



A programme of the EU

Call for proposals N° 86/03

MEDIA Plus (2001-2005)

GUIDELINES 2004

SUPPORT TO DEVELOPMENT OF SLATES OF PROJECTS

SLATE FUNDING 1ST STAGE

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ANNEX 1: LIST OF MEDIA DESKS AND ANTENNAE**ERROR! BOOKMARK NOT DEFINED.**

Purpose of the guidelines for support to development of slates of projects

- 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 projects can benefit from MEDIA funding, what amount you can expect to receive, how the selection procedure works. These guidelines have been designed to answer your questions as comprehensively as possible.

- To help you to prepare the application forms, by indicating clearly the information the Commission 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 for a slate of projects. 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.

Summary of the access conditions for support to development of slates of projects

- When to apply ?

During the period of the call for proposals. For 2004, the call for proposals will be open from 2 December 2003 to 1 June 2004. Two MEDIA award procedures will run during this period. See 2.1.1.

- Support mechanism for slates of projects (Slate Funding) or single projects?

Slate Funding is aimed at medium-sized companies with previous experience at an international level and the financial capacity to develop several projects simultaneously. If you do not meet these conditions, you should refer to the mechanism for support to single projects. See 1. and “2004 guidelines for support to development of single projects”.

- Slate Funding 1 or Slate Funding 2, Slate Funding 1st stage or 2nd stage?

Slate Funding 1 and 2 are designed for companies of different size and financial capacity. To apply for Slate Funding 1, a company must submit a development plan for three years comprising 3 to 6 projects. To apply for Slate Funding 2, a company must submit a development plan for three years comprising 5 to 10 projects. See 4. Slate Funding 2nd stage is for companies that have already been selected once for Slate Funding (see “2004 guidelines on the support for the development of catalogues of projects, Slate Funding 2nd stage”).

- What kinds of companies are accepted?

Applicants for funding for the development of slates of projects must be independent European production companies legally existing at least one year. See 3.

- Is previous audiovisual production experience necessary?

Yes. The previous experience requirements are different for Slate Funding 1 and Slate Funding 2. See 3.3.

- What categories of projects are eligible for MEDIA funding?

Fiction, animation, creative documentaries and multimedia concepts. For all these categories, minimum duration conditions must be met, and the applicant company must hold the rights. See 5.

- What is the amount of funding for the development of slates of projects?

The MEDIA Plus funding is between €60 000 and €90 000 for Slate Funding 1 and between €100 000 and €150 000 for Slate Funding 2. See 6.

- What are the chances of being awarded funding for the development of slates of projects?

The applications received by the Commission are ranked, at the end of the selection procedure, according to their merit. The best ones are funded, until the available budget is exhausted. Under the last call for proposals (82/2002), 211 slates of projects were received, of which 81 were selected.

1. THE MEDIA PLUS PROGRAMME - DEVELOPMENT: FUNDING OBJECTIVES AND CONDITIONS

The aim of MEDIA Plus - Development is to provide funding to promote the development of production projects for the European and international markets submitted by independent European production companies in the following categories: fiction, creative documentaries, animation and multimedia concepts.

Two types of funding are available under the programme:

- support for the development of a slate of projects (Slate funding 1 or Slate Funding 2, Slate Funding 1st or 2nd stage): the applicant submits an application for funding for the development of a slate of projects.
- support for the development of single projects: the applicant submits an application for the development of a single project.

This funding has been designed to meet the needs of two kinds of companies:

- medium-sized companies with previous experience at an international level and the financial capacity to develop several projects simultaneously (Slate Funding);
- small companies with limited financial capacity wishing to invest in the development of just one project.

The conditions for accessing these two instruments are different. For access to Slate Funding, the conditions relating to previous experience of the company and financial and technical capacity are stricter.

These guidelines apply to applications for Slate Funding 1st stage. If you would like to apply for funding for the development of single projects, please refer to the relevant guidelines, checking that you fulfil the access criteria.

2. TIMETABLE AND BUDGET FOR THE 2004 CALL FOR PROPOSALS

2.1. How and when to submit an application for support for support to development of slates of projects?

2.1.1. When?

The call for proposals for the award of the 2004 MEDIA Plus - Development budget was published in OJ N° C 291 of 2/12/03. A corrigendum was published in OJ N° C 138 of 18/05/04.

This call for proposals is open from 2 December 2003 to 1 June 2004.

This means that you can submit your applications to the Commission between 2 December 2003 and 1 June 2004 inclusive.

No application sent before or after these dates will be accepted by the Commission (see 7.1.1.).

The relevant date is the date of posting (not the date of receipt by the Commission). The Commission 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.

2.1.2. *How?*

Applications must:

- be sent in four copies (three bound and one unbound copy). Annexes I, II, III, IV and XIV should be sent only once, attached to the unbound copy;
- be submitted using exclusively the 2004 application forms, which can be downloaded in French or English from the site:
http://europa.eu.int/comm/avpolicy/media/index_en.html;
- not include any documents other than those requested in the application. Any additional documents submitted by applicants will not be considered in the evaluation;
- include all the forms and all the supporting documents and information requested. The forms must be submitted in the correct order, and the information must be entered only in the spaces provided;
- not contain any handwriting (apart from the signature required on forms 1 and 2);
- be submitted on numbered pages printed on one side only, on A4 paper;
- 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 Commission (see 7.1.1.).

Please note: the Commission will not be giving any applicants the opportunity to complete their application after submission. Do not, therefore, submit your application if one of the required documents is missing or does not meet the criteria.

Applications must be sent exclusively by registered mail or express courier to:

EUROPEAN COMMISSION
DG EAC - C/3 MEDIA Programme
Mr Costas Daskalakis (office B100 4/27)
Rue de Genève 1
B-1049 Brussels

Applications may not be delivered directly to the above address in person.

Envelopes must be clearly marked:

“MEDIA PLUS - DEVELOPMENT CALL N° 86/03”

Company Name

Country of origin

Type of Slate Funding (1 or 2)

2.2. No more than one application per company for each call for proposals is allowed.

Please note that no more than one application (for a Single Project or Slate Funding) may be submitted by a production company per call for proposals.

This rule also applies where a company wishes to resubmit an application which is rejected under the call for proposals for 2004. It must wait until a future call for proposals (2005 or later), and must then demonstrate, on the relevant form, that substantial changes have been made compared to the old version.

Moreover, any company which has a current Slate Funding 1st stage agreement may not apply for support for a single project. It may, however, under certain conditions, apply for Slate Funding 2nd stage (see “Guidelines for supporting catalogues of projects – Slate Funding 2nd stage”).

A company with a current Slate Funding 2nd stage agreement and a completed Slate Funding 1st stage agreement may apply for Slate Funding 1st stage support.

2.3. Budget and award timetable

For the 2003 call for proposals, the budget earmarked for the Development sector (Single Project and Slate Funding) was €15 million. The Commission expects the budget for 2004 to be around the same amount. In 2003, €9 055 000 were awarded to slates of projects. This proportion could be slightly different in 2004, depending on the number of applications for Single Projects and Slate Funding received and their respective merits.

For information, the following table shows the number of proposals received and selected in 2003 and the budget awarded to the various genres.

	Single Projects				Slate Funding		
	Fiction	Animation	Documen- taries	Multime- dia	SF1 1rst stage	SF2 1rst stage	SF 2nd stage
Applications received	252	68	145	60	129	82	42
Applications selected	77	30	59	17	47	34	15
MEDIA Funding (€)	2.710.000	1.340.000	1.275.000	620.000	3.640.000	3.825.000	1.590.000

The 2004 budget will be awarded in two rounds.

All applications sent between 2 December 2003 and 15 March 2004 will be evaluated in the first round, during which 50% of the 2004 budget will be allocated. The results of this first round will be available in June 2004. The agreements will be sent to the selected companies in the two months following the selection.

All the applications submitted between 16 March 2004 and 1 June 2004 will be evaluated during the second round, during which 50% of the budget will be allocated. The results of this second round will be available in October 2004. The agreements will be sent to the selected companies in the two months following the selection.

Applicants are strongly encouraged to apply as soon as the call for proposals opens, so that the two award rounds in 2004 are balanced. We would remind you that development costs can be considered eligible from the date of submission of the application (see 6.2.3.).

3. COMPANIES THAT MAY APPLY FOR SUPPORT TO DEVELOPMENT OF SLATES OF PROJECTS

NB: All the criteria below must be met, and supporting evidence provided.

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

Companies submitting an application must have as their main object and activity audiovisual and/or multimedia production.

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 Plus programme. They must also be owned and continue to be owned, either directly or by majority shareholding, by nationals of these countries.

The participating countries that are not members of the European Union are Iceland, Liechtenstein and Norway (EEA countries) and Bulgaria.

Companies established in one of the countries entering the European Union on 01/05/2004, that are owned and continue to be owned either directly or by majority control by nationals of these countries, or of other Member States and/or of participating countries may submit an application for this call for proposals.

Applications from groups of companies will not be accepted. If companies wish to submit co-development projects with other companies, this is acceptable only if the collaboration between the companies takes the form of a legal entity. The legal entity submitting the application will have to demonstrate its capacity to sufficiently monitor the projects to be developed (see 5.2).

A company submitting an application must not have majority control by a broadcaster, either in shareholding or commercial terms, and must have as their main activity audiovisual and/or multimedia production.

‘Majority control by a broadcaster’ 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 Commission reserves the right to apply this criterion by taking into account the specific characteristics of the different audiovisual and/or legal systems of the Member States and other participating countries.

The Commission will check companies’ compliance with the criteria on the basis of the information provided in application form 4 “Status of the applicant company” and the following supporting documents, which must be attached:

- Annex I 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 II to the application: the company’s up-to-date memorandum of association (or official equivalent document), stating in particular the shareholders’ names and nationalities as well as division of shares between shareholders.

3.2. Companies existing legally for at least one year

Only companies that can prove that they have existed legally for at least one year can apply for Slate Funding.

The Commission checks this criterion on the basis of the information in form 4 “Status of the applicant company” and in Annex I of the application file.

3.3. Companies that can demonstrate that they have produced and distributed at least one (Slate Funding 1) or two (Slate Funding 2) previous work(s)

3.3.1. Applicants for Slate Funding 1

Companies applying for Slate Funding 1 must prove that they have, over the three years preceding the application, produced at least one audiovisual and/or multimedia work that has been distributed outside its country of origin.

3.3.2. Applicants for Slate Funding 2

Companies applying for Slate Funding 2 must prove that they have, over the three years preceding the application, produced at least two audiovisual and/or multimedia works that have been distributed outside their country of origin.

3.3.2.1. Rule referring to application files including one or more fiction or animation projects

If the application includes one or more fiction or animation project(s), the reference period for the production and distribution outside the country of origin of a previous work is extended from three to five years.

This derogation applies only if the previous work was a fiction or animation project. If it was a creative documentary or a multimedia project, the reference period is three years.

3.3.3. *Definitions and principles applicable to Slate Funding 1 and Slate Funding 2 applications*

- Only works of which the applicant company is the majority producer can be considered.
- A production is considered to be completed on:
 - the date of official delivery by the laboratory of the 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 works);
 - the date of placing on the website (for online multimedia works).
- The date of distribution of a work is:
 - the date of signature of the distribution contract OR
 - the date of actual distribution (date of cinema release, broadcast date, ...).
- What does “distribution outside the country of origin” mean?
 - “Distribution” means any form of commercial delivery to the public: cinema distribution, television broadcast, offline or online distribution.
 - For online distribution (e.g. on websites), distribution is considered to be “outside the country of origin” if the work is placed online on a site which can be viewed in at least two languages of countries participating in the MEDIA Plus programme.
 - Distribution envisaged under a contract or effectively realised through an international channel (TV5, Arte, 3SAT, TVE Internacional...) is regarded as distribution “outside the country of origin”.
 - Contracts with sales agents do not constitute proof of distribution. However, sales statements from international agents are accepted as proof of distribution.
- The previously produced work must meet the same criteria as those applicable to the works submitted (see 5.). Attention should be paid in particular to the minimum duration conditions.
- If the applicant company cannot demonstrate a sufficient track record to be eligible, can the experience of members of the company be taken into account?

Yes, but subject to three conditions:

- Only the experience of the applicant company’s producer or head of development can be taken into account.
- These persons must be directly involved in the development of the slate of projects submitted.
- Their participation in the production of the previous work must have been significant. Only the following are considered to have played a significant role in the production of a work:
 - producers (except minority co-producers)
 - executive producer
 - delegate producer
 - associate producer.

The Commission will check companies’ compliance with the criteria on the basis of the information provided in form 5 “Experience of the company” and the following supporting documents, which must be attached:

- Annex III to the application: distribution contract or any other document proving the distribution, at international level, of the reference production(s) over the 3/5 years preceding the application. Proof of majority producer status (official credit list, co-production contract, etc.). Where the reference work is a creative documentary: document proving it (declaration of intention from the writer, press article, video, etc.).
- Annex IV to the application: where the experience of members of the applicant company is to be taken into account, proof that they work as producer or head of development in the applicant company and proof of their significant participation in the production of the previous work.

3.4. Companies with stable and sufficient sources of funding to maintain their activity throughout the lifetime of the slate of projects

The Commission will check the company’s compliance with the criteria on the basis of the information provided in application form 13 “Financial information relating to the applicant company and the slate of projects submitted” and the following supporting documents, which must be attached:

- Annex XV to the application: bank certificate stating that the applicant company is the holder of an account which is properly operated;
- Annex XVI to the application: the company’s certified annual accounts for the last two financial years.

In form 13, the company should state its turnover for the last two financial years. Companies existing legally for only one year should provide their turnover figures for the first year and a detailed estimate by an accountant of their turnover for the second year.

3.5. Companies with the professional skills and qualifications required to complete the proposed slate of projects

The Commission will check the company's compliance with the criteria on the basis of the information provided in application form 6 "Experience of members of the applicant company directly involved in the development of the slate of projects submitted" and the following supporting documents, which must be attached:

- Annex VI to the application: CVs of the members of the applicant company who will be working directly on the development of the slate of projects, 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.).

3.6. Exclusion criteria

The financial regulation governing the award of Commission funding provides for the automatic exclusion of applicants where:

- 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, 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 Commission can justify;
- d) they have not fulfilled their obligations relating to the payment of social security contributions or taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the authorising service or those of the country where the projects are 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 Community's 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;
- g) they are subject to a conflict of interest;
- h) they are guilty of misrepresentation in supplying the information required by the Commission or fail to supply this information.

Applicants must declare on their honour, using form 2 'Declaration on the applicant's honour', that they are not in one of the situations listed in points a) to h) above. The Commission may request other proofs from applicants that they are not in one of the above situations.

4. SLATE OF PROJECTS AND THREE-YEAR DEVELOPMENT PLAN

4.1. Submission of a slate of projects and a three-year development plan

The Commission wishes to support slates of projects in order to encourage companies to formulate medium-term development and financing strategies.

In this regard, the Commission requires that applicant companies submit a slate of projects accompanied by a detailed development plan covering a three-year period in support of their application (forms 8, 9 and 12).

The slate of projects (forms 9 and 12) must comprise between 3 and 6 projects for an application for Slate Funding 1 and between 5 and 10 projects for an application for Slate Funding 2 (see 4.3.1.).

In the slate, the applicant company must identify at least three projects which, if selected, will be developed using the funding provided under the MEDIA programme (form 9).

The slate must also include (see 8.4 and form 12):

- at least two reinvestment projects (obligatory for applications for Slate Funding 2);
- the reinvestment project(s) planned (optional for applications for Slate Funding 1).

The three-year development plan must include (form 8):

- a timetable for the development, production and funding activities;
- a description of the financial, technical, creative and management needs of the applicant company for the implementation of these activities;
- a description of the countries that the applicant company considers important for the co-production and/or broadcasting of its projects.

4.2. MEDIA support conditions

The contribution from the MEDIA programme is calculated on the basis of all the detailed development budget estimates for the projects that the company wishes to develop with the support of the MEDIA programme (form 14). It must not exceed 50% of the total (see 6.4).

If the application is selected, the MEDIA funding amount will have to be committed during a period of 10 months following the date of signature of the Global Agreement with the Commission. “Committed” means that the expenditure proposals for each of the projects that the company wishes to develop with MEDIA support has been approved by the Commission of (see 8.2). NB: Companies may choose to develop projects other than those presented in the application, subject to the Commission’s approval (see 8.2).

4.3. Slate Funding 1 and Slate Funding 2 - Slate Funding 1st or 2nd stage

These instruments are for different types of companies.

4.3.1. Slate Funding 1

To apply for Slate Funding 1, a company must submit a slate of projects accompanied by a development plan for three years comprising three to six projects (forms 8, 9 and 12).

As stated in 4.2. above, the slate of projects must comprise at least three projects which, if selected and with the amount of Media funding, will be undertaken over a period of 10 months following the date of signature of the Global Agreement with the Commission (see 8.2). These projects should number at least three (form 9). The slate of projects may include reinvestment projects (form 12).

Funding of between €60 000 and €90 000 may be granted by the MEDIA programme (see 6.4 for the specific arrangements for calculating the Community contribution). The beneficiary company must be able to match MEDIA funding on a 50%-50% basis (see 6.5).

4.3.2. Slate Funding 2

To apply for Slate Funding 2, a company must submit a slate of projects accompanied by a development plan for three years comprising five to ten projects (forms 8, 9 and 12).

As stated in 3.2. above, the slate of projects must comprise at least three projects which, if selected will be undertaken over a period of 10 months following the date of signature of the Global Agreement with the Commission (see 8.2). In addition to these at least three projects, the slate must include at least two reinvestment projects (form 12).

Funding of between €100 000 and €150 000 may be granted by the MEDIA programme (see 6.4 for the specific arrangements for calculating the Community contribution). The beneficiary company must be able to match MEDIA funding on a 50%-50% basis (see 6.5). Slate Funding 2 is therefore available to companies with greater financial capacity and more international experience than companies applying for Slate Funding 1.

4.3.3. Slate Funding 1st and 2nd stage

Slate Funding 2nd stage is only for companies that have already been selected for Slate Funding 1st stage, as long as they meet certain conditions (see “2004 guidelines for supporting the development of slates of projects, Slate Funding 2nd stage”).

5. CRITERIA TO BE MET BY THE PROJECTS IN THE SLATE

5.1. Categories of eligible projects

The projects in the slate must belong to one of the following categories. The Commission will base its assessment on the information provided in forms 9 and 12.

5.1.1. Fiction projects for cinema or television

Both one-off projects and series are eligible.

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

IMAX format is permitted.

5.1.2. 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 forms 9 and 12. The Commission will decide on the eligibility of the documentaries submitted on the basis of this information.

MEDIA Plus support will not be granted for any other form of documentary, in particular reports, news programmes and magazines, talk-shows, reality-shows, 'docusoaps', or educational, teaching and 'how-to' programmes.

Both one-off projects and series are eligible.

The total duration of projects submitted (whether one-off or series) must be no less than 25 minutes.

IMAX format is permitted.

5.1.3. Animation projects for cinema or television

Both one-off projects and series are eligible.

The total duration of projects submitted (whether one-off or series) must be no less than 24 minutes.

IMAX format is permitted.

5.1.4. Multimedia concepts

The following may be submitted for a MEDIA Plus - Development grant:

- 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;
- new interactive concepts for fiction, games or formats for digital television, the Internet or mobile devices;
- interactive programmes for use exclusively on a personal computer and specifically developed to accompany or supplement a completed or “in production” European audiovisual project (fiction, creative documentary, animation), for publication on a digital medium (hybrid DVD or a boxed set of VHS and CD-ROMs, etc.).

5.2. On the date of submission of the application, the applicant company must hold, either directly or via an option, at least 50% of the rights to at least three of the projects to be developed with the MEDIA support.

NB: the slate of projects must comprise the development projects that, if selected and with the amount of the MEDIA funding, will be undertaken over a period of 10 months following the date of signature of the Global Agreement with the Commission (see 8.2). These projects must number at least three.

For at least three of the projects it wishes to develop with MEDIA support, the applicant company must demonstrate in the application (form 11) 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 state the extent of the transfer of rights, the length and any remuneration. The applicant company must, in any event, hold at least 50% of the rights to each project.

If an option agreement is in place, it must be of an adequate duration to cover the whole development schedule and clearly set out the conditions for exercising the option.

If the project is an adaptation of an existing work, the contractual agreement must cover the rights to the original work as well as to the adaptation (contract with the writer of the adaptation).

The Commission will assess the ownership of the rights, or option rights, in accordance with the applicable national legislation.

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 employment contract establishing the assignment of rights can be provided to demonstrate the contractual agreement.

The Commission will check that the projects identified by the applicant company for MEDIA funding meet the above conditions, based on the information provided in form 11 ‘Copyright’ and the following documents:

- Annex XIV to the application: copies of the option agreements, duly dated and signed, including the conditions for exercising the option or the agreements 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.

5.3. Ineligible projects

The projects described below are not eligible, even if they meet the conditions in 4.2 and 4.3. They cannot therefore be included in the slate.

- Projects promoting, directly or indirectly, messages that are at odds with the policies of the European Union, for example any grants for projects that may be contrary to the interests of public health (alcohol, tobacco, drugs), respect for human rights, citizens' security, freedom of expression, etc. Projects promoting violence and/or racism and/or with a pornographic content, or institutional productions to promote a specific organisation or its activities.
- Projects which have already benefited from MEDIA - Development support.
- Projects which have already benefited from a development Community contribution other than MEDIA.
- Projects for which production has started before the date of signature of the Specific Agreement (see 8.2).

6. ESTABLISHING DEVELOPMENT BUDGET ESTIMATES AND CALCULATING THE COMMUNITY CONTRIBUTION

6.1. Detailed development budget estimates per project

Applicant companies must complete form 14 'Detailed development budget estimates for the projects described in form 9' for each development project which will be undertaken, if selected, with the contribution from the MEDIA programme, over a period of 10 months following signature of the Global Agreement with the Commission. NB: These projects must number at least three.

Only eligible costs may be included in the development budget estimates.

6.2. Eligible costs

6.2.1. Eligible costs

Only costs directly associated with developing the projects identified by the applicant company for MEDIA funding are eligible, i.e.

- acquisition of 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, etc.);
- for creative documentaries: the realisation of a video treatment;
- for animation projects: graphics research and production of a pilot;
- for multimedia projects: the 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 the demo.

These costs must be incurred by the applicant company itself and correspond to actual expenditure, i.e. payments made by the applicant company which can be proved on the basis of settled invoices.

VAT may be included in the costs submitted if the company cannot recover it. If selected, the applicant company must therefore provide the Commission with proof of VAT status.

6.2.2. Ineligible costs

The following costs are ineligible:

- production costs;
- capital investment costs;
- debts and bad debts;
- interest on debts owed;
- contributions in kind;
- expenditure on luxuries;
- exchange rate losses;
- general provisions (for losses, possible future liabilities, etc.);
- purchase of equipment (except depreciation of IT equipment). See 6.3.5.

6.2.3. Period of eligible costs

In principle, the date from which costs can be considered eligible, for each project benefiting from MEDIA funding, is the date of signature of the Specific Agreement between the Commission and the beneficiary company. See 8.2.

Exception:

Where the applicant company establishes in form 14 that the project had to start before the signature of the Specific Agreement, costs incurred after the date of submission of the application file may be considered eligible.

Only costs associated with the reservation or acquisition of rights incurred up to 12 months prior to the date of submission of the application (Chapter 1 of the development budget – Artistic rights) may be considered eligible with retroactive effect.

The submission date is established officially in the acknowledgement of receipt (form 1) sent to the applicant by the Commission on receipt of the application.

6.3. Establishment of the detailed development budget estimates per project

The detailed development budget estimate must be established using form 14. The costs must be broken down according to the categories below.

Development budget estimates must be in euro and rounded to the nearest euro. For projects 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 site <http://europa.eu.int/comm/budget/inforeuro/index.cfm>).

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

When implementation requires the publication of a call for tender, the following principles must be respected: transparency, equal treatment and no conflicts of interests.

NB: only eligible costs may be included in development budget estimates.

1. Artistic rights

Only obligations payable during the development period are eligible. Payments associated with option agreements and/or copyright must be justified.

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

2. Personnel costs

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.

The use of the various eligible human resources must be justified in terms of their necessity to the project.

The usual charges paid by employers, such as social security contributions, should be stated in Chapter 3 (Social charges)

Bonuses, incentive payments and profit-sharing schemes are not eligible.

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

3. Social charges

Social security contributions relate to the wages and fees in Chapters 1 (Artistic rights) and 2 (Personnel costs) above. The various percentages applied must be stated.

4. Transport and expenses:

Only travel directly associated with the development of the project in question 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	150	IS Iceland	183
DA Denmark	179	LI Liechtenstein	174
DE Germany	127	NO Norway	171
GR Greece	113	BG Bulgaria	157
ES Spain	141	CZ Czech Republic	214
FR France	130	EE Estonia	129
IE Ireland	165	CY Cyprus	100
IT Italy	130	LV Latvia	174
LU Luxembourg	143	LT Lithuania	126
NL Netherlands	148	HU Hungary	136
AT Austria	122	MT Malta	86
PT Portugal	143	PL Poland	227
FI Finland	156	RO Romania	185
SU Sweden	157	SI Slovenia	148
UK United Kingdom	199	SK Slovakia	164

5. 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 projects 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 in question can be taken into account by the Commission, except where the nature and/or use of the item justifies otherwise. It is up to the applicant company to prove this, using form 14 'Detailed development budget estimates for the projects described in form 9'.

6. Miscellaneous

A flat rate of up to 7% for overheads (based on the total for Chapters 1 to 6.5 of the development budget estimate) is allowed.

Total:

The total amount of the detailed development budget estimates (form 15 'Development budget Summary') must be covered in full by the sources of finance indicated in form 16.

6.4. Calculation of the Community contribution

The Community contribution is calculated using form 14 'Detailed development budget for the projects described in form 9' and form 15 'Development Budget Summary'.

- The funding from the MEDIA Plus - Development programme may not in any event exceed 50% of the total detailed development budget estimates (form 15).
- The applicant company must also ensure that the funding from the MEDIA programme does not exceed 50% of the detailed development budget for each project (form 14). A derogation is possible for projects highlighting Europe's cultural diversity, in which case the MEDIA Plus funding may be 60% of the development budget. However, it is up to the applicant to prove this, using form 16. The Commission will decide on the basis of the arguments submitted.
- The minimum contribution from the MEDIA programme to a project is €10 000.
- The maximum contribution to a project is €50 000 (in the case of Slate Funding 2 and for animation feature-length films for theatrical release, this maximum amount can exceptionally be raised to € 80.000).
- Depending on the type of application submitted, you must request an amount between the minimum and maximum amounts given below:

Category	Minimum			Maximum
Slate funding 1	€60 000	€70 000	€80 000	€90 000
Slate funding 2	€100 000	€110 000	€125 000	€150 000

6.5. Sources of finance

The development budget estimate must be balanced in respect of revenue and expenditure. You must therefore state in form 16 how you intend to finance the development budget summary submitted on form 15. 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 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 XVII to the application). If the funding has not yet been confirmed but you have received letters expressing interest, you can also enclose them (Annex XVIII to the application, optional). In any event, if

you are selected and whatever the outcome of the requests for funding made to third parties, you undertake, by signing form 2, the '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 applicant company'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 Community funding for the development of the same project (e.g. funding obtained under the MEDIA 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 2.

7. HOW ARE APPLICATIONS SELECTED?

The applications received by the Commission are assessed on the basis of three types of criteria:

7.1. Eligibility criteria

7.1.1. Is the application file complete?

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

Presentation of the application	Use of the forms for 2004 . A4 pages, printed one side only and numbered. 4 copies, including one unbound (except for Annexes I, II, III, IV and XIV for which just one copy is required, with the unbound copy). No handwriting. All the signatures required. All the required forms and annexes are present. Use of one of the 11 official languages.
Respect for the start and end dates of the call for proposals	Application sent on or after 2 December 2003 and no later than 1 June 2004. Just one application per call for proposals (the first one received in the case of multiple applications) will be considered by the Commission.
Complete applicant file	All the application forms are present and complete and the obligatory annexes attached, <i>in particular</i> : - the bank certificate - details of the company turnover - CVs of company members - signed declaration on the applicant's honour - proof of experience giving access to MEDIA - copyrights - extract from the company's registration - memorandum of association.

The Commission will not be sending any requests for additional documentation. If just one of the above elements is missing, the applicant company will be notified by mail that its application is ineligible and therefore has been rejected. The company may resubmit it under another call for proposals if substantial changes have been made which remove the reasons for the rejection. The applicant company must explain the changes made in the form provided to this effect.

7.1.2. Does the slate submitted and the projects within it meet the programme access criteria ?

The Commission will check that the slate of projects meet ALL the criteria below (see 4):

Slate Funding 1 : the slate comprises 3 to 6 projects. Slate Funding 2 : the slate comprises 5 to 10 projects.
The applicant company must identify at least three development projects which will be undertaken with MEDIA support over a period of 10 months following signature of the Global Agreement with the Commission. The applicant company identifies reinvestment projects (obligatory at least 2 for Slate Funding 2, optional for Slate Funding 1).

The projects making up the slate must belong to one of the following categories: fiction, creative documentary, animation or multimedia.
They must meet the minimum duration criteria.
At the moment of submission of the application, the applicant company holds either directly or via an option, at least 50% of the rights to at least three of the projects to be developed over the ten-month period following signature of the Global Agreement.
The projects making up the Slate must not come under one of the exclusion criteria in 4.3.

If, when the Commission examines an application for Slate Funding 2, it turns out that the eligibility criteria specific to this category are not met, the application will be automatically considered for Slate Funding 1, as long as it meets the conditions for the latter.

If a slate comprises fewer than three projects meeting all the above criteria, the application will be rejected. The company may resubmit it under another call for proposals if substantial changes have been made which remove the reasons for the rejection. The applicant company must explain the changes made in the form provided to this effect.

7.1.3. *Are the budgets submitted really development budgets?*

If the Commission takes the view that the detailed development budget estimates (form 14) contain costs other than development costs, the project(s) concerned will not be considered in the evaluation of the application. If, as a consequence, the slate then comprises fewer than three projects, the application will be considered ineligible and will be eliminated from the selection procedure. The company may resubmit under another call for proposals if substantial changes have been made which remove the reasons for the elimination. The applicant company must explain the changes made in the form provided to this effect.

7.2. Selection criteria – is the company able to successfully implement the proposed development plan?

The Commission will also evaluate if the applicant company is able, both technically and financially, to successfully implement the proposed development plan.

Is the company able to successfully technically implement the proposed development plan?	Is it an independent European company whose main activity is audiovisual and/or multimedia production and has it existed for at least one year? See 3.1 and 3.2.
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	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 in form 6 'Experience of members of the applicant company directly involved in the development of the slate of projects submitted'.
	Can the company demonstrate that it has produced and distributed at least one (Slate Funding 1) or two (Slate Funding 2) previous works? See 3.3. What is its general experience? This evaluation is based on form 5 'Experience of the applicant company'.
Does the company have the financial resources to successfully implement the project?	Does the bank certificate (Annex XV to the application) confirm the proper operation of the company's bank account?
	Has the company enclosed the certified annual accounts for the last two years (Annex XVI to the application)? What is its turnover? (form 13, 'Financial information on the applicant company and the application submitted')
	Does the company come under one of the exclusion criteria in 3.6? (form 2 'Declaration on the applicant's honour')

If the Commission takes the view that the applicant company is not able to properly implement the development plan, either technically or financially, the application will be rejected. The company may resubmit under another call for proposals if substantial changes have been made which remove the reasons for the elimination. The applicant company must explain the changes made in the form provided to this effect.

7.3. Award criteria - quality of the development plan and the proposed projects

Only applications considered eligible and fulfilling the selection criteria (see 7.1 and 7.2) 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 applications by merit. All the award criteria have an identical weight in the evaluation process.

The applications are evaluated in terms of the award criteria with the help of two independent experts per application (one to evaluate more specifically the content of the development plan and the projects proposed, and one to evaluate more specifically the financial aspects). This evaluation serves as a recommendation for the Commission, which is the sole body authorised to decide on the award of funding.

On the basis of the recommendations of the independent experts, the Commission therefore establishes a list of applications, ranked according to merit, and awards funding to the best applications until the overall budget available is exhausted.

The Commission selects the 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.

7.3.1. Quality and originality of the projects

The quality and originality of the projects chosen by the applicant company for MEDIA funding are assessed. These projects are described in detail in forms 9 and 12. The documents enclosed in Annexes VII, VIII and IX (treatments, scripts, visual documents, declarations of intent, etc.) are also assessed.

- In the case of fiction 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 fiction projects, the characters and dialogues are also examined; in the case of a creative documentary, its degree of creativity; for animation projects, the characters, graphics and dialogues are examined in particular.

- 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.

7.3.2. Quality of the development strategy

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

- the description and timetable of development activities envisaged in the development plan and for each project chosen for MEDIA funding;
- the feasibility of the development plan with regard to the simultaneous development of several projects;
- the co-development strategy;
- the co-financing strategy;
- the development budget estimates of the projects chosen for MEDIA funding and the financing plans.

Forms 8 ‘Three-year development plan’, 10 ‘Development, funding and distribution strategies for the projects described in form 9’, 14 ‘Detailed development budget estimates’ and 16 ‘Sources of finance’ and Annexes X, XII, XVII and XVIII will serve as the bases for evaluating this criterion.

7.3.3. Quality of the financing strategy and the production potential

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

- the draft production financing plan, the status of co-funding (planned or confirmed) for each of the projects put forward;
- an indication of possible co-production interest or agreements.

Forms 9 and 12 ‘Description of the slate of projects’ and 10 ‘Development, funding and distribution strategies for the projects described in form 9’, as well as the supporting documents provided (Annexes XI and XIII: contracts, letters of interest, etc.) will be taken into account to evaluate this criterion.

7.3.4. European and international potential and quality of the marketing and distribution strategies

Including, in particular, an examination of the following aspects for each of the projects proposed:

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

Forms 9 and 12 ‘Description of the slate of projects’ and 10 ‘Development, funding and distribution strategies for the projects described in form 9’, as well as the supporting documents provided in the Annexes (contracts, letters of interest, etc.) will be taken into account to evaluate this criterion.

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

The following countries are considered to have a low audiovisual production capacity: Austria, Belgium, Bulgaria, Denmark, Finland, Greece, Ireland, Iceland, Liechtenstein, Luxembourg, Norway, the Netherlands, Portugal and Sweden, as well as those countries entering the European Union on 1/05/2004.

8. AT THE END OF THE SELECTION PROCEDURES

8.1. 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 DG EAC (Directorate-General for Education and Culture) 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 DG EAC or the Technical Assistance Office (see 9.2.) before adoption of

the decision by the Commission. If a project is rejected, the Commission will inform the unsuccessful applicant of the reasons.

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

8.2. Conclusion of agreements between the Commission and beneficiary companies in the event of selection

Selection of a company does not oblige the Commission to grant the amount requested. Under no circumstances will the amount granted exceed the amount requested. Moreover, the Commission may decide, based on the recommendations of the experts, to reject the application for Slate Funding but to select a project from the slate for individual funding.

Where a proposal is selected, a Global Agreement, establishing the total amount of the MEDIA grant, will be concluded between the Commission and the beneficiary company.

From the date of signature of the Global Agreement, beneficiary companies will have 10 months to submit for the Commission's approval expenditure proposals for each of the projects they wish to develop with the support of the MEDIA programme. Reminder: there must be at least three such projects. The Commission will have 15 days to communicate its decision to approve the projects.

A Specific Agreement for each project will be signed between the Commission and the beneficiary company.

The expenditure proposal submitted to the Commission may be the same as the budget estimates in the application if the applicant company has not changed the choice of projects it wishes to develop with the MEDIA funding or their budgets. It may also correspond to projects not included in the application, if the company's strategy or situation has changed (see 4.2).

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 website as soon as the decision referred to in 8.1 has been adopted by the Commission.

8.3. Payments

The beneficiary company will have to open a dedicated bank account exclusively for the purpose of managing the MEDIA contribution. The contribution for each project of which the development is envisaged with MEDIA support will be paid in two instalments:

- 70% within 45 days of signature of the Specific Agreement between the beneficiary and the Commission;

- the balance following submission and approval by the Commission of the certified final development expenditure accounts (no later than 21 months after signature of the Specific Agreement).

If the Commission 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.

Beneficiary companies will have 10 months from signature of the Global Agreement to use the funds granted by the MEDIA programme. After this period, any unused amounts will be forfeited.

8.4. In the event of production commencing on a project which has benefited from MEDIA funding

If a project forming the subject of a Specific Agreement enters into production, the beneficiary company must repay the amount of the Community grant for this project to the dedicated bank account opened for the MEDIA programme, no later than the first day of principal photography (or equivalent).

It will then have six months to reinvest this amount in one or more new development projects. Reinvestment projects can belong to any category (fiction, creative documentary, animation, multimedia), as long as they meet the criteria in point 4 and the minimum and maximum amounts of Community funding per project in 6.4.

Reinvestment projects are approved by the Commission in accordance with the procedure referred to in 8.2. (approval of expenditure proposals). The company may choose to use the reinvestment for projects other than those presented in the application (form 12), subject to the Commission's approval.

- What is the Commission's objective for the reinvestment mechanism?
 - encouraging companies to have a medium-term strategic vision of their work;
 - increasing the leverage effect of the Community funds.

9. CONTACTS

9.1. Commission departments responsible for implementing the MEDIA Plus - Development programme

Please contact the following people for more information on the Development sector of MEDIA Plus.

- For questions relating to selection:

Corinne MIMRAN
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 Tel. + 32 2 295.33.71

- For questions relating to agreements and their follow-up:

Domenico RANERI

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9.2. The Technical Assistance Office

The Technical Assistance Office is responsible for helping the Commission to evaluate projects and follow them up. You may contact the Office for any practical information.

MEDIA Programme Technical Assistance Office

Rue du Trône, 12

B-1000 Brussels

Belgium

Tel. : + 32 2 743 20 87 or 88

Fax : + 32 2 743 27 27

9.3. The MEDIA Desks and Antennae

There are MEDIA Desks and Antennae in all the participating States. They are the closest bodies 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 Antennae

BELGIË/BELGIQUE/BELGIEN (BE)

Vlaamse Gemeenschap:
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Karen Depoorter

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Thierry Leclercq

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Catalina González

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Ioanna Haritatu

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