

[AT] COVID-19 support measures

IRIS 2020-5:1/29

*Gianna Iacino / Harald Karl
Legal Expert / PEPELNIK & KARL Attorneys at law*

Measures taken to contain the coronavirus are having a huge impact on the audiovisual sector, forcing filming to be suspended and cinemas to close. This is creating considerable financial difficulties for the audiovisual industry. In Austria, various support measures have been taken by several organisations in order to minimise the effects of the crisis. Some have been specifically introduced for the audiovisual sector, some are aimed at creative artists outside the audiovisual sector, while others are more general in nature.

The *Verwertungsgesellschaft für audiovisuelle Medien GmbH* (Collecting Society for Audiovisual Media - VAM) has set up a disaster fund, with EUR 250 000 available to compensate for losses resulting from the coronavirus outbreak and wasted expenditure incurred by cultural organisations. A maximum of EUR 10 000 is available to each beneficiary.

The *Verwertungsgesellschaft der Filmschaffenden* (Collecting Society for Filmmakers - VdFS) has created its own social emergency fund to replace lost earnings linked to the cancellation of film productions and other assignments. This financial support is available to people who signed a collecting agreement with the VdFS at least a year before submitting their application and have registered a minimum number of works. A single grant of up to EUR 4 500 is available to applicants whose financial difficulties clearly exceed the financial risks of normal business operations and are directly linked to the emergency measures taken to combat COVID-19. The grants are also available to people who have already received a living costs grant in 2020.

The *Dachverband der österreichischen Filmschaffenden* (Austrian Filmmakers Association) is compiling a range of information related to the coronavirus crisis.

Together with the VdFS, it has commissioned the L&R social research institute to conduct a survey of the financial and insurance-related impacts of the crisis for filmmakers. The data collected should provide an overview of the effects on filmmakers so that the need for additional support measures can be properly assessed.

In partnership with various organisations that represent artists' interests, the *Dachverband der österreichischen Filmschaffenden* also drew up a list of questions on coronavirus-related measures, which were answered by the Vice-

Chancellor and the Secretary of State for Art and Culture. The questionnaire dealt with the effects on state support for artistic and cultural projects that have had to be cancelled, amended or delayed as a result of coronavirus-related measures.

The Dachverband has also produced an FAQ on the subject of reduced working hours. Although the rules on reduced working hours as a support measure during the coronavirus crisis were not brought in specifically for the audiovisual sector, they do apply in this field.

As well as measures introduced specifically for the audiovisual sector, there are a number of support measures for creative artists who work outside the audiovisual field.

The collecting societies AKM & austro mekana (representing authors [including screenwriters], composers and music publishers) and *Österreichische Interpretengesellschaft* (Austrian Performers' Association - OESTIG) have set up a cultural disaster fund worth EUR 1 million to combat the anticipated effects of the coronavirus crisis on the cultural sector. The fund is designed to help composers who are experiencing financial hardship caused by the cancellation of public events and the resulting loss of royalties and fees. Musicians whose economic situation is threatened by the cancellation of public events can also apply for a one-off loan of up to EUR 15 000. The loans are interest-free for a maximum two-year term, with up to 15 monthly repayments to begin in October 2020.

The *Verband der österreichischen Musikwirtschaft* (Association of the Austrian Music Industry), LSG Wahrnehmung von Leistungsschutzrechten Ges.m.bH, has created a EUR 1 million aid programme for Austrian music labels, although the actual conditions of eligibility are still being worked out. One-off or recurring support grants will be available to members, performers and producers.

Visual artists who fall into financial hardship as a result of the coronavirus crisis can apply for financial support from the Bildrecht bridging fund. This support, which is from the Bildrecht collecting society's SKE-Fonds (social and cultural fund), does not have to be repaid.

The Literar Mehana für Autorinnen/Autoren und Übersetzerinnen/Übersetzer (Austrian collecting society for authors and translators) has created a EUR 1 million special fund made up of social and cultural funds. This is designed to offer one-off or recurring support grants for cancelled events.

The general support measures that cultural artists can access include the EUR 2 billion hardship fund of the Wirtschaftskammer Österreich (Austrian Chamber of Commerce - WKÖ), which was set up to provide emergency aid to all one-person companies, micro-businesses, artists and newly self-employed people whose income has plummeted as a result of the coronavirus measures. Applications

could be submitted to the WKÖ from 27 March onwards. In the first phase, a one-off grant of EUR 1 000 could be requested to cover subsistence costs. In phase 2, which began after Easter, a maximum of EUR 2 000 per month could be accessed for up to three months, including any payment made in phase 1. A maximum of EUR 6 000 per person is therefore available to each individual. This does not need to be repaid. However, non-profit organisations are covered not by the hardship fund, but by a separate scheme.

To supplement the hardship fund, the Künstler-Sozialversicherungsfonds (Artists' Social Insurance Fund - KSVF) has set up a EUR 5 million COVID-19 fund. This offers emergency funding of EUR 500 or EUR 1 000 to artists and cultural mediators unable to access the hardship fund (in particular people with multiple insurance policies and anyone whose income is below the low-income threshold). Recipients must also have their main residence in Austria and suffer a significant financial threat due to COVID-19, that is, they are no longer able to cover their current expenses (living and operational costs). They must not be entitled to any private or professional insurance pay-outs to cover the effects of COVID-19, nor have previously received KSVF support funding to cover the same loss. Their income for the last full financial year, as recorded in their income tax assessment, should be no higher than EUR 51 552 (80% of the annual maximum contribution basis for social insurance). Applicants who do not have an income tax assessment must estimate their annual income themselves. The precise details of additional financial support are still in the planning phase.

There are also various other support measures that are not specifically designed for the cultural sector, such as the reduced working hours scheme, the reduction or deferral of social insurance contributions and tax breaks.

SKE Katastrophenfonds der Verwertungsgesellschaft für audiovisuelle Medien GmbH

<https://www.vam.cc/pflichtveroeffentlichungen/vam-katastrophenfonds/>

Social and cultural disaster fund of the Collecting Society for Audiovisual Media

SKE Fonds für soziale Notfälle der Verwertungsgesellschaft für Filmschaffende (VdFs)

https://www.vdfs.at/files/vdfs_ske_covid-19-2.pdf

Social emergency fund of the Collecting Society for Film-Makers (VdFS)

Befragung des Dachverbands der österreichischen Filmschaffenden und der Verwertungsgesellschaft für Filmschaffende

<https://www.filmschaffende.at/>

Survey of the Austrian Film-Makers Association and the Collecting Society for Film-Makers

Fragenkatalog des Dachverbands der österreichischen Filmschaffenden und anderer Künstler-Interessenverbände

<https://www.filmschaffende.at/index.php?a=254>

List of questions compiled by the Austrian Film-Makers Association and other organisations representing artists' interests

FAQ zu Kurzarbeit vom Dachverband der österreichischen Filmschaffenden

[http://schnittstelle-film.com/wordpress/wp-content/uploads/2020/03/FAQ zum Thema Kurzarbeit des Dachverbands der %C3%B6sterreichischen Filmschaffenden.pdf](http://schnittstelle-film.com/wordpress/wp-content/uploads/2020/03/FAQ_zum_Thema_Kurzarbeit_des_Dachverbands_der_%C3%B6sterreichischen_Filmschaffenden.pdf)

Austrian Film-Makers Association FAQ on reduced working hours

Wirtschaftskammer Österreich - Härtefallfonds

<https://www.wko.at/service/haertefall-fonds-epu-kleinunternehmen.html>

Hardship fund of the Austrian Chamber of Commerce

Künstlersozialversicherungsfonds - COVID-19-Fonds

<https://www.ksvf.at/unterstuetzungs-fond.html>

Artists' Social Insurance Fund - COVID-19 Fund

