

# FSE ACTIVITY REPORT FOR THE YEAR 2009

## 1) General situation

---

The situation of the FSE remains positive but the problems of funding the organisation to the minimum level to effectively achieve our goals remains elusive. The legal status of the FSE is secure and our financial status is in order.

### i) Membership

Membership of the FSE is twenty-seven guilds from twenty-one countries (including five from Spain and two from Belgium). No new members have joined since the last AGM but we are hopeful that the Swiss and Portuguese Guilds may be more active as members, particularly following their participation in the Athens conference. Those countries not in membership of the FSE do not have strong guilds (if, indeed they have any screenwriters organisation) and if we are to grow the membership of the FSE any further it will probably require our assisting with the development of writers organisations at national level first. Our policy document which has been reaffirmed at each of the last two General Assemblies have proposed that we should seek to assist nascent guilds in countries which do not currently have them, but lack of resources makes that difficult.

### ii) Management arrangements

The Board has renewed its contract with Amélie Clement for a further period although her personal circumstances have changed and she is no longer permanently resident in Brussels, although present at the Brussels office for a few days a month and working per e-mail for the rest of the time needed.

This change in our part time administrator's personal circumstances has brought more sharply into focus our difficulty in finding a workable solution to our staffing needs. Put simply we need to find a person who probably does not exist and if they do exist will probably not be available at the money that we can afford. While our administrator's skills as a manager are excellent her knowledge of our industry is limited and her availability to act as a lobbyist in the Commission and the Parliament is limited.

We have therefore made an appeal to the IAWG to contribute to the costs of a separate post of part time lobbyist. We should be able to provide some further information to the General Assembly on this point.

**iii) Brief financial summary**

A full financial report will be provided later in the meeting but it can just be noted here that the financial situation is stable and that the FSE has no debts.

## **2) Introduction to the Boards report**

---

Your Board has continued its work to try to implement the policy objectives of the FSE as established at the first screenwriters' conference in Thessaloniki and reaffirmed at the last two General Assemblies. In the policy document a long list of objectives is established and a shorter list taken out and prioritised.

The prioritised short list reaffirmed at the last General Assembly has been the focus of the Board over the last year. Just to remind you the agenda is:

- Raising the funds essential to any effective pursuit of the policy goals outlined and implementing the new structures with such funds would allow.
- Monitoring the legislative issues and debates within the European Union with a particular concentration on the questions of private copying and collective management of rights, and campaigning, with other organisations, in defence of, and for the improvement of, creators' rights.
- Improving communication with member organisations by upgrading the Guild website and by producing and distributing the series of information leaflets described in this document (On moral rights; on best practise in credits; on creative rights; on comparative rates of remuneration; and on best practise in development funding).
- Organising a follow up to the European conference of writers which took place in Thessaloniki in 2006.
- Promoting the screenwriters manifesto agreed at the Thessaloniki conference in particular by developing and launching the 'Who wrote it?' campaign.
- Addressing whatever new and unanticipated problems may arise.

### 3) Report on progress with priorities

---

#### i) Raising Funds

Progress here has been slow. We have succeeded in two aspects of fund raising. The first was the success in getting the Greek Ministry of Tourism to support the WCOS. Its generous support paid for flights and hotels for more than one hundred of the delegates at a cost of approximately €150,000. A number of others gave smaller amounts to support aspects of the organisation of the event. The members of the IAWG paid their own way to attend the event ; increased the size of their own delegations to support the conference and were able to make a modest contribution to our own administrative costs. VG Wort, the German collecting society helped the German guild with costs of attendance at the conference and provided direct support to the FSE to the tune of €5,000.

The second was to raise some money from the IAWG towards our plans. The IAWG also provided financial assistance to the Athens conference; in part by paying for their own delegations and increasing the size of those delegations and also by giving some modest funds directly to the FSE. IAWG has already provided some funds directly for the FSE as previously reported and we may have further news on this topic for the General Assembly.

However applications that we have made to other possible sources of funding have not been successful. A discussion with the European directors organisation FERA about joint fund-raising did not make progress, also due to FERA's own financing and administration issues. Various schemes which we envisaged, such as establishing a European script registration service, which could have produced a modest income, have not been possible to pursue given that we need to have a basic administrative infrastructure in place in order to manage such services. The Board continues to pursue every possibility that we can envisage but funding the FSE is going to remain an unresolved issue for some time.

#### ii) Current situation at the EU Commission and the parliament

Fortunately this last year has been a relatively quiet time at the European Union, given the emphasis which we had to put on the WCOS. The then imminent European Parliament elections and the prospect of a new Commission reduced the volume of activity coming from the Commission and the Parliament.

However prospects for the next term of the European Parliament and European Commission are potentially more exciting. In the dying moments of the last Commission a reflection document was published by outgoing commissioners Charlie

McCreevey and Viviane Reding. This document lays out basic principles and lists the key issues (and many of the main proposals for solutions) that have developed over the last years. Neither of these commissioners has responsibilities in these areas in the new commission, but the appointment of Neelie Kroes (the ex-Competition Commissioner) as vice president of the commission with responsibility for the digital agenda may be a sign that Barosso, President of the Commission has decided that the time has come for decision-making on this complex issue.

It is therefore sensible to consider the reflection document as perhaps constituting an agenda for the new Commission for progress over the next years.

The document can be read here:

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

The documents opening sentence is 'Copyright is the basis for creativity'. This is followed by twelve pages of analysis of the many problems of bringing creative content to market, particularly to a European market. The sections covered are music, publishing, audio-visual, and a passing reference to games. The main challenges for the future European distribution of creative content under the categories listed above are discussed under three headings – consumer access, commercial access, and protecting rightholders (the document consistently deflates creators and rightholders).

The document is a reflection document, rather than a set of proposed solutions but section 5 of the document outlines some possible actions. These are addressed from the perspective of the three points of a) consumer access, b) commercial access and c) protection of rightholders.

The ideas listed are said to be considered from the perspective that they would consist of legal services (i.e. not piracy), attractive offers (attractive to consumers) and fair conditions (fair for creators and rightholders). They are not presented as being approved by the Commission, merely as various possibilities. They include:

1. Extended collective licensing, which would allow that orphan works and maybe out of print books could be distributed online without the permission of the owners but compensating them financially if they can be located;
2. clarifying exceptions and limitations to copyright law, perhaps by further harmonising copyright law or by examining each exception individually and deciding how to act in respect of each one;
3. creating new systems for pan-European or at least multi territory licensing, perhaps by a limited aggregation of different kinds of rights or, more ambitiously, by the creation of a single licence covering all of the different rights in each work.;
4. providing transparent information about what rights are managed by who;

5. a proposal to extend the scope of the Satellite and Cable Directive of 1993 to the online market. This would mean that once a work is licensed in one territory of the EU then this licence would apply to all EU countries;
6. a profound harmonisation of copyright laws by creating a European copyright. It seems that this could be done under article 118 (1) of the Lisbon Treaty;
7. seeking to get other organisations (e.g. ISPs) to pay for online services;
8. a mandatory collective management system for the 'making available right';
9. an unwaivable right to equitable remuneration in respect of the rental and lending right;
10. more transparency in general from Collecting Societies;
11. more collaboration with ISPs;
12. financial incentives for multi-territory VOD platforms.

The document concludes by inviting comments.

We have been attending a grouping of creators' organisations which includes journalists, actors, musicians, directors, visual artists, etc. and have co-signed a brief comment written jointly by those organisations and we have also made our own brief comments which are posted on the website.

### **iii) Communication with the members**

The first of the hoped for series of leaflets has been published now for some time and has had a useful impact for those guilds who are negotiating in the area of development spending. The German Guild for example has used the arguments of the leaflet as a tool in improving significantly the approach to development spending adopted by the German federal fund.

The Polish Guild has also made use of the leaflet in a fairly comprehensive renegotiation of the processes used by the Polish Film Institute in assessing and awarding development and production funding.

The second of this group of leaflets should be available at the General Assembly. This one looks at average rates and sources of payment for writing in all of the members guilds of the FSE.

We continued our co-operation with the WGA west on the issue of product placement, and with their support sent a letter and DVD about the US situation to all member guilds.

We have also written to the European Film Academy asking them to give more appropriate credit to writers in their publications and in the award ceremonies, which they readily agreed to do. We have written an additional letter to all the national

academies of Europe which was presented by the European Film Academy at the general assembly of the network of film academies in Europe this year. The academies have taken our comments on board, as well as our motion to give more appropriate credit to writers in their publications and in their awards ceremonies and we will be monitoring the implementation of such changes.

Somewhat reluctantly we have postponed our idea to redo the website. We were not succeeding in finding a clear route to redoing the site and the amount of money involved seemed disproportionate in the context of our general financial situation.

However we have started to actively update the existing old-fashioned site and have been putting up most of our publicly accessible documents.

We continue to send out occasional newsletters, the primary focus of which have tended to be (and will continue to be in the future) the machinations of the European Commission.

#### **iv) First World Conference of Screenwriters**

Obviously the major achievement of the last year was the first ever World Conference of Writers Guilds which took place in Athens on 6 and 7 November 2009.

Organising a follow up conference to the First conference of European screenwriters was one of the priority goals which we committed to implementing and the decision of the Greek Ministry of Tourism to support such a conference was extremely important. We noticed however the coincidence that we were planning the second European screenwriters conference for essentially the same date as the proposed annual general assembly of the International Affiliation of Writers Guilds and a suggestion to them that they would change the venue of their meeting to Athens thus allowing a joint meeting was enthusiastically adopted by them. The addition of the Brazilian, Argentinian and Israeli Guilds turned the meeting into the first ever World Conference of Screenwriters.

The formal results of the conference were the agreement of a **joint statement** (which relied heavily on the existing statements of intent of both organisations including for example our Manifesto from Thessaloniki) and a **work plan of specific actions** (which we put in place to ensure that there would be joint work of the two organisations as a result of the conference). However these formal results were modest relative to the fantastic informal success of the conference, with very strong and interesting contacts made between writers from all over the globe and a great sense of solidarity and of shared problems and aspirations.

A proposal that the 2<sup>nd</sup> World Conference of Screenwriters would take place in Helsinki in 2011 is being investigated and it may be possible to discuss this further at the General Assembly.

## **v) Activities relative to the Manifesto**

### **Turkish situation**

As agreed at the last AGM the Board of the FSE has written to the President of Turkey, to the Prime Minister, to the Minister for Culture and to the Minister responsible for the European Union to support first the scriptwriters, and then all cinema creators, in respect of the particular problems of the Turkish industry, especially the failure to respect the rights of creators.

### **'Who wrote it' campaign**

Based on the proposal made at the WCOS by the British writer Guy Hibbert and the existing proposal in our policy document, Guy Hibbert, Olivier Lorelle and Howard Rodman have agreed to put their names on a letter to the film festivals upon acceptance of the final text. This text is being drafted by Sven Baldvinsson.

## **4) Conclusion**

---

The World Conference has been the overwhelming task of the year since the last GA. We can safely say that it has been a major success. We believe that the World Conference will take place again in 2011 and that the impetus of the conference will change the way in which screenwriters' organisations communicate and has had an immensely positive impact.

We were fortunate that we organised the Conference in a year when activity in the European Institutions was low – next year will see a marked increase in the volume of work which we will have to do in respect of the work of the Commission and the Parliament.

We must also continue to concentrate on achieving the goals we set ourselves in our policy document and the list of activities we agreed at the World Conference. Doing all of this in the context of the very modest resources available is difficult. Finding funds to enable us to do our work remains the most important and at the same time the most intractable of the difficulties we face.

### **The Board of the FSE**

Christina Kallas, President  
Sven Baldvinsson, Vice President  
Stanislav Semerdjiev, Treasurer  
Luigi Ventriglia, Board Member  
David Kavanagh, Board Member