

2024 FSE Annual Report:

IG SCENARIO (ARF/FDS), SWITZERLAND

September 24, 2024

For IG Scenario (ARF/FDS): Uwe Lützen and Jacqueline Surchat (delegates)

General Remarks

IG Scenario is an interest group within Swiss Filmmakers' Association ARF/FDS. It operates with flat hierarchies and acts as a writer-specific connector of the Swiss language regions as well as mediator of writer-related topics towards ARF/FDS.

IG Scenario holds an annual general meeting AGM in January (during Solothurn Film Festival). Its number of members is stable. The long-term aim is to adapt our member structure to the TV/serial writing by gaining respective writers as new members – while keeping up its efforts in writing for cinema.

Jacqueline Surchat and Uwe Lützen are coordinating IG Scenario and act as delegates to the FSE. Uwe Lützen is also a board member of ARF/FDS.

Negotiations on Standard Fees and Wages for Cinema and Series Writing

IG Scenario is assisting ARF/FDS's efforts to negotiate standard fees and wages with producers' association that will result in guidelines for members. Those guidelines will provide a framework for individual contract negotiations.

We both discuss contract conditions for cinema as well as for serial writing separately in individual groups.

Note: The fees and wages that will be agreed on will always only have the nature of guidelines for individual contract negotiations (as neither SCENARIO nor ARF/FDS is a guild). Therefore, they will not be binding or the template for any collective bargaining agreement. As Switzerland is not part of the EU, it is not part of changing EU laws (collective bargaining agreement).

Cinema

The mandate to negotiate is based on the cultural message of the Federal Office of Culture, which – through its film section as the only national film funding institution – wants to provide socially acceptable working conditions (a topic that was raised after the negative effects on the cultural sector after Covid). This mandate was given to the creators' organisations (writers and directors at ARF/FDS) and the three Swiss producers' associations. Negotiations are ongoing. Yet, the process is much slower than anticipated. Still, we are confident that we will finalise, publish and put into practise the mutually agreed guidelines by the end of the year.

Series

After finalising our evaluation on fees and wages in serial writing for the Swiss-German speaking part of Switzerland, we started talks with SRF (national Swiss-German broadcaster) and the leading Swiss producers' association. Other than in cinema, producers currently still refuse to negotiate guidelines because they claim that series projects have each a prototypical character and are too unique to discuss standard numbers of fees and wages. They are sticking to the strategy of re-organising efficiency with the broadcaster i.e. the workflow of project development. While we think that efficiency and clear structure in development steps can improve working conditions for writers, we still also emphasise the importance of guidelines that would offer a basis for individual negotiations. There is an agreement to disagree but the talks are to be continued – especially as the broadcaster SRF expects our two parties to come up with a solution. To be continued...

IG Scenario has also assisted in Antenne Romande's (ARF/FDS's French branch) evaluation for fees and wages at RTS, the broadcaster in the French speaking part of Switzerland. The process of negotiating with the producers is much more evolved and a final agreement can be expected by the end of the year.

Swiss-Italian Switzerland and its broadcaster RSI will most probably follow up on one of the two solutions.

Note: Switzerland works with two different modes of calculating and contracting fees/Wages. In the Swiss-French part of the country, fees/wages are defined by the time/duration of the project (employment). Whereas in the Swiss-German part fees are mostly defined by the (written) work and its steps of development.

AI: Policy Paper and Members' Guidelines

EU's 'AI ACT' doesn't apply in Switzerland – unless Swiss films and series are to be exploited in cinemas, festivals etc. in the EU. Then, i.e. the obligation of declaring the use of AI within development and/or production applies.

Therefore, we see a necessity to devise a standpoint towards the use of AI in creation of films and series. And we emphasise the fact that human creation (texts, images, films) needs to stay with humans. Besides all the copyright infringement (past and ongoing) AI has a 'blackbox issue' that disguises its bias. And therefore, it is a misconception that – especially in the arthouse cinema sector – the use of AI can accelerate story development and/or writing. Or, can do any good in story analysis. It may be used as a tool (possibly in later stages in the filmmaking) but not as a co-writer in the classical sense.

Swiss lawmakers might only come up with its own legislation in 2025 (or later). The general view is that existing copyright laws are sufficient and only needs enforcement. However, we are also convinced that Switzerland must harmonise its AI laws with those of the EU. Otherwise, national enforcement of copyright laws and solution for fair remuneration will be almost impossible due to the global character of AI systems.

Meanwhile, we feel the need to model guidelines for our members. Practical advice to help them making an informed decision on AI: It will, amongst others, address topics like the

current legal framework (and its legal uncertainties) and/or questions of an individual opt-out by providing contractual clauses that fit the existing model contracts.

Best case, the policy paper and the guidelines will be published by the end of the year.

Lex Netflix

The law that asks of streamers to re-invest 4 percent of income generated in Switzerland in domestic productions was implemented in January 2024

(<https://www.swissinfo.ch/eng/will-lex-netflix-boost-swiss-filmmaking-/47460270>)

The Federal Office of Culture (film section) is evaluating the effects (wanted and/or unwanted) that the law is having on developing/producing serial content in Switzerland with Swiss talent. For now, the Federal Office of Culture is only 'watching' but claims to be willing to act and – towards the end of the 4-year test phase – adapt the law if the streamers' investment doesn't have the wished effect of new investment/funds for Swiss filmmaking.