



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 Elkarteá; 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

## FSE - Bulletin 7

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#### Introduction

The Bulletin 6 you recently received covered a short period, mid-May to mid-July. Some interesting events and activities have taken place since the last issue. Of particular concern are various European Commission public consultations relating to (1) the collective management of copyright, (2) on the revision of the TV without Frontiers Directive, and (3) on state aid to filmmaking. These consultations were made public during the summer holiday period when most people are away with their families and are not prepared to respond to difficult European proposals. Nonetheless FSE responded on behalf of scriptwriters.

Some opportunities have arisen, namely a request by the European Commission to fund networks of festivals. FSE is considering exploiting this call for proposals. A further call was launched on 19 August 2005 by the Culture 2000 programme to fund the operational activities of cultural networks and organisations. This second call for proposal will definitely be exploited by FSE.

**Paulo Filipe Monteiro** is developing the seminar to take place in Portugal which he mentioned at the last FSE General Assembly.

Please any of you if you have comments about anything in the Bulletin please feel free to contact me. Also please mention the work described in the FSE Bulletins. For example the **Writers Guild of Great Britain** in its **e-bulletin** (issue 183) gave a very nice and simple description of the script market that took place in Cannes. This sort of publicity is good for FSE and interesting for your members who need to know and exploit initiatives like this script market. Another example is the **Leikskáldafélag Íslands**

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

(Iceland) which has published the FSE Bulletin no.2 on the Internet to be read by its members. Better still why not put all the bulletins on your web-sites to be accessible to all your members.

### Item 1 – European Commission consultations

The Commission launched requests for comments regarding:

1. Study of a Community initiative on the cross-border collective management of copyright
  2. Issue Papers on the revision of the Television without Frontiers Directive
  3. State Aid Action Plan – “Less and better targeted state aid: a roadmap for state aid reform 2005-2009”
- Study of a Community initiative on the cross-border collective management of copyright

This 60 page study written in difficult legal English was published on 7 July 2005 and the deadline for comments were 28 July 2005. This study is the basis on which the European Commission plans to regulate collecting societies. The study examines collecting societies and their work in purely economic terms and completely fails to recognise that they are trustees. The FSE wrote a very comprehensive letter response to Mr. Tilman Lüder<sup>1</sup> indicating the mistakes in the study’s analysis and we hope that any debate or proposals to regulate collecting societies will include consultation with the FSE.

- Issue Papers on the revision of the Television without Frontiers Directive

The European Commission published what is called “issue papers”. These issue papers are reports describing what the Commission believes to be the main issues arising from the consultation (2003-2004) on the Television without Frontiers Directive. FSE took the opportunity to express its position that the quotas in the existing Directive be retained, the safeguards on advertising also be kept and that loop-holes like the poor definition of what constitutes an audio-visual work be rectified. In particular FSE used the Commission’s own independent research indicating that in certain countries like Ireland and Spain private channels are not meeting the Directive’s requirements and that in nearly all the member states of the European Union, the quotas were not being met by private channels until 2002. Consequently FSE demanded much stronger enforcement. FSE sent its position letter to the Commission, but also to MEPs Henri Weber, Ruth Hieronymi and Nicolaos Sifunakis. These MEPs are leading the European Parliament in support of a stronger Directive.

FSE is supporting a joint declaration to be signed by various other organisations representing creators. This joint declaration is the initiative of SACD (Societe des Auteurs et Compositeurs Dramatiques). The supporting organisations include:

- CEPI (Coordination européenne des producteurs indépendants)
- CICCE (Comité des industries cinématographiques)
- CPE (Club des producteurs européens)
- FERA (Fédération européenne des réalisateurs)
- FIAD (Fédération internationale des associations de distributeurs de films)
- EFCA (European Film Companies Alliance)
- Euro-MEI
- Eurocinéma (Association de producteurs de cinéma et de télévision)
- EuroFIA (Groupe européen de la fédération internationale des acteurs)

Any of you wish to see a copy of this joint declaration, please contact the FSE office.

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<sup>1</sup> Tilman Lüder is the Head of Unit of Directorate General for Internal Market D/1, Copyright and Knowledge-based Economy, European Commission. Tel: 02.299.1548; fax: 02.296 7679

- State Aid Action Plan – “Less and better targeted state aid: a roadmap for state aid reform 2005-2009”

In June the Commission’s General Directorate for Competition started a public consultation requesting comments on its plans for regulating state aid. The Commission’s plans include regulating state aid to filmmaking and to the funding of public broadcasters. FSE sent a letter to the Commission for Competition, Ms Neelie Kroes, explaining the case for the need to continue with the state aid funding schemes for filmmaking and the production of television programmes.

The seriousness of this Commission’s policy to reduce state aid is not sufficiently understood by creators and cultural organisations. The fact is that commercial broadcasters are ferociously lobbying the European Commission to stop subsidies to state broadcasters and even to filmmaking. Furthermore the Commission’s Competition authorities have said in a public consultation meeting in January 2004 that state aid to filmmaking should only focus on cross border co-productions.

*If you wish to read any of these letters, please feel free to contact the FSE office by e-mail which can send them to you. The Commission has actually put on the Internet our letter on the collective management of copyright.*

#### Item 2 – Culture 2000 Programme

The European Commission launched a call for proposals in August for cultural organisations and networks to apply for a subsidy to cover their administrative and overhead costs. This is a call that FSE has been waiting for a very long time. FSE will apply for money to pay for the web site, the newsletter (e-journal), some travel expenses and the interpretation costs for our General Assembly. If successful the financial pressures on FSE would be greatly reduced. The application form and the guidelines of the European Commission are very difficult. Nonetheless we plan to submit a good bid by the deadline which is 28 October 2005.

#### Item 3 - Network of Scriptwriters’ festivals – application for funding to the Media Plus Programme

Also in the month of August, the Commission’s Media Plus Programme launched a call for proposals which includes the funding of networks of festivals. FSE is planning to submit a proposal. We are considering developing a simple information network of scriptwriters festivals. The deadline in December 2005, therefore the Culture 2000 proposal is our priority. ***However at this stage we ask all guilds that are aware of a scriptwriters festival that takes place in their country to send to the FSE office the name of the festival and the contact details of the organisers of that festival so that we can communicate with them and establish a possible joint application to the Commission.***

#### Item 4 - News from the Netherlands

Government policy in the Netherlands is becoming increasingly hostile to the state funding of the public television broadcaster. This is grave news for Dutch writers as the Dutch public TV broadcasters is a principal client for Dutch writers. FSE is in complete support of Dutch writers and supports their position to defend the state funding of Dutch public television. As a matter of urgency letters were sent to the Prime Minister of the Netherlands, Mr. Jan Peter Balkenende, the Secretary of State for Education, Culture and Science, Ms Vander Laan and various MPs in the Dutch Parliament representing the political parties in the debates for the future funding of Dutch television.

### Item 5 – the Newsletter – a REQUEST!

Please respond to FSE requests to send an article to Silvia Perez, ALMA, Spain about the recent activities of your guild. The newsletters is a simple but effective tool in which the guilds can learn about each other and the work they are doing and about the problems confronting scriptwriters. Please send you article by the end of October 2005 to Silvia Perez. Her e-mail is: [silviapp@inicia.es](mailto:silviapp@inicia.es)

### Item 6 - Preparing the second RISE Festival – 6-9 December 2006 in Nice, Spain

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 is currently drafting a plan for the next RISE festival and will distribute this when it is ready.

***Every member guild is requested to examine any find and funding for the RISE, for example travel grants for scriptwriters to go to NICE and attend the festival. Contact your Ministries of Culture, Foreign Affairs, Cinema Centres, Media Desks, or any other organisations that would be interested in sponsoring or funding RISE and your writers to attend this important event.***  
**It is particularly welcome if the guilds could actually find funds for the planning and implementation of the RISE festival. This send a strong message that RISE is a European event.**

### Item 7 – where next for the FSE

The UK Presidency and the European Commission are staged the **Audio-visual Conference** that took take place in Liverpool between 20-22.09.2005. The FSE was represented by **Christophe Pascal**, who greatly assisted in the drafting of the official FSE response to the issue papers and by **Bernie Corbett** who is the general secretary of the WGGB and an FSE board member. The importance of this event cannot be underestimated. FSE is lucky that two well-informed and committed individuals represented it at this major event. It seems that the UK government is pushing hard for a revised Directive and the Commission is seeking to weaken some of the safeguards and provisions in the Directive, especially those relating to advertising control.

Below is a brief analysis take from the report sent to FSE by Christophe Pascal:

Audiovisual Conference, Liverpool, 20-22.09.2005

The conference lasted three days (20-22.09.2005) and it had a strong bias towards the interests of the commerce rather than culture. The introductory speech was by Tessa JOWELL, British Secretary of state for Culture Media and Sport. She was OK, diplomatic, not too “libera” mentioning cultural diversity. The tone of the proceeding change immediately after, with the speech of the Director General of the BBC who talked about the need to cater to the “global” economy. His speech was about opening up the market and deregulating it but at the same time strengthening the Public Services Broadcasters (PSB) by funding them. The other panellists took an even stronger pro-business position. The only spokesperson who had something favourable to say about the need to continue supporting regulations that favour culture and diversity were from Nicolas de TAVERNOST (M6, French Free TV Channel), speaking also in the name of the Association of Commercial Televisions and, more softly, from CANAL+.

After this very difficult day representatives of cultural organisations realized that there was a risk of “ghettoizing” the cultural sector. This was obvious the next day with a very important group of cultural organizations meeting in a small room while broadcasters were meeting in the biggest conference room discussing “rules applicable to audiovisual content services”. There is a big risk that stronger regulation or, at least, a “steady” regulation will apply just to the traditional television services while no regulation at all to “non linear services” which includes video-on-demand and online TV.

The panel on Cultural Diversity was very reactive and strong with a very interesting study from Christian S. NISSEN about the example of deregulation in NEW ZEALAND and two strong speeches from Pascal ROGARD (SACD, French Collective

Rights Society) and the MEP Henri WEBER<sup>2</sup> both mentioning their disappointment on the attitude of the Commission. The two of them strongly asked for regulation even for “*non linear services*”. Latter in the conference, MEP Ruth HIERONYMI spoke, but rather hesitatingly on future regulation.

Wednesday night was the big dinner in the Conference Hotel, where the UK Presidency allowed James MURDOCH Chairman of BSKYB (yes, the son of Rupert MURDOCH) to make a forty minutes speech calling for de-regulation<sup>3</sup>.

Finally, Viviane REDING, European Commissioner for Information Society and Media made her speech. It was not strong at all on the on cultural diversity but she made some hints that makes us think that the Commission could ask for non linear services to contribute to the development of European production.

After this Conference we have to try to make our voice heard on the matter of ‘stock’ programs<sup>4</sup> and definition of audiovisual works. Christophe believes that we have a chance to be heard but the **crucial point is too try to freeze the present legislative framework (as imperfect it is) and to make it apply step by step to non linear services**. The battle is now moving on to the politic stage. French position is very determined. The French Government sent a lot of civil servants to the Conference (from Foreign Office, Ministry of Culture, Prime Minister Services) and they all worked hard, hand in hand, and also closely with SACD. So a good idea would be that each guild asked for a meeting with Members of European Parliament from your countries and also with members of your governments and lobby them.

Christophe can send a list of people who attended the Conference.

A second important event is due to take place in London (5-7 October 2005), the **Creative Economy conference** which will discuss the future of intellectual property rights. This event is also planned by the UK presidency and the European Commission. **Pyrrhus Mercouris** will be attending this event. In London Pyrrhus will also try to rendez-vous with London University to see if any progress has taken place with our hoped for research project.

You are interested in finding out more about one or all of the above, or need some other kind of information please feel free to contact the FSE office:

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<sup>2</sup> Christophe Pascal met Henri Weber and was able to introduce him to the work of the FSE and supported his position on the revision of the Directive.

<sup>3</sup> In the opinion of British Experts, BSKYB is developing in a non regulated field as it has been exempted of all obligations towards TV without Frontiers Directive by the British Government. This has been confirmed by an independent study which reported to the Commission in May 2005.

<sup>4</sup> Stock programmes are programmes like films, dramas, animations and other type of quality programmes that are repeated. ‘Flow’ programmes are not usually repeated, examples of ‘flow’ programmes include reality shows, chat shows, big brother, and any programme that is unlikely to be ever repeated.