

24 February 2022

Subject: Opportunity to treat film producers equally
(Pripombe na predlog ZASP-I in Pripombe na predlog ZKUASP-A)

Dear Madam/ Sir,

CEPI - the European Audio-visual Producers' Association calls on Slovenian legislators to adopt rules for an appropriate allocation of rights and an adequate collective right management system. Representing national associations of independent producers in 18 European territories of which 17 member states, including Slovenia, with the organisations **DAVP - Društvo avdiovizualnih producentov Slovenije** (Associations of Slovenian Audio-visual Producers), and **Društvo FPS - Filmski producenti Slovenije** (Associations of Slovenian Film Producers).

We are reaching out in the context of the transposition of the EU copyright Directives 2019/789 and 2019/790, and the amendment of the Slovenian Copyright Act and the Act on Collective Management of Copyright and Related Rights. A second draft has recently been submitted by the Ministry of Economic Development and Technology, and is a unique opportunity to bring the current Slovenian legal framework in line with the challenges faced by audio-visual rightsholders in the 21st century while by affording them the right level of production.

Audio-visual producers derive value from their work through the ownership and negotiations of their different rights. However, the current legal framework led to an exclusion of producers from the collective management system, thus preventing them from being effectively remunerated for the use of their work.

Since 1995, the legal framework for audio-visual production only allows for the right of private copy to be addressed through collective management, despite the recognition of the value of collective management as a mechanism for the management of independent producers right across different European countries.

The ongoing negotiations of the 2nd drafts of the Copyright Act ([ZASP-I](#)) and the Act on collective management ([ZKUASP-A](#)) published early February represent an opportunity to address this situation.

In particular, the new legislation should **allow for producers to be represented by collective management organisation for the negotiation of the following rights:**

- the right of rebroadcasting (cable retransmission);
- the right of secondary broadcasting (shops, bars, gyms...);

This would provide audio-visual producers with the same level of protection currently afforded to phonograms producers. Indeed, phonogram producers, have benefitted from the collective management of these rights for over three decades, creating an unjustified and unfair discrepancy between them and audio-visual producers.

The inclusion of the above proposal into the new Slovenian legislative framework is essential for a well-functioning Slovenian audio-visual production sector, and the right tool to enable producers to exercise their right and derive value from their work.

In addition, we would like to encourage you to consider additional protection for audio—visual producers in the future legal framework:

- the right of communication to the public by phonograms and videograms,
- the right of broadcasting.

CEPI, in support of our members DAVP and FPS, would welcome amendments to the second draft of the ZASP-I and ZKUASP - A, to address the issues raised in this letter and would like to encourage the legislator to seize the opportunity to develop comprehensive regulation for a Slovenian collective management system which will protect and support independent producers, while affording them the same level of protection already in place in other sectors.

Yours sincerely,

CEPI Secretariat