

MINUTES

Decisions made by the general assembly

The general assembly

- unanimously approved the new statutes of FSE.
- approved SACD and DAMA as Partner members.
- approved a motion on future Partner members.
- unanimously approved proposed priorities for FSE policy:
 - 1) continue the work of the lawyers' group;
 - 2) develop an expert group of lawyers convened by FSE and FERA, endorsed by SAA.

Guilds' contributions

FSE member guilds agreed to

- contribute, when possible, to raising funds for FSE by contacting their CMOs to
 - 1) propose them to become partner members,
 - 2) in case the first option is not possible, convince them to finance the FSE Award.
- suggest names of screenwriters to help the executive committee choose a winner for the FSE Award.
- commit to finance/raise funds to send bigger delegations of writers to the next world conference of screenwriters in Paris in October 2016.

Next dates

2015 - Brussels

21 September: FSE Screenwriting Award
22 September: FSE Annual General Assembly
23 September: FSE Annual General Assembly
(2 nights)

2016 – Paris

17 October: IAWG meeting
18 October: IAWG meeting
19 October: WCOS 4
20 October: WCOS 4
21 October: FSE Annual General Assembly
22 October: FSE Annual General Assembly

President Sven Baldvinsson welcomed the participants and opened a round-table. Then he introduced Kim Lagae, Belgian lawyer, who came to conduct the vote on statutes, according to Belgian law.

Vote of the new statutes of FSE

The French version of the statutes and the English translation had been sent to the members of FSE before the assembly. They were also distributed during the assembly on hard copies.

The vote was conducted by Kim Lagae, Belgian lawyer. She checked various legal aspects: the date when the convocation was sent, the proxies, the list of signatures, the total number of votes and the identity of all the representatives. Robert Taylor was nominated secretary of the vote.

► Decision

The new statutes were approved by unanimous vote.

The official publication is available here (Official French version / Moniteur belge):

<http://www.ejustice.just.fgov.be/tsv/tsvf.htm>

The English version of the statutes is available here:

http://www.scenaristes.org/pdfs/2015%20FSE%20statutes%20DEF_en.pdf

President Sven Baldvinsson thanked Kim Lagae, the members of the board of FSE, David Kavanagh and especially Amélie Clément for the great amount of work done to prepare this new version of the statutes and the vote.

Various administrative matters

1) Minutes of the previous general assembly (2014)

President Sven Baldvinsson explained that the draft minutes were not ready due to other priorities. They will be submitted to the vote of the general assembly at the next AGM (September 2015).

2) Intermediary financial report 2014

Treasurer Stanislav Semerdjiev said how fragile the financial situation of FSE has continued to be over the years, despite the efforts made to raise funds. The current result of the collective efforts to recruit partner members is a bit disappointing. Money for projects implies more work and does not contribute to reinforce the financial situation on the long term.

Partner members of FSE

President Sven Baldvinsson thanked the guilds for their efforts in approaching their national collective management organisations (CMOs) and in particular the French and Spanish guilds.

1) Vote to approve the new partner members

David Kavanagh presented the applications from SACD (France) and DAMA (Spain) as Partner members. The vote was proposed by Stanislav Semerdjiev (Bulgaria) and seconded by Vinicio Canton (Italy).

► **Decision**

SACD and DAMA were approved as partner members for a three-year period (years 2015, 2016, 2017). (1 abstention, no vote against).

2) Motion

A motion was proposed to give a mandate to the executive committee of FSE to approve new partner members in case applications are received before the next annual general assembly in September 2015 (in particular SGAE).

Text of the motion:

https://www.dropbox.com/s/dko9syuofy98ywl/03b_motion%20on%20new%20partner%20members.pdf?dl=0

Bernie Corbett (UK) proposed that the executive committee will not approve a new partner member without consulting the guild(s) in the relevant country(ies). President Sven Balvinsson confirmed that the executive committee will respect this proposed procedure: the executive committee has not and will not approve a partner member without consulting first the guild in the relevant country.

The vote was proposed by Jean-André Yerlès (France) and seconded by Richard Pinner (UK).

► **Decision**

The motion on Partner members was approved (1 abstention, no vote against).

3) Next steps

Sven Balvinsson reminded that FSE member guilds agreed at the AGM in Warsaw in October 2014 to help FSE find new financial resources by approaching their national CMOs. Each guild was invited to report on contacts made.

Switzerland / Jacqueline Surchat said that Swissimage represents several sectors and is not willing to become partner member and open the door to similar requests from other organisations. Same for SSA. However she proposed to introduce an application for the FSE Award.

France / SACD decided to support both FSE (screenwriters) and FERA (directors).

Italy / Vinicio Canton told about the bad relationship between WGI and SIAE and consequently the difficulty to approach SIAE for FSE. Maybe for a project.

Finland / The answer given by Kopioisto to the initial approach is vague. It needs a stronger strategy: the guild proposes a common approach SAA/FSE/Finish guild.

Iceland / Margret Ornlófsdóttir said that the guild sent a letter but received no answer. She sent a reminder. She invites FSE to contact the guild directly. However she is not optimistic, though the CMO has recently supported the guild itself.

Spain / SGAE approves all memberships in April.

Poland / Both CMOs contributed to the world conference. Maciej Karpinski will approach them later.

Belgium / FSE will contact SABAM for the award. De Auteurs has no money. FSE could approach SACD Belgium later with another project.

UK / Bernie Corbett is disappointed that ALCS preferred to support the Award project because the priority is to support a full time office in Brussels. He will try to convince ALCS to become partner member.

Norway / Norwaco would be the best Norwegian CMO to become partner member. But the "international" money is distributed through Norcode – The Norwegian Copyright Development Association, whose priority is developing countries. Besides it also represents producers. Kopinor is a good possibility but we need to design a very clever project.

Sweden / Copysweden is a very large organisation covering many sectors, it might be an obstacle to become partner member (“why not in each of the 15 sectors?”). It is waiting for the implementation of the EU directive on collective management in Sweden. A request might be introduced next Autumn (2016).

Denmark / Almost the same situation as in Sweden regarding the EU directive. Besides, Copydan also represents producers, which makes it impossible to become partner member.

Netherlands / LIRA has no money. The guild will anyway push the idea again.

Bulgaria / why not a project.

European policies

1) EU study on remuneration

Judith Fischer (European Commission / Directorate General for Communications Networks, Content & Technology / Copyright) shared some confidential information on the **study on remuneration in music and audiovisual authors that the EU Commission started last Spring in 10 member states.**

The first part is an analysis of the legal situation in the 10 selected countries: contract law, copyright law, ownership of rights, remuneration, collective bargaining arrangements, relation to competition law, etc.

The second part is more economic, describes the market, the role of collective management organisations.

The objective is to theorize how the economic and legal framework influences the bargaining position of authors vis a vis producers, publishers and distributors in negotiations.

The statistical analysis of the results to the questionnaire should in theory have confirmed the above mentioned analysis however the quality of the datas collected is not at all representative. “You cannot base conclusions on these datas”.

The key findings of the study insist on the role of unions and collective bargaining.

The authors of the study are looking at policy options, compare their costs and possible benefits for authors and performers. They are going through three blocks of solutions:

1. transparency of contracts.
2. create an environment which helps unions in more countries to play an active role, in particular in collective bargaining and enforcement of contracts.
3. facilitate the exercise of making available rights,
 - a. voluntary collective licencing by CMOs
 - b. unwaivable rights to equitable remuneration

David Kavanagh said the guilds were not surprised by the “low quality” of datas collected. But they are pleased that the Commission is addressing the issue of authors’ contracts.

A discussion followed, especially on cultural diversity and the difficulty to harmonize legislation in different national environments.

2) FSE Policies

David Kavanagh presented two documents:

What is currently happening at the European Union on copyright reform :

https://www.dropbox.com/s/v52rqhmfxfxsj/FSE%20EGA%202015_current%20situation%20EU.pdf?dl=0

European Policies, Strategy for the next period :

https://www.dropbox.com/s/4ezc7yesnmrnf07/FSE%20EGA%202015_strategy%20for%20the%20next%20period%20EU.pdf?dl=0

Reda Report

David Kavanagh gave some explanations on the legal process regarding the “Reda Report” (the draft report goes through several committees of the European Parliament who propose series of amendments), and how the FSE works together with other organisations to propose changes (in particular through the grouping Creativity Works! <http://creativityworks.eu/>).

EU Commission legislative proposal

Hypothetical agenda: David Kavanagh reported on the assumptions circulating in Brussels on the date of publication of a legislative proposal.

FSE priorities

As a consequence, and considering limited resources, David Kavanagh proposed that FSE concentrates in the close future on two priorities for creators:

- Better contracts
- Remuneration for online use

On Better contracts

FSE and FERA endorsed the second edition of the SAA White Paper (<http://www.saa-authors.eu/en/news/168/SAA-White-Paper-download>), after proposing some changes which were accepted by SAA (FSE had strong reservations on the first edition).. Both organisations were present at the launching meeting of the White Paper in Brussels.

FSE, FERA and SAA will continue their collaboration. SAA will work further on collective management, with the support of FERA and FSE. FSE and FERA will be in charge on working further on better contracts, with the support of SAA.

Peter Schonning proposed that, in addition to the work done by FSE at European level along with other organisations, each member guild of the FSE works in their member states, go to their national governments and explain why EU decisions are wrong, in particular in France and Germany.

Vincent Vanneste reported on a letter which the Belgian producers addressed to European parliamentaries on territoriality. They asked creators to sign it, which creators accepted to do. Can this be done at EU level as well? David Kavanagh replied that FSE is member of a group of creative industries called Creativity Europe! This group did a good document on territoriality which FSE endorsed. In some cases, on very particular issues, at national or European levels, producers and creators need to join forces.

David Kavanagh informed the general assembly that FERA and EWC, both members of CW! decided to leave the organisation. He recommended that FSE remains member of the organisation at the moment - commenting on the efficiency of their lobbying, the quality of the information provided, etc. - while being careful that CW! does not issue statements against the interests of screenwriters.

What will FSE do

A document was distributed, "last minute note on contracts":

<https://www.dropbox.com/s/beerp54rnk9reqx/Last%20minute%20note%20on%20contracts.pdf?dl=0>

David Kavanagh proposed to

1) continue the work of our existing lawyers group on various aspects of the current discussions on authors rights change and in particular on authors contracts. He commented on the first exchanges of the new group of lawyers (rather low participation) and invited guilds to propose a lawyer to join the group (unfortunately on a voluntary basis at this stage since there is no budget).

2) organise an expert group, preferably convened by FSE and FERA with the support of SAA and the involvement of Initiative Urheberrecht, to meet as soon as practicable to develop a set of legally sound proposals to improve creators contracts in the Audiovisual sector (improve our capacities to negotiate and collectively bargain), for submission to those in the Commission and Parliament interested in the issue (first meeting in Brussels in May).

Susin Lindblom wanted to raise awareness on a dangerous situation for creators. Sweden is the first country to have gone so far in the implementation of the EU directive on collective management organisations. She thinks that this implementation can affect creators' organisations if implemented in the wrong way. How will member states implement the directive, in particular Article 16 and articles on the supervision of the CMOs? She advised not to leave this issue to the CMOs because it will also affect primary creators. She invited other guilds to contact her to get more information and insight.

Robert Taylor concluded the discussion by saying that CMOs should be under control of the professional organisations representing creators.

More information on the directive:

http://ec.europa.eu/internal_market/copyright/management/index_en.htm#maincontentSec1

Maciej Karpinski asked how FSE priority on contracts could be implemented without financial support (a fee for lawyers, travels, etc?). Sven Balvinsson said that the lack of resources affects each project conducted by FSE.

► Decision

The general assembly unanimously approved David Kavanagh's proposals.

- 1) continue the work of the lawyers' group;
- 2) develop an expert group of lawyers convened by FSE and FERA, endorsed by SAA.

Collective Bargaining

David Kavanagh reported on the satisfaction of UNI-Mei regarding the series of collective bargaining workshops and seminar that FSE/Uni-Mei co-organised in 2013. UNI-Mei is keen to cooperate again and apply to the European Commission / DG Employment, with a follow up project (small working groups, collection of data, publications).

Screenwriters Award

Unfortunately Carolin Otto, initiator of the project, was sick. Katharina Uppenbrink read a letter which Carolin addressed to the members in her absence. She recalled how important this project is and invited guilds to get involved in it.

David Kavanagh and the board briefly presented the project and recent progress and answered questions.

Christina Bergholdt Knudsen asked if it was worth organising the event with such a small budget and if FSE plans to organise it each year. David Kavanagh, Sven Baldvinsson and Jean-André Yerlès said that 1) the money given by CMOs will have to be spent on the award, 2) it can be a success if Oettinger shows up, 3) this first edition is a pilot project, 4) an award has more chances to draw media attention than any other event.

Marc Veerkamp suggested that FSE commissions Anne Zeegers of the Dutch guild for a statute – she is also a professional sculptor.

To answer questions on nominations, Sven Baldvinsson quoted the letter that FSE sent to guilds in which they were invited to make suggestions of names for a winner. The board explained how it will choose the winner, more for political motives.

Jean-André Yerlès invited guilds again to contact their CMOs and propose them to finance the award, in case they refuse or cannot become partner member.

Fourth World Conference of Screenwriters, Paris, October 2016

Jean-André Yerlès explained that the French guild hired an event/communication agency to organise the event. The initial budget is 400.000 euros and the first challenge is to collect this money. He thanked the guilds for sending quotes and pictures from their presidents. The French guild will assess progress on money at the end of June.

He said that the French guild would like to make it a true writers' event. He invited European guilds to really organise writers' delegations, to really push screenwriters to attend the event.

The French guild would like to propose a general theme: Freedom of Expression.

Camilla Alghren said that FSE and the French guild should pay particular attention to international guests. She added that the Swedish guild will contact the Swedish Institute in Paris to contribute and invited other guilds to do the same (cultural institutes, embassies...). Katharina Uppenbrink said it was already the good moment to apply to film funds for travel support.

Robert Taylor reminded that the agenda had to be worked out through the steering committee.

Sven Baldvinsson thanked the participants for their contributions and closed the meeting.