

## REPORT 2022

### La Guilde française des scénaristes

#### General Information

The French Guild of Screenwriters (Guilde française des scénaristes) represents about 240 professional screenwriters who write for film, television and animation in France. It is the only authors union representing the three branches of the audiovisual sector: cinema, television fiction and animation. It aims to gather, protect, defend and promote screenwriters, so that they can dedicate to writing creative and inspiring stories in the best possible conditions.

#### Board Members

The current board has been elected in June 2022 for one year. It is composed of 17 members among which a steering committee composed of 6 members is elected (including a president, a general secretary, a treasurer and three vice-presidents representing one of the three branches). Marie Roussin has been the president of la Guilde since November 2020.

#### Permanent Team

The French Guild has four permanent employees : Laëtitia Kulyk, managing director (since May 2021), Diane Boisgibault, lawyer (since September 2019), Pascale Besson, assistant (since 2013) and Camille Bouvelot, in charge of communication and events (since September 2022).

#### 2022 Priorities

- Weight on current interprofessional negotiations,
- Increase the number of members,
- Give more visibility to La Guilde and screenwriters at festivals and events.

#### La Guilde's Recent Projects and Activities

##### Consolidating and Setting Up of New Committees

Since 2021, la Guilde has resumed and increased its scope regarding different aspects of its activities. Committees have officially been set up in order to relieve the Board's members on very specific actions and to include La Guilde's members as well in these actions.

La Guilde has now 9 committees: the committee for negotiations in animation, for negotiations in cinema and for the fight against harassment, to which was added last year the fiscal and social committee, the 3F committee, the animation films' negotiations committee and more

recently in 2022, the international relations committee, the committee for negotiations in fiction and the committee for audio creation (radio).

- The international relations committee (3 members)

The international relations committee has been set up to better follow international questions and the internationalization of the profession and contracts. More precisely the aim of its members is to closely follow the development of the streamers and observe their contract conditions and obligations in France compared with other European countries, to participate in discussions concerning the work conditions of screenplay writers in different countries, to follow the transposition of the European Directive on local practices, to observe the different models of co-productions, and also to participate in the definition of future practices.

- The committee for audio creation (radiophonic creation) (11 members)

Considering the fast development of podcasts and to launch a reflection on this niche which is on the rise, the committee for audio creation was created at the Guilde.

The sector is currently marginalized, depreciated and not framed by any specific laws and obligations from the editors.

The aim of the committee is to show that writing for audio creation follows the same paths as writing for fiction. The borders are more and more porous and many screenwriters also write for audio works.

By creating a committee, the goal is to take advantage of the weight of la Guilde to negotiate with the independent audio producers' union which was recently created. The committee also listed all current producers, to meet them in the name of La Guildz and start discussing the working conditions in the field. It also approached the SACD, collective management organization, and its radio representant, for common actions and meetings, especially with public radio channels.

- The committee for negotiations in fiction (3 members)

The fiction negotiations committee was set up to consolidate the work of board members involved in the ongoing negotiations with producers. The purpose of this Committee is to supervise this work, to follow the negotiations and to think beyond the negotiations, to actions highlighting the writing of French fiction.

## Online Practical Tools/Guides

To follow up on numerous demands from our members on tax and social issues, and following the success of putting many of our practical factsheets online, it was decided to expand the scope and set up factsheets for our members and screenwriters in general by making them available on our website. In addition to the sheets already put in place last year and which more specifically concerned questions related to taxation (declaration of artist-author activity, pensions of artist-authors and declaration of income in "non-commercial profit" or "salaries and wages"), 3 new sheets have been written to answer the recurring and important questions raised by our members:

- Right to training for screenwriters,
- The screenwriter's contractual guide,

- Good practices and deontology between authors.

Several sheets are currently being drafted, which will aim to complete some already existing ones (with a simulator for calculating income in “non-commercial profit” or “salaries and wages” for example) or addressing new topics (sheet on sexist and sexual violence and harassment, or on good practices between authors). These sheets are intended to be highlighted on La Guilde's website in order to benefit as many people as possible.

## Legal Assistance – La Guilde’s Hotline for Members and Non-Members

La Guilde’s hotline continues to be one of the most requested services by members and screenwriters in general, through the internal and external hotlines made available to them. Since the beginning of the year, many cases have been handled, particularly in the animation sector where several major disputes have been negotiated and solved.

The disputes in the field of animation concerned cases of adding authors, without prior consultation or even real collaboration on the rewriting of the texts. The screenwriters were then forced to give up part of their broadcasting rights. The intervention of La Guilde made it possible to agree on a financial compensation for the concerned screenwriters. Another dispute still concerning this repertoire: the writing within the framework of a series, of the lyrics of the songs, for which the production offered the authors contracts for the transfer of musical publishing rights without any financial compensation. Refusing to sign these contracts, the authors realized that the series was being broadcast without their knowledge. Contacted by La Guilde, the production changed its contracts and paid the authors accordingly. Still in animation, within the framework of a series, a writing director on the first episodes declared himself co-author of all the episodes of the series without informing the scriptwriters, even though a simple work of polishing had been made. The production refusing to go back on these practices, La Guilde published an explicit intern release in order to warn its members of the working conditions of this production company.

Concerning the other repertoires, the hotline was also able to settle the following disputes: refusal by a production, of a pitch, bible and narrative arches within the framework of the development of a series, which nevertheless wished to use the work written by the screenwriter. The situation was regularized and a right transfer contract signed; following a proposal to renew the 24-month option without financial consideration and the refusal by the author, a production asked for the reimbursement of all the sums paid up to then under this option. Contacted by La Guilde, the production withdrew its request; flat-rate remuneration of arches as part of the writing of a series for a platform. Alerted by La Guilde, the production repaired the loss and paid compensation to the screenwriter; resumption of a screenplay by the director without participation in the rewriting of the original screenwriters. A letter was sent to the production in order to draw their attention to a possible version of filming different from the one initially submitted.

Other files were also handled by the hotline this year, in particular related to scripted series and production reports, which are still not often sent to screenwriters.

## Current Negotiations

### Cinema

These negotiations have occupied the cinema repertoire for 5 years. However, the current economic situation of the cinema weighs now on the debates. The worrying drop in admissions since the pandemic and the changes in audience habits are generally worrying the profession, insofar as attendance has not reached its pre-pandemic level. In this context, negotiations are even tougher to conduct.

Common positions have been reached between authors and producers on a few points (advertising, credits). The question of remuneration, however, finds many sticking points, in particular on the minimum writing or the indexation rate, which are for the moment still under discussion.

One of the difficulties of these negotiations is that the organizations of authors do not always agree on the common positions to be defended in front of the producers. This dissension comes from a different approach to these negotiations which, for a certain organization, aims this agreement to help the most vulnerable screenwriters and to avoid abuses, while for the others, they aim to improve remuneration of all screenwriters.

### Cinema animation

Animation film negotiations began in January 2022, led by a specific dedicated committee. The committee works in close collaboration with the AGrAF, the SCA, the SRF, U2R and the SACD on proposals common to all authors (screenwriters, graphic authors and directors), as well as proposals specific to screenwriters. The organizations meet every two weeks to establish these positions. Plenary meetings with producers take place approximately every two months.

The main problems faced by animation film screenwriters are remunerations that are delayed, that are too low in relation to the film's overall budget - which, moreover, is conditional on the production of the film - and which comes well after the screenwriter has done his job. An important analysis of CNC data carried out by a SACD administrator and member of AGrAF serves as a basis for the progress of these negotiations and their quantified approach. Several advances should already be noted which concern both contracts and the payment schedule.

### Fiction

Negotiations are continuing in fiction despite the deadline initially set for May 2022. These negotiations relate to 3 main points: the lexicon and contractual practices, the minimum remuneration and the profit-sharing of screenwriters in receipts.

The part concerning contractual practices was able to reach a consensus with the producers on the following points: the lexicon, the supervision of the number of pages of each writing stage according to the formats and the limitation of the number of versions beyond which the producer must pay additional remuneration. In addition, a major advance was found concerning the definition of the bible which is now presented as an "initial" bible - a document

presented to the broadcaster to convince him to sign an agreement, and a "complementary" bible - a document integrating any modifications and additions ordered by the broadcaster after the signing of the agreement.

Regarding minimum remuneration, discussions are continuing without yet finding common ground on this minimum with the producers. This disagreement is based on two main points: the underfunding of the bible, a phase yet recognized as essential in the creation of a series, and the remuneration of writing rooms.

Finally, the interest of screenwriters in profit remains to be discussed. This question, which the 2017 agreement postponed to subsequent negotiations, has recently been addressed and will probably be essential to succeed in finding common ground between the parties insofar as, failing to obtain the guarantee of sufficient remuneration upstream, profit-sharing would be the only way to remunerate the risk generated for screenwriters by the underfunding of the creation of a series and the writing of a series in the workshop with its specific constraints.

## TV Animation

Animation negotiations began in 2021 in close collaboration with the AGrAF (which also represents graphic authors and directors), U2R (for directors) and the SACD. The goal for La Guilde is to better value and remunerate animation scriptwriters.

A number of important improvements should be noted: the lexicon defining the writing stages has been validated between authors and producers (pitch, synopsis, treatment, step outline, dialogue version), the content of the literary and graphic bibles has been clarified, as well as the format of the texts corresponding to each step. Discussions on contractual practices have also progressed: they relate, among other things, to the security of screenwriters at the pitch stage, payment schedules, the framework of comments and validation deadlines, the establishment of a genealogical form for developments. Negotiations are continuing on the aspects of compensation and writing direction.

To prepare these negotiations, La Guilde's animation negotiations committee meets every week with the AGrAF to progress on the important points in parallel with the monthly plenary meetings with the producers. The SACD is present at these meetings so as to provide its recommendations and its expertise on the critical points of the discussions. The directors, through U2R, are also around the table in order to move forward on common issues.

## Social Issues Concerning Screenwriters in France

### The AGESSA's Follow-Up

The AGESSA is the name given to the former social security system dedicated to the artists/authors. For 40 years, the AGESSA has not required the authors' contributions to the pension plan. This failure has severely penalized the authors since many of them have not contributed to their pension and found themselves after so many years, with a lower pension than expected.

To correct this situation, the government allowed the authors to buy back or regularize their prescribed contributions in some circumstances. This initiative is however still insufficient as the procedure is very costly.

La Guilde submitted in October 2021 several proposals to the Ministry of Culture which retained few of them:

- Extension of the scheme beyond 31/12/2021, the date on which it was to end,
- Reduction in the cost of purchase of the missing years,
- Partial payment of the cost of purchase by a support fund for the most precarious authors.

## Seat at the new organism for the social security for the authors

Since 2014, artists' and authors' unions have been excluded from managing their own social security system despite what was planned in the law. In September 2021, a call was released inviting artists' and authors' unions to apply for a seat at the new organism for social security that will be settle for them. 16 seats are dedicated to artists' and authors' unions/associations, 5 to broadcasters and 3 to CMO.

La Guilde has applied for a seat and benefited from the advices of the Authors' service put in place at the Ministry of Culture and from the DGMIC (General Direction for Medias and Cultural Industries), also part of the same Ministry.

The process has been ongoing for more than a year since the merger of the two prior structures had to be approved legally before a decision could be taken. An agreement by public authorities and then a decree to state this merger have finally been signed and we were notified in December that our application had been accepted. A bilateral meeting with the Ministry is planned early January to officialize the mission and discuss the topics that will be included into it.