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## COU14-1333

**Mr. Vezhdi Rashidov**

Minister of Culture  
Ministry of Culture, Bulgaria  
17, "Al. Stamboliiski" Blvd.  
Sofia, Bulgaria  
E-mail: [press@mc.government.bg](mailto:press@mc.government.bg)

Neuilly sur Seine, 11/12/2014

Dear Mr. Rashidov,

I am writing to you on behalf of CISAC, the leading worldwide organization of authors' societies (also referred to as Collective Management Organizations, or CMOs). CISAC unites 230 CMOs from 120 countries and through these CMOs, represents over 3 million creators from all artistic fields: music, drama, literature, audio-visual, graphic and visual arts.

First of all, I would like to express our appreciation of efforts of your new team at the Ministry of Culture and for your leadership in supporting the creative sector and promoting an effective copyright framework in Bulgaria.

We have been informed by our local members MUSICAUTOR and FILMAUTOR about the pending revision of the Bulgarian Copyright Act. We have previously provided our views on some of the proposals, and would like to take this opportunity to reiterate our support for the positions taken by MUSICAUTOR and FILMAUTOR on a number of the proposals. In particular, we believe that the following issues should be addressed and introduced in the new law:

- 1. Establishing detailed rules on the formation and functioning of the Commission for approval of CMOs Tariffs.** The existing texts are insufficient and may result in undermining the Commission's work by not stipulating explicit obligations for the parties concerned and because it does not set out clear deadlines for certain actions.
- 2. Decentralization of the inspections for copyright infringements by involving the local authorities in this process.** Currently, the only authority which has the right to control infringement of the Copyright Act and impose administrative sanctions is the Minister of Culture who, regrettably, has at its disposal only a few inspectors covering the whole country.
- 3. Establishing a joint liability for concert promoters and owners of premises in which concerts and live music events take place.** This will ease significantly the process of licensing since in Bulgaria there are hundreds of promoters, even natural persons and it is very hard even to identify them.

#### 4. Amending the Private Copy (“PC”) system

Despite the efforts of CISAC and our Bulgarian members to prevent detrimental amendments to the law, these amendments were adopted in 2011 and negatively impact creators. Moreover, current law does not take into account relevant decisions of EU bodies (e.g. the Padawan case of the ECJ). The result not only harms Bulgarian culture but also stands in contradiction with EU rules and, in fact, renders the private copying remuneration meaningless. It is for this reason that we support the proposals made by MUSICATOR and FILMAUTOR to:

- provide for application of the application of private copying levies not only on blank carriers, but to any reproduction devices. We do not see any justification for the current exclusion of reproduction devices since, especially in today’s digital environment, most of the private copying activities are done via such devices (e.g. MP3 – MP4 players);
- increase the current remuneration rate of 1-1.5% , which is unreasonably low. This level of remuneration bears little correlation with the notion of “fair compensation” established under the EU Information Society Directive;
- intra-community deliveries shall be included in the application of the private copying remuneration as well;

We thank you in advance for taking into consideration our above proposals and for supporting the efforts of our Bulgarian members in building a sustainable copyright and collective management framework in Bulgaria. Such framework would benefit both local and foreign creators and the Bulgarian society as a whole.

We stand ready to assist you with any additional input and remain at your disposal, should you need any additional clarifications or information on our side.

Sincerely yours,



Gadi Oron  
Director General of CISAC

cc: Mrs. Tsetska Tsacheva, Chairwoman of the National Assembly of Bulgaria  
Mr. Jose Jorge Letria, Chair of CISAC European Committee  
Mr. Mitko Chatalbashev, Regional Director for Europe, CISAC  
Mrs. Maria Palaurova, Managing Director of FILMAUTOR  
Mr. Ivan Dimitrov, Managing Director of MUSICAUTOR