

Ref. Agenda Item 6

## Activity Report

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# LOBBYING

## A- Introduction

FSE has managed to significantly increase its activities in respect of issues at EU level of relevance to our members. However while it is true to say that we are now participants, largely with other creators organisations, at varying levels in most of the issues of concern it is certainly not yet the case that we are capable of having a significant independent impact and certainly not yet in a position where we could launch an independent campaign on an issue of concern to us. This is primarily a question of resources.

An example of an area of significant concern where we have not made progress is that of competition law. The application of competition law to freelancers such is probably more problematic for us than any other creators. In fact with recent decisions in Spain this situation has disimproved for screenwriters. We are not yet in a strong enough position to be the initiator of a campaign on an issue such as this. Two initiatives by other creators organisations which we positively supported did not make progress on the question and this in part is because the issue was not of as high a priority for them as it probably is for us.

Taking this limitation into account we can say that FSE's engagement with these issues has significantly increased and improved, but there is a great deal more that we could do if resources allowed.

## B- Some concrete actions at European level

### **In 2012**

1. FSE and 12 other organisations issued the *Declaration on Private Copying Remuneration*, to give a reminder of why private copying combined with fair remuneration remains essential (September 2012).
2. FSE joined with five other creators organisations to congratulate the European Parliament on the adoption of the report *Online distribution of audiovisual works* (September 2012).
3. FSE, FERA and SAA issued a joint statement: *An end to buyout contracts*, to demand legislation for equitable rights payments for European film and television directors and screenwriters. They called for unwaivable enforceable rights, fair contracts and stronger resistance to arguments put out by the pirate lobby. (10 April 2012).
4. FSE joined FIA/FERA/FSE/UNI-MEI in a collective proposal for amendments to the EP draft report on the online distribution of audiovisual works in the European Union (April 2012).
5. FSE co-signed a joint statement *Against Coercive Contractual Practices*, together with other creators' groups, upon an initiative from the European Composers and Songwriters Alliance (ECSA) and the European Federation of Journalists (EFJ) (April 2012).

## In 2011

6. FSE reacted to Vice-President of the European Commission responsible for the Digital Agenda Neelie Kroes's speech *Who feeds the artist?* - Forum d'Avignon, France, 19<sup>th</sup> Nov. 2011.
7. FSE contributed to the consultation on the *Green Paper on the online distribution of audiovisual works in the European Union: opportunities and challenges towards a digital single market* (Nov. 2011).
8. FSE co-signed the Creators' Statement on the *Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works*, Oct 2011.
9. FSE contributed to the EU consultation on *Challenges of the Digital Era for Film Heritage Institutions* (Sept 2011).
10. FSE contributed to the EU Public Consultation on *Assessing State aid for films and other audiovisual works* (Sept. 2011).

All these documents are available on FSE website (in "Policy documents").

## **C- Other lobbying actions**

1. FSE and several members assisted ALMA (research, letters), being accused by the Competition Authorities in Spain of publishing on their website recommended prices for freelance writers.
2. FSE representatives at the IAWG general assembly in New York took part in a demonstration organised by WGAE on 19 Oct, in front of ITV Studios.
3. FSE supported the European Campaign against right-grabbing contracts led by the European Federation of Journalists (EFJ).
4. FSE and several member guilds supported the campaign against 90 minutes of screenwriting organised by SENDER in Turkey by providing information on the situation in European countries and by sending letters of support.
5. FSE has attended meetings intended to establish a new campaign in support of the principle of copyright entitled "Creativity Works" along with a wide variety of other organisations, including the MPA.

## **D – Joint IAWG/FSE Festival campaign**

FSE continued its efforts to develop this campaign but lack of time made the progress rather slow. FSE wrote a report on the campaign to be presented at the IAWG AGM in New York in October 2011. In the meantime, WGGB proposed to take over, on behalf of FSE/IAWG, and employ someone part time to develop further the campaign. The IAWG AGM decided to financially support WGGB with 5.000 USD. Amélie Clément and Sven Baldvinsson of FSE, Sarah Dearing of IAWG and Anne Hogben (WGGB) prepared the transition. Cathy Jones undertook a very good research and achieved a detailed study that will be presented at the Second World

Conference of Screenwriters in Barcelona. A new media campaign will be launched right after the conference.

*Written Into the Picture, Investigating Screenwriters' Lack of Visibility at Film Festivals*

Researched and written by Cathy John

Already available on <http://www.scenaristes.org/index.html>

## **E - Staff and Board attended several meetings on behalf of FSE**

### **For example in 2012**

- 10<sup>th</sup> July, Brussels  
David Kavanagh attended the Creative Content Alliance, a group of the biggest film and television producers and distributors.
- 26<sup>th</sup> March, Brussels / (Stanislas Semerdjiev, Sven Baldvinsson, Robert Taylor, David Kavanagh, Amélie Clément, Marta Raventos). SAA organised the 2<sup>nd</sup> workshop gathering representatives of SAA, FERA and FSE to discuss collaboration on a study on the remuneration of audiovisual authors in Europe and other possible collaborations.

### **In 2011**

- 3<sup>rd</sup> February 2011, Paris / (David Kavanagh, Amélie Clément)  
FIM (International Federation of Musicians) is conducting a survey on the impact of European competition rules on Labour laws and the rights of free-lance and self-employed workers in the creative sectors – a study funded by ILO (International Labour Organisation). FIM invited several organisations representing creators to elaborate the framework of this survey.

- 11<sup>th</sup> March, Brussels / (Christina Kallas, Stanislas Semerdjiev, Sven Baldvinsson, Robert Taylor, David Kavanagh, Amélie Clément).  
SAA organised the 1<sup>st</sup> workshop gathering representatives of SAA, FERA and FSE to discuss collaboration on a study on the remuneration of audiovisual authors in Europe.

- 13<sup>th</sup> April, Dublin  
David Kavanagh attended the CISAC international directors and writers 'Authors Conference' and met Cécile Despringre (SAA) and Elizabeth O. Sjaastad (FERA).

- 6-9<sup>th</sup> June, Brussels  
David Kavanagh attended the World Copyright Summit organised by CISAC.

- 28<sup>th</sup> June, Brussels  
Amélie Clément attended the "Authors' day" organised by the Brussels Film Festival, in partnership with SACD, ARRF and SAA.

- 6-7<sup>th</sup> July, Paris  
David Kavanagh attended the second meeting organised by FIM about the Competition survey.

Additionally over this period David Kavanagh travelled to Brussels on six other occasions for various meetings and activities.

## EVENTS

### **A - FSE 10<sup>th</sup> Anniversary and Annual General Assembly**

18-20 March, Brussels

On 18 March, FSE members' representatives met at SABAM (Belgian Society of Authors, Composers and Publishers) for an information session. FSE invited several speakers. Mrs Helen Dolby from Unit D1 - Copyright, DG Internal Market and Services, European Commission spoke about the plans of the Commission in the Audiovisual area especially in respect of collecting societies and the proposed Green paper on the audiovisual. Cécile Despringre of Societé des Auteurs de l'Audiovisuel (SAA) presented their recent white paper on a proposal to seek the introduction at EU level of an unwaivable right to equitable remuneration (i.e. an end to buyout contracts). Ellen Stutzman, Research Director of the Writers' Guild of America west, presented an assessment of the state of the American industry, what changes it is experiencing, the political and regulatory efforts of the WGAW as well as the collective bargaining process and what it results in. All three presentations were followed by questions from the participants.

In the evening, all participants were invited by the Flemish Screenwriters Guild to attend a cocktail on the occasion of the presentation of the Flemish Screenwriters Guild Screenplay Award 2011.

The general assembly met on 19 and 20 March in the offices of Uni-Europa. Discussions and decisions are reported in the draft minutes attached. The final version of the minutes will be presented and voted at the general assembly in November 2012 in Spain. The major achievement of the meeting was the preparation of a draft document on seven basic principles - minimum standards screenwriters require concerning online distribution. In the meantime this draft document was approved by the boards of the member guilds.

FSE offered a cheerful anniversary dinner on the evening of the 19<sup>th</sup>.

### **B - Second World Conference of Screenwriters**

The FSE presented an initial project of a second world conference at the IAWG General Assembly in New York in October 2011. The outcomes were:

- IAWG has agreed to be partner and co-organiser in this project. It funded more working hours for Sarah Dearing to cooperate.
- IAWG decided to hold its annual general assembly right after the world conference. The Board of FSE asked the members if they were against the project of postponing the FSE annual general assembly in November 2012. This proposal has been agreed.
- IAWG decided to grant FSE with USD 15.000 to be spent on the preparation of the conference.
- FSE and IAWG nominated a committee in charge of preparing the contents of the conference (Christina Kallas-FSE, Robert Taylor-WGGB/IAWG, Susan Miller-IAWG and Lance Weiler).

- Spain and Poland explored the financial and practical possibilities to organise the event in their countries. The Polish guild could not gather the necessary support this year. We got the support of SGAE and DAMA, Spanish collecting societies so FAGA could start organising the conference with FSE and IAWG.
- Additional support has been provided through the good offices of VDD, from VGWort in Germany and the Federal Film Fund.
- Organisation of the Conference has been undertaken by FSE member FAGA, and in particular by Board member Marta Raventos Pedret and by Virginia Alonso.
- FSE board members and staff have been very much involved in all preparatory and organisational phases.

## **WCOS 2.0**

The conference will happen in Barcelona on 9 and 10 November 2012.

For more details visit the blog of the conference: <http://wcos2012.wordpress.com/>

## **C – Training scheme**

FSE and UNI-MEI will collaborate in 2013 on a project subsidized by the European Union, called “Freedom of Association and Collective Bargaining in the Digital Economy: Fair Remuneration for Creators”. This programme will include several preparatory meetings, training sessions and a seminar. Preparatory meetings will start in 2012.

Under the terms of the proposal the project partners, Euro- MEI and FSE will:

- (objective 1) carry out a pilot survey on collective agreements and bargaining processes of screenwriters;
- (objective 2) provide two training workshops for unions and guilds representing screenwriters and
- (objective 3) organise a creators’ forum on freedom of association and collective bargaining for affiliates of the project partners as well as with representatives of other European organisations representing creators, representatives of the EU Commission Directorates General of Employment, Social Affairs & Inclusion, Competition, Information Society & Media, Education & Culture as well as European employers’ associations.

The workshops and the dialogue are proposed to take place on 19 – 23<sup>rd</sup> March; 4 – 7<sup>th</sup> June and 15<sup>th</sup> and 16<sup>th</sup> October. It is anticipated that 21 people would attend each of the first workshops and 30 would attend the dialogue.

The programme will cover the travel and accommodation costs of participants in the workshops and the dialogue.

The initial phase might include questionnaires to members of each guild; a more detailed examination of the situation in respect of collective bargaining in each of the member countries. It would seem logical that the two workshops would be mostly dependent on our own experience and knowledge but there is some budget for external advice and training. This might

encompass expertise in negotiation tactics or advice and support from colleagues outside Europe with experience of collective bargaining for screenwriters.

During the GA we hope to discuss the detailed intentions of the programme and will welcome requests and suggestions from members.

## **COMMUNICATION**

### **A- Newsletters**

Improving internal and external communication is a constant concern, despite the lack of financial and staff resources. In 2011, FSE issued 4 newsletters, each sent to around 220 contacts (from a database regularly updated), posted on the website, on Facebook and on Twitter and forwarded by the members at national level. These newsletters are conceived to support FSE's policy and its lobbying actions, to bring readers some comprehensive articles on major debates at European level and in the audiovisual sector, to provide brief news on festivals, conferences, awards, etc. and to share news from the members. For example, FSE relayed news on :

- the campaign against 90 minutes of screenwriting conducted by SENDER in Turkey
- the call for support to an Anti-Piracy law in Spain, circulated by ALMA
- the Second Spanish Screenwriting Meeting and the full conclusions
- a report from Andrea Garello, SACT (Italy) on a meeting organised by Media Desk Italia on cinema and new technologies.
- Announcement of the 4<sup>th</sup> edition of Script Forum in Poland
- Several members' awards (Drebuchverband Austria, WGGB)

The preparation of higher quality newsletters has also improved the monitoring of information at European level and consequently the lobbying work and the brainstorming of the board.

All newsletters are available on <http://www.scenaristes.org/>

### **B- Social networks**

FSE has created an official page on Facebook (274 followers to date) and an Open Group, as well as a Twitter account. The website has regularly been updated. FSE thanks WGGB for offering to continue paying the bills for the domain name and hosting of the website.

### **C- New documents and leaflets**

#### **1. Leaflet on VAT for screenwriters in Europe**

Following a question raised by Katerina Marinaki, member of the Greek guild, on the screenwriters' situation versus VAT in Europe and considering the numerous answers she received from the FSE members, FSE gathered the information in one draft document sent to the members and available on the website of the FSE. Members are invited to send updates to the FSE each time the situation changes in their country.

## **2. The writers' status at film festivals**

FSE also published on its website a document provided by IAWG: "Some tips from the Writers Guild of America to increase the writers' status at film festivals".

## **INTERNATIONAL RELATIONSHIPS**

The AGM 2011 (see the minutes) confirmed the importance of the cooperation between IAWG and FSE.

Ellen Stutzman, Research Director for the Writers Guild of America west was invited to deliver a presentation at the information session the day before the FSE AGM 2011, which she also attended as an observer.

A delegation representing FSE was present at the IAWG AGM in New York in October 2011: Christina Kallas (FSE), Robert Taylor (WGGB, FSE) and David Kavanagh (ISPG, FSE). As mentioned above, both organisations will work together to make the Second World Conference of Screenwriters happen. On this occasion, they will also contact guilds from other countries and continents.

The organisation of WCOS 2.0 and the study on film festivals conducted by Cathy Jones have been other occasions to cooperate.

The new French guild was also present at the IAWG AGM as an observer. It was another occasion to install good relationships with the dynamic board of the guild. They have been invited to participate to WCOS 2.0 and encouraged to join FSE in 2013.

## **ADMINISTRATION**

### **A- Board and boards' meetings**

The Annual General Assembly elected a new Board of directors in March 2011: Christina Kallas (President), Sven Baldvinsson (Vice-President), Stanislav Semerdjiev (Treasurer), Robert Taylor (Administrator) and Marta Raventos Pedret (Administrator).

The Board met regularly in 2011, mostly by skype to avoid travel and accommodation costs. The meetings in Brussels were held on the occasion of the SAA/FSE/FERA workshops, for which SAA reimbursed the costs. The meeting in Madrid was necessary to establish contacts with the Spanish guilds, collecting societies and other potential partners for the preparation of the World Conference. Board and staff constantly communicated by e-mail and when necessary by phone calls.



#### Dates of Board meetings in 2011:

15 February – by skype  
01 March – by Skype  
12 March – in Brussels  
22 May – in Madrid  
30 June – by skype  
29 September– by skype  
9 November – by skype  
8 December - by skype  
22 December – by skype

#### Dates of Board meetings in 2012:

25 January – by skype  
23 February – by Skype  
25 March – in Brussels  
11 June – by skype  
11 July – by skype  
and several others during the Summer to  
prepare WCOS 2.0

The minutes of these meetings are available upon request.

### **B- Staff**

David Kavanagh is under part-time contract with FSE to work as Executive Officer, in charge of FSE lobbying strategy and actions at European level. Amélie Clément is under part-time contract as manager of the FSE. Both of them work from their home countries and regularly travel to Brussels where FSE shares offices (at UNI-EUROPA) and to other destinations for meetings.

### **C- Fundraising**

Another constant concern of the FSE is to stabilize and improve its financial situation.

#### **Membership fees**

At the AGM 2011 the board presented a new membership fees scheme. The scheme was approved by the boards of the member guilds in the months following the AGM. This decision has slightly improved FSE's own resources but the financial situation remains very fragile and a few guilds have not been able to pay their fees since two years.

#### **Grants**

FSE made an application to EU Culture funds at the end of 2010 (Support for Organisations Active at European Level in the Field of Culture / Annual grant for Advocacy Networks). A letter received in March 2011 informed us that our application had been rejected. Our plan is to try again in 2012, taking into account the detailed remarks of the experts to improve our application (grade given by the experts: 72/100).

FSE also applied for a grant to support Information and training measures for workers' organisations (Employment, Social Affairs and Equal Opportunities DG). In 2011 we presented a project called "Smart contracts for the smart economy, Collective bargaining for freelance screenwriters in the digital era". The application was rejected on the main motive that "the financial capacity of the applicant is too weak". Our plan was nevertheless to try again and find ways to improve our chances. In 2012, we proposed to Johannes Studinger / UNI-MEI to join the project and apply as project leader. The application was accepted and FSE and UNI-MEI will launch the project in 2013.