

# From 'historic' deal To "historic" disappointment?



Gone are the hopes of a bright future thanks to the "historic" (according to management) agreement on neighboring rights signed between AFP and Google... Negotiations with the unions on the slice of the cake for journalists are almost complete, and the result is likely to be very disappointing.

A brief review: at the end of 2021 during the annual wage negotiations (NAO) in which management refused any serious increase despite strong inflation it instead promised a payout via a profit-sharing scheme (all categories of HQ staff) and neighboring rights (reserved for journalists only).

As far as **profit-sharing** is concerned, this is a legal obligation and the money paid to employees corresponds to a fraction of the agency's profits made in 2021. This is a sort of "one shot" bonus that will be paid in 2022 and which should amount to – on average – 400 euros.

This is a very modest sum if it is seen as compensation for inflation and, above all, there is little chance of seeing such an amount repeated in the years to come... Indeed, the agency's good financial results in 2021 were exceptional, as management readily admits, as they resulted from the savings related to the health crisis and the reduction of the payroll via the painful "Voluntary Departure Plan" (PDV) of 2019-2020.

This leaves the **neighboring rights**... This is the remuneration that the internet platforms must pay to media outlets for the use of their content, of which by law a part must go to journalists. Many media are still negotiating with the GAFAM to collect their neighboring rights and with their journalists to determine their share.

AFP signed a contract with Google in November 2021 and must hand over part of that to its journalists. Management refused to go beyond its legal requirement and include technical and administrative staff even though it readily admits they also contribute to the agency's production.<sup>1</sup>

**French law requires an equitable distribution** of this new revenue between the media outlet and its journalists on this new "income", but our management has its own conception of equity. As *SUD* indicated in its earlier tract, management proposed what it considers a "generous" 7% of the neighboring rights paid by the American tech giant.

Management believes that the money should above all be used to compensate for the agency's loss of income from traditional media caused by the GAFAM. It also believes that the percentage granted to journalists must remain below the 10% threshold which corresponds to the percentage we receive for author's rights (SCAM agreement of 2012).

On the other side of the table, the trade unions presented a united front early in the negotiations (February) to demand **40% of the amount paid by Google**. An amount that does not seem far-fetched if you consider that in Germany, the law requires the reversion to journalists of at least 33% of this revenue.

Three negotiation sessions later, management still seemed unwilling to raise its offer into double digits.

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<sup>1</sup> See "Neighboring rights: An update on the negotiations" - <https://www.sud-afp.org/spip.php?article660>

But on April 8, it proposed a workaround: a “fixed” payment, i.e. the payment will stay the same no matter the number of contracts we sign with platforms.

**The proposal does indeed exceed management’s initial 7% offer with just the Google money, but it won’t rise if (when) AFP signs new neighboring rights contracts!**

But with AFP already in negotiations with Facebook it is easy to see we’re being asked to play a fool’s game. If AFP signs a substantial agreement with Meta in the coming months, the percentage paid to journalists could fall back to not far from the 7% of the total amount paid by the platforms.

**But how much money are we talking about?** It's impossible to tell you! AFP signed a confidentiality agreement with Google, and management has imposed one on the unions in order to keep the amount of the Google contract on neighboring rights secret.

Finally, management made it clear that if the unions refuse to sign an agreement, the matter will be settled by an arbitration commission (provided for by the law on neighboring rights), and management will then stick to the strict minimum required by the law and exclude all local-contract journalists!

However, as even management agrees, AFP is unique on the French media landscape with its mission to produce news from all over the world and all of its journalists contribute to the information that Google uses and for which it is paying neighboring rights.

In the end, **a cut-price agreement at AFP would only play into the hands of French media bosses negotiating with their journalists**: AFP has always been a reference for other French media, and there is no doubt that the rate at Place de la Bourse will set a precedent.

**SUD will not give in to blackmail** and is demanding serious negotiations in order to arrive at a rate for all of the agency’s journalists that truly represents an equitable share of neighboring rights.

And above all, **SUD** demands the immediate opening of negotiations on a **general wage hike** to preserve the living standards of **all** employees.

Paris, April 11, 2022

**SUD-AFP (Solidarity-Unity-Democracy)**

