



**MEDIA 2007 (2007-2013)**

**CALL FOR PROPOSALS 16/06**

**GUIDELINES FOR SUPPORT TO DEVELOPMENT**

**“MEDIA NEW TALENT ”**

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## **Purpose of the guidelines for support to development “MEDIA New Talent”**

- To inform you of the conditions for access to the mechanism and the conditions for selecting applications.

You are wondering whether your company is entitled to apply, whether your project can benefit from MEDIA funding, what amount you can expect to receive, how the selection procedure works. These guidelines will answer your questions as comprehensively as possible.

- To help you to prepare the application forms, by indicating clearly the information the Agency needs to evaluate your project properly and the documents that must be attached.

Before reading the detailed information in these guidelines, please consult the next page, which provides an overview of the conditions which must be met to apply for development support “MEDIA New Talent”. This will help you to find out quickly whether or not this funding is available to you. If so, the subsequent pages will help you to prepare your application.

## **Call for proposals 16/06 - Summary of the access conditions for support to development “MEDIA New Talent”**

- When to apply?

During the period of the call for proposals. The call for proposals 16/06 will be open from 28 December 2006 to 12 February 2007.

- What kinds of companies can apply?

The support is reserved for independent production companies which have produced at least one work (or two drama or animation shorts) within the 24 months before the date of submission of the application. There are no minimum requirements in terms of the company's turnover or profit, but the company must provide evidence of its financial capacity. See 3.

- Which conditions must be fulfilled by the project?

The project for which support is requested must have been the subject of a MEDIA training activity, followed in 2004, 2005 or 2006. See 4.1.

- Which categories of works can benefit from the Development Support “MEDIA New Talent”?

Drama, animation, creative documentary and multimedia concepts. For all these works, minimum conditions regarding their length must be met, and the applicant company must hold the copyright. See 4.

- What is the amount of the Development Support “MEDIA New Talent”?

MEDIA aid may cover up to 50% or 60% of the eligible development costs for a work, subject to the ceiling laid down for each type of work. See 5.

- What are the chances of actually being awarded the Development Support “MEDIA New Talent”?

The applications received by the Agency are ranked according to their merit at the end of the selection procedure. The best ones are funded, until the available budget is exhausted.

## **INTRODUCTION**

The call for proposals and attached guidelines 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).

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

### **1. “MEDIA NEW TALENT ”: FUNDING OBJECTIVES AND CONDITIONS**

“MEDIA New Talent” aims to enable independent production companies, by means of a financial support, to further develop a project that has already been the subject of a training activity supported by MEDIA. The project for which support is requested must have been the subject of a long term training activity supported by MEDIA in 2004, 2005 or 2006.

The MEDIA training activities mentioned in the previous paragraph help their participants throughout the training to develop their project.

Their aim is to complete the writing of a fresh draft of a script, the production of a pilot for an animation project, the creation of a prototype for a multimedia project, the production of scenes from a film script in development or the setting up of a financial package.

Among the projects selected in this call for proposals, the feature film scripts written by screenwriters younger than 35 will be the subject of a specific ranking according to their merit. The Agency will invite the author of the best script to the Cannes Film Festival in May 2007, where he will receive the “MEDIA New Talent” award.

### **2. TIMETABLE AND BUDGET FOR THE 2007 CALL FOR PROPOSALS**

#### **2.1. When and how to submit an application for support to development “MEDIA New Talent”?**

##### *2.1.1. When?*

The call for proposals for “MEDIA New Talent” was published in OJ N° C 320 of 28/12/2006.

**This call for proposals is open from 28 December 2006 to 12<sup>th</sup> February 2007.**

This means that you can submit your applications to the Agency from 28 December 2006 up to the 12<sup>th</sup> February 2007 inclusive.

Applications sent before or after these dates will not be accepted by the Agency (see 6.1.1.).

The relevant date is the date of posting (not the date of receipt by the Agency). The Agency cannot under any circumstances be held responsible for the shortcomings of courier services, and it is up to the applicant alone to ensure that the proposal is sent off in good time. In the event that there are any charges in the delivery of an application (postal, fiscal or other) the Agency cannot be held liable for them and will refuse to accept same.

#### 2.1.2. *How?*

Applications must:

- include one unbound copy of forms and annexes A to M and 3 copies (1 unbound and 2 bound) of forms and annexes 1 to 8; 1 CD-ROM containing forms and annexes 1 to 8;
- be submitted using exclusively the application forms for the call for proposals 16/06, which can be downloaded in French or English from the site: [http://ec.europa.eu/comm/avpolicy/media/index\\_en.html](http://ec.europa.eu/comm/avpolicy/media/index_en.html); these forms must be used even if the project was eliminated in the framework of a previous call for proposals;
- not include any documents other than those requested in the application dossier. Any additional documents submitted by applicants will not be considered in the evaluation;
- include all of the forms and all of the supporting documents and information requested;
- not contain any handwriting (apart from the signatures required);
- be submitted on numbered A4 pages printed on one side only;
- be completed in one of the official languages of the European Union. However, we would advise you to complete your application in English as far as possible, in order to facilitate the evaluation.

Any application that does not meet these requirements will be declared ineligible and will not be evaluated by the Agency (see 6.1.1.).

**NB: the Agency will not send any requests which will allow candidates to complete their dossier.** Therefore do not submit your application if any one of the required documents is unavailable or does not meet the criteria.

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;

(b) by hand-delivery in which case the evidence shall be constituted by a signed and dated receipt (on 12/02/2007 at latest before 15.00 H.)

to the following address:

EXECUTIVE AGENCY Education, Audiovisual & Culture  
M. Constantin Daskalakis  
BOURG 3/23B  
Av. du Bourget 1  
B-1140 Brussels

Envelopes must be clearly marked:

“MEDIA New Talent” CALL N° 16/06

Company Name

Country

Category (drama, creative documentary, animation or multimedia)

## 2.2. No more than one application per company for support under development is allowed for the 2007 budget

Please note that no more than one application (Single project, Slate Funding or “MEDIA New Talent”) may be submitted by a production company for the 2007 budget.

This rule also applies where a company wishes to resubmit a project rejected under the call for proposals 16/06. It must wait until a future call for proposals and must then demonstrate, on the relevant form, that substantial changes have been made compared to the previous version.

Moreover, a company which has a current Slate Funding agreement cannot apply for support for a single project or for “MEDIA New Talent”.

## 2.3. Budget and award timetable

In 2006, €795.000 was awarded to “MEDIA New Talent”. The Agency expects the budget for 2007 to be around the same amount. For information, the following table shows the number of proposals received and selected in 2006 and the budget awarded to the various categories.

	MEDIA New Talent				Single projects				Slate Funding		
	Drama	Animation	Documen- tary	Multime- dia	Drama	Animation	Documen- tary	Multime- dia	SF1 1 <sup>er</sup> stage	SF2 1 <sup>er</sup> stage	SF 2 <sup>ème</sup> stage
<b>Applications received</b>	47	1	14	2	213	43	161	22	66	42	41
<b>Applications selected</b>	16	1	9	1	88	19	73	8	31	23	26
<b>MEDIA Funding (€)</b>	550.000	20.000	175.000	50.000	3,740 million	1,070 million	1,675 million	390.000	2,600 million	3,065 million	2,880 million

The 2007 budget for MEDIA New Talent will be awarded in one single evaluation session. The results will be sent to applicant companies at the end of April 2007. The agreements will be sent to the selected companies in the two months following these results.

The Agency reserves the right not to distribute all the funds available.

### **3. COMPANIES THAT MAY APPLY FOR THE SUPPORT “MEDIA NEW TALENT”**

NB: All the criteria below must be met and supporting evidence provided. The compliance with the criteria will only be assessed on the basis of the documents provided in the application.

#### **3.1. Independent European companies whose main activity is audiovisual and/or multimedia production**

This call for proposals is open to companies registered in and owned by nationals from the Member States of the European Union on 01/01/2007 and countries of the European Economic Agreement participating in the MEDIA 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 (Switzerland<sup>1</sup>).

Companies submitting an application must have audiovisual and/or multimedia production as their main objective and activity. Foundations, Institutes, Universities, associations and other legal bodies acting in the public interest cannot apply.

They must be established in one of the Member States of the European Union or in one of the other countries participating in the MEDIA programme. They must also be owned and continue to be owned, either directly or by majority shareholding, by nationals of these countries.

Applications from groups of companies will not be considered.

Companies submitting an application must not have majority control by a broadcaster, either in shareholding or commercial terms.

Majority control is considered to occur where more than 25% of a production company's share capital is held by a single broadcaster (50% where several broadcasters are involved) or where, over a three-year period, more than 90% of a production company's revenue is generated from sales to a single broadcaster. The Agency reserves the right to apply this criterion by taking into account the specific

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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.

characteristics of the different audiovisual and/or legal systems of the Member States and other participating countries.

The Agency will check if the company complies with the criteria above on the basis of the information provided in application Form D 'Legal Status of the applicant company' and the following supporting documents, which must be attached:

- Annex D1 to the application: a recent extract from the company's registration stating the company's date of establishment, legal status, objects and the names of its authorised legal representatives;
- Annex D2 to the application: the company's up-to-date memorandum of association (or equivalent official document), stating in particular the names, nationalities and distribution of the shareholders. If the company has no such documents, it must supply the reasons.

### **3.2. Companies able to provide evidence that they have produced a previous work**

Companies submitting an application must show that they have completed the production, during the 2 years prior to the date of submission of the application:

- For companies submitting a drama: at least one drama of no less than 50 minutes or two drama shorts of no less than 5 minutes each or one creative documentary of no less than 25 minutes (duration per episode in case of series);
- For companies submitting a creative documentary: at least one creative documentary of no less than 25 minutes (duration per episode in case of series) or one drama of no less than 50 minutes or two drama shorts of no less than 5 minutes each;
- For companies submitting an animation: at least one animation of no less than 13 minutes or two animation shorts;
- For companies submitting a multimedia project: at least one multimedia work or one animation of no less than 13 minutes or two animation shorts ;
- Only productions where the applicant company was the majority producer can be considered. A production company is considered a majority producer when it has financed the majority of the production budget of a work. In respect of series, the applicant company must be the majority producer for the entire series.
- However, if the previous work is a feature-length drama or animation, productions where the applicant company was co-producer for at least 30% of the production budget will be considered.

NB: the previous production must meet the same criteria as the project for which support is requested (see 4.). In particular, applicants' attention is drawn to the requirements in terms of eligible projects.

- A production (one-off work or series) is regarded as completed on:
  - the date of official delivery by the laboratory of copy zero (for cinema films)

- the date of official delivery of the master copy (for works intended for television)
- the date of official delivery by the laboratory of the master (for offline multimedia productions)
- the date of placing on the website (for online multimedia works);
- in respect of series, the entire series must be completed on the date of submission.
- Can the experience of persons belonging to the company be taken into account?

As far as dramas, creative documentaries, animations and multimedia works are concerned, only the personal experience of the producer within the applicant company can be taken into account, subject to the two following conditions:

- The producer whose experience is taken into account:
  - must be a shareholder of the company OR
  - must be managing director/CEO of the company OR
  - must have been on the pay roll of the company as producer at the date of submission for at least 12 months from the date of submission.
- He/she must have been significantly involved in the production of the previous work. Only the following personal credits are considered significant roles in the production of a work:
  - producer (except co-producer)
  - delegate producer
  - executive producer

Only for multimedia, the experience of persons having one of the following functions both in the previous work and the project submitted can be taken into account:

- author
- director/project leader
- head of computer graphics
- head of interactive programming.

Only official credits that appear in the onscreen credits or employment contracts for multimedia works are accepted as proof of personal credits. Declarations of third parties will not be taken into account.

The Agency will check the company's suitability on the basis of the information provided in application Form F 'Experience of the applicant company' and the following supporting documents, which must be attached:

- Annex F1 to the application: evidence confirming the production of a work completed during the 24 months prior to the date of submission of the application and belonging to a compatible category with that of the project

submitted. Proof of the status of majority producer or co-producer for at least 30% of the production budget (certified financing plan, co-production contract, etc.). If the reference work is a creative documentary: supporting evidence of its creative nature (author's statement of intent, press article, video, etc.).

- Annex F2 to the application (where it is necessary to take account of the experience of the producer or of another person in the case of multimedia works): evidence of their status within the applicant company and official credit that appears in the onscreen credits or employment contract for multimedia works.

### **3.3. Financial capacity**

In order to permit an assessment of their financial capacity, companies must submit, together with their applications:

- Form E-I "Bank Identification Form": the bank details form duly completed and certified by the bank (original signatures required);
- Annex E1: only for the companies requesting an amount exceeding 20.000 € the profit and loss accounts together with the balance sheet for the last financial year for which the accounts have been closed. In the case where the company does not have a balance sheet and profit and loss account for its first year of existence, an estimate certified by an accountant of the data required in Form E must be provided.

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

- reject the application
- ask for further information
- require a guarantee (see 7.3)
- offer a grant agreement without prefinancing.

### **3.4. Technical capacity**

The Agency will check the company's compliance with this criterion on the basis of the information provided in application Form 1 'Information concerning the applicant company' and the following supporting documents, which must be attached:

- Annexes 1 and 3 to the application: CVs of the members of the applicant company who will be working directly on the development of the project, in particular the managing director, the authorised signatory, the head of development and the key members of the creative team (author, director, director of photography, etc.).
- Form 1: list of the works produced to date by the applicant company and/or the producer whose experience is referred to with regard to access to the MEDIA programme.

### 3.5. Exclusion criteria

Applicants must state that they are not in any of the situations described in Articles 93 and 94 of the Financial Regulation applicable to the general budget of the European Communities (Council Regulation (EC, Euratom) No 1605/2002) and set out below.

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

- 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 judgment 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 contract is to be performed;
- 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 procurement procedure or grant award 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 interests;
- (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 from 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 on their honour certifying that they are not in any of the situations referred to in Articles 93 and 94 of the Financial Regulation.<sup>2</sup>

#### **4. PROJECTS QUALIFYING FOR THE SUPPORT “MEDIA NEW TALENT”**

##### **4.1. Projects which have been the subject of a MEDIA training activity in 2004, 2005 or 2006**

Only the projects which have been the subject of a training activity supported by MEDIA in 2004, 2005 or 2006, in which participants are assisted in the development of a specific project can benefit from the “MEDIA New Talent” support.

Concerning this criterion, the suitability of the company applying will be checked on basis of the information given in Form G “Description of the training activity followed” and the following supporting documents which must be attached:

- Annex G1 of application file: Certificate of participation in a MEDIA training activity in 2004, 2005 or 2006.

##### **4.2. Drama projects, creative documentaries, animation projects and multimedia concepts**

The Agency will check that the project submitted meets the conditions set out below, based on the information provided in Form 3 ‘Information concerning to the project submitted’.

###### *4.2.1. Conditions applicable to all categories of projects*

Both one-off projects and series are eligible.

IMAX format is permitted.

MEDIA support will not be granted for any other form of live recordings, TV games, talk shows, reality shows or educational, teaching and ‘how-to’ programmes.

Projects submitted must not promote, directly or indirectly, messages that are at odds with the policies of the European Union. For example, all grants for projects that may be contrary to the interests of public health (alcohol, tobacco, drugs), respect for human rights, people's security, freedom of expression, etc. are prohibited.

Projects promoting violence and/or racism and/or with a pornographic content, or institutional productions to promote a specific organisation or its activities, will not be considered.

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<sup>2</sup> Article 114 FR; Article 174 IR. Please attach a model declaration to the application form.

#### *4.2.2. Drama projects for cinema or television*

The total duration of projects submitted (whether a one-off or a series) must be no less than 50 minutes.

#### *4.2.3. Creative documentaries for cinema or television*

Creative documentaries take a real-life subject as their starting point but require substantial original writing and set out an author's and/or director's point of view. The creative aspect of the documentary must be explicitly demonstrated and described by the applicant company in Form 3. The Agency will decide on the eligibility of the documentaries submitted on the basis of this information.

MEDIA support will not be granted for "making-of", documentaries made to promote tourism, reports, animal reportages, news programmes and magazines or 'docusoaps'.

The total duration of projects submitted must be no less than 25 minutes (duration per episode in case of series).

#### *4.2.4. Animation projects for cinema or television*

The total duration of projects submitted (whether a one-off or a series) must be no less than 13 minutes.

#### *4.2.5. Multimedia concepts*

MEDIA - Development support may be requested for the following:

- concepts for animation series specifically designed for online distribution (excluding individual short films);
- edutainment programmes for children/teenagers, character-based adventure games for individual or multiple players, where interactivity and narrative elements are significant;
- new concepts for drama, games or formats for digital television, the Internet or mobile devices, where interactivity and narrative elements are significant;

MEDIA Support will not be granted for:

- reference works (encyclopaedias, atlases, catalogues, databases...),
- "how to" products (school programmes, manuals...),
- software tools and services,
- news content, magazines,
- projects intended to promote tourism
- multimedia art works

**4.3. On the date of submission of the application, the applicant company must hold at least 50% of the rights to the project submitted.**

The applicant company must demonstrate in the application (Form I and Annex I1) that it has, at the latest on the date of submission of the application, a contractual agreement with the author(s) permitting development of an audiovisual work based on the author's work.

This contractual agreement, duly dated and signed, must set out the extent of the transfer, the length and any remuneration. Where there are several rightsholders, the company must, in any event, hold at least 50% of the rights to the project submitted.

The contractual agreement with the author must cover at least the artistic material included in the application: elaboration of concepts or subjects, treatments, scripts. Contractual agreements relating to rights to ideas as well as non binding agreements of the authors are not accepted.

The contractual agreement may be subject to an option. In this case, it must make a direct reference to the applicant company and the author(s), be of an adequate duration to cover the whole development schedule and clearly set out the conditions for exercising the option. Where there are several rightsholders, the company must, in any event, have an option on at least 50% of the rights to the project submitted.

The contractual agreement with the author must cover at least the artistic material included in the application: elaboration of concepts or subjects, treatments, scripts. Contractual agreements relating to rights to ideas as well as non binding agreements of the authors are not accepted.

If the project is an adaptation of an existing work, the company must provide both of the following :

- the agreement covering the rights to adapt the original work (with the author or holder of the rights to the original work);
- the agreement covering the rights to the artistic material included in the application (elaboration of concepts or subjects, treatments, scripts).

Even if the author is also a producer or shareholder in the applicant company, a contractual agreement assigning the rights from the author to the company must be in place.

In the case where the author is employed by the applicant company, the copy of his/her employment contract establishing the assignment of rights can be provided to demonstrate the contractual agreement.

For multimedia projects, the proof of Intellectual Property Registration of the project can also be provided (where applicable).

The Agency will check that the project meets the above conditions, based on the information provided in Form I 'Copyright' and the following document:

- Annex I1 to the application: copy of the option agreement, duly dated and signed, including the conditions for exercising the option, or the agreement for the transfer

of rights, duly dated and signed, setting out the extent of the transfer, the length and any remuneration, including any co-development/co-production contracts and/or contracts relating to the right to adapt an existing work.

#### **4.4. Cases in which projects meeting the above criteria cannot benefit from the development support “MEDIA New Talent”**

- Projects which have already benefited from MEDIA Development support cannot benefit from the support “MEDIA New Talent”.
- Projects which have already benefited from a Community development contribution other than MEDIA cannot benefit from further support.
- Projects where production has started before the date of signature of the agreement with the Agency cannot benefit from development support (see 7.2).

### **5. ESTABLISHING THE DEVELOPMENT BUDGET ESTIMATE AND CALCULATING THE COMMUNITY CONTRIBUTION**

#### **5.1. Eligible costs**

##### *5.1.1. Eligible costs*

Only costs directly associated with developing the project are eligible, i.e.

- acquisition of author rights;
- research;
- archive research;
- scriptwriting, including treatments, up to and including the final draft;
- storyboards;
- research and identification of key cast and crew;
- preparation of the provisional production budget;
- preparation of a financing plan;
- search and identification of industry partners, co-producers and financiers;
- preparation of the production schedule up to delivery;
- initial marketing and sales plans (target markets and buyers, foreseen releases, presentation at festivals and markets...);
- for creative documentaries: the production of a video treatment;
- for animation projects: graphics research and production of a pilot;
- for multimedia projects: creation of programme content (treatment), creation of basic audio and video graphic elements, software programming necessary to run the project, programming logic (flow-chart), production of a demo.

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.

The beneficiary's internal accounting and auditing procedures must permit direct reconciliation of the costs and revenue declared in respect of the project with the corresponding accounting statements and supporting documents.

Eligible direct costs:

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

- the cost of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs included in their remuneration, provided that this cost does not exceed the average rates corresponding to the usual remuneration policy of the beneficiary or, where applicable, its partners. NB: this cost must be actual cost incurred by the beneficiary, and staff cost of other organisations is eligible only if it is paid directly or reimbursed by the beneficiary;
- travel and subsistence allowances for staff taking part in the project (for meetings, European conferences, etc.), provided that they are in line with the usual practices of the beneficiary or, where applicable, its partners on travel costs or do not exceed the scales approved annually by the Commission;<sup>3</sup>
- costs of consumables and supplies, provided that they are identifiable and assigned to the project;
- costs entailed by other contracts awarded by the beneficiary or its partners for the purposes of carrying out the project, provided that the conditions laid down in Article II.9 of the agreement are met;

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<sup>3</sup> Article 181(2) IR.

- costs arising directly from requirements linked to the performance of the project (dissemination of information, specific evaluation of the action/project, audits, translations, reproduction, etc.), including, where applicable, the costs of any financial services (especially the cost of financial guarantees).

#### *5.1.2. Ineligible costs*

The following costs are ineligible:

- the costs of training activities supported by MEDIA;
- production costs;
- return on capital;
- debts and services charges;
- interest owed;
- doubtful debts;
- exchange losses;
- VAT, unless the beneficiary can show the 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;
- contributions in kind;
- purchase of equipment (except depreciation of IT equipment relating to Multimedia projects – see 5.2.5.).

#### *5.1.3. Period of eligible costs*

In principle, the date from which costs can be accepted as eligible is the date on which the agreement between the Agency and the beneficiary company is signed.

Where the applicant company shows that the development project had to start before the agreement was signed, costs incurred after the date on which the application was submitted can be regarded as eligible.

Costs linked to the reservation or acquisition of rights (Item 1 of the budget — Artistic rights), incurred up to 12 months before the date on which the application was submitted, may be considered eligible with retroactive effect.

The period of eligible costs ends on the date of entry into production of the projects or at the latest 26 months after the signature of the agreement with the Agency.

### **5.2. Establishment of the detailed development budget estimate**

The detailed development budget estimate must be established using Form J. It must only include eligible costs.

It must be in euro and rounded to the nearest euro. Where projects are in non-EMU currencies, the rate used for the budget estimate must be the official exchange rate published in the Official Journal of the European Union on the first day of the month in which the project is submitted. See the site: <http://europa.eu.int/comm/budget/infocuro/index.cfm>.

All costs higher than €10 000 must be broken down and explained in detail.

Where implementation of the project requires sub-contracting or the awarding of a procurement contract, the beneficiary and, where applicable, its partners must obtain competitive tenders from potential contractors and award the contract to the bid offering best value for money, observing the principles of transparency and equal treatment of potential contractors and taking care to avoid conflicts of interests.

Costs must be broken down according to the categories below:

### 1. Artistic rights (including social security/fringes)

Only obligations generated during the development period are eligible.

Any payments associated with options or copyright or payments due to the director which depend on the entry into pre-production, production and first day of principal photography should not be included.

### 2. Personnel costs (including social security/fringes)

Personnel costs must be calculated on the basis of the actual daily remuneration/fee paid to the employee/service provider, multiplied by the number of days worked on the project.

Application of the various eligible functions must correspond to the descriptions in Form 5 'Description of the development strategy' and especially the description of the creative team.

Bonuses, incentive payments and profit-sharing schemes should not be included in personnel costs.

The different types of staff engaged should be shown in detail in the budget.

### 3. Other costs

#### 3.1. Travel and expenses

Only travel directly associated with the development of the project and specific, clearly identifiable activities can be considered. With regard to air travel, only economy class fares are accepted. In the case of travel by car, the eligible amount is the cost of the equivalent first class rail ticket.

The following maximum subsistence allowances, per person and per day, are eligible:

Country	Maximum in €	Country	Maximum in €
BE Belgium	201	IS Iceland	245
DA Denmark	239	LI Liechtenstein	175
DE Germany	171	NO Norway	220
GR Greece	165	BG Bulgaria	275
ES Spain	195	CZ Czech Republic	230
FR France	169	EE Estonia	190
IE Ireland	220	CY Cyprus	160
IT Italy	174	LV Latvia	250

LU Luxembourg	188	LT Lithuania	250
NL Netherlands	210	HU Hungary	215
AT Austria	203	MT Malta	175
PT Portugal	193	PL Poland	270
FI Finland	233	RO Romania	230
SU Sweden	234	SI Slovenia	170
UK United Kingdom	235	SK Slovakia	175
		Switzerland	220

### 3.2. Technical equipment

The costs entered here must have a clearly identifiable link with the development activities of the project in question.

For multimedia projects, the depreciation of IT equipment (new or second-hand) which is indispensable to the implementation of the project is eligible as long as it corresponds to the market rate and the equipment concerned is written down in accordance with the tax and accounting rules applicable to the applicant company. Only the proportion of depreciation corresponding to the duration of the project can be taken into account by the Agency, except where the nature and/or use of the item justifies otherwise. It is up to the applicant company to prove this, using Form J 'Detailed development budget estimate'.

### 3.3. Miscellaneous

A flat rate of up to 7% for overheads (based on the total for Headings 1 to 3.3.5 of the development budget estimate) is allowed.

Total:

The amount of the detailed development budget estimate must be covered in full by the sources of finance indicated in Form L. The total in Form J 'Detailed development budget estimate' must therefore be equal to the total in the table summarising the sources of finance in Form L.

## 5.3. Calculation of the Community contribution

The Community contribution is calculated using Form J 'Detailed development budget estimate'. It must also be stated in Form A 'Acknowledgement of receipt of the project submitted' and Form L 'Sources of finance'.

- First of all, financial support from "MEDIA New Talent" may not exceed 50% of your development budget. However, derogation is possible for projects highlighting Europe's cultural diversity, in which case "MEDIA New Talent" funding may be 60% of the development budget. NB: it is up to the applicant to prove that the project meets this criterion, using Form J 'Development budget estimate'. The Agency will decide on the basis of the arguments submitted.
- Secondly, depending on the type of project submitted, you must request an amount between the minimum and maximum given below.

Category	Minimum amounts of support	Other amounts of support	Other amounts of support	Maximum amounts of support
<b>Drama</b>	€20 000	€30 000	€40 000	€50 000
<b>Creative documentary</b>	€10 000	€15 000	€20 000	€30 000
<b>Animation</b>	€10 000	€20 000	€30 000 -€40 000	€50 000 €80 000 (feature-length films for cinema release only)
<b>Multimedia</b>	€10 000	€20 000	€30 000 -€40 000	€50 000

#### 5.4. Sources of finance

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 Agency'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 development budget estimate must be balanced in respect of revenue and expenditure. You must therefore state in Form L 'Sources of finance' how you intend to fund the development budget estimate presented in Form J. The grant of a Community contribution cannot have as its aim or effect to create a profit for the beneficiary.

You must state your other sources of funding in Form L, in addition to the Community grant requested, and whether this funding has already been obtained or is being considered. If you state that the funding has been confirmed, you must enclose the contract or confirmation letter from the funding provider (Annex L1 to the application). If the funding has not yet been confirmed but you have received letters expressing interest, you can also enclose them (Annex L2 to the application - optional). In any event, if your project is selected and whatever the outcome of the requests for funding made to third parties, you undertake, by signing Form B, 'Declaration on the applicant's honour', to match the full amount of the Community funding.

With regard to the summary table of sources of finance:

- Financial contributions from public or private funds such as advances repayable from revenues, loans and subsidies. This funding may be national, regional or local.
- Support funds or automatic support, generated by the producer's previous work, should be mentioned in line 1.4 'Others'.

- The following items must not be included in the ‘Producer’s investment’ (4.):
  - overheads;
  - commercial loans/inputs;
  - profit-sharing;
  - contributions in kind.

NB: Other sources of European funding for the development of the same project (e.g. funding obtained under the MEDEA programme) must not be included in your financing plan. In fact, the Community rules state that no project may benefit from two sources of Community funding. You undertake on your honour to respect this rule by signing Form B.

### **5.5. In the event of selection**

If your project is selected, the Agency will re-examine your development budget estimate to check that all the costs declared are duly eligible and justified by the quality and nature of the project. The Agency is not obliged to grant you support amounting to the sum you requested and may therefore reduce the amount of the Community contribution. Under no circumstances can the Agency grant you an amount that is higher than what you requested.

The final Community contribution will be expressed both as a percentage of the development budget and as an absolute amount.

## **6. HOW ARE THE PROJECTS SELECTED?**

The applications received by the Agency are assessed on the basis of three types of criteria.

### **6.1. Eligibility criteria**

#### *6.1.1. Is the application file complete?*

The Agency will check that ALL the following elements have been respected in the application:

<b>Presentation of the application</b>	Use of the forms for the call 16/06. A4 pages printed on one side only and numbered. <b>One</b> unbound copy of forms and annexes A to M and 3 copies (1 unbound and 2 bound) of forms and annexes 1 to 8; 1 CD-ROM containing forms and annexes 1 to 8; No handwriting. All the signatures required. All the required forms and annexes are present. Use of one of the 23 official languages.
<b>Respect for the start and end dates of the call for proposals</b>	Application sent no later than 12 February 2007 included. Just one application for the 2007 budget (the first one received in the case of multiple applications)

	will be considered by the Agency.
<b>Complete application file</b>	<p>All the application forms are present and complete and the obligatory annexes attached, <i>in particular</i>:</p> <ul style="list-style-type: none"> <li>- balance sheet and profit and loss accounts of the last financial year</li> <li>- CVs of company members</li> <li>- signed declaration on the applicant's honour</li> <li>- proof of experience giving access to "MEDIA New Talent"</li> <li>- certificate of participation to a MEDIA training activity</li> <li>- copyright</li> <li>- extract from the company's registration</li> <li>- memorandum of association</li> <li>- treatment or script</li> </ul>

The Agency will not ask applicants for additional documents. If just one of the above items is missing or cannot meet the criteria, the applicant company will be notified by mail that its application is ineligible and therefore has been eliminated. The applicant company may resubmit the application for its project, but only under another call for proposals AND if substantial changes have been made to remove the reasons of the first rejection. The applicant company will have to explain the changes in the form provided to this effect. The Agency may ask to confirm the information provided in the application.

#### 6.1.2. *Does the project submitted meet the programme access criteria?*

The Agency will check that the project meets ALL the criteria below (see 4):

The project submitted has been the subject of a MEDIA training activity fulfilling the criteria set out in 4.1. of these guidelines
It is a drama project, a creative documentary, an animation project or a multimedia concept.
It meets the minimum duration criteria.
On the date of submission of the application, the applicant company holds at least 50% of the rights to the project submitted or an option with the author(s).
The project does not come under any of the exclusion criteria in 4.3.

If just one of these criteria is not met, the project will be regarded as ineligible and will be eliminated from the selection process. The applicant company may resubmit the application for its project, but only under another call for proposals AND if substantial changes have been made to remove the reasons of the first rejection. The

applicant company will have to explain the changes in the form provided to this effect.

#### 6.1.3. *Is the budget submitted really a development budget?*

If the Agency takes the view that the detailed development budget estimate (Form J) contains costs other than development costs, the project will not be considered eligible and will be eliminated from the selection process.

### 6.2. Exclusion criteria

	Does the company come under any of the exclusion criteria in 3.5? (Form B 'Declaration on the applicant's honour')
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### 6.3. Selection criteria – is the company able to successfully implement the project?

The examination of the Selection Criteria is the evaluation if the applicant company is able, both technically and financially, to successfully implement the project.

<b>Is the company able to successfully implement the project technically?</b>	Is it an independent European company whose objective and main activity is audiovisual and/or multimedia production? See 3.1.
	What are the skills and professional qualifications of the members of the company? This evaluation is based on the CVs provided with the application and on Form 1 'Information concerning the applicant company'.
	Can it provide evidence of production of a previous work? See 3.2. What is its general experience? This evaluation is based on Form F 'Experience of the applicant company'.
<b>Does the company have the financial resources to successfully implement the project?</b>	Does the applicant company have the financial capacity to carry out the project? (Form E 'Financial status of the applicant company')

If the Agency takes the view that the applicant company is not able to properly implement the project, either technically or financially, the application will be eliminated from the selection process.

### 6.4. Award criteria - quality of the project

Only applications considered eligible and fulfilling the selection criteria (see 6.1 and 6.2) will have the award criteria evaluated. The evaluation of the award criteria, unlike the eligibility and selection checks, involves awarding marks which are used as a basis for ranking projects by order of merit.

Awards criteria will be evaluated according to the following scale:

<b>Criteria</b>	<b>Maximum points which may be obtained by a project</b>
Quality and originality of the concept, the script, or the narrative structure	30
Quality of the development strategy	15
Quality of the financing plan and the production potential of the project	10
European and international market potential and the quality of the marketing and distribution strategy	5
<b>TOTAL</b>	<b>60</b>

Applications will be evaluated with the help of independent experts.

On the basis of the independent experts' marks, the Agency will establish a list of projects, ranked according to merit, and the Commission will award funding to the best projects until the available budget is exhausted.

The Agency selects experts on the basis of their independence, professional experience and quality. Their identity may not be communicated to applicants, for reasons of confidentiality and impartiality.

#### *6.4.1. Quality and originality of the concept, script or narrative structure*

- In the case of drama projects, creative documentaries and animation projects, this criterion includes, in particular, an examination of the subject, the narrative structure and the visual approach.

In the case of drama projects, the characters and dialogues are examined; in the case of a creative documentary, its degree of creativity; for animation projects, the characters, graphics and dialogue.

- For multimedia concepts, the visual, audio and graphic components, the level of interactivity, the technology, the studio work and the preliminary version of the flow chart are examined in particular.

Evaluation of this criterion is based on Forms 3 'Information concerning the project submitted' and 4 'Description of the project', together with Annexes 3 and 4 (treatment, script, visual documents, statement of intent, etc.).

#### 6.4.2. *Quality of the project development strategy*

Including, in particular, an examination of the following aspects:

- the description and timetable of development activities;
- the development budget and the financing plan for this budget;
- the portion of the budget dedicated to author's rights and re-writes.

Forms 5 'Description of the development strategy', J 'Detailed development budget estimate' and L 'Sources of finance' together with Annexes L1, L2 and 5 will serve as a basis for evaluation of this criterion.

#### 6.4.3. *Quality of the financing strategy and the project's production potential*

Including, in particular, an examination of the following aspects:

- the draft production financing plan and the status of co-funding (planned or confirmed)
- the information on possible co-production interest or agreements.

This criterion will be evaluated by taking account of Form 6 'Description of the distribution strategy' together with the supporting documents provided (Annex 6 containing contracts, letters of interest, etc.).

#### 6.4.4. *European and international potential and quality of the marketing and distribution strategies of the project*

Including, in particular, an examination of the following aspects:

- transnational potential and sales potential (national and international);
- reasons for the choice of country (or countries) for co-production and/or distribution;
- suitability of the chosen format (genre, duration, shooting format) for the intended market and audience;
- information on possible distribution interest or agreements.

Forms 4 'Description of the project' and 6 'Description of the distribution strategy' together with the supporting documents provided in Annexes (contracts, letters of interest, etc.) will be taken into account in evaluating this criterion.

Particular attention will be paid to applications from countries or regions with a low production capacity and/or a limited language area or geographic area, as well as those submitted by small and medium-sized enterprises (SMEs).

## **7. AT THE END OF THE SELECTION PROCEDURE**

### **7.1. Notification of the results to applicants**

The list of companies, ranked according to merit, which may benefit from a MEDIA grant, depending on the budget available, is prepared by the Agency services and adopted by a Commission decision.

Once the decision has been adopted, applicant companies are informed of the outcome of their application. No information, not even off-the-record, can be provided by the Agency services before adoption of the decision by the Commission. If a project is rejected, the Agency will inform the applicant of the reasons.

**NB:** Applications (including any accompanying video cassettes, CD-ROMs, drawings, etc.) will not be returned to the applicants at the end of the selection procedure.

### **7.2. Conclusion of agreements between the Agency and beneficiary companies in the event of selection**

The Agency will send beneficiary companies an agreement specifying the amount of MEDIA support granted and the payment arrangements. The agreement is available on [http://ec.europa.eu/comm/avpolicy/media/index\\_en.html](http://ec.europa.eu/comm/avpolicy/media/index_en.html).

Unless the beneficiary provides reasons to the contrary, the name and address of the beneficiary, the subject of the financial support, the amount awarded and the rate of funding will be published on the MEDIA programme website as soon as the decision referred to in 7.1 has been adopted. Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used. Furthermore, beneficiaries are required to give prominence to the name and logo of the MEDIA Programme on all their publications, posters, programmes and other products realised under the co-financed project. If this requirement is not fully complied with, the beneficiary's grant may be reduced.

### **7.3. Payments**

The final amount of the MEDIA contribution is calculated as explained in 5.3.

The beneficiary company must have a bank account denominated in EURO on which the MEDIA contribution will be paid by the Agency in two instalments:

- 70% within 45 days of signature of the agreement between the beneficiary and the Agency (pre-financing)
- the balance following submission and approval by the Agency of the certified final development expenditure accounts (within one month from the date of entry into production or at the latest 27 months after the date of signature of the agreement).

If the Agency takes the view that there is a financial risk, it may make payment of all or part of the Community contribution subject to the provision of a bank guarantee or decide to grant the support without pre-financing.

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 a project 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.

Beneficiary companies have a development period of no more than 26 months from the date of signature of the agreement to use the contribution awarded for the selected projects.

## **8. RULES APPLICABLE**

- Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities
- Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 (rules for the implementation of the Council Regulation)
- Commission Regulation 1261/2005 of 20 July 2005 modifying the regulation 2342/2002 of 23 December 2002 and amended by the Commission Regulation 1248/2006 of 7 August 2006 on the Financial Regulation 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)

## **9. CONTACTS: THE MEDIA DESKS AND ANTENNAE**

There are MEDIA Desks and Antennae in all the participating states. They are the closest to you and are the best placed to provide you with appropriate information and advice. You will find a complete list of MEDIA Desks and Antennae in Annex 1.

## Annex 1 : list of MEDIA Desks and MEDIA Antennae

<p><b>BELGIË/BELGIQUE/BELGIEN (BE)</b></p> <p><i>Vlaamse Gemeenschap:</i>          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: <a href="mailto:Info@mediadesk-vlaanderen.be">Info@mediadesk-vlaanderen.be</a>          Internet: <a href="http://www.mediadesk-vlaanderen.be">http://www.mediadesk-vlaanderen.be</a>  <b>Nathalie Goethals</b></p> <p><i>Communauté française:</i>          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: <a href="mailto:mediadesk.belgique@cfwb.be">mediadesk.belgique@cfwb.be</a>          Internet: <a href="http://www.cfwb.be/mediadesk">http://www.cfwb.be/mediadesk</a>  <b>Thierry Leclercq</b></p>	<p><b>FRANCE (F)</b>          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: <a href="mailto:mediadesk@wanadoo.fr">mediadesk@wanadoo.fr</a>          Internet: <a href="http://www.mediadesk.com.fr">http://www.mediadesk.com.fr</a>  <b>Françoise Maupin</b></p> <p>MEDIA Antenne Strasbourg          1, parc de l'Etoile          F-67076 Strasbourg          Tel. (33-3) 88 60 95 89          Fax (33-3) 88 60 98 57          E-mail: <a href="mailto:media@cus-strasbourg.net">media@cus-strasbourg.net</a>          Internet: <a href="http://www.strasbourg-film.com">http://www.strasbourg-film.com</a>  <b>Olivier Trusson</b></p>	<p><b>NEDERLAND (NL)</b>          MEDIA Desk Nederland          Jan Luykenstraat 2          NL-1071 CM Amsterdam          Nederland          Tel. (31-20) 305 30 40          Fax (31-20) 675 28 78          E-mail: <a href="mailto:info@mediadesk.nl">info@mediadesk.nl</a>          Internet: <a href="http://www.mediadesk.nl">http://www.mediadesk.nl</a></p> <p><b>Dominique van Ratingen</b></p>
<p><b>BALGARIJA (BG)</b>          MEDIA Desk Bulgaria          2 - A Kniaz Dondukov Blvd.          1000 SOFIA          Bulgaria          Tel.: + 359 2 988 32 24 or 987 03 25          Fax: + 359 2 987 53 69          E-mail: <a href="mailto:info@mediadesk.bg">info@mediadesk.bg</a>          Internet: <a href="http://www.mediadesk.bg">http://www.mediadesk.bg</a>  <b>Kamen Balkanski</b></p>	<p><b>IRELAND (IRL)</b>          MEDIA Desk Ireland          6, Eustace Street          Dublin 2          Ireland          Tel. (353-1) 679 18 56          Fax (353-1) 670 96 08          E-mail: <a href="mailto:info@mediadesk.ie">info@mediadesk.ie</a>          Internet: <a href="http://www.iftn.ie/mediadesk/index.htm">www.iftn.ie/mediadesk/index.htm</a>  <b>Siobhan O'Donoghue</b></p> <p>MEDIA Antenna Galway          Cluain Mhuire Monivea Road          Galway          Ireland          Tel. (353-91) 77 07 28          Fax (353-91) 77 07 46          E-mail: <a href="mailto:mediaant@iol.ie">mediaant@iol.ie</a>          Internet: <a href="http://www.media-antenna.com">http://www.media-antenna.com</a>  <b>Eibhlín Ní Mhunghaile</b></p>	<p><b>NORGE (NO)</b>          MEDIA Desk Norge          Norsk Filmfond          PO Box 752 Sentrum          N-0106 Oslo          Tel. (47-22) 47 80 40          Fax (47-22) 47 80 41          E-mail: <a href="mailto:mail@mediadesk.no">mail@mediadesk.no</a>          Internet: <a href="http://www.mediadesk.no">http://www.mediadesk.no</a></p> <p><b>Sidsel Hellebø-Hansson</b></p>
<p><b>KYPROS / KIBRIS (CY)</b>          MEDIA Desk Cyprus          Othellou 9          CY-1016 Nicosia          Cyprus          Tel: +357 22 305 367          Fax: +357 22 305 368</p>	<p><b>ISLAND/ICELAND (ISL)</b>          MEDIA Desk Island          14, Tungata          IS-101 Reykjavík          Tel. (354) 562 63 66          Fax (354) 562 71 71          E-mail: <a href="mailto:mediadesk@centrum.is">mediadesk@centrum.is</a></p>	<p><b>POLSKA (PL)</b>          Media Desk Polska          Ul. Chelmska 19/21          PL-00-724 Warszawa          Tel./Fax (48) 22 851 10 74 or          (48) 22 559 33 10</p>

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