



SUPPORT FOR TELEVISION BROADCASTING OF EUROPEAN AUDIOVISUAL WORKS

CALL FOR PROPOSALS – EACEA 06/2007

<p>GUIDELINES FOR THE SUBMISSION OF PROPOSALS TO OBTAIN FINANCIAL SUPPORT</p>
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1. INTRODUCTION

This call for proposals is based on the a decision Nr. 1718/2006 of the European Parliament and of the Council on the implementation of a programme of support for the European audiovisual sector (MEDIA 2007), of the 15th of November 2006 and published in the Official Journal of the European Communities on the 24th of November 2006 (OJ L327, pp 12-29).

The European Commission is responsible for the implementation of the MEDIA Programme and for the decision to grant individual European Community funds. The Education, Audiovisual and Culture Executive Agency administer the MEDIA Programme on behalf and under the control of the European Commission. The section responsible for the implementation of this call for proposals is the MEDIA Programme unit, part of the Education, Audiovisual and Culture Executive Agency (the Agency).

2. OBJECTIVES

Objectives of the programme.

The objectives of the programme in the distribution sector include the following:

- to promote the transnational broadcasting of European audiovisual works produced by independent production companies by encouraging cooperation between broadcasters on the one hand, and independent producers and distributors on the other.

Particular attention will be paid to the development of potential in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area.

Actions to be implemented.

This call for proposals is aimed at independent European TV production companies. It explains how to submit a proposal with a view to obtaining a financial contribution from the Community.

The support scheme's aim is to encourage independent production companies to produce works (fiction, documentary and animated films) involving no less than three broadcasters, and preferably more, from several member states participating or co-operating in the programme.

Special attention will be given to audio-visual works that contribute to the enhancement of European heritage and linguistic and cultural diversity.

Support granted must contribute to speeding up the financing of productions selected by broadcasters and to strengthening independent production companies' rights over such works, thereby encouraging their subsequent exploitation.

3. CALENDAR

Applicants may present proposals to the Agency at any given date after the publication of the present call for proposals and before the deadlines mentioned below. All complete proposals sent before the deadlines laid down below will be examined by the Agency jointly. The outcome of the selection procedure may normally be expected 3 to 4 months after the relevant closing date.

Closing date for submission of proposals:

1 June 2007

2 November 2007

The period of eligibility of costs starts 6 months before the date of the application and ends 24 months after the date of application (for longer series, the period ends 36 months after the date of the application).

The maximum duration of the project is therefore 30 months (or 42 for longer series). However, if after the signature of the agreement and the start of the action, the beneficiary notices that for justified reasons (beyond his control), the project can not be completed within the foreseen period, an extension of the period of eligibility of costs may be given, if the request has been submitted within the deadlines specified in the agreement.

All costs incurred before the period starting 6 months before the date of the application will not be considered as eligible.

4. AVAILABLE BUDGET

The budget for the present call for proposals is a minimum of 9,5 M €

The financial contribution awarded can not exceed 12,5% of the total eligible costs for Fiction and Animation projects, and 20% of the total eligible costs for Documentaries. The maximum financial contribution which may be awarded is €500 000 per work.

The Agency reserves the right not to award the entire available budget.

5. ELIGIBILITY CRITERIA

Applications which do not meet the following criteria will be excluded.

Applications which satisfy the following criteria will be evaluated in detail.

5.1. Eligible companies

The present call is open to European and independent production companies.

An European production company is a company whose main activity is audiovisual production and which is registered in one of the Member States of the European

Union or in one of the countries participating in the MEDIA 2007 Programme as defined in this Call for Proposals, and which is owned and continues to be owned, whether directly or by majority participation, by nationals from these countries.

An independent production company is an audiovisual production company which does not have majority control by a television broadcaster, either in shareholding or commercial terms. Majority control is considered to occur when more than 25% of the share capital of a production company is held by a single broadcaster (50% when several broadcasters are involved) or when, over a three-year period, more than 90% of a production company's revenue is generated in co-operation with a single broadcaster.

Foundations, Institutes, Universities, Associations and other legal bodies acting in the public interest cannot apply.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

5.2. Eligible countries

This call for proposals is open to companies registered in and owned in majority by nationals from the Member States of the European Union, countries of the European Economic Agreement participating in the MEDIA 2007 Programme (Iceland, Liechtenstein and Norway) and Switzerland¹.

Countries with a low audiovisual production capacity

For the purposes of this Call for Proposals, the following countries will be considered as countries with a low audiovisual production capacity: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and Switzerland.

Among these countries, the following countries are considered "New Member States": Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia.

5.3. Eligible projects

European audiovisual programme

Any work of fiction (including animated films) or documentary, complying with the following conditions:

¹ Subject to the conclusion of a new cooperation agreement with Switzerland in the framework of the MEDIA 2007 Programme.

- the work to be produced will be majority produced by companies established in one or more countries participating in the MEDIA Programme;
- the work has a significant participation by professionals who are citizens and/or residents of the countries participating in the MEDIA Programme. Significant participation is defined as 10 or more points under the following scheme:

Fiction/Documentary	Points	Animation	Points
Director	3	Director	3
Scriptwriter	3	Scriptwriter	3
Composer	1	Composer	1
Actor 1/ Voice over artist	2	Storyboard Artist	2
Actor 2/ Voice over artist	2	Character Designer	2
Actor 3/ Voice over artist	2	Animation Supervisor	2
Artistic Director	1	Artistic Director	1
Director of Photography	1	Technical Director	1
Editor	1	Editor	1
Sound	1	Sound	1
Shooting location	1	Studio Location	1
Laboratory	1	Laboratory	1
Total	19	Total	19

Audiovisual programmes consisting of advertising, pornographic or racist material or advocating violence, as well as programmes intended to promote an institution or its activities are not eligible for support.

Audiovisual programmes for children and young people in general will be given special consideration.

Categories of Projects

Production projects belonging to the following categories are eligible:

- Television fiction projects (individual projects or series) of a total duration of minimum 50 minutes. In order to be eligible, fiction projects must be made primarily for the purposes of television exploitation.
- Creative Documentaries (individual projects and series) of a total duration of minimum 25 minutes. Creative documentaries are productions based on real subject matter but which require substantial original writing, in particular those setting out the point of view of a writer and/or a filmmaker. Creative documentaries based on archive footage are eligible. News programmes, magazines, talk-shows, reality-shows, docu-soaps, school and “how to” programmes are not considered eligible for support.
- Animation (individual projects or series) of a minimum duration of 25 minutes.

The number of applications per project is limited to two applications. Projects which were already submitted twice within this or a previous call for proposals for the TV Broadcasting support, are ineligible for support.

Series and sequels

Projects which are designed to be a series with a joint marketing strategy have to be submitted as a series. It is not possible to split series into several parts, i.e. to submit single episodes as separate applications.

Sequels and series of episodes based in whole or in part on a previous project are ineligible for support.

Theatrical releases

For Fiction and Animation projects from countries with a limited production capacity (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and Switzerland) for which a national (and national only) theatrical release is forecast are eligible, however only after an initial TV transmission.

For Fiction and Animation projects originating from UK, Germany, France, Italy and Spain, only clear television productions are eligible (i.e. no theatrical distributor attached, even a national distributor).

For Documentaries a theatrical release is also allowed prior to an initial TV transmission, regardless of the territory from which the project originates and the territory in which it will be released. However, the project has to have been originally intended for the television market. Projects originally intended as cinema projects (e.g. several theatrical distributors or an international cinema sales agent attached to the project), are ineligible.

Projects already financed by Eurimages are ineligible for support.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

5.4. Other eligibility criteria

The following eligibility criteria shall apply:

- The applicant company must be the majority producer of the work. In the case of co-productions, the co-producers have to designate one of the partners as delegate producer to be the contractual partner with the Agency. This delegate producer must be the majority co-production partner.

- The application must be submitted within the following time period: at the earliest 6 months before the first day of principal photography and at the latest on the first day of principal photography.
- The audiovisual work proposed must be an independent European television production (fiction, animation or creative documentary) involving the participation of at least three broadcasting companies from several Member States.
For the purposes of this Call for Proposals a broadcaster is considered any company which, holding the broadcasting rights (terrestrial, via satellite or cable) to a film or an audiovisual programme for a given territory, is directly or as parent company responsible for its broadcast by determining the terms on which it is shown.
Internet Services are not considered to be an eligible television broadcaster.
- In all cases, the broadcaster contribution must be above the following minimum thresholds in order to be eligible:

Broadcaster coming from:	Minimum % of total production budget	
	Fiction, Animation	Documentary
Big territories ¹	1%	0,5%
Countries with a limited production capacity ²	0,5%	0,5%
New Member States and Bulgaria ³	0,1%	0,1%

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme as well as taking into account the specific nature of the project and its financing structure.

- The exploitation rights licensed to the broadcasters participating in the production have to revert to the producer after a maximum license period of :
 - 7 years if the broadcaster's participation takes the form of a pre-purchase.
 - 10 years if the broadcaster's participation also takes the form of a co-production.In this case, the contract between the producer and the broadcaster must clearly specify the price and licence term for the pre-purchase of the exploitation rights and the conditions for the co-production. A co-production between a broadcaster and a TV-producer is accepted by the Executive Agency only if the broadcaster takes a significant financial risk in the production and is involved in the total organisation and economic handling of the production. The Agency reserves the right to assess these circumstances on a case by case basis. In any case, the broadcaster can not be the majority co-producer of the work.

¹ Covering the big 5 European countries + big countries outside Europe as Australia, Canada, Japan, Russia and USA.

² Including European and non European countries with a limited production capacity (i.e. all countries not mentioned as big countries and as new member states.

³ Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

- The broadcasters' involvement needs to be proved by contracts or binding letters of commitment. These contracts or letters of commitment must clearly specify the licence price and the licence term. If the broadcaster's participation also takes the form of a co-production, the conditions of such co-producer's relationship must be specified.
- At time of application, a minimum 50% of the financing of the budget of the project must be guaranteed from third party sources of finance (either through direct financing or by advance rights sales), proved by binding letters of commitment, including the project title, the exact amount of the financial contribution, the rights sold and the licence period. Contributions from broadcasters, distributors, public funds or co-producers are considered as third party sources of financing. The producer's own investment is not considered as a third party source of finance. If the project is co-produced by several production companies, a co-production contract (or deal-memo) indicating the share of financing, share of rights, share of costs and share of revenues, has to be submitted with the application.
- Projects that are fully financed will not be considered eligible for support. Financing which is raised from private individuals is not considered as eligible.
- The production budget must be minimum 50% financed by European sources (ie from Member States or countries participating to the MEDIA 2007 Programme).

5.5. Eligible applications

Applications must be sent by the relevant deadline. The postmark will be taken as proof of timely sending. Only those applications submitted using the official Application Forms duly completed and signed in original will be considered.

An official presentation letter has to be joined to the application form, as well as the documents proving the financial and operating capacity of the company and all the other documents required in the application form.

The budget and financing plan have to be balanced. The maximum share of community funding, fixed at 12,5% of the eligible costs for Fiction and Animation projects and at 20% of the eligible costs for Documentaries, has to be respected.

6. EXCLUSION CRITERIA

Applicants must certify that they are not in any of the situations described in Articles 93 & 94 of the Financial Regulations applicable to the budgets of the European Communities (EC Council Regulation, Euratom-n° 1605/2002 25 June 2002.) These situations are set out below:

Applicants are excluded from participation in this Call for Proposals if:

- (a) are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have

suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

- (b) have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the project is to be performed;
- (e) have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) following another grant award procedure or procurement procedure financed by the Community budget, have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Applicants cannot receive any contribution if they are in one of the following situations while the grants procedure is in progress:

- (a) they are subject to a conflict of interest;
- (b) they are guilty of misrepresentation in supplying the information required by the Commission as a condition of participation in the relevant call for proposals or fail to supply this information.

Administrative and financial penalties may be imposed by the Agency on applicants who are found guilty of false declarations or who admit to a serious breach of their contractual obligations under a previous contract or call for tender, in accordance with the provisions of Articles 93 to 96 of the Financial Regulation.

In order to respect these criteria, the applicant must sign a declaration of honour that they are not in any of the situations set out in Articles 93 & 94. This declaration is included in the Application Forms provided in Annex III (page 1 and 2).

7. SELECTION CRITERIA

The selection criteria make it possible to assess the applicant's legal, operational and financial capacity to complete the proposed project.

The applicants must provide evidence of:

1) Legal Structure:

The Agency can enter into an agreement only on the basis of satisfactory evidence of the legal form of the applicant.

The applicant should complete the relevant Legal Entity Form (see below) and must provide the following documents:

A copy of the Certificate of Registration/Incorporation (from an Official Journal if appropriate) as well as a copy of the VAT Registration (for those countries where the Registration & VAT numbers are identical, only one of the above documents is required)

Note: Individuals who are registered for VAT will be treated as Private Companies.

As the legal structure of a company may vary from country to country, the relevant Legal Entity Form is only enclosed with these guidelines in sample form. Applicants must access the appropriate form at

http://ec.europa.eu/budget/execution/legal_entities_fr.htm

2) Competence, qualifications and professional experience required to complete the proposed project

The proposal submitted must include:

- The Curriculum Vitae of the Managing Director of the company
- The Curriculum Vitae of the Director of the project.
- The presentation of activities of the company over the last twelve months; productions (including co-productions) in pre-production, in production and productions completed as well as other activities of the company.

Derogation: In evaluating the prior activity of the applicant company, the background of the persons who make up the applicant company will be taken into account.

3) stable and sufficient sources of funding to maintain his activity throughout the period during which the project is being carried out.

This criterion will be assessed on the basis of the following documents, which must be included in the proposal submitted:

- the complete audited accounts for the last financial year available certified by an approved external auditor, including the balance sheet and profit and loss statement;
- the Bank Identification form (see page 4 of Company Application Form) completed by the applicant and certified by the Bank (original signatures are required);
- the Financial Capacity form (see page 5 of Company Application Form) carefully and fully completed. The information given (in figures) must be

based on the certified accounts of the most recent completed fiscal year which are included with the application form. The applicant guarantees that these figures are precise and verifiable. This information is required to evaluate the financial strength and co-financing capacity of the applicant.

The Agency reserves the right to apply these criteria taking into account the legislative framework of the different countries participating in the Programme.

N.B. If, on the basis of the documents provided, the Agency considers that the financial capacity is not proven or sufficient it may:

- Refuse the application
- Request additional information
- Require a Bank Guarantee
- Propose a subsidy contract without any advance payment.

The Agency reserves the right not to select proposals submitted by producers who have not fulfilled their obligations in the framework of contracts signed with the European Commission, in particular in the framework of the MEDIA I, MEDIA II, MEDIA Plus and MEDIA 2007 Programme and other community programs.

8. AWARD CRITERIA

The award criteria shall be such as to make it possible to assess the quality of the proposals submitted in the light of the objectives and priorities set out in this call for proposals.

Within the limits of the budgetary resources available, the Agency will select the projects which score the highest number of points, based on the following criteria:

8.1 "Automatic" criteria

Criteria	Points
N° of eligible broadcasters (home territory excluded)	1 for each territory*)**)
N° of non-EU broadcasters	1 for each territory*)**)
N° of linguistic areas covered by eligible broadcasters	1 for each
Production company from a country with a low production capacity	3
Production company from the New Member States and candidate countries	5
Work enhancing European audiovisual heritage (archives)	1
Children's programme	1
Minimum 20% Non-National financing (not including MEDIA)	1
Minimum 25% Non-National financing (not including MEDIA)	2
Minimum 30% Non-National financing (not including MEDIA)	3
Minimum 35% Non-National financing (not including MEDIA)	4

*) for territories with several linguistic areas, one point can be given to each broadcaster representing its linguistic area.

**) 1 extra point awarded if broadcaster's participation is above 5% of the total production budget.

NB: Please note that in order to receive a point for broadcasting participation, the financial involvement by the broadcaster must apply with the thresholds mentioned under point 5.4, page 7.

In the event that a **broadcasting network** such as Discovery, National Geographic, Jetix or any other comparable network is licensing the broadcasting rights for several countries and confirming the production of several linguistic versions, points will be awarded following the percentage of financial contribution of this broadcasting network.

Percentage of total production budget	Points
up until < 5%	1
5% up until < 10%	2
10 % up until < 15%	3
15% up until < 20%	4
20% and more	5

NB: Should the broadcasting network acquire the rights for only one territory the allocation of points will follow the rules applicable for regular broadcasters.

8.2 "Flexible" criteria

In addition to the "automatic" points awarded above, the panel of experts, who assist the Agency in the selection of projects, will award projects between 0-4 points on each of the following criteria:

- Track record of international sales (taking into account the producer's track record, director's track record and the company's track record) (0-4 points)
- International distributor's involvement (0-4 points)
- International Appeal/European and international marketing strategy (including planned dubbed/subtitled versions) (0-4 points)

9. FINANCIAL CONDITIONS

The selection of a particular applicant, does not signify agreement to the level of financial support requested. The award of a contribution does not infer any right to a grant in subsequent years.

Community grants are incentives to carry out projects which would not be feasible without the Commission's financial support, and are based on the principle of co-

financing. They complement the applicant's own financial contribution and/or national, regional or private assistance that has been obtained elsewhere.

Under no circumstances may the amount awarded be greater than the amount requested.

The detailed forecast budget has to be presented in euros. Applicants from countries which are not members of the Euro zone have to use the exchange rate published in the Official Journal of the European Union at the date of the application.

The budget must be balanced and clearly indicate the costs for which a Community co-financing is requested.

Applicant must specify in the budget all sources and values of contributions anticipated / sought for the project during the same financial year either concerning the same action or other actions implemented as part of the organisation's activities.

Under no circumstances may the contribution of the Executive Agency give rise to a profit for the beneficiary. Profit is defined as having achieved greater revenues than costs. Any profit will result in a proportionate reduction to the contribution finally awarded.

The bank account specified in the Application forms must enable any Community contribution to be identified. If the contribution paid into this account generates any interest or equivalent profit (under the relevant national law of the country in which the account is based), the beneficiary must, upon submission of the Final report, declare this interest resulting from any pre-financing. The interests or equivalent profit must be recovered by the Executive Agency when the contribution balance is paid.

The project proposed by the applicant may not receive double financing. Other sources of Community funding to the production of the same project cannot be part of the financing plan. In fact, the Community rules state that no project may benefit from two sources of Community funding.

Applicants must indicate in their application for support what other applications for financial support they have submitted or will be submitting to the European Commission during that same year, indicating for each support the Community programme concerned and the amount of the support.

9.1. Amount of the financial contribution.

The amount of the financial contribution awarded to each selected project by the Agency is determined with respect to the cost and nature of each project, in particular with regards to the following criteria:

- the production budget and financing plan of the work

- the performance of the producer in the execution of its previous contracts with the MEDIA II Programme, MEDIA Plus and MEDIA 2007 Programme (respect of the submitted production budget)

The financial contribution will take the form of a subsidy.

The financial contribution awarded will in no event exceed 12.5% of the eligible production budget submitted by the producer for fiction and animated films and 20% of the eligible production budget for documentary films.

The maximum financial contribution which may be awarded is €500 000 per work.

9.2 Payment of the financial contribution.

Should an application be approved by the Commission, an agreement (in Euro) specifying the conditions of the grant and the level of financing will be concluded between the Agency and the beneficiary.

The payment of the financial contribution will normally be made in three instalments:

- 30% upon written confirmation of the start of principal photography / production;
- 20% upon presentation to and approval by the Agency of the signed contract between the producer and the main broadcaster, a progress report on the production and an Interim Financial Report.
- 50% upon presentation to and approval by the Agency of a written declaration by the first broadcaster proving its acceptance of the delivered material as well as a Final Financial Report certified by an external approved auditor. The Agency's final financial contribution may not exceed 12.5% of the final total eligible expenditure for fiction and animated films and 20% of the final total eligible expenditure for documentary films.

The requested documents for the second and third instalment may be submitted simultaneously. Upon approval by the Agency of these deliverables, the Agency may make a joint payment of the second and final instalment.

The beneficiaries will notify the Agency of major alterations of the financing plan and production budget during the entire contractual period with the Executive Agency.

9.3. Guarantee

The Agency may request any beneficiary to produce a guarantee before any payment in order to reduce the financial risks involved in the payment of pre-financing contributions.

This guarantee aims to make the guarantor liable for all obligations of the beneficiary of an Agency contribution.

This financial guarantee, which must be made in Euro, is to be provided by a recognised financial or banking institution established in any of the European Union's Member States.

At beneficiary's request and subject to prior agreement by the Agency, this guarantee can be replaced by the personal liability of a third party or the beneficiaries involved in the agreement concerning the project.

9.4. Eligible costs

Costs which are considered as eligible are those which are:

- necessary for the implementation of the event/project and directly linked to it, written in the provisional budget attached in the agreement, reasonable and in conformity with the principles of sound financial management and cost-effective;
- generated during the eligible period of costs as defined in the agreement;
- actually incurred by the beneficiary (ies), registered in the accounts in accordance with the relevant accountancy principles, and have been declared according to national financial and social security regulations;
- identifiable and verifiable on the basis of justifying documents.

The beneficiary's accounting procedures must allow the reconciliation of costs and revenues declared in relation to the project supported with the corresponding justifying evidence and the organisation's accounts.

9.4.1. Duration of eligible costs

Only those costs incurred by the beneficiary (ies) for the execution of the project during a period starting 6 months before the date of submission of the application and ending 24 months after the date of submission, or 36 months after this date in the case of longer series, will be eligible.

9.4.2. Categories of eligible costs

The categories of eligible costs are clearly identified in the form "Production Budget", which will form the basis for calculating the financial contribution awarded to the projects. The financial contribution awarded will in no event exceed 12.5% of the eligible production budget submitted by the producer for fiction and animated films and 20% of the eligible production budget for documentary films.

The applicant company has to indicate in the application form if in the framework of a co-production contract, costs linked to the project will be incurred and invoiced by a co-producer and if these costs have to be included in the eligible budget. In this case,

the information about the co-producer will have to be submitted and the co-producer will enter into the agreement (in case of selection) as a co-beneficiary. Only the companies which meet the eligibility criteria indicated in point 5.1 (Eligible beneficiaries) may be co-beneficiary and therefore bring eligible costs to the project.

Eligible direct costs

The eligible direct costs for the project are those costs which, with due regard for the conditions of eligibility set out above, are identifiable as specific costs directly linked to the performance of the action and which can therefore be booked to it directly. In particular, the following direct costs are eligible, provided that they satisfy the criteria set out in the previous paragraph:

- the cost of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs included in their remuneration, provided that this cost does not exceed the average rates corresponding to the usual remuneration policy of the beneficiary or, where applicable, its partners. NB: this cost must be actual cost incurred by the beneficiary, and staff cost of other organisations is eligible only if it is paid directly or reimbursed by the beneficiary;
- travel and subsistence allowances for staff taking part in the project (for meetings, European conferences, etc.), provided that they are in line with the usual practices of the beneficiary or, where applicable, its partners on travel costs and that they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency;
- the purchase cost of equipment (new or second-hand), provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiary and generally accepted for items of the same kind. Only the portion of the equipment's depreciation corresponding to the duration of the action and the rate of actual use for the purposes of the action may be taken into account by the Agency, except where the nature and/or the context of its use justifies different treatment by the Agency;
- costs of consumables and supplies, provided that they are identifiable and assigned to the project;
- costs entailed by other contracts awarded by the beneficiary or its partners for the purposes of carrying out the project, provided that the conditions laid down in Article II.9 of the agreement are met;
- costs arising directly from requirements linked to the performance of the project (dissemination of information, specific evaluation of the action/project, audits, translations, reproduction, etc.), including, where applicable, the costs of any financial services (especially the cost of financial guarantees).

Eligible indirect costs

- a flat-rate funding of 7% of the total eligible direct costs of the project representing the applicant's overheads when incurred in carrying out the project, is considered as eligible.
- at the time of application, a provision can be made for contingency costs related to the production. This provision must be justified and may not exceed 5% of the total direct eligible costs (i.e. total of costs entered under headings 1 to 7). Contingencies will not be accepted at the stage of final costs. If these costs have been spent, they will have to be inserted in the appropriate item of the direct costs.

Indirect costs are eligible only if they do not include costs already presented in another heading of the budget.

Distinction between eligible costs and total costs

The production budget included in the application form consists of two columns, one for the eligible costs and one for the total production costs. The applicant has to verify the correctness of the declared amounts.

All costs indicated in point 9.5 here under have to be excluded from the eligible costs column. Particular attention will have to be given to ineligible costs incurred before the start of the period of eligibility indicated in point 9.4.1, as well as costs already co-financed by the MEDIA Development scheme, incurred by a co-producer which will not be co-beneficiary of the agreement or eventual producer's fees.

9.5. Ineligible costs

The following costs are considered as ineligible:

- Return on capital,
- Debt and debt service charges,
- Provisions for losses or potential future liabilities,
- Doubtful debts,
- Exchange losses,
- VAT unless the beneficiary can show that he is unable to recover it,
- Costs declared by the beneficiary and supported in the framework of another action or under another Community grant,
- Excessive or reckless expenditure
- Expenditure for partners from countries not participating in the programme or not being co-beneficiaries of the agreement.

If the development of the work applied for was supported within the framework of the MEDIA II, MEDIA Plus or MEDIA 2007 Programme (Single projects or slate funding), the costs which were co-financed at the development stage are not eligible. The total amount presented in the forecast or final MEDIA development budget will be ineligible.

Contributions in kind (such as professional credits / industry credits in kind and deferred salaries) are not eligible costs. Production services offered by the broadcasters are not considered as being in kind¹.

10. SUB-CONTRACTING AND ACQUISITION OF EXTERNAL SERVICES

Should the implementation of the project require significant sub-contracting or tenders, the applicant and, where necessary, its partners must ensure the receipt of a competitive offer (i.e. the most cost efficient) respecting the principles of transparency and equal treatment of potential sub-contractors and ensuring that no conflicts of interest are incurred.

11. PUBLICITY

All subsidies allocated during one financial year must be published on the website of the MEDIA Programme during the first six months of the following financial year, of the budget under which they were granted. This information may also be published in any other appropriate publication, including the Official Journal.

With the permission of the successful applicants (unless such information threaten their security or harm their business interests), the Agency will publish the following information:

- the name and address of the beneficiary,
- the subject of the grant,
- the amount and the rate of financing.

All successful applicants are required to mention clearly the support of the European Union in any publicity or during the activities for which a subsidy is granted.

Moreover, all successful applicants are required to display clearly the name and logo of the MEDIA Programme, on all publications and publicity materials produced for any project which has been allocated a co-financing contribution. Logos and a text concerning the MEDIA Programme's support will be provided by the Agency. Should this condition not be respected, the amount of the Community contribution provisionally allocated may be cancelled.

¹ The value of such contributions must not exceed (a) either the costs actually borne and duly supported by accounting documents; or (b) the costs generally accepted on the market in question.

12. APPLICATION PROCEDURE

12.1. Publication

The Call for Proposals is published in the Official Journal of the European Union and is accessible on the following website:

http://ec.europa.eu/information_society/media/producer/tv/index_en.htm

12.2. Application form

Applications must be submitted in one copy using the official Application Forms which can be downloaded from the website mentioned in 12.1.

Applications must be typed and should preferably be submitted in English or French.

12.3. Presentation of the application

Only applications submitted using the official Application Forms having been dated, completed correctly and in full, including a complete and balanced Forecast Production Budget and Financial Plan, and signed by the legal representative of the company will be considered.

They must be sent by registered mail or private courier posted no later than the closing dates of the **1st of June 2007** and **2nd of November 2007** (postmark), to the following address:

Education, Audiovisual and Culture Executive Agency (EACEA)
MEDIA
Constantin Daskalakis
BOUR 3.30
1, Avenue du Bourget
B-1140 Brussels
Belgium

ENVELOPES SHOULD BE CLEARLY MARKED :

MEDIA 2007 – Call for Proposals 6/2007 - TV BROADCASTING

Applications sent only by fax or by email will not be accepted.

Contacts at the Executive Agency

Any requests for clarification should be addressed to:

Matteo Solaro
matteo.solaro@ec.europa.eu

National contacts

Additional information, as well as guidelines and applications forms in the Community's official languages other than French and English are available at MEDIA Desks and Antennae as per the list included in Annex II.

12.4. Evaluation and award procedure

Only applications which satisfy the eligibility criteria will be considered for the attribution of an eventual grant. Ineligible applications will receive a letter explaining the reasons of their ineligibility.

All applicant company which will not be supported will be informed in writing.

The Commission will make the final selection of the beneficiaries.

The Agency reserves the right not to process proposals which lack the required documentation or information (documents listed in the application form) at the deadline.

Eligible proposals will be submitted to an evaluation process, including in particular, recourse to independent experts. The choice of these experts will be based upon competence, independence and a thorough knowledge of TV production and distribution and the European audiovisual market.

Applicants will be informed as soon as possible whether or not the Commission has decided to grant them a financial contribution. This decision will be final.

No file or document submitted will be returned to applicants at the end of the evaluation and award procedure.

Selected applications will be subject to a financial assessment. In this context the Agency may request additional information or guarantees from applicants before taking any final decision on granting support. Applicants must give prompt and full responses to any such requests.

The projects selected will be the subject of an agreement concluded between the Agency and each production company, specifying the amount of support and the payment arrangements.

When the project is co-produced by several production companies which all present eligible costs related to the project, a multi-beneficiary agreement will be concluded. The applicant company will be designated as coordinator and the others companies as co-beneficiaries.

12.5. Applicable rules

- Council Regulation (EC Euratom) n°1605/2002 of 25th June 2002 concerning the Financial Regulations applicable to the budgets of the European Communities.
- Council Regulation (EC Euratom) n°2342/2002 of 23rd December 2002 (implementation rules concerning the Council Regulation.)
- Regulation of the Commission 1261/2005 of 20th July 2005 modifying the regulation 2342/2002 of 23rd December 2002
- Regulation of the Commission 1248/2006 of 2nd August 2006 modifying the regulation 2342/2002 of 23rd December 2002
- Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)

Annexes :

- Annex I: Financial Guide
- Annex II List of MEDIA Desks
- Annex III: Application Form

Annex I FINANCIAL GUIDE.

Introduction

The purpose of this section is to define clearly for the applicants the procedures to follow when setting out the project and the budget to be applied for, as well as the normal financial principles which will be applied in the framework of the execution of the contract for financial support signed by the Executive Agency in the event that the presented project is selected.

In the course of the operation of the MEDIA Programme and the audits carried out by the Commission of a certain number of selected projects, a series of errors and omissions have been identified. These errors prolong and needlessly complicate the process of selection, as well as the treatment of payments of the selected projects, for both the beneficiaries and the Executive Agency.

The remarks below will thus be useful for applicants and beneficiaries in reducing the number of queries and requests for additional information that are often required for the finalising of an application dossier or the execution of the support contracts.

1. Application Form/Production Budget/Financial Plan.

1.1. Application Form

All requests for financial support within the current Call for Proposals must be made using the application form attached to the current Call for Proposals.

The Application Form must be filled out completely. This counts for all headings including the Marketing Strategy. Otherwise the application runs the risk of being rejected because of missing information.

The information about the sales of the works produced over the last 2-5 years by the company has to be correct. Only the territories where the project has been sold and broadcasted should be mentioned. Exploitation rights taken by distributors should not be indicated if the work has not been sold to a broadcaster. Only the net revenues having been effectively paid to the producer have to be indicated.

1.2. Production Budget

The budget must be presented using the form “Production Budget” set out in the Application Form “Support for TV Broadcasting”.

Applicants must pay particular attention to the estimation of all budget items. The services of the Commission have developed, during MEDIA Plus, a sound knowledge of the applicable prices for different European markets for the categories of items used in the budget: costs which are overestimated or manifestly superior to known market prices will not be accepted.

Equally, applicants must indicate the quantities (no. of staff and days) in the “quantity” columns of the Production Budgets. Overheads as specified in point 8.2 of the Production Budget may in no case exceed the relevant specified maximum percentages. Contingencies are approved only in extraordinary cases and only if explained in detail. They may not exceed the percentage set out in point 8.3 of the budget form.

Where the Production Budget indicates "to be specified in detail" such specifications have to be made, otherwise the budget item will not be approved and/or the application is regarded as incomplete.

The production budget included in the application form consists of two columns, one for the eligible costs and one for the total production costs. The applicant has to verify the correctness of the declared amounts.

All costs indicated in point 9.5 have to be excluded from the eligible costs column. Particular attention will have to be given to ineligible costs incurred before the start of the period of eligibility indicated in point 9.4.1, as well as costs already co-financed by the MEDIA Development scheme, incurred by a co-producer which will not be co-beneficiary of the agreement or eventual producer's fees.

1.3. Financial Plan

The financial plan must be presented using the form "Financial Plan" set out in the Application Form “Support for TV Broadcasting”.

All financial sources of the Project must be named and specified in the Financial Plan quoting the detailed amount of financing. At the stage of application minimum 50% of the financing must be confirmed by binding letters of commitment. For the broadcasters' participation, the letter of commitment must clearly specify the licence price and the licence term.

For the avoidance of any doubt, the percentages used to verify the eligibility criteria and to calculate the award criteria will be taken into consideration from the total costs budget.

Financial contributions from **Public funds** consist of reimbursable advances on receipts, loans, subsidies or automatic support funds. Such financing may be European, national, regional or local.

Other sources of Community funding to the production of the same project (e.g. funding obtained under the MEDEA programme) cannot be part of the financing plan. In fact, the Community rules state that no project may benefit from two sources of Community funding.

2. Eligible Costs

The details regarding the eligible costs are indicated in point 9.4 of the Guidelines of the present call.

Applicants have to verify the correctness of the eligible costs declared as the amount awarded will be calculated on the basis of the total of the eligible costs.

By derogation of Article 112 of the Implementation Rules of the Financial Regulations (Regulation n°2342/2002 of 23rd December 2002) and according to the specificity of the projects to be financed, the period of eligibility of costs can start 6 months before the date of submission of the application. In order to justify this retroactivity, the applicant has to add to the forecast budget submitted with the application a list of invoices and costs presented in the budget and incurred in the period of 6 months before the date of application. This list will have to mention the heading to which the costs refer and will have to be signed by the accountant of the company.

3. Calculation of the final financial contribution

Should the project be selected, the following principles will be applied in the framework of the performance of the agreement for financial support signed between the Commission and the beneficiary production company.

3.1. Transfers between budget headings

The amounts indicated by the beneficiary under the different headings of the production budget are considered indicative. The beneficiary may therefore apply changes to the budget, as long as these transfers do not affect the basic purpose of the operation and the financial impact is limited to a transfer between headings of the budget involving a variation of less than 10% of the total amount of the budget. If the financial impact foreseen involves variation of an amount entered under a heading of more than 10% of the total budget, the beneficiary shall seek the prior written approval of the Agency before applying the modification.

3.2. Report of final expenditure and financing of the production

The report of total final expenditure and financing of the production must be presented using the “Financial Report” form prescribed by the Agency, which will be annexed to the agreement to be signed between the Agency and each beneficiary. It must be certified by an external approved auditor.

3.2.1. Expenditure

The “expenditure” part of the Financial Report shall contain the final statement of eligible costs incurred for the project. It shall also indicate the Total costs of the production.

Actual expenditures for Contingencies must be allocated to the relevant budget headings in the final expenditure report, i.e. no provisions for contingencies may be considered eligible at this stage.

In addition to the Financial Report, and for the purposes of verification of the final costs of the production, the Agency may ask for copies of invoices of some of the eligible costs.

The Financial Report will form the basis for calculation of the final amount of the financial contribution. The financial contribution shall not exceed 12.5% of the total final approved eligible expenditure for fiction and animated films and 20% of the total final approved eligible expenditure for documentary films. At the same time the final financial contribution cannot exceed the maximum amount awarded according to the agreement signed with the Agency.

3.2.2. Financing sources

All financing sources of the project (including public funds) must be included in the “financial plan” part of the Financial Report. These financial sources must be named and specified, quoting the detailed amount of financing for each source.

The Agency’s financial contribution shall be limited to the amount required to balance financial contributions and the Total costs of the production. At the same time the final financial contribution shall not exceed the maximum amount awarded according to the agreement signed with the Agency.

3.3. Financial control and audit

Should the project be selected, an agreement shall be signed between the Agency and the beneficiary, by which the beneficiary shall undertake to allow the Agency staff, staff from the Court of Auditors of the European Communities and persons authorised by them, appropriate access to the sites or premises where the project is being carried out and to all documents relating to the technical and financial management of the operation. Access by persons authorised by the Agency may be subject to confidentiality arrangements to be agreed between the Agency and the beneficiary.

The beneficiary shall also agree that the Agency and the Court of Auditors of the European Communities can verify the use to which the financial contribution is put in accordance with the Council Regulation No 1605/2002 of 25 June 2002 on the Financial Regulation, published in OJ No L 248 of 16 September 2002, applicable to the general budget of the European Communities, as amended, throughout the duration of the agreement and for five years after its end date.

The beneficiary shall also undertake to ensure that any subcontractors accept the same obligation. By entering in a multi-beneficiary agreement, the co-beneficiaries commit themselves to respect these obligations.

Controls by the Agency or the Court of Auditors of the European Communities may be carried out on the basis of documents or on the spot.

4. Exchange Rates

The forecast production budget and financial plan must be presented in Euro (€).

For those countries which are not members of the Euro zone, or for expenses incurred in the currencies of countries which are not part of the Euro zone, the exchange rate to be used is the official exchange rate published at the date of the application. The exchange rates are available from the MEDIA Desks and Antennae and from the web site of the Commission at :

<http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=home&Language=en>):

Annexe II.

MEDIA DESK & ANTENNES



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Vlaamse Gemeenschap
Bijlokekaai 7 F
B-9000 Gent
Tel. (32-9) 235 22 65
Fax (32-9) 233 07 09
E-mail:
Info@mediadesk-vlaanderen.be
Internet:
<http://www.mediadesk-vlaanderen.be>
Nathalie Goethals

Communauté française:
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Communauté française de Belgique
44, bd Léopold II
B-1080 Bruxelles
Tel. (32-2) 413 22 45
Fax (32-2) 413 20 68
E-mail: mediadesk.belgique@cfwb.be
Internet:
<http://www.cfwb.be/mediadesk>
Thierry Leclercq

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1000 SOFIA
B u l g a r i a
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Fax: + 359 2 987 53 69
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Kamen Balkanski

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www.mediadesk.com.cy
Ioanna Americanou

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Česka filmová komora o.p.s.
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Tel. : +420 221 105 209 / 210
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Barbora Ondřejáková

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Anu Ernits

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Fax: (30-210) 725 40 58
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Christina Panagopoulou

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Internet: <http://www.mediadesk.com.fr>

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Olivier Trusson

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(beginning 2007)

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Fax (353-1) 670 96 08
E-mail: info@mediadesk.ie
Internet: www.iftn.ie/mediadesk/index.htm

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Amélia Tavares

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Rachel Schmid