

CULTURE IS DEMOCRACY DEMOCRACY IS CULTURE

A Call to Empower European Audiovisual Diversity



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Film and television drama are one of the most potent ways in which our European societies interrogate and try to understand our world, its problems and their possible solutions.

The extraordinarily complex and rich cultures of Europe are in a state of constant flux, their very diversity creating instability, now additionally subject to deliberate disruption by global entertainment companies and new technologies.

As a result, the arts and culture, including the audiovisual sector, receive significant support through funding and laws, both from individual Member States and at European level. The European Parliament has been very active in working on legislative proposals from the Commission and in promoting new initiatives that support a diverse European audiovisual culture.

Screenwriters and film and television directors are, despite limited resources, organised at European level and in this brief note, congratulate you on your election and call on you, as an incoming Member of the European Parliament, to support the strengthening of European Cultures in all of their wonderful diversity.

OUR PRIORITY FOCUS AREAS FOR NEXT 5 YEARS

1

Cultural Diversity and Freedom of Expression

Audiovisual creation in Europe is under unprecedented pressure. The rise of global streamers is changing the content of the stories we watch, and having a dramatic effect on film sector business models as well as public and private broadcasters. This impacts production volume, budgets and profitability of exploitation. The unknown but certain uptake of AI will likely accelerate this shift. The future of Public Service Broadcasting is politically and culturally uncertain. In an increasing number of Member States, control of the media including cultural institutions and state funding of the arts is seen as electorally advantageous. **These trends signal a serious threat to the freedom of expression, including artistic expression, which is the bedrock of European cultural production.**

2

Artificial Intelligence, the AI Act and the future of European creation

Plagued by legal uncertainty, digital hallucinations and a deepening caution about its commercial prospects, Generative AI and large language models are nonetheless rushing into every aspect of citizens lives. Its developers see human creativity as an area ripe for assault. The adoption of the European AI Act, welcome though it is, is only a first step. **Transparency, consent and remuneration for the use of screenwriters' and directors' works remain unresolved.** While legal uncertainty and lack of transparency are slowing its application in the European audiovisual sector, the first impression is that AI is poor at creative tasks and good at organisational and administrative tasks. Yet its likely impact is to significantly reduce the volume of creative work available, impacting new entrants in particular.

OUR PRIORITY FOCUS AREAS FOR NEXT 5 YEARS

3

Ensuring Fair remuneration and Collective Representation for European Screenwriters and Directors

Most European screenwriters and directors are freelancers with little access to social benefits and often lack effective collective representation. Their ability to share in the economic success of their work as authors varies greatly between countries, leading to low and unstable incomes that prevent them from building sustainable careers. **Title IV Chapter 3 of the 2019 Copyright Directive, intended to protect European authors and performers, and improved by the European Parliament, has not yet been effectively implemented in industry practise.** As it is likely to be reviewed during this Parliament's term, there is ongoing debate about whether it adequately protects authors and performers. Meanwhile, efforts to improve their collective representation and ensure fair pay, working conditions, and rights must continue.

Conclusion

Recent events demonstrate that threats to democracy which we thought had been defeated can and will come back to challenge us. Freedom to debate, to discuss – all freedom of expression – is essential for us to defend and promote our values. Film, television and streaming make a central contribution to that debate.

We hope that, as an elected member of the European Parliament, you will help us to find the means to defend and expand the space for Europe's cultures, and its artists and creators, to thrive.

WHO WE ARE

FERA (Federation of European Screen Directors) and FSE (Federation of Screenwriters in Europe) represent the European community of professional screenwriters and directors, who are recognised as audiovisual authors.



FERA (Federation of European Screen Directors) represents film and TV directors at European level, with 46 organisations as members from 31 countries. Founded in 1980, FERA speaks for more than 20,000 professional European screen directors, advocating for their cultural, creative and economic interests.

Web : screendirectors.eu

EU Transparency Register ID : 29280842236- 21

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FSE (Federation of Screenwriters in Europe) is a network of national and regional associations, guilds and unions of writers for the screen in Europe, created in June 2001. It comprises 32 organisations from 26 countries, representing some 10,000 screenwriters in Europe.

Web : federationscreenwriters.eu

EU Transparency Register ID : 642670217507-74

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WHAT TO EXPECT IN THE NEXT 5 YEARS?

Authors' rights

- ▶ Use of copyrighted works in training Generative AI : potential proposal for a legal instrument in 2024-2025.
- ▶ 2018 Geo-blocking regulation (*audiovisual services allowed to use geo-blocking to enforce territorial exclusive exploitation licenses*) : potential review in 2025.
- ▶ 2019 Directive on Copyright in the Digital Single Market (*provisions on authors' and performers' fair remuneration in exploitation contracts*) : potential review no sooner than 2026.

European Audiovisual policy

- ▶ 2018 Revised Audiovisual Media Services Directive (*provisions on the promotion of European works*) : ex-post evaluation and potential review in 2026.
- ▶ Creative Europe MEDIA (*financial support to audiovisual projects*) : potential new edition as of 2028.
- ▶ Cultural exception in trade negotiations (*audiovisual services carved out of the European Commission mandate given by Member States to negotiate trade agreements*).
- ▶ State Aid : 2013 Cinema Communication (*European Commission criteria in assessing national audiovisual cultural policies derogating to the general EU principle prohibiting State aid unless exceptionally justified*).

WHAT CAN YOU DO ABOUT IT?

1

The European Union has just adopted its first legislation to regulate AI, which falls short of addressing the multi-faceted impact of the technology on creation and the cultural and creative industries.

Are you interested in addressing the impact of AI on creation and cultural diversity at European level?

2

The European copyright framework includes crucial provisions for the audiovisual sector and its creators. In today's global streaming landscape, the effective enforcement of transparency and fair remuneration in authors' contracts is vital for them to sustain professional careers in Europe.

Are you concerned with maintaining and improving these standards?

3

European audiovisual policy includes key provisions harmonizing the promotion of EU audiovisual works, such as quotas, discoverability requirements, and potential investment obligations. These measures are crucial for maintaining cultural diversity amid the rise of global media services.

Do you plan to help in addressing the future of legal provisions promoting European audiovisual works?

4

The cultural exception in trade negotiations has proven crucial for European audiovisual cultural diversity, excluding audiovisual services from the European Commission's mandate in negotiating trade agreements.

Do you plan to uphold this principle?

5

Creative Europe MEDIA has progressively imposed a new vision for the European audiovisual sector's competitiveness through technological innovation on its beneficiaries, while the financing of the programme is regularly challenged.

Will you support a well-resourced Creative Europe MEDIA programme focused primarily on promoting audiovisual cultural diversity across the EU?

6

Members of the European Parliament position themselves early in the mandate to be influential on the issues that they want to get involved in.

Do you plan on joining the EP Culture committee (CULT) or other committees – Legal affairs (JURI), Internal Market (IMCO)?

Would you join an intergroup focusing on creators and the cultural and creative sectors?