



## 16<sup>th</sup> FSE ANNUAL GENERAL ASSEMBLY (FSE AGM) Brussels, 24-25 November 2017

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### **SUMMARY OF THE OFFICIAL DECISIONS**

**taken by the General assembly, composed of the Full members of FSE :**

- ✓ Unanimously approved the minutes of the previous annual general assembly (Paris, 19-20 October 2016).
- ✓ Endorsed the proposal to lobby the European Council and agreed to commit to lobby at their national level for the “transparency triangle”.
- ✓ Unanimously approved the financial report (period July 2016-June 2017).
- ✓ Unanimously approved a 10% raise of membership fees from the year 2018 on.
- ✓ Elected a new executive committee.

### **Documents**

All the documents related to the FSE AGM 2017 are available on drop box:

[https://www.dropbox.com/sh/c6copszwgsgkhkz/AAB\\_gKj6k8Hw4RlaOz6uAcOka?dl=0](https://www.dropbox.com/sh/c6copszwgsgkhkz/AAB_gKj6k8Hw4RlaOz6uAcOka?dl=0)

# MINUTES

## 1) Introductions

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FSE President Robert Taylor welcomed the participants and invited each of them to introduce herself/himself.

## 2) Minutes of the FSE AGM in 2016

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The general assembly unanimously approved the minutes of the previous annual general assembly in Paris (19-20 October 2016) – including two corrections asked by participants from Sweden. The vote was proposed by Pia Gradvall (Sweden) and seconded by Jacob Groll (Austria).

## 3) Agenda of the FSE AGM 2017

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Susin Lindblom (Sweden) proposed to change the order of the agenda in order to have the discussion on VOD services on the first day of the meeting to allow some people who would not be present the next day to participate to the discussion.

## 4) Report on EU matters

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David Kavanagh (FSE Executive Officer) went briefly through the general items detailed in his written report, and updated the participants on the most recent developments on several legislative initiatives :

- Regulation on Geo-blocking
- Regulation on Portability
- Review of AVMS
- Regulation on broadcasting and retransmission
- Directive on Copyright in the Digital Single Market

David's written report is available here:

<https://www.dropbox.com/s/ln5urp953rgwha/04-EU%20Report.pdf?dl=0>

He detailed the lobbying efforts of several influential groups of organisations in Brussels on these legislative initiatives and those on which FSE was particularly active. Many of the statements signed in 2017 by FSE are available here:

<https://www.dropbox.com/sh/x6sssv7e2yz9l6v/AABbfQb7G8lVQbbL3aUEqr8sa?dl=0>

David also explained why he made the decision not to lobby actively on **the issue of “Direct Injection”**, an important issue for several FSE member guilds (with financial implications for authors) but very technical and controversial. He said that several organisations such as FERA already do a very efficient lobbying which will benefit screenwriters as well. GESAC has tried to propose a provision on direct injection, supported by MEP Cavada but not in favour of authors of

the audiovisual sector (where there should have been two payments there's now only one, which means less money for authors). FERA, SAA and AGICOA (producers) made a very good job together with MEP Wolken to make compromise. However the JURI approved the GESAC proposal (vote of 21 Nov 2017). David confirmed that it has been unusual to work with producers but together authors and producers form the stronger group to lobby at the moment.

The main issue for FSE is the **draft Copyright Directive “COPYRIGHT IN THE DIGITAL SINGLE MARKET”**. It is the only possibility in the current legislative initiatives to have something new for authors. David explained briefly the legislative process and the delay of approval of the directive which might compromise the adoption of the directive within the mandate of the current Commission. The two next presidencies are Estonia and Bulgaria. The Estonian Presidency is proposing amendments to some articles of the directive.

The crisis point is the so-called **Value Gap** (article 13, a proposal made by GESAC - composers). The money that should have flowed to composers now gets to online platforms. This proposal has become very controversial.

Related to that, there is the **“URR”, the unwaivable right to remuneration**. SAA asked FSE and FERA to endorse this proposal. The hope is to have the EU Parliament include the amendment in the directive. If this proposal does not work, the only thing authors will have is the **“transparency triangle”**. Recently FSE and FERA have started to compromise with FIM (musicians) and FIA (actors).

David proposed a detailed discussion on the three articles of the **“transparency triangle”** of the directive. Authors' organisations have succeeded in putting authors on the agenda and in putting authors' contracts into copyright law at European level but not yet to put in collective bargaining in articles which refer to authors as individuals. There is now a tight window in the legislative process for authors to lobby the European council. FSE member guilds will have a key role in this campaign.

David's power point presentation reminds what the transparency triangle contains. The presentation is available here :

<https://www.dropbox.com/s/olu32c32k4rng7p/TRANSPARENCY%20TRIANGLE.pdf?dl=0>

**Article 16** contains a right to some form of arbitration. This opens an opportunity for some kind of approach to collective discussion bargaining. The Authors' group has focused its lobbying mostly on this issue. FERA and FSE are constantly checking the language of the various drafts to avoid unexpected consequences of amendments (often linked to the efficient lobbying of the producers). According to him there is a growing acceptance to include elements to protect individual authors through representation. But other groups lobby against this issue. The Authors Group recently received a letter from the Commission (Copyright Unit) asking a few questions which raise complex matters (Producers are lobbying the members of the European Council and challenge the Estonian Presidency with teasing questions). For example: what is a representative organisation?

Jochen Greve (Germany) said that a lot of countries in Europe need this triangle system but when it is implemented you need weapons to negotiate. Jan Herchenröder (Germany) added that this triangle makes sense only if the representative organisations (guilds) can negotiate for all authors and if the result of a negotiation is binding to everybody. For Maciej Karpinski (Poland) the crucial point is the right for information which will allow authors to become conscious of the money they loose in the value chain and might create reactions for more collective bargaining.

Peter Schønning thinks that 1) the details of defining what a representative organisation is should be left to each member state, 2) an article on collective bargaining might have positive consequences on Competition Law (by having collective bargaining into European law). David confirmed that it will be left to national law.

Authors' organisations have to go back to the European Commission and answer that the transparency triangle will not create problems at national level. David will try to draft answers to the Commission's questions and will circulate them to FSE member guilds (in particular to lawyers). Then David will share the FSE document with the authors' group for discussion.

## **5) Lobbying the Council of Ministers over the next couple of months.**

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The Council is not as transparent as the Parliament. It is made up of the national countries. It is time to have FSE member guilds contact their own representatives in Brussels and national governments. How to do that? Each guild knows at national level what is the best way to proceed: either as a single organisation or together with a group of authors' organisations from various sectors. When : January/February 2017. David will provide guilds with names at the Brussels level.

Robert introduced Pauline Durand-Vialle, general secretary of FERA and Cécile Despringre, general secretary of SAA. They made an assessment on broadcasting regulation and prospects for the Copyright Directive. Cécile assessed the campaign on URR (unwaivable right to remuneration). Two committees of the European Parliament accepted the URR (culture and internal market). SAA explores ways to rewrite some aspects of the URR proposal and to increase the political pressure (petition online in January 2018). Pauline confirmed how difficult it is to raise awareness on the transparency triangle and encouraged FSE guilds to make everything possible to lobby in their country : ministries, film agencies, parliamentarians. Nikolaj Scherfig added : go to the right wing politicians as well.

Cécile told about the recent meeting in Strasbourg with Commissioner Gabriel for Digital Economy and Society, who asked authors' organisations to reply to the criticism on URR, in particular :

- why a third party should interfere into the relationship between an author and a producer;
- there is a risk of fragmentation of the market;
- it creates an additional (administrative) burden on on-demand platforms;
- start-ups will not exist anymore.

She thinks authors' organisations should take these questions seriously.

David said how much he appreciated working with SAA and FERA.

## 6) FSE and FERA partners in a European study on the remuneration of directors and screenwriters

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Mart Willekens, a researcher from the University of Gent in Belgium, came to present the study (questions, scope, methodology, timing...). His powerpoint presentation is available here : <https://www.dropbox.com/s/xyyva2ojt58owoz/Remuneration%20study.pdf?dl=0>

David Kavanagh thinks that this study - if successful - will be a very useful tool to lobby. The methodology implies that FERA and FSE guilds provide their lists of emails of individual members. The assembly discussed several issues:

- This study would overlap national studies going on (in the Netherlands, in France).
- Some participants think the results do not represent the real situation (Poland, Switzerland).
- Some guilds need more guarantees on confidentiality (Germany, UK).
- Not enough participants because creators might be reluctant to share information on their income.

## 7) Discussion on Netflix and VOD platforms

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The rapid growth of international companies such as Netflix. VOD services producing more and more series. How does and should FSE address this issue? How to investigate these new business models and adapt and negotiate?

Nikolaj Scherfig said that in Denmark the guild and other creative organisations (directors, actors, photographers, screenwriters...) are trying to create a dialogue with the VOD market (**Create Denmark** : <http://createdenmark.dk/>). They are also talking to producers to agree on a deal to propose to VOD platforms. He thinks FSE and FERA would be much bigger creators' platforms to deal with that issue in a European way. The Nordic countries are trying to see whether it is possible to work together (between countries and between professions).

Susin Lindblom (Sweden) said that the main challenges are 1) the speed with which the VOD platforms change their business models and 2) the lack of transparency. In this context a new Directive with articles on transparency would be very useful.

Netflix is starting to commission writers directly. Camilla Ahlgren told about her positive experience with Netflix in Sweden.

Franky Ribben said that in the Netherlands a discussion is going on on "content contribution".

Thor Gardarson (Norway) asked whether a joined politic at European level would be possible. Nikolaj Scherfig proposed to expand the Danish model (Creative Denmark) to Europe, a kind of forum for guilds with FSE as a partner and meetings to regularly discuss the issue. Jan Herchenröder (Germany) said that the issue had also been debated at the IAWG meeting in October.

**In conclusion, Robert Taylor proposed to have a separate meeting focused on VOD companies within the programme of the FSE/FERA/Uni-Mei project financed by the European Commission.**

## **8) FSE/FERA/Uni-Mei project**

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The three organisations will collaborate on a project financed by the European Commission. The presentation of the project is available here :

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

The project includes three main tasks :

- a Wiki which will provide a comparative analysis of writers and directors contracts across Europe;
- a publication on guidelines for contract negotiations,
- Social dialogue : meetings with producers and broadcasters organisations, in particular to discuss how to implement the transparency triangle, if kept in the Directive.

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## **9) 4<sup>th</sup> World Conference of Screenwriters in Berlin on 10 and 11 October 2018.**

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The presentation by Jan Herchenröder and Carolin Otto is available here :

[https://www.dropbox.com/s/skzfavkdzb487pu/20171124\\_WCOS%204.0%20Berlin%202018%20Pr%C3%A4sentation.pdf?dl=0](https://www.dropbox.com/s/skzfavkdzb487pu/20171124_WCOS%204.0%20Berlin%202018%20Pr%C3%A4sentation.pdf?dl=0)

Jan said that he will have a clear visibility of financial contributions in April. The budget is 300,000 euros, including money to be spent by guilds to bring delegations to Berlin.

Nikolaj Scherfig shared some ideas and comments : Denmark will bring a big delegation of writers. It is very important to have guests from Brazil and South America where there is a huge production. Nikolaj Scherfig will give contacts to Carolin. He proposed a theme : how can journalists and writers work together on fiction projects?

Teresa de Rosendo (Spain) said that ALMA will try to get funds. She asked what WCOS can give in exchange in terms of visibility.

Maciej Karpinski (Poland) said that the political issues in the programme might be too numerous compared to professional issues that writers are so much interested in. He advised to find a balance between the two aspects. Carolin Otto said that it is important to know how powerful writers are by writing fiction and said that many writers cannot write freely and make a living because of political reasons in their countries.

## **10) Report on finances**

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Amélie Clément (FSE manager) briefly presented the financial report for the period July 2016-June 2017. The report is available here :

<https://www.dropbox.com/s/ps7bd1w3qpqdwih/09b-FSE%20financial%20accounts.pdf?dl=0>

and the balance sheet is here: <https://www.dropbox.com/s/iqsqi3stccc5dfr/09c-FSE%20balance%20sheet%2030062017.pdf?dl=0>

Amélie and Robert explained that the financial situation of the FSE was improving, in particular thanks to the partner members. However the situation remains fragile and does still not allow FSE to have a full time office in Brussels. David Kavanagh said that other creators' organisations have an office but they get more money from their members.

Robert Taylor said that the FSE will continue its efforts to get partner members. Teresa de Rosendo said how difficult it is to convince CMOs in Spain to remain partner member because there are not enough partner members. **She asked FSE guilds to try again to get new partner members.**

#### Vote on the financial report

Proposed by Ellie Peers, seconded by Jan Herchenröder.

The financial report was unanimously accepted.

Robert Taylor then introduced **the proposal to increase the membership fees by 10%**. Eirik Ildahl (Norway) said it should be at least 20%. Nikolaj Scherfig said that there is a TV series boom which generates a higher income for Nordic guilds and writers. There are some guilds who can contribute 20% more. Teresa de Rosenda said the situation was the same in Spain. It is not the case for every guild. Robert Taylor proposed to vote on a 10% increase.

#### Vote on increasing membership fees by 10%

Jacob Groll proposed, Eirik Ildahl seconded.

The proposal was carried unanimously.

Amélie said that guilds which can support FSE more have several ways to do it and she thanked ALMA for welcoming a FSE board meeting in Madrid and the Polish guild for welcoming another one in Poland. Robert said how valuable it was for FSE to visit guilds in their countries, financially but mostly in terms of contacts. Carolin Otto said that the next board meeting will be hosted by VDD in Berlin in Germany. Maciej Karpinski advised to look for other sources of income.

### **11) FSE Award ceremony in Brussels on 23<sup>rd</sup> November 2017**

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Robert Taylor invited guilds to comment on the ceremony.

Wilbirg Brainin-Donnenberg said that the Austrian delegation found it difficult to know who was the winner Anne Landois. Johanna Goldschmidt (France) agreed. The winner should have been introduced longer (a video, show the work from the script to the scene...). Margret Ornofsdottir (Iceland) said that if you know the winner in advance, you can get more attention at national level and bring more people (producer, an actor reading a part of the script...). The winner should be the central figure.

Nikolaj Scherfig asked if the guests who attended the ceremony were the right guests. David Kavanagh said that Amélie did a fantastic job and that FSE's list is good. However a Thursday evening is not the best moment to get MEPs (the only available evening). There were many officials from the European Commission but few people from the Audiovisual sector. FSE paid a press guy who worked very hard to get hardly any result. Building an audience and get MEPs to an event takes time, many years (like the LUX prize).

Teresa de Rosendo (Spain) said that the music was too present. She also said that each member guild should send the invitation at national level in their own language.

Vincente Vanneste (Belgium) asked whether it would not be better to organise the Award together with the world conference (less cost, less time)? Robert Taylor said that it is important to keep the event in Brussels. Jochen Greve confirmed that when it was decided to create this event, it was for lobbying purpose. You need famous people to make people come. A writer should be presented with his/her team. Nikolaj Scherfig advised to choose the winner taking into account the actors in the film/series.

Amélie said that she agreed with the comments but that she spent half of her working time just looking for money to finance the event. Is FSE able to reach that level of organisation and money? Carolin Otto said that the national guild should take over once the winner is known. Johanna Goldschmidt said that the French guild should have been more involved.

Bart Pieter Korthuis (the Netherlands) felt it was not clear the way the winner was chosen. You have to tell people how it was decided, explain why the work of that person is so terrific. He gave the example of their award: invite an actor, a formal politician, the jury to report, a foreign screenwriter to speak about the art of screenwriting, etc.

Jacob Groll (Austria) suggested to have a sort of sub-committee to accompany the FSE staff and board to prepare the next FSE Award. Nikolaj Scherfig said the new board will make a strong plan to prepare the next edition and invited all the guilds to be creative and support the FSE Award with ideas and money.

Robert Taylor thanks everybody for their interesting comments.

## **12) ELECTION OF THE EXECUTIVE COMMITTEE**

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David Kavanagh explained how the election is ruled by the statutes of FSE.  
The general assembly totalized 16 votes.

### Election of the President

Maciej Karpinski presented Robert Taylor. Thomas McLaughlin seconded.

The vote was supervised by Sarah Schenkel. **Robert Taylor** was elected as President (YES – 13 votes, NO – 3 votes)

### Election of the Administrators

Thomas McLaughlin nominated **Maciej Karpinski**. Ellie Peers seconded.

Susin Lindblom nominated **Nikolaj Scherfig**. Carolin Otto seconded.

Johanna Goldschmidt nominated **Alexandre Manneville**. Josep Gatell seconded.

Jan Herchenröder nominated **Carolin Otto**. Jacqueline Surchat seconded.

The four candidates were elected unanimously.  
(Applause)



### **13) Reports from FSE member guilds**

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David Kavanagh selected a few issues from FSE member guilds' reports. He noted two very interesting issues: the extent to which some guilds do more on collective bargaining and some more initiatives on bullying and sexual harassment. He also mentioned the long and detailed statement in the WGGB's report on the impact of Brexit on the British film industry.

Maciej Karpinski spoke about the political situation in Poland, where the social and cultural life and the system of support of the film industry are step by step dismantled. The Polish Filmmakers Association and the screenwriters' section are taking part in many actions of protest which unfortunately have a little impact. He said how helpful it is to be board member of FSE to keep a link to international activities. He will inform FSE when action from the European network is needed.

Jacqueline Surchat said that in Switzerland everybody in the audiovisual sector is fighting against the "no billag" initiative from the right wing government (initiative to abolish the licence fees that fund public broadcasting in the country). The Swiss citizens will vote on 5 March 2018. Carolin Otto and Robert Taylor said that FSE and all the guilds should think of an action to support public broadcasting. But at the moment there is not much international attention. Jochen Greve said that this discussion was starting in Germany. The situation in Switzerland is extremely dangerous.

### **14) Over sexism, bullying, harassment**

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Has this become an issue in FSE guilds? Have some guilds taken action? Is there any role for FSE (a charter for good practice)? A round-table allowed participants to say a few words on the situation of the debate in their own country. Here are a few contributions among the numerous ones:

Margret Ornlfsdottir (Iceland) said that screenwriters have some responsibility. Actresses complain on how they are portrayed in fiction. How can storytellers contribute to changing mentalities? Several other participants shared this view.

Ellie Peers said that WGGB did a survey in the media industry together with other federations (<http://writersguild.org.uk/wp-content/uploads/2015/02/CWC-Report.pdf>) and campaign to include freelancers in the legislative process (in particular to whom they can go to report on bullying).

In Belgium (ASA) and in Slovenia the rate of women in the profession is very low. One of the priorities is to encourage women to develop a career as a screenwriter. Other participants reported on initiatives to increase the proportion of women working in the sector and for equal pay.

Vincente Vanneste reported that the whole Flemish audiovisual sector had a meeting to respond to a case of harassment. They will work on a charter that people will have to sign and respect before entering a production and implement an external/independent bureau where you can go to report on harassment. This initiative will be extended to the whole cultural sector.

Susin Lindblom said that in Sweden no screenwriter reported sexual harassment, maybe because they are less exposed, but the guild will launch a survey to get more specific data.

David said that the FERA/FSE questionnaire on remuneration includes questions on gender pay and on harassment (to compare with other statements in other sectors).

**He proposed to engage FSE into discussion with other creative organisations in the audiovisual sector at European level and to focus on freelancers.**

End of the meeting.