



FEDERATION OF  
SCREENWRITERS  
IN EUROPE

## FSE board meeting online of 12 March 2021

### Minutes (draft)

#### Were presents

##### **Board members:**

Carolin Otto (president)

Maciej Karpinski

Ana Pineda

Gail Renard

Alexandre Manneville

##### **Staff:**

David Kavanagh

Amélie Clément

#### Excused

Nikolaj Scherfig, board member

Jacob Groll, board member

## **POLICIES**

David presented several current EU issues, detailed in the document "FSE BM information from David on various issues".

### 1. Covid-19 Recovery

The new Commission has a new agenda : more focused on Covid and general issues on AV sector. No interest in discussion on copyright in details.

### 2. Contradiction between collective bargaining and competition law

Impact assessment > consultation : things are going exactly the way that the Commission said it would happen. Principle: withdrawing competition as an issue for collective bargaining for freelancers.

The commission agrees with our position. The risk is that our position is mixed with other wider issues. At FSE we want them to keep it as simple as possible.

FSE is going to work with other AV authors and workers, as well as with Avisa Partner (CW!). David feels optimistic.

**>>> FSE will prepare a paper for the consultation and will ask the members to submit their own paper.**

### 3. Authorship and work for hire

David saw a Netflix contract from a writer in the Netherlands, containing very heavy confidential articles, as well as an article on work of hire.

In any place where “work for hire” is recognised, the writer is not the author. It is in contradiction with Article 19. David asked for contracts from other countries. An example in a German contract: “you will not be able to ask for any information on the work except in Germany”. This is a concern. In particular, local producers will be getting used to deny authorship. We need legal advice on it.

Is authorship divisible? (you are the author in a country, not in others)

Do we recognise the concept of “work for hire”? It only exists in US and Canadian law.

In the US, if you are an employee, “work for hire” means that your work belongs to the employer.

Ex. a translator in EU law creates rights. In the US, this is “work made for hire”, generating no rights.

We can make an argument: it can only be work for hire if you are a real employee. David is writing a document on this issue and will ask a few lawyers for their views. Then FSE will see if there is need for further action.

David told about this issue to Cécile Despringre of SAA, apparently happy to discuss the issue. Cécile has proposed a meeting with FSE and FERA.

David spotted similar worries in a CISAC document. He is in contact with ECSA.

### 4. Streamers : proposal from IAWG

IAWG has proposed a list of 5 proposals on streamers and has requested that FSE would comment.

IAWG’s proposals include two issues about credits : definition of credits and how they are imposed (who decides). How to discuss credits in a globalized context? Gail informed the board that WGGB is going to consult its members on credits.

### 5. Freedom of Expression

Proposal to the board : FSE becoming member of ICFR, the International Coalition for Freedoms and Rights. ICFR’s concern is with filmmakers - including screenwriters, who are at risk as a direct consequence of their work as filmmaker. ICFR acts more at diplomatic level, then go public if necessary.

David thinks it is a good initiative. FSE could become a strategic partner. David would like to propose 750 euros as membership fee for the first three years, then assess whether it is still relevant.

David will pass on the information to IAWG as well.

**>>> The board agreed to a first year of commitment, then will assess the situation before going on.**

### 6. Signed statements

FSE signed 3 joined statements.

## **PROJECTS**

### 7. FSE projects, meetings...

Amélie talked about the Work Plan, the FSE 20<sup>th</sup> Anniversary, the joint project with FERA and UNI MEI (CBW project) on collective bargaining.

David proposed to organise a meeting on podcasts with guilds. FSE had a meeting with WGA East, and attended a WGGB webinar on making a living out of writing podcasts. Gail confirmed that writing podcasts is in progress in the UK, mainly through the BBC.

#### 8. Prospects in Eastern and Central European countries

FSE organised two meetings with individual writers in several countries. It is a slow process.

There will be a meeting with Romanian people.

Maciej — AV industries are small and most of the time screenplays are written by directors.

#### 9. New guilds

##### **Poland**

The new Polish guild of screenwriters wants to become member of FSE. Maciej had a meeting with its president (she is a writer and producer). Maciej sees no objection to having the two Polish guilds in FSE. Besides, the new guild is a trade union while Maciej's guild is an association. However he sees one issue to resolve. Both guilds have +/- 100 individual members. Half of the screenwriters are members of both. And the new union has financial problems.

##### **Israel**

The Writers Guild of Israel wishes to join FSE.

Ana is in favour : WGI brought strong support to ALMA. All board members agree that they are great people and that their contribution to FSE would be very valuable.

However Israel is not in Europe. How can we propose collaboration?

Amélie and David will check the statutes and see what solution could be proposed.

Carolin proposed to continue this discussion with board members by email.

The board agreed on the minutes of the previous board meeting (25 January 2021).

End of the meeting.