



**SUPPORT FOR THE TRANS-NATIONAL DISTRIBUTION OF  
EUROPEAN FILMS AND THE NETWORKING OF  
EUROPEAN DISTRIBUTORS  
THE « SELECTIVE » SCHEME**

**CALL FOR PROPOSALS EACEA/04/07**

**Guidelines for the submission of proposals  
to obtain financial support**

**NB: This call is subject to the adoption of the MEDIA 2007 work programme (see  
introduction p. 3)**

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## 1. INTRODUCTION

This call for proposals and attached guidelines (hereafter: "Call for proposals") are based on the Decision n° 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). This Call for proposals is in line with the MEDIA programme 2007-2013 as described in the proposal of the European Commission (see document COM (2004) 470 final – 2004/0151 (COD)).

NB: The Commission's proposal relative to the MEDIA 2007 programme has not yet been adopted by the European Legislator. However, in order to enable a timely implementation of this programme after its adoption by the European Legislator, that should take place shortly, and in order to allow the potential beneficiaries of community support to prepare their proposals at the earliest date, the Agency has decided to publish this Call for Proposals.

The present Call for Proposals does not involve the legal responsibility of the Agency. It can be cancelled and other types of call for proposals may be launched, with appropriate deadlines.

More generally, the implementation in 2007 of Call for Proposals is subject to the following condition:

-adoption of the work programme relating to the MEDIA programme 2007 after referral to the programme committee.

The measures covered by the Decision include support for the trans-national distribution of European films.

The European Commission is responsible for the MEDIA Programme and for the decision to grant individual European Community funds. However, the Education, Audiovisual and Culture Executive Agency implements the MEDIA Programme on behalf and under the control of the European Commission. The section responsible for the implementation of the Call for proposals is the MEDIA Programme unit within the Education, Audiovisual and Culture Executive Agency.

## **2. OBJECTIVES**

### **2.1 Objectives of the Programme**

The global objectives of the programme are the following:

- a) To protect and enhance cultural diversity and the European audiovisual heritage, to guarantee public access and to encourage cultural exchanges;
- b) To increase the circulation of European audiovisual works within and outside of the European Union;
- c) To reinforce competitiveness of European audiovisual works within the framework of an open and competitive European market.

In the distribution sector, the objectives of the programme are the following:

- to strengthen the European distribution sector in the field of cinema by encouraging distributors to invest in the production, acquisition, marketing and promotion of non-domestic European cinema films;
- to foster the wider trans-national dissemination of non-domestic European films, through incentives to stimulate their distribution and their screening in cinemas, inter alia by encouraging co-ordinated marketing strategies;

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.

### **2.2. Objectives of the "Selective scheme"**

The support scheme's aim is to foster the wider trans-national distribution of non-domestic European films and to encourage theatrical distributors in particular to invest in promotion and adequate distribution for non-domestic European films. It also aims to encourage the establishment and consolidation of co-operation networks between European distributors, as well as co-operation between distributors, sales agents and/or producers.

### **2.3. Priorities of this Call for proposals**

This Call for proposals is aimed at European companies whose activities contribute to the realisation of the above objectives, and in particular at cinema distribution companies. It explains how to submit a proposal with a view to obtaining a financial contribution from the Community.

It aims at providing financial support to European theatrical distribution companies applying as a grouping for the distribution of one or several European non-national films.

## **3. CALENDAR**

Applications must be sent to the Agency, ultimately, at the following deadlines (the postmark will be taken as proof of timely sending):

- **16 April 2007**
- **10 July 2007**
- **1 December 2007**

See Section 12.3 of this Call for proposals for a detailed description of the methodology to follow when submitting an application.

The theatrical release of the film shall take place at the earliest on the same day as the relevant deadline for submission and at the latest within 18 months of the deadline at which the initial grouping of distributors supported had submitted its application.

**Due to the delay in publication of the present call releases as from 15 March 2007 are accepted as eligible for all films applied for at the first deadline (16 April 2007) of this call.**

Only those costs incurred by the beneficiary for the execution of the project (theatrical distribution) during a period starting **5 months before the release of the film in the territory and ending 6 months after the release**, will be eligible.

If the release date is postponed / modified by the beneficiary, the period of the eligible costs will be adapted according to the new release date along the lines set out above (from 5 months before the release to six months afterwards).

Applicants will be informed normally within 16 weeks of the submission deadline whether or not the Agency has decided to grant them a financial contribution. This decision will be final.

Should an application be unsuccessful, the Agency will inform the applicant as soon as possible and in writing of the reasons for its decision with regards to the criteria established in this Call for proposals.

The distribution projects selected will be the subject of an agreement concluded between the Agency and each distributor, which sets out the arrangements for payment of the financial support granted.

If after the signing of the agreement and the start of the project it becomes impossible for the beneficiary, for fully justified reasons beyond his control, to complete the project within the scheduled period, an extension to the eligibility period may be granted if requested before the end of the eligibility period as specified in the agreement.

#### **4. AVAILABLE BUDGET**

The maximum budget available under this Call for proposals will be 12 M €  
The Agency reserves the right not to allocate the entire budget.

The amount of the financial contribution to be awarded will be determined within the limits of the available budgetary resources and with regards to the selection and award criteria. Under no circumstance may the amount of financial contribution awarded by the Agency to each beneficiary and for each project supported exceed 50 % of the total eligible costs of the proposed action. The beneficiary must guarantee the remaining finance.

The amount of the financial contribution awarded to each company by the Agency is determined with respect to the cost and nature of each proposed action.  
Support will be in form of a subsidy.

The maximum grant will be 150.000€.

## **5. ELIGIBILITY CRITERIA**

### **5.1. Eligible companies**

#### European company

Company owned, whether directly or by majority participation, by nationals of Member States of the European Union and of the European Economic Agreement (or nationals of the other European countries participating in the Media programme) and registered in one of these countries.

#### Cinema / Theatrical distributor

A Cinema theatrical distributor is involved in commercial activity designed to bring to the attention of a wide audience a film for the purpose of exploitation in cinema theatres. Such activity may include aspects of the technical publishing of an audiovisual work (dubbing and subtitling, striking of prints, circulation of prints, etc.) as well as marketing and promotional activities (production of trailers and publicity material, the purchase of advertising space, the organisation of promotional events etc.).

Digital distribution can also be supported as long as it is of a minimum quality (=1,3 k). This excludes DVD, DVIX, Digital Beta or any other support whose resolution is below 1.3K as a copy or source of the films for theatrical release.

Costs that are specific to digital distribution (master or any other digital equivalent of the inter-negative and duplication costs) are thus eligible.

Distributors can be supported for digital and non-digital distribution of a film at the same time.

A cinema / theatrical distributor must fulfil the following criteria;

- be the holder of the theatrical distribution rights for the film in the territory concerned;
- carry out the theatrical distribution of the film in the territory (determines the release date;
- plans, controls and executes the distribution and promotion campaign);
- pay the associated distribution costs.

In the event that distribution activities are shared between several companies, the contracts/agreements between these companies must be previously disclosed to the Agency. The Agency will consider as eligible a distribution company that fulfils most of the criteria defined in the above paragraph.

The use of « physical distributors » for specific services (booking of cinemas, circulation of prints and collection of receipts) is allowed, provided that it has been previously disclosed to the Agency. Such « physical distributors » shall not be eligible for support.

### **5.2. Eligible countries**

#### Participating countries:

This Call for proposals is open to companies registered in and owned by nationals from the Member States of the European Union as at 1<sup>st</sup> January 2007 (including Romania and

Bulgaria) and countries of the European Economic Agreement participating in the MEDIA plus Programme (Iceland, Liechtenstein and Norway), as well as Switzerland<sup>1</sup>.

Countries with a low production capacity:

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

### **5.3. Eligible films**

European film

Any recent work of fiction (including animated films) or documentary, with a minimum duration of 60 minutes, complying with the following conditions:

- the work has been majority produced by a producer or producers established in the countries participating in the MEDIA Programme. To be considered as the actual producers the production companies must be credited as such. Other elements such as creative control, ownership of exploitation rights and share of profits may also be taken into account to determine who the actual producer is;

and

- the work has been made with a significant participation by professionals who are citizens / residents of the countries participating in the MEDIA Programme. Significant participation is defined as 10 or more points under the following scheme (or the biggest share of points if the total is less than 19 in case of documentaries or animated films):

| +                                   | Points |
|-------------------------------------|--------|
| Director                            | 3      |
| Scriptwriter                        | 3      |
| Composer                            | 1      |
| Actor 1                             | 2      |
| Actor 2                             | 2      |
| Actor 3                             | 2      |
| Artistic Director/Production Design | 1      |
| Director of Photography             | 1      |
| Editor                              | 1      |
| Sound                               | 1      |
| Shooting location                   | 1      |
| Laboratory                          | 1      |
| Total                               | 19     |

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<sup>1</sup> Switzerland's participation is subject to the conclusion of a new cooperation agreement in the framework of the MEDIA Programme.

Recent films are those whose first copyright has been established **during or after 2004**.

Films consisting of advertising, pornographic or racist material or advocating violence are not eligible for support.

**Films with a production budget over 25 M € are not eligible** for selective support. They are still eligible for automatic support (see call for proposals EACEA/05/07).

#### National / Non-national European film

European films will be considered as national in that member state or territory participating in the MEDIA Programme whose citizens / residents have participated in the highest proportion in the making of the film, on the basis of the points table shown above. They will be considered as non-national in all the other territories.

#### **5.4. Eligible groupings**

- **In the case where a grouping of distributors has not yet been supported in the framework of the « selective » support scheme for distribution of the MEDIA Plus programme for the proposed film :**

Only applications from groupings of at least **five** distributors operating in different national territories (and preferably with different languages) which propose to distribute one or more recent non-national European films may be eligible.

The theatrical release of the film (not including previews or special screenings) shall take place in the territories concerned **at the earliest on the same day as the relevant deadline for submission of this Call for proposals, and ultimately 18 months after this date.**

**Due to the delay in publication of the present call releases as from 15 March 2007 are accepted as eligible for all films applied for at the first deadline (16 April 2007) of this call.**

| Deadline for submission | Film must not be released before | Film must not be released after |
|-------------------------|----------------------------------|---------------------------------|
| 16 April 2007           | 15 March 2007                    | 16 October 2008                 |
| 10 July 2007            | 10 July 2007                     | 10 January 2009                 |
| 1 December 2007         | 1 December 2007                  | 1 June 2009                     |

- **In the case where a grouping of distributors has already been supported for the proposed film in the framework of the « selective » support scheme for distribution of the MEDIA Plus Programme:**

One or more distributors who so wish may join an existing grouping already supported in the framework of MEDIA Plus for the distribution of the same film. Confirmation of existence of such a grouping should be provided by the grouping coordinator.

The theatrical release (not including previews or special screenings) shall take place in the relevant territory **at the earliest on the day of the relevant deadline for**



**submission of this Call for proposals, and ultimately 18 months after the date of the deadline at which the initial grouping of distributors supported had submitted its application.**

### **5.5. Eligible applications**

To be eligible, the applications must:

- be sent to the Agency by the relevant deadline (postmark will be taken as proof of timely sending.)
- respect these guidelines and be correctly and fully completed,
- be submitted using the official application forms (Annex 2),
- include a detailed, balanced and correctly calculated budget complying with all the conditions set out under section 9 of this Call for proposals,
- include all the official forms, duly completed and signed by the legal representative of the company,
- include all documents requested in the Checklist (see application forms).

The Agency reserves the right to request additional information from the applicant.

## **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 for the following reasons:

- (a) they are bankrupt or entering bankruptcy proceedings, their business is administered by the courts, they have entered into an arrangement with creditors, they have suspended business activities, are the subject of proceedings concerning these matters, or are in a similar situation arising from an analogous procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;
- (c) they have been guilty of a serious offence proven by any means which a contracting authority can justify;
- (d) they 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 where they are established or with those of the country of the contracting authority or of the country where the project is to be implemented;
- (e) they 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, they have been declared to be in serious breach of contract for failure to comply with contractual obligations.

Applicants cannot receive a 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 Agency 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 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 legal representative of the company must sign a declaration of honour stating not to be in any of the situations set out in Articles 93 & 94. This declaration is included in the Application Forms provided in Annex 2 and 3.

## **7. SELECTION CRITERIA**

The selection criteria are aimed at assessing the applicant's operational and financial capacity to complete the proposed project or work plan.

### **7.1. Operational Capacity**

The applicants must provide evidence of:

#### ***-Legal Structure;***

The Agency can enter into an agreement only on the basis of satisfactory evidence of the legal form of the applicant, be they a company (private company, charity, association etc.) or an individual.

The applicant should complete the relevant **Legal Entity Form** in its own language ([http://europa.eu.int/comm/budget/execution/legal\\_entities\\_fr.htm](http://europa.eu.int/comm/budget/execution/legal_entities_fr.htm)) and must provide the following documents:

- Private Companies, associations etc.:
  - 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) and the Articles of Association
- Public Entities:
  - Copy of the decree/act or governmental decision or any other official documents establishing the public body.
- Individuals:
  - Copy of the ID card and/or passport.

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

**- Professional competencies, qualifications and/or experience required to complete the proposed project.**

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

- the curriculum vitae of the legal representative of the company and of the Head of distribution (if they are not the same person);
- a list of films distributed by the applicant over the last two years.

## **7.2. Financial Capacity**

The applicants must provide evidence of:

**-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 fiscal year for which the accounts have been completed including the balance sheet and profit and loss statement. This should be certified by an approved auditor external to the company;
- for new companies: a bank declaration (document delivered by the bank confirming that the applicant company is the holder of an account which is properly operated);
- the Bank Identification form (see p 3 of Company Application Form) completed by the applicant and certified by the Bank (original signatures are required);
- the Financial Capacity form (see p 6 of Company Application Form) carefully and fully completed and signed by the legal representative and by the approved external auditor. The information (in figures) should be given in national currency and 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 pre-financing payment.

## **7.3. Audit**

When one distributor's cumulative requests for financial contributions exceed € 500.000 under this Call, she/he will have to provide an audit report produced by an approved external auditor<sup>1</sup>. This report certifies the accounts of the last or most recent fiscal year.

The Agency reserves the right not to select proposals submitted by distributors who have not fulfilled their obligations under the contracts signed in the framework of the MEDIA I, MEDIA II and MEDIA Plus Programmes or other EC-funded programmes.

Applicants who fail to provide the requested documents or who, on the basis of the documents submitted are judged not to meet the selection criteria will be excluded.

<sup>1</sup> The approved auditor external to the company must be authorized to the terms of the Eight directive 84/253/CEE of the Council of 10<sup>th</sup> April 1984 on article 54 paragraph 3 point g) of the CEE treaty, regarding the authorization of the individuals in charge of the legal control of accounting documents (JO n°L 126 of 12/05/1984).

## 8. AWARD CRITERIA

The award criteria make it possible to assess the quality of the proposals submitted in the light of the set objectives and priorities. The Agency will decide to award grants on the basis of the following:

- **In the case where a grouping of distributors has not yet been supported in the framework of the « selective » support scheme for distribution of the MEDIA Plus programme for the proposed film :**

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

|                                                                                                                                               | Points                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Number of eligible distributors in the grouping (minimum 5)                                                                                   | 1 point per eligible distributor |
| Production cost of the proposed film > 5 million €                                                                                            | 0                                |
| Production cost of the proposed film between 3 and 5 million €                                                                                | 1                                |
| Production cost of the proposed film < 3 million €                                                                                            | 2                                |
| Film produced in FR or UK                                                                                                                     | 0                                |
| Film produced in DE, ES or IT                                                                                                                 | 1                                |
| Film produced in a country with a low production capacity                                                                                     | 2                                |
| Film produced in a new Member State of the European Union                                                                                     | 4                                |
| First or second feature film of the director                                                                                                  | 2                                |
| Documentary                                                                                                                                   | 2                                |
| Animation film                                                                                                                                | 1                                |
| Film for children                                                                                                                             | 1                                |
| The co-ordinator of the grouping is the sales agent / producer of the film (+ 1 if the sales agent is from a different country than the film) | 2                                |

A special attention will be paid to permanent groupings of distributors who own the distribution rights and apply for support in several territories at a time. One point will be awarded for each territory where the applying grouping can be qualified as the theatrical distributor of the film (see definition above). To reward and to encourage this kind of European distribution structures, two extra points will furthermore be given to such groupings.

If selected, the grouping may be awarded a higher percentage of MEDIA contribution (within the 50% limit) considering the higher costs incurred for joint or co-ordination activities.

For the avoidance of any doubt, companies who have subsidiaries in other territories are not considered as permanent groupings in the meaning of this Call.

- **In the case where a grouping of distributors has already been supported for the proposed film in the framework of the “selective” support scheme for distribution of the MEDIA Plus Programme:**

Within the limits of 15 % of the budgetary resources available at each session, the Agency will “automatically” select these projects, provided they meet the conditions defined in sections 5, 6 and 7 of this Call for proposals.

When one distributor's cumulative requests for financial contributions exceed **€ 500.000** under this Call, she/he will have to provide an audit report produced by an approved external auditor.

The report will have to be produced at the latest by the time the distributor submits the reinvestment project by which the accumulated financial contributions requested under this Call exceed €500.000.

## **9. FINANCIAL CONDITIONS**

Financial contributions granted in the framework of this Call for proposals will take the form of subsidies as defined in Article 6 of Council Decision 2000/821/EC. Acceptance of an application by the Agency does not constitute an undertaking to award a financial contribution equal to the amount requested by the beneficiary. The awarding of a grant does not establish an entitlement for 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. The allocated amount may not exceed the amount requested.

Should a project be approved, an agreement shall be signed between the Agency and the beneficiary, by which the beneficiary shall undertake to allow 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 and persons authorised by them may verify the use to which the financial contribution is put, in accordance with the Financial Regulation of 25 June 2002 applicable to the general budget of the European Communities as amended, throughout the duration of the project and for five years after its end date.

The beneficiary undertakes to ensure that any partner accepts the same obligation.

Checks by the Agency or the Court of Auditors of the European Communities, or any person authorised by them, may be carried out on the basis of documents or on site.

The Agency is not bound, by sole act of selecting a particular applicant, to agreeing to the level of financial support requested. The award of a contribution does not infer any right to a grant in subsequent years.

The amount of financial support granted can in no case exceed the amount of financial support requested.

### **Exchange Rates**

The provisional budget 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 beginning of each month for the month in which

- the project is presented
- the financial report is drafted

| Deadline for the submissions of Proposals | Average exchange rate (Infor Euro) of the month of |
|-------------------------------------------|----------------------------------------------------|
| 16 April 2007                             | April 2007                                         |
| 10 July 2007                              | July 2007                                          |
| 1 December 2007                           | November 2007                                      |

This exchange rate is available from the MEDIA Desks and Antennae and from the web site of the Commission at <http://europa.eu.int/comm/budget/inforeuro>.

### **9.1 Payment Procedure**

Should an application be approved, a financial agreement (drawn up in euro) specifying the conditions of the grant and the level of Agency financing will be concluded between the Agency and the beneficiary. The beneficiary will receive the original agreement in two copies which will have to be signed and returned to the Agency, who will be the last party to sign.

As a general rule, in case if all provisions of Chapter 5 and 7 are applied by the beneficiary, payments will be made as follows:

- A pre-financing payment of 50% will be transferred to the beneficiary within 45 days of the date when the last of the two parties signs the agreement and all the necessary guarantees have been received. This payment is an instalment designed to provide cash flow for the beneficiary.
- Payment of the balance is made after the end of the action on the basis of the implementation of the project and the approbation by the Agency of final reports. In order for the Agency to agree to a payment, additional information may be requested from applicants when the final reports are submitted. The amount of this final contribution depends on actual costs incurred by the beneficiary within the period of eligibility of costs and the levels of co-financing ultimately obtained. If applicable, the beneficiary will be required to reimburse any surplus already paid as part of initial pre-

financing. The final payment will be made within 45 days following approval by the Agency of the final reports accompanying the request for payment of the balance.

The Agency will establish the amount of the final payment to be made to the beneficiary on the basis of **the final reports certified by an independent and approved external auditor**.

### **9.2. Audit report**

An external audit of accounts, produced by an approved external auditor, may be required in support of any payments on the basis of an analysis of management risks. The audit report must be attached to the payment request, its purpose being to certify that the accounts concerned are sincere, reliable and substantiated by adequate supporting documents.

### **9.3 Guarantee**

The Commission may require any organisation which has been awarded a grant to provide a guarantee first, in order to limit the financial risks linked to the pre-financing payment.

The purpose of this guarantee is to make a bank or a financial institution, third party or the other beneficiaries stand as irrevocable collateral security for, or first-call guarantor of, the grant beneficiary's obligations.

This financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the Member State of the European Union.

The guarantee may be replaced by a joint and several guarantee by a third party or by a joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

The guarantee shall be released as the pre-financing is gradually cleared against interim payments or payments of balances to the beneficiary, in accordance with the conditions laid down in the grant agreement.

### **9.4 Double financing**

Subsidised projects may not benefit from any other Community funding for the same activity.

### **9.5. Categories of eligible costs**

The categories of eligible costs are clearly identified in the form "Distribution Budget".

The costs which are considered as eligible are those that are:

- directly linked to the distribution of the film concerned;
- actually incurred by the beneficiary;
- identifiable and controllable on the basis of justifying documents;
- registered in the accountancy or financial records of the beneficiary.

Moreover, the beneficiaries of a community support are obliged to maintain a clear analytical accounting of the costs for each supported distribution project. This accounting and classification system will facilitate the verification and certification of the final costs by



the approved external auditor necessary for the payment of an eventual financial contribution.

The categories of eligible costs are clearly identified in the form "Distribution Budget". We can, in short, distinguish the following categories:

### **Costs of Advertising and Promotion (section 1)**

**Publicity Material** : design, layout and printing of the posters; slides and photographs, production of advertising spots for radio and TV, flyers, design and layout of press advertising,...

**Publicity Spaces**: placing of the cinema trailers, purchase of advertising spaces (posters, TV, Radio, Press), distribution of flyers / postcards and mailing,...

**Promotion** : Promotion material such as press dossiers, organisation of press screenings, premieres or receptions for launching the film in the territory, organisation of test screenings, travel and accommodation of the director / cast of the film in the distribution territory for the promotion of the film, design and construction of a web site / homepage for the promotion of the film, EPK...

### **Prints/Copies and Production Costs (Section 2)**

These costs comprise the costs related to the optical and digital manufacturing and circulation of the prints/digital copies for exploitation of the film/trailer in the cinemas: internegative, master and prints/digital copies of the trailers; dubbing and subtitling of the trailers; striking of an internegative and duplication of the prints of the film, mastering<sup>2</sup> and duplication of the digital copies, dubbing and subtitling the prints/digital copies of the film, insurance, transport and taxes, prints maintenance, costs for the national systems of certification of the film.

DVD or Digital Beta for promotional purposes are to be included in 1.2 Promotion costs and therefore to be excluded from digital costs.

If the digital costs are eligible according to the list above, the different digital services should be detailed relating to the following:

- master (Digital Source Master (DSM), Digital Cinema Distribution Master (DCDM), specific colour grading for digital release...);
- digital copies : specify what kind of digital copy you use;
- dubbing and subtitling.

### **Other Costs (Section 3)**

#### **Audit Costs**

In the framework of the execution of an eventual financial support contract, the Commission requires the beneficiary to produce a statement of the final costs and a statement of the revenues after twelve months. These two documents must be certified by an independent approved auditor external to the company on the basis of evidencing

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<sup>2</sup> Colour grading required for theatrical release, compression of the data, encoding, encryption.



documents and the accountancy records of the beneficiary. Therefore the costs of this certification are eligible.

#### Other Costs

A space is provided in the form for the disclosure of other costs that are directly linked to the project and not expressly provided for in the form. These "other costs" must not fall under costs listed under Chapter 9.6 'ineligible costs' and have to be clearly identified and detailed in the application form and/or in the financial report for them to be eligible. Moreover, those costs normally associated with the normal running of the company are not eligible under this heading.

#### **Indirect costs (Section 4)**

##### Overheads

A flat-rate fee up to a maximum of 7% of the eligible direct distribution costs, within the limit of € 14,000 per project, to cover the following indirect costs of the beneficiary relevant to the project: rent of company offices, insurance, maintenance costs, telecommunications, postal charges, heating, lighting, water, electricity, office supplies, rental of stands on markets and festivals.

The total amounts of indirect costs charged by the beneficiary who has different financial support contracts cannot exceed the total costs incurred by the beneficiary for these categories of costs for the financial reporting period.

#### **9.6. Categories of ineligible costs.**

Certain costs will be considered as ineligible if they are not clearly identified in the provisional budget or if they have not been previously notified to the Agency (sub contracting costs or costs of any physical distributor, costs invoiced by a subsidiary company of the beneficiary company or by persons linked to the beneficiary company).

In all cases, the following costs are ineligible:

- costs which are not identifiable or controllable on the basis of supporting documents;
- costs which are not registered in the accountancy or financial records of the beneficiary;
- provisions for losses or potential future liabilities ;
- financial costs ( bank charges, costs of opening and maintaining bank accounts, bank transfers and other bank charges);
- debts or debts service charges;
- loan interests;
- doubtful debts;
- VAT, unless the beneficiary can show that he is unable to recover it;
- costs declared by the beneficiary and covered by another action or work programme receiving Community grant;
- exchange losses;
- contributions in kind (such as publicity partnerships with various media);
- costs that are to be considered as indirect costs (postal charges...);
- excessive or reckless expenditures.

### **9.7. Legal entity**

See Section 7.1 of these Guidelines

## **10. EVALUATION AND AWARD PROCEDURE**

The purpose of this section is to define clearly for the applicants the procedures to follow when filling in and submitting reinvestment projects.

### **Duration and validity of the Call for proposals**

These guidelines are valid for the year 2007.

### **Deadline for submission of proposals**

Applicants may present proposals to the Agency at any given date. All complete proposals sent before the deadlines laid down below will be examined by the Agency. The outcome of the award procedure may normally be expected 16 weeks after the relevant closing date.

### **Closing dates for submission of proposals:**

- **16 April 2007**
- **10 July 2007**
- **1 December 2007**

### **Assessment of proposals**

The Agency will assess the proposals.

The Agency reserves the right not to process proposals which lack the required documentation (documents listed in the application forms) at the closing date. The examination of dossiers rejected on this basis will be postponed to the following deadline, under the proviso that the requirements defined in sections 5, 6 and 7 above are respected.

The Agency reserves the right to request additional information from applicants before any final decision will be taken .

Proposals which meet the eligibility and selection criteria 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 theatrical distribution and the European audiovisual market.

Applicants will be informed about the Commission's decision regarding their proposal. The Commission decision, taken following the recommendation of the Agency, will be final.

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

The budget must be presented using the form “Distribution Budget” set out in the Application Form “Distributor”.

Applicants must pay particular attention to the evaluation of the provisional costs. The services of the Commission have developed, during MEDIA II and MEDIA Plus, a sound knowledge of the applicable prices for the differing European markets for the categories of costs 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 (number of dubbed/subtitled prints, number of dubbed/subtitled trailers, posters...) in the “quantity” column of the provisional budget.

### **Amount of the financial contribution**

The amount of the financial contribution granted to selected distributors will be determined by the Agency with regards to the following criteria:

- the distribution and promotion plan and budget for the proposed film(s), and the forecast results of the theatrical release (expected number of admissions and Box Office results);
- the conditions of theatrical release (number of prints in relation to the target market);
- the performance of the distributor in the execution of its previous contracts with the MEDIA II Programme and MEDIA Plus Programme (respect of the submitted distribution budgets).

The maximum financial contribution which can be granted is **€150 000** per distributor per film distributed.

The financial contribution awarded will in no event exceed **50 %** of the distribution budget submitted by any distributor for each film. The distributor must guarantee the part of the financing not covered by the community support.

## **11. PUBLICITY**

All subsidies allocated during any one financial year are published on the website of the European Institutions during the first six months of the following financial year, after the completion of the audit of the budget under which they were granted. This information may also be published in any other appropriate publication, for example the Official Journal. With the permission of the successful applicant, (unless such information is a threat to the applicant's security or could harm the applicant's business interests,) the Agency will publish the name and address of the beneficiary, the subject of the grant, the amount and rate of financing.

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used. The name and logo of the MEDIA programme as well as the mention “with the support of the MEDIA Programme of the European Union” must appear on all publications, posters, programmes and other products created in relation to the co-financed project.

## **12. PRESENTATION AND SUBMISSION OF PROPOSALS**

### **12.1. Publication**

The Call for proposals is published in the Official Journal of the European Union and is accessible on the MEDIA Programme website at the following address:

<http://ec.europa.eu/media>

### **12.2. Application forms**

Applications must imperatively be submitted using the official application forms, including the official budget form, (Annex 2), and signed by the applicant's legal representative.

The official forms can be downloaded from the website mentioned in 12.1.

### **12.3. Submission procedure**

The groupings of European distribution companies who wish to benefit from the support described above must present their proposals by using the attached application forms and provide the required annexes.

Each proposal must contain the following elements (and its annexes):

- a) Application form 'Distributor' (to be filled out and signed by each legal representative);
- b) Application form 'Film/Grouping' (to be filled out and signed by the Co-ordinator of the grouping);
- c) The application form Company 2007 must be filled out by the distributor **ONLY** once a year **and** in case of change (see Annex 2).

Proposals and documents must be sent:

(a) either by post or by courier service, in which case the evidence shall be constituted by the postmark, or

(b) by hand-delivery in which case the evidence shall be constituted by a signed and dated receipt **(at the latest on the date of the relevant deadline before 15h00)** by the Agency to the following address:

**Education, Audiovisual and Culture Executive Agency  
(EACEA)  
Constantin Daskalakis  
BOUR 3/66  
Avenue du Bourget, 1  
B-1049 Brussels  
Belgium**

**Envelopes should be clearly marked:**

## **“MEDIA 2007 - DISTRIBUTION EACEA/04/07 – SELECTIVE CINEMA”**

Only applications which fulfil all of the eligible criteria will be considered eligible and assessed. Ineligible applications will not be considered for a contribution and will receive letters stating the reasons for such rejection.

The applicant has to submit all distribution agreements relevant to the application, including agreements already submitted when applying for support under any previous call of the MEDIA programme. Incomplete applications will be considered non-eligible.

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.

The information submitted by the distributor will be treated as confidential.

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

### **12.4 Applicable Rules**

- Council Regulation (EC Euratom) n°1605/2002 of 25<sup>th</sup> June 2002 concerning the Financial Regulations applicable to the budgets of the European Communities.
- Council Regulation (EC Euratom) n°2342/2002 of 23<sup>rd</sup> December 2002 (implementation rules concerning the Council Regulation.) as amended by regulation 1261/2005 of July 20<sup>th</sup> 2005
- Council Regulation 1261/2005 as modified by the Regulation of the Commission 1248/2006 concerning the financial rules applicable to the general budget of the European Communities.
- Decision n° 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)

### **12.5. Contacts**

#### Contacts at the EACEA

The Commission service responsible for implementing the MEDIA 2007 Programme is the EAC Executive Agency (EACEA).

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National contacts

Additional information, as well as guidelines and application forms in the Community's official languages other than French and English are available at MEDIA Desks and Antennae (Annex 1).

**Annexes**

**Annex 1 - MEDIA DESKS & ANTENNAE**

**Annex 2 – Application forms**

- **Application form " Company 2007 "**

To be filled out once a year **and** in case of change by each distributor

- **Application form " Distributor "**

To be filled out by each applicant distributor

- **Application form "Film/Grouping"**

To be filled out by the Co-ordinator of the grouping

## **Annex 1 - MEDIA DESKS & ANTENNAE**

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## **Annex 2 – Application forms**

- **Application form " Company 2007 "**

To be filled out once a year **and** in case of change by each distributor

- **Application form " Distributor "**

To be filled out by each applicant distributor

- **Application form "Film/Grouping"**

To be filled out by the Co-ordinator of the grouping