

Law 2435

«Extension of honorary pensions and other provisions»

Article 3

I. After paragraph 3 of article 18 Law 2121/1993, paragraphs 4, 5, 6, 7, 8, 9 and 10 are added as follows:

«4. Every collecting society is entitled to request at any time by any debtor, by written notification, to declare the following by statutory statement of Law 1599/1986 to the Copyright Organisation: a) the total value of the sound or visual or audiovisual recording equipment, the sound or visual or audiovisual recordings, photocopier machines, photocopier paper, computers or other technical means used for the reproduction of sound which he imported or made available or sold and b) that this is the real total value, without any omissions. Within one month from the notification, the debtor is obliged to submit the said statutory statement to the Copyright Organisation which should be signed by the debtor, if a personal enterprise, or the statutory representative, if a company».

«5. The collecting societies are not entitled to request by the same debtor to submit a new statutory statement before the lapse of at least six months from the submission of the previous one».

«6. If the debtor does not comply with the obligation to submit the statutory statement referred to above, the one-member district court, trying by the procedure of injunction measures, orders the immediate submission of the statutory statement: in case of non compliance, a pecuniary fine of one to ten million drachmas may be imposed in favour of the applicant collecting society».

«7. If within twenty days from the publication of the said court order, the debtor does not comply with the obligation to submit the statutory statement, the time limit of six months is lifted regardless of any other sanction, and the collecting society is entitled to request the submission of a statutory statement every month. In this case, the provisions of the previous paragraph are applied for every statutory statement».

«8. Every collecting society, at its own cost, is entitled to request the investigation of the accuracy of the contents of any statutory statement by a certified accountant appointed by the Copyright Organisation. In case the debtor refuses to comply with the said investigation, the one-member district court orders it in accordance with the above. The report of the certified accountant is submitted to the Copyright Organisation and each collecting society is entitled to receive a copy. There cannot be carried out a new investigation for the same statement by request of other collecting societies.».

«9. The rights of the collecting societies referred to in the previous paragraphs are also applied for all enterprises that import or produce or market or sell technical means and recordings that are subject to the fees of this article. In case of investigation by a certified accountant, the expenses are incurred by the enterprise that requested the investigation».

«10. In case that the importer is selected to pay an equitable remuneration whether it concerns an import or inter-community acquisition of the sound or image or sound and image recordings or other technical means referred to in paragraph 3 of article 18 Law 2121/1993, the remuneration is calculated on the value stated in the invoice provided for by this article is made on the disposal invoice of the said recordings and technical means and simply states that the disposal price includes the fee calculated on the said value under paragraph 3 of article 18 Law 2121/1993. The remuneration is payable three months after the import».

II. After paragraph 4 of article 65 Law 2121/1993, a new paragraph numbered 5 is added as follows:
«The civil sanctions of this article are applied accordingly in case that the debtor did not pay the remuneration provided for by paragraph 3 of article 18 hereof to a collecting society».

III. After paragraph 3 of article 66 Law 2121/1993, a new paragraph numbered 4 is added and the existing paragraphs 4, 5, 6 and 7 are now numbered as 5, 6, 7 and 8 as follows:

«Any person who did not pay the remuneration provided for by article 18, paragraph 3 hereof to a collecting society is punished with the sanction of paragraphs 1, 2 and 3».
