

# FSE Executive Committee

## Ljubljana, 3<sup>rd</sup> March 2019

### Minutes (approved at BM 13 Sept 2019)

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#### Were present

##### BOARD

Maciej Karpinski, board member  
Carolin Otto, Vice-President  
Ana Pineda, board member  
Nikolaj Scherfig, board member  
Robert Taylor, President  
Vincent Vanneste, board member

##### STAFF

Amélie Clément, FSE manager  
David Kavanagh, Executive Officer

##### **Excused**

Alexandre Manneville, Treasurer

#### 1. Successful bargain in Spain

Ana Pineda briefly explained the recent political victory that ALMA achieved regarding negotiation for freelance authors in Spain. The board of FSE voted a motion to send a letter to the President of ALMA to congratulate ALMA for this successful bargain.

#### 2. EU policies

David Kavanagh gave an overview of the legislative process of the copyright directive, of the political expectations of the various authors and creators' groups, of the strong campaign against the directive and in particular against Article 13.

David also talked about the collaboration between FSE, FERA and Uni-Mei. The next and urgent effort before the next plenary meeting of the European Parliament is to encourage guilds to lobby at national level and contact their MEPs. Carolin said that some guilds might find it very useful to have a letter from FSE that gives a clear overview of the legislative process and a summary of our priorities, arguments and wording to help them start their campaign. David said that authors' organisations will coordinate their work but that the deadline to act will be very short.

The board members then exchanged ideas and views on the best arguments to use (authors want a strong audiovisual industry; they want the income generated by advertisement in this sector to stay in Europe; etc.)

The most controversial and generally unsatisfying article of the Copyright Directive is Article 13 (about online content sharing service providers). Nobody is happy with this article, a situation which weakens the whole directive. The Authors' line could be : if you defeat Art. 13, you defeat the directive, and by defeating the directive you defeat authors.

FSE staff will contact guilds within a few days to let them know that they will be asked to campaign at national level and that they should get ready, meanwhile FSE, UNI-Mei and FERA will debate and elaborate

their joint campaign. Then FSE will send guilds names of MEPs to lobby in priority and other elements of languages.

### **If the directive is agreed...**

20 days after the final vote the directive comes into force and from that day national governments have to implement it.

Our first task is to influence the guidelines of implementation. The next FERA/FSE/Uni-Mei collective bargaining workshop and the final seminar with employers' organisations will be an opportunity to start the debate among ourselves. The board agreed to read the directive in details at the next board meeting to develop its own interpretation.

Carolin told about a think tank being developed among stakeholders of the audiovisual sector in Germany to anticipate the implementation of the directive.

Vincent said that it would be very useful to enquire about relationships between guilds and CMOs in each country, to help guilds in similar situations exchange and find solutions. Besides, a comparative study on the correlation between strong guilds and strong CMOs could help guilds negotiate during the phase of the implementation. David thinks that such a study, nonetheless too time consuming for FSE, might show that the best tool to improve writers' income is legislation.

### **The articles in detail...**

To start preliminary work on elaborating guidelines for the implementation of the directive, David highlighted the recent changes that have affected the articles of interest to authors (according to the most recent version) and detailed what these changes might imply concretely.

The board also addressed the issue of contradiction between the possibility of collective bargaining and Competition Law. It seems that the people working for the Competition authorities in the European Union do not care anymore about audiovisual issues, now considered as minor ones. David reported that FERA proposes to ask the Intergroup to tackle this contradiction between Competition law and freelancers.

### **How to fundraise our work during the phase of implementation**

Robert and David made a short report of the working party between FSE, FERA and SAA (at a meeting in Brussels Barbara Hayes (chair of SAA) proposed a working party on finances). FSE, FERA and SAA met in Berlin in February. FSE and FERA's joint approach to ask for financial support from CMOs through SAA to work closer on the implementation was rejected by SAA representatives, though SAA would like to pursue collaboration with FSE and FERA (FSE and FERA to support SAA's campaigns).

Robert said that he and Dan Clifton (president of FERA) met Barbara Hayes in London at the end of February, who keeps being positive about the relationship between the three organisations and supportive to FSE and FERA.

The board also agreed to the proposal of FERA to try to access the "undistributable funds" from CMOs and see whether this approach could work.

## **Review of the CMOs Directive**

The board debated on how to continue collaboration with SAA and CMOs without losing independence. The copyright directive will give more importance to guilds. And FERA and FSE will have the possibility to put pressure on CMOs during the review of the CMOs directive by the European Commission (in particular to introduce more transparency). Consultation in 2020 for a review in 2021. FSE will contact guilds to prepare the consultation (national contributions and common FSE position).

## **Focus on Collective Bargaining**

Considering the fact that the directive will give more power to guilds for negotiation, FERA and FSE will contact the American guilds after the final vote of the copyright directive to ask for their financial support. David and Robert will travel to Los Angeles to negotiate financial support. In the meantime, the three year partnership with WGA West is over and has not yet been renewed.

The board also discussed the possibility to raise membership fees but agreed that such raise would be too close to the previous one agreed by guilds and that some guilds could not support a new raise.

However, it is important to build a project around implementation (find the right angle : harmonization of guidelines?) and approach the wealthier guilds (some are growing thanks to the boom in TV series production, like in Nordic countries) and some supportive CMOs like ALCS. Approaching ALCS might be a joint project with FERA.

## **Creative Europe**

Pauline Durand-Viale, CEO of FERA, has persuaded the Commission to accept two amendments to the Creative Europe programme in order to put audiovisual networks back into the frame (financial support to European cultural networks). If this is successful, we can apply in two years time. However the risk is to be considered too small to be eligible. Again, a joint project with FERA would be a good option.

Nikolaj suggested to approach the Soros Foundation to finance a “travelling consultancy” to develop links in Central and Eastern Europe.

## **Collective Bargaining workshop**

David reported on the meeting of the steering committee of the FSE/FERA/Uni-Mei project, which was held in Berlin in February. The next workshop, focused on collective bargaining, will be organised in Brussels on 5 and 6 June and will be immediately followed on 7 June by a “final seminar” with the participation of employers' organisations (EBU, CEPI, etc.).

The online database of contracts will be presented on that occasion. Lenuta xx, currently working at FERA, will be contracted by Uni-Europa to split the contracts which were translated in English into a series of terms. Olivier xx will finalise the construction of the website and database.

Johannes Stundinger of Uni-Mei is enthusiastic with this project. FERA and FSE plan to propose him a new collaboration around the implementation of the directive. The board supports this idea.

## **The FERA remuneration study**

David presented a verbal report on the situation in respect of the publication of the final version of the remuneration study.

The Board was shocked to learn of the financial crisis in BVR Services which may prevent the final payment of monies due to the researchers.

The Board asked David to prioritise the matter so far as practical in close co-operation with the CEO of FERA, to take control of the situation and in particular to emphasise;

- Communication with the CMOs who had contributed to the costs of the study, particularly VG Bild Kunst, together with the researchers at the University of Ghent.
- An emphasis on transparency and audit of the financial situation,
- To ensure publication of the final version of this important and useful study as soon as possible.

The President was asked to keep a close eye on the situation and David was requested to keep the Board informed of developments by email.

## **Annual General Assembly**

IAWG has confirmed the dates of its annual meeting in London on 7-9 October 2019. FSE delegates who will attend both IAWG and FSE meetings will manage to fly from London to Amsterdam on 9/10 in the evening or on 10/10 in the morning.

The board confirmed the dates proposed by the Dutch guild: **10-11 October** with a workshop on 10/10 afternoon, a social event on 10/10 in the evening and the AGM on 11/10. People will be able to fly back on 11/10 in the evening or next morning.

Robert informed Ellie Peers of WGGB that FSE could not hold its AGM in London as she offered. The board agreed to invite Pauline Durand-Viale of FERA and representatives of WGA as observers, and to invite partner members at the social event.

## **Elections and next board meeting**

Robert Taylor will not be candidate for another mandate as president. Carolin said she would like to stand for president and received the support from the board members.

The board plans to hold its next meeting in Brussels on 7 June, depending on the schedule of the final seminar with Employers.

## **5<sup>th</sup> World Conference in Copenhagen**

Nikolaj reported on a recent meeting with all Nordic countries, during which the guilds evaluated the conference in Berlin and brainstormed on issues to discuss, current and emerging trends, financial resources, possible venues (possibly the National Theatre). They plan to welcome 500 people, increase the international audience and press coverage and get famous names. They think of proposing master classes and agree to do the FSE Award.

Amélie and Robert told Nikolaj about recent discussions with Sarah Dearing of IAWG. The Danish guild will receive a proposal of a tripartite contract and a preliminary list of tasks based on the experience of previous conferences to start discussing collaboration between all parties involved in the organisation, as well as preliminary ideas for a WCOS website and logo covering previous and future editions.

IAWG has already nominated 3 persons to be part of the steering committee: Thomas McLaughlin (Ireland), Alice Shermann (NZ) and Bob Schnieder (US). The board agreed to nominate Carolin and will continue discussion to propose two other persons.

### **FSE position on Harassment**

After the last AGM FSE was supposed to circulate a document on this issue but it is not ready yet. The board confirmed that FSE must produce and distribute such a document. David will propose a draft.

### **Minutes of the previous board meeting**

The board unanimously approved the minutes of the previous board meeting (Brussels, 6 December 2018).

### **Other remarks**

Vincent proposed that the board talks of a strategy, an action plan on how to use the directive to raise the question of competition law. This item will be put on the agenda of the next board meeting. David thinks it should be a joint FSE/FERA approach.

End of the meeting