



19 September 2024

STATEMENT:

Empowering European audiovisual creators: a call to action

European films, television dramas, animation and documentaries play a vital role in how we understand ourselves and our place in society. They are an intrinsic part of the rich and diverse cultures of Europe, which are as deeply rooted as they are ever evolving. Today, the professional screenwriters and directors who create and author them are experiencing the increasing influence of global entertainment companies and new technologies.

The audiovisual authors' community, represented at European level by their professional organisations and collective rights' management organisations, seek your support as Members of the European Parliament to strengthen European audiovisual creation and its pivotal role within European cultures in all their diversity.

Over the next five years, we call on you to focus your efforts on the following six key areas:

Freedom of expression and cultural diversity

The rise of global streaming platforms and the uncertain impact of AI present significant challenges to the audiovisual sector and for its creators, as new technologies deploy in the audiovisual creative process. Generative AI is poised to directly compete with their work, while the complete opacity of the data on which it is trained allows no assessment of how culturally biased it might be. Screenwriters' and Directors' moral rights, including the basic requirement to credit them for their work, are increasingly infringed and must be enforced, protected and strengthened to uphold their status as authors. In addition, political and ideological interference in public service broadcasting and public funding presents another core challenge to the well-functioning of European democracies. These changes must be monitored closely and addressed to prevent them becoming an existential threat to freedom of artistic expression, a cornerstone of European culture.

Artificial Intelligence and the future of European creation

The AI Act is a first step, but issues of transparency, consent, and remuneration for the use of creative works by AI remain unresolved. There is an urgent need to clarify the application of the principles of authorisation and remuneration for the use of authors' works for AI purposes that will force AI companies to seek licences. Considering the prejudice that competing content generated by AI models trained on pre-existing works present for authors, they must be able to exercise the reservation right provided for in the 2019 Copyright Directive article 4, and to agree to license the use of their works in training AI models. Collective management organisations of audiovisual authors are well placed to play a role in negotiating and delivering licences to AI companies that would generate remuneration to the authors. AI's potential to reduce creative work opportunities, particularly for young authors, and its potential negative impact on audiovisual authors' artistic freedom must also be addressed.

Collective bargaining to build sustainable careers

In their vast majority, European screenwriters and directors are freelancers with little to no access to social benefits, and often unable to benefit from effective collective representation as professional authors. This, in addition to a fragmented approach by Member States to their ability to share in the economic success of their work, has led the audiovisual community to face low and unstable income: today still, screenwriters and directors cannot build sustainable careers. Progress made over recent years on their ability to get collective representation to fight for fair pay, working conditions and rights must be continued, including through the implementation of social conditionality at EU level and the promotion of the status of the artist.

Fair remuneration for all exploitations of audiovisual authors' works

The 2019 Copyright Directive aimed to protect authors and performers by addressing their systemic weak bargaining position when negotiating individual contracts – but has seen poor implementation. A principle of appropriate and proportionate remuneration was included in EU law (Article 18), but many countries have not introduced effective remuneration mechanisms, leaving the digital single market in particular as fragmented as ever. Collective mechanisms are essential to achieve fair remuneration of audiovisual authors across the EU, including collective rights management, in particular for online exploitations.

Equally essential, the 2019 Copyright Directive transparency obligation, for authors to be regularly informed of the exploitation and revenue generated by their work, and to be empowered to renegotiate unfair remuneration in individual contracts (Articles 19 and 20), has not been implemented in industry practice to date. Detailed monitoring of the

implementation of directive in national law as well as in industry practice must be conducted in consultation with authors, performers and their contractual counterparts' representatives.

Diversity of representation

Gender inequality and representation of diverse cultures in the European audiovisual sector are persistent issues. The EU must continue to promote gender equality and non-discrimination as essential components of cultural diversity, recognizing its dual economic and cultural dimensions.

The Role of Collective Management Organizations (CMOs)

CMOs negotiate agreements to ensure fair remuneration based on the economic success of their works for audiovisual authors. However, varying national legislations and market fragmentation mean authors do not receive royalties uniformly across Europe. Unwaivable rights to remuneration managed collectively are an essential vector of fair remuneration of audiovisual authors across the EU.

Significant challenges lie ahead: the multi-faceted impact of AI, including generated content potentially competing directly with authored works, global streaming platforms, and political pressures. At this critical time for the future of culture, we urge Members of the European Parliament to protect and foster human creativity in Europe, establish high standards for fair remuneration and authors' moral rights, and uphold principles that promote European audiovisual works as well as cultural diversity.

About

FERA (Federation of European Screen Directors) represents film and TV directors at European level, with 46 directors' associations as members from 31 countries. Founded in 1980, FERA speaks for more than 20,000 European screen directors, representing their cultural, creative and economic interests. EU Transparency Register ID: 29280842236-21

FSE (Federation of Screenwriters in Europe) is a network of national and regional associations, guilds and unions of writers for the screen in Europe, created in June 2001. It comprises 32 organisations from 26 countries, representing 10,000 screenwriters in Europe. EU Transparency Register ID: 642670217507-74

SAA (The Society of Audiovisual Authors) is the association of European collective management organisations representing audiovisual authors. Its 34 members in 26 countries manage rights for over 167,000 film, television and multimedia European screenwriters and directors. @saabrussels #WeLoveAuthors