

METHODOLOGY regarding the use of musical works through broadcasting by radio broadcasters

Art. 1. - The use by radio broadcasters of musical works within the legal term of protection can be made on the basis of a non-exclusive license agreement issued by the collective management society designated as collector of the remuneration provided by the present methodology by the decision of the general director of the Romanian Copyright Office.

Art. 2. - The user refers to any authorized natural person or legal person, holder of an audiovisual license granted by the National Audiovisual Council, which broadcasts musical works, by any means or procedure, as part of a broadcasting program service, according to the definition of broadcasting by art. 15 of Law no. 8/1996, as subsequently amended and supplemented.

Art. 3. - (1) For the purpose of concluding of a non-exclusive license agreement, the user must submit, at the headquarters of the collective management society designated as collector, a request for authorization signed by the legal representative, which shall include:

- the user identification data and the name of the program service
- the estimated average weight of the use of musical works in the program service

(2) The users must enclose in the request for a non-exclusive license agreement copies of the audiovisual license / licenses issued by the National Audiovisual Council.

Art. 4. - The users must pay to the collective management society designated as collector by the decision of the general director of the Romanian Copyright Office a quarterly percentage remuneration representing the copyrights due to all the right holders for the broadcasting of musical works, determined by the following calculation formula:

$R = B \times 4\% \times P\%$, where

R - is the remuneration due to all the right holders for the broadcasting of musical works

B - is the basis of calculation in lei, determined according to art. 5 below for each broadcasting program service;

4% - is the quarterly percentage remuneration due for the broadcasting of musical works;

P% - is the share of the use of the musical works in the total broadcast time determined for each broadcasting program service.

Art. 5. - The basis of calculation on which the percentage remuneration provided in art. 4 of the present methodology is applied is represented by the quarterly revenues obtained by the user from the activity of broadcasting musical works, corresponding to the use of musical works.

For the users who do not obtain income, the basis of calculation of the remuneration is the totality of the expenses incurred by the user occasioned exclusively by the activity of broadcasting of musical works, in the quarter for which the remuneration is due.

Art. 6. - The remuneration established according to art. 4 of the present methodology is paid to the collective management society designated as collector until the last day of the month following the quarter for which the remuneration is due, date until which the user has the obligation to transmit to the collective management society designated as collector by decision of the general director of the Romanian Office for Copyright a report also in electronic format signed by the user's legal representative

containing his identification data, the name of the broadcasting program service and the basis of calculation for the remuneration.

Art. 7. - (1) Until the 15th of each month, for the previous month, the users have the obligation to submit to the collective management society designated collector by decision of the general director of the Romanian Copyright Office, for each service of programs, a report comprising the list of the musical works used daily, containing the name of each broadcasted musical work, the authors of each musical work (composers, authors, arrangers) and the duration of usage for each musical work.

Name of the program service							
Date day/month/year	Beginning hour hh:mm:ss	Ending hour hh:mm:ss	Duration of usage in seconds	Title of the musical work	Composer	Author	Arranger

(2) The report shall be submitted in hard copy and electronic format and shall be accompanied by a forwarding address signed by the legal representative of the user indicating the total number of musical works indicated in the report and the electronic volume of data contained therein.

(3) The information contained in the report will constitute the basis of distribution to the holders of patrimonial rights of author of musical works of the remuneration thus collected by the body of collective management of the patrimonial rights of author in the musical field.

(4) Upon a duly motivated request submitted by the user, the collective management society designated as collector of the remuneration due to the authors of musical works has the obligation to make available, by written and / or electronic means, the information regarding shareholders whose works were broadcasted, information unknown to the user from other sources and necessary to complete the monthly report provided in art. (1).

Art. 8. - For delays in the payment of the remuneration the users owe to the collective management society designated as collector the penalizing legal interest.

Art. 9. – The percentage of use of the musical works by the broadcasting program service can be verified by the collective management society, which is entitled to perform or to order to a third party a monitoring of the broadcasting activity of users.

Art. 10. - The present methodology will enter into force on the date of its publication in the Official Gazette of Romania, Part I.

With appeal within 30 days from the date of publication in the Official Gazette of Romania, Part I.

Delivered in public hearing today, 22.01.2018, at the headquarters of the Romanian Copyright Office (ORDA).

Tribunal of arbitrators:
- Robert Robert - President
- Chelaru Cristina - arbitrator
- Romaşcanu Nicoleta Cristina - arbitrator
- Dimofte Gabriela - arbitrator
- Left Lucian - arbitrator