

**ACTIVITY REPORT**  
**The Federation of Screenwriters in Europe in 2017**  
By Amélie Clément and David Kavanagh

**PRESENTATION OF FSE FOR NEWCOMERS**

FSE is a European network of national and regional associations, guilds and unions of writers working for film, television and new media in Europe. It was created in June 2001 to respond to growing globalisation of the audiovisual industry, rapid development of the digital market and an increasing volume of European Union legislation. In 2016, FSE comprises 24 member guilds from 19 countries.

**The main objectives of FSE are :**

- 1) promoting improvement in creators' basic contracts by campaigning for standard minimum contract terms, decided through collective bargaining, guaranteed by law ; for fair remuneration, for sharing in the economic life of what screenwriters create ; for the respect of their property/copyright/droit d'auteur ; and against buy-out contracts.
- 2) seeking to influence the review of the copyright acquis by the European Commission by increasing the presence of screenwriters in the debate in the institutions of the European Union.
- 3) supporting national guilds by providing them with information on EU policies, meetings to exchange information and experiences and debate on the new challenges of the profession of screenwriter, workshops to develop skills in campaigning and bargaining at national level, and encourage guilds to cooperate.
- 4) constructive dialogue with the other creative forces of the audiovisual sector and
- 5) support for cultural diversity.

These objectives are described in details in several documents :

- the Three-Year Plan 2015-2018
- the Statutes
- the Founding charter
- the Screenwriters Manifesto (2006)

**The main activities of FSE consist in :**

- 1) monitoring EU policies and working with other creators' organisations to defend the position of creators at the institutions of the European Union (meetings with Commissioners and MEPs, co-signed statements and letters, replies to public consultations, joint events).

- 2) organising events to allow national guilds to meet, exchange and cooperate, at the Annual General Assemblies and the World Conferences of Screenwriters (organised in partnership with the International Affiliation of Writers Guild (IAWG). Previous editions : Warsaw, 2014 ; Barcelona, 2012 ; Athens, 2009). FSE initiated the FSE European Screenwriters Award to cast light on screenwriters (First edition in September 2015, Brussels. Next edition in 2017). FSE carried out a series of training workshops for its member guilds on collective bargaining, in cooperation with UNI-Europa (funded by DG Employment, in 2013).
- 3) FSE publishes leaflets to support its campaigns on remuneration and better contracts :
  - European Screenwriters Income in 2012
  - Somebody Wrote It

## FSE IN 2017

> 24 member guilds (**21 FULL MEMBERS** – FAGA comprises 4 regional guilds) in 19 countries:

1. **Austria** Drehbuchverband Austria
2. **Belgium** ASA Association des Scénaristes de l’Audiovisuel & Scenaristengilde vzw
3. **Bulgaria** BAFTRS Bulgarian Association of Film, TV and Radio Scriptwriters
4. **Denmark** Danske Dramatikeres Forbund
5. **Finland** Suomen Näytelmäkirjailijat ja Käsikirjoittajat ry (Sunklo)
6. **France** La Guilde Française des Scénaristes
7. **Germany** VDD Verband Deutscher Drehbuchautoren
8. **Greece** ESE Scritpwriters Guild of Greece
9. **Iceland** FLH Félag Leikskálda og Handritshöfunda
10. **Ireland** WGI Writers Guild of Ireland
11. **Italy** WGI Writers Guild Italia
12. **Netherlands** Netwerk Scenarioschrijvers
13. **Norway** Norske Dramatikeres Forbund
14. **Poland** Stowarzyszenie Filmowcow Polskich, Koło Scenarzystów
15. **Slovenia** DSR/Screenwriters
16. **Spain** FAGA Federación de Asociaciones de Guionistas del Audio-visual (+ Asociación Galega de Guionistas + Escritors Valencians de l’Audiovisual + Euskal Herriko Gidoigile Profesionalen Elkarte + Guionistes Associats de Catalunya) & ALMA Autores Literarios de Medios Audiovisuales
17. **Sweden** Sveriges Dramatikerförbund
18. **Switzerland** Scénario
19. **United Kingdom** WGGB Writers’ Guild of Great Britain

### > 6 PARTNER MEMBERS

- France **SACD**
- Spain **SGAE & DAMA**
- UK **ALCS**
- USA **WGA West, WGA East**

## BOARD – COMPOSITION and MEETINGS

In 2017 the Executive Committee of the Federation of Screenwriters in Europe (« the board ») was composed of :

- Robert Taylor (President)
- Carolin Otto (Vice-President)
- Monica Boracco (Treasurer)
- Jean-André Yerlès (Member – resigned in October 2016) / Marie Roussin (co-opted)
- Maciej Karpinski (Member)

They have been elected for a two year mandate at the FSE AGM 2015. Their mandate expires at the FSE AGM 2017.

FSE board and staff met five times (three physical meetings, two conferene calls) and regularly exchanged by email, skype and phone.

- 19-20 Septembre 2017 in Gdynia, Poland
- 27 April 2017, Brussels
- 12-14 January 2017, Madrid

The minutes of these meetings are available here: <https://www.dropbox.com/sh/iatboat6az2efv5/AACa-YmbVD1nZau6odhkwuWKa?dl=0>

## STAFF

FSE hires two part-time freelance collaborators :

- David Kavanagh, Executive Officer (also General Secretary of the Writers Guild of Ireland), based in Dublin.
- Amélie Clément, Office manager & Project coordinator (also illustrator and graphic designer), based in Tours, France

They both regularly travel for FSE, mostly to Brussels.

FSE has a legal address in Brussels but does not rent an office. For many years FSE has been kindly supported by Uni-Mei (UNI-Europa lets us use office and meeting room facilities).

## COMMUNICATION WITH MEMBERS

Link : <https://www.dropbox.com/sh/28vy8h16ect3pmw/AABpe99bzdF-emUkYuADcl6Fa?dl=0>

### Information to FSE member guilds

- 2 newsletters (April & July 2017). A third one is under preparation (December 2017).
- a letter from the staff (« fse staff news 01 ») focused on the board meeting in Madrid in January 2017, hosted by ALMA. Lack of time to write other letters from staff.
- Several letters from President Robert Taylor.

### Social networks

- Regular posts on facebook (more than 1000 followers) and on twitter (almost 600 followers).
- FSE on FACEBOOK : [www.facebook.com/screenwriterseurope](http://www.facebook.com/screenwriterseurope)
- FSE on TWITTER : @ScreenwritersEU

## New website

FSE received a grant from Kopinor (Norway) to make a new website. The project was initially linked to a bigger project for which FSE applied jointly with Uni-Mei in 2016 to DG Employment. Unfortunately that application was refused by the European Commission. The plan was to make the website anyway in 2017 (Amélie made first contacts with webmasters and started to work on a possible architecture for the new website), but the project was postponed due to lack of time. It is a priority for the first half of 2018, to support the development of an online database of contract terms - one of the key tasks of the new UNI-MEI/FSE/FERA project, which will be financed by the European Commission.

## LOBBYING

As agreed at last year's General Assembly our focus, in response to our limited resources, has been on two main legislative proposals. These are **the proposed Directive on Copyright in the Digital Single Market, especially the transparency triangle of articles 14, 15 and 16 and the SAA proposal for an Unwaivable Right to Remuneration.**

We have operated largely by co-operating with existing groupings. These are **Creativity Works !**, a very wide and general grouping which operates by consensus; **the audio-visual coalition**, where the Motion Picture Association does most of the work; **the Authors Group** (journalists, writers, directors and ourselves); **with FERA (directors) and SAA (Audio-visual CMOs)**; occasionally with the performers groups and then on request, for example, from GESAC (a grouping of mostly music CMOs).

To manage these relations FSE is registered with the European Parliament and David Kavanagh has travelled to Brussels twenty-two times since the last General Assembly. Robert Taylor, as President, has also attended meetings.

### **FSE SIGNED SEVERAL LETTERS AND STATEMENTS**

This work is mostly expressed in joint letters to individual MEPs or committees, to Commissioners or Commission officials and to Council members or officials.

A) Some of these relate to **issues outside European Union concerns**. For example:

- FSE co-signed **a letter of support to Croatian film-makers in their mobilization against political interference**. This letter written by organisations representing film and TV directors, screenwriters and other creators, producers, distributors and publishers of film and TV content and cinema operators, was sent to Croatia President, Prime Minister and Speaker of Parliament.
- FSE co-signed a letter addressed by SGAE to President of Spanish Government Mr. Rajoy regarding **Private copying regulation in Spain**.
- FSE co-signed a letter proposed by SAA about the **situation of audiovisual authors' rights in Romania** following the adoption of the Emergency Decree 91/2016 amending Government Decree 39/2005 on cinematography. This letter was sent to Vice-President of the European Commission Ansip and Prime Minister of Romania Sorin Grindeanu. The proposal, which would have radically redrawn authors rights structures in Romania has now been withdrawn.

- FSE supported the **Writers Guilds of America's position on US «Muslim Ban»**, a statement from Robert Taylor, FSE President.

B) Some are **on proposed Regulations or Directives which impact on the audio-visual but are not our immediate priority**. A key issue here is the territoriality discussion which effects much of the proposed legislation. The Audio-visual industry in particular has fought against the idea of one single European market for film and television. For example:

FSE is among the 411 signatories of a letter addressed on 2<sup>nd</sup> May **to EU Parliament President Tajani and European Council President Tusk**. The letter asserts that « Absolute territorial exclusivity is the cornerstone of creativity and investment in European audiovisual works and other protected content - Communication from AV sector representatives across Europe regarding the proposed Regulation on country-of-origin licensing of certain online services by broadcasters (...) As representatives of Europe's world-leading audiovisual sector, we write to highlight our concerns about the impact of erosion of territorial exclusivity on the creativity and investment in original content, which are the foundation of Europe's leadership in cultural diversity and digital content services. ». Among the signatories, let's mention FERA, UNI-MEI and SAA.

#### **On the Broadcasting Regulation / Country of Origin principle (COO)**

In April FSE co-signed letters addressed to all MEPs members of the IMCO committee (Internal Market & Consumer Protection Committee) ahead of the committee's vote on Ms. Reda's draft opinion on the proposed « Regulation on Country of Origin Licensing of Certain Online Transmissions by Broadcasters ». One from Creativity Works ! and two from the Audiovisual Sector Coalition.

FSE co-signed a message from the Audiovisual Sector Coalition to the members of the Council IP Working Party on the proposed Regulation extending the application of the Country of Origin principle.

#### **On the EU Geo-Blocking Regulation**

In April FSE co-signed a letter from the Audiovisual Sector Coalition to several MEPs, calling for exclusion of audiovisual from the EU Geo-Blocking Regulation : « the clear and objective motives for the exclusion of audiovisual services from the scope of the 2006 Services Directive remain valid today: commercial freedom to license continues to be a crucial factor in determining the audiovisual sector's ability to secure financing for new audiovisual content and is a key catalyst for cultural diversity ». In March FSE also co-signed a letter on the same issue addressed by Creativity Works ! to the political groups of the European Parliament.

C) Most however relate to **our two priority concerns the Transparency Triangle and the Unwaivable Right to Remuneration**. For example:

- The **Authors Group** has emphasised the need for a collective aspect to the implementation of the Triangle and opposed ideas such as the proposal to exclude buyout contracts from the reporting requirement of the Triangle.
- **A « tick list » written by FSE and FERA**, emphasising the issues for audio-visual creators, has been sent on 12<sup>th</sup> June to the MEPs of the JURI committee.
- SAA, FSE and FERA have published a **flyer explaining what's missing in the remuneration of audiovisual authors online** : [www.saa-authors.eu/file/95/download](http://www.saa-authors.eu/file/95/download)
- FSE distributed a document published by SAA to counter fake information circulating on the proposal of « unwaivable right ». The 12 myths about an unwaivable right, by SAA : [www.saa-authors.eu/file/137/download](http://www.saa-authors.eu/file/137/download)

- FSE, FERA and SAA have agreed a compromise document **with the performers organisations FIA and FIM and their Collective Management Organisations (Aepo-Artis)** on their similar proposal for remuneration for online uses.
- **SAA, FSE and FERA also issued a joint press release signed by several renowned European screenwriters and directors to call for right to fair remuneration online**, « for a concrete measure to turn the positive rhetoric on the need for authors to be fairly remunerated into reality ». The signatories proposed an amendment that introduces an unwaivable and inalienable right to remuneration, paid by video-on-demand services for the making available of audiovisual works, collectively negotiated and enforced. Read more on [www.saa-authors.eu/file/104/download](http://www.saa-authors.eu/file/104/download)
- A letter from the directors of FERA, FSE and SAA, emphasising the importance of both the Unwaivable right and the Transparency Triangle was **sent to all national ministers and civil servants**.

These are just some examples. Many statements and letters are available here:

<https://www.dropbox.com/sh/x6sssv7e2yz9l6v/AABbfQb7G8IVQbbL3aUEqr8sa?dl=0>

### **FSE ALSO PARTICIPATED TO SEVERAL MEETINGS**

On 11<sup>th</sup> January 2017, the Group of the European People's Party (EPP) held a hearing on copyright in the European Parliament. **ECSA Secretary General Patrick Ager was invited to present the Authors' Group (ECSA, FERA, EFJ, FSE, EWC) views** with respect to the value gap proposals of the copyright directive. Patrick Ager's main argument focused on the necessity to strengthen the directive's provisions with respect to fair contractual remuneration of authors and to support the elements of the directive related to the liability of online platforms. More info : [www.eppgroup.eu/event/Hearing-on-Copyright](http://www.eppgroup.eu/event/Hearing-on-Copyright)

**FSE, together with FERA, endorsed SAA's flyer « What's missing in the Directive proposal for the remuneration of audiovisual authors online ? »**. This flyer was published on the occasion of a breakfast briefing organised by SAA at the European Parliament on 2<sup>nd</sup> March 2017, hosted by Jean-Marie Cavada MEP, Vice-Chair of the Legal Affairs' committee. **David Kavanagh (FSE Executive officer) and Marie Roussin (French TV screenwriter, FSE board member) spoke at the event**. The programme of discussions included audiovisual authors' testimonies on their different situation depending on their country and why they need EU intervention ; the presentation of the joint SAA, FERA and FSE proposal of an unwaivable remuneration right for the online exploitation of audiovisual works and an interactive discussion on the different elements of the proposal and why it has to be introduced in the Copyright Directive, with the active participation of MEPs, assistants, advisors, authors and CMOs present.

More info. [www.saa-authors.eu/en/pages/341-fair-remuneration-for-screenwriters-directors](http://www.saa-authors.eu/en/pages/341-fair-remuneration-for-screenwriters-directors)

FSE was convened by **DG Education and Culture at EU Commission to an information meeting** in Brussels on 4<sup>th</sup> April 2017 **on collective agreements and remuneration of creators** (Walter Zampieri, Head of the Cultural Policy Unit in DG EAC ). " The purpose is to have an exchange of information on collective agreements in the creative sectors and the challenges creators may face in relation to collective bargaining as a tool to improve their remuneration conditions. This should help us gain a better insight into concrete situations faced by creators and possibilities that can be explored in terms of collective action, also against the background of the findings of recent European Commission's studies on the fair remuneration of authors and performers ". The meeting gathered representatives of several creators and performers' organisations (FSE, FERA, EWC, EFJ, ECSA, FIM, FIA), as well as EU officials from DG EAC and from the Copyright Unit of DG Connect. Though DG EAC has no responsibility for copyright law, labour law, competition law or contract law, we see it as a positive sign from DG EAC to initiate a discussion on how to improve creators' contracts through collective bargaining once the Copyright Directive is in place.

Robert Taylor represented FSE at the **LUX Prize**, in partnership with FERA and SAA and at a dinner on the evening of Tuesday 14<sup>th</sup> November in the European Parliament in Strasbourg. The event also included a **meeting with Commissioner Maria Gabriel**. On this occasion SAA, FERA and FSE issued a joint press release on 11<sup>th</sup> November 2017 « Screenwriters and Directors demand fair payment for online use of their work ». <http://www.saa-authors.eu/en/news/468-screenwriters-and-directors-demand-fair-payment-for-online-use-of-their-work>

David also attends meetings of the Authors' Group and occasionally for the other groupings. He was invited by ALMA to speak at the Encuentro de guionistas 2017 (Santiago de Compostela, 2-4 November 2017) and by Initiative Urheberrecht to speak at the 5<sup>th</sup> Conference on the Development of Copyright in the Information Age in Berlin on 20 November 2017.

Last but not least the issue of **transfer of value** was debated at the conference « Meet the Authors » on 30<sup>th</sup> May in Brussels, organised by GESAC (the European Grouping of Societies of Authors and Composers). Frédéric Castadot, president of SSA, the screenwriters' guild of the French-speaking community of Belgium, member guild of FSE, was one of the speakers of the panel « What do authors want from Europe? ». More on [www.meettheauthors.eu](http://www.meettheauthors.eu)

## PROJECTS

In the area of projects we have also tackled several goals discussed at the previous general assembly, in particular during the brainstorming session. The summary of the discussions of the four small groups of last year AGM is available here:

<https://www.dropbox.com/s/36o9dfnngz2og2s/02b-FSE%20AGM%202016%20brainstorming.pdf?dl=0>

## VISITING MEMBER GUILDS

### Madrid in January

On 12, 13 and 14 January 2017 FSE board and staff travelled to Madrid upon the invitation of ALMA, since long FSE member guild. We met the board of ALMA, SGAE (Fabia Buenaventura), DAMA (Meritxell Closa and Victor Romano), FAGA (Toni Cama). We took part in a panel discussion organised by ALMA in the Spanish Cinema Academy, attended by Spanish professional screenwriters and we held the FSE board meeting.

More information here : [www.dropbox.com/s/q5jezcu9k6rk4a4/fse%20staff%20news%2001.pdf?dl=0](http://www.dropbox.com/s/q5jezcu9k6rk4a4/fse%20staff%20news%2001.pdf?dl=0)

### Gdynia (Poland) in September

On 19-20 September 2017 FSE board and staff travelled to Gdynia upon the invitation of the Polish Film Festival (and upon an initiative of Maciej Karpinski). David Kavanagh, Robert Taylor, Carolin Otto and Maciej Karpinski spoke in a public meeting which was part of the programme of the industry meetings proposed by the festival. We also held the FSE board meeting in the Gdynia Film Centre.

## **PREPARATION OF WCOS BERLIN 2018**

### **Steering Committee**

VDD, the German guild of screenwriters, is going to organise the 4<sup>th</sup> World Conference of Screenwriters in Berlin in October 2017. Carolin Otto, FSE Vice-president, is highly committed to the project. Robert Taylor and Carolin Otto are part of the Steering Committee in charge of making the programme of the conference. Together with Amélie Clément, participated to two conference calls and a meeting in Los Angeles on the occasion of the annual meeting of the International Affiliation of Writers Guilds (IAWG).

FSE staff provided some information and documents to VDD on previous conferences.

### **IAWG meeting in Los Angeles**

Robert Taylor and Amélie Clément represented FSE at the Annual General Meeting of the International Affiliation of Writers Guilds (IAWG) on 9-10 October 2017, hosted by the Writers Guild of America West (WGA W). This travel was useful to consolidate relationships with IAWG, partner of the world conference, as well as with guilds around the world which will participate to the world conference next year. (David was there anyway as the Writers Guild of Ireland and board member Carolin Otto as a member of the German delegation.)

## **2<sup>nd</sup> EDITION OF THE FSE AWARD**

We are writing this report two days before the ceremony Award. We cannot speak yet about the results but about the work done to make it as successful as possible.

### **Fundraising**

A great amount of work in 2017 was dedicated to identify potential sponsors, make contacts, write applications and follow up, in order to gather the necessary funding to cover a budget of +/- 25.000 euros (one of the key recommendations made at the AGM in 2016 was : « do not do projects that are not totally financed by subsidies »). Thanks to the guilds which have offered to contribute financially.

### **Organisation**

- A fruitful collaboration with the Belgian guilds of screenwriters ASA and de Scenaristengilde.
- A partnership with the Belgian Screen Composers Association for the music programme.
- Renewal of the partnership with the Bavarian Representation for the venue.
- Save the date, invitation and reminder sent to almost 3000 contacts (FSE listed 1100 contacts – merged with the list of the Bavarian Representation). Personal letters sent to several MEPs and EU commissioners.
- We have hired Benjamin Moncarey to manage the event.
- The board chose a winner (in the process also consulted FSE member guilds).
- Etc.

### **Communication**

This year we have paid a special attention (and of course money) to improve communication. We have asked a small production company to film the event, make interviews and produce a short video and tweet during the ceremony; we have hired a photographer; we have commissioned a PR company (Florian Cartoux, logos-eu.com) to help us get some press coverage. We have regularly posted on social networks, etc.



We have written and designed a new publication and an exhibition of portraits of screenwriters (with French illustrator Titwane).

## **APPLICATION TO DG EMPLOYMENT / EUROPEAN COMMISSION**

### **Promoting Fair Remuneration and Collective Bargaining for Creators in the EU Digital Single Market**

Having failed in our application to this fund last year David and Amelie addressed the reasons given by the Commission for the failure in making a new application. In the new application, which has been successful, we 1) are not the joint applicants but merely collaborators with Uni-MEI, 2) have involved FERA in the application to broaden its appeal and 3) extend the amount of dialogue with producers and broadcasters which we have included.

In this project – to start before the end of 2017, we propose to develop:

- a Wiki which will provide a comparative analysis of writers and directors contracts across Europe;
- a publication on guidelines for contract negotiations,
- and a set of meetings with producers' and broadcasters' organisations at EU level on issues of collective bargaining.

More details in the document "06-Joint Project on Contracts" available here:

<https://www.dropbox.com/s/4juy4c1yxx9j4u4/06-Joint%20Project%20on%20Contracts.pdf?dl=0>

## **SURVEY ON REMUNERATION**

Our colleagues in FERA - the directors organisation - initiated a proposal to undertake a professional study into authors' remuneration. FSE has not been required to contribute any money but a not inconsiderable amount of time has to be invested, in the design of the questionnaire, in addressing privacy and data protection issues, and in persuading everyone to participate.