



Society of Audiovisual Authors
Société des Auteurs Audiovisuels

Mr. Andrus Ansip
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Dear Mr. Ansip,

First of all, I wanted to thank you again for welcoming us and meeting us for over an hour on 22 June. We have sometimes had the impression that, for some members of the European Commission, authors and creators hardly count and that their concerns are less important than the desires of industrialists. That pipe manufacturers are better listened to and taken more seriously than all those who create and manufacture what flows in their pipes. Pipes which would not exist without us.

So thank you again for this meeting. However, in retrospect, I believe I may not have been clear, probably due to the emotion of the encounter. I feel better in front of a blank page and a crew to whom I need to communicate my passion and desire for my dreams to materialize.

I was pleased to note that you did not want to change media windows. But later, when you said you want to tackle exclusivities, I realized that there was a kind of contradiction. How can we protect windows while refusing to grant exclusivity to those who want to enforce them?

In retrospect, Vice-President, I feel that even though you speak about cinema, you think about music, your examples and references are based on the music industry. Whereas the financing of music is nothing like that of cinema.

First, because a piece of music knows no boundaries, there are no barriers of language. Songs can be played anywhere at any time, simultaneously on radio, TV and on the internet. But a movie needs subtitles and, in many countries, dubbing. The non-broadcast of many European films is often down to the unwillingness of producers or distributors to fund the dubbing which is expensive and, according to them, would not bring sufficient revenues. This can even be the case for American films with Clint Eastwood.

A film requires a much higher level of investment than that of a record. In music there are no exclusivities because there is less money involved. It also requires a totally different form of distribution. A poor launch date of a film, for example in a week alongside big competition, can destroy a release and, as a result, the entire future life of the work.

I may be being stupidly didactic but it is a risk I want to take to avoid any errors. My great friend and mentor Michael Powell, a European filmmaker well before the European Union had been "created" (he gave work to Hungarians, Austrians, Germans, French and even English) often repeated, "why is it that we so often have

problems with financiers and politicians?" - "It is because we know what we do and they do not."

When I start a movie, I, together with my producer, have to seek funding from a group such as Pathé, Gaumont or Studio Canal. In return for the money they are going to give, they will take some windows, some markets, each time accompanied by an exclusivity. Why would the Canal Plus group give money if the film is available elsewhere than on their service, by pipes which have not funded the work? Why would the BBC finance a series that will be immediately visible on screens that it cannot control? On top of this, foreign distributors will also ask for exclusive rights.

It is not the authors that prevent access to films but a production system that has been developed over decades. Do you realize that when you want to give a kick to this system, you may destroy something that, while admittedly possible to improve and reform, has produced many masterpieces by David Lean, Federico Fellini, Ken Loach, Christian Mungiu, Michel Hazanavicius, Pedro Almodovar, Volker Schlöndorff and Ettore Scola to name but a few. It is a system that creates a lot of jobs and should be preserved at all costs.

This system is not without fault, we must develop it and repair the injustices suffered by writers and directors who receive no royalties for the exploitation of their works in many countries. This is the first injustice in need of repair and which is much more serious than the lack of portability. Unfortunately I do not see any project concerning the remuneration of authors nor the fight against piracy in the forthcoming copyright reform.

In addition, I am afraid that by emphasizing the pipes, you give a kind of carte blanche to American cinema, pipes and the English language. The enthusiastic acceptance of Netflix should give you a hint as to how this could play out.

Finally, Mr. Vice President, I want to ask you two questions. The first is technical: before instituting cross-border access, should we not begin to restore, digitize, and raise awareness of the 60% of European film heritage that is never exploited, shown or broadcast? Shouldn't online platforms have a duty to present our heritage?

The second, perhaps more philosophical: Is giving access to all works all the time a real example of democratic progress? Does the exponential increase of availability not destroy the desire of the viewer? "Learning democracy starts with the taming of time, refusing to submit to immediacy" wrote the lawyer Antoine Garapon. Let me give two examples: Charlie Chaplin (and his heirs), Hitchcock and Kubrick have all, at times, blocked some of their works for ten years. This was a deliberate way of making them shine again, recreating the desire that had dulled. It should not be forgotten that our works' success is based on desire.

As authors, we want our films to be shown and seen around Europe. We need our partners, both in the industry and in the European institutions, to believe in our art and invest in it.

I remain at your disposal to continue our conversation with you and your colleagues.

Yours sincerely,

Bertrand Tavernier