

Screen Composers Guild of Ireland Pre-budget Submission, August 2023.

Key Asks:

- Uplift in Section 481 tax credit specific to music composition and postproduction activities which happen in Ireland and inclusion of music in culture test.
- Establishment of a Code of Fair Practice to support fairness in working with creators and support sustainable working conditions.
- Creation of taskforce to examine potential impact on creative sector of AI, to assess the need for legislation and further protections.
- Expansion of Digital Games Tax Credit Section 481a to cover co-development productions.
- Continued funding for creative screen industry via increased support for Screen Ireland, retained funding for National Broadcasters and swift introduction of AVMS levy.
- Expansion of Artists' Tax Exemption to encompass all original music created for media and for it to be carried over a number of years' earnings.

Introduction:

Screen Composers Guild of Ireland wishes to take this opportunity to thank Minister Catherine Martin, the Taoiseach, and the wider Government along with the officials in the Department of Finance and Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media for their continued support of artists, creators, and representative organisations.

SCGI welcomes the continued investment in Screen Ireland and the roll out of the Basic Income for the Arts pilot scheme. We also welcome the inclusion of composers and music as awarding points within the Digital Games Tax incentive (Section 481a) cultural test.

In March 2023, SCGI with the support of Culture Ireland, brought a representation of 10 composers for screen to the heart of the screen industry in Los Angeles for a very successful composer mission. This was conducted in partnership with Screen Ireland and the Irish Consulate to LA and resulted in SCGI members creating important connections with industry and increasing the profile of Ireland as a destination for music department. In 2023 we have run training events for our members and non-member composers in Composing for Video Games, Composing for Documentary, a Female Composer event to explore gender representation and we represented and hosted panels on music for screen at film festivals and events across Ireland. These were delivered with help of our core funders, Screen Ireland and IMRO and with support from Coimisiún na Meán and Screen Ireland Stakeholder fund.

SCGI membership has continued to grow and in the past year and we have celebrated highlights of Irish based composers work including An Cailín Ciúin (composer Stephen Rennicks) and An Irish Goodbye (Composer Anthony Eve) at the Oscars. We saw the first Irish based female composer engaged on an Irish TV drama series with RTÉ and Britbox UK comedy drama The Dry engaging composer Sarah Lynch who also went on to be the first female composer to win an IFTA for her original music score.

Despite these successes, however, many of our members are still struggling to access work and whilst we are encouraged by the investments which has brought increased activity to the Irish Screen Industry, our data shows that only 35% of Irish funded and produced audio visual content engages an Irish based composer. Our members are also facing threats from unfair market practices such as full buyouts, the erosion of copyright protection and advances in AI resulting in lower overall income through reduced upfront fees and backend royalty incomes and driving strong international competition in the shape of pre produced library music.

As we approach budget 2024 Screen Composers Guild of Ireland make the following asks for Irish based composers and creators:

A targeted uplift in Section 481 tax incentive specific to music composition and postproduction activities which happen in Ireland.

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

Data collected over several years by SCGI shows the level of productions in receipt of Section 481 tax credit who employ an Irish based composer or use any Irish based music contribution, continues to remain static at just 30%. None of these productions are in the high budget bracket.

This falls short of what SCGI consider an acceptable level of benefit to a key creative element from a tax credit intended to incentivise audio visual production in Ireland.

Access to work at all levels of AV productions is crucial for the continued development of music for screen in Ireland and to maintain sustainable careers whilst allowing growth.

Music for screen is highly international and competitive and in order for Ireland and Irish based composers to compete successfully we feel it is important that music creation is supported overtly within the Irish audio visual tax credit mechanism and that this is comparative to similar incentives offered by our international co-production partners to ensure there is not an inbuilt disincentive to bringing music department to Ireland where co-productions are availing of multiple incentives.

With this in mind, we ask that:

- Consideration is given for music to be included within the cultural test for Section 481
- Section 481 to be aligned with French TRIP, offering an uplift to bring overall tax incentive up to 40% when key postproduction work including music composition and production is carried out Ireland.
- A stand-alone music fund which allows Irish based composers to bring additional funding to music budgets where they are hired as lead composer. Similar to an existing such [fund in France](#). This would serve to increase Irish based composers attractiveness and increase music budgets supporting the hiring of live performance ensembles.

Establishment of a Code of Fair Practice to support fairness in working with creators

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

SCGI members are facing growing demands on their intellectual property rights, disproportionate remuneration and shrinking fees. They are increasingly reporting that 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, through our European umbrella group ECSA and as the current Writers and Actors strike in demonstrate, in the USA also.

SCGI calls for an urgent meeting with the Department of Enterprise to hear our members 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 the creative industries. Ireland must not only be known for its creative and cultural excellence but also should aim to grow a reputation for demanding fairness for our creators.

- 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.
- 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 the exploitation of creative work including copyright. This should be administered by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and by Coimisiún na Meán and be 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 with the aim it may be rolled out on a voluntary basis to the wider industry.
- SCGI also calls for clarity on the collective bargaining position for creators, through guilds and other non-union representative organisations, in response to the inequitable power positions in negotiations between sole trader creators and large producers as recommended in these [guidelines from the European Commission](#).

Creation of a taskforce to examine potential impact on creative sector of AI and to examine the robustness of current legislation and assess the requirement of further legislation.

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

Artificial Intelligence (AI) poses an enormous potential threat to our creative industries. For composers the threats are dual – the threat of loss of employment and value in their work through the output of music from AI music generators and, secondly, through the misappropriation of their work to feed data to support the development of AI music generating tools. This threat is very real, is already happening and without clear legislation threatens to undermine copyright protection and the status arts and culture have in our society and the concept of the arts as a conduit for human experience.

- We request that the Department of Culture is funded to set up a task force to examine the economic, cultural, social, and societal cost potential of AI, the market practices driving it and to identify need for protection and legislation.

Enhancement of Section 481A - Digital Games Tax Credit to allow for the inclusion of co-development of digital games.

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

SCGI welcomes the new Digital Games Tax Credit, Section 481a and the specific inclusion of music composition in the cultural test. However given the size and capacity of our domestic digital games sector we are concerned as to the scope of the tax credit where it is only eligible for a single entity video games company who is developing the game solely in Ireland. It is a feature of video games production, as with film and animation, for games to be developed using co-production models of creation and service providers. This model supports growth and sustains employment and as Ireland is still in it's infancy of creative video game development we would see it as important that Section 481a be expanded to allow more types of work to access this benefit. This would widen considerably the number of providers who deliver elements of video games to avail of the credit and allow composers to attract high value music composition to be created and produced in Ireland for games being developed elsewhere and to access the credit through an Irish digital games service provider.

Continued funding for Irish Creative Screen Industry:

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

- SCGI calls for the increased funding of Screen Ireland and our Public Broadcasters to support activity in the Irish creative screen industry. We call for the speedy introduction of a levy on income earned by international media service providers from Irish audiences as accommodated within Article 13 of The Audio-visual Media Services Directive and the Online Safety and Media Regulation Act (2022).
- SCGI commends Screen Ireland and their role in developing the Irish Screen Industry and in attracting high value and volume of work to our creative screen sector. With additional funding we would seek Screen Ireland to deliver a music for screen specific strategy and to increase their goals in developing indigenous screen content with Irish owned IP.
- Public service broadcasting is a key element to Irish creative screen industry ecosystem brining opportunity in terms of both employment and career development. We seek continued funding for our broadcasters and would encourage greater focus from the broadcasters in working collaboratively with creative screen industry.

Expansion of Artists Tax Exemption to be carried over a number of years earnings and to include all original music composed for inclusion in media.

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

Artists' tax exemption on income earned from the sale or exploitation of original works remains key to supporting creators in life long sustainable careers.

SCGI members, as professional composers for screen, are very aware of 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 the procurement of international standard hardware and software to deliver music to a high production quality. SCGI ask that the Department

of Finance revisit the current tax exemption and to deliver upon the recommendations 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 a number of years that is required to secure a high-income opportunity.

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 AV audiences all over the world.

SCGI has 78 full members and 50 associate members working in all areas of composing for screen.

SCGI is supported by Screen Ireland, IMRO and Coimisiún na Meán.

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