

MADRID KEYNOTE 06/11/2022



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PUBLIC RECEPTION @ MADRID. FILM ACADEMY

Sunday 06/11/2022 - 11:30 am CET / Academia del Cine / Calle de Zurbano, 3, 28010 Madrid

1st Conference of European Audiovisual Authors

Madrid, 5-6th Nov 2022

Delegates of 6 European Federations, representing Cinematographers, Composers, Costume Designers, Directors, Editors, Production Designers and Sound Designers discuss the impact, challenges and opportunities of the streaming services production and distribution model on Authorship in Europe.

WHO WE ARE

We are European and international Federations of the audiovisual creative community sharing the goal of fostering Audiovisual creation.

We are not merely adding to the value chain, we author the value.

Participants (in alphabetical order) :

- ARTSCENICO - European Federation for Costume & Production Design (12 countries)
- ECSA – European Composer & Songwriter Alliance (27 countries)
- EFSI - European Film Sound Initiative (7 countries)
- FERA - Federation of European Screen Directors (33 countries)
- IMAGO - International Federation of Cinematographers (39 countries)
- TEMPO - International Federation of Film Editors Associations (27 countries)

Our members are national organisations of recognized professionals, not individuals.

WHY WE ARE HERE

Summary :

As streaming platforms rise exponentially in Europe's production and distribution market, audiovisual authors' rights and remuneration are challenged.

Detailed :

- While authorship of the audiovisual work is recognized and promoted by EU legislation, on-demand platforms practices are challenging it in practice.
- The rules to allocate authorship in an audiovisual work vary significantly across national laws. Meanwhile exploitation of an audiovisual work depends on intricate rights clearance and licensing processes.
- Our members report significant difficulties when it comes to negotiating their fair share of online exploitation revenues due to weak bargaining position, practice of "buy-out contract", long contractual chain with multiple intermediaries across countries, opacity of exploitation data on streaming, etc.
- European audiovisual creatives are incited to sign contracts outside European law structures (i.e. in the UK or US) which prevents them from benefitting from the European copyright framework, EU contractual law protection, national jurisdictions or collective frameworks e.g. collective management of rights or joint remuneration agreements.
- These practices seed division within the European filmmakers' community, as tensions arise among film creatives, producers, broadcasting and streaming companies sometimes leading to halting or relocating productions.
- Buy-out practices by commissioning services expropriate authors from their right to fair and proportionate remuneration, leading effectively to work-for-hire situations.
- Yet a specific Cinematographer, Composer, Costume Designer, Director, Editor, Production Designer, Screenwriter or Sound Designer brings in a distinctive contribution to the creation of an audiovisual work.

WHAT WE WANT TO ACHIEVE

- To assert our collective attachment to Authorship in European audiovisual creation, and promote the effective implementation in all Member States of the EU Directive 2019/790's provisions on fair remuneration in exploitation contracts of authors and performers without delay (proportionate remuneration, transparency, contract renegotiation etc.)
- To seize the opportunity for Collective Bargaining Agreements recently included in European legislation
- Scrutinise the transparency and fair practices of the streaming services.
- Raise awareness of the impact of the streaming services on the European local audiovisual ecosystem, with particular reference to public funding and its support of audiovisual authors creating cultural diversity.
- Create a network of knowledge and exchange to inform our members, and their members of the situation and possible good practices.
- Show unity and solidarity across European audiovisual creatives of all professions.