

----- MINUTES -----

(unanimously approved at FSE annual general meeting on 9 October 2020)

[The documents to which the minutes refer are available in [drop box](https://www.dropbox.com/sh/db7lxxciz37e2qx/AABUvxrf2zOV-Ou3hYLhg6g1a?dl=0)
www.dropbox.com/sh/db7lxxciz37e2qx/AABUvxrf2zOV-Ou3hYLhg6g1a?dl=0

[doc. Main power point presentation "[FSE AGM Presentation](https://www.dropbox.com/s/ba7iyey39fe5vhq/FSE%20AGM%20Presentation%20PPT.pdf?dl=0)"]
www.dropbox.com/s/ba7iyey39fe5vhq/FSE%20AGM%20Presentation%20PPT.pdf?dl=0

Main Decisions of the General Assembly

- Unanimously approved **Full membership for ESG, Estonia.**
- Adjourned the vote on the financial accounts of the period July 2018-June 2019 (a new vote will be organised electronically).
- Approved by majority the **revised annual accounts and balance sheet of the period July 2018-June 2019** by electronic vote (vote closed on 6 December 2019).
- Elected a **new Executive Committee** of 7 people (mandate until elections at the annual general assembly of 2021):

President: Carolin Otto
Maciej Karpinski
Gail Renard
Nikolaj Scherfig

Ana Pineda
Alexandre Manneville
Jacob Groll

- Agreed to organise a **survey with questions from guilds to guilds**, to build an overview of the situation of the guilds and their CMOs.
- Agreed to set up a **working group** to propose exactly **what form of annual reporting** would be expected of producers and broadcasters to fulfil their obligations under Article 19 of the Copyright Directive.
- Unanimously approved the **action plan 2020 (Implementation of the copyright directive) and related fundraising plan.**
- Adopted a **new three year plan for FSE** as presented at the GA.

Number of votes (quorum): **15/20 (excluding ESG/Estonia), 16/21 (after admission of ESG as Full member)**
No proxy was sent by the guilds not represented at the meeting.

Introduction

[doc. [FSE AGM 2019 participants list](#)]

www.dropbox.com/s/7gd2idle795kq9w/FSE%20AGM%202019%20participants%20list.pdf?dl=0

FSE president Robert Taylor opened the annual general assembly, excused some of the member guilds which could not send a representative to Amsterdam, and invited each participant to introduce herself or himself. He also thanked the Dutch guild for hosting and organising the general assembly in Amsterdam.

1. Approval of the agenda

[doc. [FSE AGM 2019 agenda](#)]

www.dropbox.com/s/5oz7xycdqne0mrk/FSE%20AGM%202019%20agenda.pdf?dl=0

The agenda of the annual general assembly was unanimously approved.

2. Minutes of the annual general assembly 2018

[doc. [FSE agm 2018 minutes DEF](#)]

www.dropbox.com/s/no1tvv9obdob0k6/FSE%20AGM%202018%20minutes%20DEF.pdf?dl=0

The minutes of the FSE AGM 2018 were unanimously approved. The vote was proposed by Ellie Peers (UK) and seconded by Pieter Bart Korthuis (Netherlands).

3. New FSE Full Member

Robert Taylor introduced the letter of application to become Full Member, sent to him by the **Estonian Screenwriters Guild (ESG)** – currently FSE Candidate Member. ESG Chair Margit Keerdo-Dawson made a presentation of the guild and answered a few questions from the participants. Full membership for ESG was unanimously approved.

4. FSE Activity Report of the Year 2019

[doc. [2019 FSE Activity and Financial Report](#)]

www.dropbox.com/s/k98si2ie51sd3tq/2019%20FSE%20Activity%20and%20Financial%20Report.pdf?dl=0

FSE Executive Officer David Kavanagh presented the main items of the activity report. He drew the participants' attention to a few items:

- the possible joint application to the European Commission/DG Employment together with FERA and UNI MEI for a **new project on organising**.
- the financial difficulties which affected the **remuneration study** (a project initiated by FERA).
- the benefits of the **joint project on Collective Bargaining** (series of workshops) with FERA and UNI MEI.
- The **new Contracts' Database** now available online. David detailed its strong points and weaknesses. Robert Taylor **encouraged guilds to make real use of this database**.

FSE project officer Amélie Clément talked about **FSE communication**. She presented the [new website of FSE](#) and **the new logo**. **She encouraged guilds to use the members' area and activate their user account**. Susin Lindblom-Curman (Sweden) regrets that it does not comprise a forum for members to exchange information. Amélie confirmed that the next task in communication will be to create a tool or group to allow these exchanges (although not in the form of a forum). She took good note of the various suggestions from the participants and will contact them when she will start working on creating this new tool.

Robert Taylor briefly talked about the activities of the **Executive Committee** (including the co-optation of two additional members, Ana Pineda and Vincent Vanneste).

5. FSE Financial Report July 2018-June 2019

[doc. 20190630 FSE financial accounts]

www.dropbox.com/s/e11okfxg6u8odur/20190630%20FSE%20financial%20accounts.pdf?dl=0

[doc. 20190630 FSE balance sheet]

www.dropbox.com/s/ywfoihm22g7cn8c/20190630%20FSE%20balance%20sheet.pdf?dl=0

Amélie presented the annual financial report covering the period of July 2018-June 2019. She explained how finances are managed internally with a final control by an accountant. She announced the project of outsourcing accounting to a professional company. The vote was proposed by Lisa Holdsworth (UK) and seconded by Pia Gradvall (Sweden). The accounts were unanimously approved.

However, Jochen Greve (Germany) later spotted some mistakes. It was not possible to contact the accountant on time and present corrected documents. Therefore **the general assembly decided to cancel the vote on the accounts presented at the annual general assembly and to adjourn the vote**. The vote will be organised electronically by email as soon as the accounts will be revised by the accountant and approved by the FSE president.

Results of the electronic vote :

[doc. 20190630 FSE financial accounts CORR]

www.dropbox.com/s/sclun7drw3rj7gv/20190630%20FSE%20financial%20accounts%20CORR.pdf?dl=0

[doc. 20190630 FSE balance sheet CORR]

www.dropbox.com/s/vsdmfdjphu59qha/20190630%20FSE%20balance%20sheet%20CORR.pdf?dl=0

FSE sent the revised annual accounts and balance sheet by email to the FSE member guilds on 25 November 2019. The vote was closed on 6 December 2019. 16 countries out of 21 participated to the vote. The annual accounts were approved.

6. World Conference of Screenwriters

[doc. WCOS Presentation]

www.dropbox.com/s/p5atp3r3j5azpey/wcos2020_iawg.pptx?dl=0

Christina Bergholdt Knudsen (Denmark) made a presentation of the Copenhagen project: venue, hotels, communication, agenda, social events, collaboration with other Nordic guilds, funding. Denis Goulette (France) proposed to invite Erkan Ersoy, director of Organising for Europe, Uni Global Union, who conducted one of the workshops on collective bargaining in Brussels. Carolin Otto congratulated the Danes for the quality of their work and communication. Jochen Greve regretted that FSE and IAWG are not more visible on the communication tools. Nikolaj Scherfig encouraged guilds to send bigger delegations to the conference. Ana Pineda and Wilbirg Brainin-Donnenberg explained how they got financial support to send big delegations to the Berlin conference.

7. Chapter III of the Copyright Directive

[doc. FSE Action Plan 2020 - Analysis of Chapter III]

www.dropbox.com/s/ufo7j8hqc68whhg/FSE%20Action%20Plan%202020%20-%20Analysis%20of%20Chapter%20III.pdf?dl=0

David Kavanagh proposed to discuss this issue in three points.

- 1) Analysis of Chapter III
- 2) Action Plan for FSE and member guilds
- 3) Fundraising

Analysis of Article 17 (ex. Article 13) – not in Chapter III

Susin Lindblom-Curman (Sweden) said that we have to pay attention to the details of further discussions on this article and exchange information between us. Jochen Greve said that this article was the most important one for the audiovisual sector in Germany and the most political one. This discussion about free speech and freedom of expression hides the issue of money for creators. Johanna Goldschmidt and Denis Goulette (France) are worried by the speed with which the French government wants to implement the directive and the lack of consultation. Peter Schønning (Denmark) agrees that FSE should focus on Chapter III and national guilds should get involved in Article 17.

Analysis of Chapter III and related articles

- Article 18 - Principle of appropriate and proportionate remuneration
- Article 19 - Transparency obligation
- Article 20 - Contract adjustment mechanism
- Article 21 - Alternative dispute resolution procedure
- Article 22 - Right of revocation
- Article 23 - Common provisions

David asked 7 questions to the assembly in order to open discussion on Chapter III and try to define FSE strategy.

Question 1 : What information is necessary to go in the annual report from producers to authors?

Sub questions: How to avoid the “trap” of administrative burden? Which level of information do we want? How do we want this information to be presented to authors (standard reporting structures available throughout Europe)? The core information we need: gross income that the producer is receiving from all points of exploitation including merchandising. Denis Goulette (France) said that the French guild wants to propose an amendment in France to clearly separate the negotiation on script fee (initial payment) to the negotiation on exploitation (secondary payments).

Question 2: Define “Lump Sum” in the context of “Proportionate” and prevent buyouts

For example: in French law (in particular in Netflix contracts), a streamer can avoid paying proportionate remuneration because it's not possible to calculate what the remuneration is for each title on the streaming service. If you can't calculate the exact amount then you cannot do proportionate remuneration. David said that guilds have to be very careful and insist that the provisions about collective bargaining in the Directive are also transposed - in the same language if possible - into the national directive.

Question 3: The arguments for Collective Bargaining

David thinks that the producers will want to collectively bargain because they are looking at their business models being undermined by the streaming services, they are losing creativity and their intellectual property. Independent producers will also be interested in finding ways to simplify administrative reporting tasks.

Question 4: Collectively Bargaining within Competition Law limits

Competition Law prevents negotiation on prices but does not prevent you from negotiating everything else. In some countries you can negotiate prices, in some other countries you cannot. It constitutes a distortion of the EU Internal Market.

Question 5: What should guilds try to achieve when producers and broadcasters refuse to Collectively Bargain

You can still get the Transparency Triangle at individual level.

Question 6: What if a producer or broadcaster refuses to comply with the obligations in Art. 19-21?

Guilds have to think how to ensure that the transposition of the directive in their country includes provisions to tackle this possible refusal. Gail Renard (UK) said it was always easier to start with public broadcasters (BBC) and make things very public. They organise tripartite forums between representatives of broadcasters, agents and writers to negotiate. Ellie Peers added that it is important to set the rules of negotiation (what, how...). David Kavanagh asked whether participants would be willing to be part of **a working group to list all forms of exploitation and all sorts of related revenues and work on answers to the questions listed above.** Gail Renard confirmed that she was willing to start that work with other people. David Kavanagh also proposed to have a comparable report. Hugh Farley (Ireland) proposed the idea of a **sub-committee to decide a criteria under which the report is going to be made so there is a standard form that is adopted within Europe.** He also thinks it is important to define what is fair in the remuneration part (what are the allowable expenses?). Carolin Otto invited the executives of the guild to work on that standard report.

7. Elections of the Executive Committee

Nominations for President

- Carolin Otto was nominated by Jacob Groll (Austria) and seconded by Alexandre Manneville (France).

Nominations for board members

- Maciej Karpinski was proposed by Ellie Peers (UK) and seconded by Vincent Vanneste (Belgium)
- Gail Renard was proposed by Ellie Peers (UK) and seconded by Monica Boracco (Norway)
- Nikolaj Scherfig was nominated by Pia Gradvall (Sweden) and seconded by Carolin Otto (Germany)
- Ana Pineda was nominated by Jennifer Davidson (Ireland) and seconded by Jacob Groll (Austria)
- Alexandre Manneville was nominated by Carolin Otto (Germany) and seconded by Ana Pineda (Spain)
- Jacob Groll was nominated by Carolin Otto (Germany) and seconded by Margret Ornlófsdóttir (Iceland)

Election of the President

Two observers (not nominated candidates) controlled the ballot. Carolin Otto was unanimously elected president. Carolin thanked Robert Taylor for his great job as FSE president.

Election of the board members

Two observers (not nominated candidates) controlled the ballot. All candidates were elected unanimously.

Composition of the new Executive committee (until elections at the annual general assembly of 2021)

- **President: Carolin Otto**
- **Maciej Karpinski**
- **Gail Renard**
- **Nikolaj Scherfig**
- **Ana Pineda**
- **Alexandre Manneville**
- **Jacob Groll**

Robert Taylor received a present and made a short speech. He thanked the team of FSE, Amélie and David, for their collaboration during his mandate.

8. Action Plan

[doc. FSE Action Plan 2020 – general]
www.dropbox.com/s/sxln29a5m38bs9b/FSE%20Action%20Plan%202020%20-%20general.pdf?dl=0

David Kavanagh summarized the proposed action plan detailed in the document distributed to the guilds. Ellie Peers (UK) asked about the time scale. David replied that the duration of the implementation process is two years from now. Susin Lindblom-Curman (Sweden) said she would like to know more about SAA's position regarding Implementation. David gave a quick overview of the relationship between FERA, FSE and SAA.

David also talked about the **coming consultation of the European Commission on CMOs**. Denis Goulette (France) raised the issue of **undistributable rights** and talked about his project bill to the French government: La Guilde wants clear criteria to define which organisation is officially representative and a share of 50% of the undistributable rights. Gail Renard (UK) mentioned the successful fight against ALCS for more transparency. Tomas Roson (Spain) told about the successful creation of Spanish CMO DAMA on transparency principles.

Christina Bergholdt Knudsen (Denmark) raised the issue of **Competition Law**. It is a very risky area to enter into, in particular in Denmark. The Danish guild does not want this issue to be raised at European level but locally, not to put everybody at risk. David Kavanagh replied that the issue anyway is coming at the European Parliament (Intergroup Creative Industries), being pushed by the Actors (FIA). Christina also would like to know what the primary goal would be if FSE approaches Netflix and streaming services. David answered that it is to get them to agree in principle to implement the transparency triangle on a collective bargaining basis. David acknowledged the sensitivity of this issue and committed to contact Christina in case FSE has a meeting with Netflix.

Maciej Karpinski (Poland) asked whether the assembly will discuss the action plan on implementation and the three-year plan together, taking into account the other projects listed of equal importance (for example the **improvement of the status of the profession of screenwriter**).

Vincent Vanneste (Belgium) introduced a project which would be very useful to the FSE member guilds: **organise a survey with questions from guilds to guilds, to build an overview of the situation of the guilds and their CMOs.**

9. Fundraising

[doc. FSE Action Plan 2020 – Fundraising]

www.dropbox.com/s/fufqj98rt7kb2gl/FSE%20Action%20Plan%202020%20-%20Fundraising.pdf?dl=0

David explained what FSE can achieve with the current budget. Working on Implementation requires more funds. FSE proposes **a fundraising campaign**.

- 1) David and Robert will travel to Los Angeles to pitch the Writers Guild of America West in hope to raise WGAW's contribution.
- 2) Our CMOs. Each and every member guild would agree to approach the local CMO(s) together with FSE.
- 3) Additional contribution from FSE member guilds

Ana Pineda (Spain) said that there are not many sources of money and most of our guilds are not wealthy. She suggests that guilds explain to their boards and members why the plan proposed by FSE is important. ALMA is willing to commit but wants to link its commitment to the other guilds' commitment. Christina Bergholdt Knudsen (Denmark) said that Danske Dramatikere is also a CMO. Despite big expenses for the organisation of the World Conference, the Danish guild will commit to contribute 5,000 euros to FSE, providing their board accepts this proposal. Margret Ornlófsdóttir (Iceland) said that the guild of Iceland cannot contribute financially but would help in any other way. Nikolaj Scherfig (Denmark) called for bigger guilds to be more proactive to make sure FSE and European writers' guilds do not lose the opportunity to be offensive in the next three years. Peter Korthuis (Netherlands) asked for a detailed proposal (why FSE needs the money and how it will be spent). Robert Taylor confirmed that FSE has already wrote a detailed project (based on the application sent to ALCS – ALCS committed to give FSE 20.000 euros per year during three years). Denis Goulette (France) said that the issue of undistributed money in CMOs is not only a European problem but a worldwide issue. Each guild of FSE should get big amounts of money from these huge funds and should be able to pay higher fees to FSE. It is a campaign that we all have to start working on. Jochen Greve (Germany) said that it will be easier in Germany to raise money if FSE's project is not too focused on screenwriters because CMOs have specific rules not to prioritize any group of creators. Robert Taylor answered that the Implementation of the Directive is for the benefit of all authors, not just screenwriters.

Maciej Karpinski (Poland) proposed to make some savings, in particular for what regards travel and accommodation costs. Particular guilds could find possibilities to host FSE board meetings, totally or partially, using money from particular events if necessary. It is also an opportunity to present the work of FSE and European issues to local writers and journalists. Wilbirg Brainin-Donnenberg said that Austria will have difficulties to raise money to support the Implementation project but will try to host a board meeting.

This fundraising plan was unanimously accepted by the general assembly. (Vote proposed by Ana Pineda, seconded by Peter Korthuis).

10. Three-Year Plan

[doc. FSE New Three Year Plan]

www.dropbox.com/s/j4k8ty5pfzawuh6/FSE%20New%20Three%20Year%20Plan.pdf?dl=0

David presented the main priorities of the three-year plan. Margrit Keerdo-Dawson (Estonia) said that the Estonian Guild is in contact with writers in Lithuania and Latvia and are pushing them to form guilds.

11. Guilds' reports

[doc. Guilds' reports]

https://www.dropbox.com/sh/o6mhua08l4cipq/AABHAvnuCL8-q_1W-EOrl8oia?dl=0

David read the reports sent by the guilds. He raised a few issues :

- the wide range of cultural activities proposed to individual members
- only 2 reports refer to the Copyright Directive
- high priority given to activities regarding collective bargaining (a change compared to the reports sent 10 years ago).

Peter Korthuis thanked the board of FSE for the preparation of the contents of the meeting and Marieta Van Olphen for her hard work in organising the meeting in Amsterdam.

End of the meeting.