



Transparency Report

Fiscal year 2023

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Introduction

This is the 2023 transparency report produced by AGICOA Europe a.s.b.l. pursuant to the entry into force of the Luxembourg Grand-Duchy Law of 1st April 2022 on collective management of copyrights and neighboring (the “Law”).

AGICOA Europe a.s.b.l.’s bylaws and governing rules have been reviewed and modified in 2018 so as to ensure full compliance to the Law. The authorization of AGICOA Europe a.s.b.l. granted by the Luxembourg Grand-Duchy’s Ministry of Economy to act as a collective management organization has been renewed in 2021 for a period of three years.

On 7 August 2023, the Grand Duchy of Luxembourg enacted a new Law on non-profit associations and foundations. Amendments to the bylaws following the adoption of this new law will be submitted for approval to the General Assembly of 21 May 2024.

In 2023 AGICOA Europe a.s.b.l.’s activities concentrated on its main task to distribute funds collected from Slovenia and from the Netherlands.

AGICOA Europe a.s.b.l. maintains a strict separation between operational accounts and fiduciary accounts due to rightsholders. This transparency report covers both operational and fiduciary accounts.

Sincerely Yours,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Tom De Lange
Managing Director

1 Annual accounts

1.1 Balance Sheet

	Notes	2023 EUR	2022 EUR
Assets			
Current assets			
Cash and term-deposits		9 116 642	10 551 927
Receivables	3	13 653 509	7 944 160
		22 770 151	18 496 087
Total Assets			
Liabilities			
Capital			
Profit/Loss for the financial year		0	0
		0	0
Provisions for liabilities and charges			
Becoming due and payable within one year	4	695 533	289 196
		695 533	289 196
Creditors			
Trade Creditors			
becoming due and payable within one year		26 895	47 207
Tax and social security debts			
Tax debts		16 504	12 335
Other Creditors			
becoming due and payable within one year	5	22 031 219	18 147 349
		22 074 618	18 206 891
Total Liabilities		22 770 151	18 496 087

1.2 Statement of income

<u>CHARGES</u>	<u>Notes</u>	2023	2022
Use of merchandise, raw materials and consumable materials		0	0
Other external charges	6	2 089 643	43 226
Other operating charges	7	22 969 953	13 873 124
Extraordinary expenses		0	0
Tax on profit or loss	8	3 579	-211
Other taxes	8	15 353	4 500
TOTAL CHARGES		<u>25 078 528</u>	<u>13 920 639</u>
 <u>INCOME</u>			
Net turnover	9	24 576 269	13 849 885
Other operating income	10	50 723	47 515
Other interest receivable and similar income		451 536	23 239
Profit/Loss for the financial year		0	0
TOTAL INCOME		<u>25 078 528</u>	<u>13 920 639</u>

1.3 Cash Flow Statement

The cash flow statement presented herein uses the direct method.

	Cash and Term Deposit in EUR 2023	Cash and Term Deposit in EUR 2022
Beginning of year	10'551'927	3'790'354
Slovenian Royalties	1'978'986	1'444'158
Dutch Royalties	16'843'463	5'453'741
Bank interets	448'520	23'239
Annual Budget	40'000	40'000
Payments to rightsholder/Collecting Societies	-18'404'657	-
Partial payments following Settlement agreement (Telekom Slovenije)	-666'777	-176'258
Payments - suppliers / expenses	-53'463	-14'071
Payments Agicoa Alliance Management Fees to Geneva	-1'606'125	-
Tax	-14'763	-8'764
Bank fees	-469	-471
End of year	9'116'642	10'551'927

1.4 Notes to accounts

Note 1 – General

AGICOA Europe a.s.b.l. (the “Association”) is a not-for-profit association organized in compliance with by-laws of 11 September 2018, as well as the law of Luxembourg dated 21 April 1928, relating to not-for-profit associations and foundations, and its amendments.

The purpose of the Association is to act as a Collective Management Organization on behalf of producers of audiovisual works, their successors in title and entities representing them who are Members and/or Declarants of the Association.

The registered office of the Association is 25-27, Zone d'Activité économique Kehlen, L-8287 Kehlen, Grand-Duchy of Luxembourg.

Note 2 – Significant accounting policies

General

The annual accounts are prepared by analogy with Luxembourg legal and regulatory requirements as well as with generally accepted accounting principles in Luxembourg and in accordance with the Law of April 1st, 2022 transposing Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes amending Council Directive 93/83/EEC and modifying the modified Law of 18 April 2001 on copyright, related rights and databases.

Receivables and debts

Receivables and debts are recorded at their nominal value and are subject to value adjustment and provisions for bad debts (shown under Provisions for liabilities and charges) where their recoverability is compromised. These value adjustments are not continued if the reasons for which the value adjustments were made have ceased to apply.

Income and charges

All income and charges are accounted for on an accrual basis.

The royalties of a given broadcasting year are recognized in the Association's books when the exact amount thereof is known and certain (e.g. date and amount of invoices).

All income regarding residual royalties on old broadcasting years will be recognized in the Association's books when the exact amount of such residual royalties are known and certain (e.g. date and amount of invoices).

The operating income of the Association is related to fiduciary funds to cover operating expenses (also refer to note 10).

Foreign currency translation

Income and charges denominated in currencies other than EUR are translated at the exchange rate prevailing at the date of the relevant transaction. Debtors, cash at bank and liabilities denominated in currencies other than EUR are stated at the rate of exchange prevailing at the balance sheet date.

Note 3 – Receivables

	2023	2022
	EUR	EUR
Receivables		
becoming due and payable within one year		
Trade debtors	13'634'573	7'936'319
Other debtors	18'936	7'841
Taxes	0	0
	<u>13'653'509</u>	<u>7'944'160</u>

Note 4 – Provisions for liabilities and charges

Provisions consist of fiduciary funds put into distribution pending allocation to rightsholders as well as the cultural funds.

Fiduciary funds put into distribution pending allocation to rightsholders are composed of the following provisions which are recorded per country, type of use, per broadcast year and due to rightsholders:

	2023	2022
	EUR	EUR
Broadcasts payable inventory	68 241	82'698
Broadcasts pending claims registration	57 826	123'977
Broadcasts in conflict	108 572	44'891
Broadcasts on blocked works	8'867	2'239
Other provisions	451	35'391
Fiduciary funds put into distribution pending allocation to rightsholders	<u>243'957</u>	<u>289'196</u>
Cultural funds + interests	451 576	0
Provisions for liabilities and charges	<u>695'553</u>	<u>289'196</u>

These provisions are further detailed below:

Broadcasts payable inventory**EUR 68 241**

This inventory of work-in-progress is composed of amounts released from the broadcast accounts, as a consequence of claims registered, but that have not been allocated / committed to rightsholders.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2007	Cable	108
Slovenia	2008	Cable	207
Slovenia	2009	Cable	262
Slovenia	2010	Cable	153
Slovenia	2012	Cable	210
Slovenia	2013	Cable	1'872
Slovenia	2014	Cable	728
Slovenia	2015	Cable	253
Slovenia	2016	Cable	984
Slovenia	2017	Cable	640
Slovenia	2018	Cable	481
Slovenia	2019	Cable	3'785
Slovenia	2020	Cable	9'569
Slovenia	2021	Cable	48'989

Broadcasts pending claims registration**EUR 57 826**

Rightsholders have to register their audio-visual works and rights in order to claim their entitlement to AGICOA Europe a.s.b.l. rights revenue. Following the first distribution AGICOA Europe a.s.b.l. holds a provision for rightsholders to make claims during a period of minimum three years until a final distribution is run.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2020	Cable	27'647
Slovenia	2021	Cable	30'179

Broadcasts in conflict**EUR 108 572**

In case of double claims the amounts are blocked for payment until conflict resolution and pay-out to the entitled rightsholder.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	589
Slovenia	2006	Cable	768
Slovenia	2007	Cable	300
Slovenia	2008	Cable	657
Slovenia	2009	Cable	1'036
Slovenia	2010	Cable	634
Slovenia	2011	Cable	1'709
Slovenia	2012	Cable	3'629
Slovenia	2013	Cable	7'901
Slovenia	2014	Cable	4'340
Slovenia	2015	Cable	3'705
Slovenia	2016	Cable	9'919
Slovenia	2017	Cable	7'563
Slovenia	2018	Cable	9'140
Slovenia	2019	Cable	9'894
Slovenia	2020	Cable	23'083
Slovenia	2021	Cable	23'705

Broadcasts on blocked works

EUR 8'867

During the clarification or completion of audiovisual works data the payments are temporarily blocked on the work until proper matching with the broadcast data can be performed.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2008	Cable	18
Slovenia	2009	Cable	81
Slovenia	2011	Cable	12
Slovenia	2012	Cable	37
Slovenia	2014	Cable	105
Slovenia	2015	Cable	12
Slovenia	2017	Cable	118
Slovenia	2018	Cable	184
Slovenia	2019	Cable	2'356
Slovenia	2020	Cable	3'275
Slovenia	2021	Cable	2'669

Other provisions

EUR 451

These temporary provisions cover essentially amounts blocked in relation to series, seasons, episodes with missing information regarding the episode broadcast and/or requiring clarification on the rights.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2020	Cable	422
Slovenia	2021	Cable	29

Cultural funds + interest**EUR 451'576**

AGICOA Europe a.s.b.l., through its cultural fund, will finance up to a maximum of EUR 450'000 per year for at least 3 'development slates' from a minimum of three Luxembourgish production companies per year, as part of a program initially planned for 5 years.

Country	Period of Broadcast	Type of use	Total in EUR
The Netherlands	2022	Cable	450'000
The Netherlands (interests)	2022	Cable	1'576

Note 5 – Other Creditors

Other creditors consist of fiduciary funds to be put into distribution, liabilities to rightsholders and partner organisations, and other fiduciary provisions.

	2023 EUR	2022 EUR
Fiduciary funds to be put into distribution	21'555'346	17'856'633
Payable to Rightsholders	2'304	1'446
Other fiduciary provisions	308'842	108'063
Payable to other partner organisations	1'603	7'369
Fiduciary funds payable	163'124	173'838
	22'031'219	18'147'349

Fiduciary funds to be put into distribution**EUR 21'555'346**

The fiduciary funds to be put into distributions per country (excluding withholding taxes), per broadcast year and per type of use are provided below. The amounts collected are in general put into distribution the following year.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	210
Slovenia	2006	Cable	112
Slovenia	2008	Cable	32
Slovenia	2009	Cable	19
Slovenia	2012	Cable	10
Slovenia	2013	Cable	1
Slovenia	2014	Cable	332'286
Slovenia	2015	Cable	392'410
Slovenia	2018	Cable	23
Slovenia	2019	Cable	3
Slovenia	2020	Cable	514
Slovenia	2021	Cable	5'915
Slovenia	2022	Cable	980'370
Slovenia	2023	Cable	254
Slovenia (settlement agreement)	2007-2008-2009	Cable	27'425
The Netherlands	2022	Cable	1'698'957
The Netherlands	2023	Cable	18'116'805

The total amount payable to rightsholders at the end of 2023 is EUR 2'304

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	27
Slovenia	2008	Cable	352
Slovenia	2009	Cable	1'049
Slovenia	2012	Cable	32
Slovenia	2013	Cable	41
Slovenia	2014	Cable	10
Slovenia	2015	Cable	4
Slovenia	2017	Cable	39
Slovenia	2018	Cable	2
Slovenia	2019	Cable	5
Slovenia	2020	Cable	485
Slovenia	2021	Cable	258

Other fiduciary provisions**EUR 308'842**

The general reserve has the prime purpose to fund the operating costs to run off AGICOA Europe a.s.b.l.'s fiduciary liabilities in the event activities are discontinued. The general reserve is also providing cover for unforeseen claims from third parties as well as errors and omissions after final distributions have been processed. This general reserve was increased with the non-distributable amounts prior to 2018.

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2005	Cable	7'181
Slovenia	2006	Cable	10'200
Slovenia	2007	Cable	8'012
Slovenia	2008	Cable	13'810
Slovenia	2009	Cable	25'256
Slovenia	2010	Cable	18'950
Slovenia	2012	Cable	52'129
Slovenia	2013	Cable	38'869
Slovenia	2014	Cable	20'215
Slovenia	2015	Cable	26'094
Slovenia	2016	Cable	27'265
Slovenia	2017	Cable	20'428
Slovenia	2018	Cable	16'405
Slovenia	2019	Cable	25'301
		Bank fees	-1'273

As from 2018, such non-distributable amounts are subject to the decision of the General Assembly as to their use.

A breakdown of the 2023 non-distributable amount by country of collection, broadcast period and type of use is provided below.

Non-distributable amount for General Assembly decision**EUR 201'053**

Country	Period of Broadcast	Type of use	Total in EUR
Slovenia	2012	Cable	26'476
Slovenia	2013	Cable	38'869
Slovenia	2014	Cable	20'215
Slovenia	2015	Cable	26'094
Slovenia	2016	Cable	27'265
Slovenia	2017	Cable	20'428
Slovenia	2018	Cable	16'405
Slovenia	2019	Cable	25'301

Note 6 – Other external charges

Other external charges of EUR 2'089'643 are composed of management AGICOA fees and cultural funds over the amounts put into distribution in the fiscal year, as well as administrative and legal expenses.

		Period of			
Country		Broadcast	Type of use	2023	2022
Management Agicoa fees					
	Slovenia	2012	Cable	8'146.00	-
	Slovenia	2013	Cable	35'456.00	-
	Slovenia	2014	Cable	6'170	-
	Slovenia	2016	Cable	27'907	-
	Slovenia	2020	Cable	86'416	-
	Slovenia	2021	Cable	108'092	-
	The Netherlands	2022	Cable	1'333'938	-
Cultural funds					
	The Netherlands	2022	Cable	450'000	-
	Interests			1'576	-
Administrative and legal expenses				31'942	43'234

Note 7 – Other operating charges

Other operating charges of EUR 22'969'952,91 correspond to the movements of the liabilities towards rightsholders including amounts collected to be put into distribution, withholding tax, interests as well as the amounts put into distribution (net of management fees and cultural funds) in the fiscal year, made up as follows per broadcast year and type of use:

Country	Period of Broadcast	Type of use	2023	2022
Royalties to be put into distribution				
Slovenia	2010 to 2013	Cable	-	379'919
Slovenia	2014 and 2015	Cable	724'695	-
Slovenia	2021	Cable	-	381'180
Slovenia	2022	Cable	94'891	778'220
The Netherlands	2022	Cable	5'830'032	12'229'550
The Netherlands	2023	Cable	17'883'365	-
Interests to be put into distribution				
Slovenia	2020	Cable	-	514
Slovenia	2021	Cable	-	5'915
Slovenia	2022	Cable	107'260	-
Slovenia	2023	Cable	254	-
The Netherlands	2022	Cable	50'439	16'809
The Netherlands	2023	Cable	233'440	-
Withholding taxes				
Slovenia	2010 to 2013	Cable	-	19'996
Slovenia	2014 and 2015	Cable	38'142	-
Slovenia	2020	Cable	-	20'062
Slovenia	2021	Cable	-	40'959
Slovenia	2022	Cable	4'994	-
Royalties put into distribution				
Slovenia	2012	Cable	92'178	-
Slovenia	2013	Cable	544'747	-
Slovenia	2014	Cable	233'652	-
Slovenia	2015	Cable	179'308	-
Slovenia	2016	Cable	431'946	-
Slovenia	2017	Cable	45'639	-
Slovenia	2018	Cable	61'499	-
Slovenia	2019	Cable	58'954	-
Slovenia	2020	Cable	977'823	-
Slovenia	2021	Cable	1'233'784	-
The Netherlands	2022	Cable	14'702'439	-
Release of old conflict put into distribution				
Slovenia	2021	Cable	-10'697	-
Release of fiduciary funds put into distribution				
Slovenia	2012	Cable	-100'325	-
Slovenia	2013	Cable	-580'203	-
Slovenia	2014	Cable	-239'823	-
Slovenia	2015	Cable	-179'307	-
Slovenia	2016	Cable	-459'853	-
Slovenia	2017	Cable	-45'639	-
Slovenia	2018	Cable	-61'499	-
Slovenia	2019	Cable	-58'954	-
Slovenia	2020	Cable	-1'064'239	-
Slovenia	2021	Cable	-1'331'180	-
The Netherlands	2022	Cable	-16'427'809	-

Note 8 – Taxes

The Association is subject to the general tax regulations in Luxembourg.

Note 9 – Net turnover

The turnover of EUR 24'576'269,32 is composed of royalties invoiced in the fiscal year in respect of the following countries and broadcast years, as well as some other income:

Country	Period of Broadcast	Type of use	2023	2022
Royalties collected				
Slovenia	2010 to 2013	Cable	-	399'915
Slovenia	2014 and 2015	Cable	762'837	-
Slovenia	2022	Cable	99'885	401'241
The Netherlands	2022	Cable	5'830'032	13'048'729
The Netherlands	2023	Cable	17'883'365	-
Other income			150	-

Note 10 – Other operating income

For the year 2023 and according to its statutes, the operating income of AGICOA Europe a.s.b.l. is set out in a budget granted by its General Assembly and income from fiduciary funds dedicated to cover legal expenses. The operating income is deducted from the revenues collected on behalf of and on the account of its members or other rightsholders.

The 2023 operating income, amounting to EUR 50'723, comprises the initial budget of EUR 40'000, along with additional unforeseen legal costs related to the freezing of bank accounts and auditors' fees for reviewing compliance in relation to the election of board members in December 2023, totalling EUR 10'723.

Note 11 – Subsequent events

There are no significant events to be disclosed subsequent to the year-end closing.

2 Management Report

In 2023, AGICOA Europe a.s.b.l. focused primarily on distributing funds collected from Slovenia and the Netherlands.

Collections were generally conducted in accordance with agreements, except for one Dutch operator that experienced payment delays. Outstanding receivables from the beginning of 2022 were received. However, the royalties due for 2023 from the same operator remained unpaid at the end of the year. Management continues to work diligently to resolve this issue and to conclude a new agreement starting in 2024.

Due to banking issues, the distributions for Slovenia in 2022 were postponed; however, AGICOA Europe a.s.b.l. successfully caught up in 2023 by distributing funds for the broadcast years 2020 and 2021, and by conducting additional collections for the years 2012 to 2019. Additionally, AGICOA Europe a.s.b.l. carried out its first distribution for the Netherlands for the broadcast year 2022.

A cultural fund was also established in 2023 with an allocation of EUR 450,000. The call for proposals and the allocation of funds to content development projects are scheduled for 2024.

In conclusion, 2023 was an exceptionally beneficial year for producers.

3 Legal and governance structure

AGICOA Europe a.s.b.l. is a not-for-profit association organized corporately in compliance with its By-Laws of 11 September 2018 as well as the Luxembourg Law dated 21 April 1928, relating to not-for-profit associations and foundations, and its amendments.

AGICOA Europe a.s.b.l.'s bodies are the following:

- A. The General Assembly
- B. The Administrative Board and its President
- C. The Managing Director
- D. The Auditor

The General Assembly is composed of all founding, institutional and individual members.

4 Remuneration of the bodies

4.1 AGICOA Europe a.s.b.l. Management

No remuneration was paid to the Management team in 2023.

4.2 Administrative Board and its President

In 2023, no remuneration was paid to any member of the Administrative Board nor to the President.

5 Additional financial information

5.1 Royalties collected in 2023 per country, per broadcast period and by type of use from collecting societies

The fiduciary funds are accounted for by year of broadcast, by country of collection and by type of use.

The royalties earned are accounted for on an accrual basis.

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2023 **EUR 862'722** (including withholding taxes).

Country	Period of Broadcast	Type of use	2023	2022
Slovenia	2010 to 2013	Cable	-	399'915
Slovenia	2014 and 2015	Cable	762'837	-
Slovenia	2021	Cable	-	401'241
Slovenia	2022	Cable	99'885	819'179

During 2023, AGICOA Europe a.s.b.l. did not refuse to issue a license to any user.

5.2 Royalties collected in 2023 per country, per broadcast period and by type of use from other than collecting societies

The royalties earned are accounted for on an accrual basis.

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2023 **EUR 23'713'397**

Country	Period of Broadcast	Type of use	2023	2022
The Netherlands	2022	Cable	5'830'032	13'048'729
The Netherlands	2023	Cable	17'883'365	-

5.3 Income arising from the investment of rights revenue

Investment income over rights revenue collected to be put into distribution is added to the rights revenue put into the first distribution. The income arising from investments on any other liabilities is attributed to the general reserve.

AGICOA Europe a.s.b.l. is very prudent and is holding the fiduciary assets essentially on current accounts.

AGICOA Europe a.s.b.l. has recorded for the fiscal year 2023

EUR 451 536

5.4 AGICOA Alliance Management fees

The AGICOA Alliance Management fees correspond to the annual single rate deductions applied to all new rights revenue put into distribution for a given year. For 2023, this percentage was of 8.12% under the general mandate, as per AGICOA's General Assembly's resolution dated December 13, 2022.

AGICOA Alliance Management fees deducted

EUR 1'606'125

Country	Period of Broadcast	Type of use	2023	2022
Slovenia	2012	Cable	8'146.00	-
Slovenia	2013	Cable	35'456.00	-
Slovenia	2014	Cable	6'170	-
Slovenia	2016	Cable	27'907	-
Slovenia	2020	Cable	86'416	-
Slovenia	2021	Cable	108'092	-
The Netherlands	2022	Cable	1'333'938	-

5.5 Amounts put into distribution by AGICOA Europe a.s.b.l.

The rights revenue is distributed on the basis of the distribution plan approved by the Administrative Board.

A distribution for a specific broadcast year is deemed to have started when the value of the broadcast on channels which are part of the said distribution is calculated and when first payments to rightsholders have been released.

Amount put into distributions (net of management fees)

EUR 18'561'969

Country	Period of Broadcast	Type of use	2023
Slovenia	2012	Cable	92'178
Slovenia	2013	Cable	544'747
Slovenia	2014	Cable	233'652
Slovenia	2015	Cable	179'308
Slovenia	2016	Cable	431'946
Slovenia	2017	Cable	45'639
Slovenia	2018	Cable	61'499
Slovenia	2019	Cable	58'954
Slovenia	2020	Cable	977'823
Slovenia	2021	Cable	1'233'784
The Netherlands	2022	Cable	14'702'439

5.6 Distribution plan

In 2023, the distribution plan has been fully realized.

5.7 Payments to rightsholders / collecting societies

In 2023, AGICOA Europe a.s.b.l. disbursed to AGICOA Geneva EUR 3'702'180.26 for the distributions for Slovenia and EUR 14'702'439.14 for distribution for The Netherlands. Additionally, AGICOA Europe a.s.b.l. settled a payment of EUR 666'777, divided among various rightsholders under the settlement agreement (TELEKOM Slovenije).