Ms. Emmanuelle Du Chalard

Head of the Copyright Unit

European Commission

06/10/2025

By email: Emmanuelle.DU-CHALARD@ec.europa.eu

Dear Ms. Emmanuelle Du Chalard,

Support to FILMAUTOR and MUSICAUTOR complaints against Bulgaria for breaches of EU copyright law

With this letter, CISAC, GESAC and the SAA wish to express their support to the complaints (№ 86681; № 86821) submitted by our Bulgarian member societies FILMAUTOR and MUSICAUTOR on 7 August 2025 concerning Bulgaria's consistent refusal to comply with its obligations under EU copyright law.

Both FILMAUTOR and MUSICAUTOR have brought to the Commission's attention the systemic dysfunction of the Bulgarian Copyright and Related Rights Law (BCRRL), which prevents collective management organisations (CMOs) from obtaining the government's approval for tariffs — a precondition for licensing rights and collecting royalties on behalf of authors and rightsholders.

Despite the existence of a formal framework for tariff approval under Bulgarian law, the procedure to obtain such approval has proven entirely ineffective in practice. Under Article 94r of the BCRRL, once negotiations between CMOs and users fail, the matter is referred to a commission appointed by the Ministry of Culture, composed of experts nominated by both parties and the Ministry. This body is entrusted with the crucial task of assessing and approving tariffs, which is a precondition for authors and rightsholders to obtain remuneration for the use of their works.

Regrettably, the procedure contains a structural flaw: a lack of action on the Commission's side means that rights can be exploited without authorization and without remuneration. If the Commission abstains and makes no decision after the referral of a case, the process simply remains pending without any consequence. Subsequently, when this happens, the Minister of Culture is legally required to terminate the process by issuing a dismissal order, without ruling on the merits of the tariff proposal. No further mechanism exists to ensure a decision is reached.

Furthermore, an appeals process is impractical and unhelpful where no decision is issued by the Commission. Appeals to the courts are strictly limited to procedural errors and do not permit a review of tariff levels, leaving CMOs without any substantive remedy. Provisional tariffs during negotiations are not foreseen, and mediation is voluntary and non-binding, offering no enforceable solution.

The result is a legal vacuum where users can continue exploiting copyright works without paying remuneration, while CMOs — even when they act in full compliance with the law and in good faith — are left without an approved tariff.

Between 2019 and 2024, five different tariff procedures were initiated by local societies MUSICAUTOR, FILMAUTOR and PROPHON under this mechanism. Every single one of these procedures ended without a decision by the Commission and was consequently dismissed by the Ministry. This repeated failure demonstrates that the dysfunction is not incidental but systemic, and that the current legal framework chronically prevents CMOs from fulfilling their statutory role.

This situation breaches multiple provisions of EU law, including:

- Article 16.2 of Directive 2014/26/EU: Bulgarian law does not ensure that rightsholders receive appropriate remuneration for the use of their works. The ineffective tariff setting procedure allows users to exploit procedural gaps, preventing CMOs from obtaining timely decisions and approved tariffs. As a result, authors and rightsholders are left without fair compensation, in clear contradiction with the principles set out in Article 16.2.
- Articles 16.1 and 17 of Directive 2014/26/EU: while Bulgarian law refers to the need for negotiations between CMOs and users, it fails to ensure that users negotiate in good faith and provide the necessary data, as requested under Articles 16.1 and 17 of the Directive. This gap allows users to exploit procedural loopholes, delaying or obstructing the licensing process.
- Article 35 of Directive 2014/26/EU: the Bulgarian law does not provide for an effective dispute resolution mechanism. While a mediation procedure is formally available, it is ineffective in practice, since proposals are non-binding unless explicitly accepted by both parties and procedures are often blocked by users. More importantly, Bulgarian law does not provide access to ordinary courts to resolve the substance of tariff disputes. Judicial proceedings against the Ministry of Culture's decisions are confined to procedural review and cannot address the merits of the tariff disputes. As a result, CMOs lack any effective legal means to secure tariff approval, leaving the system incompatible with the requirements of the Directive.

The consequences are severe:

- MUSICAUTOR has been unable to update its broadcasting tariff since 2001 and its retransmission tariff since 2014, despite extensive investment in proposals based on international best practices.
- FILMAUTOR remains unable to collect remuneration for the retransmission of audiovisual works.
- The situation not only prevents local and EU creators from receiving remuneration but also affects the international community of creators through the system of representation agreements that FILMAUTOR and MUSICAUTOR maintain with sister societies outside the EU.

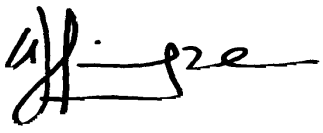
The failure of Bulgaria's legal framework undermines legal certainty, distorts the functioning of the internal market, and deprives European creators of the fair remuneration they are entitled to under EU law.

We therefore respectfully call on the European Commission to examine these complaints with urgency and to take the necessary steps to ensure that Bulgaria complies with its obligations under EU copyright legislation.

We have alerted the Bulgarian authorities on numerous occasions to the above matter, regrettably to no avail. Decisive intervention at EU level can compel national authorities to address these systemic shortcomings and restore a functioning licensing environment that benefits both rightsholders and users.

We remain at your disposal should you require any further information.

Yours sincerely,



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