

Verwertungs-
gesellschaft
der Filmschaffenden
VdFS GenmbH

Collecting
Society
of Audiovisual
Authors

**Vd
FS**

Transparency report 2023

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I am pleased to say a few words about the institution to which I have belonged for many years and whose significance for us beneficiaries is becoming increasingly important.

Hereby, I would like to thank the feedback from many beneficiaries who have acknowledged the straightforward and appreciative collaboration with the VdFS team.

At VdFS, we are committed to copyright, earning and increasing our royalty shares, and distributing funds. Keywords include: blank storage media compensation, arbitration procedures, and cloud.

In our managing director, Mag. Gernot Schödl, we have a legally astute and tireless advocate, defender, and trailblazer for our interests. The VdFS team also contributes indispensable expertise and competence to our industry. The office works diligently for all of us, the many submitters, our supervisory board, and our board of directors to social and cultural funds.

In the field of digitization, we are preparing an electronic submission for SKE, which will go online later this year. It enables standardized and contemporary submission of all applications via the internet at vdfs.at. I would like to express my gratitude to our IT department, project manager Markus Krammer, and our external IT service providers who are currently implementing this.

Fortunately, much has improved thanks to the new film funding from ÖFI and FISA+. More films are being made in Austria, from which many of us benefit.

However, our society, and with it our industry, is changing increasingly, and not everyone is a winner. Despite the increase in funds, it has not become easier for originally Austrian films because the operational budget at ÖFI has not increased. Additionally, age discrimination and other exclusionary reasons have taken hold, especially with our main employers, the TV stations in Germany and Austria. As a result, some of us are no longer able to work continuously. Therefore, royalties have become a necessary supplement to income. I would like to highlight the opportunity for personal support in financial constraints and emergencies under the SKE.

Last year, I referred to VdFS as the 'social conscience' of our industry. To continue to be able to fully support social emergencies in the future, we have imposed an appropriate austerity program. We can only master the many challenges and crises with a responsible outlook on the future.

Social welfare remains our top priority, meaning support and assistance for individuals take precedence. The 'Education and Training' area, where we enable not only young creatives but also many in the film industry to participate in festivals, competitions, and further education, ranks second. We continue to provide subsidies for legal advice and sponsor prize money at many Austrian film festivals.

We support festivals and associations with the awareness that these cultural offerings and advocacy efforts should contribute to better uniting our diverse film scene.

Initiated by our managing director, Mag. Schödl, the Copyright Initiative Austria enters its second year and will host another high-profile conference in November 2024 to finally implement long overdue changes in Austrian copyright law.

We at VdFS are a cooperative society whose goal is to promote the economic, social, and cultural interests of all of us. This can only be achieved together. Therefore, solidarity instead of individuality.

Michael Kreihsl
(Chairman of the Board of Directors)



All copyright collecting societies undergo thorough oversight. External audits cover both the annual financial statement and the current Transparency Report 2023, reviewed by independent auditors.

The regulatory authority for collecting societies fulfills its duty as an examining body, receiving all essential documents (distribution agreements, contracts, etc.) for inspection. Internal supervision is provided by the supervisory board, which monitors the activities of the managing director and the board of director. In 2023, the supervisory board performed this role appropriately, promptly informing itself about the actions of the managing director and the board of director during its meetings. There was no need for the supervisory board to intervene in 2023.

The year 2023 also enabled significant SKE funds, allowing VdFS to fulfill its social obligations.

Thanks to everyone whose efforts protect and advance our exploitation rights!

Julia Stemberger
(Chairwoman of the Supervisory Board)



„Rickerl – Music is at most a hobby.“ Is that really it? Or making films, writing a book, or creating art in general? When considering the title of the excellent new film by our beneficiary Adrian Goiginger, with Voodoo Jürgens in the leading role, one can't help but be reminded of past conversations with political representatives.

If we want to prevent art creation from being relegated to a side activity alongside a conventional bread job, we must ensure, among other things, an "appropriate and proportionate remuneration for online uses," especially in the streaming sector. At least, the German Ministry of Justice seems to have finally understood this, as it recently launched a research project on "Appropriate Remuneration, especially in the area of streaming and platform economy, and reform of the remuneration system for legally permitted uses in copyright." This project aims to examine the existing remuneration system for copyrighted content in various areas of the creative industry and analyze whether the principle of "appropriate remuneration" is being met, especially for uses in streaming models and the platform economy. Additionally, it aims to lay the groundwork for a reform of the remuneration system for legally permitted uses. Unfortunately, comparable initiatives are still lacking in Austria.

Against the backdrop that numerous new applications of so-called "generative," i.e., creative, "artificial intelligence" (AI) are now also threatening to ensure that works and services created by creatives are used commercially millions of times without remuneration (!) and that these could gradually be replaced by machines and algorithms, European and national legislators are called upon to provide swift and comprehensive assistance. There are indeed solutions, notably the proposals of the "Initiative Copyright Austria (IU_AT)," which calls for statutory remuneration rights for both "text and data mining" (scraping on the input side) and "AI-generated output." These claims should be collected trustee-wise and collectively by copyright collecting societies for the artists, as a "licensing model," as demanded by the film and music industries, is neither suitable nor practical for mass uses inherent in generative AI. Proposals for the legislative realization of such a collective remuneration system will soon be presented on the website initiativurheberrecht.at, at a press conference in September 2024, and at the second annual meeting of the In-

itiative Copyright Austria in November 2024 in Vienna.

But back to the Rickerl quote: for art creation in general, and filmmaking in particular, to be perceived by the general public and politicians as a "profession" like any other, it requires, among other things, regular visibility of the diverse and complex processes of art and culture production, such as the collaborative work of various trades on a film set, which makes a successful film possible. This is ensured by numerous large and small film festivals in Austria and institutions such as the Academy of Austrian Film and its annual film award, which has been co-financed for many years by VdFS its from social and cultural institutions (SKE). And that is important because creating art is more than just a hobby!

And with all the euphoria about generative AI services such as Chat GPT (text), Midjourney (image), Sora (video), and Suno (music), please do not forget one thing - machines and algorithms cannot distinguish between "right or wrong," "true or false," and "good or evil," and they have no emotions or a "soul." They will therefore never be able to fully replace humans and their artistic creations, even though various markets for AI-generated output will of course emerge, which may also have to do with the increasing tendency of "marginalization of art and culture" in our society.

The "AI Act" passed by the European Parliament in March 2024 is a right and important step towards regulating artificial intelligence (AI), but it is only a first step. Unfortunately, it contains no regulations regarding the copyright and data protection responsibilities or liabilities of generative AI service providers. And that is quite astonishing or regrettable, as AI applications are only as intelligent as what has been fed into them by natural intelligence or the creations of real people. Fair remuneration for the "real creators" should be a "conditio sine qua non" for the use and commercial exploitation of AI systems. From the perspective of creatives, whose works and services are being mixed into virtual magic potions in many large "AI cauldrons," it is about protecting their "intellectual property," which is, after all, a fundamental right protected by the constitution just like regular "property rights." Imagine the mass and uncompensated expropriation of all real estate owners around the world - unthinkable for regular property rights. For intellectual property, it is already or not so important? Politicians are called upon to present swift and comprehensive solutions to protect artists. We will provi-

de concrete, implementable proposals not only, but especially in the "election year 2024" (EU elections in June 2024 and national elections in September 2024)!

Yours sincerely,

Mag. Gernot Schödl, LL.M.
Managing Director of VdFS
Managing Director of the Austrian Copyright Initiative

Activity report

Chapter

Information
about income
and revenues

Costs of rights
management and
other services

Information about
distribution

Information
about payments
from and to
other collecting
societies

SKE report -
report about
deductions for
social and
cultural
institutions

I.

II.

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VI.

Copyright Management Organisations (CMOs) have to prepare annual transparency reports which include the annual accounts (including the balance sheet, the income statement as well as the cash flow statement, see Annex), reports concerning the activities in the previous financial year (see Point 1.5), reports concerning the deductions for social and cultural institutions (see Point 6), and information about the items referred to in Points 1.1 to 1.4 of this report.

1.1. Rejection of usage authorisations

According to VdFS's current license to operate the society's collection area is limited to so-called secondary uses of film-works. VdFS only grants usage authorisations to users (cable network operators) in the area of integral cable retransmission (cable TV, IP-TV, OTT and mobile TV). In the financial year 2023, there were no refusals of usage authorisations.

1.2. Legal form and organisational structure

1.2.1. Legal Form

Founded:	04/03/1992
Legal Form:	Genossenschaft mit beschränkter Haftung (Cooperative with limited liability)
Headquarters of the society:	Vienna
Commercial register:	Commercial Court Vienna FN 97743 s
Member of the cooperative association Schulze-Delitzsch	

The current license to operate of VdFS (notification from the supervisory authority for collecting societies), AVW 9.119/23-006 dated 17/05/2023 can be downloaded at https://www.vdfs.at/media/vdfs_wng_2024_excerpt.pdf.

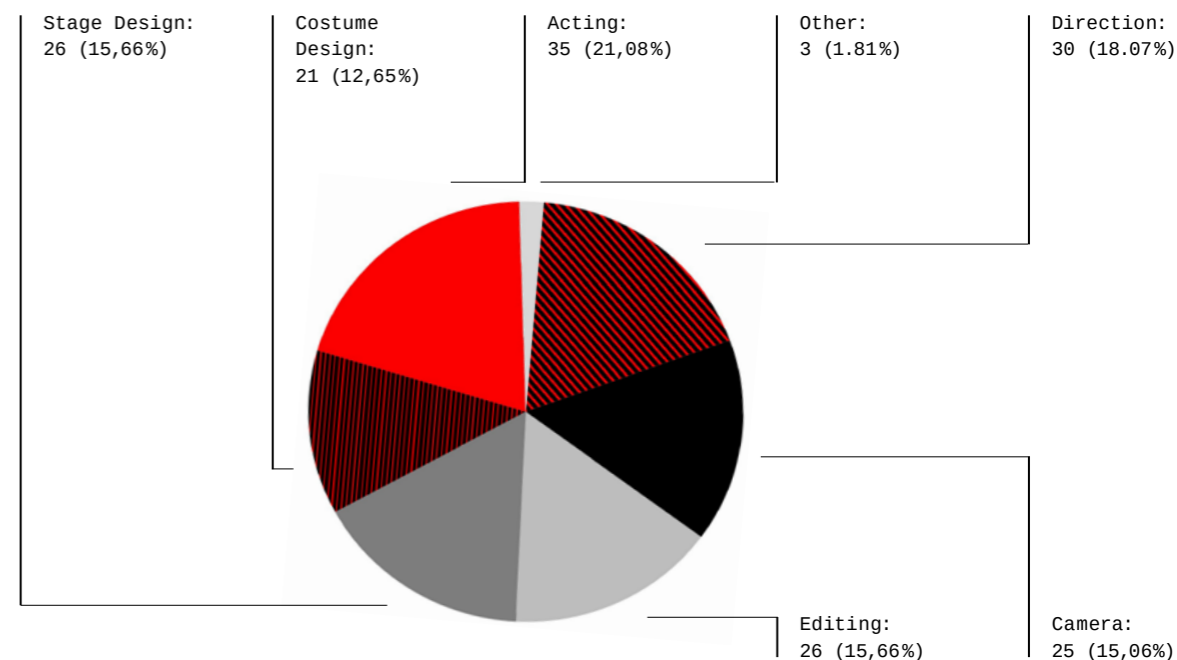
The Articles of Association of VdFS GesmbH were last comprehensively amended on 27/09/2023 due to the entry into force of the VerwGesG 2016 and can be downloaded from [vdfs.at/media/vdfs_satzung.pdf](https://www.vdfs.at/media/vdfs_satzung.pdf)

Membership

In 2023, the annual general meeting of VdFS consisted of 166 members of the cooperative (6 entries, 4 exits):

Members of the cooperative of VdFS as of 31/12/2023

166 Persons

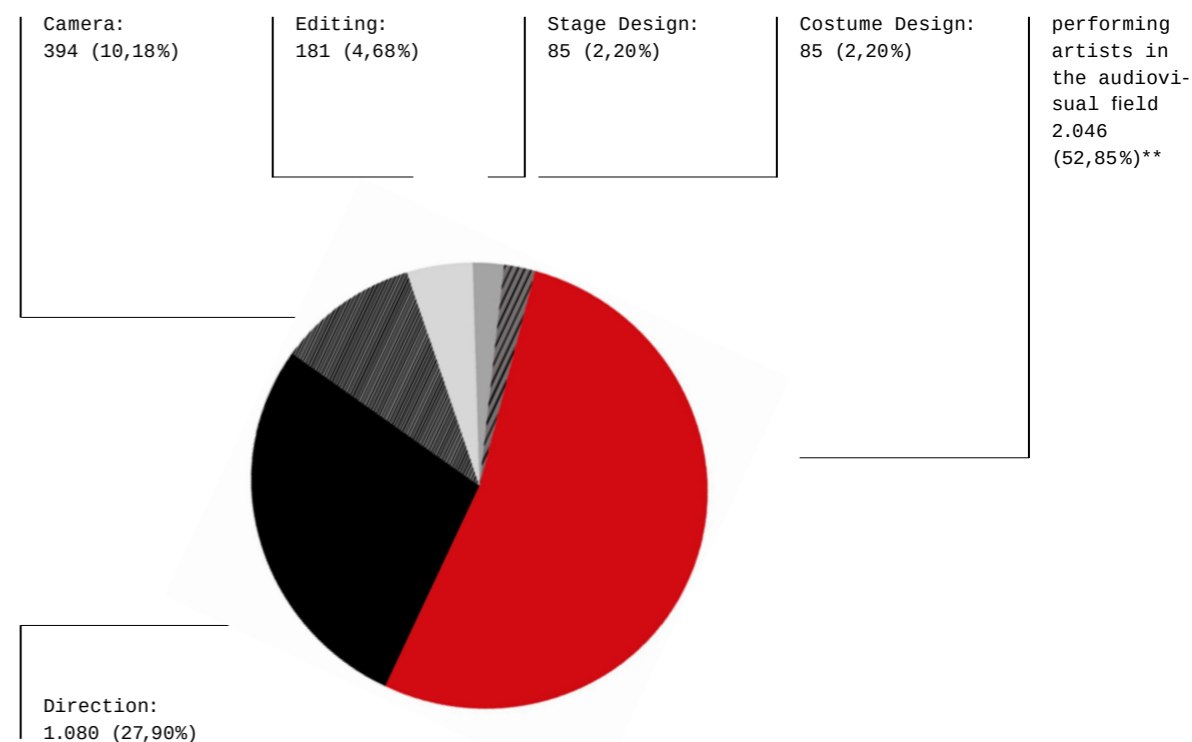


Development of the beneficiaries

As of 31/12/2023 VdFS counted a total of 3.871 beneficiaries*.

Beneficiaries according to film function (main role) as of 31/12/2023

3.817 Persons



* Additions in 2023: 367; departures due to change of company and termination of membership: 8.

** Of these, 2.004 were actors and 42 voice actors.

Organisational structure

Business purpose of VdFS

Collective and custodial management of the copyright and neighbouring rights of film makers and performing artists in the audiovisual field pursuant to the Austrian Copyright Act (UrhG).

Categories of the managed rights

VdFS distinguishes between the following categories of managed rights:

a. Copyright

All rights and claims of the film authors of the professional groups of directing, camera, editing, costume design and stage design pursuant to UrhG.

b. Neighbouring rights

All rights and claims of the performing artists in the audiovisual field (film actors, dubbing actors, speakers) pursuant to UrhG.

Types of usage

In the year under review, VdFS paid remuneration for the following types of usage:

a. Blank tape remuneration/storage media remuneration (BTR/SMR)

— Private copying remuneration pursuant to Section 42b para. 1 UrhG

b. Cable (CAB)

— Participation claims pursuant to Section 38 para. 1a UrhG (Cabel TV)

— Right of the integral cable transmission pursuant to Section 59a para. 1 UrhG

c. Public transmission (PT)

— Remuneration for public screen transmission (of authors/in-house films) pursuant to Section 18 UrhG

— Remuneration for the use of picture or sound carriers pursuant to Section 56b Para. 1 UrhG

— Remuneration for public transmission for educational purposes pursuant to Section 56c para. 2 UrhG

— Remuneration for public transmission in accommodation facilities pursuant to Section 56d para. 2 UrhG

d. Other (O)

— Lending remuneration (library royalties) pursuant to Section 16a para. 2 UrhG

— Remuneration for uses by people with disabilities pursuant to Section 42d para. 4 UrhG

— Remuneration for educational film uses in schools and universities pursuant to Section 42g para. 3 UrhG

The categories of rights administered and types of use can be found in the Membership Contract of VdFS at vdfs.at/media/vdfs_membership_contract_2020_2.pdf.

No other rights and claims included in VdFS's license were exercised in the reporting year.

Dept collection

In the year under review, VdFS did not perform independent debt collection. This was conducted by domestic affiliates for VdFS as follows:

- Cable TV (incl. IP TV, OTT and Mobile-TV): Literar-Mechana
- Blank tape/storage media remuneration: AKM/Austro-Mechana
- Public transmission in education: AKM (Federal schools, technical colleges and universities) and Literar-Mechana (community and rural schools)
- Lending remuneration (library royalties): Literar-Mechana
- Public transmission in accommodation facilities and usage of picture or sound carriers: VAM
- Remuneration for making available to the public for teaching and learning: Literar Mechana
- Compensation for use by persons with disabilities: VAM

General assembly

The 2022 financial statements were adopted by the Board of Directors, approved by the Supervisory Board, submitted to the Ordinary General Assembly (General Meeting of Members) on 27/09/2023 for resolution and approved by the same by unanimous resolution with abstention of the votes of the Board of Directors and the Supervisory Board. It has been issued with an unqualified audit opinion by the auditors Bernardini & Co. Wirtschaftsprüfung GmbH. The General Shareholders' Meeting unanimously approved the actions of the Board of Management, the Supervisory Board, and the full-time management.

Board of Directors

In fiscal year 2023, the honorary board of directors of VdFS was composed of the following persons:

Chairman

Vice Chairwoman

Members

Michael Kreihsl (Direction)
 Kristina Sprenger-Gerstbauer (Acting)
 Sebastian Brameshuber (Direction)
 Astrid Heubrandtner (Camera)
 Christine Ludwig (Costume Design)
 Veronika Mossböck (Film Editing)
 Florian Reichmann (Stage Design)

The Board of Directors was elected at the General Assembly (General Meeting of Members) on 21/10/2021 for a functional period of 4 years, and on 13/10/2022 until the end of the functional period.

The Management Board held 4 meetings during the reporting period (1 of which was held jointly with the Supervisory Board). It was responsible for all activities provided for in the Articles of Association and the Rules of Procedure of the Management Board.

The current term of office of the Management Board ends with the adoption of the resolution on the annual financial statements and transparency report 2024 at the General Assembly (Members' General Meeting) 2025.

Supervisory Board

The honorary Supervisory Board was composed as follows in the financial year 2023:

Chairwoman
Vice Chairmen
Members

Julia Stemberger (Acting)
Thomas Oláh (Costume Design)
Norbert Arnsteiner (Camera)
Sonja Lesowsky-List (Film Editing)
Thomas Vögel (Stage Design)
Thomas Roth (Direction)

The Supervisory Board was elected at the General Assembly (Members' General Meeting) on 21/10/2021 for a functional period of 4 years.

The Supervisory Board held 4 meetings during the reporting period (1 of which was held jointly with the Management Board). It was responsible for all (controlling) activities provided for in the Articles of Association and the Rules of Procedure of the Supervisory Board.

The current term of office of the Supervisory Board ends with the adoption of the resolution on the annual financial statements and transparency report 2024 at the Annual General Assembly (General Meeting of Members) 2025.

Management

Mr. Gernot Schödl, M.A., LL.M. has been a full-time Managing Director (CEO) of VdFS since 1st of January 2012 within the meaning of Section 5 VerwGesG 2016 and section 26 GenG and has been registered as a joint signatory in the company register. The responsibilities of the Managing Director (CEO) are established in the Statutes as well as in the rules of procedure of the board of directors.

Office

In addition to the full-time managing director, six employees (5 full-time, 1 part-time) were employed in the VdFS office on 31/12/2023. Services for IT, data management, tax consultancy, homepage, etc. were outsourced, as in the past.

Supervision

VdFS is supervised by several authorities. On one hand, by the Supervisory Board as an internal supervision body, by the auditor regarding business practices and every two years by the revision of the Austrian Cooperative Association (ÖGV).

The audit of the 2022 and 2023 financial years by the Cooperative Auditing Department will take place in autumn 2024.

Furthermore, VdFS is under the permanent supervision of the Supervisory Authority for Collecting Societies: [justiz.gv.at/avg](https://www.justiz.gv.at/avg). Representatives of the Supervisory Board attended the Board of Directors and Supervisory Board meetings and the general assembly in the financial year 2023.

Distribution Rules

In accordance with Section 34 para. 1 VerwGesG 2016, VdFS is obliged, on the basis

of the general principles adopted by its general assembly, to draw up fixed rules for the distribution which exclude an arbitrary approach (distribution rules).

The current version of the distribution rules of VdFS can be downloaded at [vdfs.at/media/vdfs_distribution_rules_01-2023.pdf](https://www.vdfs.at/media/vdfs_distribution_rules_01-2023.pdf)

International umbrella organisations

VdFS is a member of CISAC, the international umbrella organisation of the collecting societies based in Paris. Furthermore, VdFS is a member of the SAA (Société des Auteurs Audiovisuels) and SCAPR (The Societies' Council for the Collective Management of Performers' Rights) based in Brussels.

Domestic contractual partners

VdFS maintains contractual relationships with numerous affiliates (AKM/Austro-Mechana, Bildrecht, Literar-Mechana, LSG, VAM and VGR), user organisations (departments within the Austrian chamber of commerce, organisers associations) as well as other contractual partners (federal government, states, municipalities, technical colleges, universities, etc.).

Foreign contractual partners

VdFS has concluded mutual agreements with numerous foreign affiliates. As a result, VdFS's beneficiaries are also represented in foreign countries; conversely, the foreign repertoire is also represented in Austria. In the year under review, VdFS was again able to conclude new reciprocity agreements with foreign authors and performers societies in the audiovisual field. A current list of the reciprocal agreements concluded by VdFS can be downloaded at VdFS homepage at [vdfs.at/media/gegenseitigkeitsvertraege_01-2024_en.pdf](https://www.vdfs.at/media/gegenseitigkeitsvertraege_01-2024_en.pdf)

1.3. Participation report

There are no facilities that are directly or indirectly, wholly or partially, owned or controlled by VdFS.

1.4. Remuneration and other benefits

In the financial year 2023, a total of EUR 198.515,41 in remuneration and other benefits were paid to members of the Supervisory Board, members of the Board of Directors and the Managing Director (CEO). This amount includes meeting fees, allowances, salaries including special payments, travel expenses and contributions to pension provisions.

1.5. Activity report

VerwGes 2016

The requirements of the VerwGesG 2016 were fully implemented in the reporting year 2023. The ordinary general assembly (members' main assembly) on September 27, 2023, resolved, among other things, to amend the statutes of the VdFS regarding electronic participation and voting via the online system MyVdFS: streaming of the assembly and the possibility of online voting will only take place if 5% of the cooperative members have timely requested it before the meeting.

Fundamental questions of business policy (strategy paper) were decided at the beginning of the year, and a forecast calculation for the year 2023 was prepared. The now available annual financial statement 2023 shows that the planned calculation was precisely fulfilled.

Election Year 2024

The year 2024 will be an important election year: EU elections in June and National Council elections in Austria in September. The demands of VdFS, filmmakers, and the Austrian Copyright Initiative (IU_AT) should be optimally anchored in the upcoming government program 2025-2029, for which corresponding preparations were already made in the reporting year 2023.

Within the framework of the European umbrella organization SAA, VdFS is working intensively to position important current copyright issues (e.g. remuneration for AI uses) in the election process.

Film Policy Issues

a. ORF Privilege / Amendment of VerwGesG 2016

The joint efforts of VdFS and other collecting societies regarding the outdated and EU law-violating ORF privilege (§ 17 para. 3 UrhG) to avoid adverse effects for the beneficiaries were successful in the reporting year 2023: an amendment to the VerwGesG 2016 in the reporting year 2023 established a new legal provision, which legally secures the long-standing practice of VdFS (distribution of cable remuneration also for ORF programs).

b. Netflix Tax

VdFS actively advocated in the reporting year 2023 for the implementation of an investment obligation for streaming services (Netflix tax) as provided for in the EU Directive for audiovisual media services of 2018. Although such a provision is included in the government program 2020-2024, it will not be implemented in the current legislative period. VdFS will continue to advocate for the introduction of such an obligation in Austria, as has already been done in many other EU member states.

c. Remuneration for Uses by Generative AI-systems

In the reporting year 2023, VdFS advocated for the best possible resolution of the EU AI-Act (the vote in the EU Parliament took place in March 2024) and will also do so regarding the upcoming implementation in Austria. The demand of the Austrian Copyright Initiative for new statutory remuneration claims (for AI input and AI output), to be managed collectively and in trust by copyright collecting societies, instead of the

currently applicable and impractical opting-out system (text and data mining, DSM-RL 2019), will also be actively positioned by VdFS. Specific legislative proposals are already being developed.

Austrian Copyright Initiative (IU_AT)

In the reporting year 2023, under the leadership of VdFS (full-time management and board members), the following milestones, among others, were achieved:

- Registration of the association in the register of associations (ZVR number)
- Opening of a bank account and operation initiation with the tax office
- Constitutive general assembly (including election of the board)
- Holding of 4 board meetings
- Meeting of the advisory board (promotion of publication)
- Extraordinary general assembly (including election of auditors)
- Admission of members: 22 regular members, 1 extraordinary member
- Launch of the website: www.initiativeurheberrecht.at
- Launch of social media channels (Facebook page and Instagram channel)
- Launch of YouTube channel
- Holding of the first annual conference in Vienna (November 22-23, 2023) on the key topics of generative artificial intelligence (AI), common remuneration rules (GVR), and fair and proportionate remuneration for online uses (streaming, download, social media)
- Publication of a copyright demands catalog
- Publication of a position paper on generative artificial intelligence (AI) and release of a special issue for the first annual conference in the trade journal *Medien & Recht* (M&R).

Storage Media Remuneration (SMV)

After the failure of tariff negotiations with the Austrian Chamber of Commerce (WKO) for the indexing of tariffs for already remunerated media and the extension of remuneration obligation to new media (according to a usage study), the 7 Austrian collecting societies initiated an arbitration procedure in the reporting year 2023. Each side, the collecting societies and the WKO, nominated a committee member for the arbitration committee. An impartial chairperson from the Ministry of Justice (BMJ) was agreed upon for the chairmanship. The committee met several times to develop an arbitration proposal, for which the law provides a period of 3 months. If no objections are raised to this proposal by any of the parties, it is deemed accepted after the objection period expires. If not accepted, the next and final instance, the Copyright Senate, can be called upon. The arbitration procedure also includes usage studies jointly created by the collecting societies, which show that private copies are still made to a significant extent in the streaming age. As of February 1, 2024, Austro Mechana published autonomous tariffs for new, not yet remunerated media (digital toys, game consoles, VR glasses, media centers, etc.). The forecast decline in total revenue in 2023 to around EUR 16.2 million was confirmed. A few years ago, about EUR 20 million could still be collected, which is why an urgent adjustment of the existing tariffs and agreement or official or judicial determination of new tariffs is needed.

Test Case Cloud (AT, DE)

Regarding the open question of storage media remuneration for cloud uses, a favorable first-instance partial judgment was issued by the Commercial Court of

Vienna in Austria in the reporting year (copyright collecting societies vs. Strato AG). The Commercial Court of Vienna made numerous positive findings, but the proceedings are not yet legally concluded (appeal, revision).

However, a parallel case led by copyright collecting societies in Germany (vs. the cloud provider Dropbox), unfortunately ended with a negative judgment from the OLG Munich (appeal not admitted): according to the court, a storage medium and device could only be physical objects; in the case of internet-based usage, the court found there was no physical object, and thus no copyright device remuneration for cloud services.

License to operate 2023/2024

The applications submitted by VdFS in the reporting year 2023 for the extension of the license to operate were partially successful. Appeals were filed with the Federal Administrative Court against two negative decisions of the supervisory authority for copyright collecting societies in the reporting year. After the conclusion of the proceedings, the VdFS representation agreement must be revised accordingly and sent to the beneficiaries.

§ 42 g UrhG (Intranet Use)

In the reporting year 2023, a new agreement was negotiated with the Federal Ministry of Education, Science, and Research (BMBWF) for intranet uses for teaching and instructional purposes at federal schools for the school years 2024-2029. A joint new usage study by the entitled copyright collecting societies was commissioned in the reporting year to prepare for the upcoming further contract negotiations.

Amendment of the Board's Rules of Procedure

The significant workload for VdFS committee members in recent years due to the large number of submissions for the SKE committees (social and cultural) is to be compensated with a flat fee in the future. A corresponding resolution for the general assembly 2024 was prepared in the reporting year 2023.

Revision of Distribution Rules

The broadcast factors were adjusted based on AGTT/GfK Teletest data as of December 31, 2023, as provided for in the distribution rules (weighting of billable broadcasters by market share, reach, reception potential, and a cultural and repertoire factor). Additionally, the committee members resolved a change in the distribution regulations for performing artists in the audiovisual sector (adjustment of categories and budget weightings) in the reporting year 2023.

Revision of SKE-Guidelines

The income limits and amounts for the age allowance were adjusted as provided for in the SKE guidelines as of January 1, 2023, based on the consumer price index (CPI 2015). The current version of the SKE guidelines is available at vdfs.at/media/ske_richtlinien.pdf.

A SKE working group developed an annual plan for SKE-expenditures and budgeting by funding areas based on the results of the board's strategy retreat in 2023, which was then adopted in committee meetings. Additionally, new focal points and priorities were established, and a representation of the SKE budget was implemented in the SKE

database.

Further preparations were made in the reporting year 2023 to enable electronic application submissions for both social and cultural areas via the online system MyVdFS and the VdFS website (project SKE-Applications-Online).

Investments

VdFS continued to make extremely conservative investments in the 2023 reporting year. Fixed-term deposits and securities (funds, bonds, shares) were invested in compliance with the general principles at the General ASsembly, investments were made with eight different institutions.

The negative price trends for bonds and shares in 2022 due to the war in Ukraine, high inflation and rising interest rates also resulted in a negative financial result for VdFS, which was assessed and presented accordingly in the 2022 annual financial statements. The situation eased somewhat in the 2023 reporting year and a positive financial result was achieved again.

All VdFS asset management companies are contractually obliged to comply with the investment guidelines. A total of around EUR 8.5 million is invested with eight different institutions (of which around EUR 2.5 million is in fixed-term deposits and around EUR 6 million in securities). All asset management companies operate on the basis of the strictest sustainability regulations.

Committees, extraordinary meetings and working groups

In addition to regular meetings of the governing bodies, VdFS also held several committees, extraordinary meetings and working groups. Representatives of the Executive Board and Supervisory Board, representatives of professional filmmakers' associations and external experts took part in the working groups.

Distribution committee

In the 2023 reporting year, the Distribution Commission provided for in the distribution regulations met to classify disputed works or new types of works and broadcast formats. The Commission's decisions were forwarded to the beneficiaries concerned and the supervisory authority.

Audit of the financial years 2022 and 2023

The audit of the 2022 and 2023 financial years by the auditing department of the Austrian Cooperative Association (ÖGV) will take place at VdFS in the fall of 2024. The audit report will be discussed in detail at a joint meeting of the Executive Board and Supervisory Board in December 2024.

KSVF - Curiae

In the 2023 reporting year, VdFS once again delegated representatives to the committees of the Artists' Social Insurance Fund (KSVF). The full-time managing director and several VdFS committee members are represented on the film panels and participated in several meetings of the committees in the reporting year.

Furthermore, in the reporting year 2023, VdFS notified the KSVF of new members for the curia appointments in the years 2024-2029 (curia for film art, general curia for contemporary forms of the arts and curia for performing arts, each including the appointment curia).

AI-Act of the EU

The EU's AI-Act (the AI Regulation) was launched by the European Commission in 2021 and adopted by TRILOG (Commission, Council and EU-Parliament) in December 2023 and COREPER (Committee of Permanent Representatives of the Member States) in early February 2024, also with Austria's consent. The resolution was passed in the EU Parliament in March 2023, before the EU elections (early June 2024).

The European legislator has thus adopted regulatory measures for the first time, which include transparency obligations for providers of AI-systems, labeling obligations for AI-generated content, an identification obligation for so-called deep fakes, a classification of AI-systems into different risk classes and the creation of a separate AI office at the Commission.

Furthermore, the evaluation of biometric data by AI-systems is made possible, for example to protect against terrorist attacks, which has recently led to data protection concerns on the part of the Austrian government.

The AI-Act also sends an important signal to the USA, where the largest AI-systems are currently based.

AI-systems are currently based and regulatory measures are still completely lacking. As part of the SAA and the Austrian Copyright Initiative, VdFS has campaigned for the best possible resolution of the AI-Act.

Media and public relations work

The tried-and-tested quotation campaign and video clip series were continued. In the year under review, four newsletters were sent to beneficiaries, press contacts and various stakeholders. The transparency report was translated into English, published on the English-language website and sent to all foreign sister companies with which mutual agreements exist for information purposes. The social media channels were continuously filled with content and the media partnerships with film-specific industry magazines were continued.

Corporate Governance Code

In the 2023 financial year, the Board of directors of VdFS complied with the provisions of the Austrian Corporate Governance Code for Commodity, Service and Production Cooperatives in accordance with the Schultze-Delitzsch system (compliance rules for cooperatives). A written declaration to this effect is submitted to the General Assembly (members' general meeting) and published on the VdFS website.

IT projects

The largest project in the 2023 reporting year was the modernization of the VdFS server landscape. The systems were brought up to date in order to guarantee the necessary security. As a result, the vdfs.at website also had to be adapted. The redesign of the website brought more structure and clarity as well as additional graphic elements.

The online system MyVdFS was further improved in terms of stability and user-friendliness so that VdFS members can easily register their works, edit their data and retrieve documents.

VdFS is the first and only collecting society in Austria to offer its members the opportunity to manage their membership via a specially developed app. This offers all the usual functions of the MyVdFS portal and was further improved both functionally and visually in the 2023 reporting year.

Further projects are planned for 2024, which were prepared in 2023. First and foremost is the authorization of beneficiaries for our members. For example, tax consultants or agencies will be able to manage their clients' membership via our MyVdFS portal.

There are also plans to digitize the application for SKE funding so that it can be reviewed more easily and, above all, in a more structured manner by our committee members and processed by our employees.

The MyVdFS system has been very well received and used intensively by those entitled to claim. Current usage statistics are shown below:

- Total logins: 63,230
- Logged-in users: 2,765
- File downloads: 91,219
- Plant end notifications: 20,245
- Master data changes: 1,330
- Foreign administrators / users: 81

The annual overviews in accordance with § 41 VerwGesG 2016 (royalties paid out in the previous year and outstanding balances) were uploaded to MyVdFS in January 2023.

VdFS provides its beneficiaries with modern electronic communication in accordance with the requirements of the EU Directive for copyright collecting societies and the VerwGesG 2016.

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The following chapter provides an overview of revenue from the rights, broken down according to category of the managed rights and type of use (Point 2.1.), the income from the investment of the revenue (Point 2.2.) and the use of these revenues broken down according to distribution to rights holders, distributions to other collecting societies or other uses (Point 2.3.).

2.1. Income from rights

In the year under review, domestic revenues totalling EUR 5.721.283 were generated from the exploitation of copyrights by the film authors and neighbouring rights of the performing artists in the audiovisual sector.

These are broken down as follows:

Cable-TV (CAB)

Remuneration for the integral cable retransmission of films by cable network operators via cable networks pursuant to § 38 para. 1a UrhG and Section 59a UrhG.

Storage media remuneration (SMR)

Remuneration from private copies on storage media (PCs, tablets, smart phones, external hard disks, DVDs, etc.) pursuant to § 42b para. 1 UrhG.

Public transmission (PT)

Remuneration for the public transmission of films in the area of secondary exploitation (teaching and educational use, libraries, etc.) and the public screening of authors / in-house films.

OTHER (O)

Remuneration for the lending of films in public libraries (public lending right pursuant to § 16a para. 2 UrhG).

Remuneration for copying and making available to the public for teaching and learning pursuant to Section 42g (3) UrhG (intranet use).

Income from rights
Stated in EUR

Cable TV (CAB) total		3.965.393,08
Traditional cable TV	2.024.140,55	
IP-TV	1.129.521,14	
Mobile-TV	2.867,37	
OTT	42.792,15	
Participation in VGR revenues	650.303,47	
Revenues from ARGE cable	115.768,40	
Storage media remuneration (SMR) total		1.551.354,87
Public transmission (PT) total		172.761,63
PT - Screen transmission (Section 18 UrhG)	2.543,55	
PT in instruction (Section 56c UrhG)	170.218,08	
ÖW in Beherbergungsbetrieben (§56d UrhG)	0,00	
Others (o) total		31.774,04
Library royalties (Section 16a para. 2 UrhG)	3.274,04	
Intranet-Usage (§ 42g para. 3 UrhG)	28.500,00	
Σ		5.721.283,62

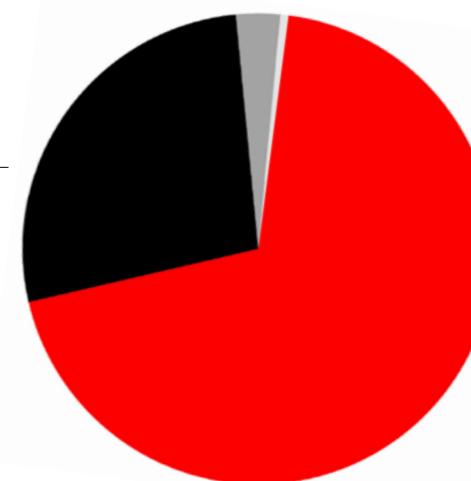
Income from rights total
EUR 5.721.283,62
Stated in EUR

Storage media remuneration:
1.551.354,87
(27,12%)

Public Transmission:
172.761,63
(3,02%)

Other:
31.774,04
(0,56%)

Cable-TV:
3.965.393,08
(69,31%)



2.2. Revenues from the investment of income

In the collection and management of revenues from rights VdFS proceeds with due care. Collecting societies have to distribute the proceeds from the rights and the income from the investments of these revenues to the rights holders or use them for the purposes decided by the general assembly.

If a collecting society invests the proceeds of the rights or the income from the investment of those proceeds, it shall be done in the best interest of the right holders, whose rights they exercise, and in accordance with their general investment policy and risk management principles.

VdFS ensures that

- the investment solely takes place in the interest of the right holders,
- the assets are so invested, that the safety, quality, liquidity and return of the portfolio as a whole is guaranteed and
- the investment is diversified in a reasonable manner, so that an excessive dependency of a specific asset and its risk concentration in the portfolio is avoided.

In the year under review, income was invested on the basis of the *General Principles for Investment Policy* adopted by the General Meeting (Members' General Meeting) pursuant to Section 14 (2) item 4 VerwGesG 2016.

The investment policy of VdFS must always pursue the overriding objective of ensuring the greatest possible security in the investment of the funds managed by the trustees, which are largely provisions for future royalty claims, liabilities and unspent SKE funds, combined with the greatest possible prudence.

The main objective is to pursue the objectives of maximum security in the investment of the funds held in trust, which are largely provisions for future royalty claims, liabilities and unused SKE funds, in conjunction with the greatest possible degree of prudence. In order to achieve the greatest possible risk diversification, the invested VdFS funds are to be distributed among different financial institutions and the investment volume per institution is not to exceed an amount of EUR 1 million.

The outsourcing of investment activities to professionally managed asset management companies is permissible and was carried out in the area of securities investments (funds, bonds) in the 2023 financial year.

Investments are made on the basis of recommendations by the Management Board by resolution of the Management Board and approval by the Supervisory Board.

In line with the risk diversification described above, VdFS has invested funds with eight different banks (drei time deposits, sechs investments in securities).

Financial income totaling EUR 322.517,91 was generated from investments in the financial year 2023.

These are broken down as follows:

Interest income

Interest income from the investment of fixed deposits (time deposits): EUR 48.571,76

Securities

Income from securities and from the disposal and write-ups on financial securities and current assets:

- Interest income securities: EUR 45.791,51
- Income from write-ups on securities: EUR 228.154,64

The following expenses from financial investments were incurred in financial year 2023:

Expenses from financial investments

Revenue from the disposal of other financial assets, the carrying value of other financial assets, the amortisation of financial assets: EUR 60.028,29

Financial result

Financial income less expenses from financial investments: EUR 262.489,62

2.3. Use of these revenues

Financial income can either be allocated to the distribution budget and distributed to the domestic beneficiaries and foreign affiliates, or used for other purposes – particularly social and cultural purposes – or to cover expenses.

The financial income generated by VdFS in the year under review totalling EUR 322.517,91 were used as a whole to cover expenses (*other use*) as in the past.

Through the deduction of the financial income from the expenses, the beneficiaries benefit proportionally/indirectly from the investments of VdFS.

Kristina Schranz

I recently became a member of VdFS as a filmmaker and am more than grateful to now have to have allies at my side who support me in my rights as a director and speaker - and always in an appreciative exchange. I associate VdFS with quick accessibility, explanations that even non-lawyers can understand, as well as the protection of my rights and also royalties in relation to TV/cinema broadcasts (also retroactively). Thank you very much for your work!



Tony Matz1

VdFS is indispensable for actors and voice-over artists in the film and television industry! Be it for legal advice or royalties, the entire VdFS team pulls together and tries to get the best for you. the best for you. Apart from that, the interpersonal contact is worth its weight in gold, as you are dealing with down-to-earth people who treat you as equals.

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The following chapter provides an overview of the operating costs and financial expenses for the exploitation of rights and for other services (incl. SKE), as well as the funds used to cover the costs. Furthermore, the deductions from rights revenues and the percentage of rights revenues accounted for by expenses for rights management and other services are presented.

3.1. Operating costs and financial expenses overall

Due to its operational structure, VdFS does not perform cost centre accounting. A direct allocation of operating costs and financial expenses to individual cost centres is therefore as impractical as is their break down according to category of exercised rights.

The business areas of VdFS can basically be divided into rights management (see Point 3.2) and management of social and cultural institutions (see Point 3.3.).

In financial year 2023, VdFS has generally performed deductions for social and cultural institutions (SKE) amounting to 10% of the domestic income from the rights. The only exception is the deduction of 50% of the revenues from storage media remuneration (SMR), as required by law in accordance with § 33 para. 2 Verw-GesG 2016. The deduction of max. 10% for SKE is equivalent to that agreed in the reciprocal agreements with foreign sister societies and the usance agreed with the international umbrella organisation CISAC. The calculation of the indirect costs has therefore involved the amount of the basic SKE-deductions from the income resulting from the rights. This results in a ratio of 90% for the rights management (RM) at 10% for SKE.

Operating costs and financial expenses
EUR 1.125.308,00

Stated in EUR

Other operating expenses:
425.552,00
(37,82%)

Financial expenses:
60.029,00
(5,33%)

Personnel expenses:
613.584,00
(54,53%)

Depreciation:
26.143,00
(2,32%)



The expense (incl. financial expenses) amounts to a total of EUR 1.125.229,00 and is broken down as follows:

RM = Rights management
SKE = Social and cultural institutions

Administration expenses	total	RM	RM	SKE	SKE
	EUR	%	EUR	%	EUR
Wages	483.091,00	90,00	434.782,00	10,00	48.309,00
Severance payments contributions	7.393,00	90,00	6.654,00	10,00	739,00
Retirement benefits	2.100,00	90,00	1.890,00	10,00	210,00
Statutory social security contributions	117.294,00	90,00	105.565,00	10,00	11.729,00
Other social expenses	3.706,00	90,00	3.335,00	10,00	371,00
Σ Total Personnel expenses	613.584,00		552.225,00		61.358,00
Σ Total Depreciation	26.143,00	90,00	23.528,00	10,00	2.614,00
Operating taxes	226,00	90,00	203,00	10,00	23,00
Fees and contributions	35.967,00	90,00	32.371,00	10,00	3.597,00
Membership fees	8.652,00	90,00	7.786,00	10,00	865,00
Maintenance	259,00	90,00	233,00	10,00	26,00
Operating costs	105,00	90,00	95,00	10,00	11,00
Insurance	4.434,00	90,00	3.990,00	10,00	443,00
Transport expenses	27,00	90,00	25,00	10,00	3,00
Travel expenses	6.023,00	90,00	5.420,00	10,00	602,00
Communication expenses	81.241,00	90,00	73.117,00	10,00	8.124,00
Rental and leasing expenses	5.759,00	90,00	5.183,00	10,00	576,00
Education and professional training	320,00	90,00	288,00	10,00	32,00
Office and administration expenses	4.012,00	90,00	3.610,00	10,00	401,00
Charges for money transactions	32.565,00	90,00	29.308,00	10,00	3.256,00
Advertising expenses	36.228,00	90,00	32.605,00	10,00	3.623,00
Legal and consulting expenses	112.347,00	90,00	101.113,00	10,00	11.235,00
Meeting fees	26.400,00	90,00	23.760,00	10,00	2.640,00
IT expenses	47.908,00	90,00	43.117,00	10,00	4.791,00
External labour	8.600,00	90,00	7.740,00	10,00	860,00
Incidental	14.481,00	90,00	13.033,00	10,00	1.448,00
Σ Total other operating expenses	425.552,00		382.998,00		42.554,00
Σ Total Expenditure	1.065.279,00		958.752,00		106.527,00
Depreciation of financial assets	59.999,00	90,00	53.999,00	10,00	6.000,00
Interest and related expenses	30,00	90,00	27,00	10,00	3,00
Σ Total Financial expenses	60.029,00		54.026,00		6.003,00
Σ Total expenses	1.125.307,00		1.012.777,00		112.530,00

3.2. Operating costs and financial expenses for rights management

Rights management

In particular, the area of rights management includes tasks such as royalties management (repartition), legal agendas (contracts, procedures), economic and financial agendas (investments), internal relations (bodies, meetings, working groups), external relationships (supervisory authority for collecting societies, the Austrian cooperative association (ÖGV), ministries, the artistic social insurance funds (KSVF), other collecting societies), European and international relations (SAA, SCAPR, CISAC, affiliates), interest representation (studies, expert opinions, statements), media and public relations (PR, website, public relations, newsletters, social media), reporting, IT, data management (work and broadcasting data, international data-bases) and member organisations (ÖTAF).

The costs indirectly allocated to this area are shown in the chart on page 33 under RW and amounted in 2023 to a total of EUR 1.012.777,00.

Administrative costs

The general assembly of VdFS has already decided in the year 2016 upon **General principles for administrative costs** in accordance with Section 14 para. 2 Item 3 VerwGesG 2016. These were published on VdFS website in accordance with Section 44 Item 11 VerwGesG 2016 and can be downloaded at vdfs.at/media/vdfs_general_principles_of_administrative_costs.pdf.

As administrative costs, a general rate of pesetas of 15% was deducted from the Rights revenue was deducted. The expense deduction in the financial year 2023 (including SMV special settlements) totaled EUR 795.836,98

3.3. Operating costs and financial expenses for other services

In addition to administering rights, VdFS is also responsible for managing the social and cultural institutions (SKE).

The costs indirectly allocated to this area are shown in the chart on page 33 under SKE and amounted in 2023 to a total of EUR 112.530,00.

No services other than **SKE** (with directly or indirectly attributable costs) were provided by VdFS in the year under review.

3.4. Means to cover costs

The following resources were used to cover costs in the year under review:

Description	Amount in Euro (rounded off)
15% Expenses pursuant to royalties table	795.800,00
Expenses SMV after billing	12.100,00
Write up of financial deposits	228.200,00
Interest income from bank	48.600,00
Interest income from securities	45.800,00
Σ	1.130.500,00
The surplus of income was allocated to the appropriation of earnings (profit surplus) in order to achieve a balanced result.	-5.200,00
Cover of administrative costs	1.125.300,00

3.5. Deduction of income from rights

The general assembly of VdFS decided upon **General principles for other deductions** (as administrative costs) including deductions for social and cultural institutions (SKE) pursuant to § 14 para. 2 Item 3 VerwGesG 2016. These were published on the website of VdFS pursuant to § 44 Item 12 VerwGesG 2016 and are available for download at vdfs.at/media/vdfs_general_principles_for_other_deductions_1.pdf.

In financial year 2023, the following deductions were made from the income resulting from the rights (domestic income):

- 15% Expenses (general expenses rate)
- 10% SKE (with the exception of 50% for SMR, due to legal obligation)
- 20% Reserves (RES)

This results in the following deductions according to type of use in EUR:

	Expenses	SKE	Reserves
BTR/SMR	207.881,55	671.736,66	89.668,31
CAB	562.422,71	340.297,04	507.603,22
PT	25.532,71	14.468,54	26.043,37
0	0,00	0,00	0,00
Σ	795.836,98	1.026.502,23	623.314,90

Deductions were not performed according to category of managed rights (copyrights vs. neighbouring rights), which is why a breakdown is not possible.

3.6. Share of expenses for rights management and other services for income from rights

The percentage share of total expenses for total domestic and foreign revenues in financial year 2023 is as follows:

- Total expenses: EUR 1.125.306,80
- Total revenue from rights (domestic and foreign): EUR 7.569.676,49

The share of the expenses for revenue in financial year 2023 14,87%.

A breakdown by category of managed rights (copyrights vs. neighbouring rights) is not possible.



Marion Mitterhammer

Copyright, support for members in social emergencies, royalties and much more. I am grateful to be part of this collecting society and to receive advice. Always polite. Always competent.

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This chapter deals with the distributions (accounts) made to VdFS's rights holders based on income from the rights of VdFS and performed using VdFS distribution rules. The allocation and distribution of this income to other (foreign) collecting societies is presented in Chapter 5.

The **General principles for the distribution** as well as the **Distribution rules** of VdFS were published on the website of VdFS pursuant to § 44 Item 9 VerwGesG 2016 and are available for download at the following links: vdfs.at/media/general_principles_of_distribution.pdf and vdfs.at/media/vdfs_distribution_rules_01-2023.pdf

A graphic explanation of the royalty distribution is available at vdfs.at/media/vdfs_graphic_royalty_distribution2021.pdf

The terms used in the following sub-capitals are explained as follows:

The amounts assigned to the rights holders are amounts allocated to the respective rights holders in the course of a distribution (accounting). The right holder is known. These amounts form the basis for a distribution.

Amounts distributed to the rights holders are amounts which were actually paid to rights holders in financial year 2023. Reimbursements (such as due to the incorrect statement of bank details) are not taken into account here.

Revenues collected but not yet allocated to the rights holders corresponds to all receipts received in financial year 2023 (Chapter 2) after deduction which will form the basis for the main, supplementary and special distributions of VdFS in the following years.

Assigned but not yet distributed to the rights holders are amounts of which the rights owner is known, but which could not be allocated (distributed) in the financial year (such as due to unexplained legal successions, missing information about the current bank details, or the like).

The **median** of a listing of numbers is the value that is at the middle (central) position when the values are sorted according to size. An important feature of the median is the sturdiness in relation to outliers that affect the mean (average). The calculation of the median in the following presentations was based on the respective individual amounts from VdFS's royalties' management database (ÖTAF).

For each, participation in a work, a royalty amount is generated in the main settlement for each broadcast. These amounts are also included in the supplementary sheets, which are attached to the credits for the distribution of the main settlement. For the calculation of the median value, however, the total amounts (transfer sums) from the credits are not used, but rather the respective individual amounts. For example, 38.505 individual amounts were used for the main settlement of the median value of the authors in 2022.

In financial year 2023, the following settlements were made for performing artists:

- Main distribution of the broadcasting data for 2022
- 1. Supplementary distribution for broadcasting year 2021
- 2. Supplementary distribution for broadcasting year 2020
- 3. Supplementary distribution (final calculation) for broadcasting year 2019

The definitions and explanations for the **categories of managed rights** and the **types of use** can be found in Chapter 1.

Due to technical reasons, a breakdown according to type of use is only possible for all distributions from 2016 onwards.

4.1. Total and median value of the allocated amounts

In the 2023 financial year, EUR 1.233.736,78 were allocated to VdFS rights holders:

Allocated amounts total	Legal category	Σ	Median value*
Stated in EUR	Copyright	996.305,31	8,120
	Neighbouring right	237.431,47	1,223

* The median value relates to one broadcast of one participation in a work.

Of these, rights holders were allocated to VdFS as follows by category of perceived rights and type of use as part of the main settlement of the 2022 broadcast data, the 1st supplementary settlement of the 2021 broadcast data, the 2nd supplementary settlement of the 2020 broadcast data, the final settlement of the 2019 broadcast data are assigned to VdFS rights holders as follows according to the category of perceived rights and type of use:

Allocated amounts	Legal category	Copyright	Neighbouring right
Stated in EUR	Type of use		
	BTR/SMR	155.546,53	37.650,01
	CAB	622.193,21	148.378,96
	PT	29.769,95	7.297,56
	0	72.964,49	15.754,86
	Return surplus*	399,73	78,97
	Released reserves	115.431,40	28.271,11
	Σ	996.305,31	237.431,47
	Median value**	8,120	1,223

In addition, EUR 2,307,243.60 in the rights category copyright and EUR 417,833.74 in the rights category neighboring rights were allocated to beneficiaries of foreign sister societies (incl. US) in the course of the main settlement in 2022.

4.2. Total and median value of the distributed amounts

The total and median amounts distributed to VdFS rights holders, broken down as far as possible by category of perceived rights and type of use, are presented below.

* The 2019 retained expenses of a flat 15% resulted in an earnings surplus due to the exceptionally high revenues. This surplus was transferred to the 2019 distribution budget.

** The median value refers to a broadcast of a participation in a work.

4.2.1.

Total of all distributed domestic royalties

A total of EUR 1.217.969,33 was distributed to VdFS rights holders in financial year 2023, regardless of the year in which the allocation was made or the claim arose. This amount is divided as follows:

Distributed amounts	Legal category	Σ	Median value*
Stated in EUR	Copyright	995.989,47	7,930
	Neighbouring right	221.979,85	1,456

Of this amount, EUR 1.217.913,33 was received from the allocations of the main settlement of the broadcasting data 2022, the 1st supplementary settlement of broadcasting data 2021, the 2nd supplementary settlement of broadcasting data 2020, the final settlement of broadcasting data 2019 were distributed to beneficiaries of VdFS according to category of perceived rights and type of use as follows:

Distributed amounts	Legal category	Copyright	Neighbouring right
Stated in EUR	Type of use		
	BTR/SMR	156.302,60	35.518,00
	CAB	621.349,30	138.454,98
	PT	29.799,04	6.810,40
	0	72.291,75	14.695,19
	Return surplus**	730,81	78,37
	Released reserves	115.504,97	26.377,94
	Σ	995.978,47	221.934,88
	Median value*	7,930	1,456

4.2.2.

Allocations and distributions 2023

Of the distributions made in the fiscal year 2023 in the course of the distributions listed under 4.1. (allocations), a total of EUR 1.233.736,78 was allocated to the rights holders of VdFS. EUR 1.205.835,30 was distributed to authors and actors as follows actors and actresses as follows:

Allocations and distributions	Legal category	Σ	Median value*
Stated in EUR	Copyright	986.419,81	7,953
	Neighbouring right	219.415,50	1,475

* The median value refers to a broadcast of a participation in a work.

** The 2019 retained expenses of a flat 15% resulted in an earnings surplus due to the exceptionally high revenues. This surplus was transferred to the 2019 distribution budget.

4.2.3. Distribution of claims from previous years

In the 2023 financial year, EUR 12.134,02 was distributed to VdFS rights holders, thereof EUR 9.569,67 to authors and EUR 2.564,36 to performing artists.

These are distributions of amounts allocated to VdFS rights holders prior to fiscal year 2023. These actual payments are based, for example, on the clarification of legal successions or disputed claims or shares in the 2023 financial year.

4.3. Dates and number of payments

The following numbers of payments were made to VdFS beneficiaries on the following main dates during financial year 2023:

Dates and number of payments	Date	Number
	09/03/2023	234
	30/06/2023	34
	02/10/2023	1.907
	06/10/2023	101
	14/11/2023	82
	16/11/2023	224
	20/12/2023	262
	Σ	2.844

A breakdown according to category of managed rights and type of use is not possible for the financial year 2023. There are, for example, rights holders who are beneficiaries of VdFS as both performing artists and who have, in some circumstances, received a **collective settlement**. Apart from the main distribution of the respective broadcasting year, VdFS performed **mixed settlements** (domestic royalties and transfer of foreign royalties) for reasons of efficiency and cost. Individual payments, such as on the basis of clarified legal successions, are not listed here.

4.4. Amounts collected but not yet allocated

In Chapter 2, the income from the rights in 2023 was shown. These form the basis for the distribution budgets for the following financial year.

An amount of EUR 2.898.687,79 was allocated to the distribution budget of 2023 after deduction of the US-share, expenses, SKE and reserves (see Chapter 3.5.).

This amount is divided as follows according to category of managed rights:

- Copyright: EUR 2.318.950,23
- Neighbouring right: EUR 579.737,56

The distribution budget 2023 breakdown by type of use is as follows

Amounts collected but not yet allocated Stated in EUR	Type of Use	Copyright	Neighbouring rights
	BTR/SMR	349.802,81	87.450,70
	CAB	1.843.663,81	460.915,95
	PT	97.987,94	24.496,99
	0*	27.495,66	6.873,92
	Σ	2.318.850,23	579.737,56

In addition, the following amounts have already been collected in 2023 but not yet allocated to rights holders in 2023:

— Reserves

The following amounts from accruals (20%) for subsequent settlements had been collected as of 31/12/2023 but not yet allocated to rights holders:

Reserves		
Stated in EUR	Year	Amount
	2019	368.515,07
	2020	289.939,65
	2021	439.803,76
	2022	620.424,49
	2023	623.314,90

Unused reserves are added to the current distribution budget after the last subsequent of the respective broadcasting year. Minus amounts result from subsequent filings of claims by foreign collecting societies.

4.5. Amounts that have been allocated but not yet distributed

The sum of the amounts allocated but not yet distributed to the rights holders of VdFS from distributions (settlements) of VdFS totals EUR 31.764,60 as of 31/12/2023.

Broken down according to category of managed rights, these amounts were allocated in the following years:

Allocated but not yet distributed amounts	Year	Copyright	Neighbouring right
Stated in EUR	2014	0,00	34,31
	2015	0,00	5,61
	2016	203,81	72,82
	2017	116,57	36,15
	2018	877,63	461,14
	2019	1.200,25	486,63
	2020	679,75	215,44
	2021	562,96	270,17
	2022	1.876,21	1.263,90
	2023	9.964,17	13.437,08
	Σ	15.481,35	16.283,25

Of these, as of 31/12/2023, the following amounts could be transferred from the main settlement of the Broadcast data 2022, the 1st supplementary settlement of broadcast data 2021, the 2nd supplementary settlement of broadcast data 2020 and the final settlement of broadcast data 2019 could not be distributed:

Allocated but not yet distributed amounts	Legal category	Copyright	Neighbouring right
Stated in EUR	Type of use		
	BTR/SMR	1.562,35	2.189,43
	CAB	6.230,22	8.401,27
	PT	299,83	433,45
	O	716,31	726,62
	Return surplus	0,00	6,82
	Released reserves	1.155,45	1.679,49
	Σ	9.964,16	13.437,08

4.6. Obstacles

The assigned but not yet distributed amounts per 31/12/2023 could not be distributed because of open legal successions resp. unclear affiliations to collecting societies (**clashing claims**). Other reasons are disputed claims and shares among the rights holders, lacking account information or amounts per rights holders below the threshold value of EUR 10,00.

4.7. Non-distributable amounts

The general assembly decided upon General principles for the use of non-distributable amounts in accordance with Section 14 para. 2 Item 3 VerwGesG 2016. These were published on the VdFS website in accordance with Section 44 Item 10 VerwGesG 2016 and can be downloaded at vdfs.at/media/vdfs_general_principles_for_the_use_of_non-distributable_funds_1.pdf

As of the reporting date of 31/12/2023, EUR 240,33 were classified as non-distributable. These are old stocks of royalties from the year 2023 which could not be distributed for reasons such as the following:

- No legal successions resp. heir not traceable
- No representation by a collecting society
- Rights holder untraceable (neither address nor collecting society known)

§ 35 VerwGesG 2016 provides for a statutory procedure for non-distributable amounts

(research and publication obligations, deadlines, etc.). Following that procedure, all as **non-distributable classified royalties** from the year 2023 will be made accessible for the general public on the webpage of VdFS at vdfs.at/en/about/#js-anchor-Mandatory-Publications. The **undistributable royalties** list is regularly updated in the newsletters, in MyVdFS and on all credits to all beneficiaries of VdFS and its foreign affiliates.



Claudia Kottal

Whether it's further training or advice in times of crisis - at VdFS you are always looked after competently and warmly - an incredibly valuable support that I would never want to do without again.

Information about payments from and to other collecting societies

Activity report

Information
about income
and revenues

Costs of rights
management and
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Information about
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Chapter

SKE report -
report about
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I.

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VI.

This chapter presents all payments made to and from other (foreign) sister societies in financial year 2023. This item does not cover payments resulting from collections of domestic sister societies. The explanations given in Chapter 2 concerning categories of rights and types of use also apply to this chapter as well as to the explanations and definitions presented in Chapter 4.

5.1. Payments from and to other collecting societies

5.1.1. Payments to other collecting societies

In financial year 2023, EUR 2.746.738,23 were distributed from settlements of VdFS in 2023 from the main distribution of the 2022 broadcasting data, supplementary distributions and special distributions (cf. 4.1) as well as any open balances from previous periods which, for example, were distributed due to rights conflicts which had only been resolved in 2023.

In detail, in 2023, the following payments from VdFS's accounts were made to other (foreign) collecting societies:

Legal category copyright

EUR 2.327.532,33 were distributed to the following sister societies:

Payments to affiliates copyright
Stated in EUR

Country	Society	Amount
AU	ASDACS	11.468,60
ARG	DAC	444,23
CAN	DRCC	5.476,95
CH	SSA	1.654,85
CH	SUISSIMAGE	59.331,58
CZ	DILIA	1.710,64
CZ	OOA-S	615,89
DE	VGBK	1.164.695,65
DK	COPYDAN	5.418,91
ES	DAMA	1.275,37
EE	EAÜ	134,16
FI	KOPIOSTO	648,61
FR	SACD	42.320,38
		52

Payments to affiliates neighbouring rights
Stated in EUR

Country	Society	Amount
BE	PLAYRIGHT	2.781,51
CH	SWISSPERFORM	5.806,62
DE	GVL	342.469,90
DK	FILMEX	785,44
ES	AISGE	19.076,19
FR	ADAMI	32.155,47
FR	SAI	569,95
IT	NUOVOIMAIE	12.097,90
NL	NORMA	984,33
NO	NORWACO	2.478,60

Legal category neighbouring rights

EUR 419.205,90 were distributed to the following sister societies:

FR	SCAM	19.347,46
GB	DIRECTORS UK	74.727,95
GB	SCREEN CRAFT RIGHTS	70.633,16
HR	DHFR	12,75
HU	FILMJUS	1.749,49
IT	SIAE	20.073,58
NL	VEVAM	1.585,52
NO	NORWACO	9.963,05
PL	ZAPA	475,14
RO	DACIN SARA	77,80
SE	COPYSWEDE	45.969,24
USA	DGA	787.721,38

Legal category copyright

Of which* was paid as part of the main settlement of the 2022 broadcast data, the 1st supplementary settlement of the 2021 broadcast data, the 2nd supplementary settlement of the 2020 broadcast data as well as the final settlement of the broadcasting data 2019 a total of EUR 2.745.748,58 as follows according to the category of the distributed to other (foreign) copyright societies according to category of rights held and type of use:

Payments to affiliates copyright
Stated in EUR

Society	AU – ASDACS	BG – FILMAUTOR	CAN – DRCC
Type of use			
BTR/SMR	1.776,66	88,20	847,41
CAB	7.164,93	266,90	3.420,11
PT	337,81	16,45	161,02
0	880,92	1,80	422,44
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	1.308,28	70,88	625,97
Σ	11.468,60	444,23	5.476,95
Society	CH – SSA	CH – SUISSIMAGE	CZ – DILIA
Type of use			
BTR/SMR	257,51	9.217,44	264,41
CAB	1.032,86	37.040,05	1.068,31
PT	49,19	1.757,96	50,20
0	123,07	4.461,85	132,75
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	192,22	6.854,29	194,96
Σ	1.654,85	59.331,59	1.710,63
Society	CZ – OOA-S	DE – VGBK	DK – COYDAN
Type of use			
BTR/SMR	95,20	180.074,51	837,60
CAB	384,63	727.368,68	3.384,17
PT	18,07	34.193,32	159,01
0	47,80	90.255,84	420,53
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	70,19	132.803,30	617,60
Σ	615,89	1.164.695,65	5.418,91
Society	ES – DAMA	ES – SGAE	FI – KOPIOSTO
Type of use			
BTR/SMR	197,13	20,74	100,26
CAB	796,48	83,78	405,07
PT	37,42	3,94	19,03
0	98,97	10,41	50,33
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	145,35	15,29	73,92
Σ	1.275,35	134,16	648,61

* For technical reasons, a breakdown by type of use is only possible for all statements from the 2016 broadcasting year onwards.

Society	FR – SACD	FR – SCAM	GB – DIRECTORS UK
Type of use			
BTR/SMR	6.541,69	2.996,68	11.609,83
CAB	26.428,31	12.080,50	46.686,66
PT	1.241,92	569,98	2.212,74
0	3.282,99	1.482,30	5.646,12
Repat.Surplus**	2,46	0,00	0,00
Aesol.RES.	4.823,00	2.217,99	8.572,60
Σ	42.320,37	19.347,45	74.727,95
Society	GB – SCREEN CRAFT RIGHTS	HR – DHFR	HU – FILMJUS
Type of use			
BTR/SMR	11.189,22	2,36	270,42
CAB	44.118,50	8,23	1.092,58
PT	2.167,60	0,50	51,34
0	4.717,03	0,09	135,77
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	8.440,81	1,57	199,39
Σ	70.633,16	12,75	1.749,50
Society	IT – SIAE	NL – VEVAM	NO – NORWACO
Type of use			
BTR/SMR	3.149,01	245,81	1.539,99
CAB	12.519,71	989,91	6.222,03
PT	606,01	46,79	292,36
0	1.413,45	120,74	773,18
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	2.385,39	182,26	1.135,50
Σ	20.073,57	1.585,51	9.963,06
Society	PL – ZAPA	SE – COPYSWEDE	SK – LITA
Type of use			
BTR/SMR	73,44	12,03	7.218,89
CAB	296,73	48,58	28.592,25
PT	13,94	2,28	1.387,13
0	36,87	6,04	3.186,39
Repat.Surplus**	0,00	0,00	295,51
Aesol.RES.	54,15	8,87	5.289,08
Σ	475,13	77,80	45.969,25

** The 2019 retained expenses of a flat 15% resulted in an earnings surplus due to the exceptionally high revenues. This surplus was transferred to the 2019 distribution budget.

Society	USA – DGA		
Type of use			
BTR/SMV	314.006,99		
CAB	473.714,39		
PT	0,00		
0	0,00		
Repat. Surplus**	0,00		
Resol.RES	0,00		
Σ	787.721,38		

Legal category neighbouring rights

Of this*, a total of EUR 548,669,000 was paid as part of the main settlement of the 2022 broadcasting data, the 1st supplementary of broadcasting data 2021, the 2nd supplementary settlement of broadcasting data 2020 and the final settlement of broadcasting data 2019 a total of EUR 418.216,28 was distributed to other (foreign) acting companies as follows, by category of rights held and type of use (foreign) acting companies:

Payments to affiliates neighbouring right

Stated in EUR

Society	BE – PLAYRIGHT	CH – SWISSPERFORM	DE – GVL
Type of use			
BTR/SMR	441,26	918,53	53.051,63
CAB	1.740,50	3.631,32	213.814,23
PT	85,44	177,15	10.077,04
0	186,45	397,36	26.247,24
Repat. Surplus**	0,00	2,62	166,68
Resol.RES	327,85	679,63	39.030,06
Σ	2.781,50	5.806,61	342.386,88

* For technical reasons, a breakdown by type of use is only possible for all statements from the 2016 broadcasting year onwards.

Society	ES – AISGE	FR – ADAMI	FR – SAI
Type of use			
BTR/SMR	136,09	2.955,03	5.003,07
CAB	485,96	11.861,88	19.513,85
PT	28,12	560,57	925,04
0	3,38	1.447,06	2.293,45
Repat. Surplus**	22,80	0,94	101,13
Resol.RES	109,09	2.178,14	3.506,43
Σ	785,44	19.003,62	31.342,97

Society	HU – EJI	IT – NUOVOIMAIE	NL – NORMA
Type of use			
BTR/SMR	93,66	1.888,90	149,26
CAB	353,18	7.546,63	606,93
PT	18,96	358,86	28,96
0	18,50	898,95	49,82
Repat. Surplus**	10,91	0,00	41,13
Resol.RES	74,73	1.383,05	108,23
Σ	569,94	12.076,39	984,33

Society	NO – NORWACO		
Type of use			
BTR/SMR	383,12		
CAB	1.547,91		
PT	72,73		
0	192,35		
Repat. Surplus**	0,00		
Resol.RES	282,49		
Σ	2.478,60		

** The 2019 retained expenses of a flat 15% resulted in an earnings surplus due to the exceptionally high revenues. This surplus was transferred to the 2019 distribution budget.

5.1.2.

Payments from other collecting societies

In financial year 2023, VdFS received payments from other (foreign) collecting societies in the amount of EUR 1.848.446,70.

In detail, the following payments by other (foreign) collecting societies have been made:

Legal category copyright

EUR 1.038.852,03 have been received by the following sister societies:

Payments from other collecting societies copyright

Stated in EUR

Society	Amount
ARG - DAC	656,10
CH - SUISSIMAGE	312.295,58
CH - SSA	387,22
CZ - DILIA	2.483,50
DE - VGBK	608.687,12
DK - COPYDAN	1.506,77
EE - EAÜ	932,55
FI - KOPIOSTO	3.236,06
FR - SACD	22.644,23
FR - SCAM	9.326,15
HU - FILMJUS	32.598,91
IT - SIAE	23.722,78
LT - AKKA/LAA	323,57
LT - LATGA	1.387,04
NL - VEVAM	2.483,03
NO - NORWACO	698,40
PL - ZAPA	11.050,86
SLO - AIPA	2.719,60
SK - LITA	1.712,56

Due to the data from foreign sister societies for the financial year 2023 which, in many cases, has not been provided in detailed form, a presentation according to type of use is not possible.

Legal category neighbouring right

EUR 809.594,67 were received from the following sister societies:

Payments from other collecting societies copyright

Stated in EU

Society	Amount
BE - PLAYRIGHT	20.616,04
CH - SWISSPERFORM	63.402,39
DE - GVL	558.718,78
DK - FILMEX	8.784,66
ES - AISGE	43.119,63
FR - ADAMI	59.225,16
HU - EJI	17.090,70
IT - NOUVOIMAIE	34.904,81
NL - NORMA	2.800,10
PT - GDA	932,40

Due to the data from foreign sister societies for the financial year 2023 which, in many cases, has not been provided in detailed form, a presentation according to type of use is not possible.

5.1.3.

Repayments and transfers (*third-party funds*)

In fiscal year 2023, EUR 7.822,70 from payments by other collecting societies could not be allocated to any rights holder represented by VdFS. Therefore, these amounts, referred to as **third-party funds**, were either returned to the foreign sister societies or forwarded to the collecting society that actually represents the respective rights holder(s).

5.2.

Administrative costs and other deductions

The deductions relate exclusively to the amounts allocated in financial year 2023 in the course of the main and supplementary distributions and any special distributions.

VdFS calculates the claims of domestic and foreign beneficiaries as follows: A contractually agreed deduction for the claims of the DGA (US) is initially made from the domestic revenues from BTR/SMR and cable. After deducting expenses, SKE and reserves, the claims of domestic and other foreign beneficiaries are calculated. The administrative costs and other deductions from the revenue of foreign beneficiaries therefore correspond to those of the revenue of domestic beneficiaries and are as follows:

Administrative costs: 20% (general tax rate for Austria and foreign countries)

Other deductions (for Austria and foreign countries):

- SKE 10% (with the exception of 50% of ECR/SMR due to statutory obligation in Section 33 para. 2 VerwGesG 2016).
- Reserves (RES): 20%.

With regard to the main settlement of the broadcast data carried out in the fiscal year 2023 broadcast data 2022, the 1st supplementary settlement of broadcast data 2021, the 2nd supplementary settlement of broadcast data 2020 and the final settlement of broadcast data 2019, the administrative costs and other deductions broken down by rights categories and types of use are as follows:

Legal category copyright*

Type of use	Collecting society	Expenses	SKE	Reserves
BTR/SMR	ASDACS	1.095,50	2.191,01	438,20
	COPYDAN	523,50	1.047,00	209,40
	COPYSWEDE	3.937,62	7.875,25	1.575,05
	DAC	38,91	110,25	22,05
	DACIN SARA	7,52	15,03	3,01
	DAMA	123,21	246,42	49,28
	DHFR	0,00	0,00	0,00
	DILIA	165,26	330,52	66,10
	DIRECTORS UK	7.013,26	14.026,52	2.805,30
	DRCC	525,69	1.051,38	210,28
	EAÜ	12,96	25,92	5,18
	FILMJUS	169,01	338,02	67,61
	KOPIOSTO	62,66	125,32	25,06
	NORWACO	962,50	1.924,99	385,00
	OOA-S	59,50	119,00	23,80
	SACD	4.086,80	8.173,60	1.634,72
	SCAM	1.843,90	3.687,80	737,56
	CAB	SCREEN CRAFT RIGHTS	5.806,19	11.612,39
SIAE		1.749,40	3.498,80	699,76
SSA		152,83	305,66	61,13
SUISSIMAGE		5.543,94	11.087,88	2.217,58
VEVAM		150,14	300,28	60,06
VGBK		112.343,42	224.687,76	44.937,55
ZAPA		45,90	91,80	18,36
ASDACS		2.458,98	983,59	1.770,47
COPYDAN		1.175,06	470,02	846,04
COPYSWEDE		8.838,42	3.535,37	6.363,66
DAC		65,42	37,07	66,73
DACIN SARA		16,87	6,75	12,15
DAMA		276,56	110,62	199,12
DHFR		0,00	0,00	0,00
DILIA		370,94	148,38	267,08
DIRECTORS UK		15.742,02	6.296,81	11.334,26
DRCC		1.179,97	471,99	849,58
EAÜ		29,09	11,64	20,95
FILMJUS	379,37	151,75	273,14	
KOPIOSTO	140,65	56,26	101,27	
NORWACO	2.160,43	864,17	1.555,51	
OOA-S	133,55	53,42	96,16	
SACD	9.173,27	3.669,31	6.604,75	
SCAM	4.138,84	1.655,54	2.979,96	
SCREEN CRAFT RIGHTS	13.032,63	5.213,05	9.383,50	
SIAE	3.926,72	1.570,69	2.827,24	
SSA	343,04	137,22	246,99	
SUISSIMAGE	12.443,98	4.977,59	8.959,66	

Type of use	Collecting society	Expenses	SKE	Reserve
	VEVAM	337,00	134,80	242,64
	VGBK	252.168,02	100.867,21	181.560,98
	ZAPA	103,03	41,21	74,18
PT	ASDACS	115,54	46,22	83,19
	COPYDAN	55,21	22,09	39,75
	COPYSWEDE	415,30	166,12	299,01
	DAC	4,03	2,29	4,11
	DACIN SARA	0,79	0,32	0,57
	DAMA	13,00	5,20	9,36
	DHFR	0,00	0,00	0,00
	DILIA	17,43	6,97	12,55
	DIRECTORS UK	739,68	295,87	532,57
	DRCC	55,44	22,18	39,92
	EAÜ	1,37	0,55	0,98
	FILMJUS	17,83	7,13	12,83
	KOPIOSTO	6,61	2,64	4,76
	NORWACO	101,51	40,61	73,09
	OOA-S	6,28	2,51	4,52
	SACD	431,03	172,41	310,34
	SCAM	194,47	77,79	140,02
	0 / Intranet - use §42g	SCREEN CRAFT RIGHTS	612,37	244,95
SIAE		184,51	73,80	132,85
SSA		16,12	6,45	11,61
SUISSIMAGE		584,71	233,89	420,99
VEVAM		15,84	6,33	11,40
VGBK		11.848,74	4.739,50	8.531,09
ZAPA		4,84	1,94	3,49
ASDACS		0,00	0,00	0,00
COPYDAN		0,00	0,00	0,00
COPYSWEDE		0,00	0,00	0,00
DAC		0,09	0,05	0,09
DACIN SARA		0,00	0,00	0,00
DAMA		0,00	0,00	0,00
DHFR		0,00	0,00	0,00
DILIA		0,00	0,00	0,00
DIRECTORS UK		0,00	0,00	0,00
DRCC		0,00	0,00	0,00
EAÜ		0,00	0,00	0,00
FILMJUS	0,00	0,00	0,00	
KOPIOSTO	0,00	0,00	0,00	
NORWACO	0,00	0,00	0,00	
OOA-S	0,00	0,00	0,00	
SACD	0,00	0,00	0,00	
SCAM	0,00	0,00	0,00	
SCREEN CRAFT RIGHTS	0,00	0,00	0,00	
SIAE	0,00	0,00	0,00	
SSA	0,00	0,00	0,00	
SUISSIMAGE	0,00	0,00	0,00	
VEVAM	0,00	0,00	0,00	
VGBK	0,00	0,00	0,00	
ZAPA	0,00	0,00	0,00	

* The basis for calculating administrative expenses and other deductions is domestic revenue after calculation of the U.S. portion.

Type of use	Collecting society	Expenses	SKE	Reserves
BTR/SMR	ADAMI	2.997,89	6.124,81	1.206,46
	AISGE	1.804,36	3.612,98	720,74
	FILMEX	45,66	129,37	25,58
	GVL	32.747,20	65.578,22	13.115,93
	NORMA	61,03	122,06	24,41
	NORWACO	239,45	478,90	95,78
	NUOVOIMAIE	1.129,94	2.272,11	453,87
	PLAYRIGHT	229,17	458,35	91,67
	SAI	47,37	117,08	23,42
	SWISSPERFORM	498,90	1.005,69	201,14
CAB	ADAMI	6.583,56	2.667,09	4.800,77
	AISGE	4.041,79	1.617,25	2.911,06
	FILMEX	84,66	47,97	86,35
	GVL	73.446,25	29.406,40	52.931,52
	NORMA	136,98	54,79	98,63
	NORWACO	537,47	214,99	386,98
	NUOVOIMAIE	2.525,85	1.014,09	1.825,36
	PLAYRIGHT	514,40	205,76	370,37
	SAI	100,13	49,05	88,30
	SWISSPERFORM	1.116,21	449,43	808,97
PT	ADAMI	310,39	125,91	226,65
	AISGE	189,93	76,00	136,80
	FILMEX	5,19	2,94	5,30
	GVL	3.452,22	1.382,39	2.488,31
	NORMA	6,44	2,58	4,63
	NORWACO	25,25	10,10	18,18
	NUOVOIMAIE	118,87	47,76	85,96
	PLAYRIGHT	24,17	9,67	17,40
	SAI	5,29	2,63	4,74
	SWISSPERFORM	52,70	21,26	38,27
0 / Intranet use §42g	ADAMI	0,20	0,11	0,20
	AISGE	0,00	0,00	0,00
	FILMEX	0,12	0,07	0,12
	GVL	0,20	0,11	0,20
	NORMA	0,00	0,00	0,00
	NORWACO	0,00	0,00	0,00
	NUOVOIMAIE	0,07	0,04	0,07
	PLAYRIGHT	0,00	0,00	0,00
	SAI	0,28	0,16	0,29
	SWISSPERFORM	0,08	0,05	0,08

5.3. Administrative costs and other deductions for payments from other collecting societies

VdFS transfers payments from foreign collecting societies directly to its beneficiaries, without deducting administrative costs or making any other deductions.

5.4. Distribution of payments from other collecting societies

In the financial year 2023, EUR 2.191.416,02 was distributed to VdFS rights holders from payments made by foreign sister companies, irrespective of the year in which the claim was received and arose. The payments break down as follows:

Legal category copyright

In financial year 2023, EUR 1.278.720,77 was forwarded to film authors without deduction of administrative costs or other deductions.

* The basis for calculating administrative expenses and other deductions is domestic revenue after calculation of the U.S. portion.

Distributions of foreign payments

Stated in EUR

Origin	Amount
AR - DAC	651,42
AU - ASDACS	0,21
CH - SUISSIMAGE	232.550,83
CH - SSA	394,54
CZ - DILIA	5.350,59
DE - VGBK	791.205,85
DK - COPYDAN	571,64
EE - EAÜ	1.472,87
ES - SGAE	12.408,03
FI - KOPIOSTO	2.956,42
FR - SACD	29.665,75
FR - SCAM	112.856,60
GB - DIRECTORS UK	58,84
HR - DHFR	3.986,20
HU - FILMJUS	16.412,78
IT - SIAE	30.074,77
LT - AKKA/LAA	754,42
LT - LATGA	1.680,54
NL - VEVAM	12.887,53
NO - NORWACO	1.241,89
PL - ZAPA	15.431,37
PT - SPA	9,30
SE - COPYSWEDE	1.690,08
SLO - AIPA	2.504,41
SK - LITA	1.903,89

Legal category neighbouring rights

In financial year 2023, EUR 912.695,25 was forwarded to female performing artists in the audiovisual sector entitled to performance protection, without deduction of administrative costs or other deductions.

Distributions of foreign payments

Stated in EUR

Origin	Amount
BE - PLAYRIGHT	14.420,92
CH - SWISSPERFORM	70.827,52
CO - ACTORES	1,53
DE - GVL	1.974.448,66
ES - AISGE	25.696,66
FR - ADAMI	111.656,96
IT - NUOVOIMAIE	146,59
NL - NORMA	4.285,49
PT - GDA	97,88
NL - NORMA	2.986,17
PT - GDA	923,95



Ruth Mader

VdFS is the most important organization representing the interests of filmmakers and has already fought for many things. In addition, its importance is also socially and culturally decisive.

SKE-report - report about deductions for social and cultural institutions

Activity report

Information
about income
and revenues

Costs of rights
management and
other services

Information about
distribution

Information
about payments
from and to
other collecting
societies

Chapter

I.

II.

III.

IV.

V.

VI.

Since VdFS asserts claims to storage media remuneration (SMV) pursuant to Section 42b (1) UrhG, it is obligated pursuant to Section 33 (2) VerwGesG 2016 to establish social and cultural institutions (SKE for short) for its beneficiaries and to allocate 50% of the total revenues from this remuneration, less the administrative costs thereon, to these institutions.

In addition to this legal obligation, 10% of VdFS's other domestic licensing income is reserved for SKE as part of a solidarity-based and voluntary deduction reserved for SKE.

Collecting societies shall establish firm rules for benefits from their social and cultural institutions based on fair criteria, in particular with regard to access to such benefits and their scope.

The **SKE-Guidelines** of VdFS (current version is available at vdfs.at) are based on the **General principles of distribution** adopted by the 2016 general assembly (available at vdfs.at/media/general_principles_of_distribution.pdf) and form the basis for the management and allocation of the funds. The SKE-Guidelines were last amended by resolutions of the Executive Board of 15/05/2023 and by the Supervisory Board on 23/05/2023.

The SKE-Guidelines to be published on VdFS website pursuant to Article 44, Item 9 VerwGesG 2016 are agreed upon by the Executive Board and approved by the Supervisory Board. Amendments to these guidelines can only be made by unanimous decisions of the Executive Board and the Supervisory Board.

The Executive Board decides on the allocation of the funds. In order to prepare its decisions, the Executive Board has established a committee (**SKE-Committee**), which reviews the submitted applications and makes non-binding recommendations for their implementation. The Supervisory Board has to approve the grants which have been agreed upon by the Executive Board.

A total of eight meetings of the SKE Committee were held in fiscal year 2023. Decisions on the awarding of SKE grants were made in four regular meetings of the Board of Directors and were unanimously adopted in an additional six circular resolutions.

Detailed information concerning prerequisites, application, allocation and settlement are summarised and explained for applicants in the service area of vdfs.at/ske/.

6.1. SKE-deductions

In the 2023 financial year, a total of EUR 1.026.502,23 was deducted from the rights revenue for SKE presented in chapter 2. These previously explained deductions can be broken down by type of use as shown in the following chart.

At the time of the deduction for SKE purposes (legal obligation or voluntary deduction based on resolutions of the boards), there is not yet any dedication for a specific purpose. For this reason, a breakdown of deductions by purpose is not possible.

Deductions were made by type of use as follows:

SKE Deductions	Type of use	SKE Deductions
Stated in EUR	BTR/SMR	671.736,66
	CAB	340.297,04
	PT	14.468,54
	0	0,00
	Σ	1.026.502,23

A breakdown by category of rights administered (copyright vs. ancillary copyright) is not possible.

6.2. Use of the SKE-amounts

The balance of the SKE Fund (liability from dedication for SKE) as of 01/01/2023 was EUR 3.152.100,24.. EUR 1.463.860,89 was distributed for social and cultural purposes as follows:

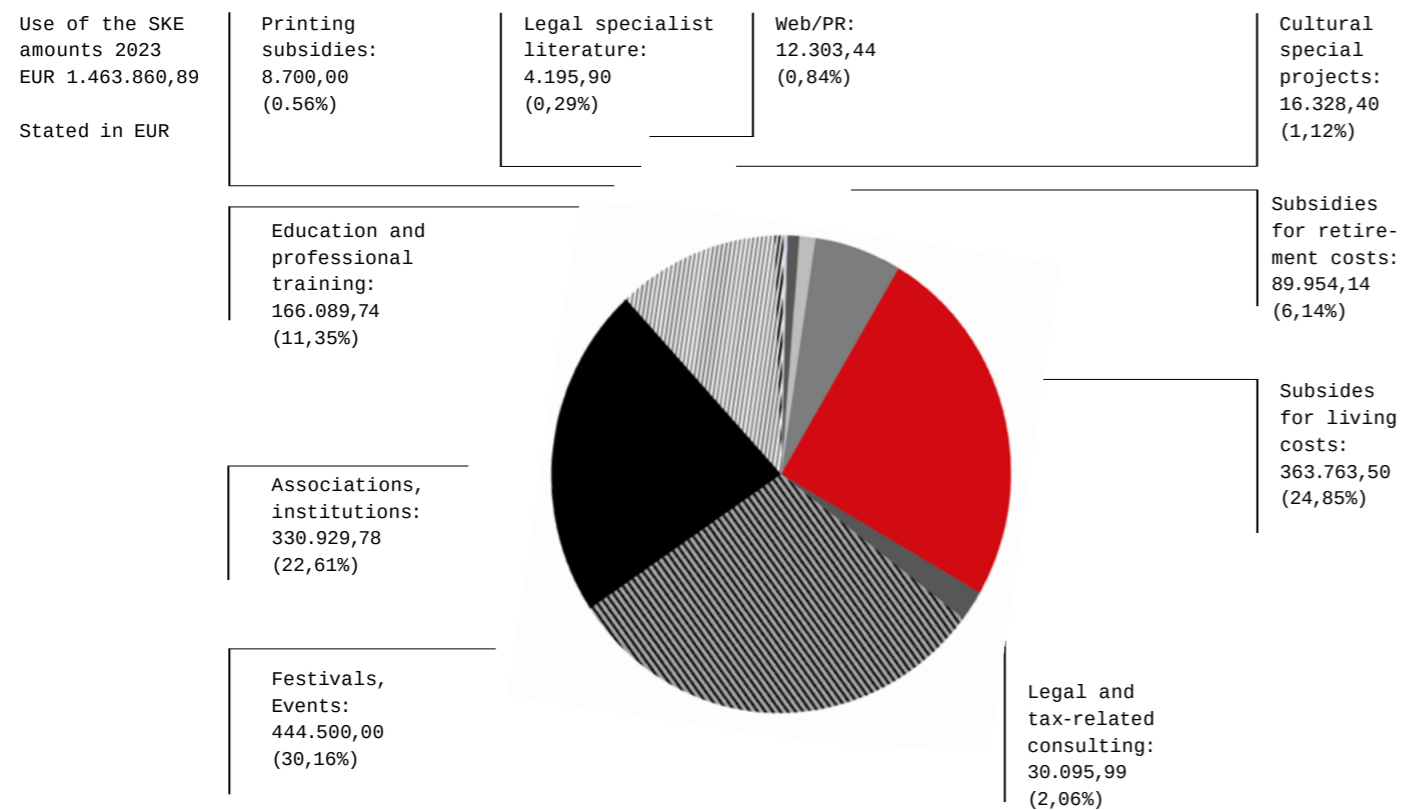
Social purposes

Use of social purposes	Subsides for living costs	363.763,50
	Age subsidies	89.954,14
	Subsides for legal and tax-related consultation	30.095,99
	Σ	483.813,63

Cultural purposes

Use of cultural purposes Stated in EUR	Liabilities from festivals and events	441.500,00
	Liabilities from associations and institutions	330.929,78
	Education and professional training	166.089,74
	Printing subsidies	8.700,00
	Legal specialist literature	4.195,90
	Web/PR	12.303,44
	Cultural special projects (infrastructural measures)	16.328,40
	Σ	980.047,26

The balance of the SKE fund (liability from the dedication for SKE) as of 31/12/2023, after allocations in 2023 in the amount of EUR 1.026.502,23 amounts to EUR 2.714.741,58.



Costs for the administration of deductions

The costs for the administration of deductions in the year under review correspond to the general costs for other services listed in Chapter 3.3. totaling EUR 112.530,00. Additional (special) costs for administration of the SKE were not deducted.

Seperate amounts

This chapter also includes separate amounts used for social and cultural institutions (SKE). In the 2023 financial year, as in the previous year, VdFS received royalties because of a testamentary decision by a beneficiary reserved for SKE-purposes. This payment was linked with the **requirement to use the estate solely for the support of actors who, through no fault of their own, are in social distress**. Financial authorities of the federal state review the designated use. In the reporting year no payments were made.



Werner Boote

As a filmmaker, I feel that VdFS is a great place to be. The Austrian collecting society stands up for the (copyright) rights of filmmakers and thus prevents the profit-seeking media corporations from completely ruining the people on whom they build their business.

Annex

Cash Flow State-
ment as of
31/12/2023

Stated in EUR

	2023	2022
1. Earnings before taxes	6.778.993,81	7.878.061,31
2. Appropriation of earnings	-6.778.993,81	-7.878.061,31
3. Reconciliation to net cash flow from earnings before tax		
a. Loss from the disposal of investment assets	-51.954,70	-21.819,11
b. Depreciation/write-ups on fixed assets as well as securities held as current assets	-90.225,36	539.293,45
Cash flow from earnings	-142.180,06	517.474,34
c. De-/Increase in inventories, trade receivables and other assets	-100.813,42	121.266,61
d. In-/Decrease in provisions, except for taxes on income	49.597,28	-461.916,21
e. Increase in trade payables and other liabilities	-899.458,93	-689.958,49
	-1.092.855,13	-513.133,75
4. Net cash flow from profit before tax	-1.092.855,13	-513.133,75
5. Net cash flow from operating activities	-1.092.855,13	-513.133,75
6. Net cash flow from investing activities		
a. Proceeds from asset disposal (excluding financial assets)	166,67	0,00
b. Proceeds from the disposal of financial assets and other financial investments	532.364,95	2.131.095,46
c. Additions to financial assets and other financial investments	-21.503,94	-23.384,15
d. Additions to financial assets and other financial investments	-540.791,42	-3.991.333,47
	-29.763,74	-1.883.622,16
7. Net cash flow from financing activities		
a. Deposits/withdrawals from equity	500,00	400,00
b. Deposits/withdrawals for the taking out/repayment of other financial loans	49,54	-83,85
	549,54	316,15
8. Change in cash and cash equivalents	-1.122.069,33	-2.396.439,76
9. Cash and cash equivalents at the beginning of the period	4.144.941,34	6.541.381,10
10. Cash and cash equivalents at the end of the period	3.022.872,01	4.144.941,34

Balance sheet as
of 31/12/2023

Stated in EUR

Assets	31/12/2023	31/12/2022
A. Investment assets		
I. Intangible assets		
1. Software	36.849,58	34.060,00
II. Property, plant and equipment		
1. Construction investments in external buildings	18.789,64 18.789,64	21.921,25 21.921,25
2. Operating and office equipment	12.920,64	17.217,30
	31.710,28	39.138,55
III. Financial assets		
1. Investments	1.239,47	1.239,47
2. Securities (value rights) held as fixed assets	5.758.658,37	5.582.075,88
	5.759.897,84	5.583.315,35
	5.828.457,70	5.656.513,90
B. Current assets		
I. Receivables and other assets		
1. Receivables from goods and services	3.928,85	
2. other receivables and assets	730.796,01	634.179,97
II. Cash on hand, bank balances	3.022.872,01	4.144.941,34
	3.757.596,87	4.779.121,31
C. Prepaid expenses	4.599,41	4.330,88
Total assets	9.590.653,98	10.439.966,09

Balance sheet as
of 31/12/2023

Stated in EUR

Passiva	31/12/2023	31/12/2022
A. Equity		
I. Total nominal amount of corporate shares		
1. Remaining members	16.600,00	16.400,00
2. Resigning members	400,00	100,00
	17.000,00	16.500,00
B. Provisions		
1. Other provisions	186.778,07	137.180,79
C. Verbindlichkeiten		
1. Liabilities towards credit institutions thereof with a remaining term of up to one year	49,54 49,54	0,00 0,00
2. Liabilities from Trade accounts payablen thereof with a remaining term of up to one year	11.444,39 11.444,39	16.332,61 16.332,61
3. Liabilities from the dedication of SKE	2.714.741,58	3.152.100,24
4. Liabilities from royalties of which royalties are below threshold of which royalties are indivisible	6.489.004,56 2.753,42 240,33	6.900.191,25 2.116,47 545,93
5. Sonstige Verbindlichkeiten thereof from taxes of which under social security thereof with a remaining term of up to one year thereof with a remaining term of more than one year	171.635,84 0,00 11.601,13 171.635,84 0,00	217.661,20 49.203,21 10.744,22 92.332,35 125.328,85
	9.386.875,91	10.286.285,30
thereof with a remaining term of up to one year	9.386.875,91	10.160.956,45
thereof with a remaining term of more than one year	0,00	125.328,85
Total liabilities	9.590.653,98	10.439.966,09

	2023	2022
1. Revenue	7.569.676,49	8.789.502,49
2. Other operating income	12.106,30	510.796,39
3. Personnel expenses		
a. Salaries	483.090,73	475.392,88
b. Social security expenses of which expenses for retirement benefits	130.493,06 2.100,00	122.155,04 2.400,00
	613.583,79	597.547,92
4. Amortisation		
a. of intangible assets and depreciation of property, plant and equipment	26.142,63	32.781,45
5. Other operating expenses	425.552,18	371.410,88
6. Subtotal from Lines 1 to 5 (operating results)	6.516.504,19	8.298.558,63
7. Income from other securities	45.791,51	67.404,38
8. Other interest and similar income	48.571,76	1.730,98
9. Income from the disposal of and write-ups on financial assets	228.154,64	0,00
10. Expenses from financial investments	59.998,62	484.692,89
11. Interest and similar expenses of which relating to affiliated companies	29,67	4.939,79
12. Subtotal from Lines 7 to 11 (financial results)	262.489,62	-420.497,32
13. Earnings before taxes	6.778.993,81	7.878.061,31
14. Earnings after taxes	6.778.993,81	7.878.061,31
15. Net income for the year	6.778.993,81	7.878.061,31
16. Profit appropriation	-6.778.993,81	-7.878.061,31
17. Profit of the year	0,00	0,00

Auditor's report for the 2023 transparency report

Auditor's report of the transparency report 2023

Report on the transparency report pursuant to Section 45 VerwGesG 2016

Audit opinion

We have audited the transparency report of

VdFS – Verwertungsgesellschaft d. Filmschaffenden reg. GenmbH, Wien,

consisting of the balance sheet as of December 31, 2023, the income statement for the financial year ending on that date, the cash flow statement and the disclosures pursuant to Section 45 para. 2 to 6 VerwGesG 2016, pursuant to the regulations in Section 46 VerwGesG 2016

In our opinion, the current transparency report complies with the legal requirements.

Pursuant 4 para. 2 VerwGesG 2016, we have not identified any facts which indicate that the collecting society cannot meet its obligations or that the collecting society will not be able to fulfil its obligations.

The financial statements as of December 31, 2023 (consisting of the balance sheet as of December 31, 2023, the income statement for the year then ended, and the cash flow statement) give a true and fair view of the financial position of the Company as of December 31, 2023, and of its financial performance for the year then ended in accordance with Austrian Generally Accepted Accounting Principles.

The transparency report contains the minimum content required pursuant to Section 45 VerwGesG 2016. The statements and representations contained in the transparency report pursuant to Section 45 para. 2 to 6 VerwGesG 2016 are not in any apparent contradiction to our other perceptions about the collection society.

Basis for the audit opinion

We conducted our audit and the audit of the disclosures pursuant to Section 45 para. 2 to 6 VerwGesG 2016 in accordance with the Austrian principles of proper auditing. These principles require the application of International Standards on Auditing (ISA). Our responsibilities under those provisions and standards are further described in the "Auditor's Responsibilities for the Audit of the Financial Statements" section of our auditor's report. We are independent of the Company - in accordance with Austrian corporate and professional law - and have fulfilled our other professional duties in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Our responsibility and liability towards the collecting society as well as towards third parties is limited to a total of EUR 2 million, in accordance with Section 275 para. 2 UGB (Austrian Commercial Code – liability regulations for the auditing of a small or medium-sized company).

Responsibilities of the legal representatives for the transparency report

The legal representatives are responsible for the preparation of the transparency report pursuant to Section 45 VerwGesG 2016. They are responsible for ensuring that the financial statements give a true and fair view of the net assets, financial position and results of operations of the Company in accordance with Austrian Generally Accepted Accounting Principles.

Furthermore, management is responsible for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the entity or to cease operations, or has no realistic alternative but to do so.

Responsibilities of the auditor for the audit of the transparency report

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole included in the transparency report are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Austrian Generally Accepted Auditing Standards, which require the application of ISAs, will always detect a material misstatement, if any, will always be detected by an audit. Misstatements can result from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

With regard to the disclosures pursuant to Section 45 para. 2 to 6 VerwGesG 2016, we examine whether the statements and representations contained in the transparency report pursuant to Section 45 para. 2 to 6 VerwGesG 2016 are in any apparent contradiction to our other perceptions about the collecting society. We also examine whether there are any facts that indicate that the collecting society will not be able to meet current or future obligations.

As part of an audit in accordance with Austrian Generally Accepted Auditing Standards, which require the application of ISAs, we exercise professional judgment and maintain a critical attitude throughout the audit.

In addition:

- We identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error. We identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk that material misstatements resulting from fraudulent acts will not be detected is higher than one resulting from errors, as fraudulent acts may involve collusion, forgery, intentional omissions, misleading representations, or override of internal controls.

- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control.

- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

- We conclude on the appropriateness of the legal representatives' application of the accounting policies and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Company's ability to continue as a going concern.

If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. We draw our conclusions based on the information we have obtained up to the date of our audit evidence obtained up to the date of our audit opinion. Future events or circumstances may, however, cause the Company to cease to continue as a going concern.

- We evaluate the overall presentation, structure and content of the financial statements for the year ended December 31, 2023, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Vienna, May 31st 2024

Bernardini Egger & Co
Steuerberatung und Wirtschaftsprüfung GmbH

Dr. Martin Bernardini e.h.
Auditor

Philipp Egger, MSc (WU) e.h.
Auditor

The publication or dissemination of the Transparency Report with our auditor's opinion may only be published or distributed in the version certified by us. This auditor's report relates exclusively to the complete German-language Transparency Report. For deviating versions, the provisions of Section 281 (2) of the Austrian Commercial Code (UGB) must be observed.

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