

FRENCH FICTION
THE CHALLENGE OF SCREENWRITING
AND DEVELOPMENT

THE CHEVALIER MISSION REPORT

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The Chevalier Mission: report

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Preamble

by Pierre Chevalier

Winnie is an unforgettable woman, « a great lady ». She is the main character in the two acts of the play entitled *Happy days*¹ ! by Samuel Beckett.

Beckett describes her as being: « About fifty, well-preserved, blonde for preference, plump, arms and shoulders bare, low bodice, big bosom, pearl necklace ». Winnie is in an odd situation: in the first act, she is « embedded up to above her waist in exact centre of mound ». The only audience she has is her husband Willie, who is quite bad-tempered, to whom she recounts her memories and how her day has gone, punctuating her account with « Ah, the old style ».

In act II, in the same setting, Willie is invisible but is still talking – he will almost utter the last word: « Win ». As for Winnie, she ends up being embedded « up to neck, hat on head, eyes closed ».

It is strange to begin a report on audiovisual screenwriting and development and also on training screenwriters by talking about a play by an Irish playwright, with a main character who has only her head visible and who is beginning to lose it.

Let us pursue with the metaphor : Winnie stands for television, the mountain that is sucking her in could represent that pile of reports, regulations, quotas, opinion polls, institutions and institutes which prevent it from being itself, upright and free to go forward. And who would Willie be? A fiction screenwriter who is completely lost? No, that is too obvious. But, perhaps, the viewers, never satisfied, always passive, practically bedridden, and whose grunts and groans, meticulously recorded in the form of statistics, call the shots when it comes to Winnie. And the Showers or the Cookers, whoever, those bewildered visitors who come across Winnie high up on her mountain by mere chance? Quite a vulgar young couple « What is she playing at? He says – What is this all about? - Embedded in the dandelions up to her bosoms ... - And what about you, what are you all about? What are you supposed to mean? She says » Could they play the part of a contemporary couple, mad about new technology, him representing Telecoms, her the media? No, all these metaphors are far too crude or even improper in a ministerial report ...

Let us stop right here.

In parenthesis, let us point out, nevertheless, that, during the eighties, Beckett wrote a work for television which he was greatly attached to, made up of four plays broadcast by BBC 2 and Süddeutscher Rundfunk².

The theoretical input of these texts was important and broadcasting them a patent failure – we would have taken it for an Arte programme, a decade before the channel even existed.

Beckett as a TV screenwriter? No, more an experimenter who tried to bring about another type of television, « like a new style ».

¹ *Editions de Minuit*, 1963. Madeleine Renaud played the role brilliantly, for the first time, in the play directed by Roger Blain.

² *Quad et autres pièces pour la télévision*, followed by *L'épuisé*, by Gilles Deleuze, Editions de Minuit, 1992

The history of French television – which came into being in the dark period of the Franco-German collaboration as on 7th May 1943 at 3p.m. the first Fernsehsender Paris programme was broadcast from the rue Cognac-Jay – is punctuated with inventions, crises, compromises, attempts and original byways, successes and failures, depending on the moment; when it feels weary, it adapts what is being made elsewhere and coming mainly from the English-speaking world. There have been many epic moments and there still are, during the 3 hour 32-minute period that the French spend every day in front of their television sets³. To name but a few great series or soap operas on a random basis – *Les Secrets de la Mer Rouge*, *La Maison des bois*, the historic saga *Les Rois maudits*, dramas made by the Ecole des Buttes-Chaumont in the sixties, *Les Raisins verts*, *Les Shadocks*, *Dim Dam Dom*, reality TV, the TV films made by the Arte France fiction unit at the beginning of this century, *Plus belle la vie*, etc ...

Having already quoted the example of Arte twice, let us take advantage of this moment to sneak in a few more. Between 1990 and 2000, a team from the French-based fiction unit made an unusual leap: that of commissioning and co-producing TV films with novices, out-of-work directors, and sometimes with real film-makers from France and elsewhere. For 12 years, the unit brought to the screen some 320 titles with 280 different male and female directors. A shot of poison for some, the icing on the cake for others – almost 60 TV films were released in cinemas. Amongst these, the titles of about fifteen collections : *Tous les garçons et les filles de leur âge* (9 x 60 minutes), *2000 vu par ...* (10 x 60 minutes), *Gauche / Droite* (6 x 60 minutes), *Petites caméras* (6 x 90 minutes), *Masculin / Feminin* (10 x 90 minutes), etc ... Oblivious to the risks, in 1994, the unit embarked on a project albeit dangerously, of prime time access with a « cultural sitcom » entitled *Germaine et Benjamin*, the story of the love affair between Germaine de Staël and Benjamin Constant, by Jacques Doillon, in a high-definition 12 x 26 minute format. This novel soap genre was a massive flop amongst viewers.

Of course, the Unit was also involved in series and mini-series (a total of 25), mostly with France Télévisions. For instance, *Les Alsaciens*, *Julien l'apprenti*, *Les Allumettes suédoises*, *L'Affaire Seznec* (in association with TF1), *L'Affaire Dreyfus*, *Jean Moulin*, etc ... None were cinema releases, but achieved high audience ratings due to their very elaborate plots which were in keeping with high-quality direction.

In fine, what was the outcome of this small venture? It undoubtedly brought into the limelight a new generation of actors (Samy Nacéri, Elodie Bouchez, Vincent Elbaz, Romain Duris, Julie-Marie Parmentier, Virginie Ledoyen, Claire Keim, Benoît Magimel, Nicolas Duvauchelle, Sara Forestier, etc), introduced or gave recognition to some directors who then went on to make films (Olivier Dahan, Laurent Cantet, Abderrahmane Sissako, Ursula Meier, Mathieu Amalric, Emmanuelle Bercot, Cédric Klapisch, Yousry Nasrallah, Philippe Faucon, Arnaud de Pallières, etc ...), finally a few newly-formed production companies made their initial works like Haut et Court, Pierre Javaux Productions, Vertigo, Agat Films. The final decisions made were those to be involved in the *Amants réguliers*, by Philippe Garrel, *Lady Chatterley* and *l'homme des bois*, by Pascale Ferran, a TV film made by a Palestinian filmmaker, another by a Japanese one. Then, came the end, there was, despite a successful reputation gained through its works, the impression, of a relative TV failure and of a certain ambiguity which had become more and more difficult to face up to⁴. It was time to hand over the reins. It must be said that, for 12 years, the Arte France Fiction unit had deliberately overlooked essential elements: audiovisual writing, the script, its development and construction, everything pertaining mainly to technicality, the prerequisite of an industrial boom. The main focus was on directing, a positively bold construction, the endeavour to

³ Médiamétrie, results 2010

⁴ «We have done everything we could, but the people are missing», wrote Paul Klee gloomily, in his *Journal*.

develop a television style that would not be characteristically television, but something in between films and television. These attempts did not take into account the cornerstone in TV fiction: the script; the script won the fight. The precarious scaffolding disappeared. « *Nice work* », said Claire Denis at the time.

Let us get back to the subject after this too long a digression. For 5 or 6 years, alongside the arrival of the DTT channels, there has been a sort of uncertainty, a disorder in the French audiovisual sphere. The viewer has been unable to find his or her way, well-established channels' ratings have been decreasing, the young end of the market has found a vast range of possibilities on the Net. French fiction seems to have taken a severe blow, with a few exceptions, benefitting American production which has put the onus on serial programmes. Those responsible for creation feel that this has been a waste, and amongst them, the screenwriters seem particularly disarmed, as they rely on numerous participants, and always subject to the vagaries of circumstances.

And what if French fiction has also waned through neglecting the screenwriting profession, by watering down the notion of what a story is, worse, by a total lack of method? It seems weary, sluggish, lacking in imagination, defenceless against Anglo-Saxon productions which it attempts to copy without having the necessary professionalism.

« Dead imagination, imagine », also said Beckett. This could be a watchword for television today. But that is easy to say. We know that imagination can only emerge after some reflection – Jackson Pollock said « You have to meditate on the accident », - after real work, technical training, a reappraisal of tradition, after having mastered it (« Ah the old style ! »), in order to avoid conventionalism, and finally create.

Our report will therefore focus on what currently appears, in France, to be the most fragile: the art and technique of screenwriting, audiovisual writing, fiction development and, consequently, screenwriting training programmes. We are fully aware that our proposals are nothing more than drafts to be churned up by regulations and budgetary decision-making. All that we hope is that the public authorities will be able to discuss them, argue against them and improve them.

Members of the mission

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*In collaboration with **Clémence David** for the writing*

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FRENCH FICTION

THE CHALLENGE OF WRITING AND OF DEVELOPMENT

The general feeling that French fiction is in a state of crisis has been shared for several years by observers, professionals ... and viewers. At regular intervals, it has been the subject of articles, studies, essays and reports – notably the one drawn up by the Club Galilée⁷, of which this report herewith, which has been commissioned by the Minister of Culture and Communication, adds to it more in-depth thought on the subject, or, as well, the more recent and highly detailed one conducted by the Société d'études stratégiques pour le cinéma et l'audiovisuel (SESCA)⁸, published by the CSA, from which we will make use of certain analyses.

They are simplistic, formatted, boring, without ambition, unimaginative, politically correct: the criticisms concerning French fiction production are harsh. Based on what they say, French fiction stands by, completely powerless, watching the high-speed train of Anglo-Saxon series rush by with new generations of viewers on board. Of course, this assessment must be nuanced: French fiction has recently managed to positive feedback from its viewers due to its successes! *Fais pas ci, fais pas ça*, *Le village français*, *Braquo*, *Pigalle*, *Mes amis, mes amours, mes emmerdes*, *Clem'*, *Scènes de ménage*, *La Journée de la jupe*, to mention but a few, all channels combined, whether it be success with the critics, on an artistic level and / or with viewers (sometimes all three). This confirms two basic points: the desire for French fiction well and truly exists, as do the talents to meet it.

These recent successes are encouraging, but they must not hide the general feeling of depletion nor make us avoid undertaking a necessary scrutiny of our practices and policies in this area. It is development that is at the heart of the matter.

In order to draw up this report, we interviewed more than 80 professionals. We interviewed all the unions representing the professions concerned (Guilde Française des Scénaristes, Union Syndicale de la Production Audiovisuelle, Syndicat des Producteurs indépendants, Société des Réalisateurs de Films, Groupe 25 Images, Syndicat Français des Agents Artistiques et Littéraires) as well as the SACD or the association Scénaristes en Séries, representatives from all the mainstream terrestrial and DTT channels, the public agencies (CSA, CNC) as well as the directors of state-run film and audiovisual institutes (Fémis, Conservatoire Européen d'écriture Audiovisuelle). Producers, screenwriters, those in charge of writing workshops, directors, French ones but also English and German, came to share with us their experience and their development practices. These audiovisual professionals spoke freely to us, during the interviews which we conducted alone. Out of respect for this freedom of speech, we are merely quoting in the annexe those interviewees who spoke on behalf of representative organisations.

Let us make one important point clear right from the start: the aim of this report is to identify the instruments to encourage firstly the development of French series more than that of one-off programmes. This latter format (a 90-minute one-off) is indeed widespread on our TV screens – over-represented even, if we compare this with our main European neighbours.

⁷ *Crise et relance de la fiction française*, Club Galilée, April 2010

⁸ *Pour une relance de la fiction française*, SESCOA, published by the CSA, November 2010

This French specificity is linked to a powerful film heritage which imposed the 90-minute format in the mid-eighties as a norm for television as well. The identity of French television is therefore affected by this original and unusual format – in the one-off as much as in the collection or mini-series formats – more often than not imbued with the utmost artistic ambition.

Throughout this report, which focuses on the series format, its aim is not in any means to attack this French heritage, even less to recommend one format to the detriment of another – most of our proposals apply moreover to all fiction formats. Indeed, our reflection is based on the desirable perspective of an overall increase in the annual fiction output, which would enable series formats and one-offs to naturally find their place in the market. But as shown in the findings given in the first part of the report, the weak point of French production lies predominantly at this moment in time within the realm of series fiction – and this has dire consequences on the average level of national audience ratings as on exports. It is therefore this weakness, above all, that we wish to analyse and deal with in order to suggest working hypotheses which would enable professionals to remediate the shortcomings and incoherence and to overcome the amateurism which too often characterise the development processes and French fiction production.

I A SHARED OPINION

A-Depletion of French fiction

a) Figures

Fiction output weakness

The first sign of depletion: the meagre amount of French fiction produced. In 2009, according to CNC figures, 752 hours were produced, that is a decrease of 17.6% in relation to 2008 and the lowest level since 2004. The investment of TV channels also fell by 6.7% in relation to 2008, settling at € 498.4 M⁹.

The last Eurofiction study conducted by the Observatoire européen¹⁰ which compares fiction output by country goes back to 2002, but according to the SESCO report, the figures would not have fundamentally changed in 10 years. In 2001, when France was producing 553 hours of fiction, Italy was producing 627 hours, Spain 1,306 hours, the United Kingdom 1,463 hours, and Germany 1,800 hours ! The SESCO states however that in the United Kingdom, fiction output on the BBC, ITV and Channel 4 has dropped by about 20% during recent years, but this decrease has concerned mainly the on-offs. France is trailing behind in this area.

Yet, TV fictions and more particularly series have never been as popular in our country. In 2009, they achieved 69 of the highest TV audience ratings, all channels¹¹. But in order to meet this requirement, French channels prefer to opt for American series, which have the advantage of having already proved their success. In the same year, when mainstream terrestrial channels devoted 20 additional evenings to American series in relation to 2008, they only increased the allocation of French fiction by 9 evenings¹². All the encrypted channels, except for France 3, increased the amount of American fiction available in 2009 – even though this is becoming more and more expensive! Six or seven years ago, channels were paying about € 100,000 per episode for an American series. Today, the cost can be more than four times as much!

Loss of interest by audiences and competition from Anglo-Saxon series

It must be admitted that Anglo-Saxon series are highly popular amongst French audiences : in the top 10 fiction programme ratings, all channels combined, in 2009, only French fictions figure – and rather low in the ratings : *Joséphine ange gardien* (in 4th position), *Julie Lescaut* (7th), *Avalanche* (9th) and *Père et Maire* (10th). Of course, the quality of a programme is not measured by ratings alone.

But, even on a broader scale, it can be concluded that French series are either not viewed or little viewed: in the top 100 fiction ratings, 87 were achieved by American¹³ !

France is the only major European audiovisual producing country in which domestic fiction is not highly popular, as shown in the CSA¹⁴. In 2009, the four other countries studied

⁹ *La Production audiovisuelle aidée en 2009*, CNC

¹⁰ *Eurofiction, la fiction télévisuelle en Europe*, 2002

¹¹ *La Diffusion de la fiction à la télévision en 2009*, CNC

¹² *La Diffusion de la fiction à la télévision en 2009*, CNC

¹³ *La Diffusion de la fiction à la télévision en 2009*, CNC

(the United Kingdom, Germany, Spain and Italy) placed, in fact, their domestic fiction at the top of their best ratings for the genre. In the United Kingdom and Italy, not even one American fiction figures in the list of the top ten ratings! In the United Kingdom, ratings for these programmes are on average three times lower than those for British fiction programmes. The top American series (*CSI: NY*) only figures in the 62nd position! In Italy, it is the series *Criminal Minds* which comes top of American series, in 17th position amongst the highest ratings. In Germany, the top two American series come 10th and 13th. In Spain, American series are practically on an equal footing with national fiction programmes.

Of course, there was a time, not so long ago, when audiences supported French fiction programmes. This lack of interest has intensified at top speed as terrestrial (and DTT) channels have shown more and more foreign series, the majority being American, whose artistic creativity and technical quality have right from the start made our productions look totally “outmoded” ...

So, whether there is an editorial crisis or not, is not essential with regards to the challenge imposed by the current context and with regard to broadcasting practices: regaining public favour in a context in which evenings devoted to American fiction programmes are multiplying on our screens – to the extent that during the week from 21st to 27th March 2011 on TF1, they had taken over four entire evenings (and 20 episodes of series) !

Lack of format diversity

French series production is also stands alone because it lacks diversity in the formats produced: until 2008, it had become apparent that there was a huge increase in the number of 26-minute and 52-minute formats¹⁵ But the year 2009 marked a decrease in the output of the former to its lowest level since 2006 and a decrease of the latter formats which fell below one-off production output.

Compared with our European neighbours, France produces few series and soaps, and many more 90-minute and one-off programmes. In the other countries, almost all the major channels programme one or several daily soap operas. In this way, in the United Kingdom, on BBC1, the soap *Eastenders* was at the top of the fiction ratings in 2009, all channels combined, whereas, on ITV, *Coronation Street* (in third place) was celebrating 50 years of success !

The lack of series, and especially soaps, presents a real problem in France for capturing domestic viewers’ loyalty, but also for exports: international sales of French fiction was hit by a 19.4% decrease in 2009 reaching 21.6 million euros (practically on a par with the 2007 level). And prices have fallen on average by about 20% compared with those in 2008¹⁶.

Financial crisis, editorial crisis

There is no need to dwell on the figures, which the professionals know by heart and which the above-mentioned reports have already detailed and analysed. The Club Galilée has concluded that French fiction is going through a double crisis: financial (a structural decline in the revenue of mainstream channels linked to the new competition coming from DTT channels; a weakening of production companies) and editorial (lack of diversity in the formats, the viewers losing interest ...).

The aim of this report is to intensify the analysis and the proposals concerning the second issue. But it is clear that all that we are proposing will only be achievable within the

¹⁴ *La Fiction américaine dans les audiences des grands pays européens en 2009*, CSA

¹⁵ *La production audiovisuelle aide en 2009*, CNC

¹⁶ *L’Exportation des programmes audiovisuels français en 2009*, CNC / TV France International

perspective of a viable channel economy. The future of our fiction depends on the channels' ability to take financial risks, to increase their production output, to overhaul their programme grids and change their habits in order to make way for new types of French works. More investment for more works and more formats: this is the prerequisite for the emergence of a varied and modern type of French fiction with a strong sense of identity.

b) Screenwriting and development in France

With regards to the editorial line in itself, it goes without saying that it is neither our role nor within our area of expertise to reshape the policy of the channels in this area, even less so to decide what French fiction should be artistically speaking – in terms of formats and genres.

But what we are convinced of, is that the implicit and explicit rules of this team game which fiction production is, the professionals' day-to-day practices from one end of the production process to the other, their operating conditions and the relationships they maintain, all have a huge impact on the nature of the works. For fiction in particular, the initial concept of the works, their writing and development conditions, are essential. Indeed, our system, from this initial stage onwards, gives rise to more self-censorship than freedom, uncertainty and boldness.

On the subject of development which is at the heart of this report, we will distinguish two work phases: *prospective development*, that is to say the development of a project by one or several screenwriters and / or a producer in the early stages prior to an agreement being made with a channel; and *contractual development*, that is to say co-financed by a broadcaster within the framework of an agreement.

What is the real situation in fiction development today?

In one case as in another, let us be fully aware that the economic reality of fiction development is not really shown up in statistical findings. In fact, at the current time, very little data is available to gain precise and reliable insight into the levels of development whether they be prospective or contractual.

At the CSA, data can be found concerning “development agreements” but it originates from a non-binding declaration made by broadcasters. This data is therefore hardly reliable. Thus, for 2009, France TV did not declare any development agreements (for a total investment of € 244.4 M in new French-speaking fiction programmes) and M6 disclosed € 0.2 M (for a total of € 26.3 M) whilst TF1 declared € 3.6 M for development out of a €144.2 M total investment budget. The only figure which is *a priori* “reliable” is the one concerning “quota-development” publicised by TF1 in 2009¹⁷: € 2.2 M devoted to the writing (amounts paid to the screenwriters) of abandoned projects. € 2.2 M out of € 144.2 M...

At the CNC, data is available concerning the use of the COSIP in development (selective and automatic development grants). Even though the total amount of COSIP has varied during the last five years (from € 79.8 M in 2005 to € 74.6 M in 2009, rising to € 90.1 M in 2008)¹⁸, development aid remains stable on the whole, around € 3 M a year, that is to

¹⁷ In 2009, a new measure applicable to the contribution to development of audiovisual production (according to decree n° 2001-609 amended by decree n° 2009-1271 of 21st October 2009) was introduced into the TF1 agreement. It enables broadcasters to appreciate by twice as much the amount of writing and development expenses when production has not taken place and when these expenses have been paid to the creators.

¹⁸ *La production audiovisuelle aidée en 2009*, CNC

say between 3 and 4% of the COSIP. A level far below the traditional 10% evoked in the industry in terms of “research and development” – a figure also mentioned when it comes to the audiovisual industry in the United States....

There also exists at the CNC data concerning the breakdown into items on production quotations. Alas, they are scarcely significant in terms of development as item n°1 « Copyrights » includes at the same time, the screenwriter’s or screenwriters’ copyrights and / or, (with the eventual copyright purchases) the director’s. However, the latter only comes into play in the vast majority of cases, once production has started. The amount of earnings written into the author contract cannot therefore be considered as development expenses.

The most thorough financial approach in development remains up to now the study conducted by the Observatoire permanent des contrats de l’audiovisuel (the OPCA – the Permanent Observatory of Audiovisual Contracts, set up by the SACD), as it is based on a statistical appraisal carried out using screenwriters’ contracts. Therefore, it does not take into account the “writing” part of development – this is also its shortcoming...

Consequently, the current practices in terms of development are largely excluded from the battery of statistics in place. This situation on the whole is highly symptomatic of the lack of interest that audiovisual fiction development has suffered from for a long time. It would be a wise move for the public agencies (the CNC and the CSA) to henceforth make their data collection more comprehensive and draw up an accurate study of development investment (both contractual and prospective). Without a shadow of a doubt, it would be necessary, within this perspective, to reinforce broadcasters’ obligations in terms of when they declare development agreements. Eventually, without any effective tool for statistical analysis, reflection into the effects of a development reform will very quickly come up against the lack of a relevant assessment.

Prospective development: a case of chronic under-financing

Except for orders sometimes placed directly with a producer, broadcasters decide to develop a project after reading the initial presentation document. Nowadays, these documents are very heterogeneous, their length and their content vary according to the channels, the producers and the creators. It can go from the simple pitch of a few paragraphs to (very rarely) a dialogued version, from a pre-bible to a story arc of the season, from episode synopses (for a series) to a more detailed synopsis (for a one-off programme or a mini-series).

This preliminary document is a total financial risk for the producers ... and too often at minimal cost. It can therefore be estimated that screenwriters earn on average from € 2000 to € 5000 for this initial work – when they actually get something! Currently, screenwriters who present their own projects to producers have often funded the writing out of their own pockets. In general, the screenwriter today excessively takes on all the risks, due to a lack of financing in this highly uncertain phase that prospective development represents.

For this reason, projects offered to channels are too often insufficiently developed due to a lack of available time – as time is money. They lack maturity. This chronic “under-development” has serious consequences on their future development, when they are approved by a broadcaster, as we will see further on in this report.

Contractual development: a new risk

Once a project has been accepted by a channel, a development agreement is signed between the producer and the broadcaster. The costs associated with development – starting with those of screenwriting, the most expensive – are from then onwards financed at 50% by the producer and at 50% by the broadcaster.

Now, the channels can be involved in a project development and pull out when they see fit. Moreover, for about ten years, an increasing number of withdrawals at all stages of development have been noted. In the past, the signature on the agreement with a channel was virtually the guarantee of a production seeing the light of day. Today, according to the channels themselves, between only a half and a third of projects that they develop go into production. Some broadcasters estimate that in the end, the proportion will be a quarter. This trend is first and foremost an observation. It is also a potential opportunity: that of developing more to make better choices. Quantity generates quality!

However, at the current time, when a project is dropped, on the initiative of the broadcaster, the latter has only financed 50% of the development. The other half, at the producer's expense, has thus been invested at a loss. Even though he or she has not been behind the decision, he or she still, on the other hand takes on the financial burden! And not to mention the screenwriters who see their work, only partially remunerated, end up shelved...

With the growing number of abandoned projects, development has therefore become a risk – or rather a second risk, which is added to that of production. This risk weakens producers on an individual level of course, but also on a macro-economical one: as the inevitable outcome of this trend – develop more to make better choices – raises, on a very short-term basis the issue of the collective financing of this development.

Broadcasters' excessive interference in screenwriting

This increasing uncertainty at all stages of development has dire consequences on the very nature of the projects and the motivation of creative teams. The usual development practices worsen its disastrous effects on a day to day basis...

The writing phase is marked by an excessive number of meetings and re-readings between the screenwriter / producer and the broadcaster. For each of them, the texts change hands several times, at different levels of the decision-making process. The increasing number of comings and goings between the often excessively large amount of people concerned (readers, programme directors, fiction heads, programme management...) who can have opposing points of view or even change their minds on the way, is detrimental to the identity of the projects. The constant turnover of some teams – those of the public channels in particular – has thus been regularly highlighted by professionals during the hearings. Some screenwriters therefore say that after having to make changes to their scripts, against their will, on the request of a programme advisor, they finally had their project rejected by the channel, due to these very modifications – the advisor having been replaced in the meantime.

By becoming more numerous, these meetings lose their effectiveness; they water down their strategic importance (thus the responsibilities that they involve for the screenwriter /producer and the broadcaster) in favour of an avalanche of technical comments, certainly interesting but all the more superfluous as the schedule gets longer. In the end, the versions succeed each other, time dilates, enthusiasm wanes. Are these projects any more complete for all this ? It is not that certain ... Firstly, because writing is about desire and that to quench the latter, the writer actually becomes counterproductive. Then – and above all – because we all

know that from the 3rd version of the script onwards, it is more a question of playing for time before facing the crucial decision whether to go ahead with production, which lies with the broadcaster, than improving a script. Their minds become instilled with doubt: so begins this dismal period in which screenwriters cut back – sabotage? – what they have taken months to write ...

When the broadcaster's stranglehold prevails so much in the writing phase, how much creative latitude does the screenwriter have? And what is the producer there for? How can it not be seen that, under such conditions, creativity has been stifled right from the moment the project came into being? All professionals are aware of these dysfunctions; their observations were raised during most of the hearings. The time has come to draw conclusions from this, to make in-depth changes in the practices! The desire is there, the talents as well: let us try to enhance them within the framework of an accountable and transparent means of conducting business.

B - THE CHANGES BROUGHT ABOUT BY THE NEW FICTION GENRES

a) Television, a space for creation in its own right

For a long time, European television – with France as the noticeable exception – no longer has any complex in relation to films. English television has never had any. There, «the screenwriter is top dog in television», especially at the BBC where the tradition of using former theatre playwrights remains prevalent. In Germany, Fassbinder directed masterpieces for television (*Berlin Alexanderplatz*, notably, in thirteen 52-minute episodes plus an epilogue) at the same time as he revolutionised German films. The same applies to Lars Von Trier in Denmark (*The Kingdom*, eleven 55-minute episodes) or Rossellini in Italy.

In the United States, for a long time, great film-makers have taken advantage of the possibilities offered by television, from Hitchcock to David Lynch, and Sam Peckinpah or Quentin Tarantino who, in 1994, directed the final episode of the first season of *ER* then, 10 years later, a double episode of *CSI:NY*. This phenomenon has grown with the new popularity of series: Tom Hanks and Steven Spielberg signed the series *The Pacific*, Martin Scorsese *Boardwalk empire*. In 2011, two of the new long-awaited series were produced by Steven Spielberg and Michael Mann (*Falling skies* and *Luck*). Conversely, several hit series have been adapted into films: in the United Kingdom, for example, the series *The Thick of it*, created by Armando Iannucci, inspired, on the big screen, the Oscar-nominated film *In the loop*.

There is a consensus amongst American creators, moreover, that TV series offer today a larger space for creativity than Hollywood films which have become more and more reduced to over-exploit licences and to adapt the amazing feats of an umpteenth superhero for the big screen. Television which allows all the formats represents an opportunity for them, a sense of freedom.

In France, a major film-producing country, television is still regarded as a sub-genre. Television directors often have just one dream: gaining access to the crowning achievement of a film release on the big screen. Away from the cinema, there is no hope... To such an extent that when a film commissioned by channels for television seems a little too outstanding, it is released in cinemas at the same time. This atavism largely explains, moreover, why the 90-minute format is the standard in our country in terms of TV fiction – including series – whilst everywhere else 52 and 26-minute series predominate.

At a time when a new generation of professionals is starting to question this film industry hegemony, a unique opportunity has been made available to reappraise the relationships between the two types of media. French television has proved that it is highly

capable of generating new talents, creators (screenwriter or director) as well as actors. The comings and goings between television and films, as practised naturally and successfully by Olivier Marchal – who is a screenwriter, director and actor too! - , still remain exceptions...

As Vincent Colonna has written in his book *L'Art des series télé*, «our over-bloated passion for films has impeded the development of an autonomous TV tradition. France invented the film-image, but also film passion, this love for films which is equally an aesthetic appreciation, a means of conceiving the image (...). In the heart of the French and international film industry, this tradition is an asset ; the problem occurs when the film industry sets the standard of every filmed fiction, the frame of reference for how we conceive and judge TV narration.»

b) Screenwriters in the forefront

For this TV fiction revolution to take place in the first place, in France, we have to make the script and the screenwriting profession primordial. Popularising series has changed intensely the balance between different protagonists in the audiovisual sphere, by bringing the screenwriters to the forefront. The situation concerning this aspect in the United States is remarkable, as it has given rise to powerful screenwriter-producer companies. Some star screenwriters grapple their way up into the heart of the film communities, in which they become seen as being on an equal footing with directors and actors, a guarantee of excellence for a work – like Aaron Sorkin, the creator of the series *West Wing* and Oscar-winning screenwriter for the film, *The Social Network*.

The greatest Trans-Atlantic series were the product of the creative universe of screenwriters such as : Alan Ball (Oscar-winner for the screenplay of *American Beauty*) for *Six feet Under* and *True blood*, JJ Abrams for *Lost*, *Alias* and *Fringe*, Matthew Weiner for *Mad Men*, David Chase for *The Sopranos*, David Simon for *The Wire*, Chris Carter for *The X-Files*, David Kelley for *Ally Mc Beal*, *The Practice* and *Boston Justice*, Tom Fontana for *Oz* and *Homicide : Life on the Street*, David Shore for *House*, Bruno Heller for *The Mentalist* and *Rome*, without forgetting one of the first and historically most important, Steven Bochco for *Hill Street Blues*, *NYPD Blue* and *Murder One...* These creators – the list is obviously not exhaustive – have often become their own producers.

The success of a series depends on the screenwriter's creativity, talent, freedom and that of his or her teams, as much in long formats as in short ones or those low-cost ones – this is even more the case for the latter, we will come back to these further on in this report. In the major series-producing countries, the screenwriting profession has therefore become more and more complex, wide-ranging and organised over a long time with the setting-up of extremely effective workshop systems. This specialisation reflects the new responsibilities entrusted to screenwriters, in the heart of series-writing.

Conversely, France still keeps hold of a culture – not to say a cult – of the director and the actors, handed down from the film industry. But, in fact, the director does not have the same role in films as in television. For one-off productions and collections, his or her role is essentially the same as in films. But for series, the director who is involved at the very start of the project, in order to give it his or her style, is often not the same one who shoots the 30th episode ... And it is obvious that between both of them, the work varies greatly. For the follow-on director, the task consists above all of inserting him or herself into a visual universe which has already been codified and easy to recognise. Casting, scenery, photography, etc ... This involves that all the artistic direction has to be maintained in order to ensure that the series remains coherent. Even the greatest film-makers who have directed episodes of existing

series have had to demonstrate humility! And in this ultra-codified universe, the screenwriter has to make up new issues for each episode...

Concerning the importance given to actors, the American example proves that it is the series that makes them famous and not the other way round. Many unknown (at least by American viewers) English and Australian actors have been hired to play major roles in TV fiction programmes – essentially to avoid paying overly high salaries. The English actor Hugh Laurie (*House*) and the Australian Simon Baker (*The Mentalist*), to name but a few, are now internationally famous. Who had heard of Jennifer Aniston and Courtney Cox before the *Friends* tidal wave? But, in France, we experience the opposite phenomenon: from *Navarro* to *Joséphine Ange gardien*, and *L'Instit* or *Louis la Brocante*, such a lot of French TV series are built around a popular actor! The screenwriting technique is of secondary importance, having to adjust itself to an editorial framework imposed by the cast recruited by the channel. We must put screenwriters back on the centre court.

c) Solid interaction between screenwriting and production

Writing series is firstly a universe of constraints. Pacing constraints linked to the need to maintain the viewer's interest (less attentive than in a cinema), but also, more prosaically to the commercial breaks; budgetary constraints, which necessitate, for instance, thinking up new ways of injecting action into recurrent settings ... It is at the junction where these constraints come together, that the screenwriter's freedom of expression has to be used – as well as his or her skill! Thus, there is, total and permanent interaction between writing and production in series creation.

This interaction is even stronger today now that viewers have become used to bold and dense series with a strong sense of identity. In one decade, we have gone from concept series to those much more complex ones with a slant. It is not about analysing Anglo-Saxon series in detail here but it is important to admit that they have made a new type of sophistication emerge – which French viewers have become used to. And this is not only true of cable and encrypted channels, like HBO, Showtime, FX or AMC. In network series as well, whether we think of *House*, *The Mentalist* or *Lost*, we find a trademark, a tone, a style, a personal bias, a slant – all of them well-established!

This sophistication requires a greater task of refining the project, of defining the characters, of building up the issues, of evaluating the costs beforehand. Today, the producer cannot prospect a broadcaster with a mere concept, a vague good idea, however solid and novel it may be. *Rome* was not built in a day! Screenwriters and producers must be able to present documents that are even more substantial, well-thought through and well-argued, in order to defend the projects before the channels. The stronger their tandem partnership, the more their slant will be maintained at all stages of creation, the more the series will be hard-hitting, coherent and full of personality. So the higher the opportunities for success.

Now, in France, as we have seen, the first essential stage in the maturing of a project, prospective development, is under-financed and the screenwriter-producer tandem partnership is short-circuited at all the decision-making stages by the broadcaster.

d) New production processes

Is the American example a model?

What role do broadcasters play in the United States? Theirs is to choose and edit programmes. The series decision-making and production processes have to be in accordance with a clear and tight schedule: at the beginning of September, creators and producers

approved by the networks are received for a pitching session. About 20% of the projects are shortlisted. In December, the dialogued version of the pilot is submitted, without the slightest intervention by the broadcaster during the interval. He or she limits him or herself, therefore, to accepting those projects that interest him or her...

In January, the networks commission (and fund) the pilots, which must be ready for trial-viewing sessions in April. Following these sessions, some pilots may be rewritten. Those series accepted are then made into an order of 12 or 24 episodes. The producers put together their teams from May onwards. The show-runners organise the screenwriting task under tight deadlines: they have to submit their story arcs and the initial drafts for shooting which starts in July or August. The time periods for re-reading by the channels are very limited: if they do not submit their corrections in writing within the given time, the script is considered as being accepted!

The first episode is broadcast at the end of September. Out of 30 or 40 new series, only 5 or 6 are made into a second season. *Dura lex, sed lex ...* Screenwriting is done by several writers, in what is known as « writing rooms ». The screenwriters are recruited for their complimentary talents, one working on the dialogues, the other on comedy, etc. Most of the time, specialists figure among them (a doctor for *ER*, a lawyer for *Ally Mc Beal*, former advisors from the White House for *West Wing*). If the shooting periods are well-prepared and well-oiled so that they take a relatively short time, the screenwriting can be modified on location. For the series *24*, for example, 3 or 4 writers were on hand all the time on the set. They exchanged ideas, changed the script when necessary, listened to the latest ideas coming from the technical crew and from the actors.

There is nothing mysterious about the awe-inspiring effectiveness of series production in the United States: the screenwriters are right in the centre and at the disposal of the programme, in total collaboration with the production team, always willing to revise their work and to include a new idea if it is a good one, no matter where it comes from ! The tightening-up of deadlines, the extreme accountability held by screenwriters and their close involvement in every stage of production nurtures this reactivity which gives American series their strength¹⁹.

The invention of the concept of show-runner is a perfect illustration of this. This post was created to put someone in charge on a day-to-day basis for production and for all the creative aspects of the series. He or she is generally a screenwriter, or more often the creator of the series. The editorialist for the *Los Angeles Times*, Scott Collins, defines show-runners as follows: *“They’re not just writers ; they’re not just producers. They hire and fire writers and crew members, develop story lines, write scripts, cast actors, mind budgets and run interference with studio and network bosses. It’s one of the most unusual and demanding right brain / left brain job descriptions in the entertainment world ...”*²⁰

Our foreign neighbours are not to be outdone...

Amongst our European neighbours, as well, screenwriters are given responsibilities and work hand-in-hand with producers and the broadcasters scarcely intervene in the writing process, notably because of a lack of human resources – the crisis has hit this sector as well... The hearings with producers and screenwriters which we conducted in Germany and the United Kingdom, as well as the meetings we had with Scandinavian professionals during the last edition of *Scénaristes en Série* in Aix-les-Bains, were meaningful : following the example of the American system, once the series project has been accepted by a broadcaster (on the

¹⁹ The Cultural Department of the French Embassy in the United States – the Film, Television and new media department

²⁰ In *“Show-runners run the show”*, *Los Angeles Times*, 23rd November 2007

basis of the preliminary document), screenwriter and producer work in unison, without any intervention by the channel, right up to the moment when the dialogued version is submitted. It is then up to the broadcaster to decide what will happen to the project. Highly different from the French system, the channels decide to set up the production of a series without waiting to have all of the scripts to hand. In this way, the BBC can launch series of 6 or 8 episodes with only 2 episodes written (and the synopses of the following ones). Writing the remaining episodes takes place then in interaction with the preparation, then with the shooting, which thus enables the scripts to be made more elaborate with the experience acquired during shooting (especially alongside the actors).

The English and German examples show this : the pro-active approach to development – launching a shoot without waiting for all the scripts to be submitted – does not depend on seasons made up of a significant number of episodes (22 or 24 episodes as it is often the case in the United States), but on a genuine series culture. Preambles to a reciprocal trust and shared responsibility amongst the different partners. Let us remember that the United Kingdom like Germany produces an annual output of hours of fiction programmes almost three times the amount in France, and especially in the numerous soap operas, daily fictions whose mechanisms cannot afford any delays...

Scandinavian public television companies, following the BBC example, continue to work according to a double model of internal and external productions (on average on a 50/50 basis, with a tendency to strengthen the second ones to the detriment of the first). But with a difference from a certain administrative burden stigmatised amongst their English counterparts, the Scandinavian public television companies proclaim the freedom given to the screenwriters, as much in terms of internal as external production.

The case of the enthralling Danish series *Borgen*, the recent Fipa d'Or (series and serial category), is exemplary²¹. Shown on Sunday nights, *Borgen* brings together on average 1.5 million viewers every week (for a country which has less than 5.5 million inhabitants), that is about a 50% market share ! The reasons for this huge success were evoked by Adam Price, the director and head of screenwriting for *Borgen*, Camilla Hammerich, its producer, and Ingolf Gabold, head of fiction for the Danish public channel DR during a master class organised at the House of Denmark by the Scénaristes en series association:

- Danish TV fiction began its revival about fifteen years ago – at the same time as its domestic film industry – with as its *credo* its desire to be in touch with contemporary Danish society. Since then, it has exported and won international awards ; there is no longer a watertight boundary between the different types of screens, screenwriters and directors alternating between the film and television industries in a perfectly natural way (let us recall the series *The Kingdom* by Lars Von Trier).
- the fiction department of the public channel DR has established 14 “dogmas” to guide the production of its series and TV films, the first being the positioning of the creator – screenwriter in the centre of the creation process – as is the show-runner in American series – and the respect for his or her unique “point of view”, once it has been accepted by the broadcaster. Thus, in case of conflict between the director and the screenwriter, the production company arbitrates systematically in favour of the screenwriter ...
- the screenwriter is not only remunerated for his or her writing, but also for the time spent beforehand in developing his or her idea (research, reading, interviews, etc.) before the broadcaster gives his or her approval.
- the channel commissioned in one go a first season of ten episodes and Adam Price quickly knew that there would be a second one. He was able to develop a whole story in

21

two seasons. What is more, DR has already commissioned season 3 even though the broadcasting of the second has not finished yet.

A model to reinvent

Of course, it is not about transposing in France, as they are, the mechanisms which are effective elsewhere. They correspond with a certain audiovisual scene to a certain type of market and culture ... Our fiction programmes must reinvent their own codes and reconnect with an identity that is their own. What a creative challenge!

Nevertheless, we have to observe that with a type of television reduced to a sub-genre, under-paid screenwriters, producers overshadowed by the channels, and channels that want to interfere, the current French system has taken completely the opposite approach towards all the upheavals induced elsewhere by the series revolution!

This is why we are calling for a profound change in *practices*.

This change will take place by means of a necessary reform of relationships between professionals, with creators more creators, producers more producers and broadcasters more editors!

This reform presupposes putting the screenwriter, and his or her point of view, back into the heart of the creative process; it cannot be envisaged without emphasising this strengthened and accountable screenwriter – producer partnership.

Finally, development must become a priority in our practices and our regulations. For this, it must be accepted – financially and artistically – for what it is: not for an approximate compromise between parties with diverging interests.

II. PROPOSALS

B. REFORMING RELATIONSHIPS BETWEEN SCREENWRITERS, PRODUCERS AND BROADCASTERS

All the proposals in this chapter concern the relationships between the different professionals of the audiovisual sphere. Clarifying the rules in order to make these relationships healthier, means not only strengthening the collaboration between our professions, but above all making it, in the long run, more original and virtuous. It means, therefore, promoting the emergence of a different and appealing type of fiction for viewers.

Needless to say, it is the responsibility of representative organisations to negotiate the terms of these transformations – which they try to do on a regular basis. The public authorities can be no substitute for these. But they cannot go on without encouraging them to do it ...

a) Upgrading the value of screenwriters' work

Bringing earnings into line with new challenges

In France, screenwriters are paid wholly through copyrights, on the contrary to directors, for whom part of their income is in the form of a salary (on average 50%). Let us recall that screenwriters are not casual entertainment labour ; they are not eligible for unemployment benefit nor paid leave. Their only income comes from their screenwriting contracts, complete with broadcasting rights – when there is a broadcast! Giving thought to

the screenwriter's status in terms of development, in a context in which calling projects to a halt has become the norm, presupposes taking the fees provided by his or her writing contract to be his or her only earnings. Our audiovisual system cannot therefore develop more in order for us to make better choices if, at the same time, we keep on assuming that screenwriters' earnings include broadcasting rights!

Here is the great difference between the screenwriter's and director's respective situations in regards to development: besides being paid a salary for a part (with the advantages related to the status of casual labour), the director only signs his or her contract once the decision has been made to go ahead with production; he or she is therefore virtually sure to get his or her broadcasting rights – even if a low percentage of works filmed are not shown. Conversely, in a context in which a growing number of projects are written off (half or even two-thirds), the screenwriter has to take on the full impact of the development liability him or herself. Without unemployment benefit to cushion the blow towards this hazard...

It is therefore impossible to consider development, and its desirable rise in power in years to come, without much thought being given to screenwriters' earnings – and their necessary upgrading.

The screenwriter's earnings in terms of copyright are composed of a fixed amount made available by the producer during the writing stage, according to precise deadlines, and a percentage proportionate to the exploitation takings for the work. The fixed amount can take the form of a lump-sum payment and/or with a guaranteed minimum. The former is a non-refundable immediate return for the work and for the transfer of copyrights, whilst the guaranteed minimum is a resort credit on the proportionate remuneration.

A recent study by the Observatoire permanent des contrats audiovisuels (October 2009) shows that on average, the screenwriters' fixed remuneration share goes down according to the format of the works : the shorter the format, the lower the share. It also notes a gap when one goes from a 90-minute format to a 52-minute one, with very low amounts for 26-minute ones. What is more, the study shows that the amount paid in earnings follows the same pattern. Financing screenwriting is limited more or less to a tacit rule of proportionality – as if writing a 52-minute programme represented (about) half the work for a 90-minute one (and so on, but on a depreciating scale, according to the number of minutes allotted). The fact of the matter is, making up a story for a 52-minute episode demands barely any less creative effort than for a 90-minute one – and certainly not about half as much! Making something short rarely entails making it more simple and, alas, **the application of this rule of proportionality shows what little understanding one has of screenwriting.** To the screenwriters' detriment...

Without taking into account the fact that writing a series gives rise to its own set of difficulties: that of creating characters, with their backgrounds, plots with a key thread. It is symptomatic to observe that fees for documents relating to the programme (the series bible, the story arc) are often way behind – when these documents exist ! Indeed, during the hearings, we observed a tendency for series bible to go out of practice, even though these documents represent an essential basis for series creation. The practice of a one-off pilot does not contribute towards reversing this trend, this foundation episode now playing the role of series bible for the follow-up episodes, to the detriment of in-depth discussions (with its remuneration) about the characters and the dramatic aspects at stake ...

It is plain that series formats need specific technical skills, an ability to work as a team and a finely tuned knowledge of production constraints, so many qualities that are not sufficiently recognised and remunerated at this current time.

Generally speaking, it can be seen that in the overall framework of screenwriters' contracts, there is an imbalance in earnings in favour of dialogues and to the detriment of

work on the structure (synopsis and storyboard). This is true for all formats, including the one-offs, even if screenwriting for a series demands even more intricate work on the structure of the storyline (as much for an episode as for an entire season). The total payments, at the time of the storyboard, should correspond *a minima* with half the total earnings for the script. This is far from being the case.

And what can be said about these versions of synopses or storylines (for a season of a series) which pile up, often for good reason – to lay down the bases for the plot – for poor earnings in relation to what will be paid, *in fine*, the dialogues. Dialogues which are however fragile, which could easily escape the watchful eyes and ears of their creators in the maelstrom and the urgency of shooting!

Boosting earnings in relation to structure (a synopsis followed by a storyboard), is to put dramatisation back into the core of the production process. An essential issue in a highly competitive environment dominated by American series that are well put together (even before completing the dialogues).

In order to adapt ourselves to making modern series and to the growing risk of having the work written off in the middle of development, screenwriters' earnings must therefore be upgraded. They must especially be increased for those formats other than 90-minute ones and rebalanced to promote the use of synopses and storyboards.

This financial effort involves as much the producers as the broadcasters, whom, by the mere use of development agreements, greatly contribute towards fixing earnings both on implicit and standardised levels. Is it going to be necessary to end up, as some people are crying out for – and as it has been implemented in Israel (where screenwriting is fixed at 7% of the total quotation) – with a writing indexation based on the film budget so that the profession becomes aware of what is at stake in screenwriting?

There is something surprisingly irrational, in a universe which claims to be more “industrial” everyday, in comparing the colossal cost of production with the unbelievable reactivity of screenwriting, at such a low cost. And at a stage in which a mere pencil mark could sort all this out, or the mere movement of a cursor could change everything and have a great impact on production.

Removing contractual ambiguity in giving the go-ahead for scripts

In screenwriters' contracts, an increasing number of clauses can be seen, which determine the payment of a portion of the fixed fee. Now, this notion of acceptance is ambiguous in this day and age: in fact, in practice, it is more often than not the broadcaster – and not the producer – who gives the scripts his or her go-ahead even if he or she is not one of the contractors! What is the producer's decision to send a script to a channel worth, then, if he can then go back on this decision on the basis of the channel turning it down? Due to this extreme watering down of the decision-making process there arises this recurrent criticism, heard too often during the hearings, of producers being reduced, by the state of affairs, to mere “letter boxes”...

The legal ambiguity of the notion of acceptance is intensified, of course, by the imbalance of relationships between screenwriters and producers on one side, and broadcasters on the other. Repositioned in his or her strong role of editor, the broadcaster should give his or her go-ahead or turn down, within a set deadline, the work produced by the screenwriter-producer tandem partnership, the increasing number of stages and deadlines creates an often sterile and sterilising one-upmanship. The recurrence of acceptance clauses in the very midst

of screenwriting contracts, then only reproduces the damaging effects at the heart of the screenwriter / producer relationship. However, This relationship should however be built up as a solid entity facing up to what is at stake when the broadcaster makes his or her decision!

Contractual acceptance of a script should rest on a converging viewpoint between screenwriter and producer. That is to say, the state of their solidarity before the broadcaster, in the sole aim of defending the slant of the project. Conversely, the imbalance in the screenwriter /producer / broadcaster relationships and the increasing amount of stages transform the notion of acceptance into a source of conflict for which the only way out is to make a poor compromise, or else a parting of ways...

Let us focus on this observation made during our hearings: French series which work in workshops – and successfully – have all removed the notion of acceptance for the screenwriters! Are these series any less successful?

It is time that professional organisations sort out the question of acceptance – at least by limiting these types of contractual clauses.

How writing workshops work

Writing series often requires, for artistic as well as organisational reasons, the setting up of a writing team. On this subject of workshops, we feel it is important to clear up a misunderstanding that is hard to get rid of: it is often said that such a system would be complicated to put into practice, that screenwriters would be reluctant to work in a team, firstly not to have their ideas taken away from them and secondly, to avoid sharing their copyrights... However, the hearings have shown that not only has the workshop system been put into place for several hit French series – and this has been the case for a good decade or so ! - , but, above all, it often works really well!

The best current example of this is the series *Plus belle la vie*. Its screenwriting relies on a workshop system, with a supervising team made up of a collection director, his or her assistant director (who works more specifically on the storyboards) and two dialogue managers. The screenwriters are divided into two teams: one for the storyboards and another for the dialogues. During more than 1,600 episodes, the *Plus belle la vie* team has never had one single conflict over copyrights, and this is due to one very simple reason : the sharing out of broadcasting rights is established beforehand, before writing starts, according to a clear and legible system, which applies to everyone.

The series *R.I.S.* also works «American style» in order to release up to 16 episodes a year. The show-runner manages a pool of about ten screenwriters, divided up into «pool screenwriters» (7 or 8) and «executive screenwriters» (2 or 3). The team works jointly at the beginning of a season on imagining the themes and the mechanisms. Everyone then goes off with a theme to explore. Then meetings are held with the show-runner and one or two team members. The system is more or less identical for the series *Section de recherches*, whose screenwriting is also carried out in a workshop. At every stage, there have been no working problems nor copyright distribution ones, as the rules have been clearly laid down in the contracts.

Virtually all the long-lasting French series – we could also quote the example *Le village français* – have set up more or less similar systems. And even before, *P.J.*, at the end of the last century, worked along the same lines with the effectiveness and longevity we know so well.

These screenwriting systems works according to four principles:

- the rules are transparent as they are defined beforehand – for each writing task its fee and its broadcasting rights ;
- the schedules are (more or less) predictable : the screenwriters are able to get their workforce moving over a determined period ;
- the notion of script acceptance is withdrawn (except for the show-runner and eventually the 2/3 “executive” screenwriters) : the screenwriters are therefore paid to write ... and that is all.
- the screenwriter who takes full responsibility for script acceptance (whether he / she be a show-runner, collection director or “executive screenwriter”) receives a fixed share of the broadcasting rights , whatever the amount of re-writing he or she has to undertake ! All the more reason for him or her to hire talented screenwriters in his or her team ...

We would like to underline that, for this reason, these series have all brought in a show-runner – whatever name it is known as, the role remains the same – someone who coordinates screenwriting, ensures the uniformity of the scripts and guarantees artistic coherence throughout shooting, in spite of the succession of directors. These show-runners are most of the time the creators of the series, or at the very least the screenwriter who is the collection director. Dominique Lancelot’s involvement in *Section de recherches* (of which she is, besides, producer via her company Auteurs Associés) is quite characteristic of this evolution in series production...

These series work highly effectively, their success is real, the quality of their writing and their dramatisation are well known. Why then this scepticism on the part of the profession, starting with the broadcasters?

The fact is that this system, as we have heard on the part of screenwriters and producers who practise it, makes screenwriters more accountable and strengthens the tandem partnership with the producer ; it therefore implies for the broadcaster, a loss of control (albeit partial) over the screenwriting. The deadline imperative – all the more inescapable for a long series – determines an organisation, a real machine which aspires to becoming autonomous in order to fulfil its mission.

Under these conditions, it is hardly surprising that there is this overall reluctance of our audiovisual system to finance screenwriting workshops! As the workshop has a price : the gathering together of a team of screenwriters, in one place, to think about and create the foundations of a season (story arcs, characters, plots ...) together has an *ad hoc* cost : that of taking part. The example of American writing rooms is a perfect illustration of this: before even being paid to write, screenwriters are exclusively paid on a weekly basis just for *being there*. So then, in terms of screenwriting in a workshop, the whole is greater than the sum of its parts! It is both more creative ... and more expensive!

The producers we have met estimate additional costs amounting to about 30% for a workshop. Additional costs that the channels have not seemed willing to fund up till now. So then, too often, the rule consists of dividing up roughly the usual screenwriting allocation – already under-estimated as aforementioned – by the number of screenwriters ... And then to complain publicly about the fact that it is impossible to put long series into production due to French screenwriters’ inability to work in workshops!

The list of professionals, starting with broadcasters, who highlight the difficulty to put together screenwriting teams, concentrated exclusively on writing a series, is very long. Yet, at the current time, no-one is prepared to take on the cost! Loss of control over the scripts by

the broadcaster and extra funding: the fluidity of writing in a workshop is, nevertheless, at this double cost...

The day broadcasters launch the seasons of their series - and this being right from the first one – with clear, tight schedules, and adequate funding for screenwriting teams, we will find out that there really are talents in France, screenwriters as well as producers, capable of delivering high-quality series within the deadlines!

Monitoring the transfer of copyrights for better fluidity in development

The screenwriting workshop example shows that copyrights are by no means an obstacle to writing series as some would lead us to believe. Nevertheless, it is essential that development continuity be guaranteed, season after season, in spite of the succession of screenwriters called upon to collaborate (whatever the type of organisation, be it workshop or not). This logic of continuity and sustainability is moreover perfectly accepted by the screenwriters themselves when they are collaborating on this type of series...

However, the legal issues linked to the collaboration of a screenwriter on a series, to his or her eventual departure at such and such stage of the writing, are not sufficiently defined at the current time, which can give rise to tension and even conflicts between screenwriter and producer. Worse, this can sometimes make a series creator reluctant to work with co-screenwriters, through fear of losing the way he or she wants his or her series to go, in case of differing opinions in the future – when creating the story arc for a season, for example, as it came to our notice during the hearings.

In terms of series development, a number of questions can be asked: under what conditions can a producer let go of a screenwriter without endangering the copyright chain? Under what conditions can he or she keep hold of the rights to a script written by a creator with whom he or she decides to no longer collaborate with?

It would thus appear vital to precisely define in screenwriting contracts the conditions (deadlines, procedures, compensation, etc...) for the eventual transfer of ownership in case of a disagreement. It goes without saying that these clarifications and contractual adjustments concern solely series, but they do not apply to the particular case of the creator.

Here again, it lies with professional organisations to take charge of these issues in order to bring about clear, collective, practical and above all virtuous solutions to them !

Generally speaking, a framework agreement establishing common ground rules concerning the screenwriter / producer relationship – with basic rates – which would enable clear, transparent working conditions to be put into place and this would be beneficial to the programme and therefore to the broadcaster. Such a collective agreement could be regularly readjusted during negotiations between screenwriters and producers.

It is not only a question of supervising practices to guard against eventual abuse. In our opinion, it is about, above all, **creating conditions for a healthy, balanced and effective collaboration between screenwriters and producers.**

b) Strengthening the screenwriter-producer tandem partnership in order to promote a rationale of supply

Through various international examples, we have seen the best concept does not make a series without original screenwriting and an asserted slant. Indeed, the screenwriter is mainly the inventor of this slant, and the producer is beside him or her as the guarantor!

Therefore, it is not only a question of putting the creator back into the heart of the process – “*betting on creators*” as stated in the Club Galilée report - , but more generally speaking, guaranteeing the slant and the universe projected by the series throughout production.

In France, screenwriters are still too often isolated from other protagonists in production. They only rarely sit in on the initial meetings between producers and broadcasters, even though they are the ones who have initiated the project ; they are rarely invited to see the editing and are too frequently kept out of major artistic decisions (casting, choice of director, etc ...), in which they could have a professional opinion. This is especially so when it comes to series.

Strengthening the screenwriter-producer tandem partnership, means therefore ensuring that the screenwriter’s point of view (*a fortiori* the creator of the series) greatly infuses all stages of the production of the work. The latter will invariably gain in coherence and personality.

It is urgent to consolidate this partnership on two levels:

- that of prospective development, firstly, to bring into being new intense projects ;
- then, that of contractual development to ensure that these projects do not lose their slant – and thus their soul – along the way, throughout the production process ...

With this in mind, some advances, in the form of inter-professional agreements warrant seeing the light of day as soon as possible.

Making the signing of option agreements widespread and funding prospective development

On a more and more competitive audiovisual scene (terrestrial channels with convergent ratings, DTT channels likely to invest in the long-run), the ability for screenwriters / producers to situate themselves in a rationale of supply is the most important factor for regaining their autonomy and freedom. Within a context in which, night after night, we are concerned with standing out from the competition – by the promise at first, by the quality of the programmes after – this rationale of fiction supply with a strong identity embodies the future of our sector.

For this to happen, it is essential that screenwriters be remunerated at their fair value by producers for drafting the initial script submitted to the channels. This obviously takes place through signing an option agreement which lays down the conditions of the collaboration between the parties. Indeed, the option agreement practice has not been widespread enough up to now. In fact, as signing an agreement with a broadcaster has been synonymous for a long time of a virtually guaranteed go-ahead for production, the agreement remains, in a number of minds, the real starting shot for the writing of a project, therefore of its funding. Beforehand, and still too often, it is all about “messaging about” with a few pitches here and there and other brief informal documents, being badly paid or not even paid at all ...

This old handed down practice, has three serious and damaging consequences: first and foremost, the proposed projects, not developed and worked through enough, become vulnerable before a broadcaster’s criticism (he or she being naturally inclined to search out the project’s flaws). In addition, the brief nature of a presentation document, totally unprotected in the eyes of the law, gives a free rein to circulate scripts – to the extent that the

broadcaster may receive the same project from two different producers! Finally, an initial document which is too patchy runs the risk of a selection based more on the affinities that channels have with certain producers than on the strength of the projects presented...

At a time when producers are crying out for, quite rightly, more autonomy in prospective development, it appears therefore, imperative to protect the issue of rights at this initial work phase by drawing up a contract (signing up of an *a minima* option agreement). From then on, the fee pertaining to this would become the natural incentive to go further with the development. This healthy practice consequently goes hand in hand with the strengthening of prospective development.

It must be accompanied by adequate financial effort on the part of the producers, an effort whose aim is to take prospective development steps further, so that the screenwriter-producer tandem partnership can go before the channels with projects that are more complete and therefore more convincing. Without a shadow of a doubt, this will give rise to a decline in the number of projects in circulation at this stage, but they will certainly be better and more solid in terms of their slant!

From our point of view, the French fiction revival can take place through this proactive effort in prospective development – an effort which of course needs to be supported financially and accompanied politically, as much on a company level as on a macroeconomic one. We will deal with these issues in the next chapter.

In any case, the collective pro-activism necessary for prospective development has to entail making the option agreement practice widespread and coupled with a significant effort in this delicate phase.

The right to takings for creators

The screenwriter-producer tandem partnership has also a lot to gain from setting up clear, transparent procedures for associating creators with the takings for their works. Putting into practice an *ad hoc* mechanism of profit-sharing in distribution takings (outside those included in the financing plan, of course), mentioned by several professional organisations, seems to us a particularly fair and virtuous way of rallying screenwriters together in the economic venture that a work of fiction, *a fortiori* a series, constitutes.

In an environment in constant evolution, in the hope that in the future, works will find major sources of takings (the repeats market, exports ...), the solidity of the screenwriter-producer couple will also be the result of an association – fair and respectful towards the commitments and risks of each person – towards the economic success of a joint project.

The setting-up of a profit-sharing mechanism would constitute a major breakthrough. And a promising preamble leading to other negotiation areas ...

Once more, everything that contributes towards strengthening the collaboration between screenwriter and producer in a professional manner can only be to the advantage of French fiction production. In particular, the strengthening of this so delicate a phase that development, *a fortiori* in view of a proactive and collective effort in this direction...

The particular case of screenwriter /producer companies

In a certain way, screenwriter /producer companies represent in the extreme case the screenwriter-producer tandem partnership. It could be seen, in the American example, how much this practice had contributed towards the emergence of a powerful and creative series fiction – virtually all the creators of American series being producer or co-producer of their works. Some French screenwriters have, moreover, followed suit, not without a certain effectiveness, judging by the success of their productions – *Section de recherches*, *Clem’ ...* – or co-productions – *le Village Français (the Line)*...

In no way is it about making this particular form of company the be-all and end-all in terms of development – however, those screenwriters who dare to take the leap seem, rare. It would also be nonsense to claim that when it comes to creativity, “*small (producer) is beautiful*” or to the contrary “*big (group) is beautiful*”. Beyond the financial means necessary for producing a series, *a fortiori* long or even like a soap opera, the ability to innovate and to create in terms of development exists obviously at all levels. There is therefore no reason to favour, or on the contrary to penalise, such or such type of structure.

It is therefore up to the virtuous process of emulation to proceed to the inevitable natural selection in this ultra-competitive environment that we work in. Our system, notably regulatory – not to mention public television (see below) -, would benefit from accompanying, or else promoting, this process...

c) The director’s role

We saw in the first part how much the director’s role has changed with the emergence of the series. More exactly, it has taken on different appearances according to the moments when he or she collaborated, as the artistic choices of the pilot episode (or of the season) are determining for the whole of the series – the director of a later episode (or season) has a much narrower range of his or her choices...

The constraints of an uncertain schedule

Added to this evolution in the role played by the director linked to format is a second observation, associated with current development practices: the fact that the director intervenes at a late stage of the production process, at the end of the development stage. The director’s involvement – unless he or she is co-screenwriter, of course – comes into play when the broadcaster has accepted the script(s) and has given the go-ahead for production. In the wake of this, preparation starts for shooting some weeks later. The screenwriter and director scarcely have the time then to run into each other and to discuss the script. This issue must be addressed urgently...

At the current time, due to these practices, it is virtually impossible for a producer to associate a director at the prospective development stage; it is also really difficult to associate him or her at the early stages of a project that has been developed under agreement with a broadcaster. Indeed, how can a director be hired contractually for a project (whether it is a one-off or a series) in total ignorance of the shooting dates! And whether it is going to take place ... This means taking the risk of being stuck if the director has a busy schedule at the time when production is due to start. It is equally difficult for a producer to make such a commitment when broadcasters prove to be highly interfering over the choice of director.

Logically, this choice is made once shooting has not only been given the go-ahead, but also scheduled. In other words, when the screenwriting is completed. And it is certain that a

clear, tight development schedule (see below) would make the director's involvement easier which would be greatly appreciated at an earlier stage, during the writing process...

Is there a pilot in the development stage?

As we were able to observe with the American example, the production of a pilot is the essential phase in series development, as it constitutes the preamble towards deciding whether to write the season or not – even in the case of developing and then shooting season 1 ! -, the pilot is not only used to convince the broadcaster (and the other financial partners, especially on the international market), but also to redefine fundamental artistic choices of the series.

In France, the word “pilot” is more often than not construed in a different acceptance : the pilot is often that first episode of 90 minutes which a channel grants the screenwriter-producer tandem partnership – it is up to them to demonstrate the effectiveness of the project in this one episode -, before launching it into the programming arena, in the hope that it finds its place straightaway ... Under these conditions, the «French-style» pilot is not part of, strictly speaking, the development of a series format.

It is less often the case, of course, for short formats (less than 26 minutes) which often rely on the production of a real pilot - and quite rightly so – to show what the series is, its tone and its actors as well as the overall artistic direction.

Thus, the production of the «American-style» pilot as a preamble for making it into a series, is clearly the ideal way. Having this initial trial-episode allows for numerous readjustments, especially in the area of screenwriting. Coming face-to-face with the actors for the first time often proves to be exciting and is a determining factor towards honing down the dialogues. As for putting the artistic direction into place, it is obviously a crucial element in what a series will be like (see below).

Alas, if from a macro-economic point of view, it seems feasible to promote the production of pilots in the case of short formats, the case of 52-minute series, *a fortiori* prime time ones, presents real financing problems. And in the current context of chronic under-investment for development by broadcasters, undoubtedly it is illusory to hope to increase the number of this type of pilot. The English and German examples – as well as the artistic successes of series coming from Scandinavia and Spain – tend to show that the virtuous circle in development relies more on broadcasters' ability to launch an initial season (of 6 to 10 episodes) based on writing in progress (only 2 completed episodes) rather than going ahead with setting up the production of such pilots.

However, the American-style pilot is a goal which should be kept in mind and which will prove undoubtedly necessary in the near future for channels who would like to really invest in the series area.

The challenge of artistic direction

The problems associated with the director's role must not, in terms of series, conceal a major production issue, which is one of the shortcomings of French fiction, highlighted by numerous professionals: the absence of real artistic direction. If the latter, in terms of one-off programmes or mini-series, is naturally taken on by the director him or herself, the process of making a series – and its corollary, the succession of directors in charge of episodes – involves dissociating artistic direction from the direction in the strict sense of the term.

Indeed, this artistic direction plays a part in the development of a series, since it contributes, alongside screenwriting, towards laying down the narrative and visual codes of the project and ensuring overall continuity. Of course, work-in-progress necessitates that, the

screenwriter-creator and the producer alike are there to take part in it. Be that as it may: this role must be recognised, thus financed, in order to be carried out as it should be.

d) Making the broadcasters' role clearer

Strengthening the creator / producer tandem partnership to bring into being a range of high-quality fiction programmes, means also making broadcasters play their role better, which is to select and edit scripts - a role which they currently tend to go beyond by interfering, earlier on in the very screenwriting process.

This relational imbalance can be seen in the increasing number of meetings and times that the scripts go backwards and forwards with the channels which we have already mentioned in the introduction. These meetings are as much as possible escape exits for the channel which is under no obligation to pay screenwriters and producers compensation when a project is called off – with the exception of France Télévisions which pay out an extra 25%.

We have already mentioned the negative impact of increasing the number of these decision-making stages upon the quality of the works and the motivation of the artistic teams. This has two other major consequences: the extreme slowness of French series production and the uncertainty which impedes the future of the projects (and therefore screenwriters' and producers' earnings).

Shortening deadlines

The slowness of series production, firstly, impedes the artistic teams' reactivity. In France, the period between signing the initial agreement to develop a fiction programme and its broadcasting rarely goes below 18 months and can go on for much longer. But how could this be any other way when scripts have to be wrapped up for the whole season before getting the go-ahead to start production?

The SESCO report²² even gives examples of second seasons which have gone 4 years before being broadcasted, even though the first seasons had been hits ! We could indeed be led to believe that the periods are mechanically shortened in the latter case, but, in reality, the channels often wait until after broadcasting a first season to commission the second. This is where the long wait – too long – for viewers comes from, between the end of a season and the beginning of the next. It would be better not to end the first on a cliff-hanger...

Indeed, in terms of series especially, fiction writing is very much linked to current affairs. Topics are very much in keeping with the times, sometimes without our really knowing why, and they can go out of date very quickly (or be beaten to it by another project, trans-Atlantic for example, on the same subject). Moreover, producing works necessitates a certain impetus; periods that are too long wipe out this essential dimension to their success. Would our series be less creative if they were produced in a year rather than in two, or even three? The American example proves the contrary...

The success of *Plus belle la vie* has proved the effectiveness of quick screenwriting in touch with current affairs. The teams work on a just-in-time basis, the scripts are accepted by the creators themselves who are given total control, which drastically reduces the periods between the screenwriting, shooting and broadcasting. This way of working has had two highly positive effects on the series: first and foremost, the channel was able to conduct its launch only 40 episodes ahead and thus put things right after only two months, by taking into

²² *Pour une relance de la fiction française*, SESCO, published by the CSA, November 2010

consideration viewers' reactions (negative, at first). Then, this enabled the creators to follow society issues more closely, in short, viewers' preoccupations.

Of course, writing on a just-in-time basis concerns daily series, soaps, but all fiction programmes would benefit from shortening deadlines. This could solve, in particular, the aforementioned problem of the director's involvement. In fact, if the go-ahead for production is given early enough, after writing only two episodes for example (for the 52-minute programmes), the producer will be able to fix a shooting date, thereby hiring a director well in good time.

The issue of seasonality

In keeping with the American model – subject to making it more flexible and adapting it – setting up a development schedule based on broadcasting at the beginning of September would enable us not only to keep channel programming grids supplied with novelties, but also to make the different partners abide by the same rules of the game, based on strict adherence to common deadlines.

Such an organisation would of course presuppose launching series without having all of the scripts available, but only one or two episodes (plus the synopses of the following ones)...

This seasonality also means, for broadcasters, sacrificing part of their decision-making power to the demands of a schedule. But the channels would benefit so much from being able to offer viewers their new programmes, every September – or twice a year, according to chosen schedules.

This seasonality would also make screenwriters and producers face up to their responsibility to guarantee the production and delivery of their works within deadlines, with the necessary quality. Criticisms are sometimes made about screenwriters' tendency to become scattered – but how could you not do this when no partner facing you is really prepared to commit him or herself? – such a risk would be reduced with a strict seasonality principle. Finally, such an organisation would enable us to punctuate the teamwork within the very heart of the channel, with reading deadlines and clear decision-making. In the end, everyone's work would gain in accountability and visibility.

It would also become more transparent, by putting all producers on an equal footing. The latter would, in fact, be judged only on the quality of the projects they propose, more complete than those today, and their ability to ensure their development.

Seasonality would enable screenwriters and producers to undertake prospective development, well ahead of pre-established dates for the project delivery. A few months prior to these deadlines, screenwriters and producers would have the time and the means to focus on putting together the initial presentation documents.

Finally, setting up a precise development schedule, included within the agreement, would also allow us to clarify the procedure for dropping a project by avoiding those cases in which development becomes bogged down in successive versions without any real decision made by the broadcaster. As long as the final version of the script or scripts is not explicitly accepted nor turned down, development can go on for ages with no clear schedule – until it ends, having used up all its resources. Setting up a development schedule and deadlines, would make it easier, for the producer to look for another broadcasting partner, should the project become bogged down ... In this way, the addition of a clause could be envisaged, concerning the broadcaster's loss of exclusivity after a period (a few months) without his or

her making a firm decision. The producer would therefore be able to continue the development at his or her own expense and to prospect a rival channel, whom it would be responsible for reimbursing the first broadcaster in the case of a transfer.

Making those involved in the decision-making process accountable

It is completely normal that the quality of a project determines the broadcaster's desire to become more deeply involved in the development – channels are perfectly free to make editorial choices. On the other hand, it is not normal that screenwriters and producers pay for a broadcaster's delays procrastination and other internal chopping and changing. Of course, channels are entitled to give up putting a project into production; but not to make the screenwriters and producers whose work has been cleared at every stage pay the price! The right approach towards development lays down rights and duties concerning every partner.

Meetings with channels must regain their strategic importance by laying down the responsibilities of everyone (both artistic and financial): screenwriters' and producers', but also broadcasters'. Their credibility and their decision will have as much impact as they will represent a much stronger financial commitment!

From this point of view, the broadcaster's involvement in the development process should be focused on two essential phases:

- the choice of projects made beforehand in order for an agreement to be signed ;
- the choice, further on down the line, of projects based directly on a dialogued script.

During this second stage, the broadcaster would be able to either stop development – it would thus be up to the screenwriter-producer tandem partnership to convince him or her of the quality of their work -, or to continue writing. In this second case, the development, having been approved, could no longer be interrupted at a later stage without a financial penalty being paid to the screenwriter (on the unpaid amounts, in compensation for time spent) and to the producer (based on advanced co-development).

Ideally, for a first season of a series, this stage should take place when the two written episodes and synopses of following ones are handed over.

<p>The virtuous development practice between broadcaster and the screenwriter-producer tandem partnership calls for, therefore, a thorough overhaul of development agreements.</p>

What about quotas?

If the practical terms of agreements would do well to be re-examined, the amount of investment made by broadcasters in development remains an open issue. The rare – and reliable - data available seems to indicate that the channels are far from the famous 10% invested in “research and development”. Would it not be an opportune moment to consider incentive measures or even mandatory ones concerning quotas?

In 2009, a new measure applicable to contribution towards developing audiovisual production (decree n° 2001-609 amended by decree n° 2009-1271 of 21st October 2009) was introduced within the TF1 agreement with the CSA. This measure enables them to double the value of their expenses for screenwriting and development when the go-ahead for production has not been given and when payment has been made to the creators. TF1 has already applied this measure for the year 2009 by declaring € 2.2M.

It is too early to have a significant indication of the effects (or not) that this measure has on the effective practices at TF1 in terms of development – completed or stopped.

In the same way, TF1 has declared no expenses concerning the pilot quota introduced in the same year (which works according to the same arrangements as the development quota).

In a context in which, even as broadcasters themselves have confessed, the trend is to increase development expenditure and the rate of abandoned projects, it appears, therefore, appropriate to have precise figures for 2010 available before thinking up new measures (incentive-based and restrictive ones) linked to development.

e) A proactive public channel system in terms of development

It goes without saying that a thorough overhaul of development agreements, for all broadcasters, private and public, may, in many respects, seem like wishful thinking. Yet – and this is our deep conviction –, the creative revival of French fiction programmes will take place by taking stock of this situation.

This is why the recent announcements made by the new team at France Télévisions, which state its intention to «bring fiction back to its former glory» in the public sector is a welcome move. Clear objectives and «a proactive screenwriting policy» must be set up in order to attract younger and also more female viewers, by means of works firmly set in the present, whose characters possess a firm point of view about the world around them.

On the subject of the daily practices in producing works, France Télévisions has started work drawing up a development charter encompassing the rules of collaboration between each of the protagonists. This is a very positive signal, which shows genuine awareness of the need to change the current situation.

The public sector owes itself to be exemplary in all the practices which we have mentioned in the previous chapters. But let us be clear: it is not about being exemplary because we have to. But because these measures will have a real impact on the quality and originality of the programmes proposed.

A development charter with seasonality in mind

The French public sector could in this way take the above-mentioned measures even further in order to focus its future “development charter” on a real seasonality in the organisation of work:

- **from the announced dates for submitting projects (a maximum of twice or three times a year), accompanied by a short reply period (2 or 3 months maximum) ;**
- **organising pitching sessions, during which both screenwriter and producer can defend the slant of the project together ;**
- **the phasing out of intermediary screenwriting stages between the initial accepted document and the submitted dialogued version;**
- **a clear statement of the preponderance of the creator’s point of view, as in the Danish “dogma” style (see above) ;**
- **a far-reaching reflection, from the outset, on the coordination between a project (its slant, its promise) and its programming ;**
- **giving programme heads more responsibility in the decision-making process ;**
- **drawing up a precise schedule for screenwriting and the projected production, which is up to each of the partners to conform to ;**
- **the principle of setting up series production based on the first two written episodes(plus synopses of the following ones) ;**

- **a financial upgrading of screenwriting (see previous chapter) and of development (artistic direction / management in particular), within the framework of an investment which is proportional to the film budget (10%) ;**
- **reinforced compensation procedures in case of the broadcaster pulling out later than the dialogued version stage.**

In addition, within the framework of this development charter, it would be a wise move for the channels to commit themselves to **putting an end to certain contractual malpractice which has been observed of late:**

- the signing of shortened versions of agreements stopping at the first dialogued version. Even though the existence of a central stage of meetings would be desirable, there is no legitimacy in putting contracts together bit by bit (when the acceptance clauses authorise, in any case, pulling out along the way). This segmentation automatically reduces, in fact, the calculation of creators' earnings, particularly in the first instalments which are already greatly under-paid ...
- also noted is a tendency to bring into line producers' copyrights over a legal period, and not over a 30-year period, in accordance with professional uses. The public sector has, in this area, a questionable way of conducting business.

It seems important to us at this stage to make one point very clear: seasonality is about tendering. During the hearings, the professionals were generally not in favour of this latter procedure, which they feel represents the broadcaster's excessive interventionism and his or her fantasy to make his or her fiction (instead of writing it him or herself).

The danger of the editorial line

The criticisms of tendering dovetail those, quite unanimous ones, heard about the notion of the "*editorial line*". Within the framework of seasonally adjusted submission dates, broadcasters will be completely at leisure to state in advance, their requirements and wishes concerning formats, genres and time slots, but without giving any further details as to the content of the works. Too thorough in its intentions, the editorial line, in fact, arbitrarily excludes certain projects and unnecessarily curbs a creativity which is just waiting to express itself. Once again, we must put the creator, and his or her point of view, back in the centre of the process.

On this subject, some professionals expressed their fears as to recent announcements about the new editorial line at France Télévisions, which seems intent on shifting from "completely heritage" to "zero heritage" fiction – as if heritage could not, in itself, bring about modernity. The French, European or worldwide literary heritage has inspired outstanding series which have been much appreciated by viewers, including those made with directors and screenwriters generally working on contemporary projects. Certain forms of artistic expression – drama, opera, literature have faced problems of heritage tradition with just as much boldness as success. Why won't French television make the same effort towards a revival ?

Encouraging co-productions

France Télévisions has also announced its desire to reinforce international co-productions, with Anglo-Saxons, North American and European partners. This would, in fact, be a major improvement: projects developed through co-production are extremely instructive for screenwriters and producers alike, who learn how to work in a workshop with foreign

talents, to adapt to new methods of work, to cope with new decision-makers ... A few years ago, in Germany, producers jumped at the chance to hire the services of American show-runners to train screenwriters. Today, German fiction programmes are sold throughout Europe...

France Télévisions has influenced the development of projects in co-production with a French screenwriter and a foreign one operational right from the start for a collaboration in English. This system seems interesting to us, as it enables us to create a space for collaboration and exchanges and an encounter for French screenwriters with the English-speaking world.

A real political proactive approach

Let us clear up one last point, also brought up during the hearings. All the professionals are aware of what an editorial reorientation in favour of series would mean for public channels. A steady production output – we would obviously like this output to increase -, would automatically involve working with less producers and to the detriments of one-off productions.

For a long time, France Télévisions and Arte have made sure that the diversity of French production is maintained, by sharing out their commissions. Now, according to the CNC, no less than 180 production companies are working at the current time in the fiction sector. Amongst them, many only «survive» thanks to a maximum of one or two projects a year.

If we can understand the need to maintain the diversity and independence of production, which ensures the variety of proposed works, we must not disguise the fact that there are, undoubtedly, far too many audiovisual companies in France. The juxtaposition of independent companies and large groups, even if it is justified by an editorial and ethical point of view, must set a new balance in order to conserve the programme quality.

f) Rethinking CSA regulation in order to put an end to self-censorship

Guidance labelling and quoting brand names... In both cases, the rules laid down by the CSA lack of clarity. In order to minimise the risks, broadcasters opt for excessive caution which works suffer from.

For a long time, the regulations concerning the quoting of brand names was such that the screenwriter had to write “German saloon car” instead of “Mercedes” and “soda” instead of “Coca Cola”. How can we convince the viewer that fictions really do take place in the real world under these conditions? The regulation has certainly been clarified and made more flexible – we can now quote a brand name when it does not represent an advertisement in disguise -, but the scope for interpretation is still blurred, so much so that broadcasters prefer the understatement of a “Cayenne four-wheel drive” to the “big black Porsche”. And when will “soda” come back under these conditions?

This hazy interpretation is much more disastrous in terms of guidance labelling. The principle of self-certification by the channels themselves (with *a posteriori* control by the CSA) together with the limitation of the number of “U” evenings leads broadcasters to earmark these for American series, therefore demanding a “Universal” certificate from their French counterparts. How can we not be astonished, under these conditions, that our works seem less realistic or hard-hitting than American series?

To overcome these perverse effects, recommend that the rule of broadcasting quotas (60% of European works of which 40% are original French version ones) be applied to guidance labelling.

B – FUNDING SCREENWRITING AND DEVELOPMENT

a) The current funding situation

The CNC funding situation in terms of audiovisual fiction is a powerful tool, essential for the whole of the profession. During these last years, the CNC has made significant efforts to adapt it to the specific requirement of TV fictions and in particular series. Producers, whether they have an automatic account or not, now have numerous possibilities available to them for developing their projects, including during the period before an agreement with the channel.

These schemes are not always well known or handled by professionals, due particularly to a lack of communication and an ineffectual presentation (on its site for example) by the CNC of its own systems. It will be easy to resolve this...

Preparation funding for producers possessing an automatic account

For producers possessing an automatic account, the screenwriting agreement with a broadcaster is not mandatory for obtaining funding towards preparation. The producer can use up to 30% of the amount in the automatic account at the beginning of the current year. The total amount cannot be above 40% of the total preparation expenditure forecast, and cannot exceed € 76,300.

Two adjustments have been put into place recently in response to the increasing number of projects dropped by the channels:

- Until 2008, this funding was had to be paid back if the project was not put into production. But, in practice, if the companies presented proof of a real commitment in development (by justifying their screenwriting expenses, in particular), the CNC could waive the debt.
- In addition, producers have highlighted the fact that, the amounts allocated for development being withdrawn from the same account as those allotted for production, pulling out of a project reduces production potential. To remediate this, the CNC decided, in 2008, to allow for a re-credit to be made on the automatic account, of the amounts mobilised for the development of projects that have not been put into production within two years, on the condition that the producer justifies real and relevant expenses.

This measure therefore enables producers to develop projects at low risk, including autonomously. Nevertheless, and even without taking into account the eventual communication problems, it seems that this arrangement is barely used at the current moment.

Selective aid

For those producers not possessing an automatic account, it is possible for them to obtain funding towards preparation after having their application examined by the selective commission. They must, in this case, have in their possession a screenwriting agreement signed with the broadcaster.

In 2009, the total amount of funding towards preparation (automatic or selective) for fiction works represented 2.9 million euros. This was attributed to 141 projects. The vast majority of them had already had an agreement with a channel.

In 2009, le COSIP rate devoted to development (automatic and selective funding) reached 3.3% (€ 2.9M out of € 74.6M). In 2006, it was only 1.9%. Over these last five years, the rate has never exceeded 4% and the amount of funding for development € 3M...

Funding the production of pilots for fiction series

An incentive measure was put into place in 2008 to encourage putting pilots for fiction series (26-minute or 52-minute formats) into production. When it came into effect, it concerned 26-minute and 52-minute formats promoted by producers who possessed an automatic account and had already signed a development agreement with a channel.

In 2010, the measure was extended:

- it was completed by a new selective funding scheme made available to all producers ;
- considering that the pilot is an essential tool for prospecting a broadcaster, the CNC decided to open up this funding scheme to projects at the prospective development stage (without agreement with a channel) ;
- finally, the format conditions have been withdrawn from this new pilot funding : it can be attributed to all types of formats, including short ones.

Thanks to these various adjustments, and taking into account the previously mentioned limits to the automatic use of pilots, current funding seems adapted to what is at stake, particularly in terms of short format.

Funding for audiovisual innovation

The Fonds d'Aide à l'Innovation (FAI) was set up in 2005, on the initiative of the Minister of Culture and Communication, the CNC, the SACD and the Trio (screenwriters with the Union-Gilde des Scénaristes and the Club des Auteurs; directors with the Groupe 25 Images; producers with the USPA and the SPI). Financed by CNC credits, it supports creators and producers from the conception of their fiction, animation or creative documentary projects. Two distinct funding schemes are attributed: one for writing, aimed at screenwriters and the other towards development for production companies. These funding schemes are earmarked for projects which are «innovating» in the way they deal with the topic, their dramatisation or their directing.

The creation of this funding scheme has represented a major breakthrough. It has shown the growing awareness on the part of all the profession, of the need for a space of freedom and autonomy for screenwriters. However, an initial appraisal drawn up by the CNC in 2009 has thrown the light on certain dysfunctions.

Until then, more than a thousand creators had registered a project at the FAI for aid for screenwriting, 191 had been supported. Out of these 191 creators, 75% had signed an option agreement with a producer. Concerning development funding, 43 companies had registered a project, 29 of them had been supported. However, out of the 113 projects helped in all, only one pilot was shot and a film (*La Tueuse*) shown on Arte. About fifteen projects were subjected to a careful examination by channels and only five entered into a development agreement. In proportion to the Fonds de soutien au budget (support fund), these figures are very low.

To explain this, the professionals have singled out the fact that the projects that have been supported are too «out of touch». Access to initial funding being forbidden to screenwriters accompanied by a producer right up till 2009, the projects proposed by beginner screenwriters could, in fact, prove to be too far removed from production and *a fortiori* programming constraints.

Now, the issue at this moment in time, is not to build a Great Wall of China between screenwriters and the other protagonists in the sector. It is not about supporting projects that are innovating but unsellable. Following this assessment, in 2010, the CNC thus put into place a certain number of measures to restore the link between supported screenwriters and other audiovisual professionals. From now on, an «accompanying» producer is admitted within the writing stage, the funding still being allocated to just the creators. Screenwriters can also take on an advisor specialising in project requirements, him or her receiving a share of the subsidy. This effort to make the concrete vision of the audiovisual sphere better represented has also been illustrated in the composition of reading committees (at the pre-selection stage), which from now on systematically includes a literary director alongside the screenwriter and the director. Communication between channels has also been strengthened, especially with a private broadcaster and a public one on the board of the experts committee.

Numerous professionals have also criticised the procedures for selecting applications, and more particularly their pre-selection: the percentage of applications examined by the experts committees, after going before the reading committees, was in fact highly selective (between a fifth and a quarter from 2005 to 2010). Here again, the CNC took adequate measures to bring more projects up to the plenary stage, and especially projects which although closer to market realities, express much artistic ambition.

All these measures are moving in the direction towards making those taking advantage of this funding more accountable and more professional. The results will certainly make themselves felt over the next few financial years, which will have to be assessed in turn. Nevertheless, it seems to us that new adjustments will have to be made in the coming future (see below).

Funding projects to be broadcast on new media

In order to more effectively support the most innovating projects, on different media, the CNC created in 2007 the financial assistance fund for projects aimed at new media. This assistance fund supports creators and producers who want to make the specificities of the internet and /or mobile screens part of their artistic and broadcasting strategy.

Nearly 180 projects have been financed in this way by the CNC since its creation (out of about 700 applications), for an amount of € 6M.

Three types of aids are allocated:

- A selective aid towards screenwriting and development for multimedia content, including television and /or films. This aid is available to creators and producers. It is allotted in the form of a subsidy (limited at 50% of the screenwriting and development budget) and varies according to the importance and the interest of the project up to € 50,000.
- A selective aid for writing and development for content aimed specifically at the internet and /or mobile screens excluding video games. This subsidy is also limited at 50% of the screenwriting and development budget and varies according to the same assessment criteria as the previous aid limited at € 20,000.
- A selective aid towards production for content aimed specifically at the internet and /or mobile screens excluding video games. This subsidy, earmarked for producers, is limited at 50% of the production budget and at € 100,000.

This aid seems to us adapted to challenges for the moment. In an area which is still chaotic and in its infancy, it would be advisable to wait several years before drawing any conclusions.

SOFICA

The Sociétés de financement de l'industrie cinématographique et de l'audiovisuel (SOFICA), investment and financing companies set up under the law of 11th July 1985 raise private funds to finance film and audiovisual production. They are authorised every year by the Ministère du Budget (Exchequer) upon the counsel of the CNC. They are allotted a maximum fundraising allowance at the end of the year (year 1) according to their balance sheet and their commitments for the following year (year 2). In 2009, the total allowance authorised came to 63.07 million euros. Because of investment problems due to the banking crisis, the total amount raised came to 61.1 million euros. From early 2009 to the beginning of 2010, after deducting handling charges, the total amount of SOFICA investments was 54.9 million euros.

Certain measures have already been put into place to encourage SOFICA investments in development – in films as well as in the audiovisual sphere. Since 2006, the SOFICAs which placed at least 10% of their investments in the internal capital of production companies, to finance project development, give their subscribers the chance of receiving an enhanced tax benefit. This takes place in two ways : either the SOFICA sets up a joint venture with the producer or it sets up a subsidiary which signs development contracts with producers. In both cases, the resulting structures are specifically dedicated to development.

PROCIREP funding

In compliance with the law, PROCIREP earmarks 25% of the funds raised for private copying to funding activities towards creation. These amounts are shared out annually between the Film and Television Commission on a pro rata basis of the amount of copying recorded for each type of media.

In relation to financial assistance for audiovisual fiction, also eligible are production companies who have already produced as line producer at least one 52-minute one-off TV fiction or more, or one 26-minute series or more, handed over to a national broadcaster since less than two years before, or those who have obtained at least one screenwriting agreement from a national broadcaster on at least one project figuring in the presented development programme.

The Commission allocates quarterly funding towards screenwriting taking into consideration the companies' development policy and the artistic quality of all of the projects presented. The aids are allocated to one or several projects figuring in the development programme.

In 2009, 653,300 euros were allocated to fiction works, that is 12% of the total budget – most of the budget is allocated to documentaries and magazine programmes. 71 applications took advantage of this, for an average of around 9,200 euros.

Regional and European funding

In addition to funding, which we have just mentioned, producers can also take advantage of European and regional aids for development.

The European MEDIA programme (with a budget of almost 755M euros for the period 2007-2013), intervenes both before audiovisual production takes place, in order to support the

distribution and promotion of European works, and further on down the line, in order to foster professional training schemes as well as development. The programme supports the development phase of production projects presented by independent production companies. It helps these companies to draw up sound financing plans, including putting together the financing for co-productions.

Regions have also become major partners in audiovisual production. Some of them offer these days funding for fiction development, for projects which bring to the forefront regional skills, scenery and issues.

We can see it : the producers who would like to take the plunge into development – including prospective – of TV fictions already have available a battery of substantial and varying aids, recently readjusted to meet the specific requirements of series.

However, up till now, few producers have used all of these possibilities, in particular the CNC funding scheme for preparation. Without a doubt, they are not yet aware all the consequences caused by the increasing number of projects called off by the channels – and therefore, the fact that development has become a new risk – and the changes in the sector towards a supply rationale rather than a demand one.

b) Financing development : a new rationale

Development, a new risk to take on board

With the increasing number of projects being called off by broadcasters, development has become a new risk both for producers and screenwriters. This risk must be taken into account and financed as such, as it is not a temporary phenomenon, but really a fundamental structural, necessary for the emergence of a wide range of creative fiction programmes which are imbued with a strong sense of identity. This evolution is, in this sense, positive.

But it also makes us turn towards a new paradigm, including on a financing level. Making broadcasters accountable for their decisions, as we recommended in the previous chapter, is also guaranteeing them the right to turn down or pull out on an increasing number of projects, under conditions and according to procedures that respect everyone concerned.

Right from the start, producers will therefore have to fully take on board the risk which prospective development represents and not hope to recover their stake retrospectively with a broadcaster's assistance – less and less guaranteed. We are moving from a demand rationale to a supply one, from a much hoped-for reimbursement rationale to an assumed investment rationale. It is a real revolution, in mentalities and in practices alike.

This supply rationale implies that production companies present more substantial and better completed projects before the channels. Therefore, they will have to be able to finance on their own developments which are becoming longer and longer, with sometimes several screenwriters taking part and even, in the case of pilot production – which involves hiring a director, actors, technicians... Now, this presents a problem in France, taking into consideration the crumbling away of the audiovisual production scene and the lack of internal capital in numerous companies, notably newly-formed ones.

Towards autonomy in development?

To remediate this too great a financial reliance of producers on broadcasters, some producers propose a radical measure: making development totally autonomous.

In this case, the CNC would replace broadcasters in order to co-finance development with producers. The COSIP's intervention would thus be limited to only the projects for which no broadcaster has intervened financially before giving the go-ahead.

The advantages of such a system can be seen straightaway: producers would be able to autonomously develop with their screenwriters original and bold projects right up to completion: together they would be better armed to defend them before the different channels. Newly-formed companies that do not have sufficient funds available, would not be financially reliant on broadcasters' decisions and could totally take charge of their artistic gambles.

If the perspective is enticing and the thinking behind it intelligent, this measure seems to us, however, too radical at this time, taking into consideration producers' current practices in the area of development – beginning with the chronic under-use of already existing funding ... – and of the central role played by the broadcaster when it comes to financing production.

Making development totally autonomous, which falls in line with development practice in the film industry, presupposes greater financial autonomy in production: increasing the financing sources, naturally means giving back the initiative to the producer, thus reinforcing his or her autonomy – a phenomenon which can be seen in international co-production.

At the current time, financing works of fiction is still far too reliant on one sole broadcaster to envisage turning towards making development totally autonomous over night. The hearings we conducted have moreover shown to what extent professionals, on the whole, seem – still – unready for such a (r)evolution. The very notion of pushing prospective development further (in order to see initial documents through to an end-product) already highlights the fears, and as much the nostalgia of projects sold to the broadcaster based on just three pages and on the corner of a table remains prevalent ...

In addition, the right approach towards making development completely autonomous presupposes standardising contractual relationships between screenwriters and producers (rules and earnings alike) so that the development risk, in the past taken on at 50% by the broadcaster, is not transferred onto the screenwriter's shoulders, as part of his or her earnings already depends on the decision to go ahead with production. Here again, setting up an agreement framework between professional organisations constitutes the preliminary phase before any type of progress towards developmental autonomy.

This autonomy is really that of the screenwriter-producer tandem partnership. This is why, beyond the current obstacles to its being set up effectively and quickly, making development completely autonomous represents in our eyes a virtuous horizon, towards which our audiovisual system must head for.

And this is why, we recommend, from the outset, keeping development financing safe within the CNC funding mechanisms, which would also be a first step towards making it totally autonomous.

c) Reinforcing development financing and making it safe

Since development today represents a risk in its own right, which is added to that of production, the support account then is intended to accompany it thanks to specific mechanisms. More than a simple observation, it is firstly a political choice: it is no longer the time for complaining, throughout seminars and festivals, about our respective shortcomings in terms of development and the chronic under-financing of this decisive phase.

This is why we propose a reform in the use of the COSIP in the aim of achieving better development conditions. This, of course, must take place through a clarification and better communication concerning the already existing measures.

This would take place above all by making major readjustments to the scheme.

Distinguishing two autonomous allowances within the automatic account

We suggest dividing the COSIP into two autonomous allowances:

- a first allowance, devoted exclusively to development – with or without agreement with a channel
- a second allowance dedicated to production (as is the case at the current time).

Instead of putting into place a complex system for calculating the earmarked generated funding for the development allowance (on the basis of expenses incurred during development), we recommend defining in a proactive manner – a fixed percentage of the earmarked generated funding exclusively for development.

The mechanism would be the following: the amount of the automatic account continues to be generated by the works put into production during the previous year. A fixed percentage of this generated funding comes in to top up the development allowance – these amounts being shared out, if needed, between companies having effectively taken on board the development risk (on a pro-rata basis of their co-production agreements).

This allowance could then only be used by the producer for development expenses in the strict sense of the term. It would be up to the CNC to verify its veracity and feasibility. If the works developed thanks to this allowance are not filmed, they would not get any support in the following year...

In order to incite producers to use this allowance in priority over prospective development, thus contributing towards gradually making the latter autonomous, we recommend an increase of 150% of the funding invested in screenwriting and development expenses outside the agreement. On the condition, of course, of setting up an effective system for checking expenses and for declaring development agreements with a broadcaster.

There remains the question of how to fix the percentage. A 10% rate seems to us a strict minimum to hope for real leverage taking into consideration current practices (around 3% of the COSIP dedicated to automatic and selective development funding). Let us remember that the SESCO report, published by the CSA, gives a figure of 25%! The Club Galilée, itself, gives 10%...

This percentage could be completely re-negotiated on a regular basis with professional organisations in order to adapt this new COSIP allowance to the real needs and the changes in regulations (especially the eventual full-scale amendment of development agreements with broadcasters).

Maintaining support towards preparation and making development advances more flexible

At the same time as putting this development allowance into place, funding for preparation must obviously be maintained, so that those producers wishing to invest more than 10% of their funding in development may freely do so and under current working conditions.

In addition, in the context of granting advances, we recommend that the latter be applied for by producers for projects which are in the process of being developed (with or without the allowance created *ad hoc*). In fact, a producer who has used up all his or her

automatic account during the year can find him or herself today in the paradoxical situation of wanting to develop a project without being able to apply for COSIP aid for this. The advances being paid back at 50%, the conditions for their reimbursement for projects in the process of being developed will have to be defined, especially when production does not take place.

Supporting companies which have low levels of internal capital available

The CNC has already put into place, for the film industry, a measure aimed precisely at production companies which have little internal capital available and are thus the most affected by the development risk.

Development funding for full-length feature films is thus broken down into two parts:

- programme funding, for the most active companies
- selective funding, for new companies

This funding is reimbursable when the work goes into production: 50% on the first day of shooting, 50% during the cinema release.

The selective system is aimed at companies which are not eligible for aid within the framework of the scheme, but which have produced at least one full-length feature film or have had significant experience in the production of short films or audiovisual works. For newly-created companies, the management must justify renowned experience in the field of film or audiovisual production.

The funding is granted by the Chairman of the CNC upon the decision of a commission made up of a chairman and four members. To come to a decision, the Commission takes into account the experience and results of the production company in the screenwriting, development and production of full-length feature films, the approach and the commitments of the company concerning the proposed project(s), as well as their quality, artistic ambition and viability. The amount of funding is limited to 50% of eligible expenditure (writing and re-writing expenses). This amount can be increased by a maximum of 20% for justified development expenses, other than these eligible ones.

This measure, which only exists for the film industry at the moment, would do well to be adapted to audiovisual production. It would be about supporting companies which do not have an allowance (or a very low one), on a project development programme basis.

Adapting the funding system to the specific processes of series

Generally speaking, the main issue at stake for the public sector, when it comes to series, is encouraging risk-taking. However, the latter is obviously not the same at the launching of a series and its second or third season. The smooth-running machinery of a series which has found its identity, has established the recurrence of its settings and has maintained viewers' interest; all these aspects tend to lessen the risk for the producer as well as for the broadcaster.

Accordingly, it seems relevant to adapt the system for production funding to this specific process for series. The CNC could in this way over-value the COSIP investment (automatic production allowance or selective aid) for the first season of a series – which it has started to do - , then grant a depreciating aid for the following seasons. A similar system has been put into place for documentaries; it would be ideal suitable to adapt it to fiction production.

Refocusing the support Fund towards innovation

The CNC has already carried out a major study on the FAI and has just opened up a new dialogue in order to improve the concrete inner workings of the funding system. The hearings with professionals which we conducted during this mission enabled us to draw up a certain number of complimentary proposals likely to nurture this on-going reform.

Firstly, on the subject of selection procedures, it seems important to ensure that a higher number of projects reach the plenary commission. We recommend setting up selection procedures similar to those used in the film industry by the committee responsible for advance on takings, by including a member (at least one) of the experts committee on each reading panel. By doing this, the link between the two selection stages would be strengthened, as would the coherence of the final decisions. Hence, an expert – if possible a screenwriter – could be designated to explain to the “unsuccessful ones” as well as to the “successful ones” the comments made during the meetings. This would be useful and instructive for the candidates.

Concerning organisation of the committees, emphasis has been placed several times over on choosing a chairman who is more in touch with the realities of TV fiction.

During the hearings, it came to our notice that series projects seemed generally penalised in relation to one-off ones. The former are indeed more difficult to present just in a few brief pages, whereas a TV film synopsis immediately draws the reader into the heart of the story. It would therefore be appropriate make the distinction between the two formats right from the pre-selection (stage), with a school of thought specifically devoted to series and another for one-offs. Failing this, extra special care should be taken when examining projects for series.

The FAI should also be open to projects that are being re-written, according to conditions determined by the CNC. It could also authorise, under certain conditions, the right for some unsuccessful projects to take part.

But above all, the recurrent criticism made by professionals about the FAI rests on its very philosophy, which does not do its title justice: support funds towards *innovation*. But what does «innovation» mean in this case? And must «innovation» be given financial support for innovation’s sake? There is nothing anecdotic about this since it is the very aim of this institution and this is how the profession sees it. At the current time, the FAI is in fact too often regarded by channels as being a bonus for strangeness more than for quality, aimed more at beginner screenwriters than at professional creators. Some established screenwriters, creators of renowned series, even confess that they have never thought of making use of it.

It seems therefore urgent, before eventually changing its name, to refocus the FAI on a clear objective and one which is more orientated towards the realities of the sector: giving screenwriters the necessary scope for writing the document which they intend to present to the producers or to the broadcasters, if they are already working alongside a producer, as the funding will henceforth allow this.

Generally speaking, the FAI would be more beneficial by being less normative, both about its ambition – the high standards and the coherence of a project, rather than its “innovating” character – and about the type of final document expected. The latter should be left up to the creator’s appreciation when he or she submits his or her application. The issue at stake with the FAI, can also be to enable a screenwriter to complete the presentation document for the project, if he or she sees fit.

Through all the comments made during the hearings, the profile of an FAI the least “selective” possible became apparent – on the grounds of the arbitrary nature of a commission founded, all things considered, to select on the basis of a completely vague criterium.

These findings go hand in hand with another recurrent and essential comment about the role of the FAI in the midst of the whole of the CNC funding system and about the very clarity of this system. The most pressing need to which the latter must meet at this current time concerns the first writing stage. Now, the FAI is aimed at creators, but also at producers, in the form of a development allowance. As things stand, this second funding stage seems to overlap funding towards preparation and towards pilots at the same time.

Taking into account our above-mentioned recommendations (creating a development allowance, reinforcing aid towards preparation, setting up selective funding towards newly-created companies) and the existence of funding towards preparation – whose relevance we have already acknowledged – it seems to us appropriate, for the sake of clarifying the CNC funding system and at the same time reinforcing support for screenwriting, to limit the FAI to creators only. This is on the understanding that the latter are already able to come forward accompanied by a producer...

Integrating development as a strategic investment for SOFICA

Every year, SOFICA sign a charter drawn up by the CNC which lays down their commitment and obligations concerning notably financing for independent productions as well as transparency of their investment. So that development – in particular audiovisual – is considered as one of the priorities of SOFICA investment, it must be made to appear as such in the future charter. Up till now, the term development has not been mentioned explicitly. And even though development investment benefits from an incentive (those Soficas which allocate at least 10% to it can make their subscribers eligible for an enhanced tax rebate), this is mentioned in the small print at the bottom of the page...

This assertion that development is a priority does not nevertheless call for any modifications to the substance of the current measure. The incentive mechanism used today seems sufficient. With one caveat: a few abusive practices have been noted concerning development agreements which audiovisual producers sign with the SOFICAs and more particularly the repayment conditions. These conditions vary from one organisation to another. SOFICAs generally handle an allowance allotted to several projects; some of them base their repayment on the first project, others on the first three. Some of them even ask for a repayment on projects which were not included within the initial allowance, as they went into production first. It seems that we are losing sight of the initial purpose of these organisations, which is to limit the risk...

It is therefore necessary to bring repayment conditions into line with each other and to draw up a standard contract (for the audiovisual scene) which protects the producer from these abusive practices.

Funding for writing low cost fiction programmes

In an audiovisual universe in the throes of change, with the arrival of the new DTT / cable / satellite channels, the overall increase in fiction output called for by our demands naturally takes place through the increase in low-cost projects.

These projects are carried out at the least cost, within short deadlines, with recurrent settings. Their interest rests essentially on the quality of the writing. To fully participate

virtuously in making fiction more intense, these low-cost projects must therefore not be low-cost in terms of writing!

And obviously, it is absolutely possible: the Israeli series *Betipul*, created by Hagai Levi – and adapted in the United States under the title *In treatment*– brilliantly shows that with few means but with marvellous scripts, enthralling series can be created...

Following the American model and its recent history over the last decade, the French fiction revival has everything to gain from the emergence of channels on the DTT / cable / satellite capable of investing in original, off-beat, different programmes. In a nutshell, outrageous! As much in their genre as in their format.

Their low means available within the range of their production constraints limit their ability to invest in significant developments. It is useless to emphasise the risks of failure of a low-cost fiction which is under-financed during screenwriting – whereas rival DTT / cable / satellite channels recycle the best American series all day long ...

This is why, always aiming for a proactive involvement of the public sector in favour of development, we suggest setting up a support mechanism for writing low-cost projects for DTT / cable / satellite channels – and, under certain conditions, for projects under agreement with terrestrial channels, notably linked to web-TV.

With terms to define (automatic compensation for screenwriting according to pre-negotiated scales, selective commission, coefficient for bonuses ...), this funding for the producer, would enable him or her to compensate for the low investment in screenwriting on the part of the broadcaster without cutting back on production budgets – they too being already low.

It is imperative to carry out this reflection, by associating, of course, the DTT channels including the major groups which own bonus channels – in order to implement this mechanism likely to provide leverage over the fiction programmes on these channels. Even if this mechanism is mapped out over a limited number of years (with a clause for scheduled meetings to analyse its impact).

To summarise, we suggest an in-depth reform of the CNC funding system in order to firmly fix the priority given to development. This reform is organised around the following points:

- **creation of a “development allowance ” within the COSIP equivalent to 10% of the generated aid, and necessarily dedicated to the development of new projects (with a 150% bonus in the case of investment in prospective development) ;**
- **maintaining preparation funding with opening up to advances for projects in the process of being developed ;**
- **creation of a selective funding in order to support new companies in their development programmes ;**
- **adapting the investment mechanisms for funding in series production (a gradual decrease according to the seasons) ;**
- **reforming the Fonds d’Aide à l’Innovation, in its overall aim as in its selection mechanisms. Attribution of funding to only the creators, working in conjunction with a producer where required ;**

- **confirming the funding of a pilot and that of projects concerning new forms of media ;**
- **putting the emphasis on development within the framework of the SOFICA charter and setting up a standard agreement ;**
- **implementing an aid towards writing low-cost projects within the framework of development agreements with DTT / cable / satellite broadcasters or, in the case of web-series projects, with terrestrial broadcasters.**

C – REINFORCING INITIAL AND FURTHER TRAINING

In France, the notion that art cannot be learnt, that talent or genius are inborn or are not, strongly persists. As a consequence, teaching in the field of the moving image must avoid the new academism, that is to say the formatting, in order to preserve originality and what is atypical. «*Do not scorn anyone's sensitivity. Each person's sensitivity is his genius*», wrote Baudelaire.

Without attempting to settle this endless debate over the boundary between what is inborn and what is acquired, we have to admit that in the audiovisual sector, those who are now considered as virtuosi - Anglo-Saxon screenwriters – are also and in the first place highly experienced technicians. They have learnt for a long time how to master a certain number of dramaturgy rules which ensure effectiveness, and this applies to all fiction genres. Let us say it clearly : the emergence, the development and the refinement of the TV series have rapidly shifted screenwriting towards writing of a higher calibre.

France, the land of films more than of television, has taken time to assimilate this necessarily laborious and methodical dimension which is by no means opposed to the expression of talent, quite the contrary. In our country, this can especially be seen in the great dialogue tradition which is overvalued in contracts as against work on synopses and storyboards. Now, the script for a series is first and foremost an art of construction, composition, and this art has to be learnt.

The immense success of Anglo-Saxon fiction programmes and their head-on competition in broadcasting makes us question our traditions and our screenwriting techniques. We have seen it, works today are imbued with a slant much more than with a simple concept and, for French screenwriters, it is about staging this slant in the most effective way possible according to the new international standards.

This issue requires deep thought about writing and an accurate mastery of its grammar. Of course, it is not about, for French screenwriters, applying word for word the formulae imported from the United States or Great Britain. But, breaking the rules, pushing back the boundaries of the genre, we must know what they are in the first place ! And therefore, teaching them as much on an initial training level as on a further training one.

Many practising French screenwriters have not had specific training but have learnt through hands-on experience. In this case, it is obvious that *in vivo* learning, within a screenwriting workshop for example or on formats for a long series, is one of the best ways to be trained, both on an initial basis and a further training one. The overall rise in produced fiction output and the increase in development agreements make up an initial response to training needs, as this would enable more screenwriters to earn their stripes in the field.

Initial training for screenwriters in audiovisual fiction is carried out at the current time in France by two institutions: the Conservatoire européen d'écriture audiovisuelle (CEEA – the European Conservatory for audiovisual writing) and the Ecole nationale supérieure des métiers de l'image et du son (Fémis – the higher national School for professions in image and sound). Although these two institutions have proved their legitimacy, some adjustments would be necessary to make the most of the training schemes on offer and to adapt them to specific challenges in contemporary TV fiction – and in particular in series.

Concerning further training for screenwriters, our country suffers, on the other hand, from an extremely severe deficiency. It is mainly due to the fact that French artist-creators – who do not earn a salary – do not have access to this training. Regarding this, we welcome the further training agreement which should be coming into effect on 1st January 2012. It is imperative that this date, which has been postponed several times, be maintained! This reform, vital for the whole of the profession, has been long-awaited, firstly by screenwriters, but not only them. It is in fact in response to an undeniable expectation voiced by the sector, whether on the part of producers or broadcasters – this came to light during the hearings – as much as the professional screenwriters' fierce determination to develop their skills.

This agreement marks an essential improvement, on one condition: the public sector must designate the organisations the most appropriate and the most legitimate to determine the needs and map out the training schemes.

Here, once again, it is not about, for us, handing out brownie points to the various training schemes which already exist – and which are continuing to increase with the setting-up of further training for screenwriters -, but to really avoid subsidies being sprinkled about here and there. The objective is simple: a greater effectiveness and a higher degree of excellence for the courses on offer. And the most affordable as possible...

a) Adapting initial training to the specific issues at stake in TV fiction

Initial training in the United States

In the United States, training for the various screenwriting trades is a long-term learning process, based on an intensive practice and close interaction with the workplace. Screenwriters often possess a Masters degree of Fine Art in screenwriting (a one or two year course after university), which they get after the Bachelor of Arts degree (4 years after graduating from high school).

This Masters degree offers a mixture of personal study, research, conferences and exchanges with professionals going right up to mentoring, and teamwork in the form of workshops. It is in these workshops that American students learn how to structure a story, build up characters, set the pace, write dialogues, etc. Most of the training schemes also offer the screening in groups of series that work, with a collective critical examination of the reasons for their success, and the screening of those that do not work, with the same type of examination of the reasons for their failure. In both cases, the screenwriter's, director's and producer's roles are analysed (Columbia University – New York). Some training schemes include lectures on critical script reading (University of the arts – Philadelphia).

Writing dramas, sitcoms or comedies is learnt in modules of 10 or 15 specialised lectures, which can be chosen within the Masters degree framework. Students can in this way take modules entitled «*Comedy writing for TV* (sketches or parodies)» or «*Fiction writing*» at New York University, or even «*Writing for one hour episodic TV drama*» (Newschool – New York). Modules in «*Comedy Writing*» or «*Drama writing*» are also available at the University

of Southern California. The Masters degree from Chapman University – California (MFA Screenwriting) also offers a “*Seminar in television writing / comedy*” but also a “*Seminar in adaptation*” and one in “*short films*”.

Thus, according to their choice of modules, screenwriters become specialised little by little. The New School (New York) offers a module of 15 lectures entitled «*Rewriting and polish*» whose aim is to perfect the script, to make the dramatic structure clearer, to ceaselessly improve the dialogues by working in teams and learning from one’s mistakes during test projections. At the University of Southern California, the Masters degree includes preparation and writing «*for growing media like mobisodes, internet series and gaming*». In all of these modules, lectures are also devoted to the technical means of capturing viewers and of keeping them interested hooked.

American students who are training in writing also learn how to present their project orally, how to negotiate their contract and they are trained as much in the historical background as in the economic and social issues at stake in the sector within the framework of «*writing industry module*» (Bolton University – it is complementary to the «*writer at work module*»), modules on the «*Business of media writing*» (Northwestern University), and the «*entertainment industry seminar*» at the University of Southern California or even more modules entitled «*Network television and emerging platform*» at UCLA in California. The MFA screenwriting at the UCLA also offers several modules on «*Television and society*», «*American television history*», «*electronic culture*», etc...²³

Initial training in France

In France, universities offer numerous training schemes to the media and audiovisual profession. We feel that it would be desirable for these curricula to make students more aware of the practical side, if not in screenwriting, at least, in skilled reading! It is astonishing to observe that future audiovisual professionals, protagonists in the series production chain, read very few scripts during their training; and never get to write any ! One audiovisual university, to be on a par with its greatest Anglo-Saxon counterparts, should owe itself to promoting this closeness between professional apprentices and French and international screenwriting technique.

The reform of a great audiovisual university seems somewhat illusory in these times of shortages in state education. This is why, as reality dictates, proactive action by the public sector in terms of initial training in audiovisual writing would have much to gain by relying on existing institutions.

In terms of writing audiovisual fiction in the strict sense of the term, two institutions offer outstanding qualifications: the Conservatoire européen d’écriture audiovisuelle (CEEA), which is entirely devoted to this, and the Fémis, which dedicates a 6-week module to it within its script department.

²³ Cultural Department at the French Embassy in the United States – the Film, Television and new media Department

The CEEA

The CEEA was founded in 1996 on the initiative of the profession in order to ensure the training of screenwriters for French TV fiction. A non-profit-making association under the Act of 1901, it is financed and supported by all of the audiovisual professionals : the CNC, the SACD, the Procirep, TF1, France Télévisions, Canal+, Arte France, M6, the USPA, the Syndicat des Producteurs français d'animation (SPFA – the Union of French Animation Producers), the *Guilde française des scénaristes* (the French Screenwriters' Guild). Audiovisual production companies also contribute towards its financing by means of the apprenticeship tax.

The Conservatoire budget is about 790,000 euros, and three permanent workers are involved (the director, an administrator and their assistant) plus around 40 contract workers.

Training costs € 1,400 a year for 600 hours of lectures and workshops over two years. They are concentrated over 3 days to enable those who want to work at the same time. Student profiles are varied, students at the end of their studies and professionals alike.

The CEEA takes in 12 in each year group, selected by an entrance examination open to candidates aged from 20 to 40. The average age is 27. The average level of studies is 3 years' post-Baccalaureate. The students are mainly from the medium high socio-professional category, with a good male / female ratio. Half of them are in initial training, the other half in further training (having come from a first position in another sector).

At the end of the training, a certificate at a Masters 2 level is awarded. This qualification is also accessible by the Validation des Acquis de l'Expérience (VAE – Validation of Skills through Experience). The CEEA is considered to be a qualifying training scheme, registered by the Ministère de l'Economie, des Finances et de l'Emploi (the Ministry of Economy, Finance and Employment) in the Répertoire national des certifications professionnelles (the national Register of professional qualifications) for the title of screenwriter.

Since 1996, the CEEA has been able to build up its legitimacy within the sector. The shift towards a two-year course has made the curriculum on offer more professional. The students have practical instruction in screenwriting; they develop one-off projects and series alike, notably in workshops. The CEEA enables them to meet numerous professionals, screenwriters as well as directors, producers, broadcasters, etc. The professional insertion rate, around 70%, is satisfactory for an artistic curriculum. Many screenwriters graduating from the Conservatoire are now working for series as well as for one-off productions, fiction programmes for young viewers, short programmes, animation series, mini-series or even feature films.

Nevertheless, the hearings have brought to light some weaknesses.

Firstly, on the level of the teaching offered, the CEEA is not internationally-orientated enough, whether it be on the level of those members of staff taking part or of the exchanges on offer. It seems obvious, given the world audiovisual creation scene, that the students would benefit from being trained as well by English-speaking lecturers. Twinning systems with reputable international schools would also enable them to deepen their learning experience, and even to broaden their scope for employment – on the condition, of course, that they are taught foreign languages ... All this has a cost, which the CEEA does not seem able to take on board at this moment in time, due to inadequate funding.

More generally, the Conservatoire is suffering today from not having an educational committee which would define clear objectives and strong intentions.

We would like the CEEA to be better supported financially, in particular by the public authorities, in order to have the means to develop an ambitious training project, upheld by a strengthened educational committee.

The nomination of a professional who is renowned in screenwriting for the chairmanship of the administrative board would be an immense asset. Educational management of the CEEA should be distinct from administrative and financial management.

Finally, the CEEA should give thought to implementing a much closer follow-up of post-graduates and final-year students, which would take the form of, for example, integration within existing screenwriting teams. A status of “trainee” in the workshops could be envisaged in this manner.

The Fémis

The Fémis, école supérieure des métiers de l'image et du son (higher national School for professions in image and sound), set up in 1986 and succeeding therefore the IDHEC is accessible by means of an entrance examination at the level of two years of post-Baccalaureate studies. It provides technical, artistic and cultural instruction devoted to professions within the film and audiovisual sectors. In 1998, it became a public industrial and commercial institution (EPIC), under the auspices of the Ministère de la Culture et de la Communication (the Ministry of Culture and Communication).

The 2010 Fémis budget was about 10 million euros. 56 permanent members of staff are employed and around 450 professionals come in to teach or talk to the students.

Since its early beginnings, the Fémis has been imbued with an intense and acclaimed film culture. Television has therefore been absent on its curricula for a long time, although there are numerous former students – screenwriters, producers and directors – who work in it.

Countering this shortcoming, the students asked for a training scheme on writing TV fiction programmes to be set up. A module was thus created in 2010 and integrated within the curriculum for third year student producers and screenwriters. This module offers talks made by professionals about the methods used in screenwriting and production of series, comprehensive case studies made with the project creators concerned and a screenwriting workshop lasting a few weeks taken by professionals from the world of series.

A first part is devoted to getting to know about the work context, through meetings with channel directors, producers, screenwriters ... From the third week onwards, a pair of students, one a producer and the other a screenwriter have to write a bible under the supervision of a lecturer from each of the two areas. This second phase leads to the presentation of the series projects to the group (bible + scripts for pilots according to the cases).

For the second consecutive year, this module has just taken place successfully. It has brought together numerous professionals from the world of series who have welcomed enthusiastically the opening-up of the school to the TV genre.

The Fémis would like to intensify this training, whether it be in the form of a post-graduate year course (reserved for students who have already qualified at the Fémis or open to professionals from outside) or of an *ad hoc* curriculum during the past year. The institution has asked for an additional budget for this.

The professionals seem very divided about the Fémis and its legitimacy for offering initial and further training schemes to television screenwriters. Everyone highlights the fact that the institute remains, at the current moment in time, highly imbued with film culture, audiovisual writing being regarded here as relatively marginal. In view of this, some of them conclude that it is necessary to only promote the CEEA for training television screenwriters, whereas others are calling for a «cultural revolution» at the Fémis.

This complex debate calls for several comments.

Primarily, in our opinion, it is not about setting the two institutions against each other: there is really enough room, in France, for two screenwriting schools, especially in the light of an overall increase in audiovisual fiction production output !

Then, it does not seem to be up to us, within this document, to define the aim of the Fémis : film school ? a school for the big AND the small screen ? We can understand that the Fémis would like to keep its traditional range of activities : the power of the French film industry and the numerous openings which it offers students justifies the existence of a training institution dedicated to it, which is almost a European exception – the vast majority of film schools in neighbouring countries in which the film industry is no longer as strong have not made the distinction between film and audiovisual production on their courses, for a long time. In this case, the training modules on audiovisual writing already implemented by the Fémis fulfil perfectly their objectives, which entail initiation, curiosity and discovery more than in-depth learning.

However, the institute could also choose to have its own revolution, to ensure and fully pursue training for TV media, in its culture and, why not, in its very name. Let us underline that such an integration will call for more upheaval than mere marginal curricular adjustments. It will require a deep change in mentalities – a bit like the implementation of mixed genders at school! This reform represents therefore a vast area of work, which presupposes deep reflection on the part of its management and the educational teams as well as all of the professionals concerned. The debate is open ... At the moment, in the absence of such an evolution, and taking into consideration its educational choices, we do not feel that the allocation of an additional budget to the Fémis is justified, whether it be for initial or further training. The necessary financial effort to promote audiovisual writing must be concentrated on the one and only institution which is dedicated to it at this current moment in time, that is the CEEA.

b) Setting up further training schemes adapted to professional screenwriters' needs

Ensuring the implementation of further training for creators

As we recalled in the preamble, at the moment, artists and creators are not entitled to further training, a right that is however endorsed by employment legislation. As the vast majority of them are remunerated essentially in the form of copyrights, they are in fact unable to contribute. A report on the conditions for setting up such an arrangement, drawn up by Serge Kancel and Gilles Butaud, was submitted to the Minister of Culture and Communication in December 2009 and made public in June 2010.

This report recommends implementing a compulsory contribution in proportion to uncapped earnings for all the artists and creators who fall within the general social security scheme in the fields under the responsibility of the AGESEA and the Maison des artistes for an overall amount of 0.55% (to be paid by the creator, the producer and the broadcaster). The recovery of these contributions would be entrusted to the AGESEA and to the Maison des

artistes, through a withholding tax system. The collective management companies for creators and the companies in charge of collecting the related rights for producers would be incited to contribute to this training fund, whose management would be entrusted to the AFDAS.

France Télévisions has already signed an agreement (in May 2010) with the SACD, the SCAM, the SPFA, the SPI and the USPA to ensure its contribution to further training for creators within the limit of 1% of the overall amount of its obligations for financing fiction creation. A joint committee has been set up in order to authorise the organisations empowered to offer training schemes. This praiseworthy initiative is an important precedent for the financing of training for creators. We insist upon the necessary presence of screenwriters within the joint committee, which will lead to a better identification of the real needs of the profession. A similar agreement is in the process of being signed with Canal+. And that is another piece of good news.

On 28th September 2010, the Ministry announced its objective being the setting-up of a general right to further training for creators / screenwriters on 1st January 2012. Negotiations are currently taking place to determine application and financing measures. **It is vital that this deadline for its implementation be met.** As it is vital for creators to be the most involved as possible in managing the funds raised by the Afdas, in view of the highly different economic systems of each artistic profession concerned.

Which training needs?

First and foremost, let us state that the hearings brought to light a real need and a real desire, on the part of the screenwriters, to be trained at all the levels. Moreover, the incredible success of the Mc Kee course is shown by the fact that in 2009, the SACD, offered to finance 70 creators taking part and within barely a few days, the course was fully booked!

The main requests for training, made by the screenwriters or their partners (producers, broadcasters and directors) concern the following areas:

- a more in-depth study of modern dramaturgic rules ; this type of training cannot obviously overlook the presence of Anglo-Saxon speakers – not only the eternal Mc Kee and Truby whose speeches and methods are not necessarily adapted to series ...
- training for show-running. WGA training (the American screenwriters' Guild) is a reference on the subject. Contacts have already been made via the SACD and the Scénaristes en series association, to put into place a French session. It is certainly possible, but the cost is high.
- training for associated professions : directing, editing, directing actors, special effects, etc... Screenwriters, in particular, ask to go on these training courses as, within the framework of fiction production, they naturally collaborate with members of these professions
- an in-depth training scheme on production issues and practices – undoubtedly the guarantee of a better collaboration between screenwriters and producers
- a legal training course, so that screenwriters handle contractual problems better ;
- a language training course starting with English, of course. Because the future of French screenwriters *also* depends on their ability to be part of international projects...

- a multimedia training course ... towards which nothing has been done so far (see conclusion)

The hearings have also brought to light, with a striking convergence, a gigantic need for training in terms of writing aimed at the screenwriters' potential partners ! In the first place, people from channels. As we have already noted, no university course in audiovisual professions includes concrete teaching of writing skills – not even basic rules. The future professionals whose role will be to accompany and structure fiction development have therefore no training in the field! Their abilities are sometimes called into question. Fortunately, some of them manage to have their employer pay for them to go on a McKee or Truby course. But what are these teachings worth without a concrete, close and even brief experience of writing...

At this moment when interaction between our respective professions is being strengthened, the sharing of common training courses – ideally, meeting places – is the essential prerequisite for the emergence of a common language, common tools and, beyond these, of mutual respect. This always begins with getting to know one another's work. Whoever has endured the difficulty of writing a script and having it criticised by a reader will be more understanding and therefore constructive with someone else's script. In the same way, enriched by such training screenwriters will be able to cope better with directing, producing and... broadcasting issues.

Which organisations for vocational training?

To meet these training needs more closely, the public sector has to identify the most appropriate organisations. The setting up of further training must in fact avoid two pitfalls: too many training courses scattered here and there which would give rise to their effectiveness and their visibility being watered down at the same time, and the courses on offer not being able to fulfil the professional screenwriters' real needs.

Once more, it seemed to us neither relevant nor valid within the context of this report, to review existing training schemes in order to give out good or bad points. The existing bilateral procedures, within the framework of the agreement with France TV, and in the long run concerning further training, involves screenwriters in the certification of training schemes in the interest of effectiveness and relevance. This is an essential element, likely to prevent corruption of the system.

We would like, nevertheless, to attract the attention of the public authorities towards the particular legitimacy of the CEEA in terms of further training. The Conservatoire européenne de l'écriture audiovisuelle (the European Conservatory of audiovisual writing) has already been offering, in fact, further training courses in screenwriting approved by the AFDAS, since 2004 :

- Literary management screenwriting expertise (105 hours / two sessions per year)
- Writing a comedy (105 hours / one session per year)
- Writing TV fiction in the 52-minute format (210 hours / one session per year)
- Initiation in adapting a literary work for audiovisual programmes (70 hours / one session per year)

These courses are spread out over several weeks and bring together 40 speakers (from all the professions in the world of fiction), 64 trainees and 20 to 25 production companies for the oral project presentation sessions which close both writing training schemes.

Its double experience in terms of training, just as much for initial as further, makes the CEEA one of the most adequate sites to ensure further training for professional screenwriters, in the future. On the condition, as we have already stated, that it strengthens its educational project and changes its working methods.

However, at the current time, the further training schemes on offer at the CEEA – as in all the other organisations concerned with further training for audiovisual professions – are not *really* adapted to professional screenwriters when it comes to writing training in itself. As proof, often it is these screenwriters themselves that are in charge of the lectures! Who then will train them, in the field of writing and show-running, when the law eventually offers them the chance?!

This disconnection between the screenwriters' need in writing and the training schemes that are actually available is made patently clear during the master-classes organised here and there with creators of American series – Matthew Wiener, recently, at the Forum des images, David Chase and the creators of *Damages* at the Festival of Deauville. Each time, the too large an audience prevents these encounters from transforming into real master-classes aimed at professional screenwriters. Even though these exchanges are enthralling, the screenwriters always regret not being able to be taught precisely about the workings and the organisation of writing and of production in respect to series.

There is, therefore, undeniably, good reason to set-up real writing and show-running training schemes, with American – or English - creators, screenwriters and producers – within the framework of solid partnerships on a long-term basis.

On this specific point, the *Guilde française des scénaristes* (the French Screenwriters' Guild) could easily make its own contribution towards the further training structure. And not only through its participation on joint committees, but also towards identifying and drawing up adapted training schemes. Its links with the American Guild (WGA), which organises a renowned show-running programme which is completely importable, would enable American professionals to be invited more easily.

The *Guilde*, the CEEA and, who knows, the *Fémis* perhaps – if it gave itself the means to fully promote audiovisual writing training within its curriculum -, could join their forces to put into place training schemes of a high level of excellence aimed at professional screenwriters.

CONCLUSION

French fiction has come to a turning point. Beyond the crisis that it had to go through, an editorial crisis as much as a financial one, from now on, it is facing up to a real challenge: that of its mutation in respect to the issues at stake in series production.

To carry off this challenge, there is a real need to increase enormously and diversify our annual production output.

But this will not be enough. For what is really at stake is, as we hope that we have managed to convince you throughout this report, lies in development.

It is time to put the screenwriter right back in the heart of fiction writing and the creative slant right in the centre of the production process. It is time to put development in the very core of our production system.

The screenwriter has seen his or her role in TV creation underestimated or even ignored and development has often been relegated to a minor position in production. With an estimation of 3 to 4% of production investments earmarked for development, our system is far, very far, from the 10% traditionally invested by an industry in its own research and development.

Underpaid screenwriting, development, embryonic and under-financed prospective development, vague and inappropriate contractual practices, creativity curbed by the broadcasters' often excessive interventionism ... how can we be surprised under these conditions that facing head-on the competition of the best foreign series, our fiction pales in comparison ?

Yet, the talents are there, the producers as well. And the desire for national fiction production still exists amongst viewers.

It is time to **make in-depth changes in our practices and our way of developing** our fiction programme projects. To do this, it seems to us essential to :

- **enhance the screenwriter's role and his or her earnings** ;
- **strengthen the screenwriter-producer tandem partnership**, the mainstay of fiction production, by making their contractual relationships clearer ;
- **put the broadcaster back in his or her role of editor** by redefining and reevaluating development agreements ;
- **develop more projects**, even if it is at the cost of greater selectivity ;
- **finance prospective development as it should be financed**²⁴, the linchpin of fiction renewal, by means of a massive reallocation of the Fonds de soutien (support fund) and of the different public aids.

On behalf of these vital issues concerning the future of French fiction production, **the public authorities must provide a major impetus towards promoting development**, through an approach and commitments which acknowledge the central role of the screenwriter in audiovisual creation and give producers the means to finance screenwriting.

For its part, **public television must embody this mutation through a reformed and virtuous development practice.**

French fiction can change quickly. Much faster than we can believe. At a time when DTT channels are in the process of changing the established order in depth, to become, who knows those "fiction agitators" we are all waiting for – following the example, at the end of the last century, of what American cable and encrypted channels were for their network elders -, it seems urgent to act and to make decisions.

A mission report drawn up from exchanges and analyses carried out with members of the profession can be concluded by recommendations of different kinds:

- those which can be considered as urgent and which can come into effect during the current year (2011) through inter-professional negotiations under the auspices of the CNC ;

²⁴ By "*prospective development*", we mean the phase prior to the agreement with a broadcaster and the signing of a development agreement. In other words, the phase in which the screenwriter and producer are working at maximum risk ...

- those which require another type of financing for development and training, be it by increasing some budgetary items, or by redeploying current budgets – this objective and the choices it demands can, however, it seems to us, be envisaged right from the preparation stage of the 2012 budget ;
- those which are set within the medium and long term, whose formulation has to be adapted, as we go along, to technological changes, which are evolving on a daily basis, sometimes unpredictably, often at top speed.

We have evoked for a long time – this was the object of the mission –the issues linked to audiovisual screenwriting and development optimisation. We have suggested arbitration over training schemes for screenwriters. We have thus mainly covered the production content and the processes, intentionally leaving aside several aspects of the current digital revolution. This is based, so it seems, on a new alliance between television and telecommunication and on the convergence of technology and the media. The consequences of this convergence are already obvious as to the use the moving image. Regarding this, the following can be noted²⁵:

- an increase in the use of on-demand services, catch-up television (TVR) or video-on-demand (VAD) – HBO estimates moreover that nearly 30% of its subscribers watch deferred media content - ;
- new multi-service offers (triple play : telephone, television, Internet) at highly competitive prices thanks to connected television ;
- the setting-up of a personal mobile broadcasting network (the TMP) with 16 channels selected by the CSA (13 private, 3 public).

TV content will be, as we have already seen, more related to the supply than to the demand. But, at the same time, broadcasters will be called upon to become undoubtedly less prescribers to the benefit of search engines and media platforms. Certainly, the issues of regulation and consumer or editor will arise very quickly. The internet being a mass medium, accessible to everyone and without boundaries, the solutions to these questions will, without a doubt, have to go beyond national regulations and be found on at least a European level.

And what about creation in all this? How will it be able to exist and under what conditions? It will possibly take on new forms of expression, with shorter programmes (10-minute episodes instead of 52 or 90-minute ones), with a hybridisation of genres (documentary, fiction, live capture, etc ...), finally with a great amount of potential for interactivity. It will also generate, in order to become sustainable, original models which will set up trends, movements and new genres according to a creative process and a use based more on individual practice rather than collective. It is likely that this new area for creation, which will be open and exposed to all possible influences, will be connected to previous forms but will not get rid of them. It would be rather naïve to believe that web production will kill off that of television or films (did photography destroy painting? Did television destroy films? Did sound synthesis kill off music?). But there will certainly be deep alterations within industrial, artistic, societal and ethical areas. Who will finance this area for creation? It can be hoped that it will be the broadcasters, assisted by some institutional mechanisms. It can be imagined that the new on-demand services (VAD, TVR, media platforms) will in time to come contribute towards financing the programme. It can be imagined that France will implement new obligations or tax the new broadcasting protagonists, American platforms or others risking to take over Europe in terms of media content.

²⁵ This part of the conclusion has largely been inspired by Emmanuel Gabla's reflections. He is a member of the Conseil supérieur de l'audiovisuel (Higher Audiovisual Council), notably in charge of the commission for prospective reflection on the audiovisual sector. He gave a particularly interesting interview on these topics to Edouard Laugier in an article in the *Nouvel Economiste*, dated 9th December 2010.

These rather speculative comments are obviously not intended to make the suggestions that we have made obsolete. They have been drawn up, even approximately, to emphasise that creation emanating from the digital revolution must be generally well thought through from now on so that it remains one of the sources of the digital future. This digital future, in order to escape from mainly societal and community-based functions, must preserve, with the means able to finance it, an artistic and noetic function, as television and other forms of expression have done. These issues obviously necessitate drawing up a further report, but we believed it important to allude to this to avoid being typecast as “old style”!

13 PROPOSALS FOR TAKING UP THE DEVELOPMENT CHALLENGE

Re-establishing links between creators, producers and broadcasters

1. **Upgrading screenwriters' work and strengthening their links with producers** by setting up an agreement-framework laying down common working rules in development between screenwriters and producers.
2. **Making the broadcaster's role more clearly defined by** reconsidering from scratch development agreements in order to shorten decision-making deadlines, setting up a clear schedule and making the decision-making process accountable (with notably the implementation of compensation payments in the case of a project being stopped).
3. **Making public channels the driving force** with the implementation of a development charter based on seasonality and organised according to the following terms:
 - fixed annual dates for the submission of projects accompanied by a short reply deadline;
 - organisation of pitch sessions carried out by the screenwriter-producer tandem partnership;
 - withdrawal of the intermediary writing stages between the accepted initial document and delivery of the dialogued version;
 - assertion of the supremacy of the creator's slant;
 - early reflection about the coordination of a project (its slant, its intentions) and its programming;
 - making those in charge of programmes more accountable within the decision-making process;
 - defining an accurate schedule for screenwriting and forecast production, which each of the partners must be held to;
 - the principle of putting series into production based on the first two written episodes (as well as on synopses of the following episodes);
 - financial upgrading of screenwriting and development, within the framework of an investment proportional to film budgets (10%);
 - strengthening compensation procedures in the case of work being grounded at any stage after the delivery of the dialogued version.
4. **Applying the principal of broadcasting quotas to CSA parental guidance labelling** in order to wipe out the perverse effects of self-censorship on screenwriting.

Financing screenwriting and development more effectively

5. **Creating, within the COSIP, a "development allowance"** equivalent to 10% of the generated aid, and compulsorily aimed at developing new projects (with a 150% bonus in the case of an investment on prospective development).
6. **Maintaining preparation funding with opening up to possible advances for development expenses.**

7. **Creation of a selective funding scheme** in order to support new companies in their development programmes;
8. **Adapting investment mechanisms** for funding in series production (a gradual decrease according to the seasons).
9. **Reforming the Fonds d'Aide à l'Innovation**, in its overall aim and in its selection mechanisms alike. Attribution of funding only to the creators, working in conjunction with a producer where required.
10. **Highlighting development within the framework of the SOFICA charter and drawing up a standard development contract.**
11. **Creating a funding towards writing low-cost projects** within the framework of development agreements with DTT / cable / satellite broadcasters or in the case of web-series projects with terrestrial broadcasters.

Reinforcing initial and further training schemes for screenwriters

12. **Giving the CEEA the means for a greater educational project**, appointing as its chairman a well-known personality in the field of screenwriting and supporting the insertion of young graduates more closely.
13. **Implementing on 1st January 2012 the reform of further training for screenwriters**, by ensuring that the latter are as much involved as possible in defining their needs, the type of teaching available, as well as the certification of training organisations.

LIST OF PEOPLE INVOLVED IN THE HEARINGS

- **Guilde française des scénaristes** (French Screenwriters' Guild) – Christine Miller, co-president, Jean-André Yerlès, co-president, Marie Montarnal, Stéphane Kaminka and Olivier Gorce, members of the Board
- **Scénaristes en Séries** – Nicole Jamet, president, Marie Barraco, executive director
- **USPA** (Union syndicale de la production audiovisuelle – the Union of Audiovisual Production) – Jean-Pierre Guérin, chairman, Stéphane Le Bars, executive director, Thomas Anargyros, vice-chairman, chairman of the fiction commission, member of the union board, Jacques Peskine
- **SPI** (Syndicat des Producteurs Indépendants – Union of Independent Producers) – Bénédicte Lesage, member of the television section, head of the fiction commission, Nicolas Traube
- **SRF** (Société des Réalisateurs de Films – Society of Film Directors) – Cyril Seassau, Executive director, Pauline Durand-Vialle, Deputy executive director
- **Club des 13** – Pascale Ferran
- **Groupe 25 Images** – Sébastien Grall, chairman, François Luciani, member of the Board, Dominique Attal
- **SACD** (Société des auteurs et compositeurs dramatiques – Society of dramatic creators and composers) – Laurent Heynemann, chairman, Guillaume Prieur, head of institutional and European affairs, Michel Favart and Sophie Deschamps, vice-chairmen of the TV commission, Nicole Jamet, administrator, Jean-Louis Lorenzi, administrator, Charles Nemes, administrator, Debora Abramowicz
- **SFAAL** (Syndicat français des agents artistiques et littéraires – French Union of artistic and literary agents) – Elisabeth Tanner, chairman

- **CNC** – Eric Garandeau, chairman, Thierry Langlois, head of audiovisual, Ludovic Berthelot, assistant director of audiovisual, Alice Delalande, project manager (FAI), Laurent Vennier, head of the financing department, Valentine Cottinet, assistant to the head of the financing department
- **CSA** – Michèle Reiser, member of the Board, Maryse Brugière, head of programmes

- **CEEA** – Patrick Vanetti, director
- **Fémis** – Raoul Peck, president, Marc Nicolas, general managing director

- **France TV** – Rémy Pflimlin, chairman, Yves Rolland, secretary general, Emmanuelle Guilbart, director-general for programmes, Vincent Meslet, director of the fiction unit at France Télévisions
- **TF1** – Laurent Storch, head of programmes, Nathalie Laurent, artistic director for fiction, Céline Nallet, director of operations for French fiction
- **Canal +** - Fabrice de la Patellière, head of fiction
- **Arte** – François Sauvagnargues, head of the Fiction unit
- **M6** – Bibiane Godfroid, director-general for programmes, Philippe Bony, assistant director general for programmes in charge of fiction production
- **NRJ 12** – Gérald-Brice Viret, director-general of the television division of the NRJ Group

We also wish to thank all the professionals – screenwriters, directors, producers, agents – French, English and German who took the time to answer our questions, as well as those of the CNC and the CSA and notably Corinne Samyn, head of the “audiovisual and film production” department in the television programming committee.

Finally, we would like to express our gratitude to Muriel Guidoni, head of film, TV and new media department at the French Embassy in New-York and Nathalie Von Bernstoff, head of film, TV and new media department at the French Embassy in Berlin.

Letter

Dear Sir,

French television fiction has been confronted, for several years, with a period of deep mutation from which it is having difficulty in emerging. This situation recently led me to entrust the Club Galilée with a reflection on the crisis and the revival of French television fiction.

This study, which was submitted to me last April, has mainly emphasised the importance of the screenwriting and development phase. It has also revealed its financing problems.

It therefore seems to me essential to undertake a more in-depth expert assessment concerning this issue, and I would like to thank you immensely for having accepted this mission. As a plurality of approaches and experiences seem necessary to me in relation to such a subject, I have proposed to Madame Sylvie Pialat, producer, and Monsieur Franck Philippon, screenwriter, that they work with you on this task.

You will be able to make use of the services of the Ministry of Culture and Communication, more particularly, those of the General Direction of cultural media and industries, and those of the Centre national du cinéma et de l'Image animée (the National Centre of Film and the moving image) (CNC).

In the first place, it would be suitable to analyse already existing schemes, regulatory as well as contractual, with the CNC, with public and private broadcasters, and diverse other institutions. You will assess their respective effectiveness and suggest the adjustments or the reforms you deem necessary, particularly within the perspective of compensating the funding weaknesses before the production stage.

Secondly, you will focus on the screenwriters' training schemes, initial and further, as well as on their working conditions and their earnings. You will study, among others, the obstacles which hinder the implementation of new collective working methods and, particularly, writing workshops, following the example of the countries which are major producers of fiction programmes and which screenwriter teamwork systems.

Examples taken from abroad, in Germany, Great Britain, or the United States could prove to be very useful in your task.

To carry out this project, you will work closely with professional organisations of the sector as well as with those of the main broadcasters.

Your report should be submitted at the end of this year at the latest, in order to be presented at the international Festival of audiovisual programmes to be held in January 2011.

Yours faithfully,