



New Greek law (5103/2024) for the protection and enhancement of Greek music

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On 17/04/2024 the Greek Parliament has enacted Law No. 5103/2024 dealing with, among other issues, the “protection” and “enhancement” of Greek Music.

The Law introduces a minimum threshold of 40% Greek music (as defined in the Law) at the music which is performed in public in various places such as casinos, malls, etc. It has both been praised as a “gift” to Greek musicians and authors but also heavily criticised as eventually anti-constitutional and against EU legislation.

The basic provisions of the Law have as follows:

Definitions

For the purposes of the Law, the following definitions apply:

Article 3

- a. A Greek-language song means a musical work composed of music and lyrics, as long as at least half of its duration is occupied by text in the Greek language. The concept of Greek-language song also includes the orchestral musical performance of a Greek-language song, as well as musical works without lyrics that have been recorded in Greek territory.
- b. New phonograms mean the phonograms of a Greek-language song within the meaning of para. a, which incorporate new musical works whose first release or presentation or distribution or upon request distribution to the public took place up to one (1) year before the radio broadcast their transmission.
- c. Format means the single list of works within the meaning of par. 1 of article 24 of Law 4481/2017 (A' 100) that have been publicly executed by the parties under articles 8, 9, 10 and 11 hereof and in which the title and duration of the works, the details of the composers and the details of the lyricists are included as a minimum.
- d. The common areas of the accommodations referred to in paragraph 1 of article 8 are understood exclusively as the entrance and reception areas and the elevators.
- e. The common areas of the shopping centers of par. 1 of article 9 mean exclusively the parking areas, corridors and other areas where visitors stay, **excluding the commercial stores and other independent businesses** that operate within them.
- f. The common areas of the casinos referred to in paragraph 1 of article 10 are understood exclusively as the reception and waiting areas for customers.
- g. The common areas of the means of public transport referred to in paragraph 1 of article 11 mean exclusively the areas of the stations and the boarding and disembarking platforms of metro and train passengers, the areas of the stations and the boarding and disembarking platforms of the electric railways.
- h. The common passenger waiting areas of airports and ports referred to in paragraph 1 of article 11 mean exclusively the covered areas intended for the waiting of passengers before they board planes and ships, respectively.

The purpose of the Law is:

- (i) the establishment of incentives to increase the transmission of Greek-language songs and new recordings by radio stations, informative and non-informative,
- (ii) the introduction of an obligation to perform a certain percentage of Greek-language songs in specific common areas of hotels and complex tourist accommodations, shopping centers, casinos and public transport, as well as in the passenger waiting areas of airports and ports,
- (iii) the establishment of a potential assessment of audio-visual productions, television or cinematographic, which incorporate a soundtrack of a Greek-language song or an orchestral musical performance of a Greek-language song or musical works without lyrics or with lyrics in the language of a member state of the EU, which are recorded in the territory, according to the rules and eligibility conditions of each aid

scheme or financial instrument of the Greek State and

(iv) the creation of an electronic database of Greek-language songs and an online application to access it.

Important provisions of the Law:

Regarding the mandatory use of "Greek-language" music, the Law provides specifically the following. It is noted that there has been a "last minute" change regarding orchestral music, which is now considered to qualify as Greek-language music if the recording of the musical work without lyrics has been made in Greece.

Article 8

It is provided that the minimum percentage of Greek-language music performed in the common areas of hotels and complex tourist accommodations (as such meaning exclusively the entrance, reception areas and elevators), if public music is performed, cannot be lower than forty percent (40%) of all performed musical works. Also, in par. 2 the deadline and the body for submission of the forms proving compliance with the obligation of par. 1 are determined.

Article 9

It is foreseen that the minimum percentage of performing Greek-language songs in the common areas of the shopping centers (as such meaning exclusively the parking areas, corridors and other areas where visitors stay, not including the shops and other independent businesses operating within them), if public music is performed, it cannot be lower than forty percent (40%) of the total musical works performed.

Paragraph 2 specifies the deadline and the body for submission of the forms that demonstrate compliance with the obligation of paragraph 1.

Article 10

It is provided that the minimum percentage of Greek-language songs performed in the common areas of casinos (as such understood exclusively in the reception and waiting areas for customers and elevators), cannot be lower than forty percent (40%) of the total musical works performed as long as music is performed in public.

Paragraph 2 specifies the deadline and the body for submission of the forms that demonstrate compliance with the obligation of paragraph 1.

Article 11

It is provided that in the common areas of the means of public transport (as such understood exclusively the areas of the stations and platforms for boarding and disembarking passengers of the metro and trains, the areas of the stations and platforms for boarding and disembarking passengers of the electric railways) and in the passenger's waiting areas of airports and ports (as such meaning exclusively the covered areas intended for "hosting" passengers before boarding planes and ships respectively), the minimum percentage of transmission of Greek-language music cannot be lower than forty-five percent (45%) of all performed musical works, as long as public music is broadcasted. In par. 2, the deadline and the body for submitting the forms that prove compliance with the obligation of par. 1 are determined. In par. 3, a reduction of the percentage of par. 1 by 50% is provided in the event that, for technical reasons, the public broadcasting takes place simultaneously in common spaces, which do not fall within the meaning of paragraph e of article 3.

Article 12

It is provided that audio-visual productions, television or cinematographic, regardless of content (fiction, creative documentation or animation), whose soundtrack incorporates more than the percentage defined by the joint ministerial decision of par. 2 of article 30, Greek-language song or orchestral music performance of a Greek-language song or musical works without lyrics or with lyrics in the language of an EU member state, which are recorded in Greek territory in accordance with the provisions of paragraph 4 of article 54 of Commission Regulation (EU) 651/2014, may be evaluated for this reason, according to the eligibility rules and conditions of the respective aid regimes or financial instruments of the Greek State, which operate in accordance with the provisions of the above Regulation (EU).

Article 13

It is created in the Ministry of Culture a) an electronic database of Greek-language songs, orchestral musical performances of Greek-language songs, orchestral music by Greek composers and sound recordings recorded in the territory and b) an online application connected to the electronic database which are posted on the official website of the Ministry of Culture upon written consent of the beneficiaries. The electronic database contains the identification data of Greek-language songs, orchestral musical performances of Greek-language songs, orchestral music by Greek composers and recordings recorded in Greek territory based on the data provided by the competent collective management organizations. The online application provides the possibility of: searching the content of the electronic database, drawing up an original list of Greek-language songs, orchestral musical performances of Greek-language songs, orchestral music

by Greek composers and sound recordings recorded in the territory after written consent of the beneficiaries and issuance of all the forms required to fulfill the notification obligations of the obliged hotels and complex tourist accommodations and those who have the exploitation of the common areas of the shopping centers, casinos, the means of public transport, the passenger waiting areas of airports and ports.

Article 14

The procedure for control and imposition of administrative sanctions against each category of obligees, for the violation of the obligations of broadcasting a Greek-language song, is defined. Finally, the procedure for the collection of fines, the fines and the cases in which the Intellectual Property Organization may recommend the non-imposition of a fine are defined.

The Law as such has already created interpretation problems related to its implementation and the specific cases where the obligation to perform/broadcast a minimum percentage of Greek music applies.

There are also serious reactions by foreign rightholders who are definitely affected adversely by those provisions when at the same time Greek rightholders and their CMOs are extremely happy of the new Law and push for its immediate implementation in order to increase their market share and revenues from the places which are covered by the obligations imposed by the above Law in relation to the nationality of the music works which are being broadcasted in the places where the Law imposes this obligation for a minimum percentage of “Greek language” music as the latter is defined by the Law itself.

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