



## Minutes of the 12<sup>th</sup> FSE Annual General Assembly Brussels, 8-9 November 2013

### Summary of decisions and votes

#### The General Assembly:

- ✓ unanimously approved the agenda.
- ✓ unanimously approved the new membership of the Writers Guild Italia.
- ✓ unanimously approved the Minutes of the last General Assembly.
- ✓ unanimously approved the financial report 2012.
- ✓ rejected the proposal of amendment to the statutes of FSE for 'Partner Members'.
- ✓ unanimously accepted the proposal of amendment to the statutes of FSE on 'automatic loss of membership'.
- ✓ unanimously accepted the proposal for FSE patrons.
- ✓ unanimously invited Christina Kallas to become the first patron.
- ✓ unanimously accepted the agenda of the WCOS 3 proposed.
- ✓ unanimously approved the FSE Solidarity Fund.
- ✓ unanimously approved the instruction from Mr. Corbett for the FSE to react formally on future political incidents after the last situation with the Greek Public Broadcaster and the radio broadcaster Radio Televisio Valenciana (RTVV) in Spain.
- ✓ elected a new board.

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## List of Documents

**These minutes refer to the following documents, distributed before and/or during the AGM (by e-mail / printed copies). Most of these documents are also available on Drop Box under the link:**

**<https://www.dropbox.com/sh/vhk0ymsahdfa1ak/XiKuZBqzIF>**

- 01 — AGM2013\_participants list
- 02 — AGM2013\_draft agenda
- 03 — Italy SACT dissolution
- 04 — Italy\_SACTreport\_WGlaims
- 04b — WGI-KallasLetter
- 05 — AGM2013\_minutes FSE AGM 2012
- 06 — AGM2013\_activity report
- 07 — CBW1\_report on discussions
- 08 — CBW2\_report on discussions
- 09a — AGM2013\_report on policy issues
- 09b — castex report\_statement private copy compensation
- 10 — Draft financial accounts 2013
- 11 — AGM2013\_financialAccounts2012
- 12 — AGM2013\_Statutes Amendments Proposal
- 13 — draft Proposal to establish a group of Patrons
- 14 — AGM2013\_progress on WCOS 3
- 14b — project solidarity fund
- 15 — AGM2013 on EC elections
- 16 — AGM2013\_letter from Christina Kallas

2012-2013 FSE Members Annual Reports

## **1- Attendees, excuses and proxy**

Refer to 01 — AGM2013\_participants list.

Three proxy votes for the Executive Committee elections were presented. Total 18 votes.

## **2- Agenda of the AGM**

Refer to 02 — AGM2013\_draft agenda.

Christina Kallas opened the AGM by announcing that this was her last general Assembly as she would not be seeking re-election as President of the FSE.

The agenda was modified: the discussion of National Reports was moved until after the elections of the Executive Committee.

Bernie Corbett proposed also to issue a comment on the recent events in Greece and Spain: the police intervention against the occupation of the ERT Greek Public Broadcaster and the Spanish court decision which prompted the regional television and radio broadcaster, Radio Televisio Valenciana (RTVV) to announce its closure. These two points were put on the agenda under item “10- Miscellaneous” before the Board Elections.

Decision: The General Assembly unanimously approved the modified agenda.

## **3- New member approval**

Refer to 03 — Italy SACT dissolution, 04 — Italy\_SACTreport\_WGIaims and 04b — WGI-KallasLetter

This item had to be postponed (because the Italian representative was not present at the beginning of the meeting. It was dealt with when he arrived. Vinicio Canton, board member of the Writers’ Guild of Italy (WGI), presented the Italian guild and their activities to the GA, focusing on the Guild’s manifesto.

Decision: The General Assembly unanimously approved the application of the Writers Guild Italia.

## **4- Approval of the Minutes of the last General Assembly**

05 — AGM2013\_minutes FSE AGM 2012

Decision: FSE members unanimously approved the Minutes of the last General Assembly.

## **5- Matters arising from the minutes of the last General Assembly**

A question raised in the minutes of FSE AGM 2012 under 6b on the absence of credits for screenwriters who wrote the original scripts in Europe in relation to the American Credit system, came up again.

David Kavanagh responded that there is not much progress concerning this matter but the joint committee of the FSE and the IAWG on cooperation is looking at the issue. Under the US system the WGA may as a general rule arbitrate credits of its members only. Since they

can give no support, they have no solution. The core problem with screenwriters and credits is the wrong managing of their contracts and the terms included.

Another related issue is writers working across borders. Danish writers have for example been very successful across Europe and this raises the question of what is this writers relationship/access with/to the Guild of the other country. The IAWG has come up with the system that if a writer writes for another IAWG member country he/she has to join the guild of the country he/she is going to. Something for the FSE to consider.

## **6- Report on last year's activities**

### **6a- Report on Collective Bargaining Workshops**

Refer to 06 — AGM2013\_activity report, 07 — CBW1\_report on discussions and 08 — CBW2\_report on discussions

#### **Collective Bargaining Overview**

CBW3\_report on discussions will be submitted online by the end of the year.

On the 6<sup>th</sup> of November 2013 the third and last Collective Bargaining Workshop took place in Brussels. The FSE Members discussed the outcomes of all workshops which have had a successful impact on Writers Guilds all over Europe.

David Kavanagh underlined the strong cooperation with UNI-Mei - which works with trade unions of media and the entertainment industry. This partnership led to the funding from DG Employment of the European Commission (EC) which funded the three Workshops and the Final Trialogue Conference (Creators, Employers and EU Institutions) which took place on the 7<sup>th</sup> of November 2013 and was more successful than expected.

The only failure was the absence of Members of the European Parliament. But representative of the European Commission Maria Martin-Pratt was present; she stressed that collective bargaining is not on the agenda of the EC but she highlighted that the issue of copyright contracts is under discussions. However, due to the upcoming EP elections, there is no launching of new initiatives. She added that a review of the Copyright acquis is indeed necessary, which also had been made abundantly clear by the discussions and conclusions of the workshops.

Representatives from the employers' organizations side were also present but did not wish to participate in the panel. The questions now is how to move forward and keep the issue of collective bargaining in the foreground.

#### **Specific points:**

With whom should the writers of Europe be bargaining with?

Internet Service Providers (ISP's) seem like obvious candidates. They present a challenge since they can not quite be treated as broadcasters. Supreme Court in Canada has issued an important decision allowing bargaining with content providers.

Is members' education important?

Susin Lindblom (Sweden) insisted that the stronger Writers' Guilds could have been better prepared. Weak organizations are in need of resources. The importance of meeting others who are actually dealing with the issues can not be overstated. Pål Giørtz (Norway) also suggested that more preparation for the participants would have been helpful. But added that the awareness of national practices had raised the level of understanding of the issues which was a good example of the benefits of such workshops and meetings and an

organization like the FSE. Robert Taylor (UK) also underlined how important it is to fully understand what collective bargaining agreements are and what people can acquire from such agreements. Sven Baldvinsson from the Icelandic Guild, mentioned that writers in Iceland felt empowered after these workshops and more ready than ever to negotiate better terms.

The formal evaluation of the CBW project is very important in order for the FSE to plan future projects. Johannes Studinger from UNI- Mei is keen on cooperating with FSE again on applying for EU funding for another project to be run in 2015.

## **2014 planning**

Some ideas for FSE activity in 2014:

Come up with a way st of making detailed information on national collective bargaining terms and issues available to the members.

For instance, model contracts achieved through collective bargaining, available in Members Countries of FSE could be a useful tool for other Member States. Such a project requires special funding and thought should be given to how this will be achieved.

Susin Lindblom proposed a research on the changing map of services. How do we fund that? David Kavanagh suggested that FSE should be looking for funding through Collecting Societies, 'Creative Europe' applications and International Affiliation of Writers' Guilds (IAWG) funds for small projects (this last one has two deadlines each year).

Mrs. Lindblom added that it would be of great use to define what a "fair copyright contract" is, since the EC representative made it quite clear during the triologue session that copyright contracts are on the future agenda. This should be achieved in collaboration with the Guilds in order to create a document that would analyze the interests of the authors. As an example SAA claims that online rights are non-waivable and that there should be equitable remuneration for authors. There is a need for the FSE to develop policies and/or responses on/to these matters.

The FSE Policy paper needs to be revisited and updated since the audiovisual world map is changing rapidly.

To seek an agreement among FSE Members to declare that any individual member of any FSE Member Guild signing a contract in another FSE Member Guild country will receive full service from the guild in the host country.

## **6b- Review on EU policies and lobbying actions**

Refer to 09a — AGM2013\_report on policy issues and 09b — castex report\_statement private copy compensation.

David Kavanagh proposed that the FSE joins two alliances in Brussels:

### **Creativity Works**

Like-minded organisations, federations and associations from the European cultural and creative sectors have formed a coalition: 'Creativity Works!'. Its objective is to kick-start an open and informed dialogue with EU policy-makers about the economic and cultural contribution made by creators and the cultural and creative sectors in the digital age. It's basically an organisation of employers, though. They are very active and they have extraordinary access to information. The main joining argument is that this is an

organization with access to information and cultural content and that it defends basic principles of copyright and intellectual property business as well as the freedom of expression. It is the cooperation among creative sectors employers and creators. FERA already joined.

### **Creators Alliance**

An exclusive creators' organisation creation was also put into consideration with the proposal of GESAC (authors and composers collective society). Performers, directors, SAA, writers of books and poetry etc. all sat at the table to discuss the setting up of a Creators' Alliance. The problem is that GESAC includes in its structure book publishers' interests which are contradictory to the rights of creators; the issue of copyright contracts for instance, was avoided by the publishers. It is important to keep FSE's name on the map and official documents released.

Policy documents mentioned on private copying are: the Vitorino Report and the Castex Report

During the AGM, Johannes Studinger from UNI-Mei, intervened to address some key issues for lobbying for the European Commission. The impression given after the FSE Final Conference on Online Remuneration from the representative of the EC, Maria Martin-Pratt, was that Copyright contracts are the main issue to be tackled. It should be stressed that contracts represent a transfer of rights and is therefore interesting for all sectors.

Johannes suggested that FSE Members send facts on national contractual arrangements to the FSE so that the Federation could bring this information to DG Markt EC Department as evidence of what is going on in practice.

## **6c- Report on IAWG meeting in Toronto and relations with IAWG**

General Comment from Robert Taylor:

The last IAWG meeting in Toronto, with the participation of Asian Writers' Guilds represented a big step towards global co-operation of writers' guilds. Cultural diversity and intercontinental dialogue will thus be on the agenda of the Guilds in the future and in particular at the next World Conference in 2014 in Warsaw. A proposal to raise funding from the IAWG for some kind of a global oriented project should be considered.

## **7- Financial report and related administrative issues (provisory budget, fees 2014, statutes)**

### **7.a. Financial Report**

Refer to 10 — Draft financial accounts 2013 and  
11 — AGM2013\_financialAccounts2012

The financial report was presented by Stanislav Semerdjiev. In 2012 there was a grant of 6000 Euro in the bank from the International Affiliation of Writers' Guilds. The intermediary 2013 financial report is even better, one month before the end of year, showing €13.000 deposited in the bank. The reason is the good management of finances for the Collective

Bargaining Workshop project. He estimates that the amount is around that much but the final outcome is still expected by the end of 2013.

Therefore, more resources solutions should be considered for the future. An idea from Jean-André Yerlès was to find financing for FSE from collective societies.

Also, under Item 7, changes in the statutes are to be proposed and among them some concern financing solutions. One of those is that it is possible to have partner members like CMOs or Institutions so as to achieve financing.

Decision: The financial report was unanimously approved.

## **7.b. Change of Statutes**

Refer to 12 — AGM2013\_Statutes Amendments Proposal

Amendments to the current statutes of FSE regarding Membership topics were proposed to the FSE GA and put to discussion.

### **Membership Categories**

Membership Categories proposed: full members and partner members. Partner members are collaborators of the FSE, who in turn can benefit from them. They have no voting rights for elections nor may they be elected and they may not participate in the decision-making process. They will make financial contributions.

In the discussions, concerns were expressed as for the Partner Members and the purpose of the statute amendment. Their role seemed unclear as well as how the FSE would profit. It was suggested that it might be preferable to start by checking whether legal entities, such as CMOs would be interested in this kind of partnership and what their demands would be. Could they maybe be observers and if so would it be correct to allow their presence in the GA or would that affect discussions?

Semerdjiev Stanislav (Bulgaria, treasurer), responding to the above thoughts, said that there is no great danger in opening the door to possible partner members. They would be selected by the FSE Members. It would be up to us to seek and select them. The proposal's purpose was to find partners who would contribute some sorely needed funds. They could also be Industrial entities.

Decision: Amendment Proposal on Partner Members was withdrawn.

### **Loss of membership**

An automatic loss of membership was proposed in case a Member does not commit to its obligations of the FSE statute as well as if it does not pay the annual fees.

Members of the FSE agreed to the proposal and proposed due to the current financial crisis to extend the back-payment option to two more years before the automatic expulsion of the Member. The new FSE Board shall consider conducting a good review of the list of Members and their status one month before the next GA.

Decision: Amendment Proposal on automatic loss of Membership was unanimously accepted.



## **Patrons of FSE**

In absence of outgoing President Christina Kallas the board proposed that the GA of the FSE could invite important people, professionals of the sector to become PATRONS of the FSE. The thought being that these individuals had and would support the community of screenwriters, by increasing the visibility of the work FSE does on behalf of all screenwriters. The patrons have no demand from the FSE but the latter has the right to contact them and benefit from their opinion and knowledge.

Christina Kallas was proposed as the first patron since she has been President of the FSE for the past eight years.

Members of the FSE read the relevant paragraph of the proposal for the patrons and requested the amendment of the word 'appointed' to 'invited' instead and the inclusion of the phrase 'on the proposal of the board or member's guild'.

Decision: The proposal for having patrons was unanimously accepted.

The amendment of the proposal was unanimously accepted.

Christina Kallas was unanimously invited to become the first patron.

Press release found here: <http://www.scenaristes.org/pdfs/ck%20press%20release.pdf>

## **8 – The Third World Conference of Screenwriters, Oct. 2014**

Refer to 14 — AGM2013\_progress on WCOS 3.

### **8.a. General**

Robert Taylor, representing the FSE/IAWG Steering Committee of the Third World Conference of Screenwriters, presented the progress of the project. WCOS 03 is going to take place in Warsaw in October 2014. It should provide a good chance for the screenwriters of Europe to lobby some issues on EU level since there is a lot happening concerning copyright and remuneration issues. The survey conducted recently and results presented in the publication "European Screenwriters' Income in 2012: An Overview" is one of the key issues to be addressed and introduced. What is to be considered is also that in the last years the relationships between US and EU writers' organizations have been strongly developed and a good research of emails and contacts shall be prepared so as to have a better view of who is who and what further co-operations could be achieved. A suggestion for fund raising for weak Writers' Guilds should also be put to the International Conference's table.

### **8.b. Organising**

The organisation of the FSE participation in the conference was discussed on the 9<sup>th</sup> of November starting with Maciej Karpiński (Poland), who will be coordinating the event in Warsaw. A committee for the 3<sup>rd</sup> World Conference is up and running and speakers for the conference are being identified. The organization of such a conference is a hard task and quite complex. The accommodation of FSE Members who wish to participate is also an issue to be addressed as well as their travel to Warsaw.

As for the program and what the subject matter is going to be, Mr. Karpiński stressed that it had been decided that it was a good idea to have break out sessions starting with short addresses on the topics that would be discussed.

Decision: FSE Members unanimously accepted the proposed agenda of the WCOS 3 .

## **9 - FSE Solidarity Fund**

Refer to 14b - project solidarity fund

At the initiative of the Norwegian Guild a proposal for the FSE Solidarity fund was put to discussion. The purpose of this fund which was a suggestion of the Nordic Guilds, is to assist Member Guilds of the Federation or Guilds who intend to become Members of the FSE, financially ,in order to make it possible for them to attend meetings of the FSE, participate in the activities of the FSE as well as to develop their own know how, practices and activities or even organise their own workshops, etc.

Members of the FSE were invited to contribute as much as they wish to this fund as well as to go through the document and approve or not approve the Solidarity Fund itself and its structure.

Decision: The setting up of the FSE Solidarity Fund was unanimously approved.

## **10 - Miscellaneous**

David Kavanagh gave special thanks to UNI-Europa for the organization of the Collective Bargaining Workshops.

He furthermore read the statement of Bernie Corbett about the ERT Greek Public Broadcaster occupation and police invasion and the court decision which prompted the regional television and radio broadcaster, Radio Televisio Valenciana (RTVV) to close down.

Mr. Corbett proposed that the GA asks the new Executive Committee to send their protest to the Greek, Spanish and European authorities and instructs the new Executive Committee to monitor the current situation and react to similar incidents in the future.

It is agreed that the corruption in both countries is the cause for both situations but closing vital public broadcasters is not the solution.

Decision: The General Assembly approved the proposal from Mr. Corbett.

## **11 - Election of the Executive Committee**

Refer to 15 — AGM2013 on EC elections and 16 — AGM2013\_letter from Christina Kallas

Three proxies:

France assigned proxy vote to Germany, Austria assigned proxy vote to Switzerland and Greece assigned proxy vote to Bulgaria. Total 18 votes.

The result of the election was as follows:

**President:**

Sven Baldvinsson

Nominated by the Danish Guild. Seconded by the Norwegian Guild.

**Vice President:** Robert Taylor

Nominated by the UK guild.. Seconded by the Spanish Guild.

**Treasurer:** Stanislav Semerdjiev

Nominated by the Irish guild. Seconded by the Belgian Guild.

**Board member:** Carolin Otto

Nominated by the German guild Seconded by the Swiss Guild

**Board member:** Jean-André Yerlès

Nominated by the German guild Seconded by the Swedish Guild

## **12- Discussion on annual reports from FSE member guilds**

Refer to the 2012-2013 FSE Members Annual Reports.

David Kavanagh:

One of the main issues in national laws in many countries is an active review of copyright law; this is the case in Norway, Netherlands, Denmark, Belgium and Ireland.

A mapping of the amendments in each country would be helpful to see what the current trends in copyright are. EC's intention to review copyright *acquis* shows that this mapping could be very important in order to identify the trends in national laws.

Also, comparing the reports to previous years one may notice the increasing importance of collective bargaining and the emphasis given to it by Guilds all over Europe. The FSE is especially keen on receiving reports on Collective Bargaining activities from each Guild as well as on activities related to informing the public on screenwriters and their Bilateral agreements and translation of documents is something that needs to be considered, be it at FSE level or at a national level. It is clearly a vital tool in order to understand each other's national laws and practices. These documents could be kept as summaries or internal working papers so as to keep them on a confidential level because they contain personal data.

End of the General Assembly.