



Minutes of the 11th FSE Annual General Assembly Barcelona, 7-8 November 2012

Draft minutes (ac 20130603)

Summary of decisions and votes

The General assembly:

- unanimously approved the agenda.
- unanimously approved the minutes of the Annual General Assembly of 2011.
- unanimously approved the new membership of the *Guilde Française des Scénaristes*.
- unanimously approved the draft "Barcelona Declaration".
- approved the change of date of the AGM (Autumn)
- approved the extension of mandate for the Board until the next AGM in Autumn 2013.
- unanimously approved the Activity Report 2011.
- unanimously approved the Financial Report 2011.

Contents

Summary of decisions and votes.....	1
Contents	2
List of documents	2
Minutes	2
1 - Attendees, excuses and proxy.....	3
2 - Agenda of the AGM.....	3
3 - Minutes of the previous AGM.....	3
3bis – New members.....	3
5 - Reports from the individual members of the FSE.....	3
5a. The Barcelona Declaration and Solidarity among guilds.....	3
5b. Competition Law	4
5c. Buyout contracts.....	5
6 - Report on last year’s activities from the President and Board	5
6a. Relationship and collaboration with SAA.....	5
6b. American Screenwriters	5
7 – Financial Report.....	5
8 - A discussion on changing the usual date of the General Assembly from Spring to Autumn and the implications of such a change.....	6
9 - Review of existing FSE policy objectives.	6
10 - Review of likely results of the WCOS and its implications.....	6
10a. Motion to the General Assembly of the IAWG	6
10b. Third World Conference of Screenwriters	7
11 - European Union issues.....	7
11a. EU Directive on collecting societies.....	7
12 - Agenda for the coming year and beyond, based on discussion at the General Assembly. 8	
12a. Collective Bargaining Workshops.....	8

List of documents

These minutes refer to the following documents, distributed before and/or during the AGM (by e-mail / printed copies). Should you need one or several of these documents please contact Amélie Clément at info@scenaristes.org.

- item01_participants list
- item02_agenda
- item03_draftminutesAGM2011
- item3b_Letter from French Guild
- item05_2011-2012 FSE members reports
- item05b_barcelonaDeclarationDEF
- item06_activity report 2011-2012
- item07a_financial report 2011
- item07b_prov fin report 2012
- item08_change date AGM
- item09_FSE policy objectives
- item10_on WCOS IAWG
- Item11_European Union issues
- item12_WCOS3 Polish Screenwriters Guild
- 2011-2012 FSE members reports

Minutes

1 - Attendees, excuses and proxy

Refer to item01_participants list. No proxy.

2 - Agenda of the AGM

Refer to item02_agenda

Decision : The General Assembly unanimously approved the agenda.

3 - Minutes of the previous AGM

Refer to item03_draftminutesAGM2011

Decision : The General Assembly unanimously approved the minutes of the Annual General Assembly of 18-20 March 2011 in Brussels.

3bis – New members

Refer to item3b_Letter from French Guild

Jean André Yerlès (President) introduced the application of the *Guilde Française des Scénaristes*. Séverine Jacquet, screenwriter, will be representative of the French Guild at FSE.

Decision : The General Assembly unanimously approved the application of the French guild.

Item 4 of the agenda was dropped (no other matters arising from the minutes of the last General Assembly).

5 - Reports from the individual members of the FSE

The reports from each country were not discussed in details. See item05_2011-2012 FSE members reports.

5a. The Barcelona Declaration and Solidarity among guilds

item05b_barcelonaDeclarationDEF

The AGM discussed the financial & economic crisis, in particular in Greece and Portugal. Bernie Corbett (UK) proposed that FSE issues a declaration. Susin Lindblom (Sweden) pointed out the fact that the guilds of Greece and Portugal could not send representatives at the AGM, who could agree on the declaration. She proposed that, should the crisis go on, the few guilds which can afford to help should make a solidarity effort to make sure the Greek and Portuguese guilds can send representatives in the future. Stanislav Semerdjiev, as Treasurer of the FSE, objected that technically these organisations are not members anymore because they haven't paid their fees for two years. "Before deciding to pay their flights, pay their fees". A guild which does not pay its fee cannot stay in the organisation (FSE already lost Serbia and Hungary). Susin Lindblom insisted on the importance of showing solidarity until better times and have these guilds represented at FSE meetings. Michele Alberico said that this solidarity should apply to the other guilds which are facing real

financial problems. Francisco Royo (Alma, Spain) proposed that they come as observers/listeners until maybe one day they become members again.

Decision 1. Christina Kallas proposed that FSE writes a provocative open letter which goes to press and could be also used by the guilds in their countries. Bernie Corbett and Susin Lindblom drafted a declaration which was applauded and approved by the AGM. Sven Baldvinsson took note of a few changes discussed and will update the document.

Decision 2. Before the next meeting, FSE will ask the guilds having difficulties whether they want to be present, then ask the support from the “rich” guilds.

Despite the ambivalence of the statutes regarding the members, the AGM did not vote any motion to change them.

5b. Competition Law

Francisco Royo reported on the 29.000 euros fine imposed to ALMA for having published on its website a list of professional fees recommended for services of scriptwriting for film and television (read more in ALMA’s report). According to the interpretation of the Competition Law in Spain, deciding minimum prices, giving them public access (publication on a website, taking about them during public events like festivals, etc.) were against the law.

Members agree that Competition Law is an extremely important topic, a priority for FSE, a problem which can only be tackled at European level, together with other creators’ organisations, by fighting for exceptions in Competition Law and for being allowed to collectively negotiate. One major problem is that countries interpret competition law differently. David Kavanagh said that FSE and other creators’ groups tried several approaches which did not work. For example, FIM got funds from ILO, hired a lawyer with background in Labour law to produce a report which was not published; ECSA made a formal complaint but was advised to withdraw it;

WGGB and EWC contributed by publishing on their websites the International Declaration of Human Rights and the UNESCO which declare that workers are entitled to form into unions and negotiate collectively.

It was suggested that countries which cannot publish professional fees do it in a country where it is allowed (like UK). David Kavanagh said there is no obvious solution but a slow process in pushing the question. FSE will conduct a training project in 2013 on collective bargaining, a “trialogue” involving writers, employers and the European Commission.

Michele Alberico reported that SACT, after producing a list of 10 principles that writers want to have included in every contract and no success in trying to get invited to the table of negotiations, is ready for a desperate move: writers sell part of their future rights to a new association, so a producer who wants to work with a writer will have to negotiate the rights with the association. Pros and cons of this solution was discussed among members. This discussion was linked to the UNI-MEI/FSE project on collective bargaining in 2013.

5c. Buyout contracts

This issue was raised at European level in particular through a report called “The Cavada Report”, after the name of a French MEP. FSE should be ready to make proposals, should this issue become a priority in Europe. The discussion showed that guilds have several definitions of what a buyout contract is and different opinions on that kind of contract. FSE will include this item in the programme of the Collective Bargaining Workshops in 2013 to find a common definition and position.

6 - Report on last year’s activities from the President and Board

Refer to item06_activity report 2011-2012

The report was introduced by David Kavanagh. Participants commented on a few points.

6a. Relationship and collaboration with SAA

Anne Zeegers (Netherlands) reported that the Dutch guild was approached directly by SAA, asking for cooperation, as were other guilds. How could this collaboration be organised at European level? David Kavanagh detailed the improved relationship with SAA (2 joint SAA/FSE/FERA meetings in Brussels). The French guild explained its now mature relationship with SACD (which knows that there’s need for professional organisation and finances the French guild; writers were elected on SACD Board in France).

6b. American Screenwriters

The French guild mentioned its members’ worries about American screenwriters (Producers admire famous American screenwriters and prefer to employ them in international productions) and invited FSE to tackle the issue of reciprocity, to preserve French and European identity. Katharina Uppenbrink also reported double fees for American screenwriters (compared to German screenwriters on same productions). David Kavanagh mentioned another related issue: remakes and absence of credits for screenwriters who wrote the original scripts, though credits should be for the creators of the original show. Pieter de Graeve proposed that FSE should have a position towards IAWG to protect smaller countries who do not have affiliation with IAWG. FSE will propose that this issue is raised at the next IAWG AGM and will put it on its own agenda as well.

7 – Financial Report

Refer to item07a_financial report 2011

The financial report was presented by Stanislav Semerdjiev.

Jean André Yerlès and Guilhem Cottet (France) said that FSE must be financed by collecting societies (CS), which should contribute to make writers more powerful. Christina Kallas said that FSE made several unsuccessful requests to collecting societies and invited the French Guild to share its experience. FSE should approach them with strong projects, defined in common by member guilds, and convince them to work together, complementary. Show our strength. It’s a good time to approach collecting societies since the relationships have improved. Anne Zeegers confirmed the growing awareness among CS that they need the

guilds. Katharina Uppenbrick said that in parallel each guild should approach its collecting societies(s).

Guilhem Cottet (France) expressed concerns about the IAWG grant, considering that American interests are against European interests. Christina Kallas reminded that the money given by IAWG was specifically for the organisation of WCOS 2.0, without compensation.

8 - A discussion on changing the usual date of the General Assembly from Spring to Autumn and the implications of such a change.

Read item08_change date AGM

The main purpose is to have the annual AGM coincide with the world conference which is to happen every two years in Fall.

Stanislav Semerdjiev explained that 2 paragraphs in the statutes are contradictory. He detailed the advantages and disadvantages of moving the date of the general assembly to Fall and suggested a change in the statutes. The French proposed to organise an extraordinary general assembly to deal with the election of the Board in March, and still have the AGM in November. After discussion among the representatives, the AGM approved the decision of organising the next AGMs in autumn. The current Board will pursue its mandate until the next AGM.

9 - Review of existing FSE policy objectives.

The Board asked whether it was needed to change the FSE policy objectives.

Some priorities were reaffirmed:

- It is very important to cooperate with other organisations (Anne Zeegers).
- It is very important to focus on a very few but essential issues to fight for, common to all the guilds (“like a flag, to show that we are united, to strengthen the tights between us”, Michele Alberico).
- Improve the exchange of information among members (they are interested in knowing how it works in other countries).
- Make proposals to make FSE and European policies more accessible and concrete to guilds’ individual members. Christina Kallas reminded member guilds to share the information coming from FSE with their individual members.

10 - Review of likely results of the WCOS and its implications

10a. Motion to the General Assembly of the IAWG

Refer to item10_on WCOS IAWG.pdf, a draft letter addressed to Sylvie Lussier, chair of IAWG about the relationship between FSE and IAWG and the proposal of “establishing a joint

committee to develop and propose to our respective next General Assemblies specific actions to encourage closer working between our two organisations”.

David Kavanagh explained what SOPA, PIPA and ACTA mean. Then the participants discussed the proposal of a motion to IAWG. The French and Italian representatives have doubts about the necessity of this motion. They said that it should be a priority for European guilds to set common goals between them before cooperating with IAWG. Robert Taylor told about the globalisation of the industry and the need for a global response, therefore for a closer cooperation with IAWG. An official committee is an important step to strengthen the relationship, involve IAWG in the discussions to build a global approach of the issues, as the world conferences are every two years.

10b. Third World Conference of Screenwriters

Maciej Karpinski represented the Polish guild and confirmed that Poland would like to welcome the third conference in Fall 2014.

11 - European Union issues

11a. EU Directive on collecting societies

For this discussion FSE invited Janine Lorente of SACD and chair of SAA and Robert Staat of VG Wort. David Kavanagh explained what the directive is mainly about: Competition, Transparency (the document lists elaborate new instruments of control) and Multi-territorial licensing. Is this directive an issue for FSE and if so what role should FSE play?

Janine Lorente and Robert Staat analysed the directive from the point of view of audiovisual collecting societies. This directive fits the music sector which is much more harmonized than the very diverse audiovisual sector. Why do the EU needs such elaborate rules while these costs will be bear by creators? Only very big collecting societies will be able to face the extra requirements for transparency. The directive ignores the social and cultural activities of the collecting societies, which are considered here as services providers only. It does not include any responsibility/obligation for broadcasters. By fighting against monopolies and installing competition, the EU Commission might create a situation of fragmentation. There's also a contradiction between the directive and national regulations which apply to national collecting societies.

A discussion with participants followed. In several Nordic countries, guilds are also collecting societies and this system works well. They see the directive as a threat to their guild. In Spain there are two collecting societies working in the audiovisual sector (SGAE and a smaller one, DAMA) and in this case competition was useful and benefited creators. The discussion showed a variety of positions within FSE, who should nevertheless find an umbrella position.

12 - Agenda for the coming year and beyond, based on discussion at the General Assembly

12a. Collective Bargaining Workshops

David Kavanagh presented the main lines of the training project initiated by FSE and supported by UNI-Europa (Johannes Studinger, Head of UNI-Mei, presented the application to the European Commission as project leader). UNI-Mei got involved because of its close relationship with FSE from the beginning, because both organisations share offices and have common members and above all because they share objectives to improve the rights and working conditions of the creators. There is at the moment a window of opportunities and it is the right timing for the organisation of a project on collective bargaining.

Participants were invited to make proposals for the programme of the workshops. Susin Lindblom said it is important for guilds to get to know business models, in particular in television, so they can better discuss with producers on contracts. Robert Taylor said that the main objective of the project is to get guilds engaged into collective bargaining. The new French guild has already made some important achievements in terms of collective bargaining. It benefited from a good energy and a new generation of writers. At the beginning they needed to understand the background/general context, the different forces involved, the legal situation and the political opportunities before developing a strategy; they needed to know how to use tools to fight and negotiate before putting pressure on broadcasters and producers to get results.

The steering committee will work on a detailed programme.

End of the General Assembly.