



A programme of the European Union



**MEDIA 2007 (2007-2013) \***

**SUPPORT FOR TELEVISION BROADCASTING OF EUROPEAN AUDIOVISUAL WORKS**

**PERMANENT GUIDELINES 2011-2013**

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

**Please note that the standard grant agreements/decisions of the Agency are currently under revision due to the entry into force of the new Financial Regulation and its Rules of Application as from 01 January 2013. For this reason they are not yet annexed to the call. The Agency will publish the draft grant agreements/decisions related to this call as soon as possible and, in any event, in due time before the deadline for the submission of proposals.**

**Please note also that the other documents available to you are already in line with the new provisions. The Agency reserves, however, the right to introduce changes or additional details subject to the adoption of the final text of the Financial Regulation and Rules of Application. In this case the changes will be announced in due time before the deadline of the call.**

Version history

Version	Date	Comments
1.0	September 2011	First version for public release
2.0	September 2012	<p>Second version for public release.</p> <p><b>The changes below take into account the entry into force of the new Financial Regulation and its Rules of Application as from 1/01/2013.</b></p> <p><b>5.3 Eligible activities</b></p> <p>In line with the Financial Regulation the following has been clarified: "No grant may be awarded retrospectively for actions already completed".</p> <p><b>6. Exclusion Criteria</b></p> <p>If the grant does not exceed EUR 60 000, applicants do not have to sign any declaration on honour for the exclusion criteria.</p> <p><b>7. Selection Criteria</b></p> <p>If the grant does not exceed EUR 60 000, applicants do not have to prove their operational and financial capacity.</p> <p><b>9. Financial conditions</b></p> <p>Profit is defined as a surplus of receipts over eligible costs.</p> <p><u>9.1 Contractual provisions and payment procedure</u></p> <p>Payment deadlines have been modified and interests on pre-financing for grants are no longer compulsory.</p> <p><u>9.2 Certificate on the financial statements and underlying accounts</u></p> <p>New procedure</p> <p><u>9.3 Guarantee</u></p> <p>Guarantees may only be requested where the grant exceeds EUR 60 000.</p> <p><u>9.5 Eligible costs</u></p> <p>Non deductible VAT will be eligible except for activities of public authorities in Member States.</p> <p><b>13. Procedure for the submission of proposals</b></p> <p><u>13.4 – Rules applicable</u></p> <p>Reference is made to recent legislation and to the new Financial Regulation.</p>

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## **1. INTRODUCTION**

These Guidelines are based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).<sup>1</sup>

The total budget for the MEDIA Programme 2007-2013 amounts to EUR 754.95 million. The European Commission is responsible for the implementation of the MEDIA Programme and for the decision to grant individual European Union funds. The Education, Audiovisual and Culture Executive Agency (hereafter "the Agency") manages the MEDIA Programme on behalf and under the control of the European Commission.

The MEDIA Programme Unit of the Education, Audiovisual and Culture Executive Agency is responsible for the implementation of this Call for Proposals.

The Calls for Proposals to which these Guidelines are referring will be published as required by the Annual Work Programme of the MEDIA Programme.

These guidelines are applicable to MEDIA – TV Broadcasting Call for Proposals to be published until the last trimester of 2012.

The calls are aimed at European organisations whose activities contribute to the achievement of the objectives of the MEDIA Programme as described in the Council Decision 1718/2006/EC.

These guidelines explain how to submit a proposal with a view to obtaining an EU financial contribution.

## **2. OBJECTIVES & PRIORITIES**

### **2.1. Global objectives of the MEDIA programme**

The global objectives of the MEDIA 2007 Programme are:

- to preserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage, to guarantee its access to the public and to promote intercultural dialogue;
- to increase the circulation and viewership of European audiovisual works inside and outside the European Union, including through greater cooperation between players;
- to strengthen the competitiveness of the European audiovisual sector in the framework of an open and competitive European market favourable to employment, including by promoting links between audiovisual professionals.

### **2.2. Specific objectives of the TV Broadcasting support**

The objectives of the programme in the field of distribution and dissemination of European audiovisual works include the following: to promote the transnational dissemination of European audiovisual works produced by independent production companies by encouraging cooperation between broadcasters on the one hand and independent producers and distributors on the other.

The Calls for Proposals to which these Guidelines are referring are aimed at independent European production companies.

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<sup>1</sup> published in the Official Journal of the European Communities on the 24th of November 2006 (OJ L327, pp 12-29).

The support scheme's first objective is to encourage independent producers to produce works (drama, documentary and animated films) involving the participation of at least three broadcasters from several Member States participating or co-operating with the programme.

The support scheme's second objective is to facilitate access to financing for European independent production companies by supporting the side costs such as financial costs, insurance and completion guarantee costs.

Particular attention will be paid to:

- the development of potential in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area
- audiovisual works that contribute to the enhancement of European heritage and linguistic and cultural diversity.

Support granted must contribute to speeding up the financing of TV productions and to strengthening independent production companies' rights over such works, thereby encouraging their subsequent exploitation.

### 3. TIMETABLE

Applications must be sent to the Agency **by the relevant deadlines indicated in the Calls for Proposals**.

Each Call for Proposals to be published will indicate the two deadlines to submit proposals.

Applicants are invited to read carefully point 13.3 of these Guidelines for the procedure regarding the submission of applications.

The scheduled timetable and the period of eligibility of costs is as follows:

	<b>Indicative Deadline date for submission</b>	<b>Indicative date for Selection results</b>	<b>Indicative date for Grant Decision/ Agreement</b>	<b>Period of eligibility of costs</b>	<b>Max. duration of the action</b>
<b>Deadline 1</b>	Mid December of the year of publication of the Call.	4-5 months of the deadline for submission	6 months of the deadline for submission.	Starts 6 months before the date of the application and ends 24 months (or 36 months) after the date of the application.	30 months (or 42 months for series)
<b>Deadline 2</b>	Mid June of the year following the publication of the Call.				

**Costs incurred before the period starting 6 months before the date of the application will not be eligible.**

However, if after the signature of the agreement and the start of the action it becomes impossible for the beneficiary, for fully justified reasons beyond their control, to complete the action within the scheduled period, an extension to the eligibility period may be granted. A maximum extension of 12 additional months may be granted, if requested before the deadline specified in the agreement. The maximum duration of the period of eligibility of costs will then be 42 months (or 54 months for series).

#### 4. AVAILABLE BUDGET

The total budget earmarked for the co-financing of the actions will be indicated in each Call for Proposals.

The financial contribution awarded may not exceed EUR 500.000 or 12.50% of the total eligible costs, whichever is the lower, for drama and animation works.

For documentary, the financial contribution awarded may not exceed EUR 300.000 or 20% of the total eligible costs whichever is the lower.

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

#### 5. ELIGIBILITY CRITERIA

Only applications which comply with the following criteria will be the subject of an in-depth evaluation.

The Agency reserves the right not to process proposals which lack the required documentation or information (documents listed in the application form) at the deadline.

##### 5.1. Eligible applicants

The Calls for Proposals to which these Guidelines are referring are open to independent European production companies.

An independent production company is an audiovisual production company which does not have majority control by a television broadcaster, either in shareholding or commercial terms. Majority control is considered to occur when more than 25% of the share capital of a production company is held by a single broadcaster (50% when several broadcasters are involved) or when, over a three-year period, more than 90% of a production company's revenue is generated in co-operation with a single broadcaster.

A European production company is a company whose main activity is audiovisual production and which is registered in one of the Member States of the European Union or in one of the countries participating in the MEDIA 2007 Programme and which is owned and continues to be owned, whether directly or by majority participation, by nationals from these countries.

Foundations, Institutes, Universities, Associations and other legal bodies acting in the public interest cannot apply.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

##### 5.1.1 Legal Entity

In order to demonstrate its existence as a legal person, the applicant must provide the following documents:

- **"Legal Entity Form"** duly completed and signed by the legal representative of the applicant. The form relating to the legal structure of the applicant company according to the country in which it is established is available on the following website:
- [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)  
[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)
- **"Financial Identification"** ("Bank Identification Sheet") duly completed, stamped and signed by both the legal representative of the applicant and by a representative of the bank. The form relating to the financial identification of the applicant company according to the country in which

it is established is available on the following website:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)

These documents must mention the name of the applicant organisation (full legal title), the registration number, the official registered address of the organisation, the date and place of registration.

- A copy of the **VAT registration**, including the VAT number. If the applicant does not have a VAT number, 'Not applicable' shall be written down in the right place on the application form I.
- A copy of the **applicant's registration certificate** from the relevant authority (e.g. Companies register, Official Journal, etc.) and the **statutes** of the applicant organisation (including copies of all recent amendments either to the registration documents or to the elected shareholders, directors, board members or other legal representatives).

If the name of the legal representative of the organisation is not stated in the official registration document, a copy of his/her nomination is also required (for instance: signed minutes of the Board).

Where the person authorised to sign any agreement with the Agency is not an individual specified in the documents mentioned in the previous paragraph, a letter or proxy (signed by one of the aforementioned individuals) giving them the authority to sign agreements with the Agency on the organisation's behalf.

## 5.2. Eligible countries

Companies submitting an application must be established in one of the following countries:

- Member States of the European Union;
- Countries in the European Economic Area participating in the MEDIA 2007 Programme (Iceland, Liechtenstein and Norway);
- Switzerland and Croatia;
- Bosnia and Herzegovina (under the condition of the finalization of the negotiation process and the formalization of the participation of this country to the MEDIA programme)

## 5.3. Eligible actions

### 5.3.1. *European audiovisual works*

Drama, animation or creative documentaries complying with the following conditions:

- the work must be majority produced by companies established in one or more countries participating in the MEDIA Programme;
- the work must be produced with the significant participation of professionals who are nationals and/or residents of countries participating in the MEDIA Programme. 'Significant participation' is defined as having more than 50% of the points on the basis of the tables below:

<b>Drama / Documentary</b>	<b>Points</b>	<b>Animation</b>	<b>Points</b>
Director	3	Director	3
Scriptwriter	3	Scriptwriter	3
Composer	1	Composer	1
Actor 1/ Voice over artist	2	Storyboard Artist	2
Actor 2/ Voice over artist	2	Character Designer	2
Actor 3/ Voice over artist	2	Animation Supervisor	2
Artistic Director	1	Artistic Director	1
Director of Photography	1	Technical Director	1
Editor	1	Editor	1
Sound	1	Sound	1
Shooting location	1	Studio Location	1
Laboratory	1	Laboratory	1
<b>Total</b>	<b>19</b>	<b>Total</b>	<b>19</b>

### 5.3.2. Category of works

- Productions belonging to the following categories are eligible:
  - Television drama films (one-off or series) of a total duration of minimum 50 minutes. In order to be eligible, drama actions must be made primarily for the purposes of television exploitation.
  - Creative documentaries (one-off or series) of a total duration of minimum 25 minutes. Creative documentaries are productions based on real subject matter but which require substantial original writing, in particular those setting out the point of view of a writer and/or a filmmaker. Creative documentaries based on archive footage are eligible.
  - Animation (one-off or series) of a total duration of minimum 24 minutes.
- Ineligible activities:
 

The following audiovisual works are not eligible for support:

  - live recordings, TV games, talk shows, magazines, tv-shows, reality-shows, school and “how-to” programmes;
  - documentaries promoting tourism, "making-of", reports, animal reportages, news programmes and "docu-soaps";
  - series and sequels of episodes based in whole or in part on a previous work;
  - documentaries originally intended as cinema works (e.g. several theatrical distributors or an international cinema sales agent involved);
  - projects promoting, directly or indirectly, messages that are at odds with the policies of the European Union. For example, 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.;
  - projects promoting violence and/or racism and/or with a pornographic content;
  - works of a promotional nature;
  - institutional productions to promote a specific organisation or its activities
- The number of applications per project is limited to two. Projects already submitted twice and rejected within a Call for Proposals for the TV Broadcasting scheme, are ineligible for support.



- *Series and sequels*  
Works which are designed to be a series with a joint marketing strategy have to be submitted as a series. It is not possible to split series into several parts, i.e. to submit single episodes as separate applications.

Sequels and series of episodes based in whole or in part on a previous work are ineligible for support.

Drama and Animation series based on a **first single or pilot episode** are eligible for support, even if the first single or pilot episode has already been co-financed by the MEDIA TV Broadcasting support.

- *Theatrical release*  
For drama and animation films from countries with a low audiovisual production capacity for which a national (and national only) theatrical release is foreseen are eligible, only if the theatrical release takes place after an initial TV transmission.

Fiction and animation films originating from the United Kingdom, Germany, France, Italy and Spain, only productions exclusively intended for television, are eligible (i.e. no theatrical distributor attached, even a national distributor).

For documentaries, a theatrical release is allowed prior to an initial TV transmission, regardless of the territory from which the work originates and the territory in which it will be released, with one condition: the production must have been intended for the television market originally. Productions originally intended as cinema works (e.g. several theatrical distributors or an international cinema sales agent involved), are ineligible.

- Actions already financed by Eurimages are ineligible for support.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

### **5.3.3. Other eligibility criteria**

The following additional eligibility criteria shall apply:

- The applicant company must be the majority producer of the work, in terms of rights. In case of co-productions, the co-producers have to designate one of the partners as delegate producer to be the contractual partner with the Agency. This delegate producer must be the majority co-production partner.
- The application must be submitted at the latest on the first day of principal photography.
- The audiovisual work proposed must be an independent European television production (drama, animation or creative documentary) involving the participation of at least three broadcasting companies from three Member States of the European Union or countries participating in the MEDIA 2007 Programme.

A broadcaster is considered any company which, holding the broadcasting rights (terrestrial, via satellite or cable) to a film or an audiovisual programme for a given territory is directly or as parent company responsible for its broadcast by determining the terms on which it is shown. Internet Services are not considered to be an eligible television broadcaster.

In all cases, the contribution of the three required broadcasters must be above the following minimum thresholds in order to be eligible:

Broadcaster coming from:	Minimum % of total production budget	
	Drama, Animation	Documentary
Big territories <sup>1</sup>	1%	0,5%
Countries with a low audiovisual production capacity <sup>2</sup>	0,5%	0,5%
New Member States, <sup>3</sup> Croatia, Bosnia and Herzegovina	0,1%	0,1%

- The exploitation rights licensed to the broadcasters participating in the production have to revert to the producer after a maximum license period of :
  - 7 years if the broadcaster's participation takes the form of a pre-sales;
  - 10 years if the broadcaster's participation also takes the form of a co-production. In this case, the contract between the producer and the broadcaster must clearly specify the price and licence term for the pre-sale of the exploitation rights and the conditions for the co-production. A co-production between a broadcaster and a TV producer is accepted only if the broadcaster takes a significant financial risk in the production and is involved in the organisation and economic handling of the production. The Agency reserves the right to assess these circumstances on a case by case basis. In any case, the broadcaster cannot be the majority co-producer of the work;
  - The broadcasters' involvement needs to be proven by contracts or signed binding letters of commitment. These contracts or letters of commitment must clearly specify the licence price and the licence term. If the broadcaster's participation also takes the form of a co-production, the conditions of such co-producer's relationship must be specified.
- Minimum 50% of the total financing of the budget of the action must be guaranteed from third party sources of finance (either through direct financing or by advance rights sales), proven by signed binding letters of commitment, including the action title, the exact amount of the financial contribution, the rights sold and the licence period. Contributions from broadcasters, distributors, public funds or co-producers are considered as third party sources of financing. The producer's own investment is not considered as a third party source of finance. If the action is co-produced by several production companies, a co-production contract (or deal-memo) indicating the share of financing, share of rights, share of costs and share of revenues, has to be submitted with the application.
- The total production budget must be minimum 50% financed by European sources (i.e. from countries defined in point 5.2)
- Actions that are fully financed will not be considered eligible for support.
- No grant may be awarded retrospectively for actions already completed.

<sup>1</sup> Covering the 5 European countries with high audiovisual production capacity: France, Germany, Italy, Spain and United Kingdom.

<sup>2</sup> Countries with a limited production capacity: Austria, Belgium, Denmark, Finland, Greece, Iceland, Éire/Ireland, Liechtenstein, Luxembourg, Norway, Netherlands, Portugal, Sweden and Switzerland.

<sup>3</sup> Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

#### 5.4. Eligible proposals

Only proposals submitted on the official application forms, completed in full, signed (original signatures required) and received by the specified deadline, will be considered.

The application form must be accompanied by an official letter from the applicant organisation, documents attesting the financial and operational capacity of the applicant, and all the other documents referred to in the application form.

Applicants must submit a budget that is balanced in terms of expenditure and revenue and must comply with the ceiling for EU cofinancing, set at EUR 500.000 or 12.50% of the total eligible costs, whichever is the lower, for drama and animation works and at EUR 300.000 or 20% of the total eligible costs, whichever is the lower, for documentaries.

#### 6. EXCLUSION CRITERIA

Applicants must state that they are not in any of the situations described in Articles 93(1), 94 and 96(2)(a) of the Financial Regulation applicable to the general budget of the European Communities (Council Regulation (EC, Euratom) No 1605/2002 as amended) and set out below<sup>1</sup>.

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

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- f) they are subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation (Council Regulation 1605/2002 of 25/06/02, as amended).

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

- (a) are subject to a conflict of interests;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant award procedure, or fail to supply this information;
- (c) find themselves in one of the situations of exclusion, referred to in Article 93(1) of the Financial Regulation, for this grant award procedure;

and they are subject to the penalty consisting in the exclusion from contracts and grants financed by the budget for a maximum period of ten years.

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

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<sup>1</sup> This provision does not apply for grants which are lower than or equal to EUR 60,000. Art. 122 (3) FR 2013

To comply with these provisions, applicants for a grant exceeding EUR 60,000 must sign a **declaration on their honour** certifying that they are not in any of the situations referred to in Articles 93 and 94 of the Financial Regulation.

## 7. SELECTION CRITERIA

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

Applicants must submit a declaration on their honour, completed and signed, attesting to their status as a legal entity and to their financial and operational capacity to complete the proposed activities.

### 7.1. Operational capacity

In order to permit an assessment of their operational capacity, applicants applying for a grant above EUR 60,000 must submit, together with their applications:

- the Curriculum Vitae of the Managing Director of the company;
- the Curriculum Vitae of the Director of the work;
- a presentation of the activities of the company over the last five years: actions (including co-productions) in pre-production, in production and productions completed as well as other activities of the company.

### 7.2. Financial Capacity

In order to permit an assessment of their financial capacity, organisations applying for a grant above EUR 60,000 must submit together with their applications:

- the audited annual accounts of the 2 most recent completed fiscal years for profit companies and of the last year for non profit companies (i.e balance sheet, profit and loss accounts and the annexes) must be included within the application form.
- The Financial Capacity form (see Application Form) carefully and fully completed must be signed by the legal representative of the company. The information (in figures) should be given in national currency and must be based on the certified accounts. The applicant guarantees that these figures are correct and verifiable. This information is required to evaluate the financial strength and co-financing capacity of the applicant.

**Please note that the data to be provided are different depending on whether the applicant is a profit or a non profit company.**

**The Agency applies these criteria taking into account the legislative framework of the different countries participating in the Programme.**

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

- reject the application
- ask for further information
- require a bank guarantee (see point 9.3)
- offer a grant agreement either without pre-financing or make a first payment after at least 60% of the estimated expenditure has been incurred, on the basis of an Interim Financial Report certified by an external approved auditor and the signed contract between the producer and the main broadcaster

## 8. AWARD CRITERIA

Eligible applications will be assessed on the basis of the award criteria defined and weighted below, and with the help of independent experts.

Within the limit of the available budget, actions obtaining the highest scores will be selected.

### 8.1. Evaluation

On the basis of the assessments of independent experts, a list of actions ranked according to merit will be established.

Points will be awarded as follows:

Criteria related to the distribution of the work	Criteria related to the work	Criteria related to the company
The European dimension and financing of the work: <b>45 points</b>	International appeal and quality of the work: <b>25 points</b>	Track record of international sales: <b>10 points</b>
International distributor's involvement: <b>10 points</b>	Enhancement of European linguistic and cultural diversity: <b>7 points</b>	
	Enhancement of the European audiovisual heritage: <b>3 points</b>	
<b>Total: 55 points</b>	<b>Total: 35 points</b>	<b>Total: 10 points</b>

### 8.2. Criteria related to the distribution of the work

#### 8.2.1. The European dimension and financing of the work (45 points)

The following aspects will be taken into account:

- the country of origin of the applicant company;
- the number of broadcasters attached to the work;
- the financial involvement of the broadcasters;
- the level of non national financing.

These points will be awarded according to the following table:

	Works from countries with high production capacity <sup>1</sup>	Works from countries with low production capacity <sup>2</sup>	Works from new Member States <sup>3</sup> Croatia, Bosnia and Herzegovina
3 broadcasters from 3 different countries participating in the MEDIA Programme	1-10 points	11-20 points	21-30 points
At least 4 broadcasters from 4 different countries (of which at least 3 from countries participating in the MEDIA Programme)	11-45 points	21-45 points	31-45 points

In each category, the final score will be awarded on the basis of:

- the number of broadcasters
- the financial participation of the broadcasters and their level of commitment (contracts, letters, etc)
- the level of non national financing

The size of the production company, the efforts made in order to set up an international financing and the difficulty in obtaining the involvement of the broadcasters participating to the project will also be taken into account.

The thresholds regarding the eligibility of the broadcasters mentioned in point 5.3.3 of the present guidelines apply only to the first three broadcasters needed to fulfil the eligibility criteria. The thresholds do not apply to other additional broadcasters.

### **8.2.2. International distributor's involvement (10 points)**

The following aspects will be taken into account:

- number and track record of the distributors involved in the work;
- amount of the distributor's involvement;
- existence of a distribution arm in the applicant production company.

### **8.3. Criteria related to the work**

#### **8.3.1. International appeal and quality of the work (25 points)**

The following aspects will be taken into account:

- the quality of the work;
- the international sales potential;
- the international marketing strategy (including planned dubbed/subtitled versions).

#### **8.3.2. Enhancement of European linguistic and cultural diversity (7 points)**

These points will be awarded as follows:

<sup>1</sup> France, Germany, Italy, Spain and United Kingdom.

<sup>2</sup> Austria, Belgium, Denmark, Finland, Greece, Eire/Ireland, Iceland, Liechtenstein, Luxembourg, Norway, Netherlands, Portugal, Sweden and Switzerland.

<sup>3</sup> Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

Enhancement of European linguistic diversity (on the basis of the number of European linguistic areas covered): 0 – 5 points

Enhancement of European cultural diversity: works presenting an interest in promoting European cultural diversity are those which bring together different national and/or regional cultural identities within a framework of an inter-cultural dialogue among at least two European countries: 0 – 2 points

### **8.3.3. Enhancement of the European audiovisual heritage (3 points)**

These points will be awarded on the basis of the audiovisual archive material to be used.

## **8.4. Criteria related to the company**

### **8.4.1. Track record of international sales (10 points)**

The company's or the producer's international sales within the last 5 years will be assessed. The national production context and market will be taken into account.

## **9. FINANCIAL CONDITIONS**

EU grants are incentives to carry out actions which would not be feasible without the MEDIA Programme financial support, and are based on the principle of co-financing. They complement the applicant's own financial contribution and/or national, regional or private assistance that has been obtained elsewhere.

The financial contribution will take the form of a subsidy.

Acceptance of an application by the Agency does not constitute an undertaking to award a financial contribution equal to the amount requested by the beneficiary.

The awarding of a grant does not establish an entitlement for subsequent years.

Grant applications must include a detailed estimated budget in which all prices are given in Euro. Applicants from countries outside the euro zone must use the monthly accounting rate applicable at the beginning of the month of the application and available from the website of the Commission at: <http://ec.europa.eu/budget/inforeuro>.

The budget for the submitted action must be balanced in terms of expenditure and income and show clearly the costs which are eligible for financing from the Union budget.

The allocated amount may not exceed the amount requested.

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

The beneficiary shall supply evidence of the co-financing provided, either by way of own resources, or in the form of financial transfers from third parties. The applicants shall provide an explicit undertaking from each co-financing organisation to provide the amount of funding stated in the grant application for the operation.

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

The amount of the financial contribution awarded to each selected action by the Agency is determined with respect to the cost and nature of each action, in particular with regards to the following criteria:

- the estimated budget and financing plan of the action
- the performance of the producer in the execution of its previous contracts with the MEDIA II, MEDIA Plus and MEDIA 2007 Programme

### **9.1. Contractual provisions and payment procedure**

In the event of definitive approval by the Agency, a Grant Agreement, drawn up in Euro and detailing the conditions and level of funding, will be sent to the beneficiary. Two copies of the original agreement must be signed by the beneficiary and returned to the Agency immediately. The Agency will sign it last.

The account or sub-account indicated by the beneficiary must make it possible to identify the funds transferred by the Agency.

Only for successful applicants who have fulfilled the Financial Capacity criteria set out in point 7.2 the payment of the financial contribution will normally be made in three instalments:

A first pre-financing payment of 40% will be transferred to the beneficiary within 30 days counting from the written confirmation of the start of principal photography / production.

Pre-financing is intended to provide the beneficiary with a float.

A second pre-financing payment of 20% will be transferred to the beneficiary within 60 days after the Agency receives a request for payment accompanied by the signed contract between the producer and the main broadcaster and a Progress Report on the production, provided the Agency approves the report. This second pre-financing payment may not be made until at least 70% of the previous pre-financing payment has been used up. Where the consumption of the previous pre-financing is less than 70%, the amount of the new pre-financing payment shall be reduced by the unused amounts of the previous pre-financing.

The Agency will establish the amount of the final payment to be made to the beneficiary on the basis of the presentation to and approval by the Agency of a written declaration by the first broadcaster proving its acceptance of the delivered material as well as a Final Financial Report certified by an external approved auditor. The Agency's final financial contribution may not exceed EUR 500.000 or 12.50% of the total eligible costs, whichever is the lower, for drama and animated films and EUR 300.000 or 20% of the total eligible costs whichever is the lower, for documentary films.

The requested documents for the second and third instalments may be submitted simultaneously. Upon approval by the Agency of these deliverables, the Agency may make a joint payment of the second and final payments.

The beneficiaries will notify the Agency of major alterations of the financing plan and production budget during the entire contractual period with the Executive Agency. If the eligible costs actually incurred by the organisation during the project are lower than anticipated, the Agency will apply its rate of funding to the actual costs and the beneficiary will, where applicable, be required to repay any excess amounts already transferred by the Agency under the pre-financing payment(s).

### **9.2. Certificate on the financial statements and underlying accounts**

The Executive Agency will establish the final amount of the grant on the basis of the following documents:

- a final report providing details of the implementation and results of the Work Programme ;
- the final financial statement of costs actually incurred, certified by an approved auditor with the certification form provided by the Agency in the grant agreement.

Only in case of Grants for an action of EUR 750.000 or more, when the cumulative amounts of request for payment is at least EUR 325.000, will require the beneficiary to submit, in support of the final payment, a "Report of Factual Findings on the Final Financial Report - Type II" produced by an approved auditor or in case of public bodies, by a competent and independent public officer. The certificate shall certify, in accordance with a methodology approved by the Agency, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement.

The procedure and the format to be followed by an approved auditor or in case of public bodies, by a competent and independent public officer, are detailed in the following "Guidance Notes":



[http://eacea.ec.europa.eu/about/documents/guidance\\_notes\\_audit\\_type\\_ii\\_01.08.2012\\_en.pdf](http://eacea.ec.europa.eu/about/documents/guidance_notes_audit_type_ii_01.08.2012_en.pdf)

The use of the report format set by the “Guidance Notes” is compulsory.

### **9.3. Guarantee**

The Agency may require any applicant which has been awarded a grant exceeding EUR 60,000 to provide a guarantee first, in order to limit the financial risks linked to the pre-financing payment.

The purpose of this guarantee is to make a bank or a financial institution stand as irrevocable collateral security for, or first-call guarantor of, the grant beneficiary's obligations.

This financial guarantee, in Euro, shall be provided by an approved bank or financial institution established in one of the Member State of the European Union. When the beneficiary is established in a third country, the authorising officer responsible may agree that a bank or financial institution established in that third country may provide the guarantee if he considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State.

The guarantee shall be released as the pre-financing is gradually cleared against interim payments or payments of balances to the beneficiary, in accordance with the conditions laid down in the Grant Agreement.

### **9.4. Double Financing**

Subsidised actions may not benefit from any other EU funding for the same activity.

### **9.5. Eligible costs**

Eligible costs of the action are costs actually incurred by the beneficiary, which meet the following criteria:

- they are incurred during the duration of the action as specified in the Grant Agreement, with the exception of costs relating to final reports and certificates on the action's financial statements and underlying accounts;
- they are connected with the subject of the agreement and they are indicated in the estimated overall budget of the action;
- they are necessary for the implementation of the action which is the subject of the grant;
- they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost-accounting practices of the beneficiary;
- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

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

#### **9.5.1. Period of eligibility of costs**

Only those costs incurred by the beneficiary(-ies) for the execution of the action for a period starting 6 months before the date of submission of the application and ending 24 months after the date of

submission, or 36 months after this date in the case of series with more than 3 episodes and a total duration of more than 3 hours, will be eligible.

### **9.5.2. Categories of eligible costs**

The categories of eligible costs are clearly identified in the form “Estimated Budget”, which will form the basis for calculating the financial contribution awarded to the actions. The financial contribution awarded will in no event exceed EUR 500.000 or 12.50% of the total eligible costs, whichever is the lower, for drama and animated films and EUR 300.000 or 20% of the total eligible costs whichever is the lower, for documentary films.

The applicant company has to indicate in the application form if in the framework of a co-production contract, costs linked to the action are incurred and/or invoiced to a co-producer and if these costs have to be included in the eligible budget. In this case, the information about the co-producer will have to be submitted and in case of selection the co-producer will be part of the agreement as a co-beneficiary. Only companies meeting the eligibility criteria indicated in point 5.1 (Eligible applicants) may be co-beneficiaries and therefore bring eligible costs to the action.

#### Eligible direct costs:

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

- the cost of staff assigned to the action, comprising actual salaries plus social security charges and other statutory costs included in their remuneration, provided that these costs do not exceed the average rates corresponding to the usual remuneration policy of the beneficiary or, where applicable, its partners. These costs must be actual costs incurred by the beneficiary. Staff costs of other organisations are eligible only if they are paid directly or reimbursed by the beneficiary;
- subsistence allowances for staff taking part in the action (for meetings, European conferences, etc.) provided that they do not exceed the scales approved annually by the Commission;
- travel allowances for staff taking part in the action (for meetings, European conferences, etc.), provided that they are reasonable, justified, and that they comply with the principle of sound financial management, in particular regarding economy and efficiency;
- purchase cost of equipment (new or second-hand), provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiary and generally accepted for items of the same kind. Only the portion of the equipment's depreciation corresponding to the duration of the action and the rate of actual use for the purposes of the action may be taken into account by the Agency, except where the nature and/or the context of its use justifies different treatment by the Agency;
- costs of consumables and supplies, provided that they are identifiable and assigned to the action;
- costs entailed by other contracts awarded by the beneficiary or its partners for the purposes of carrying out the action, provided that the conditions laid down in Article II.9 of the agreement are met;
- costs arising directly from requirements linked to the performance of the action (dissemination of information, specific evaluation of the action, audits, translations, reproduction, etc.), including, where applicable, the costs of financial services (i.e. the cost of bank guarantee).
- non deductible VAT unless it is related to activities of the public authorities in the Member States

### Eligible indirect costs (administrative costs)

A flat-rate amount, not exceeding 7% of the eligible direct costs of the action, is eligible under indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the action.

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

### Distinction between eligible costs and total costs

The production budget included in the application form consists of two columns, one for the eligible costs and one for the total production costs. The applicant has to verify the correctness of the declared amounts.

All costs indicated in point 9.6 hereunder have to be excluded from the eligible costs column.

### **9.6. Ineligible costs**

The following costs are considered as ineligible:

- return on capital,
- debt and debt service charges,
- provisions for losses or potential future liabilities,
- doubtful debts,
- exchange losses,
- costs declared by the beneficiary and supported in the framework of another action or under another EU grant,
- excessive or reckless expenditure
- expenditure for partners from countries not participating in the programme or not being co-beneficiaries of the agreement.

Applicants are invited to pay particular attention to the following ineligible costs, which must **not** figure on the eligible cost column of the budget:

- Costs incurred before the start of the eligibility period (see paragraph 9.5.1)
- Development costs that have been co-financed by MEDIA Development. (The development budget presented to MEDIA Development is ineligible.)
- Costs incurred by a co-producer, who will not be a co-beneficiary of an agreement in case of selection
- Indirect producers' fees and contingencies
- Contributions in kind (such as professional/industry credits and deferred salaries). Production services offered by the broadcasters are not considered as being in kind<sup>1</sup>.

## **10. SUB-CONTRACTING AND AWARD OF PROCUREMENT CONTRACT**

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

## **11. PUBLICITY**

All grants awarded in the course of a financial year must be published on the Internet site of the EU institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. The information may also be published using any other appropriate medium, including the Official Journal of the European Union.

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<sup>1</sup> The value of such contributions must not exceed (a) either the costs actually borne and duly supported by accounting documents; or (b) the costs generally accepted on the market in question.

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

- name and address of the beneficiary,
- subject of the grant,
- amount awarded and rate of funding.

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used.

Furthermore, beneficiaries are required to give prominence to the name and logo of the European Commission on all their publications, posters, programmes and other products realised under the co-financed action and to mention *"with the support of the MEDIA Programme of the European Union"*. Logos of the MEDIA Programme can be found on the following website:

[http://ec.europa.eu/culture/media/programme/overview/logos/index\\_en.htm](http://ec.europa.eu/culture/media/programme/overview/logos/index_en.htm)

If this requirement is not fully complied with, the beneficiary's grant may be reduced.

## 12. DATA PROTECTION

All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data.<sup>1</sup>

Unless marked as optional, the applicant's replies to the questions in the application form are necessary to evaluate and further process the grant application in accordance with the specifications of the call for proposals. Personal data will be processed solely for that purpose by the department or Unit responsible for the Union grant programme concerned (entity acting as data controller). Personal data may be transferred on a need to know basis to third parties involved in the evaluation of applications or in the grant management procedure, without prejudice of transfer to the bodies in charge of monitoring and inspection tasks in accordance with European Union law. The applicant has the right of access to, and to rectify, the data concerning him or her. For any question relating to these data, please contact the Controller. Applicants have the right of recourse to the European Data Protection Supervisor at any time. A detailed Privacy statement, including contact information, is available on EACEA's website:

[http://eacea.ec.europa.eu/about/documents/calls\\_gen\\_conditions/eacea\\_grants\\_privacy\\_statement.pdf](http://eacea.ec.europa.eu/about/documents/calls_gen_conditions/eacea_grants_privacy_statement.pdf)

Applicants and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or
- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.

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<sup>1</sup> Official Journal L 8, 12.1.2001.

## 13. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

### 13.1. Publication

The Call for Proposals is published in the Official Journal of the European Union and is accessible on the following website:

[http://ec.europa.eu/culture/media/programme/producer/tv/index\\_en.htm](http://ec.europa.eu/culture/media/programme/producer/tv/index_en.htm)

### 13.2. Application form

Grant applications must be drawn up preferably in English or French, using the forms specifically designed for this purpose. Please note that only typed applications will be considered.

The official forms can be downloaded from the internet website mentioned in Section 13.1.

Only one paper copy should be sent for each application together with a CD or DVD with the electronic version of the application form.

### 13.3. Submission of the grant application

Only applications submitted on the official Application Forms having been dated, completed correctly and in full, including a complete and balanced Estimated Production Budget and Financing Plan, and signed by the person authorised to enter into legally binding commitments on behalf of the applicant will be accepted.

Applications which are submitted after the closing date of the Call for Proposals will not be considered.

Applications must be sent by registered mail or private courier posted no later than the closing dates indicated in the Calls for proposals to the following address:

Education, Audiovisual and Culture Executive Agency (EACEA)  
MEDIA PROGRAMME  
MEDIA UNIT P8  
BOUR 3/30  
1, Avenue du Bourget  
B-1140 Brussels  
Belgium

Envelopes should be clearly marked:

### **MEDIA 2007 – Call for Proposals reference - TV BROADCASTING**

Applications sent by fax or e-mail will not be accepted.

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

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

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

All unsuccessful applicants will be informed in writing.

Selected proposals will be subjected to a financial analysis, in connection with which the Agency may ask the persons responsible for the proposed actions to provide additional information and, if appropriate, guarantees.

#### **13.4. Rules applicable**

- Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities. (OJ L 248, 16.9.2002, p. 1, as last amended).
- Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. (OJ L 357, 31.12.2002, p. 1, as last amended).
- Proposal for Regulation (EU) No .../2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (expected to enter into force as from 1 January 2013).
- Proposal for Commission Delegated Regulation (EU) No .../.. of XXX on the rules of application of the Regulation (EU) No .../2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (expected to enter into force as from 1 January 2013).
- Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a support Programme for the European audiovisual sector (MEDIA 2007).

#### **13.5 Contacts**

##### National contacts

Additional information is available at MEDIA Desks and Antennae as per the list included on the following website:

[http://ec.europa.eu/culture/media/programme/overview/who/desks/index\\_en.htm](http://ec.europa.eu/culture/media/programme/overview/who/desks/index_en.htm)

##### Contacts at the Executive Agency

Any requests for clarification should be addressed to:

Monica Galeriu, [monica.galeriu@ec.europa.eu](mailto:monica.galeriu@ec.europa.eu)