



## **REPORT**

Federation of Screenwriters in Europe (FSE)

*Brussels, November 2013*

During the year 2012-2013 the French Writers' Guild has completed a series of actions and initiated a new one, that tend to not only secure the writers' working conditions but also try to give them more autonomy. For the past twenty years, their lack of confidence in independent producers has grown, since the latter have not been able to put real money in writing; have not shown their ability to support the writers' ideas in front of the broadcasters; and have not helped create a real content industry with better and faster production processes, and massive programs exportations.

All our efforts tend to strengthen writers (especially in TV fiction and animation) and give them tools to build their own economic independence and appear as a self-sufficient force. Here are our main recent fulfillments and new projects, which fully support this ambition.

## I. AGREEMENTS

First, we managed to complete the first round of our ongoing negotiations. The Guild's first collective agreement was signed in December 2012 by the two existing producers' unions and our collecting society, after four years of chaotic discussions. It aims at giving a few rules to the **writer/producer relationship**, and sets up the basis for our own future minimum basic agreement. The Secretary of Culture introduced the content of the agreement in front of the press, in January 2013, during the Biarritz festival and programs market. A few months after, in July, she authorized the agreement to be fully extended by law, so that every single writer and producer has to respect it during individual contract negotiation, even if they are not members of any of the signatory unions —this is an important thing to us, since our results are supposed to apply only to our members.

The second agreement is with **public broadcaster France Télévisions**. It was signed at the same period: through it, FTV is supposed to deal with project developments with more care and responsibility from now on, for

instance by giving comments on scripts more rapidly (three weeks instead of three up to six months sometimes), or by being forced to compensate any writer whose project would be stopped after a specific step of development. We are confident that the small yet promising clauses of this document will nonetheless contribute to restore a bit of confidence between TV creators and the broadcaster.

There is a third agreement, that the Guild completed but which was initiated by the former writers' union almost ten years ago, which finally gave writers the right to **continuing formation**. Whereas every single citizen benefits from this right through his employer, authors have always been excluded from it. The French Guild, along with seventeen other unions and collecting societies, has managed to create an institutional and economic context for it, and to establish an 11 M\$ funds, thanks to diverse annual subscriptions, among which the writers'. Now they can form themselves to the dark secrets of production and artistic direction, directing, editing and casting skills, improve their knowledge of foreign languages, learn about visual effects (3D in animation for instance) and so on.

## II. NEW NEGOTIATIONS

The second round of the writers/producers negotiation has already started, and it consists in checking first that the agreement is known and duly taken into consideration, then in negotiating new clauses. Our ambition is now to create a framework for writers' wages, especially since more and more broadcasters take advantage of the economic crisis to increase the number of low cost programs they order: should we discuss about minima (adapted to the broadcaster, format, writer's experience and fame, daytime, access, primetime and nighttime, etc.) —but risking that minima rapidly become maxima—, or more simply about the percentage of global budget that should be allowed to writers? A small group of Guild representatives are thinking about this critical issue right now.

We have also started to discuss with broadcaster TF1, number one in audiences and second in fiction volumes, about an agreement similar in some ways to the one signed with FTV. This discussion, which would never have happened one year before, has been made possible because they are in desperate need for new projects —writers have started to run away from them because of their working methods and the fact that they refuse original or darker projects and only have eyes for feckless family comedies. This little “blackmail” should be beneficial for everyone.

Besides our negotiations in TV fiction, we have initiated a discussion with the **animation producers’ union**. This is a big step for animation writers, since they have never been collectively represented before the creation of the Guild (and almost never individually, for that matter: small wages prevent agents to access this market). The first round of discussion has not been very restful, because these producers, who (let’s face it) enabled French animation to take off fifteen years ago and to become one the most successful in the world, right after the American and the Japanese ones, also built their economic model by bypassing intellectual property laws, for instance by offering publishers writers’ residuals when they wanted to produce a book adaptation. They did not even understand when we recalled them the basic principles of intellectual property, since they have been trapped in their own customs for so long...

At the same time, we offered the **animation unit** of public broadcaster France Télévisions to work together on how projects and scripts were given to them, and how they could improve the way they comment on them. Producers have been excluded from this negotiation, so that we can avoid interference on processes that would satisfy both the writers and the broadcaster —the producer will just have to adapt this methods to fit in.

One of our main combats right now is with the French public regulatory authority, the CSA. Under the pression of broadcasters, they have recently

given all major **scripted reality (or *nonfiction*) programs** the qualification of “original creation”, a specific name for programs that allow their producers to ask for public financial support. Not only the CSA has broken the promise they made to us before summer that they would give the qualification on a case by case basis, on the condition that every producer respects the social documentation, both for authors and technicians, but they also allow broadcasters to consider these low cost, very badly produced and written fiction programs to count in the amount of money they are obliged to dedicate to more prestigious creation.

We also discuss within the union about how writers’ supervisors work and get paid. In the opposite of many countries, the French industry has not helped create a profile like the showrunner. It is frequent that on the pool the writers’ referent has a very limited power and almost no say about other artistic orientations than pure writing. Most of the time, this person, who we call “directeur de collection”, is not even the creator. This can lead to real tensions between the writing staff and the producer, and sometimes among the writing staff, about residuals, methods, etc.

In the **movie industry**, we have defined a series of demands regarding wages, communication material or residuals, which will be communicated to the producers’ unions soon. Since directors have for long captured all the fame and recognition of the industry at the expense of screenwriters, and that most of them also write their films themselves, we decided to seek the directors’ unions as an ally in this fight. The first meeting will happen mid-October.

### **III. FESTIVALS**

The French Guild managed to finalize an agreement with the directions of the most important TV, animation and film festivals. Through official partnerships, it helped writers feel more welcomed than ever during these

manifestations, and encouraged them to go over there. Our main action is called the “Zinc”, a bar where we have our headquarters and set up public discussions, and where any writer can come any time and feel like home, meeting his fellow colleagues and bringing his professional partners (producers, broadcasters, agents). Drinks are for free.

Regarding the specific case of the **Cannes Film Festival**, progress has been made, especially through our meeting with executive director Thierry Frémaux. La Guilde is going to propose a few prestigious names for the festival’s juries and masterclasses, since no writer has ever been invited to speak for many years.

#### **IV. PUBLICATIONS**

Besides regular press coverage, three publications gave the Guild some popular credit this year.

The first one was a **study** of 561 contracts related to all French films released in 2010-2011: it aimed at defining the medium numbers for wages, residuals, bonuses, etc. for writers and to make a distinction between writing directors and real writers —which was never done before. The study indicated for instance that the average wage for film writing is about 0.98% of the global budget. This historical document will be the basis for our negotiation, since it helped identify concretely and precisely a disappearing population (French movie writers are now less than 100).

The second publication was a **column** by our Executive Director about screenwriters in movies, how they are mistreated and unsung and how, still, they are essential —about two thirds of French films need the cooperation of a writer (but only 9% of the annual production are written by screenwriters alone). The title of the column was: “How the screenwriter has become the dirty little family secret”.

An accountant is currently correcting our next publication, a **guide** to becoming self-sufficient. This document gives concrete financial and social details and recommendations to writers who are willing to become producers as well, whether it is for their own projects or for others as well. It includes interviews of professionals who have experienced it, either positively or negatively.

## V. CONCLUSION

For the past few weeks, the French Guild has been working along with the SACD, the writers' collecting society, to demand the creation, by the CNC (the public institution which redistributes all financial supports to the content industry), of an **automatic help funds** for writers. Indeed, so far writers have benefited from selective support only (3.5 M\$ per year to innovative TV projects, for instance); producers benefit from automatic support AND selective support. But TV producers inject money very late in projects: no mechanism covers what we call "pre-development", or "R&D", the period from two up to six months where a writer develops his concept on his own before he proposes it to a producer. This phase is both very precarious and fundamental: it deserves to benefit from the same support mechanisms producers do. Between 300 and 400 writers should be eligible, and we firmly believe this project would strengthen the writers' ability to develop innovative and audacious projects and to postpone unadventurous producers and broadcasters' spoiling intervention. We will be glad to discuss this issue, and others, with you in Toronto.

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