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FERA General Assembly

From the 27th until the 29th of September, 60 FERA delegates and guests gathered in London to take part in FERA's annual General Assembly. The very successful event was hosted and organized by Directors UK.

On the first day the participants enjoyed a keynote address by renowned independent producer,

Ted Hope, on the "Business of Art." This was followed by a panel debate on film distribution in the digital age, moderated by director Annette K. Olesen. Afterwards, FERA President, Sir Alan Parker, joined Piers Haggard for a conversation on Parker's life and achievements as a film director for more than 30 years.

By the end of the three day long assembly, there was agreement on the importance of a strong European organization that protects director's rights across the continent.

If you wish to read more and view photos of the event, please visit [Directors UK's website](http://DirectorsUK.com).

THE NEED FOR LEGALITY

**A STATEMENT
from**

FERA GENERAL ASSEMBLY

London, September 29TH 2013

The Federation of European Film Directors (FERA) held its Annual Assembly on September 27th-29th at the British Film Institute on London's South Bank, hosted by Directors UK.

Three days of discussion opened with a talk from freethinking US producer Ted Hope on opportunities for filmmakers in the digital era, followed by a stirring defence of artistic independence by Honorary President Alan Parker: "If you don't think you can make a difference, you shouldn't be making films," declared Sir Alan, to strong conference approval.

Summarising the mood, new FERA Chairman Hakan Bjerking said, "Filmmakers must be prepared to defend their vision and their rights, even against the powerful."

Delegates had been told of a recent successful court case in Germany that has finally brought the 2002 German Authors' Rights Contract Law into operation. The February 2013 landmark judgement will oblige German broadcasters henceforth to negotiate fair remuneration for all uses of a director's work, an example of what can be achieved when directors stand up for their legal rights.

In sharp contrast, the conference heard how broadcasters and telecom companies in Portugal and Greece are being allowed by weak governments to openly flout laws that were designed to sustain film production and culture, resulting in the decimation of the sector in both countries.

A Greek law of 2010 requires that Greek TV companies and telecoms should pay 1.5% of gross receipts into a fund for cinema and documentary production. It has been ignored for years by all except the public broadcaster ERT, with very damaging results. The recent illegal closure of ERT has now removed the only source of public funding. As a result Greek cinema is virtually dead, and Greeks are being deprived of an important cultural expression in very difficult times.

In Portugal a new law was approved in September 2012 by the current government with a clear majority in parliament. This obliges all TV, telecom, VoD and cable companies to dedicate between 3 and 5% of their turnover towards financing cinema and TV production. However these companies are refusing to pay a single cent. Such is the power of big money to defy democratically made laws when governments are weak – or perhaps even complicit.

No company should be allowed to act as if it is above the law. Why should the people of Europe allow big financial players to undermine our culture, when our laws clearly demand that it should be supported?

FERA calls upon all European governments to insist that broadcasters, telecoms and media companies face up to their social responsibilities and observe the law. Our cultural structures are of enormous importance to us. It is easy to destroy them, but very hard to build them up again.

Information on the German Court Case

The German court case of the German Directors Guild BVR against public broadcaster ZDF and the remuneration agreement of BVR with private broadcaster Pro7/Sat1 Deutschland

1 - Court case BVR against ZDF:

As provided in the Authors' Contract Law of 2001, the BVR has since 2011 proposed negotiations to the largest single public broadcaster ZDF concerning remunerations for fictional and documentary programs. ZDF refused to comply, arguing that they were not the contractual partners with the directors but the producers because formally the directors' contracts are drawn up between them and the respective producer. BVR argued that this is a masquerade because ZDF is commissioning the producers to make the films and programmes, in fact even dictating all terms and conditions of all contracts, including the contract of the producer with ZDF and that ZDF are the actual users of the audiovisual work, not the producers.

BVR then took the case to court and won in February 2013. It is now negotiating with the ZDF about a remuneration agreement.

2 - Agreement BVR with Pro7/Sat1 Deutschland

BVR then also started negotiating about an identical agreement with private broadcaster Pro7/Sat1 Deutschland, after RTL the biggest private broadcaster in Germany. On July 1st this agreement was concluded for fictional programs, TV series,

TV movies and theatrical feature films coproduced by Pro7/Sat1. In this agreement minimum fees (with a substantial average improvement) and with success-related participation fees and remunerations for all means of exploitation, including foreign sales, were agreed upon. Moreover, the agreement is retroactive until 2002, when the Authors' Contract Law came into effect and even films and programs before 2002 are taken into account with a proportionate calculation key, when they have been broadcast after 2002.

Currently BVR and Pro7/Sat1 are negotiating an agreement about documentary films and programs along the same lines.

The Situation in Portugal

The current Portuguese government, a coalition of liberals and so-called social-democrats, cut 25% in most of cultural and artistic areas. In some cases more than 70% and the cuts in cinema production were 100%.

As paradoxical as it may seem, one can now see art as never before due to festivals of all kind that have sprung up. Young musicians, young painters, young film makers, sculptors, performers, and so on, all this as a result of the former investment in culture and education.

But the situation is unemployment, poverty, cuts in health and education and a country where corruption is very high. This August, Jaguar car sales increased 56% equivalent to the population who head for soup kitchens for the poor.

The Portuguese cinema was possible because publicity in television was taxed at the rate of 4%. This included financing the Portuguese cinematek. As a result of technologic changes, internet, cable, etc, publicity revenues dropped dramatically. Since no money came from the public budget, in order to go on making films we worked on a law that taxes the distributors, and the big operators.

This Government and its majority in Parliament, did approve a new law in September 2012. This law taxes the big companies, cable and on-demand and video communication that use cinema, image and audiovisual in their business such as Pt, Zon, Optimus, Cabovisão, Vodafone.

The investment obligations are of 3% of the revenues from cinema distributors and 1% from videograms distributors, also exhibitors are taxed as is public television. But they refuse to pay and the government seems to be unable to enforce the law and remains in the hands of these big companies.

Last year there were no calls for applications for public film funding and for the time being only 4 feature films were selected but there is no financing guaranteed.

Greek Law

The law for the Support and Development of Film Art (1989) included the paragraph specifying the 1,5% contribution. The law was revised in 2010 and also included the article about 1,5% but since 1989 till now, the only channel that paid the 1,5% towards films was ERT (Greek National Radio Television).

Service obligations audiovisual media:

1. ERT is required to hold each year 1.5% of annual turnover for the film production. The annual turnover included State fee .
- 2 . Private television stations are required to have every year 1.5% of annual advertising revenues to produce Greek films.

3 . Up to half of the amount required to provide every year the ERT and the private broadcasters to film production can be provided in the Greek Film Centre as advertising time on television advertising and promotion of cinematographic works.

4. The pay-TV companies are required to have every year 1.5% of their annual turnover for the film production.

5. Up to half of the amount required to allocate each year until 2014 pay-TV company to produce films under the preceding paragraph may be available in the Greek Film Centre as advertising time on television difimisi and promotion of cinematographic works . From 2015 onwards the pay-TV company required to have all of 1.5% of their turnover exclusively for film production.

CMO Directive Update

The European Parliament's plenary review and vote on the "CMO Directive" has been postponed until January 13, 2014 (indicative date). The subsequent phase will involve a "trialogue" negotiation of the final text between the Commission, the Council and Parliament, before its final approval and conversion into law.

Sizing the Piracy Universe

NetNames' piracy analysis team has presented a study on behalf of NBC Universal, mapping and measuring the amount of piracy or copyright infringement that is going on in the crucial regions of North-America, Asia-Pacific and Europe. The study found that 25.9% of the internet users in these regions sought out protected material. These users' pirate activities generate almost one petabyte (approx. one million gigabytes) per month, which corresponds to 23.8% of the total bandwidth.

To view Netnames' summary video, click [HERE](#).

To read the full report, click [HERE](#) (PDF).



FERA President, Sir Alan Parker, in conversation with Piers Haggard at the FERA General Assembly



This, believe it or not, is me in 1966 with Michelangelo Antonioni on the set of *Blowup*, on which I was his assistant. I always liked the picture as though I am directing him. Never say the camera never lies!

FAREWELL to FERA

Piers Haggard, Chair 2010-2013

I resign from FERA with considerable regret.

I have enjoyed my time in the Chair, and I am extremely proud of what we have done in the last three years, in particular the Contract Guide, now available in 10 languages, the Advocacy Guide and website, and our negotiations with European producers through FIAPF. These talks are still in an early stage, but I truly believe it is possible for us to fight producers hard for fair payments and no buyouts, while at the same time committing to sincere and detailed discussions of all the other areas in which we need to cooperate. Both approaches are needed.

It has been a pleasure to work closely with the EC, and with our brilliant CEO, Elisabeth Sjaastad, and I am glad that this has allowed Elisabeth to concentrate on things such as the Newsletter, now available in three languages. It is another substantial step towards FERA becoming a powerful, coherent voice for European directors.

It is only this year that I have more or less got to grips with the complex Brussels scene, and also got to know most of the delegates and associations that make up FERA. So it is perhaps a shame to leave now, but I am delighted that our London Assembly went so well: we updated our Statutes, had some really good discussions, and ended on a positive note.

However, three or four days a week sometimes, spent on FERA documents, emails and meetings, has left me little time for much else. I am determined to give some space to creativity again. I may perhaps get back to writing, rather than film making, since the situation in the UK is very bad for older directors. Most of the producers and executives seem to be younger than my children! Maybe anti-age prejudice should be the subject of the next FERA campaign.....?

I wish Hakan and the new EC the very best of luck for the next 2 years, especially in finding a replacement for Elisabeth, which won't be easy. I shall remain available to them when I am needed, and I hope to see many of you again very soon.

With very best wishes to you all,
Piers Haggard

Make Film Europe!

European affairs may often appear to be peripheral to the immediate national concerns you face on a daily basis. But in many cases those concerns are directly linked to decisions made Brussels – usually about 3 years before you feel the consequences at home. Although FERA constantly works to protect its member’s interests at the EU level, there is a lot the national organizations and individual persons can achieve too.

FERA’s Audiovisual Advocacy Manual from 2011, has been updated, improved and uploaded to our new advocacy website: www.makefilm.eu. In 2014 there will be elections in the European Parliament, a new President of the European Commission, and a news college of commissioners. By knowing the basics of how the EU institutions operate to make policy, each of us can help make a difference.

The new website provides an essential guide to lobbying the EU, and influencing politics at home, as well as updates on relevant policy developments, an EU-lingo glossary, crucial events and more.

If, for example, you want to know more about the European “Cultural Exception”, you will find useful background information on this website. The Cultural Exception has in recent months been a central term in a lot of high profile EU talk; in the free trade agreement negotiations with the USA and in the inexplicable desire to replace the 2001 Cinema Communication. The Exception provides Member States the right and opportunity to support and finance national sectors or programs aimed at protecting and advancing the national cultural heritage; this includes the audiovisual sector.

Visit www.makefilm.eu to find out how you can influence the decision-makers at home and in Brussels.

THE FILMMAKERS GUIDE TO LOBBYING THE EU

Directors’ working lives are closely affected by issues on the political agenda in Europe. In reality, when authors address what they believe to be uniquely national concerns, they are very likely to be speaking of an issue that was – or will soon be – decided at the European level. The FERA Audiovisual Advocacy Manual was created to make information about the EU decision making process more accessible – also to the individual filmmaker – so that all of us can help influence what goes on in Brussels. Knowledge is power!



Chapter 1 What is decided at EU level

Although the Member States that form the European Union remain independent sovereign nations, they pool their sovereignty in order to gain a strength and voice influence none of them could have on their own. Pooling sovereignty means, in practice, that the member states delegate some of their decision-making powers (called “competences”) to shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at European level. It is estimated that European Union Law accounts for up to 60% of all law. [Read more](#) the EU.



Chapter 2 The EU Institutions

The three main decision-making institutions are the:

- European Commission (EC), which represents the interests of the Union as a whole;
- European Parliament (EP), which represents the EU’s citizens and is directly elected by them;
- Council of the European Union (Council), which represents the individual member states.

This “institutional triangle” produces the policies and laws that apply throughout the EU. In principle, it is the Commission that proposes new laws, but it is the Parliament and Council that adopt them. The Commission and the member states then implement them, and the Commission enforces them.



Chapter 3 EU Legislation

The first attempt to shape a European Union audiovisual policy was triggered by the development of satellite broadcasting in the early 1980s. Since the adoption of the Television without Frontiers Directive (TVF) in 1989, technological and market developments made it necessary to amend the audiovisual regulatory framework. It was revised in 1997 and 2007. With the last revision, the Directive was renamed Audiovisual Media Services Directive (AVMSD 2010/13/EU of 10 of March 2010, O.J. L 95, 15.4.2010), and then updated in 2018. The Directive has a significant cultural dimension and has a major influence on the shape of European broadcasting. This includes provisions in relation to quotas for European programming, short news reporting, rules on the insertion of advertising and provisions in relation to events of major importance to society (such as the Olympics).



Chapter 4 EU Funding Programmes

The Multiannual Financial Framework (MFF) Regulation regulates general aims and objectives for a cycle of 5 to 7 years. This financial framework consists of a multi-annual spending plan that translates into financial terms the European Union’s policy priorities. The budget cycle of the current MFF is 2007-2013. The proposed new MFF would run from 2014-2020. Under the current EU budget culture receives only 0.05% (MEDIA Programme: €75 million, Culture Programme €400 million). In addition, approximately €6 billion from the Structural Funds (benefitting Europe’s regions) have gone to culture related activities.

Creative Europe is the new EU combined programme proposal dedicated to the cultural and creative sectors. The proposal is now the subject of tripartite negotiations between the Commission, the Council of the EU Ministers and the European Parliament.

"They always say that time changes things, but you actually have to change them yourself."

Andy Warhol

THE ADVOCACY MANUAL

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HOW TO ACT AT HOME



HOW TO ACT AT EU LEVEL



SIGN PETITION

Convergence Green Paper

The Commission Green Paper called “Preparing for a fully converged audiovisual world: growth, creation and values”, where convergence means the effect of the internet and digital technologies on the audiovisual sector, has been open for public consultation. Stakeholders have been invited to present their views and recommendations to the Commission by 30 September. FERA, the Society of Audiovisual Authors (SAA) and the Federation of Screenwriters in Europe (FSE) will jointly submit a comprehensive response. Here are a few of the answers and perspectives from FERA, SAA and FSE:

“The audiovisual sector is one of most prominent examples of Europe’s cultural diversity, and proof of how cultural diversity and business can go hand in hand with the help of sophisticated cultural policies. For this to continue to be the case as the European single digital market develops, there needs to be an adapted legal framework that will help preserve and develop the visibility of high quality European works and support the promotion of EU production and distribution.”

On the success of US companies vs EU companies: “US production companies have established a successful presence in most if not all EU member states and beyond. This does not mean they have a borderless European market, but rather a long established national presence, competing on each local market. New services arriving in Europe have,

without exception, opened up territory by territory, expanding and setting up a local presence in each territory over time (e.g’s Netflix, HBO, iTunes).

Any economy of scale is back home in the US where they do have a borderless monolingual market nationwide.”

“How will convergence and changing consumer behaviour influence the current system of content financing? How are different actors in the new value chain contributing to financing?”

Cinema Release ‘windows’ will inevitably change as online use generates more economic value, though it is important to recognize the superior importance of offline partners to the return of investment so far. VOD’s current turnover is currently very small, and it would be unfair to allow the new audiovisual media services to profit from European audiovisual works without investing a fair share of their turnover in the production and release of new works. Some have started to do so, but it would seem early to call this a trend. It is however already clear that the revenues generated by online platforms for each single title is only ever going to be a fraction of what the same revenues have traditionally been for DVD releases. This is a dramatic loss of value that will greatly affect each film’s ability to secure initial funding to get made, and to be profitable.”

There are many more topics covered, these are just some short examples of the detailed response given by FERA, SAA and FSE. Our submission can be read in full by clicking [HERE](#).

Castex Report on Private Copying Levies

Member of the European Parliament, Françoise Castex, has written a report on the system for Private Copying Levies (PCL) as a response to the recommendations made by Antonio Vittorino at the request of Commissioner for the internal market Michel Barnier. An overall message from her findings is that PCL is still necessary and essential for creators, and that it cannot be replaced by a licence system.

She believes that the private copy system represents a balanced system between the right to copy for private use and the fair compensation for rights holders. Consumers should accordingly be made aware of the function and importance of the PCL.

The report also judged that the PCL should be raised on manufacturares and importers, because transferring it to the retail level would constitute an administrative charge that is too high for local small and medium sized businesses and collecting societies.

The draft Castex report will soon be available in English on the European Parliament Legal Affairs (JURI) committee website.

Locarno Film Festival

The Swiss Filmmakers Association (ARF/FDS), the largest association of authors and directors in Switzerland, made a great effort this year to actively support FERA's goal to increase its visibility through festival presence on a national and international level.

Festivals offer good opportunities for closer cooperation in support of European film on a European level, to strengthen the position of creators and authors, and to support grass-root work from our members.

The International Film Festival (IFF) in Locarno is known as the smallest "A-festival", with a history of discovery and surprise from author's films and first-time directors, and has also become an audience favorite with its open air screenings for thousands of spectators.

Gabriel Baur, Vice-president of FERA and board member of ARF/FDS, made the contact with the festival and proposed cooperation. Nadia Dresti, delegate to the Artistic Direction and Head of International Affairs for IFF Locarno, was immediately interested in co-hosting one of their Industry Meetings. As a result, Ursula Häberlin, CEO of ARF/FDS, Nadia Tannstedt, coordinator of IFF Locarno, and Elisabeth Sjaastad, CEO of FERA, jointly

invited a wide range of film professionals to the "Open Doors, Happy Hours" on August 13, 2013.

Among the guests, there were both national and international directors, writers, producers, buyers, distributors and journalists. Some prominent guests were: **Ivo Kummer** (Head of the Film Department in the Ministry of Culture), **Kaspar Kasics** (President of ARF/FDS), **Dieter Meier** (CEO of the Swiss Collecting Society *SUISSIMAGE*), **Denis Rabaglia** (President of the collecting society *Société Suisse des Auteurs SSA*), **Matthias Bürcher** (head of automatic and distribution support of *Cinéforum - Fondation Romande pour le Cinéma*), **Luciano Barisone** (artistic director of the international documentary film festival *Visions du Réel*), film director **Jean-Stéphane Bron**, and **Nadia Dresti** (Delegate to the Artistic Direction and Head of International Affairs for IFF Locarno) who thankfully also found the time to come.

In a relaxed atmosphere FERA was introduced briefly with its main objectives and its projects, among them the finished project of the Directors' Contract Guidelines, officially launching the French version for Switzerland on this occasion. Film is teamwork and creators are at the heart of it, they are the engines, as such they need fair conditions and free space for their work as authors and directors. ARF/FDS and FERA's message was well received.



IFF Locarno: Elisabeth Sjaastad, Ursula Häberlin, Gabriel Baur and Ivo Kummer



Venice: FERA Vice-President Mr. Maurizio Sciarra talking to the audience flanked by MEP Doris Pack and MEP Silvia Costa

Venice Film Festival

During the Venice Film Festival, Venice Days hosted the meeting **"Directors' Assembly meets European Politics"**

Doris Pack, Chair of the Committee on Culture and Education of the European Parliament, and **Silvia Costa**, Rapporteur for *Creative Europe* for the European Parliament, spoke about the new goals for the EU Parliament. They put emphasis on the campaign for cultural diversity, and warned against cutting the MEDIA program's funds. Maurizio Sciarra, speaking on behalf of FERA, explained how the European principles on the audiovisual industry became actual rules in every country. He said Italy is still waiting for the European CMO Directive to renew the old Italian law, and emphasized the importance of the new directive on making international rights contribute to the growth of a European way of distributing films online.

Sarajevo Film Festival

During the Industry Days 21-24 August 2013 the festival hosted a "Regional Forum" with debates on hot topics that concern the film sector. This year Elisabeth Sjaastad was invited to speak during one of the sessions entitled "Business models: Film industry between new legislations and new technologies":

The sway of digital technologies has absolutely undermined the existing business models in content creating industries. At the moment, the film industry on both sides of the Atlantic faces the new players - from Silicon Valley Internet giants to respective national telecom operators and ISP providers. Recent head-to-heads, like over the SOPA and PIPA acts or ahead of the new US-EU trade agreement negotiations and the repeated struggle for "l'exception culturelle," showed the rivalry is fierce and that the bases for both undisrupted

lawful exploitation of intellectual property and state protectionism are under significant pressure. This session explores how to fight Internet piracy on one side, and how to involve the new players in the film value chain, on the other.

The keynote speaker was Erik Barnett, Attaché, United States Mission to the European Union. The panel was made up of the following people: Chris Marcich, President and managing director, Motion Picture Association; Tomislav Lukičić, Cable Coordinator, European Broadcasting Union; Roberto Olla, Executive director, Eurimages; Antonio Beus, President, APAW BiH; Zoran Vujasin, President, APAW Croatia, Elisabeth Sjaastad, CEO of FERA, Federation of European Film Directors.



Licence to Kill

In early December of last year, a fierce discussion took place among the college of Commissioners. The topic was copyright and what steps the current Commission should take before the end of their term in 2014.

The various interest groups who have been calling for so-called copyright reform had a champion in Commissioner Kroes who was aggressively calling for the reopening of the 2001 Copyright Directive in which one can find a pretty long list of exceptions and limitations to copyright, that many users would like to see added to and made mandatory.

Commissioners Barnier and Vassiliou, on the other hand were more cautious and less convinced that legislation is the answer to all consumer and tech company frustrations. And any review of the Copyright Directive will take at least a few years to complete and implement.

The outcome of this so-called "orientation debate" was a two-pronged approach: The Commission would set in motion the process of conducting market studies and an

impact assessment, a required exercise before any changes to EU legislation can be made. And in parallel a stakeholder dialogue jointly led by Commissioners Michel Barnier (Internal Market and Services), Neelie Kroes (Digital Agenda) and Androulla Vassiliou (Education, Culture, Multilingualism and Youth) was launched with the aim "to deliver rapid progress in four areas through practical industry-led solutions".

The participants invited to take part in the Licences for Europe stakeholder dialogue were representatives of right holders, licensing bodies, users of protected content and Internet end users.

The four main themes for discussion are:

1. To promote the cross border access to content, by identifying the current restrictions users usually run into, facilitating licenses and simplifying users' access to digital content.

2. To simplify users' access to protected material, to foster transparency in the use of that material in user-generated content and to improve awareness about legal and illicit uses of protected materials.

3. To foster online discoverability and the availability of audiovisual works, especially of those which are out of distribution, in order to promote access to cultural heritage;

4. To identify in which extent access to Text and Data Mining is needed in the EU for scientific purposes and to make technology platforms adequate for this aim.

FERA members and staff are participating in the first three working groups, with a rigorous meeting schedule that takes up 3 full days a month.

From the outset the cynics did not think that this initiative would amount to much, and saw it as a way for the Commission to keep us all busy while they got on with the most important thing:

EDITORIAL

the impact assessment.

Others felt that it might do the industry good to be put under some political pressure to come up with alternative solutions. I personally shared both views.

Sadly it didn't take long before the process went pear-shaped.

Having 3 commission services with partly opposing agendas co-chair meetings, is just as effective as putting 3 directors to direct the same film. The result is: no guiding vision and no clear leadership.

And as the European privacy and civil rights organisation European Digital Rights (EIDR) wrote in a letter to the Commission this summer: "the European Commission made fundamental mistakes when launching this initiative. In particular, it started the search for a solution to certain problems without defining what the problems actually were and then created the four working groups to solve, it appears, four sets of undefined problems".

And the participants have not been able to help clarify the issues either, some because they don't see that there is a real problem (many from the industry) and others because what they really want is copyright reform and from the outset reject the notion of licencing all together.

As some working groups seemed to arrive at an impasse, major user groups started to pull out one-by-one.

Only 23 days after the inaugural plenary meeting on February 4, the European Consumer Organisation (BEUC) called it quits. In their resignation letter they gave the following main reason: "The real problems are due to a legal framework which has failed to keep pace with reality and the development of digital technologies. Licensing and technology cannot be the only solution. Reform of the copyright framework, including the

Copyright Directive 2001/29 is urgently needed. The two issues cannot be addressed separately".

On June 23, CLARIN ERIC (representing the language sciences community) withdrew from Working Group 4 on data mining citing their reason as being: "European copyright legislation should be re-thought and amended in a principled way before any non ad hoc solutions based on licenses can be implemented".

Also the Open Knowledge Foundation and LIBER (research) has stepped out of Working Group 4.

And finally on July 3, European Digital Rights (EIDR) announced that: "We would be really pleased to meet and discuss further on a potential reform of the EU copyright legislation with the relevant Directorates-General. Nevertheless, due to the lack of productive discussions in Working Group 1, we regret to inform you that we see no other option than to leave Working Group 1 of Licences for Europe". (For the record, they still come to meetings in Working Group 2).

However flawed Licences for Europe is, getting on a moral high horse is a smoke screen to conceal the obvious bad faith of those who have left.

They granted themselves a licence to kill the process.

In sharp contrast we in the audiovisual sector have been summoned to high quarters and subjected to arm-twisting to produce results, with the Damocles sword of legislative intervention dangling over our heads. At least we are staying and trying to make the most of it.

But how can we come up with a practical solution to deal with for instance user-generated content, when creators and rights owners demonstrate how we are prepared to licence and even facilitate re-use, but users don't even acknowledge the legitimacy of both the economic rights

and the moral rights of the original creators?

By the time of the mid-term plenary meeting on July 4, the progress report from the various working groups showed that very little of substance is likely to be produced, perhaps with the exception of Working Group 3, where authors' representatives (FERA, SAA) and producers (FIAPF) are working on a model agreement with the film archives.

And as the plenary drew to a close, my heart sank when a top bureaucrat from DG Connect scoffed: "I don't understand why this isn't available cross border, after all we have a single market". The painstaking effort made by the audiovisual sector to explain to his colleagues how we pre-finance films in Europe has obviously not reached the higher echelon of power even after six months of working group meetings. So what is the use of all this?

From the beginning the Commission has stated that the Licences for Europe initiative "does not prejudice the possible need for public policy action, including legislative reform". Now that it has been compromised by the desire of some stakeholders to see it fail, they will surely have no scruples using its meager results to advance the reform agenda.

The Commission has said that it will take a decision in 2014 on whether to table legislative reform proposals. At a time when the volatile transitioning into the digital economy is picking up pace, let's hope that any such intervention on their part doesn't prove to be a game of russian roulette for some of the creative sectors involved.

Elisabeth O. Sjaastad



"...35mm digital camera, full set of lenses, no need for a dolly and if you lose it, it comes in a pack of ten."

AGENDA



16 October

Creativity Works! launch event with
Commissioner Vassiliou present

21 October

Licences for Europe - Working Group 3 meeting

4-6 November

European Culture Forum

13 November

Licences for Europe closing plenary meeting

FERA President
Sir Alan Parker

FERA Creative Council
Marco Bellocchio
Claire Denis
Agnieszka Holland
Neil Jordan
István Szabó

FERA Executive Committee
Chairman & Vice President
Håkan Bjerking (Sweden)

Honorary Treasurer
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