

Report of the Verband Deutscher Drehbuchautoren e.V. / German Screenwriters' Guild

for the FSE General Assembly 2009

In 2008 the two main areas the guild had to take care of, were – as in 2007 –:

- **the new copyright law** (the collective agreement negotiations that were started more than five years ago as well as the so called "2. Korb", the second part of the revision, as well as a "3. Korb", which is currently being discussed)
- the revision of the **German state aid law** (FFG).

Concerning the collective agreement negotiations based on the new copyright law:

- There was a turning point in the negotiations this year. The VDD was able to persuade the politicians to add in „Protokollnotiz“ of the new "Rundfunkänderungsstaatsvertrag" (a law which governs public state broadcasting) a clause that forces the public broadcasters to make sure that also the creators, that is writers and directors, are fairly compensated. Up to then there was only a provision for the producers. So one added sentence changed the situation and the VDD was finally needed on the table!
- The VDD is currently in negotiations with the ZDF (they do not want to call it "negotiations" or "agreement", the VDD decided not to put any effort into discussing the name of the deal but to continue), which the ARD and the Produzentenallianz (the newly formed producers alliance) has joined in most recently. The meetings are taking place almost monthly by now.

Concerning the revision of the German state aid law (FFG):

Based on the FSE policy paper the German guild has been able to use the last round of reviews of the Film Funding Law (Filmfoerderungsgesetz), which regulates the administration of the German Film Federal Board funds and which is reviewed every five years, to triple the monies that will be given from now on to screenplay development, to make it possible for writers to apply directly without a contract or an option from a producer and to achieve the implementation of new forms of development funding which are closer to the

creative practice of the writers. The goal for the next round of negotiations should be to introduce slate funding for writers, automatic funding for writers (without a project, on the basis of the success of a previous film) as well as a further augmentation of development funds. (The German example has been explained in more detail in the FSE Leaflet on Development State Aid, where it has been used as a case study.)

However:

In February 2009 there was a new dramatic development:

The future financing of the German Federal Film Board (FFA) was potentially put into question after the German Administrative Court ruled unexpectedly that the national funding institution's cinema levy is unconstitutional.

According to the German Film Law (FFG) cinema owners are required to pay a levy of between 1.8% and 3% of the annual gross turnover made on each cinema screen so long as the lower threshold of \$95,175 (Euros 75,000) gross turnover is reached.

In response to a case submitted by the UCI/Kinowelt cinema group (now owned by an Australia based global conglomerate) and five other exhibitors, the Leipzig-based court stated that the FFG was justified in principle in requiring that the exhibitors, video industry and broadcasters make contributions to the national film fund since they all profited from the projects supported by the FFA. However, it pointed out that the FFG was unconstitutional since all three groups were not being treated equally on the issue of the levies. Whilst the level of the levies to be paid by the exhibitors and video industry is written into the Film Law, the broadcasters have always been able to negotiate voluntary payments to the FFA.

The exhibitors, who have contributed around \$24m (Euros 19m) annually to the FFA's Euros \$88m (70m) budget, argue that the films supported by the FFA are not commercial enough. On the other hand the FFA is obliged to fund culture because of European law. This example may show what lies ahead of us in terms of the present film funding system.

In a response to the Administrative Court's ruling, the FFA (in existence for 40 years now) said that it would now be "working closely with the Federal Commissioner for Culture and Media to "present all the arguments for the maintenance of the levy system and looking together with partners from politics and the film industry for solutions which will secure the existence of the national film funding in Germany on a permanent basis." The Administrative Court has now referred the case to the Federal Constitutional Court in Karlsruhe to decide on the Film Law's constitutional nature.

More news:

- The disbursement of the Italian income of the VG Wort has taken center stage in the last months: do the writers receive all they should from the Italian collecting society via VG Wort and is his income distributed in the right way?
- The usual VDD Berlinale reception has become more important as from this year on it will be combined with the unfiled screenplay award ceremony which is being given each year by the minister of culture Bernd Neumann
- The German guild has a new website: www.drehbuchautoren.de and has added a podcasts: www.stichwortdrehbuch.de, which are proving to be very successful.
- VDD members have formed a voluntary group (AG Image) which monitors magazines and newspapers and writes letters in case an author is not mentioned. The feedback and concrete results are indeed amazing.
- The VDD has established a new screenplay award: the first concept award for a criminal story, called DER CLOU (together with the festival Tatort Eifel)
- There was a big uproar at the last General Assembly of the German Film Academy, as the present voting system led to a situation where no screenwriters or composers were part of the presiding board anymore. A new voting system is discussed.
- The Section of Screenwriters of the German Film Academy has initiated a new project, called DEUTSCHE DREHBÜCHER (GERMAN SCRIPTS), with the aim to publish the screenplays of the awarded films as the screenwriters wrote them. This has started on December 2008 and for the moment is a book on demand scheme.

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