

PRESIDENTIAL DECREE 311/1994

TITLE: ARTICLES OF ASSOCIATION OF THE «COPYRIGHT ORGANIZATION»

The President of the Greek Republic Considering

1. The provisions of Article 69 of Law 2121/1993 «Copyright, Related rights and cultural matters», (Official Journal A 25)
2. The provisions of Article 27 of Law 2081/92 (Official Journal A 154) which added a new article, article 29A, to Law 1558/85 (Official journal A 137)
3. The fact that the provisions of this presidential Decree incur expenses to the budget of the private law legal entity «Copyright Organization» amounting to 38.507.110 drachmas for the current fiscal year, which has been provided for in the ordinary budget of the Ministry of Culture by transferring funds to KAE 2599 and 50.323.086 drachmas for the other fiscal years.
4. The opinion no 486/19.8.94 of the Council of State, following a proposal made by the Minister of government Presidency, The Minister of Culture and the Minister of Finance, we hereby resolve:

ARTICLE 1: NAME FORM REGISTERED OFFICE

- a) The «Copyright Organization», established by article 69 of Law 2121/1993 «Copyright, Related rights and cultural matters» (Official Journal A 25) is a private law legal entity, with registered offices at Athens, supervised by the Minister of Culture.
- b) This Organization will hereafter be called «Copyright Organization».

ARTICLE 2: PURPOSES

The purposes of Copyright Organization are the following:

- a) To protect intellectual authors and rightholders of related rights.
- b) To see to the application of Law 2121/1993 and the related contract issues; in particular:
 - To submit proposals to the Ministry of Culture concerning the legality of statement and the regulation of the Collecting Societies and other elements provided for in paragraph 4 and 5, article 54, law 2121/1993.
 - To submit proposals every six months to the Ministry of Culture on issues concerning the supervision of the Collecting Societies.

- To effect law drafting work on issues of copyright and related rights, in cooperation with the Office of the Legal Councillor of the Ministry of Culture and the Office of Legislative Coordination of the Ministry of Culture.
 - To represent Greece in competent international Organizations as well as institutions of the European Community.
 - To organise seminars of any kind for the training and updating of judges, lawyers, administrative employees, authors, rightholders of related rights and students on issues of copyright and related rights.
 - To provide information concerning issues of copyright and related rights.
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ARTICLE 3: BOARD OF DIRECTORS COMPOSITION FUNCTION DUTIES

1. The Copyright Organization is administered by a five-member Board of Directors. The members of the Board should have a university degree, mainly in Legal and Economic Sciences, and have special knowledge or experience in issues of copyright.
2. The Board of the Copyright Organization is appointed by resolution of the Ministry of Culture for a three-year term of office. The same resolution also appoints the Chairman and the Deputy Chairman of the Board. The term of office of the members of the Board may be renewed.
3. A Copyright Organization employee acts as Secretary of the Board; he is appointed by resolution of the Chairman of the Board along with his substitute.
4. The Board holds meetings by invitation of the Chairman, regularly once a month and, in special occasions, if requested by the chairman and the majority of its members. In the latter case, the Chairman should convene the members of the Board within five days from the written notice made by the majority. The notice also includes the issues of the agenda.
5. The Board is in quorum when at least three members are present, including the Chairman or the Deputy Chairman of the Board. The resolutions are made by absolute majority of the members present; in the event of equal votes, the vote of the Chairman is prevailing.
6. The Director of the Copyright Organization acts as reporter.
7. The proceedings of the Board are signed by the Chairman, the members and the Secretary.
8. The Board has the following duties:
 - a) It decides on the annual budget and its necessary and submits it for approval to the Minister of Culture by 15 October of each year.
 - b) It draws up the annual balance sheet and report of the Copyright Organization and submits it to the Minister of Culture by the end of February of each year.

- c) It appoints HCO's personnel to specific positions under article 13 of this Presidential Decree. The staff remuneration is determined in accordance with provisions applicable to civil servants (as amended with article 46 of Law 3905/2010).
 - d) Following a suggestion of the Director of Copyright Organization, it assigns to Organizations, special scientists or legal entities by employment contract the duty to implement studies, research and tasks related to the achievement of the purposes of Copyright Organization, under the provisions on task assignment applicable each time.
 - e) It approves the trips of the Chairman and members of the Board, as well as the trips of the personnel of Copyright Organization in and out of Greece. The provisions on trips of civil servants are applied to the compensation for the trips.
 - f) By resolution, it may assign for a particular period of time the exercise of a specific duty or duties to one of its members.
 - g) It may transfer in writing the exercise of the duties of the Chairman to the Deputy Chairman or to other members of the Board or to the Director of the Copyright Organization, following a suggestion of the Chairman of the Board.
9. "In regard to the personnel of the Hellenic Copyright Organization under the capacity of a lawyer, the provisions applicable for lawyers' fixed fee can be applied".
10. The compensation of the Hellenic Copyright Organization's Board of Members is arranged by joint decision of the Minister of Finance and the Minister of Culture and Tourism. The relevant expense is covered by the budget of the Hellenic Copyright Organization (as added with article 46 of Law 3905/2010).

ARTICLE 4: DUTIES OF THE CHAIRMAN OF THE BOARD

The Chairman of the Board has the following duties:

- a) He represents the Copyright Organization in and out of court, binds it with his signature and may assign the representation to a member of the Board or the Director of the Copyright Organization.
- b) He convenes the Board of the Copyright Organization, presides over its meetings and determines the issues of the agenda, without prejudice to paragraph 5 of the previous article.
- c) In case the Chairman is absent or unavailable, he is substituted by the Deputy Chairman.

ARTICLE 5: DIRECTOR

- 1. The Director of the Copyright Organization is appointed by resolution of the Minister of Culture for a three-year term of office which may be renewed by proposal of the Board of the Copyright

Organization. He should have a university degree, an acknowledged doctor's degree and special knowledge or experience in copyright issues.

2. The duties of the Director of the Copyright Organization are the following:

- a) He is entrusted with the scientific and administrative management of the Copyright Organization.
- b) He supervises the services and employed personnel of the Copyright Organization and sees to their smooth and effective operation.
- c) He applies the resolutions of the Board.
- d) He performs all duties provided for in this presidential decree or assigned by the Board.

3. The remuneration of the Director of the Hellenic Copyright Organization is arranged jointly by the Minister of Finance and the Minister of Culture and Tourism. The relevant expense is covered by the budget of the Hellenic Copyright Organization (as added with article 46 of Law 3905/2010).

ARTICLE 6: FUNDS OF THE COPYRIGHT ORGANIZATION

1. For the beginning of its operation, the Copyright Organization is subsidised with a lump sum as special financing from the state Budget of the Ministry of Culture amounting to twenty million (20.000.000) drachmas.

2. The funds of the Copyright Organization arise from:

- a) 1% of the gross revenue of the Collecting Societies for the previous year. The sum is paid in two periodical instalments, namely in 1st March and 1st September, under the procedure provided for in article 19 of this presidential decree.
- b) Subsidies - grants of the European Community and the International Organizations.
- c) Donations, legacies.
- d) Private funding and any type of contributions by natural persons or legal entities.
- e) Revenue from the provision of services.

ARTICLE 7: FISCAL YEAR

The fiscal year begins on 1st January and ends on 31st December of each calendar year. The fiscal year is the period of time within which acts are effected concerning the management of money, materials and other assets of the Copyright Organization. In particular, the first fiscal year begins with the publication of this presidential decree in the Official Journal of the State and ends on 31.12.1994.

ARTICLE 8: BUDGET

1. The budget is an act of the Board of the Copyright Organization which includes the foreseen income from ordinary and extraordinary funds of the Copyright Organization as well as the foreseen expenses of the year along with their justification. Any annual surplus of the Copyright Organization is carried forward to the next year.
2. In the annual budget, the total income is available for covering the overall expenses. The distribution of the accounts is determined by resolution of the Board of Copyright Organization.
3. The Director of the Copyright Organization submits to the Board a quarterly report of the execution of the budget and any transfer of provided sums from article to article or from fund to fund, up to 10% of the total budget. Any transfers beyond this percentage are decided by the Board.
4. The Director of the Copyright Organization prepares and presents to the Board a draft budget, drawn up in accordance with the estimates and data of all Directorates of the Copyright Organization and submitted four (4) months before the expiry of the time limit referred to in paragraph 6 of this article. The draft budget contains the income and expenses, classified by type and divided in titles, chapters and articles.
5. The draft budget is accompanied by:
 - a) A report on the course of income and expenses of the Copyright Organization compared to the previous year.
 - b) Planning of the income and expenses of the Copyright Organization per year for the coming five years, classified by type and divided in titles, chapters and articles.
 - c) A list of the employed personnel of the Copyright Organization, classified by category and Organizational units.
 - d) A list of the requirements of the Copyright Organization in personnel along with the justification.
 - e) A list of equipment and estates along with redemption value.
 - f) Suggestions of the Director of the Copyright Organization on new investment expenses or improvements, accompanied by justification of their financial expediency.
6. Three months before the end of each fiscal year, the Board of the Copyright Organization formulates the contents of the budget and submits it for approval to the Minister of Culture by 15 October of each year.
7. The execution of the budget may be extended for three months both for the collection of the income of the closing fiscal year and the payment of expenses for obligations under taken up to the end of the fiscal year by resolution of the Board of the Copyright Organization submitted for approval to the Minister of Culture.

8. Following this approval, the budget may be amended concerning the distribution of the provided sums under paragraph 3 of this article.

9. If the budget is not approved at the beginning of the calendar year, the Director of the Copyright Organization may make payments for expenses in accordance with the estimates of the last approved budget up to the sum corresponding to one third of the approved expenses. The expenses concerning the salary of the personnel are paid regularly.

ARTICLE 9: INCOME EXPENSES MANAGEMENT AUDIT

1. The income of the budget is:

- a) The income provided for during the fiscal year to which the budget refers.
- b) The income that was not collected in previous fiscal years or that is paid in advance for coming years.

2. The income of the Copyright Organization is collected by:

- a) The Treasurer of the Copyright Organization, by issuing a receipt of the accounting department.
- b) The Banks cooperating with the Copyright Organization.

3. An employee of the financial service of the Copyright Organization is appointed Treasurer of the Copyright Organization by deed of the Director.

4. The expenses of the budget are the expenditure provided for during the fiscal year to which the budget refers, without taking into account the period of time when the obligation for payment was undertaken.

5. A payment order should be issued for the payment of the expenses of the Copyright Organization, which is drawn up by the Administrative - Financial Department and signed by the Director of the Copyright Organization.

6. Without prejudice to observing the procedures concerning the supplies of the Copyright Organization, the payments for approved activities of the Copyright Organization in with no restrictions as to the amount of the payable sum, provided that there is a written order of the Director of the Copyright Organization in the framework of his powers.

7. The payments of the Copyright Organization are made by bank cheques to the order of the beneficiary or in cash.

8. The Treasurer and the Director of the Copyright Organization are responsible for the lawful and smooth inflow and outflow of money in the Copyright Organization.

9. The supply of any type of material (consumable or not) of the Copyright Organization is effected if there is a respective provision and credit in the budget of the Copyright Organization, by order of the Director of the Copyright Organization.

10. The audit of the financial management and the annual balance sheet of the Copyright Organization is made by certified auditors who regularly draw up reports addressed to the Board of the Copyright Organization concerning the management of the Copyright Organization as well as a report on the annual balance sheet.

11. Within a reasonable time after the submission of the reports of the certified auditors, the Board of the Copyright Organization may order the settlement of the deficits in accordance with their observations.

12. The Director of the Copyright Organization effects a biannual control of the financial management of the Copyright Organization. The results of the control are submitted for updating to the Board.

ARTICLE 10: FINANCIAL REPORT BALANCE SHEET

1. In January of each year, the Board of the Copyright Organization draws up the balance sheet with the profit and loss account and the report of 31st December of the previous year.

2. Copies of the report and the balance sheet are forwarded to the certified auditors.

3. The balance sheet and the report of the Copyright Organization are notified by the Board to the Minister of Culture by the end of February of each year.

4. The report on the income and expenses of the Copyright Organization reflects the results of the execution of the budget of the respective year and includes the following, in accordance with the diagram used for the drawing of the budget:

a. the foreseen income and expenses

b. the effective income and expenses

5. The balance sheet is drawn up in accordance with the applicable laws and, in general terms, follows the General Accounting Plan.

6. The accounts of the Copyright Organization are drawn up in groups and subgroups depending on the financial activity of the Copyright Organization each time.

ARTICLE 11: ORGANIZATIONAL STRUCTURE OF THE COPYRIGHT ORGANIZATION

1. The services of the Copyright Organization constitute a Directorate composed of the following organizational units (Departments):

a. Department of Legislative Coordination

b. Department of Information and Seminar Organization

c. Department of Administration Finance

2. The Directorate functions under the supervision of the Director of the Copyright Organization. Its duties are distributed to the Department as follows:

a. Department of Legislative Coordination: Application of Law 2121/1993 and the related international conventions. Law drafting work on issues of copyright and related rights. Legal studies and publication of related editions. Processing of legal affairs of the Copyright Organization. Representation of Greece in the institutions of the European Community and International Organizations on issues of copyright and related rights.

b. Department of Information and Seminar Organization: Collection, classification and maintenance of the documentation material. Organization and operation of a library. Provision of information on issues of copyright and related rights. Organization of seminars for training and updating of judges, lawyers, administrative employees, authors, rightholders of related rights and students.

c. Department of administration and Finance: Handling of the affairs of the personnel of the Copyright Organization. Dispatch of correspondence, typing and reproduction of documents and editions. Preparation of the draft budget, the balance sheet and the annual report of the Copyright Organization. Management of all expenses, payment of salary and compensation to the personnel as well as the collection of all income. Supply of machinery, materials, supplies or any other assets and the performance of tasks. Management of service material, guarding and cleaning of the office of the Organization.

ARTICLE 12: PERSONNEL POSITIONS QUALIFICATIONS

1. The Copyright Organization personnel positions are seventeen as follows:

a) One (1) position of Director, as provided for in Article 5, paragraph 1 hereof.

b) Two (2) positions of special scientific personnel, specialised in copyright. The required qualifications are those provided for in Article 25, paragraph 2 of Law 1943/91 (Official Journal A 50).

c) Four (4) positions of the branch PE Jurists. The qualifications for appointment are a Law degree in Greece or an equivalent degree in another country as well as excellent knowledge of at least one of the following languages: English, French or German.

d) Four positions of the branch PE Administration - Finance, one which is the position of the Treasurer.

e) One (1) position of the branch TE Library Officer.

f) One (1) position of the branch DE Librarian.

g) Two (2) posts of University Degree or Technological Educational Institute personnel specializing in Information Technology or a related specialty; For such a placement the required

qualifications are specified by the provisions applicable to civil servants (as amended with article 46 of Law 3905/2010).

h) One (1) position of the branch DE Typist - stenographer.

i) One (1) position of the branch YE Cleaning personnel.

2. The provisions of the presidential decree 194/88 (Official Journal A 84) concerning the respective branches of permanent personnel are applied for all the aforesaid branches where no appointment qualifications are stated.

3. The provisions of Article 5 of the presidential decree 172/92, as amended by presidential decree 368/92 are applied for providing the excellent knowledge of a foreign language.

ARTICLE 13: APPOINTMENT OF THE PERSONNEL

The personnel of the Copyright Organization is appointed by a private law contract for a definite or indefinite period of time, in accordance with the general provisions on appointment applicable each time. The personnel is placed in particular positions by resolution of the Board of the Copyright Organization following a proposal of the Director of the Copyright Organization.

ARTICLE 14: HEADS OF SERVICES

1. The Heads of the Departments of the Copyright Organization are appointed by resolution of the Board of the Copyright Organization following a proposal of the Director of the Copyright Organization.

2. The Director is the Head of the Directorate of the Copyright Organization. The Director is substituted by the Heads of Departments, as stated in article 11 of this presidential decree by order of priority.

ARTICLE 15: BEGINNING OF VALIDITY

The validity of this presidential decree begins with its publication in the Official Journal of the State.

The Minister of Culture is assigned with the publication and execution of this Presidential Decree.

Athens, 28 September 1994

The President of the Greek Republic

Konstantinos Karamanlis

The Minister of Government Presidency

Anastasios Peponis

The Minister of Finance

Alex. Papadopoulos

The Minister of Culture

Athanasios Mikroutsikos