



A programme of the European Union



MEDIA 2007 (2007-2013) *

CALL FOR PROPOSALS EACEA/28/07

GUIDELINES

**SUPPORT FOR THE TRANSNATIONAL DISTRIBUTION OF EUROPEAN
FILMS – THE "SELECTIVE" SCHEME 2008**

*** Decision N° 1718/2006/CE
of the European Parliament and the Council**

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1. INTRODUCTION

This call for proposals and attached guidelines (hereafter: "Call for proposals") are based on 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), 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 MEDIA Programme and for the decision to grant individual European Community funds. The Education, Audiovisual and Culture Executive Agency manages 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 (hereafter "the Agency").

This call for proposals is aimed at European organisations whose activities contribute to the realisation of the objectives of the MEDIA Programme as described in the Council Decision 1718/2006/EC. These guidelines explain how to submit a proposal in view of obtaining a community financial contribution.

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

The implementation of this Call for Proposals is subject to the adoption of the European Union budget for the year 2008 by the budget authority

2. OBJECTIVES - PRIORITIES

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, and
- 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 European distribution sector in the field of cinema by encouraging distributors to invest in the co-production, acquisition and promotion of non-national European films and to set up coordinated marketing strategies;

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

2.2. Objectives of the "Selective scheme"

The aim of the “selective” support scheme is to encourage and support the wider trans-national distribution of recent non national European films by encouraging theatrical distributors in particular to invest in promotion and adequate distribution of non-domestic European films.

The scheme also aims to encourage the development of links between the production and distribution sector thus improving the competitive position of non national European films.

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.

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.

3. TIMETABLE

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

- **1 April 2008**
- **1 July 2008**

Please read carefully section 12.3 of this call for proposals concerning the procedure for submitting applications.

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.

Only those costs incurred by the beneficiary for the execution of the project (theatrical distribution) during a period starting **6 months before the release of the film in the territory and ending 10 months after the release**, will be eligible. The maximum duration of a project is therefore 16 months.

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 6 months before the release to 10 months afterwards).

However, 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 1 month before the end of the eligibility period as specified in the agreement.

4. AVAILABLE BUDGET

The total budget earmarked for the cofinancing of projects under this Call for proposals is estimated at EUR 12,250,000 subject to the adoption of the European Union budget for the year 2008 by the budget authority.

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 the financial contribution awarded by the Agency exceed 50% of the total eligible costs of the projects. The recipient company must guarantee the remaining financing.

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. The beneficiaries will be informed about the final amount of the financial contribution awarded at the signature of the agreement. Support will be in form of a subsidy.

The maximum grant will be EUR 150,000 per distributor and per film distributed.

5. ELIGIBILITY CRITERIA

Applications which comply with the following criteria will be the subject of an in depth evaluation.

Applications duly signed by the legal representative of the company must be submitted before the relevant deadlines and use the application forms annexed hereto.

5.1. Eligible Companies

The call is open to:

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:

1. be the holder of the theatrical distribution rights for the film in the territory concerned;
2. carry out the theatrical distribution of the film in the territory (determines the release date; plans, controls and executes the distribution and promotion campaign), and
3. 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

5.1.1 Legal Entity

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 in its own language (http://ec.europa.eu/budget/execution/legal_entities_en.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 (EVEN for those countries where the Registration & VAT numbers are identical), 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.

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_en.htm and complete the form in their national language.

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 1st January 2008 and countries of the European Economic Agreement participating in the MEDIA 2007 Programme (Iceland, Liechtenstein and Norway), as well as Switzerland.

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 must be produced with the significant participation of professionals who are nationals/residents of countries participating in the MEDIA programme. 'Significant participation' is defined as having more than 50% of the points on the basis of the table below, (e.g. having 10 or more points in the case of a work of fiction or the biggest share of points if the total is less than 19 as is normally the case for documentaries or animation films where all of the categories are not usually included in the credits):

+	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

Recent films are those whose first copyright has been established during or after **2005**.

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

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.

Small films

Films with a production budget smaller than EUR 3 Mio qualify as small films.

Medium films

Films with a production budget between EUR 3 Mio and EUR 15 Mio qualify as medium films.

Films with a production budget over EUR 15 Mio are not eligible for selective support. They are still eligible for automatic support (see call for proposals EACEA/27/07).

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 Programme for the proposed film :**

Small films: 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.

Medium films: only applications from groupings of at least **seven** 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.**

Deadline for submission	Film must not be released	Film must not be released
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	before	after
1 April 2008	1 April 2008	1 October 2009
1 July 2008	1 July 2008	1 January 2010

- **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 Programme:**

One or more distributors who so wish may join an existing grouping already supported in the framework of the MEDIA Programme 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 submitted using the official application forms (Annex 2);
- include all the official forms, duly completed and signed by the legal representative of the company (original signature required);
- be sent to the Agency by the relevant deadline (postmark will be taken as proof of timely sending.);
- include a signed, detailed, balanced and correctly calculated budget complying with all the conditions set out in this call for proposals;
- 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 general budget of the European Communities (EC Council Regulation, Euratom-n° 1605/2002) as modified by Council Regulation (EC, Euratom) n° 1995/2006 of 13th December 2006 and set out below.

Applicants will be excluded from participation in this call for proposals if they are in any of the following situations:

- they 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;
- they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;

- (c) they have been guilty of grave professional misconduct proven by any means which the 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 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) they have been the subject of a judgement 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 their contractual obligations.

Applicants will not be granted financial assistance if, on the date of the grant award procedure, they:

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant award procedure, or fail to supply this information.

In accordance with Articles 93 to 96 of the Financial Regulation, administrative and financial penalties may be imposed on applicants who are guilty of misrepresentation or are found to have seriously failed to meet their contractual obligations under a previous contract award procedure.

To comply with these provisions, applicants must sign a declaration of honour certifying that they are not in any of the situations referred to in Articles 93 and 94.

This declaration is included in the Application Forms provided in Annex 2.

7. SELECTION CRITERIA

Applicant must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out or the year for which the grant is awarded and to participate in its funding. They must have the professional competencies and qualifications required to complete the proposed action or work programme.

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.

7.1. Operational Capacity

The applicants must provide evidence of *professional competencies, qualifications and/or experience required to complete the proposed project*.

This criterion will be assessed on the basis of the following document(s), which must be included in the proposal submitted:

- the curriculum vitae of the legal representative of the company and
- the curriculum vitae of the Head of Distribution (if they are not the same person).

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 point IV of Company Application Form) carefully and fully completed signed by the legal representative AND by the auditor. The information (in figures) should be given in national currency and must be based on the certified accounts. The annual accounts of the 2 most recent completed fiscal years for profit companies and of the last year for non profit companies must be included within the application form. The applicant guarantees that these figures are correct and verifiable. This information is required to evaluate the financial strength and co-financing capacity of the applicant.

Please note that the data to be provided differs depending if the applicant is a profit or a non-profit company.

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

If, on the basis of the documents provided, the Agency considers that the financial capacity has not been proven or is not satisfactory, it may:

- Reject the application
- Ask for further information
- Require a guarantee (see 9.3)
- Offer a grant agreement without pre-financing.

7.3. Audit

For applicants requesting a contribution of more than EUR 500,000 the certified accounts must be accompanied with an external audit report done by an approved auditor external to the company¹.

¹ The approved auditor external to the company must be authorized to the terms of the Eight directive 84/253/CEE of the Council of 10th 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).

This report certifies the accounts of the last or most recent fiscal year and gives an opinion on the financial viability to implementing the project based on the last audited year end but also on the viability of the company for the current year.

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. Around 40% of the yearly budget of the selective scheme will be allocated to small films, while the remaining 60% will be allocated to medium films.

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 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:

Small films (Production cost < EUR 3 Mio)

	Points
Number of eligible distributors in the grouping (minimum 5)	1 point per eligible distributor
Bonus for groupings of 10 or more distributors	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 (entered the EU in 2004 or later)	3
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

Medium films (Production cost: EUR 3 – 15 Mio)

	Points
Number of eligible distributors in the grouping (minimum 7)	1 point per eligible

	distributor
Film with a production budget of EUR 3 – 5 Mio	1
Film with a production budget of EUR 5 – 15 Mio	0
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 (entered the EU in 2004 or later)	3
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. 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 and the amount requested) 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 Programme:**

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

9. FINANCIAL CONDITIONS

Acceptance of an application 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 implement projects and are based on the principle of co-financing. They complement the applicant's financial contribution and/or national, regional or private financial contributions that have been obtained elsewhere.

The allocated amount may not exceed the amount requested

Grant applications must include a detailed estimated budget in which all prices are given in euro.

The budget for the action attached to the application must have revenue and expenditure in balance and show clearly the costs which are eligible for financing from the Community budget.²

The applicant must indicate the sources and amounts of any other funding received or applied for in the same financial year for the same action or for any other action and for routine activities.³

The Community grant may not have the purpose or effect of producing a profit for the beneficiary. Profit is defined as a surplus of receipts over costs. The amount of the grant will be reduced by the amount of any surplus.

If the project is selected, 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 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.

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

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 by the Commission at the beginning of each month for the month in which the project is presented.

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

9.1 Payment Procedure

In the event of definitive approval by the Agency, a financial agreement, drawn up in euro and detailing the conditions and the level of funding will be entered between the Agency and the beneficiary. This

² Article 173(3) IR.

³ Article 173(5) IR.

agreement (the original) must be signed and returned to the Agency immediately. The Agency will sign it last.

As a general rule 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. Prefinancing is intended to provide the beneficiary with a float.
- 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 eligible 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 Certificate on the financial statements and underlying accounts

A certificate on the financial statements and underlying accounts, produced by an approved auditor or in case of public bodies, by a competent and independent public officer, may be demanded by the authorising officer responsible in support of any payment on the basis of his assessment of risks. In the case of a grant for an action or of an operating grant, the certificate shall be attached to the request for payment. The certificate shall certify, in accordance with a methodology approved by the authorising officer responsible, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement. Except in the case of lump sums and flat rate financing, the certificate on the financial statements and underlying accounts shall be compulsory for interim payments per financial year and for payments of balances in cases of grants for an action of EUR 750,000 or more and operating grants of EUR 100,000 or more.⁴

9.3 Guarantee

The Agency 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, 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.

⁴ Article 180(2) IR.

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 Eligible costs

In order to be eligible under this call for proposals, costs must

- be necessary for the implementation of the action/project, be included in the estimated budget attached to the agreement, necessary and reasonable for the completion of the action/project, and consistent with the principles of sound financial management, in particular in terms of value for money and cost-effectiveness;
- be incurred during the lifetime of the action/project as defined in the agreement;
- actually be incurred by the beneficiary, be recorded in the beneficiary's accounts in accordance with the applicable accounting principles, and be declared in accordance with the requirements of the applicable tax and social legislation;
- be identifiable and verifiable and be backed up by original supporting documents;
- directly linked to the distribution of the film concerned
- be incurred within the period of eligibility of costs.

The beneficiaries of a community support are obliged to maintain a clear analytical accounting of the costs for each supported project. This accounting and classification system will facilitate the verification and certification of the final costs by an approved auditor external to the company 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:

Advertising costs (heading 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 Space: placing of the cinema trailers, purchase of advertising spaces (poster, TV, Radio, Press), distribution of flyers / postcards and mailing.

Promotion costs (heading 2)

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, ...

Optical Costs (heading 3)

These costs include the costs related to the optical manufacturing and circulation of the prints for the exploitation of the film in the cinemas: striking of an internegative and prints of the film, dubbing and subtitling the prints of the film, insurance, transport and taxes, prints maintenance, costs for the national systems of certification of the film.

Digital Costs (heading 4)

These costs include the costs related to the optical manufacturing and circulation of the digital copies for the exploitation of the film in the cinemas: mastering⁵ and duplication of the digital copies, dubbing and subtitling of the 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 heading 2 Promotion 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 (heading 5)

Audit Costs.

In the framework of the execution of an eventual financial support contract, the Agency requires the beneficiary to produce a statement of the final costs of the project. This document must be certified by an independent approved auditor, external to the company on the basis of justifying documents and the accountancy records of the beneficiary.

Other Costs.

A space is provided in the form for the disclosure of other costs, directly linked to the project which are not expressly provided for in the form. These “other costs” must not fall under costs listed under Chapter 9.5 ‘ineligible costs’ and have to be clearly identified and detailed in the application form and in the financial report for them to be eligible. Moreover, those costs normally associated with the

⁵ Colour grading required for theatrical release, compression of the data, encoding, encryption.

normal running of the company are not eligible under this heading. Costs need only to be detailed if they exceed the amount of EUR 5,000.

Indirect costs (Overheads)

A flat-rate fee up to a maximum of 7% of the eligible direct distribution costs, within the limit of EUR 30,000 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.

Indirect costs may not include costs entered under another budget heading.

9.6 Ineligible costs

The following costs shall not be considered eligible:

- return on capital;
- debt and debt service charges;
- provisions for losses or potential future liabilities;
- interest owed;
- doubtful debts;
- exchange losses;
- 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 a Community grant;
- excessive or reckless expenditure
- financial costs (bank charges, costs of opening and maintaining bank accounts, exchange charges and other bank charges);
- loan interest;
- contributions in kind (such as publicity partnerships with various media).

10. SUB-CONTRACTING AND AWARD OF PROCUREMENT CONTRACT
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Not applicable.

11. PUBLICITY

All grants awarded in the course of a financial year must be published on the Internet site of the Community Institutions during the first six months of the following financial year, after the completion of the budget under which they were granted. The information may also be published in any other appropriate medium, including the Official Journal of the European Union.

With the agreement of the beneficiary, (taking account of whether information is of such a nature as to jeopardise its security or prejudice its financial interests) the Agency will publish the following information:

- 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 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.

Any MEDIA grant shall remain the exclusive property of the beneficiary. Community Law and the general conditions of any eventual contract offered to a distributor clearly lay down the fact that the Community Contribution (Grant) "shall be used by the Beneficiary solely, exclusively and directly in discharging eligible expenses incurred".

12. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

The purpose of this section is to define clearly for the applicants the procedures to follow when applying for support

Duration and validity of the Call for Proposals

These guidelines are valid for the year 2008.

Deadline for submission of proposals

Applicants may present proposals to the Agency at any given date. Only 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. This decision will be final.

Closing dates for submission of proposals:

- **1 April 2008**
- **1 July 2008**

The Agency reserves the right to request additional information from applicants before a final decision on granting support is taken.

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.

12.1. Publication

The Call for proposals is being 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

Grant applications must be submitted in one of the official EU languages (preferably in English or French), on the correct forms, duly completed, dated, showing a balanced budget (revenue/expenditure), in duplicate (as defined in the application forms), and signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation will be accepted.

Applications which do not include all the stipulated documents and which are not submitted before the deadline will not be considered as eligible.

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 documents (and its annexes):

- a) Application form 'Distributor' (to be filled in and signed by each legal representative);
- b) Application form 'Film/Grouping' (to be filled in and signed by the Co-ordinator of the grouping);
- c) The application form Company 2008 must be filled in by the distributor only once a year **and** in case of changes (see Annex 2).

Application and documents must be sent to the following address **by the relevant deadline:**

Education, Audiovisual and Culture Executive Agency (EACEA)
Constantin Daskalakis
BOUR 3/66
Avenue du Bourget, 1
B-1140 Brussels
Belgium

- (a) by registered post , date as postmark;
- (b) in person, at the address above mentioned, in which case the evidence shall be constituted by a signed and dated receipt **(on the date of the relevant deadline at latest before 15h00)**
- (c) by courier service.

Envelopes should be clearly marked:

MEDIA 2007 - DISTRIBUTION EACEA/28/07 – SELECTIVE CINEMA

No changes to the dossier can be made after the application has been submitted. However, if there is a need to clarify certain aspects, the Agency may contact the applicant for this purpose.

Only applications that fulfil all of the eligibility criteria will be considered for a grant. If an application is deemed ineligible, a letter indicating the reasons will be sent to the applicant.

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 analysis, in connection with which the Agency may ask the persons responsible for the proposed actions to provide additional information and, if appropriate, guarantees.

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

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

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 25th June 2002 concerning the Financial Regulation applicable to the budget of the European Communities as modified by Council Regulation (EC, Euratom) n° 1995/2006 of 13th December 2006.

- Commission Regulation (EC Euratom) n° 2342/2002 of 23rd December 2002 as modified by Commission Regulation n° 478/2007 of 23 April 2007 (implementing rules concerning the above mentioned Council Regulation n° 1605/2002) .

- Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a support programme for the European audiovisual sector (MEDIA 2007)

12.5 Contacts

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

Any requests for clarification should be addressed to:

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Maria-Silvia.Gatta@ec.europa.eu

Tél : + 32 2 295 41 15

Gabor Greiner

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Tel : + 32 2 295 37 75

National contacts

Additional information are available at MEDIA Desks and Antennae (Annex 1).

Annexes

Annex 1 - MEDIA DESKS & ANTENNAE

Annex 2 – Application forms

- **Application form " Company 2008 "**

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 and Antennae

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Vlaamse Gemeenschap:

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Vlaamse Gemeenschap
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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:

MEDIA Desk Belgique
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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Kamen Balkanski

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E-mail: mediadesk@pio.moi.gov.cy
www.mediadesk.com.cy
Ioanna Americanou

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Info@mediadesk.cz
www.mediadesk.cz
Barbora Ondřejčáková

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Fax (45-33) 74 34 65

E-mail: media@centrum.dk
Internet:
<http://www.mediadesk.dk>
Søren Stevns

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Fax (49-331) 743 87 59
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Catalina González

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c/o Estonian Film Foundation
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E s t o n i a
Tel.: +372 6 27 60 65
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Anu Ernits

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GR-101 63 Kallithea
Athens-Greece
Tel.: (30-210) 725 40 56-7
Fax: (30-210) 725 40 58
E-mail: media-he@otenet.gr
Internet: <http://www.mediadesk.gr>
Christina Panagopoulou

FRANCE (F)

MEDIA Desk France
24, rue Hamelin
F-75116 Paris
Tel. (33-1) 47 27 12 77
Fax (33-1) 47 27 04 15
E-mail: mediadesk@wanadoo.fr
Internet:
<http://www.mediadesk.com.fr>
Nathalie Chesnel

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F-67076 Strasbourg
Tel. (33-3) 88 60 95 89
Fax (33-3) 88 60 98 57
E-mail:
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Internet:
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Olivier Trusson

MEDIA Antenne Marseille
(beginning 2007)

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Rachel Schmid

Updated: 04.05.2007

Annex 2 – Application forms

- **Application form " Company 2008 "**

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