

Verwertungs-  
gesellschaft  
der Filmschaffenden  
VdFS GenmbH

Collecting  
Society  
of Audiovisual  
Authors

**Vd  
FS**

# Transparency report 2021

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More than 10 years ago, Gernot Schödl followed in the footsteps of Dr. Dillenz. He has filled his own path in an environment that has changed fundamentally since then. He and Dr.

Michel Walter are not only brilliant lawyers, they have long been part of us. "We" - that is that small group of individualists, lateral thinkers, fantasists, weirdos, craftsmen and artists, but in any case always creators, whose professional environment in Austria is anything but secure for the future. To be able to continue to make films we need professionals who can represent our interests on a full-time basis. They are supported by elected but honorary committees. The interests are always the same for all of us, and that's what it's all about: putting what we have in common before what divides us, and thus also making the concerns of small groups heard. Only your elected representatives have the duty and the right to represent your interests. Anyone else who speaks up to politicians - asked or unasked - does not speak for you. It is up to all of us to make this unmistakably clear and to finally turn it off. It was an idea of the board to bring the umbrella organization and VdFS closer together again, following the construct of their foundation. The course has been set for this to continue, if that is what you want. This form of representation of interests is financed by the beneficiaries with their contributions to the SKE fund from the royalties they generate, thus also supporting the representation of those professional groups that are not authors. We do this out of solidarity but also out of self-interest: We can't make films without a healthy environment of technical professions. All of this is done with a transparency that is outstanding in Austria and needs to fear no international comparison. None!

I would like to thank the VdFS employees, who make all this possible in addition to the core business of VdFS especially for their commitment now that I have come to the end of my 9-year term. With the move to the new offices, we have taken a step into a new, different and very challenging time, which goes very much beyond a mere change of address. The crisis of the board two years ago was an expression of a fear of these new times. A fear that I recognized as such too late. A fear that we as colleagues and friends must of course address, but that must not be allowed to guide our decisions.

Even if the EU Copyright Directive has not been implemented in the way I personally would have

expected from this government in particular, it does offer us opportunities. Taking advantage of these is the major task of the coming years. In this regard, I would like to emphasize the importance of the "Copyright Initiative" initiated by Gernot Schödl which has been founded within the framework of the EU Directive and for the first time unites all artists from the various genres under one roof. This is the way into the future in a political environment that is sometimes not particularly well disposed towards authors.

Some of the VdFS committees have been reconstituted in recent years and are made up of competent and very committed colleagues who will provide our Managing Director with excellent support in meeting these challenges - I am deeply convinced of this. Thank you for your trust!

Fabian Eder  
(Chairman of the Board of Directors)



As I did not take over from Erwin Steinhauer as Chairwoman of the Supervisory Board until October 2021, I cannot really look back yet.

It's still clear how hard the pandemic hit many filmmakers. And now the consequences of the terrible war in Ukraine are becoming increasingly noticeable in the most diverse areas. It is therefore all the more important that VdFS is able to cast a net that makes support possible in difficult life situations. This solidarity and the persistent fight for our due rights are essential.

The abdication of Fabian Eder as Chairman of the Board, who has given VdFS his strength for so long is, although understandable, nevertheless very regrettable.

Dear Fabian, on behalf of all of us, I would like to express our thank of all of us for your valuable commitment to VdFS.

Julia Stemberger  
(Chairwoman of the Supervisory Board)



Following the entry into force of the amendment of the Austrian Copyright Act in 2021, VdFS has in the reporting year especially in film policy agendas such as the urgently needed investment obligation for foreign streaming services ("Netflix tax"), the tax incentive model, and the distribution problems surrounding the so-called "ORF privilege", which - it remains to be hoped - will be solved within the framework of a small amendment of the Austrian Copyright Act in 2022, for the interests of their beneficiaries. At the same time, the year 2022 will be the year of the regrettable resignation of Fabian Eder as Chairman of the Board of Directors, 2022 marks the end of an era.

Fabian Eder was elected at the Annual General Meeting on June 24, 2013, has subsequently taken over as and has remained Chairman of the Management Board until October 2022. I would like to take this opportunity to thank him sincerely for the good and always professional cooperation over the past 10 years and for his solidarity and trust. A lot of time was spent in joint retreats and meetings to strategically align VdFS and make it fit for the future. The chairperson of the board is the most important contact person for the full-time management for the regular coordination of ongoing activities and also to handle administrative activities (such as signing contracts, attending bank appointments, etc.).

Fabian Eder has also always shown great prudence in allocating SKE funds and setting priorities in funding policy. Both the establishment of "Interface Film," which is important for filmmakers, and the initiative "#we\_do!" are largely due to his initiative.

Further his activities as communicator and coordinator between the VdFS, the umbrella organization of the Filmmakers (DVF), the professional associations, the Yunion trade union and "Interface Film" have been of incredible value to filmmakers. Over the years, he has acquired extensive knowledge and numerous experiences in copyright law, collecting society law, labor law and social law and can be considered an expert in these areas. But more than that, he has also always had an open ear for all concerns of the full-time management and employees of VdFS, for which he cannot be thanked enough. In all his actions, he always showed poise and maintained it even in difficult situations.

His valuable and appreciated work for VdFS was characterized in particular by an above-average workload and commitment to filmmakers. In the last 10 years, Fabian Eder has shown a commitment that went far beyond an "honorary service" (e.g. at the beginning of the pandemic in 2020). It is fair to say that he has taken the chairmanship of the board to a new level during his tenure, leaving a gap that will be difficult for his successor to fill. At the General Assembly in October 2022, new elections for the Camera mandate and subsequently for the Chairmanship of the Board will have to be held.

Fabian Eder is known to enjoy boating on the high seas and I wish him with all my heart that he will have more time for this again in the future after the efforts of the last 10 years.

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

Financial Year  
2021

# Activity report

Chapter

Information  
about income  
and revenues

Costs of rights  
management and  
other services

Information about  
distribution

Information  
about payments  
from and to  
other collecting  
societies

SKE report -  
report about  
deductions for  
social and  
cultural  
institutions

I.

II.

III.

IV.

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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 2021, 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](https://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\\_vdfs.pdf](https://vdfs.at/files/satzung_vdfs.pdf).

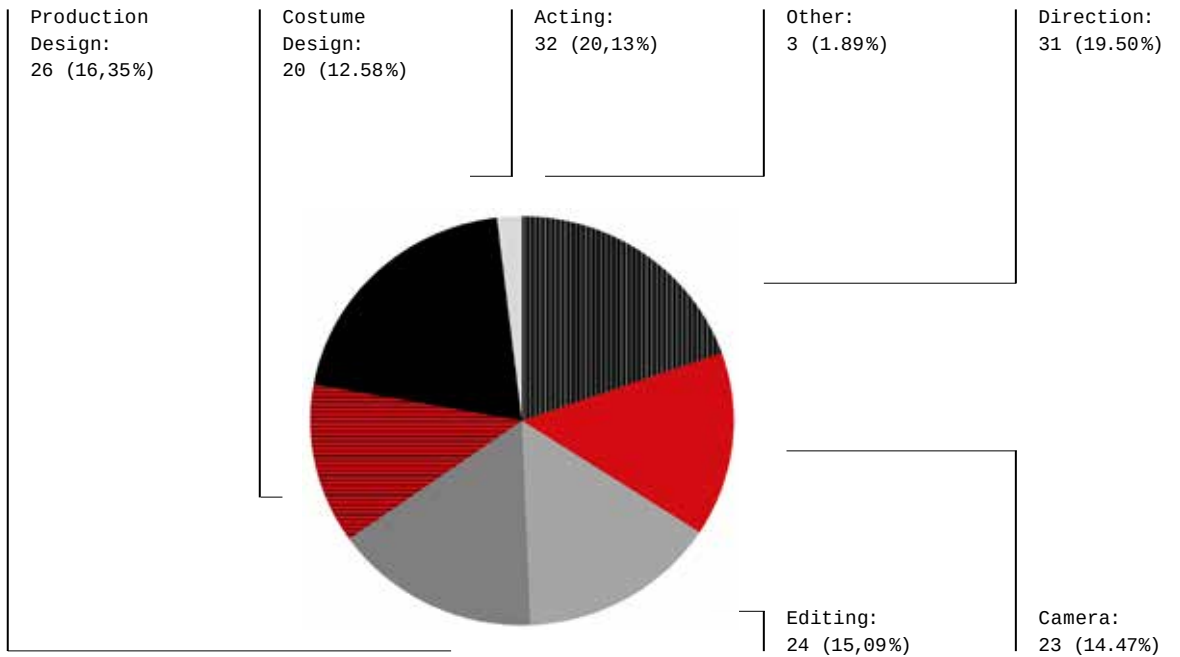


## Membership development

In 2021, the annual general meeting of VdFS consisted of 159 members of the cooperative (6 entries, 2 exits):

Members of the cooperative of VdFS as of 31/12/2021

159 Persons

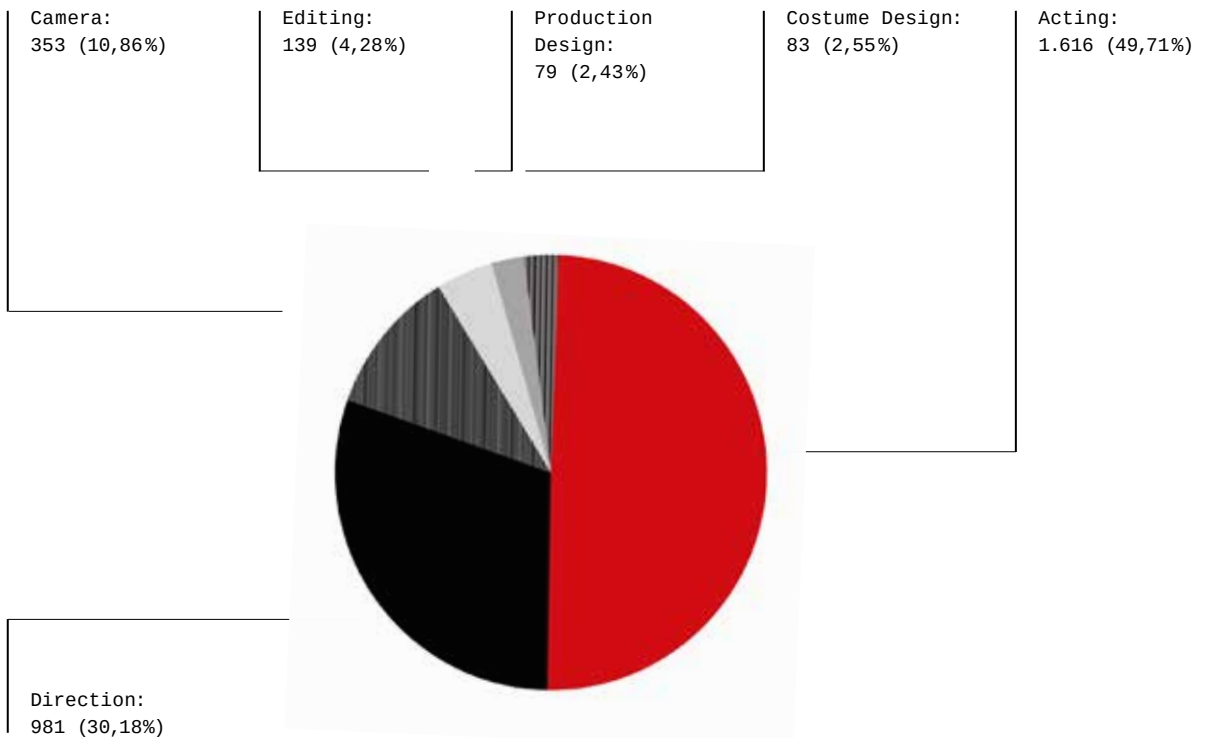


## Development of the beneficiaries

As of 31/12/2021, VdFS counted a total of 3.251 beneficiaries\*.

Beneficiaries according to film function (main role) as of 31/12/2021

3.251 Persons



\* Additions in 2021: 156; departures due to change of company and termination of membership: 43.

## 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:

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#### 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.

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#### 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:

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

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

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#### 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

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#### 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

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#### 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](https://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 2020 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 21/10/2021 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 2021, the honorary board of directors of VdFS was composed of the following persons:

Chairman  
Vice Chairman  
Member

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

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

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 2021:

Chairman	Erwin Steinhauer (until 21/10/2021, Acting)
Chairwoman	Julia Stemberger (starting 06/12/2021, Acting)
Vice Chairmen	Norbert Arnsteiner (until 06/12/2021, Camera) Thomas Oláh (starting 06/12/2021, Costume Design)
Member	Sonja Lesowsky-List (Film Editing) 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 serving as 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 31/12/2021. 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 review will take place in October 2021.

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 2021.

## 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\\_rules\\_2021.pdf](https://vdfs.at/files/distribution_rules_2021.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\\_2022.pdf](https://vdfs.at/files/gegenseitigkeitsvertraege_2022.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 2021, a total of EUR 149.377,91 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 (Corona pandemic / human resources / committees)**

At the Annual General Meeting on 21/10/2021, the Management Board and the Supervisory Board were newly elected for the next term of office of 4 years. New election of the Board of Directors:

- Brameshuber Sebastian (Direction)
- Eder Fabian (Camera)
- Kreihsl Michael (Direction)
- Ludwig Christine (Costume Design)
- Mossböck Niki (Film Editing)
- Reichmann Florian (Stage Design)
- Sprenger-Gerstbauer Kristina (Acting)

On 11/11/2021 the constituent meeting of the Board of Directors took place. Both Fabian Eder and Florian Reichmann were unanimously reelected in their functions (Fabian Eder as Chairman of the Board, Florian Reichmann as Vice Chairman). New election of the Supervisory Board:

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

The constituent meeting of the Supervisory Board was held on 06/12/2021. At this meeting Julia Stemberger was unanimously elected as the new Chairwoman of the Supervisory Board and Thomas Oláh as Deputy Chairman of the Supervisory Board.

At the meeting of the beneficiaries on 14/10/2021, the election of the new representatives of the beneficiaries took place. Elected were:

- Frey Gerald (Camera)
- Groll Jacob (Direction)
- Drack Julia (Film Editing)
- Löser Enid (Stage Design)
- Ebner-Lazek Theresa (Costume Design)
- Nelska Liliana (Acting)

At the Annual General Meeting on 21/10/2021, new statutes were adopted (available on the website) and the Rules of Procedure of the Management Board and Supervisory Board as well as new investment guidelines were adopted. On the basis of the new Home Offices Act 2021, a home office agreement was concluded with the employees of VdFS as of 01/09/2021. In the summer months, as in previous years, a summer internship was offered in the area of data management.

## **VerwGesG 2016**

The requirements of the VerwGesG 2016 were fully implemented in the reporting year. The ordinary general meeting (general meeting of members) on 21/10/2021 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 2021. The annual financial statements for 2021, which are now available, show that the budget has been met to the letter.

## **Copyright Amendment 2021**

The highly controversial amendment of the copyright law with the topics "Liability of the big online platforms" (YouTube & Co.) and "Copyright contract law", which are also relevant for filmmakers, entered into force on 01/01/2021 and can be accessed here: [parlament.gv.at/PAKT/VHG/XXVII/I\\_01178/index.shtml](https://parlament.gv.at/PAKT/VHG/XXVII/I_01178/index.shtml).

## **Initiative Copyright Contract Law**

The Copyright Contract Law Initiative ([www.urhebervertragsrecht.at](http://www.urhebervertragsrecht.at)), which was launched in 2020 under the leadership of VdFS, will be refocused and continued in 2022 with the aim of establishing a permanent cross-industry platform for creators in Austria.

## **Film political issues**

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

— „ORF-Privileg“ / Distribution of ORF programs (Copyright Amendment 2022)

The distribution issue surrounding the so-called "ORF privilege" (prohibition of the distribution of cable remunerate for ORF programs by the supervisory authority) has taken a positive development. Following intensive discussions with representatives of the Ministry of Justice and the Ministry of Arts, Culture, Civil Service and Sport (BMKOES), a small amendment to the Copyright Act is to be implemented in 2022 in order to resolve this issue as well.

— Netflix-Tax

An investment obligation ("Netflix tax") under the 2018 EU Audiovisual Media Services Directive is anchored in the government program and, as in many other EU member states, is still to be introduced in Austria. Recent studies from Germany and from the University of Brussels have been submitted to the Media Ministry, outlining the positive effects of such an obligation on the development of the film industry. According to the ministry this item is still on the political agenda.

— Film tax incentive

In parallel, the BKA, BMKOES and Ministry of Finance are working on an incentive model at the instigation of the entire film industry, which is also anchored in the government program and, according to Minister Raab and State Secretary Mayer, will be implemented in 2022.

## **Storage media remuneration (SMR)**

— SMR-distribution / Agreement Bildrecht

After many years, a settlement was reached with Bildrecht in March 2022 regarding the distribution of SMR proceeds. A lump sum will be paid to Bildrecht for the distribution period 01/01/2015 to 31/12/2018, retroactively from 01/01/2019 to 31/12/2025 and for all subsequent settlements from previous periods (from 01/01/2015) Bild-

recht will receive a percentage share. This means that the provisions formed in previous years at both Austro Mechana and VdFS can be reversed. The settlement will take place in the summer of 2022, and the reversed provisions can subsequently flow into the distribution budget in 2022.

— Tariff negotiations

Negotiations will be initiated and conducted with the Chamber of Commerce (WKO) in 2022 on SMR tariff increases (adjustments for inflation and scaling according to storage sizes) will be initiated and conducted.

— BCJ-Judgments

Firstly, in its ruling of 24/03/2022 in the test case Cloud vs. Strato AG, the ECJ was pleased to state that there is an obligation to pay remuneration. This positive ruling strengthens the position of creators throughout Europe. The national appeal proceedings before the Vienna Higher Regional Court will now be continued.

On the other hand, the BCJ on 26/04/2022 was pleased to dismiss Poland's action against Art 17 of the Digital Market Directive Service (DSM) 2019 (platform liability/upload filters), which had already been filed in 2019.

### **Cabel-TV**

Due to the elimination of the so-called "500 limit" by the Copyright amendment 2021, it was possible to conclude around 120 new contracts with small providers.

In the reporting year, VdFS also contributed to the costs of Literar Mechana (joint collection agency) for the implementation of a new online reporting and billing system for cable fees.

### **Participation in cable profits of VGR / ARGE-Cabel**

For 10 years, VdFS was bound by a settlement with the Verwertungsgesellschaft Rundfunk (VGR), which provided for the participation of film authors and performers in the cable revenues of the broadcasters pursuant to § 38a (1) UrhG. This also stipulated, among other things, that cable retransmissions by German public broadcasters in Austria are already covered by the German ARGE-Kabel (VG Bildkunst, GVL and VG Wort). Through these deductions (which VdFS considers to be contrary to the system) the basis of assessment for the contractually agreed VdFS contribution has been considerably reduced for many years. VdFS, in consultation with its German sister societies, is therefore striving to change the current accounting system in the future. The negotiations on amending the previous settlement system were continued in the reporting year.

### **Remuneration according to Section 42g UrhG**

An agreement was reached with the Conference of Universities of Applied Sciences for the period from 01/01/2019 to 31/12/2023 on remuneration for intranet use for teaching and instructional purposes. An agreement was reached with the Universities Conference for the 2019-2023 academic years, as well as with the federal schools for the 2015-2021 school years.

The conclusion of an internal sharing agreement between the collecting societies with entitlement is still outstanding.

### **Remuneration according to Section 56c UrhG**

A new agreement was reached with the Conference of Universities of Applied Sciences on remuneration pursuant to § Section 56c UrhG (public performance of films of tea-



ching and learning) purposes for the academic years 2019/2020 - 2022/2023.

### **Licence to operate 2022**

Following the entry into force of the copyright amendment in 2021, an application by VdFS will be submitted to the supervisory authority in the course of 2022 for the adaptation of the administration license to the amendment.

### **Updating 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 31/12/2021 (weighting of the emunerated channels by market share, reach, reception potential and a cultural and repertoire factor). In the reporting year, the list of non-billable contributions for actors were also adjusted.

### **Updating of the SKE guidelines**

The income limits and amounts of the old-age subsidy were adjusted as provided in the SKE Guidelines as of 01/01/2021 based on the Consumer Price Index (CPI 2015). The current version of the **SKE guidelines** is available at [vdfs.at/files/2022-01\\_ske\\_guidelines\\_en.pdf](https://vdfs.at/files/2022-01_ske_guidelines_en.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 nine different institutions in compliance with the **general principles for investment policy** adopted by the General Assembly (General Meeting of Members). Due to the low or negative interest rate level, only relatively low financial income was generated in the year under review - as in previous years.

At the general meeting on 21/10/2021, a resolution was passed to amend the investment guidelines. In order to make it easier for VdFS to make assessments, the limit for the permissible investment volume per institution was increased and, the addition of an equity component as a price support was made possible for the purpose of value preservation in the case of securities investments. On the basis of the new investment guidelines. At the Annual General Meeting new asset management accounts (funds, bonds, shares) were opened and existing accounts were increased.

In addition, it was possible to negotiate a framework for business accounts with three banks in order to keep the periodic high payment receipts available on a daily basis without negative interest (0.5% p.a.) ("park accounts"). All asset management companies have contractually agreed to comply with the investment guidelines. A total of approximately EUR 9 million is invested with nine different institutions (of which approximately EUR 3 million in fixed-term deposits and approximately EUR 6 million in securities). All asset management companies operate on the basis of the strictest sustainability regulations.

### **Memorial event "An evening for Daniela"**

On 23/03/2022, in cooperation with the Umbrella association of filmmakers (DVF) and the Austrian Editors Association, a memorial event for long-time VdFS board member Daniela Padalewski-Gerber (film editing) was held at the Metro-Kino in Vienna.

### **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 provided for in the distribution regulations 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) will take place at VdFS in October 2021. The audit report will be discussed in detail in a joint meeting of the Board of Management and the Supervisory Board in December 2022.

### **KSVF (Artists' Social Insurance Fund) Curiae**

In the year under review, VdFS sent again representatives to the curiae of the Artists' Social Insurance Fund (KSVF). The Managing Director (CEO) and a few board members of VdFS are represented in the film curia and participated in several meetings of the curia (general curia, appeals curia, etc.) during the reporting year.

### **EU-level / SAA**

During the General Assembly of SAA - Society of Audiovisual Authors in June 2022, elections to the Board of Directors will be held for the next 3-year term of office. 33 societies from 25 countries will elect a total of 8 mandates for the Board. VdFS will again stand for election to this board.

### **Media and public relations**

The tried-and-tested **quote campaign** and **video clip series** were continued. In the reporting year, five 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 2021, 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 VdFS homepage was revised in the reporting year and has since been more clearly structured. The design of the homepage was made more modern and the help of external service providers to make it more modern and simpler. The online system MyVdFS was extended by several features, such as the on-hold block, in which works not yet processed by VdFS are displayed, or the possibility of submitting several works end collectively. The internal IT infrastructure of VdFS was also brought up to date. This includes a newly equipped meeting room for video conferences and a new server for our in-house software. Communication within the team has also been simplified through the use of new software.

We are the first collecting society in Austria to offer our members the possibility to manage their membership via our newly developed app. This offers all the familiar functions from our MyVdFS portal. Thus, new plant notifications can be made, credits can be viewed and master data can be updated.

2022, there are further projects in the pipeline that found their preparation in the reporting year. The digitization of the membership contract is at the top of the agenda. This will make it even easier to conclude a membership with VdFS and, above all, also possible digitally. This also facilitates the internal processing of the contracts and is an innovative step into the future. Following this project, the authorization of representatives of our members is on the agenda. For example, tax consultants or agencies can authorize the membership of their customers via our MyVdFS portal.

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

- Total logins: 35.834
- Users looged in: 2.221
- File-Downloads: 48.338
- Worksend messages: 11.740
- Master data changes: 828
- Foreign CMOG / User: 45

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 2021.

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

# Information about income and revenues

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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 5.274.810,66 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.

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### **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.

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### **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.

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### **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

<b>Cable TV (CAB) total</b>		<b>3.208.917,19</b>
Traditional cable TV	2.255.294,36	
IP-TV	411.559,52	
Mobile-TV	8.735,22	
Participation in VGR revenues	461.676,06	
Revenues from ARGE cable	71.652,03	
<b>Storage media remuneration (SMR) total</b>		<b>1.903.053,19</b>
<b>Public transmission (PT) total</b>		<b>155.859,86</b>
PT - Screen transmission (Section 18 UrhG)	2.543,55	
PT in instruction (Section 56c UrhG)	153.316,31	
<b>Other (0) total</b>		<b>6.980,42</b>
Library royalties (Section 16a para. 2 UrhG)	3.274,04	
Intranet-Usage (§ 42g para. 3 UrhG)	3.500,00	
People with disabilities (§ 42d para. 4 UrhG)	206,38	
<b>Σ</b>		<b>5.274.810,66</b>

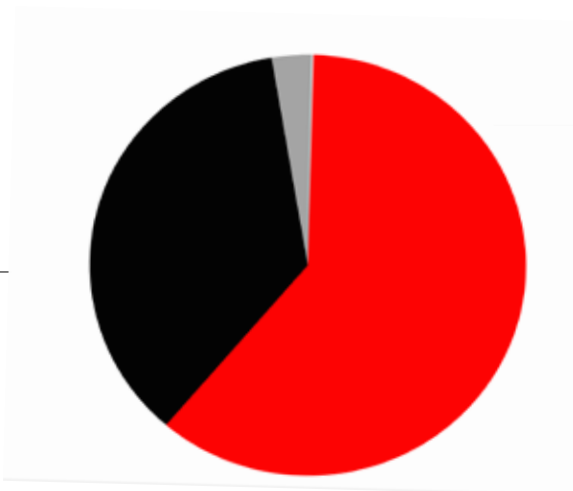
Income from rights total  
EUR 5.274.810,06  
Stated in EUR

Storage media remuneration:  
1.903.053,19  
(36,08%)

Public Transmission::  
155.859,86  
(2,95%)

Other:  
6.980,42  
(0,13%)

Cable-TV:  
3.208.917,19  
(60,84%)



## 2.2. Revenues from the investment of income

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

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

VdFS ensures that

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

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

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

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

The outsourcing of investment activities to professionally managed asset management companies is permissible and was carried out in the area of securities investments (funds, bonds) in the 2021 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 60.546,49 was generated from investments in the financial year 2021.



These are broken down as follows:

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**Interest income**

Interest income from the investment of fixed deposits (time deposits): EUR 1.885,46

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**Securities**

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

— Interest income securities: EUR 48.659,06

— Income from write-ups on securities: EUR 10.001,97

The following expenses from financial investments were incurred in financial year 2021:

---

**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 29.263,31

---

**Financial result**

Financial income less expenses from financial investments: EUR 31.283,18

## 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 60.546,49 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.

Niki Mossböck

VdFS transforms the copyrights of us filmmakers into real money and supports our industry in social and cultural matters.





As a long-time member of VdFS, it is a pleasure for me to now be able to contribute. My function on the Supervisory Board makes me aware of the many tasks that VdFS takes on. As a group, we can better represent our concerns, and as chairwoman of the supervisory board, I keep a constant eye on the resolutions that are discussed and made for the benefit of all.

Julia Stemberger

# Costs of rights management and other services

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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 2021, VdFS has generally performed deductions for social and cultural institutions (SKE) amounting to 10 % of the domestic income from the rights. The only exception is the deduction of 50 % of the revenues from storage media remuneration (SMR), as required by law in accordance with § 33 para. 2 Verw-GesG 2016. The deduction of max. 10 % for SKE is equivalent to that agreed in the reciprocal agreements with foreign sister societies and the usance agreed with the international umbrella organisation CISAC. The calculation of the indirect costs has therefore involved the amount of the basic SKE-deductions from the income resulting from the rights. This results in a ratio of 90 % for the rights management (RM) at 10 % for SKE.

Operating costs and financial expenses  
EUR 940.837,00

Stated in EUR

Other operating expenses:  
381.473,00  
(40,55%)

Financial expenses:  
29.263,00  
(3,11%)

Personnel expenses: 499.954,00  
(53,14%)

Depreciation:  
30.146,00  
(3,20%)



The expense (incl. financial expenses) amounts to a total of EUR 940.837,00 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	388.009,00	90,00	349.208,00	10,00	38.801,00
Severance payments contributions	5.793,00	90,00	5.214,00	10,00	579,00
Retirement benefits	1.800,00	90,00	1.620,00	10,00	180,00
Statutory social security contributions	100.291,00	90,00	90.262,00	10,00	10.029,00
Other social expenses	4.062,00	90,00	3.656,00	10,00	406,00
<b>Σ Total Personnel expenses</b>	<b>499.954,00</b>		<b>449.959,00</b>		<b>49.995,00</b>
<b>Σ Total Depreciation</b>	<b>30.146,00</b>	<b>90,00</b>	<b>27.132,00</b>	<b>10,00</b>	<b>3.015,00</b>
Operating taxes	114,00	90,00	102,00	10,00	11,00
Fees and contributions	42.534,00	90,00	38.280,00	10,00	4.253,00
Membership fees	4.792,00	90,00	4.312,00	10,00	479,00
Maintenance	925,00	90,00	832,00	10,00	92,00
Operating costs	68,00	90,00	61,00	10,00	7,00
Insurance	3.610,00	90,00	3.249,00	10,00	361,00
Transport expenses	41,00	90,00	37,00	10,00	4,00
Travel expenses	900,00	90,00	810,00	10,00	90,00
Communication expenses	5.982,00	90,00	5.384,00	10,00	598,00
Rental and leasing expenses	72.796,00	90,00	65.516,00	10,00	7.280,00
Education and professional training	1.569,00	90,00	1.412,00	10,00	157,00
Office and administration expenses	4.405,00	90,00	3.965,00	10,00	441,00
Charges for money transactions	25.225,00	90,00	22.703,00	10,00	2.523,00
Advertising expenses	26.807,00	90,00	24.126,00	10,00	2.681,00
Legal and consulting expenses	87.955,00	90,00	79.159,00	10,00	8.795,00
Meeting fees	27.615,00	90,00	24.854,00	10,00	2.762,00
IT expenses	54.863,00	90,00	49.376,00	10,00	5.486,00
External labour	6.950,00	90,00	6.255,00	10,00	695,00
Incidental	14.325,00	90,00	12.893,00	10,00	1.433,00
<b>Σ Total other operating expenses</b>	<b>381.473,00</b>		<b>343.326,00</b>		<b>38.147,00</b>
<b>Σ Total Expenditure</b>	<b>911.574,00</b>		<b>820.417,00</b>		<b>91.157,00</b>
Depreciation of financial assets	18.599,00	90,00	16.739,00	10,00	1.860,00
Interest and related expenses	10.665,00	90,00	9.598,00	10,00	1.066,00
<b>Σ Total Financial expenses</b>	<b>29.263,00</b>		<b>26.337,00</b>		<b>2.926,00</b>
<b>Σ Total expenses</b>	<b>940.837,00</b>		<b>846.754,00</b>		<b>94.084,00</b>

## 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 31 under RW and amounted to a total of EUR 846.753,00.

### **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 Verw-GesG 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](https://vdfs.at/files/general_principles_of_administrative_costs.pdf).

As administrative costs, a general rate of pesetas of 15% was deducted from the Rights revenue was deducted. The expense deduction in the financial year 2021 (including SMV special settlements) totaled EUR 723.784,44

## 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 31 under SKE and amounted to a total of EUR 94.084,00.

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	723.000,00
Expenses SMV after billing	31.000,00
Write up of financial deposits	10.000,00
Interest income from bank	2.000,00
Interest income from securities	48.000,00
<b>Σ</b>	<b>814.000,00</b>
The deficit was covered from the accumulated surplus to break even.	127.000,00
<b>Cover of administrative costs</b>	<b>941.000,00</b>

## 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](https://vdfs.at/files/general_principles_for_other_deductions.pdf).

In financial year 2021, the following deductions were made from the income resulting from the rights (domestic income):

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

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

	<b>Expenses</b>	<b>SKE</b>	<b>Reserves</b>
BTR/SMR	255.009,13	824.022,03	109.996,47
CAB	445.252,87	276.366,43	380.545,12
PT	22.997,45	13.031,89	23.457,40
0	525,00	297,50	535,50
<b>Σ</b>	<b>723.784,44</b>	<b>1.113.717,85</b>	<b>514.534,49</b>

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 2021 is as follows:

- Total expenses: EUR 940.837,00
- Total revenue from rights (domestic and foreign): EUR 8.283.837,84

The share of the expenses for revenue in financial year 2021 11,36%.

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



VdFS supports our film curatorial practice in the collective, cinema spaces sustainably as spaces for the reflection of social processes and for collective action.

# Information about distribution

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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](https://vdfs.at/files/general_principles_of_distribution.pdf) and [vdfs.at/files/distribution\\_rules\\_2021\\_1.pdf](https://vdfs.at/files/distribution_rules_2021_1.pdf).

A graphic explanation of the royalty distribution is available at [vdfs.at/files/grafik\\_tantiemerverteilung\\_2021\\_en.pdf](https://vdfs.at/files/grafik_tantiemerverteilung_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 2021. Reimbursements (such as due to the incorrect statement of bank details) are not taken into account here.

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**Revenues collected but not yet allocated to the rights holders** corresponds to all receipts received in financial year 2021 (Chapter 2) after deduction which will form the basis for the main, supplementary and special distributions of VdFS in the following years.

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**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, 31.165 individual amounts were used for the main settlement of the median value of the authors in 2020.



Of this amount, the following amounts were paid as part of the main settlement of the 2020 broadcasting data, the 1st supplementary settlement of the 2019 broadcasting data. The following amounts were allocated to VdFS rights holders by category of rights and type of use as part of the main settlement for broadcasting data in 2020, the first settlement for broadcasting data in 2019, the second settlement for broadcasting data in 2018, the final settlement for broadcasting data in 2017, the SMV supplementary payment for 2017, and the SMV Amazon supplementary payment for 2017:

Allocated amounts

Stated in EUR

Legal category	Copyright	Neighbouring right
Type of use		
BTR/SMR	287,260.34	104,322.67
CAB	490,496.47	197,076.40
PT	29,840.04	9,563.16
O	2,239.16	811.88
Return surplus*	130,378.64	39,936.91
Released reserves	81,003.67	27,218.40
<b>Σ</b>	<b>1,021,218.32</b>	<b>378,929.42</b>
<b>Median value**</b>	<b>12.029</b>	<b>2.953</b>

In addition, EUR 1,953,743.65 in the rights category copyright and EUR 289,778.96 in the rights category ancillary copyright were allocated to beneficiaries of foreign sister companies (incl. US) in the course of the 2020 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 1.060.257,47 was distributed to VdFS rights holders in financial year 2021, regardless of the year in which the allocation was made or the claim arose. This amount is divided as follows:

Distributed amounts	Legal category	Σ	Median value*
Stated in EUR	Copyright	821.114,71	7,826
	Neighbouring right	239.142,76	1,925

Of this amount, EUR 1,059,190.03 was received from the allocations of the main settlement of the broadcasting data 2020, the 1st supplementary settlement of broadcasting data 2019, the 2nd supplementary settlement of broadcasting data 2018, the final settlement of broadcasting data 2017, the SMV supplementary payment for 2017 and the SMV Amazon supplementary payment for 2017 were distributed to beneficiaries of VdFS according to category of perceived rights and type of use as follows:

Distributed amounts	Legal category	Copyright	Neighbouring right
Stated in EUR	Type of use		
	BTR/SMR	184.005,91	55.508,93
	CAB	498.616,60	143.542,19
	PT	30.314,37	8.500,15
	0	5.170,35	1.461,74
	Return surplus**	9.488,70	7.068,32
	Released reserves	93.356,24	25.156,53
	Σ	<b>820.952,17</b>	<b>238.237,86</b>
	Median value*	<b>7,826</b>	<b>1,925</b>

#### 4.2.2. Allocations and distributions 2021

Of the distributions made in the fiscal year 2021 in the course of the distributions listed under 4.1. (allocations), a total of EUR 1,026,411.55 was allocated to the rights holders of VdFS. EUR 1,015,415.65 was distributed to authors and actors as follows actors and actresses as follows:

Allocations and distributions	Legal category	Σ	Median value*
Stated in EUR	Copyright	787.656,29	7,525
	Neighbouring right	227.759,36	1,925

\* 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 2021 financial year, EUR 44.841,82 was distributed to VdFS rights holders, thereof EUR 33.458,42 to authors and EUR 11.383,40 to actors and actresses.

These are distributions of amounts allocated to VdFS rights holders prior to fiscal year 2021. These actual payments are based, for example, on the clarification of legal successions or disputed claims or shares in the 2021 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 2021:

Dates and number of payments	Date	Number
	01/04/2021	1.774
	16/04/2021	16
	28/06/2021	612
	20/09/2021	56
	21/09/2021	1.763
	06/10/2021	18
	16/12/2021	977
	22/12/2021	31
	<b>Σ</b>	<b>5.247</b>

A breakdown according to category of managed rights and type of use is not possible for the financial year 2021. There are, for example, rights holders who are beneficiaries of VdFS as both authors and actors 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 2021 was shown. These form the basis for the distribution budgets for the following financial year.

An amount of EUR 2.470.503,02 was allocated to the distribution budget of 2021 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 1.976.420,42
- Neighbouring right: EUR 494.100,60

The distribution budget 2021 breakdown by type of use is as follows

Amounts collected but not yet allocated	Type of Use	Copyright	Neighbouring rights
	BTR/SMR	380.088,14	95.022,04
Stated in EUR	CAB	1.495.947,69	373.986,92
	PT	94.204,42	23.551,10
	O*	6.162,17	1.540,54
	<b>Σ</b>	<b>1.976.402,42</b>	<b>494.100,60</b>

In addition, the following amounts have already been collected in 2020 but not yet allocated to rights holders\* in 2021:

— **Replenishment of Austro-Mechana for Storage medium Remuneration (SMR)** for the Amazon settlement (after deductions):

- 2018: EUR 82,248.82

\* 0 incl. undistributable royalties.

### — Reserves

The following amounts from accruals (20% and 30% for SMV) for subsequent settlements had been collected as of 31/12/2021 but not yet allocated to rights holders:

Reserves	Year	Amount
Stated in EUR	2017	369.136,54
	SMR additional payment 2017	35.124,28
	2018	341.172,07
	SMR additional payment 2018	20.562,20
	2019	434.439,14
	2020	529.052,57
	2021	514.534,49

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 19.871,09. as of 31/12/2021.

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
2004	2.13	0.00
2008	145.34	0.00
2014	0.00	269.49
2015	23.19	279.30
2016	224.24	671.07
2017	120.61	619.56
2018	3,133.90	3,626.54
2019	6,848.23	4,076.87
2020	29,372.15	6,288.37
<b>Σ</b>	<b>39,869.79</b>	<b>15,831.20</b>

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

Allocated but not yet distributed amounts

Stated in EUR

Legal category	Copyright	Neighbouring right
Type of use		
BTR/SMR	1.728,92	1.200,72
CAB	3.405,34	2.324,16
PT	206,85	134,97
0	36,66	21,28
Return surplus	2,45	151,94
Released reserves	649,59	382,05
<b>Σ</b>	<b>6.029,81</b>	<b>4.215,12</b>

## 4.6. Obstacles

The assigned but not yet distributed amounts per 31/12/2021 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](https://vdfs.at/files/general_principles_for_the_use_of_non-distributable_funds.pdf).

As of the reporting date of 31st of December 2021, EUR 457,19 were classified as non-distributable. These are old stocks of royalties from the year 2020 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](https://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.



What I particularly appreciate about VdFS is the very uncomplicated and appreciative collaboration. As a young artist, it makes a big difference difference to have such a strong and and supportive partner at my side.

Ronja Forcher

# 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  
social and  
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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 2021. 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 2021, EUR 2.749.866,26 were distributed from settlements of VdFS in 2021 from the main distribution of the 2020 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 2021.

In detail, in 2021, the following payments from VdFS's accounts were made to other (foreign) collecting societies:

#### Legal category copyright

EUR 2.345.230,80 were distributed to the following sister societies:

	Country	Society	Amount
Payments to affiliates copyright Stated in EUR	AR	DAC	533,37
	AU	ASDACS	9.520,24
	CAN	DRCC	3.607,21
	CH	SSA	2.344,95
	CH	SUISSIMAGE	41.682,11
	CZ	DILIA	1.030,38
	DE	VGBK	1.018.731,01
	DK	COPYDAN	6.320,13
	EE	EAÜ	51,87
	ES	DAMA	521,81
	ES	SGAE	3.083,16
	FI	KOPIOSTO	1.764,21
	FR	SACD	47.098,18
			50

FR	SCAM	12.251,38
GB	DIRECTORS UK	53.899,15
GB	SCREEN CRAFT RIGHTS	41.323,59
GR	SADA	257,70
HU	FILMJUS	996,20
IT	SIAE	23.433,19
NL	VEVAM	1.411,18
NO	NORWACO	3.477,11
PL	ZAPA	1.639,92
PT	SPA	22,15
SE	COPYSWEDE	25.017,13
SK	LITA	388,74
USA	DGA	1.044.824,74

### Legal category neighbouring rights

EUR 402.671,15 were distributed to the following sister societies:

Payments to  
affiliates neighbouring rights

Stated in EUR

Country	Society	Amount
BE	PLAYRIGHT	3.896,25
CH	SWISSPERFORM	8.008,98
DE	GVL	325.228,11
ES	AISGE	16.608,43
FR	ADAMI	39.286,59
IT	NUOVOIMAIE	9.815,82
NL	NORMA	768,44
NO	NORWACO	983,78
PT	GDA	39,08

## Legal category copyright

Of which\* were paid as part of the main settlement of the 2020 broadcasting data, the 1st. subsequent settlement of broadcasting data 2019, 2nd subsequent settlement of broadcasting data 2018, final settlement of broadcasting data 2017, SMV subsequent payment for the year 2017 and the SMV-Amazon supplementary payment for 2017, a total of EUR 2,747,883.58 was distributed to other (foreign) copyright societies as follows, according to the category of rights administered and type of use:

Payments to affiliates copyright  
Stated in EUR

Society	AR – DAC	AU – ASDACS	CAN – DRCC
Type of use			
BTR/SMR	175,43	1.918,17	810,91
CAB	231,58	6.021,57	2.179,51
PT	14,82	365,75	132,34
O	1,46	64,93	22,31
Repat.Surplus**	83,06	0,00	48,88
Aesol.RES.	8,66	1.149,83	413,25
<b>Σ</b>	<b>515,01</b>	<b>9.520,25</b>	<b>3.607,20</b>
Society	CH – SSA	CH – SUISSIMAGE	CZ – DILIA
Type of use			
BTR/SMR	533,57	9.777,73	217,89
CAB	1.434,79	24.681,31	643,58
PT	87,15	1.500,77	39,09
O	15,47	246,95	6,94
Repat.Surplus**	0,00	905,63	0,00
Aesol.RES.	273,98	4.569,73	122,86
<b>Σ</b>	<b>2.344,95</b>	<b>41.682,12</b>	<b>1.030,39</b>
Society	DE – VGBK	DK – COYDAN	EE – EAÜ
Type of use			
BTR/SMR	237.837,83	1.554,11	36,22
CAB	618.480,77	3.775,14	13,90
PT	37.566,55	229,30	0,90
O	6.666,29	40,70	0,08
Repat.Surplus**	89,91	0,00	0,00
Aesol.RES.	118.089,68	720,87	0,77
<b>Σ</b>	<b>1.018.731,02</b>	<b>6.320,12</b>	<b>51,87</b>
Society	ES – DAMA	ES – SGAE	FI – KOPIOSTO
Type of use			
BTR/SMR	165,92	687,50	431,75
CAB	281,90	1.860,71	1.055,44
PT	17,12	113,03	64,11
O	3,04	18,84	11,38
Repat.Surplus**	0,00	52,84	0,00
Aesol.RES.	53,83	350,23	201,54
<b>Σ</b>	<b>521,81</b>	<b>3.083,15</b>	<b>1.764,22</b>
* For technical reasons, a breakdown by type of use is only possible for all statements from the 2016 broadcasting year onwards.			52

Society	FR – SACD	FR – SCAM	GB – DIRECTOS UK
Type of use			
BTR/SMR	12.464,05	2.584,46	11.476,75
CAB	27.393,62	7.619,26	33.602,61
PT	1.663,84	464,17	2.041,02
0	294,02	80,13	362,29
Repat.Surplus**	55,10	105,87	0,00
Aesol.RES.	5.227,55	1.397,50	6.416,47
<b>Σ</b>	<b>47.098,18</b>	<b>12.251,38</b>	<b>53.899,14</b>
Society	GB – SCREEN CRAFT RIGHTS	GR – SADA	HU – FILMJUS
Type of use			
BTR/SMR	8.870,79	47,76	269,78
CAB	25.204,04	166,29	572,76
PT	1.533,69	10,10	34,84
0	255,83	1,79	6,05
Repat.Surplus**	825,87	0,00	5,67
Aesol.RES.	4.633,36	31,75	107,10
<b>Σ</b>	<b>41.323,58</b>	<b>257,69</b>	<b>996,20</b>
Society	IT – SIAE	NL – VEVAM	NO – NORWACO
Type of use			
BTR/SMR	5.263,63	344,05	727,63
CAB	14.092,44	845,23	2.177,85
PT	856,18	51,34	132,28
0	142,05	9,12	23,48
Repat.Surplus**	435,28	0,00	0,00
Aesol.RES.	2.643,61	161,40	415,87
<b>Σ</b>	<b>23.433,19</b>	<b>1.411,17</b>	<b>3.477,11</b>
Society	PL – ZAPA	PT – SPA	SE – COPYSWEDE
Nutzungsart			
Type of use	493,27	22,15	5.994,64
BTR/SMR	908,26	0,00	15.067,63
CAB	55,17	0,00	915,21
PT	9,80	0,00	162,46
0	0,00	0,00	0,00
Repat.Surplus**	173,43	0,00	2.877,19
Aesol.RES.	<b>1.639,92</b>	<b>22,15</b>	<b>25.017,13</b>

\*\*

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	SK – LITA	USA – DGA	
Type of use			
BTR/SMR	94,09	580.751,81	
CAB	233,39	464.072,93	
PT	14,18	0,00	
0	2,52	0,00	
Repat.Surplus**	0,00	0,00	
Aesol.RES.	44,57	0,00	
<b>Σ</b>	<b>388,74</b>	<b>1.044.824,74</b>	

### Legal category neighbouring rights

Of which\* were paid as part of the main settlement of the 2020 broadcasting data, the 1st. The following total of EUR 402,671.15 was distributed to other (foreign) acting companies within the framework of the main settlement of the broadcasting data for 2019, the 2nd settlement of the broadcasting data for 2018, the final settlement of the broadcasting data for 2017, the SMV supplementary payment for 2017 and the SMV Amazon supplementary payment for 2017, as follows, according to the category of rights held and type of use (foreign) acting companies:

Payments to affiliates neighbouring right  
Stated in EUR

Society	BE – PLAYRIGHT	CH – SWISSPERFORM	DE – GVL
Type of use			
BTR/SMR	862,45	1.831,91	65.672,17
CAB	1.982,44	4.731,22	197.996,33
PT	117,18	264,56	11.329,41
0	19,56	48,02	1.717,49
Repat. Surplus**	67,80	390,82	16.447,27
Resol.RES	355,70	668,92	31.260,99
<b>Σ</b>	<b>3.405,12</b>	<b>7.935,45</b>	<b>324.423,66</b>

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

<b>Society</b>	<b>ES – AISGE</b>	<b>FR – ADAMI</b>	<b>IT – NUOVOIMAIE</b>
Type of use			
BTR/SMR	3.423,16	9.974,61	2.210,73
CAB	10.404,71	22.743,02	5.970,15
PT	629,12	1.354,20	357,61
0	110,53	233,21	61,37
Repat. Surplus**	48,31	352,36	126,95
Resol.RES	1.979,60	4.050,83	1.085,17
<b>Σ</b>	<b>16.595,43</b>	<b>38.708,24</b>	<b>9.811,98</b>
<b>Society</b>	<b>NL – NORMA</b>	<b>NO – NORWACO</b>	<b>PT – GDA</b>
Type of use			
BTR/SMR	194,73	182,31	39,08
CAB	454,44	634,84	0,00
PT	27,60	38,56	0,00
0	4,90	6,84	0,00
Repat. Surplus**	0,00	0,00	0,00
Resol.RES	86,78	121,22	0,00
<b>Σ</b>	<b>768,45</b>	<b>983,77</b>	<b>39,08</b>

\*\* 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 2021, VdFS received payments from other (foreign) collecting societies in the amount of EUR 3.009.027,18

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

#### Legal category copyright

EUR 975.719,16 were received from the following sister societies:

Payments from  
other collecting  
societies copy-  
right

Stated in EUR

Collecting society	Amount
ARG - DAC	568,86
CH - SUISSIMAGE	224.131,22
CH - SSA	394,54
CZ - DILIA	1.571,82
DE - VGBK	671.303,22
DK - COPYDAN	969,38
EE - EAÜ	1.609,19
FI - KOPIOSTO	1.822,99
FR - SACD	13.307,49
FR - SCAM	13.604,55
HU - FILMJUS	21.925,90
IT - SIAE	4.872,21
LT - AKKA/LAA	244,86
NL - VEVAM	3.931,55
PL - ZAPA	8.294,88
PT - SPA	3.360,13
SE - COPYSWEDE	1.372,32
SK - LITA	2.434,05
SK - LITA	2,731.77

Due to the data from foreign sister societies for the financial year 2021 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 2.033.308,02 were received from the following sister societies:

Collecting society	Amount
BE - PLAYRIGHT	15.197,89
CH - SWISSPERFORM	70.079,10
DE - GVL	1.813.152,73
FR - ADAMI	58.873,26
IT - NOUVOIMAIE	73.720,73
NL - NORMA	2.073,62
PT - GDA	210,69

Due to the data from foreign sister societies for the financial year 2021 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 the financial year 2021, EUR 5,968.60 from payments by other collecting societies could not be allocated to any rights holder represented by VdFS. Therefore, these amounts, referred to as "third-party money", were either returned to the foreign sister societies or forwarded to the collecting society that actually represents the respective rights holder.

## 5.2. Administrative costs and other deductions

The deductions relate exclusively to the amounts allocated in financial year 2021 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 respect to the main settlement of broadcast data 2020, the 1st supplementary settlement of broadcast data 2019, the 2nd supplementary settlement of broadcast data 2018, the final settlement of broadcast data 2017, the SMV supplementary payment for 2017, and the SMV Amazon supplementary payment for 2017 as a whole, carried out in fiscal year 2021, the administrative expenses 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	
<b>BTR/SMR</b>	ASDACS	24.65	2.397,72	479,54	
	COPYDAN	3.68	1.942,64	388,53	
	COPYSWEDE	1,043.83	7.493,31	1.498,66	
	DAC	483.79	197,84	22,41	
	DAMA	1,788.40	207,40	41,48	
	DILIA	163.01	272,36	54,47	
	DIRECTORS UK	24.77	14.345,94	2.869,19	
	DRCC	122.55	944,03	188,81	
	EAÜ	6,710.89	39,67	7,94	
	FILMJUS	1,087.86	328,29	65,66	
	KOPIOSTO	101.47	539,69	107,94	
	LITA	49.60	117,62	23,52	
	NORWACO	35.86	909,53	181,91	
	SACD	474.36	15.501,59	3.100,32	
	SADA	6,898.21	59,70	11,94	
	SCAM	5.49	3.066,55	613,31	
	SCREEN CRAFT RIGHTS	672.05	10.030,72	2.006,14	
	SGAE	2,894.66	785,86	157,17	
	SIAE	473.61	5.979,02	1.195,80	
	SPA	2,697.28	27,69	5,54	
	SSA	427.88	666,96	133,39	
	SUISSIMAGE	9,220.55	11.013,47	2.202,69	
	VEVAM	353.79	430,06	86,01	
	VGBK	175,260.71	297.173,61	59.434,72	
	ZAPA	478.24	616,58	123,32	
	<b>CAB</b>	ASDACS	1.475,88	836,33	1.505,39
		COPYDAN	925,28	524,33	943,78
COPYSWEDE		3.693,05	2.092,73	3.766,91	
DAC		56,76	32,16	57,89	
DAMA		69,09	39,15	70,48	
DILIA		157,74	89,39	160,89	
DIRECTORS UK		8.235,93	4.667,03	8.400,65	
DRCC		488,94	277,06	498,71	
EAÜ		0,00	0,00	0,00	
FILMJUS		135,14	76,58	137,84	
KOPIOSTO		258,69	146,59	263,86	
LITA		57,20	32,42	58,35	
NORWACO		533,79	302,48	544,46	
SACD		6.663,11	3.775,76	6.796,37	
SADA		40,76	23,10	41,57	
SCAM		1.778,08	1.007,58	1.813,64	
SCREEN CRAFT RIGHTS		5.545,55	3.142,48	5.656,46	
SGAE		409,08	231,81	417,26	
SIAE		3.072,72	1.741,21	3.134,18	
SPA		0,00	0,00	0,00	
SSA		351,66	199,28	358,70	
SUISSIMAGE	5.301,69	3.004,29	5.407,72		
				58	

Type of use	Collecting society	Expenses	SKE	Reserves
	VEVAM	207,17	117,40	211,32
	VGBK	151.510,07	85.855,71	154.540,27
	ZAPA	222,61	126,15	227,06
<b>PT</b>	ASDACS	89,65	50,80	91,44
	COPYDAN	56,20	31,85	57,33
	COPYSWEDE	224,32	127,11	228,80
	DAC	3,63	2,06	3,71
	DAMA	4,20	2,38	4,28
	DILIA	9,58	5,43	9,77
	DIRECTORS UK	500,25	283,48	510,26
	DRCC	29,70	16,83	30,29
	EAÜ	0,00	0,00	0,00
	FILMJUS	8,21	4,65	8,37
	KOPIOSTO	15,71	8,90	16,03
	LITA	3,47	1,97	3,54
	NORWACO	32,42	18,37	33,07
	SACD	404,72	229,34	412,81
	SADA	2,48	1,40	2,53
	SCAM	108,00	61,20	110,16
	SCREEN CRAFT RIGHTS	336,84	190,87	343,57
	SGAE	24,85	14,08	25,34
	SIAE	186,64	105,76	190,37
	SPA	0,00	0,00	0,00
	SSA	21,36	12,10	21,79
	SUISSIMAGE	322,02	182,48	328,47
	VEVAM	12,58	7,13	12,84
	VGBK	9.202,72	5.214,87	9.386,77
	ZAPA	13,52	7,66	13,79
<b>S0 / Intranet-nutzung §42g</b>	ASDACS	10,12	5,73	10,32
	COPYDAN	6,34	3,60	6,47
	COPYSWEDE	25,32	14,35	25,83
	DAC	0,08	0,04	0,08
	DAMA	0,47	0,27	0,48
	DILIA	1,08	0,61	1,10
	DIRECTORS UK	56,47	32,00	57,60
	DRCC	3,35	1,90	3,42
	EAÜ	0,00	0,00	0,00
	FILMJUS	0,93	0,53	0,95
	KOPIOSTO	1,77	1,01	1,81
	LITA	0,39	0,22	0,40
	NORWACO	3,66	2,07	3,73
	SACD	45,69	25,89	46,60
	SADA	0,28	0,16	0,29
	SCAM	12,19	6,91	12,44
	SCREEN CRAFT RIGHTS	38,02	21,55	38,78
	SGAE	2,81	1,59	2,86
	SIAE	21,07	11,94	21,49
	SPA	0,00	0,00	0,00
	SSA	2,41	1,37	2,46
	SUISSIMAGE	36,35	20,60	37,08
	VEVAM	1,42	0,81	1,45
	VGBK	1.038,82	588,67	1.059,60
	ZAPA	1,53	0,87	1,56

\* 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
<b>BTR/SMR</b>	ADAMI	4.196,90	11.891,23	2.370,12
	AISGE	1.489,30	4.219,69	844,11
	GDA	17,24	48,85	9,77
	GVL	21.969,24	62.246,18	12.386,55
	NORMA	85,91	243,41	48,68
	NORWACO	80,43	227,89	45,58
	NUOVOIMAIE	968,19	2.743,19	548,66
	PLAYRIGHT	345,23	978,16	184,72
	SWISSPERFORM	643,59	1.823,49	359,28
<b>CAB</b>	ADAMI	5.139,49	2.912,38	5.242,28
	AISGE	2.501,41	1.417,46	2.551,43
	GDA	0,00	0,00	0,00
	GVL	34.162,46	19.358,73	34.845,71
	NORMA	111,38	63,12	113,61
	NORWACO	155,60	88,17	158,71
	NUOVOIMAIE	1.447,24	820,10	1.476,18
	PLAYRIGHT	420,82	238,47	429,24
	SWISSPERFORM	799,87	453,26	815,87
<b>PT</b>	ADAMI	310,41	175,90	316,61
	AISGE	151,86	86,05	154,89
	GDA	0,00	0,00	0,00
	GVL	2.071,21	1.173,68	2.112,63
	NORMA	6,77	3,83	6,90
	NORWACO	9,45	5,36	9,64
	NUOVOIMAIE	86,87	49,23	88,61
	PLAYRIGHT	25,55	14,48	26,06
	SWISSPERFORM	47,12	26,70	48,06
<b>SO / Intra-netnutzung §42g</b>	ADAMI	47,12	19,25	34,64
	AISGE	17,11	9,69	17,45
	GDA	0,00	0,00	0,00
	GVL	231,64	131,27	236,28
	NORMA	0,76	0,43	0,78
	NORWACO	1,07	0,61	1,09
	NUOVOIMAIE	9,29	5,27	9,48
	PLAYRIGHT	2,87	1,63	2,93
	SWISSPERFORM	4,25	2,41	4,33
	SWISSPERFORM	61.52	34.86	62.75

## 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 2021, EUR 2.839.385,59 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 2021, EUR 1.349.523,16 was forwarded to film authors without deduction of administrative costs or other deductions.

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

Distributions of  
foreign payments

Stated in EUR

Origin	Amount
AR - DAC	492,50
AU - ASDACS	139,04
CH - SUISSIMAGE	355.550,36
CZ - DILIA	2.095,20
DE - VGBK	819.441,98
DK - COPYDAN	1.212,60
EE - EAÜ	935,53
ES - SGAE	21.691,94
FI - KOPIOSTO	1.999,02
FR - SACD	23.139,03
FR - SCAM	21.637,77
HU - FILMJUS	13.422,51
IT - SIAE	57.983,87
LT - AKKA/LAA	1.290,32
LT - LATGA	332,98
NL - VEVAM	25,49
NO - NORWACO	75,68
PL - ZAPA	16.453,25
PT - SPA	6.222,61
SE - COPYSWEDE	2.399,37
SLO - AIPA	175,85
SK - LITA	2.806,27

### Legal category neighbouring rights

In financial year 2021, EUR 1.489.862,43 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	77.389,72
CH - SWISSPERFORM	70.528,40
CO - ACTORES	0,34
DE - GVL	1.207.130,18
ES - AISGE	27.572,84
FR - ADAMI	47.939,45
IT - NUOVOIMAIE	55.202,52
NL - NORMA	3.888,56
PT - GDA	210,43

Cinema Next, like many others, would not exist without VdFS. Its (thankfully transparent) structural funding performance is immense! The fact that it enables young film creatives to take part in competitions or attend festivals through the support of young talents is just as valuable. Please stay tuned regarding the support of young filmmakers!



# 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](https://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](https://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 09/09/2021 and by the Supervisory Board on 14/09/2021.

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 2021. 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](https://vdfs.at).

## 6.1. SKE-deductions

In the 2021 financial year, a total of EUR 1.113.717,85 was deducted from the rights revenue for SKE presented in chapter 2. These previously explained deductions can be broken down by type of use as shown in the following chart.

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

Deductions were made by type of use as follows:

SKE Deductions	Type of use	SKE Deductions
Stated in EUR	BTR/SMR	824.022,03
	CAB	276.366,43
	PT	13.031,89
	0	297,50
	$\Sigma$	<b>1.113.717,85</b>

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 01/01/2021 was EUR 4.271.007,80. EUR 1.726.496,42 was distributed for social and cultural purposes as follows:

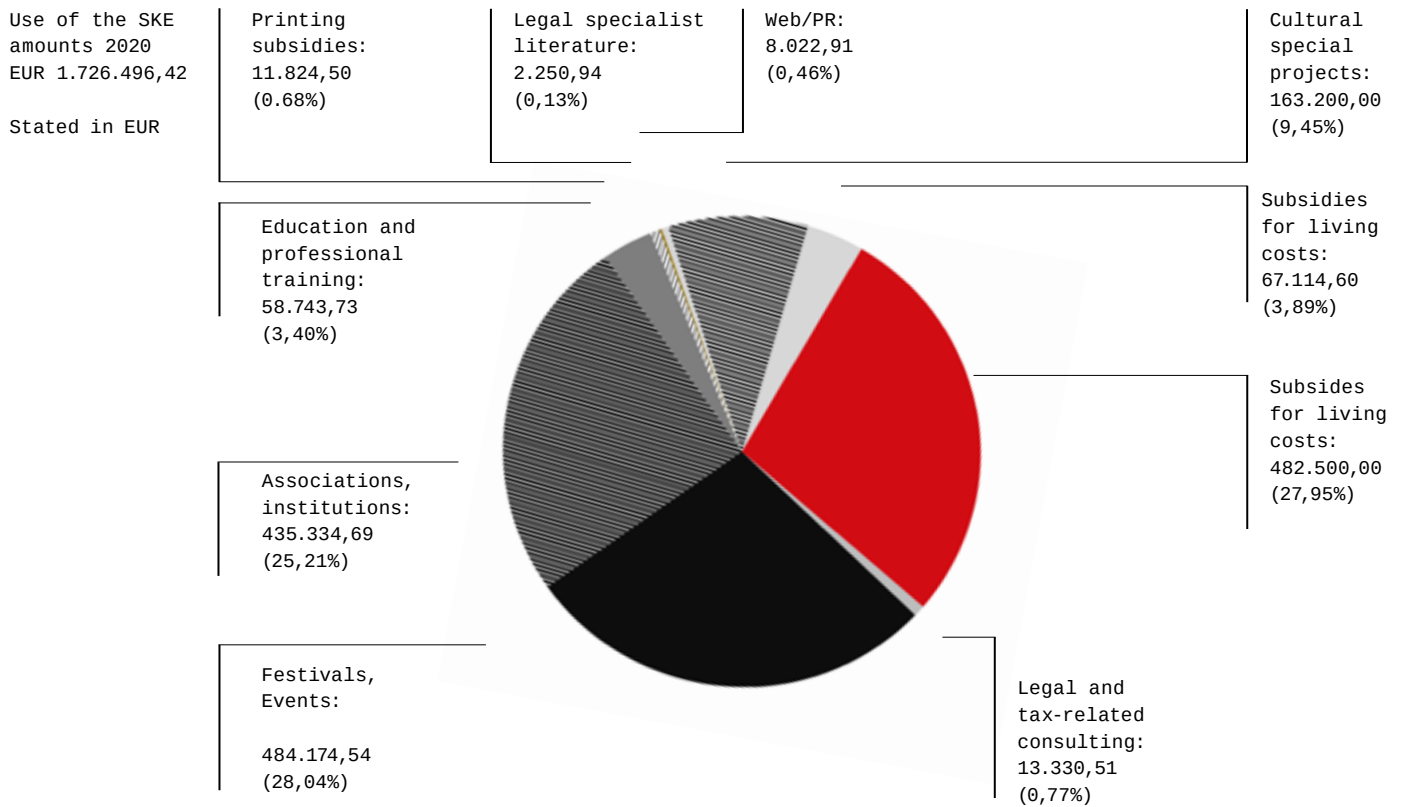
### Social purposes

Use of social purposes	Subsides for living costs	482.500,00
Stated in EUR	Age subsidies	67.114,60
	Subsides for legal and tax-related consultation	13.330,51
	$\Sigma$	<b>562.945,11</b>

## Cultural purposes

Use of cultural purposes  Stated in EUR	Liabilities from festivals and events	484.174,54
	Liabilities from associations and institutions	435.334,69
	Education and professional training	58.743,73
	Printing subsidies	11.824,50
	Legal specialist literature	2.250,94
	Web/PR	8.022,91
	Cultural special projects (infrastructural measures)	163.200,00
	<b>Σ</b>	<b>1.163.551,31</b>

The balance of the SKE fund (liability from the dedication for SKE) as of 31/12/2021, after allocations in 2021 in the amount of EUR 1.113.717,85, amounts to EUR 3.658.229,23.



## 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 94.084,00. No (special) costs for the administration of RACO in excess of this amount were deducted.

## Seperate amounts

This chapter also includes separate amounts used for social and cultural institutions (SKE). In the 2021 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.



A message from VdFS always means something good. Thank you for the great work you do. As an actor, I can rely on my rights being compensated, quickly and without complications!

Jakob Seeböck

# Annex

Cash Flow Statement as of 31/12/2021

Stated in EUR

	2021	2020
<b>1. Earnings before taxes</b>	<b>7.435.436,32</b>	<b>7.840.193,61</b>
<b>2. Appropriation of earnings</b>	<b>-7.435.436,32</b>	<b>-7.840.193,61</b>
<b>3. Reconciliation to net cash flow from earnings before tax</b>		
a. Loss from the disposal of investment assets	8.737,29	11.099,38
b. Depreciation/write-ups on fixed assets as well as securities held as current assets	38.742,87	42.687,75
<b>Cash flow from earnings</b>	<b>47.480,16</b>	<b>53.787,13</b>
c. De-/Increase in inventories, trade receivables and other assets	288.061,62	-30.715,53
d. In-/Decrease in provisions, except for taxes on income	-8.407,00	60.222,00
e. Increase in trade payables and other liabilities	-901.979,67	-1.990.013,80
	<b>-574.844,89</b>	<b>-1.906.720,20</b>
<b>4. Net cash flow from profit before tax</b>	<b>-574.844,89</b>	<b>-1.906.720,20</b>
<b>5. Net cash flow from operating activities</b>	<b>-574.844,89</b>	<b>-1.906.720,20</b>
<b>6. Net cash flow from investing activities</b>		
a. Proceeds from asset disposal (excluding financial assets)	125,00	816,02
b. Proceeds from the disposal of financial assets and other financial investments	1.440.058,58	1.332.106,39
c. Additions to financial assets and other financial investments	-36.667,31	-61.034,00
d. Additions to financial assets and other financial investments	-1.462.454,84	-353.732,43
	<b>-58.938,57</b>	<b>918.155,98</b>
<b>7. Net cash flow from financing activities</b>		
a. Deposits/withdrawals from equity	300,00	300,00
b. Deposits/withdrawals for the taking out/repayment of other financial loans	-83,85	41,78
	<b>383,85</b>	<b>258,22</b>
<b>8. Change in cash and cash equivalents</b>	<b>-633.399,61</b>	<b>-988.306,00</b>
<b>9. Cash and cash equivalents at the beginning of the period</b>	<b>7.174.780,71</b>	<b>8.163.086,71</b>
<b>10. Cash and cash equivalents at the end of the period</b>	<b>6.541.381,10</b>	<b>7.174.780,71</b>

Balance sheet as  
of 31/12/2021

Stated in EUR

<b>Assets</b>	31/12/2021	31/12/2020
<b>A. Investment assets</b>		
I. Intangible assets		
1. Software	37.218,58	28.606,24
II. Property, plant and equipment		
1. Construction investments in external buildings	25.052,86 25.052,86	28.184,47 28.184,47
2. Operating and office equipment	20.324,41	19.284,06
	<b>45.377,27</b>	<b>47.468,53</b>
III. Financial assets		
1. Investments	1.239,47	1.239,47
2. Securities (value rights) held as fixed assets	4.206.530,76 4.207.770,23	4.201.593,43 4.202.832,90
	<b>4.290.366,08</b>	<b>4.278.907,67</b>
<b>B. Current assets</b>		
I. Receivables and other assets		
1. other receivables and assets	756.013,27	1.044.704,68
II. Cash on hand, bank balances	6.541.381,10	7.174.780,71
	<b>7.297.394,37</b>	<b>8.219.485,39</b>
<b>C. Prepaid expenses</b>	<b>3.764,19</b>	<b>3.134,40</b>
<b>Total assets</b>	<b>11.591.524,64</b>	<b>12.501.527,46</b>



Balance sheet as  
of 31/12/2021

Stated in EUR

<b>Passiva</b>	31/12/2021	31/12/2020
<b>A. Equity</b>		
I. Total nominal amount of corporate shares		
1. Remaining members	15.900,00	15.400,00
2. Resigning members	200,00	400,00
	<b>16.100,00</b>	<b>15.800,00</b>
<b>B. Provisions</b>		
1. Other provisions	<b>599.097,00</b>	<b>607.504,00</b>
<b>C. Verbindlichkeiten</b>		
1. Liabilities towards credit institutions	83,85	0,00
thereof with a remaining term of up to one year	83,85	0,00
2. Liabilities from Trade accounts payablen	25.830,78	23.750,77
thereof with a remaining term of up to one year	25.830,78	23.750,77
3. Liabilities from the dedication of SKE	3.658.229,23	4.271.007,80
4. Liabilities from royalties	7.034.889,41	7.370.831,49
of which royalties are below threshold	1.938,43	2.578,27
of which royalties are indivisible	457,19	316,70
5. Sonstige Verbindlichkeiten	257.294,37	212.633,40
thereof from taxes	31.468,99	0,00
of which under social security	10.269,94	9.872,38
thereof with a remaining term of up to one year	96.103,39	40.416,98
thereof with a remaining term of more than one year	161.190,98	172.216,42
	<b>10.976.327,64</b>	<b>11.878.223,46</b>
thereof with a remaining term of up to one year	10.815.136,66	11.706.007,04
thereof with a remaining term of more than one year	161.190,98	172.216,42
<b>Total liabilities</b>	<b>11.591.524,64</b>	<b>12.501.527,46</b>

Profit and  
Income  
Statement  
01/01/2021 -  
31/12/2021

Stated in EUR

	2021	2020
<b>1. Revenue</b>	<b>8.283.837,84</b>	<b>8.667.632,02</b>
<b>2. Other operating income</b>	<b>31.889,26</b>	<b>14.888,30</b>
<b>3. Personnel expenses</b>		
a. Salaries	388.008,52	316.447,41
b. Social security expenses of which expenses for retirement benefits	111.945,86 1.800,00	90.945,29 1.025,00
	<b>499.954,38</b>	<b>407.392,70</b>
<b>4. Amortisation</b>		
a. of intangible assets and depreciation of property, plant and equipment	<b>30.146,23</b>	<b>26.429,43</b>
<b>5. Other operating expenses</b>	<b>381.473,35</b>	<b>448.799,69</b>
<b>6. Subtotal from Lines 1 to 5 (operating results)</b>	<b>7.404.153,14</b>	<b>7.799.898,50</b>
<b>7. Income from other securities</b>	<b>48.659,06</b>	<b>67.258,63</b>
<b>8. Other interest and similar income</b>	<b>1.885,46</b>	<b>3.679,48</b>
<b>9. Income from the disposal of and write-ups on financial assets</b>	<b>10.001,97</b>	<b>2.160,00</b>
<b>10. Expenses from financial investments</b>	<b>27.460,90</b>	<b>30.333,72</b>
<b>11. Interest and similar expenses of which relating to affiliated companies</b>	<b>1.802,41</b>	<b>2.469,28</b>
<b>12. Subtotal from Lines 7 to 11 (financial results)</b>	<b>31.283,18</b>	<b>40.295,11</b>
<b>13. Earnings before taxes</b>	<b>7.435.436,32</b>	<b>7.840.193,61</b>
<b>14. Earnings after taxes</b>	<b>7.435.436,32</b>	<b>7.840.193,61</b>
<b>15. Net income for the year</b>	<b>7.435.436,32</b>	<b>7.840.193,61</b>
<b>16. Profit appropriation</b>	<b>-7.435.436,32</b>	<b>-7.840.193,61</b>
<b>17. Profit of the year</b>	<b>0,00</b>	<b>0,00</b>



# Auditor's report for the 2021 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, Vienna**

consisting of the balance sheet as of 31/12/2021, 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 annual financial statements as of 31st of December 2021 (consisting of the balance sheet as of 31st of December 2019, the income statement for the financial year ending on this date and the cash flow statement) provide a true and fair view of the assets and financial position as of 31/12/2021 as well as of the collecting society's income position for the financial year ending on that date in accordance with Austrian corporate law.

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 pursuant to these regulations and standards are described further in the section "Responsibilities of the auditor for the audit of the annual financial statements" of our audit certificate. We are – in accordance with Austrian company law and professional regulations – independent of the collecting society 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 serve as 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 annual financial statements provide a true and fair view of the situation of the company assets, finances and earnings in accordance with Austrian corporate law.

In addition, the legal representatives are responsible for the internal controls that they consider necessary to enable the preparation of a financial statement that is free of material misstatements, whether intentional or unintentional.

In the preparation of the annual financial statements, the legal representatives are responsible for assessing the company's ability to continue the business activity, to specify matters relating to the continuation of the business activity, if applicable, and to apply the accounting principle for the continuation of the business activity, unless the legal representatives intend to either liquidate the company or cease business or have no realistic alternative.

### **Responsibilities of the auditor for the audit of the transparency report**

Our objectives are to obtain reasonable assurance as to whether the annual financial statements contained in the transparency report as a whole are free from intentional or unintentional material misrepresentations and to issue an audit certificate which includes our audit opinion. Sufficient security is a high degree of security, but it does not guarantee that a final audit performed in accordance with the Austrian principles of proper auditing (which requires the application of the ISA) will always reveal a material misrepresentation, if any exists. Incorrect representations may result from premeditated actions or errors and are deemed to be material if they individually or collectively could reasonably be expected to affect the economic decisions made by users on the basis of these annual 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 a final audit in accordance with the Austrian principles of proper auditing, which require the application of the ISA, we exercise due discretion and maintain a critical fundamental attitude throughout the final audit.

In addition:

— We identify and assess the risks of material misrepresentations – intentional or unintentional – in the financial statements, plan audit procedures in response to these risks, perform them and obtain audit evidence that is sufficient and appropriate to provide a basis for our audit opinion.

The risk that material misrepresentations resulting from premeditated actions will not be revealed is higher than one resulting from errors, since premeditated actions may include fraudulent co-operation, counterfeiting, intentional incompleteness, misleading representation or the abolition of internal controls.

— We gain an understanding of the internal control system relevant to the final audit in order to plan audit procedures that are appropriate in the circumstances, but not with the objective of issuing an opinion as to the effectiveness of the company's internal control system.

— We assess the appropriateness of the accounting policies used by the legal representatives as well as the reasonableness of the accounting estimates presented by the legal representatives and related information.

— We draw conclusions concerning the appropriateness of the application of the accounting principle of the continuation of the business activities by the legal representatives as well as, on the basis of the audit evidence obtained, whether there is substantial uncertainty in connection with events or circumstances which cast seriously doubt as to the company's ability to continue its business activity. If we conclude that there is material uncertainty, we are obliged to draw attention in our audit certificate to the related disclosures in the annual financial statements or, if these disclosures are inappropriate, to modify our audit opinion. We draw our conclusions on the basis of the audit evidence obtained as of the date of our audit certificate. However, future events or circumstances may result in the company's departure from the continuation of the company's activities.

— We assess the overall presentation, structure and content of the annual financial statements as of 31/12/2021, including the disclosures as well as whether the annual financial statements reflect the underlying transactions and events in such a way as to achieve the most accurate picture possible.

Vienna, 18/08/2021

Bernardini & Co Wirtschaftsprüfung GmbH  
Wirtschaftsprüfungs- und Steuerberatungsgesellschaft

Dr. Martin Bernardini e.h.  
Auditor

*The publication or disclosure of the transparency report with our audit certificate may only take place in the version which we have confirmed. This auditor's report relates exclusively to the German Language and the complete transparency report. In the case of deviating versions, the provisions of Section 281 para. 2 UGB are to be observed.*





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