

ALMA ACTIVITY REPORT FOR FSE GENERAL ASSEMBLY

BERLIN 2018

ALMA has at present 583 members across the country. The membership has increased by 23% since November 2017, and we strongly believe it will keep growing, due to the momentum in the entertainment industry, particularly regarding TV and VOD series.

The new CEO of ALMA has been fully operating during that period, proving this decision has successfully met the goals to professionalise the management and provide a new impulse to the general activity, the follow-up with and increasement of our affiliation, so strengthening the political role of our guild.

ALMA coorganises and codirects a University master's degree in Screenplay and Scriptwriting with Carlos III University of Madrid, which has entered its eleventh edition. This year it has reached its top number of students (26) and since 2016 it offers a more limited expert's degree.

Legal activity

ALMA has an agreement with a specialized law firm with over 30-year experience handling legal issues with the most prominent writers and producers in the country. Through our agreement, they offer our members special advantages in the use of its services, such as a free first consultation and reduced rates for the following ones. They provide negotiation and rewriting of contracts, legal defence, advise of the terms that should or should not be accepted, among others.

In 2017, 6 lawsuits were carried out before the Labor jurisdiction: one of them, regarding the application of our collective agreement, was won. Three ended with out-of-court settlements –two regarding dismissals and claims for payment and one for false self-employed writer— and two of them are still pending a resolution on claims for payment.

In 2018, aside from the increase of consultations due to the growth of the membership, there have been new court cases involving appropriate retribution and authors' rights. ALMA has filed a Labor inspection on the completion of the collective agreement to a well-known television producer, through our legal firm, on behalf of their workers.

Two particular cases may be mentioned at this point as meaningful examples of success. The first one ended with a bounteous extra Labour court settlement to compensate the insufficient recognition of a writer in the credits of a film, together with the payment of residuals. The second one procured a high compensation from the court for unlawful dismissal of a writer by a powerful audiovisual corporation which after taking over a production company is ending contracts with several of their writers.

In a more general impact area, and after years of demands, the Ministry of Culture of Spain accepted the request repeatedly presented by ALMA that every film receiving public funding from the Government of Spain shall prove that the producer has legally acquired and effectively paid the rights on the screenplay.

After the precedent of the acceptance by the Government of Spain, also the Government of the region of Madrid introduced the same demand in their aids to the production of films. We are also working on the

issue with other regional governments, such as the Comunidad Valenciana and Cataluña (the latter failed to include them in their call, whereas the former had already published their conditions before our last conversation). We are currently undertaking cooperation with the government of Andalucía to make contributions to the development of their recently passed Law of Cinema.

Key issues in progress

Collective agreement for non-freelance writers

We are vigilant that producing companies are complying with the terms of our collective agreement, whose rates rose in 2017 for the last time. That year we also accomplished our goal to set the rates for a monthly pay, plus two extra payments that can be spread over the 12 months.

Currently the situation is complicated; the producers' association has virtually disappeared and there is no counterpart *de facto* for the negotiation of the new rates or even to sign the renewal of the one in force.

Statute for the Artists and Creators

The Spanish Parliament, after an initiative lead by the Actors' Guild, created a Sub commission to draft a Statute for the Artists and Creators, trying to design tax, social security and contractual measures to reflect the peculiarities and special conditions of the arts workers: actors, writers, graphic artists, technicians in audiovisual industry, etc. The Sub commission finished its works and unanimously passed their ruling last June. ALMA was one of the first organizations to speak before the Sub commission, at the request of the political parties.

The claims ALMA pursued were the adaptation of Tax and Labor rules to the intermittency of the incomes and collections received by the authors at different stages of their working life and, above all, an exception to the Competition Law that should allow our sector to set minimum rates for freelance writers without considering such rates a restriction of competition. Another important demand is the possibility to receive retirement benefits and remuneration rights; currently, a Spanish author who is receiving retirement benefits is prevented to collect remuneration rights or get paid for small works or conferences and may be (and some are) prosecuted for the enjoyment of both rights.

The Statute was endorsed by another unanimous vote of in a plenary session of the Congress and now should go under implementation in the next future, a process that will be heterogeneous and complex and will require diverse majorities and legal bodies to pass each piece of regulation. The political changes in the Government of the country are taking their toll in the pace of these developments.

Fair distribution for remuneration rights

Some of our members have expressed complaints about executive producers and head writers getting a percentage of their remuneration rights (sometimes a significant percentage) even if they had not effectively performed that level of work.

We have set up a commission to create standards for a fair distribution of remuneration when an agreement is not reached between writers. We are also working with our CMOs to create awareness of the need to take such cases of intrusion to automatic arbitration and to provide them with the fair criteria that should apply in those arbitrations.

In the next future we are awarding a university a contract to conduct a research on credits and subsidiary criteria to effectively assure a fair distribution of remuneration rights.

Non-fiction remuneration rights

We have also met with our CMOs to work on a proposal to recognize fair remuneration rights for nonfiction writers (in the cases provided by the law, such as comedy or infotainment writers). CMOs have expressed that it may be hard to gain that kind of commitment from broadcasters.

Private Copy Law

Spanish institutions have restored the private copy tax after the rulings of the Court of Justice of the European Union and the Supreme Court of Spain. However, compensation for the years when the tax has not been operative will not be enforced.

Streaming and VOD platforms

We are undergoing a very interesting moment in Spain, and high-quality TV series are being produced for streaming and VOD platforms: Movistar+, Netflix, HBO and Amazon. Writers' earnings are in the range of those paid by commercial TV.

We deem it key to establish without delay the conditions for this new scenario in coordination with the guilds of as many countries as possible, to commonly decide what limits there should be and where they are to be set.

Events and cultural activities

International Master Classes: Vince Gilligan (Madrid, September 2018)

On Sunday, 30th of September, we enjoyed an exclusive master class offered by the creator and executive producer of 'Breaking bad' and 'Better call Saul', also writer in 'The X Files'. 240 attendants were present, from whom 92% were members of our guild. Also, around 10% of them joined ALMA related to this event. Mr. Gilligan shared a great deal of his experience as a screenwriter, his appreciation of teamwork and his working methods.

12 Angry Clauses

In January 2018 we launched a campaign to inform our members about illegal clauses that may be included in the contracts they are offered to sign, both as self-employed writers or when they are hired as employees. These clauses shall be disputed before court, but that costs money and takes time and energy, so we try to enlighten our members about their rights in a practical and clear way to avoid signing them in the first place.

Every year ALMA organizes workshops to cover different angles of the day-to-day activity of writers. Some of them are oriented to raise awareness on their rights and the threats and opportunities they face in the profession.

Guionistas de Goya (Screenplays for an award) (Madrid, January 2018)

This is an encounter between the media and the nominees for Best Original Screenplay and Best Adapted Screenplay awards of the Spanish Academy of the Film Arts and Sciences. This year it was organised the week before the award ceremony, gathering most of the nominees (7 altogether with only one exception in each category) and receiving high coverage on the media.

Guionistas de Programas (TV show writers) (Madrid, March 2018)

In this encounter the media met with writers of non-fictional programmes broadcast in Spain or by regional broadcasters. 16 writers from 16 programmes presented the peculiarities of working in talent shows, sketch programmes and talk shows before over 15 media outlets who offered extensive coverage and were on the media for over a week, echoing the main headlines and the stories behind.

ALMA Legal and taxing (Madrid, April 2018)

When approaching the filing period of the tax returns, ALMA hosted a workshop with our legal advisor and our tax advisors, to inform of general obligations, give updates on the tax law, resolve questions and make themselves available to our members.

ALMA Platforms (Madrid, June 2018)

After a thorough compilation of data and preparation, ALMA organized a panel to present the current situation of contracting conditions and the tendencies of the platforms of VOD, helping our members to get oriented in this new environment. The session was completely exclusive and confidential, to protect the information gathered at the preparation stage and serve our members with a distinctive value.

Guiones con acento andaluz (Stories with an Andalusian accent) (Málaga, June 2018)

Five writers of film, TV series and programmes, born and raised in Andalucía who have later remained in their land or moved to work in the rest of Spain disclosed their experiences and trajectories to a broad audience of new writers, students and film and series lovers.

Film series: 'Somebody wrote it' (Madrid, June-November 2018)

In partnership with the Cineteca of the city of Madrid, ALMA is organising a cycle of recent, successful films consisting of the screening of a recent, successful film followed by a conversation with its writers. By this action, ALMA keeps working to gain visibility for authors of films, in continuity with our social media campaign #NoSeEscribenSolos (Somebody wrote it) where we claim for complete reporting by producers and the media regarding the person or persons who write shows, series and films.

Guionistas en serie (Serial writers) (Madrid, October 2018)

Our next activity, on October 26, will gather the writers in 9 of the main series released during the last quarter of this year. The growing number of TV and platform fiction series has forced us to limit our selection to these immediately released shows. We anticipate a great deal of interest in the media on the possibility to attend these debates, fueled by the marketing campaigns by broadcasters and platforms.

Festivals and markets

- MECAL Festival Barcelona
- ALMA sponsors the award for best series script at the TV and Film Festival (Festival de Cine y Televisión de Vitoria). Fariña received the 2018 award in September 2018.
- ALMA designates one member of the jury that awards the Cinematography National Award (July 2018)
- ALMA selected by a video pitch contest three of our members to attend the audiovisual market Conecta Fiction (International Spain and Iberoamerica Market) in June 2018.
- Movistar+ SpoilerFest. International TV Series Festival
- We will send four representatives to an encounter with Martin Scorsese, awarded with the Princess of Asturias Culture Award (October 2018)
- ALMA organises a session of legal advice for writers as a side activity of the International Film Festival of Gijon (FICX) and awards the recognition to the best screenplay.