

Procedure for setting tariffs for public performance

1. When amending the tariffs set for the public performance of works in its repertoire and when establishing new tariffs, the EAÜ shall take into account the economic value of the rights granted by EAÜ and the economic value of the service provided by the EAÜ, as well as the nature and extent of the use of the works.
2. EAÜ will listen to the market participants affected by the tariffs and take their suggestions into account as far as reasonably possible. The society is under no obligation to take all suggestions into account.
3. EAÜ will analyse the practices and tariffs of other countries and the compatibility of the basis for setting these tariffs with the circumstances in Estonia, the EAÜ's capabilities, and the wishes of market participants.
4. When analysing the practice of other countries, the EAÜ follows the guidelines provided by the European Court of Justice in the AKKA/LAA case C-177/16: selecting appropriate analogue countries (with a particular focus on countries by the Baltic Sea); comparing comparable tariffs to the extent that the tariffs of the other countries are at all comparable; taking into account the specific circumstances of the other countries; and adjusting the results of the comparison using the PPP index.
5. Based on the results of the analysis referred to in clause 4, EAÜ shall draw up a comparative table and make it available to market participants. Market participants comment on the table, after which the parties shall negotiate in good faith on both the table and the comments.
6. The results of the benchmarking exercise are an important, but not the only, criterion for the EAÜ when setting new tariffs, as the EAÜ must also take into account, within reason, the other factors mentioned in clauses 1 to 3 above.
7. Consulting with market participants, providing them with the reference table referred to in clause 5, and negotiating with them are appropriate where they are represented by an umbrella organisation or where there are fewer than five market participants affected by the tariffs. If there are more market participants and there is no umbrella organisation representing them, EAÜ is not obliged to follow the procedure mentioned in clause 5.
8. EAÜ does not need to follow this procedure if it does not amend the existing tariffs but only extends the validity period of the existing tariffs. However, in such a situation, if the market participants referred to in the first sentence of clause 7 still wish to amend the tariffs, they must justify their proposed amendments (inter alia, by carrying out the analysis described in clause 4 and by submitting the reference table referred to in clause 5 to the society).