

# CONCERTS WITH SERIOUS MUSIC

## Category E Licence Fees

1.1.2019 (35)

Net amounts plus the current rate of 7% VAT

### I. GENERAL LICENCE FEE RATES

1. The following blanket licence fee rates shall apply to concerts with up to 9 performing artists:

Entrance fee (respective maximum amount) or other contributions						
Tier	Capacity of the event premises	A no entrance fee	B up to 3,00 €	C up to 6,00 €	D up to 10,00 €	E up to 15,00 €
1	up to 100 people	39,15	52,90	78,45	157,55	234,90
2	up to 300 people	52,90	78,45	157,55	313,15	444,25
3	up to 600 people	78,45	157,55	282,80	417,85	518,55
4	up to 900 people	91,00	177,00	329,70	533,10	596,85
5	up to 1.200 people	104,70	196,50	376,70	649,50	675,15
6	up to 2.000 people	130,20	261,15	540,15	754,15	884,45
Tier	Capacity of the event premises	F up to 20,00 €	G up to 31,00 €	H up to 41,00 €	I up to 51,00 €	J more than 51,00 €
1	up to 100 people	313,15	392,20	470,40	564,55	677,50
2	up to 300 people	518,55	675,15	810,15	972,50	1.166,95
3	up to 600 people	675,15	884,45	1.061,45	1.273,55	1.528,55
4	up to 900 people	779,65	962,60	1.155,50	1.386,20	1.663,45
5	up to 1.200 people	884,45	1.040,90	1.249,10	1.498,90	1.798,80
6	up to 2.000 people	1.040,90	1.250,55	1.500,85	1.801,05	2.161,25

The licence fee rates for tiers 1 and 2 of groups A and B shall be reduced by 20% for concerts with up to two performing artists and by 10% for concerts with up to four performing artists.

Concerts, during which more than 9 performing artists present a work, shall be subject to the provisions of section I., item 2.

**2. The following blanket licence fee rates shall apply for concerts with more than 9 performing artists:**

Entrance fee (respective maximum amount) or other contributions						
Tier	Capacity of the event premises	A no entrance fee	B up to 3,00 €	C up to 6,00 €	D up to 10,00 €	E up to 15,00 €
1	up to 100 people	65,55	78,45	157,55	261,15	392,20
2	up to 300 people	82,95	157,55	313,15	522,40	740,55
3	up to 600 people	100,80	313,15	566,40	696,60	863,05
4	up to 900 people	110,50	352,00	659,40	888,35	992,95
5	up to 1.200 people	122,20	392,20	754,15	1.081,00	1.124,15
6	up to 2.000 people	165,45	522,40	1.081,00	1.254,45	1.472,40
Tier	Capacity of the event premises	F up to 20,00 €	G up to 31,00 €	H up to 41,00 €	I up to 51,00 €	J more than 51,00 €
1	up to 100 people	522,40	653,35	784,50	941,35	1.129,40
2	up to 300 people	863,05	1.124,15	1.349,30	1.619,15	1.943,00
3	up to 600 people	1.124,15	1.472,40	1.766,85	2.120,10	2.544,10
4	up to 900 people	1.298,10	1.602,70	1.923,55	2.308,00	2.769,55
5	up to 1.200 people	1.472,40	1.733,60	2.079,80	2.495,80	2.995,05
6	up to 2.000 people	1.733,60	2.081,95	2.498,60	2.998,80	3.598,55

**3. For concerts in halls with a capacity of more than 2,000 people, the licence fee rates of tier 6 in section I, items 1 and 2, shall be increased by 15% for each set of 500 people or parts thereof.**

## II. DISCOUNTS

### 1. Individual works

- 1.1 The licence fee rates shall be reduced in the case of performances of
- a) a maximum of 2 protected works by 25%
  - b) only 1 protected work by 50%
- 1.2 This discount does not apply if the entire concert only consists of two protected works or one protected work or if an annual blanket fee agreement has been concluded.

### 2. Annual blanket fee agreement

The licence fee rates shall be subject to a discount of 50% if the organiser has concluded an annual blanket fee agreement covering all - but a minimum of four - concerts within the contractual year, irrespective of whether and how many protected works are performed during one concert.

Entering into blanket agreements is also possible just for individual concert tours, provided that at least four concerts take place within the course of a tour.

### 3. Events which are proven not to have been subsidised

If it is proven that neither the organiser nor the performing artists have received any subsidies from the public sector, a 15% discount can be granted on the licence fee rates for such concerts upon request. The respective request must have reached GEMA at least 10 days prior to the concert in question.

#### **4. Accumulation of discounts**

Discounts are granted successively (cumulatively).

### **III. GENERAL TERMS AND CONDITIONS**

#### **1. Area of application**

Category E licence fee rates shall apply for performances of serious music works.

#### **2. Timely acquisition of a licence**

The licence fee rates shall only apply to concerts for which the respective licence has been acquired from GEMA in a timely manner prior to the respective concert.

#### **3. Scope of the licence**

- 3.1 Only music performances that lie within the scope on which the calculation of these licence fee rates was based, shall be covered by the licence fees in question. For the transmission of the music performance to additional event premises, a special authorisation must be obtained.
- 3.2 The licence shall only cover the rights GEMA is entitled to.
- 3.3 The licence shall not authorise the licensee to reproduce the performed works (recording onto vinyl, tape etc.)

#### **4. Calculation of outdoor concerts**

If an exact indication of the event premises' capacity is not possible, the calculation of the licence fees shall be based on the total number of people attending the event.

#### **5. Charity events**

A discount of 10% on the tariff-based fees shall be granted for charity events if:

- the entire net proceeds are solely intended for charitable purposes, where "charitable purposes" shall be exclusively defined as the aid for people that have fallen on hard times;
- a confirmation is submitted by all contributing performing artists, showing that they all renounce on their pay completely;
- the organiser submits a pay-in slip or remittance slip, showing which amount was paid to which institution;
- a detailed list with any and all income and expenses of the charitable event is submitted;

the event has, prior to taking place, been declared to GEMA as a charitable event and the required evidence is submitted within 6 weeks of the event having taken place.

#### **6. Hardship discount rule for music performances during individual events**

If the organiser provides evidence that there is a considerable disparity between the gross proceeds (cash benefit pursuant to Art. 39, para. 1, clause 1 VGG [collecting societies law]) from the event and the level of blanket licence fee rates for

the music use during individual events, GEMA shall, upon written application, calculate an adequate licence fee for the event based on the following terms:

- 6.1 The calculation basis for the gross proceeds shall be, in particular, entrance fees and/or other contributions such as sponsorship money, donations, advertising revenue or any other subsidies.

The licence fees calculated in line with the hardship discount rule cannot fall below the licence fees of the blanket fee rates in their lowest group (Group A, section I, items 1 and 2) (Minimum licence fee rate).

We do not grant general agreement discount on this compensation.

- 6.2 The applicant must render account on the event to the regional GEMA office in charge by way of a tabulated and orderly compilation of the income and - provided it is usual for receipts to be issued in such cases - to produce the relevant receipts. If there is more than one organiser, then all of the involved organisers shall be obliged to jointly provide the application and also render account jointly. The correctness and completeness of the accounts shall be confirmed by way of a signature.
- 6.3 The application must be filed in writing with the regional GEMA office in charge, immediately after GEMA has issued an invoice, but no later than by the 15th day of the month following the month during which the invoice was issued. The accounts in accordance with item 2 must be attached to the application.
- 6.4 In case the obligations pursuant to items 6.2 and 6.3 are not met at all, only incompletely or not in time by the organiser/s, GEMA shall base the calculation of the adequate licence fee on the blanket licence fees for category E.

## **7. General agreement discounts**

Members of organisations with whom GEMA has concluded a general agreement for this tariff shall be granted a discount in line with the contractual provisions of said general agreement.