



Belgique: Association des Scénaristes de l'Audiovisuel  
Deutschland: Verband Deutscher Drehbuchautoren e.V. Ελλάδα: Ένωση Σεναριογράφων Ελλάδος  
España: Asociación Galega de Guionistas; Autores Literarios de Medios Audiovisuales; Escritors Valencians de l'Audiovisual; Euskal Herriko Gidoigile Profesionalen Elkarteā; Guionistes Associats de Catalunya  
France: Union-Gilde des Scénaristes Island: Leikskáldafélag Íslands Ireland: Irish Playwrights and Screenwriters Guild Italia: Scrittori Associati Cinema e Televisione Nederland: Netwerk Scenarioschrijvers  
Norvege: Norske Dramatikeres Forbund Portugal: Associação Portuguesa de Argumentistas e Dramaturgos  
Serbia & Montenegro: Nezavisnost Suisse: Scénario United Kingdom: Writers' Guild of Great Britain

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## **FSE Activity Report, 2005**

The year 2005 has been very eventful and a great deal of work has been done. Immediately after the last FSE General Assembly the new Board meet and set out the following objectives:

1. apply to the European Commission's Culture 2000 Programme for administrative funding for 3 years, if FSE is eligible.
2. Enhance FSE Website.
3. Lobbying the European Institutions.
4. Develop alliances with other cultural organisations.
5. Fees to FSE by the guilds – Board to come up with a proposal for next General Assembly
6. Definition of audiovisual works.
7. IPR-contract law research project lead by London University
8. Examine the opportunities and if possible apply to the Media Plus Programme for the funding of a network of Scriptwriters' Festivals.
9. develop the project suggested by Katerina Marinaki on scriptwriting and script development with Eurimages.
10. Develop the training seminar suggested by Paulo Filipe Monteiro and Mimmo Rafele.

To this list can be added ongoing attempt to recruit more guilds to the FSE, support to the UGS in its efforts to organise a second RISE festival, and the FSE efforts to improve communication with its members.

An annex at the end of this document gives a list of the various meetings in which the FSE has participated or simple attended as an observer and a list of the letters sent. Attending these meetings has enabled FSE to operate with good first hand information and to respond quickly to unfolding events. It is also an indication of how FSE has been working hard at developing alliances with other organisations.

Below is a detailed account of what was achieved.

Firstly 2005 ends with FSE expanding, with the final approval; of the General Assembly, of two new member guilds. From Finland the Suomen Näytelmäkirjailijaliitto - Finlands Dramatikerförbund ry (The Finnish Dramatists' Union) has expressed its desire to join and a representative will come to the FSE General Assembly to give some details about the work of the Finnish Dramatists' Union. On 19 December 2005 the Sveriges Dramatikerförbund (the Swedish Playwright Union) expressed its desire to join the FSE, but unfortunately because of short notice the Swedish Playwright Union will not be able to send anyone to the FSE General Assembly.

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Elizabeth Verry (President); Arne Sommer (Vice President); David Lambert (Treasurer); Bernie Corbett; Paulo Filipe Monteiro;.....Pyrrhus Mercouris (Manager).

Of significant news is that the five Spanish guilds have formed a single coalition - FAGA (Federación de Asociaciones de Guionistas del Audiovisual). With its 800 members FAGA now becomes the second largest single grouping of writers in the FSE.

Regarding Turkey's membership, the Turks wanted to join FSE at the end of 2004, but it seems that the Turkish writers guild is going through various internal changes and re-organisations. They have been invited to the FSE General Assembly but simply failed to reply. When contacted it no longer seemed clear who exactly is in charge and making decisions.

1. Apply to the European Commission's Culture 2000 Programme for administrative funding for 3 years, if FSE is eligible.

On 28 October 2005, the FSE submitted a request to the European Commission for ~~€~~**24,850** to fund our administrative costs and various other activities like the newsletter, the website, interpreters for our general assembly an accountant and also rent to UNI-Europa.

The breakdown of the budget for 2006:

• Staff	€ 15,000
• E-journal	€ 3,000
• Web	€ 5,000
• Accountant	€ 250
• Two interpreters, working two days, and hiring of interpretation equipment	€ 2700
• WIPO	€ 500
• Uni-Europa	€ 4,800
<i>total</i>	<b>€ 31,250</b>

From this sum of € 31,250, FSE will be obliged to find €6,400 from its own recourses, which means the fees. If the application is unsuccessful, our current relationship with UNI-Europa will remain unchanged and we will not be paying the € 4,800.

The European Commission received about 200 applications from various organisations. The total amount of budget at the Commission's disposal is € 3.5 million. The results will be made known by the Commission no earlier than late February 2006.

The drafting of the application was a joint effort by all the members of the board, plus with advice from Siliva Perez of ALMA (Spain) and Alexandros Kakavas (Greece) regarding the newsletter and the website.

2. Enhance FSE Website.

This has not been done, rather in our application to the European Commission for funding we gave a detailed and ambitious description of a website that we hope to be able to create. The hoped for Website, if funded would carryout the following:

- Summary information outlining the mission of the FSE includes a brief history and a description of the principal objectives of the FSE and other lesser by important aims.
- Summaries of the member guilds with information in the languages of the guilds. Summaries will be available in English and in French.
- Contact details of all the guilds, giving names, address, telephone, fax number and e-mails
- Links to member organisation websites,
- Links to the websites of organisations carrying out training courses on scriptwriting including links to the European Commission Europa server.

- The website will also include access to a database that will include copies of the e-journal and the bulletins of information.
- News service
- A project exchange services.

### 3. Lobbying the European Institutions, and,

#### 4. Develop alliances with other cultural organisations.

Lobbying European Institutions and developing alliance with other cultural organisations are joint activities.

FSE has been involved in a fierce battle over the revision of the Television without Frontiers Directive, the Commission's proposal to regulate the collective management of copyright and the future of state aid to the production of films and TV programmes. In all three cases, FSE has been working in co-operation with UNI-MEI, SACD (French Collecting Society), FERA (Directors), FIA (performing artists), Eurocinéma, CEPI (European Producers Club), FIAD (Film Distributors), EFCA (European Federation of Film Companies Alliance) and some others. In fact, FSE is now planning along with these organisations to form a loose alliance with consumer organisations regarding the revised TV without Frontiers Directive. On 13 December the European Commission issued its revised TV without Frontiers Directive. This new proposed directive expands the area of competence over the current directive is very much weakened, especially regarding advertisement control and obligations on non-linear service providers to show European works. This proposed Directive will be examined by the European Parliament over the coming months and FSE will take the opportunity to try to get amendments adapted to the proposed Directive. FSE has written joint letters to the Commission regarding the revision and now hopes to be part of a serious lobbying effort to influence the Parliament to amend this proposal to more favour the needs of creators and audiences.

The Commission in October 2005 issued a 'recommendation' relating to the collective management of copyright of music in Europe. This recommendation was done with hardly any public consultation and publicity. A 'recommendation' is a very soft form of regulation which simply requests the member state governments to implement various harmonised rules. Regarding this recommendation, the Commission wants European licenses to be granted without discrimination on the use of music accompanied with procedures for dealing with disputes. The Commission's medium-term objective is that three or four collecting societies should exist in Europe issuing licences for the use of music. The long-term objective is that all copyrighted material should be dealt with in this way, including audiovisual material. The problem and the danger of the Commission's course of action is that it consider collecting societies as only being commercial economic organisations rather than being trustees whose aim being solely to collect the money for authors. In spite of the Commission's lack of consultation, FSE was able to respond and was able to get some other organisations, specifically FIA to respond as well.

In May the European Commission launched a consultation regarding state funding of film and TV programmes. The Commission intends carrying out a study to examine whether such scheme contravene the single market. Unfortunately the terms of reference for the study are such that it would appear that the Commission is trying to determine the conclusions of the study to oppose the continued state funding of film and TV production. On this issue FSE wrote a complaint to the Commission about this.

The European Commission is now intending to review the Copyright Directive within the context of a new initiative called 'Digital Libraries' which includes the old films and TV programmes. The aim being to put Europe's written heritage and audiovisual heritage in some kind of gigantic digital library that will be accessible over the Internet. To do this the Commission wants to examine the copyright issues. FSE has demanded that it be represented on the high level consultation group that the Commission wishes to establish in order to advise it in developing a digital library.

Lastly, it is important to mention that FSE was granted observer status at the meeting of the International Affiliation of Writers' Guilds (IAWG) which took place in Los Angeles in end 30 October-4 November. At this meeting FSE was able to present its work to the Writers' Guild of America East, Writers' Guild of America West, and the writers' guilds of Canada, new Zealand, Australia and Mexico. Also attending were our own member guilds, the WGGB and IPSG and also UNI-MEI.

#### 5. Fees to FSE by the guilds – Board to come up with a proposal for next General Assembly

Because of the financial pressures on member guilds FSE has been looking for ways to raise further money. A possibility arose to get some funding from the IAA (International Artists Association) which would give FSE EUR 4,000 in return for information relating to European affairs. However, the IAA seems terribly slow in making any decision.

Member guilds are finding it difficult to pay their fees meaning that in June 2005 FSE ran out of money. Thanks to the Writers Guild of Great Britain, FSE was loaned EUR 5,000. Until further funds are found, either through IAA or the European funding, the FSE's finances are precarious. Consequently it has been suggested the size of the fees should reflect the size of a guild's membership. The following sliding scale could be considered:

- |   |               |
|---|---------------|
| • Guilds with members of 100 member of less | EUR 500 fee   |
| • Guilds ranging between 100-200 members    | EUR 750 fee   |
| • Guilds with membership of 200-400         | EUR 1000 fee  |
| • Guilds with membership of 400-1000        | EUR 1250 fee  |
| • Guilds with members of 1000-1500          | EUR 1500 fee  |
| • Guilds with members of 1500-2000          | EUR 1750 fee  |
| • Guilds with more than 2000 members        | EUR 2000. fee |

**Bernie Corbett** will make a more detailed proposal at the FSE General Assembly.

#### 6. Definition of Audio-visual work

This was a priority set by the General Assembly in 2005 and work was carried out to that effect. In May 2005 the legal experts had a meeting to discuss this issue. The need for a definition is particularly important in dealing with European laws such as the Television Without Frontiers Directive. Our lawyers have compiled this interesting list which was published in the FSE Bulletin 5, 01.06.2005. Further work is being carried out. See ANNEX 2 to see the list and conclusion.

#### 7. IPR-contract law research project lead by London University

In the last twelve months the numbers of organisations taking part in this proposed project has increased to 14. The partners are:

1. London University – QMIPRI	5. Amsterdam University – Afdeling Privaatrecht	10. FSE
2. London University – Birbeck College	6. Athens University	11. UNI MEI
3. Vilnius University	7. Technical University of Dresden	12. FERA (European Film Directors Association)
4. Munster University	8. Krakow University	13. UNESCO
Amsterdam University – Instituut voor Informatierecht	9. Lisbon University	

In October the European Commission launched a call for proposal relating to audiovisual. Though contracts and intellectual property rights were included in the call for proposals, the main aim was to research into new ways to develop new electronic platforms to transmit programmes. Consequently the decision was taken to wait for a more suitable call.

8 Examine the opportunities and if possible apply to the Media Plus Programme for the funding of a network of Scriptwriters' Festivals, and,

The European Commission's Media Plus Programme, launched a call for proposals to fund networks. At request was made to the members for information regarding any scriptwriting festival that is taking place nationally which could be contacted to create a European network. There was no response.

9 develop the project suggested by Katerina Marinaki on scriptwriting and script development with Eurimages.

No project has been developed on scriptwriting and script development as suggested by Katerina Marinaki at the last General Assembly. It was not possible to carry through this idea with further guidance.

10. Develop the training seminar suggested by Paulo Filipe Monteiro and Mimmo Rafele.

The Seminar was not developed, however it is still an active idea and when the opportunity arises the project can be developed. To do so requires co-operation from all the members. The commission in charge of the Seminar presented in June is a proposal that you'll find at the end of this report (Annex 3.) and that is still waiting for feedback from all the members.

11. The RISE festival

Once it was confirmed that the city of Strasbourg could no longer host the RISE festival, **Elizabeth Verry**, the President of the FSE contacted various cities. We are very lucky that the City of Nice in the south of France has expressed interest and desire to stage the second RISE festival which is now due to take place in December 2006. Elizabeth Verry drafted a plan for the next RISE festival which was sent to the member in November 2005.

12. Script market in Cannes

As you know at the Cannes Film Festival, for the first time a script market was held. After the RISE festival this is the second European Script Market to be held. The event was organised by FSE in partnership with the European Producers Club (CPE). A call for proposals was launched through the FSE mailing list in March 2004. A list of participants can be found at the end of this bulletin. Present at the market was our President, **Elizabeth Verry**. Thanks to her connections and to her work we were able to develop after quite some difficult discussions with CPE a workable relationship that resulted in a very successful script market. Writers and producers met, scripts were pitched and projects discussed. That this event took place at all is an indication of the growing reputation of the FSE.

13. the FSE Bulletins and newsletters

In 2005 five Bulletins of information were sent to the members giving up-to-date news of FSEW activities. However, interest in the FSE Newsletter has been completely disappeared. In spite of several appeals Silvia Perez received no articles from the guilds. Hopefully the situation in 2006 will improve.

## Annex 1 - Meetings attended on behalf of FSE:

1. Attended European Parliament's Committee on Culture and Education (15.00-17.30, 13.01.2005 - 09.00-12.30 PM – 01.02.2005)
2. Consultation Meeting of the European Commission on the Active Citizenship Programme (10.00-17.00 - 03.02.2005)
3. Focus Group 2 – TV without Frontiers Directive and rules on Advertising (10.00-17.00 - 14.02.2005)
4. Focus Group 1 – on the review of the TV without Frontiers Directive (10.00-17.00 - 17.02.2005)
5. Informal meeting with Writers Guild of America (11.03.2005)
6. Attended European Parliament's Committee on Culture and Education (15.00-18.00 PM - 14.03.2005)
7. Attended European Parliament's Committee on Culture and Education – hearing on the Services Directive (09.00-12.30 AM - 15.03.2005)
8. Attended European Parliament's Committee on Internal market (15.00-17.00 – 15.03.2005)
9. Attended European Parliament's Committee on Internal market, open discussion with Minister Krecké of Luxembourg, discussing the Services Directive (09.00-12.30 AM – 18.03.2005)
10. Meeting with Dr. Guido Westkamp (London University), Joao Correa (FERA) at UNI-MEI (22.03.2005)
11. Attended the Preparatory meeting for the European day at Cannes film Festival (10.00-17.00 - 05.04.2005).
12. Meeting with Dr. Guido Westkamp (London University), Joao Correa (FERA) at UNI-MEI (07.04.2005)
13. Service Directive debate at the Internal Market Committee of the European Parliament (15.00-17.30 - 19.04.2005)
14. Attended European Parliament's Committee on Culture and Education (15.00-18.00 PM – 20.04.2005)
15. Attended European Parliament's Committee on Culture and Education (09.00-12.30 PM – 21.04.2005)
16. Sixth Euro-MEI Film and Television Production Workers' Conference Two day conference, Budapest, Hungary - 26.05.2005-27.05.2005
17. Attended European Parliament's Committee on culture and education. (15.00-18.00; 15.06.2005)
18. Attended European Parliament's Committee on culture and education. (09.30-12.30; 16.06.2005)
19. Meeting organized by the European Commission regarding the UNESCO convention on cultural diversity - 04.07.2005
20. Attended European Parliament's Committee on culture and education. (15.00-17.30; 11.07.2005)
21. Attended European Parliament's Committee on culture and education. (09.30-13.00; 12.06.2005)
22. attended the Committee on Industry, Research and Energy, European Parliament, debate on Services Directive (15.00-17.00; 29.08.2005)
23. Attended European Parliament's Committee on culture and education, debate on future culture programme (15.00-17.00; 30.08.2005)
24. Audio-visual conference in Liverpool 20-22.09.2005 – attended by Bernie Corbett and Christophe Pascal.
25. Attended European Parliament's Committee on culture and education. (15.00-18.00; 13.10.2005)
26. Attended European Parliament's Committee on culture and education. (09.30-12.30; 14.10.2005)
27. Public Hearing at the Committee on Culture and Education: "No freedom without Pluralism – review of the Television without Frontiers Directive (09.30-12.00 15.00-19.00; 13.09.2005)
28. Creative economy conference in London (UK Presidency), (5-7 October 2005)
29. Meeting of the International Alliance of Writers' Guilds (IAWG, Los Angeles, USA. (30.10.2005-04.11.2005)
30. Revision of the TV without Frontiers Directive; Meeting of cultural organisations, Brussels (10.11.2005)
31. Amsterdam conference on "Why are artists poor?", organised by UNI-MEI, (12-13.11.2005)
32. Attended European Parliament's Committee on culture and education. (15.00-18.00; 23.11.2005)

33. Attended public hearing on the needs of artists at the European Parliament's Committee on culture and education. (09.30-12.30; 24.11.2005)

List of letters sent by the Board:

1. 08.06.2005, Gregory Paulger (re: Study on the economic and cultural impact, notably on co-productions of territorialisation caluses of state aid schemes for films and audio-visual products).
2. 17.06.2005, MEP Ruth Hieronymi (re: Media Programme and audio-visual policy).
3. 27.07.2005, Tilman Lüder, head of copyright unit, European Commission (re: response to the Commission's staff working document: "Study of a Community initiative on the cross-border collective management of copyright, Brussels 07.07.2005)
4. 05.09.2005, Jean-Eric De Cockorne, head of the audio-visual unit, European Commission (re: comments of the FSE on the issue papers relating to the revision of the TV without Frontiers Directive).
5. 07.09.2005, Mr. Balkenende, Prime Minister (re: comments on the proposed cut in funding to the Dutch public broadcaster).
6. 19.09.2005, Joint Declaration to European Commission relating to revision of TV without Frontiers Directive.
7. 14.09.2005, Neelie Kroes; Commissioner for Competition, European Commission (re: state aid action plan)
8. 15.12.2005, Hernandez-Ros, head of unit, European Commission (re: comments of the FSE to the EC communication on i2010 Digital Libraries – SEC (2005) 1194-1195, COM (2005) 465 final).

## Annex 2 – Definition of an audio-visual work

- Sweden: No definition of an Audiovisual work
- Belgium: No definition
- France: Yes, there is: ‘Cinematographic works or other works consisting of animated sequence of images sonarised or not. Together they are called an audiovisual work.’ (PC: The term “animated” is crucial in this definition because it is unclear if multimedia is considered to be an audiovisual work or not.)
- Italy: No definition
- Greece: No definition
- Norway: No (specific) definition, but Norwegian law acknowledges film and broadcasting programs to be protected by Author law. Author law protects multimedia; Norwegian law protects Multimedia. (KK: Swedish law concerning multimedia is probably the same.)
- Denmark: No: The expression “audiovisual work” is not used in the Danish copyright law, but it is equivalent to the expression “cinematographic work”. The law does not contain a definition of a cinematographic work. The expression is interpreted on the background of the preparatory works to the making of the Author law.
- Finland: No definition, but a similar situation as in Norway and Sweden.
- The Netherlands: Yes, there is: ‘A cinematographic work means a work consisting of a sequence of images, with or without sound, irrespective with or without sound, irrespective of the manner of fixation; it is fixed (article 45 a, lid 1 Auteurswet).’
- UK: No (according to the UK guild). Yes according to CP. There is a definition of film: ‘Film is a recording on any fixation from whom it is possible to obtain by any means an animated image.’
- Portugal: No definition
- Germany: No definition
- Spain: Yes, there is: ‘Creations expressed through a series of connected images, with or without incorporated sound, that are essentially made to be exhibited by projection tools or by any other medium of public communication of image and sound, regardless of the nature of the material support of these creations.’
- Germany: No definition.

Conclusion: 4 countries have a definition of Audiovisual work (including the UK). 10 countries do not have such a definition. A lack of a clear definition creates problems in dealing with reality TV makers and the makers commercials who claim copyright and also with multimedia projects.



### Annex 3 – SEMINAR (proposal)

1. Since the Associations can organise training for beginners and there are many international programs at this level, FSE should concentrate at an advanced level, for writers who already have scripts that were shot (at least 2 feature films or 2 TV series).
2. The event could last 5 days
3. It could take place in the convent of Arrábida (Portugal), facing the sea; or somewhere else.
4. It would involve two or three successful scriptwriters (Jean-Claude Carrière? Ken Loach? Mike Leigh? Christopher Vogler? Volker Schlöndorff? Jean Cosmos? A Portuguese? A Spanish? An Italian? Other names could be suggested) to give master classes and discuss projects; participants would be expected to submit synopsis;
5. The master classes of the seminar would be video-taped and hopefully published, in order to create a FSE collection.
6. We need a good general title for this FSE seminar could take place once a year.
7. In this type of seminars, we have to avoid discussions on copyrights, money, laws, which are the usual topics; for once, let's talk about our art and craft! Either we let the three or four "teachers" choose the subjects (for instance, one of their books) or we suggest topics like "Characters vs. action", "New forms of dialogue", "What is changing in the scripts of last years". We could also suggest the "masters" to choose and project great scenes or great characters and discuss them.