



## MINUTES

These minutes refer to documents which are available in dropbox  
<https://www.dropbox.com/sh/ler347k0e7dmqy3/AAoLkd7MuQ2ImCYHTw7pSNa?dl=0>

Present :

### **Board members**

Carolin Otto  
Maciej Karpinski  
Ana Pineda  
Jacob Groll  
Gail Renard  
Nikolaj Scherfig  
Alexandre Manneville

### **Staff**

David Kavanagh  
Amélie Clément

## OFFICIAL DECISIONS

- The board approved the minutes of the previous board meeting (13 September 2019) – taking into account the corrections proposed by Ana Pineda.
- The board approved the contents of the draft minutes of the annual general assembly 2019 (Amsterdam, 10 and 11 October 2019) – taking into account the corrections proposed by Ana Pineda – and dissemination to the member guilds.
- FSE will organise the next board meeting around 26-28 April 2020.

## PRIORITIES / PROJECTS

- **Focus on the position of the writer in the industry.**
- **Tackle the issue of credits / creative rights, with a European perspective.**
- **Contribute to the campaigns that aim at keeping Culture as a European priority.**
- **FSE should be careful that freedom of expression is on the agenda of the European Union (in collaboration with the Authors' Group).**
- **FSE to get a better understanding of where the money of Netflix (and other streaming services) go.**
- **Guild building, extend FSE network** (in particular in Eastern and Central Europe)
- **Visibility of the writer** (in particular at film festivals where they are still neglected).

## SUMMARY OF DISCUSSIONS

FSE president Carolin Otto welcomed the participants and invited board members to talk about their own work as writers and current projects.

The participants then discussed the **showrunner model** and its further development in Europe, and more generally the new position of the writer in the audiovisual industry and beyond (storytelling is everywhere, even in fake news): how the stronger position of screenwriters in television affects credits.

The board agreed that FSE should tackle the **issue of credits / creative rights** again, with a European perspective.

### **A review of the latest (non-Copyright Directive) EU matters**

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See related document :

[www.dropbox.com/s/rhuo7v1ta9y1cvz/General%20overview%20of%20EU%20policies.pdf?dl=0](http://www.dropbox.com/s/rhuo7v1ta9y1cvz/General%20overview%20of%20EU%20policies.pdf?dl=0)

According to David Kavanagh, the next five year period in the European Union is unlikely to see many new initiatives in the area of culture and especially not in that area of copyright. Nonetheless there are a number of ongoing issues that need some attention from us, and always the possibility of something new that we have not anticipated.

At the level of Brussels and the institutions of the European Union, the agenda for the audio-visual industries will rest on :

a) implementation and review of past directives and regulations : Radio and TV programmes Directive (review of SatCab), Geo-blocking regulation, AVMS, Collective Rights Management Directive, and of course, the Copyright Directive.

b) incidental implications of legislation introduced for other reasons: Digital Services Act

c) continuation of existing programmes: Creative Europe, Audiovisual policy

d) the unexpected

In sum, barring accidents, we are more or less free to concentrate our resources on implementation of the Copyright Directive and building capacity and resources for our members.

### **What should be the priorities for FSE regarding the EU agenda in the next five years?**

The European Parliament is preparing a conference on the future of Europe (expected to start in May 2020). David asked if it is a task for FSE to push the idea of putting “European culture” in the agenda of this conference?

Regarding Creative Europe / Media , FERA and FSE pushed the Commission with the following ideas :

- 1) fair remuneration for authors should be part of the MEDIA programme : they should check that funded producers do actually treat authors in a fair way.
- 2) develop funding opportunity for AV networks such as FERA and FSE.

David made the distinction between Culture and Freedom of Expression. Even if other organisations are more involved in the issue of freedom of expression like journalists, **FSE should be careful that freedom of**

**expression is on the agenda of the European Union.** David proposed to talk about it with the Authors' Group and see how the authors' organisations could work together.

Nikolaj Scherfig proposed another issue to tackle: we need a common understanding on how public money is invested (taxes & investment for broadcasters and producers). David said that this is what the AVMS Directive deals with: % of EU works to distribute and to finance.

## **Project / Implementation of the Copyright Directive Activity to date & Future plans**

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See related document :

[www.dropbox.com/s/1fnau66j4yv3xep/Project%20implementation%20of%20the%20Copyright%20Directive.pdf?dl=0](http://www.dropbox.com/s/1fnau66j4yv3xep/Project%20implementation%20of%20the%20Copyright%20Directive.pdf?dl=0)

David is trying to build a picture of the situation of implementation country by country by contacting FSE member guilds but this is a long and difficult task and most guilds do not come back to him. The first impression is that guilds do not push enough in some countries to get the best of the directive. The big guilds do not need FSE but the smaller are not strong enough to do something really useful.

The Authors' Group will send a joint letter to the consulting group of the Intellectual Property Unit of the European Commission to spot problems and show that authors' professional organisations follow the implementation process : *Directive 2019/790 on Copyright in the Digital Single Market*  
*Authors' Group first recommendations on the transposition of Articles 18 to 23*

[www.dropbox.com/s/765d976d2xsu6hc/Authors-Group-Statement-to-EU-MS-and-EC-28-01-2020.pdf?dl=0](http://www.dropbox.com/s/765d976d2xsu6hc/Authors-Group-Statement-to-EU-MS-and-EC-28-01-2020.pdf?dl=0)

FERA, FSE and SAA are working together on a statement on Article 18 : *Implementation of the EU Directive on Copyright in the Digital Single Market: how to make the most of Article 18 on the right to proportionate remuneration for audiovisual authors.*

[www.dropbox.com/s/eus7z1k12l4sen9/2020.01.27%20FERA-FSE-SAA%20joint%20paper%20on%20implementing%20Art%2018%20DSM.pdf?dl=0](http://www.dropbox.com/s/eus7z1k12l4sen9/2020.01.27%20FERA-FSE-SAA%20joint%20paper%20on%20implementing%20Art%2018%20DSM.pdf?dl=0)

## **How to address Competition Law / a proposal for a strategy**

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See related document :

[www.dropbox.com/s/h5gd6y1g19gb9u1/Competition%20law\\_FSE%20strategy.pdf?dl=0](http://www.dropbox.com/s/h5gd6y1g19gb9u1/Competition%20law_FSE%20strategy.pdf?dl=0)

In many countries organising freelancers is in conflict with competition law. David proposed an approach to board members : *"we can make an argument that the situation with Competition law and Collective Bargaining for authors and performers is a distortion of the internal market". In terms of proposed specific actions, we could do the following :*

*1. Approach the relevant persons in the government department of Ireland, Spain and the Netherlands, to see if they could agree to take the issue up at a) the contact group for the implementation of the Directive and b) the Council of Ministers more precisely – preferably in the second half of 2020 when Germany has the Chair of the Council (Germany having introduced the idea of CBAs (or more precisely joint remuneration agreements) for authors.*

*2. Approach Christian Ehler MEP (EPP and ex-Chair of the Parliaments Inter-group) and (perhaps) Iban García del Blanco (S and D) to see if they are interested to undertake an own-initiative report on the issue.*

*These proposals would have to get the support of FERA and preferably FIA and UNI-Mei in order for them to have any real possibility of working.*

The main argument against this strategy is the position raised by Christina BK from Denmark at the annual general assembly. The objective is not necessarily to change the law, but to agree on an “arrangement” with the law and get collective bargaining on price for everybody (be able to negotiate minimum prices). The approach would be more political than legal.

The board exchanged ideas with the aim to elaborate some political arguments to support FSE’s political approach to competition law, and to tackle the differences country from country. Of course one of the main counter-arguments is the fear from many authors that the minimum prices become the standard prices.

## **Guild Building**

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Nikolaj proposed to reinforce another goal of FSE (having big and strong authors’ organisations):

- Develop representation of writers in Central and Eastern European countries
- Bring more guilds inside FSE
- Organize writers in countries where there is no guild (help create new guilds)
- Rebuild lost (or weak) connexions (Italy, Portugal, Greece...)
- Identify and help emerging guilds
- Provide legal support (help them get better contracts)
- If there is money, FSE should have one person to travel, meet writers and organise them (and seek the contribution of famous names)

Ana Pineda suggested to organise a FSE board meeting in Italy in partnership with the Writers Guild Italia and meet the Italian writers. David gave some details on his recent contacts with Portuguese writers and lawyer (through Margret Ornlfsdottir, Iceland). Margit Keerdo-Dawson from Estonia is making contacts with people in Latvia and Lituania.

Gail Renard proposed to follow the guilds on twitter.

FSE should be able to invest more time and efforts in that direction: David confirmed the financial support of WGAW to FSE (50.000 euros per year during a three year period), however WGAW is interested in the implementation of the Copyright Directive (developing collective bargaining), not in creating new contacts. FERA and FSE are confident that they will apply with UNI MEI to get EU money on organising. However, they cannot use this money to set up new guilds.

Nikolaj asked if there was money from democratic funds? David said that he looked at it but found nothing.

Alexandre Manneville proposed to help find contacts in Hungary, Romania and Czech Republic.

Maciej Karpinsky asked about the Israeli guild joining FSE. David replied that the writers’ guild of Israel initially asked FSE first then joined IAWG

Amélie said that the World Conference is an occasion to try and spot some people, invite them to attend WCOS (and pay their travel through a kind of solidarity fund). She suggested that someone should have the specific task at WCOS of welcoming them and introducing them to the guilds of FSE and IAWG.

## Five year Review of the CMO Directive 2021 / FSE's position

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See related document :

[www.dropbox.com/s/dcebxfn42f420g7/Review%20of%20the%20CMO%20Directive%202021.pdf?dl=0](http://www.dropbox.com/s/dcebxfn42f420g7/Review%20of%20the%20CMO%20Directive%202021.pdf?dl=0)

How to make the review of the CMO directive a political tool for authors and their representative organisations? How to keep good relationships with CMOs while participating to the review with a critical contribution?

Carolin said she will meet ALCS CEO Barbara Hayes at the Berlinale.

FSE has several goals to push with CMOs and could use the review to put pressure on CMOs and SAA: Argument : more transparency, in particular on money, and consequently more money (in particular undistributable funds) to make guilds stronger and improve writers' income with stronger contracts. CMOs should be more responsible to the members of our guilds and become a key source of funding for guilds.

**The board agrees to use the review of the CMO directive to put pressure on SAA at European level while making sure to keep good relationship with CMOs at national level.**

## Collaboration with other creators' organisations / FERA

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See related document :

[www.dropbox.com/s/wzug6a3gwwwb39u/Collaboration%20with%20other%20creators.pdf?dl=0](http://www.dropbox.com/s/wzug6a3gwwwb39u/Collaboration%20with%20other%20creators.pdf?dl=0)

In this document David details the relationship with :

- FERA
- FSE/FERA/SAA
- EuroMEI
- FSE/FERA/FIA/EuroMEI
- Authors group
- Audio-visual coalition
- Creativity Works
- Occasional coalitions

## A third edition of the FSE European Screenwriters Award

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Following the assessment of the 2<sup>nd</sup> FSE Award at the annual general assemblies and other discussions at board meetings, the proposal would be to organise a third edition of the FSE Award at the World Conference, to benefit from the gathering of writers from around the world and the media and professional attention while reducing the costs of organising a separate event.

The Danes, represented by Nikolaj, tend to agree to include the FSE Award in the programme of WCOS (why not the "FSE Award cocktail" with a Danish minister to give the award).

Carolin reminded that the FSE Award was conceived as a lobbying instrument in Brussels between the world conferences, with a particular focus on the copyright directive (now passed). The assessment revealed an unsatisfactory balance between lack of political results and visibility, and human and financial efforts to organise it. In these conditions, does it make any sense to continue? What is the benefit? There was a lively debate among board members about pros and cons.

- Out of the Brussels political scene, the main goal of the FSE Award should be the visibility of the screenwriter.
- It has to be different from what it used to be.
- It should not compete with the world conference but be integrated in the programme.
- Make it more glamorous, make it a social event (focus on communication, media, promotional video, etc.)
- The board will keep the responsibility to choose the person who is going to be awarded (Alexandre suggest to award someone from the country in which the WCOS happens).
- Assess the 3<sup>rd</sup> edition after the world conference and decide if it is worth doing it at the next world conference.

Carolin asked the board to vote: 4 members were in favour of a third edition of the FSE Award within the programme of the world conference, 3 were against.

End of the meeting