



# **Transparency Report**

## **Fiscal year 2022**

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## Introduction

This is the 2022 transparency report produced by AGICOA Europe a.s.b.l. pursuant to the entry into force of the Luxembourg Grand-Duchy Law of 25 April 2018 on collective management of copyrights and neighboring (the “Law”).

AGICOA Europe a.s.b.l.’s bylaws and governing rules have been reviewed and modified in 2018 so as to ensure full compliance to the Law. The authorization of AGICOA Europe a.s.b.l. granted by the Luxembourg Grand-Duchy’s Ministry of Economy to act as a collective management organization has been renewed in 2021 for a period of three years.

In 2022 AGICOA Europe a.s.b.l.’s activities concentrated on its main task to distribute funds collected from Slovenia and from the Netherlands.

AGICOA Europe a.s.b.l. maintains a strict separation between operational accounts and fiduciary accounts due to rightsholders. This transparency report covers both operational and fiduciary accounts.

Sincerely Yours,

A handwritten signature in black ink, appearing to be 'Tom De Lange', written over a light blue horizontal line.

Tom De Lange  
Managing Director

# 1 Annual accounts

## 1.1 Balance Sheet

	Notes	2022 EUR	2021 EUR
<b>Assets</b>			
<b>Current assets</b>			
Cash and term-deposits		10 551 927	3 790 354
Receivables	3	7 944 160	1 069 421
		<u>18 496 087</u>	<u>4 859 775</u>
<b>Total Assets</b>			
<b>Liabilities</b>			
<b>Capital</b>			
Profit/Loss for the financial year		0	0
		<u>0</u>	<u>0</u>
<b>Provisions for liabilities and charges</b>			
Becoming due and payable within one year	4	289 196	319 075
		<u>289 196</u>	<u>319 075</u>
<b>Creditors</b>			
Trade Creditors becoming due and payable within one year		47 207	20 300
Tax and social security debts Tax debts		12 335	16 809
Other Creditors becoming due and payable within one year	5	18 147 349	4 503 591
		<u>18 206 891</u>	<u>4 540 700</u>
<b>Total liabilities</b>			
		<u>18 496 087</u>	<u>4 859 775</u>

## 1.2 Statement of income

<b><u>CHARGES</u></b>	<b><u>Notes</u></b>	<b>2022</b>	<b>2021</b>
Use of merchandise, raw materials and consumable materials		0	0
Other external charges	6	43 226	109 731
Other operating charges	7	13 873 124	2 031 113
Extraordinary expenses		0	0
Tax on profit or loss	8	-211	0
Other taxes	8	4 500	4 596
<b>TOTAL CHARGES</b>		<b><u>13 920 639</u></b>	<b><u>2 145 440</u></b>
<b><u>INCOME</u></b>			
Net turnover	9	13 849 885	2 120 252
Other operating income	10	47 515	25 188
Other interest receivable and similar income		23 239	0
Profit/Loss for the financial year		0	0
<b>TOTAL INCOME</b>		<b><u>13 920 639</u></b>	<b><u>2 145 440</u></b>

## 1.3 Cash Flow Statement

The cash flow statement presented herein uses the direct method.

	<b>Cash and Term Deposit in EUR 2022</b>	<b>Cash and Term Deposit in EUR 2021</b>
<b>Beginning of year</b>	<b>3'790'354</b>	<b>3'061'648</b>
Slovenian Royalties	1'444'158	2'129'083
Dutch Royalties	5'453'741	-
Bank interets	23'239	-
Annual Budget	40'000	40'000
Payments to rightsholder/Collecting Societies	-	-986'922
Partial payments following Settlement agreement (Telekom Slovenije)	-176'258	-346'051
Payments - suppliers / expenses	-14'071	-17'185
Payments Agicoa Alliance Management Fees to Geneva	-	-89'139
Tax	-8'764	-535
Bank fees	-471	-545
<b>End of year</b>	<b>10'551'927</b>	<b>3'790'354</b>

## **1.4 Notes to accounts**

### ***Note 1 – General***

AGICOA Europe a.s.b.l. (the “Association”) is a not-for-profit association organized in compliance with by-laws of 11 September 2018, as well as the law of Luxembourg dated 21 April 1928, relating to not-for-profit associations and foundations, and its amendments.

The main activity of the Association is to act as a Collective Management Organization on behalf of producers of audiovisual works, their successors in title and entities representing them who are Members and/or Declarants of the Association.

The registered office of the Association is 25-27, Zone d’Activité économique Kehlen, L-8287 Kehlen, Grand-Duchy of Luxembourg.

### ***Note 2 – Significant accounting policies***

#### **General**

The annual accounts are prepared by analogy with Luxembourg legal and regulatory requirements as well as with generally accepted accounting principles in Luxembourg and in accordance with the Law of 25 April 2018 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market and modifying the modified Law of 18 April 2001 on copyright, related rights and database.

#### **Receivables and debts**

Receivables and debts are recorded at their nominal value and are subject to value adjustment and provisions for bad debts (shown under Provisions for liabilities and charges) where their recoverability is compromised. These value adjustments are not continued if the reasons for which the value adjustments were made have ceased to apply.

#### **Income and charges**

All income and charges are accounted for on an accrual basis.

The royalties of a given broadcasting year are recognized in the Association’s books when the exact amount thereof is known i.e. generally in the fiscal year following the retransmission.

All income regarding a residual collection on old broadcasting years will be recognized in the fiscal year of receipt of such residual collection.

The operating income of the Association is related to fiduciary funds to cover operating expenses.

## Foreign currency translation

Income and charges denominated in currencies other than EUR are translated at the exchange rate prevailing at the date of the relevant transaction. Debtors, cash at bank and liabilities denominated in currencies other than EUR are stated at the rate of exchange prevailing at the balance sheet date. Realized and unrealized exchange gains and losses are recorded in the statement of profit and loss.

### *Note 3 – Receivables*

	<b>2022</b>	<b>2021</b>
	<b>EUR</b>	<b>EUR</b>
<b>Receivables</b>		
becoming due and payable within one year		
Trade debtors	7'936'319	1'064'239
Other debtors	7'841	5'182
Taxes	0	0
	<u>7'944'160</u>	<u>1'069'421</u>

### *Note 4 – Provisions for liabilities and charges*

Provisions consist of fiduciary funds put into distribution pending allocation to rightsholders.

Fiduciary funds put into distribution pending allocation to rightsholders are composed of the following provisions which are recorded per country, type of use, per broadcast year and due to rightsholders:

	<b>2022</b>	<b>2021</b>
	<b>EUR</b>	<b>EUR</b>
Broadcasts payable inventory	82'698	62'646
Broadcasts pending claims registration	123'977	151'011
Broadcasts in conflict	44'891	64'294
Broadcasts on blocked works	2'239	811
Other provisions	35'391	40'313
	<u>289'196</u>	<u>319'075</u>

These provisions are further detailed below:



**Broadcasts payable inventory****EUR 82'698**

This inventory of work-in-progress is composed of amounts released from the broadcast accounts, as a consequence of claims registered, but that have not been allocated / committed to rightsholders.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	592
Slovenia	2006	Cable	878
Slovenia	2007	Cable	1'005
Slovenia	2008	Cable	2'366
Slovenia	2009	Cable	3'437
Slovenia	2010	Cable	741
Slovenia	2011	Cable	1'810
Slovenia	2012	Cable	5'024
Slovenia	2013	Cable	3'841
Slovenia	2014	Cable	2'515
Slovenia	2015	Cable	4'878
Slovenia	2016	Cable	942
Slovenia	2017	Cable	8'422
Slovenia	2018	Cable	10'414
Slovenia	2019	Cable	35'833

**Broadcasts pending claims registration****EUR 123'977**

Rightsholders have to register their audio-visual works and rights in order to claim their entitlement to AGICOA Europe a.s.b.l. rights revenue. Following the first distribution AGICOA Europe a.s.b.l. holds a provision for rightsholders to make claims during a period of minimum three years until a final distribution is run.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2012	Cable	21'647
Slovenia	2013	Cable	11'298
Slovenia	2014	Cable	9'856
Slovenia	2015	Cable	14'312
Slovenia	2016	Cable	8'287
Slovenia	2017	Cable	24'037
Slovenia	2018	Cable	12'192
Slovenia	2019	Cable	22'348

**Broadcasts in conflict****EUR 44'891**

In case of double claims the amounts are blocked for payment until conflict resolution and pay-out to the entitled rightsholder.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	1'006
Slovenia	2006	Cable	1'051
Slovenia	2007	Cable	471
Slovenia	2008	Cable	1'028
Slovenia	2009	Cable	1'336
Slovenia	2010	Cable	822
Slovenia	2011	Cable	1'802
Slovenia	2012	Cable	3'007
Slovenia	2013	Cable	1'597
Slovenia	2014	Cable	1'716
Slovenia	2015	Cable	1'046
Slovenia	2016	Cable	982
Slovenia	2017	Cable	7'270
Slovenia	2018	Cable	8'869
Slovenia	2019	Cable	12'888

### Broadcasts on blocked works

**EUR 2'239**

During the clarification or completion of audiovisual works data the payments are temporarily blocked on the work until proper matching with the broadcast data can be performed.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2008	Cable	18
Slovenia	2009	Cable	81
Slovenia	2011	Cable	13
Slovenia	2017	Cable	45
Slovenia	2019	Cable	2'082

### Other provisions

**EUR 35'391**

These temporary provisions cover essentially amounts blocked in relation to series, seasons, episodes with missing information regarding the episode broadcast and/or requiring clarification on the rights.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2012	Cable	188
Slovenia	2013	Cable	148
Slovenia	2014	Cable	941
Slovenia	2015	Cable	1'486
Slovenia	2016	Cable	414
Slovenia	2017	Cable	5'060
Slovenia	2018	Cable	16'054
Slovenia	2019	Cable	11'100

### Note 5 – Other Creditors

Other creditors consist of fiduciary funds to be put into distribution, payables to rightsholders and partner organisations, and other fiduciary provisions including settlement agreement amount of EUR 694'201.68 to be split amongst various rightsholders of which EUR 533'649.82 have been paid on 24<sup>th</sup> January 2023:

	<b>2022</b>	<b>2021</b>
	<b>EUR</b>	<b>EUR</b>
Fiduciary funds to be put into distribution	17'856'633	4 240 234
Payable to Rightsholders	1'446	4 814
Other fiduciary provisions	108'063	75 586
Payable to other partner organization	7'369	1 603
Fiduciary funds payable	173'838	181 354
	<b>18'147'349</b>	<b>4 503 591</b>

#### **Fiduciary funds to be put into distribution**

**EUR 17'856'633**

The collection of royalties and interests per country (excluding withholding taxes), per broadcast year and per type of use is in general put into distribution the following year.

Further details per country, broadcast periods and type of use are provided below.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	3'683
Slovenia	2006	Cable	4'325
Slovenia	2007	Cable	1'156
Slovenia	2008	Cable	409
Slovenia	2009	Cable	733
Slovenia	2010	Cable	-2'718
Slovenia	2011	Cable	-14'389
Slovenia	2012	Cable	100'325
Slovenia	2013	Cable	602'206
Slovenia	2014	Cable	239'823
Slovenia	2015	Cable	174'568
Slovenia	2016	Cable	459'853
Slovenia	2017	Cable	45'639
Slovenia	2018	Cable	61'499
Slovenia	2019	Cable	58'954
Slovenia	2020	Cable	1'064'753
Slovenia	2021	Cable	1'337'095
Slovenia	2022	Cable	778'220
The Netherlands	2022	Cable	12'246'297
Slovenia	2007-2008-2009	Cable	694'202

**The total amount payable to rightsholders at the end of 2022 is EUR 1'446**

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	1'028
Slovenia	2008	Cable	34
Slovenia	2009	Cable	56
Slovenia	2011	Cable	16
Slovenia	2012	Cable	44
Slovenia	2013	Cable	69
Slovenia	2014	Cable	4
Slovenia	2015	Cable	4
Slovenia	2016	Cable	6
Slovenia	2017	Cable	65
Slovenia	2018	Cable	9
Slovenia	2019	Cable	111

**Other fiduciary provisions**

**EUR 108'063**

The general reserve has the prime purpose to fund the operating costs to run off AGICOA Europe a.s.b.l.'s fiduciary liabilities in the event activities are discontinued. The general reserve is also providing cover for unforeseen claims from third parties as well as errors and omissions after final distributions have been processed. This general reserve was increased with the non-distributable amounts prior to 2018.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	7'181
Slovenia	2006	Cable	10'200
Slovenia	2007	Cable	8'012
Slovenia	2008	Cable	13'798
Slovenia	2009	Cable	25'232
Slovenia	2010	Cable	18'950
Slovenia	2011	Cable	25'653
Slovenia		Bank fees/Interest	-963

As from 2018, such non-distributable amounts are subject to the decision of the General Assembly as to their use.

A breakdown of the 2022 non-distributable amount by country of collection, broadcast period and type of use is provided below.

**Non-distributable amount for General Assembly decision**

**EUR 32'606**

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2010	Cable	6'953
Slovenia	2011	Cable	25'653

### **Note 6 – Other external charges**

Other external charges of EUR 43'226 are composed of administrative and legal expenses.

### **Note 7 – Other operating charges**

Other operating charges of EUR 13'873'124.41 are composed as follow:

<b>Country, Broadcasting Year and type of use</b>	<b>2022</b>	<b>2021</b>
Royalties to be put into distribution (allocation other creditors):		
Slovenia 2010 to 2013 Cable	379 919.11	0
Slovenia 2019 Cable	0	58 954.17
Slovenia 2020 Cable	0	1 064 239.03
Slovenia 2021 Cable	381 179.58	950'000.00
Slovenia 2022 Cable	778 220.05	0
The Netherlands 2022 Cable	12 229 549.93	0
Interests to be put into distribution (allocation other creditors):		
Slovenia and The Netherlands 2022 Cable	23 238.97	
Withholding taxes		
Slovenia 2010 to 2013 Cable	19 995.74	0
Slovenia 2020 Cable	0	56 012.58
Slovenia 2021 Cable	20 062.08	50 000.00
Slovenia 2022 Cable	40 958.95	0
Royalties put into distribution (reversal other creditors):		
Slovenia 2019 Cable	0	(1179 083.31)
Royalties for distribution		
Slovenia 2019 Cable	0	1 031 018.11
Release of old conflict Slovenia Cable	0	(27.67)
<b>TOTAL</b>	<b>13 873 124.41</b>	<b>2 031 112.91</b>

### **Note 8 – Taxes**

The Association is subject to the general tax regulations in Luxembourg.

### **Note 9 – Net turnover**

The turnover of EUR 13'849'885.42 is composed as follow:

<b>Country, Broadcasting Year and type of use</b>	<b>2022</b>	<b>2021</b>
Slovenia 2010 to 2013 Cable	399 914.85	0
Slovenia 2020 Cable	0	1 120 251.61
Slovenia 2021 Cable	401 241.66	1 000 000.00
Slovenia and The Netherlands 2022 Cable	13 048 728.92	0
<b>TOTAL</b>	<b>13 849 885.42</b>	<b>2 120 251.61</b>

### ***Note 10 – Other operating income***

For the year 2022 and according to its statutes, the operating income of AGICOA Europe a.s.b.l. is set out in a budget granted by its General Assembly and income from fiduciary funds dedicated to cover legal expenses. The operating income is deducted from the revenues collected on behalf of and on the account of its members or other rightsholders.

The 2022 operating income of EUR 47 515 is composed of the initial budget of EUR 40.000 and additional unforeseen legal costs of EUR 7 515 in relation to the blocking of the bank accounts (also refer 5.5).

### ***Note 11 – Subsequent events***

The bank accounts were released for operations on 24 January 2023 and the distributions for Slovenia 2020-2021 that were postponed will be performed early 2023.

## **2 Management Report**

In 2022, AGICOA Europe a.s.b.l.'s activities concentrated on its main task to distribute funds collected from Slovenia and from The Netherlands.

## **3 Legal and governance structure**

AGICOA Europe a.s.b.l. is a not-for-profit association organized corporately in compliance with its By-Laws of 11 September 2018 as well as the Luxembourg Law dated 21 April 1928, relating to not-for-profit associations and foundations, and its amendments.

AGICOA Europe a.s.b.l.'s bodies are the following:

- A. The General Assembly
- B. The Administrative Board and its President
- C. The Managing Director
- D. The Auditor

The General Assembly is composed of all founding, institutional and individual members.

## **4 Remuneration of the bodies**

### **4.1 AGICOA Europe a.s.b.l. Management**

No remuneration was paid to the Management team in 2022.

### **4.2 Administrative Board and its President**

In 2022, no remuneration was paid to any member of the Administrative Board nor to the President.

## **5 Additional financial information**

### **5.1 Royalties collected in 2022 per country, per broadcast period and by type of use from collecting societies**

The fiduciary funds are accounted for by year of broadcast, by country of collection and by type of use.

The royalties earned are accounted for on an accrual basis.

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2022  
(including withholding taxes).

**EUR 1'620'335**

<b>Country, Broadcasting Year and type of use</b>	<b>2022</b>	<b>2021</b>
Slovenia 2010 to 2013 Cable	399 914.85	0
Slovenia 2020 Cable	0	1 120 251.61
Slovenia 2021 Cable	401 241.66	1 000 000.00
Slovenia 2022 Cable	819 179.00	0
<b>TOTAL</b>	<b>1'620'335.51</b>	<b>2 120 251.61</b>

During 2022, AGICOA Europe a.s.b.l. did not refuse to issue a license to any user.

## 5.2 Royalties collected in 2022 per country, per broadcast period and by type of use from other than collecting societies

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2022

**EUR 12'229'550**

<b>Country, Broadcasting Year and type of use</b>	<b>2022</b>	<b>2021</b>
The Netherlands 2022 Cable	12 229 549.93	0
<b>TOTAL</b>	<b>12'229'549.93</b>	<b>0</b>

## 5.3 Income arising from the investment of rights revenue

Investment income over rights revenue collected to be put into distribution is added to the rights revenue put into the first distribution. The income arising from investments on any other liabilities is attributed to the general reserve.

AGICOA Europe a.s.b.l. is very prudent and is holding the fiduciary assets essentially on current accounts.

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2022

**EUR 23'239**

## 5.4 AGICOA Alliance Management fees

The AGICOA Alliance Management fees correspond to the annual single rate deductions applied to all new rights revenue put into distribution for a given year. For 2022, this percentage was of 7.30% under the general mandate, as per AGICOA's General Assembly's resolution dated December 14, 2021.

AGICOA Alliance Management fees deducted

**EUR 0**



## 5.5 Amounts put into distribution by AGICOA Europe a.s.b.l.

The rights revenue is distributed on the basis of the distribution plan approved by the Administrative Board.

A distribution for a specific broadcast year is deemed to have started when the value of the broadcast on channels which are part of the said distribution is calculated and when first payments to rightsholders have been released

**Amount put into distributions (net of management fees) EUR 0**

The planned distribution for Slovenia has been postponed to 2023 due to customers' due diligence initiated by the banks in Luxembourg. Indeed, over the summer 2022, the Luxembourg banks required additional information from the beneficial owners registered in the Luxembourg Register of Beneficial Owners (the "RBE"), including certificates of residence and personal tax ID number as well as specific tax information reporting. Until AGICOA Europe complies to these requests, the bank accounts have been temporarily blocked for outgoing payments.

In 2023 the bank accounts were released for operations also refer note 11.

## 5.6 Distribution plan and Payments to rightsholders / collecting societies

In 2022 no distribution was performed for the reason explained above (refer 5.5).