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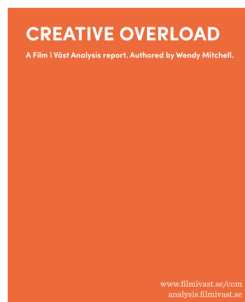
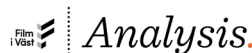
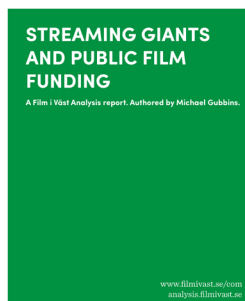
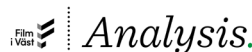
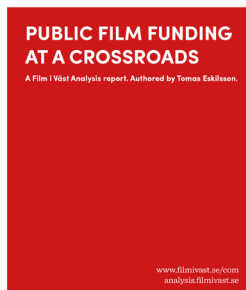
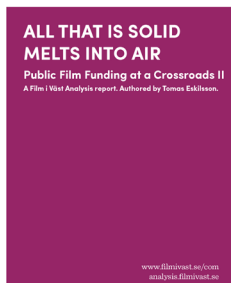
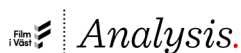
Analysis.

PUBLIC FILM FUNDING AT A CROSSROADS II

Focus group: France

Authored by Vincent Leclrecq, Philippe Reynaert

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ABOUT PUBLIC FILM FUNDING AT A CROSSROADS

All that is solid melts into air – *Public Film Funding at A Crossroads II* was launched in Venice in August 2022. Along with the first report *Public Film Funding at A Crossroads* it can be downloaded at www.analysis.filmivast.se. Here you also find the ten territorial reports, executive summaries, with strong links to the main topics. There you also find **Michael Gubbin's** report *Streaming Giants and Public Film Funding* and **Wendy Mitchell's** study *Creative Overload*.

Appendix 1	Topics for the interviews
Appendix 2	Survey to filmagencies
Appendix 3	Status of Article 13's transformation across Europe
Appendix 4	Presentation of the experts

Focus group

Eastern Europe (Assistant Professor **Petar Mitric**, Producer Joanna Szymanska)

French speaking Europe (Senior Consultant **Vincent Leclercq**, Senior Consultant Philippe Reynaert)

German speaking Europe (Senior Consultant **Manfred Schmidt**)

The Nordics (**Katarina Krave**)

UK (**Bengt Toll**, Associate Professor **Lydia Papadimitriou**)

Close-up

Flanders (Producer **Ilse Schooneknaep**)

Italy (Senior Consultant **Rickard Olsson**)

Netherlands (Senior Consultant **Doreen Boonekamp**)

Portugal (Visiting Professor **Nuno Fonseca**)

Spain (Journalist **Irene Jiménez**)

French speaking Belgium (Senior Consultant **Philippe Reynaert**)

FRANCE

France: public support for films and series at the time of the platforms

On Tuesday, February 24, 2023, nine French film and audiovisual personalities gathered at the premises of France Télévisions in Paris for a free exchange on the major issues that, in the post-covid period, lead to a rethink of development practices, production and distribution of films and series. These nine major witnesses were selected by **Vincent Leclercq** (VLQ Consulting) less on behalf of their company or employer than because of their background.

These are (in alphabetical order):

- **Manuel Alduy**, director of cinema and international series at France Télé, former director of CANAL+ cinema
- **Philip Boëffart**, film and fiction producer for Northwest
- **Emmanuelle Bouilhaguet**, directrice générale TOP (The Original Productions)
- **Isabelle Degeorges**, Director of Gaumont Television
- **Gregory Faes**, Managing Director, Auvergne Rhône-Alpes Cinema
- **Xavier Lardoux**, teacher Sciences Po and ESCP, former director of the CNC cinema
- **Bruno Nahon**, producer of films and series at Unité
- **Guillaume Prieur**, Director of Institutional and European Affairs, SACD
- **Caroline Solanillas**, series producer at En voiture Simone

To ensure complete freedom of discussion, it was decided to anonymize the transcript. The statements made thus reflect only personal opinions and cannot commit the organizations or societies in which the participants of this Think Tank work.



Vincent Leclercq, founder of VLQ Consulting, based in Paris, specialized in strategic thinking and change management. Started as director and producer of documentaries. CEO of Pictanovo, the Northern France Film Agency, during 10 years then joined the Centre National du Cinéma (CNC) as director of audiovisual and then director of transformation.

Senior Consultant **Philippe Reynaert** in collaboration with Xanadu. Teacher in the 70's, film critic in the 80's, adman in the 90's and head of an audiovisual fund (Wallima-

ge) during the first 20 years of the 21st century, Philippe Reynaert was also the founder and chairman of Cine-Regio, the European Network of Regional Film Funds and the cinematographic face of the Belgian public TV (RTBF) for 30 years. Today he acts as audiovisual adviser in the frame of Xanadu, his own consulting company.

Synthesis

The environment is still very unstable: platforms regularly change practices, news appears, unlikely deals are made (HBO at Amazon in France). Clearly, they have not fully integrated the French rules that are fundamentally...not consistent with their practices.

In the past, the film/audiovisual dichotomy made sense: cinema, which was less dependent on the market and benefited from more diversified financing, was produced more independently. In the era of platforms, cinema tends to approach the functioning of audiovisual.

The definition of "independent producer" is variable: French legislation considers that it is characterized by the holding of rights, which must allow it to have editorial independence in relation to the market and broadcasters. Others also see independence vis-à-vis broadcasters or large groups which have become stronger recently: neither the CNC nor the regional funds take these last criteria into account.

It is not the producer but **the platform that decides whether a project is produced in a dependent way** (without rights) or independently (with rights). She also decides whether a film will be released or become a TV film. Originals and high-potential films go into the dependent quota. The final decision is made more often in London, even in California, than in Paris.

Platforms, and Netflix in particular, are not going to **meet their independent quotas in 2022. This is explained in particular by the lower funding of the CNC of the platform-independent series (corrected at the end of 2022) and a very attractive international tax credit for dependent series.**

Platforms seem to leave **producers more editorial freedom** than historical broadcasters. This is THE essential point for them.

The **remuneration offered to confirmed executive producers** does not seem to be very far from what a producer could earn in long-haul delegated production. Young novice producers enjoy much worse conditions.

Is there a **market after a platform release?** The question, a little taboo, must be asked and documented. If the platform orders a season 2, it is planned to buy back the season 1 rights for 3 years. So on. At what cost? Not high obviously.

There is an overall **problem of market transparency**: we have never used so many data but they have never been so opaque. Platforms do not publish information on the performance of all their programs. Only authors have access. European legislation should absolutely fill this big hole in the snowshoe. In France, we will have to wait until 2025 to have reliable audience measures of platforms by survey institutions.

The writing of films and series is improving but funding remains insufficient and too late, which forces authors to disperse over several projects. Greater public support for producers seems unavoidable, with the counterpart of a refund in the event of production.

One might think that the platforms would realize part of their independent quotas of series **in co-production with the historical broadcasters as the first broadcaster, as was the case with TF1 and Arte, but it does not seem to develop for reasons of editorial control.**

For cinema, **the current media chronology** hardly encourages co-productions between broadcasters and rather harms diversity, films being designed for a particular broadcaster (Netflix, CANAL+, TF1, France 2 or Arte).

International co-productions keep their place for ambitious projects led by experienced producers. Platforms may be interested in meeting their independent quotas.

However, this implies that other European countries, such as France, impose independent production quotas on platforms. These quotas will be the basis for future intra-European **co-productions.**

Finally, and this is very interesting, what emerges quite unanimously is that all the participants are asking for **European solidarity and fear that France will remain isolated in the face of American multinationals.**

Chapter 1

Can you still be an independent producer?

Findings

The French cultural exception puts the producer at the centre of the game.

The regulations guarantee it important rights vis-à-vis broadcasters. Its independence is supposed to guarantee its creativity.

What about today?

Do platforms only deal with executive producers?

And in a world of abundance, is there still a life after the first diffusion?

The debate

- The first question is, what is the definition of an independent producer? In our jargon, he is a producer who is not attached to a broadcaster and who has editorial independence. But more and more, I feel

that what defines an independent producer is whether he retains his rights and therefore has the ability to finance his productions through distribution and through the exploitation of his productions.

- Historically, this definition was conceived in terms of regulations and was essentially related to the fact that the producer is not linked to a broadcaster. But at the end of the day, even though it wasn't originally planned that way, the NCC funded everybody.... Today, the test is indeed the detention of rights. It should be noted that this concern is more prevalent in France than in neighbouring countries, since we re-regulated very quickly and today, in our dealings with platforms, we still retain our rights in two-thirds of cases. After that, what those rights are still worth is another issue—

- The next question, perhaps even more important, is: do we have independence of work?

Do we work in the same way with platforms

than with the historical broadcasters? To me, the answer is no.

- In France, the cinema is financed by enough ticket offices so that in the middle of all this, the producer and the author retain a relative independence. I am not talking about the exploitation rights behind, but about the genesis of the work.

On the other hand, most series only have one broadcaster and I think that in France there are not necessarily many traditional broadcasters. The producer is therefore often alone in front of an interlocutor who will necessarily influence the content of the production.

With platforms, cinema and audiovisual come together; Because it is usually a single platform that will mainly pay for both the film and the series!

Finally, there is a third case which is still relatively rare and at this stage only concerns a few international series where it is a bit like for feature films, it is the plurality of international broadcasters which can-to give some independence to the producer and its authors.

- Independence today lies in the artistic conduct of projects. When there are several, broadcasters do not feel they own the artistic conduct of feature films. While on the “mono-client” series, if I may say so, the broadcaster is much more directive and has more impact in twisting the project, not doing it, making it lengthen, shorten it, etc. So, is the issue of rights still a major topic? I don't want to diminish that, but is it still a priority?

- Paradoxically, we have legislation that officially protects us on this issue, and at the same time, the fight for rights has never been so

fierce. And finally, those who do, it is the integrated groups that receive stronger protection that allows them to retain rights. But it's a real fight!

When you work with a platform, you only manage to keep the rights at the cost of a battle from which you can come out completely exhausted. So I think the issue of rights remains a topic.

- I'd like to go back to the definition of independent producer, because it's referred to as a single figure. But in fact, we see that there are different economic realities in terms of independent production: we have the small structure, with one or two employees, on one side and on the other side we can have a kind of multinational production. And this is important because, today, the «independent producer», whatever his size, finally, enjoys the same protections!

When the rules of the game were put in place, it was considered that the balance of power was necessarily in the interests of the independent producer, against a television channel or an audiovisual group. In establishing the regulations, we thought that we should protect it without ever asking ourselves whether the independent producer is necessarily always in a power relationship that is very unfavourable to him.

Today, a large audiovisual production group can sometimes be much more powerful than the television channel with which it is discussing. And it is true that it is surprising that we still do not ask ourselves that question.

If you look at what's happening with television channels, their obligations fluctuate based on their turnover. The higher their turnover, the more obligations they will have, which is completely legitimate. But for production, we didn't.

*The question may be asked:
if there would not be legitimacy to
have different systems and regulations
depending on the size of the group or independent producer.*

- That's exactly what you're saying! For me, there is of course the issue of rights and so on, but the real issue is more about how to resist. Because many of my colleagues have not resisted the buy-back and integration into an audiovisual group. And today, how can we remain a true independent producer? When we make films and series, for French channels, but also more and more for platforms, we have no choice, we are in permanent adaptation, with experiments every time,

discoveries on processes. But there is no other choice.

We have to be very specific when we talk about independence. There is sometimes a lot of hypocrisy in the words that are used.

Twenty years ago there was a lawsuit against YouTube because they called themselves “hosts” of content. These are words that are implanted in people’s minds and then in the law and are in fact void of reality.

*To me, independent producers,
they are people who hold part of the capital of their corporation
at a threshold from which one can give oneself the feeling of being in-
dependent, that is to say free, free of its economic path and its editorial
choices.*

- And it has to be said, it’s not the same when you’re in a group, because when you’re a producer in a group, you know you’re never just one of the components of turnover and result, so your raison d’être is very different.... For me, public support today, quite frankly, should be focused on real independent producers.

Because they are much more fragile compared to producers integrated in groups, because in banking terms, because in terms of financing, etc., etc... they do not have the same power. And yet creativity comes from small or medium-sized production structures. That is why what you have just said is fundamental. But on that point, we have the impression that he has no thoughts at the CNC. None.

- In a neutral way, I can bring not a contradiction to what you are saying, but a small nuance, because I think it is both true and more complex than that. Take Mediawan, for example, where there are many producers who are totally independent.

*What they came for in the group,
it is support in the management of their catalogue or their investments
in the spirit of a cooperative
which precisely allows, while remaining independent,
to have collective means of negotiating with platforms.*

- I absolutely agree with what has just been said and I can speak from my own experience! We had a structure that was very independent and we had a problem with the back office, that is to say that, as neither lawyers nor financiers, we had to outsource all that, but it is a solution that has a cost, which can become prohibitive at some point. Not to mention the fact that you can also take the risk talking to people who are incompetent. In short, at one point, we got close to a group that

provides us with a legal service worthy of the name, that knows the profession, that has proven itself, and the same goes for the financial service. As a result, your activity finally returns to production. Anyway, let's say that we got closer to a structure that we found relatively average. It's not a mastodon either. These are people with whom we have affinities, including on the editorial. We got close to them because with my partner, we spent so much time on administrative tasks that all of a sudden we even had more fun doing our job.

Today, we feel that we continue to be independent: the editorial line is always ours and we manage our company as we want. Of course, if tomorrow we bring in an associate producer to whom we give shares and a big salary, we will get closer to the group to discuss it together. But on the daily practice of the profession, the editorial choices and the economic choices that we make, we invest as much money as we want in development without anyone interfering, and if we fail nobody comes to tell us how we should have done...

- I understand both points of view, but it is essential to identify who these groups belong to and what level of state aid intensity they should receive compared to more independent producers. On this, obviously, the major groups will say that we must all be put on an equal footing, that one € invested is one € invested and that it must be the same for everyone... But frankly, when you say "independent producer", you see pretty much everything.

*Denying what an independent producer is in France,
not reserving for him a diet that helps him more than the groups,
whether French or international,
That's where the real problem lies.*

- In trying to delve deeper into the definition of independent producer, I find that we have strayed a bit into a debate within the debate. It seems to me that the real distinction to be made is between "independent producer" and "executive producer". And here, without defending at all costs the public policy that is certainly perfectible, I think that the transposition in France of the European Directive on Audiovisual Media Services, has nevertheless placed at the heart of the obligations that have been imposed on platforms, the criterion of independence whether in audiovisual or cinema. It's not quite the same levels of constraints, but still, it's very important, at least for France. I tried to check on the website of the Strasbourg Observatory where there is an update table of the transposition in each country. And I would find it interesting, in any case for countries that have not yet fully transpo-

sed, to suggest to them the idea of including in their legislation these criteria of independence. That is the only way to regulate the issue of executive or independent production.

- I saw Netflix last week, and I asked them: so how is this transposition of the directive going? And they tell me, which is strange, that they finally have no trouble meeting the criterion of the French Work, which had been the main battle horse of all those who participated in the negotiations, no, what they have a problem with is independence! Why? In fact, they have been used to working with executive producers. We can see that in most European countries, they work with executive producers and that they actually turn local producers into executives.

There is reason to raise the debate at the European level since we have already started the evaluation exercise of the SMA directive to see how it can be modernized.

*One of the most important aspects
which can also have an impact on our own rules in France,
it is the definition of the European work
and how, in this definition of the European work,
we will be able to include criteria such as, finally,
it is an independent work.*

- There is a lot of work going on here today that is going to be major because we see that in France, and this is often the case compared to the rest of Europe, we are on the best of terms, with rules that are stronger than elsewhere. It is clear that if there is no development of the directive on this aspect, France is and will remain an island. And we see that the risk of being an island is that at some point we will find ourselves completely besieged, with great difficulty of reaction. So at some point in the evolution of these European rules, I think that

*It is in our interest to consolidate the major pillars
on which the French public system is based, namely:
support for the creation,
support for independent production
and the defence of copyright and intellectual property.*

- Beyond the French-French debates that we can have on the evolution of our model, the question of having a European base that is more solid than it is today is crucial.

- It is also important to point out, to come back to the French concerns, that the obligations that were put in place for the platforms will and already have an impact on another tool that is fundamental to us for producers, which is the tax credit. Today, as you know, we have three tax credits: film, audiovisual and international. The use of the international tax credit was precisely the Trojan horse through executive producers for the platforms. And so what we see here, with the rise in power of this criterion of independence that was imposed by the Directive, is that there is a set of communicating vessels that begin to operate between the two national and international tax credits. The international tax credit is starting to fall in favour of the other two, since the other two are carried by independent producers.

- As a result, there is currently a real tendency on the part of producers, particularly platform film producers, to want to roll out this national tax credit. This is a risk that could lead to two consequences: on the one hand, all these big films platforms would come to get not 1 million, but up to \$4 million or \$5 million and would blow up the cost of this national tax credit for the state and on the other hand would also siphon away the independent production quotas. And now we know just how much Netflix is currently doing everything it can to lobby for this branch of the tax credit. Now, after that, I don't know whether to do it or not... My first reaction is no, but the problem is complex because Netflix could then propose to the producers to create subsidiaries in Belgium (for example), and that these subsidiaries, owners of the rights, come to produce in France through the French producer who then becomes executive producer. Therefore, he has access to rights through his small subsidiary in Belgium, but also to the international tax credit.

- This is precisely what we have just mentioned, adjustments to be made in the regulations to avoid this circumvention of the very spirit of the transposition of the Directive...

- That said, I don't know how, from a legislative point of view, we can prevent a Belgian, Swiss or Luxembourg producer from coming to France and having access to our aid while checking the independence criterion

- It's a big hole in the racket, but it doesn't challenge the racket (laugh!).

- I dream that the model of the plurality of funding that we have in

cinema historically in France, can be extended to audiovisual. Can you imagine? That Canal+, Netflix and I don't know who, co-finance together! Having a region like Auvergne-Rhône-Alpes co-finance a production with a platform and why not with France Télévision! This goes completely to the issue of independent production because, as we have already said, the independent producer is much stronger if there is a guarantee of diversity in funding.

*What matters, beyond the issue of rights,
that we can continue to develop our creativity
to avoid formatting our productions.*

If on the other side they say, Yeah, okay, I give you all the rights, but this I don't want and this I need. Go on, there have to be cars that break in all directions and then guys with big guns», well, how do we do?

- But this is a topic about the lack of transparency of consumption on platforms! This is a bit of the worst of the two worlds we had before, that is to say that they have a technique of analysis of consumption data much better than any TV channel has ever had. So they are very driven by a logic of demand and not of supply. The supply comes from producers and authors, but they have in mind the demand that emerges from their analysis of the data. But you don't have access to that data! A second handicap is that platforms have a "natural" diversity thanks to the rest of the world. They do not need to have a French diversity, they offer Korean, Brazilian series. We have all seen series and even films that we would never have seen 10 years ago. The platforms, what they need in France, is the most watched program, and they, and they alone, can tell you what is most seen since they keep data that they do not share with the rest of the market. This distortion of knowledge, for me, is another hole in the snowshoe because the regulations do not impose transparency of consumption data on broadcasters.

- This is about to change! Normally this should be imposed in 2025...

- A producer who comes to sell a series to a TV broadcaster, he has Médiamétrie but let's say that he still knows basically what works or not... He can tell me I have a project that looks a bit like this or that. And since he also has the box office for admissions, he can compare his project to films and series that are not his own. With the new entrants, we lost all that and it will take another two or three years before we find complete information. So we, collectively, as players in the sector in France, are at a disadvantage compared to platforms in terms of

information. And as in more they do not naturally need the diversity that the French fabric presents since they have the rest of the world to enrich their catalog.

You have to give a minimum amount of information to the market so that the market can still know where it is going.

- There are a number of people around the table who are developing projects that we want to do, before asking who we can propose it to. A project is first and foremost a favourite, it is first the desire to work with an author, on a universe, the desire to tell a story.

And once we have a development that we like, we say, well, here we go, we will seek to finance it. So sometimes we can't sell it because we're not totally in the market. But the first step for us as a producer is that we want to tell stories and not try to fit into a format. I never say to myself, Oh, I'm going to try to develop a project to fit in with France Télévision, TF1 or Netflix. No, first you want to tell a story and then you tell yourself which is the best editorial partner to make it exist». It happens that we work with all platforms so obviously it's easier to pick up your phone when you already know the people...

- What plays in this case is precisely the strength that a band can give, especially if its name has become a real brand! This is important for Anglo-Saxon platforms and reassures them of a "brand" that has proven its worth. Whereas, compared to independent producers, there is always some hesitation. We don't know them, are they competent? Will they guarantee the right ending? And then there is the question of language! We worked for Amazon when Amazon was not really in business. But we had to partner with American producers in Los Angeles, who were smaller than us, who had done even less than us, but who spoke the language perfectly. And that was still something.

At the time, I hired people for the sole reason that they spoke English perfectly (and then turned out to be losers), but let's face it, we have a problem in France with that: quite a few of us speak English really well. And I'm not just talking about producers, I'm talking about production managers, technicians... All this to say that American platforms like to be reassured.

Behind that, there is this Anglo-Saxon culture that will never adapt to our European ways...

- I have the impression that every six months there is a revolution,

we are in a world that is constantly changing, our interlocutors are constantly changing. It's pretty complicated to follow. And finally, you're right, in most cases, decisions are made in London...

- To exist in the world of cinema or series today is to manage not to submit completely to the game of supply and demand. Still manage to generate offers that do not necessarily meet a demand! There are regularly films that should not have been made or that were made with two bullets under the radar and that not only reap a critical success, but even sometimes a success in terms of admissions!

The film is there and suddenly, we see that it meets expectations that had not necessarily been identified...

- Nature or the audiovisual industry abhors a vacuum, and what Netflix did when they arrived was to fill an editorial vacuum and fill a program offering for audiences who did not recognize themselves in the proposals of traditional broadcasters. We talk a lot about diversity: they have from the outset offered shows with different themes, with a different representation on the screen, not only in terms of diversity, but also gender, etc... As a result, they attracted many producers who took advantage of these opportunities. They used to work mainly for OCS where they did small, poorly funded but gender-oriented series. And thanks to the arrival of the platforms, they had a call for air in the form of a dependent production, executive limit certainly, but they were able to develop their innovative editorial line while being remunerated. Afterwards, it is the question of the quality of the remuneration. And then we fall back into the balance of power...

That's why an initiative like "The Creatives" that brings together a whole series of European independent producers is interesting because it shares information that makes it possible to weigh more heavily in the negotiations. It is a cooperative exchange of information that helps in the negotiations with regard to the platforms.

That's how independence is built today!

It exists in the world of restaurants that are independent of each other, but group together to place orders in a way that weighs more heavily and in quality and quantity. It is this world that is coming, where even the idea of property is being broken. We see it with the Vélib, the shared cars, etc...

In our sector as well, we are experiencing a radical change in economic paradigm from the old model where everything has always been based on the holding of rights. Today, we can wonder if the right way to guarantee the independence of producers is not to support their cash flow

more than to help them build a catalogue of rights...

- Today, all European countries are saying to themselves how to protect our fabric of producers against these mastodons who are multinationals and who change their strategy every six months?
- This allows us to bounce back on the second preliminary question: in a world of abundance, is there still a life after the first broadcast? We have to take a step back from what our rights are really worth. Now we're doing a series for Netflix in the "independent producer" model. It's going very well, the production is well funded and we keep our rights. But in reality, what do we have? We have rights that we can possibly promote three years after the first broadcast on the platform, but knowing that our series will still be visible on Netflix. And we're going to have to wait another three years to make sure it's not visible around the world. It remains to be hoped that it will have been a great success so that six years later, this series still has some market value...

Now the platform is already ordering Season 2 and of course they are buying back the rights of Season 1 for 6 more years. So all of this obviously fits into my funding, but I have rights that I doubt I would ever exploit.

- There are, of course, very rare exceptions like "The Bureau of Legends" produced in 2013 and which went through a huge first sales cycle in 2020, seven years later, and is about to be sold to a platform in 2023. But we have very, very few examples of that. Unlike the cinema, which has a real massive, proven, historical long tail, the TV, it has never had a very very long tail... There are always counter-examples like «Friends» «How I met your Mother»... But most of the time, series quickly become unmarketable.

We are all for creative independence but we can see that this independence will depend in the future more on our turnover and therefore on the strength of our structures than on our catalogue of rights...

Chapter 2

How to improve the writing of films and series?

Findings

The writing of films and series is not (overall and historically) particularly well funded and often late.

The creativity of French films and series is not exceptional.

What about today?

Are platforms taking more creative risks than historical broadcasters that are moving?

What are the barriers to creativity? What needs to be developed among authors, producers and broadcasters?

The debate

• That's a candid question, but do we all agree on the second finding? Are our productions really worse, less exceptional than the international average? I wouldn't say it so square!

*Let's be honest, there must be 30 important films in France every year out of the 300 that are produced.
But isn't that a normal 10% ratio?*

• We often talk about countries that we do not know well and that give the impression of having a higher quality but this quality, we evaluate it on the basis of the films and series they manage to export and we do not see all the failed productions that remain at home!

• It's hard to say because, in the end, it's only a matter of taste, but a factual element is the difficulty of resuming in the room for the moment, which can result in a lack of curiosity among the public for the many proposals that French cinema brings. On the other hand, French series are selling better and better internationally.

• In any case, I think we all agree that we should put a lot of money into development, be able to take more risks—including the risk of failure—and be able to have authors who do not work on twelve projects at the same time.

• Obviously but

*if we do not have good practices today,
it is because we do not have the means to have these good practices*

starting with the workshop work, the results of which are shown in the series. But all this is expensive. There is a need to professionalize screenwriters that is not quite optimal at this time.

• We could take inspiration from the charter of France Télé which gi-

ves a bonus if the scenario is realized in a shorter time. I'm not saying it's enough, but it's part of those incentives to put more money in so that the writers don't disperse and we stay in the energy.

- That's true, but if we really want to progress, we have to be able to put on writing workshops with a show runner and five or six authors, and all this induces a significant additional cost that we are very, very far today to assume in comparison with what platforms do. So we lose our authors. They tell us, "Okay, I can work a little for you, but I'm not sure I'm going to finish, I'm going to work on the arches and then I'm going to leave you because I promised Machin I'd go to his writing studio."

- At some point, to have authors who work, you have to give time to writing, it's long, very long. And in order for screenwriters to be available, they have to be paid so that they don't go on all the shows that at a given moment, they are offered.

Moreover, I have the impression that a kind of elite is being created, that is to say that there are some writers who are almost inaccessible because they are always the same that we call...

- There is a study by the CNC and the SACD that took years to do because it was so complicated. It was basically a question of how long producers spent on average on developments, what the waste rate was, who went into production or not, what was the percentage of the script or serial writing in relation to the budget of the work?

In short, even if we were expecting it, this study had all freaked us out because we were still very, very low.

In France,

*3% of the overall budget was spent on screenplays
and 4% for series.*

- That means writers who are paid with a slingshot and very late! In cinema, they are even paid at the time of production, that is to say on the first day of shooting!

- There's no reason to think that French people suck at writing movies or series. We're no worse than others. On the other hand, we must be able to improve the processes.

*In the United States, 10% of the film's budget is allocated to the screenplay because the writers guild is ultra structured in Hollywood
And when she goes on strike, everything stops.*

- At one point, the CNC mentioned that if there was not a minimum percentage dedicated to writing, there was no access to CNC aids! It was the atomic weapon that made the producers scream...

What has been put in place are not coercive means but rather incentives so that production companies, whether in series or cinema, spend more time on development and especially have more means. For example, we have development assistance in film at the CNC, which I find very virtuous because it is only reimbursed by the producer when the film is put into production. In other words, the CNC takes on the risk of development if it doesn't succeed, which of course can happen.

- Moreover, and even if things improve, we do not have enough places in France today for writing training...

- That may be true, but I'll tell you:

Working in a writing workshop is a great training!

- Of course, you have to have enough money so that, among the writers of the workshop, there are very young people, beginners. The series are a real training space.

- With the government's new provisions, new schools will be set up, but frankly, compared to the Israelis or the Scandinavians, we are nowhere. There are 17 schools in Israel, 17 schools! And it is a small country with a limited volume of productions (but the Americans do not stop taking the adaptation rights of their series whether it is «Homeland» or «In Analysis»...)

- I may be shocked because it is true that we need new talent, but there are a lot of writers who are left on the roadside. We have already said: when there is an author who makes a fiction that works well, everyone wants to work with him. We focus on a small number of talents by putting a number of others that are not necessarily all zero. The CNC says there are 500 writers in France. But no, these are only the members of a union! There are well over 500 screenwriters in France, so I agree that training is important, but

*I would like us not to talk only about initial training
for lifelong continuing training,
it makes a lot of sense too
given the way in which demand and formats continue to evolve.*

- What also plays in the fact that we always work with the same, this

good old dichotomy of author films vs commercial films typical of France! Of course, this also exists abroad, but in a much less intense, less harsh way. In the United States, they're gonna take a young director or a young director who made an indie movie and, bim, put him or her in charge of a Marvel. (This is what happened with Sam Raimi in the past or just recently with Chloé Zhao, the girl who had done «Nomadland» and who followed up with «The Eternal»!!!!)

- In France, if you call this kind of indie reality that makes a name for itself in auteur cinema and you try to offer them a big commercial production, they run away!
- We don't have enough directors for the series. So we approached a whole list of super talented girls who make really interesting films but they don't want to work in TV!
Already in the world of cinema they feel very minority, so they think that in the world of television, it will be even worse...
- You may be right, but beyond the mix of genres between cinema and audiovisual, we still see that there is more and more intersection between the two. There are authors, actors, producers who do audiovisual AND cinema, but, on the other hand, we remain on public support devices that are quite firmly separated! As soon as there are some ideas to try to create a little more fluidity, it still creates significant resistance that we can understand in part, because the economies of cinema and fiction, it's still two completely different worlds in terms of production.

But it is clear that

*There is still a reluctance behind all this
that are much deeper and downright cultural
on the value that can be given to a film or series.*

- Getting back to the crux of the matter, I think the issue of financing development should not be tied solely to public support.
And that's where we come back to the issue of holding rights that allowed us in time to partially fund development....
- After a number of devices that already exist but are quite complex, we were asked

*the MEDIA Programme, it was a real way of the cross!
Simplification of development aid systems
would already be a great step forward!*

Chapter 3

What turns for public television to remain a powerful actor?

Findings

Across Europe, public television is an essential partner in independent production, but its audience is aging, its market share is being eroded by platforms and its existence is being challenged by the populist wave.

What about today?

How can we get out of the big gap between an aging audience to keep and a young audience to conquer? Can public support contribute to this?

The debate

- In this chapter, we target public TV stations because, on the obligations and on a certain quality of productions, it is still often them that we find in the first place. But everywhere in Europe, public television, which are important partners in independent production, have ageing audiences and market shares eaten up by other forms of leisure. Moreover, their existence is sometimes contested by populist mobilities. It may not be as strong in France, but you have very clear examples in Europe. This can be extremely violent and go as far as a complete takeover by the power. But that is not what we are debating today.

I suggest that you start by looking at the number one issue of public television: this big gap between the aging audience they want to keep and the younger audience they need to win. Basically, it's the problematic choice between "Captain Marleau" and "Slash". Will this big gap, it will be possible to support it for a long time. More importantly, can governments do something about that or not?

- You also mention in your introduction the Nordic TV, what did they do?

- They switched quite radically to a platform, finally, on a VOD offer and they have rejuvenated their programs quite strongly by also relying heavily on social networks.

- This is an example that is a bit difficult to extrapolate. In Europe you still have the five big countries and the others.

The Nordic countries are five smaller countries that had SVOD first in 2010 and are the first European market for English-language fiction that everyone there watches in subtitled version.

In addition, I disagree with another of the findings, which is that France Télé's market share is not eaten by Netflix any more than TF1's market share.

*Private commercial channels are suffering today
much more than the public service
because they are in total public overlap
with Netflix and company.*

When you have «Lupin» on Netflix, it hurts a lot more for TF1 and M6 than for France Télé. The public service, it would rather be nibbled by "Mongeville" on C8...(laughter)

- The number of people watching TV every night for five years is constant, right?
- No, it went up during COVID to the 22 million and then it went down again, it must be around 17, 18 million. So we lost compared to the pre-Covid. It must be said that television consumption, all channels combined, is declining. Then you have to look at the age groups. Today, under 25, it must be about 45 minutes a day in front of linear TV. While a over 50 years old, it is around 80 minutes. But the shift to consumer demand is not yet well measured.

You don't have Netflix in the audience barometers, but for all we know

*Last year, the platforms did not make much progress.
They have remained stable.
These are other forms of entertainment
who took the brain time of adults.*

- This discourse about the so-called nibbling of the public service by platforms, is the one that motivated the fact of saying we delete France 4 because young people no longer watch television and therefore it is no longer worth having a youth channel.

And here we see that the President of the BBC, whose great statements are well known, according to which by 2030 we will no longer have a linear antenna, we will have completely gone digital, the same

President therefore, In January 2022, it still put everything it had previously transferred to digital on DTT, which turned out to be a disaster.

*Certainly, we are in the middle of a mutation,
but to say that the usages have completely shifted to digital,
It doesn't fit today's reality.
We are rather in a multiplication of uses,
complementarity between linear and non-linear.*

So on the issue of audiences, I don't think we should try to avoid this big gap you were talking about because there are several audiences and it is the public service's vocation to talk to everyone. If the public service is no longer able to have an offer for all audiences, then, indeed, we are entitled to wonder about its vocation and even its necessity! If we let politicians think that there is a part of the population that is no longer interested in Public TV, there is a danger of losing its legitimacy.

- Listen, I don't want to repeat what I already said, but even if we are judging the legitimacy of the public service in relation to a certain segment of the public, we must be able to have total transparency on the hearings of everyone including the platforms!

The most bitter thing in history is that traditional TV broadcasters have a heavy responsibility for this lack of data. Because for a long time, no TV broadcaster wanted to highlight the weight of VOD. It worked out for everyone. Until COVID.

The broadcasters used to just say, we're the TV. Now when you think that you have about 18 or 19 million French households that have access to at least one SVOD offer, it becomes essential that all this be measured in the same barometer.

- There are things that can be settled by public aid and things that must be settled at the level of the European Union. I want to talk about a change that may seem trivial but is not at all: it is the evolution of the remote control. The TV manufacturers will insert a Netflix button because Netflix will have paid for that button, or Amazon, or Disney, etc...

But there will be no France Télévision or TF1 buttons. Is there not a step to be taken at European level so that, at the very least, the buttons on public television are imposed on manufacturers? Because beyond everything we just said,

Public television is an indispensable tool for democracy.

Chapter 4

Does the search for international co-productions still make sense in the age of world rights?

Findings

Far from being easy to assemble, international co-productions have long been encouraged by public support. A way to finance ambitious projects but also to confront other ways of creating or producing

What about today?

Does the desire of global platforms to have exclusive rights still leave room for international co-productions where everyone exploits the work on their territory?

The debate

- Of course, we remain very attached to international co-productions, but it must be said that our European co-production partners have little or no regulation of their relations with platforms.

I have German partners who don't even really know what independent production is. They have never held their rights and today they are just disturbed by the fact that their rights are no longer held by European groups but by California groups! That is why the concept of a European work must be addressed quickly.

- There are some very interesting alloys today. We developed a series in English with Arte and we brought HBO and Disney aboard! They consider it almost an American series, except that it was initiated in France, that it was written by two Quebecers and will be toured by a third Quebecer between Montreal and Budapest. We took some time with Federation, our partner, but we managed to get an alignment of all these parts. Arte is co-producer, Federation too but very weakly because they have rather positioned themselves as seller. And we picked up a Hungarian co-producer because we solicited MEDIA...

However, we are not supported by the TNC and we have not been able to mobilize our support fund. Because it's in English... And since it's supposed to be in New York, we obviously don't have 25% of expenses in France. But too bad!

*It's a fascinating mosaic of funding
that gives us total artistic control.*

This is all prechat!

So no one is coming to us to give us problems.

There are many small requests for validation of casting, etc..

But everything is negotiated!

I have all the rights and I remain the only producer delegate!

- Well done, even if your speech asks a question about the French helpers, a question that is, in fact, a real cobblestone!

The whole system, which aims to relocate the activity in France and produce more in French, suddenly appears as a brake or even a limitation to international co-productions!

- I am facing a similar problem! I manage a Franco-Swiss co-production with RTS and Apple. Apple brings 70% of the financing, the RTS 30. The story is located in Switzerland, but the shooting is mostly in France so that I can have access to the tax credit. And that's where the system, I find, doesn't fit. Apple France, which has been notified, is our French broadcaster, we check all the criteria for independent production. I have my support fund, but for the national tax credit, I am asked to reach 70% of French spending. And frankly, we have to do acrobatics because the authors and directors are Swiss. But if I cap at 65% for example, I lose everything! There is a rigidity that does not encourage companies like Apple to support co-productions that are therefore at risk.

- I understand what you're saying, but if there were more flexibility, as you call it, and if we fell to 50% or 55%, we would have a shield from Bercy and parliamentarians who, every year, put the very existence of the tax credit back on the table. So, I always advise producers not to play with fire too much.

That said, I see that we are pretty much all in agreement around the table that the answer to the initial question is yes: we are always ready to seek to set up international co-productions even if it is not always easy.

But I would still add a double condition.

First, it is to get a review or at least a fairly regular grooming of our co-production agreements, in Europe and beyond. I recall that France must have 57 in total with 57 different countries. It's a force, but it's a sustaining force.

- Excuse me, but this is all about cinema!

There are only two agreements signed in audiovisual.

- Yes, sorry. Yes, we need to broaden the spectrum and integrate audiovisual into all existing co-production treaties.

*But these agreements must not be about show diplomacy,
where we have two foreign ministers who are quite happy to sign so-
methings... They really have to be given a binding dimension
in terms of artistic independence.*

If we are the world champions of co-production, especially in auteur cinema (but not only), it is because we have these co-production agreements but we need agreements that are more powerful, I am thinking of the agreements with Germany and Italy, which are extremely consistent with other countries. That is the first point.

And the other point is the awareness of our neighbours that we were already talking about at the very beginning of the discussion. Many European countries have not fully transposed the SMA directive or at least not as closely as we have. We worked well with Germany since Germany and France were at the top of the list for the discussion on this directive and its transposition.

So, even if it sounds a bit pretentious, I think we should encourage all other European countries to rely on what France has done and what Germany is doing. Because

*The more the states will fight
on the transposition and updating of the SMA Directive,
the stronger the independent producers
in each country of the European Union.*

This determination will be decisive for the future of co-production. And for the future of broadcasting because it will help us all to export better.