



MEDIA Plus (2001-2006)

CALL FOR PROPOSALS 09/05

GUIDELINES FOR

SUPPORT TO DEVELOPMENT OF SLATES OF PROJECTS

SLATE FUNDING 1ST STAGE

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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.

Call for proposals 09/05 - Summary of the access conditions for support to development of slates of projects

• When to apply ?

During the period of the call for proposals. The call for proposals 09/05 will be open from 12 November 2005 to 31 May 2006. Two MEDIA award procedures will run during this period. See 2.1.1.

• Support mechanism for slates of projects (Slate Funding), single projects or "MEDIA New Talent"?

Slate Funding is aimed at medium-sized companies which already have international experience and have the financial capacity to contemplate the simultaneous development of several projects. If you do not meet these conditions, please consider the support mechanism for single projects. See 1, "Call for proposals 09/05 – Guidelines Single Projects" and "Call for proposals 09/05 – Guidelines Single Projects" and "Call for proposals 09/05 – Guidelines MEDIA New Talent".

• 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 3 to 10 projects. See 4. Slate Funding 2^{nd} stage is for companies that have already been selected once for Slate Funding (see "Call for proposals 09/05 Guidelines for support to the development of catalogues of projects, Slate Funding 2^{nd} stage").

- What kinds of companies are accepted? Applicants for funding for the development of slates of projects must be independent European production companies registered for at least three years. See 3.1. and 3.2.
- Is previous audiovisual production experience necessary? Yes. The previous experience requirements are different for Slate Funding 1 and Slate Funding 2. See 3.3.
- Which categories of projects are eligible for MEDIA funding? Drama, 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 €0 000 and €0 000 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.

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: drama, creative documentaries, animations and multimedia concepts.

Three types of funding are available under the programme:

- support for the development of a slate of projects (Slate Funding 1 or 2, 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.
- support to projects which have been the subject of a MEDIA training activity ("MEDIA New Talent").

Funding has been designed to meet the needs of three 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;
- companies with limited previous experience that have focused on training activities to develop itself.

The conditions for accessing these instruments in terms of previous experience and financial and technical capacity are different.

<u>These guidelines apply to applications for Slate Funding.</u> If you would like to apply for single project or "MEDIA New Talent", please refer to the relevant guidelines, and check that you fulfil the access criteria.

2. TIMETABLE AND BUDGET FOR THE CALL FOR PROPOSALS 09/05

2.1. When and how 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 2006 MEDIA Plus - Development budget was published in OJ N° C280 of 12/11/2005.

This call for proposals is open from 12 November 2005 to 31 May 2006.

This means that you can submit your applications to the Commission between 12 November 2005 and 31 May 2006 inclusive.

Applications sent before or after these dates will not 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 <u>under any circumstances</u> 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 <u>time</u>.

2.1.2. How?

Applications must:

- include two unbound copies of forms and annexes A to H and 4 copies (1 unbound and 3 bound) of forms and annexes 1 to 7;
- be submitted using exclusively the application forms for the call for proposals 09/05, which can be downloaded in French or English from the site: http://europa.eu.int/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. 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;
- not contain any handwriting (apart from the signatures required);
- 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:

AGENCE EXECUTIVE pour l'éducation, l'audiovisuel et la culture M. Costas Daskalakis Rue Colonel Bourg 135/139 B-1140 Bruxelles

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

Envelopes must be clearly marked:

"MEDIA PLUS - DEVELOPMENT CALL N°09/05" Company Name Country of origin Slate Funding (1 or 2)

2.2. No more than one application per company for support under development is allowed for the 2006 budget

Please note that no more than one application (<u>Single Project, Slate Funding or "MEDIA New</u> <u>Talent</u>") may be submitted by a production company for the 2006 budget.

This rule also applies where a company wishes to resubmit a project rejected under the call for proposals 09/05. 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, any company which has a current <u>Slate Funding 1st stage agreement</u> may not apply for support for a single project or for "MEDIA New Talent". It may, however, under certain conditions, apply for Slate Funding 2^{nd} stage (see "Guidelines for supporting catalogues of projects – Slate Funding 2^{nd} stage").

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

2.3. Budget and award timetable

For the 2005 call for proposals, the budget earmarked for the Development sector (Single Project, "MEDIA New Talent" and Slate Funding) was \in 17,58 million. The Commission expects the budget for 2006 to be around the same amount. In 2005, \in 7,75 million were awarded to slates of projects. This proportion could be slightly different for the call for proposals 09/05.

For information, the following table shows the number of proposals received and selected in 2005 and the budget awarded to the various genres.

| | MEDIA N | lew Talent | | | Single pr | rojects | | | Slate Fu | nding | |
|--------------------------|---------|------------|------------------|-----------------|------------------|-----------|------------------|-----------------|------------------------------|------------------------------|------------------------------|
| | Drama | Animation | Documen- tary | Multime- dia | Drama | Animation | Documen- tary | Multime- dia | SF1 1 ^{er} stage | SF2 1 ^{er} stage | SF 2 ^{ème} stage |
| Applications received | 36 | 0 | 10 | 1 | 199 | 33 | 141 | 28 | 96 | 44 | 41 |
| Applications selected | 17 | 0 | 4 | 1 | 83 | 13 | 63 | 14 | 48 | 30 | 25 |
| MEDIA Funding (€) | 670.000 | 0 | 75.000 | 30.000 | 3,475 million | 750.000 | 1,470 million | 680.000 | 3,99 million | 3,770 million | 2,670 million |

The 2006 budget will be awarded in two rounds.

All applications sent between 12 November 2005 and 28 February 2006 will be evaluated in the first round, during which 50% maximum of the 2006 budget will be allocated. The results of this first round will be available in June 2006. The agreements will be sent to the selected companies within two months following the selection. All applications sent between 1 March 2006 and 31 May 2006 will be evaluated in the second round, during which the remaining budget will be allocated. The results of this second round will be available in October 2006. The agreements will be sent to the selected companies within 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 2006 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 DEVELOP SLATES OF PROJECTS

NB: <u>All</u> the criteria below must be met, and supporting evidence provided. The compliance with the criteria will only 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

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

They must be <u>established</u> 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 <u>owned</u> and <u>continue to</u> <u>be owned</u>, 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, Norway (EEA countries) and Bulgaria. Switzerland (a Member of EFTA) will become a participating country in the MEDIA Plus Programme from 1 January 2006.

Applications from groups of companies will not be accepted.

A company submitting an application <u>must not have majority control by a broadcaster</u>, either in shareholding or commercial terms.

'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 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 registration, company's legal full name, the registered office address, the 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 shareholders'names and nationalities as well as division of shares between shareholders.

3.2. Companies registered for at least three years

Only companies than can prove that they have been registered for at least three years can apply for Slate Funding.

The Commission checks this criterion on the basis of the information in form D "Legal status of the applicant company" and in Annex D2 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, <u>during the three years</u> <u>preceding the application</u>, produced as a major producer <u>at least one</u> audiovisual and/or multimedia work that has been <u>distributed outside its country of origin</u>.

3.3.2. Applicants for Slate Funding 2

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

3.3.2.1. Derogation referring to application files including one or more drama or animation projects

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

This derogation applies only <u>if the previous work was a drama or animation project</u>. 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

- A production company is considered a major 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.
- A production (one-off project or series) is regarded as 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);
- in respect of series, the entire series must be completed on the date of submission.
- 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 multimedia works. Broadcasts in cinema museums, cultural associations and other comparable structures as well as online distribution (except for multimedia works) are not considered to be a commercial release.
- For online distribution of multimedia works (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.
- Distribution envisaged under a contract or effectively realised through an international channel (TV5, Arte, 3SAT, TVE Internaciónal...) 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 requirements in terms of the minimum length of the project.
- 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? 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 applicant company OR
 - must be managing director/CEO of the applicant company OR
 - must have been on the pay roll of the applicant company as producer at the date of submission for at least 12 months prior to 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 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 Commission will check the company's compliance with criteria 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: distribution contract or document proving the distribution, at international level, of the reference production(s) over the 3/5 years preceding the application.

Only the following evidence will be accepted : distribution agreement with a theatrical distributor, broadcasting agreement/co-production agreement with a television, sales report signed and certified by an international sales agent (the name of the purchaser, the territory and the date of sale must be clearly stated), video or DVD publishing contract, proof of theatrical exhibition (screening programme clearly showing source and date; box office statement mentioning exhibition period and made by a public entity, proof of broadcast (TV programme with visible source and date); TV rating. For multimedia projects: website URL (the content of the website must be in two languages), agreement with the provider/operator/distributor, official sales/exploitation statement.

Where the reference work is a creative documentary: document proving it (declaration of intention from the writer, press article, video, etc.).

- Annex F2 to the application: Proof of majority producer status (certified financing plan, coproduction contract, etc.) OR, where it is necessary to take account of the experience of the producer, evidence of his/her status as producer within the applicant company <u>and</u> official credit that appears in the onscreen credits or employment contract for multimedia works.

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 Forms E 'Financial status of the applicant company' and 2 'Financial information relating to the applicant company and application submitted' and the following supporting documents, which must be attached:

- Annex to Form 2: balance sheet and profit and loss accounts of the last two financial years.

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 1 'Information concerning the applicant company' and the following supporting documents, which must be attached:

- Annex to Form 1: 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 B '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 3 and 4).

The <u>slate of projects</u> (Form 4) must comprise between 3 and 6 projects for an application for Slate Funding 1 and between 3 and 10 projects for an application for Slate Funding 2 (see 4.3.1.).

Slates including documentaries only are not eligible for Slate Funding 2. Only Slate Funding 1 is available for documentary Slates.

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 4).

The three-year <u>development</u> plan must include (Form 3):

- 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 coproduction and/or broadcasting of its projects.

The application must also include (see 8.4 and Form 7):

- at least two reinvestment projects (obligatory for applications for Slate Funding 2);

- the reinvestment project(s) planned (optional for applications for Slate Funding 1).

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 5). It must not exceed 50% of the total (see 6.4).

If the application is selected, the Slate of projects the applicant wishes to develop will be an integral part of the agreement. The Slate must correspond to the projects presented in the application file. However, the projects which have become non-eligible after the date of submission (in particular, in case of entry into production, obtaining another European funding, a change in the ownership of the rights under 50%) must be replaced, subject to the compliance of the eligibility criteria applicable to the projects (see 5).

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 <u>three to six projects</u> (Forms 3 and 4). These projects should number <u>at least three</u> (Form 4). The application may include reinvestment projects (Form 7).

Funding of between $\leq 60\ 000$ and $\leq 90\ 000$ 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 <u>three to ten projects</u> (Forms 3 and 4). In addition to the minimum number of three projects, the application <u>must</u> include at least two reinvestment projects (Form 7).

Slates of projects comprising only documentaries are not eligible for Slate Funding 2. They are only eligible for Slate Funding 1.

Funding of between $\leq 100\ 000$ and $\leq 150\ 000$ 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 1^{st} and 2^{nd} stage

Slate Funding 2^{nd} stage is only for companies that have already been selected for Slate Funding 1^{st} stage, as long as they meet certain conditions (see "Call for proposals 09/05 - Guidelines for the support to the development of slates of projects, Slate Funding 2^{nd} 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 Form 4.

5.1.1. Conditions applicable to all categories of projects

Both one-off projects and series are eligible.

IMAX format is permitted.

MEDIA Plus 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.

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

5.1.3. 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. 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 "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).

Slates including documentaries only are not eligible for Slate Funding 2. Only Slate Funding 1 is available for documentary Slates.

5.1.4. Animation projects for cinema or television

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

5.1.5. 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, 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

5.2. On the date of submission of the application, the applicant company must hold at least 50% of the rights to the slate of projects to be developed with the MEDIA support.

NB: the slate of projects must comprise the projects that, if selected and with the amount of the MEDIA funding, will be developed with the MEDIA support. These projects must number <u>at least three</u>.

For each project of the slate it wishes to develop with MEDIA support (excluding the reinvestment projects), the applicant company must demonstrate in the application (Form G) 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, <u>duly dated and signed</u>, must state the extent of the transfer of rights, the length and any remuneration. Where there are several rightsholders, the applicant company must, in any event, hold at least 50% of the rights to each project of the slate.

<u>The contractual agreement may be subject to an option.</u> 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 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 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 G 'Copyright' and the following documents:

- Annex G1 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 5.1 to 5.3. They cannot therefore be included in the slate.

- Projects for which the MEDIA support is lower than 10.000€ (20.000 € for the fiction projects).
- Projects which have already benefited from MEDIA Development support.
- Projects which have already benefited from a European development support other than MEDIA.
- Projects for which production has started before the date of signature of the 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 4-III 'Detailed development budget estimates' for each project which will be developed, if selected, with the contribution from the MEDIA programme. NB: These projects must number <u>at least three</u>.

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 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, etc.);
- <u>for creative documentaries</u>: the realisation of a video treatment;
- <u>for animation projects</u>: graphics research and production of a pilot;
- <u>for multimedia projects</u>: the creation of programme content (treatment), creation of basic audio and video graphic elements, software programming necessary to run the project, programming logic (flowchart), 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.

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 for multimedia projects). 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 <u>date of signature of the Agreement between the Commission and the beneficiary company</u>. See 8.2.

Exception:

Where the applicant company establishes in Form 5 that the project had to start before the signature of the Agreement, costs incurred after the <u>date of submission of the application file</u> may be considered eligible.

Only <u>costs associated with the reservation or acquisition of rights</u> incurred up to <u>12 months</u> 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 A) sent to the applicant by the Commission on registration of the application.

The period of eligible costs will end on the date of entry into production of the projects or at the latest 24 months after the signature of the agreement with the Commission.

6.3. Establishment of the detailed development budget estimates per project

The detailed development budget estimate must be established using Form 4-III. 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 <u>http://europa.eu.int/comm/budget/inforeuro/index.cfm</u>).

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 (including social security/fringes)

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 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.

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

The various percentages applied to the usual charges paid by employers, such as social security contributions, must be stated.

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. Other costs

3.1. 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 | 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 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 4-III 'Detailed development budget estimates'.

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 total amount of the detailed development budget estimates (Form 5 'Summary development budget of the slate of projects') must be covered in full by the sources of finance indicated in Form 6.

6.4. Calculation of the Community contribution

The Community contribution is calculated using Form 4-III 'Detailed development budget estimates' and form 5 ' Summary development budget of the slate of projects'.

- The funding from the MEDIA Plus Development programme may not in any event exceed 50% of the total detailed development budget estimates (Form 6).
- 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 4-III). 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 6. The Commission will decide on the basis of the arguments submitted.

- The minimum contribution from the MEDIA programme to a project is €10 000 (€20.000 for fiction projects).
- 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 6 how you intend to finance the development budget summary submitted on Form 5. 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 to Form 6). If the funding has not yet been confirmed but you have received letters expressing interest, you can also enclose them (Annex to Form 6). 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 B, 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 B.

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 call for proposals 09/05. |
|---|---|
| | A4 pages, printed on one side only and numbered. |
| | Two unbound copies of forms and annexes A to H |
| | and 4 copies (1 unbound and 3 bound) of forms and |
| | annexes 1 to 7. |
| | No handwriting. |
| | All the signatures required. |
| | All the required forms and annexes are present. |
| | Use of one of the 20 official languages. |
| Respect for the start and end dates of the call for | Application sent after the 12 November 2005 and |
| proposals | no later than 31 May 2006. |
| | Just one application for the 2006 budget (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 |
| complete applicant me | and the obligatory annexes attached, <i>in particular</i> : |
| | - balance sheet and profit and loss accounts for the |
| | last two financial years |
| | - CVs of company members |
| | - signed declaration on the applicant's honour |
| | - proof of experience giving access to MEDIA |
| | - copyrights to the slate of projects |
| | - 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 or cannot meet the crietria, the applicant company will be notified by mail that its application is <u>ineligible</u> and therefore has been <u>rejected</u>. 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 3 to 10 projects.

The applicant company submit a slate of at least three projects which will be developed with MEDIA support.

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: drama, creative documentary, animation or multimedia.

The projects making up the slate must meet the minimum duration criteria.

At the moment of submission of the application, the applicant company holds at least 50% of the rights or an option with the author(s) to the slate of projects to be developed with the MEDIA support.

The projects making up the Slate must not come under one of the exclusion criteria in 5.3.

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 4-III) 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, <u>both technically and</u> <u>financially</u>, 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 been registered for ar least 3 years? See 3.1. and 3.2. |
|---|--|
| | 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 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 F 'Experience of the applicant company'. |
| Does the company have the financial resources to successfully implement the slate of projects? | Does the applicant company have the financial capacity to carry out the slate of projects? (Form E 'Financial status of the applicant company') |
| | Does the company come under one of the exclusion criteria in 3.6? (Form B '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 independent experts. This evaluation serves as an opinion 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 Form 4. The documents enclosed in Annexes (treatments, scripts, visual documents, declarations of intent, etc.) are also assessed.

 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 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 3 'Three-year development plan', 4-II 'Development, funding and distribution strategies for the projects', 4-IIIJ 'Detailed development budget estimates' and 4-IV 'Sources of finance' and corresponding Annexes 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.

Form 4 as well as the supporting documents provided (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.

Form 4 as well as the supporting documents provided in the Annexes (contracts, letters of interest, etc.) will be taken into account to evaluate this criterion.

7.3.5. Results of the previous MEDIA supports granted to the applicant company

This criterion will be evaluated solely in the case of companies which have already been granted MEDIA support, on the basis of Form F "Experience of the applicant company".

Results in terms of projects having entered into production and reinvestment on the one hand and compliance with the contractual obligations on the other hand will be taken into account.

7.3.6. Others

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).

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 the Commission 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 Commission services 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 an Agreement 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, an <u>Agreement</u>, establishing the total amount of the MEDIA grant, will be concluded between the Commission and the beneficiary company.

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 MEDIA contribution will be paid to this account in the following manner:

- 50% within 45 days of signature of the Agreement between the beneficiary and the Commission (1rst pre-financing instalment);
- 30% (2nd pre-financing instalment) when the company can demonstrate to have spent at least 70% of the first pre-financing instalment;
- balance subject to the submission and approbation by the Commission of a certified final development expenditure account (no later than 26 months after signature of the 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 or decide to grant the support without pre-financing and interim payment.

8.4. In the event of entry into production of the project supported by MEDIA

If a project forming the subject of the Agreement enters into production, the beneficiary company must reinvest the amount of support in one or more new development projects. Reinvestment projects can belong to any category (drama, 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 part of the final report and are approved by the Commission. The company may choose to use the reinvestment for projects other than those presented in the application (Form 7), 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 <u>Corinne.Mimran@cec.eu.int</u> Tel. + 32 2 295.33.71

 For questions relating to agreements and their follow-up: Domenico RANERI
 <u>Domenico.Raneri@cec.eu.int</u>
 Tel. : + 32 2 296.21.20

9.2. The Technical Assistance Office (until 31 December 2005)

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 Colonel Bourg 135/139 B-1140 Bruxelles 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 MEDIA Antennae

BELGIË/BELGIQUE/BELGIEN (BE)

Vlaamse Gemeenschap:

MEDIA Desk België Vlaamse Gemeenschap Biilokekaai 7 F B-9000 Gent (32-9) 235 22 65 Tel. (32-9) 235 22 66 Fax E-mail: Info@mediadesk-vlaanderen.be Internet: http://www.mediadesk-vlaanderen.be Nathalie Goethals

Communauté française:

MEDIA Desk Belgique Communauté française de Belgique 44, bd Léopold II B-1080 Bruxelles (32-2) 413 22 45 Tel. (32-2) 413 20 68 Fax E-mail: mediadesk.belgique@cfwb.be Internet: http://www.cfwb.be/mediadesk Thierry Leclercq

BALGARIJA (BG)

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: info@mediadesk.bg Internet: http://www.mediadesk.bg Kamen Balkanski

KYPROS 1 **KIBRIS** (CY) MEDIA Desk Cyprus

Othellou 9 CY-1016 Nicosia Cyprus Tel: +357 22 305 367 Fax: +357 22 305 368 E-mail: mediadesk@pio.moi.gov.cy Ioanna Americanou

CESKA REPUBLIKA (CZ) MEDIA Desk CZ Ceska filmova komora o.p.s. Narodni 28 110 00 Prague 1 The Czech Republic Tel. : +420 221 105 209 or +420 221 105 210 +420 221 105 303 Fax.: Info@mediadesk.cz www.mediadesk.cz

Daniela Kucmasova

DANMARK (DK) MEDIA Desk Danmark Vognmagergade, 10

DK-1120 København

(45-33) 74 34 42 Tel. (45-33) 74 34 65 Fax E-mail: media@centrum.dk Internet:

http://www.mediadesk.dk Søren Stevns

DEUTSCHLAND (D)

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