



**E-mail útján továbbítva:**

T.  
Dr. Ujhelyi Dávid  
főosztályvezető úrnak  
IGAZSÁGÜGYI MINISZTERIUM  
[vfsztfo@im.gov.hu](mailto:vfsztfo@im.gov.hu)

és

T.  
Dr. Lábod Péter  
főosztályvezető úrnak  
SZELLEMI TULAJDON NEMZETI HIVATALA  
[szeroijogireform@hipo.gov.hu](mailto:szeroijogireform@hipo.gov.hu)

Budapest, 2021. október 22.

**Tárgy:** MIE észrevételek az EUB C-265/19. számú ítélete kapcsán feltett kérdésekre

Tisztelt Főosztályvezető Urak,

Köszönjük, hogy kikérték a MIE véleményét az EUB C-265/19. számú ítélete kapcsán. A fenti ügyben az alábbi kérdések mögé szerkesztettük be a válaszokat. Álláspontunk szerint konkrétabb válaszokat az érintett két közös jogkezelő szervezettől, az EJI-től és a Mahasz-tól lehet beszerezni.

*„As far as you are aware, what are (if any) the market related or other economic impacts of the judgement (e.g. higher fees to be paid by users; smaller revenues to be paid for EU/EEA national performers and producers) foreseen by national authorities or indicated by the relevant stakeholders in your Member State (e.g. collecting societies, representative organisations of performers and producers,*

*representative organisations of users, etc.)? Have these economic/financial impacts been quantified? If yes, could you indicate the sources?"*

As far as we know, there may be no direct financial impacts of the RAAP decision in Hungary. Since Hungary adhered to the Rome Convention without any reservation, all rightholders of the contracting parties of the Rome Convention enjoy national treatment, and the reciprocity (if any) is not examined on the level of the competent authorities. The CMO-s concerned do have or may have their reciprocal or unilateral representation agreements with the corresponding CMO-s of countries that have made reservations to the relevant provision of the Rome Convention (let alone that no reservation may have any legal effect in the territory of EEA countries). Should any EU legislation "prohibit" to transfer rights revenues to countries, that made the relevant reservation, it would have a seriously detrimental effect to the collections. Commercial users would argue that if the remuneration due for the C2P pf commercially published sound recordings is not due to countries, which are the countries of origin of huge sound recordings repertoire, the remuneration has to be decreased. This is a detrimental effect, that should be avoided.

*(ii) „Could you describe how the remuneration stemming from the right to single equitable remuneration is collected in your country and distributed to third country’s phonogram producers and performers? In particular, could you describe/provide information on any bilateral agreements which you may be aware of existing between collecting societies in your Member State with non-EU/EEA collecting societies which cover the collection and distribution of the single equitable remuneration.”*

The collection is made under mandatory collective management scheme, the relevant CMO-s collect jointly pursuant to their public tariff chart, and are entitled to the remuneration in 50-50%. They are responsible for the distribution under their distribution plans subject to the approval of their assembly general. Foreign distributions are subject to their RRA-s or unilateral representation agreements, which in turn are to be filed with the supervision authority.

Bármilyen további kérdésük esetén készséggel állunk rendelkezésükre.

Üdvözlettel,

Dr. Szecskay András  
elnök