

# 17<sup>th</sup> FSE Annual General Assembly 2018

12-13 October 2018, Berlin

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The documents related to this meeting are available on drop box:

<https://www.dropbox.com/sh/f136gmi0xzlhfz/AAAmZYDbKDknNyxqYF-51gTWa?dl=0>

## Main decisions of the annual general assembly

- Approved the minutes of the AGM 2017 (p2)
- Accepted SPID (Croatia) as FSE Full member (p2)
- Agreed on the motion to raise the number of FSE board members from 5 to 7 and consequently to change the statutes, IV. ADMINISTRATION, Paragraph 10 — Executive Committee : Composition and Generality (p2,3)
- Approved the FSE Activity Report 2018 and financial accounts 2017-2018 (p4)
- Agreed on the Danish project to host WCOS 05 in Copenhagen (p7)
- Agreed on a common declaration on bullying and harassment (p8)

## Minutes (draft)

FSE President Robert Taylor proposed a motion of thank and congratulate VDD (Verband Deutscher Drehbuchautoren - Screenwriters' Guild of Germany) and in particular Jan Herchenroeder and Carolin Otto for the brilliant organisation of the 4<sup>th</sup> World conference of Screenwriters (applause).

## Introductions (round-table)

Participants introduced themselves during a round table (see participants' list).

## FSE AGM 2018 agenda - Comments and approval

Robert Taylor proposed a few changes to the agenda. The item on “FSE Executive Committee : 7 members. Presentation of the motion & Vote of the general assembly”, scheduled on the second day, was moved to the first day, after the presentation of the new guilds.

## Minutes of the FSE AGM 2017 - Comments and approval

The general assembly unanimously adopted the minutes of the previous meeting.

## **Presentation of new guilds**

### 1) SPID (Croatia) - candidate member, candidate for full membership

Robert Taylor read the letter of application that SPID sent to FSE. The delegates from Croatia made a short presentation. There was no question from the audience. The vote was proposed by Gail Renard (UK) and seconded by Vinicio Canton (Italy). The vote was carried unanimously and SPID became full member of FSE (added to the quorum for the next votes).

### 2) ESG (Estonia) – observer

Chair Margit Keerdo-Dawson presented the new born Estonian Screenwriters Guild and its first activities, in particular towards fair contracts).

## **FSE Executive Committee : up to 7 members (modification of the statutes, IV. ADMINISTRATION, Paragraph 10 — Executive Committee : Composition and Generality**

### **Presentation of the motion & Vote of the general assembly**

David Kavanagh presented the reasons why the Executive Committee proposes to raise the number of board members from 5 to 7 (see motion – doc. 10), to reflect the growing number of FSE member guilds, despite financial consequences on FSE budget. The changes affect article 10 a), b), f) and i).

#### *IV. ADMINISTRATION*

##### *Paragraph 10 — Executive Committee : Composition and Generality*

*a) The administrative body of the Federation is the Executive Committee. The Executive Committee is composed of the President of the Federation and normally six but not less than four other administrators. The members of the Executive Committee will be drawn from the Full members of different countries.*

*b) The President of the Federation and the other administrators are elected by the General Assembly for a renewable period of two years.*

*f) Candidates shall be elected by a simple majority in a secret ballot and will take up office on the conclusion of the General Assembly. In the case of equal votes, a second vote shall be taken. The vote will be organised in two ballots, a first one to elect the President, a second one to elect the other administrators.*

*i) Persons elected to the Executive Committee must resign if for any reason they are unable to meet their responsibilities. In case of vacancy of mandate, or in order to bring the number of administrators in addition to the President to six, the Executive Committee may co-opt administrators who will serve until the next General Assembly. If the position of the President becomes vacant, the Vice-President automatically takes on the mandate as acting President, until the following General Assembly.*

#### IV. ADMINISTRATION

##### Article 10 – Conseil d'administration : composition et généralités

a) *L'organe administratif de la Fédération est le Conseil d'administration. Le Conseil d'administration se compose du Président de la Fédération et de normalement six autres administrateurs, mais pas moins de quatre autres administrateurs. Les membres du Conseil d'administration sont élus parmi les membres à part entière de pays différents.*

b) *Le Président de la Fédération et les autres administrateurs sont élus par l'Assemblée générale pour une période renouvelable de deux ans.*

f) *Les candidats sont élus à la majorité simple à bulletin secret et ils prennent leurs fonctions à l'issue de l'Assemblée générale. En cas d'égalité des votes, un second vote est organisé. Le vote est divisé en deux scrutins : un premier scrutin pour élire le Président et un second pour élire les autres administrateurs.*

i) *Les candidats élus pour siéger au sein du Conseil d'administration doivent démissionner si, pour une raison ou une autre, ils sont dans l'incapacité d'assumer leurs responsabilités. En cas de vacance de mandat, ou pour porter à six le nombre des administrateurs en plus du président, le Conseil d'administration peut coopter un ou plusieurs administrateur jusqu'à l'Assemblée générale suivante. Si le poste de Président devient vacant, le Vice-Président assume automatiquement les fonctions du Président jusqu'à l'Assemblée générale suivante.*

Maciej Karpinski (Poland) encouraged FSE guilds to invite FSE in their country to hold board meetings. By doing so they contribute financially, they offer an occasion for FSE to better understand a national situation and convince local writers of the importance of European level action, etc.

The vote was proposed by Margrét Ornólfssdóttir(Iceland) and seconded by Thomas McLaughlin (Ireland). The vote was unanimously carried. The Executive Committee will co-opt two board members who will join the Executive Committee until the next elections.

Robert Taylor explained how important the work of board members is for FSE, a membership organisation.

#### **Report on FSE activities in 2018**

##### **Operational structure and projects**

##### **Next steps in 2019**

Amélie Clément presented the contents of the activity report. David Kavanagh added that FSE has to pretend to be bigger than what it really is to grow. As a consequence FSE staff is taking too much on the plate. See document 05\_FSE AGM 2018\_Activity Report.

## **Financial results of the period 1<sup>st</sup> July 2017-30<sup>th</sup> June 2018**

### **Presentation, Q&A and vote by the assembly**

Amélie Clément presented the financial situation of FSE. Robert Taylor added that FSE is in a much healthier place than it was before, more stable, though the income still does not allow a full time staff and office.

Ana Pineda (Spain) asked how FSE could tackle priorities in the right order considering this situation? David answered that what Amélie presented in the activity report is the minimum amount of work to do at the moment considering the agenda at EU. He thinks of no way to reduce it.

There will even be more work with the implementation of the copyright directive. The board will have to launch a new discussion on how to finance the next two years. FERA and FSE will work on this together.

Susin Lindblom (Sweden) said that all the guilds that could support financially should contribute because this work is very important for all the guilds.

The vote on the financial results was proposed by Pieter-Bart Korthuis (Netherlands) and seconded by Pia Gradvall (Sweden). The vote was carried unanimously.

## **PROJECT - FSE/FERA Remuneration study**

### **The project in brief**

#### **First results**

#### **Publication of detailed results**

David Kavanagh presented the progress of the work on the remuneration study as well as the first results (power point presentation). FERA and FSE plan to publish the detailed results.

Maciej Karpinski (Poland) asked if this study was taking into account the category of “writers-directors”: in which group are they included? David said that contributors had to choose their main activity, according to their main income. Margrét Ornólfssdóttir talked about a bad practice in Iceland : directors tend to accept to offer producers a big discount on screenwriting, which lowers the value of scripts.

Nikolaj Scherfig (Denmark) asked if this study shows a strong role of CMOs. David replied that CMOs and SAA lobby on what represents the smallest part of the remuneration of audiovisual authors. They will play a more active role in case of online proportionate remuneration. Carolin Otto (Germany) encouraged each guild to meet their CMOs to propose them to work together to find solutions for the future. Vinicio Canton (Italy) thinks that all the guilds should contact their CMOs together to be stronger (a common coordinated action under the umbrella of FSE), in particular on the issue of remuneration coming from online platforms.

Susin Lindblom (Sweden) showed the limit of this common action considering that there are very different situations. In some countries the relationship between guilds and CMOs is good. However Carolin Otto thinks of one common question : online uses. Denis Goulette (France) has a dream, that CMOs give a percentage of what they collect to guilds to help guilds do what they have to do, i.e help authors to be remunerated for their work (primary up-front payment), not only to get a reward for the success of their work.

Nikolaj Scherfig (Denmark) talked about the platform Create Denmark : all creators have joined forces to negotiate directly with streaming services (mainly Netflix and HBO). They are going to extend this initiative to other Nordic countries. Susin Lindblom said that CMOs know each other well and that guilds lack knowledge of CMOs. Guilds need to get more information. Franky Ribbens (Netherlands) confirmed that collaboration is key.

Vincent Vanneste said that in Belgium competition law remains a big problem. David Kavanagh confirmed that contradiction with Competition Law, an issue to tackle at European level within the frame of the implementation of the copyright directive.

### **Gender Equality - Towards a FSE policy position**

David gave some results of the FERA/FSE survey on remuneration. Researchers persuaded us to ask questions on Gender equality, in order to compare with other results in other professional sectors. Every woman who answered the questionnaire was also asked to fill in a list of questions on different kinds of bullying. In total, 30% suffered some form of sexual harassment in the work place, in particular in the pitching phase. He thinks FSE itself should have its own bullying & harassment policy. The main issue: how to convince producers to adopt such a policy? Film Institutes could be good allies.

David proposed to have a motion to encourage guilds to act in this field (see below).

### **FSE CAMPAIGNING**

**Report on EU legislative proposals** by David Kavanagh, FSE Executive Officer, with the contribution of Pauline Durand-Vialle, General Secretary of FERA.

#### **Copyright Directive**

David briefly explained the legislative process of the project of a new directive towards its implementation at national level (a trilogue between the Commission, the Parliament – through various committees – and the Council of Ministers).

David detailed and interpreted the 3 articles of the Copyright Directive FSE and FERA are interested in : **Articles 14-15-16** (see power point presentation) and also presented Article 13. He compared different versions. He gave an assessment of what might succeed, which points are heavily debated and those against which FSE and FERA should fight. He detailed in particular Article “minus” 14 (proportionate remuneration) and Article 14 (right to information) which will open up opportunities for guilds on collective bargaining agreements and the role of guilds in the implementation at national level.

David and Pauline answered several questions from the participants, who contributed to the discussion with comments on their national situations.

## **Plans for campaigning for implementation of the Directive over the next two years.**

The implementation of the Copyright Directive will have many challenges. This legislative process is a unique opportunity before long to tackle authors' contracts. The principle of collective action, which was not before in the initial EU Commission proposal, will have an extremely important change and strong impact on national level. FSE, other groups of creators and national guilds will have a key role.

Lobbying will continue at national level and guilds will have to talk to their national politicians and officials and will have to think about what they can invest in this work : time, resources, legal advice, exchange of information, allies, etc. Peter Schønning (Denmark) warned on the aggressive lobbying of Google against the directive and said that some compromises might be useful in order not to lose everything. Each guild should adopt the best possible strategy at its national level.

However, a participant from Croatia said that, for small countries, that would be very helpful to have in addition to local lobbying, a letter of support from a wider organisation such as FSE.

Pauline said that authors have a strength: we, authors, really want this directive and want Chapter 3 and know how we want this directive to be implemented. The EU Commission is our best ally. Guilds have to tell their government that they want the directive to be implemented.

David encouraged guilds to make these contacts in their country the soonest possible.

The next review of this legislative process will be proposed during the second “collective bargaining workshop” in Brussels in December 2018 (**UNI-MEI/FSE/FERA Collective Bargaining Project**). David gave news on the progress of the online database, collection and translation of contracts. Considering the limited budget for translation David asked guilds which can afford it to finance the translation of their contracts.

Margrét Ornólfssdóttir (Iceland), being from a non-eligible country for this project, asked whether a summary of the contents of the workshops will be available. David confirmed.

## **WCOS 2018 Berlin**

### **First impressions from the participants**

Robert asked Jan Herchenroeder to give a feedback on his experience. The end of the conference was very challenging with the highly sensitive participation of the two members of Pussy Riot and the Turkish journalist Çan Dundar. He told about the stressful difficulties to raise finances in Germany (very late answer from the Foreign Ministry) and other challenges he had to face. He also said that he was disappointed by the lack of press coverage despite efforts to convince journalist to come. He encouraged guilds to contribute to communicate on the conference in their home countries. He thanked Amélie Clément of FSE and Sarah Dearing of IAWG for the hard work.

Denis Goulette (France) asked whether WCOS paid travel and accommodation costs for journalists. Jan said there was no budget. The French guild plans to cover the costs of French journalists to attend the next world conference.

Pia Gradvall thanked for the fantastic conference. The Swedish delegation was very happy and energized by the event.

## **PROJECT – WCOS 2020**

Nikolaj Scherfig (Denmark) was happy by the growing number of writers attending the conference (not only the board members of the guilds) and by the real international dimension. The Nordic guilds will increase this international dimension at the conference in Copenhagen in 2020 and will develop a strategy to increase press interest. They plan to make WCOS 05 bigger to reflect the growing community of screenwriters. The conference will be a close collaboration with other Nordic guilds.

The general assembly welcomed Nikolaj's presentation with applause and approved the project to have WCOS 05 in Copenhagen in 2020.

Robert Taylor said that WCOS is a maturing project and has a future. He thanked the Dutch colleagues for their interest in hosting a world conference in Amsterdam. Pieter Bart Korthuis said that Netwerk Scenarioschrijvers does not want to compete and is happy with the choice of Copenhagen.

## **Gender Equality - Towards a FSE policy position (part 2)**

David read the proposed motion (declaration on bullying and harassment, document 10a\_on Gender Equality).

Margrét Ornólfssdóttir (Iceland) questioned the word “support”. She asked whether guilds have enough resources to deal with such an issue practically (bring professional support to the victims for example, or expertise). David replied that guilds in the first instance should show moral support.

The assembly debated on how to better word the declaration on bullying and harassment until it reached a general agreement.

*The member guilds of the Federation of Screenwriters in Europe will design and implement policies to combat bullying and harassment in order to ensure a safe working environment for screenwriters, and will ask for the support of national and regional Film Institutes or equivalent bodies to persuade producers and broadcasters to implement similar policies.*

*Member guilds are committed to support screenwriters who are the victims of such behavior.*

Thomas McLaughlin (Ireland) proposed the motion, Johanna Goldschmidt (France) seconded it. The motion was unanimously carried.

FSE will circulate the final version.

A projection of the video of the FSE Award closed the first day of the meeting.

## **Presentation of the new FSE website**

Amélie Clément presented the new website in its “work in progress” version. She also proposed to change the logo. Thomas McLaughlin (ireland) asked whether it was absolutely necessary to change the logo. The general assembly agreed to change it.

## **Member guilds reports - Discussion of selected items**

David Kavanagh presented the guilds' reports by highlighting selected items and invited participants to say more about them. He invited participants to read the other guilds' reports which contain very interesting information. It shows a general picture of guilds very busy and proposing many activities to their members. Several guilds report active and real bargaining, some develop model contracts.

- Model contracts in Spain (ALMA). Conflict between retirement and authors' rights. Campaign for an Artist statute.
- Successful raise of membership fees in Germany
- Changes in law in Poland affecting CMOs and independent artists' organisations.
- Create Denmark, a collective platform in Denmark to negotiate with the streaming services.
- The issue of independence of public services in Sweden.
- Consequences of Brexit on culture and audiovisual in the UK and on public broadcasters.
- Successful No billag campaign in Switzerland.

David proposed to bring to the table of the next general assembly the issue of support to public broadcasters.

End of the meeting.