

Pursuant to paragraph one of Article 25 and Article 33 of the Act Regulating Collective Management of Copyright and Related Rights (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 63/16 and 130/22, hereinafter referred to as the "ZKUASP") and paragraph two of Article 16 of the Statute of Združenje avtorjev in nosilcev malih in drugih avtorskih pravic Slovenije, k.o. (hereinafter referred to as "ZAMP"), the General Assembly of ZAMP on 4 September 2024 adopts the following

## **RULES ON DEDICATED FUNDS OF ZAMP - ZDRUŽENJE AVTORJEV SLOVENIJE, K.O.**

### **1. Introductory Provision**

- 1.1. In accordance with the law and the Statute, separate dedicated funds may be established (hereinafter referred to as the "ZAMP dedicated fund").
- 1.2. These Rules govern the ZAMP dedicated funds, the rules on payments into and disbursements from the fund, the rules on the use of the fund's assets, define the beneficiaries of the fund, and set out the rules on the supervision of the use of the fund's assets.

### **2. ZAMP Dedicated Funds**

- 2.1. ZAMP may establish three dedicated funds:
  - i. the ZAMP Social Dedicated Fund (hereinafter referred to as the "Social Fund"),
  - ii. the ZAMP Educational Dedicated Fund (hereinafter referred to as the "Educational Fund"),
  - iii. the ZAMP Creative Dedicated Fund (hereinafter referred to as the "Creative Fund").
- 2.2. The Social Fund shall be a fund for social purposes for authors permanently residing in the Republic of Slovenia.
- 2.3. The Educational Fund shall be a fund for the educational purposes of authors permanently residing in the Republic of Slovenia.
- 2.4. The Creative Fund shall be a fund established for the purpose of promoting cultural and artistic creation and the dissemination of new copyright works in areas important for the preservation of cultural diversity. This purpose may be achieved by organising and financing the awarding of prizes for creativity to promising authors permanently residing in the Republic of Slovenia or by co-financing projects of cultural and artistic creation and the dissemination of artistic copyright works. The assets, whether in cash or in kind, shall be awarded to promising authors permanently residing in the Republic of Slovenia.

### **3. Sources of Assets and Management of Dedicated Funds**

- 3.1. The assets of the ZAMP dedicated funds shall be drawn from the following sources:
  - i. from the pool of undistributed royalties, i.e. assets from collected and unallocated royalties for which the procedure prescribed by law for the identification and location of beneficiaries has already been carried out and five calendar years have elapsed since the year in which the unallocated royalties were collected;

- ii. from deductions provided for in reciprocal representation agreements with foreign collective management organisations;
  - iii. from the assets determined by a resolution of the General Assembly adopted by a majority of not less than three-quarters of the voting rights present at the General Assembly.
- 3.2. The proposal on the amount to be paid into each ZAMP dedicated fund, up to the total amount of assets from which the dedicated funds are drawn in accordance with the preceding point 3.1 of these Rules, and not exceeding 10% of the collected royalties, shall be prepared by the Management and decided on by the General Assembly by a resolution which must be adopted by a majority of not less than three-quarters of the voting rights present at the General Assembly.
- 3.3. The assets of each ZAMP dedicated fund shall be maintained separately in ZAMP's account.

#### **4. Beneficiaries**

- 4.1. For the purposes of these Rules, a promising author shall be considered an author of works in the fields of literature, science and journalism and their translations who is a permanent resident of the Republic of Slovenia and, who in the previous financial year, did not receive from ZAMP, by way of royalties and remuneration, more than the gross monthly minimum wage as determined by the law governing the minimum wage, calculated as at 1 September in the year of allocation, and who, by the end of the previous calendar year, has not received a national award as defined in Appendix V to the Decree on self-employed persons in culture as a State award or any other national award in the field of books or publishing.
- 4.2. Authors permanently residing in the Republic of Slovenia shall be eligible to apply for grants from the Social Fund.
- 4.3. For the implementation of projects aimed at educating authors permanently residing in the Republic of Slovenia, business entities with their registered office in the Republic of Slovenia or with the registered office of a branch in the Republic of Slovenia may apply for funding from the Educational Fund for the following types of projects:
  - organisation or co-organisation of training with a third party;
  - implementation of projects designed to raise awareness of the importance of authorship, copyright works and respect for copyright, either independently or in co-organisation with a third party.
- 4.4. The assets of the Creative Fund may be used to grant awards to encourage the creativity among promising authors, whereby up to 30% of the assets allocated for such awards may be used to cover the costs of organising the award (e.g. fees for members of the expert jury, organisation of the award ceremony, promotional activities related to the award). Assets from the Creative Fund may also be allocated to promising authors on the basis of a public call.

#### **5. Rules on Dedicated Funds**

- 5.1. The public call for all dedicated funds, except for the part of the Creative Fund intended for the granting of awards, shall contain in particular:
  - the eligible purposes for the allocation of assets under this public call;
  - the requirements to be met by applicants and any evidence required to demonstrate compliance;
  - the amount of assets available for allocation under this public call;
  - the indicative amount of assets requested per application;

- the criteria for evaluation of applications;
  - the criteria for the eligibility of costs;
  - the minimum and maximum rates of co-financing of eligible costs;
  - the obligation to report on the use of dedicated funds and the conditions for repayment of assets whose dedicated use has not been demonstrated (e.g. if the proposed project for the promotion of creativity has not been implemented);
  - any additional obligations of the recipient of the assets;
  - the deadlines and the procedure for deciding on applications received;
  - the application form;
  - the template agreement on the use of assets from the ZAMP dedicated fund, except for the assets of the Social Fund;
  - the deadline for applications, which shall not be shorter than 8 days from the date of publication of the public call.
- 5.2. The Management of ZAMP shall determine the part of the Creative Fund intended for granting awards to encourage creativity of promising authors in the fields of literature, science and journalism, and shall adopt and publicly announce the rules on the granting of awards, which shall define in particular:
- the purpose of the award;
  - the composition of the jury deciding on the award and the manner of its operation (e.g. the number of jury meetings, the manner of announcing nominees and award recipients, and the form of the award ceremony);
  - the total amount of assets available for the award;
  - the amount of the award fund;
  - the deadline for deciding on the award recipients;
  - the supervision of the use of assets.

## **6. Application Review Procedure**

- 6.1. The procedure for reviewing applications set out in this Article shall apply to all public calls. Beneficiaries shall apply for assets from the ZAMP dedicated fund by submitting an application in response to a public call published by ZAMP on its website.
- 6.2. Applicants under the public call shall demonstrate compliance with all requirements set out in the public call.
- 6.3. The Management of ZAMP or a committee shall verify the completeness of the applications received and the eligibility of applicants, evaluate the applications in accordance with the criteria laid down in the public call, and prepare a report ranking the complete applications of eligible applicants that meet the requirements and criteria of the public call (hereinafter referred to as “qualified applications”) from the highest to the lowest scoring.
- 6.4. The Management of ZAMP shall determine the target co-financing amount for each qualified application and adopt the final list of beneficiaries entitled to use of the assets of the ZAMP dedicated fund under the respective public call, allocating the assets in the target co-financing amount to the highest-ranked qualified applications up to the total amount of assets available under the public call.
- 6.5. The Management of ZAMP shall notify all applicants by email of the fulfilment of the requirements, the evaluation of the applications in accordance with the criteria of the public call, and any allocation of assets. Applicants shall be deemed to have received the notification on the first working day following the day on which the notification was sent.
- 6.6. The Management of ZAMP shall invite those applicants for assets from the dedicated funds to whom assets have been allocated under the public call to conclude a contract

after the expiry of the deadline for appeals by all applicants or after all decisions on any appeals have become final.

## **7. Appeal Procedure**

- 7.1. The applicant may lodge an appeal against the decision on the allocation of assets from the dedicated fund within 15 days of receipt of the notification.
- 7.2. The appeal shall be considered by applying mutatis mutandis the procedure laid down in the ZAMP Statute.

## **8. Disbursement of Assets**

- 8.1. The assets from the ZAMP dedicated fund shall be disbursed:
  - within 30 days of the issue of an invoice; or
  - within 30 days of the conclusion of the contract, if the beneficiary does not issue invoices; or
  - within 30 days of the granting of the award.
- 8.2. ZAMP shall be liable for obligations arising from a public call up to the total amount of the assets reserved for the individual public call and the available assets of the same ZAMP dedicated fund.

## **9. Monitoring the Use of Assets Received from Funds**

- 9.1. The assets of the ZAMP dedicated funds shall be used exclusively by the beneficiaries defined in these Rules and may be used only in accordance with these Rules.
- 9.2. In accordance with the law, the Management of ZAMP shall prepare an annual report setting out all payments into the dedicated funds and the allocation and disbursement of assets to beneficiaries.
- 9.3. The Management of ZAMP shall monitor the use of the assets received from the dedicated funds and shall report thereon to the Supervisory Board of ZAMP. If the assets received from a dedicated fund are not used in accordance with the concluded contract, the Management of ZAMP shall take measures to recover such assets.

## **10. Transitional and Final Provisions**

- 10.1. These Rules shall enter into force on the date of their adoption by the General Assembly of ZAMP and shall apply from that date onwards.
- 10.2. On the date of entry into force of these Rules, the Rules on the ZAMP Dedicated Social Fund of 19 October 2017 and the Rules on the Dedicated Funds of ZAMP - Združenje avtorjev Slovenije, k.o. of 31 August 2023 shall cease to apply.
- 10.3. Amendments to these Rules shall be decided by the General Assembly of ZAMP.