

**Minutes of the Annual General Assembly (AGM)
of the Federation of Screenwriters in Europe (FSE)
18-20 March 2011, Brussels**

Summary of decisions and votes

The General assembly

- unanimously approved the agenda.
- unanimously approved the minutes of the Annual General Assembly of 13-14th February 2010, Berlin.
- unanimously agreed that FSE will send the next newsletters to a larger number of recipients.
- agreed that FSE will conduct its own study on the remuneration of screenwriters in Europe (with special focus on TV drama).
- confirmed the importance of the relationship with IAWG and other organisations of screenwriters in the World.
- unanimously approved the Activity Report 2010.
- unanimously approved the Financial Report 2010.
- decided that FSE should respond to the SAA's White Paper on Audiovisual Authors' rights and remuneration in Europe by a letter to SAA.
- agreed on the Basic Principles drafted during the meeting and committed to present this document to their Board for official approval by the guilds.
- agreed that FSE should attempt again at approaching the new French guild.
- agreed on the new fees and committed to present this document to their Board for official approval by the guilds.
- Elected a new Board.

List of attached documents

These minutes refer to the following documents, distributed during the AGM.

- Doc 1 — participantsList_AGM2011
- Doc 2 — agenda_AGM2011
- Doc 3 — FinalMinutesAG2010
- Doc 4 — FSEactivityreport2010
- Doc 5 — Working Groups 2010
- Doc 6 — FSE remuneration questionnaire for GA
- Doc 7 — SAAproposal_AGM2011
- Doc 8 — finalaccount_AGM2011
- Doc 9 — fseagm_plans2011
- Doc 10 — FSE_Fees 2011DEF

Attendees, excuses and proxy

Refer to doc 1.

1 - Agenda of the AGM

Refer to doc 2.

Decision : The General Assembly unanimously approved the agenda.

2 - Minutes of the previous AGM

Refer to doc 3.

Decision : The General Assembly unanimously approved the minutes of the Annual General Assembly of 13-14th February 2010 in Berlin.

3 - FSE Activity Report 2010

Refer to doc 4.

The Activity Report of the year 2010 was briefly presented by President Christina Kallas. The participants were invited to comment.

3a - Communication with the members / Newsletters

The Board and staff of the FSE asked if the FSE members read the newsletters and find them interesting. They received some positive reactions from the assembly (some read them and share them with their own members).

Decision : It was unanimously agreed that FSE will send the next newsletters to a larger number of recipients (the new database on which Amélie Clément is working was referred to).

3b - Fund raising

David Kavanagh, in charge of lobbying for the FSE, detailed the project of applying to EU funds with a programme of training in collective bargaining. (Employment, Social Affairs and Equal Opportunities DG / Call for proposals "Information and training measures for workers' organisations").

Action : FSE submitted the application on 18 April 2011.

3c - Working groups

During the General Assembly of the FSE in Berlin on 13-14 February 2010, several working groups were set up, to which several representatives committed. The list of these working groups is attached to these minutes (Doc 5). Christina Kallas asked whether the working groups had made progress.

3c – 1 Working Group on Book Publishing

Susin Lindblom (Sweden) invited FSE to send the pdf of the conference in Thessaloniki in 2006 to check what the Swedish guild could offer in terms of publication.

3c – 2 Working Group on Leaflets

Remuneration (Refer to doc 6)

David Kavanagh reported on the questionnaire on remuneration sent to the members of FSE. Despite some difficulties for members to collect data (as an example, information on the percentage of TV drama is not available in UK and Germany), 17 guilds provided answers and FSE will continue to work on this leaflet and publish it. Members who have not replied are of course invited to do so.

Team: David Kavanagh, Wim Blaauboer (NL), Katharina Uppenbrink (D), Susin Lindblom (SWE), Christina Bergholdt Knudsen (DAN), Gulden Cakir (TÜR).

Jan Dowjat (Poland) suggested that FSE studies the role of agents in European countries and includes questions related to the agent system. He also remarked that some definitions need to be discussed (example : what does “buyout contract” means in each country?).

VAT

It was suggested to publish the short study on VAT, drafted out of answers collected among members.

3c – 3 Working group on Collecting societies

SAA proposal (Refer to Doc 7)

The Board reported on a meeting with FERA and SAA in Brussels, on the White Paper published by SAA and on the proposal from SAA to collaborate on a study on the rights and remuneration of audiovisual authors in Europe.

The general assembly discussed the possible impact of the SAA’s White Paper. Bernie Corbett said that 1) civil servants in European Institutions have lots of information from collecting societies but very few from authors’ organisations. It should be a major task for FSE to show that major revenues for screenwriters do not come from the money collected by collecting societies – what civil servants tend to believe due to the strong lobbying of the collecting societies; 2) such a study should also focus on script drama for TV, not only on feature films; 3) FSE should produce its own report, nicely layouted and printed and distributed widely.

SAA plans to conduct the study in only 5 countries and will focus on internationally successful productions. From FSE point of view, SAA is not interested in getting an overview of the authors’ income, since it is clear that the percentage authors receive from the

collecting societies is rather small. However, SAA has a budget of 40.000 euros for the study and needs FSE and FSE member guilds' help.

Decision : the general assembly approved the decision that FSE should conduct its own study (unless SAA is ready to change the scope of its study, taking into account FSE's position). FSE will conduct an internal survey on the income of scriptwriters in Europe and a specific study on TV drama.

Download the SAA White Paper: <http://www.saa-authors.eu/en/news/32/SAA-White-Paper---Download>

3c – 4 Working Group on the Second World Conference of Screenwriters

The Nordic attempt at raising funds didn't work out. Spain and Poland will continue to explore the possibilities to organise the event in their countries and will report to the Board of FSE.

3c – 5 Working Group on the “Who wrote it campaign”

Several festivals replied : Berlinale, Sundance, San Sebastián, Rotterdam, CPH:PIX in Copenhagen, Brussels European Film Festival, Internationaal Filmfestival van Vlaanderen – Gent. We have to chase Cannes and Venice for their answers. Sarah Dearing, Amélie Clément et Sven Baldvinsson will advance further on this action to establish the World Screenwriters' Film Festival List of Excellence.

Jacqueline Surchat offered her support to contact the Biennale of Venice. Andrea Garello offered to help FSE contact the Roma festival.

3c – 6 Working Group on Mentoring Scheme

FSE has no funds to start such a programme. Jacqueline Surchat (Switzerland) said she is head for workshops with screenwriters within FOCAL organisation. She will discuss it with Stanislav Semerdjiev and the Board.

3d - IAWG

The general assembly agrees on the Board's proposal to strengthen the relationship with IAWG : screenwriters need to bring a global response to the globalisation of the sector.

3e - European policies

David Kavanagh reported on the various issues being discussed at EU level (see activity report for details / Doc 4).

4 - FSE Financial Report 2010

Refer to Doc 8.

Treasurer Stanislav Semerdjiev reported on the financial account of the FSE. The General Assembly approved the final financial report.

5 - FSE Plan of Action 2011

Refer to Doc 9.

David Kavanagh explained why 2011 will be a decisive year in terms of lobbying for the audiovisual sector. FSE must be ready to act and make decisions on specific political objectives. Besides, the objectives shouldn't harm the national situation of member guilds.

5a - Discussion on Collecting Societies and online distribution of works

SAA, the Society of Audiovisual Authors, comprises 26 members, among collecting societies in Europe. SAA says it represents over 118,000 film and television European screenwriters and directors. SAA's budget is far bigger than FSE's, it can invest a lot in lobbying, communication, etc. (example: the White Paper publication). The main risk is that SAA be the only voice heard by politicians and civil servants at European level. However SAA tackles only a few concerns of the screenwriters : SAA's White Paper deals with payment/remuneration but not with secondary rights. Besides, the harmonization it proposes starts at the lowest level and the picture it offers from the sector to politicians is not positive. Authors' organisations such as FERA and FSE have not been consulted by SAA before and during the elaboration of the White Paper. The General Assembly regretted this lack of consultation.

FSE has to give something more in its own studies and policy positions : talk about rights, highlight good examples; talk directly to politicians.

Some collecting societies are already members of SAA, some are thinking of joining the organisation. It is important that FSE member guilds contact their national collecting societies to discuss their position within SAA (how much they are actually informed of SAA's activities and how they forward the information to their board, how much they participate in SAA's strategy, etc.), or to discuss the real motivations for joining SAA as new members.

Decision : The General Assembly decided that FSE should respond to the SAA's White Paper by sending a letter to SAA.

5b - Remuneration for online distribution in European countries

New uses, new re-uses = new remuneration

Each member representative briefly reported on the situation of online remuneration in its country, its relationship with broadcasters, producers and collecting societies in this context. What is a common definition of fair remuneration of authors in Europe?

5b-1 National variations

SAA's proposal for unwaivable right may find support in some countries where authors have a very weak power of negotiation (ex. Portugal) and where authors receive no remuneration at all for the online use of their works. In some countries (France, Spain, Bulgaria), collecting societies negotiate with broadcasters in the interest of authors. Some other countries will totally oppose the proposal, like UK where WGGB has negotiated with BBC an annual lump sum for online usages of its members' work thanks to collective bargaining, or like Denmark, where the Danish guild is one of the owners of the national collecting society. FSE's response to SAA should take these differences into account and should not put in difficulties or in danger the national guilds which have good relationship with their national collecting societies.

5b-2 Fair remuneration?

A selection of some preliminary remarks from members:

- In which countries are the "7 days catch-up" paid to the authors?
- Authors should be paid for every use of their work, even for the uses they have not authorized.
- Buyout contracts should be avoided in any case, and when they exist, they should not contain royalties/secondary rights.
- In some countries producers claim for authors' rights.
- How many writers are remunerated for foreign uses of their work (better bilateral agreements between collecting societies? Towards a Pan-European collecting society)?
- What do the collecting societies do with the money that is not distributed (governance, transparency)?

5c – The 7 Basic Principles

A clear urgent priority for FSE is to find a common policy that all guilds can sign up to on the minimum standards they require concerning online distribution.

The General Assembly had a long discussion on several principles and on common terms and drafted the following document:

BASIC PRINCIPLES

- 1. Writers want their work to be made available online.*
- 2. Writers should be guaranteed their exclusive rights and be paid for the use of their work online separately and for every use*.*

3. *Buyout contracts should be prohibited.*
4. *Writers must retain the right to sell or licence their work to whomever they wish.*
5. *Guilds should be facilitated to manage the sale or licence of all of their members' rights by collective agreements.*
6. *Writers retain the right to decide how their online rights are administered.*
7. *We support the rapid expansion of the online market through creative initiatives which respect cultural contexts, market conditions and European and national legislation.*

** PRINCIPLES IN ESTABLISHING REMUNERATION*

- 1) *Artistic contribution to the work*
- 2) *Investment of time*
- 3) *Market value*
- 4) *Reputation of author*
- 5) *Availability*
- 6) *% of budget + % of gross income*

Decision: The General Assembly unanimously approved this draft version. FSE will circulate the draft document among members. FSE representatives will present this draft document to their Board for approval **at the latest on 11 April 2011**. If approved by all boards, this document will serve as a basis for FSE's reply to SAA and FSE's policy position towards European institutions (for example in response to the proposal of the European Commission to publish a green paper on the audiovisual industry).

6 – Members

David reported on the recent developments of the relationship with the new French guild of screenwriters (La Guilde Française des Scénaristes). Despite a long meeting in Paris of Amélie Clément and David Kavanagh with representatives of the French Guild (among whom Jean-André Yerlès, president of the TV committee and Elizabeth Verry) - which left us rather optimistic - FSE and its members received a letter in which the French guild refuses membership to FSE and lists a number of partly inaccurate accusations. The General Assembly regretted the absence of French representatives at the meeting where they could have discussed their position and make proposals.

Decision: The General Assembly asked the Board of FSE to attempt a new approach.

7 - Fees

Refer to Doc 10

The previous discussion on raising fees happened 5 years ago, with no concrete result. Today, FSE cannot afford full time staff and remains in a weak position to apply for European funds. FERA got a grant from the Culture fund. The fact that it considerably raised the fees, and consequently its own capacity of investing on big projects, must certainly be a reason of

this success. FSE needs to be financially stronger to continue and enforce its lobbying at European level, which is in the interest of every national guild.

Robert Taylor and Stanislav Semerdjiev drafted several versions of a new range of fees and presented their final proposal to the General Assembly.

Decision: After discussing and modifying the fees proposal (Guilds in band 5 move to band 4, band 5 disappears, Sweden moves to band 3, The Netherlands moves to band 2), the General Assembly accepted it.

Vote procedure: Robert Taylor proposed the vote / Eirik Ildahk seconded Robert Taylor's proposal / 19 YES (19 votes).

The FSE representatives will then convince their Board to formally approve the new fees. Final decision is expected at the latest on 11 April 2011.

The Board brought to the General Assembly the question of what to do with members which do not pay their membership fee. The Statutes say that FSE has to send a registered letter; if the guild does not reply within 3 months, it has to resign from FSE and apply again.

Decision: the General Assembly agreed that it is a matter for the Board to evaluate each situation and find a good balance between financial reasons and solidarity with small guilds. In case the Board thinks FSE should exclude a member, it will put the item on the agenda of the next general assembly.

8 - Election of new Board of FSE

The FSE counts 25 guilds in 19 countries, thus 19 votes.

The German guild (Christina Kallas) received a proxy from the Greek guild.

Election of the President

The Swedish guild (Susin Lindblom) nominated Christina Kallas.

The Norwegian guild (Eirik Ildhal) seconded her.

Secret ballots were collected by Amélie Clément, seconded by Pieter de Graeve.

Yes : 19

No : 0

Abstention : 0

Christina Kallas was unanimously re-elected President of the FSE by the general assembly.

Election of the Vice-President, Treasurer and Administrators

The Danish guild nominated Sven Baldvinsson as Vice-President.

The Swiss guild (Jacqueline Surchat) seconded him.

The Austrian guild (Ulrike Schweiger) nominated Stanislav Semerdjiev as Treasurer.
The Italian guild (Andrea Garelo) seconded him.

The Polish guild (Jan Dowjat) nominated Robert Taylor as Administrator.
The Irish guild (Joe O' Byrne) seconded him.

The Danish guild nominated Marta Raventos as Administrator.
The Portuguese Guild (Bernardo Camisao) seconded her.

Secret ballots were collected by Amélie Clément, seconded by Jacqueline Surchat.

Sven Baldvinsson as Vice-President

Yes : 18

No : 0

Abstention : 1

Sven Baldvinsson was re-elected Vice-President of the FSE by the General Assembly.

Stanislav Semerdjiev as Treasurer

Yes : 19

No : 0

Abstention : 0

Stanislav Semerdjiev was re-elected Treasurer of the FSE by the General Assembly.

Robert Taylor as Administrator

Yes : 19

No : 0

Abstention : 0

Robert Taylor was elected Administrator of the FSE by the General Assembly.

Marta Raventos as Administrator

Yes : 19

No : 0

Abstention : 0

Marta Raventos was elected Administrator of the FSE by the General Assembly.

The Board has a mandate of two years. New elections will be conducted in the beginning of 2013. Amélie Clément will have the results published in the official communiqué of the Belgian authorities.

End of the General Assembly.