

LAW: 4463/2017

G.O.G.: A 42/30.03.2017

TITLE: MEASURES TO REDUCE COSTS FOR THE INSTALLATION OF HIGH RHYTHM ELECTRONIC COMMUNICATIONS – HARMONIZATION OF LEGISLATION TO DIRECTIVE 2014/61/EU AND OTHER AMENDMENTS.

ARTICLE 15

In article 54 of l. 2121/1993 the following paragraph is added:

«10. The Minister of Culture and Sports can, upon the advice of the Hellenic Copyright Organization and in case there is serious likelihood that the collecting society is unable to meet its obligations, in particular to collect and ensure the return to the rightholders of the amounts it collects on their behalf, due to negative equity, take as a preventive administrative measure, the appointment of a temporary commissioner for a term of six (6) months which can be renewed only once more for a term of maximum three (3) months.

The temporary commissioner will ensure regular collection of the rights from the users and return of these amounts to the rightholders. At the same time, the temporary commissioner exercises, on behalf of the collecting society, any legal remedy or means for the protection of the rightholders interests.

To achieve these, the temporary commissioner replaces the administration upon publication of his appointment in the Government Gazette. In addition, the temporary commissioner intervenes in order to cancel any action or decision that has not been taken by the temporary commissioner himself, in order not to discontinue the operation of the collecting society or lead it to bankruptcy.

Concerning other administration issues, the Board of Directors is under the obligation to inform the temporary commissioner, who, in case he disagrees with the decision or action that could harm the viability of the collecting society or the rightholders' interests, he decides on his own.

The temporary commissioner is chosen by the Minister of Culture and Sports among persons of recognized status and relevant professional experience in issues of business' or collecting societies' administration or on financial or legal issues. The appointment of the temporary commissioner cannot be used as a reason to modify or terminate any contract or agreement to which the collecting society is bound.

The management bodies and the employees of the collecting society are under the obligation to provide the temporary commissioner with all data and information that will be asked of them and to facilitate the temporary commissioner in his duties. The responsibility of the temporary commissioner during the performance of his duties is limited to fraud and gross negligence.

In order to get assistance in his work, the temporary commissioner can hire external legal or financial advisors and other staff, subject to the Minister's approval of the persons and their payment.

The temporary commissioner's remuneration is determined, after a recommendation by the HCO, with his appointment decision and is carried, together with management fees and his associates' payment, by the collecting society in which he has been appointed.

The commissioner submits to the Minister of Culture and Sports a short activity report at the end of each month, a plan for the next month and a comprehensive report at the end of his term. The temporary commissioner's term ends with the expiry of the time for which he was appointed. Otherwise, the Minister of Culture and Sports can, by a reasoned decision, revoke the temporary commissioner's appointment for reasons that are connected to the exercise of his duties or to the need of the society's reorganization».