



**Belgique:** Association des Scénaristes de l'Audiovisuel and Scenaristengilde vzw **Bulgaria:** Bulgarian Association of Film, TV and Radio Scriptwriters – BAFTRS **Danmark:** Danske Dramatikeres Forbund... **Deutschland:** Verband Deutscher Drehbuchautoren e.V. **Ελλάδα:** Ένωση Σεναριογράφων Ελλάδος **España:** Federación de Asociaciones de Guionistas del Audio-visual (FAGA), includes: Asociación Galega de Guionistas; Autores Literarios de Medios Audiovisuales; Escritors Valencians de l'Audiovisual; Euskal Herriko Gidoigile Profesionalen Elkartea; Guionistes Associats de Catalunya **Finland:** Suomen Näytelmäkirjailijaliitto - Finlands Dramatikerförbund ry **France:** Union-Guilde des Scénaristes **Island:** Félag leikskálda og handritshöfunda **Ireland:** Irish Playwrights and Screenwriters Guild **Italia:** Scrittori Associati Cinema e Televisione **Nederland:** Netwerk Scenarioschrijvers **Norge:** Norske Dramatikeres Forbund **Portugal:** Associação Portuguesa de Argumentistas e Dramaturgos **Sweden:** Sveriges Dramatikerförbund **Serbia & Montenegro:** Nezavisnost **Suisse:** Scénario **United Kingdom:** Writers' Guild of Great Britain

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### Introduction

The FSE has been busy organising various events, specifically the next General Assembly, the Conference on screenwriting in Thessaloniki and lobbying on the various issues of concern to writers at the European Union. Also the FSE has started to develop a policy paper with some financial support from De Stichting Literaire Rechten Auteurs (LIRA) that will enable our organisation to plan, develop and implement strategies that will further the interests of authors at the European level. While in Brussels important developments are taking place regarding copyright, film online and we are now entering the final stages of the revision of the TV without Frontiers directive.

### Departure of Eric Collins

We are saddened to announce that news that Eric Collins, the FSE Treasurer has regrettably resigned from the FSE board and we understand also from the UGS. He is extremely ill. Eric has been a solid member of the FSE board and has been involved actively throughout his short tenure in all the work of the FSE. He was also the chair of the RISE Association which is organising the festival and worked as a go-between RISE and the board.

His departure is already solely missed by all of us.

We wish to thank Eric for all his excellent work. And above all a very speedy recovery and return to UGS and FSE

All the best Eric, get well quick !

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### **The next FSE General Assembly – November 23<sup>rd</sup> 2006.**

The next General Assembly of the FSE is planned to take place in Thessaloniki to coincide with the 47<sup>th</sup> International Film Festival Thessaloniki November 17 to 26, 2006 and which will take place in association with the FSE Conference on European Screenwriting that will take place on November 21 and 22.

To date not all of you have confirmed your participation. Please can those guilds that have not yet decided whom to send, do so quickly and inform the FSE board and more importantly our President, Christina Kallas.

### **Conference on European Screenwriting**

Since the last issue in June, the conference programme has been revised. It will consist of three round tables and associated lectures, structured in four cycles:

1. the Stories: the evolution of the screenwriting profession
2. the Rights: examining the system of authors' rights and rights management in Europe.
3. the Money: financial implications of screenwriting in Europe.
4. Screenwriters' manifesto

The conference will end with a "Visionary Session" which shall sum up the results of the First Conference on Screenwriting. The FSE General Assembly will follow the next day.

*Yet again we repeat the advice we gave in the last newsletter to ask for support from your film funding bodies and other sponsors and institutions in your countries. Please ask the FSE office for more information on the conference if required for your application.*

### **New members join FSE from Flanders, Belgium and from Bulgaria.**

The board of the FSE is delighted to welcome two new members from Bulgaria and Flanders, Belgium. We are looking forward to introducing them along with the Danske Dramatikeres Forbund which joined last May at the next FSE General Assembly.

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### **Dutch Collecting Society funds the making of a policy paper**

The board and manager of the FSE managed to persuade the Dutch Collecting Society (De Stichting Literaire Rechten Auteurs (LIRA) to enable the FSE board to design and short and long-term policies and goals by funding FSE with EUR 15,000.

In September 1-2, 2006, the board discussed for the first time the drafting of the Policy Paper for which is to be funded by LIRA. The policy paper will enable our organisation to plan, develop and implement strategies that will further the interests of authors at the European level. The FSE is reviewing all its operations and objectives to elaborate an approach to better target ways in which to meet our objectives and to improve how we operate. The board will propose plans at the next general assembly in Thessaloniki.

We hope that this is a start of a fruitful relationship with LIRA and potentially with other collecting societies and funding bodies. Meetings have already taken place and more are being planned.

### **European Commission reforms – the latest**

#### **Revision of the Television without Frontiers (TWF) Directive to be re-named the Audio-visual and Media Services Directive (AMS)**

The FSE has been lobbying MEP Ruth Hieronymi since March. She requested from FSE support on product placements and we hoped that she would support us in turn on extending the quotas to non linear services. FSE sent two letters to Ruth Hieronymi and Christina Kallas (FSE President), participated and presented the view of screenwriters on product placement at the European Parliament on June 1<sup>st</sup> 2006. On 28 August 2006, MEP Ruth Hieronymi presented her long awaited report on the proposed Audio-visual Media Services Directive (AMS) which will replace the TV without Frontiers Directive (TWF). One of the largest meeting rooms in the Parliament building was used with seating well in excess of 1500 people. Not one place was left vacant, there were even people having to stand because there was nowhere for them to sit. Ruth Hieronymi has been very clever in her handling the proposed Directive. She has prevented other Committees, specifically the Internal Market Committee from taking the lead in the discussions. She has also been able to get the rapporteurs in the other Committees to liaise with her and to work together in drafting reports that will be consistent and, she has also been working very closely with Viviane Reding. Having said that, the report she presented does not in any way radically alter the Commission's proposal, for example she supports the Commission's two-tier regulation for linear and non-linear services. Rather her text makes the two-tier system clearer. She clarifies what is meant by self and co-regulation. She accepts the Commission's position in weakening the country-of-origin principle. Her most radical intervention in the Directive's text is to further weaken rules on advertising, but strengthens the rules on product placement.

Her amendments focus on:

- The scope of the directive
- Co-regulation and self-regulation
- Country-of-origin principle
- Promoting European audio-visual works
- Definition on independent producer
- Right to reply
- Advertising and product placement
- Access to the disabled.
- Protection of minors

The debate that followed her presentation was long and serious. Though her colleagues are impressed at the breadth of her work, nonetheless, the MEPS are of the view that her report needs to be if anything strengthened. Several MEPS spoke including two rapporteurs from other Committees interested in this directive, namely Lissy GRÖNER (Women's Committee) and Heidi RÜHLE (Internal Market Committee). Hieronymi has the broad support of the MEPS, however of those that spoke. All promised to submit amendments and to further strengthen the directive. Her weakening of advertising rules was the one part of her report that did not go down that well.

It is fair to say that Ruth Hieronymi who is after all a German Christian Democrat politician, has been put under massive pressure, which to her credit she has resisted. The newly elected German government pressured her to get rid of all the control governing advertising, instead she just weakened them. The Commission is publicly warning her not to extend the quotas to non linear services, and on this she has done little, which is disappointing.

#### **Where does this leave the FSE ?**

- On scope, self and co-regulation and country-of-origin principle, her amendments seem to be quite good.

- Her amendments on the promotion of European audiovisual work are unsatisfactory, and she has include practically none of the FSE suggestions (e.g., quotas and definition of drama). On this we should seek another MEP to champion our cause. It seems that a UK MEP, Mr Michael CASHMAN who was formerly an “actor, writer, singer, director, and television, theatre and film actor (1963-1999)” is interested in advising us and wants to be kept informed.
- Her attempt to define what constitutes an independent producer by relating to intellectual property rights is interesting and we have asked clarification on this point.
- Her proposals to liberalise advertising control further is disappointing. But her amendments and justifications on regulating product placement read a bit like an FSE manifesto –which is just fine with us!
- Her position on right of reply, right to short news extract, protection of minors, and access to the disabled seem acceptable.

We have already written to Ruth Hieronymi requesting that she still toughens the rules on advertising and extends the quotas to non linear services. We have spoken with Michael Cashman and asked him to push through amendments through the Socialist Group.

The report by Ruth Hieronymi can be downloaded:

[http://www.europarl.europa.eu/meetdocs/2004\\_2009/organes/cult/cult\\_20060828\\_1500.htm](http://www.europarl.europa.eu/meetdocs/2004_2009/organes/cult/cult_20060828_1500.htm)

The FSE letters to Ruth Hieronymi and speech presented by Christina Kallas can be requested from the FSE manager, [pyrrhus.mercouris@chello.be](mailto:pyrrhus.mercouris@chello.be)

#### Public Consultation on Content (Film) Online in the Single Market

DG Information Society and Media Directorate-General on 28 July 2006 launched a public consultation on content online. This consultation was expected. Its aim is to assist the Commission in drafting a Communication that will be issued in the autumn. This consultation was announced at the recent conferences in Helsinki (13-14.07.2006) which was attended by Willemiek Seligmann on behalf of the FSE. In Helsinki the point of view and the needs of industry were strongly put forward. Copyright is still seen as an obstacle and industry’s ‘solution’ is a ‘one-stop-shop’<sup>1</sup>. The needs of authors were strongly put forward by speakers from the World Intellectual Property Office (WIPO) and by collecting societies. Their arguments were that copyright is the basis of the new ways of digital exploitation and that content cannot be free and this has to be explained to the public. The consultation is focused on the needs of industry rather than consumers, content providers and creators. Cynics would say that the consultation document more or less states what the Communication will say. The FSE board is preparing a response. Individual guilds are also entitled to respond. The consultation is accompanied by a questionnaire which is designed to reflect the issues which the EC wants examined:

- Audiovisual media online
  - film, television programmes, documentaries, news and blogs/vlogs, videocasts, series online, sports online, etc.
  - Music online (music downloads, ring tones, video clips etc.)
  - Radio online (for instance podcasting, radio programmes, news, sport, etc.)
- Games online (such as Massively Multi-player Online Role Playing Games)
- Online publishing (‘printed’ material/books/newspapers online, etc.)
- Educational content
- Other creative online services (cultural information, etc.).

the consultation can be found on:

[http://ec.europa.eu/comm/avpolicy/other\\_actions/content\\_online/index\\_en.htm#consultation](http://ec.europa.eu/comm/avpolicy/other_actions/content_online/index_en.htm#consultation)

The deadline for comments is 13 October 2006.

#### “Copyright Levies in a converging world” - European Commission proposed reform on private copying systems

There has been a huge response to “staff working paper” of Directorate General for Internal Market (DG Markt) that was issued in mid June. The staff working paper, titled: “Copyright Levies in a converging world”. It called for the abolition of levies and the replacement with Digital Rights Management systems (DRMs).

<sup>1</sup> ‘one-stop-shop’ sometime referred to as the country-of-origin principle means that a company is regulated by the country where it has its head office, and not where it operates. For example a broadcaster can locate its office in Luxembourg, but transmit to Germany, but is regulated by Luxembourg.

FSE sent a critical letter to the Commission protesting at the impractical proposal being offered by the Commission. We were not the only ones who wrote angry protests. The response was apparently so impressive that DG Markt seems to have backed down. DG Markt has been heavily criticised by other services of the European Commission, including by DG Education and Culture (DG EAC). The criticisms have been so strong that DG Markt has written a second paper which is not yet available. However, as this paper no longer calls for abolishment of levies but rather their down-grading. FSE is still waiting an answer to its letter.

We are waiting patiently to see the latest document from DG Markt.

What is very worrying is why DG Markt, which is responsible for upholding the rights of authors' is simply failing to do so. Collecting societies including AIDAA (audiovisual rights holders), IFFRO (writers of books), SACD (French authors) GESAC (European Grouping of Societies of Authors and Composers) and a few cultural organisations namely FERA (film directors) and FIA (actors) sent a letter of protest to Viviane Reding, Commissioner for Information Society and Media drawing to her attention the importance of the creative industries which depend on copyright and to bring to her attention the Staff Working Paper of DG Markt. It is unprecedented that organisations should write a furious letter to a Commissioner in order to attack another Commissioner, and the effect could be to further alienate the Commissioner responsible for DG Markt, Mr Charlie McCreevy.

Commission Recommendation on the digitisation and online accessibility of cultural material and digital preservation (Digital Libraries).

On the 25 August 2006 the European Commission issued a Recommendation that aims at "bringing out the full economic and cultural potential of Europe's cultural and scientific heritage through the Internet". It is part of the Commission's strategy for the digitisation, online accessibility and digital preservation of Europe's cultural and scientific heritage including the audiovisual heritage (e.g., old films and TV programmes) as set out in the Commission's Communication on Digital Libraries.

There is nothing wrong at all with the Recommendation which upholds the rights of authors. Rather for once the Commission's text seems quite sensible. It recognises the importance of the rights of authors and insists that authors' rights are respected and in no way constitute a barrier to developing online content but rather facilitate online content.

FSE has chosen to monitor these developments which are linked with the wider developments relating to copyright and content online, but this subject is not a priority.

To examine the Recommendation, go to:  
[http://europa.eu.int/information\\_society/eeurope/i2010/index\\_en.htm](http://europa.eu.int/information_society/eeurope/i2010/index_en.htm)

On all these issues, any guild is free to contact the FSE office to request for further information.

The FSE Board and Manager