

Verwertungs-
gesellschaft
der Filmschaffenden
VdFS GenmbH

Collecting
Society
of Audiovisual
Authors

**Vd
FS**

Transparency report 2022

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The main task of VdFS is the distribution of royalties earned through our work. We promote film festivals and film related projects and make a financial contribution to the professional associations of our film industry. We fund numerous film awards, support important festivals and cultural initiatives that I consider absolutely necessary for our country and our democracy. In this way, we make an important contribution and a clear commitment to the necessity and freedom of artistic contributions in our society. Because art and artistic processes in a cultural nation are more than just the production of beautiful appearances. Through our work, we creatively make a significant contribution to integration, in other words, to cohesion in society.

It therefore gives me special pleasure as the new Chairman of the Board to report on VdFS, the institution to which I have belonged for a long time and whose significance for us beneficiaries is becoming increasingly important.

VdFS helps its members with legal issues, campaigns tirelessly for the improvement of copyright law and represents actors and film authors on a national, European and international level.

As the study on the work and life situation commissioned by the umbrella organization of filmmakers (Dachverband der Filmschaffenden) and financed by VdFS has proven, issues such as irregularity of employment, non-plannability and incompatibility of work and family are still partly unresolved. For many of us, the amounts from royalties are a necessary support in times of rising costs and also prevent poverty in old age. Thanks to the money from the SKE fund, we are also able to help our members individually.

I would like to take this opportunity to thank the VdFS team. It administers and supervises the distribution of our money. The term team is to be taken literally here, this team works with empathy, professionally and adeptly. The many years of experience of the employees thus enable the Board of Directors to work smoothly. I would also like to pay special tribute to our managing director, Gernot Schödl, who fights for all our interests with great energy, with legal ex-

pertise and tirelessly for the interests of all of us. This spring he launched the "Copyright Initiative Austria". This association finally unites artists from various fields such as film, screenwriting, music, visual arts and literature. This group will work persistently and with the support of brilliant experts, such as, among others, the long-time syndic of VdFS, RA Dr. Michel Walter, for improvements in copyright law. This is more necessary than ever, since in the past, the political intention was not on our side, but on the side of the exploiters. Control over the distribution of money will remain a central concern for us.

After tireless persuasion by our industry, politicians have succeeded in implementing the new incentive package for film, TV and streaming portals in summer 2022. Austria as a film location, a cultural and economic factor, is to be strengthened and lead to professionalization and an increase in jobs in the creative and technical professions. We look forward to this with confidence and also with self-interest, as it will bring an increase in the number of plants and beneficiaries. The VdFS, members of the board, Gernot Schödl, Fabian Eder and many others have worked long and hard on the implementation.

Here I also send a heartfelt thank you to my colleagues from the VdFS committees and, last but not least, to Fabian Eder, whose position I have taken over. Thank you for your competence, your expertise, your commitment!

The many social challenges following the pandemic and the current crises have made us more vigilant overall and made us realize that some things we took for granted have to be fought for anew.

In this respect, I do not understand the progress towards an improvement of our situation in the formation of more and more small groups, because this does not create equality, unity. We are only strong where we do not see ourselves in fragmentation of partial interests, but where we make a commitment to the common good and to solidarity. We always make a film together, as a team and in a team, and we should never forget that.

The struggle for resources in our global society will become tougher, as it is, as always, about taking over sources and flows of money. In such a time of growing inequality and economic pressure on all of us, I see VdFS as the social conscience of our industry.

Michael Kreihsl
(Chairman of the Board of Directors)



VdFS has a wide range of activities and agendas, to which the management, the VdFS staff and many filmmakers have dedicated themselves to safeguarding the rights and opportunities of the beneficiaries on the one hand, but also to advancing them on the other.

The Supervisory Board, of which I am Chairwoman, follows the operating business of the Board of Management with a watchful eye as one of the control functions of VdFS.

I wish us all continuing successful business years!

Julia Stemberger
(Chairwoman of the Supervisory Board)





In the area of interest policy, the 2022 financial year was initially characterized by joint efforts by various collecting societies to eliminate the "ORF Privileg", which is unfortunately

still anchored in the Copyright Act (and is unique in the European Union), and its potentially detrimental effects on the distribution of royalties to VdFS beneficiaries (keyword: discrimination against nationals). Both the amendment of the ORF Act and the Ministry of Justice's evaluation of the VerwGesG 2016 are possible "launchers" for the urgently needed reform of this outdated provision, which has been pending for many years.

As is well known, the amendment of the ORF Act with the major topics of digitization, more opportunities for ORF in the online sector and financing (keyword: closing the so-called "streaming gap") is currently being negotiated between the coalition partners. Based on a ruling by the Constitutional Court (VfGH) in 2022, program fees will also have to be paid in the future for streaming ORF programs on laptops, PCs and cell phones, which is to be implemented by means of a household levy starting in 2024. So far, so well known.

What is less well known is that there are also intensive efforts by the equipment industry to replace the existing system of storage media remuneration ("hard disk levy"), which is intended to compensate rights holders for the damage caused by private copying, with a surcharge on the new household levy. Our urgent appeal to the political decision-makers is to retain the storage media remuneration in its existing form. The win-win model for creators, users and consumers must not be abolished and replaced by such a surcharge. Apart from the fact that such a system would be unconstitutional and contrary to EU law, it would have potentially negative effects for creators, as the comparison with Spain a few years ago showed, where we experienced a massive drop in revenues after such a system change. Private copying remuneration must not become a political ball game, but the market - and only the market - should continue to regulate its revenue.

Because storage media remuneration works, benefits all creatives, artists, media companies and producers equally, offers consumers legal certainty, is

accurate and fair, does not burden the trade and must therefore remain product-related.

A central topic that will also occupy VdFS intensively in the future is the development of generative artificial intelligence (AI). Machines and algorithms as authors of works are not (yet?) conceivable under the current Austrian and European legal situation, especially since this requires a "peculiar intellectual creation" that only a human being can provide. However, not only the question of whether and how the "output" of an AI should be legally protected in the future, but also the question of how the "output" of an AI should be legally protected in the future (there are lobbies calling for a new neighbouring right for this). It is a question that needs to be clarified by the legislator. The question of "input" is a particularly significant one for creators; from their point of view, of course, it must be ensured that when feeding and training an AI, the necessary rights (reproduction rights, editing rights, etc.) must be acquired and appropriately remunerated.

Furthermore, when feeding an AI with the voices of actors, speakers and musicians, the protection of personality rights must be taken into account. The problems in this area will predictably also be in the prosecution and enforcement of rights, especially since in the case of systems that "scan" the entire Internet for third-party works and performances, it will often not (or no longer) be possible for rights holders to determine what they have been used for and how frequently.

In any case, it is clear that AI - similar to the emergence of online file sharing, peer-to-peer networks in the late 1990s and user-generated content platforms such as YouTube and Co. in 2005 - is the next new type of use of enormous economic importance, which should be regulated by the legislature as quickly as possible.

The first piece of legislation, the European Commission's "AI Act" (the new "AI Regulation"), is already in preparation at the European level and is currently being negotiated in the parliamentary committees.

In view of the enormous opportunities and risks that AI also poses for the entire arts and culture sector, it is to be hoped that years of court proceedings and test cases will not have to be conducted again before the legislator takes measures to regulate the copyright and data protection responsibility and liability of AI

systems. The European legislator will be called upon to create a harmonizing legal framework in this area.

Finally, I would like to use my foreword for self-promotion for the association "Copyright Initiative Austria", which was newly founded under the auspices of VdFS, as I am convinced that it will also be an important asset for filmmakers in Austria in the future.

Emerging from the "Initiative for Copyright Contract Law" founded in 2020, the association sees itself, according to the preamble of its statutes, "as a cross-disciplinary platform and common mouthpiece for all creators in Austria, as well as an institution for the bundling of forces, interests and know-how with the goal of institutionalizing, professionalizing and ensuring the continuity of the representation of interests, not only but especially in the area of copyright, neighbouring right and collecting society law."

Following the example of the initiative that has already been active in Germany for more than 10 years, the association will appear in the fall of 2023 with a first annual conference and the following focus topics:

1. Generative Artificial Intelligence (AI) - Opportunities and Risks for Artistic Professionals
2. Conclusion of "joint remuneration rules" (gemeinsame Vergütungsregeln - GVR) in Austria (collective copyright)
3. Appropriate and proportionate remuneration for online uses (especially streaming)

I would like to invite you already now to the first annual meeting, more details will follow soon.

With this in mind, I look forward to tackling the tasks ahead, which will be manifold and challenging. Let's roll up our sleeves together and get to work - in the interest and for the benefit of Austrian artists in general and filmmakers in particular!

Yours sincerely

Mag. Gernot Schödl, LL.M.
(Managing Director)



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.

III.

III.

IV.

V.

VI.

Collecting societies 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 currently collection authorisation, 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 and mobile TV). In the financial year 2022, 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	

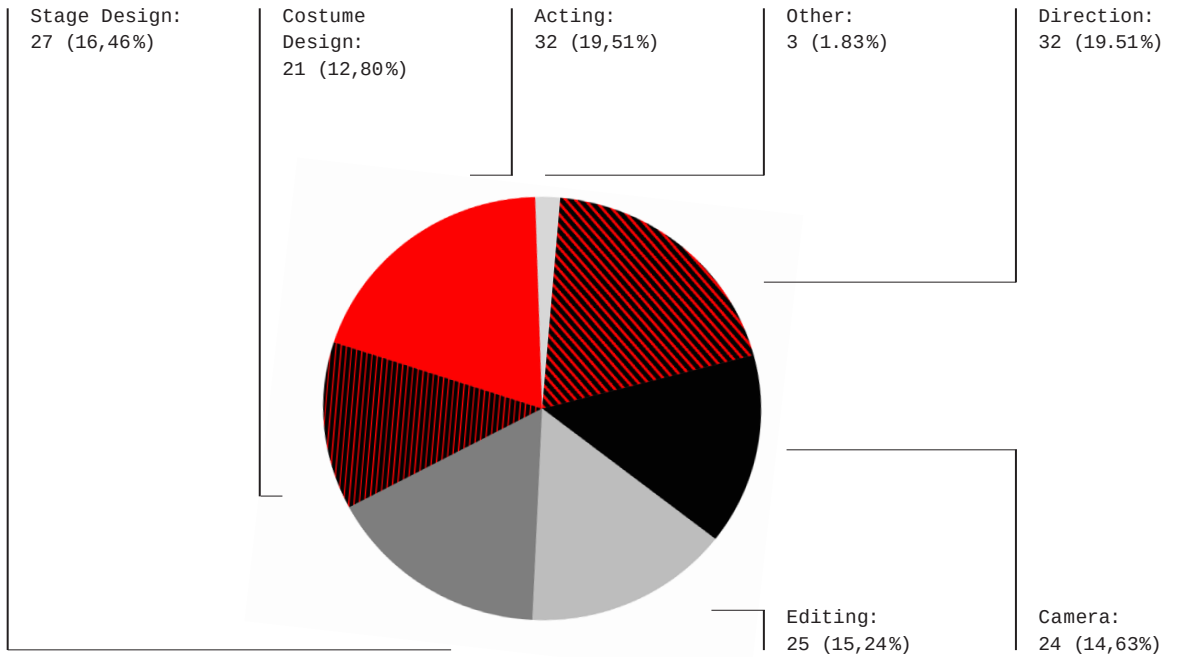
The current **collection authorisation** of VdFS (notification from the supervisory authority for collecting societies), AVW 9.119/16-013 dated 11/05/2016 can be downloaded at vdfs.at/files/license_to_operate.pdf.

The **Articles of Association** of VdFS GesmbH were last comprehensively amended on 21/10/2021 due to the entry into force of the VerwGesG 2016 and can be downloaded from vdfs.at/files/satzung_2021_final.pdf

Membership development

In 2022, the annual general meeting of VdFS consisted of 164 members of the cooperative (6 entries, 1 exits):

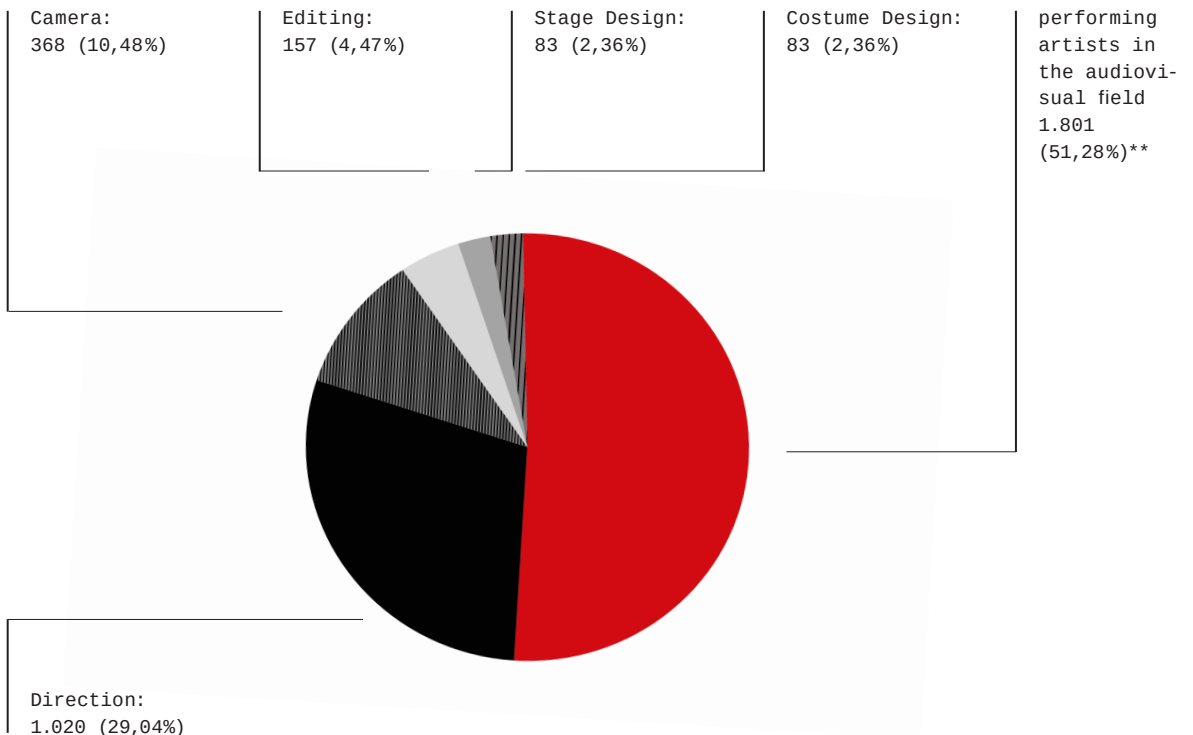
Members of the cooperative of VdFS as of 31/12/2022
164 Persons



Development of the beneficiaries

As of 31/12/2022 VdFS counted a total of 3.512 beneficiaries*.

Beneficiaries according to film function (main role) as of 31/12/2022
3.512 Persons



* Additions in 2022: 269; departures due to change of company and termination of membership: 7.

** Acting and voice acting. Of these, 1,779 were actors and 22 speakers.

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 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 production 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/files/vdfs_membership_contract_2020.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 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 2021 financial statements were adopted by the Board of Directors, approved by the Supervisory Board, submitted to the Ordinary General Meeting (General Meeting of Members) on 13/10/2022 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 2022, the honorary board of directors of VdFS was composed of the following persons:

Chairman
Vice Chairman
Member

Fabian Eder (bis 13/10/2022, Camera)
Michael Kreihsl (ab 13/10/2022, Direction)
Florian Reichmann (bis 13/10/2022, Stage Design)
Kristina Sprenger-Gerstbauer (ab 13/10/2022, Acting)
Sebastian Brameshuber (Direction)
Astrid Heubrandtner (ab 13/10/2022, Camera)
Christine Ludwig (Costume Design)
Veronika Mossböck (Film Editing)

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 5 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 2022:

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

The Supervisory Board was elected at the General Meeting (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 Meeting (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 Verw-GesG 2016 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 31/12/2022. Services for EDP, 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 2020 and 2021 financial years by the Cooperative Auditing Department took place in October 2022.

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 2022.

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/files/distribution_rule_01-2022.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/files/gegenseitigkeitsvertraege_11-2022_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 2022, a total of EUR 175.422,61 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

Internal

a. committees

At the Annual General Meeting on 13/10/2022, due to the resignation of Fabian Eder, the camera mandate was newly elected. Astrid Heubrandtner was thereby unanimously elected as successor of Fabian Eder. At the constituent meeting of the board in October 2022, Michael Kreihsl was elected as the new chairman and Kristina Sprenger as the new vice-chairwoman. Due to the admission of Enid Löser as a cooperative member of VdFS in May 2022, Katharina Haring was elected at the beneficiary meeting on 06/10/2022 as the new representative of the professional group "Scene Design" for the functional period 2022-2025.

The strategy meeting of the Board of Management from 13-14/02/2023 was held on the focus of SKE. With the participation of the Managing Director and the SKE staff members and the Board the basis of statistics on the revenues and expenditures in the last 10 years were discussed, also the development of the SKE-fund (allocations and expenditures) were analyzed and the individual areas of support and future SKE funding policy were developed. It was also decided to draw up an annual SKE budget at the beginning of the year with sub-budgets for the individual funding areas in order to enable greater control and strategic orientation of expenditure. The budget preparation and further strategic orientation of the SKE funding policy were finalized in SKE working groups in spring 2023.

b. Office partnership / Austrian Filmmakers Association

The Austrian Filmmakers Association moved to the office of VdFS in October 2022 and a corresponding usage agreement has been concluded. This enables optimal communication and use of synergies between VdFS and the Austrian Filmmakers Association. In addition, on 08/09/2022 at the invitation of VdFS, a farewell party took place in the attic of the ÖGV to mark the retirement of the longtime managing director of the Association, Dr. Maria Anna Kollmann.

c. VdFS employees

The SKE assistant position was increased from 20h to 24h in the reporting year. During the summer months, as in previous years, a summer internship in the unit of data management was given.

VerwGesG 2016

The requirements of the VerwGesG 2016 were fully implemented in the reporting year. The ordinary general meeting (general meeting of members) on 13/10/2022 was streamed on the online system-MyVdFS and the possibility of online voting was opened to the members of the cooperative. Fundamental issues of the business policy (strategy paper) were decided at the beginning of the year and a forecast was prepared for the year 2022. The annual financial statements for 2022, which are now available, show that the budget has been met to the letter.

Annual General Meeting / electronic voting

For reasons of proportionality, efficiency and cost-effectiveness, the possibility of electronic participation and voting in the Annual General Meeting should be linked to a minimum number of applicants. In future, electronic participation will only be possible if at least 5% of the members of the cooperative - i.e. currently 9 persons - wish to make use of this option. Since 2016, electronic participation and voting has been made possible, but mostly only used by a very small number of people. An amendment will be introduced at the 2023 Annual General Meeting.

Evaluation of the collecting societies / strengthening of the supervisory authority

In the year under review, several rounds of meetings were held at the Ministry of Justice with various stakeholders (collecting societies, professional associations, etc.) and individual beneficiaries .

The issues to be discussed by the collecting societies mainly concern topics like an improvement in complaints management, more transparency in the SKE-funds, or a solution for settling disputes in order to avoid protracted negotiations, as was the case in the past with the distribution of storage media remuneration. A commonly articulated wish of the collecting societies is the re-establishment of the "Copyright Senate" as a competent specialist authority for the arbitration of disputed distribution issues. Whether and which legal measures will follow from this evaluation is still open.

Film political issues

In the year under review, VdFS championed the interests of filmmakers primarily on the following issues:

a. „ORF-Privileg“ / Distribution of ORF programs

In the year under review, VdFS continued its efforts to ensure the deletion of the completely outdated "ORF privilege", that also violates European Copyright Law, from the UrhG (§ 17 para. 3) in order to avoid disadvantageous consequences for the beneficiaries of VdFS.

b. Netflix-Tax

In the year under review, VdFS continued to actively campaign for the implementation of an EU Audiovisual Media Services Directive from 2018 ("Netflix tax"). Such a tax is anchored in the government program 2020-2024 and should, as in many other EU member states, also be introduced in Austria.

c. Tax-Incentive Modell

The "tax incentive model" that VdFS and the entire Austrian film industry have been calling for for many years, was gratifyingly approved in the reporting year and came into force on 01/01/2023 (ÖFI+ and FISA+).

Association "Copyright Initiative Austria"

Under the leadership of VdFS, the new association was founded in the year under review (entered in the register of associations). Following this, the organs were elected (Board, president, deputy president, cashier, etc.), the budget for 2023 was decided and submitted for financing funding agencies (collecting societies and the public

sector). In addition, the program of the first annual conference in autumn 2023 and the relaunch of the website www.initiativeurheberrecht.at were prepared.

Storage media remuneration (SMR)

All 7 Austrian collecting societies have already started at the end of December 2022 to initiate new negotiations with the Austrian Federal Economic Chamber (WKÖ) to adjust the height of the SMV tariffs in 2023. The goal is to negotiate higher rates (based on the usage study prepared last year) for media that are already subject to payment (indexation of rates and increased usage behavior according to the study) as well as to include media devices that have not yet been subject to be included in the contract, like digital photo camera, game console (e.g. Wii, Nintendo Switch, Xbox, PlayStation), cloud service (e.g. iCloud, amazon Cloud, A1 Cloud, Dropbox, Instagram, Flickr), e-book readers, digital toys (e.g. Tonieboxes, TipToi, Hörbert), car entertainment systems, media center or media server, multimedia hard drive, network-attached storage (NAS), household appliances with entertainment (e.g. refrigerator with MP3 player function), VR (virtual reality) goggles and data glasses, wearables such as smart glasses, earables, smart headsets, fitness devices with entertainment (e.g. treadmill with screen for videos). In addition, a new SMR collection agreement was concluded with Austro-Mechana in the reporting year.

Licence to operate 2022/2023

In view of the changes in law implemented by the UrhGNov 2021, VdFS has submitted an application for modification or extension of the license granted by the supervisory authority for collecting societies. VdFS's application for the adaptation of the license to the amendment 2021 was submitted to the supervisory authority for collecting societies at the beginning of September 2022. As a result, two negotiations took place. In the process, the previous restriction to "secondary uses" was successfully abolished and the license was extended with regard to new uses. The relevant (positive) decision of the supervisory authority for collecting societies is to be expected shortly; the last hearing has already taken place.

Distribution negotiations § 42 g UrhG (Intranet use)

In the reporting year, an agreement was reached with the companies Literar-Mechana, Bildrecht, VAM and VGR on the distribution of revenues from Section 42g UrhG (intranet uses) for the years 2015-2021. A joint sharing agreement with the companies AKM and LSG is still outstanding.

Reciprocal agreement Spain (film authors)

In the year under review, VdFS prepared a change of representation of its repertoire (film authors) in Spain from the collecting society SGAE to DAMA and completed it as of 01/01/2023.

Revision of the distribution rules

The transmission factors were adjusted - as provided for in the distribution rules - on the basis of AGTT/GfK Teletest data as of 31/12/2022 (weighting of the remunerated channels by market share, reach, reception potential and a cultural and repertoire factor).

In addition, the list of non-billable performances for actors/actresses was also adjusted in the reporting year.

Revision of the SKE guidelines

The income limits and amounts of the old-age subsidy were adjusted as provided for the SKE guidelines as of 01/01/2022 based on the Consumer Price Index (CPI 2015). Furthermore, various content-related changes, such as an adjustment of the general application requirements for individual subsidies, the income limit for the living allowance and in the field of education and training based on the preparations of the SKE working group were decided by the board on 15/05/2023 and approved by the Board of Directors on 23/05/2023. The current version of the SKE guidelines is available at vdfs.at/files/2023-01_ske-policies.pdf.

Investments

In the year under review, VdFS continued to invest in an extremely conservative manner. Fixed-term deposits and securities (funds, bonds, shares) were invested with eight different institutions in compliance with the general principles for investment policy adopted by the General Assembly (General Meeting of Members).

The negative developments of rates for bonds and shares caused by the Ukraine war, high inflation and rising interest rates also had a negative effect at VdFS financial result in the reporting year, as evaluated and presented in the 2022 annual financial statements. All asset management institutions working for VdFS have contractually agreed to comply with the investment guidelines. A total of approximately EUR 9 million is invested with eight different institutions (thereof approx. EUR 3 million in fixed-term deposits and approx. 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 the year under review, VdFS held several committees, extraordinary meetings and working groups in addition to regular meetings of its governing bodies. The working groups were attended by representatives of the Board of Directors and the Supervisory Board, representatives of the professional associations of filmmakers, and external experts.

Distribution Commission

In the year under review, the distribution commission met to classify disputed works and new types of works and broadcast formats. The commission's decisions were communicated to the beneficiaries concerned and to the supervisory authority.

Revision of the Financial Years 2020 and 2021

The audit of the financial years 2020 and 2021 by the audit department of the Austrian Cooperative Association (ÖGV) took place at VdFS in October 2022. The audit report was discussed in detail in a mutual meeting of the Board of Directors and the Supervisory Board in December 2022.

EU-level / SAA

The European Commission has been preparing an European "AI Regulation (AI-Act)" for the regulation of systems (including generative) artificial intelligence (AI) (classifications, transparency obligations, etc.). This regulation is currently being dealt with in the

committees of the European Parliament and should be decided in 2023. During the General Assembly of SAA - Society of Audiovisual Authors (www.saa-authors.eu) in June 2022, elections to the Board of Directors took place for the next term of 3 years. 33 societies from 25 countries have elected a total of 8 mandates for the Board. VdFS has been represented on the Board since 2016 and was again elected to this Board of the umbrella organization of the audiovisual Copyright Management Organisations (CMOs).

Media and public relations

The tried-and-tested quote campaign was continued. In the reporting year, three newsletters were sent to beneficiaries, press contacts and various stakeholders.

The transparency report was translated into English, posted on the English website and sent to all foreign sister companies with which reciprocal agreements exist for information purposes. The social media channels were continuously filled with content and the media cooperations with film-specific industry magazines continued.

Corporate Governance Kodex

In the financial year 2022, the Board of Directors of VdFS complied with the provisions of the Austrian Corporate governance code for goods, services and productive cooperatives under the Schulze-Delitzsch System (compliance rules for cooperative societies). A corresponding written declaration will be submitted to the general assembly and published on the VdFS website.

IT-projects

The largest project in the year under review was the digitization of the membership contract.

As a result, completing a membership with the VdFS is now even easier and ahead everything digitally possible. It also facilitates the internal processing of contracts and is an innovative step into the future.

The online system MyVdFS has been improved in terms of stability and usability, so that VdFS members can now more easily send work broadcast registration, edit their data and view documents.

VdFS is the first collecting society in Austria to offer its members the possibility to manage their membership via the specially developed app (MyVdFS App). This offers all of the familiar functions from our MyVdFS portal and was further improved in the reporting year, both functionally and visually.

2023, further projects are in the pipeline that found their preparation in the reporting year. At the top of the list is the creation of the possibility for VdFS members to authorize third parties to manage their own data or works. Thus tax advisors or agencies will be able to manage the VdFS membership of their clients (e.g. report new works, query credit notes, etc.).

In addition, a complete relaunch of the VdFS homepage will take place, due to an update of the underlying hardware and software. The website will be relaunched in the usual colors but with a new and clearer design.

The MyVdFS system was very positively received and intensively used by the beneficiaries. Enclosed are statistics of the usage:

- Total logins: 47.509
- Users looged in: 2.450
- File-Downloads: 67.607
- Worksend massages: 15.705
- Master data changes: 1.128
- Foreign CMOs / User: 49

The annual overviews pursuant to Section 41 VerwGesG 2016 (royalties paid out in the previous year and open credit balances) were uploaded to MyVdFS at the end of January 2022.

VdFS provides its beneficiaries with modern electronic communication in line with the requirements of the EU Directive for 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 5.980.431,96 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		3.913.162,32
Traditional cable TV	1.827.601,81	
IP-TV	1.017.920,29	
Mobile-TV	18.730,06	
OTT	18.971,89	
Participation in VGR revenues	907.238,47	
Revenues from ARGE cable	122.699,80	
Storage media remuneration (SMR) total		1.694.604,13
Public transmission (PT) total		159.797,98
PT - Screen transmission (Section 18 UrhG)	2.543,55	
PT in instruction (Section 56c UrhG)	156.389,85	
ÖW in Beherbergungsbetrieben (§56d UrhG)	864,58	
Others (o) total		212.867,53
Library royalties (Section 16a para. 2 UrhG)	3.274,04	
Intranet-Usage (§ 42g para. 3 UrhG)	209.593,49	
Σ		5.980.431,96

Income from rights total
EUR 5.980.431,96
Stated in EUR

Storage media remuneration:
1.694.604,13
(28,34%)

Public Transmission::
159.767,98
(2,67%)

Other:
212.867,53
(3,56%)

Cable-TV:
3.913.162,32
(65,43%)



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 1,5 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 2022 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 nine different banks (five time deposits, four investments in securities).

Financial income totaling EUR 69.135,36 was generated from investments in the financial year 2022.

These are broken down as follows:

Interest income

Interest income from the investment of fixed deposits (time deposits): EUR 1.730,98

Securities

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

— Interest income securities: EUR 67.404,38

— Income from write-ups on securities: EUR 0,00

The following expenses from financial investments were incurred in financial year 2022:

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 489.632,68

Financial result

Financial income less expenses from financial investments: EUR -420.497,32

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 69.135,36 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.

Alina Schaller

VdFS provides uncomplicated, accessible and personal support, which I am very grateful for as a young actress. The fact that VdFS also keeps an eye on how not to get lost in the royalties and legal jungle, makes it an indispensable and reliable partner. Thank you!





Michael Pink

Both legally and economically, the VdFS team is a reliable partner and support - professional but above all very human. THANK YOU!

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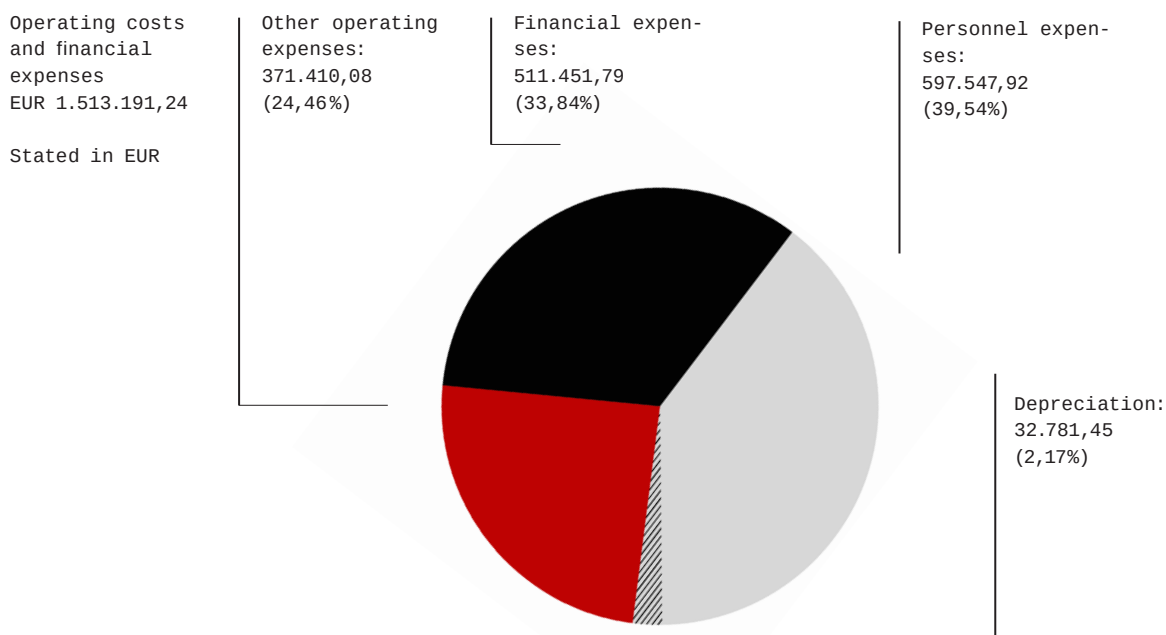
The following chapter provides an overview of the operating costs and financial expenses for the exploitation of rights and for other services (incl. SKE), as well as the funds used to cover the costs. Furthermore, the deductions from rights revenues and the percentage of rights revenues accounted for 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 2022, 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.



The expense (incl. financial expenses) amounts to a total of EUR 1.513.191,00 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	475.393,00	90,00	427.854,00	10,00	47.539,00
Severance payments contributions	6.634,00	90,00	5.971,00	10,00	663,00
Retirement benefits	2.400,00	90,00	2.160,00	10,00	240,00
Statutory social security contributions	110.150,00	90,00	99.135,00	10,00	11.015,00
Other social expenses	2.971,00	90,00	2.674,00	10,00	297,00
Σ Total Personnel expenses	597.548,00		537.793,00		59.755,00
Σ Total Depreciation	32.781,00	90,00	29.503,00	10,00	3.278,00
Operating taxes	510,00	90,00	459,00	10,00	51,00
Fees and contributions	35.985,00	90,00	32.386,00	10,00	3.598,00
Membership fees	6.867,00	90,00	6.181,00	10,00	687,00
Maintenance	124,00	90,00	112,00	10,00	12,00
Operating costs	0,00	90,00	0,00	10,00	0,00
Insurance	4.353,00	90,00	3.917,00	10,00	435,00
Transport expenses	326,00	90,00	294,00	10,00	33,00
Travel expenses	4.418,00	90,00	3.976,00	10,00	442,00
Communication expenses	4.794,00	90,00	4.315,00	10,00	479,00
Rental and leasing expenses	73.739,00	90,00	66.365,00	10,00	7.374,00
Education and professional training	3.201,00	90,00	2.881,00	10,00	320,00
Office and administration expenses	3.831,00	90,00	3.448,00	10,00	383,00
Charges for money transactions	35.383,00	90,00	31.845,00	10,00	3.538,00
Advertising expenses	31.874,00	90,00	28.687,00	10,00	3.187,00
Legal and consulting expenses	68.763,00	90,00	61.887,00	10,00	6.876,00
Meeting fees	25.400,00	90,00	22.860,00	10,00	2.540,00
IT expenses	47.932,00	90,00	43.139,00	10,00	4.793,00
External labour	8.650,00	90,00	7.785,00	10,00	865,00
Incidental	15.289,00	90,00	13.733,00	10,00	1.526,00
Σ Total other operating expenses	371.410,00		334.269,00		37.141,00
Σ Total Expenditure	1.001.739,00		901.566,00		100.174,00
Depreciation of financial assets	506.512,00	90,00	455.861,00	10,00	50.651,00
Interest and related expenses	4.940,00	90,00	4.446,00	10,00	494,00
Σ Total Financial expenses	511.452,00		460.307,00		51.145,00
Σ Total expenses	1.513.191,00		1.361.872,00		151.319,00

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 to a total of EUR 1.361.872,00.

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/files/general_principles_of_administrative_costs.pdf.

As administrative costs, a general rate of pesetas of 20% was deducted from the Rights revenue was deducted. The expense deduction in the financial year 2022 (including SMV special settlements) totaled EUR 1.121.768,67

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 to a total of EUR 151.319,00.

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	1.122.000
Expenses SMV after billing	25.000
Write up of financial deposits	22.000
Interest income from bank	2.000
Interest income from securities	68.000
Σ	1.239.000
The deficit was covered from the accumulated surplus to break even.	274.000
Cover of administrative costs	1.513.000

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/files/general_principles_for_other_deductions.pdf.

In financial year 2022, the following deductions were made from the income resulting from the rights (domestic income):

- 20 % 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	366.341,49	907.131,32	118.624,86
CAB	724.149,21	318.901,31	479.279,48
PT	31.277,97	12.511,19	22.520,14
0	0,00	0,00	0,00
Σ	1.121.768,67	1.238.543,82	620.424,49

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 2022 is as follows:

- Total expenses: EUR 1.513.191,24
- Total revenue from rights (domestic and foreign): EUR 8.789.502,49

The share of the expenses for revenue in financial year 2022 17,22%.

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



Astrid Heubrandtner

VdFS crucially enables professional associations, such as the AAC Association of Austrian Cinematographers, through support from the SKE-Fund, to represent the interests of their members and to achieve their goals - such as protecting the artistic work of cinematographers - and to achieve their goals.

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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/files/general_principles_of_distribution.pdf and vdfs.at/files/distribution_rule_01-2022.pdf

A graphic explanation of the royalty distribution is available at vdfs.at/files/grafik_tantiemenverteilung_2021_en.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 2022. 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 2022 (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, 38.385 individual amounts were used for the main settlement of the median value of the authors in 2021.

In financial year 2022, the following settlements were made for performing artists:

- Main distribution of the broadcasting data for 2021
- 1. Supplementary distribution for broadcasting year 2020
- 2. Supplementary distribution for broadcasting year 2019
- 3. Supplementary distribution (final calculation) for broadcasting year 2018
- SMR post-billing broadcasting year 2018*

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 2022 financial year, EUR 953.048,80 were allocated to VdFS rights holders:

Allocated amounts total	Legal category	Σ	Median value***
Stated in EUR	Copyright	766.319,43	6,292
	Neighbouring right	186.729,36	1,456

* These are back payments by Austro Mechana from revenues from the storage media remuneration due to a new sharing agreement concluded in 2018.

** These are back payments from revenues from the storage media remuneration based on an agreement concluded with Amazon in 2019.

*** 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 2021 broadcast data, the 1st supplementary settlement of the 2020 broadcast data, the 2nd supplementary settlement of the 2019 broadcast data, the final settlement of the 2018 broadcast data and the SMV-Amazon supplementary payment for 2018:

Allocated amounts	Legal category	Copyright	Neighbouring right
Stated in EUR	Type of use		
	BTR/SMR	158.095,09	40.511,16
	CAB	455.041,59	109.200,25
	PT	28.029,10	6.578,12
	0	3.088,26	721,58
	Return surplus*	3.602,60	3.151,73
	Released reserves	118.462,79	26.566,52
	Σ	766.319,43	186.729,36
	Median value**	6,292	1,456

In addition, EUR 2.138.730,27 in the rights category copyright and EUR 344.681,90 in the rights category ancillary copyright were allocated to beneficiaries of foreign sister companies (incl. US) in the course of the 2021 main settlement.

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 952.360,65 was distributed to VdFS rights holders in financial year 2022, regardless of the year in which the allocation was made or the claim arose. This amount is divided as follows:

Distributed amounts Stated in EUR	Legal category	Σ	Median value*
	Copyright	761.666,35	6,292
	Neighbouring right	190.694,30	1,483

Of this amount, EUR 951.602,23 was received from the allocations of the main settlement of the broadcasting data 2021, the 1st supplementary settlement of broadcasting data 2020, the 2nd supplementary settlement of broadcasting data 2019, the final settlement of broadcasting data 2018 as well as the SMV-Amazon supplementary payment for the year 2018 were distributed to beneficiaries of VdFS according to category of perceived rights and type of use as follows:

Distributed amounts Stated in EUR	Legal category	Copyright	Neighbouring right
	Type of use		
	BTR/SMR	157.574,62	41.752,42
	CAB	452.081,88	110.761,35
	PT	27.845,81	6.650,69
	0	3.077,08	734,32
	Return surplus**	3.466,54	3.541,52
	Released reserves	117.577,34	26.538,65
	Σ	761.623,27	189.978,95
	Median value*	6,292	1,483

4.2.2.

Allocations and distributions 2022

Of the distributions made in the fiscal year 2022 in the course of the distributions listed under 4.1. (allocations), a total of EUR 953.048,80 was allocated to the rights holders of VdFS. EUR 939.543,94 was distributed to authors and actors as follows actors and actresses as follows:

Allocations and distributions Stated in EUR	Legal category	Σ	Median value*
	Copyright	755.895,94	6,292
	Neighbouring right	183.648,00	1,483

* 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 2022 financial year, EUR 12.816,70 was distributed to VdFS rights holders, thereof EUR 5.770,41 to authors and EUR 7.046,29 to performing artists.

These are distributions of amounts allocated to VdFS rights holders prior to fiscal year 2022. These actual payments are based, for example, on the clarification of legal successions or disputed claims or shares in the 2022 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 2022:

Dates and number of payments	Date	Number
	21/03/2022	999
	25/03/2022	35
	28/06/2022	633
	01/07/2022	18
	21/09/2022	66
	26/09/2022	1.730
	14/12/2022	438
	23/12/2021	20
	Σ	3.939

A breakdown according to category of managed rights and type of use is not possible for the financial year 2022. 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 2022 was shown. These form the basis for the distribution budgets for the following financial year.

An amount of EUR 3.069.795,07 was allocated to the distribution budget of 2022 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 2.455.836,06
- Neighbouring right: EUR 613.959,01

The distribution budget 2022 breakdown by type of use is as follows

Amounts collected but not yet allocated	Type of Use	Copyright	Neighbouring rights
	BTR/SMR	396.049,17	99.012,29
Stated in EUR	CAB	1.781.933,45	445.483,36
	PT	89.304,14	22.326,04
	0*	188.549,30	47.137,32
	Σ	2.455.836,06	613.959,01

In addition, the following amounts have already been collected in 2022 but not yet allocated to rights holders in 2022:

— Reserves

The following amounts from accruals (20% and 30% for SMV) for subsequent settlements had been collected as of 31/12/2022 but not yet allocated to rights holders:

* 0 incl. undistributable royalties.

Reserves

Stated in EUR

Year	Amount
2018	329.304,96
SMR additional payment 2018	20.562,00
2019	374.227,92
2020	337.225,00
2021	514.534,49
2022	620.424,49

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 20.883,77 as of 31/12/2022.

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

Allocated but not yet distributed amounts

Stated in EUR

Year	Copyright	Neighbouring right
2008	6,40	0,00
2014	0,00	34,31
2015	1,00	6,84
2016	207,41	84,85
2017	116,57	52,60
2018	1.231,94	527,06
2019	1.881,73	709,44
2020	1.118,74	268,55
2021	1.374,49	499,58
2022	9.860,64	2.901,62
Σ	15.798,92	5.084,85

Of these, as of 31/12/2022, the following amounts could be transferred from the main settlement of the Broadcast data 2021, the 1st supplementary settlement of broadcast data 2020, the 2nd supplementary settlement of broadcast data 2019, the final settlement of broadcast data 2019, as well as the 2017 and the SMV-Amazon supplementary payment for the year 2018 could not be distributed:

Allocated but not yet distributed amounts

Stated in EUR

Legal category	Copyright	Neighbouring right
Type of use		
BTR/SMR	2.305,46	782,90
CAB	5.987,69	1.794,93
PT	367,31	110,31
0	40,53	12,71
Return surplus	276,87	2,95
Released reserves	1.445,64	462,84
Σ	10.423,50	3.166,64

4.6. Obstacles

The assigned but not yet distributed amounts per 31/12/2022 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/files/general_principles_for_the_use_of_non-distributable_funds.pdf.

As of the reporting date of 31/12/2022, EUR 545,93 were classified as non-distributable. These are old stocks of royalties from the year 2022 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 2019 will be made accessible for the general public on the webpage of VdFS at vdfs.at/1-1-About.html#MandatoryPublications. 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.



Pia Baresch

Helpful, competent, conscientious and friendly. That's how I would describe VdFS and its entire team, which has supported me as an actress for years, among other things, in claiming and settling my royalties. Many thanks!

Information about payments from and to other collecting societies

Activity report

Information
about income
and revenues

Costs of rights
management and
other services

Information about
distribution

Chapter

SKE report –
report about
deductions for
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I.

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IV.

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VI.

This chapter presents all payments made to and from other (foreign) sister societies in financial year 2022. 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 2022, EUR 2.784.205,13 were distributed from settlements of VdFS in 2022 from the main distribution of the 2021 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 2022.

In detail, in 2022, the following payments from VdFS's accounts were made to other (foreign) collecting societies:

Legal category copyright

EUR 2.220.880,17 were distributed to the following sister societies:

Country	Society	Amount
AU	ASDACS	8.377,34
BG	FILMAUTOR	193,28
CAN	DRCC	6.933,44
CH	SSA	1.354,60
CH	SUISSIMAGE	51.653,54
CZ	DILIA	1.649,69
CZ	00A-S	1.206,33
DE	VGBK	1.001.352,08
DK	COPYDAN	3.688,82
ES	DAMA	1.629,06
ES	SGAE	8.494,57
FI	KOPIOSTO	995,01
FR	SACD	34.218,37
		52

Payments to affiliates copyright

Stated in EUR

FR	SCAM	14.426,03
GB	DIRECTORS UK	70.971,67
GB	SCREEN CRAFT RIGHTS	91.916,41
HR	DHFR	264,83
HU	FILMJUS	1.297,98
IT	SIAE	18.778,39
NL	VEVAM	2.792,13
NO	NORWACO	6.078,71
PL	ZAPA	1.175,37
SE	COPYSWEDE	32.378,17
SK	LITA	442,39
USA	DGA	858.611,96

Legal category neighbouring rights

EUR 563.324,96 were distributed to the following sister societies:

Payments to affiliates neighbouring rights

Stated in EUR

Country	Society	Amount
BE	PLAYRIGHT	3.147,64
CH	SWISSPERFORM	9.332,04
DE	GVL	469.162,79
ES	AISGE	22.948,10
FR	ADAMI	38.405,03
FR	SAI	2.053,63
HU	EJI	1.118,68
IT	NUOVOIMAIE	13.128,46
NL	NORMA	1.610,09
NO	NORWACO	2.418,49

Legal category copyright

Of which* was paid as part of the main settlement of the 2021 broadcast data, the 1st supplementary settlement of the 2020 broadcast data, the 2nd supplementary settlement of the 2019 broadcast data, the final settlement of the broadcasting data 2018 as well as the SMV-Amazon back-payment for the year 2018 a total of EUR 2.220.880,08 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	1.618,82	35,82	1.465,65
CAB	5.066,53	124,72	4.098,94
PT	312,31	7,58	252,67
0	34,10	1,35	27,59
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	1.345,57	23,82	1.088,60
Σ	8.377,34	193,28	6.933,44
Society	CH – SSA	CH – SUISSIMAGE	CZ – DILIA
Type of use			
BTR/SMR	282,01	10.452,58	312,96
CAB	804,07	31.060,65	1.010,29
PT	49,56	1.911,56	62,14
0	5,41	222,56	7,42
Repat.Surplus**	0,00	11,24	0,00
Aesol.RES.	213,54	7.994,95	256,89
Σ	1.354,60	51.653,54	1.649,69
Society	CZ – 00A-S	DE – VGBK	DK – COYDAN
Type of use			
BTR/SMR	228,38	203.669,10	746,95
CAB	727,65	598.043,13	2.211,45
PT	44,79	36.863,14	136,22
0	6,04	4.030,46	15,35
Repat.Surplus**	70,52	14,75	0,00
Aesol.RES.	128,96	158.731,51	578,85
Σ	1.206,33	1.001.352,08	3.688,82
Society	ES – DAMA	ES – SGAE	FI – KOPIOSTO
Type of use			
BTR/SMR	308,93	1.592,38	198,44
CAB	989,64	5.174,24	597,15
PT	61,00	318,95	36,81
0	6,66	34,83	4,02
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	262,83	1.374,18	158,59
Σ	1.629,06	8.494,57	995,01
* For technical reasons, a breakdown by type of use is only possible for all statements from the 2016 broadcasting year onwards.			54

Society	FR – SACD	FR – SCAM	GB – DIRECTORS UK
Type of use			
BTR/SMR	7.273,14	2.784,64	14.430,79
CAB	20.199,94	8.696,67	42.413,33
PT	1.244,62	536,78	2.613,63
0	137,26	58,20	288,71
Repat.Surplus**	46,60	99,07	46,11
Aesol.RES.	5.316,81	2.250,68	11.179,10
Σ	34.218,37	14.426,03	70.971,67
Society	GB – SCREEN CRAFT RIGHTS	HR – DHFR	HU – FILMJUS
Type of use			
BTR/SMR	16.928,66	47,03	275,85
CAB	55.463,17	161,02	766,24
PT	3.404,09	9,91	47,23
0	378,80	1,04	5,16
Repat.Surplus**	2.405,68	4,96	0,00
Aesol.RES.	13.336,02	40,86	203,50
Σ	91.916,41	264,83	1.297,98
Society	IT – SIAE	NL – VEVAM	NO – NORWACO
Type of use			
BTR/SMR	3.841,20	540,36	1.187,45
CAB	11.197,69	1.690,48	3.666,74
PT	690,24	104,16	226,02
0	75,38	11,57	24,68
Repat.Surplus**	0,00	0,00	0,00
Aesol.RES.	2.973,88	445,56	973,81
Σ	18.778,39	2.792,13	6.078,71
Society	PL – ZAPA	SE – COPYSWEDE	SK – LITA
Type of use			
BTR/SMR	239,12	6.509,15	103,99
CAB	703,59	19.442,91	253,68
PT	43,25	1.196,16	15,64
0	5,07	138,02	1,71
Repat.Surplus**	7,07	122,00	0,00
Aesol.RES.	177,27	4.969,92	67,37
Σ	1.175,37	32.378,16	442,39

** 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	274.039,66		
CAB	584.572,30		
PT	0,00		
0	0,00		
Repat. Surplus**	0,00		
Resol.RES	0,00		
Σ	858.611,96		

Legal category neighbouring rights

Of this*, a total of EUR 548,669,000 was paid as part of the main settlement of the 2021 broadcasting data, the 1st supplementary of broadcasting data 2020, the 2nd supplementary settlement of broadcasting data 2019, the final settlement of broadcasting data 2018 and the SMV-Amazon supplementary payment for 2018, a total of EUR 548,669.44 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	Society	BE – PLAYRIGHT	CH – SWISSPERFORM	DE – GVL
	Type of use			
BTR/SMR	598,37	2.000,99	89.562,26	
CAB	1.895,76	5.445,62	279.953,22	
PT	112,48	318,54	16.859,17	
0	12,20	48,31	2.244,79	
Repat. Surplus**	65,77	168,08	4.189,09	
Resol.RES	463,05	1.116,02	62.450,96	
Σ	3.147,63	9.097,56	455.259,49	

Stated in EUR

* 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	4.354,59	7.803,59	418,86
CAB	13.962,50	22.713,69	1.131,22
PT	846,44	1.361,32	63,01
0	97,39	157,66	9,15
Repat. Surplus**	193,55	548,97	105,32
Resol.RES	3.493,62	5.491,00	156,89
Σ	22.948,09	38.076,23	1.884,45
Society	HU – EJI	IT – NUOVOIMAIE	NL – NORMA
Type of use			
BTR/SMR	187,27	2.562,03	329,74
CAB	688,73	7.890,60	958,41
PT	39,18	470,44	59,06
0	4,36	53,35	6,50
Repat. Surplus**	48,75	249,78	0,00
Resol.RES	150,42	1.884,94	253,95
Σ	1.118,71	13.111,14	1.607,66
Society	NO – NORWACO		
Type of use			
BTR/SMR	481,38		
CAB	1.448,38		
PT	88,20		
0	9,61		
Repat. Surplus**	16,20		
Resol.RES	374,73		
Σ	2.418,50		
**	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 2022, VdFS received payments from other (foreign) collecting societies in the amount of EUR 2.808.219,33

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

Legal category copyright

EUR 1.207.538,23 were received from the following sister societies:

	Society	Amount
Payments from other collecting societies cpy- right Stated in EUR	ARG - DAC	585,30
	CH - SUISSIMAGE	244.644,46
	CZ - DILIA	4.559,44
	DE - VGBK	675.261,32
	DK - COPYDAN	693,39
	EE - EAÜ	503,75
	ES - SGAE	22.780,32
	FI - KOPIOSTO	4.098,68
	FR - SACD	17.840,40
	FR - SCAM	109.172,48
	GB - DIRECTORS UK	4.283,62
	HR - DHFR	7.147,40
	HU - FILMJUS	34.247,17
	IT - SIAE	61.630,15
	LT - AKKA/LAA	762,31
	LT - LATGA	1.683,68
	NL - VEVAM	5.812,09
	NO - NORWACO	240,94
	PL - ZAPA	5.107,18
	PT - SPA	3.722,93
SE - COPYSWEDE	326,27	
SLO - AIPA	531,06	
SK - LITA	1.903,89	

Due to the data from foreign sister societies for the financial year 2022 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 1.600.681,10 were received from the following sister societies:

Payments from
other collecting
societies cpy-
right

Stated in EU

Society	Amount
AL - AKDIE	48,47
BE - PLAYRIGHT	15.324,49
CH - SWISSPERFORM	69.021,71
DE - GVL	1.282.448,93
ES - AISGE	56.738,38
FR - ADAMI	103.083,20
IT - NOUVOIMAIE	69.516,97
NL - NORMA	4.401,33
PT - GDA	97,62

Due to the data from foreign sister societies for the financial year 2022 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 2022, hardly any payments from other collecting societies could be payments from other collecting societies could not be allocated to a right holder. In 2023, these amounts, which are referred to as third-party money, will be either returned to the foreign sister societies or to the collecting society that actually represents the respective right holder(s), forwarded.

5.2. Administrative costs and other deductions

The deductions relate exclusively to the amounts allocated in financial year 2022 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: 15% (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 2022 broadcast data 2021, the 1st supplementary settlement of broadcast data 2020, the 2nd supplementary settlement of broadcast data 2019, the final settlement of broadcast data 2018 and the SMV-Amazon supplementary payment for the year 2018 as a whole, 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	714,19	2.023,53	404,71	
	COPYDAN	315,17	892,97	178,59	
	COPYSWEDE	2.553,40	7.234,63	1.446,93	
	DAMA	136,29	386,16	77,23	
	DHFR	18,35	51,99	10,40	
	DILIA	118,68	336,25	67,25	
	DIRECTORS UK	6.238,14	17.674,73	3.534,95	
	DRCC	646,61	1.832,06	366,41	
	FILMAUTOR	15,80	44,77	8,96	
	FILMJUS	121,70	344,81	68,96	
	KOPIOSTO	87,55	248,05	49,61	
	LITA	45,88	129,99	26,00	
	NORWACO	523,87	1.484,31	296,86	
	OOA-S	57,82	163,83	32,77	
	SACD	3.132,77	8.876,17	1.775,23	
	SCAM	1.190,45	3.372,95	674,59	
	SCREEN CRAFT RIGHTS	5.502,21	15.589,59	3.117,92	
	SGAE	702,52	1.990,47	398,09	
	SIAE	1.694,65	4.801,49	960,30	
	SSA	124,42	352,51	70,50	
	SUISSIMAGE	4.180,85	11.845,75	2.369,15	
	VEVAM	232,64	659,13	131,83	
	VGBK	89.692,04	254.127,45	50.825,49	
	ZAPA	89,76	254,31	50,86	
	CAB	ASDACS	1.241,80	703,69	1.266,63
		COPYDAN	514,22	291,39	524,51
		COPYSWEDE	4.155,65	2.354,87	4.238,76
DAMA		242,56	137,45	247,41	
DHFR		35,18	19,93	35,88	
DILIA		210,10	119,06	214,31	
DIRECTORS UK		10.151,61	5.752,58	10.354,64	
DRCC		1.004,64	569,30	1.024,74	
FILMAUTOR		30,57	17,32	31,18	
FILMJUS		187,81	106,42	191,56	
KOPIOSTO		146,36	82,94	149,29	
LITA		62,18	35,23	63,42	
NORWACO		898,71	509,27	916,69	
OOA-S		105,92	60,02	108,04	
SACD		4.806,62	2.723,75	4.902,75	
SCAM		2.077,10	1.177,02	2.118,64	
SCREEN CRAFT RIGHTS		9.909,95	5.615,64	10.108,14	
SGAE	1.268,20	718,65	1.293,56		
SIAE	2.744,53	1.555,24	2.799,42		
SSA	197,08	111,68	201,02		
SUISSIMAGE	6.780,47	3.842,27	6.916,08		
				60	

Type of use	Collecting society	Expenses	SKE	Reserve
	VEVAM	403,19	228,47	411,25
	VGBK	146.266,55	82.884,38	149.191,88
	ZAPA	142,33	80,66	145,18
PT	ASDACS	76,55	43,38	78,08
	COPYDAN	31,70	17,96	32,33
	COPYSWEDE	256,16	145,16	261,28
	DAMA	14,95	8,47	15,25
	DHFR	2,17	1,23	2,21
	DILIA	12,95	7,34	13,21
	DIRECTORS UK	625,76	354,59	638,27
	DRCC	61,93	35,09	63,17
	FILMAUTOR	1,86	1,05	1,89
	FILMJUS	11,58	6,56	11,81
	KOPIOSTO	9,02	5,11	9,20
	LITA	3,83	2,17	3,91
	NORWACO	55,40	31,39	56,51
	OOA-S	6,47	3,67	6,60
	SACD	296,29	167,90	302,21
	SCAM	128,04	72,55	130,60
	SCREEN CRAFT RIGHTS	610,72	346,08	622,94
	SGAE	78,17	44,30	79,74
	SIAE	169,18	95,87	172,56
	SSA	12,15	6,88	12,39
	SUISSIMAGE	417,96	236,84	426,32
	VEVAM	24,85	14,08	25,35
	VGBK	9.016,10	5.109,12	9.196,42
	ZAPA	8,77	4,97	8,95
0 / Intranet - use §42g	ASDACS	1,75	0,99	1,78
	COPYDAN	0,72	0,41	0,74
	COPYSWEDE	5,85	3,31	5,96
	DAMA	0,34	0,19	0,35
	DHFR	0,05	0,03	0,05
	DILIA	0,30	0,17	0,30
	DIRECTORS UK	14,32	8,12	14,61
	DRCC	1,41	0,80	1,44
	FILMAUTOR	0,21	0,12	0,21
	FILMJUS	0,26	0,15	0,27
	KOPIOSTO	0,21	0,12	0,21
	LITA	0,09	0,05	0,09
	NORWACO	1,27	0,72	1,29
	OOA-S	0,50	0,28	0,51
	SACD	6,76	3,83	6,90
	SCAM	2,92	1,66	2,98
	SCREEN CRAFT RIGHTS	14,43	8,18	14,72
	SGAE	1,79	1,01	1,82
	SIAE	3,86	2,19	3,94
	SSA	0,28	0,16	0,28
	SUISSIMAGE	9,54	5,41	9,73
	VEVAM	0,57	0,32	0,58
	VGBK	205,84	116,64	209,96
	ZAPA	0,20	0,11	0,20

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

Legal category ancillary copyright:*

Type of use	Collecting society	Expenses	SKE	Reserves
BTR/SMR	ADAMI	2.801,13	7.936,53	1.578,38
	AISGE	1.634,17	4.630,16	925,91
	EJI	43,01	121,86	24,37
	GVL	28.045,23	79.461,47	15.325,62
	NORMA	145,49	412,22	82,48
	NORWACO	200,69	568,61	113,72
	NUOVOIMAIE	936,10	2.652,28	528,69
	PLAYRIGHT	216,34	612,96	122,59
	SAI	166,99	473,14	87,72
	SWISSPERFORM	707,29	2.003,98	373,23
CAB	ADAMI	4.237,87	2.401,46	4.322,63
	AISGE	2.829,34	1.603,30	2.885,93
	EJI	82,67	46,84	84,32
	GVL	46.753,32	26.493,55	47.688,39
	NORMA	234,90	133,11	239,60
	NORWACO	329,22	186,56	335,81
	NUOVOIMAIE	1.524,61	863,95	1.555,11
	PLAYRIGHT	359,63	203,79	366,83
	SAI	243,04	137,72	247,90
	SWISSPERFORM	959,94	543,97	979,14
PT	ADAMI	260,52	147,63	265,73
	AISGE	174,33	98,79	177,82
	EJI	5,10	2,89	5,20
	GVL	2.820,70	1.598,39	2.877,11
	NORMA	14,48	8,20	14,76
	NORWACO	20,29	11,50	20,70
	NUOVOIMAIE	93,12	52,77	94,98
	PLAYRIGHT	22,17	12,56	22,61
	SAI	13,72	7,77	13,99
	SWISSPERFORM	57,74	32,72	58,90
0 / Intranet use §42g	ADAMI	6,18	3,50	6,30
	AISGE	4,04	2,29	4,12
	EJI	0,12	0,07	0,12
	GVL	63,58	36,03	64,85
	NORMA	0,33	0,19	0,34
	NORWACO	0,46	0,26	0,47
	NUOVOIMAIE	2,20	1,25	2,24
	PLAYRIGHT	0,51	0,29	0,52
	SAI	0,52	0,29	0,53
	SWISSPERFORM	1,22	0,69	1,24

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 2022, EUR 3.042.004,19 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 2022, EUR 840.421,98 was forwarded to film authors without deduction of administrative costs or other deductions.

Distributions of
foreign payments

Stated in EUR

Origin	Amount
AR - DAC	602,12
AU - ASDACS	1,10
CH - SUISSIMAGE	230.536,82
CZ - DILIA	1.891,89
DE - VGBK	494.092,87
DK - COPYDAN	843,75
EE - EAÜ	2.754,60
ES - SGAE	9.184,58
FI - KOPIOSTO	2.644,09
FR - SACD	6.472,21
FR - SCAM	6.102,26
GB - DIRECTORS UK	3.915,62
HR - DHFR	4.567,53
HU - FILMJUS	22.579,24
IT - SIAE	34.320,40
LT - AKKA/LAA	170,38
NL - VEVAM	4.808,74
NO - NORWACO	1.419,61
PL - ZAPA	8.376,88
PT - SPA	49,12
SE - COPYSWEDE	1.449,89
SLO - AIPA	300,29
SK - LITA	3.338,02

Legal category neighbouring rights

In financial year 2022, EUR 2.201.582,21 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



Antonia Moretti

I am very grateful to be in the same boat with VdFS. VdFS is constantly working for justice and further education for filmmakers. This cohesion creates even more freedom in all artistic processes.

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 the distribution** adopted by the 2016 general assembly (available at vdfs.at/files/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 five meetings of the SKE Committee were held in fiscal year 2022. 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.

6.1. SKE-deductions

In the 2022 financial year, a total of EUR 1.238.543,82 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 Stated in EUR	Type of use	SKE Deductions
	BTR/SMR	907.131,32
	CAB	318.901,31
	PT	12.511,19
	0	0,00
	Σ	1.238.543,82

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 01/01/2022 was EUR 3.658.229,23. EUR 1.744.672,81 was distributed for social and cultural purposes as follows:

Social purposes

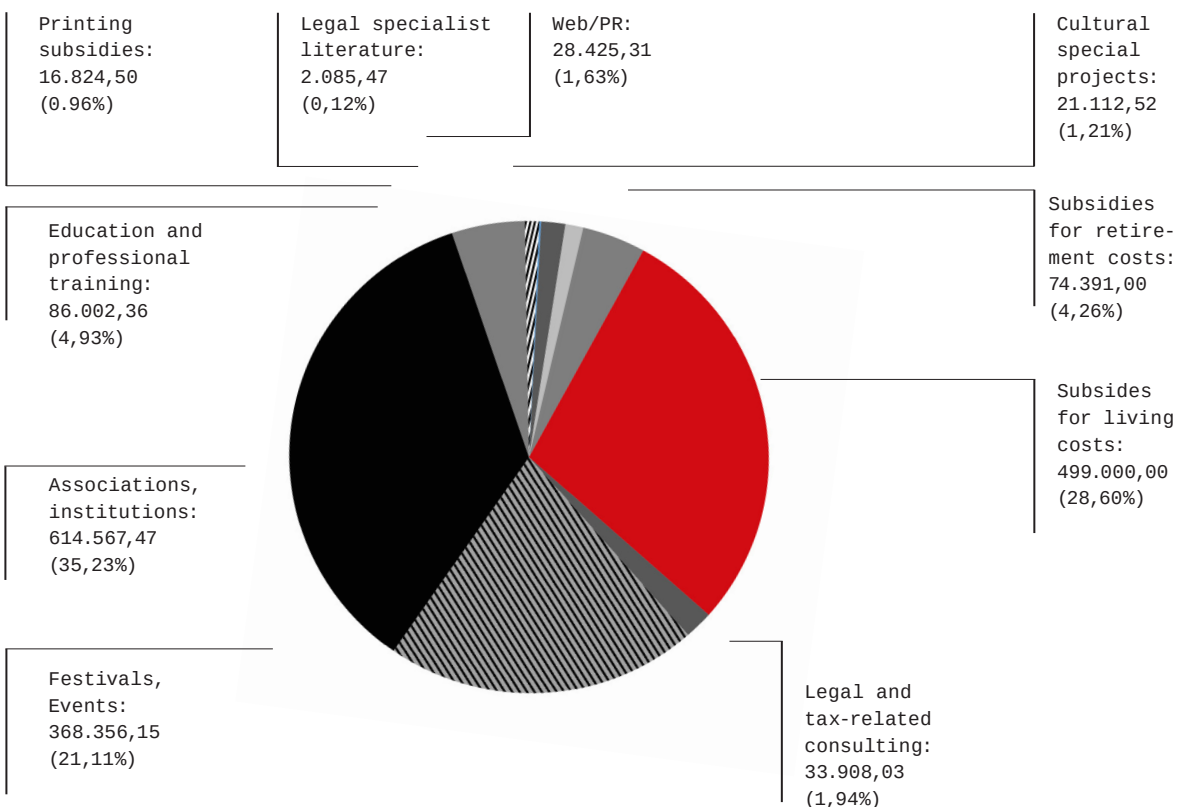
Use of social purposes Stated in EUR	Subsides for living costs	499.000,00
	Age subsidies	74.391,00
	Subsides for legal and tax-related consultation	33.908,03
	Σ	607.299,03

Cultural purposes

Use of cultural purposes	Liabilities from festivals and events	368.356,15
Stated in EUR	Liabilities from associations and institutions	614.567,47
	Education and professional training	86.002,36
	Printing subsidies	16.824,50
	Legal specialist literature	2.085,47
	Web/PR	28.425,31
	Cultural special projects (infrastructural measures)	21.112,52
	Σ	1.137.373,78

The balance of the SKE fund (liability from the dedication for SKE) as of 31/12/2022, after allocations in 2022 in the amount of EUR 1.238.543,82 amounts to EUR 3.152.000,24.

Use of the SKE amounts 2022
EUR 1.744.672,81
Stated in EUR



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 151.319,00. 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 2022 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.



Wiktoria Pelzer, Martin Kitzberger / nonstop kino

VdFS enables the development of innovative projects; both the funding opportunities as well as the expertise and network of VdFS help to implement projects successfully.

Annex

Cash Flow Statement as of
31/12/2022

Stated in EUR

	2022	2021
1. Earnings before taxes	7.878.061,31	7.435.436,32
2. Appropriation of earnings	-7.878.061,31	-7.435.436,32
3. Reconciliation to net cash flow from earnings before tax		
a. Loss from the disposal of investment assets	-21.819,11	8.737,29
b. Depreciation/write-ups on fixed assets as well as securities held as current assets	539.293,45	38.742,87
Cash flow from earnings	517.474,34	47.480,16
c. De-/Increase in inventories, trade receivables and other assets	121.266,61	288.061,62
d. In-/Decrease in provisions, except for taxes on income	-461.916,21	-8.407,00
e. Increase in trade payables and other liabilities	-689.958,49	-901.979,67
	-513.133,75	-574.844,89
4. Net cash flow from profit before tax	-513.133,75	-574.844,89
5. Net cash flow from operating activities	-513.133,75	-574.844,89
6. Net cash flow from investing activities		
a. Proceeds from asset disposal (excluding financial assets)	0,00	125,00
b. Proceeds from the disposal of financial assets and other financial investments	2.131.095,46	1.440.058,58
c. Additions to financial assets and other financial investments	-23.384,15	-36.667,31
d. Additions to financial assets and other financial investments	-3.991.333,47	-1.462.454,84
	-1.883.622,16	-58.938,57
7. Net cash flow from financing activities		
a. Deposits/withdrawals from equity	400,00	300,00
b. Deposits/withdrawals for the taking out/repayment of other financial loans	-83,85	-83,85
	316,15	383,85
8. Change in cash and cash equivalents	-2.396.439,76	-633.399,61
9. Cash and cash equivalents at the beginning of the period	6.541.381,10	7.174.780,71
10. Cash and cash equivalents at the end of the period	4.144.941,34	6.541.381,10

Balance sheet as
of 31/12/2022

Stated in EUR

Assets	31/12/2022	31/12/2021
A. Investment assets		
I. Intangible assets		
1. Software	34.060,00	37.218,58
II. Property, plant and equipment		
1. Construction investments in external buildings	21.921,25 21.921,25	25.052,86 25.052,86
2. Operating and office equipment	17.217,30	20.324,41
	39.138,55	45.377,27
III. Financial assets		
1. Investments	1.239,47	1.239,47
2. Securities (value rights) held as fixed assets	5.582.075,88	4.206.530,76
	5.583.315,35	4.207.770,23
	5.656.513,90	4.290.366,08
B. Current assets		
I. Receivables and other assets		
1. other receivables and assets	634.179,97	756.013,27
II. Cash on hand, bank balances	4.144.941,34	6.541.381,10
	4.779.121,31	7.297.394,37
C. Prepaid expenses	4.330,88	3.764,19
Total assets	10.439.966,09	11.591.524,64

Balance sheet as
of 31/12/2022

Stated in EUR

Passiva	31/12/2022	31/12/2021
A. Equity		
I. Total nominal amount of corporate shares		
1. Remaining members	16.400,00	15.900,00
2. Resigning members	100,00	200,00
	16.500,00	16.100,00
B. Provisions		
1. Other provisions	137.180,79	599.097,00
C. Verbindlichkeiten		
1. Liabilities towards credit institutions	0,00	83,85
thereof with a remaining term of up to one year	0,00	83,85
2. Liabilities from Trade accounts payablen	16.332,61	25.830,78
thereof with a remaining term of up to one year	16.332,61	25.830,78
3. Liabilities from the dedication of SKE	3.152.100,24	3.658.229,23
4. Liabilities from royalties	6.900.191,25	7.034.889,41
of which royalties are below threshold	2.116,47	1.938,43
of which royalties are indivisible	545,93	457,19
5. Sonstige Verbindlichkeiten	217.661,20	257.294,37
thereof from taxes	49.203,21	31.468,99
of which under social security	10.744,22	10.269,94
thereof with a remaining term of up to one year	92.332,35	96.103,39
thereof with a remaining term of more than one year	125.328,85	161.190,98
	10.286.285,30	10.976.327,64
thereof with a remaining term of up to one year	10.160.956,45	10.815.136,66
thereof with a remaining term of more than one year	125.328,85	161.190,98
Total liabilities	10.439.966,09	11.591.524,64

Profit and
Income
Statement
01/01/2022 -
31/12/2022

Stated in EUR

	2022	2020
1. Revenue	8.789.502,49	8.283.837,84
2. Other operating income	510.796,39	31.889,26
3. Personnel expenses		
a. Salaries	475.392,88	388.008,52
b. Social security expenses of which expenses for retirement benefits	122.155,04 2.400,00	111.945,86 1.800,00
	597.547,92	499.954,38
4. Amortisation		
a. of intangible assets and depreciation of property, plant and equipment	32.781,45	30.146,23
5. Other operating expenses	371.410,88	381.473,35
6. Subtotal from Lines 1 to 5 (operating results)	8.298.558,63	7.404.153,14
7. Income from other securities	67.404,38	48.659,06
8. Other interest and similar income	1.730,98	1.885,46
9. Income from the disposal of and write-ups on financial assets	0,00	10.001,97
10. Expenses from financial investments	484.692,89	27.460,90
11. Interest and similar expenses of which relating to affiliated companies	4.939,79	1.802,41
12. Subtotal from Lines 7 to 11 (financial results)	-420.497,32	31.283,18
13. Earnings before taxes	7.878.061,31	7.435.436,32
14. Earnings after taxes	7.878.061,31	7.435.436,32
15. Net income for the year	7.878.061,31	7.435.436,32
16. Profit appropriation	-7.878.061,31	-7.435.436,32
17. Profit of the year	0,00	0,00

Auditor's report for the 2022 transparency report

Auditor's report

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, 2022, 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, 2022 (consisting of the balance sheet as of December 31, December 2022, 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, 2022, 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, 2022, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Vienna, 06. July 2023

Bernardini Egger & Co
Steuerberatung und Wirtschaftsprüfung GmbH

Dr. Martin Bernardini 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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VdFS is a
member of
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