

AGREEMENT

on Collective Management of Copyright and Related Rights

The Eurasian Economic Union Member States, represented by their governments, hereinafter referred to as the Member States,

being guided by the provisions of the Treaty on the Eurasian Economic Union dated May 29, 2014 and the law of the Eurasian Economic Union,

for the purpose of providing favorable conditions for copyright and related rights holders

have agreed as follows:

Article 1

1. This Agreement shall establish the procedure for collective management of copyright and related rights in the territories of the Member States in cases when practical exercising of copyright and/or related rights individually by authors, performers, producers (manufacturers) of audio recordings and other holders of copyright and/or related rights (hereinafter "rights holders") is difficult or the legislation of the Member States permits the use of the subject matter of these rights without the consent of rights holders but with remuneration.

2. The Member States shall provide for the possibility of creating collective rights management organizations (hereinafter "organization") in the areas on collective management of copyright and/or related rights defined by the legislation of the Member States.

3. The organizations shall exercise their powers based on an agreement on transfer of powers to manage the rights concluded by such organizations with rights holders and other organizations in writing, except for the case stipulated by paragraph 4 of this Article.

4. In accordance with the legislation of the Member States, organizations acting in the relevant areas of collective management of copyright and/or related rights can be vested with powers to collectively manage the rights both of the

rights holders having directly transferred the relevant powers to such organizations and the rights holders not having waived the rights management in their interests. Such powers shall be valid within the territory of the Member State in accordance with the legislation of which they are granted.

5. If in accordance with the legislation of the Member State the organization is vested with the powers to collectively manage the rights and collect remuneration both in the interests of the rights holders having directly transferred the relevant powers to such organizations and the rights holders not having waived the rights management in their interests, the Member State shall provide in its legislation for vesting the relevant government body with the powers to exercise state control over the activities of this organization (hereinafter "the authorized authority").

The legislation of the Member States can provide for other cases of exercising state control over the activities of the organizations.

The authorized authorities of the Member States shall interact, including to provide each other with the necessary information about the activities of the organizations.

Article 2

1. The activities of the organizations in the territories of the Member States shall be conducted in accordance with the principles of openness, transparency, accountability, controllability and fairness (non-discrimination).

2. The legal form and legal status of the organization, the specifics of vesting it with the relevant powers, functions of the organization, rights and responsibilities of its members, as well as the procedure for handling other issues not settled by this Agreement shall be established by the legislation of the Member States.

Article 3

1. The organization shall conclude agreements with users under a simple (non-exclusive) license covering copyright and/or related rights being managed by this organization for relevant methods of using the subject matter of copyright and/or related rights and shall collect remuneration from such users for granting the right to use such subject matter.

In cases where the use of the subject matter of copyright and/or related rights in accordance with the legislation of the Member States is permitted without the consent of rights holders but with remuneration paid to them, the organization shall conclude agreements on paying remuneration with users or other persons obliged to pay remuneration by the legislation of the Member States and shall collect the funds to pay remuneration to the rights holders.

2. The organization shall distribute remuneration collected for the use of subject matter of copyright and/or related rights between the rights holders and pay this remuneration to them.

The collected remuneration shall be distributed at least once a year proportionally to the actual use of the relevant subject matter of copyright and/or related rights established based on documents and information received by the organization from users as well as other data on the use of subject matter of copyright and/or related rights including statistical information.

Users shall be obliged to submit reports to the organization on the use of subject matter of copyright and/or related rights as well as other information and documents necessary to collect and distribute remuneration. The list and deadlines for submitting documents and information shall be established in agreements concluded by the organization with users.

Remuneration to rights holders shall be paid by the organization regularly at least once a year. This payment shall be made not later than 12 months after the end of the reporting year.

The frequency of transferring the collected remuneration to foreign authors or rights holders shall be established in agreements on representing interests concluded with foreign organizations, but cannot be less than once a year.

3. The organization shall be entitled to withhold funds from the collected remuneration for covering its expenses for collective management of rights (hereinafter the "organization's expenses").

The organization's expenses shall be justified and duly documented.

The Member State can establish in its legislation the possibility for withholding additional funds by the organization to be directed for social, cultural and educational purposes with the consent and in the interests of the rights holders it represents (hereinafter "special funds").

The legal treatment of special funds shall be established by the legislation of the Member States.

The organization shall not be entitled to withhold more than 50 percent of the collected remuneration for the organization's expenses and special funds.

Such withholdings of funds shall be proportionate to each sum due to each rights holder. The legislation of the Member States can establish a lower maximum total amount of such withholdings.

Simultaneously with paying remuneration, the organization shall provide a report to the rights holder on using his/her/its rights and on the amount of the collected remuneration for such use indicating the sums withheld by the organization, including the special funds.

4. In case the remuneration due to the rights holder cannot be paid within the time limit established by the fourth indent of paragraph 2 of this Article, the organization shall take all the necessary measures to identify and find the whereabouts of this rights holder within 12 months from the date this time limit expires.

The Member States shall establish in their legislation the procedure for the organization's storing of the unpaid funds and utilizing the sums of unclaimed remuneration once the general limitation period expires.

Article 4

1. In particular, the organization shall be obliged to:

1) create (designate) the official website in the Internet information and telecommunication network for posting (publishing) the information on its activities (hereinafter the "official website");

2) ensure the round the clock availability of the official website, openness of the information posted on the official website as well as provision of such information at no charge;

3) create registers containing information on rights holders, subject matter of copyright and/or related rights and rights transferred to this organization for management (hereinafter, "registers") except for the information that cannot be disclosed with the rights holders' consent in accordance with the legislation of the Member States;

4) post the registers on its official website, maintain and timely update them for the purpose of concluding agreements with users and paying remuneration;

5) introduce procedures allowing other organizations engaged in collective management of rights, as well as the rights holders in whose interests the organization concludes agreements with users to notify any inaccuracies found in the registers and related to the rights it manages.

2. The organization shall not be entitled to use subject matter of copyright and/or related rights, the property rights to which are transferred to it for management.

3. On behalf of the rights holder or on its behalf, the organization shall be entitled to make claims to the court and perform other legal actions to safeguard

the rights transferred to it for management in accordance with the legislation of the Member States.

Article 5

1. The organization shall engage an independent auditing organization to audit its accounting (financial) statements and to verify its conducting and documenting of cash transactions when collecting, distributing and paying remuneration, compliance of the distribution of collected remuneration with the requirements established by the methods approved by the organization, accounting of targeted income and payments made using the special funds, compliance with other requirements set for the activities of this organization and established by Article 3 herein (hereinafter the "inspection").

The frequency of audits and inspections shall be established by the legislation of the Member States but cannot be less than once every two years.

2. The organization shall publish the auditor's opinion and inspection results together with the relevant accounting (financial) statements on its official website within a month from the date of their approval (signing); they shall be freely available for rights holders for five years.

Accounting (financial) statements and other information subject to auditing and inspection cannot be classified as confidential or proprietary information, commercial or other secrets protected by law.

3. Auditing and inspection expenses shall be included in the organization's expenses.

4. In the Member States where the functions and obligations of organizations are exercised by a government authority (government organization), audits and inspections shall be performed in accordance with the legislation of the Member States taking into account the provisions of this Article.

Article 6

1. The Member States shall establish in their legislation the liability for:

1) the use of subject matter of copyright and/or related rights without the consent of the rights holder or the organization managing his/her/its relevant rights and without remuneration or evasion of payment of remuneration except for cases stipulated by the legislation of the Member States;

2) the organization's failure to pay the collected remuneration to the rights holder due to this organization's violation of the rights management procedure;

3) exceeding the maximum amount of withholdings from the collected remuneration amount for the organization's expenses and special funds established by the legislation of the Member States;

4) failure to fulfil the obligation to conduct an audit or an inspection stipulated by Article 5 herein.

2. The Member States may provide for other cases of liability of organizations.

3. The Member States shall take the necessary measures to harmonize the legislative provisions providing for liability for the actions specified in paragraph 1 of this Article.

Article 7

When interacting with rights holders, the organization shall abide by the following principles:

1) rights holders shall be entitled to waive the organization's management of their rights fully or partially at any time;

2) rights holders shall be entitled to take part in the activities of the organization's management bodies according to the procedure established by this organization's charter if this right is established by the legislation of the Member State;

3) remuneration shall be distributed and paid fairly, without discrimination based on citizenship, the country of residence, rights holder category or any other grounds;

4) the organization shall take all the necessary measures to pay remuneration regularly in accordance with the fourth indent of paragraph 2, Article 3 herein;

5) the organization shall regularly report to the rights holders in whose interests the organization concluded agreements with users all the collected and distributed remuneration sums, any withholdings from these sums as well as the distribution methods including statistical information.

Article 8

1. With respect to legal relations that arose prior to the entry into force of this Agreement, its provisions shall apply to the rights and obligations that will arise once this Agreement has entered into force.

2. Copyright and/or related rights collectively managed on the date of entry into force of this Agreement shall be continued to the extent not contrary to this Agreement.

Article 9

This Agreement may be amended by mutual consent of the Member States set forth in separate protocols being an integral part hereof.

Article 10

Any disputes arising from the interpretation and/or application of this Agreement shall be settled according to the procedure established by the Treaty on the Eurasian Economic Union dated May 29, 2014.

Article 11

1. This Agreement shall be a treaty concluded within the Eurasian Economic Union and constitute the law of the Eurasian Economic Union.

2. This Agreement shall enter into force on the date of receipt by the depositary of the last written notification of the fulfillment by the Member States of the internal legal procedures required for its entry into force.

The Member States shall inform the Eurasian Economic Commission through diplomatic channels of the public authorities responsible for implementing this Agreement.

Done in Moscow on December 11, 2017 in one original counterpart in Russian.

The original counterpart of this Agreement shall be kept by the Eurasian Economic Commission, which, being the depositary hereof, shall send a certified copy of this Agreement to each Member State.

**For the Government of
the Republic of Armenia**

Seal: DEPOSITARY *
EURASIAN ECONOMIC
COMMISSION

**For the Government of
the Republic of Belarus**

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COMMISSION

**For the Government of
the Republic of
Kazakhstan**

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**For the Government of
the Kyrgyz Republic**

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**For the Government of
the Russian Federation**

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ECONOMIC COMMISSION