Annex 2

**Detailed Compliance Report**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(1)****Reg:** | **(2)****Matter for Compliance** | **(3)****Has the matter been complied with?***Insert Yes, No, Partial or N/A as appropriate.* | **(4)****Comments/Explanation***Information and explanation on compliance, partial compliance or non-compliance* | **(5)****Document(s) to be provided***Where a CMOs compliance with certain elements of the Regulations are required to be supported by evidence or to some extent demonstrated by the existence and/or content of certain documents, the document is listed in this column opposite the relevant regulation. The fact that a particular document is not specified does not preclude its inclusion with the compliance statement if it assists in evidencing compliance.*  |
| 4 | Confirmation that the rights of rightholders outlined in Regulation 4(2) to 4(9) inclusive are laid out in statute, constitution or membership terms of the CMO. |  |  | Copy of the statute, rules or constitution or terms of membership or other document specifying the relevant sections which: (a) clearly sets out the rights of rightholders as out lined in Regulation 4(2) to 4(7) inclusive and(b) sets out information as to how a CMO has informed rightholders of their rights as required by 4(8)and 4(9)  |
| 5 | Confirmation that the membership rules for the CMO are publicly available. |  |  |
| 6 | Confirmation that an annual general assembly of members is or has been convened. |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 6(9) | Confirmation that if the CMO exercises its option to restrict the rights of members to participate in, and to exercise voting rights at, the general assembly on the basis of one or both criteria (a) and (b) below, that those criteria are determined and applied in a manner that is fair and proportionate 1. Duration of membership
2. Amounts received or due to a member
 |  | If restrictions are applied, provide an explanation justifying the criteria used, and report on how they are determined and applied. |  |
| 6(10) | Confirmation that if the CMO restricts the right of members to participate in, and to exercise voting rights at, the general assembly, the fair and proportionate criteria on which this is done are included in the statute or membership terms and made publicly available in accordance with regulations 18 and 20 |  | If such restrictions are used, indicate where those restrictions are made available for members and publicly available | Extract from or reference to statute or membership terms document which deals with the restrictions referred to in Regulation 6(10) |
| 6(11) | Confirmation that the CMO has procedures in place to allow every member to appoint another person or entity as their proxy holder to participate in, and vote at, the General Assembly; and that these procedures take account of the need to ensure that such an appointment does not result in a conflict of interest between the rightholder and the proxy holder. |  |  | Copy of the procedures |
|  |  |  |  |  |
| 7 | Confirmation that the CMO has put in place an appropriate supervisory function for continuously monitoring the performance of persons managing the business of the organisation as required by Regulation 7.  |  |  | A document summarising how the supervisory function is being discharged. This should address the obligations and requirements set out in 7(2) to 7(5). |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 8 | Confirmation that the provisions of Regulation 8 regarding the use of sound administrative and accounting procedures and have in place procedures to avoid conflicts of interest. |  |  | A document summarising the administrative and accounting procedures which have been put in place by the CMO. |
| 9 | Confirmation that the CMO is in compliance with the rules laid down in regulations 9(2) to 9(5) inclusive in relation to collection and use of rights revenue |  |  |  |
| 10 | Confirmation that where a rightholder authorises a CMO to manage his rights, the CMO has provided/ is providing the rightholder with information on management fees and other deductions from the rights revenue and from any income arising from the investment of rights revenue, before obtaining his consent to its managing his rights |  |  | A copy of the document setting out the information provided to rightholders which should include a copy of the CMOs distribution policy that includes the basis for calculating remuneration and the frequency of payments togetherwith clear information about deductions and what they are for.  |
| 11 | Confirmation that the CMO is distributing amounts to rightholders in accordance Regulation 11 and with the general policy on distribution referred to in Regulation (6)(6)(a) and (b) and within the timeframe referred to in Regulation 11.  |  |  |
| 12&13 | Confirmation that the requirements of Regulation 12 and 13 are being complied with where a CMO is managing rights under a representation agreement. |  |  | *[A copy of the Representation Agreement should be included.]* *OR**[A document laying out the provisions of the Representation Agreement should be submitted.]* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 14 | Confirmation that the requirements of Regulation 14 regarding licensing terms are being adhered to and that users have been advised of the criteria used for the setting of tariffs in respect of the licencing schemes operated by the CMO. |  |  | A document setting out the used for the setting of tariffs together with copies of all licensing schemes including charges and scales of charges operated by the CMO. (Where information comprising copies of licensing schemes and scales of charges is provided as part of the registration /renewal process required by Section 175 of the CRRA, it is not necessary to duplicate this information for the purposes of the compliance statement. It will be sufficient to reference the documentation provided in accordance with S175.  |
| 15 | Confirmation that relevant information has been identified for all users to supply, and agreed/pre-established timeframes and formats are in place, including indication of whether these are voluntary industry standards. |  |  |  |
| 16 | Confirmation that the CMO has on an annual basis, made the information on the management of their rights, required by Regulation 16 (a) to (g) inclusive, available to each rightholder to whom it has attributed rights revenue or made distributions.  |  |  |  |
| 17 | Confirmation that the CMO has on an annual basis, made the information required in Regulation 17(a) to (f) inclusive, available to other collective management organisations on the management of rights under representation agreements. |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 18 | Confirmation that information has been provided to rightholders, other collective management organisations or users on request |  |  |  |
| 19  | Confirmation that the CMO has made public the information set out at 19(a) to (j) |  |  | Provide a link or links (URLs) to where this information is published on the CMOs website |
| 20 | Confirmation that the CMO has produced and published the annual transparency report as required by Regulation 20. |  |  | Provide a link or links (URLs) to where this information is published on the CMOs website.(Note that the EU Commission has indicated that accounting and financial information to be included in the transparency report need only be provided in the first instance for the General Assembly meeting which follows the end of the first financial year after the regulations come into effect, i.e. after 10th April 2017).  |
|  |  |  |  |  |
| 29 | Confirmation that where a CMO does not grant or offer to grant MTLs for online rights in musical works or does not allow another CMO to represent those rights for such a purpose by 10 April 2017, the CMO has informed rightholders of the options set out in Regulation 29. |  | If a CMO is not offering or otherwise facilitating MTL by 10 April 2017, include a statement that its rightholders have been informed of the position of the CMO and its implications and that appropriate and suitable procedures are in place to facilitate access to multi-territorial licensing.  |  |
|  |  |  |  |  |
| 31 | Confirmation that the CMO makes available to its members and to CMOs on whose behalf it manages rights under a representation agreement, effectively and timely procedures for dealing with complaints. |  |  | A document setting out the complaints procedures which the CMO has put in place. |
|  |  |  |  |  |
| 31 | Derogation for online music rights required for radio and television programmes |  | Statement of position of the CMO in relation to the derogation (indication of offering MTL, availaing of the derogation, or how it will otherwise comply with MTL requirements in this aspect) |  |