



**SUPPORT FOR THE TRANSNATIONAL DISTRIBUTION OF EUROPEAN
FILMS – SUPPORT TO THE INTERNATIONAL SALES AGENTS
OF EUROPEAN CINEMATOGRAPHIC FILMS**

CALL FOR PROPOSALS 08/2005

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

This call for proposals is based on Council Decision 200/821/EC on the implementation of a programme encouraging the development, distribution and promotion of European audio-visual works (Media Plus – Development, distribution and promotion 2001 - 2005), adopted by the Council on 20 December 2000 and published in the Official Journal of the European Communities on 17 January 2001 (OJ L 13, pages 34-43).

Objectives of the programme.

In the distribution sector, the objectives of the programme include 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 transnational 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 audio-visual production capacity and/or a restricted linguistic or geographical area.

Actions to be implemented.

This call for proposals is aimed at European companies whose activities contribute to the realisation of the above objectives, and in particular at companies specialising in the international distribution of cinema films (“sales agents”). It explains how to submit a proposal with a view to the generation of a potential fund.

The aim of the support scheme described in this Call for Proposals is to encourage and support the wider transnational distribution of recent European films by providing funds to sales agents, based upon their performance on the market, for further reinvestment in new non-national European films.

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

The “sales agents” support scheme works in two phases :

1. The generation of a potential Fund, which will be calculated according to the performance of the company on the European market over a given period.

2. Reinvestment : the potential Fund thus generated by each company must be reinvested in :

- minimum guarantees or advances paid for the international sales rights on new European non-national films;

- the promotion, marketing and advertising on the market of new non-national European films.

Financial support

The amount of the financial contribution is determined with respect to the cost and nature of each proposed reinvestment project. Under no circumstance may the amount of the financial contribution awarded by the Commission exceed 50% of the overall costs of the projects. The recipient company must guarantee the remaining finance. Support will be in the form of a subsidy.

Agreement

Reinvestment projects agreed by the Commission will be the subject of an Agreement between the Beneficiary and the Commission setting out the terms and conditions of the financial contribution granted.

2. ELIGIBILITY CRITERIA

A Formal Criteria :

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

B Definitions :

For the purposes of this call for proposals, the following definitions shall apply.

1. 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 and countries of the European Economic Agreement participating in the MEDIA plus Programme (Iceland, Liechtenstein and Norway), as well as those other countries that satisfy the conditions laid down in Article 11 of Decision N° 2000/821/EC (Bulgaria and Switzerland¹).

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, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Iceland, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Slovakia,

¹ As Switzerland is to join the MEDIA Plus Programme on the 1st of January 2006, Swiss films will be eligible for reinvestments from that date on.

Slovenia, Sweden and Switzerland² as well as those countries which are candidates to join the European Union and which fulfil the conditions defined in the above paragraph (Bulgaria).

2. 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.

Sales Agent

Any European company acting as an intermediary agent for the producer, who specialises in the commercial exploitation of a film by marketing and licensing a film to distributors or other purchasers for foreign territories.

The Sales agent must be appointed by the producer of the film by way of a written contract or agreement. A contract / agreement signed between a sales agent and a producer will be considered as an international sales contract / agreement only if it provides for the right of the sales agent to sell the film in at least 10 countries participating in the MEDIA Plus Programme.

International sales of cinema films.

Any commercial activity designed to promote and sell the exploitation rights to a cinematographic film on the marketplace, in particular to cinema distributors. This activity includes, inter alia :

- the negotiation and execution of contracts licensing the rights to exploit or exhibit the film ;
- the promotion and advertising of the film in markets or festivals (screenings, advertising, promotional events)
- the design and dissemination towards potential buyers of promotional material for the film (EPK, stills, slides, "making-of", ...)
- the design and dissemination towards the press (trade press or other) and the potential audience of the film of promotional material and information (web site, ...).

Cinema / Theatrical distribution

Any 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 audio-visual work (dubbing and subtitling, striking of prints, circulation of prints, etc.) as well as marketing and promotional activities (production of

² As Switzerland is to join the MEDIA Plus Programme on the 1st of January 2006, Swiss films will be eligible for reinvestments from that date on.

trailers and publicity material, the purchase of advertising space, the organisation of promotional events etc.).

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

Recent films are those whose first copyright has been established during or after **2001**.

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.

C Situations of exclusion:

1) Applicants are excluded from participation in this call for proposals if:

- (a) 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;
- (b) 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 must certify that they are not in one of the situations listed above (by signing the **declaration** in Annex 3 and/or 4).

2) Applicants shall be excluded from the participation at this call for proposals if:

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

N.B.: Administrative and financial penalties of an effective, proportionate and dissuasive nature may be imposed by the Commission on applicants who are excluded under the above grounds, in accordance with the provisions of Articles 93 to 96 of the Financial Regulation (Council Regulation 1605/2002 of 25/6/02) and Articles 133 and 175 of the Implementing Regulation (Commission Regulation 2342/2002 of 23/12/02).

3. SELECTION CRITERIA

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

The applicants must provide evidence of:

1) Legal Structure:

The Commission 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 (see below) 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.

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://europa.eu.int/comm/budget/execution/legal_entities_fr.htm and complete the form in their national language.

2) 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 International Sales (if they are not the same person);
- a list of films for which the applicant was the appointed sales agent over the period 2001-2004.

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

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

- the complete audited accounts for the last 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 independent Chartered Accountant or auditor;
- 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 5 of Company Application Form) carefully and fully completed. 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 Commission 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 Commission consider that the financial capacity is not proven or sufficient it may:

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

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

4. AWARD CRITERIA

A Generation Stage:

A potential Fund will be attributed to eligible European Sales Agents on the basis of their performance on the European market (i.e. countries participating in the MEDIA Plus Programme).

The support will take the form of a potential Fund (the “Fund”) available to sales agents for further investments in recent non-national European films.

The amount of potential fund available to each sales agent will be calculated on the following basis :

1. Step 1. The applicant sales agent shall provide evidence of its activity as a sales agent for European cinematographic films. To this end, the sales agent shall prove that :
 - it was, between 01/01/2001 and 31/12/2004, the appointed sales agent of **at least 8 recent European films**³ (of which at least **1 non-national** film), for which the agreement with the producer provided the right to sell the film in at least 10 countries participating to the MEDIA Plus Programme;
 - **and** that, during the same period, the sales agent **sold** the theatrical rights of **at least 4 of these films in at least 3 countries** participating in the MEDIA Plus Programme, outside the country of origin of the films.

If this first step is successfully completed, the sales agent shall be entitled to a potential support of **EUR 25.000**.

2. Step 2. If (and only if) the applicant sales agent has completed successfully the conditions set out for the first step, an additional potential fund may be available, which will be calculated as **a percentage of the potential fund generated in the framework of the automatic support scheme for theatrical distribution** (Call for proposals 02/2005) by the films and for the territories sold by the sales agent:
 - 10 % for films from countries with a high production capacity (DE, ES, FR, IT, UK);
 - 15 % for films coming from countries or regions "with a low production capacity";
 - 20 % for films coming from new Member States or participating countries.

Example : Sales agent X

Step 1 : The sales agent had, between 2001 and 2004, 15 films in international sales, of which 9 were sold in at least 3 non-national countries over the same period.

On the basis of this proof, the sales agent generates a potential fund of EUR 25.000.

Step 2 : the calculation of the potential fund generated by distributors under Call for proposals XY/2005 (automatic support scheme for theatrical distribution) on the basis of cinema admissions made in 2004:

³ i.e. European films whose first copyright has been established during or after 2001.

Film	Potential Fund generated by distributors under Call for Proposals XY/2005 (€)	Of which potential fund generated by distributors in territories sold by the sales agent (€)	Potential Fund generated by the Sales Agent for films of big countries (10 %) (€)	Potential Fund generated by the Sales Agent for films of small countries (15 %) (€)	Potential Fund generated by the Sales Agent for films of new countries (20 %) (€)
5*2 (FR)	300.000	300.000	30.000		
Bloody Sunday (UK)	120.000	100.000	10.000		
Cavale (BE)	50.000	50.000		7.500	
Dark Blue World (CZ)	65.000	50.000			10.000
Mar Adentro (ES)	100.000	90.000	9.000		
Fate Ignoranti (Le) (IT)	80.000	65.000	6.500		
Gosford Park (UK)	200.000	190.000	19.000		
Halbe Treppe (DE)	75.000	75.000	7.500		
Noi Albinoi (IS)	40.000	40.000		6.000	
	1.030.000	960.000	81.000	13.500	10.000

The total potential Fund generated by the sales agent further to steps 1 and 2 is therefore € 25.000 + (81.000 + 13.500 + 10.000) € = 129.500 €

The amounts indicated above are provisional and may be subject to modification depending upon the budgetary resources available.

Following the calculation of the potential Fund generated, the Commission will inform each beneficiary of the amount of potential Fund available for reinvestment.

The notification will normally be sent to the beneficiary within 3 months of the deadline of this Call for Proposals.

The notification to the sales agent of the potential Fund generated does not constitute a claim on the European Commission.

B Reinvestment Stage

Sales agents can present reinvestment projects starting from the deadline of this Call.

These projects will be processed by the Commission following the assessment of the “generation” phase of the fund, and will be treated on the basis and within the limits of the potential Fund generated by the sales agent as calculated and notified by the Commission.

The potential Fund can be reinvested :

- ① In the meeting of Minimum Sales Guarantees for new European **non-national** films.
- ② In the meeting of promotion and marketing costs for new European **non-national** films.

The potential Fund can be reinvested in one or several films. Reinvestments in Module 1 (MG) and in Module 2 (promotion costs) for the same film are allowed.

Beneficiaries wishing to reinvest (part of) their potential Fund should send to the Commission a request for reinvestment, using the forms in Annex 4.

Reinvestment projects must be approved by the Commission.

Reinvestment of the potential Fund into completed projects is impossible.

In order to be eligible, reinvestment projects of the potential fund generated by this Call for proposals must:

- **begin at the earliest on the deadline of this Call (16/9/2005).**

For the different modules, eligible reinvestment projects cannot start before the following dates :

Module	Earliest start date of the project
1 – Minimum guarantee	The international sales contract/agreement with the producer must be signed at the earliest on 16/9/2005 .
2 – Promotion and marketing costs	The international sales contract/agreement with the producer must be signed at the earliest on 16/9/2005 .

- **be submitted to the Commission within the following deadlines :**

Module	Deadline for presentation of the reinvestment project
1 – Minimum guarantee	Within 3 months of the signature of the international sales contract/agreement with the producer
2 – Promotion and marketing costs	Within 3 months of the signature of the international sales contract/agreement with the producer

- **be submitted to the Commission at the latest on 1st November 2006.**

The potential fund which is not reinvested by the beneficiary on this date will be lost.

5. FINANCIAL SUPPORT

5.1. Amount of the Project Allocation

The amount of the potential fund that may be drawn for a given reinvestment project may not exceed 50 % of the total cost of the proposed reinvestment project.

Costs which are directly invoiced by the Sales Agents to third parties, such as producers or distributors, shall not be considered as eligible costs.

5.2 Payment of the Project Allocation

Reinvestment projects must be agreed by the Commission.

Reinvestment projects agreed by the Commission will generate an agreement with the Commission setting out the terms and conditions of the financial contribution granted (i.e. the amount of potential fund reinvested in the project, period of eligibility of costs...). Under the proviso that the beneficiary sales agent complies with the terms of the reinvestment agreement, the financial contribution will take the form of a subsidy.

Payment will normally be made in two parts :

- 50% following the signature of the reinvestment agreement by the Commission ;
- the balance on presentation to the Commission and acceptance by the Commission of the final eligible costs of the project, certified by an independent chartered accountant.

The beneficiaries will notify the Commission of any major alteration of the project's implementation and budget.

6. EVALUATION AND AWARD PROCEDURE

Duration and validity of the Call for Proposals

These guidelines are valid for the years 2005 (generation) and 2006 (reinvestments).

Deadline for submission of proposals

Proposals for the “generation” of a potential Fund must be sent (postmark date) on **16/9/2005** at the latest.

Assessment of proposals

The Commission will assess the proposals.

The Commission reserves the right not to process proposals which lack the required documentation (documents listed in the application forms) at the closing date.

The Commission reserves the right to request additional information from applicants before taking any final decision on granting support.

Applicants will be informed as soon as possible of the Commission’s decision regarding their proposal. The Commission's decision will be final.

7. PRESENTATION AND SUBMISSION OF PROPOSALS

European sales agent companies applying for the type of support described above must present their proposal in view of the generation of a potential Fund in duplicate by using the attached application forms and providing the required annexes.

Proposals must include the following items (see Annex 3) :

- a) **Application form « COMPANY 2005 » in two copies.**
- b) **Application form « Films » for European films sold by the sales agent between 01/01/2001 and 31/12/2004 in two copies.**

as well as the annexes defined in the application forms.

Proposals and documents must be submitted in duplicate (unless otherwise stated) and sent by registered post, private courier or delivered by hand, to the following address:

European Commission
Directorate-General for Information Society and Media (DG INFSO)
MEDIA PLUS Programme (Unit A2)
Mr Costas DASKALAKIS
B100 04/27
1 rue de Genève
B-1049 Brussels
BELGIUM

ENVELOPES SHOULD BE CLEARLY MARKED :

“MEDIA Plus - DISTRIBUTION 08/2005 – CINEMA SALES AGENTS”

Applicants submitting a proposal by post are asked to send the Commission, before the closing date, a fax announcing their intention to apply at the following number : +32 2 299 92 14.

Contacts at the European Commission

The Commission service responsible for implementing the MEDIA Plus Programme is Unit A2 of Directorate General for Information Society and Media (INFSO).

Contact :

Hughes Becquart
Hughes.Becquart@cec.eu.int
Tel : + 32 2 295 92 04

Gabor Greiner
Gabor.Greiner@cec.eu.int
Tel : + 32 2 295 37 75

Technical Assistance Office

D&S Media Service GmbH
MEDIA Plus Programme - Cinema Distribution
135-139 rue du Colonel Bourg
B – 1030 BRUSSELS
Tel : +32 2 743 22 39
Fax : +32 2 743 22 45
e-mail : pierre.gavet@d-and-s.com

National contacts

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

Annex 1 – FINANCIAL GUIDE

The support scheme for “sales agents” works in two successive phases, which can be summarised as follows:

	Phase 1: GENERATION	Phase 2: REINVESTMENT
Sales Agent	Application from the Sales Agent for the generation of the support <u>Step 1</u> : proof of activity as an international sales agent <u>Step 2</u> : potential fund in proportion to the potential fund generated by distributors in the framework of Call for Proposals 02/2005	Presentation of reinvestment projects
Commission	Calculation of the potential fund generated Notification to the Sales Agent of the amount of the potential fund available	Acceptance / refusal of the reinvestment project. Agreement between the Commission and the beneficiary
Payment of a Community Financial Contribution	No	Yes

The purpose of this section is to define clearly for the applicants the procedures to follow when completing and submitting reinvestment projects, as well as the normal financial principles which will be applied in the framework of the execution of the agreement for financial support signed with the Commission for the accepted reinvestment projects.

1 Reinvestment Application Forms.

All reinvestment requests must be made using the application forms attached to the current Call for Proposals (Annex 4) together with two copies of the requested documents except where otherwise specified.

Two types of reinvestments are possible:

Module 1 Minimum Guarantee for the international sales of new **non-national** European films.

Module 2 Marketing and promotion costs for new **non-national** European films.

Reinvestment projects must be submitted within the deadlines set out in Section 4.B of these Guidelines.

2. Eligible Costs.

2.1. Duration of the eligible costs.

Only those costs incurred by the beneficiary during the following periods in the execution of the reinvestment project will be eligible.

Module	Period of the Eligible Costs
1 – Minimum guarantees	From the date of the signature of the international sales contract/agreement until 16 months after this date
2 – Marketing costs	From the date of the signature of the international sales contract/agreement until 16 months after this date

In all cases, the period of the eligible costs cannot start more than 11 months before the signature of the agreement between the beneficiary and the Commission and finish at the latest 13 months after this date.

The signature of the agreement shall normally take place between 3 and 6 months after the date of submission of the reinvestment project.

2.2. Categories of eligible costs.

In all cases, the costs which are considered as eligible are those that are:-

- directly linked to the sales 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.

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 the independent chartered accountant necessary for the payment of an eventual financial contribution.

2.2.1 Eligible costs for reinvestment in Module 1 (MG).

Only the costs of the Minimum Guarantee or Advance set out in the international sales contract/ agreement signed between the sales agent and the producer of the film will be eligible.

A contract/agreement signed between a sales agent and a producer will be considered as an international sales contract/agreement only if it provides for the right of the sales agent to sell the film in at least 10 countries participating to the MEDIA Plus Programme.

2.2.2. Eligible costs for reinvestment in Module 2 (Marketing costs).

A contract/agreement signed between a sales agent and a producer will be considered as an international sales contract/agreement only if it provides for the right of the sales agent to sell the film in at least 10 countries participating to the MEDIA Plus Programme.

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

Costs of Promotion and Publicity (section 1).

Publicity Material : making of trailers / teasers ; interneegative and copies of the trailers / teasers ; making of promoreels / showreels ; dubbing and subtitling of the trailers / teasers / showreels; design, layout and printing of the posters; slides and stills, production of advertising spots for radio and TV, flyers, design and layout of press advertising,.....

Publicity Spaces: purchase of advertising spaces (posters in markets / festivals, professional press)

Promotion: Promotion material such as press files, organisation of market / festival screenings organisation of press screenings, organisation of test-screenings or recruited audience screenings, production of an EPK (electronic press kit), travel and accommodation of the director / cast of the film for the promotion of the film, design and construction of a web site / homepage for the promotion of the film.....

Prints and Production Costs (Section 2)

These costs comprise the costs related to the manufacturing and circulation of the prints for markets and festivals : printing of an interneegative and prints of the film, dubbing and subtitling, insurance, transport and taxes, print maintenance.

Other Costs (Section 3)

Audit Costs.

In the framework of the execution of an eventual financial support agreement, the Commission requires the beneficiary to produce a statement of the final costs. This document must be certified by an independent chartered accountant on the basis of justifying documents and the accountancy records of the beneficiary. Therefore the costs of this certification are eligible.

Other Costs.

These “other costs” have to be clearly identified and detailed in the application form for them to be eligible. Those costs normally associated with the normal running of the company are not eligible under this heading.

Indirect costs (Section 4)

Personnel, third party assistance, travel and accommodation of company personnel.

A flat amount (or forfeit) up to a maximum of 8 % of the direct costs of marketing (Sections 1, 2 & 3) is accepted, within the limit of 16,000€ per project, to cover the following indirect costs of the beneficiary relevant to the project: salaries and social security costs for the staff, travel and subsistence costs for the staff at markets and festivals.

Overheads.

A flat amount (or forfeit) up to a maximum of 7% of the direct costs of distribution (Sections 1, 2 & 3) is accepted, 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 indirect costs are eligible in so far as they do not include any of the costs taken into account in another section of the budget and if they cannot be the object of a direct allocation in the marketing budget.

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

2.3 Categories of ineligible costs.

Costs which are directly reinvoiced by the Sales Agents to third parties, such as producers or distributors, shall not be considered as eligible costs.

In all cases, the following costs are ineligible:

- entertainment costs, costs for receptions organised for the promotion of the films ;
- unnecessarily high expenses which are unjustified;
- 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
- capital investment costs;
- general provisions (for losses, future debts, etc)
- financial costs (bank charges, costs of opening and maintaining bank accounts, exchange charges and other bank charges)
- debts
- loan interest
- bad debts
- exchange losses
- contributions in kind (such as publicity partnerships with various media).

4. Financial control and audit.

Should the reinvestment project be approved by the Commission, an agreement shall be signed between the Commission and the beneficiary, by which the beneficiary shall undertake to allow Commission 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 Commission may be subject to confidentiality arrangements to be agreed between the Commission and the beneficiary.

The beneficiary shall also agree to the Commission and the Court of Auditors of the European Communities verifying the use to which the financial contribution is put in accordance with the Financial Regulation of 21 December 1977 applicable to the general budget of the Commission, as amended, throughout the duration of the agreement and for five years after its end date.

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

5. 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 reinvestment project is presented.

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>).

Annex 2 - MEDIA DESKS & ANTENNAE

BELGIË/BELGIQUE/BELGIEN (BE)

Vlaamse Gemeenschap:
 MEDIA Desk België
 Vlaamse Gemeenschap
 Bijlokekaai 7 F
 B-9000 Gent
 Tel. (32-9) 235 22 65
 Fax (32-9) 235 22 66
 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
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Annex 3 – Application forms for the « generation » of the support

Application form « Company 2005 »

Application form « Films »

Annex 4 – Reinvestment project forms

Module 1 – Minimum Guarantee

Module 2 – Marketing costs