

REGULATIONS ON THE COUNCIL OF EXPERTS FOR REMUNERATIONS IN THE FIELD OF COPYRIGHT AND RELATED RIGHTS

I. GENERAL PROVISIONS

Subject Matter of the Regulations

Article 1

The Regulations on the Council of Experts for remunerations in the field of copyright and related rights (hereinafter: the Regulations) provide for the rules of appointing members of the Council of Experts for remunerations in the field of copyright and related rights (hereinafter: the Council of Experts), on operation of the Council of Experts and on the amount of remuneration for participation in operation of the Council of Experts.

Scope of Operation of the Council of Experts

Article 2

The Council of Experts shall carry out the procedures of mediation as referred to in Article 239 of the Copyright and Related Rights Act (hereinafter: the Act), render its opinion on the price proposal by organisations for collective management of copyright and related rights according to Article 235 paragraph (6) of the Act and other opinions prescribed by the Act.

II. CONSTITUTION AND OPERATION OF THE COUNCIL OF EXPERTS

Appointment of the Council of Experts

Article 3

(1) The procedure of appointing a president and the members of the Council of Experts shall be conducted pursuant to Article 238 paragraphs (1) to (4) of the Act.

(2) Public invitation for the election of a president and members of the Council of Experts with a time limit to file the applications of minimum 15 days shall be published on the website of the State Intellectual Property Office (hereinafter: the Office) and on at least one public medium.

(3) The candidates shall indicate minimum the following information in the application for a public invitation referred to in paragraph (2) of this Article:

- name and surname;
- residential address;
- contact data (telephone number and e-mail address);
- information on the current employment (workplace and name of the organisation);
- *curriculum vitae*.

(4) The candidates shall accompany the application for a public invitation referred to in paragraph (2) of this Article with evidence of meeting the requirements prescribed by Article 238 paragraph (2) of the Act, and evidence of citizenship of the Republic of Croatia, of completed undergraduate or graduate professional faculty, or an equivalent faculty and a certificate of active knowledge of minimum one world language.

(5) A person employed with or performing duties in the bodies of a collective management organisation, an independent management entity or a chamber or any other representative association of users of subject matters of copyright or related rights that participate according

to regulations in the procedure of determining remunerations for the use of subject matters of protection by copyright or related rights cannot be appointed president or member of the Council of Experts.

(6) The Office performs professional, administrative and technical activities related to the announcement of public invitation for the election of the president and members of the Council of Experts, evaluation of candidates' applications received and documentation attached and prepares a proposal for candidates for the composition of the Council of Experts to be delivered to the responsible minister.

(7) The decision on appointing a president and members of the Council of Experts shall be publicly published.

Management of the Operation of the Council of Experts

Article 4

(1) A president of the Council of Experts (hereinafter: the President) manages the operation of the Council of Experts and supervises and monitors the activities within the scope of its operation.

(2) Rules of procedure on the operation of the Council of Experts (hereinafter: the Rules of Procedure) shall be proposed by the President.

(3) The Council of Experts shall adopt the Rules of Procedure referred to in paragraph (2) of this Article not later than within 30 days upon the date of having adopted the decision on appointing the Council of Experts and deliver it to the attention of the Director General of the Office.

(4) Acts concerning the operation of the Council of Experts as well as opinions rendered by the Council of Experts shall be signed by the President.

(5) In case of exceptional circumstances causing the President temporarily not to be able to perform his duties, the President will authorise one of the members of the Council of Experts to perform the duties of the President during his absence and report this to the Director General of the Office.

Supervision of the Operation of the Council of Experts

Article 5

(1) The President shall be required at least once a year to submit a written report on the operation of the Council of Experts to the Director General of the Office, in order to conduct supervision referred to in Article 238 paragraph (9) of the Act.

(2) The President shall notify the Director General of the Office if the Council of Experts is not able to operate regularly for any reason whatsoever.

(3) When supervising the operation of the Council of Experts, the Director General of the Office may also request additional statements from the President related to the operation of the Council of Experts and statements from members of the Council of Experts.

(4) If regular operation of the Council of Experts is not possible due to permanent prevention of the President or a member of the Council of Experts, the procedure of reappointing a president or a member of the Council of Experts shall be conducted in compliance with the provisions referred to in Article 3 of these Regulations, who will be appointed by the end of the period for which the mandated Council of Experts has been appointed.

Operation of the Council of Experts

Article 6

- (1) The Council of Experts discusses and passes decisions on sessions, and operation of the session is being recorded.
- (2) In exceptional cases, a session of the Council of Experts may be held remotely, electronically with the use of a device that enables the reception of image and sound.
- (3) The Council of Experts renders its opinion at the session by a majority vote of all members of the Council of Experts.
- (4) Where a session of the Council of Experts is attended by employees of the Office or other competent persons in compliance with the provisions referred to in Article 238 paragraph (6) of the Act, these persons may render their professional views of the subject matter of decision, but they do not take part in voting procedure.
- (5) The President, members of the Council of Experts and invited experts referred to in paragraph (4) of this Article are obliged to take into account potential conflicts of interest in each individual case and, in the event of a conflict of interest, exempt themselves from participating in the adoption of an opinion in a specific case.
- (6) If, due to the exemption referred to in paragraph (5) of this Article, the Council of Experts does not render an opinion in full composition and it is not possible to determine the majority of votes, the final opinion is decided by the President, and if the President has exempted himself from participating in the rendering of the opinion, the decision is made by a member of the Council of Experts appointed by the President.

Remuneration for Operation of the Council of Experts

Article 7

- (1) Remuneration for operation of the president of the Council of Experts amounts to HRK 1,200.00 net per session, and remuneration for members of the Council of Experts and competent persons invited as referred to in Article 6 paragraph (4) of these Regulations amounts to HRK 600.00 net per session.
- (2) Remuneration referred to in paragraph (1) of this Article shall be paid by the parties involved in the procedure in compliance with the provisions referred to in Article 238 paragraph (7) of the Act within 15 days upon receipt of the opinion rendered by the Council of Experts.
- (3) The Director General of the Office shall decide on the manner of paying the remuneration for operation of the Council of Experts.
- (4) Upon introduction of the euro as an official currency of the Republic of Croatia, remunerations referred to in paragraph (1) of this Article shall correspond to the amounts in euro according to the calculation on the day of the introduction of the euro.

III. TRANSITIONAL AND FINAL PROVISIONS

Termination of Regulations

Article 8

Upon these Regulations coming into force, the Regulations on Remunerations for Operation of the Council of Experts for remunerations in the field of copyright and related rights ("Official Gazette", No. 107/17) shall cease to be valid.

Coming of These Regulations into Effect

Article 9

These Regulations shall come into effect on the eighth day upon publication in the “Official Gazette”.