

## Newsletter # 20 - December 2009

### Best wishes for the New Year!

*FERA represents film and TV directors as the primary creators of audiovisual works. The director, as the creative decision-maker in a collaborative artistic process, has the final responsibility for the aesthetic cohesion and artistic integrity of the work. FERA defends the art and craft, and the creative and economic rights of the director, as essential to the diversity of European audiovisual culture.*

#### FERA

#### 28 January 2010: FERA Conference “Imagining Cinema in the Digital Age: Creativity and New Way of Distribution”

FERA is organising a Conference entitled “Imagining Cinema in the Digital Age: Creativity and New Way of Distribution” on 28 January 2010 at the European Parliament in Brussels.

The conference will be structured along the three key words: creativity, distribution and remuneration.

With this event, FERA seeks to enhance the dialogue between directors, representatives of the European Institutions and the Film industry.

Further information will be sent in the beginning of January.

Registration to attend the conference can be sent by email to: [conference@filmdirectors.eu](mailto:conference@filmdirectors.eu).

#### New FERA Email

FERA has new e-mail addresses. From now on you can contact us at:

[office@filmdirectors.eu](mailto:office@filmdirectors.eu) (for general inquiries or information)

The FERA website will soon be moved to the new address [www.filmdirectors.eu](http://www.filmdirectors.eu).

#### EUROPEAN INSTITUTIONS

#### EU Council of Ministers

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#### Spanish EU Presidency Agenda

On 8 December, Spanish government revealed its plans for the six-month presidency starting in January 2010. Spain worked with the next two EU Presidencies (Belgium and Hungary) on a common programme for the next 18 months.

Among the priorities, the country will focus on recovering from the economic crisis and creating jobs (having the highest unemployment rate in the euro zone). The Agenda includes also the implementation of the Lisbon Treaty, Citizenship and Foreign Affairs issues.

Concerning the audiovisual sector, the first six months of 2010 will host the three conferences: “Digital cinema” (Barcelona, 5-6 March); “Digital content digitisation. Digital libraries and copyrights” (Madrid, 12-13 April); “Audiovisual heritage preservation and diffusion” (Madrid, 7-8 June).

#### Press Article:

<http://www.euractiv.com/en/opinion/spanish-eu-presidency-set-precedents/article-188131>

#### Spanish EU Presidency website:

<http://www.eu2010.es/en/index.html?idioma=en>

## European Commission

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### **New EU digital strategy to focus on users' rights**

The European Commission will present its new ICT “i2015” plan for the future of the digital economy in spring 2010. According to the actions already taken by Viviane Reding (current Commissioner for Information Society), the first pillar of the new action plan will be the creation of a consumer-friendly single market for online services which will focus on the protection of users' rights in the field of information and communication technology.

The report on Digital Agenda, coordinated by EPP MEP Pilar De Castillo and which addresses those issues, is expected to be adopted in March 2010.

**Press Article:**

<http://www.euractiv.com/en/infosociety/new-eu-digital-strategy-focus-users-rights/article-188133#>

## Audiovisual Media Service Directive

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### **Member States do not fulfil TV rules**

On 7 March 2007 the European Commission (EC) adopted the Audiovisual Media Service Directive (AVMS Directive) which should have removed restrictions on digital TV over the internet, VoD and mobile TV and created a single market for all audiovisual media services. Member States had time till 19 December 2009 to transpose the Directive into national laws. At that deadline, only Belgium, Romania and Slovakia have fully implemented the rules; Denmark, UK, France and Luxembourg have notified some measures while Austria, Germany, Ireland, Malta and the Netherlands have partly put them in place without notified the Commission.

Under EU law, Directives are binding legal instruments for Member States and the Commission could now open infringement proceedings against the countries that fail to officially notify the EC of measures taken to apply EU Directives in national law.

**Europa Press Release:**

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1983&format=HTML&aged=0&language=EN&guiLanguage=en>

## European Union External Relations

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### **EU Commission funds audiovisual projects to improve Serbia's integration**

The Delegation of the European Commission to Serbia has published a call for funding proposals that aims to facilitate the integration into the EU through financial support for audiovisual production. Documentary series, docudramas, educational programmes and investigative journalism are eligible for the subsidy which is divided into two packages worth €40,000 and €100,000 each.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=115468>

## Copyright

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### **EU anti-piracy talks with “industrialised” countries cause concern**

EU officers are working on a global Intellectual Property (IP) Treaty that could revise national legislations on copyright. Negotiations between EU, USA, Canada, Australia and Japan have already started last spring with the trade pack ACTA (Anti-Counterfeit Trade Agreement) which was presented with the first aim of fighting physical counterfeits such as DVDs and designer goods. However, the agreement may also look at the Intellectual copyright on the internet; a document produced during the ACTA talks in South Korea states that USA is pressing on a “graduated response” legislation which would allow to identify copyright lawbreakers and cut off their internet access.

Parties such as the World Intellectual Property Organisation (WIPO), the UN and the World Trade Organisation (WTO) are not participating to the ACTA negotiations, which are taking place in a very

secretive way. In addition, the selectiveness of the parties involved in the ACTA talks leaves out countries such as China, India and Russia, which are the major targets of any new IP legislation.

**Press Article:**

<http://euobserver.com/871/29098>

## IN THE MEMBER STATES

### European Film Academy Awards

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#### ***The White Ribbon* Best European Film of 2009**

The 22<sup>nd</sup> EFA Awards as Best Film went to Michael Haneke's *The White Ribbon* who received also the prizes for Best Director and Best Screenwriter. Ken Loach received the EFA Lifetime Achievement Award, while French actress Isabelle Huppert was honoured of the European Achievement in World Cinema. Finally British born director Peter Strickland obtained the Discovery Award for its mainly self-financed *Katalin Varga*.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116168>

#### **Almost all films at EFA Awards were supported by MEDIA Programme**

With a grant of over €10m, the MEDIA Programme supported almost all the films presented at the 22<sup>nd</sup> European Film Academy Awards. The only exceptions were the US and Russian co-productions such as *The Reader* and *Bumazhny Soldat*.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116193>

**List of the Films supported by MEDIA Programme:**

<http://cineuropa.org/Files/2009/12/13/1260716680985.pdf>

### Cinema Box Office

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#### **Swedish Box Office 2009 shows best audience figures ever**

According to the Swedish Film Institute, the data available for January to November 2009 show that national films registered the highest market share since 1963. In the first 11 months of the year, over 15.6 million tickets were sold (up 13% in respect to the same period in the previous year) with five million tickets sold only for domestic features. Four Swedish films including the two episodes of the *Millennium* series *The Girl Who Played with Fire* and *The Girl Who Kicked the Hornet's Nest* were in the top ten.

The biggest market share was represented by US films with 53.3%, compared to 32.4% for Swedish films; followed by UK (7.9%) and French works (1.2%).

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116462>

### Cultural and Audiovisual Policies

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#### **Irish Film Board will survive with a 5% cut**

The Irish Film Board (IFB), whose survival was in danger last July after the publication of a report from the Special Group on Public Service Numbers and Expenditure Programmes, will carry on with a 5% cut and a budget of €19.3m for 2010. Irish government decided also to continue with the tax incentive for film and television (the so called "Section 481") until the end of 2012. The resolution is the result of the PriceWaterhouseCoopers' survey on the importance of the national audiovisual sector to the economy, which valued the Irish audiovisual industry at €500m, proving jobs to more than 6,000 people.

**Press Articles:**

<http://www.screendaily.com/news/corporate/uk-ireland/irish-film-board-escapes-axe/5008996.article>

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116056>

### **Future Films and Mediabiz launch co-production fund**

British production company Future Films has presented a film fund worth €90m jointly with Mediabiz International (a Canadian finance company) to invest in co-productions from the UK, Europe and Canada. The fund – which will subsidise tax credits, pre-sales and gap funding – will be supervised by Future Films in its offices in London and Los Angeles, while Mediabiz will manage the fund in its own country.

**Press Article:**

<http://www.screendaily.com/news/finance/future-films-and-mediabiz-launch-co-production-fund/5009008.article>

### **Spanish Court decision on film funding**

Spanish Supreme Court has ruled that TV quotas that oblige local commercial broadcasters to invest 5% of their revenues in Spanish or European films or TV movies are not justifiable and asked national constitutional authorities to determine whether or not the quotas are in violation of the constitution.

The statement has immediately alarmed the producers who in 2007 received €124.3m from the broadcasters in co-productions and pre-buys of national films. In any case, should the quotas be accepted, the new General Audiovisual Law will likely cut them from 5% to 3%.

**Press Article:**

<http://www.variety.com/article/VR1118013118.html?categoryid=19&cs=1>

### **Eurimages supports 13 European co-productions**

On 14-16 December, the management committee of Eurimages granted a total of €4,770,000 in co-production funding for 13 features and in the distribution of 18 features.

Finally, as part of its programme for supporting digitisation the committee decided to grant the production costs of 2K digital masters to producers who received co-production support.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116373>

### **Swiss film gets €1.1m more in funding**

In 2010, the Swiss Federal Office for Culture will have a budget of €30.8m for film funding, (€1.1m more than in 2009). This increase is mainly allocated to the development of film projects and the extension of the Swiss Cinémathèque.

The total budget for film support is €16m divided among production (€12.85m) and promotion and distribution (€2.26m). Other subsidies are allocated by the MEDIA programme with €6.66m.

A total of €3.2m is assigned to the promotion of Swiss cinema, festivals, awareness-raising among audiences while €1.55m will be dedicated to training.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116456>

### **New agreement between Canal Plus and French film associations**

Canal Plus has announced the agreement with some organisations of the national film industry such as the SRF (Society of Film Directors), ARP (Civil Society of Authors, Directors and Producers), the APC (Film Producers Association), the SPI (Independent Producers Union), the SDI (Independent Distributors Union) and DIRE (United European Independent Distributors). The deal includes an investment of 12.5% of the broadcaster's annual incomes in European films (including 10% in French films) and a bonus of 0.5% for films that sell more than 500,000 tickets during their theatrical releases.

The French broadcaster has also announced its will to establish a new foundation worth €7m per year and intended exclusively for independent exhibitors and distributors hit by the current economic crisis.

**Press Articles:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116449>

<http://www.screendaily.com/news/finance/europe/canal-plus-increases-spend-on-european-film-production/5009236.article>

### **Spanish La 2 to increase airtime for European films**

TVE director Javier Pons stated that La 2 – Spanish second public TV channel – will increase airtime for national and European films in 2010 with four features every week to be broadcasted for a total of 250 hours per year dedicated to European works.

In 2009, TVE co-produced over 80 audiovisual projects and, according to Gustavo Ferrada (head of the film division of the TV broadcaster), in 2010 there will be an investment increase of 20% in animated films and documentaries and TV drama.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116459>

## **Cinema, Audiovisual, Digital and Internet Trends**

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### **Polish digitisation programme in discussion**

On the occasion of the 28<sup>th</sup> edition of the Film Forum in Krakow, representatives of the Polish film industry presented the National Programme for the Digitisation of Cinemas born in cooperation between the SFP (Polish Filmmakers Association), the Ministry of Culture and National Heritage, the PISF (Polish Film Institute) and the KIPA (National Chamber of Audiovisual Producers).

The programme is estimated to be worth €2.5m and will first be launched in 80 theatres (out of 350) to be selected by a Digitisation Council appointed by the Culture Minister on the basis of some criteria such as audience figures, the number of screenings, programming, box office takings and the level of equipment in theatres.

While waiting for the implementation of the programme, theatres will benefit from the E-Cinema programme with a reduced-price purchase of HD projectors.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=116457>

### **Rotterdam Film Festival seeks financing through audiences**

The International Film Festival of Rotterdam (IFFR) launched a new scheme called “Cinema Reloaded” that will try to finance films through audiences’ contributions. The festival’s supporters and film buffs will have the opportunity of buying “coins” worth €5 each and donating to three short films. The three directors selected – Alexis Dos Santos (UK/Argentina), Ho Yohang (Malaysia) and Pipilotti Rist (Switzerland) – agreed to make short films which will cost between €30,000 and €55,000. Investors will be able to see the development of their financed projects and the films themselves will be premiered at IFFR 2011 (which will retain the Benelux DVD and theatrical rights to the film).

**Press Article:**

<http://www.screendaily.com/festivals/other-festivals/rotterdam-film-festival-turns-to-audiences-for-film-funding/5008798.article>

### **UK Metrodome signs distribution deal with iTunes**

British company Metrodome Distribution has signed an accord with iTunes to make its catalogue available to download in the UK.

Among the titles Eran Creevy’s *Shifty*, Kari Scogland’s thriller *Fifty Dead Men Walking* and Michael Winterbottom’s *Genova* are the first films available as part of the deal.

**Press Article:**

<http://www.screendaily.com/news/distribution/uk-ireland/metrodome-strikes-uk-distribution-deal-with-itunes/5009131.article>

## **Copyright**

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### **Spain launches film download site**

Spanish government announced the creation of a new film download website which will offer US and national films as answer to the high level of illegal downloading. The initiative, worth €3m for the first two years, was strongly wanted by the Coalition of Creators and Content Industries and will be largely financed by the government.

Meanwhile the International Intellectual Property Alliance (IIPA) has called for a review of the current copyright law whilst the Spanish government launched a new film commission aiming at protecting rights holders.

**Press Article:**

<http://www.screendaily.com/news/digital/europe/spain-launches-film-download-site-in-fresh-bid-to-tackle-piracy/5008647.article>

### **In Sweden 80% rise in Music Digital Sales**

According to the International Federation of the Phonographic Industry (IFPI), music industry in Sweden saw an 18% increase of sales in the first nine months of the year after seven years of decline. Of this sum 9% came from physical revenues while 80% was credited to digital sales. This U-turn seems strictly related to the Intellectual Property Rights Enforcement Directive (IPRED) introduced in April which allows rights holders to hand over pirate's IP addresses to the authorities.

**Press Article:**

<http://paidcontent.org/article/419-swedish-music-biz-claims-piracy-victory-as-digital-music-sales-increase/>

## **OUTSIDE EUROPE**

### **Japan hits P2P users**

The Anti-Counterfeiting Association (ACA) announced that Japanese police launched an attack against illegal P2P users and arrested 10 people suspected of copyright violations.

ACA was founded in 1986 with the aim to fight piracy with the collaboration of the police force and includes the Motion Picture Producers Association of Japan, the Japan Video Software Association, the Japanese Society for the Rights of Authors, Composers and Publishers, the International Motion Picture Copyright Association, the Recording Industry Association of Japan and the Association of Copyright for Computer Software.

**Press Article:**

<http://www.variety.com/article/VR1118011974.html?categoryid=1442&cs=1>

### **New US Website offers 12,000 film clips**

Santa Monica based website Movieclips.com signed a deal with six of the major studios (Fox, MGM, Paramount, Sony, Universal and Warner Bros.) which will allow it to show more than 12,000 two-minute clips of several films. The clips can be searched by title, genre, actor and dialogue and are linked to other websites that offer rental of the full versions of each title.

**Press Article:**

[http://www.hollywoodreporter.com/hr/content\\_display/news/e3iefbf4e9d9f602fcee05f1a58cc809a1](http://www.hollywoodreporter.com/hr/content_display/news/e3iefbf4e9d9f602fcee05f1a58cc809a1)

### **Hong Kong proposes new anti-piracy law**

The Hong Kong government has proposed a new law aimed at increasing the protection of copyright holders, and that should come into force in the second half of 2010. The legislation includes criminal sanctions against those who share copyrighted works; the introduction of additional factors of damages to assist court cases; and the introduction of media-shifting exceptions to allow consumers to use non-infringing music copies on multiple personal devices.

**Press Article:**

[http://www.hollywoodreporter.com/hr/content\\_display/asia/hong-kong/e3i45e1bcc0b65a294fa49f5c8a098fa322](http://www.hollywoodreporter.com/hr/content_display/asia/hong-kong/e3i45e1bcc0b65a294fa49f5c8a098fa322)

### **WTO rejects China's appeal against opening its film market**

The World Trade Organisation (WTO) has rejected China appeal against a restriction which forces Hollywood studios to make business exclusively with state-owned companies and obliged the country to grant USA the right to choose Chinese distributors for theatrical and DVD releases. The decision breaks the monopoly of China Film Group Corporation and Huaxia Film Distribution on the distribution of foreign films in the country.

Chinese authorities argued that their appeal is needed to control the market and to protect public morals. However, WTO judges agreed that China has the right to ban foreign films and books that government estimate offensive.

**Press Articles:**

<http://www.screendaily.com/news/distribution/asia-pacific/wto-rejects-chinas-appeal-against-opening-its-film-market/5009249.article>

<http://www.variety.com/article/VR1118013035.html?categoryId=3599&cs=1>

## NEWS FROM THE MEMBERS

### **Bulgarian government increased film fund**

On 23 November FERA wrote to the Bulgarian Ministry of Culture expressing its extreme concern for proposed 57% cut to the Film Fund. The Bulgarian Filmmakers Union has recently informed us that the state support to the national film industry was increased in the state budget for 2010 from €4,250,000 to €5,000,000. This sum is much less than what is written in the Film Industry Act but in such situation of financial crisis this minor increase is a success for the Bulgarian and European Film Industry.

## AGENDA

### **28 January: FERA Conference “Imagining Cinema in the Digital Age: Creativity and New Way of Distribution”**

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