

Newsletter # 1 November 2007

FERA Activities

Next FERA Executive Committee Meeting on December 3 in Brussels

The members of the FERA Executive Committee will meet on December 3 in Brussels for a follow up of the General Assembly Meeting of October and to prepare the 2008 activities.

www.ferainfo.org

European Digital Libraries' Audiovisual Working Group on Orphan Works

Following the seminar held on September 14th where the Copyright Subgroup of the High Level Group on Digital Libraries presented proposals on "orphan" works and "out of print" works designed for the book sector and discussed them with the other sectors (audiovisual, music, visual arts, etc.), sectorial working groups have been set up to draft sector-specific guidelines on due diligence criteria for the use of orphan works. FERA is a member of the audiovisual working group. A first meeting took place on November 8 and another one is scheduled for January 29, 2008.

http://ec.europa.eu/information_society/activities/digital_libraries/index_en.htm

The Council of Europe Review of Film Policies

Cécile Despringre, CEO of FERA, has been invited to take part in a preparatory meeting of the Council of Europe Film Policy Review on December 13 in Paris. The Council of Europe is carrying out a review of national policies for the production, promotion, distribution and exhibition of films as a contribution to the implementation of the 2005 UNESCO convention and will organize a European Forum on film support models on September 2008. This might lead to a policy recommendation to Member States of the Council of Europe in early 2009.

www.coe.int

FERA invited to the EFAH Conference on Re-imagining Cultural Action in Europe on November 10 in Warsaw

Cécile Despringre, CEO of FERA, was invited by the European Forum for the Arts and Heritage (EFAH) to participate in a discussion on the current strategic interests of cultural organizations in Europe. EFAH is linking members from traditional cultural sectors (heritage, performing arts, cities, cultural centers, etc.) and was interested in hearing the experience of an organization like FERA, which is active at lobbying European institutions in order to explore actions of common interest.

<http://www.efah.org/index.php?id=4&pagelang=en>

EU Council of Ministers

The Culture Council adopted the first-ever European Agenda for Culture on November 16

On the basis of the EC Communication on a European Agenda for Culture in a globalizing world adopted on May 10, the Council of Ministers of Culture agreed on an agenda which introduces a more structured system of cooperation between Member States and European institutions (the open method of cooperation), while respecting Member States' first competence in the field of culture.

👤 **President** Liv ULLMANN (Norway)

👤 **Executive Committee** Peter CARPENTIER, Chair and Vice-President (Germany), Trish McADAM, Vice-President (Ireland), Anne THÉRON, Vice-President (France),

Kurt MAYER, Honorary Treasurer (Austria), György GÉM (Hungary), Igor KORŠIČ (Slovenia), Birgitte STAERMOSE (Denmark) 🏆 **CEO (Déléguée générale)** Cécile DESPRINGRE

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The Council endorsed the three major objectives proposed by the EC: the promotion of cultural diversity and intercultural dialogue, the promotion of culture as a catalyst for creativity and the promotion of culture as a vital element in the EU international relations. Progress towards these common goals will be reviewed every three years by the Commission and the Member States.

EC Press release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1709&format=HTML&aged=0&language=EN&guiLanguage=fr>

European Commission

The EC adopted the « Telecom Package » on November 13

The EC adopted on November 13 its legislative proposals for a reform of the EU telecoms regulatory framework. FERA's proposals to introduce a reference to the copyright directives and a mention of the need to respect copyright have been accepted by the EC. These legislative proposals will now be transmitted to the EP and the EU Council of Ministers for adoption according to the co-decision procedure.

EC Press Release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1677&format=HTML&aged=0&language=EN&guiLanguage=fr>

EC Legislative proposals:

http://ec.europa.eu/information_society/policy/ecommlibrary/proposals/index_en.htm

The EC is preparing a Communication on Content Online

DG Information Society and Media headed by Mrs. Reding is consulting the other DGs of the EC in order to finalize a Communication on Content Online for an adoption by the EC by the end of the year. Following the October 2006 public consultation, the Communication would address issues such as access to creative content, EU wide or multi-territory licensing, interoperability and transparency of Digital Management Systems (DRMs). The Communication would set up a "Content Online Platform" for discussion at the European level and launch an additional short public consultation on DRMs and licensing regimes before the preparation of a recommendation.

EC website on Content Online:

http://ec.europa.eu/avpolicy/other_actions/content_online/index_en.htm

European Parliament

The EP will adopt the new Audiovisual Media Services Directive on November 29

The EP Culture Committee adopted on November 12 Mrs. Hieronymi's Report which recommends the adoption of the Council Common Position in the second reading. Formally adopted on October 15, the Common Position of the Council has been agreed by the Audiovisual Ministers of the EU Council on May 24 following negotiation with Mrs. Hieronymi on behalf of the EP. After the vote in plenary session on November 29, the AMS Directive will be published in order to enter into force. The Member States will then have 2 years to implement it at the national level.

The EP Culture committee recommendation for the second reading:

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/691/691468/691468en.pdf

The Common Position of the EU Council:

http://ec.europa.eu/avpolicy/reg/tvwf/modernisation/proposal_2005/index_en.htm

Katerina Batzeli elected Chairwoman of the Culture Committee

Mrs. Katerina Batzeli, Greek MEP of the Socialist Group, was elected on November 13 as new Chairwoman of the Culture and Education Committee of the EP. She replaces Nikolaos Sifunakis who was elected to the Greek Parliament in September.

http://www.europarl.europa.eu/news/expert/infopress_page/037-12882-316-11-46-906-2007112IPR12881-12-11-2007-2007-false/default_en.htm

Rihards Pīks, Latvian Film Director turned MEP

His career as a film producer, cameraman and director took him into politics. This led him from the Latvian Cultural Ministry to the Foreign Ministry and then from 2004 to the European Parliament.

http://www.europarl.europa.eu/news/public/story_page/037-12742-309-11-45-906-20071107STO12741-2007-05-11-2007/default_en.htm

The Culture Committee organized a public hearing on European Cultural Industries on November 20

In support of the initiative report of M. Bono, French MEP of the Socialist Group, the Culture Committee organized a public hearing on the European Cultural Industries in the context of the Lisbon Strategy. FERA and other organizations have already reacted in common to M. Bono's draft report regarding intellectual property.

Agenda of the public hearing:

http://www.europarl.europa.eu/hearings/20071120/cult/programme_en.pdf

M. Bono draft report:

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/684/684266/684266en.pdf

Letter of FERA and other European organizations from the creative community:

<http://www.ferainfo.org/newsDetail.php?id=27>

The Edge of Heaven (Auf der anderen Seite) by Fatih Akin won the first edition of the European Parliament LUX prize

The President of the EP officially awarded the first Lux Prize on October 24 in plenary session in Strasbourg. The Lux Prize consists of a financial assistance in the form of subtitling and video-to-film transfer (kinescopage) of the winning film in the 23 official EU languages.

http://www.europarl.europa.eu/news/public/focus_page/037-12748-297-10-43-906-20071107FCS12747-24-10-2007-2007/default_en.htm

The EP hosted a seminar on new potential, new opportunities: the way forward for the European Film Industry on November 7

With the help of Ignasi Guardans (Spanish MEP of the Liberal Group) and Kern European Affairs, EGEDA, the Spanish collective management society producers, organized this seminar in Brussels to draw the attention to video on demand and new digital delivery services, the financing of audiovisual works and audiovisual international exchanges with non-EU countries. Cécile Despringre, CEO of FERA, intervened to call on producers to have directors participate in the revenue deriving from VoD.

Programme of the conference:

http://www.keanet.eu/EGEDA%2016_10_07.pdf

KEA Newsletter: Make VoD an opportunity for European Films:

<http://www.keanet.eu/news/vod1107.pdf>

Copyright

Germany: Adoption of the Copyright Law Reform

After Bundestag on July, the German Bundesrat passed the second Act governing Copyright in the Information Society on September 21, which will enter into force on January 1st, 2008. After the first reform in 2003, the Act constitutes the so-called « Second basket » of copyright law reform which finalizes the implementation of the European Directive on Copyright and Related Rights in the Information Society of 2001.

The act recognizes the importance of **private copying** which will continue to be permitted, also in the digital environment. However, the Act changes the method of determining the amount of remuneration. Up to now, remuneration rates have been stipulated by law in an annex to the Copyright Act. Pursuant to the new law, remuneration rates will be negotiated between the involved parties themselves, i.e. between collective management societies and associations of

equipment and storage media producers. In addition, the new law clarifies that private copying does not cover illegal file-sharing downloads of works and only compensates authors for copies of legally obtained works.

The new law also reforms the **unknown forms of use**: up to now in the film sector, there was a statutory presumption that, in case of doubt, the film producer acquires the right to exploit the film through all known forms of use. This presumption will be extended to cover unknown forms of use, and in contrast to other media formats, the authors will have no right of revocation.

German Federal Ministry of Justice:

http://www.bmj.bund.de/enid/280a10653d84d9feb96ee4e44adebc4a.3fce49706d635f6964092d0934353635093a0979656172092d0932303037093a096d6f6e7468092d093037093a095f7472636964092d0934353635/Press_Office/Press_Releases_zg.html

CISAC website:

<http://www.cisac.org/CisacPortal/listeArticle.do?numArticle=773&method=afficherArticleInPortlet>

Dutch Copyright Levy System Complaint Taken to the European Commission

Imation, a manufacturer of data storage products, is the first company to fill a complaint with the European Commission on a national private copying system after the failure of the EC draft recommendation on private copying supported by manufacturers last year.

<http://euobserver.com/871/25159/?rk=1>

European Reports and Studies

Where to be trained in Europe, 2008 Edition

The EC has published on its website the 2008 Edition of the guide to training for professionals of the audiovisual industry in Europe which presents the 34 training projects selected and funded by the Media Training Programme for the year 2008.

http://ec.europa.eu/information_society/media/training/guide/docs/guide2008.pdf

6th Report on the Application of the “Television Without Frontiers” Directive

The EC adopted on October 24 this 6th report which covers the application of the essential provisions of the directive during the period 2005-2006 and the international aspects of the audiovisual policy. It also analyses the recent developments in the audiovisual landscape, which are reflected in the forthcoming audiovisual media services directive.

http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0452en01.pdf

Cinema in Smaller European Countries

Susan Newman-Baudais from the European Audiovisual Observatory made a presentation on the characteristics of cinema markets of the smaller countries of Europe at the San Sebastian International Film Festival in September.

http://www.obs.coe.int/online_publication/expert/sansebastian_2007.pdf.fr

Statistics on the Cultural Economy and the Cultural Activities in the 27 Member States of the European Union

For the first time, Eurostat has gathered the main available cultural statistics comparable at a European level in a single publication. The publication shows for example that the Irish were the most frequent cinemagoers in the European Union in 2006 and that enjoying culture on TV and radio is the most common cultural activity.

Full report:

http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-77-07-296/EN/KS-77-07-296-EN.PDF

Eurostat news release:

http://epp.eurostat.ec.europa.eu/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_AR_2007/PGE_CAT_PREREL_YEAR_2007_MONTH_10/3-29102007-EN-AP.PDF

Eurobarometer Survey on Cultural Values within Europe

According to this Europe-wide survey published by the European Commission on September, 89% of Europeans perceive a greater need for culture to be promoted at EU-level. Similarly, 88% feel that cultural exchanges are important, and they call on the European Union to facilitate cultural exchanges for Europeans.

EC Press release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1410&format=HTML&aged=0&language=EN&guiLanguage=en>

Survey:

http://ec.europa.eu/culture/eac/sources_info/studies/eurobarometer_en.html

Outside Europe

The strike of the American film and TV writers is going on but negotiations should resume on November 26

As the writers' strike is going on, the directors are uncertain about their contracts talks.

<http://www.latimes.com/entertainment/news/business/la-fi-directors15nov15.0.5196169.story>

Forthcoming Events

Un Tour d'Europe du Doc on December 4 to 8 in Paris

Un Tour d'Europe du Doc brings together the European documentary filmmakers' associations in order to discuss European documentary filmmaking and its financing. The Swiss (ARF/FDS) and Dutch (DDG) Directors' associations members of FERA are participating to this event. In addition, Cécile Despringre, CEO of FERA, is invited to a round table to discuss the possible organization of European documentary filmmakers' associations at the European level.

<http://www.tourdeurope.net/>

Conference on Creative Rights and Cultural Diversity on December 6 in Brussels

The EUobserver is organizing this follow-up conference on the evaluation of the EC's online music recommendation of 2005 and the adaptation of European models to a digital future with high level speakers from the European Commission, European Parliament and music sector.

<http://euobserver.com/conference/>

First Session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions on December 10 to 13 in Ottawa, Canada

After election of the members of the Intergovernmental Committee at the first Conference of Parties of the 2005 UNESCO Convention in June in Paris, the IGC will meet in December to start working on the implementation of the convention. The Coalitions for Cultural Diversity have been invited to participate in the meeting as observers.

http://portal.unesco.org/culture/en/ev.php-URL_ID=34998&URL_DO=DO_TOPIC&URL_SECTION=201.html