

Screen Composers Guild of Ireland – Pre-budget Submission 2023 Prepared by Sarah Glennane, July 2022.

Key Asks:

1. **Funding to be maintained and increased for the screen and creative industries** in 2023 budget and introduction of AVMS levy.
2. **Development and adoption of a Code of Fair Practice** for engaging and working with creators.
Ensure principles of the EU copyright directive legislation are brought into market practice and fairness is enshrined in the creative industries.
3. Support for **sustainable careers and lives for creators**.
Support and recognition of creatives enterprises and their social, cultural and economic value to Ireland.
4. **Targeted supports to increase the level of opportunities** from publicly funded or co-funded productions for Irish based composers for screen, with a focus on increasing gender representation and diversity.

Asks carried forward from 2022 Pre budget submission:

5. **Inclusion of Music in the Cultural Test for Section 481** and Funding of Music for Screen.
6. **Enhancement of existing Artists' tax exemption.**

Screen Composers Guild of Ireland wishes to applaud the work of Minister Catherine Martin and the Department of Culture through and post Covid. The past two years have brought much optimism to the arts in Ireland with the development of, and follow through on, the Arts and Cultural Task force report: *A Life Worth Living*. We saw an increase in arts funding, the development of the Basic Income for Artists pilot scheme and the recognition of the need to look for better working conditions for artists. We also applaud the implementation of the European Copyright Directive into Irish law, though much remains to be done to bring these rights into practical application.

We urge the Departments of Tourism, Culture, Arts, Gaeltacht, Sport and Media, of Finance and of Business and Enterprise to maintain and grow on this work to allow for the full realisation of the potential of this sector.

SCGI requests the following be taken into consideration in Budget 2023:

1. Funding for Arts and Creative Screen Industry:

Key Stakeholders: Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

Maintain 2022 funding levels for Screen and Arts Sectors through the continued funding of Screen Ireland and the Arts Council in addition to direct supports for artists and creative enterprises. Increase funding for national broadcasters RTÉ and TG4 with focus on routes for developing creative talent and adoption of code of fair-trading practice with creators.

Ireland enjoys a strong and unique creative and cultural identity which allows us to bring our small nation to international attention. This needs to be funded adequately and recognised not just for its cultural output but for its social and economic benefits to the wider Irish society. With growing cost of living and threats of recession the arts may be seen as a low hanging fruit for cuts, we urge the Government to consider the current levels as a base that should not be gone below but rather to continue to grow investment in this crucial area.

SCGI asks that all sources of potential funding for the Irish creative screen sector are fully explored including the potential to bring benefit to the sector through the introduction of a digital media services levy as allowed for in the European AVMS directive and as recommended in the Joint Committee on Tourism, Culture, Arts, Sport and Media report on the Pre-legislative Scrutiny of the General Scheme of the Online Safety and Media Regulation Bill. The opportunity of this potential levy should be treated with urgency with the view of using collected monies as a fund for Irish IP created and owned productions using Irish based creative talent. We see this as a key investment initiative which could draw value for Irish audiences and our creative screen sector from the profits earned by digital media platforms and subscription services from their viewers in the Irish market. This value should be reinvested to create more world class content telling Irish stories and featuring the work of Irish creators allowing us to build on the phenomenal success of productions such as Normal People, An Cailín Ciúin, Wolkwalkers, The Dry and Smother.

2. Development of a Code of Fair Practice for working with and the commissioning of creators.

Further action required to support new Copyright Directive Legislation.

Key Stakeholders: Department of Business and Enterprise and Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

SCGI asks the Department of Business and Enterprise to work in partnership with the Department of Culture and the creative industry to ensure the principles enshrined in the European Copyright legislation, as implemented into Irish Law in November 2021, are brought into market practice to support and protect creators and their economic rights.

The principle aim of this legislation is to close the value gap between the creators of artistic work and companies who profit from the exploitation of that work, to enshrine recognition and protection of creator's economic rights and to underpin fair practices in this market.

SCGI asks that a Code of Fair Practice be developed and adopted for the creative industries to support fair terms of trade in the commissioning and exploitation of creative work. This

should be administered by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and by the new Media Commission for the screen industry and developed in consultation with the creative industry and other stakeholders. This code should be adopted by all Government funded broadcasters and all productions accessing state funding initially, with the aim it may be rolled out on a voluntary basis to the wider industry.

SCGI also calls for legislation to allow for collective bargaining for creators through guild and other non-union organisations in response to the inequitable power positions in negotiations between sole trader creators and large producers and multinational distributors.

SCGI members are facing growing demands on their intellectual property rights, disproportionate remuneration and shrinking fees. They are increasingly reporting they are experiencing poor if any negotiation power, when contracting for their work, resulting in their being forced to accept terms which are not fair or face losing current and future employment opportunities. This is squeezing their ability to create work and to maintain sustainable careers all of which will ultimately affect Ireland's domestic creative industry. These practices are also being reported by our fellow creative guilds both in Ireland and through our European umbrella group ECSA.

As the media sector continues to see growth in digital media with a marketplace dominated by a small number of increasingly powerful multinational organisations, it is more important than ever that individual creators are supported in their call for fair practice and protection of creator rights. The [recent study and note](#) from the French EU presidency recognises the growing threat of illegal and unfair practices including "buyouts" in the creative screen industry and the need to ensure the effectiveness of European copyright legislation to protect against these, whilst the [British Government's investigation](#) into economies of music streaming demonstrate a growing concern and evidence of unfair practice in the distribution and exploitation of creators work and the need for Government level action. At this junction it is crucial that destructive and unsustainable market practices do not become the accepted norm driven by commercial interests which are not invested in the development of a thriving creative sector in Ireland.

SCGI calls for an urgent meeting with the Department of Enterprise to hear our and other creators' direct experience and to build a plan for the practical implementation of legislation and the building of fair and sustainable practices in creative industries. Ireland must not only be known for its creative and cultural excellence but also grow a reputation for demanding fairness in the creative industries.

3. Support increased commissioning of Irish based composers with emphasis on growing gender representation and diversity.

Key Stakeholders: Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

Irish based composers for screen are not accessing enough job opportunities and benefit from productions which are fully or part, produced and funded in Ireland.

SCGI conducted an audit of the three major Irish screen funding sources across a two-year period, the findings are:

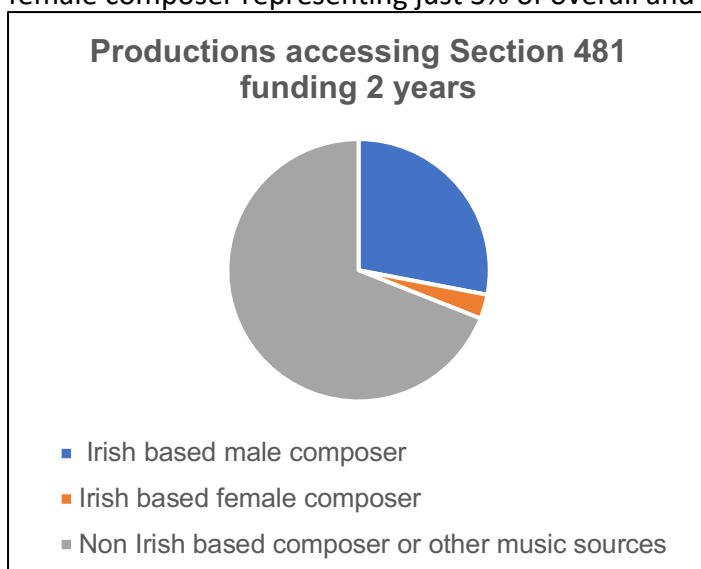
Screen Ireland funding:

There were 41 productions funded by Screen Ireland in the two year audited period 2020/21. These were made up of Feature, TV series, animation and documentary, for which we found information on 40. Of these, 14 hired an Irish based composer equalling 36% of total with, 25 non Irish and one using library music. Of the 14 Irish based composers 2 were female representing just 5% of the total productions funded. All except 1 of the 40 productions engaged a composer.



Section 481 tax incentive

Over the 2019/2020 two year period, 192 productions accessed the Section 481 tax incentive, 55 (31%) had an Irish based composer attached and of these 6 had an Irish based female composer representing just 3% of overall and 10% of Irish based composers.



Sound and Vision Fund

Over the 2020/21 two year period 125 productions received funding from the BAI Sound and Vision fund. Of these 54 made no provision for composers in their application (meaning music from another source was used). Of the remaining 71 we could find no information for 19. The 52 productions we did find information for, 25 engaged an Irish based composer of which 6 were female. The remaining 27 productions engaged non Irish based composers or used music from other sources.

These numbers mean that from a starting point of 106 productions where we could find information, 23% engaged an Irish composer with just 6% using an Irish based female composer.



100% of all of the productions made under all three of the funding sources contain music. Music is a key creative element in all screen content. This represents millions of euro in fees and budgets for music and multiples of millions in back end royalties for the rights owners of the music (both original score and library music) and their publishers, 70% of this income is leaving the Irish creative economy.

Whilst seeking to have Irish based composers creating music for all productions made or funded in Ireland is unrealistic given some are co-productions and some do not require a bespoke music score, having an overall mean percentile of 30% represents too great a loss in opportunity both for Irish based composers and for the wider music and creative economy. Composers work similar to producers and employ an array of other professionals during the process of creating and delivering an original score (including performers, engineers, arrangers, recording studios, sound designers etc.), and by creating original music composers also create intellectual property the economic benefit of which is often shared with producers, broadcasters and publishers in their home economy.

SCGI would like to see an increase across all the funding streams bringing our mean percentage to closer to 50%. We would like to see research into where opportunity is lost

and targeted supports to encourage and fund the engagement of Irish based composers with an emphasis on targeted supports to improve gender and diversity metrics. **We also call for the inclusion of composer role in all data collection projects which measure creator engagement, gender and diversity in the Irish screen industry.**

4. **Greater focus on sustainable careers for artists and recognition of creative enterprises:**

Key Stakeholders: Department of Business and Enterprise and Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

The development of a creator's career can take many years of personal investment and as a career it is characterised by low income and precarious employment over their lifetime. This can have a profound effect on well-being and affect their access to basic living needs including secure housing, pensions, health care and being able to start a family. This causes drop off in developing talent, particularly for women creators and adds to obstacles for diversity.

Working for low or no pay is often seen as a necessary rite of passage in the arts, whilst poor negotiation and contracting power leaves creators vulnerable to exploitation. Once established, creators must quickly develop a business model which allows them to access and grow work opportunities, earn a living income, be tax compliant, prepare legal contracts for commissioning of original work, protect and exploit their copyright, access living and working accommodation, fund insurance for both professional and personal needs, manage cashflow and invest for their retirement. While commerce may be a foreign word in the arts it is the reality faced by all creators that in order to survive, they must be able to operate as both a creator and a commercial enterprise.

SCGI feel that there is currently a gap between supports offered to artists which are aimed at developing work and supports aimed at developing and building SME's and businesses.

SCGI calls for the Arts Council to incorporate the concept of creative enterprise into their strategy and widen the definition of supports to include the development of creative SME's and sole traders in the arts and support commercial ambition in tandem with creative ambition. We suggest this could be achieved by working with Enterprise Ireland with specific focus on the needs of creators. Supports should include access to legal and financial advice, support in accessing finance, support in copyright exploitation and creator rights protection and support in developing international ambition through access to international markets.

5. Inclusion of Music in the Cultural Test for Section 481 and Funding of Music for Screen. (Carried over from 2022 pbs)

- Key Stakeholders: Department of Finance and Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

SCGI welcomes the mention of Composers in the 2022 Finance Bill in reference to the development of Video Games Tax incentive, however, there remains a need to include music in the film and TV tax incentive: Section 481

Access to work at all levels of AV productions is crucial for the continued development of music for screen in Ireland. This is key to support the development and growth of talent and skills in this area and facilitate investment in music creation infrastructure in line with the development of the other elements within Irish audio-visual creativity and production. Music for screen is highly international and competitive and in order to compete successfully we feel it is important that music creation is supported overtly within the Irish Audio Visual tax credit mechanism.

6. Enhancement of existing Artists' tax exemption. (carried over from 2022 pbs)

- Key Stakeholder: Department of Finance

Artists' tax exemption on income earned from the sale or exploitation of original works remains key to the economic and funding ecology for artists. SCGI members, as professional composers for screen, are very exposed to the unpredictable and precarious nature of employment in the arts. Income and work opportunities can vary hugely from one year to the next and continuous investment is required to maintain the profile and skills needed to attract new work, both in the form of CPD and through procurement of international standard hardware and software to deliver music to the expected high production quality. With this in mind, SCGI ask that the Department of Finance revisit the current tax exemption and to deliver upon the recommendation outlined in Life Worth Living: Arts and Culture Taskforce Report 2020 to:

- Expand the current definitions of 'cultural and artistic merit' to allow for all original musical works created for inclusion in Audio Visual content to be included in qualifying earnings. This better reflects the importance of works created for commercial usage in the earning and investment ecology of a composer and the increasing shifting of the nature of these works into cultural and artistic space.

- Allow for income to be assessed over a period of years - we would suggest five years, to better reflect the earning patterns experienced by composers and the amount of investment required over several years that is required to secure middle to high income opportunities.

About The Screen Composers Guild of Ireland

SCGI is a representative organisation for composers who create music for audio-visual content (Film, TV, Animation, Video Games and Advertising). The aim of SCGI is to improve the status, visibility, and rights of composers for screen in Ireland.

Our members work at all levels both domestically and internationally in creating original music for screen content. Irish composers for screen return millions of Euros annually in the form of music royalties, they employ many music performers including working with both of our national orchestras and bring Irish music to screen audiences all over the world.

SCGI members composed original music for recent Irish screen industry high profile productions including; An Cailín Ciúin, Joyride, Conversations with Friends and Normal People, Smother, The Dry, Wolfwalkers, Arracht, Two x Two Overboard amongst others.

SCGI is supported by Screen Ireland, IMRO, BAI and Screen Skills Ireland.

For more information, please visit www.screencomposersguild.ie or contact: Sarah Glennane sarah@screencomposersguild.ie