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From left: Nicola Mazzanti (ACE), Commissioner Michel Barnier, Elisabeth Sjaastad (FERA), Commissioner Androulla Vassiliou, Commissioner Neelie Kroes, Andrew Chowns (Directors UK), Benoit Ginisty (FIAPF)

Licences for Europe

A final plenary meeting was held on November 13 to conclude the “Licences for Europe” stakeholder dialogue.

The dialogue was held under the joint responsibility of Internal Market Commissioner Michel Barnier, Digital Agenda Commissioner Neelie Kroes and Education, Culture,

Multilingualism and Youth Commissioner Androulla Vassiliou and based on the Commissions Communication “On content in the Digital Single Market” from December 2012. It was organized into four thematic working groups: cross border access and portability of services; user generated content and micro-licensing; audiovisual

heritage; and text and data mining.

Through one of these working groups FERA, ACE (Association des Cinémathèques Européennes), FIAPF (International Federation of Film Producers Associations) and SAA (Society of Audiovisual Authors) formulated a joint →

statement pledging to facilitate the digitization of cinematographic heritage works, with the aid of the European institutions and the Member States; something Commissioner Vassiliou described as “great news for film fans.” In addition to the film heritage pledge, the stakeholders from the audiovisual industry committed themselves to continue working to gradually offer cross-border portability of subscription services; to enable consumers to access audiovisual content from their home country while abroad. In total, ten pledges resulted from the final plenary session.

The “Statement of Principles and Procedures for facilitating the digitisation of, access to and increased interest of European citizens in European cinematographic heritage works” devised by SAA, ACE, FERA and FIAPF was hailed as the most concrete result of the Licences for Europe process.

Not all working groups reached consensus, reflecting that several matters are still somewhat contested. Data mining, meaning users’ ‘mining’ of data from different protected sources online, and content generated by users from protected material are examples of sensitive matters. Copyright is also a thorny issue, as ever. While most of the stakeholders expressed their willingness to work towards resolving issues of accessing content across borders, they also reiterated the importance of preserving and protecting the rights of the creators.

Reflecting upon the process and circumstances of the dialogues, working groups

and the current state of online content consumption, Elisabeth Sjaastad (CEO of FERA) said: “This is an industry of innovators. Creativity and out-of-the-box thinking is just as important when it comes to reaching our audiences. We shouldn’t forget that already today, European citizens can enjoy films and television in more ways, on more devices than ever before. There are now over 3000 Video-on-Demand (VOD) services available in Europe according to the European Audiovisual Observatory. Consumer spending on online video transactions has rocketed by more than 2000%.”

There were without doubt many varying, often conflicting, perspectives during the rounds in the working groups and the plenary meetings. But it might

be important to remember that without the creators, there would be no content to distribute or consume.

To read the Communication on content in the Digital Single Market, from December 18 2012, click [HERE](#) (PDF) (English).

For more information on the final plenary meeting, click on the following:

- [Press release](#)

- [FAQ](#)

- [Ten pledges to bring more content online](#)



Elisabeth Sjaastad signs the Statement on behalf of FERA during the Final Plenary

No Place for Young Women

Dinner debate in Strasbourg

On 10 December 2013, FERA organised a dinner event in Strasbourg in partnership with EWA, the European Women's Audiovisual Network, SAA, the Society of Audiovisual Authors and the European Parliament's Lux Prize, on the topic of female directors in the film industry.

During the event Beryl Richards (director and chair of the women's committee in Directors UK) from the United Kingdom, and Lou Jeunet (writer, director and member of Groupe 25 Images) from France, presented the current situation in their respective countries, and the work being done to improve it.

Directors UK has started a campaign setting targets and mentoring women directors, and tracking female representation in TV; at the moment there is significant gender stereotyping and cases of women being confined to soap, family and kids – the lowest paid areas with little chance to progress. In the UK there is a tiny pool of trusted directors, if they are not available a man is hired, therefore women have to move sideways all the time in terms of career development, and have trouble finding agents to be put forward.

In France there is support from the French Government regarding gender equality; from Aurelie Filipetti minister for culture and Najat Vallaud Belkacem minister for gender

equality. Despite the fact that there is general equality in terms of entry to film school women often make one film after graduating but not a second. Accordingly, the proportion of women in the audiovisual sector in France has not changed for the last 30 years: Only 24% of directors in film are women, 16% of authors and directors in television are women and 3% of the directors in television are women. Some of the proposed actions to improve conditions include fighting stereotypes in the media, gender equality in terms of film selection and film festival juries.

Read the editorial on page 8-9 for more on this topic.



Director Lou Jeunet (Groupe 25 Images)

Launch of Creativity Works!

European creators, creative sector organizations and EU policy-makers gathered in Brussels on the 16th of October for the launch of a new coalition: Creativity Works!. The coalition brings together European directors, publishers, music and film producers, broadcasters, video games developers and other creative organizations. Its aim is to kick-start an open dialogue with European audiences about the cultural and economic contribution of creators in the digital age.

FERA was center stage at the event as one of the eleven founding members of the coalition. In her introductory speech on behalf of the members of the coalition, FERA CEO Elisabeth Sjaastad explained the idea behind the group's creation: "We need a dialogue about how creativity works... Creativity Works! aims to focus the policy debate on the people at the heart of Europe's creativity and culture."

Apart from FERA and the other founding members the EU Commissioner for Culture, Androulla Vassilou, delivered some opening remarks and proclaimed her support of the initiative. All participants agreed that the aim of the dialogue is not only meant to promote the creative sector in the digital age, but in a broader sense to protect and create significant economic, cultural and social value for the society as a whole. This is reflected in Creativity Works!'s mission statement: "*The goal of our alliance is to have an open dialogue with European audiences and decision-makers about the challenges we all face: our online world has to provide fair and equal opportunities for all individuals, creators and current and emerging businesses to flourish. Striking the right balance in this context will ultimately benefit the citizens and consumers, safeguard and create jobs, and help to promote cultural diversity.*"

If you wish to learn more about this creative coalition go to www.creativityworks.eu, and read the official brochure, press release and mission statement (English only).



Cinema Communication: Latest Developments

The European Commission adopted a new Communication on state aid for films and other audiovisual works, known as the Cinema Communication.

The cause and purpose of the new Communication was that the existing one, from 2001, had expired in 2012, as had some of the circumstances in the industry, according to the Commission. The main point of contestation was that of "territorialisation", or territorial spending requirements, which refers to the policies in Member States to fund audiovisual projects on the condition that a certain amount is spent in that same country. This has been a scheme that most Member States and stakeholders have been satisfied with.

The new Communication "pursues the main lines of the 2001

Communication, whilst responding to a number of trends which have emerged since 2001."

Consequently, the rules for film production schemes may either:

- Require that up to 160% of the aid amount awarded to production of given audiovisual work is spent in the territory granting aid; or
- Calculate the aid amount awarded to the production of a given audiovisual work as a percentage of the expenditure on film production activities in the granting Member State, typically in case of support schemes in the form of tax incentives.

In either case, the territorial spending requirements cannot exceed 80% of the overall production budget, which is in line with the existing 2001 criteria.

The adoption of these rules, however were not always guaranteed; it was claimed that the spending rules were an impediment to the development of the European single market. After an inconclusive report on this matter, and through the consultation hearings with stakeholders (such as FERA), the Commission seems to have concluded that the schemes are not an obstacle to market integration. And, perhaps more importantly, the Commission's Communication acknowledges the special role of cinema and the audiovisual sector in preserving and promoting the national cultures' heritage and diversity, which are protected under UNESCO rules and the EU's own treaties.

To read the Communication in its entirety, in your preferred language, click [HERE](#).

Crowdfunding in the EU

To provide a perspective from the European filmmakers' community, FERA submitted a position paper to the European Commission's consultation on crowdfunding in the EU. FERA expresses its positivity towards this emerging financing tool for filmmakers, who were one of the first creative groups to embrace the alternative form of funding and distribution. A leading example of crowdfunding for films can be taken from the Kickstarter platform (www.kickstarter.com), which has successfully aided more than 11,000 films.

Crowdfunding provides several benefits: the process is considerably speedier than the traditional financing mechanisms; it allows filmmakers to have a direct relationship with the audiences; and it gives supporters the opportunity throughout the process of production.

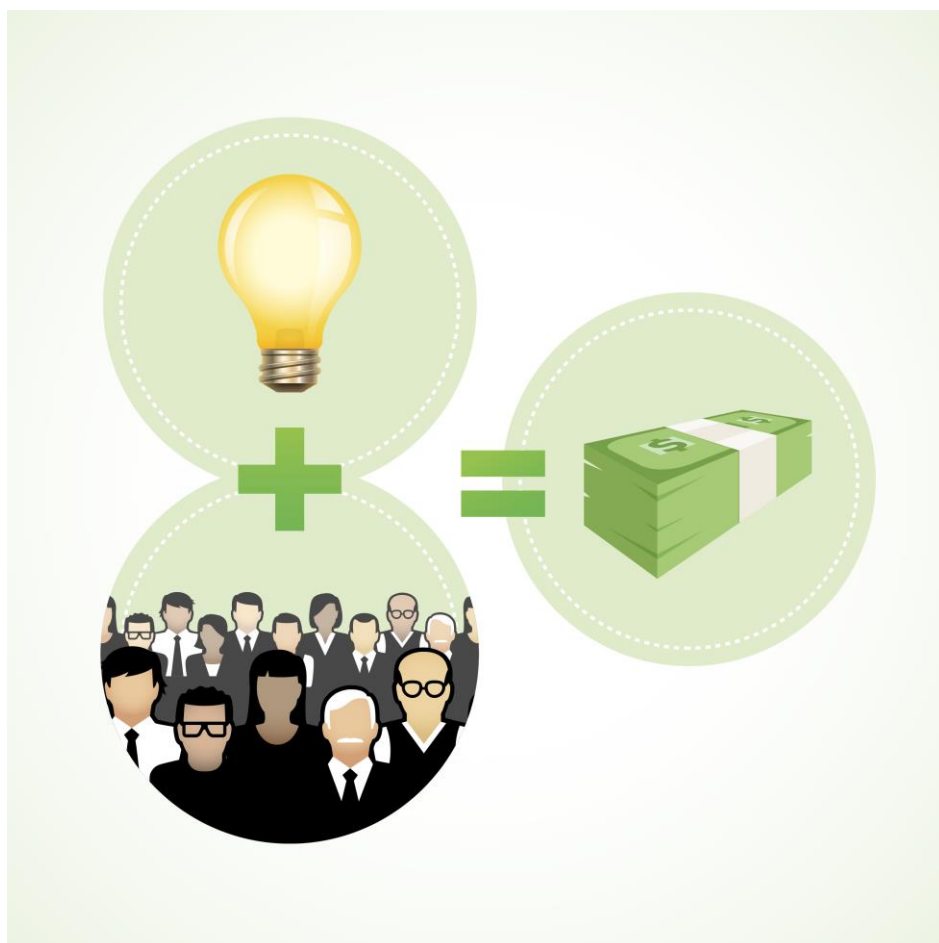
Despite all the benefits that come with crowdfunding, there are still several important problems that must be taken into account. As numbers from Kickstarter show, the average film and video project asks for \$4,466 and only 13% have raised more than \$20,000; failure levels also run high. In other words the limited resources from crowdfunding mean that

it cannot be an alternative to a properly funded European film industry to support a European cultural space; crowdfunding can only be a modest complement to properly financed film budgets. Additionally, the most successful crowdfunded projects are those that are directed to a particular niche or demographic, which could lead to a situation where 'artistic' or experimental films would suffer. Furthermore, if crowdfunding is to remain an alternative source of funds a corresponding legal framework needs to evolve. Safeguards need to improve

to protect against fraud, money laundering and criminal practices so that both filmmakers and donors are protected.

If the Commission takes the filmmaker community's perspective into consideration then, As Ted Hope, the leading American independent film producer and advocate of the new emerging paradigm said in his recent speech to FERA's 2013 London Assembly, "The EU has the chance to truly lead the world into an era of media and creative democracy".

To read the position paper click [HERE](#).





Producer Sigrid Dyekjær, President of DDG Ike Bertels, FERA CEO Elisabeth Sjaastad and DDG Project Manager Janette Kolkerna

FERA and Dutch Directors Guild co-hosted IDFA reception on 22 November

IDFA, Dutch Directors Guild, NBF and FERA had the pleasure of hosting an Industry Talk, followed by a Drink Reception in connection with the International Documentary Festival in Amsterdam on Friday, 22 November. Danish producer Sigrid Dyekjær gave an inspiring talk on how to master the art of pitching to a room packed with documentary directors and producers.

Dyekjær shared her best practice experiences in producing and funding trailers and pitches for an international market, veritably showing how to orally and visually plan a pitch to you sweep financiers off their feet and make them reach for their wallets, when you've

only got seven minutes. Dyekjær discusses her own experiences and gave the audience an insider's scoop. Joining her onstage were Freddy Neumann, PR agent of many Danish documentaries, and Eva Mulvad, director of *A Modern Man* and *Enemies of Happiness*.

FERA CEO Elisabeth Sjaastad informed the audience of important issues and recent developments in Brussels, such as the new Cinema Communication and the possible revision of the Audiovisual Media Services (AVMS) Directive.

Copyright Consultation

In an effort to review and modernize the EU copyright laws, the European Commission launched a public consultation in December 2013. With the aim of creating a single market for intellectual property rights, the Commission calls upon the stakeholders to share and submit their expectations and perspectives.

The consultation is open until 5 February 2014. To learn more about the process and to submit your contribution click [HERE](#).

Netflix Executives Increasing Net Worth

According to a report by SNL Financial, Netflix' top three executives have made enormous profits, despite the volatility in their share price over the last two years. "CEO Reed Hastings, CFO David Wells and chief content officer Ted Sarandos have cashed out a combined 385,418 stock options since the third quarter of 2011 with an aggregate value of roughly \$75.6 million, a \$62.3 million premium to their combined exercise price of \$13.2 million," writes the Hollywood Reporter.

Arbitration SIA/Confindustria Closed: Another Victory for the Authors

At the end of July, the arbitration judgment between SIAE and Rai proved that authors and SIAE were right.

RAI had to recognize the value of thematic channels and online contents.

Already with next SIAE distribution of November, all the members will receive not only the fair compensation estimated for 2012, but also the adjustment for generalists and online contents for 2009, 2010, 2011. In the first distribution of 2014 the fees for theme channels will be paid. This is the first result materially awarding the long campaign we had to conduct to see our right recognized.

But arbitrage with RAI was only the first ongoing litigation to find a solution.

On September 24th, the procedure opposing SIAE and Confindustria Innovative and Technological Services, came to an end.

The judgment delivered by the panel of judges accepted in full authors and Siae demands!

The panel of judges in fact confirmed the obligation to pay each individual exploitation on any channel or platform (including the web ones) and accepted the value criteria proposed by SIAE.

An increasing of value for the first airing from 10% to 50% has been acknowledged and the coefficients of long-running series, documentaries and animations have been re-evaluated.

Also the value to the mere provision of every single work on web portals has been recognized and Simulcasting, Catch up TV and Video on Demand has been enhanced.

It's an unprecedented victory.

The panel of judges, chaired by prof. adv. Guido Alpa and composed by prof. Marco Lacchini and prof. adv. Nicola Cipriani, has recognized not only the legitimacy of authors demands, but also the absolute value of their arguments about legal legitimacy and about criteria and rules of economic exploitation.

The arbitration with Confindustria was initiated by SIAE, thanks to the commissioner's determination, in order to comply with the provisions of copyright law, that is the rules definition applying to the whole system by the associations designated by law for this purpose.

The judgment revealed the reason why Confindustria and broadcasters tried by all means to delegitimize the arbitration and now

they will try to object a set of determinations that completely agree with authors and their demands.

This is a momentous judgment that neither party can ignore for future negotiations and ongoing litigations. After the one with RAI, a second campaign ended in favor of the authors. A campaign that would not have been possible without the firm and constant support of the membership base and the great efforts of the General Director of SIAE, the expertise of his technical offices, the legal department and the vital work of prof. adv. Briguglio, counsel of SIAE for the arbitral tribunal.

Maurizio Sciarra, 100 autori,
Member of the FERA
Executive Committee.



No Place for Young Women

Directing is the profession with the biggest gender imbalance in the film industry – all over the world. Despite the fact that in many professional film schools the number of male and female students in the directing department is about even these days, once they complete their education, their professional opportunities seem to be vastly different. And it certainly doesn't improve with age. If you didn't get the chance to prove yourself when you were an exciting new talent, one can conclude that there is hardly any place for women directors – young or old.

In the United States they talk about a celluloid ceiling. According to statistics compiled by Martha Lauzen, the executive director of Center for the Study of Women in Television and Film at San Diego State University, just 15 percent of all narrative films made in the United States in 2011, and 5 percent of the 250 with the highest grosses at the box office, were directed by women.

We don't yet have any such statistics for Europe, but since 2000, the Cannes Film Festival has screened 212 films in competition. Of those: 17 titles were directed by a total of 14 women, two titles — *Shrek* and *Persepolis* — were co-directed by women. Only one woman has won the Palme d'Or — Jane Campion was a joint winner in 1993 with *"The Piano"*. When it became clear that the 2012 Cannes film festival would have no films directed by women in the main competition out of a total of 21 titles, this caused an uproar, not only in France, but across Europe.

British director Lynne Ramsay has described this as "shocking". "There is a huge inequality in the numbers," Ramsay says she has never encountered overt sexism, but observes that when male directors are demanding and exacting "they can be seen as artistic and creative and having huge integrity, whereas women

can be seen as difficult and problematic".

The gender imbalance in directing, she says, is "a bit like a country not being filmed – and that country not having a voice. It really does matter."

A few weeks after the 2012 Cannes festival, during the annual meeting of the advisory committee to the European Audiovisual Observatory that FERA is a member of, I urged the Observatory to start providing some solid statistics on the situation for female film directors in Europe. With their database of more than 15,000 film titles spanning 17 years, and for which all the names of the directors have been recorded, this is a treasure trove for getting hard facts on the table. I was very pleased that the Observatory agreed to do so, and they are currently working on a study that will be presented at the 2014 Cannes film festival –

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where Jane Campion will be President of the Jury (only the second female director to receive that honour – former FERA President Liv Ullmann was the first in 2001).

On 10 December 2013, FERA organised a dinner event in Strasbourg on this topic, in partnership with EWA, the European Women's Audiovisual Network, SAA, the Society of Audiovisual Authors and the European Parliament's Lux Prize. The dinner was hosted by Nadja Hirsch, member of the European Parliament and Vice-Chair of the Committee on Employment and Social Affairs.

FERA members Beryl Richards from Directors UK and Lou Jeunet from 25 Images in France presented very thought-provoking research and new initiatives that are now underway, and Julio Talavera from the European Audiovisual Observatory revealed some preliminary findings from their ongoing study:

The 15,583 films produced between 1996-2012 were made by 10,605 directors. 1,953 – or 18,4% - of these were female.

Mr. Talavera admitted to being a sceptic before starting the study, but the patterns that the numbers now start to uncover has made him a convert. The prospects for female film directors are bad.

The gender issue has been heavily debated in the Nordic film communities for years. But much to our dismay, talking about it doesn't seem to make any difference. "Awareness raising" hasn't provoked any significant change.

In the documentary film sector, however, women filmmakers have been doing just as well as their male counterparts for years. But this is the low pay end of the industry. Where there is money and prestige there is less women, so in fiction film the rather constant number appears to be closer to 80 – 20. 80% men and 20% women – if that – as the Observatory figures also show.

At the moment there is a larger European debate about the number of women on corporate boards. The Nordic countries, and especially Norway where I am from, have been at the forefront in taking measures to improve the situation. Norway introduced a 40% quota some years back that is now being discussed at the EU level.

The keynote speaker at our dinner event, Benja Stig Fagerland, has been very successful in helping Norwegian companies put the quota requirement into practice. With her Female Future talent programme she convinced CEOs of major corporations to identify 10 women among their employees that would each receive a personal letter naming them an important talent, and from those 10, 3 would be promoted to senior management positions within 3 years. This kind of approach produces concrete results.

What we need in European film, once all the grim figures have been exposed, is less talk and more action. However ambivalent many female film directors feel about it (myself included), maybe the time has finally come to seriously consider quotas.

Elisabeth O. Sjaastad

"If there's one thing on this planet you don't look like it's a bunch of good luck walkin' around."

Cormac MacCarthy, No Country for Old Men

ALAN PARKER CARTOON



"...and in the third act, the zombies transmute into office plants and maim, disembowel and slaughter people while they sleep..."

AGENDA



FERA

Elisabeth O. Sjaastad will end her 4-year tenure as FERA Chief Executive at the end of January to go on maternity leave and move back to Norway. Her successor is Pauline Durand-Vialle who comes from the position of deputy Secretary General of the French Directors' Guild (SRF), a FERA member.

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