



**Belgique/Belgium:** 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. **Ελλάς:** 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-Gilde des Scénaristes **Island:** Félag leikskálda og handritshöfundu **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 **Turkey:** SEN-DER, The Scriptwriters Association of Turkey **United Kingdom:** Writers' Guild of Great Britain

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## Annual FSE activity report 2007

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### Introduction

The workload in the year one after the manifesto has been enormous but also very rewarding. Apart from the long saga of the revision of the Television without Frontiers directive and other hearings and issues at the commission and parliament which have demanded our attention and lobbying, the board has been of course active in informing the members and supporting them in their national concerns, recruiting new members, trying to raise further funds and developing stronger alliances with other organisations. But most importantly the board was busy in completing the FSE policy paper which has been funded by De Stichting Literaire Rechten Auteurs (LIRA) and which we are presenting and will be discussing today, as it is in fact a multiyear work plan for the FSE in the aftermath and in direct relation to our very effective manifesto of the European screenwriters.

### New members

Three more writers' guilds have announced their desire to join the FSE, subject to approval by the members of the General Assembly. The new members are from Austria, Hungary and Italy. These are very recent creations and have only been formed this year. The Italian guild was initially a founding member of FSE but dissolved in 2006 and has now reformed itself.

The new guilds are:

**Drehbuchverband Austria**  
Att. Fritz Ludl  
office@drehbuchverband.at

Fédération des Scénaristes d'Europe • Federation of Scriptwriters in Europe  
c/o UNI-Europa Box 9 • 31 rue de l'Hôpital • B-1000 Bruxelles • Belgique  
tel +32.2.234 5654 • fax +32.2.235 0861  
www.scenaristes.org • pyrrhus.mercouris@chello.be

Christina Kallas (President), Sveinbjörn Baldvinsson (Vice President), David Kavanagh, Willemiek Seligmann, Bernard Besserglik, Pyrrhus Mercouris (Manager)

www.drehbuchverband.at  
Tel: + 43 699 111 66 844

#### **Hungarian Screenwriters Guild**

Att. Gabor Krigler  
krigler@fadein.eu  
www.fadein.eu  
Tel: 0036-30-3969-486

#### **Scrittori Associati di Cinema e Televisione**

Att. Mimmo Rafele  
mimmo@rara.fastwebnet.it  
Tel: 0039.06.686 4754

With new entrants and departures, the FSE now represents 27 guilds in 22 countries. One of the ongoing goals of this board is to open the FSE towards Eastern Europe and present the work of FSE in countries that are not yet represented in FSE, in part also helping them actively to create their guild.

- **Communication with the members**

The FSE issued five newsletters in January, April, July and November and a special edition on the American screenwriters' strike.

In May 2007 the Irish Playwrights and Screenwriters Guild re-vamped the FSE website and in 2008 this will become a major communication instrument of the FSE enhancing its visibility, raising awareness of other audio-visual professionals of the work of the FSE and providing up-dated information to the members. This will more than supplement the quarterly newsletters.

This year the member guilds have been in contact much more with the FSE office than before with direct communication leading on occasion to concrete actions of support. Most recently FSE, at the instigation of the UGS issued a statement attacking a public statement made by None Paolini CEO of TF1 criticising the quotas on culture on French television.

- **The Writers Strike in America**

The year 2007 ended with the writers' strike in the U.S. continuing. The board of the FSE expressed its full support to the Writers Guild of America (East and West) as they continue to strike against the member companies of the AMPTP. The FSE board has distributed information about the strike to its member guilds and asked them to do everything they can to support the strike. To phrase it clearly: The American writers' fight is our fight, too.

Indeed the last two months of 2007 were dominated by the strike with FSE member guilds organising solidarity events and actions on the international day of solidarity on 28th November and onwards. Many guilds carried out diverse and innovative actions on that day or soon after it. Actions included demonstrations, pickets, issuing of press releases, and conducting press conferences.

- **Raising funds**

The policy paper also includes a first draft budget and financing plan for a possible annual funding. In order to raise those funds the FSE board needs to do the following:

- 1) Follow up on our application based on policy and business plan to the EU programme for support to European Cultural networks
- 2) Get political support for the application to the EU programme
- 3) Arrange for a programme of meetings with collecting societies to seek their regular support.
- 4) Actively seek other funding possibilities (asking richer guilds to pay more; guilds with support from Film Boards etc. to seek support from those film boards; sponsorship by wealthy individual writers (!); sponsorship from foundations etc.)

The board has already started pursuing these. We responded to the European Commission's call for proposals to fund cultural organisations that have members in at least 15 member states of the European Union. The results of the call should be announced at the end of February 2008. FSE made a financial request of EUR 64.000.

- **Promoting the FSE and its goals through the Manifesto**

The board has also been busy promoting the European Screenwriters Manifesto at various events as it proved to be an excellent means of promotion of the FSE goals and the FSE in general. It has now been translated into thirteen languages: Bulgarian, Catalan, Dutch, Flemish, French, English, German, Greek, Icelandic, Italian, Norwegian, Spanish and Swedish.

We presented the Manifesto to the international audience at the Berlin and Cannes Film Festivals, in such a fashion that Screen International dedicated its main Cannes editorial to it. We presented the Manifesto at the Screenwriters Festival in Cheltenham. The Manifesto has been presented in almost every European country generating a discussion and in certain cases some real concern from the directors associations. FERA has naturally refused to support the document and there was much discussion in and between the different directors guilds which we believe needs to be continued. One of the greatest successes of the Manifesto so far has been outside Europe, particularly in North and South America. There were favourable articles in Los Angeles Times and Washington Times on the Manifesto. The statement of the International Affiliation of Writers Guilds (IAWG) of May 10<sup>th</sup> 2007 was a further great boost.

The next step is the implementation of the Manifesto, something which we are planning to do through the policy paper. Some guilds have already done some excellent work on this, including FAGA (coalition of Spanish guilds) and one of its member guilds, the Guionistes Associats de Catalunya (GAC), the Irish, British and German guilds which have published wonderful brochures and include it on their websites as have several others. The Manifesto has also started a heated discussion in various institutions. One example is the German Film Academy which annually distributes the German Lolas for Best Film, Best Director, Best Screenplay, etc. Here a lively debate is in progress concerning the status of the screenwriter in the industry, and subsequently in the mind of the public, in relation to how these awards are presented and decided. The FSE wrote to the German Film Academy and also started an action with the European Film academy which is traditionally forgetting the writers.

In accordance with Point 8 of the FSE Manifesto which declares that we will call on festivals, film museums and other institutions to name the screenwriters in their programs, the FSE board has taken action in the matter of the European Film Awards. Whoever has received the list of the films nominated for the European Film Academy awards, will have noticed that the films are listed with their directors and producers and NOT THEIR WRITERS! The FSE Board has contacted the EFA, stating our disapproval of this way of presenting films. We find this procedure to be an affront to the work and significance of screenwriters in Europe and completely unworthy of such an esteemed organisation as the EFA. We suggested that from now on, the EFA sets an appropriate example and names the writers of all films, whenever they mention their directors and producers in their material. The screenwriters' constant struggle for recognition in the film industry everywhere is a sad reminder of how often the ones who start something are not there to celebrate at the finish line. We hope that our colleagues at the EFA will join the ranks of those who seek to amend this, rather than stay within the folds of the old guard. The FSE board has also pointed out the fact that there doesn't seem to be a single screenwriter on the board of the EFA.

Finally in December FSE wrote to Mr. Klaus Eder, Secretary General of FIPRESCI regarding the importance of the Manifesto and for the need for FIPRESCI to support it.

- **Current activities at the EU Commission and Parliament**

At the EU level there has been some good news regarding the adoption of the Audio-visual Media Services Directive, the defence on copyright levies and development relating to employment law.

1. **The Audio-visual Media Services Directive**

The drafting of this directive has at last come to an end with the directive receiving its final ascent in December 5, 2007 in Council, after the final vote in the Plenary of the European Parliament in November 29.

What screenwriters wanted from the Directive was a continued guarantee that broadcasters would be obliged to commission new audiovisual works scripted and produced in Europe regardless of whether their services are transmitted through traditional television stations (linear services) or video-on-demand (non-linear services). In December 2006, FSE launched a major effort in lobbying all the MEPs of the European Parliament to vote for amendments to the Directive that suited screenwriters. FSE did not get all that it wanted. We campaigned to get the obligation that broadcasters reserve more than 50% of the TV transmissions for European works extended to non-linear services as well as linear services but we did not get that. But, in April 2007 a recital was inserted which states that an audio-visual media service provider (e.g., a broadcaster) that already transmits through a linear service but switches to non-linear service will be regulated according to the rules that apply to linear services. It is not clear whether this also applies to new entrants like telecommunications firms but at least it affects the distribution of our TV programmes. Also, the all too familiar words "...where practicable and by appropriate means..." regrettably remain in the text.

On advertising, the Directive also shoots down any attempt to legalise product integration and this is large parts due to FSE engagement. However, Member States may choose to waive the requirements set out in the Directive if the TV programme in question has neither been produced nor commissioned by the media service provider itself or a company affiliated with the media service provider.

The fact that the FSE made its presence felt and its views were heard in Brussels was of great importance in this struggle. Now, what must follow is a battle on the national level for the appropriate interpretation and implementation of the relevant clauses in the Directive. The wording of the Directive leaves a lot to be desired. As part of the FSE Policy Paper an Action Plan explaining to the member guilds the complexities of the Directive is to be written, which will identify the key points that concern screenwriters.

## 2. Defence of Copyright Levies

In 2006, the Copyright Unit of the European Commission made a determined effort to recommend the abolition of levies on electronic copying equipment. This effort was defeated. FSE allied with like-minded organisations and formed a coalition: the Culture First! Coalition which includes organisations representing actors (FIA), directors (FERA), collecting societies (e.g., SACD) and journalists (IFJ). Ferocious lobbying of the other services of the Commission, the European Parliament and governments, succeeded in scuppering, at least for now, any attempt to abolish levies on private copying. What seems to have nailed the Copyright Unit was a letter by M. De Villepin, the French Prime Minister at the time, who called on the Commission to drop its plans on levies. But unfortunately, This issue will not go away. A recent comment in the Legal Affairs Committee of the European Parliament by Commissioner Charlie McCreevy responsible for issues like copyright, show that he will consider returning to the matter of copyright levies. There are indications that the Commissioner responsible for consumer affairs, Ms Magdalena Kuneva is also interested in raising the transparency of levies, meaning to indicate the percentage of the levy on the price label.

FSE has already responded to the comments made by Charlie McCreevy through the Culture First! Coalition. Immediately after making his comments in Parliament MEP Jaques Tourbon (France) and MEP Medina-Ortega (Spain) criticized Mr McCreevy for his comments and defended levies. The Culture first! Coalition sent to these two MEPs thank you letters for their defence of copyright levies.

## 3. Review of the Copyright Directive

It seems that its defeat in trying to abolish levies has so upset the Copyright unit of the Commission that it has put on the back burner any plan to review the Copyright Directive (2001). The Commission is obliged to review the Directive after a certain period of time. However, after a very critical and negative report on the functioning of the Directive which was published in March 2007, the Commission has kept quiet and avoided making any statements and it seems that its review simply is not happening.

## 4. State aid to filmmaking

The Competition services of the European Commission are questioning the funding schemes operated by European governments. It is doing this by commissioning a study to investigate these funding schemes and in particular examining if they infringe on competition rules. At a public hearing held in July 2007 in Brussels the researchers presented their initial findings which show that there appears to be no breach of competition rules. The final report will be published in February 2008. In spite of these favourable initial findings, the entire audiovisual sector, which wants to keep the state aid schemes in place, is very suspicious of the intentions of

the Competition services which seem to be trying to find some way to outlaw these schemes. The FSE has declared its support to the funding bodies but is also campaigning to change the present system and working to increase the funds available to writers and also giving them to the writers rather than to the producers, as it is now in most European countries and certainly on the Pan-European level.

FSE attended and spoke at the hearing held in July defending the principle of state aid to filmmaking and responded in August in writing to the researchers strongly outlining the FSE position on this issue.

We have made it clear that as we are the ones required to create the material that we see on our TV screens and in the cinema, how the sector is funded is of great concern and interest to us. To quote from the FSE manifesto (point 6): "We call on national governments and funding agencies to support screenwriters by focusing more energy and resources, whether in form of subsidy, tax breaks or investment schemes, on the development stage of film and television production and by funding writers directly."

The board of the FSE has therefore examined the EU study and taken the opportunity to indicate some additional points specific to our concerns in our quest to strengthen the existing mechanisms of state aid, which we believe can only happen on cultural grounds. It has also taken great care in illuminating this area in the FSE policy paper.

The relationship between the volume of projects in development and the volume in production varies across the EU. On average it could be said that a conservative estimate would be that for every film produced in the European Union three to five projects are in development. Only a very small percentage of this development is state aided as the present state aid system is production-focused. In the United States somewhere between ten and twenty projects are in seriously funded development for every film which goes in to production. Because of the lack of development funds less and less professional writers can afford to write for the cinema, which means that Europe is losing its screenwriters - with obvious consequences. It is therefore our concern that more attention should be paid to content, to cultural diversity, to the individuals who write the stories that draw the audiences in to participate in the first place.

Some level of funding for the development of scripts is now usual in most, though not all, European countries. But even this little funding is still usually provided to producers. Producers are often under pressure to push developed projects into production in pursuit of production fees, to recover development costs or because production funds are available, rather than because the project is ready. As a general statement the FSE has observed that there is a major need to trust the talent. State funding agencies and related government policies need to put in place structures - legal and administrative as much as financial - which will support the development and expression of creative talent. Supporting and promoting writing and writers is the best, indeed the only, way to ensure that the films and television programmes that we make will attract and keep European audiences, thereby encouraging cultural diversity, better communications between cultures and an economically healthy industry.

Such efforts need also to be made on a national level with the support of the FSE.

For instance the German guild which is currently in the process of contributing to the reform of the German subsidy law (FSE president Christina Kallas as the chair of the commission for screenplay funding of the German Federal Film Board is also chairing this process) has found the substantial text on state aid of the FSE policy paper very helpful in their endeavours. The basic idea of the requested reform is: much more development money and definitely directly to the writers rather than to the producers, as it used to be. The German guild is also requesting automatic subsidy and seed funding for writers. The German guild has delivered a very detailed statement on this issue, which is available in German to any FSE member guild.

The Norwegian state aid system is next. Our colleague Eirik Ildahl has been appointed a member of the board of the Norwegian Guild and has been given the task of reorganizing the various Norwegian state film funds into one single body. Eirik Ildahl is currently reviewing the German statement and will be reporting soon from the Norwegian front.

## 5. European Employment law - Flexicurity

A new concept has been invented: "flexicurity".

Flexicurity is combining 'flexibility' of the workforce by giving it 'security'. The Social Affairs services of the European Commission says that it wants to free up the labour market but at the same time ensure that workers retain their security and social rights. The amount of issues at stake are vast and a great deal of concern has been raised by unions representing workers on fixed contracts. However, for the FSE, the debates on flexicurity have allowed us to argue for the right of freelancers to organise into guilds and to negotiate collective agreements. It seems that in the European Parliament where the Commission's proposals are being debated the FSE's wishes are on board.

To argue its case FSE organised a meeting with MEP Ole Christiansen (Danish Socialist) responsible for drafting a policy position for the Parliament with UNI-MEI, IFJ and FIA where we outlined the importance that freelancers have the right to collective bargaining. MEP Christiansen adopted our position and in the final text that was voted on in November this is right for freelancers to collective bargaining is stated in paragraph 24. However, opposition from industry and commerce and some established unions to flexicurity are such that the view is that this initiative will die out.

There are various other important but not vital issues on which FSE has been working on which are current, these include Content Online, Digital Libraries, Cultural Industries and the Telecom Package.

It is important to mention that FSE lobbied hard at the special hearing in held Helsinki toward the end of the Finnish Presidency (July 2006) on what should be included in the text of the European Commission's Communication on **Content Online**. The Communication was published on January 3, 2008. Deadline for comments is February 29, 2008.

FSE has been working through the informal Creators' Forum, which includes the International Federation of Actors (FIA), Film Directors (FERA), Journalists (EFJ), European Writers' Congress (EWC), UNI-MEI and various collecting societies, on lobbying for a stronger acknowledgement in the European Parliament's response to the Commission's communication on culture, specifically regarding cultural industries and to highlight the importance of the rights of authors in the digital economy. Main efforts have focused on lobbying the MEP responsible, Guy Bono, to more strongly highlight authors' rights in his report.

On December 12, 2007 FSE was invited and attended a meeting to discuss the issue of orphan works within the **Digital Libraries** initiative of the European Commission.

The FSE is also monitoring the **Telecommunications Package**. This is an ambitious European Commission proposal to liberalise the regulation of telecommunications. This is a very technical issue concerning regulators and engineers, indeed content is entirely to be regulated by the Audio-visual Media Services Directive. Nonetheless, FSE is monitoring developments.

- **Joining Forces with other international organisations**

FSE continues to work with the Creators' Forum and the Culture First! Coalition. These two informal entities have proved very effective, especially in defending the rights of authors and in defending copyright levies.

Proof that the FSE is further strengthening its profile is the recent invitation from the European Audio-visual Observatory to be a contributor and an observer in 2008.

Lastly FSE was represented at the IAWG meeting in Montreal in November 2007 and is continuing its strong collaboration with the IAWG on all levels.

- **List of meetings attended**

|               |   |
|---------------|---|
| 25.01.2007    | Informal meeting with MEP Helga Trüpel (German Green)           |
| 29-30.01.2007 | Committee on Culture and Education, European Parliament         |
| 15.02.2007    | Culture First! Coalition meeting                                |
| 18-19.02.2007 | PAWS meeting, Berlin  |
| 27-28.03.2007 | Committee on Culture and Education, European Parliament         |
| 14.05.2007    | Creators' Forum meeting   |
| 20-21.05.2007 | Cannes Festival   |
| 25-26.06.2007 | Committee on Employment and Social Affairs, European Parliament |
| 03-05.07.2007 | Cheltenham Festival   |

06.07.2007 Hearing on State Aid to Filmmaking  
 16-17.07.2007 Committee on Culture and Education, European Parliament  
 17.07.2007 Creators' Forum meeting  
 27.08.2007 Committee on Culture and Education, European Parliament  
 07.09.2007 Culture First! Coalition meeting  
 10.09.2007 Legal Affairs Committee, European Parliament  
 11-12.09.2007 Employment and Social Affairs Committee, European Parliament  
 13.09.2007 Industry Committee, European Parliament  
 14.09.2007 Culture Programme Information Day  
 18.09.2007 Culture First! Coalition meeting  
 24.09.2007 Creator' Forum meeting  
 25.09.2007 meeting at Athena Web  
 03-04.10.2007 Committee on Culture and Education, European Parliament  
 08.10.2007 Meeting at the office of MEP Ole Christiansen  
 08-09.10.2007 Employment and Social Affairs Committee, European Parliament  
 12.10.2007 Culture First! Coalition meeting  
 12-15.11.2007 IAWG meeting, Montreal  
 19-20.11.2007 Committee on Culture and Education, European Parliament  
 20-21.11.2007 Employment and Social Affairs Committee, European Parliament  
 12.12.2007 Meeting at the European Commission on orphan works and digital libraries  
 17-18.12.2007 Committee on Culture and Education, European Parliament

- **The FSE policy paper**

In August the FSE board completed a one-year effort to produce a detailed policy paper that outlines the strategies of the FSE for the coming years as well as clearly indicating the goals and objectives of the organisation as well as listing specific actions in order to reach these goals and objectives. As said the FSE board sees the policy paper as the possibility to outline our strategy in order to achieve the goals we set out in the manifesto, so it is the natural next step to the Manifesto of the European Screenwriters.

The drafting of the Policy Paper was possible thanks to generous funding by LIRA, the Dutch collecting society which provided the FSE in 2006 with 15000 Euros, specifically to produce the paper. Thanks to this funding the FSE board was able to meet and work on this document in four different meetings, in Paris (September 2006), Thessaloniki (November 2006), Berlin (February 2007) and London (April 2007).

- **Conclusion**

On the whole, the last fourteen months have been good. By working closely with other organisations the results of the campaigns on the Audio-visual Media Services Directive and on defending levies have brought some positive results. There is concern about the future and the ways of the continuation of state aid to filmmaking, but we are involved in the process. We are following up closely on the recent developments on flexicurity. Internally, the FSE website needs in 2008 to be developed further so that the profile of the FSE can be enhanced. The FSE is expanding and it has developed a policy paper to plan for its future development. But most importantly these last twelve months the FSE has created a campaigning platform, and the Manifesto is only the first step.

FSE contacts - 05.01.2007

| COUNTRY  | GUILD   | CONTACT  | TEL & FAX   | E MAIL  |
|----------|---|--|---|---|
| Austria  | Drehbuchverband Austria<br>Stiftgasse 9<br>A-1070 Wien  | Fritz Ludl   | Tel: + 43 699 111 66 844  | office@drehbuchverband.at<br>www.drehbuchverband.at   |
| Belgium  | Association des Scénaristes l'Audiovisuel ASA<br><br>Address<br>87 rue Prince Royal<br>1050   | David VERLANT  | GSM 0475 91 03 14   | davidverlant@hotmail.com  |
| Belgium  | Flemish Scriptwriting Guild<br>Scenaristengilde vzw<br>Vredestraat 24<br>2600 Antwerpen<br>Ondernemingsnr 861 194 209   | Pieter De GRAEVE   | 0475.49 37 65   | pieter@scenaristengilde.be<br><br>www.scenaristengilde.be<br>info@scenaristengilde.be   |
| Bulgaria | Bulgarian Association of Film, TV and Radio Scriptwriters - BAFTRS<br>108a Rakovsky str. - NATFA<br>1000 Sofia<br>Bulgaria  | Stanislav SEMERDJIEV<br><br>Dimitrij DERELEV                                       | tel: 00359 2 987 98 66<br>Fax: 00359 2 989 73 89<br>GSM: 00359 (887) 64 63 70<br>tel: 00359 (887) 64 63 70<br><br>tel: 00359.2.981 86 84<br>fax: 00359 2 981 76 11<br>mobile phone: 00359 888 33 7083 | stanislav.semerdjiev@gmail.com<br><br>dereliev@darzi.net  |
| Denmark  | Danske Dramatikeres Forbund<br>Klosterstraede 24<br>1157 Copenhagen K.<br>Denmark   | Nina MALINOVSKI<br><br>Susanne GODSKE  | Phone: 0045.36 16 09 09<br><br>Phone: 0045 33454035<br>Fax : 0045 33454039  | nm@dramatiker.dk<br><br>sg@dramatiker.dk<br><br><a href="http://www.dramatiker.dk/omddf/forbundet.asp">http://www.dramatiker.dk/omddf/forbundet.asp</a> |
| Finland  | Suomen Näytelmäkirjailijaliitto - Finlands Dramatikerförbundet ry<br>The Finnish Dramatists' Union<br>Vironkatu 12 B 13<br>00170 Helsinki<br>Finland<br><br>Terveisin,<br>Suomen Näytelmäkirjailijaliitto | Markus PYHÄLTÖ<br><br>Jukka ASIKAINEN (iminnanjohtaja)<br>markus.pyhalto@sunklo.fi | Tel. +358 9 135 6191<br>GSM. +358 40 528 7008<br>Fax. +358 9 135 6171<br><br>Tel: 00358.41.445 4087   | markus.pyhalto@sunklo.fi<br><br><a href="http://www.sunklo.fi/">http://www.sunklo.fi/</a>   |
| France   | Union-Gilde des Scénaristes<br><br>UGS - le secrétariat de l'Union-Gilde des Scénaristes - France<br>Union-Gilde des  | UGS:<br>Laure LEGRAND<br>Clémence DUPRÉ<br><br>Bernard BESSERGLIK                  | UGS tel: +33 (0)1 44 89 99 80<br>Fax: 0033.1.44.89.99.84<br>Tel: 0033.1.4846 1831<br><br>Tel: +33 (0)1 42 61 12 68  | ug.s@free.fr<br><a href="http://www.ugs-online.org/">http://www.ugs-online.org/</a><br><br>besserglik@wanadoo.fr  |



|               |   |   |   |  |
|---------------|---|---|---|--|
|               | Scénaristes<br>17 rue de Jeûneurs,<br>75002 Paris, France   | Valerie<br>TILBOURG<br>de   | Fax: +33 (0)1 42 61 12 62   |  |
| Germany       | Verband Deutscher<br>Drehbuchautoren e.V.<br>VDD<br><br>Geschäftsführung<br>Charlottenstraße 95<br>D - 10969 Berlin                           | Katharina<br>UPPENBRINK<br><br>Christina KALLAS                               | Tel: +49. 30.2576 2971<br>Fax : +49.30.2576 2974<br><br>Tel : 0030.697.6416 266<br>Tel: 0049.172.381 0405<br>fax: 0030.2340.860 606   | uppenbrink@drehbuchautoren.de<br>www.drehbuchautoren.de<br><br>christina.kallas@web.de   |
| Great Britain | Writers Guild of Great<br>Britain<br>15 Britannia Street,<br>London WC1X 9JN  | Bernie CORBETT<br><br>Katharine WAY<br>(chair)                                | tel: 0044.207 83 30 777<br>extn 202<br>fax: 0044.207.833.4777   | corbett@writersguild.org.uk<br><br><a href="http://www.writersguild.org.uk/public/index.html">http://www.writersguild.org.uk/public/index.html</a><br><br>kway189@googlemail.com |
| Greece        | Scriptwriters Guild of<br>Greece<br>16, Orminiou str.<br>115 28 Athens<br>Greece  | Greek Guild<br><br>Alexandros<br>KAKAVAS<br>(president)<br><br>Yannis MAROUDA | Tel/fax:<br>0030.210.38 24 922<br><br>tel: 0030.210.723 5629<br>GSM: 0030.6932-089 819<br>Fax: 0030.210.729 4611<br><br>tel: 0030.210.361 8368 /561<br>8368<br>fax: 0030.210.363 2127 | ese@otenet.gr<br>www.senariografoi.gr/<br><br>akakavas@hol.gr<br><br>yanmar@otenet.gr  |
| Hungary       | Hungarian Association of<br>Screenwriters   | Gabor Krigler<br>writer/story editor<br>project manager                       | Tel:0036-30-3969-486  | krigler@fadein.eu<br>www.fadein.eu   |
| Iceland       | Icelandic Dramatists<br>Union<br>Félag Leikskálda og<br>Handritshötunda<br><br>Dyngjuvegur 8, 104<br>Reykjavik, Iceland<br>Reykjavik, Iceland | Sveinbjörn<br>BALDVINSSON<br>(secretary)                                      | Tel: 00354.555.3107<br>GSM: 00354.896.2426<br>Fax :   | tundra@vortex.is<br><a href="http://www.leikskald.is/index.htm">http://www.leikskald.is/index.htm</a>  |
| Ireland       | Irish Playwrights and<br>Screenwriters Guild<br>Art House,<br>Curved Street, Temple<br>Bar, Dublin 2, Ireland                                 | David Kavanagh<br><br>Audrey O'Reilly,<br>Chair                               | Tel/fax: +353 (0) 1 670-9970<br>M + 353 (0) 86 837 1203<br>Tel + 353.1.664 7602   | david.kavanagh@script.ie;<br><a href="http://www.script.ie/">http://www.script.ie/</a>   |
| Italy         | Scrittori Associati di<br>Cinema e Televisione<br><br>via della Penitenza 4,<br>00165 Rome, Italy.  | Mimmo RAFELE  | tel: 0039.06.686 4754<br>Fax:<br>GSM: 0039.335.711.5682   | md6331@mclink.it<br><br>mimmo@rara.fastwebnet.it   |
| Netherlands   | Netwerk<br>Scenarioschrijvers<br><br>Van Deysselhuis  | Paul Jan-Nelissen<br><br>Willemiek<br>Seligmann (Lawyer                       | tel 0031(0) 20 6234296<br><br>fax 0031 (0) 20 6247755<br>mobile tel: 0031.629.297   | piejee@x94all.nl<br><a href="http://www.netwerkscenario.nl/">http://www.netwerkscenario.nl/</a><br>scenario@vsenv.nl;  |

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|----------|---|---|--|--|
|          | De Lairesestraat 125;<br>1075 HH Amsterdam  | / Dutch Guild<br>Director)  | 594  | seligmann@vsenv.nl   |
| Norway   | Norske Dramatikerer<br>Forbund<br><br>Norwegian Playwrights'<br>Association<br>P.O. Box 579-sentrum<br>0105 Oslo  | Tom LØLAND<br>(general secretary)<br><br>Eirik Ildahl   | Tel: 0047 22 47 8950<br>fax: 0047 22 42 0356<br><br>Tel/GSM. 0047 93 00 79 73                    | post@dramatiker.no,<br><a href="http://dramatiker.no/gunger@start.no">http://dramatiker.no/gunger@start.no</a> ,<br>tom.loland@dramatiker.no<br><br>eirik.ildahl@chello.no |
| Portugal | Portuguese Screenwriters<br>Guild<br>(APAD)<br>geral@argumentistas.org<br>www.argumentistas.org<br>Rua Raquel Rogne<br>Gahieiro 12, 6 Esq<br>1500-540 Lisboa<br>1070-037 Lisboa<br>Portugal                     | João Nunes  | Tel: + 351. 96 580 6488  | jotajotanunes@gmail.com<br>www.joaonunes.com   |
| Spain    | FAGA (Federación de<br>Asociaciones de<br>Guionistas del<br>Audiovisual)<br><br>Passeig Colom, 6 despatx<br>3<br>08002 Barcelona  | • Toni Cama is<br>the<br>representative<br>of FAGA to the<br>FSE<br>• Esther Feriche<br>FAGA co-<br>ordinator | tel/fax: 0034.933 197 135.<br>Gsm: 0034.699.537.388  | coordinacio@guionistesc<br>at.org<br><br>tonicama@menta.net  |
| • Spain  | ALMA, Asociacion de<br>Autores Lit., Madrid<br>Alcalá 20. 409.<br>28914 Madrid  | Charo<br>(manager/secretary<br>)<br><br>Tomas Rosón<br>(Advocat)  | ALMA's office: 34 91 521 23<br>39  | alma@asociacionalma.es<br>(Alma's office)<br><br>alma@gravina13.com<br>(Tomas Rosan)   |
| • Spain  | GAC, Guionistes Associats<br>de Catalunya<br><br>Passeig Colom, 6,<br>despatx 3<br>(Pg.Colom number 6 (3rd<br>door))<br>08002 Barcelona   | Esther Feriche<br>(manager)<br><br>Toni CAMA<br>(representative to<br>FAGA and FSE)                           | Tel: +34.93.319 7135<br>Fax: +34.93.319.7135<br><br>GSM: +34.699.537.388                         | coordinacio@guionistesc<br>at.org<br><br>tonicama@menta.net<br><br><a href="http://www.guionistescat.org/">http://www.guionistescat.org/</a>                               |
| • Spain  | EHGPE, (Euskal Herriko<br>Gidoigileen Elkarte<br>Profesionala);<br>(Asociación Profesional<br>de Guionistas de Euskal<br>Herria)<br>Basque<br>Address:<br>Euskal gidoigileak<br>Gran Vía 29, 1º<br>48009 Bilbao | Itxaso DEL<br>CASTILLO<br><br>Pedro RIVERO<br>presidente de la<br>Junta Directiva                             | tel: 0034.94.4913 871<br>tel: 00.34.944166745<br>fax<br><br>tel: 0034. 94 416 67 45 the<br>guild | itxasota@yahoo.es<br>mensaje@gidoigileak.com (guild)<br>castillo_itxaso@eitb.com;<br><br>mensaje@gidoi.com<br>(guild)<br>www.gidoi.com                                     |
| • Spain  | AGAG (Asociación Galega<br>de Guionistas  | Carlos PINEIRO  | Tel<br>Fax   | caurelecer@navegalia.com   |

|             | Address   |   |  |  |
|-------------|---|---|--|--|
| • Spain     | E.V.A.<br>Escriptors Valencians de<br>l'Audiovisual<br>C/Blanquerías, 6<br>46003, Valencia, Spain   |   | tel : 0034.96.262.1294<br>tel : 0034.69.658.4875-  | avizarra@telefonica.net  |
| SERBIA      | Branch Union of Arts and<br>Culture - GS KiU<br>NEZAVISNOST<br>3 Francuska Street<br>110000 Belgrade  | Zoran DJURICIC<br><br>Mina GOITCHITSA   | Tel: +993 81 13 28 13 33<br>Fax: +993 81 11 262 25 60<br>Tel: 00381 64.610.68.14<br>GSM<br>Fax +381 11 334 81 37 | zdjur@yubc.net;<br><a href="http://www.nezavisnost.org.yu/">http://www.nezavisnost.org.yu/</a>                     |
| Sweden      | Sveriges<br>Dramatikerförbund<br>Blå Tornet<br>Drottninggatan 85<br>SE-111 60 Stockholm   | Mari ÅSTRÖM<br>(legal adviser)  | Tel +46-8-21 33 10<br>Fax: +46-8-613 3979  | astrom@dramatiker.se<br><a href="http://www.dramatiker.se/">http://www.dramatiker.se/</a>                          |
| Switzerland | SCENARIO - Swiss Guild<br>Rosemont 8<br>1820 Territet   | Patrick CLAUDET<br><br>Jacqueline<br>SURCHAT                                      | Tel: 0041.79.377.1200<br><br>Tél. et fax ++41 21 963 96<br>43  | patrick.claudet@freesurf.ch<br><br>jsurchat@compuserve.com   |
| Turkey      | SENDER,<br><br>The Scriptwriters<br>Association of Turkey<br><br>TURSAV SINEMA EVI<br>Gazeteci Erol Dernek<br>Street No: 12, Floor: 2<br>Beyoglu / ISTANBUL | Nese SEN<br><br>Umit Unal<br>Enis BARUH<br>(International<br>Relations Assistant) | Tel : +90 212 244 21 22<br>Fax : +90 212 251 65 45   | info@senaryo.org.tr<br>web:<br><a href="http://www.senaryo.org.tr">www.senaryo.org.tr</a><br><br>nese@atlas.net.tr |