



**SWISS
PERFORM** 

Annual Report 2023

SWISSPERFORM – 2023 in brief

Gross tariff revenue 2023

CHF 63'043'574.92

(+2.9%)

Members and principals

24'987

(+7.22%)

Promotion of cultural and social projects

CHF 6'124'067.27

Administrative expense

9.86%

(2022: 9.29%)

Gross expense ratio: 13.70%

(2022: 13.00%)

Employees: on average

34.82

(2022: 32.36)

29.69 Full-time positions

(2022: 26.90)

* See the explanations on administrative expenses under tariff revenues (p. 10).

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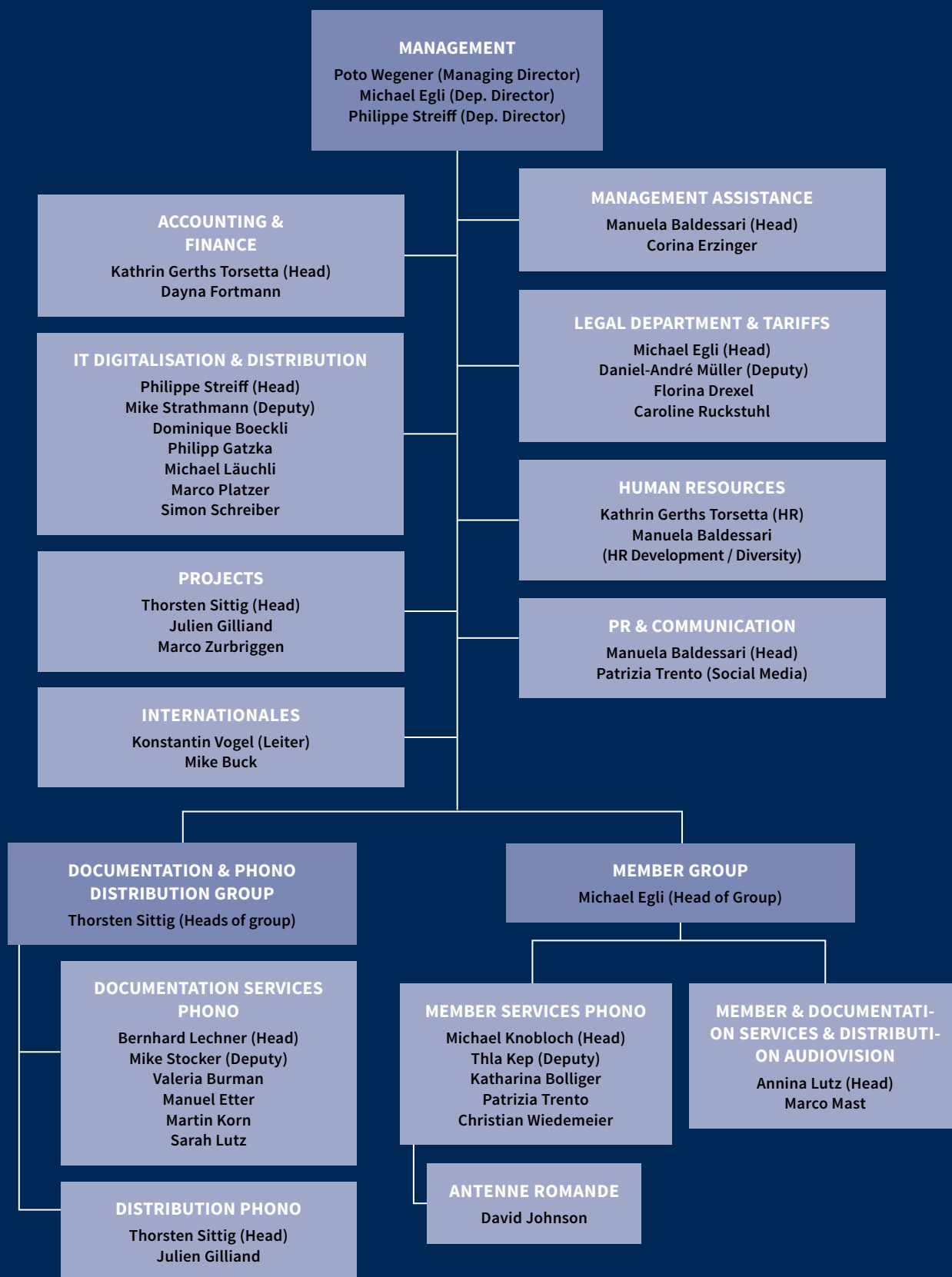
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*Organisation
and members*

The following persons worked for SWISSPERFORM at the end of 2023:



Offices



F.l.t.r.: **Michael Egli** (Deputy Director) Head of legal department, **Poto Wegener** (Managing Director), **Philippe Streiff** (Deputy Director) Head of IT & digitalisation

SWISSPERFORM – because culture is precious.

Guiding principle SWISSPERFORM

SWISSPERFORM ensures that creative artists are adequately remunerated for their works and thus contributes to strengthening culture in Switzerland and the Principality of Liechtenstein.

Mission

We act in the **interest** of our **members**. We **support** and **strengthen** them in exercising their neighbouring rights and ensure an appropriate remuneration. Our key tasks are the conclusion of tariffs and the collection and distribution of the resulting proceeds.

For our **members, partners** and **users** we provide attractive **services**. We recognise the developments in the cultural sector and search for suitable solutions for all parties involved.

We **strengthen culture** and through our work we contribute to making cultural creativity worthwhile. We provide **10%** of our **revenues** for **cultural** and **social purposes**.

We are **service providers in the digital environment**. We seize the opportunities of digitalisation and continuously adapt our services and way of working.

We provide our users with easy **access** to the **repertoire of our members**.

Values

We are loyal: Our members take centre stage; we know the different needs and support them equally.

We are transparent: Our members know and understand what we are doing, and they can review our work. We provide them with all necessary information in this regard.

We are efficient: We act in a targeted, cost-conscious, and performance-oriented manner. We do not aim for profit.

We are curious: We closely follow economic, technological, and legal developments and adapt continuously.

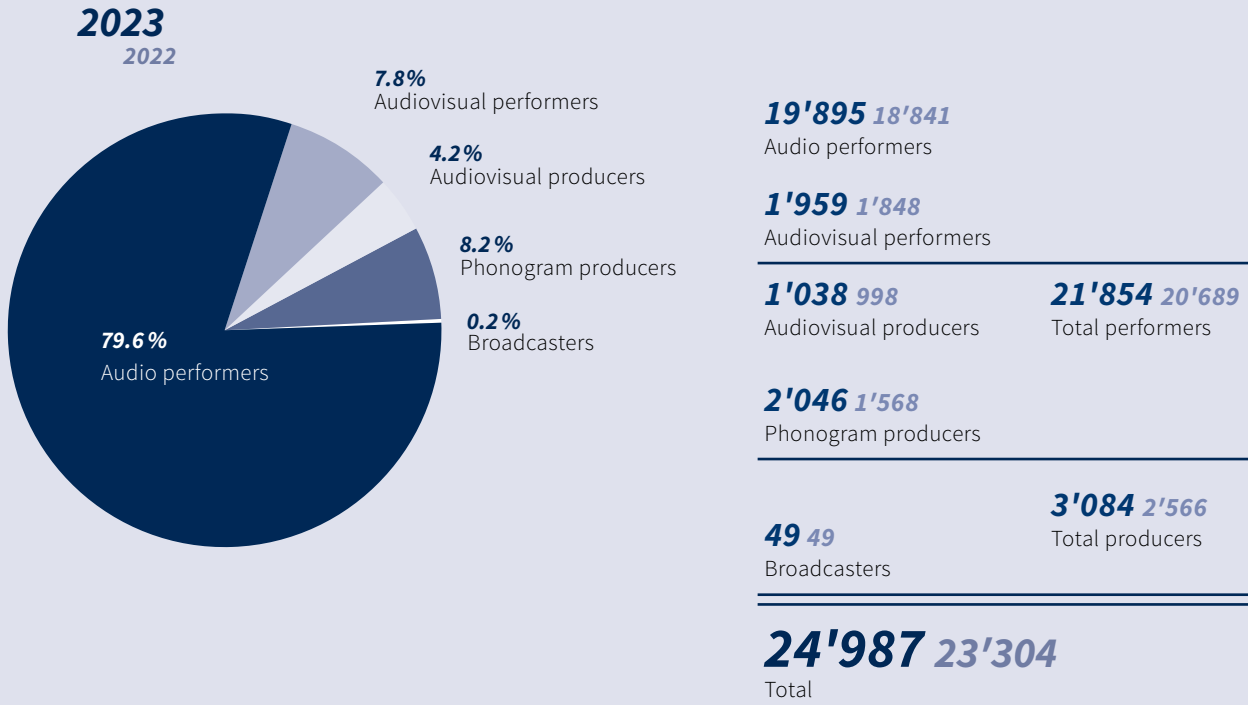
We are attractive: We offer committed employees an interesting working environment at the interface of culture, business and technology and support their development. We show trust and respect to our employees.

We are networked: We maintain a constant exchange with our partners in Switzerland and abroad and use synergies wherever possible.

Members

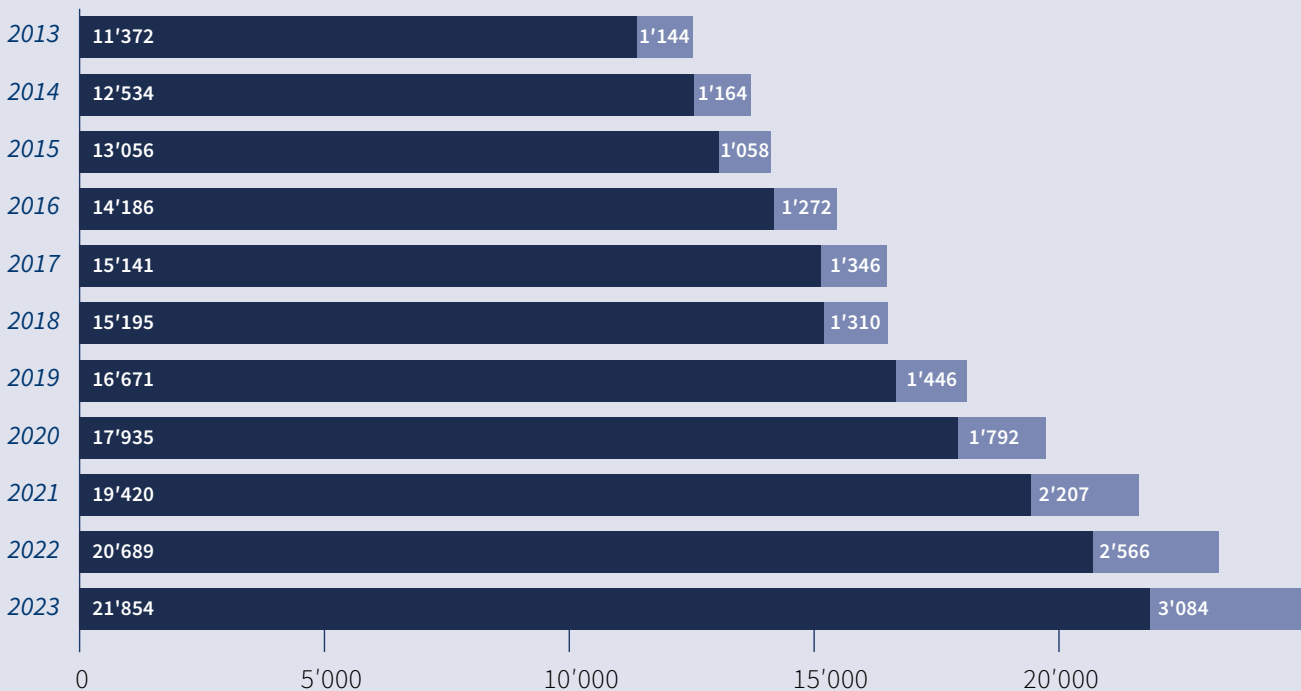
Member statistics

Number of members/principals per group



Members' development

■ Performers
■ Producers





*Collection
and tariffs*

Collection and tariffs

Tariff negotiations

The 2023 tariff negotiations focused on two categories that could hardly be more different. They are currently among the most important categories for the right holders to generate income for their services: Concerts and cloud services. The collective management organisations faced great resistance on the part of the users in these two negotiations. While concert organisers demanded massive tariff reductions, the digital industry fundamentally opposed the introduction of a new cloud levy for private copies. Despite this headwind, the collective management organisations have been campaigning wholeheartedly for appropriate remuneration in favour of the right holders – and they will continue to do so, since the discussions with the users and the proceedings before the authorities in these tariffs have not yet been concluded.

CT 4i

Remuneration on digital storage media integrated in devices

As outlined in the 2022 Annual Report (p. 24), the Federal Arbitration Commission's (FAC) last decision to approve of CT 4i was issued on 21 May 2022. The relevant blank media levies for smartphones, tablets, laptops and external hard drives, among others, apply until 31 December 2024. At the same time, however, the FAC decided that from now on it would charge the collective management organisations higher procedural costs. Thereby, the legal basis the FAC relied on was not the same as before. Given that the FAC could – as a result of this change of practice – charge more than ten times higher costs than before, the collective management organisations challenged this cost decision before the Federal Administrative Court. On 13 March 2023, the Federal Administrative Court approved of the appeal of the collective management organisations. However, the Federal Department of Justice and Police, to which the FAC is attached, filed an appeal against this decision. The Federal Supreme Court overturned the lower court's decision in its ruling of 10 October 2023, meaning that – to the chagrin of the collective management organisations and thus ultimately the right holders – it is to be expected that the procedural costs before the FAC will massively increase, even in case of settlement tariffs.

As far as the storage devices covered by the tariff are concerned, the collective management organisations also intend to subject cloud services to a blank media levy in the future, since these are also used for the private copying of protected works. The corresponding negotiations with the users' associations were initiated at the beginning of 2021 and resumed in May 2022 after a lengthy interruption due to the proceedings pending before the Court of Justice of the European Union. Tough discussions with the users' associations followed; they focused on the question as to which cloud service providers could be considered as users

and therefore as tariff debtors. In November 2022, the collective management organisations proposed the integration of cloud copies into the existing CT 4i. However, the users' associations replied that they could not agree to this proposal at the present time. It was therefore clear that the integration of cloud services into the tariff could only be considered from 2025, as a completely revised new CT 4i is due to come into force on this date anyway. Therefore, the negotiating partners agreed on the following further procedure: In September 2023, the collective management organisations commissioned – as is customary with regard to a new private copying tariff – a demoscopic survey by an independent opinion research institute to determine the copying behaviour of end consumers on the various digital devices. The results of this survey were available at the beginning of 2024. Based on this up-to-date data, the negotiations will now continue with the aim of submitting a new blank media tariff to the FAC for approval by the end of May 2024; this tariff will be valid from 2025 and will also cover copies in the cloud for the first time.

CT K

Concerts, concert-like performances, shows, ballets, theatre

In March 2022, the collective management organisations and the users' associations from the concert, show and theatre industry began negotiations on a new CT K. In May 2023 – after intensive negotiations – it became clear that no agreement would be reached between the parties. For example, the users' associations argued right up to the end that for them the tariff payments would have to be massively reduced; this was not acceptable for the collective management organisations. Hence, on 23 May 2023 the collective management organisations submitted a disputed tariff to the Federal Arbitration Commission (FAC) for approval. On 23 January 2024, a meeting was held to discuss the submitted tariff before the FAC. Following an oral hearing of the parties, the FAC withdrew to deliberate on its judgement and presented its decision to the parties orally in the evening. The changes to the CT K decided by the FAC are expected to result in the remunerations remaining more or less the same.

Tariff revenues

High income despite additional Corona impact

The record result of the previous year could not quite be matched. Nevertheless, SWISSPERFORM also recorded high revenues in 2022 and was able to record income of more than CHF 60 million.

In the 2023 reporting year, SWISSPERFORM generated tariff revenues of CHF 63 million. This corresponds to an increase of CHF 1.8 million or 2.9% compared to the previous year. In terms of tariff revenues, 2023 has been the most successful year in SWISSPERFORM's 30-year history. The main reason for the good business performance were the increased revenues from performance rights. This development shows that the negative impact of the Corona pandemic is a thing of the past.

The development of the individual rights sectors shows the following picture:

Re-transmission rights: The development from the linear to the non-linear sector has been predicted for years. Regardless of this prediction, revenues from retransmission rights remain stable and at a high level. The largest tariff, CT 1 (retransmission of programmes via cable), generated revenues of CHF 23.3 million; this corresponds to a minimal decrease of around CHF 50'000 compared to the previous year.

Performance rights: The development of performance rights illustrates that the effects of the Corona pandemic are a thing of the past. As a result, revenues from important tariffs with an audience increased significantly: CT E film screenings +89.1%, CT H dance and entertainment in the hospitality industry +86.6%, CT Hb dance and entertainment +75.8% and CT K concerts and concert-like performances +195.1%. In addition, the clear upward trend in the most important tariff, CT 3a (background entertainment), continued: here, additional revenues of more than CHF 1 million were generated, which corresponds to an increase of 13.4% (radio) and 23.0% (TV).

Blank media levy: However, the developments in the sector of blank media levy were disappointing. Expectations in this area were high, given that from mid-2022 remuneration could also be levied on notebooks and external hard drives. At around CHF 1.1 million, the forecast in this regard was not achieved. At the same time, the revenues from existing media such as smartphones (-18.9%) and tablets (-55.2%) decreased. On account of the new tariff as of mid-2022, a reduction had been expected for these media, but not to this extent. The main reason for the disappointing revenue is the negative sales figures for blank media (in particular notebooks, hard drives and smartphones), a trend that was evident worldwide in 2023.

CT 12 (set-top boxes, incl. Replay TV) recorded revenues of CHF 11.8 million; this corresponds to a decrease of CHF 0.7 million (-5.0%).

Broadcasting rights: In the sector of broadcasting rights, revenues in 2023 totalled CHF 12.4 million; this corresponds to a reduction of around CHF 0.4 million or 3.0%. The decrease can be explained by the fact that income from CT S private radio stations was around CHF 360.000 lower than in the previous year.

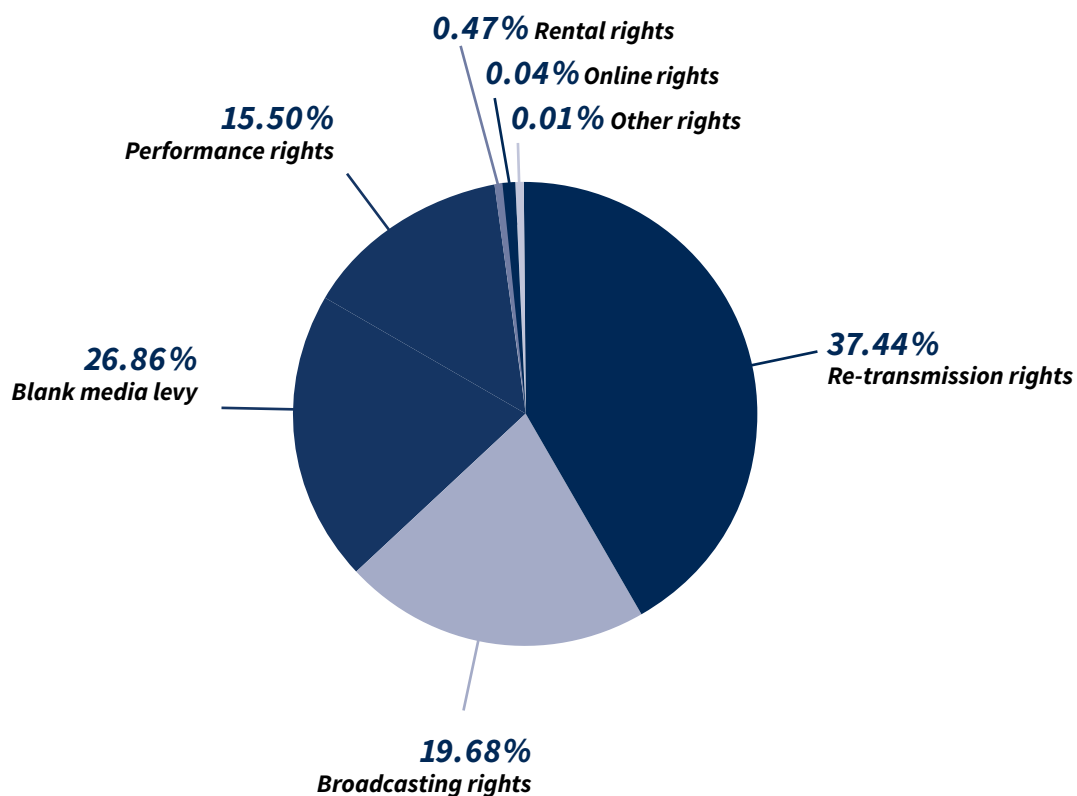
Online rights: Given that online rights are in principle subject to individual collection, only a marginal revenue was generated in this sector in the past. In the 2023 reporting year, revenues (CHF 286.187) from the new CT 14 (Video On Demand) were generated for the first time.

Other sectors: Revenues from the other sectors (rental rights, other individual rates) remain at a very low level, as in previous years.

Tariff revenues from the various rights

Tariff	2018	2019	2020	2021	2022	2023
Re-transmission rights	24'410'362.90	23'659'772.53	23'536'085.02	23'759'330.59	23'576'256.18	23'601'699.20
Performance rights	8'227'534.11	8'283'076.86	8'541'213.18	7'819'255.81	7'726'691.82	9'773'115.86
Blank media levy	13'239'365.10	13'654'712.21	14'264'702.66	16'161'582.25	17'611'943.35	16'935'767.77
Rental rights	18'409.20	9'319.90	38'144.90	28'930.00	29'978.53	29'102.60
Broadcasting rights*	12'137'634.98	12'686'195.31	12'785'003.36	14'543'394.94*	12'291'057.40	12'408'038.22
Online rights	450.00	22'360.00	8'360.00	1'297.15	8'720.00	294'547.12
Other rights	8'621.25	8'543.60	1'349.80	8'000.00	1'321.15	1'304.15
Total	58'042'377.54	58'323'980.41	59'174'858.92	62'321'790.74	61'245'968.43	63'043'574.92
Administrative costs	9.41%	8.33%	8.68%	8.43%	9.29%	9.86%

* Broadcasting rights incl. extraordinary income/debit for a total of CHF 1'747'463.–



Gross Tariff Revenue 2023 compared to the previous year

Tariff abbreviation	Collection by	Tariff designation	2023	2022
Re-transmission rights			CHF	CHF
CT 1	Suissimage	Re-broadcasting	23'266'131.73	23'316'784.18
CT 1	Suissimage	Additional collections	57'714.94	26'129.69
CT 1	Suissimage	Mixed packages share re-broadcasting (10%)	1'980.56	6'453.96
CT 2b	Suissimage	Re-broadcasting via IP-based networks	275'871.97	226'888.35
Performance rights				
CT 3a	SUISA	Making available to the public, background music radio	5'914'305.64	5'216'885.34
		Making available to the public TV	1'835'783.61	1'492'170.70
CT 3b	SUISA	Vessels, trains, etc.	12'644.10	8'461.74
		Coaches	8'810.26	20'750.83
		Airplanes	24'597.44	10'895.67
CT 3c	SUISA	Public Viewing	14'873.72	12'977.86
CT C	SUISA	Churches	25'230.98	25'070.43
CT E	SUISA	Movie screening	142'634.97	98'901.18
CT H	SUISA	Dance and entertainment in the hospitality industry	553'825.53	296'735.28
CT Hb	SUISA	Dance and entertainment	320'612.93	182'329.74
CT HV	SUISA	Hotel-Videos	3'586.19	4'637.74
CT K	SUISA	Concerts and concert-like performances	688'270.12	215'912.25
CT L	SUISA	Dance / ballet / gymnastics classes	193'411.16	130'632.58
CT Ma	SUISA	Jukeboxes	10'152.64	7'109.93
CT T	SUISA	Performance «telekiosk»/«audiotex»	17'973.77	2'469.26
CT Z	SUISA	Circus	6'402.80	751.29
Blank media levies			CHF	CHF
CT 4	SUISA	Audio cassettes	989.23	1'170.92
		Video cassettes	17.13	19.49
CT 4	SUISA	CD-R	12'224.00	15'854.08
CT 4	SUISA	DVD	38'955.80	40'921.70
CT 4i	SUISA	Digital storage media audio	19'952.97	35'791.98
		Digital storage media video	86'020.42	17'296.77
CT 4i	SUISA	Smart phones	2'211'265.23	2'725'003.50
CT 4i	SUISA	Tablets	545'121.99	1'217'305.36
CT 4i	SUISA	Laptops	744'011.11	0.00
CT 4i	SUISA	External hard drives	377'697.83	0.00
CT 7	ProLitteris	Use in schools / audio	31'865.55	28'314.60
		Use in schools / video	637'311.60	566'291.64
		Use in schools / digital copies	142'381.60	128'566.79
CT 8	ProLitteris	Corporate use	237'608.85	0.00
CT 9	ProLitteris	Use in organisations	0.00	277'132.59
CT 12	Suissimage	Recording of programs incl. share additional fee 1	10'552'614.36	11'278'672.42
CT 12	Suissimage	Share additional fee 1 (50%)	1'297'730.10	1'279'601.51
Subtotal			50'310'582.83	48'914'891.35

Tariff abbreviation	Collection by	Tariff designation	2023	2022
Rental rights			CHF	CHF
CT 5	SUISA	Rental of sound recordings	14'911.45	13'766.39
		Rental of audiovisual recordings	14'191.15	16'212.14
Broadcasting rights			CHF	CHF
CT 1	Suissimage	Mixed packages share initial dissemination (90%)	17'824.97	58'085.65
CT 1	Suissimage	Initial dissemination	65'904.06	66'047.55
A Radio US-Repertoire	SWISSPERFORM	SRG	210'000.00	210'000.00
A Radio	SWISSPERFORM	SRG	6'050'000.00	6'050'000.00
A TV	SWISSPERFORM	SRG / adopted radio programmes	70'000.00	70'000.00
	SWISSPERFORM	SRG / commercially published sound recordings in own productions	577'000.00	577'000.00
	SWISSPERFORM	SRG / commercially published audiovisual recordings	1'673'000.00	1'673'000.00
	SWISSPERFORM	SRG / music films	30'000.00	30'000.00
CT S Radio	SUISA	Private radio stations	2'900'947.88	2'790'672.39
CT S TV	SUISA	Private TV stations	7'281.26	10'021.22
	SUISA	Commercially published sound recordings	268'024.94	225'346.62
	SUISA	Commercially published audiovisual recordings	47'353.11	51'138.42
	SUISA	Music films	25'538.47	30'173.30
Other Broadcasting rights			CHF	CHF
		Foreign advertising slots	242'926.44	237'316.25
	SIG	Simulcasting abroad	40'000.00	40'000.00
CT Y Radio	SUISA	Subscription channel radio	1'919.03	7'944.14
CT Y TV	SUISA	Subscription channel / commercially published sound recordings	160'132.09	143'420.00
	SUISA	Subscription channel / commercially published audiovisual recordings	20'185.97	20'891.86
Other rights			CHF	CHF
CT 10	PROLITTERIS	Use of works by persons with disabilities	1'217.75	1'247.10
CT 13	PROLITTERIS	Use of rights in orphan works	86.40	74.05
Other rights			CHF	CHF
CT 14	SSA	Video on Demand	286'187.12	0.00
Online rights	SWISSPERFORM		8'360.00	8'720.00
Total			63'043'574.92	61'245'968.43



*Financial
statements*

Financial statements

<i>Balance of Accounts</i>	<i>Item in Annex</i>	<i>2023 CHF</i>	<i>2022 CHF</i>
Liquid assets	1	29'913'895.18	29'960'010.35
Short-term financial assets		7'000'000.00	0.00
Securities	2	46'578'164.88	43'645'752.41
Accounts receivable rights users	3	1'090'566.40	7'662'276.07
Other short-term receivables	4	349'635.30	262'050.89
Prepaid expenses	5	615'208.05	7'577'180.24
<i>Current assets</i>		<i>85'547'469.81</i>	<i>89'107'269.96</i>
Property	6	683'390.25	250'799.20
Financial assets	7	19'682'838.07	20'281'734.32
<i>Fixed assets</i>		<i>20'366'228.32</i>	<i>20'532'533.52</i>
<i>Assets</i>		<i>105'913'698.13</i>	<i>109'639'803.48</i>
Liabilities neighbouring rights	8	1'186'588.09	1'103'336.34
Other short-term liabilities	9	1'479'382.88	1'151'474.30
Short-term provisions	10	59'797'140.09	58'503'045.24
Deferred income	11	831'386.46	317'748.24
<i>Short-term liabilities</i>		<i>63'294'497.52</i>	<i>61'075'604.12</i>
Long-term provisions	12	42'619'200.61	48'564'199.36
<i>Long-term borrowed capital</i>		<i>42'619'200.61</i>	<i>48'564'199.36</i>
<i>Borrowed capital</i>		<i>105'913'698.13</i>	<i>109'639'803.48</i>
Basic capital and reserves	13	0.00	0.00
<i>Equity capital</i>		<i>0.00</i>	<i>0.00</i>
<i>Liabilities</i>		<i>105'913'698.13</i>	<i>109'639'803.48</i>

<i>Income statement</i>	<i>Item in Annex</i>	<i>2023 CHF</i>	<i>2022 CHF</i>
Revenue from the administration of neighbouring rights in Switzerland	14	65'885'997.58	63'941'048.81
Revenue from the administration of neighbouring rights abroad	15	657'634.40	630'441.20
Other operating income	16	-258'407.33	7'497'089.21
Collection compensation	17	-2'842'422.66	-2'695'080.38
Deduction for cultural and social purposes	18	-6'300'206.20	-6'124'067.27
<i>Net proceeds</i>		<i>57'142'595.79</i>	<i>63'249'431.57</i>
Distribution neighbouring rights	19	-54'154'568.29	-53'009'419.17
Bodies and commissions	20	-368'676.47	-304'073.98
External assignments	21	-412'863.63	-540'592.63
Personnel expenses	22	-4'512'427.39	-3'956'495.98
Other general expenses	23	-867'087.67	-792'207.04
Depreciation of property	6	-109'672.60	-102'847.38
<i>Operating expenses</i>		<i>-60'425'296.05</i>	<i>-58'705'636.18</i>
<i>Operating result</i>		<i>-3'282'700.26</i>	<i>4'543'795.39</i>
Financial income	24	4'563'124.36	1'527'607.73
Financial expenses	25	-1'278'624.10	-6'069'683.12
<i>Financial result</i>		<i>3'284'500.26</i>	<i>-4'542'075.39</i>
<i>Ordinary result/earnings before taxes</i>		<i>1'800.00</i>	<i>1'720.00</i>
<i>Taxes</i>		<i>-1'800.00</i>	<i>-1'720.00</i>
<i>Annual earnings</i>		<i>0.00</i>	<i>0.00</i>

<i>Cash flow analysis</i>		2023	2022
		CHF	CHF
Annual earnings		0.00	0.00
Depreciation of property	+	109'672.60	102'847.38
Value adjustments of financial assets	+/-	-103.75	-0.80
Change in provisions	+/-	-4'650'903.90	2'167'966.41
Value adjustments on securities	+/-	-1'995'977.85	5'512'589.18
Decrease/increase account receivables rights users	+/-	6'571'709.67	-3'976'245.67
Decrease/increase other short-term receivables	+/-	-87'584.41	-155'249.05
Decrease/increase prepaid expenses	+/-	6'961'972.19	-7'198'615.19
Decrease/increase liabilities neighbouring rights	+/-	83'251.75	-948'363.00
Decrease/increase other short-term liabilities and deferred income	+/-	841'546.80	156'189.84
<i>Operating cash flow</i>	=	7'833'583.10	-4'338'880.90
Investments in property	-	-542'263.65	-94'943.18
Investments in short-term financial assets	-	-7'000'000.00	0.00
Investments in financial assets	-	-2'500'000.00	0.00
Investments in securities	-	-10'570'373.10	-13'359'278.64
Divestments of securities	+	3'099'000.00	4'953'775.86
Divestments of financial assets	+	9'633'938.48	4'000'000.00
Granting of advances to associations	-	0.00	-198'000.00
<i>Cash flow from investment activities</i>	=	-7'879'698.27	-4'698'445.96
<i>Cash flow from financing activities</i>	=	0.00	0.00
<i>Change in liquid assets</i>		-46'115.17	-9'037'326.86
Verification fund:			
Liquid assets as per 1.1.		29'960'010.35	38'997'337.21
Liquid assets as per 31.12.		29'913'895.18	29'960'010.35
<i>Change in liquid assets</i>		-46'115.17	-9'037'326.86

Legal Notice

*Short version of annual
report 2022*

Publisher:

SWISSPERFORM
Collecting society for
Neighbouring Rights
Kasernenstrasse 23
8004 Zurich – Switzerland
T +41 44 269 70 50
info@swissperform.ch
swissperform.ch

Texts:

Manuela Baldessari
Florina Drexel
Daniel-André Müller
Michael Egli
Kathrin Gerths Torsetta
David Johnson
Annina Lutz
Caroline Ruckstuhl
Thorsten Sittig
Konstantin Vogel
Poto Wegener
Danièle Wüthrich-Meyer

Editors:

Manuela Baldessari
Florina Drexel
Poto Wegener

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Translation:

Line Rollier (French)
Isabella Keller (English)

Graphic Design:

Manuela Murschetz
studio-murschetz.ch

Pictures and portraits:

Lea Hepp Fotografie
heppfotographie.ch

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