



## VIENNA DOCUMENTS I

Improving the social situation of the film artists by demanding new economic parameters for filmmaking.

**Date:** December 3<sup>rd</sup> 2018

**Venue:** Vienna, mica-Seminarraum, Stiftgasse 29

### PROTOCOL

#### Participants:

Bernhard Bamberger (VOESD), Lisa Basten (Sociologist/ Berlin Social Science Center), Kurt Brazda (IMAGO/AAC), Cristina Busch (lawyer, IMAGO), Jacob Groll (ADA/FERA), *Astrid Heubrandtner-Verschuur (IMAGO/AAC)*, *Hrvoje Hribar (DHFR/FERA)*, *Birgit Hutter (VÖF)*, *Harald Karl (lawyer/ Pepelnik & Karl Rechtsanwälte)*, Dietmar Kraus (BFS/Editors Germany), Christoph Loidl (aea/ Österreichischer Verband Film- und Videoschnitt), Enid Löser (VÖF), Paul René Roestad (IMAGO), Herman Verschuur (IMAGO/NSC), Katharina Albrecht-Stadler (EU XXL FILM), Zora Bachmann (EU XXL FILM / Schnittstelle Film), Mercedes Echerer (EU XXL FILM), Paul Zajacz (EU XXL FILM)

#### **Keynote**

**By Lisa Basten (Sociologist/Berlin Social Science Center)**

**On filmmakers' working conditions within a European Framework**

#### **Main messages:**

- **Creative sector / industry in Europe is growing and an important economical factor**
- **Nevertheless the economic and social needs of the creatives, especially the filmmakers, are still not sufficient represented on European level**
- **Most of the creatives are working in a "hybrid" working form, changing between periods of employment, unemployment, self-employment**
- **The national insurance and pension systems and unemployment regulations don't offer sufficient and satisfying solutions for such a "hybrid" working form**
- **As the EU is working on a new cultural agenda, it is more than urgent that the filmmakers find a common voice for an insisting and ongoing dialogue with the EU politics**
- **The time is now to formulate the major pain points for filmmaking in Europe**

(see the sheets of presentation attached)

The analysis of the discussions suggested that we should concentrate on the following six topics:

1. Working conditions (collective bargaining, working hours)
2. Co-Production (minimum European standards / often hidden touristic funding)
3. Insurance / Pension / Unemployment System (“hybrid”)
4. Working conditions and gender inequality
5. Funding (national / regional structures, funding bodies, criteria, differences, public and private funding, funding institutions as possible controlling – how to implement this controlling?), difference and inequality i.e. documentary
6. Film as an important cultural heritage and sign of European diversity. How to find the audience? Distribution, territoriality, dubbing, role and importance of TV broadcast
7. European catalogue defining who is accepted as audiovisual, as this is very different in the EU member states.

We discussed these topics during our sessions. Please find the results of our discussions related to each topic here:

#### **Ad 1) Working conditions (collective bargaining, working hours)**

Regarding collective bargaining, speaking as a collective is key for the film makers. This is why building a capacity for collective bargaining and emphasizing the differences between the various film professions turns out to be highly interesting. Whenever areas of interest coincide the artists of Europe must work together and stand up for each other.

#### **Ad 2) Co-Production (minimum European standards / often hidden touristic funding)**

The European film market consists of a variety of films of different nations, funded by film funds of various states. Often, albeit, they do act together in form of a co-production – celebrating Europe’s love for diversity. But then each participating country does not want to see his state losing its cultural identity in the film, so conflicts during shooting and post production are not uncommon.

On an economical side a film producer frequently depends on big co-productions. Alas, film funds are acting in a very traditional way of thinking and the granted money must be spent in the country/region the funding body belongs to. Establishing a European film fund would be crucial. Service-co-production models and hybrid co-production-models are on the rise in the EU member states.

Regional film funding institutions often neglect cultural funding in favor of touristic benefits. They have special economic aspects in their mind. So one can find film funding at the interface between cultural heritage and economic aspects.

Another interesting topic are the so-called trans-European licenses. Film producers argue this would lead to having great possibilities to film funding destroyed. Generally, what will be/could be the film funding schemes of the future?

The film fund does not include the working conditions in its funding decision. Therefore, film funding could be closely related to fair working conditions (“Black list” versus “Fair production award”)

#### **Ad 3) Insurance / Pension / Unemployment System (“hybrid”)**

A hybrid form of working is very common in the film business: being self-employed and employee in one person means paying in two insurances, into two pension funds, two times taxes.

When it comes to health issues – after a hard, 16-hour working day, people are tired, unconcentrated: Is it generally like this in the field of movie-making? In the Netherlands it is, but not in Denmark. In Denmark 8h/d is regular. The film funds must raise awareness that one's calculation can't always be true. Unanimously the participants say, a 12-hour shooting day is totally unacceptable. Many film makers are not insured at all.

In a first step states that are on a similar social level, should align their social standards and working conditions. In a next step then it should be extended to all EU member states. We have to find European solutions in the end. The KSK (The German Artists' Social Insurance-Künstlerssozialkasse) for instance guarantees an insurance system concentrating on fixed term employment. The Pensionskasse Rundfunk – the TV stations chip in for pension funds – runs similar to a corporate pension.

With respect to the solutions for the employees/self-employed/freelancer-issue: Getting rid of the differences – is this utopic? A big group of people who are not in a standard employment should be noticed.

In 2011 already the European Parliament called on the Commission and the Member States in its *Report on unlocking the potential of cultural and creative industries* to grant artists, authors and creative workers a special employment status and to lay down relevant criteria in appropriate legislative instruments relating to social protection, employment support and access to formal and informal training courses. It pointed out that artists, authors and creative workers are fundamental to CCIs and should be given assistance in fully implement their potential.

But that report, sadly, never made it into any law because there was no lobby behind it.

Bringing together working conditions and gender factors into a comprehensive funding system as MFG Film Funding in Baden-Württemberg does in a best practice model.

**Ad 5) Funding (national / regional structures, funding bodies, criteria, differences, public and private funding, funding institutions as possible controlling – how to implement this controlling?), difference and inequality i.e. documentary**

How much of a state's/a region's annual budget is spent on cultural/film funding. Generally, reflecting the strong economic effects of funding films with public money is key in this regard.

When the wages go down people leave the film industry and a lot of experience perishes. High educated people leave the field.

Which share of state funded films is produced on fair conditions? For example a certain percentage of funding must go to female screenwriters, directors a.s.o.

The time to work on a film keeps getting constricted more and more. The budgeted time gets reduced and you always find someone who can do it in less time. You reduce quality by reducing time

Socioeconomic conditions as obligatory criteria, however, should be allowed for giving funds. Moreover, in the German FFG, law for federal funding, ecological criteria are crucial. But who is checking on it? Customs authority would check for example in Germany.

The FFA body gives its funds on basis of the FFG – there is no capacity to check the wages the producers grant, the FFA says. Though the kind of data they do have – knowing ages, gender a.s.o. of moviegoers – their argument that it is too costly to check cannot be accepted. It would be interesting to know who has to check on a European level.

The importance of funding by broadcasters cannot be underestimated.

Who has experience in infringements of working conditions by funded productions, either funded by film funding bodies or TV broadcasters? Discussing wages means considering the aspect of shooting time.

Several kinds of funds, those for small films, those for art house films, often causes getting a lump sum that is in no relation to the amount of work you do – a problem of self-exploitation. Who checks on this? This very self-exploitation is also included in the calculation of the film, a dangerous situation at all. If filmmakers don't get the money needed to produce the film – what are the consequences?

**Ad 6) Film as an important cultural heritage and sign of European diversity. How to find the audience? Distribution, territoriality, dubbing, role and importance of TV broadcast**

The principle of territoriality in the European authors' rights system was highlighted in its importance for the European film sector. Its downfall would kill film sales agents, football broadcasters and half of the film distributors right away. Because of the fact that European films are compared with American films "small" films, climbing European territory by territory, and are not started in the whole market on the very same day that principle of territoriality regarding licensing films and the distribution of films is of vital importance to the whole European film sector. Nevertheless, nowadays circulating films across Europe is often impossible, mostly because of the lack of synchronization.

The European Audiovisual Observatory for example is providing essential market and legal information on the audiovisual industry. Its researches cover different schemes of film funding, terms of conditions and give a good overview about film funding at the national fields. The newest edition will be published next year, having the interests of authors also reflected.

#### **NEXT STEPS**

One of VIENNA DOCUMENTS' main goal is collection experiences and finding allies providing relevant information in order to present a "white paper" to the EP on the 1<sup>st</sup> of April 2019

This is why we ask you to answer our questions, not only for you and your association and country but also by asking colleagues and by distributing and sharing the questions.

Use the document attached, fill in your answers and remarks and send it back to:

#### **Next Dates**

Vienna Documents II – Meeting in Vienna – January 28 and 29

Presentation at Berlinale – February 7

Presentation in the European Parliament in Brussels – April 1