of its payment, the Single-Member Court of First Instance, trying the case in accordance with the procedure of interim measures, shall determine them by

provisional order, at the request of the user or the collective management organization, and shall provisionally award up to half the amount of the reasonable remuneration determined by the Court. The last subparagraph of paragraph 6 shall apply to the definitive determination of the amount of the reasonable remuneration and the payment terms.

8. All financial transactions of users with collective management organizations and independent management entities referred to in Article 50, such as, in particular, the payment of the remuneration due, shall be made through a banking system either by deposit into a bank account, the beneficiary of which is the collective management organization or the independent management entity referred to in Article 50 and an explicit reference to the period of use corresponding to the amount paid, either by the use of debit or credit cards.

Article 23

Tariffs

(Article 16 (2) (c) and (3) of the Directive)

1. Rightholders shall receive appropriate remuneration for the use of their works. Tariffs shall be reasonable in relation to, inter alia, the economic value of the use of the rights in trade, taking into account the nature and scope of the use of the works and other subject-matter, as well as in relation to the economic value of the service provided by the collective management organization to the user. Collective management organizations shall inform the user concerned of the criteria used for the setting of those tariffs.

2. The collective management organizations shall, by decision of the Board of Directors, prepare a list of the remunerations required by the users (tariff), which shall be posted and made available to the public through their website, along with any changes thereto and shall also be promptly communicated to OPI, in order to be posted on its website in a readable format, at a fixed site and, where possible, it shall be made accessible through programming interfaces applications.

Such posts are a prerequisite for the validity of the tariff. When formulating and implementing their tariffs, collective management organizations shall apply objective criteria, and refrain from any arbitrary and discriminatory acts.

3. Collective management organizations and users associations may enter into agreements for the determination of the remuneration due to any category of shareholders by the user, as well as any other matter relating to the relations of the parties under this Law and Law 2121/1993. These agreements, as well as any amendments thereto, shall be immediately notified to OPI and posted on the websites of the parties and OPI.

4. Disputes between collective management organizations and users concerning the amount of the remuneration due by the user may, upon agreement, be submitted to arbitration. The arbitrators shall be appointed and selected from the table drawn up every two (2) years by OPI, and for the preparation of which the opinion of both parties shall be taken into account. Article 867 et seq. of the Code of Civil Procedure shall apply in addition.

5. Collective management organizations and representative user associations may, before any dispute arises, agree in writing, on the appointment of a person to act as arbitrator with respect to the determination of the remuneration to be paid by the user. The arbitrator shall be appointed and selected from the table drawn up every two (2) years by OPI, and for the preparation of which the opinion of both parties shall be taken into account. The arbitrator may order the advance payment of the amount until he determines the definitive amount of the remuneration due. The arbitrator thus appointed shall be the sole person competent for the resolution of the dispute and his decision is enforceable. An arbitrator may also have been appointed by the Minister of Culture and Sport, and the submission of the dispute to an arbitrator thus appointed depends on the will of the parties.

Users obligations

(Article 17 of the Directive)

1. Users shall provide the collective management organization, within the first fortnight of each semester, unless otherwise agreed, lists of works that they have used or produced or sold or leased or lent or publicly performed or broadcasted or presented to the public in the immediately preceding semester or the respective agreed time period, with a reference to the exact number of copies produced or made available, as well as the frequency of public performances, as well as all relevant information concerning the use of the rights represented by the collective management organization which are needed for the implementation of the tariffs, the collection of rights revenue and the distribution and payment of amounts due to rightholders. The information above shall be provided in a specified format, provided by the collective management organization, taking into account the current industry standards. There shall be a single format for each category of use and for all collective management organizations, which shall be required to send a template to OPI. The users reporting obligation, in the pre-established format is included in the license agreement concluded with the collective management organization.

2. In the event that the user fails to meet the obligation above, the collective management organization may impose on him a ten per cent (10%) surcharge on the remuneration due. If the user breaches the obligation more than twice the collective management organization may opt to either impose a fifteen per cent (15%) surcharge on the remuneration due, or terminate the agreement.

Article 25

Information provided to rightholders

on the management of their rights

(Article 18 of the Directive)

1. Without prejudice to paragraph 2 of this Article, Article 26 and paragraph 2 of Article 37, each collective management organization shall make available, no later than nine (9) months after the end of each year of use, to each rightholder to whom it has attributed rights revenue to which he is entitled in that particular year of use, regardless of whether they have been paid or not, at least the following information:

(a) any contact details the rightholder has authorized the collective management organization to use in order to identify or locate him,

(b) rights revenue attributed to the rightholder,

(c) the amounts paid by the collective management organization to the rightholder per category of rights managed and per type of use,

(d) the period during which the use took place, for which amounts were attributed and paid to the rightholder, unless objective reasons relating to reporting by users prevent the collective management organization from providing this information,

(e) deductions made in respect of management fees,

(f) deductions made for any purpose other than in respect of management fees,

(g) any rights revenue attributed to the rightholder which is outstanding for any period.

2. Where a collective management organization has as members entities which are responsible for the further distribution of rights revenue to rightholders, it shall provide the information listed in paragraph 1 to those entities, provided that they do not have that information under their possession. These entities shall make this information available, no later than nine (9) months after the end of each year of use, to each rightholder to whom they have attributed rights revenue for that particular year, regardless of whether they have been paid or not.

Article 26

Information provided to other collective management organizations on the management of rights under representation agreements (Article 19 of the Directive)

The collective management organization shall make at least the following information available, no later than nine (9) months after the end of each year of use and by electronic means, to collective management organizations on whose behalf it manages rights under a representation agreement for that particular year of use:

- a) the rights revenue attributed and the amounts paid by the collective management organization per category of rights managed, and per type of use, for the rights it manages under the representation agreement,
- b) any rights revenue attributed to them which is outstanding for any period,
- c) deductions made in respect of management fees,
- d) deductions made for any purpose other than in respect of management fees as referred to in article 18,
- e) information on any license granted or refused with regard to works and other subject-matter covered by the representation agreement,
- e) resolutions adopted by the general assembly of members of the collective management organization or the supervisory board of the independent management entity referred to in article 51, respectively, in so far as those resolutions are relevant to the management of rights under the representation agreement.

Article 27

Information provided to rightholders, other
collective management organizations and users on request
(Article 20 of the Directive)

1. Without prejudice to Article 34, the collective management organization shall, in response to a duly justified request, make at least the following information available by electronic means and without undue delay, to any collective management organization on whose behalf it manages rights under a representation agreement or to any rightholder or to any user, including potential users:

(a) works or other subject-matter it represents, the rights it manages, directly or under representation agreements and the territories covered, or

(b) where, due to the scope of activity of the collective management organization, such works or other subject-matter cannot be determined, the types of works or other subject-matter it represents, the rights it manages and the territories covered.

2. The obligation of the collective management organizations societies referred to in paragraph 1 shall also apply for the purposes of conducting bona fide diligent search on the part of the users of orphan works in order to identify and locate the rightholders in accordance with paragraphs 1 and 6 of Article 27A of Law 2121/1993 inserted by Article 7 of Law 4212/2013 (A 257).

Article 28

Disclosure of information to the public

(Article 21 (1) and (2) of the Directive)

1. The collective management organization shall publish on its website at least the following information:

(a) its statute,

(b) its membership terms and the terms of termination of authorization to manage rights, if these are not included in its statute,

(c) standard license contracts and standard applicable tariffs, including discounts, if any,

(d) agreements with representative user associations on the determination of remuneration,

(e) persons referred to in paragraph 1 of Article 31 managing the business activities of the collective management organization, the members of the board of directors and of the supervisory board, the director-general,

(f) the method of distribution of the amounts due to rightholders and the policy on rights distribution per category of rightholders, showing the exact method of distribution,

(g) management fees and the basis for their calculation

(h) its policy on deductions, other than in respect of management fees, from rights revenue and from any income arising from the investment of rights revenue,

(i) the list of representation agreements it has entered into, and the names of the collective management organizations with which those representation agreements have been concluded,

(j) the use of non-distributable amounts, including the allocation of funds for social, cultural and educational services,

(k) the complaint handling and dispute resolution procedures available in accordance with articles 42, 44 and 45,

(l) the annual transparency report referred to in Article 29,

(m) the licensing terms for non-commercial licenses under Article 14,

(n) the format in which the user submits to the collective management organization the information necessary for the use of the work under Article 24,

(o) the procedures for correcting the data referred to in Article 33 (3) or the information provided under Article 34,

(p) the decision to impose a sanction on the collective management organization, if any,

(q) the criteria for restricting voting rights at the general meeting of members of the collective management organization and the independent management entity referred to in Article 50; and

(r) the rights of rightholders referred to in paragraphs 1 to 5 of Article 12; and

(s) its repertoire, which must be updated at least every six (6) months.

2. The collective protection organization shall publish on its website at the least the information under points (a), (e), (k), (p) and (q).

3. Collective management organizations and collective protection organizations shall publish the information above in a readable format and fixed locations and shall keep them updated.

Article 29

Annual transparency report

(Article 22 (1), (3) and (4) of the Directive)

1. The collective management organization, irrespective of its legal form, shall draw up and make public an annual transparency report, including the special report referred to in paragraph 2, for each financial year no later than eight (8) months following the end of the year. The annual transparency report shall be published on the website of the collective management organization and shall remain available to the public for at least five (5) years.

2. The special report shall address the use of the amounts intended for the purposes of social, cultural and education services and shall contain at least the information set out in article 30 (3).

3. The financial statements referred to in paragraph 30 (1) (a) and any financial information referred to in paragraph 1 (g) and (h) and paragraph 2 of Article 30 shall be audited by one or more certified auditors, who shall draw up an audit report. The audit report shall be reproduced in full in the annual transparency report.

4. Provisions of other laws relating to the financial management and audit of the collective management organizations shall remain in force.

Article 30

The content of the transparency report

(Annex to the Directive)

1. The information to be provided in the Annual Transparency Report is the following:

(a) financial statements comprising a balance sheet or a statement of assets and liabilities, an income and expenditure account for the financial year and a cash-flow statement,

(b) a report on the activities of the financial year,

(c) information on the refusal to grant a license pursuant to Article 22 (4)

(d) a description of the legal and governance structure of the collective management organization,

(e) information on any other entities directly or indirectly owned or controlled, wholly or in part, by the collective management organization,

(f) information on the total amount of remuneration paid to the persons referred to in Article 10 (3) and Article 31 (1) in the previous year and other benefits granted to them,

(g) financial information referred to in paragraph 2,

(h) a special report on the use of amounts deducted for the purposes of social, cultural and educational services. The report shall contain the information referred to in paragraph 3.

2. Financial information to be provided in the Annual Transparency Report is the following:

(a) financial information on rights revenue, per category of rights managed by the collective management organization and per type of use, including information on the income arising from the investment of rights revenue and the use of such income (whether it is distributed to rightholders or other collective management organizations or otherwise used),

(b) financial information on the cost of rights management and other services provided by the collective management organization to rightholders, with a comprehensive description of at least the following items:

(i) all operating and financial costs, with a breakdown per category of rights managed by the collective management organization and, where costs are indirect and cannot be attributed to one or more categories of rights, an explanation of the method used to allocate such indirect costs,

(ii) operating and financial costs, with a breakdown per category of rights managed by the collective management organization and, where such costs are indirect and cannot be

attributed to one or more categories of rights, an explanation of the method used to allocate such indirect costs, only with regard to the management of rights, including management fees deducted from or offset against rights revenue or any income arising from the investment of rights revenue in accordance with article 17 (3) and article 18,

(iii) operating and financial costs with regard to services, other than the management of rights, but including social, cultural and educational services,

(iv) resources used to cover the costs,

(v) deductions made from rights revenue, with a breakdown per category of rights managed by the collective management organization, per type of use and the purpose of the deduction, such as costs relating to the management of rights,

(vi) the percentages that the cost of the rights management and other services provided by the collective management organization to rightholders represents compared to the rights revenue in the relevant financial year, per category of rights managed by the collective management organization and, where costs are indirect and cannot be attributed to one or more categories of rights, an explanation of the method used to allocate such indirect costs.

c) financial information on amount due to rightholders, with a comprehensive description of at least the following items:

(i) the total amount attributed to rightholders per category of rights managed by the collective management organization and type of use,

(ii) the total amount paid to rightholders per category of rights managed by the collective management organization and type of use,

(iii) the frequency of payments, with a breakdown per category of rights managed by the collective management organization and type of use,

(iv) the total amount collected but not yet attributed to rightholders, with a breakdown per category of rights managed by the collective management organization and type of use, and indicating the financial year in which those amounts were collected,

(v) the total amount attributed but not yet distributed to rightholders, with a breakdown per category of rights managed by the collective management organization and type of use, and indicating the financial year in which those amounts were collected, (vi) where a collective management organization has not carried out the distribution and payments within the deadline set in Article 19 (2), the reasons for the delay,

(vii) the total non-distributable amounts along with an explanation of the use to which those amounts have been put.

(d) Information on relations with other collective management organizations, with a description of at least the following items:

(i) amounts received from other collective management organizations and amounts paid to other collective management organizations, with a breakdown per category of rights, per type of use and per organization,

(ii) management fees and other deductions from the rights revenue due to other collective management organizations, with a breakdown per category of rights, per type of use and per organization,

(iii) management fees and other deductions from the amounts paid to other collective management organizations, with a breakdown per category of rights and per organization,

(iv) amounts distributed directly to rightholders originating from other collective management organizations, with a breakdown per category of rights and per organization, pursuant to Article 37 (3).

3. The special report referred to in Article 29 (2) shall contain information on:

(a) amounts deducted for the purposes of social, cultural and educational services in the financial year, with a breakdown per type of service. The categories of rights from which the amount and share of each category originates, as well as the use of the amount shall be recorded per service,

(b) information and explanation on the use of those amounts, with a breakdown per type of service, the persons receiving those amounts, management costs deducted to fund social, cultural and educational services, as well as the amounts which were actually deducted for those purposes.

Article**31****Article 31**

Obligations of the persons who manage
the business of the
collective management organization
(Article 10 of the Directive)

1. The collective management organization shall take all necessary measures so that the persons who manage its business, such the board of directors, the director-general and the directors, do so in a sound, prudent and appropriate manner, using sound administrative and accounting procedures and internal control mechanisms.

2. Collective management organizations shall put in place and apply procedures to avoid conflicts of interest, and where such conflicts cannot be avoided, to identify, manage, monitor and disclose actual or potential conflicts of interest in such a way as to prevent them from adversely affecting the collective interests of the rightholders whom the organization represents. The procedures referred to in the preceding sub-paragraph shall include at least an annual individual statement by each of the persons referred to in paragraph 1 to the general assembly of members of the collective management organization or to the supervisory board of the independent management entity referred to in article 50, before

they have assumed their duties and subsequently on an annual basis. This statement shall include at least the following information:

- (a) any interests in the collective management organization,
- (b) any remuneration, compensation or benefit received in the preceding financial year from the collective management organization, including in the form of pensions schemes, insurance benefits, benefits in kind and other types of benefits,
- (c) any amounts received in the preceding financial year as a rightholder from the collective management organization or the independent management entity referred to in article 50,
- (d) a declaration concerning any actual or potential conflict between any personal interests and those of the collective management organization or between any obligations owed to the collective management organization and any other natural or legal persons.

Article **32**

Article 32

Independent management entities

(Article 36 (1), (2) and (4) of the Directive

1. Independent management entities, with the exception of those referred to in Article 50, may not manage copyright and related rights subject to mandatory collective management. Article 7 shall not apply to independent management entities with the exception of those referred to in Article 50.

2. If an independent management entity operates in the Greek territory in the form of a public limited company, its shares shall be registered in their entirety. If a shareholder of such an independent management entity is another public limited company, with a stake of at least 1% in its share capital, the shares of that company shall also be registered in their entirety, up

to the last identified registered natural person. In case of participation of companies of a legal form, other than the form of public limited company, in which public limited companies participate or hold shares with a stake of at least 1%, their shares shall be registered in their entirety, up to the last identified registered natural person.

3. The obligations under paragraph 2 shall also apply to foreign public limited companies, which have a branch in Greece or operate through established agents, provided that the law of the country of their registered office provides for the registration of their shares in their entirety up to the last identified registered natural person, in respect of their activities in whole or in part. If there is no such obligation according to the law of the country in which they have their registered office, they shall produce a relevant certificate from the competent authority of that country, to the extent it is provided for by a legal provision, otherwise the foreign company shall provide a declaration of similar content and a detailed list of shareholders up to the last identified registered natural person, as provided for in paragraph 2, which shall apply accordingly.

4. Within three months from the commencement of their activities, independent management entities shall submit to OPI the information provided for in items a,b,c,f, g and h of article 28 (1), as well as information regarding representation agreements, where they operate as exclusive representatives. This information shall be updated immediately upon each variation and in any event once a year, no later than the 31st of January in accordance with article 4 (7). This information may be required to be supplemented or explained.

5. For the entry of an independent management entity into a collective management organization, pursuant to Article 13 (1), the following is required:

(a) the lack of any conflict between the interests of members and /or shareholders and/or partners and/or management members of the independent management entity and those of the collective management organization and of their members or their rightholders respectively,

(b) the prohibition on the simultaneous potential exercise of anti-competitive practices by the independent management entity; and

c) the approval of the entry by an increased majority of 75% of the members present at the general meeting and/or of the supervisory board of the respective collective management organization.

Article**33****Article 33**

Conditions for multi - territorial licensing for
online rights in musical works
(Article 24 (1) and (2) of the Directive)

1. The collective management organization shall grant multi-territorial licenses for online rights on musical works, in so far as it has sufficient capacity to process electronically, in an efficient and transparent manner, data needed for the administration of such licenses, in particular for the purposes of identifying the repertoire and monitoring its use, invoicing users, collecting rights revenue and distributing amounts due to rightholders.

2. In order to determine whether the collective management organization has sufficient capacity, OPI may request all data it deems necessary, including information on the technological infrastructure of the organization and whether it takes account, to the extent possible, of voluntary industry standards and practices at international or EU level to ensure efficient and transparent electronic processing of multi-territorial licensing.

3. For the purposes of paragraph 1 a collective management organization shall comply, at least, with the following conditions:

(a) to have the ability to identify accurately the musical works, wholly or in part, which it is authorized to represent,

(b) to have the ability to identify accurately, wholly or in part, with respect to each relevant territory, the rights and their corresponding rightholders for each musical work or share therein, which it is authorized to represent,

(c) to make use of unique identifiers in order to identify rightholders and musical works, taking into account, as far as possible, voluntary industry standards and practices developed at international or Union level,

(d) to make use of appropriate means in order to identify and resolve in a timely and effective manner inconsistencies in data held by other collective management organizations granting multi-territorial licenses for online rights in musical works.

4. Musical works include lyrics and music in audiovisual works, however musical works in the form of scores are not included.

Article 34

Transparency of
multi-territorial repertoire information
(Article 25 of the Directive)

1. The collective management organization which grants multi-territorial licenses for online rights in musical works shall provide to online service providers, to rightholders whose rights it represents and to other collective management organizations, by electronic means, in response to a duly justified request, up-to-date information allowing the identification of the online music repertoire it represents. This shall include:

(a) the musical works represented,

(b) the rights represented wholly or in part, and

(c) the territories covered.

2. The collective management organization may take reasonable measures, where necessary, to protect the accuracy and integrity of the data, control their reuse and to protect commercially sensitive information.

Article **35****Article 35**

Accuracy of
multi-territorial repertoire information
(Article 26 of the Directive)

1. Every collective management organization which grants multi-territorial licenses for online rights in musical works shall have in place arrangements to enable rightholders, other collective management organizations and online service providers to request a correction of the data referred to in the list of conditions under article 33 (3) or the information provided under article 34, where such rightholders, collective management organizations and online service providers, on the basis of reasonable evidence, believe that the data or the information are inaccurate in respect of their online rights in musical works. Such arrangements, which shall be available to the public through the collective management organization's website, shall specify the receiver of such claim, the manner in which the claim was submitted, including email, as well as the estimated time of response. Where the claims are sufficiently substantiated, the collective management organization shall ensure that the data or the information are corrected without undue delay.

2. The collective management organization shall provide rightholders whose musical works are included in its own repertoire and rightholders who have entrusted the management of their online rights in musical works to it in accordance with article 40, with the means of submitting to it in electronic form information concerning their musical works, their rights in

those works and the territories in respect of which the rightholders authorize the organization. When doing so, the collective management organization and the rightholders shall take into account, as far as possible, voluntary industry standards or practices regarding the exchange of data developed at international or Union level, allowing rightholders to specify the musical work, wholly or in part, the online rights and the territories in respect of which they authorize the organization.

3. Where a collective management organization mandates another collective management organization to grant multi-territorial licenses for online rights in musical works under Articles 38 and 39, the mandated collective management organization shall also apply paragraph 2 with respect to the rightholders whose musical works are included in the repertoire of the mandating collective management organization, unless the collective management organizations agree otherwise.

Article**36****Article 36**

Accurate and timely reporting and invoicing
(article 27 paragraphs 1 to 5 of the Directive)

1. The collective management organization shall monitor the use of online rights in musical works which it represents, wholly or in part, by online service providers to which it has granted a multi-territorial license for those rights.

2. The collective management organization shall offer online service providers the possibility of reporting by electronic means the actual use of online rights in musical works and online service providers shall accurately report the actual use of those works.

The collective management organization shall offer the use of at least one method of reporting which takes into account voluntary industry standards or practices developed at international or Union level for the electronic exchange of such data. The collective

management organization may refuse to accept reporting by the online service provider in a proprietary format if the organization allows for reporting using an industry standard for the electronic exchange of data.

3. The collective management organization shall invoice the online service provider by electronic means. The collective management organization shall offer the use of at least one format which takes into account voluntary standards or practices developed in international or Union level. The invoice shall identify the works and rights which are licensed, wholly or in part, on the basis of the data referred to in article 33 (3) and the corresponding actual uses, to the extent that this is possible on the basis of the information provided by the online service provider and the format used to provide that information. The online service provider may not refuse to accept the invoice because of its format if the collective management organization is using an industry standard.

4. The collective management organization shall invoice the online service provider accurately and without delay after the actual use of the online rights reported, except where this is not possible for reasons attributable to the online service provider. The frequency of reporting shall be determined by agreement but in any case at least two (2) times a year.

5. The collective management organization shall have in place adequate arrangements enabling the online service providers to challenge the accuracy of the invoice, including when the online service provider receives invoices from one or more collective management organizations for the same online rights in the same musical work.

1. Without prejudice to paragraph 3, any collective management organization which grants multi-territorial licenses for online rights in musical works shall distribute amounts due to rightholders accruing from such licenses accurately and without delay after the actual use of the work is reported, except where this is not possible for reasons attributable to the online service provider.

2. Without prejudice to paragraph 3, the collective management organization shall provide at least the following information together with each payment it makes under paragraph 1:

(a) the period during which the uses took place for which amounts are due to rightholders and the territories in which the uses took place,

(b) the amounts collected, deductions made and amounts distributed by the collective management organization for each online right in any musical work which rightholders have authorized the collective management organization, wholly or in part, to represent,

(c) the amounts collected for rightholders, deductions made, and amounts distributed by the collective management organization in respect of each online service provider.

3. Where a collective management organization mandates another collective management organization to grant multi-territorial licenses for the online rights in musical works under articles 38 and 39, the mandated collective management organization shall distribute the amounts referred to in paragraph 1 accurately and without delay, and shall provide the information referred to in paragraph 2 to the mandating collective management organization.

The mandating collective management organization shall be responsible for the subsequent distribution of such amounts and the provision of information to rightholders, unless the collective management organizations agree otherwise.

4. Paragraphs 5 to 8 of article 19 regarding the determination and use of the non-distributable amounts shall also apply to this article.

Article 38

Agreements between collective management organizations for multi-territorial licensing
(Article 29 of the Directive)

1. Any representation agreement between collective management organizations whereby a collective management organization mandates another collective management organization to grant multi-territorial licenses for the online rights in musical works in its own music repertoire is of non-exclusive nature. The mandated collective management organization shall manage the online right on a non-discriminatory basis.

2. The collective management organization shall inform its members of the main terms of the agreement, including its duration and the costs of the services provided by the mandated collective management organization.

3. The mandated collective management organization shall inform the mandating collective management organization on the main terms according to which the latter's online rights are to be licensed, including the nature of exploitation, all provisions which relate to or affect the license fee, the duration of the license, the accounting periods and the territories covered.

Article 39

Obligation to represent another collective management organization for multi-territorial licensing
(article 30 paragraphs 1 to 6 of the Directive)

1. Where a collective management organization which does not grant or offer to grant multi-territorial licenses for the online rights in musical works in its own repertoire requests another collective management organization to enter into a representation agreement to represent those rights, the requested collective management organization is required to agree to such request if it is already granting or offering to grant multi-territorial licenses for the same category of online rights in musical works in the repertoire of one or more other collective management organizations.

2. The requested collective management organization shall respond to the requesting collective management organization in writing and without undue delay. If the response is negative, it shall be sufficiently justified.

3. Without prejudice to paragraphs 5 and 6, the requested collective management organization shall manage the represented repertoire of the requesting collective management organization on the same conditions as those which it applies to the management of its own repertoire.

4. The requested collective management organization shall include the represented repertoire of the requesting collective management organization in all offers it addresses to online service providers.

5. The management fee for the service provided by the requested collective management organization to the requesting organization shall not exceed the costs reasonably incurred under those circumstances.

6. The requesting collective management organization shall make available to the requested collective management organization information relating to its own music repertoire required for the provision of multi-territorial licenses for online rights in musical works. Where information is insufficient or provided in a form that does not allow the requested collective management organization to meet the requirements of articles 33 to 41, the requested collective management organization shall be entitled to charge the costs reasonably incurred in meeting such requirements or to exclude those works for which information is insufficient or cannot be used.

Article **40**

Article 40

Access to multi-territorial licensing

(Article 31 of the Directive)

Where a collective management organization does not grant or offer to grant multi-territorial licenses for online rights in musical works or does not allow another collective management organization to represent those rights for such purpose by 10 October 2017, rightholders who have authorized that collective management organization to represent their online rights in musical works can withdraw from that collective management organization the online rights in musical works for the purposes of multi-territorial licensing in respect of all territories without having to withdraw the online rights in musical works for the purposes of mono-territorial licensing, so as to grant multi-territorial licenses for their online rights in musical works themselves or through any other party they authorize or through any other collective management organization. The three (3) months notice provided for under article 12 (2) is also applicable and, in this case, termination shall be effective three months after the service of notice in writing.

Article **41**

Article 41

Special provisions

(Article 32 of the Directive)

The provisions of Articles 33 to 41 shall not apply to collective management organizations when they grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules, a multi-territorial license for the online rights in

musical works required by a broadcaster to communicate or make available to the public its radio or television programs simultaneously with or after their initial broadcast as well as any online material, including previews, produced by or for the broadcaster which is ancillary to the initial broadcast of its radio or television program.

Article**42**

Article 42

Complaint procedure

(Article 33 (1) and (2) of the Directive)

1. Collective management organizations shall make available to their members, and to collective management organizations on whose behalf they manage rights under a representation agreement, effective and timely procedures for dealing with complaints, particularly in relation to authorization to manage rights and termination or withdrawal of rights, membership terms, the collection of amounts due to rightholders, deductions and distributions.

2. Each collective management organization shall post on its website data required for the submission of complaints, as well as the relevant frameworks and procedure for dealing with complaints.

3. If a complaint is lodged with a collective management organization, the organization shall inform the complainant of its receipt immediately and in any case no later than three (3) business days after submission. Complaints shall be filed in writing in any such manner as the complainant deems appropriate, including by e-mail.

4. The collective management organization shall give a written and justified response, no later than twelve (12) business days following the receipt of the complaint. If further information is required, the collective management organization may request it from the complainant within the above time limit. In this case, the collective management organization shall give a

written and justified response within seven (7) business days from the date of receipt of the supplementary information.

Article 43

Disclosure of potential violations

(article 36 (2) of the Directive)

1. Members of a collective management organization, rightholders, users, collective management organizations and other interested parties may notify OPI in writing or in any way they deem appropriate, including email, of activities or circumstances which, in their opinion, constitute a breach of the provisions of this law or of law 2121/1993.

2. Within two (2) working days of receipt of the above notification, OPI shall inform the sender of its receipt and shall notify it to the Ministry of Culture and Sport. The Ministry of Culture and Sport, through its competent services and/or OPI and/or other co-competent Ministries, shall investigate such activities or circumstances and to this end it may request both the person who made the notification and the person concerned to produce any such document or other evidence as it deems appropriate. Moreover, in the course of the inquiry procedure under Article 46, the person to whom the notification pertains, may be required to accept the investigation without interruption and to submit to the persons carrying out the investigation, all the requested documents, information and data, as well as any other requested information in connection with the investigation, within the reasonable time limit determined by the Minister of Culture and Sport. The provisions of Article 46 shall apply to the investigation ordered by the Ministry of Culture and Sport. The Ministry of Culture and Sport, upon justified recommendation by OPI, shall inform the sender of the notification of the findings of the investigation within a reasonable time.

If a breach is established, the provisions of articles 46 to 47 shall apply.

Article 44

Alternative dispute resolution procedures

(Article 34 of the Directive)

1. Disputes between collective management organizations, members of collective management organizations, rightholders or users regarding the provisions of this law or law 2121/1993, may, if so desired by all parties involved, be submitted to mediation, in accordance with the provisions of L. 3898/2010 (A 211).

2. Disputes relating to a collective management organization which grants or offers to grant multi-territorial licenses for online rights in musical works may also be submitted to mediation, and more specifically:

(a) disputes with an actual or potential online service provider regarding the application of Articles 22, 34, 35 and 36,

(b) disputes with one or more rightholders regarding the application of Articles 34 to 40, and

(c) disputes with another collective management organization regarding the application of Articles 34 to 39.

3. In the event that the dispute fails to be resolved by mediation, minutes shall be drawn up in accordance with par. 2 of article 9 of Law 3898/2010. The mediation procedure shall be without prejudice to the right of the parties to bring an action before a court. The parties may submit the dispute to mediation before or during pendency of proceedings. If the dispute is submitted to mediation, no action may be brought before a court until the completion of the mediation procedure. If the dispute is submitted to mediation while the court proceedings are still pending, the court, at each instance of the trial, and upon agreement of the parties, shall postpone the trial for a short period of time, not exceeding six months.

Article 45

(article 35 (2) of the Directive)

Article 44 shall be without prejudice to the right of the parties to assert and defend their rights by bringing an action before a court.

Article

46

Article 46

Sanctions

(Article 36 (3), sub-paragraphs
one and two of the Directive)

1. Any violation of the provisions of this law or of law 2121/1993 by a collective management or protection organization or an independent management entity or an independent management entity referred to in Article 50 shall result in the imposition, cumulatively or alternatively, of the following sanctions, on the basis of the following procedure:

a) an administrative fine of two thousand (2,000) to two hundred thousand (200,000) euro,

(b) temporary or definitive revocation of the operating license.

2. Sanctions may also be imposed on account of refusal, in whole or in part, on the part of the organizations or independent entities referred to in paragraph 1 to cooperate with the Minister of Culture and Sport and OPI in the framework of this law and law 2121/1993, which also includes the failure to produce data, the refusal to produce books and other documents requested and the failure to provide copies or extracts thereof.

3. The gravity and severity of the offense, its duration, any prior notification by the Minister of Culture and Sport requesting compliance on account of the same violation, the recurrence of the infringement, previous offenses, the gross revenue and the general economic status of the organizations or independent management entities referred to in paragraph 1 shall be taken into account for the determination of the type of sanction and of the amount of the fine.

4. Where a specific breach is established for the first time, the Minister of Culture and Sport may, depending on its gravity, address a recommendation of compliance and set a reasonable deadline for compliance. If the organization or independent entity fails to fully comply within the above deadline, paragraph 1 shall apply. The organization's compliance or non-compliance is determined by decision of the Minister of Culture and Sport, following a reasoned recommendation by OPI.

5. For monitoring the compliance of the collective management or protection organizations or the independent management entities referred to in paragraph 1 with the provisions of this law and of law 2121/1993, an investigation shall be carried out, either ex officio or following a complaint. This investigation shall be carried out by the competent services of the Ministry of Culture and Sport and/or other co-competent ministries or OPI.

6. The decision ordering the investigation may also include an audit by independent auditors - accountants or audit services of other co-competent Ministries, mandated by a joint decision of the Minister of Culture and Sport and any competent Minister. If a breach is established, the Minister of Culture and Sport may charge the total cost of the audit to the audited organization or independent entity referred to in paragraph 1. Such costs, as well as any administrative fine, shall be charged on the statutory management fees of the organization or independent entity referred to in paragraph 1. During the investigation, the investigated organization or independent entity referred to in paragraph 1, shall without delay make available to the investigators any such information as they deem necessary. In the event of refusal or obstruction of those conducting the investigation in the performance of their duties, they may request the assistance of the prosecuting authorities and any other competent authority.

7. The findings of the investigation carried out shall be communicated to the Minister of Culture and Sport and to OPI. OPI shall invite the respective organization or independent entity to a hearing, according to the procedure under article 6 of the Code of Administrative Procedure (L. 2690/1999. After the hearing, OPI shall communicate to the Minister of Culture and Sport the views of the audited organization or independent entity, shall draw up a report and shall submit a reasoned recommendation to the Minister of Culture and Sport with respect to the issuance of a decision on the breach and the sanctions referred to in paragraph 1. In the event of a breach, the Minister shall, without prejudice to paragraph 4, issue a decision establishing the breach and imposing a penalty.

The decision shall be served to the organization or the independent entity referred to in paragraph 1 and shall be made public on the websites of the organization and of OPI.

8. The temporary revocation of the operating licenses of the organizations or independent entities referred to in paragraph 1 shall be imposed for a period of up to six (6) months during which their operation shall be suspended, except for the capacity to appear in pending trials.

9. The decision ordering the temporary revocation of the operating licenses of the organizations and the independent entities referred to in paragraph 1 shall enter into force one (1) month after its publication in the Official Government Gazette. The decision on the definitive revocation shall enter into force three (3) months after its publication in Official the Government Gazette.

10. The decision ordering the temporary or definitive revocation of the operating licenses of the organizations and the independent entities referred to in paragraph 1 shall be published in the Official Government Gazette.

11. The amount of the administrative fine shall be determined by decision of the Minister of Culture and Sport, following a recommendation by OPI.

Article 47

Collection of the fine

The ministerial decision on the fine is an enforceable title, on the basis of which the fine shall be collected in accordance with the provisions of law 356/1974 (A 90) "On the Code for the Collection of Public Revenue".

Article

48

Article 48

Exchange of information between
competent authorities

(Article 37 of the Directive)

1. OPI shall respond without undue delay to any request, received by a competent authority of another EU Member-State, for information concerning matters relevant to the application of articles 1 to 54, in particular with regard to the activities of collective management organizations and independent management entities established in the Greek territory, provided that the request is duly justified.

2. Where OPI considers that a collective management organization established in another EU Member-State but acting within the Greek territory may not be complying with the provisions of the national law of the EU Member-State in which it is established and which have been adopted pursuant to the requirements laid down in the Directive, it shall transmit all relevant information to the competent authority of the Member-State in which the collective management organization is established, and shall notify it also to the Minister of Culture and Sport. This information may be accompanied by a request to that authority to take appropriate action within its competence. Where OPI receives such information and/or a request by the competent authority of another EU Member-State on a collective management organization which is established in the Greek territory but acting in another Member-State,

it shall transmit this request or information to the Ministry of Culture and Sport and shall recommend the appropriate measures to be taken. OPI shall provide the competent authority with a justified response within three (3) months from the receipt of the request.

3. After having notified the Minister of Culture and Sport, OPI may submit the matters referred to in paragraph 2 to the Expert Group.

Article **49**

Article 49

Protection of personal data

(Article 42 of the Directive)

The processing of personal data carried out within the framework of this law shall be subject to the provisions of law 2472/1997 (A 50).

Article **50**

Article 50

Collective management by independent
management entities in dominant position

Independent management entities that either existed or are established after the entry into force of this law and which engage in collective management of copyright or related rights and which are in a dominant position in the Greek market in the category they represent, are obliged to include in their statutes provisions regarding the general assembly of members and a supervisory board in accordance with Article 9 (9) and Article 10 (8). The provisions of this law relating to collective management organizations, including the relevant provisions of

Articles 7 and 28 and the provisions on mandatory collective management, as well as the provisions of the law 2121/1993, including article 69 (2) of Law 2121/1993, as this paragraph was replaced by article 7 (13) of Law 2819/2000 (A 84) shall also apply to the management entities which had been established before this law came into force.

Article **51****Article 51****Commissioner for Reorganization**

1. In the event that a collective management organization or an independent management entity referred to in Article 50 fails to meet its overdue financial obligations towards its creditors, including rightholders who have entrusted them with the management of their rights on a general and permanent basis (cease of payments), the competent court may, at the request of the creditors or the supervisory board or the Minister of Culture and Sport, upon recommendation by OPI, assign to the receiver the exclusive power of reorganization of the collective management organization or the independent management entity or the independent entity referred to in Article 50. The provisions of legislation on bankruptcy shall also apply.

2. (a) In the event of actual or threatened failure to meet the financial obligations on the part of the legal persons referred to in paragraph 1 or in the event of a serious financial or management problem which endangers the rights of the rightholders, the Minister of Culture and Sport may lodge an application with the single-member Court of First Instance of the region where the organization or entity has its registered office, for the appointment of a Commissioner for Reorganization and a deputy, by nominating five (5) persons of recognized prestige and professional experience in matters of business administration or finance pursuant to a list of persons recommended by the OPI or the Supervisory Board. The Commissioner for Reorganization shall have the power to reorganize the organization or the entity.

(b) The court shall adjudicate in accordance with the procedure of non-contentious jurisdiction. The hearing of the case shall take place within five (5) days of lodging of the application. The court shall select the person to be appointed as Commissioner for Reorganization and his / her deputy within fifteen (15) days following the hearing, taking into account the qualifications of the persons nominated.

The court shall also determine his/her term of office, which shall be at least one (1) year, and shall decide on whether the Minister of Culture and Sport may extend the Commissioner's term of office for up to two (2) years, as well as on the Minister's discretionary power to dismiss the Commissioner, where there are serious grounds and with a specific statement of reasons, before the expiry of the Commissioner's term of office. The decision of the court shall not be subject to ordinary or extraordinary legal remedies and its effect may not be arrested.

c) From the publication of the court's decision, the Commissioner assumes the management of the legal person, superseding the statutory administration and management bodies in the exercise of their powers. The Commissioner shall assess the financial, administrative and organizational state of the legal person referred to in paragraph 1 and shall endeavor to redress the organization or entity. The Commissioner shall represent the legal person referred to in paragraph 1 vis-à-vis third parties, in judicial and extra-judicial proceedings, as well as in its daily transactions, including the preparation of financial statements and the filing of tax returns, whereas the requirement for approval of the financial statements by the general assembly of shareholders shall be suspended as long as the reorganization process is in place.

The Commissioner may bring any action before a court and exercise any legal remedy in the name of the legal persons referred to in paragraph 1, in order to defend their interests and the interests of their members, including any action for damages against persons involved in the management or the personnel, for damages incurred by the collective management organization or the independent management entity on account of acts or omissions of such persons. The employees of the collective management organization shall be required to provide the Commissioner with any information or data requested and to facilitate the performance of his duties.

The appointment of the Commissioner shall not entail the cancellation, termination or variation of any agreements, the maturity of any debts of the legal person referred to in

paragraph 1 or the suspension of individual prosecutions against the members of the administration.

d) The remuneration of the Commissioner for Reorganization shall be freely determined by the court on the basis of a recommendation by the Minister of Culture and Sport, as formulated at the suggestion of OPI, taking into account the value of the assets of the legal persons referred to in paragraph 1, the Commissioner's term of office and the beneficial effect of his activity on the interests of members.

The Commissioner's remuneration shall be paid on a monthly basis and, along with other Reorganization expenses, it will be firstly charged on OPI's budget. To assist the Commissioner's work, OPI may, upon proposal by the Commissioner, conclude service agreements with legal, financial or technical advisers, subject to the approval of the persons and their remuneration by the Minister of Culture and Sport. Permanent employees of Ministries, independent Authorities, as well as of legal entities governed by public and private law within the general government, may be seconded to OPI, according to L. 4440/2016 (A224), and they shall assist in the Commissioner's work. Seconded employees shall receive the entire salary of their organization and those salaries shall be charged on OPI's budget.

The term of service agreements may not exceed the length of the Commissioner's term of office.

Concerning compensation for work exceeding the mandatory working hours of persons assisting the Commissioner, the provisions of item (a) of paragraph 2 of par. C of article 20 of L. 4354/2015 (A 176) shall apply. Compensation for the above-mentioned mandatory overtime shall be attested by the Commissioner and shall be charged on OPI's budget.

The Ministers of Finance and Culture and Sport shall, by joint decision, determine the arrangement details of payment by the legal entities referred to in paragraph 1 to OPI of an amount equal to the costs (in particular, the Commissioner's remuneration, other reorganization costs, salaries and contracts) which shall be charged on OPI's budget for the reorganization of legal entities referred to in paragraph 1. Such sum shall be charged on the management fees of the legal persons referred to in paragraph 1, as provided for in this Law.

e) The Commissioner's liability shall be limited to malicious intent and gross negligence. The Commissioner for Reorganization shall not be subject to detainment nor shall he be liable under civil or criminal law or otherwise for the debts of the company undergoing reorganization, irrespective of the time of their confirmation and the time at which they were incurred.

Article 52**Infringement of rights on the internet**

1. In L. 2121/1993, following Article 66D, an article numbered 66E and entitled "Sanctions for infringements of copyright and related rights on the internet", is inserted, worded as follows:

"1. In the event of copyright or related rights infringement on the internet, the rightholder may follow the procedure described in the following paragraphs. For the purposes of this Article rightholder means the rightholder whose right have been infringed on the internet, as well as any collective management or protection organization entrusted with the management or protection of copyright or related rights. This procedure shall not apply to infringements by end-users through downloading or streaming or peer to peer file sharing which allow for direct exchange between end-users of works in digital form or in the case of cloud computing. This procedure shall be without prejudice to the procedure provided for by the Domain Names Regulation regarding domain names ending in .gr of the National Telecommunications and Post Commission (EETT), which is drafted upon decision of the EETT.

2. For the implementation of the procedure provided for in this article, a Committee for the Disclosure of an Internet Infringement of Copyright and Related Rights, assisted by OPI personnel, shall be constituted by decision of the Minister of Culture and Sport. The Committee shall consist of three members, namely the Chairman of the Board of Directors of OPI, the vice-chairman of the Board of Directors of OPI as his deputy, a representative of EETT and his deputy, both appointed by the chairman of EETT, a representative of the Personal Data

Protection Authority and his deputy, both appointed by the Chairman of the Personal Data Protection Authority. The Chairman of OPI shall chair the Committee and the EETT representative shall act as secretary. The term of office of the Committee shall be three years.

3. The Minister of Culture and Sport shall determine any matter relating to the establishment, operation and responsibilities of the Committee. The provisions of Article 21 of Law 4354/2015 (A 176), as amended by the similar provisions of article 52 of Law 4369/2016 (A 33) shall apply to the determination of the remuneration of the Committee's members. The same decision will determine the amount of money to be paid by the complainant upon his application to the Committee as the fee for the examination of his case. This fee shall be advanced and is a prerequisite for the starting of the procedure.

4. The rightholder shall submit, either in person or by electronic means, a request to the Committee to end the infringement. The rightholder shall complete the pre-established application form posted on OPI's website, shall submit it to the Committee and shall attach any required document, as well as provide any other relevant information evidencing his right.

A condition for the admissibility of the application is that the rightholder has followed the procedure provided for by the provider, and that this procedure failed to produce results, although it was completed within a reasonable time.

5. Within ten (10) business days from receipt of the application, the Committee shall decide either:

(a) to close the case or

(b) to continue with the proceedings.

(a) The case shall be closed by an act of the Committee stating at least one of the following reasons:

(aa) non-use of the pre-established application form

(bb) lack of sufficient information; (cc) lis pendens between the same parties or a final decision on the dispute in question,

(dd) lack of competence,

(ee) lack of reasons and sufficient evidence (manifestly unfounded)

(ff) withdrawal of the application prior to its examination,

(gg) failure to pay the examination fee in accordance with paragraph 3 and,

(iii) license for the use of rights.

In case of the continuation of the procedure, the Committee shall, within ten (10) business days of receipt of the application, inform access providers on the internet, and, where possible, the hosting service provider and the administrators and/or owners of the websites referred to in the application. Such notification shall include at least the precise determination of rights allegedly infringed, the provisions of the law which are violated, according to the rightholder's statement, a summary of the factual background and the findings of the assessment of the evidence, the competent person to whom objections may be submitted, the terms of termination of the procedure and a reference to the potential of voluntary compliance of the parties involved. The addressee of this notification may voluntarily comply with the applicant's request or be granted a license with ten (10) business days of receipt of the notification. Alternatively, it may object to the Committee within five (5) business days from the date of receipt of the notification by sending at the same time all the evidence showing, in particular, that there is no infringement. The Committee may resolve on the extension of those periods to twice their length. In case of voluntary compliance of the addressee the Committee shall issue a decision in which voluntary compliance is expressly referred to. In the event that a license for the use of rights is obtained, the case shall be closed. If necessary, the Committee shall request from any party that additional information be produced within five (5) business days.

6. Within five (5) business days from the expiry of the above deadlines, the Committee shall examine the case and, no later than forty (40) business days following the submission of the

application, shall notify the addressees of the notification and the applicant of its decision by which:

(a) either it shall close the case, by reasoned act, where no infringement of copyright and/or related rights has been established,

b) or, where such infringement is established, it shall issue a reasoned decision whereby it requests the addressees to comply with it within a time limit not exceeding three (3) business days from the date of service of the decision.

Where the time limits referred to in paragraph 5 are extended by a Committee decision under the seventh subparagraph, the period of forty (40) business days under the first subparagraph of this paragraph shall be extended to sixty (60) business days. If the Commission finds that a copyright or a related right is being infringed, it shall request the addressees of the notice to remove the infringing content from the site on which it had been illegally posted or to discontinue the access to it. If the site on which the content is posted is hosted on a server located within the Greek territory, the Commission shall request the addressees of the notification to remove that content. In the case of large-scale infringements, the Committee may decide to discontinue access to the infringing content, instead of its removal. If the site is hosted on a server outside of the Greek territory, the Committee shall request the Internet access provider to discontinue access to the content.

7. In case of non compliance with the operative part of the decision the Committee shall impose a fine amounting to 500 € - 1.000 € for each day of non-compliance. The severity of the infringement and its recurrence shall be, inter alia, taken into account. A joint decision of the Ministers of Finance and Culture and Sport, shall establish the procedure for imposing and levying the fine, the departments responsible for recovery, as well as any other related matter.

8. The commencement of the procedure before the Committee shall not suspend or affect the exercise of claims for the same dispute before the courts. However, if an action has been brought by the same applicant with the same claim before the courts, the Committee shall close the case. Furthermore, any decision issued by the Committee shall be without prejudice to the right of the parties concerned to seek the protection of their legitimate interests before the courts. “

2. In Article 4 of Law 2225/1994 (A 121), following paragraph 1.c, which was inserted by par. 2 of article 11 of Law 4416/2016 (A 160), paragraph d is added as follows:

“d. Confidentiality may be waived for the purpose of ascertaining felony copyright or related rights infringement, as provided for in L. 2121/1993 (A 25).”.

Article **53**

Article 53

Transitional provisions

(second subparagraph of Article 5 (8) of the Directive)

1. Collective management organizations and independent management entities referred to in Article 50, operating with the approval of the Minister of Culture and Sport upon the entry into force of this law - in the sense that they are existing collective management organizations under Law 2121/1993, which fall within one of the above categories after the entry into force of this Law - shall submit to OPI their amended statutes within six (6) months from the entry into force of this Law. More specifically, collective management organizations which are to be converted into independent management entities with the features referred to in Article 50 shall provide, in their statutes, for a general assembly and a supervisory board in accordance with the provisions of this Law. Until then, it is presumed that collective management and protection organizations and independent management entities under Article 50 operate legally, their existing approvals of operation are still in force and all provisions of law 2121/1993 and of this law apply to them. In case of non-compliance after the expiry of the above deadline, the provisions of Articles 46 and 47 on sanctions shall apply.

2. Independent management entities operating within the Greek territory upon the entry into force of this Law shall, within six (6) months from the entry into force of this Law, notify the information provided for in paragraph 7 of Article 4. Failure to notify within that period shall

entail the imposition of sanctions in accordance with the procedure laid down in Articles 46 and 47.

3. The collective management organization shall inform those rightholders who have already authorized it to manage their rights, of their rights under paragraphs 1 to 5 of Article 12 and Article 14, in accordance with paragraph 1 of Article 12 by e-mail or by any other means deemed appropriate, no later than six (6) months after the entry into force of this law.

4. The obligations referred to in paragraph 3 and the second subparagraph of Article 13 (4) respectively shall enter into force as of 15 November 2017.

5. The obligations referred to in the third subparagraph of paragraph 1 and in Article 17 (2), Article 22 (5) and Article 42 shall be fulfilled as of 15 November 2017.

6. The obligation under the second subparagraph of Article 18 (3) shall apply as of 1 November 2019. As of the 1st of November 2017, the management fees of the collective management organization shall not exceed, on average, 25% of its gross rights revenue, with the exception of legal fees for securing the rights of its members as described in Article 18, and as of the 1st of November 2018, its management fees shall not exceed an average of 22% of its gross rights revenue. The obligation under Article 18 (5) shall apply as of 1 November 2019.

7. Individual statements to the general assembly of members of the persons managing the business activities of the collective management organization and the members of the supervisory board referred to in Article 31 (2) and paragraph 3 of Article 10 respectively, shall be submitted within six (6) months from the entry into force of this law.

8. The obligations of collective management organizations under articles 19, 21, 25 and 26 shall be fulfilled as of the 30th of November 2017.

9. The obligation of collective management organizations to prepare and publish the Annual Transparency Report shall be fulfilled in 2018 and shall cover the year of use 2017.

10. Paragraphs 6 and 7 of Article 22 shall not apply to pending proceedings at the time of the entry into force of this Law until the issuance of a final judicial decision thereon.

11. Articles 49, 54 to 58 of Law 2121/1993, as in force prior to their repeal by article 54 par.1 of this law, shall apply to any pending proceedings, at the time of entry into force of this law, relating to the collective management obligation under articles 18, 49 and 56 of L. 2121/1993, until the issuance of a final judgment on the respective cases.

12. Any references in L. 2121/1993 as well as in any other provision of the applicable legislation, to the articles 54 to 58 of L.2121/1993, shall, from the entry into force of this law, be construed as references to articles 1 to 54 of this Law.

Article **54****Article 54**

Repealed and amended provisions of Law 2121/1993.

1. From the entry into force of this law, any provision contrary to this law shall be repealed, without prejudice to L. 988/1943, which remained into force, under par. 2 of Article 72 of Law 2121/1993. Moreover, without prejudice to paragraph 12 of Article 53 and paragraph 14 of this article, Articles 54 to 58 of Law 2121/1993 and par. 3 of Article 72 of L. 2121/1993 are repealed.

2. Article 18 of Law 2121/1993, is amended as follows:

A. Paragraph 3, as replaced by par. 1 of Article 14 of L. 3049/2002 (A 212) and amended by par. 8 of Article 46 of L. 3905/2010 (A 219) is replaced as follows:

“3. If, for the free reproduction of the work for private use, technical means are used, such as audio or video recorders or audio/ video recorders, magnetic tapes or other material suitable for the reproduction of sound or images or sound and images, including digital means, in particular CD-RW, CD-R, DVD and other storage media with a capacity of less than one (1)

TByte or equal or more than one (1) TByte-, computers, including tablets and smartphones with a random access memory (RAM) size of more than 4 GB, devices or components, whether or not computer-aided, used for digital copying, transcription or otherwise reproducing, photocopying machines and paper suitable for photocopies, scanners and printers, reasonable remuneration is due to the creator of the work and to the holders of related rights under this provision, with the exception of items to be exported. The reasonable remuneration shall be determined as follows:

(a) With regard to computers, including those with a random access memory (RAM) of more than 4 GB, remuneration is set at 2% of their value. The remuneration shall be distributed to authors, performing artists, producers of recorded magnetic tapes or other material media of sound or image or sound and image and to publishers of printed forms. The distribution of the reasonable remuneration rates on computers to the collective management organization of each category or sub-category of rightholders, the means of collection of monies and payment shall be determined in accordance with paragraph 11.

(b) Remuneration for audio, video or audio/video recording devices, magnetic tapes or other media suitable for the reproduction of sound or images or sound and images, including digital duplication media other than storage media with a capacity less than 1 TByte as well as for devices or components, whether computer-aided or not and used for digital copying, transcription or otherwise reproducing, is set at 6% of the value. The remuneration shall be distributed by 55% to authors, by 25% to performing artists and by 20% to producers of recorded magnetic tapes or other media of sound or image or sound and image.

(c) To 4% of the value of photocopiers, scanners, printers using paper suitable for photocopying, and storage media with a capacity of less than 1 TByte. The remuneration shall be distributed half-way between the authors and publishers.

The concept of photocopying devices also includes any multi-function machine capable of copying.

In any case, the value shall be calculated upon import or disposal from the factory. The remuneration shall be paid by the importers or by the producers of those items, it shall be entered on the invoice and shall be collected by collective management organizations

operating with the approval of the Minister of Culture and Sport and covering, in whole or in part, the category of rightholders concerned.

Within the framework of this Article, OPI may, on the basis of an expert study which takes into account technological developments, the Greek, EU and international markets, propose to the Minister of Culture and Sport arrangements regarding technical means and their characteristics, the rate of remuneration on their value, the categories of rightholders and the remuneration rates per category.”

B. Paragraph 4, which was added by par. 1 of Article 3 of Law 2435/1996 (A 189) and amended by par. 2 of Article 14 of L. 3049/2002 (A 212) is replaced as follows:

“(4a) Whoever imports or acquires intra-Community products or produces and offers technical equipment and/or paper suitable for photocopies which, in accordance with paragraph 3, are subject to payment of reasonable remuneration, shall, within thirty (30) days from the end of each calendar quarter, declare in writing and on oath, pursuant to L. 1599/1986, to OPI:

(aa) the quantity and total value of technical means and/or photocopying paper imported or acquired within the Community or produced and made available in the immediately preceding calendar quarter by category and type of technical means; and

(bb) that this is the actual quantity and total value without any concealment.

(b) Each collective management organization shall have the right to request at any time from any debtor, by written notice, to declare in writing and on oath, pursuant to L. 1599/1986, to OPI:

(aa) the quantity and total value of technical means and / or paper suitable for photocopying by category and type of technical means in detail, which, in accordance with paragraph 3, are subject to payment of reasonable remuneration and which, on a case-by-case basis, it imported or acquired within the Community or produced and made available,

(bb) that this is the actual quantity and total value without any concealment.

Within one (1) month of such notice, the debtor shall be obliged to submit to IPO the above-mentioned statement signed by him/her in the case of a sole proprietorship, or by his/her Statutory representative in the case of a company .

(c) If the debtor fails to submit the above statement within the time limits specified in subparagraphs (a) and (b) of this paragraph or fulfills this obligation in a insufficient or incorrect manner, he shall pay twice the reasonable remuneration provided for in paragraph 3, in which case paragraphs 6, 7, 8, 9 of this Article shall additionally apply. "

C. Paragraph 6, as amended by par. 33a of article 10 of L. 3207/2003 (A 302) is replaced as follows:

"6. If the debtor fails to comply with the obligation to submit the declaration under paragraph 4, the single-member Court of First Instance, which considers the case following the interim measures procedure, shall order the person who has been summoned for the immediate submission of the declaration, in any case of non-compliance, to pay a penalty of three thousand (3,000) to thirty thousand (30,000) euro, to the requesting collective management organization."

3. (a) In Article 22 of Law 2121/1993, the title of which is amended to "Libraries and Archives", a second paragraph is added, which shall enter into force as of 4.3.1993, namely from the entry into force of Law 2121/1993, worded as follows:

"2. It is permissible, without the authorization of the author and without remuneration, to publicly borrow works from the libraries of primary and secondary education institutions (school libraries) and from the academic libraries that are members of the Hellenic Academic Libraries Association."

b) A Presidential Decree issued within one (1) year after the entry into force of this Law, upon proposal of the Ministers of Interior, Education, Research and Religious Affairs and Culture and Sport, shall determine the remuneration received by rightholders for the public borrowing, the means and system of its collection and distribution, all libraries and entities which fall within the scope of the regulation, with the exception of the libraries referred to in

par. 2 of Article 22 of L. 2121/1993, as inserted by item a of the preceding paragraph, as well as any other relevant details. Until the issuance of the Presidential Decree referred to in the preceding paragraph, public libraries, libraries belonging to legal persons governed by private and public law, supervised by the State, municipal libraries, libraries of public benefit institutions and organizations, educational institutions and missions in Greece, and libraries of private schools shall pay no fee for public borrowing.

4. In Article 30 of Law 2121/1993, as this Article was finally replaced by Article 2 of Law 4212/2013 (A 257) is replaced as follows:

"1. With respect to collaborative works, copyright lasts as long as the life of the last surviving author and seventy (70) years following his death, calculated from the 1st of January of the year following the death of the last surviving author.

2. The term of protection of musical compositions with lyrics is the same as the one mentioned in paragraph 1, provided that both contributions, by the composer and the lyricist, have been created specifically for the particular musical composition with lyrics. "

5. In Article 35 of Law 2121/1993, as amended by par. 1 of Article 8 of L. 2557/1997 (A271), paragraphs 5,6,7 and 8 are added as follows:

"5. the right of the author to grant or refuse authorization to a cable operator for retransmission through cable may only be exercised through collective management organizations. Where the author has not entrusted the management of the right to cable retransmission to a collective management organization, the collective management organization which has been authorized by the Ministry of Culture and Sport to manage the rights of the same category may manage the right to cable retransmission. Where there is more than one collective management organization authorized to manage rights of the same category, the author shall be free to choose among them the collective management organization which he authorizes to manage the right of cable retransmission. The author referred to in this paragraph shall have the same rights and obligations as the rightholders who have entrusted the organization with the management and may claim these rights within three (3) years from the date of the cable retransmission of the work.

6. The provisions of the preceding paragraph shall not apply to rights exercised by a broadcaster in respect of its own broadcasts, regardless of whether the relevant rights are its own or have been transferred to it by other authors or other rightholders.

7. In the case of secondary synchronous, uninterrupted and unchanged broadcasting of radio and television programs via cable or other material means, collective management of the relevant right of the author is mandatory.

8. The provisions of paragraphs 5 to 8 shall apply mutatis mutandis to the management and protection of the related rights governed by the provisions of the eighth chapter of L. 2121/1993.”.

6. Article 49 of Law 2121/1993, is amended as follows:

a. In paragraph 1, as amended by paragraph 6 of article 81 of Law 3057/2002 and paragraph 2 of article 46 of Law 3905/2010 (A 219), the fourth and fifth sub-paragraphs are repealed.

b. In the last subparagraph of paragraph 5, as this paragraph was inserted by par. 6 of Article 81 of L. 3057/2002 (A 239), the reference to the fourth and fifth subparagraph of Article 49 (1) is deleted.

c. In paragraph 6, as added by paragraph 1 of article 46 of Law 3905/2010 (A 219) is repealed.

7. In par. 4 of Article 65 of L. 2121/1993 the words "from three hundred thousand to one million drachmas" are replaced by the words "eight hundred and eighty (880) to two thousand nine hundred (2,900) euros".

8. Article 65a of Law 2121/1993, as this article was added by par. 9 of article 2 of L. 3524/2007 (A 15) and amended by paragraphs 6 and 7 of article 46 of Law 3905/2010 (A 219) is amended as follows:

a. In the first subparagraph of paragraph 2, the words "or related rights" are inserted after the words "intellectual property". b. Paragraph 2A is added as follows:

"2.A. Whoever, without any legitimate right and in violation of the provisions of this law, reproduces phonograms stored on any technical storage media, including hard disks, whether embedded or not on a computer, shall pay an administrative fine of one thousand (1 000) euro. "

9. Article 66 of Law 2121/1993, is amended as follows:

a. In the first paragraph of paragraph 3, "2 to 10 million drachmas", is amended to "six thousand (6,000) to thirty thousand (30,000) euros" and in the second subparagraph of the same paragraph, "5 to 20) million drachmas", is amended to "fifteen thousand (15,000) to sixty thousand (60,000) euros ".

b. Paragraph 6 is replaced by the following:

"By way of exception from the provision of Article 82 (10) (b) of the Penal Code, in the event of conversion of the custodial sentence, the conversion amount is set at five times the limits of the conversion amount provided for each case in the Penal Code".

c. In paragraphs 8 and 9, "one to five million drachmas" is amended to "three thousand (3.000) to fifteen thousand (15.000) euro".

d. In paragraphs 11 and 12, as added by paragraph 10 of Article 2 of Law 3524/2007 (A 15) the words "shall lead to the deletion of criminal culpability" shall be replaced by "shall result in non-prosecution and any prosecution shall be dismissed".

e. Paragraph 11 A is added as follows:

"11.A. Where the offense concerns phonograms (musical compositions) stored on any technical storage media or computer, the unconditional payment of the administrative fine by the offender under par. 2 of article 65A and under the prescribed conditions shall result in non-prosecution and the dismissal of any prosecution, provided that the offense relates to up to 1,000 musical compositions".

f. In paragraph 13, as added by par. 10 of article 2 of L. 3524/2007 (A 15), and renumbered under (g) hereof, the words "and the deletion of criminal culpability" shall be replaced by "and the non-prosecution or the dismissal of criminal prosecution".

g. Paragraphs 11, 12, 13 and 14, as added by paragraph 10 of Article 2 of Law 3524/2007 (A 15), are renumbered to 10, 11, 12 and 13.

10. Paragraph 1 of article 68A of Law 2121/1993, as this article was added by par. 11 of article 8 of L. 2557/ 1997 (A 271) and amended by par. 1 of article 5 of L. 4212/2013 (A 257), is amended as follows:

a. The first subparagraph is replaced by the following:

"The term of protection provided for in Articles 29, 30 par. 1, 31 and 52 shall apply to all related works and related rights protected in at least one Member State on 1.7.1995 pursuant to national laws on copyright and related rights."

b. Its third subparagraph, as added by paragraph 1 of article 5 of Law 4212/2013 (A 257) is replaced as follows:

"The term of protection provided for in Article 30 (2) shall apply to musical compositions with lyrics provided that either the musical composition or the lyrics were protected in at least one Member State of the European Union on 1 November 2013 and to musical compositions with lyrics created after this date, subject to any exploitation acts carried out before 1 November 2013 and to any acquired rights of third parties."

11. The second subparagraph of par. 1 of article 69 of L. 2121/1993 is replaced as follows:

"OPI may also organize any kind of seminars to educate and inform judges, lawyers, civil servants, authors, holders of related rights, educators, students on copyright and related rights, and to provide mediation services on copyright, related rights and collective management issues, as well as time-stamping services, namely by providing certified dates in relation to works or objects of protection which may be protected by copyright and/or a related right (time stamping services)".

12. Article 71 of L. 2121/1993, is amended as follows:

a. In paragraph 3, which was added by paragraph 12 of article 8 of Law 2557/1997 (A 271), reference to Article 57 (8) and (9), is amended to reference to Article 35 (5) to (8).

b. Paragraph 4, which was added by paragraph 12 of article 8 of L. 2557/1997 is replaced as follows:

"Articles 11, 29 (1), 30 (1), 31, 51A, 52c, d, e, f, g and 68A (1) of this Law implement Directive 93/98/EEC of the European Council of 29 October 1993 harmonizing the term of protection of the right, as well as of copyright and of certain related rights."

c. Paragraph 9, which was added by article 9 of L. 4212/2013 (A 257) is replaced as follows:

"Articles 30 (2), 52 (c), second subparagraph, 52 (d), second and third sub-paragraphs, 52 (d), sub-paragraphs aa to gg, 68A paragraph 1, third to sixth sub-paragraph and Article 68A, paragraph 1 implement Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights."

13. Paragraph 9 of article 72 of Law 2121/1993, which was added by paragraph 14 of article 46 of L. 3905/2010 (A 219) is replaced as follows:

"A presidential decree, issued upon proposal of the Minister of Culture and Sport, may allow for the codification of the legislation on copyright, related rights and collective management in its entirety, for the amendment of the order and numbering of the provisions, for the merging of similar provisions and, in general, for any amendments necessary for the administrative codification of such legislation. "

14. Presidential decree 42/2015 (A 71) shall be repealed as of the date of entry into force of this law. This presidential decree shall still apply to pending cases before the Administrative Authorities.

15. a. Par. 10 of article 54 of L. 2121/1993, added by Article 15 of Law 4463/2017 (A 42) is amended with effect from 30.3.2017 as follows:

“10. The Minister of Culture and Sport may, after consulting with the Intellectual Property Organization, and provided that there is a strong chance that the collective management organization is unable to fulfill its obligations, and in particular to collect and attribute to rightholders the sums it receives on their behalf, due to, by way of example, the lack of own funds, appoint, as a preemptive administrative measure, a temporary Commissioner, whose term of office shall be six (6) months, and which term may be renewed once (1) for up to three (3) months.

The temporary Commissioner shall ensure that users receive payment and attribute it to rightholders. At the same time, the temporary Commissioner shall, on behalf of the organization, bring any legal actions and appeals for defending the interests of rightholders which it represents, and shall represent the organization in both judicial and extrajudicial procedures, in order to safeguard the rights of rightholders as well as in any dispute arising from its own decision or action. In order to achieve these objectives, the Temporary Commissioner supersedes the administration as of the date of publication of his appointment in the Official Government Gazette.

At the same time, the Temporary Commissioner shall intervene, in a decisive manner, by immediately canceling any act or decision not taken by the Commissioner himself in order not to disrupt the operation of the organization and to avoid its bankruptcy.

The BoD shall keep the temporary Commissioner informed of other management issues and in the event that he disagrees with the decision or action which may affect the viability of the organization or the interests of the rightholders, the Commissioner shall make the decision himself.

The Temporary Commissioner is selected by the Minister for Culture and Sport among persons of recognized prestige and having adequate professional experience in business or organization management or financial or legal matters.

The appointment of a temporary Commissioner may not be invoked as a reason for amending or terminating any contract or agreement to which the organization is a party.

The management bodies and the employees of the collective management organization shall be required to immediately provide the temporary Commissioner with any information or data requested and to facilitate the performance of his duties.

The temporary Commissioner's liability, upon the exercise of his duties, shall be limited to malicious intent and gross negligence.

To assist the temporary Commissioner in his work, OPI may, upon proposal by the temporary Commissioner, conclude service agreements with legal, financial or technical advisers, as well as with administrative personnel, subject to the approval of those persons and their remuneration by the Minister of Culture and Sport.

Permanent employees of Ministries, independent Authorities, as well as of legal entities governed by public and private law within the General Government, may be seconded to OPI, in order to assist the Temporary Commissioner in his work. Such secondment shall be carried out by way of derogation from the applicable provisions, by a joint decision of the Ministers of Culture and Sport and any competent Minister, as the case may be. Seconded employees shall receive the entire salary of their organization. The above remuneration shall be charged on OPI's budget.

The duration of service agreements, as well as of any secondment, may not exceed the length of the temporary Commissioner's term of office.

The Temporary Commissioner's remuneration shall be determined, upon recommendation by OPI, in the decision on his appointment, and shall be charged, along with the management fees and the remuneration of the persons hired to assist in his work, as per above, on OPI's budget.

Concerning compensation for work exceeding the mandatory working hours of persons assisting the temporary Commissioner, the provisions of item a of subparagraph 2 of paragraph C of article 20 of L. 4354/2015 (A 176) shall apply. Compensation for the above-

mentioned mandatory overtime shall be attested by the temporary Commissioner and shall be charged on OPI's budget.

The Commissioner shall submit to the Minister of Culture and Sport a summary report of his activities at the end of each month, as well as a schedule for the following month and a comprehensive report at the end of his term of office.

The term of office of the Temporary Commissioner shall expire upon expiry of the term for which he was appointed. Otherwise, the Minister of Culture and Sport may, by reasoned decision, revoke the appointment of the Temporary Commissioner for reasons connected with the performance of his duties or the need to reorganize the organization.”

b. Par. 10 of article 54 of L. 2121/1993, as amended by this Law shall no longer apply: (a) if the appointment of the temporary Commissioner is revoked or terminated by a decision of the Minister of Culture and Sport for any of the reasons set forth in the above provision; or (b) if a Commissioner is appointed in accordance with paragraph 2 of article 52 hereof.

PART TWO

OTHER COMPETENCIES

OF THE MINISTRY OF CULTURE AND SPORT

Article 55

Greek National School of Dance

1. In Article 3 of Law 342/1976 (A 138), items d, e, f, g, h, i and j shall be added as follows:

"(d) Programs and aids by the EU and other international organizations and institutions,

(e) private contributions, donations, sponsorships, inheritances, trusts,

(f) revenue from publications, productions, copyright, rights of any kind and form, training seminars or programs and artistic events,

(g) money investments,

(h) exploitation of movable and immovable property,

(i) revenue from program agreements with other bodies (both private and public, Greek and international),

(j) revenue from any other legitimate source".

2. In par. 1 of article 6 of L. 342/1976, item c is added as follows:

"c. Of a Dance Group named "Hellenic Dance Company".

3. Article 15 of Law 342/1976 is replaced as follows:

"Article 15

Graduates of the Greek National School of Dance, of recognized higher schools of Dance of Greece and of the equivalent recognized foreign Schools of Dance shall be admitted to a one year training course in choreography or stage performance, following examinations in courses specified by the school's board of directors at the suggestion of the Director of the School. By decision of the Minister of Culture and Sport, issued upon recommendation of the School's Director and with the approval of its board of directors, all matters concerning the structure, organization and operation of the school's annual training courses and any other issue required for the implementation of these programs, shall be regulated. The expenditure incurred in connection with the above decision will be covered by the School's budget, without increasing the subsidy from the State Budget. "

4. In article 17 of Law 342/1976 paragraph 4 is added as follows:

"4. The internal regulation of operation of the Greek National School of Dance shall be drafted or amended by decision of the Minister of Culture and Sport, upon recommendation of the School's Board of Directors. This decision may also abolish the existing internal regulation. "

Article **56****Article 56**

Regulation regarding the Museum of Folk Musical Instruments "Foivos Anogianakis - Center of Ethnomusicology"

A joint decision of the Ministers of Culture and Sport and Education, Research and Religious Affairs, issued within six (6) months from the entry into force of this Law, shall regulate the manner, terms and the context of cooperation in general between the Ministry of Culture and Sport and the National and Kapodistrian University of Athens (EKPA), following the proposal of the Faculty of Philosophy, for the promotion of the objectives of the Museum of Greek Folk Musical Instruments "Foivos Anogianakis - Center of Ethnomusicology", which is a Department of the Museum of Greek Folk Art (MELT), through scientific, educational and artistic activities.

Article **57****Article 57**

The first subparagraph of case (e) of par. 1 of article 2 of L. 2557/1997 (A 271), as this case was replaced by article 18 of Law 3658/2008 (A 70) is replaced as follows:

"The Management Bodies of the National Museum of Contemporary Art and the State Museum of Contemporary Art are the Board of Directors and the Director."

Article 58

In article 30 of Law 4314/2014 (A 265) paragraph 6 is added as follows:

“6. The costs for archaeological investigations and works incurred in the execution of public works co-financed by the European Union under Law 3669/2008 (A 116), as in force, and Law 4412/2016 (A 147) are funded by the developer and concern:

a) the archaeological monitoring of the works by the competent archaeological office of the Ministry of Culture and Sport,

(b) Rescue excavations within the meaning of Article 37 of Law 3028/2002 (A 153),

(c) precautionary measures to protect the monuments against risks upon implementation of the project or during its operational phase; and

(d) studying and public disclosure of the findings. If the budget of these expenditures exceeds 5% of the total budget of the project, the budget shall be approved by a decision of the Minister of Culture and Sport, following a reasoned opinion of the competent Central Councils of the Ministry. ”

Article 59

In par. 2 of article 6 of L. 1218/1981 (A 289), a fourth subparagraph is added as follows:

"The composition and establishment of the Board of Directors, as elected in the aforementioned elections, shall be published in the Official Government Gazette by decision of the Board of Directors."

Article 60

the third, fourth and fifth subparagraph of par. 3 of article 7 of L. 4229/2014 (A 8) is replaced as follows: "The Committee consists of twelve members, namely three (3) officials, one (1) per Ministry, namely the Ministries of Culture and Sport, of Environment and Energy and of Interior, appointed, along with their deputies, by the competent Minister, one (1) officer of the Fire Brigade, appointed, with his deputy, by the Chief of the Fire Brigade, one (1) Advisor of the Legal Council of the State, appointed, along with his deputy, by the President of the Legal Council of the State, and seven (7) representatives, one (1) per institution, with their deputies, nominated by the Central Union of Municipalities of Greece (KEDE), the Pan-Hellenic Union of Free Theater, the Association of Non-Profit Theaters, the Pan-Hellenic Federation of Spectacles (POTHA), the Pan-Hellenic Association of Movie Theater Owners (PEAIK), the Pan-Hellenic Federation of Film and Television and related sectors Professionals (POEKT) and the Association of Greek Cinema and Television Technicians (ETEKT). If the above institutions do not nominate their representatives within fifteen (15) days of receipt of the relevant notice by the competent Directorate of the Ministry of Culture and Sport, these persons shall be appointed by the Minister of Culture and Sport. The member of the Legal Council of the State shall be appointed as Chairman of the Committee."

Article

61

Article 61

The second subparagraph of par. 1 of article 5 of P.D. 457/1983 (A 174) is replaced as follows:

"The Director must hold a teacher's degree or diploma by a recognized professional dance school in Greece or by a recognized foreign higher dance school and have five years of teaching experience at a recognized Dance School in Greece or abroad."

Article **62**

Article 62

Par. 4 of Article 1 of Law 645/1977 (A 202), as replaced by item (a) of par. 6 of article 80 of L. 3057/2002 (A 239) is replaced as follows:

"4. The European Cultural Center of Delphi (ECCD) is based in Athens. The facilities of the ECCD in Delphi are annexes thereto."

Article **63**

Article 63

Article 26 of L. 3028/2002 is numbered as paragraph 1 and paragraphs 2, 3 and 4 are added to the same article as follows:

"2. If a vessel or vehicle (such as in particular a railway train, a car or a carriage), which has been declared a monument, has suffered extensive and irreversible damage or impairment, a five-member Committee consisting of a mechanic, a folklorist or an ethnologist or social anthropologist, an architect or a civil engineer, or a shipping engineer or an aeronautical engineer, an art historian or historian and a conservator (specialized as each particular case requires), officials of the Ministry of Culture and Sport or, if this is not feasible, well-known experts, shall be established by decision of the Minister of Culture and Sport. This Committee

shall inspect the state of the monument and propose measures while ensuring that its authenticity is preserved.

3. In exceptional cases where the Committee considers that the preservation of the monument is, in whole or in part, not feasible, it may, by reasoned recommendation, propose its dissolution, which shall be decided by the Minister of Culture and Sport following an opinion of the Council, following a detailed description of its shape and construction, full photographing, portrayal and documentation.

4. Detachment of components which are an integral part of the vessel or vehicle (such as, in particular, a railway train, a car or a carriage) is prohibited. By way of exception, it is permissible to detach or to remove such items, as well as to incorporate them in a new construction similar to the original one, if it is deemed to be absolutely necessary for their preservation, by decision of the Minister of Culture and Sport, following the Council's opinion. The above work shall be carried out according to a study approved by the relevant decision."

Article**64****Article 64**

Provision of guarantee by the Greek State

for compensation in case of loss

or damage to movable monuments and works of art

In L. 3028/2002 (A 153) and after Article 45, Article 45A is added as follows:

"Article 45A

1. The Greek State may provide guarantee, under which it undertakes to pay financial compensation for losses or damages that may be incurred in antiquities, works of art, works of cultural and historical value, movable monuments, which:

a. are exhibited, either individually or as part of a whole, under temporary or long-term borrowing agreements with foreign museums or foreign bodies in periodical exhibitions in Greece, which are organized or co-organized by the Ministry of Culture and Sport or by Greek public museums or museums established by law.

b. are exhibited in periodical exhibitions abroad, organized or co-organized by the Ministry of Culture and Sport and/or museums referred to under a.

2. The exhibitions referred to under a or b of the preceding paragraph must be of particular cultural or historical value or aiming to promote the Greek culture or to fulfill relevant obligations arising from international or interstate cultural agreements.

3. By a Presidential Decree issued upon proposal of the Ministers of Finance, Culture and Sport, the General Regulation of Guarantee and Safety Standards for Collections and Exhibits shall be established with regard to the museum items and exhibits referred to in this article. This Regulation shall determine the specific terms and conditions for the provision of the guarantee referred to in paragraph 1, in particular the duration of the guarantee, the beneficiaries of the indemnity, the risks and the cases of loss or damage the incurrance of which gives rise to liability for compensation, reasons for discharge from such liability, the procedure for payment of the compensation and the competent bodies, the procedure for the administrative settlement of disputes in the event of disagreement as to the amount of the compensation due and the rules of operation of the Committee referred to in paragraphs 7, 8, as well as any other relevant matter. The same presidential decree shall also prescribe the safety standards, such as packaging, unpacking, transportation, installation, inspection, special environmental conditions, fire safety and guarding and alarm systems, as well as any other relevant issues. The museum safety and protection standards, which the museums referred to in case a of paragraph 1 must comply with, in order for the provision of guarantee for loss or damages incurred in their exhibits, shall include appropriate humidity, temperature and lighting conditions, fire detection and fire safety, as well as efficient operation of 24-hour monitoring and alarm systems. In order to certify their compliance with such standards, the museums interested in being subject to the rules of this article, shall submit a relevant report to the Committee referred to in paragraph 8.

4. With respect to the guarantee referred to in paragraph 1, the annual State Budget includes a separate Code Number of Expenses (K.A.E). The amount of the annual credit entered in the above Code shall be determined following the opinion of the Advisory Committee referred to in paragraph 8, issued within the first quarter of each year, on the basis of the assessment of the value of the museum items and exhibits of the exhibitions to be organized in the following year.

5. The guarantee referred to in paragraph 1 shall be provided by joint decision of the Ministers of Finance and of Culture and Sport issued following an opinion of the Committee referred to in paragraph 8 which shall determine whether the requirements under paragraph 1 and the terms and conditions of the Regulation referred to in paragraph 3 are met. In order to determine whether the terms of the Regulation are met in the case of items displayed in public museums as part of their collections, the Committee referred to in paragraph 8 may carry out an inspection. The joint ministerial decision on the provision of guarantee may include additional terms other than those included in the General Safety Standards Regulation, for the most efficient protection of exhibits or museum items.

6. The payment of compensation to the beneficiaries for losses or damages covered by the guarantee referred to in paragraph 1, as well as the amount thereof, shall be determined by a joint decision of the Ministers of Finance and of Culture and Sport following the opinion of the Committee referred to in paragraph 8. The Committee shall decide on the extent of the damage and the indemnification amount, as well as the amount of the compensation in case of loss or destruction of an exhibit.

7. The payment of compensation, which may not exceed the amount entered in the respective Code Number of Expenses (KAE) of the State Budget, results in the amortization of the obligation of the Greek State, undertaken in accordance with paragraph 1.

8. An advisory committee is established in the Ministry of Culture and Sport, consisting of:

a. the Head of the Directorate-General for Antiquities and Cultural Heritage,

b. the Head of the Museum Directorate,

- c. the Head of the Department of Modern Cultural Heritage and Intangible Cultural Heritage,
- d. the Head of the Directorate-General for Modern Culture,
- e. the Head of the Directorate-General for Financial Services,
- f. the Head of the Directorate for Conservation of Ancient and Modern Monuments,
- g. one (1) official of the Ministry of Finance, nominated by the Minister of Finance,
- h. two (2) persons with experience in the field of conservation and organization of exhibitions, appointed for a two-year term by the Minister of Culture and Sport.

In line with the above, the Committee shall issue an opinion on:

- (a) the amount of the annual credit entered in the national budget with regard to the guarantee referred to in paragraph 1,
- (b) the conditions for the provision of such guarantee,
- (c) any additional requirements for the provision of a State guarantee,
- (d) the payment of compensation to the beneficiaries for loss or damage covered by the guarantee and the determination of the amount thereof,
- (e) any other matter in respect of which the General Guarantee and Safety Standards Regulation for Collections and Exhibits referred to in paragraph 3 provides for an opinion by the Committee.

The Committee shall be established by decision of the Minister of Culture and Sport. The same decision shall appoint the chairman of the Committee, as well as the department or ministry officials who shall be responsible for secretarial support.

9. During the first twelve (12) months after the entry into force of this provision following the issuance of the General Guarantee and Safety Standards Regulation referred to in paragraph 3, the Greek State guarantee shall apply merely to exhibitions organized or co-organized by the Greek State in Greece or abroad. Upon expiry of the above period, the guarantee shall also apply to other exhibitions organized or co-organized by Greek public museums or museums established by law.”

Article **65****Article 65**

At the end of par. 9 of article 1 of L. 4038/2012 (A14) as in force, the following sub-paragraphs are added:

“Similarly, in respect of recruitment and renewal of fixed-term employment contracts for personnel employed in projects implemented by the Ministry of Culture and Sport, which are part of the Operational Programs of the NSFR, these contracts shall enter into force as of the date of recruitment or expiry of the renewed contract respectively, even if they are published in the Official Government Gazette at a later date.

The preceding subparagraph shall enter into force as of the date of entry into force of L. 4024/2011 (A 226)”.

Article **66****Article 66**

Insurance of the diving personnel
of the Ministry of Culture and Sport

1. By way of derogation from the provisions of par. 5 of Article 24 of subparagraph D.9. of par. D of article 2 of L. 4336/2015 (A 94), the Ephorate of Underwater Antiquities and the Ephorate of Palaeoanthropology - Speleology shall insure the diving personnel of the Ministry of Culture and Sport referred to in article 7 of par. 7 item b, fifth subparagraph of L. 2557/1997 (A 271), per year, for life and health risk, at a private insurance company. The expenditure shall be charged on the Archaeological Resources and Expropriations Fund.

2. For each day of diving, the diving personnel of the Ministry of Culture and Sport referred to in article 7 par. 7 item b, fifth subparagraph of L. 2557/1997 (A 271), shall receive a special additional remuneration. This special additional remuneration shall be charged on the budget of the Archaeological Resources and Expropriations Fund (TAP) and is subject to income tax and to all legal deductions. The Ministers of Finance and Culture and Sport shall, by joint decision, determine the beneficiaries, the conditions and the method of payment, as well as the amount of such remuneration and any other relevant issue.

3. In the event that an archaeological research requires the employment of divers, and the maximum allowances laid down in the applicable provisions regarding travel of civil servants away from work and/or special additional remuneration have been exhausted, the overpayment (special additional remuneration for divers and travel expenses) shall be covered by a third person, either Greek or foreign, who is the developer of the project or a collaborator in the archaeological research. The amount shall be paid to the Archaeological Resources and Expropriations Fund and shall be attributed to the civil servants who are entitled to receive it, following a reasoned recommendation of the office and a decision of the Fund's Board of Directors.

1. The "Yiannis Moralis" Visual Arts Award is established in the memory of the great visual artist and teacher, and it shall be awarded annually to a living artist for his current artistic work or for his constant and recognized presence in the visual arts of the country. The award shall be followed by an exhibition of the winner's works of art, organized by the Minister of Culture and Sport.

2. To this end, an unremunerated advisory committee consisting of 7 members, namely a professor of any rank of the School of Fine Arts or the Department of Visual Arts and Applied Arts of the Aristotle University of Thessaloniki, or the Department of Visual Arts and Applied Arts of the University of Western Macedonia, or the Department of Plastic Arts and Art Sciences of the University of Ioannina (in turn), a representative of the Hellenic Association of Art Critics AICA Hellas, a representative of the Chamber of Fine Arts of Greece, a representative of the Society of Greek Art Historians, a representative of the National Gallery and Alexandros Soutzos Museum, a representative of the National Museum of Contemporary Art or the State Museum of Contemporary Art (in turn), and an employee of the Directorate-General of Contemporary Culture of the Ministry of Culture and Sport, shall be established annually by decision of the Minister of Culture and Sport. The members of the Committee shall be nominated by the above bodies, except for the employee of the Ministry of Culture and Sport, who shall be appointed by the Minister. The chairman of the committee shall be elected by its members. An employee of the competent Directorate of the Ministry of Culture and Sport, appointed by the decision establishing the Committee, shall act as secretary.

3. By decision of the Minister of Culture and Sport an open notice for expression of interest shall be published, and the deadline for the submission of applications, the date of awarding, and any other details related to the procedure shall be thereby determined.

4. The prize shall be awarded by decision of the Minister of Culture and Sport upon proposal of the above Committee.

Article 68

The following provisions shall apply to the participation of Greece in the International Art Exhibition Biennale of Venice:

1. The competent office of the Ministry of Culture and Sport shall publish an open invitation, by the end of March of the year prior to the exhibition, for the submission of proposals for the selection of the national representation.

Proposals may be submitted by:

(a) curators, art historians, art critics and art theorists with experience in organizing and curating exhibitions jointly with artists,

b) artists, jointly with the above persons.

Proposals shall be submitted by the end of May of the year prior to the exhibition, in accordance with the terms of the invitation.

2. By the end of May of the year prior to the exhibition, an unremunerated advisory committee consisting of 7 members, namely a professor of any rank of the School of Fine Arts or the Department of Visual Arts and Applied Arts of the Aristotle University of Thessaloniki (in turn), a professor of any rank of the Department of Visual Arts and Applied Arts of the University of Western Macedonia or the Department of Plastic Arts and Art Sciences of the University of Ioannina (in turn), a representative of the National Museum of Contemporary Art, a representative of the State Museum of Contemporary Art, a representative of the National Gallery and Alexandros Soutzos Museum, a representative of the Chamber of Fine Arts of Greece and a representative of the Hellenic Association of Art Critics AICA Hellas, shall be established by decision of the Minister of Culture and Sport. The chairman of the committee shall be elected by its members.

The professors and representatives shall be nominated by the above bodies. An employee of the competent Office of the Ministry of Culture and Sport, appointed by the decision establishing the Committee, shall act as secretary of the Committee.

3. The persons participating in the national representation (artist(s) and curator (s)) shall be selected, following a proposal by the committee, by decision of the Minister of Culture and Sport, which shall be published by the end of July of the year prior to the exhibition.

4. The National Museum of Contemporary Art, the State Museum of Contemporary Art and the National Art Gallery and Alexandros Soutzos Museum shall be appointed in turn as the bodies responsible for the implementation of the national participation (National Commissioner). The cost of participation in the exhibition shall be covered by the regular budget of the Ministry of Culture and Sport, and subsidized by the implementing body.

Article**69****Article 69**

In Article 6 of the fourth article of Law 4366/2016 (A 18) paragraph 5 is added as follows:

“5. The positions of the artistic director and of the up to six (6) persons with special qualifications or skills, referred to in the third article of the Agreement with no. 40.414/26.1.2016 which amended the "Agreement for the Establishment of the Athens Concert Hall Organization (OMMA) and the Pre-Contractual Donation Agreement" with no.7431/1981, as the amendment was ratified by Article 1 of Article 4 of Law 4366/2016, may also be covered by public sector employees, officials and employees of public entities governed by public or private law within the General Government, appointed for that purpose to OMMA. The appointment shall be effected by decision of the Minister of Culture and Sport, following the recommendation of the Board of Directors of OMMA, which is taken by the ordinary quorum and majority. Their remuneration shall be determined by joint decision of the Ministers of Finance and Culture and Sport and shall be payed in its entirety by the host institution. The length of service at those positions shall be considered as actual service in their organizations, for all intents and purposes. OMMA shall pay to the officials and employees appointed to the above positions merely the remuneration of that post, whereas

the payment of the remuneration of the position they held prior to their appointment shall be automatically interrupted. If they leave those positions, they shall automatically return to their original position, which shall remain vacant until then.”

Article **70****Article 70**

1. In the end of article 65 of L. 4410/2016 (A 141), a new subparagraph is inserted as follows:

“As of 1.1.2017 and provided that the respective projects have been included in the NSRF 2014-2020 Operational Programs, these employment contracts may be extended until the completion of the projects according to the requirements and their planning, which are specified by decision of the Minister of Culture and Sport.”.

2. The provision of paragraph 1 shall apply from the entry into force of Article 65 of Law 4410/2016.

Article **71****Article 71****Greek Film Center**

In article 14 of Law 3905/2010 (A 219) paragraph 5 is inserted as follows:

“5. In the event of absence or impediment, the Director General shall be replaced in all his/her duties by a Director of the GFC following a decision of the Board of Directors. ”

Article **72**

Article 72

Acropolis Monuments Conservation Office

In par. 1 of article 19 of L. 4440/2016 (A 224) item w is inserted which shall enter into force as of the entry into force of Law 4440/2016 as follows:

“(w) to the Acropolis Monuments Conservation Office of the Ministry of Culture and Sport.”.

Article **73**

Article 73

Thessaloniki Concert Hall Organization

1. At the end of case c of Article 2A of Article 76 of Law 2121/1993 (A 25) the following subparagraphs are inserted as follows:

"Three-year program agreements contracts may be concluded between the Thessaloniki Concert Hall Organization and the Greek State, represented by the Ministers of Finance and Culture and Sport, with the objective to contribute, by providing the necessary means, to the cultural, intellectual and education attainment of the country and to the development of activities that are part of the Organization's objectives, and which serve projects and actions which fall within the scope of the Ministry of Culture and Sport, as well as events of general public interest, which fall within the scope of other Ministries. Those or other agreements may determine the specific terms and conditions under which Organizations subject to the supervision of the Ministry of Culture and Sport may cooperate with the Thessaloniki Concert Hall Organization, use its facilities for their own activities, utilize its technological

infrastructure and the expertise of the staff of the Thessaloniki Concert Hall Organization and develop synergies and actions in general, which fall within the Organization's scope. Those agreements may also deal with issues related to free training programs of the Thessaloniki Concert Hall Organization, intended for students of public schools, as well as the free use of rooms and services of the Organization by the State and public entities for artistic events. The monitoring of compliance with the terms of each agreement and the control of the management of the resources available shall be carried out by a five-member Committee consisting of two (2) employees of the Ministry of Culture, two (2) employees of the Ministry of Finance and one (1) employee of the Thessaloniki Concert Hall Organization. The Committee shall be established and its members shall be appointed by a joint decision of the Ministers of Finance and Culture and Sport, which shall regulate all matters related to the Committee's operation. The member of the Committee who is an employee of the Thessaloniki Concert Hall Organization shall be appointed upon proposal by the Organization's Board of Directors. "

2. In the end of article 2A of article 76 of L. 2121/1993 (A25), item d is added as follows:

"(d) The objectives of the Organization shall also include activities and actions relating to the facilitation of access to artistic knowledge and education, the promotion of cultural heritage and intellectual wealth of Greece and the enhancement of the notion of Civil Society through cultural activities. To achieve this purpose, the Thessaloniki Concert Hall Organization may cooperate with Greek and foreign institutions as well as prepare and submit relevant programs to ensure the necessary resources through the use of Community aid and inter-regional and inter-municipal Community programs".

3. After article 5A of article 76 of Law 2121/1993 (A 25), Article 5B is inserted as follows:

"Article 5B

1. The Board of Directors of the Thessaloniki Concert Hall Organization shall recruit a general director under a fixed-term contract of three (3) years' duration and shall determine his responsibilities as provided for in the relevant regulations of the Organization.

2. (a) The Board of Directors of the Thessaloniki Concert Hall Organization shall recruit an artistic director by a fixed-term contract of up to three (3) years' duration, which may be renewed without becoming of indefinite duration. The artistic director shall be responsible for any artistic matter, for the drafting of the artistic program of the Thessaloniki Concert Hall Organization for each period, which shall be approved by the Board of Directors, for the establishment of a detailed budget in cooperation with the Director-General, in accordance with the budget approved by the Board of Directors, and for the implementation of artistic planning.

(b) The Board of Directors of the Thessaloniki Concert Hall Organization shall recruit, upon recommendation of the artistic director, a deputy artistic director under a fixed-term contract of three (3) years' duration, which may be renewed without becoming of indefinite duration. The deputy artistic director shall assist and deputize for the artistic director in his duties and his contract shall automatically expire upon expiry of the artistic director's contract, without incurring any liability for indemnity.

3. For the recruitment procedure of the general director, the artistic director and his/her deputy, the provisions of sub-paragraphs b and c of par. 4 of article 8 of L. 4369/2016 (A 33) shall apply. Remuneration and compensations of any kind shall be determined by joint decision of the Ministers of Finance and Culture and Sport.

4. The Board of Directors of the Thessaloniki Concert Hall Organization may terminate the contract of the general or the artistic director before the expiry of their contract, without incurring any liability for indemnity, if the Organization rejects the annual account of their work or for any material reason relating to the performance of their duties. The decision of the Board of Directors shall be taken at a special meeting by a two-thirds majority (2/3) of all of its members and shall be fully reasoned.

5. For the realization of the artistic events according to the approved program, the board of directors shall, upon recommendation of the artistic director, hire artistic personnel under a fixed-term contract of employment, determining their remuneration according to law 4354/2015 (A 176) or under a project contract, as well as technicians and ushers, provided that the relevant payroll costs have been provided for in that organization's budget, and such recruitment has been included in the recruitment planning of the organization. "

4. In article 6A of article 76 of Law 2121/1993 (A25), item e is added as follows:

"(e) Revenue from inter-regional and inter-municipal Community programs, European and international cultural cooperation programs."

Article **74**

Article 74

Replacement of paragraph 12
of article 24 of L. 2725/1999 (A 121)

Paragraph 12 of article 24 of Law 2725/1999 (A 121) is replaced as follows:

"12. By way of exception, the provisions of the statute of the Hellenic Football Federation shall apply to the convocation, establishment and operation thereof, including its elections."

Article 75

1. In Article 1 par. 2 of Law 2636/1998 (A 198) after the word "operates" and before the words "in the public interest" the words "on a twelve-hour basis" are inserted.

2. After the end of the eleventh sub-paragraph of par. A.1 of article 20 of L. 4354/2015 (A 176), as amended and in force, a subparagraph is added as follows:

"More specifically for the year 2017, the decision to establish overtime for the personnel employed at "Greek Festival SA" shall be issued by its board of directors within thirty (30) days from the publication hereof and shall apply retroactively from 1.1.2017."

3. In Article 3 of Law 2636/1998 paragraph 5 is added as follows:

"5. Following the decision of the Board of Directors of "Greek Festival SA", it is permissible, until the completion of the recruitment procedure of regular personnel pursuant to article 13 of Law 3429/2005 (A 314), to renew the existing fixed-term employment contracts, as well as project contracts, in order to cover the operational needs of the organization, by way of derogation from the applicable legislation, however not beyond 31 December 2018. "

Article **76****Article 76**

In par. 4 of article 6 of the fourth article of L. 4366/2016 (A 18), a fourth subparagraph is added as follows:

"By decision of the Minister of Finance or of the Minister of Culture and Sport, personnel of the Ministry of Finance or of the Ministry of Culture and Sport respectively, may be seconded to the Athens Concert Hall Organization (OMMA) to cover the operational needs of OMMA and for a period determined by the decision on secondment. The term of the secondment may not exceed two (2) years in total, and it may be extended for one (1) year. The payroll cost of seconded personnel shall in any event be charged on the institution at which the seconded employee was originally employed."

Article **77****Article 77**

1. A legal entity governed by public law under the name "National Museum of Agricultural Movement of Kileler" (E.K.A.K. Kileler) is hereby established, which shall be subject to the supervision of the Ministry of Culture and Sport.

2. "E.M.A.K. Kileler" shall be managed by a five-member body (Management Committee), consisting of persons of recognized prestige, who have been educated on the history of the agricultural movement or a related scientific subject. Three (3) of those members shall be appointed by decision of the Minister of Culture and Sport and two (2) members by decision of the Municipality of Kileler, according to the terms of the program agreement concluded between the Ministry of Culture and Sport and the Municipality of Kileler. The chairman of the Management Committee shall be selected from among the members nominated by the Minister of Culture and Sport and must have specialized knowledge of the history of the agricultural movement. The members of the Management Committee of "EMAK Kileler", shall have no financial claim with regard to their participation in the Committee.

3. The term of office of the members of the Management Committee shall be three years and may be extended by decision of the Minister of Culture and Sport, for one year at the most, in addition to the body's term.

4. "E.M.A.K. Kileler" is self-funding. The resources of the Museum are: (a) revenue from the exploitation and utilization of its movable and immovable property; (b) revenue from the sale of books and booklets, the sale of tickets and from activities of any kind of "E.M.A.K. Kileler", from the provision of services or execution of works, (c) contributions and other donations by the participants in the events, programs, conferences, seminars or workshops organized by "E.M.A.K. Kileler", as well as contributions by those who use the facilities and service of the Museum in general, (d) donations, inheritances, bequests and any kind of transfer of assets free of charge to "E.M.A.K. Kileler" by any Greek or foreign natural or legal person; (e) interest on "E.M.A.K. Kileler" deposits at banks or other financial institutions, (f) any grants, benefits or funds, such as funds from state or other national or foreign public or private institutions, European and international organizations funds and programs, including funds from program agreements or similar agreements, (g) subsidies and/or funding from public or private sector institutions, and relevant calls for funding through contributions, (h) any other period or one-off yield of any asset or investment received by "E.M.A.K. Kileler" and not specifically referred to herein, as well as (i) proceeds from any other legitimate activity.

5. The Regulation of "E.M.A.K. Kilerer" shall be established by decree issued upon recommendation of the Minister of Culture and Sport, and it shall determine the specific responsibilities of its management bodies, the organizational structure and staffing of its offices, the qualifications and the process of filling the positions of its personnel, as well as any other necessary detail concerning its organization and operation.

Article **78****Article 78**

The last subparagraph of par. 1 of article 13 of L. 2433/1996 (A 180) which was inserted by par. 3a of article 7 of L. 2557/1997 is replaced as follows:

"To the employees of the fields of PE7 (Higher Education) Conservators Painters, PE10 sculptors, PE archaeozoologists and PE12 physicist geologists, biologists, agronomists of the Ministry of Culture and Sport, as well as to the permanent employees and scientific personnel under employment agreements of indefinite duration of the National Art Gallery - Alexandros Soutsos Museum, namely PE Art Historians, PE Antiquities Conservators, PE Painters, PE Chemists, PE Physicists, PE Chemical Engineers, PE Archivists."

Article **79****Article 79**

The degrees awarded by Public and Private Schools of Higher Artistic Education, if those degrees have been acquired, in accordance with the provisions of Law 1158/1981 (A 127) until the date of entry into force of Law 3149/2003 (A 141), shall be deemed equivalent to

the titles awarded by Technological Educational Institutions until 10.6.2003, with no equivalence to the specialties of the Technological Educational Institutions existing at the relevant time. The National Organization for the Certification of Qualifications and Vocational Guidance (EOPPEP) shall be competent for the recognition of diplomas. By joint decision, the Ministers of Education, Research and Religious Affairs and Culture and Sport shall specify the Higher Artistic Education Schools falling within the scope of this article, as well as the conditions and procedure for the recognition of the diplomas.

Article **80****Article 80**

At the end of the first subparagraph of article 47 of Law 4440/2016 (A 224) the words "except for their remuneration, including social insurance contributions in proportion thereto" are inserted, as of the date of entry into force of said law.

Article **81****Article 81****Entry into force**

This Law shall enter into force upon its publication in the Official Government Gazette, unless otherwise specified in its individual provisions.

We order the publication of this Law in the Official Government Gazette and its execution as a law of the State.

Athens, 20 July 2017

The President of the Hellenic Republic
PROKOPIOS V. PAVLOPOULOS

The Ministers

Of Interior Of Digital Policy,
Telecommunications
and Media

PANAGIOTIS SKOURLETIS NIKOLAOS PAPPAS

Education, Research Justice, Transparency
and Religious Affairs and Human Rights

KONSTANTINOS GAVROGLOU STAVROS KONTONIS

Minister of Finance Deputy Minister
Finance

EUKLIDIS TSAKALOTOS GEORGIOS CHOULIARAKIS

Assistant to the Minister of Finance of Administrative Reconstruction

AIKATERINI PAPANATSIU OLGA GEROVASILI

Culture and Sport Assistant to the Minister of Culture
and Sport

LYDIA KONIORDOU GEORGIOS VASILEIADIS

Certified The Great Seal of the State was affixed.

Athens, 20 July 2017

The Minister of Justice
STAVROS KONTONIS

