

# THE SWEDISH WRITERS' UNION

*Head Organisation for Sweden's Writers and Literary Translators*



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# SFF – THE SWEDISH WRITERS’ UNION: A PRESENTATION

The Swedish Writers’ Union is the central professional organisation for writers and literary translators in Sweden. We safeguard the economic and moral interests of our members by defending freedom of expression and of the press, and keeping up to date with copyright stipulations and the laws regulating copyright. We promote the right of our members to a reasonable return on their work by safeguarding their moral rights, seeing to it that their works are not misrepresented or made public in ways not intended by them as authors, by entering into agreements which give our members financial gain and provide for their social security, and by protecting and aiding our members when, in the practice of their profession, they find themselves in conflict with employers, commissioning parties or the authorities.

## HISTORY

The Swedish Association of Authors was founded in 1893, and was initially open to all writers. The bylaws were amended, however, during the 1930s, to some extent excluding translators and writers of non-fiction. This led to the founding of Minerva in 1946, the Association for Swedish writers of scientific works and works of popular science; the founding of The Swedish Association of Writers of Juvenile Literature in 1948; and the Swedish Association of Literary Translators in 1954.

In 1956, these four associations merged to form the Swedish Central Organisation of Free Literary Professionals (FLYCO), and in 1970 this organisation was restructured into the present Swedish Writers’ Union (SFF).

## FREEDOM OF EXPRESSION

The Swedish Writers’ Union defends freedom of expression and of the press, to safeguard the basic principles of the Swedish Freedom of the Press Act with regard to the prohibition of censorship, protection of all writers and the right to anonymity, and the special rules of procedure provided for by the Swedish judicial system, including a jury system in cases involving freedom of the press. It is part of the mission of SFF to see to it that the rights of freedom of expression and of the press are not infringed upon either by any public authority or agency or by the actions of individual officials dealing with issues relevant to these freedoms. SFF also considers its task to include promotion of the right of freedom of expression and of the press in other nations, pursuant to international declarations and conventions on human rights and freedoms.

## COPYRIGHT

Copyright provides writers and translators with the sole right to their work. Copyright legislation is protective legislation giving the author the right to determine the forms and extent of dissemination of his or her work.

Copyright law stands as the basis of all contract and agreement negotiations to which SFF is a party or is otherwise involved. SFF is deeply committed to pursuing the necessary amendments of copyright law in national, Nordic and international fora. All matters of copyright legislation referred to organisations for their consideration are automatically referred to SFF.

## TAXATION ISSUES

The Swedish Writers' Union devotes substantial efforts to improving the conditions of its members and other literary professionals with regard to taxation and social security contributions.

Every year, SFF publishes a brochure entitled "Guidelines for members when filing income tax returns", and circulates it to all members.

## CULTURAL POLICY

It is in the interest of SFF members that the cultural policy of Sweden be aimed at involving as many people as possible in cultural activities.

When it is financially feasible, SFF independently investigates issues relating to cultural policy. The SFF proposal on library legislation was based on the experience we gained from a national campaign Save the Libraries, run at our own initiative with a view to opposing downsizing of public library activities. The Libraries Act was adopted on 1 January 1997. We ran a number of campaigns intended to strengthen the position of the book in society. SFF has pointed out the problem that it is becoming more and more difficult for bookstores to stock large numbers of quality books, and we are working for the establishment of some kind of fixed pricing scheme for books. In 1999 the national literature subsidy system was supplemented with a book distribution subsidy scheme.

SFF also keeps current on economic developments in the cultural sector in order to ensure that its members receive reasonable compensation for their work.

All matters of national cultural policy referred to organisations for their consideration are automatically referred to SFF.

## MEMBERSHIP SERVICES

The SFF office provides extensive membership services. A member may turn to the office for individual help with interpretation and negotiation of contracts and agreements, tax counselling, and other issues specific to the professional activities of writers and translators.

SFF provides its members with free negotiation services on agreements or copyright disputes.

SFF may also absorb the litigation expenses incurred in lawsuits, for example relating to freedom of the press, if the SFF executive board considers the dispute to be of interest as a matter of principle.

## INTERNATIONAL ACTIVITIES

The writers' unions and organisations in other countries with which SFF co-operates internationally include the Nordic Council of Writers and Translators and the European Writers' Congress.

The Swedish Writers' Union also has exchanges with other writers' and translators' organisations, and with individual authors. SFF receives many visits each year individual writers and delegations of writers from other nations wanting to learn about SFF's activities and Swedish cultural policy, and to come into contact with Swedish literature and writers. SFF also initiates study visits abroad for Swedish writers and translators.

In the early 1990, SFF and the other organisations for writers and translators in the countries around the Baltic Sea held a joint two-week seminar entitled "Waves of the Baltic Sea", as a result of which the Baltic Centre for Writers and Translators in Visby on the island of Gotland in the Baltic came into being. A similar seminar was held a couple of years later with authors and translators around the Black Sea and the Aegean, after which an equivalent centre was established on the island of Rhodes in the Aegean.

## CONTRACTS AND AGREEMENTS

It is the task of SFF to negotiate standard and collectively bargained agreements with producers in the cultural sector, as well as all other parties in all the mass media who use the works of writers and translators, in order to safeguard its members' rights to reasonable remuneration and working conditions.

In some fields, the platform for the agreements SFF concludes is the extended collective agreement license in the Copyright Act. This applies to the Swedish public service broadcasting companies (the Swedish Television Company, Swedish Radio Company and the Swedish Educational Radio Company) and the agreement license regulates the public service companies' right to use published literary works in their broadcasts. It also applies to the field of photocopying (the "Bonus Agreements"), and simultaneous secondary broadcasting of radio

and television programmes, via traditional broadcasting or by cable (the “Copyswede agreements”). An extended collective agreement license is defined as follows: a party wishing to use a published literary work enters into an agreement with SFF as the organisation representing Swedish writers and translators in that field, as to the conditions applying to access to the “repertoire” of the works of SFF members. A party entering into such an agreement with SFF is also thus licensed by law to use the corresponding literary works of authors who are not members of SFF under the same conditions and in the same way.

## PUBLISHERS’ AGREEMENTS

The Swedish Writers’ Union has long had a basic agreement as to minimum terms with the Swedish Publishers’ Association (Svenska Förläggareföreningen) on the subject of publishing contracts between writer and publisher, which includes a corollary agreement on minimum royalty levels and a standard agreement form. This standard agreement grants to the publisher the sole rights to publish the work in book form in the Swedish language. All other rights remain with the writer. Several years ago, the Swedish Publisher’s Association unilaterally terminated the agreement, hoping to be able to convene a new agreement that will also give them the right to use the work of the author in other ways, such as electronically.

The previous basic agreement and agreement on royalties are still being used by SFF as a recommended agreement in the area whose interests are covered by SFF, which include fiction for adults, non-fiction, and literature for children and young adults. SFF and the Swedish Publishers’ Association have negotiated new basic agreements without any success.

In areas in which the basic agreement is not directly applicable, it should be used as a prototype, and its provisions observed wherever possible. The first edition of every work is to be a “standard edition”. This means that all “low-price” editions (mostly paperbacks) of a work are always reissues of previously published works. The publisher is to publish the work within 18 months of delivery, by the writer, of a manuscript ready for printing. The publishing contract remains valid as long as the book is in print, but not longer than through the fifth year after the publication of the most recent edition. The publishing contract may be extended upon special agreement thereto.

The most important obligation of the publisher pursuant to the basic agreement is to “provide for the distribution of the work”. The writer has the right to examine the accounts of the publisher with regard to statistics used for auditing reports on royalties provided to the writer.

## ROYALTIES

The “honorarium agreement” lists minimum royalty levels, etc. for adult fiction, non-fiction containing illustrations occupying no more than 20% of the printed volume of the work in question, and books for children and young adults containing illustrations occupying no more than 25% of the printed volume of the work in question. This applies to black and white illustrations, or illustrations with one additional colour. One major difference between Sweden and many other countries is that there is a free market for price setting of books in

bookshops. Owing to this, royalties are currently calculated on the basis of the publishers' price (referred to as the "f-price" in Sweden, and being the net price set by the publisher) of the book in question exclusive of sales tax. This is the price established by the publisher in relation to the retailer. The minimum royalty level for adult fiction, non-illustrated non-fiction and literature for children and young adults is currently 27.5% (of the f-price). This corresponds to what was 16.7% of the fixed bookshop price when Sweden had a fixed pricing system.

Any writer who so chooses may authorise the publisher to be the agent for a given book. Until a few years ago, there was a basic agreement as to the terms for agent authorisation and a standard form for such agreements, drawn up jointly by SFF and the Swedish Publishers' Association. That agreement remains the SFF recommendation when a writer wishes to authorise the publisher to be the agent for a given book.

## TRANSLATORS' AGREEMENTS<sup>1</sup>

The Swedish Writers' Union and the Swedish Publishers' Association have also entered into a basic agreement as to minimum terms on the subject of contracts between translators and publishers, also including a standard contract, and corresponding to the agreements convened between writers and publishers. This agreement has also now been terminated by the Swedish Publishers' Association, but remains the SFF recommendation. A distinction is made in the basic agreement between primary and secondary use. Primary use is defined as publication by the publishing company which contracted for the translation, and secondary use, all reissues by book clubs, and all other use of the translation by anyone other than the publishing company which contracted for the translation. These definitions are relevant in relation to the remuneration to which the translator is entitled.

Remuneration for primary use at the time of writing is a minimum of SEK 1,900 per standard folded section of the printed text (a standard printed section corresponds to 32,000 characters). The minimum honorarium per printed section has been determined in negotiations between SFF and the Swedish Publishers' Association and set down in a special honorarium agreement. Professional translators are usually able to negotiate higher remuneration than the minimum with the individual publisher and for each work. In addition to the remuneration for primary use, the publisher also undertakes to pay a "vacation remuneration" corresponding to 12% of the total agreed sum. For secondary use, there is additional remuneration to the translator in accordance with principles given in the basic agreement. The basic agreement also states that the translator only grants sole rights to the publisher to make public and reproduce the translation in print. All other rights remain with the translator. The publishers' rights are terminated as of the end of the tenth year in which they were most recently asserted. The basic agreement also contains stipulations as to how the translation is to be carried out, etc.

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<sup>1</sup> A new translators' agreement was entered in 2004, which makes this passage outdated.

The agreement, currently terminated, also included special provisions for remuneration, etc. if the manuscript was delivered by the translator or writer on diskette. This agreement is still the SFF recommendation.

## ANTHOLOGIES

Another agreement SFF has negotiated with publishers is a “textbook anthology contract”, stipulating the remuneration to which a writer is entitled when his or her previously published work is anthologised in schoolbooks, in accordance with a compulsory license.

## BOOK CLUBS, ETC.

The Swedish Writers’ Union had, for a number of years, a special agreement with the Swedish Book of the Month Club (which has now been terminated) and the book clubs affiliated with the Bra Böcker Publishing Company, as well as their series “Books for Everyone” (En Bok För Alla). SFF has also negotiated an agreement with conditions for the contributions by Swedish authors to the ongoing Swedish National Encyclopaedia (Nationalencyklopedin).

## RADIO AND TELEVISION AGREEMENTS

The agreements SFF has negotiated with the Swedish public service broadcasting companies (the Swedish Television Company, Swedish Radio Company and the Swedish Educational Radio Company) have two main parts. One is an extended collective agreement license section stating the terms for use in broadcasting of previously published works, the other stipulates minimum conditions to apply to SFF members who write various types of original texts for the public service broadcasting companies. These agreements also regulate the conditions applying to reruns, etc. and to use of the broadcast works in certain other contexts, outside the public service broadcasting companies. SFF also convenes agreements with the private Swedish television channel TV4.

SFF has also drawn up agreements with companies which produce audio tape recordings of works by writers. Such agreements are structured similarly to the traditional publishing contracts.

## FILM AGREEMENTS

The Swedish Writers’ Union and the Swedish Union of Playwrights have jointly negotiated an agreement with the Media Employers’ Association as to the conditions for filming existing works of literature or drama, as well as the conditions for the production of manuscripts for use in films (including tv and videogram use of the film in question).

## RECOMMENDATIONS

The Swedish Writers' Union has issued recommendations covering a large number of areas, such as the publication of poetry and short stories in periodicals and for prize competitions, performances for schools and organisations, as well as consultancy work and interviews, translations of newspaper articles and the like, running creative writing workshops, etc.

## LIBRARY REMUNERATION

Public library remuneration is paid each time a book – an original Swedish text or a translation into Swedish – is borrowed in a public library in Sweden.

In 1985, SFF and the organisations for book illustrators and photographers were granted the right to negotiate with the Swedish Government as to the base sum for calculation of public library remuneration. Prior to that time, the Swedish Parliament (the Riksdag) determined the size of this remuneration unilaterally. The basic remuneration for 2002 is SEK 1.12 per loan of a book written in Swedish.

Approximately 60% of this base sum per book borrowed goes directly to the author. When any given title is borrowed more than 100,000 times in a year, the remuneration per book is reduced, on the basis of the individual statistics. The number of times a book is borrowed is determined by random sampling. The remainder of the funds is distributed in the form of pensions, long-term stipends, lump-sum stipends, etc. Very firmly established authors may receive either lifetime annuities or ten-year working stipends. A state agency fund manages and distributes the library remuneration funds.

## COURSES AND TRAINING

The Swedish Writers' Union offers its members training courses in matters relating to copyrights, agreements and contracts, taxation, etc. Our news bulletin, *The Writer*, also features articles on these subjects.

## THE STRUCTURE OF SFF

Today, SFF has approximately 2,400 members. Any Swedish citizen or foreign citizen residing in Sweden who can document his or her status as a professional literary practitioner is eligible for membership. Anyone considering him or herself eligible for membership may apply. An admissions committee examines each application, reads the material on which the application is based, and recommends approval or rejection of the application to the SFF executive board. Decisions of the executive board may be appealed to the SFF congress. The applications committee examines each application thoroughly, which means that the process may be time-consuming.

The Swedish Writers' Union membership dues for 2002 are SEK 1,100. Every member receives a subscription to our news bulletin, The Writer.

## THE SFF CONGRESS

The congress is the supreme decision-making body of The Swedish Writers' Union. All members have a voice and one vote at the Union congress. One meeting is held each autumn and one each spring.

In order to enable members living outside the Stockholm area to attend the congress, travel expenses may be reimbursed at the level of the least expensive return journey to Stockholm on the day of the congress.

## THE EXECUTIVE BOARD

The executive board of the Swedish Writers' Union is elected annually at the spring congress. The Executive Board consists of a Chair and ten members, four deputy members and one representative from the SFF staff. The Board appoints two vice chairs.

## THE SFF SECTIONS

Instead of having local or district divisions, SFF has four sections:

- § THE SECTION FOR WRITERS OF NON-FICTION (MINERVA)
- § THE SECTION FOR WRITERS OF LITERATURE FOR CHILDREN AND YOUNG ADULTS
- § THE SECTION FOR WRITERS OF FICTION
- § THE SECTION FOR LITERARY TRANSLATORS

Any member wishing to join a certain section has only to notify the section thereof.

It is the mission of each section to monitor and keep abreast of developments in relevant areas and to report to the section on special problems being addressed by the executive board.

Each section elects its own board. These decisions are subject to confirmation by the congress.

## COMMITTEES

The Swedish Writers' Union has various committees working with areas including negotiations, monitoring school and public libraries, remuneration, etc. Ad hoc committees may be appointed to work on topical issues. Committees may consist of both members of the executive board and other members with expertise in the area on which a given committee is working.

## THE SFF NEWS BULLETIN – “THE WRITER” (FÖRFATTAREN)

*The Writer*, the membership journal of SFF, currently published six times per year and distributed to SFF members and subscribers. Non-member subscribers include libraries, arts organisations and members of the general public with a special interest in literature.

The main coverage of *The Writer* is copyright issues, matters relating to freedom of expression and of the press, cultural policy relating to literature, and SFF's activities, highlighting the status of the to writer in society and the book trade.

The editorial board of the bulletin is appointed by the SFF sections and executive board.

## THE SFF WEB SITE

The Internet website of the Swedish Writers' Union may be found at <http://www.forfattarforbundet.se>, and contains information on the union, including the full texts of our agreements and recommendations, information on grants and stipends, and on the activities of the union.

*The Swedish Writers' Union, October 2002*