

# UCMR-ADA, Romanian Performing and Mechanical Rights Society

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## ANNUAL TRANSPARENCY REPORT

2018

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UCMR-ADA

Bucharest,

Romania

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## 2018 – Important events

- UCMR-ADA collected in the year 2018 24.357.066 Euro;
- On 22<sup>nd</sup> of January there was an Arbitrary Decision which was not in favor of the authors. Minimum remuneration for radio broadcast was eliminated. UCMR-ADA appealed this Decision in Court but this is yet to be solved.
- In March 2018, the Romanian Copyright Law was modified in order to be harmonized with the 2014/26/UE, Directive regarding collective management.
- UCMR-ADA negotiated a Mandate with SIAE for online multi territorial licensing of UCMR-ADA s repertoire and for processing reports for online use in Romania for the online platforms launched here (Google Play, Spotify, Deezer etc.);
- In October 2018 we initiated the procedure to obtain the license from the state authority ORDA regarding the changes of UCMR-Ada's Statute, which were made to comply with the changes in the Romanian Copyright Law.
- UCMR-ADA conducted a PR campaign ,with the support of GESAC, on the necessity and impact of the adoption of Article 13 of the draft directive on copyright in the digital single market;
- The successful participation of UCMR-ADA in the parliamentary debates on the draft law aimed at abolishing all the management mandate contracts concluded by UCMR-ADA with its members, as well as those concluded with similar societies from abroad, for the right of public performance of musical works; Following UCMR-ADA's proposal, extensive collective management for public communication was adopted and the article which stated that all mandates should be cancelled within six months after the promulgation of the law was deleted, (this was an article that threatened collective management in Romania).
- The repertoire managed by UCMR-ADA for its members exceeded 146,000 musical works and the number of members reached 9769;
- In September 2018, UCMR-ADA's representatives participated at the Congress of Music Publishers in Central and Eastern Europe which was held in Bucharest.

## **1. General Information**

UCMR-ADA is established and operates according to GO no. 26/2000 on associations and foundations and Law no. 8/1996 on copyright and neighboring rights;

UCMR-ADA functions as a non-profit association;

UCMR-ADA's Board of Directors is made up of 14 members elected by the General Assembly.

The financial accounting activity of UCMR-ADA is subject to the control of the Audit Commission and external audit.

The collective management activity of UCMR-ADA is annually subject to a substantial control exercised by the Romanian Copyright Office - governmental authority

Members' complaints about access to information are solved by a special committee made up of members elected by the General Assembly.

### **2. Controls / auditing financial activity**

UCMR-ADA's financial activity for 2018 was permanently controlled by the Auditing Commission and audited externally.

### **3. Annual reports of management bodies**

Annual Report of the Board of Directors for 2018

Annual Report of the Director General for 2018

Annual Report of the Censors Commission for 2018

Annual report of the Standing Special Commission on Members' Access to Information for 2018

The Annual Report for 2018, according to the format established by ORDA

The reports are approved by the Members of the General Assembly.

## **2. Refusal to conclude licenses for non exclusive use of musical works :**

**There were no refusals.**

## **3. Description of the legal form and management structure of UCMR-ADA**

**UCMR-ADA is a non-profit legal person, which has been constituted and operates according to Government Ordinance no. 26/2006 on associations and foundations and Law no. 8/1996 on copyright and related rights, republished.**

**The Association is managed by a Board of Directors, consisting of 14 members elected by the General Assembly with a four-year mandate, including a President and a Vice-President.**

**The Board of Directors appoints the General Manager who ensures the executive management of the association.**

**The Draft Statute introduces the Supervisory Board, consisting of three members elected by the General Assembly, as a collegial body to oversee the work of the Board of Directors.**

#### **4. Frequency of distributions**

**Quarterly, annually, monthly, as appropriate.**

#### **5. Legal persons owned or controlled by UCMR-ADA**

**UCMR-ADA does not hold participations or control other legal entities.**

#### **6. Net amounts paid to the members of the Board of Directors in 2018**

**Senior and management allowances - 239.380 lei net**

**Remuneration representing copyright - 664,822 lei net**

### 3. General Financial Information regarding sums collected and distributed in 2018

(1) Includes sums collected in the previous years

(2) UCMR-ADA's commission is applied on distributed sums not collected sums

(3) Social Cultural Fund. UCMR-ADA withholds SCF only to its members and to the foreign societies where there is a contractual agreement to withhold such sums

Category	Collections	Paid sums	Commission sum	Average commission	SCF <sup>3</sup>
	RON	RON	RON	%	RON
<b>Total of:</b>	<b>113.598.922</b>	<b>133.217.520</b>	<b>17.617.128</b>	<b>13,22%</b>	<b>1.058.539</b>
Broadcasting TV	24.118.816	24.264.911	3.355.274	13,83%	190.755
Broadcasting Radio	9.632.132	9.438.130	1.302.904	13,80%	73.869
Mechanical rights (phonograms and videograms)	640.179	745.721	99.331	13,32%	3.044
Background music – Common Fund	31.246.881	55.056.770	7.618.227	13,84%	420.845
Concerts and Shows	10.670.185	10.057.610	1.018.730	10,13%	101.103
Online	3.189.259	3.113.052	429.484	14%	21.549
Online mechanical	96.331	79.127	11.078	14%	1.361
Ring back tones	110.606	105.724	14.662	14%	904
Cinemas	3.636.461	4.395.745	607.389	13,82%	24.668
Cable retransmission	21.064.943	17.354.061	2.402.644	13,84%	140.282
Private Copy	7.046.804	6.578.203	657.854	10,00%	51.383
Foreign Collections	2.146.325	2.028.466	99.551	4,91%	28.776

(4) Interests on bank investments of RON 421,819 were included in the Background Music – Common Fund category as they are distributed by analogy with the Common Fund.

#### 4. Distributed sums on rights categories and managed rights (2018)

Management type	Managed Right	Category	Distributed from sums collected in 2018 RON	Distributed from previous years RON	Total: RON
Compulsory	Performing Rights	Common Fund- background music (HORECA)	22.515.102,00	9.006.552,00	31.521.654,00
		Prescribed Amounts	0,00	15.529.812,00	15.529.812,00
		Direct Distribution	471.250,00	125.800,00	597.050,00
		Internet	2.815.584,00	383.056,15	3.198.640,15
		RBT	0,00	114.842,00	114.841,82
		Concerts	694.063,00	180.665,36	874.728,36
		Opera	578.361,00	96.292,41	674.653,41
		Concerts, Shows	6.537.953,00	1.801.151,17	8.339.104,17
		Theatres	1.362.297,00	300.058,44	1.662.355,44
		Radio	9.308.520,00	318.938,44	9.627.458,44
	TV	23.881.417,00	1.653.803,47	25.535.220,47	
	Cable Retransmission	Cable/IPTV	16.176.121,00	4.013.296,72	20.189.417,72
Private Copy	Private Copy	3.631.737,00	2.991.244,90	6.622.981,90	
Non compulsory	Reproduction	Phonograms	625.497,00	1.802,00	627.299,25
		Videograms	8.799,00	1.179,00	9.977,60
	Public performance	Cinema	2.717.316,00	1.126.207,13	3.843.523,13
	Foreign Collections		2.104.249,00	0,00	2.104.249,00
<b>TOTAL</b>			<b>93.428.266,00</b>	<b>37.644.701,19</b>	<b>131.072.966,86</b>

## 5. Non distributed sums –balance on 31.12.2018

Category / rights	Details/explanations	Non distributed sums 31.12.2018
Reproduction	phonograms – sum paid in December 2018	2.938,58
Public Performance	Dr.aut.concerts,musical events	102.298,79
Public Performance	Discotheques	137.053,68
Public Performance	Weddings and occasional events	157.516,29
Public Performance	Dr.aut.fd.com.- alim.publica	1.978.880,68
Public Performance	Dr.aut.fd.com.- commercial units	5.007.441,57
Public Performance	Dr.aut.fd.com.- exhibition fairs	26.890,00
Public Performance	Dr.aut.fd.com.- sport entertainment	793.930,64
Public Performance	Dr.aut.fd.com.- tourism	307.147,15
Public Performance	Dr.aut.fd.com.- transport	72.765,46
Public Performance	Dr.aut.fd.com.- waiting halls	16.219,69
Adaptation	Dr.aut.adaptation rights UCMR-ADA	1.407,88
	Dr.aut.repartitie - common funds	753.159,66
Private Copy	Dr.aut.copie priv.aud-vid.anal.dig. (UPFR)	3.342.821,66
Private Copy	Private Copy - inc foreign	3.193,62
Reproduction	Dr.aut.videograms	2,43
Public Performance	Dr.aut.concerts	60.699,99
Public Performance	Dr.aut.ring-tones	6,64
Public Performance	Dr.aut.internet	491.878,97
Public Performance	Dr.aut.cinema	813.359,31
Public Performance	Dr.aut.ring back tones	12.162,56



Broadcasting	Dr.aut.public tv	16.627,60
Broadcasting	Dr.aut.private radio	321.061,99
Broadcasting	Dr.aut. TV privat	244.115,75
Cable retransmission	Dr. aut. IPTV	13.656,33
Performing rights	Dr.aut.theatres	293.114,79
Performing rights	Dr.aut.concerts/shows	781.915,61
Foreign Collections	- USD	11.837,29
Foreign collections	- EUR	347.966,77
Cable Retransmission	Dr.aut.rep.cablu tv public	233.638,42
Cable Retransmission	Dr.aut.rep.cable tv privat posturi tv nationale	4.685.057,98
Interest	Interest payments on financial placements	152.760,00
<b>Total</b>		<b>21.183.527,94</b>

**6. Information regarding:**

**A. Sums collected from foreign CMOs**

**B. Sums paid to foreign CMOs**

Country	Society	A. Collections		
		Collection	commission	Distributed sum
		RON	%	RON
SOUTH AFRICA	SAMRO			
GREAT BRITAIN	MCPS	9,885	5%	9,391
GREAT BRITAIN	PRS	88,723	5%	84,287
ARGENTINA	SADAIC			0
AUSTRALIA	AMCOS	12,256	5%	11,643
AUSTRALIA	APRA	34,062	5%	32,359
AUSTRIA	AKM	46,814	5%	44,473
AUSTRIA	AUSTRO-MECHANA	822	5%	781
AUSTRIA	AUME			0
BELARUS	NCIP			0
BELGIUM	SABAM	20,788	5%	19,749
BRAZIL	ABRAMUS			

B. Payments				
Gross sum	Commission	SCF	Tax	Net sum
RON	RON	RON	RON	RON
67,200	8,983	1,164	10,752	46,301
31,055	3,674	0	3,105	24,276
17,228,899	2,336,137	0	1,722,890	13,169,872
76,417	9,483	0	12,227	54,707
				0
1,013,631	132,716	16,876	162,181	701,858
755,509	95,447	12,770	22,665	624,627
				0
5,742	639	0	172	4,931
5,290	740	91	846	3,613
224,279	27,788	3,661	11,214	181,616
31,167	4,154	547	4,987	21,479

BRAZIL	ASSIM			
BRAZIL	SBACEM			
BRAZIL	UBC	10,024	5%	9,523
BULGARIA	MUSIKAUTOR			
CANADA	SOCAN	21,078	5%	20,024
CANADA	SODRAC	7,522	5%	7,146
CZECH REPUBLIC	OSA	9,684	5%	9,200
CHILE	SCD	15,281	5%	14,517
CHINA	MCSC			
COLUMBIA	SAYCO	2,815	5%	2,674
COREEA	KOMCA			
CROATIA	HDS-ZAMP			
DENMARK	KODA	22,152	5%	21,044
DENMARK	NCB PROD	910	5%	865
COTE D'IVOIRE				
ESTONIA	EAU	3,756	5%	3,568
SWITZERLAND	SUISA	38,359	5%	36,441
THE PHILIPPINES	FILSCAP			
FINLAND	TEOSTO	15,417	5%	14,646
FRANCE	SDRM			
FRANCE	SACEM	172,526	5%	163,900
GEORGIA	GCA			
GERMANY	GEMA	198,868	5%	188,925
GREECE	AEPI			

11,044	1,516	191	1,767	7,570
4,553	590	78	728	3,157
42,589	5,651	738	6,814	29,386
117,792	14,885	2,058	5,890	94,959
1,156,255	148,579	19,069	57,813	930,794
				0
56,299	6,836	975	9,008	39,480
4,346	484	82	695	3,085
3,793	492	67	607	2,627
88,807	11,632	1,595	14,209	61,371
29,140	3,571	0	4,662	20,907
13,823	1,570	245	1,382	10,626
273,745	34,636	4,782	27,375	206,952
10,232	1,166	0	1,023	8,043
2,535	355	43	406	1,731
14,317	1,904	248	2,291	9,874
308,955	39,185	5,293	49,433	215,044
4,555	610	0	729	3,216
118,719	14,607	2,081	5,936	96,095
178,765	17,876	0	17,876	143,013
4,996,723	656,656	86,085	499,672	3,754,310
9,019	953	161	451	7,454
4,976,317	646,260	85,792	149,290	4,094,975
71,178	8,876	1,187	8,534	52,581

GUINEA	BGDA			
HONG KONG	CASH	543	5%	516
INDIA	IPRS <sup>1</sup>			
IRELAND	IMRO	586	5%	557
ISLAND	STEF			0
ISRAEL	ACUM	21,964	5%	20,866
ITALY	SIAE	348,491	5%	331,066
JAMAICA	JACAP <sup>1</sup>			0
JAPONIA	JASRAC	28,982	5%	27,533
LATVIA	AKKA LAA	5,426	5%	5,155
LITHUANIA	LATGA	2,858	5%	2,715
MACEDONIA	ZAMP	9,041	5%	8,589
MALI	BUMDA			0
MEXICO	SACM			0
MOLDOVA	ASOCIATIA OBSTEASCA COPYRIGHT	69,834	5%	66,342
MUNTENEGRO	PAM CG	912	5%	866
NORWAY	TONO	19,908	5%	18,913
THE NETHERLANDS	STEMRA	588	5%	559
THE NETHERLANDS	BUMA	16,630	5%	15,799
PERU	APDAYC			
POLOND	ZAIKS	166,465	5%	158,142
PORTUGAL	SPA	8,347	5%	7,930

43	6	1	7	29
16,010	2,100	277	2,562	11,071
3,654	467	0	585	2,602
283,297	36,386	0	8,499	238,412
8,348	1,042	167	1,336	5,803
73,702	9,218	1,284	7,370	55,830
1,446,473	188,031	23,843	72,324	1,162,275
1,550	192	0	248	1,110
36,728	4,500	642	3,673	27,913
2,261	280	39	226	1,716
5,543	728	109	554	4,152
140,015	18,666	0	14,001	107,348
2,168	261	38	347	1,522
195,339	25,450	3,393	31,254	135,242
				0
193,426	24,607	3,376	9,671	155,772
28,761	2,922	0	863	24,976
968,920	125,851	16,040	29,067	797,962
3,164	414	55	506	2,189
224,653	28,832	3,648	22,465	169,708
81,677	10,239	1,435	11,448	58,555

RUSSIA	RAO	126,943	5%	120,596
SENEGAL	SODAV			0
SERBIA	SOKOJ	24,048	5%	22,846
SINGAPORE	COMPASS <sup>1</sup>			0
SLOVAKIA	SOZA	3,774	5%	3,585
SLOVENIA	SAZAS			
SPAIN	SGAE	89,120	5%	84,664
USA	BMI	36,646	5%	34,814
USA	ASCAP	34,173	5%	32,464
USA	AMRA			0
USA	SESAC			
USA	HARRY FOX			
SWEDEN	STIM	29,615	5%	28,134
TRINIDAD TOBAGO	COTT <sup>1</sup>			0
TURKEY	MESAM	45,129	5%	42,873
TURKEY	MSG			0
UKRAINE	UACRR	4,884	5%	4,640
HUNGARY	ARTISJUS	319,676	5%	303,692
URUGUAY	AGADU			
VENEZUELA	SACVEN			
<b>TOTAL</b>		<b>2,146,325</b>		<b>2,039,009</b>

107,763	13,207	1,888	10,776	81,892
4,810	621	92	769	3,328
106,394	13,538	0	10,639	82,217
324	36	0	52	236
12,439	1,622	215	1,866	8,736
18,091	2,439	313	905	14,434
316,899	40,609	4,946	31,690	239,654
11,373,337	1,556,060	186,591	1,137,334	8,493,352
12,528,597	1,663,784	0	1,252,860	9,611,953
531,146	70,572	9,200	71,339	380,035
1,261,742	167,785	0	172,030	921,927
7,333	828	0	1,173	5,332
1,554,811	198,530	25,677	155,481	1,175,123
747	94	0	119	534
204,605	26,269	3,154	31,372	143,810
95,724	11,519	1,684	15,316	67,205
10,413	1,397	180	1,562	7,274
3,089,458	419,039	51,219	308,946	2,310,254
3,021	348	0	483	2,190
12,811	1,616	0	2,050	9,145
<b>66,888,887</b>	<b>8,908,756</b>	<b>585,385</b>	<b>6,241,398</b>	<b>51,153,348</b>