

**PART A OF THE CINEMA STUDY  
REPLIES TO THE LEGAL QUESTIONNAIRE FOR FRANCE**

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>22 March 2007</b>

(...)

I confirm :

" I understand from your reply below that there 3 elements\* to take into consideration: the territorialisation requirements set forth in the regional regulations, the territorialisation requirements set forth in the national regulations, and the co-production agreements (bilateral agreement). I understand that if a producer asks for State aid from more than one regional funding scheme, there is no clear law on the way to solve possible conflicts of territorialisation requirements imposed by those funding schemes' regulations. In contrast, in the case of a co-production agreement, I understand that possible conflicts between French national or regional territorialisation requirements (i.e. territorialisation requirements imposed either by the CNC on the national level or by regional funding schemes) on one side, and the applicable co-production agreement on the other side, the later prevails over the former based on the corresponding general principle of international law (obligations laid down in the bilateral agreement). National bodies in charge of administrating these conventions on co-production agreements shall facilitate the resolution of conflicts in this sense".

( \*The cooperation agreement between CNC and Region is only a legal framework, from which each region sets up its regional guidelines (regional regulation).)

I confirm that my replies of 4 March 2007 are the same of 28 February. These replies constituted the exhaustive final version of my replies to your legal questionnaire.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>22 March 2007</b>

(...)

I come back to the question of conflicts between co-production agreements and national/regional territorialisation requirements in France. I understand from your reply below that there four elements to take into consideration: the territorialisation requirements set forth in the regional regulations, the territorialisation requirements set forth in the national regulations, the cooperation agreements and the co-production agreements. I further understand that the "cooperation agreement" is the "Regional Convention" between the CNC and each regional funding scheme, and I understand that if a producer asks for State aid from more than one regional funding scheme, there is no clear law on the way to solve possible conflicts of territorialisation requirements imposed by those funding schemes' regulations. In contrast, in the case of a co-production agreement, I understand that possible conflicts between French national or regional territorialisation requirements (i.e. territorialisation requirements imposed either by the CNC on the national level or by regional funding schemes) on one side, and the applicable co-production agreement on the other side, the later prevails over the former based on the corresponding general principle of international law. National bodies in charge of administrating these conventions on co-production agreements shall facilitate the resolution of conflicts in this sense.

Please confirm that my understanding of the relevant legal situation in France is correct.

Please also confirm that your replies attached to your email of 4 March 2007, that are the same as the ones attached to your email of 28 February, constitutes the exhaustive final version of your replies to our legal questionnaire.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Reply</b>
<b>Date:</b>	<b>04 March 2007</b>

(...)

Please find attached my replies PART A and B in the same document. It is the same version that the version ( document A and document B ) transmitted by e-mail on 28 February 2007.

(...)

<b>Attachment to e-mail of 04 March 2007</b>
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- PARTA &B FRANCE.pdf

! See end of Document, Completed and revised Questionnaire starting at page 143 !

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Reply</b>
<b>Date:</b>	<b>28 February 2007</b>

(...)

As promise, please find enclosed the

- PART A
- PART B
- the modifications indicated in a separate document.

(...)

<b>Attachments to e-mail of 28 February 2007</b>
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- MODIFICATION.pdf
- PARTAFRANCE.pdf
- PARTBFRANCE.pdf

! Attachment replaced by email of 04 March 2007 !

! Modification.pdf starts at page 134 !

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply 2</b>
<b>Date:</b>	<b>28 February 2007</b>

(...)

Further to your mail concerning your question, please find hereafter my reply :

At the regional level, there is no provision in the Regional Convention and/or in the Guidelines drafted by each region, which settles the conflict between an obligation laid down in the cooperation agreement and territorialisation requirements set up in the regional guidelines.

For the moment, there is neither judicial practice nor legal commentary on this question. The territorialisation requirements laid down in the regional guidelines are compulsory. The applications which cannot satisfy these requirements are rejected.

At the national level, there is no conflict between the principles set out in bilateral agreements and the French legislation. The films that comply with the requirements of the bilateral co-production Agreements are assimilated to national films in each country participating in the co-production which is a Party to the agreement. In other words, these films have access to the national financial supports as the French films. Therefore, the works must comply with territorialisation requirements laid down in the French legislation.

In all bilateral agreements between France and another country, there is no provision which settles the conflict raised between the obligations laid down in the bilateral agreement and the requirements of national legislation. However, in all these agreements it provides that the two national authorities responsible for the administration of the agreement shall examine the conditions for its application in order to solve the difficulties raised by the implementation of its provisions. In the event of important modification of the national legislation in cinematographic sector or in difficulties with a particular gravity in implementation of the agreement, the two national authorities shall meet in equal Joint Committee.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question 2</b>
<b>Date:</b>	<b>28 February 2007</b>

(...)

I listed the two regional funds below only as examples. We would like to be advised for ALL regional funding schemes with respect to our follow-up question on the relationship between co-production agreements (i.e. international conventions between France and other countries that you listed in your replies to our legal questionnaire) and national or regional territorialisation requirements. In particular, please clarify your explanation on the principle of national treatment in this specific context. In other words, I understand that "national treatment" in this concrete case not only provides rights to the eligible film producers to access to French State aid (since their film projects are treated as "French" under the national treatment principles), but also obligations, i.e. territorialisation requirements (that apply to all French film projects that are eligible to French aid). In this context, our question is: How are possible conflicts of rules solved if the rules of the applicable co-production agreements (international law) are not consistent with the rules governing the national and regional schemes pertaining to territorialisation requirements (national law); for example, if under a given co-production agreement the foreign co-producer is entitled to spend 60% of the production budget in her foreign territory (e.g. Germany) whereas the rules of a given French regional funding scheme require that the producer spends 60% of the production budget in that region (e.g. Charente) - please provide us the principle under French law to solve this conflict of rules for all national and regional schemes you have covered.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>28 February 2007</b>

(...)

Concerning the RHONE-ALPES CINEMA, the Convention signed between the CNC/ETAT and la Region Rhône Alpes points out in its article 6 that in order to be eligible to this funding scheme, the companies of production must be likely to obtain the production approval from the CNC for the feature film even in the case of an international co-production. The amount of expenditure spent in region must be complied at least with one of the following limits : the first limit is that the proportion cannot be less than 25% of the shooting expenditure and the second limit is that the shooting expenditure amount must be at least equal to the amount of funds invested by Rhône Alpes Cinema in the film.

In other terms, the film which applies to the Rhone-Alpes Cinema funding scheme must comply with the national rules. The principle of national treatment is valid for this funding scheme.

Concerning the Region Nord Pas de Calais, under the funding guidelines there are no specific provisions on international co-production.

According to the CNC, the co-production agreement refers to the principe of the national treatment. Therefore there is no conflict between the principles set out in bilateral agreement and the French legislation.

There is no judicial practice on this concrete case of territorialization requirements.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>28 February 2007</b>

(...)

Please confirm us that the follow-up reply you gave us on 23 October below applies not only to the national funding schemes, but also to all the regional ones in France such as the Rhône-Alpes CINEMA Funding Scheme or Région Nord Pas de Calais.

If this should not be the case or if this should only apply partially, please provide us with a corresponding specific answer to our question of 19 October 2006 that clarifies the situation of the regional funding schemes: "With respect to your reply to question B.8 we assume that, in case of a conflict or an inconsistency between the rules on territorialization contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which your country is a party, the latter rules prevail over the former, i.e. international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements, please let us know via email, and please provide us with a short description of the legal mechanism addressing such conflicts or inconsistencies as applied in your jurisdiction."

(...)



<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>22 February 2007</b>

(...)

Concerning your question, the French national certification procedure applies only to the national States granted by the CNC. The territorial requirements mentioned in part A are applied only to the national aids granted by the CNC.

Concerning the regional aids, each region applies its territorialisation criteria. A regional commission of professionals evaluates the applications under conditions laid down in the regional guidelines. These regional procedures are not indicated in part A, but only in part B.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>22 February 2007</b>

(...)

In the process of finalizing our country report for France we have the question as follows:

You described in Part A of the questionnaire the French nationality certification procedures where you mentioned that they contain territorialisation requirements (see our summary below). Do these certification procedures and, in particular, these territorialisation requirements only apply to the State aid granted on the national level by the CNC, or do they also apply to the State aid granted by all (or part of, in which case, please specify which ones) the regional funding schemes that you addressed in your replies?

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>09 December 2006</b>

(...)

Further your e-mail, please find attached :

- Rhone-Alpes Cinema : criteria and procedure
- Reunion : criteria and procedure

(...)

We shall address the selective aid granting and procedures for all French funding schemes in detail

(...)

<b>Attachments to e-mails of 09 December 2006</b>
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- REUNIONcriteria.pdf
- RhoneAlpesCinemacriteria.pdf

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply (12 mails)</b>
<b>Date:</b>	<b>07 December 2006</b>

(...)

Further to your email please find attached my replies to your final round of follow-up requests for clarification.

(...)

<b>Attachments to e-mails of 07 December 2006</b>
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follow up replies (mail 1)

- replies71206.doc

PACA (mail 2)

- PACAavenant2005.pdf
- PACAconvention.pdf
- PACAguide06.pdf
- PACAreglement aideproductioncinéma&audiovisuelle.pdf
- PACAreglementCourtMetrage.pdf
- PACAreglementDocu.pdf
- PACAreglementLongMetrage.pdf
- PACAreglementTV.pdf
- PARTBPACA.pdf

Aquitaine (mail 3)

- AQUITAINE regulation animation.pdf
- AQUITAINE regulation CM.pdf
- AQUITAINE regulation documentaire.pdf
- AQUITAINE regulation fictionTV.pdf
- AQUITAINE regulation LM.pdf
- AQUITAINEconvention+avenant2005.pdf
- AQUITAINEguide06.pdf

Centre (mail 4)

- CENTRE regulation.pdf
- CENTREavenant.pdf
- CENTREconventionEtatCNCRegion.pdf
- CENTREguide06.pdf

Charente/Cinema South (mail 5)

- CHARENTEguide06.pdf
- FONDS SUD reglement.pdf

Corse (part I) (mail 6)

- CORSE avenant modifié.pdf

- CORSE avenant.pdf
- CORSE règlement audiovisuel.pdf
- CORSE règlement CM.pdf
- CORSE règlement ecriture.pdf
- CORSE règlement innovation.pdf
- CORSEguideline.pdf

#### Corse (part II) (mail 7)

- CORSE règlement multimedia.pdf
- CORSE règlement prem oeuvre.pdf
- CORSE règlement prod LM.pdf
- CORSE règlement serie.pdf
- CORSE règlement TV.pdf
- CORSEavenant2005.pdf
- CORSEguideline 2.pdf

#### Corse (part III) (mail 8)

- CORSEconvention.pdf
- CORSEguide06.pdf

#### Ile de France (mail 9)

- Ile de France Convention.pdf
- Ile de France regulation.pdf
- ILEDEFranceavenant2005.pdf
- ILEDEFranceguide06.pdf

#### Limousin (part II) (mail 10)

- LIMOUSINavenant2005.pdf
- LIMOUSINavenant2006 modifie.pdf
- LIMOUSINavenant2006.pdf
- LIMOUSINregulation.pdf

#### Nord-Pas-de-Calais (part II) (mail 11)

- crrav\_reglement.pdf
- Nord-Pas-de-Calais Avenant 2006.pdf
- NORDPASDECALAISavenant2005.pdf

#### SOFICA (mail 12)

- CP\_SOFICA.pdf

## REPLIES

We have a final round of follow-up requests for clarification as follows:

1) At B.12 for all funding schemes: Please quote and summarize in a systematic way all rules of law that articulate cultural objectives for State aid for the independent film and television sector, and that may justify explicit or implicit territorialisation requirements, ranging from constitutional over legal to funding scheme specific provisions, including recitals from preambles.

### B.12

In France, successive Governments have constantly defended and promoted culture. They have held the view that cultural products are different from other forms of merchandise because they encapsulate part of the country's identity. As a result, France has become with Canada, the leading exponent of a "cultural exception" to free-trade principles and championed the right to support and protect the development of a local, creative and pluralistic cultural life.

Since 1959, the Ministry of Culture is responsible to formulate and implement the French cultural policy. It supports the development of the artistic creation, seeks to promote the cultural works and to facilitate access to the French cultural heritage (article 1 of the decree n°59-889 of July 24, 1959).

*"The ministry in charge of the cultural affairs is entitled to facilitate access to the most important works from civilization, and at first from France, to the greatest possible number of French; to ensure the vastest audience to our cultural heritage, and to support the creation of the works of spirit and art which enrich it" (article 1<sup>er</sup>).*

*« Le ministère chargé des affaires culturelles a pour mission de rendre accessibles les œuvres capitales de l'humanité, et d'abord de la France, au plus grand nombre possible de Français ; d'assurer la plus vaste audience à notre patrimoine culturel, et de favoriser la création des œuvres de l'art et de l'esprit qui l'enrichissent » (article 1<sup>er</sup>).*

These functions remained thus defined until 1982, where new missions have been included in the scope of the competence of the Ministry of Culture in particular the mission to preserve the national, regional cultural heritage and various social groups (Decree n°82-394 of 10 May 1982, modified relating to the organization of the Ministry for the Culture, article 1).

Further article 1 :

*« The ministry in charge of the culture has the role: to allow all the French to develop their capacity to invent and create, express freely their talents and to receive the artistic formation of their choice; to preserve the national, regional cultural heritage or of the various social*

*groups for the common profit of the very whole community; to support the creation of the works of spirit and art and to give them the vastest audience; to contribute to the influence of the culture and French art in the free dialogue of the cultures of the world ».*

*« Le ministère chargé de la culture a pour mission : de permettre à tous les Français de cultiver leur capacité d'inventer et de créer, d'exprimer librement leurs talents et de recevoir la formation artistique de leur choix ; de préserver le patrimoine culturel national, régional ou des divers groupes sociaux pour le profit commun de la collectivité tout entière ; de favoriser la création des œuvres de l'art et de l'esprit et de leur donner la plus vaste audience ; de contribuer au rayonnement de la culture et de l'art français dans le libre dialogue des cultures du monde ».*

The missions entrusted to the Minister for the Culture were redefined in 1993 (Decree n°93-797 of 16 April 1993) amended in 1995 (Decree n°95-1217 of 15 November 1995), in 1996 (Decree n°96-235 of 21 March 1996) and in 1997 (Decree n°97-713 of 11 June 1997). Therefore, the Minister is entitled to support the creative process and to promote the French creation within its territory and in the world. He ensures the development of cultural industries.

Further to Decree n°97-713 of June 11, 1997 :

“The Minister for the Culture and Communication has the mission

- to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :
- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

*« Le Ministre de la culture et de la communication a pour mission de rendre accessibles au plus grand nombre les œuvres capitales de l'humanité, et d'abord de la France*

- *assurer la plus vaste audience à notre patrimoine culturel,*
- *favoriser la création des œuvres de l'art et de l'esprit,*
- *développer les pratiques artistiques,*
- *mettre en œuvre, conjointement avec les autres ministères intéressés, les actions menées par l'Etat en vue d'assurer le rayonnement de la culture française et de favoriser les échanges avec les autres cultures du monde,*
- *veiller au développement des industries culturelles ;*
- *contribuer à l'action culturelle extérieure de la France. »*

2) At B.13 for all funding schemes where applicable: Please quote and list the applicable criteria for granting State aid. It is important for us to be informed about these criteria since implicit territorialisation requirements may be implemented under cover of quality considerations and like criteria that are not subject to judicial review.

Please find attached the table B13

### 3) At the Provence-Alpes funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please clarify whether there are requirements applying to this funding scheme that regulate where (part of) the received funding must be spent. If so, please describe these territorialisation requirements in more details (questions B.4 to B.9).

Please find attached :

- PACA funding scheme  
PACAPARTB
- Convention  
PACA Convention  
PACA Avenant 2005
- Regional regulation  
PACA reglement Aid Prod  
PACA reglement TV  
PACA reglement LM  
PACA reglement CM  
PACA reglement DOCU  
PACAguide06, to be noted : we are not authorised to communicate on line the guide 06)

### 4) At the Rhône-Alpes CINEMA funding scheme

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please specify the percentage of financial aid that must be spent in the region.

Please find attached :

- Convention  
Rhône-Alpes Convention  
Rhône-Alpes Avenant  
Convention entre la Région Rhône-Alpes et Rhône-Alpes Cinéma
- Regional regulation  
Rhône-Alpes Regulation [[www.rhonealpes.fr](http://www.rhonealpes.fr) > e services > guide des aides],  
Rhône-Alpes Application file,  
Rhône-Alpes guide06 to be noted : we are not authorised to communicate on line the guide 06

### **Concerning the percentage of financial aid spent in the region :**

Support for audio-visual creation : documentary, animation, short film of fiction



The expenditure spent in Rhône-Alpes must represent at least 120% of the granted regional aid.

Extract from : Article 5 Aides au court-métrage de fiction, de documentaires et d'animation, Convention de développement cinématographique and audiovisuel 2004-2006 entre l'Etat (Ministère de la culture et de la communication Prefecture de la Région Rhône-Alpes, Direction régionale des affaires culturelles Rhône-Alpes, Centre National de la Cinematographie et la Région Rhône-Alpes.

### **Support for production of feature films**

The amount of the investment of the Rhone-Alpes Cinéma is fixed in taking into account :  
(...)

- Amount of the expenditure of shooting in the Rhone-Alpes Region. The proportion of the expenditure must respect at least one of the two following limits:
- 1<sup>era</sup> limit: the proportion cannot be lower than 25% of the expenditure of shooting, the evaluation being carried out – as regard the diversity of the productions, at the end of the year, on the whole of films shot in the region,
- 2<sup>eme</sup> limit: the amount of the expenditure of shooting in the region must be at least equal to the amount invested by the center in coproduction in the film

Extract from : Article 6 Aide à la production de long métrage de cinéma Rhône-Alpes Cinéma : outil de coproduction de films de longs métrages cinéma en Rhône Alpes, Convention de développement cinématographique and audiovisuel 2004-2006 entre l'Etat (Ministère de la culture et de la communication Prefecture de la Région Rhône-Alpes, Direction régionale des affaires culturelles Rhône-Alpes, Centre National de la Cinematographie et la Région Rhône-Alpes.

#### **5) At the Reunion funding scheme:**

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

Please find attached :

- Convention
  - Reunion Convention,
  - Reunion Avenant Convention,
  - Reunion avenant 2005
- Regional regulation
  - Reunion reglement pilot,
  - Reunion reglement aide developpement,
  - Reunion reglement ecriture,
  - Reunion guide 06 : to be noted : we are not authorised to communicate on line the guide 06

6) At the Charente funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

[See hereinafter](#)

- Please specify the percentage of financial aid that must be spent in the region for the production of short animation films and documentaries.

#### **Production of short animation films**

No percentage of financial aid

#### **Production of documentaries**

30.000 € within the limit of 15% of the budget for the regional producers and of 25% of the expenditure spent in the region for the others

Extract from : Article 7 Aides à la production de documentaires de création, téléfilms et séries télévisées Convention de développement cinématographique et audiovisuel 2004-2006 entre l'Etat, le Centre National de la Cinématographie, la Région Poitou-Charentes et le Département de la Charente, le Département de la Charente-Maritime, le Département des Deux-Sèvres.

7) At the Poitou-Charentes funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please specify the percentage of financial aid that must be spent in the region for successful video games after their pre-production has benefited from regional funding aid.

Please find attached :

- Convention

Poitou Charentes Convention,  
Poitou Charentes Avenant 2005,  
Poitou Charentes Avenant 2006,  
Poitou Charentes Avenant 2006 modifié,

- Regional regulation

Charentes guide 06 : to be noted : we are not authorised to communicate on line the guide 06  
Poitou Charentes guide 06 : to be noted : we are not authorised to communicate on line the guide 06

#### **Support for production of creation of video games**

The ceiling of the aid granted to the producer holder of the rights is fixed to a maximum of 150.000 euros within the limit of 25% of the expenditure spent in the region.

Extract from : Article 7 bis Aides à la création de produits multimédia et de jeux vidéos  
Convention de développement cinématographique et audiovisuel 2004-2006 entre l'Etat, le Centre National de la Cinématographie, la Région Poitou-Charentes et le Département de la Charente, le Département de la Charente-Maritime, le Département des Deux-Sèvres.

8) At Corse Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

See hereinafter

9) At Corse Production funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please specify the percentage of financial aid that must be spent in the region for "animation" and "multimedia".

Please find attached :

- Convention

Corse Convention,  
Corse Avenant 2005,  
Corse Avenant,  
Corse Avenant modifié

- Regional regulation

Corse guideline,  
Corse règlement multimedia  
Corse règlement ecriture  
Corse règlement innovation  
Corse règlement prod LM  
Corse règlement CM  
Corse règlement TV  
Corse règlement prem oeuvre  
Corse règlement audiovisuel  
Corse règlement serie  
Corse guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

**Concerning the percentage of financial aid spent in the region for "animation" and "multimedia".**

Not specified in the regulation

10) At Centre Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

Please find attached :

- Convention

Centre convention  
Centre avenant 2005

- Regional regulation

Centre regulation : regulation on line :

[http://www.aides.regioncentre.fr/home.php?origine=accueil&domaine\\_id=4&theme\\_id=28#](http://www.aides.regioncentre.fr/home.php?origine=accueil&domaine_id=4&theme_id=28#)

Centre guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

- (Some of the departments' name are translated into English, resulting in some funny names such as Dormouse-and-Expensive, for Loir-et-Cher!)

The part A and the part B will be integrally amended. The new version will be transmitted in February.

- Please address the post-production funding scheme.

**Concerning the post-production funding scheme**

In 2005, the region financed two post-production projects (1 feature film and 1 short film) as experimental projects.

The regional council should adopt a post-production funding on 15 December 2006. The criteria concerning this new funding scheme should be communicated on 18 December 2006. I shall transmit this new regulation.

11) At Ile de France funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Convention

Ile de France convention  
Ile de France avenant

- Regional regulation

Ile de France regulation : regulation on line : <http://www.idf-film.com/?g=62&lg=fr>

Ile de France guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

12) Ad Aquitaine Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for production, writing and development.

See hereinafter

13) At Aquitaine Production funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for production.
- Please address the relevant rules concerning State aid for documentary and animation.

- Convention

- Aquitaine convention

- Regional regulation

- Aquitaine regulation on line : [http://interventions.aquitaine.fr/article\\_106.html](http://interventions.aquitaine.fr/article_106.html)

- Aquitaine regulation CM

- Aquitaine regulation animation

- Aquitaine regulation documentaire

- Aquitaine regulation fiction TV

- Aquitaine regulation LM

- Aquitaine guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

**Concerning the percentage of financial aid spent in the region for production.**

No specified in the regional regulation

## Relevant rules concerning State aid for documentary and animation.

### Aide au développement (long métrage, documentaire, film d'animation)<sup>1</sup>

Pas de critères de territorialisation

### Aides au court métrage (fiction, animation, experimental, documentaire)

L'aide est destinée prioritairement aux sociétés de production inscrites au Registre du Commerce en Aquitaine et titulaires d'une autorisation du CNC ou à des associations déclarées en Aquitaine dont l'activité principale est la production cinématographique ou audiovisuelle.

Toutefois, une société de production extérieure à la région et titulaire d'une autorisation d'exercice délivrée par le CNC pourra être soutenue si le film est lié par son sujet à l'Aquitaine et à ses caractéristiques géographiques, historiques, culturelles, économiques et sociales.

### Eligibilité

Le temps du tournage en Aquitaine doit représenter une part significative du temps global de tournage.

### Aide au long métrage cinéma

La région Aquitaine intervient dans l'aide à la réalisation de longs métrages (fiction, documentaire ou animation), prioritairement pour le premier et deuxième long métrage.

### Eligibilité

Les œuvres doivent être tournées en totalité ou pour une part significative en région et faire l'objet de dépenses sur le territoire régional.

### Aide au programme audiovisuel

#### Documentaires, films d'animation

L'aide s'adresse prioritairement aux sociétés de production inscrites au Registre du Commerce en Aquitaine. Le porteur du projet pourra être extérieur à la région si le film est lié par son sujet à l'Aquitaine et à ses caractéristiques géographiques, historiques, culturelles, économiques et sociales.

### Eligibilité

Le temps du tournage en Aquitaine doit représenter une part significative du temps global de tournage.

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<sup>1</sup> *Pour mémoire :*

L'aide est destinée à participer aux frais de préparation d'écriture et de démarche auprès des diffuseurs et des coproducteurs. Elle a pour objectif d'accompagner les producteurs, quelle que soit leur domiciliation, sur des projets de création ambitieux nécessitant une écriture élaborée et un travail de développement important.

Bénéficiaire

Les aides sont attribuées aux sociétés de production titulaires d'une autorisation du CNC.

Eligibilité

Sont éligibles prioritairement les projets de premier et deuxième long métrage de cinéma.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.26-28*

**English working translation:**

Support for development (feature film, documentary, animation)

No territorial requirement

Support for the short film (fiction, animation, experimental, documentary)

The support is proposed firstly for the companies of production registered in Aquitaine and authorized by the CNC or for the associations declared in Aquitaine whose principal activity is the cinematographic or audio-visual production.

However, a company of production external with the region and authorized by the CNC could be apply for this scheme whether the subject of the film concerns Aquitaine and its characteristics geographical, historical, cultural, economic and social.

Eligibility

The shooting in Aquitaine must represent a significant proportion of the total shooting.

Support for the feature film

The Region Aquitaine intervenes to support feature films (fiction, documentary or animation), first of all for the first and second feature film.

Eligibility

Works must be filmed entirely or for a significant proportion in the region and the expenditure of the production must be spent in the region.

Support for the audio-visual program

Documentaries, animation

The support is proposed firstly for the companies of production registered in Aquitaine and authorized by the CNC or for the associations declared in Aquitaine whose principal activity is the cinematographic or audio-visual production.

However, a company of production external with the region and authorized by the CNC could be apply for this scheme whether the subject of the film concerns Aquitaine and its characteristics geographical, historical, cultural, economic and social.

Eligibility

The shooting in Aquitaine must represent a significant proportion of the total shooting.

14) At Limousin funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please address the relevant rules concerning State aid for documentary and animation.

- Convention

Limousin convention

Limousin avenant 2005

Limousin avenant 2006  
Limousin avenant 2006 modifié

- Regional regulation

Limousin regulation on line : [http://www.cr-limousin.fr/rubrique.php3?id\\_rubrique=49](http://www.cr-limousin.fr/rubrique.php3?id_rubrique=49)  
Limousin guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

Relevant rules concerning State aid for documentary

Aide à la production de documentaire de création :

Le projet pourra émaner :

Soit d'un auteur réalisateur ou d'une société de production établis en région Limousin

Soit d'un auteur réalisateur ou d'une société de production non établis dans la région mais dont le sujet présente un intérêt régional.

Aide à l'écriture et au développement :

Aide à l'écriture : concerne les courts métrages, les longs métrages de cinéma et les documentaires.

Le tournage se déroulera en région Limousin, intégralement ou de manière significative selon le type d'œuvre si l'auteur est extérieur à la région.

Aide au développement : doit favoriser le développement d'un projet dans les domaines suivants : réécriture, recherche de documentation, d'archives, réalisation de pilotes, recherche de partenaires.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.95*

***English working translation:***

Support for the production of short film:

The shooting will have to take place totally in the Limousin.

Support for the production of creation documentary :

The project will originate from :

- a director, author or a company of production established in Limousin
- a director, author or a company of production not established in the region but whose subject presents an interest for the region.

Support for writing

For short films, features films and documentaries

The shooting will have to take place in Limousin, totally or significantly, according to the type of work if the author is external with the region.

Support for development:

This aid must support the development of a project in the following fields: rewriting, search of documentation, files, making of pilots, search for partners.

Relevant rules concerning State aid for animation.

The region does not grant aid for animation

15) At Cinema for the South funding scheme:



- Please address the relevant rules concerning State aid for documentary and animation.

Please find attached the regulation on line [www.cnc.fr](http://www.cnc.fr)

Concerning the aid for documentary and animation,

Initially documentaries and animations are not included in the scope of application of the South funding scheme. In practice, these projects are admitted by the CNC to be financed by the Cinema for the South fund. Therefore, they must comply with the criteria laid down in the aid for production.

16) At IFCIC Loan Support funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region under this funding scheme.

The IFCIC is a financial institution.

Please find attached the IFCIC annual activities report 2005.

17) Ad Nord Pas de Calais funding scheme:

- Please clarify the funding mechanism for documentary, television fiction and animation production, if any, under this scheme.

- Convention

Nord-Pas-de-Calais convention  
Nord-Pas-de-Calais avenant 2005  
Nord-Pas-de-Calais avenant 2006

- Regional regulation

CCRAV\_reglement  
Nord-Pas-de-Calais guide 06 (to be noted : we are not authorised to communicate on line the guide 06)

The CCRAV administers the regional fund of production aid cinematographic and audio-visual. It does not grant a subsidy but co-produces audio-visual works and co-finances cinematographic works.

All the projects, short films, feature films, animations and documentaries must systematically comply with the criteria laid down in the territorialisation point system.

In order to be eligible for support funds, the documentary must reach 40 points; the short film must reach 60 points; series animated must reach 80 points and TV-film must reach 80 points. For the producers and directors who do not live in the region, at least 50% of the work must be shot in Nord-Pas-de-Calais. It is granted a credit of 20 points whether the work is totally filmed in the region. The projects which cannot reach the required points are not examined.

The criteria of selection are not explicit. They are induced from the territorialisation point system and in particular employments generated by the project carried out in the region. At least 50% of the TV-films, feature films and short films must be filmed in the region. As regard the production of TV-films and feature films the ceiling of aid takes into account the number of weeks of shooting in the region and the importance of shooting.

## Regional regulation

### La grille d'implication régionale

Le CRRAV a mis en place une grille d'implication régionale pour s'assurer de l'implication des sociétés de production sur le territoire régional.

1/ Production et direction artistique	
Producteur délégué ou coproducteur délégué	15
Producteur exécutif (non cumulable avec producteur délégué)	10
Auteur/réalisateur domicilié dans la région	15
Auteur/réalisateur originaire de la région	5
Réalisateur domicilié dans la région (non cumulable avec auteur-réalisateur)	10
Réalisateur originaire de la région	5
Scénariste domicilié dans la région	10
Scénariste originaire de la région	5
2/ Techniciens et comédiens (engagés par le producteur délégué ou le coproducteur délégué)	
Chefs de postes et assimilés pris sur le tournage	10
Chef opérateur, cadreur, ingénieur du son, premier assistant réalisateur, chef décorateur, animateurs principaux, chef maquilleur, chef costumier, régisseur général, directeur de production, monteur image, directeur effets spéciaux, mixeur domiciliés dans la région.	
Techniciens assistants	5
Techniciens lumière, machinerie, assistants caméra, décors et accessoires, son (perchman, assistants), scripte, costumes, maquillage, régie, production (assistants et administration), assistant réalisation, animation et infographie, montage image et son.	
Techniciens studio son, musiciens et interprètes, tous domiciliés dans la région.	
Comédiens	10
Premiers rôles	5
Seconds rôles (ou doublage), dans la limite de cinq domiciliés dans la région	10
3/ Prestataires techniques (postes complets)	10
Montage image, montage son, mixage, catering, locations lumières, studio d'enregistrement, sociétés de doublage.	
<u>Les points à obtenir pour être éligible au fonds d'aide :</u>	
Documentaire (unitaire ou série de 13, 26, 52 minutes ou LM doc) :	40 points
Programme court d'animation (court métrage ou série de 52 minutes maxi) :	40 points
Court ou moyen métrage de fiction (59 minutes maxi) :	60 points
Long métrage :	80 points
Série animée :	80 points
Pour les producteurs et réalisateurs extérieurs à la région, la moitié du tournage au moins doit s'effectuer en région. Il est accordé un crédit de 20 points si la totalité du tournage se fait en région.	
<u>L'aide à la production de long métrage</u>	
Si le producteur n'est pas de la région, au moins la moitié du tournage doit se faire en région. Le plafond d'intervention est fixé en tenant compte du nombre de semaines de tournage en région et de l'importance du tournage.	
<u>L'aide à la production de court et de moyen métrage</u>	
Si le producteur n'est pas de la région, plus de la moitié du tournage doit se faire en région.	

L'aide au transfert sur film

L'aide de transfert sur film peut être sollicitée pour des projets de court, de moyen métrage et de documentaire satisfaisant à la grille d'implication territoriale.

L'aide à la version anglaise

Les œuvres doivent respecter la grille d'implication territoriale.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.116-123*

**English working translation:**

The CRRAV has set up a territorialisation point system as follows :

**1 Production and artistic direction**

Associate producer or associate co-producer	15
Executive producer (no may be held simultaneously with associate producer)	10
Author/director lived in the region	15
Author/director born in this region	5
Director lived in the region (no may be held simultaneously with author-director)	10
Director born in this region	5
Scriptwriter lived in the region	10
Scriptwriter born in this region	5

**2 Technicians and actors (engaged by the associate producer or the associate co-producer)**

Chiefs of posts and equivalent on the shooting 10  
Director of photography, camera operator, sound engineer, first assistant director, set chief, picture assembler, visual effect director, and mixer lived in the region.

Technicians assistants 5

Light technicians, machinery, focus pullers, sets and props, sound (perch man, assistants), script, costumes, make-up, production management, production (assistants and administration), director assistant, animation and computer graphics, picture and sound editing, sound studio technicians, musicians and actors, all lived in the region.

Actors	10
First roles	5
Second roles (or doubling), within the limit of five lived in the region	10

**3 Technical services providers (full posts) 10**

Picture editing, sound editing, mixing, catering, lights booking, recording studio, dubbling companies.

Points to reach in order to be eligible for support fund:

Documentary (unit or series of 13, 26, 52 minutes or LM Doc.): 40 points

Short program animation (short film or series 52 minutes maximum): 40 points

Short or medium film of fiction (59 minutes maximum): 60 points

Long film: 80 points

Animated series: 80 points

For the producers and directors external with the region, at least half of the shooting must be carried out in the region.

It is granted a credit of 20 points if the work is totally filmed in the region.

Support for production of long films

Whether the producer is not located in the region, at least half of shooting must be carried out in the region. The ceiling of intervention is fixed by taking account of the number of weeks shoot in area and the importance of the shooting.

Support for production of short and medium films

Whether the producer is not located in the region, more half of shooting must be carried out in the region.

Support for the transfer on film

The support for transfer on film can be requested for projects of short, medium film and documentary, which fulfilled the requirements set out in the schedule of territorial implication.

Support for the English version

The work must fulfil the requirements set out in the schedule of territorial implication

18) At Sofica funding scheme :

- Please provide a description of the selective aid criteria under this scheme, if any. Please provide legal information in particular with respect to the “preparation and development” scheme.

There are no selective aid criteria under this scheme.

A SOFICA constitutes an investment company authorized to collect funds for financing audio-visual and cinematographic works.

SOFICA must invest 80% of their annual financing in co-productions filming in the French original language.

Under article 238 bis HF of the taxes general code, they are authorized to invest no more than 20% of their annual financing in co-production carried out in the language of the majority co-producer established in another Member State of European Union.

Modifications are expected in a few weeks. I shall communicate the last development on this tax incentive.

Please find attached the press released on “*Les organisations professionnelles du cinema et de l’audiovisuel en appellent au Parlement pour sauver les sofica.* »

[http://www.cspf.fr/pdf/COMMUNIQUEES\\_CSPF/CP\\_SOFICA.pdf](http://www.cspf.fr/pdf/COMMUNIQUEES_CSPF/CP_SOFICA.pdf)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>02 December 2006</b>

(...)

- Concerning the conventions signed between CNC and the mentioned regions, we have contacted the CNC and each region , but they refuse to communicate these documents.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>01 December 2006</b>

(...)

We have a final round of follow-up requests for clarification as follows:

1) At B.12 for all funding schemes: Please quote and summarize in a systematic way all rules of law that articulate cultural objectives for State aid for the independent film and television sector, and that may justify explicit or implicit territorialisation requirements, ranging from constitutional over legal to funding scheme specific provisions, including recitals from preambles.

2) At B.13 for all funding schemes where applicable: Please quote and list the applicable criteria for granting State aid. It is important for us to be informed about these criteria since implicit territorialisation requirements may be implemented under cover of quality considerations and like criteria that are not subject to judicial review.

3) At the Provence-Alpes funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please clarify whether there are requirements applying to this funding scheme that regulate where (part of) the received funding must be spent. If so, please describe these territorialisation requirements in more details (questions B.4 to B.9).

4) At the Rhône-Alpes CINEMA funding scheme

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please specify the percentage of financial aid that must be spent in the region.

5) At the Reunion funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

6) At the Charente funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

- Please specify the percentage of financial aid that must be spent in the region for the production of short animation films and documentaries.

7) At the Poitou-Charentes funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for successful video games after their pre-production has benefited from regional funding aid.

8) At Corse Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

9) At Corse Production funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for “animation” and “multimedia”.

10) At Centre Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- (Some of the departments' name are translated into English, resulting in some funny names such as Dormouse-and-Expensive, for Loir-et-Cher!)
- Please address the post-production funding scheme.

11) At Ile de France funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.

12) Ad Aquitaine Writing funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for production, writing and development.

13) At Aquitaine Production funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region for production.
- Please address the relevant rules concerning State aid for documentary and animation.

14) At Limousin funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please address the relevant rules concerning State aid for documentary and animation.

15) At Cinema for the South funding scheme:

- Please address the relevant rules concerning State aid for documentary and animation.

16) At IFCIC Loan Support funding scheme:

- You did not provide details on the specific regulations and guidelines governing this funding scheme (legal basis); the only reference you made was to a convention of another region. Please provide us relevant references to these conventions.
- Please specify the percentage of financial aid that must be spent in the region under this funding scheme.

17) Ad Nord Pas de Calais funding scheme:

- Please clarify the funding mechanism for documentary, television fiction and animation production, if any, under this scheme.

18) At Sofica funding scheme :

- Please provide a description of the selective aid criteria under this scheme, if any. Please provide legal information in particular with respect to the “preparation and development” scheme.

(...)



<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>29 October 2006</b>

(...)

Further your mail, please find attached the following funding schemes :

REGION ACQUITAINE (Acquitaine Image Cinema is included)

REGION PACA

REGION CORSICA

REGION LIMOUSIN

REGION CENTRE (Atelier de production Centre Val de Loire is included)

REGION POITOU-CHARENTE

REGION RHONE-ALPES

REGION NORD PAS DE CALAIS (Centre Régional des ressources audiovisuelles (CRRAV) is included)

THE MINISTRY OF FOREIGN AFFAIRS AND THE MINISTRY OF CULTURE AND COMMUNICATIONS

Concerning the Centre National de la Cinématographie (CNC) is granted all automatic and selective financial supports for cinema and audiovisual.

Concerning the regional funding, to be noted that the amount of each funding scheme (support for the writting and development of ..., support for the production of ...) is less than EUR 1.000.000.

(...)

<b>Attachments to e-mail of 29 October 2006</b>
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- PART BAQUITAINE271006.doc
- PART BCENTRE271006.doc
- PART BCORSE271006.doc
- PART BLIMOUSIN271006.doc
- PART BMinistryForeignAffairs271006.doc
- PART BNORDPASDECALAIS271006.doc
- PART BPOITOUCHARENTE271006.doc
- PART BRHONEALPES271006.doc
- PART BRPACA271006.doc
- Synthesesguide05.pdf

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

B1 Country: FRANCE  
**REGION : AQUITAINE**

B2 Name of the funding scheme :  
Total amount financial support : EUR : 1.000.000 (region)  
CNC support : EUR : 476.000

**TWO GENERAL FUNDING SCHEMES :**  
**SUPPORT FOR WRITING AND DEVELOPMENT** EUR : 51.000  
**SUPPORT FOR PRODUCTION** EUR : 1425.000

CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT :  
This support is divided up into 3 funding schemes as follows :  
**SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS** EUR : 31.000  
**SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES** EUR : 10.000  
**SUPPORT FOR THE WRITING AND DEVELOPMENT OF TV-FILMS** EUR : 10.000

CONCERNING THE SUPPORT FOR THE PRODUCTION :  
This support is divided up into 5 funding schemes as follows :  
**SUPPORT FOR THE PRODUCTION OF FEATURE FILMS** EUR : 450.000  
**SUPPORT FOR THE PRODUCTION OF SHORT FILMS** EUR : 205.000  
**SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES** EUR : 431.000  
**SUPPORT FOR THE PRODUCTION OF FICTION TV** EUR : 315.000  
**SUPPORT FOR THE PRODUCTION OF ANIMATION** EUR : 24.000

B3 Name and address of the funding scheme's administration and supervisory authority :  
Conseil Regional d'Aquitaine  
Direction de la Culture  
14, rue François-de-Sourdis  
33.077 BORDEAUX Cedex

**AQUITAINE IMAGE CINEMA**  
Cité Mondiale  
23, parvis des Chartrons  
33074 BORDEAUX CEDEX  
Tél : 05.56.01.78.70- Fax : 05.56.01.78.30.

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
CONVENTION STATE-CNC-REGION

- the dates when these laws and regulations entered into force,
- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4

*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

### Aide à l'écriture :

Sont éligibles les projets dont le tournage se déroulera de façon significative en Aquitaine. La demande doit émaner soit d'un auteur établi en Aquitaine, quel que soient le sujet et le lieu géographique de tournage, soit d'un auteur ou d'un producteur non domicilié en Aquitaine qui s'engage à venir tourner en région Aquitaine.

### Aides au court métrage

L'aide est destinée prioritairement aux sociétés de production inscrites au Registre du Commerce en Aquitaine et titulaires d'une autorisation du CNC ou à des associations déclarées en Aquitaine dont l'activité principale est la production cinématographique ou audiovisuelle.

Toutefois, une société de production extérieure à la région et titulaire d'une autorisation d'exercice délivrée par le CNC pourra être soutenue si le film est lié par son sujet à l'Aquitaine et à ses caractéristiques géographiques, historiques, culturelles, économiques et sociales. Le temps du tournage en Aquitaine doit représenter une part significative du temps global de tournage.

#### Aide au long métrage cinéma

Les œuvres doivent être tournées en totalité ou pour une part significative en région et faire l'objet de dépenses sur le territoire régional.

#### Aide au programme audiovisuel

L'aide s'adresse prioritairement aux sociétés de production inscrites au Registre du Commerce en Aquitaine. Le porteur du projet pourra être extérieur à la région si le film est lié par son sujet à l'Aquitaine et à ses caractéristiques géographiques, historiques, culturelles, économiques et sociales. Le temps du tournage en Aquitaine doit représenter une part significative du temps global de tournage.

#### Fiction TV

Le porteur du projet pourra être extérieur à la région si le film est lié par son sujet à l'Aquitaine et à ses caractéristiques géographiques, historiques, culturelles, économiques et sociales. Les œuvres doivent être tournées en totalité ou pour une part significative en région et faire l'objet de dépenses sur le territoire régional. .

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.26-28*

English version:

#### Support for writing :

To be eligible the project shall be filmed significantly in Aquitaine.

Can apply for the scheme :

- an author established in Aquitaine, whatever the subject and the place of shooting,
- an author or a producer not located in Aquitaine who commits himself coming to shot in Aquitaine.

#### Support for the short film

The support is proposed firstly for the companies of production registered in Aquitaine and holders of an authorization of the CNC or with the associations declared in Aquitaine whose principal activity is the cinematographic or audio-visual production. However, a company of production external with the region and holder of an authorization of exercise delivered by the CNC could be apply for this scheme whether the subject of the film concerns Aquitaine and its characteristics geographical, historical, cultural, economic and social. The shooting in Aquitaine must represent a significant proportion of the total shooting.

#### Support for the long film

Works must be filmed entirely or for a significant proportion in the region and the expenditure of the production must be spent in the region.

#### Support for the audio-visual program

The support is proposed firstly for the companies of production registered in Aquitaine and holders of an authorization of the CNC or with the associations declared in Aquitaine whose principal activity is the cinematographic or audio-visual production. However, a company of production external with the region and holder of an authorization of exercise delivered by the CNC could be apply for this scheme whether the subject of the film concerns Aquitaine and its characteristics geographical, historical, cultural, economic and social. The shooting in Aquitaine must represent a significant proportion of the total shooting.

#### Fiction TV

The person in charge of the project could be external with the region whether the subject of the film concerns Aquitaine and its characteristics geographical, historical, cultural, economic and social. Work must be turned in totality or for a significant proportion in the region and the expenditure of the production must be spent in the region.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version o f the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

In order to obtain a financial support from the region, the producer, author must be established in Aquitaine or the work deals with a subject in relation with the region and its characteristics geographical, historical, cultural, economic and social.

More over, the work shall be directed in a significant way in the region. The production expenditure shall be spent in region. However, there is no precision on the amount of the spending in Aquitaine.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version o f the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

#### IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?  
For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?  
YES/NO : NO  
IF YES,
- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding:

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

Law n°88-20 of 6 January 1988 concerning the artistic educations

1988 Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May

Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum “National education” on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>

see file attached

For national and regional financial support schemes:

#### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that:

#### *Article 1<sup>2</sup>*

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l’Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it

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<sup>2</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

### **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

### **7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and



dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

#### 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

### **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

## **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 1.000.000 (region)

CNC support : EUR : 476.000

#### Support for writing and research/development

No qualitative criteria

Ceiling : no

#### Support for production

No qualitative criteria

Ceiling : no

### **CONTACT DETAILS**

B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Vincent Merlin

Chargé de mission cinema et audiovisuel

Conseil Regional d'Acquitaine

Direction de la Culture

14, rue François-de-Sourdis

33.077 BORDEAUX Cedex

Tel : 05.57.57.86.90- Fax : 05.57.57.86.68  
[Vincent.merlin@aquitaine.fr](mailto:Vincent.merlin@aquitaine.fr), [www.aquitaine.fr](http://www.aquitaine.fr)

Nicole de PRETTO  
AQUITAINE IMAGE CINEMA  
Cité Mondiale  
23, parvis des Chartrons  
33074 BORDEAUX CEDEX  
Tél : 05.56.01.78.70- Fax : 05.56.01.78.30.  
[aic@aic.aquitaine.fr](mailto:aic@aic.aquitaine.fr) – [www.aquitaine-image-cinema.fr](http://www.aquitaine-image-cinema.fr)

### **FOCUS ON AQUITAINE IMAGE CINEMA<sup>3</sup>**

Associated structure

Object: to promote the development of image, production, audiovisual and cinematographic techniques in Aquitaine

Mission: engineering and assistance for audiovisual and cinematographic projects

Financing: Subsidies: 98,5% from regional funding

Annual Budget: EUR 611.000

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<sup>3</sup> Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p30

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

B1 Country: FRANCE

**REGION : CENTRE**

B2 Name of the funding scheme :

Total amount financial support : EUR : 1.070.000 (region)<sup>4</sup>

CNC support : EUR : 385.000

#### **TWO GENERAL FUNDING SCHEMES :**

**SUPPORT FOR WRITING AND DEVELOPMENT** EUR : 151.000

**SUPPORT FOR POST-PRODUCTION** EUR : 50.000

**SUPPORT FOR PRODUCTION** EUR : 1.025.500

#### **CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT:**

This support is divided up into 2 funding schemes as follows :

**SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS** EUR : 130.000

**SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES** EUR : 21.000

#### **CONCERNING THE SUPPORT FOR THE POST-PRODUCTION :**

This support is divided up into 2 funding schemes as follows :

**SUPPORT FOR THE POST-PRODUCTION OF FEATURE FILMS** EUR : 35.000

**SUPPORT FOR THE POST-PRODUCTION OF SHORT FILMS** EUR : 15.000

#### **CONCERNING THE SUPPORT FOR THE PRODUCTION :**

This support is divided up into 4 funding schemes as follows :

**SUPPORT FOR THE PRODUCTION OF FEATURE FILMS** EUR : 565.000

**SUPPORT FOR THE PRODUCTION OF SHORT FILMS** EUR : 293.500

**SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES** EUR : 82.500

**SUPPORT FOR THE PRODUCTION OF ANIMATION** EUR : 84.500

B3 Name and address of the funding scheme's administration and supervisory authority:

**CONSEIL REGIONAL DU CENTRE**

9, rue Saint-Pierre-Lentin

45041 ORLEANS Cedex 1

**CENTRE IMAGES**

24, rue Renan

37110 CHATEAU-RENAULT

<sup>4</sup>Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.252

On 1<sup>st</sup> January 2006, the region Centre and the State (Ministry for the Culture and the Communication) decided, within the framework of their partnership, to create an establishment for the development of cultural co-operation. CENTRE IMAGES, the regional agency of the CENTRE responsible for the cinema and the audio-visual sector, is in charge of the actions which were hitherto coordinated by the APCVL (Atelier de production Centre Val de Loire).

Its fields of intervention are increased, since Centre Images, shall exploit the regional cinematographic and audiovisual heritage.

Centre Images ensures the complete management of the funds of support for the CENTRE.

- B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
CONVENTION STATE-CNC-REGION 2005

- the dates when these laws and regulations entered into force,

- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),

- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

- B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4

*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

Soutien à la production de court métrage et de court métrage d'animation en volume :

Pour être admissibles, les courts métrages devront être tournés intégralement en région Centre, à savoir dans les départements suivants :

18-Cher (Bourges), 28- Eure et Loir (Chartres), 36- Indre-et-Loire (Tours), 41- Loir-et-Cher (Blois), 45-Loiret (Orléans).

Soutien à la production de premier et deuxième long métrage

Localisation du tournage

Le producteur s'engage à tourner au moins 40% de la durée globale du tournage (avec une durée minimum de dix-huit jours) sur le territoire régional (décors extérieurs ou intérieurs), à savoir dans l'un des départements suivants :

18-Cher (Bourges), 28- Eure et Loir (Chartres), 36- Indre-et-Loire (Tours), 41- Loir-et-Cher (Blois), 45-Loiret (Orléans).

Engagements du producteur :

[...] favoriser l'emploi de professionnels régionaux (techniciens et artistes) dans la production et la réalisation de film.

Soutien au documentaire de création : aide à l'écriture, aide au développement, soutien à la production

Admissibilité du projet

Le documentaire de création devra :

- soit être présenté par un auteur réalisateur ou un producteur délégué établi de façon permanente en région CENTRE, quels que soient le sujet ou le lieu prévisionnel de tournage.
- Soit avoir, de pas son sujet, un lien direct avec la Région Centre et ses caractéristiques (géographiques, historiques, culturelles, économiques, sociales)

Soutien à la création de musique originale

L'aide à la création de musique de film originale s'adresse aux productions de courts métrages de fiction, de courts métrages d'animation en volume et de documentaires de création qui ont bénéficié d'un soutien à la production de Centre Images.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.47-55*

English version:

Support for production of short film and short film of animation in volume:

To be eligible, the shooting shall be completely in the region CENTRE, specifically in the following departments:

18-Cher (Bourges), 28 - the Eure and Loir (Chartres), 36 - the Indre-and-Loire (Turns), 41- Dormouse-and-Expensive (Blois), 45-Loiret (Orleans).

### Support for the production of first and second long film

#### *Area of shooting*

The producer commits himself shooting at least 40% of the total duration of shooting (with at minimum eighteen days) in the region (external or interior set), specifically in the following departments:

18-Cher (Bourges), 28 - the Eure and Loir (Chartres), 36 - the Indre-and-Loire (Tours), 41- Dormouse-and-Expensive (Blois), 45-Loiret (Orleans).

#### *Obligation of the producer :*

[...] for the production and the making of film, the producer shall facilitate the employ of professionals (technicians and artists) located in the region

### Support for documentary of creation: support for writing and development, support for production

To be eligible, the documentary of creation shall be

- submitted by an author director or associate producer established in a permanent way in CENTRE, whatever the theme or the scheduled places of shooting.

- or the theme has a direct link with the CENTRE and its characteristics (geographical, historical, cultural, economic, social)

### Support for the creation of original music

The support for the creation of original film music is addressed to the productions of short films of fiction, of short films of animation in volume and documentary of creation which benefited from CENTRE IMAGES of financial support for production.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

In order to obtain a financial support from the region, the short films shall be filmed totally in the region and the services concerning their production and direction shall be provided in priority by the professional established in the region.

Regarding the production of the cinematographic works, financial support shall be granted by the region to the producers under the obligation that the shooting is carried out in the region for at least 40% of the total duration of the shooting and the services concerning their production and direction shall be provided in priority by the professional established in the region.

Regarding the support for documentary of the creation, support for writing, development and production, the work shall be submitted by author, director or producer living in the region in a permanent way or the theme treated in the work has a direct link with the CENTRE and its characteristics (geographical, historical, cultural, economic, social).

To be noted that the amount of expenditure spent in the region is not indicated.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3

*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8

*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

#### IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme

*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of



cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

1988 Law n°88-20 of 6 January 1988 concerning the artistic educations  
Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May  
Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.  
Memorandum “National education” on the orientations for a policy in artistic education and cultural actions  
  
<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>  
<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>  
see file attached

For national and regional financial support schemes :

#### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

*Article 1*<sup>5</sup>

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l'Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

**Article 2 – Guiding principles**

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their

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<sup>5</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

## **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

## **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

### **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:
  - (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;
  - (b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.
2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

- B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 1.070.000 (region)  
CNC support : EUR : 385.000

Support for production of short films and short films of animation in volume : Ceiling : EUR 45.000

Support for writing of first and second long feature films :

- support for the first version Ceiling : EUR 10.000
- support for the rewriting: Ceiling : EUR 7.500

Support for production of the first and second long feature films Ceiling : EUR 150.000

Support for the documentary of creation :

- Support for writing : ceiling EUR 3000
- Support for development : ceiling EUR 4.500
- Support for production : ceiling EUR 30.000

Support for the creation of original music : ceiling EUR 4.500

<b>CONTACT DETAILS</b>
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B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Gérard BERT  
CONSEIL REGIONAL DU CENTRE  
9, rue Saint-Pierre-Lentin  
45041 ORLEANS CEDEX 1  
Tel : 02.38.70.27.80- Fax : 02.38.70.33.69- Gerard,bert@regioncentre.fr  
[www.regioncentre.fr](http://www.regioncentre.fr)

Associated Structure

**CENTRE IMAGES**  
24, rue Renan  
37110 CHATEAU-RENAULT  
Tel : 02.47.56.08.08- Fax : 02.47.56.08.92

Created in 1/01/2006

Annual budget : EUR 4.586.000 including the fund of support for creation (1.615.000 EUR)

Financing :  
Region CENTRE : 70% (with fund of support to EUR 1.100.000)  
STATE : 8%  
CNC : 11% ( with fund of support to EUR 515.000)

Objectives: implementation of concerted policies with the Region Centre and State in the field cinema and audiovisual field.

Contact:  
Colette QUESSON , In charge of the creation  
Tel : 02.47.56.08.01- e-mail : [Colette.quesson@centreimages.fr](mailto:Colette.quesson@centreimages.fr)

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

B1 Country: FRANCE  
**REGION: CORSE**

B2 Name of the funding scheme:  
Total amount financial support: EUR: 1.427.100  
CNC support: EUR: 200.000<sup>6</sup>

#### **TWO GENERAL FUNDING SCHEMES:**

<b>SUPPORT FOR WRITING AND DEVELOPMENT (LFF)</b>	EUR : 16.800
<b>SUPPORT FOR PRODUCTION</b>	EUR : 1.616.300

#### **CONCERNING THE SUPPORT FOR THE PRODUCTION:**

This support is divided up into 4 funding schemes as follows:

<b>SUPPORT FOR THE PRODUCTION OF FEATURE FILMS</b>	EUR : 173.600
<b>SUPPORT FOR THE PRODUCTION OF SHORT FILMS</b>	EUR : 240.400
<b>SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES</b>	EUR : 913.300
<b>SUPPORT FOR THE PRODUCTION OF FICTION TV</b>	EUR : 144.000
<b>SUPPORT FOR THE PRODUCTION OF ANIMATION</b>	EUR : 95.000
<b>SUPPORT FOR THE PRODUCTION OF MULTIMEDIA</b>	EUR : 50.000

B3 Name and address of the funding scheme's administration and supervisory authority :  
Collectivité territoriale de Corse  
Service Culture - Aides économiques  
22, cours Grandval  
BP 215  
20187 AJACCIO Cedex

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
CONVENTION STATE-CNC-REGION 2005

- the dates when these laws and regulations entered into force,

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<sup>6</sup> Extract from : Guide 06, Regions Départements Villes, Soutiens à la production cinématographique et audiovisuelle, p.70

- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

- B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

- B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :

### Aide à l'écriture

*Sont éligibles les projets présentés directement par les auteurs. Cette demande doit émaner :*

- *soit d'un auteur domicilié en Corse, quels que soient le sujet et le lieu de tournage,*
- *soit d'un auteur non domicilié dans la région mais dont le sujet présente un intérêt artistique et dont 50% minimum du tournage se dérouleront en Corse.*

*Les scénarios d'expression corse feront l'objet d'un bonus de 15% du montant de l'aide accordée.*

### Aide au développement et à l'innovation

*La demande doit émaner :*

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse. Cette société s'engage à recruter les insulaires en phase de formation ou de professionnalisation.
- Soit d'une société de production non domiciliée en Corse mais dont le scénario est écrit ou réalisé par un auteur ou un réalisateur résidant en Corse, pour qui le projet est particulièrement décisif dans le cursus artistique et professionnel.

#### Aide à la production de long métrage cinéma

La demande doit émaner :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse. Cette société s'engage à recruter les insulaires en phase de formation ou de professionnalisation.
- Soit d'une société de production non domiciliée en Corse mais dont le scénario est écrit ou réalisé par un auteur ou un réalisateur résidant en Corse, pour qui le projet est particulièrement décisif dans le cursus artistique et professionnel.

Les projets tournés en langue corse de manière significative bénéficieront d'un bonus de 15% du montant de l'aide accordée.

#### Aide à la production de court et moyen métrage et documentaire d'auteur

La demande doit émaner :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse. Cette société s'engage à recruter les insulaires en phase de formation ou de professionnalisation.

Les projets tournés en langue corse de manière significative bénéficieront d'un bonus de 15% du montant de l'aide accordée.

#### Aide à la première œuvre :

Sont éligibles les projets de courts et de moyens métrages et de documentaire présentés par un réalisateur domicilié en Corse depuis plus de deux ans à titre principal

#### Aide au vidéo-art et au multimédia expérimental

Les projets doivent émaner :

- soit d'une personnalité morale domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une personnalité morale non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont l'intégralité du tournage se dérouleront en Corse.
- Soit d'une personnalité morale non domiciliée en Corse mais dont le scénario est écrit ou réalisé par un auteur ou un réalisateur résidant en Corse, pour qui le projet est particulièrement décisif dans le cursus artistique et professionnel.



Aide à la production de téléfilm

Les projets doivent émaner :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse.
- Soit d'une société de production non domiciliée en Corse mais dont le scénario est écrit ou réalisé par un auteur ou un réalisateur résidant en Corse, pour qui le projet est particulièrement décisif dans le cursus artistique et professionnel.

Aide à la production de documentaire

Les projets doivent émaner :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse.

Les projets tournés en langue corse de manière significative bénéficieront d'un bonus de 15% du montant de l'aide accordée.

Aide à la production de séries

Les projets doivent émaner :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le sujet présente un intérêt artistique et dont 60% minimum du tournage se dérouleront en Corse.
- Soit d'une société de production non domiciliée en Corse mais dont le scénario est écrit ou réalisé par un auteur ou un réalisateur résidant en Corse, pour qui le projet est particulièrement décisif dans le cursus artistique et professionnel.

Les projets tournés en langue corse de manière significative bénéficieront d'un bonus de 15% du montant de l'aide accordée.

Aide à la captation-recréation de spectacle vivant :

- soit d'une société de production domiciliée en Corse, quels que soient le sujet et le lieu de tournage,
- soit d'une société de production non domiciliée dans la région mais dont le spectacle préexistant est une création qui a eu lieu en Corse ou qui a trait à l'identité ou à la culture corse.

Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images  
p.64-69

English version:

Support for writing

The projects presented directly by the authors are eligible.

Can apply for this funding scheme :

- an author lived in Corsica, whatever the subject and the place of shooting,
- or an author not lived in the region but whose subject is of artistic interest and 50% minimum of shooting will be take place in Corsica.

The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for development and innovation*

Can apply for this funding scheme :

- a company of production established in Corsica, whatever the subject and the place of shooting,
- a company of production not established in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica. This company is committed employing the Corsicans for a traineeship or to improve professional skills.
- a company of production not established in Corsica but whose scenario is written or carried out by an author or a director living in Corsica, for which the project is particularly decisive in the artistic and professional course.

*Support for the production of the long feature films*

Can apply for this funding scheme :

- a company of production established in Corsica, whatever the subject and the place of shooting,
- a company of production not domiciled in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica. This company is committed employing the Corsicans for a traineeship or to improve professional skills.
- a company of production not established in Corsica but whose scenario is written or carried out by an author or a director living in Corsica, for which the project is particularly decisive in the artistic and professional course.

The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for the production of the short and medium films and the documentary from author*

Can apply for this funding scheme :

- a company of production established in Corsica, whatever the subject and the place of shooting,
  - a company of production not domiciled in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica. This company is committed employing the Corsicans for a traineeship or to improve professional skills.
- The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for the first work*

Can apply for this funding scheme :

- a director living mainly in Corsica at least for two years,

*Support for art video and experimental multimedia*

- a moral person established in Corsica, whatever the subject and the place of shooting,
- a moral person not domiciled in the region but whose subject is of artistic interest and the shooting will totally take place in Corsica.

- a moral person not established in Corsica but whose scenario is written or carried out by an author or a director living in Corsica, for which the project is particularly decisive in the artistic and professional course.

*Support for the production of TV Film :*

- a company of production established in Corsica, whatever the subject and the place of shooting,

- a company of production not domiciled in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica. This company is committed employing the Corsicans for a traineeship or to improve professional skills.

- a company of production not established in Corsica but whose scenario is written or carried out by an author or a director living in Corsica, for which the project is particularly decisive in the artistic and professional course.

The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for the production of documentaries :*

Can apply for this funding scheme :

- a company of production established in Corsica, whatever the subject and the place of shooting,

- a company of production not domiciled in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica.

The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for the productions of series*

- a company of production established in Corsica, whatever the subject and the place of shooting,

- a company of production not domiciled in the region but whose subject is of artistic interest and 60% minimum of shooting will take place in Corsica. This company is committed employing the Corsicans for a traineeship or to improve professional skills.

- a company of production not established in Corsica but whose scenario is written or carried out by an author or a director living in Corsica, for which the project is particularly decisive in the artistic and professional course.

The scenarios in the language spoken in Corsica will be benefited of a bonus of 15% of the amount of the granted financial support.

*Support for capture and re-creation of live show*

- a company of production established in Corsica, whatever the subject and the place of shooting,

- a company of production not domiciled in the region but whose pre-existing show is a creation, which has taken place in Corsica or which deals with Corsican identity or culture.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

In order to obtain a financial support from the region, the work shall be directed in a significant way in the region (at least 50% for the documentaries and long feature films, and the short films shall be filmed totally in the region). As regard the support for writing and research in the one hand, and the support for development on the other hand, the director, the scriptwriter and the production company shall live in the region.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

## IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

## CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

Law n°88-20 of 6 January 1988 concerning the artistic educations  
Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May 1988

Memorandum "Culture" n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum "National education" on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>

see file attached

For national and regional financial support schemes :

1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art

- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

### *Article 1<sup>7</sup>*

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l’Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

1. Principle of respect for human rights and fundamental freedoms  
Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

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<sup>7</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

## 2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

## 3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

## 4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

## 5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

## 6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

## 7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

## 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

# **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

# **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(d) measures aimed at providing public financial assistance;

(e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(f) measures aimed at establishing and supporting public institutions, as appropriate;

g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

## **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :



Total amount financial support : EUR : 1.427.100  
CNC support : EUR : 200.000

Support for writing

ceiling : EUR 3.500 for documentary  
ceiling : EUR 6.000 for long feature films and TV film

Support for development and innovation

ceiling : EUR 15.000

Support for the production of the long feature films

30% of the total budget, ceiling : EUR 150.000

Support for the production of the short and medium films and the documentary from author

50% of the total budget, ceiling : EUR 80.000

Support for the first work

50% of the total budget, ceiling : EUR 50.000

Support for art video and experimental multimedia

50% of the total budget, ceiling : EUR 50.000

Support for the production of TV Film :

30% of the total budget, ceiling : EUR 100.000

Support for the production of documentaries :

50% of the total budget, ceiling : EUR 80.000

Support for the productions of series

30% of the total budget, ceiling : EUR 100.000

Support for capture and re-creation of live show

Capture : 50% of the total budget, ceiling : EUR 40.000

Re-creation : 50% of the total budget, ceiling : EUR 80.000

<b>CONTACT DETAILS</b>
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B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Jean-François VINCENTI  
Conseiller cinema  
Hélène BOURDEAU : tél : 04.95.50.91.21  
Collectivité territoriale de Corse  
Service Culture - Aides économiques  
22, cours Grandval  
BP 215  
20187 AJACCIO Cedex  
Tel : 04.95.51.64.94 – Fax : 04.95.51.65.05

## PART B

### IDENTIFICATION OF THE FUNDING SCHEME

B1     Country: FRANCE  
**REGION : LIMOUSIN**

B2     Name of the funding scheme :  
Total amount financial support :     EUR : 976.986 (region)<sup>8</sup>  
CNC support :                                EUR : 385.000

<b>THREE GENERAL FUNDING SCHEMES :</b>	
<b>SUPPORT FOR WRITING AND DEVELOPMENT</b>	EUR : 51.986
<b>SUPPORT FOR POST-PRODUCTION</b>	EUR : 9.000
<b>SUPPORT FOR PRODUCTION</b>	EUR : 916.000

CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT :

This support is divided up into 3 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS</b>	EUR : 25.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF SHORT FILMS</b>	EUR : 3.786
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 23.200

CONCERNING THE SUPPORT FOR THE PRODUCTION :

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE PRODUCTION OF FEATURE FILMS</b>	EUR : 180.000
<b>SUPPORT FOR THE PRODUCTION OF SHORT FILMS</b>	EUR : 178.000
<b>SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES</b>	EUR : 248.000
<b>SUPPORT FOR THE PRODUCTION OF FICTION TV</b>	EUR : 310.000

B3     Name and address of the funding scheme's administration and supervisory authority :  
Conseil Regional du Limousin  
Service du développement culturel  
27, boulevard de la Corderie  
87031 LIMOGES CEDEX

B4     List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
**CONVENTION STATE-CNC-REGION**

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<sup>8</sup> Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.95

- the dates when these laws and regulations entered into force,
- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## TERRITORIAL CONDITIONS

### Explicit territorial conditions

- B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

- B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

Aide à la production de court métrage :

Le tournage devra avoir lieu intégralement dans le limousin

Aide à la production de documentaire de création :

Le projet pourra émaner :

Soit d'un auteur réalisateur ou d'une société de production établis en région Limousin

Soit d'un auteur réalisateur ou d'une société de production non établis dans la région mais dont le sujet présente un intérêt régional.

Aide à la production de long métrage

Le film devra être tourné de manière significative en région Limousin

Aide à la production de téléfilm

Le film devra être tourné de manière significative en région Limousin

Aide à l'écriture

Le tournage se déroulera en région Limousin, intégralement ou de manière significative selon le type d'œuvre si l'auteur est extérieur à la région.

Aide à l'écriture et au développement :

Pour les longs métrages :

Le tournage du projet présenté devra être prévu de façon significative en région Limousin.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.95*

English version:

Support for the production of short film:

The shooting will have to take place totally in the Limousin.

Support for the production of creation documentary :

The project will be able to originate from :

- a director, author or a company of production established in Limousin
- a director, author or a company of production not established in the region but whose subject presents an interest for the region.

Support for the production of long film :

The work will have to be filmed significantly in Limousin

Support for the production of TV Film

The work will have to be filmed significantly in Limousin

Support for writing

The shooting will have to take place in Limousin, totally or significantly, according to the type of work if the author is external with the region.

Support for writing and development:

For the long films:

The work shall be filmed significantly in Limousin.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :

In order to obtain a financial support from the region, the work shall be directed in a significant way in the region (the short films shall be filmed totally in the region). As regard the support for writing and research, the work shall be filmed totally or

significantly in the region, according the type of work and whether the author is external with the region.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3

*(provide a description with respect to the current version o f the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8

*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

#### IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme

*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

<b>CULTURAL CLAUSE</b>
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- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

1988 Law n°88-20 of 6 January 1988 concerning the artistic educations  
Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May

Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum “National education” on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>

see file attached

For national and regional financial support schemes :

#### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

#### *Article 1<sup>9</sup>*

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l'Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

### **Article 2 – Guiding principles**

#### 1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

#### 2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

#### 3. Principle of equal dignity of and respect for all cultures

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<sup>9</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

**4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

**5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

**6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

**7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

**8. Principle of openness and balance**

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

**Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

**Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:



- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

## **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:
  - (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;
  - (b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.
2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

- B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 976.986 (region)

CNC support : EUR : 385.000

Support for writing and research/development

No qualitative criteria

Support for production

*short films :*

No qualitative criteria  
25% of total budget of the work;  
Ceiling : EUR : 25.000

*Documentary*

No qualitative criteria  
25% of total budget of the work

*Long films*

No qualitative criteria  
Ceiling : EUR 70.000

*TV-films*

No qualitative criteria  
Ceiling : EUR 80.000

<b>CONTACT DETAILS</b>
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B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Catherine ROLLAND  
Conseil Regional du Limousin  
Service du développement culturel  
27, boulevard de la Corderie  
87031 LIMOGES CEDEX  
Tel : 05.55.45.18.55 – Fax : 05.55.45.17.50.  
c-rolland@cr-limousin.fr

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

B1 Country: FRANCE  
**INTERNATIONAL : THE MINISTRY OF FOREIGN AFFAIRS AND THE  
MINISTRY OF CULTURE AND COMMUNICATIONS**

B2 Name of the funding scheme :

#### **INTERMINISTERIAL SELECTIVE ASSISTANCE FUND FOR FILM PRODUCTION IN DEVELOPING COUNTRIES**

##### **CINEMA FOR THE SOUTH FUND**

- Support for production
- Support for post production
- Support for re-writing

ANNUAL BUDGET: EUR : 2.400.000

CNC (EUR 1.200.000) and Ministry of Foreign Affairs (EUR 1.200.000)

B3 Name and address of the funding scheme's administration and supervisory authority :

Ministry of Foreign Affairs

Centre National de la Cinématographie  
(CNC) for the Ministry of Culture and  
Communications

Direction de l'audiovisuel extérieur et des  
techniques de communication

244, boulevard Saint-Germain 75303 Paris  
Cedex 07.

Tel 01.43.17.86.49 - Fax : 01.43.17.90.04.

Centre National de la Cinématographie  
Direction du Cinéma

12 rue de Lübeck - 75116 Paris France

Tél. 01 44 34 38 43 -**fax** 01 44 34 37 24

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate

The South Cinema Fund was created in 1984 and has helped over 340 feature films. Its funding is provided by the French Ministry of Culture and Communication (CNC) and the French Ministry of Foreign Affairs (which is the result of a merger between the Ministry of Cooperation and Ministry of Foreign Affairs in January 1999).

It concerns feature, animation and creative documentary film projects intended for theatrical release in France and abroad

The Fund concerns all countries in Africa, Latin America, the Near and Middle East (except Israel, Turkey since 1992, Kuwait, Qatar, Bahrain, Oman, Saudi Arabia, the United Arab Emirates), and Asia (except Korea, Japan, Singapore and Taiwan), along with the following Central and European countries: Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Macedonia, Armenia, Georgia, Azerbaijan, Kazakhstan, the Kyrgyz Republic, Uzbekistan, Tajikistan, Turkmenistan.

It provides three types of assistance:

- production assistance
- post production assistance
- re-writing assistance

- the dates when these laws and regulations entered into force, 1984

- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),

- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

Rules of procedure: English version provided by the French Ministry of Foreign Affairs : [www.diplomatie.gouv.fr/en/](http://www.diplomatie.gouv.fr/en/)  
See : hereafter

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

All or part of the funding from the French Ministry of Foreign Affairs should be spent in an eligible country<sup>10</sup> to cover production-related expenses.

Funding from the CNC can only be earmarked for expenses in France<sup>11</sup>.

**Production:**

1/expenses related to employing French technicians (salaries and related social security taxes) for the following jobs:

- director of photography
- sound engineer
- art director

2/purchase of film in France

3/renting of equipment in France: film camera, digital camera and their transport

**Post production:**

1/all of the following work:

- laboratory (developing)
- picture editing
- sound editing
- mixing
- special effects
- film-to-tape transfer
- calibration
- film credits
- translator
- French and English subtitles
- printing of original and first copies (1 original language version, 1 original language version with French subtitles, 1 original language version with English subtitles) internegative
- dolby

2/expenses related to employing French technicians (salaries and related social security taxes) for the following jobs: film editor, sound editor, mixer.

**For post-production assistance:**

The expenses accepted are on the post-production list except for laboratory work (developing).

All other expenses that are not on this list should be reviewed on a case-by-case basis

B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum

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<sup>10</sup> Eligible countries

The Fund concerns all countries in Africa, Latin America, the Near and Middle East (except Israel, Turkey since 1992, Kuwait, Qatar, Bahrain, Oman, Saudi Arabia, the United Arab Emirates), and Asia (except Korea, Japan, Singapore and Taiwan), along with the following Central and European countries: Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Macedonia, Armenia, Georgia, Azerbaijan, Kazakhstan, the Kyrgyz Republic, Uzbekistan, Tajikistan, Turkmenistan

<sup>11</sup> [http://www.diplomatie.gouv.fr/en/france-priorities\\_1/cinema\\_2/cinematographic-cooperation\\_9/production-support-funding\\_10/fonds-sud-cinema\\_11/rules-of-procedure\\_4440/index.html](http://www.diplomatie.gouv.fr/en/france-priorities_1/cinema_2/cinematographic-cooperation_9/production-support-funding_10/fonds-sud-cinema_11/rules-of-procedure_4440/index.html)

*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The CNC and the French Ministry of Foreign Affairs each provide 50% of the grant. Funding from the CNC can only be earmarked for expenses in France.

The breakdown of expenses in France, including for post-production assistance, is as follows:

- a maximum of 40% can be earmarked for production costs,
- a minimum of 50% for post-production costs,
- 10% can be earmarked for overhead costs

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3

*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The payment of this grant is subject to the establishment of a co-production contract that is signed between the production company from the eligible country. An official co-production, meaning an intergovernmental co-production agreement with France is not necessary.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

## IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

*Article 1*<sup>12</sup>

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other

<sup>12</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l'Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 2- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

### **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential



requirement for sustainable development for the benefit of present and future generations.

#### 7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

#### 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

### **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;

g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

## **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

ANNUAL BUDGET: EUR : 2.400.000

CNC (EUR 1.200.000) and Ministry of Foreign Affairs (EUR 1.200.000)

Funding from CNC are granted for the expenditure spent in France.

- a maximum of €46,000 for post-production assistance
- A maximum of €152,000 for production assistance

The average aid awarded to a film is 110,000 euros, and can not exceed 152,449 euros.

The greater part of the sum must be earmarked for post-production in France. An exception may be made in certain cases thus raising from 15 to 25% the amount of funding.

A commission made up of 10 members<sup>13</sup>, nominated for two years (2005/2006), examines applications. It issues an opinion on each application, based on the project's artistic quality and feasibility.

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<sup>13</sup> The members of the commission are:

**President:**

Mr Régis WARGNIER - director - France

**Members of the commission:**

Mrs Karin ALBOU - director - France Mrs Nathalie MESURET - producer, Sunday Morning Productions - France Mr Philippe AVRIL - producer, Unlimited - France Mr Christian BAUTE - producer, Celluloid Dreams - France Mr Dany KOUYATE - director - Burkina Faso Mr Thierry LENOUVEL - producer, Ciné Sud Promotion - France Mr Michel MARX - scriptwriter - France Mr Raphaël VION - distributor, Les Films du Safran - France Mr Ghassan SALHAB - director - Lebanon

## CONTACT DETAILS

- B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Ministry of Foreign Affairs  
Direction de l'audiovisuel extérieur et des techniques de communication  
244, boulevard Saint-Germain 75303 Paris Cedex 07.  
Tel 01.43.17.86.49 - Fax : 01.43.17.90.04. - [laurence.brandi@diplomatie.gouv.fr](mailto:laurence.brandi@diplomatie.gouv.fr)

CENTRE NATIONAL DE LA CINÉMATOGRAPHIE  
Direction des affaires européennes et internationales  
3, rue Boissière, 75116 - PARIS -  
Tel.: 33 (0)1 44 34 38 17 - Fax: 33 (0)1 44 34 37 23 - e-mail: [Jacqueline.Ada@cnc.fr](mailto:Jacqueline.Ada@cnc.fr)

**FOCUS ON FRENCH MECHANISMS  
FOR ASSISTING THE PRODUCTION AND DISTRIBUTION OF FOREIGN  
FILMS OR FILMS PRODUCED  
IN CONJUNCTION WITH FOREIGN PRODUCERS**

The following funding schemes are out the scope of application of the legal study.

### IMAGES AFRICA FUND

For fiction feature film  
Images Africa fund is divided up into three funding schemes  
SUPPORT FOR PRODUCTION  
SUPPORT FOR FINISHING PROCESS  
SUPPORT FOR FILM-TO-TAPE TRANSFER

For TV projects  
one funding scheme : support for production

BUDGET : 3-year budget of EUR : 6.000.000<sup>14</sup>

The financial support is given to the local production company that submits the file. The director and the majority of the technical team must come from one of the African countries taking part, and most of the film must be shot in Africa. These measures help reinforce existing African production structures, encourage the emergence of new structures and the help create many jobs, in particular for graduates from regional film schools.

Assistance provided by the Images Africa Fund can be drawn concurrently with other assistance : the Cinema for the South Fund, CNC (a tax on movie tickets (avance sur

<sup>14</sup> [http://www.diplomatie.gouv.fr/fr/article-imprim.php3?id\\_article=23124](http://www.diplomatie.gouv.fr/fr/article-imprim.php3?id_article=23124)

recettes), direct assistance), the IFO and the European Commission (European Development Fund (EFD)/Africa, the Caribbean and the Pacific (ACP)).

### **AFRICA CINEMAS**

BUDGET : 3-year budget of EUR : 1.500.000

In equal parts by contributions from the Ministry of Foreign Affairs, IFO and EU.

On 1 July 2003, the IFO, the European Commission (EDF) and the MFA decided to pool their resources, creating a fund to provide assistance for the distribution of African films and the refurbishment of cinemas in sub-Saharan Africa: Africa Cinemas, run by Europa Cinémas.

Africa Cinemas is the second components of Plan Images Africa. It enables a dozen African films per year to receive funding for distribution, ensuring the preparation of promotional material, the supply of sub-titled 35 mm copies and DVDs for digital broadcasting.

Distributors must submit a distribution plan for at least 5 countries.

### **FUND TO SUPPORT RELATIVELY UNKNOWN CINEMATOGRAPHY**

BUDGET : EUR : 280.000

CNC (EUR 140.000) Ministry of Foreign Affairs (EUR 140.000)

Created in 1983 by the Ministry of Foreign Affairs and the National Film Institute, the aim of the fund to support relatively unknown cinematography is to assist in the discovery and commercial display of quality works from countries whose cinematographers are unknown in France.

The Funds provides financial assistance to French distributors for the acquisition of broadcasting rights and editing costs. Films that receive funding from the Cinema for the South Fund are automatically eligible for this assistance. The amount of assistance given is in accordance with the strategy for release proposed by the distributor.

The Fund has an annual budget of around **€280,000, €140,000** of which is for the Ministry of Foreign Affairs.

### **FUND TO SUPPORT RELATIVELY UNKNOWN CINEMATOGRAPHY**

BUDGET : EUR : 280.000

CNC (EUR 140.000) Ministry of Foreign Affairs (EUR 140.000)

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The Funds provides financial assistance to French distributors for the acquisition of broadcasting rights and editing costs. Films that receive funding from the Cinema for the South Fund are automatically eligible for this assistance. The amount of assistance given is in accordance with the strategy for release proposed by the distributor.

The Fund has an annual budget of around **€280,000**, **€140,000** of which is for the Ministry of Foreign Affairs.

## PLAN OF SUPPORT FOR AFRICAN TV

BUDGET : 3-year budget of EUR : 1.500.000

Created in 2003, in the framework of “Plan Images Afrique”, the objective is to reinforce the presence of African images in the broadcasting schedules and to modernize the African TV.

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### ANNEX 1

## INTERMINISTERIAL SELECTIVE ASSISTANCE FUND FOR FILM PRODUCTION IN DEVELOPING COUNTRIES

### 1) Overview

The Fonds Sud Cinéma was created in 1984 and has helped over 340 feature films. Its funding is provided by the French Ministry of Culture and Communication (National Center of Cinematography-CNC) and the French Ministry of Foreign Affairs (which is the result of a merger between the Ministry of Cooperation and Ministry of Foreign Affairs in January 1999).

The Fund provides three types of assistance:

- ▶ production assistance
- ▶ post production assistance
- ▶ re-writing assistance

### 2) Assistance application requirements)

a) **The Fund concerns all countries in Africa, Latin America, the Near and Middle East** (except Israel, Turkey since 1992, Kuwait, Qatar, Bahrain, Oman, Saudi Arabia, the United Arab Emirates), **and Asia** (except Korea, Japan, Singapore and Taiwan), **along with the following Central and European countries:** Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Macedonia, Armenia, Georgia, Azerbaijan, Kazakhstan, the Kyrgyz Republic, Uzbekistan, Tajikistan, Turkmenistan.

**The director** must be a national from one of the eligible countries.

A **production company** from one of the eligible countries must be involved. (When registering a project, the presence of a production company incorporated in France is not necessary).

**At least 75% of the film should be shot** in the countries concerned. Under no circumstances will a film project be accepted that is submitted by a director from one of the eligible countries but is to be shot mainly in an ineligible country.

The **film must be shot** in one of the languages of the countries concerned or in French.

b) The project must be for a **feature film**, ie, a film that is over an hour long. It can be a fictional, animated or creative documentary film project that is to be released for the first time in theatres.

The total **estimated budget** must not exceed €3 million.

c) Assistance cannot be granted to films whose shooting has started before the plenary commission meeting is held.

d) A project can be submitted twice provided that the second version of the film includes substantial changes in the screenplay. The Reading Committee will act alone to give their opinion on whether the changes are substantial. A film can be submitted a third time if the reason is to seek post-production assistance (see the requirements below).

### 3) Assistance procedure

a) **Assistance is given in the form of a grant of:**

- ▶ €7,600 for re-writing assistance
- ▶ a maximum of €46,000 for post-production assistance
- ▶ A maximum of €152,000 for production assistance

b) This grant must **solely benefit the project concerned** and must be directed by the filmmaker that was chosen at the outset. Under no circumstances can it be used on another project.

c) The CNC and the French Ministry of Foreign Affairs each provide 50% of the grant. Funding from the CNC can only be earmarked for expenses in France (see Appendix 2). The breakdown of expenses in France, including for post-production assistance, is as follows:

- ▶ a maximum of 40% can be earmarked for production costs,
- ▶ a minimum of 50% for post-production costs,
- ▶ 10% can be earmarked for overhead costs.

All or part of the funding from the French Ministry of Foreign Affairs should be spent in an eligible country to cover production-related expenses. (see Appendix 1)

d) **Payment of this grant is subject to:**

▶ **the submission of all contracts related to the project**, and especially contracts of transfer of the author's rights (copyrights, royalties), namely those of the screenwriter and director, and contracts related to the financing of the film.

▶ the establishment of a **co-production contract** that is signed between the production company from the eligible country and the production company incorporated in France, to whom the entire grant will be paid.

**This contract should mention that 25% to 50% of the grant must be spent in the eligible country. The final percentage will be sent in a joint letter from the two co-producers at the end of the first week of shooting. The CNC could pay part of this percentage directly to cover eligible expenses in eligible countries by way of an assignment of debt from the production company incorporated in France.**

An official co-production, meaning an intergovernmental co-production agreement, with France is not necessary.

e) **As a general rule, assistance will be paid in three stages:**

▶ Some 20% will be paid when the agreement is signed and upon the submission of a concrete financing plan and letters of commitment that show the financing that has been obtained accounting for 40% of the budget, not including Fonds Sud Cinéma grants;

▶ Some 30% upon the submission of a document attesting to the fact that the first week of shooting has been completed signed by the director and the producer and a joint letter from the two co-producers (see point 3d.);

▶ Some 50% upon the submission of invoices paid that account for 90% of the total grant. These invoices must be certified copies of the original and include references for the work concerned.

**The last 50% of the grant will only be paid after accounting documents have been submitted that justify spending for a sum that is at least equal to the grant. They may include overhead costs constituting a maximum of 10% of the grant.**

f) **The decision to provide assistance is valid for 18 months.** It can be extended to two and a half years in cases that are justified and for reasons that the Administration deems valid. If within this time the film has not been shot, the decision is deemed null and void.

g) **In return for the financial assistance**, the director and the producer undertake to include the following in the credits at the beginning of the film and on the documents promoting the film such as press documents, posters and websites:

With the participation of

FONDS SUD CINEMA

Ministry of Culture and Communication - CNC

Ministry of Foreign Affairs

(France)

The French Ministry of Foreign Affairs and the French Ministry of Culture and Communication can use the usual maximum of three minutes of clips from the film they have helped in all media. They may also be allowed to use promotion material for the film such as trailers and interviews.

h) **The combination of Fonds Sud Cinéma grants with other types of financial assistance**

**This grant cannot be received concurrently** with an advance on revenues for films in French, nor with assistance to films in foreign languages (AFLE) granted by the CNC. Thus if your project also received either one of these two types of assistance, you would have to give one of them up.

This grant can however be **received concurrently** with the French Ministry of Foreign Affairs Fonds Images Afrique, a fund that supports television and film production in sub-Saharan Africa, and all other funds.

#### 4) Post-production assistance and re-writing assistance

**Post-production assistance** is only available for projects that have already applied for production assistance and that have been rejected in the plenary Commission. A maximum of €46,000 in assistance can be granted. The post-production assistance application must also be submitted by the deadline for all applications. A maximum of five post-production applications are accepted per Commission meeting.

**Re-writing assistance** is part of the production assistance application. The plenary commission can recommend that re-writing assistance be granted. The screenplay must then be re-worked with a screenplay consultant or a co-screenwriter.

Re-writing assistance amounts to €7,600. The sum is distributed in a joint agreement drawn up by the parties concerned.

## **5) Project review**

A commission of professionals is responsible for reviewing applications. It gives its opinion based on the artistic quality of the project and its feasibility.

This commission includes a **chair, five regular members and alternates** (see the appended list of members). It holds four commission meetings to shortlist the projects and four plenary meetings a year, generally, in February, May, July and October.

The plenary commission meeting is preceded by a shortlist commission meeting composed of three committees. Each committee has four members: the chair, two commission members and one professional screenplay reader. The representatives of the Ministry of Foreign Affairs and the CNC attend as observers. The representative of the Ministry of Foreign Affairs records the minutes of each committee. The information provided to the commission members is supplemented, in addition to the screenplay and documents supporting it, by the viewing of the director's previous works on VHS cassettes or DVDs. Each committee assesses a maximum of 14 screenplays.

The shortlist is comprised of a maximum of 20 applications that will be sent to all members of the commission. The readers draw up a report on each project with their opinion. The reports are not sent to members of the commission. They may be sent to directors and producers at their request keeping in mind that they reflect the readers' opinion and not that of the entire commission.

**The Commission's opinions cannot be challenged.**

## **6) Application registration**

The Directorate for External Audiovisual Services of the French Ministry of Foreign Affairs processes applications to be submitted to the commission.

Applications must be submitted either to the cultural services of the French Embassies in the countries concerned, which will then send them to Paris, or directly to the French Ministry of Foreign Affairs in Paris. The French cultural services are informed of the application deadlines in Paris. They can also help by sending the screenplay through the diplomatic bag service keeping in mind that the projects must be submitted at least one week before the indicated deadline.

**Each commission meeting accepts a limit of 40 projects.** Applications are registered in the order complete applications arrive. Applications cannot be pre-registered. Once the 40 application limit is reached, additional applications are automatically registered for the following commission meeting.

All practical information can be found on the website: [www.diplomatie.gouv.fr](http://www.diplomatie.gouv.fr). **The list of documents to provide, the application form and the timetable for the commission meetings** are available on the website, but also in the cultural services of French Embassies. They can also be sent on request by e-mail or fax from the French Ministry of Foreign Affairs.

**Application follow-up and the address where applications are to be submitted:**

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Direction de l'audiovisuel extérieur

244, Boulevard Saint Germain, 75007 - PARIS -FRANCE

Tel.: 33 (0)1 43 17 84 97 - Fax: 33 (0)1 43 17 92 42

e-mail: [laurence.brandi@diplomatie.gouv.fr](mailto:laurence.brandi@diplomatie.gouv.fr)

## **7) Granting assistance**

France's National Center for Cinematography sets up agreements and monitors financing.

**Grant follow-up, setting up agreements, grant payment:**

CENTRE NATIONAL DE LA CINÉMATOGRAPHIE

Direction des affaires européennes et internationales

3, rue Boissière, 75116 - PARIS - (FRANCE)

Tel.: 33 (0)1 44 34 38 17 - Fax: 33 (0)1 44 34 37 23

e-mail: [Jacqueline.Ada@cnc.fr](mailto:Jacqueline.Ada@cnc.fr)

## FONDS SUD CINEMA

French Ministry of Culture and Communication - CNC

Ministry of Foreign Affairs

### **Appendix 1: Eligible expenses in Fonds Sud Cinéma eligible countries**

I) Salaries of the technical and artistic crew, not including the director and producer, and the related social security taxes

II) Purchase and renting of sets and costumes

III) Renting and transport of technical resources:

- ▶ camera equipment

- ▶ sound equipment

- ▶ machinery

- ▶ lighting

IV) Purchase and transport of sound and camera materials

V) Post-production work

## **FONDS SUD CINEMA**

French Ministry of Culture and Communication - CNC

French Ministry of Foreign Affairs

### **Appendix 2: Eligible expenses in France**

#### **Production:**

1) expenses related to employing French technicians (salaries and related social security taxes) for the following jobs:

director of photography

sound engineer

art director

2) purchase of film in France

3) renting of equipment in France: film camera, digital camera and their transport

#### **Post production:**

1) all of the following work:

laboratory (developing)

picture editing

sound editing

mixing

special effects

film-to-tape transfer

calibration

film credits

translator

French and English subtitles

printing of original and first copies (1 original language version, 1 original language version with French subtitles, 1 original language version with English subtitles)

internegative

dolby

2) expenses related to employing French technicians (salaries and related social security taxes) for the following jobs: film editor, sound editor, mixer.

#### **For post-production assistance:**

The expenses accepted are on the post-production list except for laboratory work (developing).

All other expenses that are not on this list should be reviewed on a case-by-case basis.

#### **Please note the following expenses that are not covered by Fonds Sud Cinéma**

- Salaries of producers, production managers, directors, actors

- Accommodation, taxi and travel costs

- Printing of copies for distribution.



## PART B

### IDENTIFICATION OF THE FUNDING SCHEME

B1 Country: FRANCE  
**REGION : NORD PAS DE CALAIS**

B2 Name of the funding scheme :  
 Total amount financial support : EUR : 1.400.000<sup>15</sup>  
 CNC support : EUR : 591.000

**TWO GENERAL FUNDING SCHEMES :**

<b>SUPPORT FOR WRITING AND DEVELOPMENT</b>	EUR : 141.000
<b>SUPPORT FOR PRODUCTION</b>	EUR : 1.675.732

#### CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT:

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF LONG FILMS</b>	EUR : 18.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF SHORT FILMS</b>	EUR : 13.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 90.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF ANIMATION</b>	EUR : 20.000

#### CONCERNING THE SUPPORT FOR THE PRODUCTION :

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF LONG FILMS</b>	EUR : 550.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF SHORT FILMS</b>	EUR : 231.266
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 321.666
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF TV FICTION</b>	EUR : 99.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF ANIMATION</b>	EUR : 473.800

#### **CENTRE REGIONAL DES RESSOURCES AUDIOVISUELLES (CRRV)**

Associated structure: Acting as co-producer (minority co-producer and non associated producer)

Annual budget : EUR : 2.070.000 Without the production support fund

Funding managed directly by the CRRV

- Production support fund : EUR : 2050.000 (region, CNC, Interreg)
- Associative support fund : EUR : 140.000

B3 Name and address of the funding scheme's administration and supervisory authority :  
**REGION NORD PAS DE CALAIS**  
 Direction de la Culture

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<sup>15</sup> Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.116-123

Hôtel de Region  
Centre Rihour  
5, rue du Palais-Rihour  
59555 LILLE CEDEX  
CENTRE REGIONAL DES RESSOURCES AUDIOVISUELLES (CRRAV)  
21 rue Edgar Quinet  
BP. 152  
59333. TOURCOING CEDEX  
Tel : 03.20.28.26.40 – Fax : 03.20.28.26.41 – [www.crrav.com](http://www.crrav.com)

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
CONVENTION STATE-CNC-REGION since 1977

- the dates when these laws and regulations entered into force,
- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

- B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

<u>La grille d'implication régionale</u>	
Le CRRAV a mis en place une grille d'implication régionale pour s'assurer de l'implication des sociétés de production sur le territoire régional.	
1/ Production et direction artistique	
Producteur délégué ou coproducteur délégué	15
Producteur exécutif (non cumulable avec producteur délégué)	10
Auteur/réalisateur domicilié dans la région	15
Auteur/réalisateur originaire de la région	5
Réalisateur domicilié dans la région (non cumulable avec auteur-réalisateur)	10
Réalisateur originaire de la région	5
Scénariste domicilié dans la région	10
Scénariste originaire de la région	5
2/ Techniciens et comédiens (engagés par le producteur délégué ou le coproducteur délégué)	
Chefs de postes et assimilés pris sur le tournage	10
Chef opérateur, cadreur, ingénieur du son, premier assistant réalisateur, chef décorateur, animateurs principaux, chef maquilleur, chef costumier, régisseur général, directeur de production, monteur image, directeur effets spéciaux, mixeur domiciliés dans la région.	
Techniciens assistants	5
Techniciens lumière, machinerie, assistants caméra, décors et accessoires, son (perchman, assistants), scripte, costumes, maquillage, régie, production (assistants et administration), assistant réalisation, animation et infographie, montage image et son.	
Techniciens studio son, musiciens et interprètes, tous domiciliés dans la région.	
Comédiens	10
Premiers rôles	5
Seconds rôles (ou doublage), dans la limite de cinq domiciliés dans la région	10
3/ Prestataires techniques (postes complets)	
Montage image, montage son, mixage, catering, locations lumières, studio d'enregistrement, sociétés de doublage.	10
<u>Les points à obtenir pour être éligible au fonds d'aide :</u>	
Documentaire (unitaire ou série de 13, 26, 52 minutes ou LM doc) : 40 points	
Programme court d'animation (court métrage ou série de 52 minutes maxi) : 40 points	
Court ou moyen métrage de fiction (59 minutes maxi) : 60 points	
Long metrage : 80 points	
Série animée : 80 points	
Pour les producteurs et réalisateurs extérieurs à la région, la moitié du tournage au moins doit s'effectuer en région. Il est accordé un crédit de 20 points si la totalité du tournage se fait en région.	
<u>L'aide à la production de long métrage</u>	
Si le producteur n'est pas de la région, au moins la moitié du tournage doit se faire en région. Le plafond d'intervention est fixé en tenant compte du nombre de semaines de tournage en région et de l'importance du tournage.	
<u>L'aide à la production de court et de moyen métrage</u>	
Si le producteur n'est pas de la région, plus de la moitié du tournage doit se faire en région.	
<u>L'aide au transfert sur film</u>	

L'aide de transfert sur film peut être sollicitée pour des projets de court, de moyen métrage et de documentaire satisfaisant à la grille d'implication territoriale.

L'aide à la version anglaise

Les œuvres doivent respecter la grille d'implication territoriale.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.116-123*

English version:

The assessment of regional implication

The CRRV has set up a schedule of regional implication to be ensured of the implication of the production companies on the region.

1 Production and artistic direction

Associate producer or associate co-producer	15
Executive producer (no may be held simultaneously with associate producer)	10
Author/director lived in the region	15
Author/director born in this region	5
Director lived in the region (no may be held simultaneously with author-director)	10
Director born in this region	5
Scriptwriter lived in the region	10
Scriptwriter born in this region	5

2 Technicians and actors (engaged by the associate producer or the associate co-producer)

Chiefs of posts and equivalent on the shooting 10

Director of photography, camera operator, sound engineer, first assistant director, set chief, picture assembler, visual effect director, and mixer lived in the region.

Technicians assistants 5

Light technicians, machinery, focus pullers, sets and props, sound (perch man, assistants), script, costumes, make-up, production management, production (assistants and administration), director assistant, animation and computer graphics, picture and sound editing, sound studio technicians, musicians and actors, all lived in the region.

Actors	10
First roles	5
Second roles (or doubling), within the limit of five lived in the region	10

3 Technical services providers (full posts) 10

Picture editing, sound editing, mixing, catering, lights booking, recording studio, dubbing companies.

Points to reach in order to be eligible for support fund:

Documentary (unit or series of 13, 26, 52 minutes or LM Doc.): 40 points

Short program animation (short film or series 52 minutes maximum): 40 points

Short or medium film of fiction (59 minutes maximum): 60 points

Long film: 80 points

Animated series: 80 points

For the producers and directors external with the region, at least half of the shooting must be carried out in the region.

It is granted a credit of 20 points if the work is totally filmed in the region.

Support for production of long films

Whether the producer is not located in the region, at least half of shooting must be carried out in the region. The ceiling of intervention is fixed by taking account of the number of weeks shoot in area and the importance of the shooting.

Support for production of short and medium films

Whether the producer is not located in the region, more half of shooting must be carried out in the region.

Support for the transfer on film

The support for transfer on film can be requested for projects of short, medium film and documentary, which fulfilled the requirements set out in the schedule of territorial implication.

Support for the English version

The work must fulfil the requirements set out in the schedule of territorial implication

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version o f the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

In order to obtain a financial support from the region, the CRRAV has set up a point system aiming at assessed the implication in the region of the works.

To be eligible for the support fund, the work shall be fulfilled artistic and technical criteria laid down in the schedule of regional implication. The work must reach 40 points for documentary and short program animation, 60 points for short or medium film of fiction, 80 points for long film and animated series.

For the producers and directors external with the region, at least half of the shooting must be carried out in the region. Moreover, it is granted a credit of 20 points if the work is totally filmed in the region.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version o f the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

#### IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

Law n°88-20 of 6 January 1988 concerning the artistic educations

1988 Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May

Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum “National education” on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>

see file attached

For national and regional financial support schemes :

#### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

#### *Article 1<sup>16</sup>*

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l’Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual

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<sup>16</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

### **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

### **7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

### **8. Principle of openness and balance**

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other



cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

### **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

### **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

- (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and

needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 1.400.000 (region)

CNC support : EUR : 591.000

Support for writing\_Ceiling : EUR 15.000 for writing

Support for development Ceiling : EUR 25.000 for writing

Support for production

*short films of fiction* : Ceiling : EUR : 30.000

*Documentary (52')*: Ceiling : EUR : 40.000

*Documentary (90')*: Ceiling : EUR : 60.000

*Long films* : Ceiling : EUR 200.000

*TV-films* : Ceiling : EUR 100.000

Support for English version: Ceiling EUR : 15.000

Support to transfer on film: the support cannot exceed more than 50% of the total cost

### **CONTACT DETAILS**

B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Monique RAMAN

Chargée de mission cinema

REGION NORD PAS DE CALAIS

Direction de la Culture

Hôtel de Region

Centre Rihour

5, rue du Palais-Rihour

59555 LILLE CEDEX

Tel : 03.28.82.85.21.- Fax : 03.28.82.85.05 – [www.cr-npdc.fr](http://www.cr-npdc.fr)

Catherine DROUBAIX

Responsable du secteur aides à la production

Tel : 03.20.28.26.63- GSM : 06.89.76.13.86.

CENTRE REGIONAL DES RESSOURCES AUDIOVISUELLES

21 rue Edgar Quinet

BP. 152

59333. TOURCOING CEDEX

Tel : 03.20.28.26.40 – Fax : 03.20.28.26.41 – [www.crrav.com](http://www.crrav.com)

#### **FOCUS ON**

#### **CENTRE REGIONAL DES RESSOURCES AUDIOVISUELLES (CRRAV)**

Associated structure : Acting as co-producer (minority co-producer and non associated producer)

Annual budget : EUR : 2.070.000 Without the production support fund

Funding managed directly by the CRRAV

- Production support fund : EUR : 2050.000 (region, CNC, Interreg)
- Associative support funds : EUR : 140.000

Financing of the audiovisual and cinema departure : Regional Council, Lille Metropolis, DRAC Nord-Pas-de-Calais, Inter-reg (European Union), Convention Government-CNC-Region since 1977

Regional Fund to support for audio-visual creation

#### Objectives:

The Northern region Nord-Pas-de-Calais and the CRRAV created the fund in order to support the associative audio-visual creation. This fund comes in prolongation from the logistic assistance and advice granted by the CRRAV since its creation to associations (technical support, to facilitate the access of material, technical, artistic and economic advices).

This fund finances works in the following kinds: video installation, sound installation, video of creation, documentary and first and second short film.

The CRRAV does not grant subsidies but co-produces audio-visual works and co-finances cinematographic works with net prices by producer calculated in proportion to his financial participation. The CRRAV always intervenes as minority co-producer and non associated co-producer.

The contribution of the CRRAV cannot exceed 49% of the budget of production.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.124*

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

- B1 Country: FRANCE  
**REGION : POITOU-CHARENTES**
- B2 Name of the funding scheme:  
Total amount financial support: EUR: 1 562.900(region)  
CNC support: EUR: 639.750

#### **TWO GENERAL FUNDING SCHEMES<sup>17</sup> :**

<b>SUPPORT FOR WRITING AND DEVELOPMENT</b>	EUR : 98.000
<b>SUPPORT FOR PRODUCTION</b>	EUR : 1.852.500

#### **CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT:**

This support is divided up into 5 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS</b>	EUR : 4.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF SHORT FILMS</b>	EUR : 12.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 45.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF ANIMATION</b>	EUR : 35.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF MULTIMEDIA</b>	EUR : 2.000

#### **CONCERNING THE SUPPORT FOR THE PRODUCTION :**

This support is divided up into 6 funding schemes as follows :

<b>SUPPORT FOR THE PRODUCTION OF FEATURE FILMS</b>	EUR : 229.000
<b>SUPPORT FOR THE PRODUCTION OF SHORT FILMS</b>	EUR : 254.500
<b>SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES</b>	EUR : 118.500
<b>SUPPORT FOR THE PRODUCTION OF FICTION TV</b>	EUR : 320.000
<b>SUPPORT FOR THE PRODUCTION OF ANIMATION</b>	EUR : 798.000
<b>SUPPORT FOR THE PRODUCTION OF MULTIMEDIA</b>	EUR : 132.500

- B3 Name and address of the funding scheme's administration and supervisory authority :  
**CONSEIL REGIONAL POITOU-CHARENTES**  
Maison de la Région  
Service Culture  
15, rue de l'Ancienne-Comédie  
BP 575  
86021 POITIERS Cedex

<sup>17</sup> Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.249

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
CONVENTION STATE-CNC-REGION 2004-2006

- the dates when these laws and regulations entered into force,

- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),

- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :

<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>

- The Convention between STATE –CNC and REGION ROUSSILLON

[http://www.crlanguedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.crlanguedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

### Aide à l'écriture ou à la réécriture

Destinée à favoriser l'écriture de scénarios mettant en valeur le patrimoine ou des thèmes régionaux si l'auteur est extérieur à la région.  
tout scénario s'il réside en région.

Aide au pilote

Sont éligibles les demandeurs implantés dans la région (siège ou établissement susceptible de réaliser l'œuvre)

Aides à la production de court métrage de fiction, de documentaire de création et d'animation

Les œuvres doivent être tournées et faire l'objet de dépenses dans sur le territoire régional.

Aides à la production de long métrage de cinéma

Les œuvres seront tournées et feront l'objet de dépenses significatives sur le territoire régional.

Aides à la production de programmes audiovisuels

Les séries TV seront tournées et feront l'objet de dépenses significatives sur le territoire régional.

Aide à la création de produits multimédias

Destinée à des producteurs ou éditeurs de la région ou traitant un thème en rapport avec la région.

Aide à la création de jeux vidéo

Aide destinée à des entreprises implantées dans la région et qui y développent des jeux. En cas d'aide à la préproduction, la société s'engage à produire majoritairement son jeu en région en cas de succès.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.146-148*

English version:

Support for writing or rewriting

This funding scheme is granted to the writing of scenarios, which emphasize the inheritance or of the regional topics if the author is external with the area. any scenario whether the author resides in the region.

Support for pilot (experimental work)

The applicants established in the region are eligible (head office or establishment which could carry out work)

Support for production of short film of fiction, documentary of creation and animation

Works must be carried out in the region. The production expenditure must be spend in the region.

Support for production of cinematographic works

Works must be carried out in the region. The significant production expenditure must be spent in the region.

Support for production of audio-visual programs

The series TV must be carried out in the region. The significant production expenditure must be spent in the region.

Support for production of creation of products multimedia

Granted to producers or editors of the region or treating a topic in connection with the region.

Support for production of creation of video games

Granted to companies established in the region and which develop games in this area. In the case of a pre-production support is granted, the company is committed mainly producing its games in area in the event of success.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The Poitou-Charentes Area set up, since 1999 with department of Charente and since 2000 with the Charente-Maritime, regional fund of support for the creation and production of cinematographic and audio-visual works. In 2004, the Department of Deux-Sevres became a new partner associated to the regional fund.

The Convention 2004-2006 of cinematographic and audio-visual development is signed by the CNC, the Area, the Departments of Charente, of the Charente-Maritime and Deux-Sevres.

Within this framework, the projects can be supported by the Region or the Department alone or several signatories of this convention. The total amount of financial support cannot exceed the ceilings. An exemption can be granted for projects, which provide a major interest for the region.

Within the limit of the criteria of territorialisation defined by the Area and the Departments signatories, the financial supports are granted to the most innovative projects and offering guarantees for an artistic quality. The financial supports shall be granted to regional companies or shooting in the region because of the awaited repercussions.

(for ceilings see B 13)

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

## IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

Law n°88-20 of 6 January 1988 concerning the artistic educations

Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May

1988



Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum “National education” on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

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Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

#### *Article 1*<sup>18</sup>

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l’Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual

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<sup>18</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

### **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

### **7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and

dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

#### 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

### **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

## Article 7 – Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### SELECTIVE SCHEMES

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support: EUR: 1 562.900 (region)

CNC support: EUR: 639.750

Support for writing and rewriting : Ceiling : EUR 4.000

Support for pilot (experimental work) : ceiling : EUR 8.000

Support for production of :

*Short films of fiction*: ceiling EUR 30.000

*Documentary*: ceiling EUR 30.000, within the limit of 15% of the budget for the regional producers, and for the others 25% of the total production expenditure spent in the Region

*Documentary of creation*: ceiling EUR 30.000, within the limit of 15% of the budget for the regional producers, and for the others 25% of the total production expenditure spent in the Region

Support for production of audio-visual programs

*TV-films and TV series*: ceiling EUR 150.000 within the limit of 15% of the total budget for regional producers and for the others within the limit of 25% of the total production expenditure spent in the Region

*Animation series*: ceiling EUR 15.000, for each episode within the limit of 25% of the total production expenditure spent in the Region.

The rate of intervention shall give advantage to the files in which high skills are carried out in the region.

Support for production of creation of products multimedia : ceiling EUR 30.000

Support for production of creation of video games : ceiling EUR 150.000 within the limit of 25% of the total production expenditure spent in the Region.

<b>CONTACT DETAILS</b>
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- B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

CONSEIL REGIONAL POITOU-CHARENTES

Maison de la Région

Service Culture

15, rue de l'Ancienne-Comédie

BP 575

86021 POITIERS Cedex

Tel : 05.49.88.82.62 [cinema@cr-poitou-charentes.fr](mailto:cinema@cr-poitou-charentes.fr)

## **PART B**

### **IDENTIFICATION OF THE FUNDING SCHEME**

- B1 Country: FRANCE  
**REGION : RHONE ALPES**
- B2 Name of the funding scheme :  
Total amount financial support : EUR : 3.400.000 (region)  
CNC support : EUR : 1.551.975

#### **TWO GENERAL FUNDING SCHEMES :**

<b>SUPPORT FOR WRITING AND DEVELOPMENT</b>	EUR : 198.400
<b>SUPPORT FOR PRODUCTION</b>	EUR : 1.397.378

#### **CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT:**

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS</b>	EUR : 4.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 123.400
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF TV-FILMS</b>	EUR : 20.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF ANIMATION</b>	EUR : 51.000

#### **CONCERNING THE SUPPORT FOR THE PRODUCTION :**

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE PRODUCTION OF SHORT FILMS</b>	EUR : 297.851
<b>SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES</b>	EUR : 692.527
<b>SUPPORT FOR THE PRODUCTION OF FICTION TV</b>	EUR : 360.000
<b>SUPPORT FOR THE PRODUCTION OF ANIMATION</b>	EUR : 47.000

AN ANNUAL BUDGET OF EUR 2.000.000 is allocated to RHONE-ALPES CINEMA

- B3 Name and address of the funding scheme's administration and supervisory authority :  
Conseil Regional RHONE-ALPES  
Direction de la Culture  
78, route de Paris  
BP 19  
69260 CHARBONNIERE-LES-BAINS
- B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate

#### **CONVENTION STATE-CNC-REGION**

In 2001, the region created a support for the audio-visual creation fund which integrated the support for production of documentary, and in 2002 the support for short film and cartoon film.

In 2005, the region created new categories of support for production (TV-fiction and re-creation of alive show), support for writing and support for development.

- the dates when these laws and regulations entered into force,
- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## **TERRITORIAL CONDITIONS**

Explicit territorial conditions

- B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

- B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4

*(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

### **Les aides à la production**

#### Court métrage

La société de production ou l'association devra justifier de dépenses réalisées en Rhône-Alpes représentant au minimum une fois et demie le montant de l'aide régionale accordée.

#### Documentaire de création

La société de production devra justifier de dépenses réalisées en Rhône-Alpes représentant au minimum deux fois le montant de l'aide régionale accordée.

#### Recréation de spectacle vivant

La société de production devra justifier de dépenses réalisées en Rhône-Alpes représentant au

minimum deux fois le montant de l'aide régionale accordée.

Animation pour la télévision

La société de production devra justifier de dépenses réalisées en Rhône-Alpes représentant au minimum quatre fois le montant de l'aide régionale accordée, dont deux fois dans la filière.

Téléfilm, série télévisée

La société de production devra justifier de dépenses réalisées en Rhône-Alpes représentant au minimum quatre fois le montant de l'aide régionale accordée, dont deux fois dans la filière.

**Les aides à l'écriture et au développement**

Aide à l'écriture

Pour être éligible la demande doit être présentée par une personne physique (auteur, auteur réalisateur ou jeune professionnel issu des établissements rhônalpins de formation aux métiers du cinéma et de l'audiovisuel résidant en Rhône-Alpes.

Aide au développement

Pour être éligible, la demande d'aide au développement doit être présentée par une société de production installée en Rhône-Alpes.

*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.161-165*

English version:

**SUPPORT FOR PRODUCTION**

Short film

The company of production or association will have to justify expenditure carried out in the Rhone-Alpes corresponding to at least once and half of the financial support amount granted by the region.

Documentary of creation

The company of production or association will have to justify expenditure carried out in the Rhone-Alpes corresponding to at least twice of the financial support amount granted by the region.

Re-creation of alive show

The company of production or association will have to justify expenditure carried out in the Rhone-Alpes corresponding to at least twice of the financial support amount granted by the region.

TV-cartoon

The company of production or association will have to justify expenditure carried out in the Rhone-Alpes corresponding to at least four time of the financial support amount granted by the region, including twice in the sector.

TV-film, TV-series

The company of production or association will have to justify expenditure carried out in the Rhone-Alpes corresponding to at least four time of the financial support amount granted by the region, including twice in the sector.



## SUPPORT FOR WRITING AND DEVELOPMENT

### Support for writing

To be eligible the application must be submitted by an individual (author, director, author or young professional awarded a diploma to one of the establishments of formation for the cinema and the audio-visual professions located in the Region) living in the Rhone-Alpes.

### Support for development

To be eligible, the application for development support must be submitted by a company of production located in the Rhone-Alpes.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

Relating to the financial support for production, the production expenditure shall be spent in Rhône-Alpes proportionally to the regional granted aid (once and half of the financial amount granted by the region for short films, twice of the regional granted aid for documentary of creation and re-creation of alive show and four times of the regional granted aid for TV-cartoon, TV-films and TV series).

Concerning the support for writing and development, the aid shall be granted to author, director, companies of production established in the region.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

Concerning co-productions in Rhône-Alpes see Rhône-Alpes Cinema.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

## IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?

For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### **CULTURAL CLAUSE**

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all, presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

Law n°88-20 of 6 January 1988 concerning the artistic educations

1988 Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May

Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.

Memorandum “National education” on the orientations for a policy in artistic education and cultural actions

<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>

<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>  
see file attached

For national and regional financial support schemes :

### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

#### *Article 1*<sup>19</sup>

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national audiovisual production industry. The Conseil Supérieur de l’Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

### **Article 2 – Guiding principles**

#### 1. Principle of respect for human rights and fundamental freedoms

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<sup>19</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

**2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

**3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

**4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

**5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

**6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

**7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

**8. Principle of openness and balance**

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

**Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity

of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

#### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(d) measures aimed at providing public financial assistance;

(e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(f) measures aimed at establishing and supporting public institutions, as appropriate;

g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

#### **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

- B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 3.400.000 (region)

CNC support : EUR : 1.551.975

No qualitative criteria

Support for writing and development

Ceiling : EUR 4.000 for writing / EUR 20.000 for development and the total support amount cannot exceed 50% of total development budget.

Support for production

*short films*: Ceiling : EUR : 30.000 and the total support amount cannot exceed 30% of total production budget.

*Documentary of creation* : Ceiling : EUR : 45.000 and the total support amount cannot exceed 25% of total production budget.

*RE-creation of alive show*: Ceiling : EUR : 45.000 and the total support amount cannot exceed 25% of total production budget.

*TV-cartoon, TV-film and TV-series* : Ceiling : EUR : 90.000 and the total support amount cannot exceed 15% of total production budget within the limit of EUR 1.000 per minute.

<b>CONTACT DETAILS</b>
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- B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Catherine PUTHOD

Chargée de mission

Région Rhône Alpes

Direction de la Culture

78, route de Paris

BP 19

69260 CHARBONNIERES-LES-BAINS

Tél : 04.72.59.52.70- Fax : 04.72.59.48.57

[puthod@rhonealpes.fr](mailto:puthod@rhonealpes.fr), [www.rhonealpes.fr](http://www.rhonealpes.fr)

## PART B

### IDENTIFICATION OF THE FUNDING SCHEME

B1 Country: FRANCE  
**REGION : PROVENCE-ALPES-COTE D'AZUR (PACA)**

B2 Name of the funding scheme :  
 Total amount financial support : EUR : 1.878.688 (region)  
 CNC support : EUR : 505.667

<b>TWO GENERAL FUNDING SCHEMES :</b>	
<b>SUPPORT FOR WRITING AND DEVELOPMENT</b>	EUR : 98.000
<b>SUPPORT FOR PRODUCTION</b>	EUR : 1.615.688

#### CONCERNING THE SUPPORT FOR THE WRITING AND DEVELOPMENT:

This support is divided up into 3 funding schemes as follows :

<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF FEATURE FILMS</b>	EUR : 76.500
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES</b>	EUR : 59.000
<b>SUPPORT FOR THE WRITING AND DEVELOPMENT OF TV-FILMS</b>	EUR : 127.500

#### CONCERNING THE SUPPORT FOR THE PRODUCTION :

This support is divided up into 4 funding schemes as follows :

<b>SUPPORT FOR THE PRODUCTION OF FEATURE FILMS</b>	EUR : 800.000
<b>SUPPORT FOR THE PRODUCTION OF SHORT FILMS</b>	EUR : 113.688
<b>SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES</b>	EUR : 305.000
<b>SUPPORT FOR THE PRODUCTION OF FICTION TV</b>	EUR : 397.000

B3 Name and address of the funding scheme's administration and supervisory authority :  
**CONSEIL REGIONAL**  
 Hotel de Région  
 Service culture  
 27, place jules-Guesde  
 13481 MARSEILLES Cedex 20

B4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate  
**CONVENTION STATE-CNC-REGION 2005**

- the dates when these laws and regulations entered into force,
- whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),

- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only)

This convention is not available

The Conventions available are :

- the Convention between STATE -CNC and REGION CENTRE :  
<http://www.culture.gouv.fr/culture/actualites/index-discours.htm>
- The Convention between STATE –CNC and REGION ROUSSILLON  
[http://www.cr-languedocroussillon.fr/uploads/Document/WEB\\_CHEMINACC\\_3810\\_1137660745.rtf](http://www.cr-languedocroussillon.fr/uploads/Document/WEB_CHEMINACC_3810_1137660745.rtf)

## TERRITORIAL CONDITIONS

Explicit territorial conditions

- B5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005)?

Yes/No : YES

If yes

- B6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B4  
(provide quotes of the current version of the rules as of 31 December 2005 and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :

*Les aides à l'écriture et à la recherche*

*Elle s'adresse à tout réalisateur ou scénariste résidant en région Provence-Alpes-Côte d'Azur.*

*L'aide à la production*

*Courts métrages de fiction*

*Elle s'adresse à tout projet se tournant entièrement en région Provence-Alpes-Cote d'Azur, sauf si la société de production ou l'auteur est domicilié en région.*

*Documentaires et séries documentaires*

*L'aide s'adresse à tout projet dont le temps de tournage ne peut être inférieur à 50% du temps global de tournage sauf si la société de production ou l'auteur est domicilié en région.*

*Longs métrages de cinéma*

*50% du temps de tournage (ou au minimum trois semaines) devront avoir lieu en région Provence-Alpes Cote d'Azur.*

*Téléfilms*

*50% du temps de tournage devront se dérouler en région.*



*Extract from Guide 06- Regions-Départements-Villes, 14 éditions, Centre Images p.150-151*

English version:

Support for writing and research

The support for writing and research can be granted to any director or scriptwriter lived in the region of Provence-Alpes-Côte d'Azur.

Support for production

*Short films of fiction*

This support is granted to any project, which shall be shooting entirely in the region of Provence-Alpes-Côte d'Azur, excepting for the production company or the author lived in the region.

*Documentary and documentary series*

This support is granted to any project for which the shooting time shall be at least equal to 50% of the total shooting, excepting for the production company or the author lived in the region.

*Long films*

50% of the shooting (or at least three weeks) will have to take place in the region.

*TV-films*

50% of the shooting will have to take place in the region.

- B7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

In order to obtain a financial support from the region, the work shall be directed in a significant way in the region (at least 50% for the documentaries and long feature films, and the short films shall be filmed totally in the region). As regard the support for writing and research in the one hand, and the support for development on the other hand, the director, the scriptwriter and the production company shall live in the region.

- B8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A3  
*(provide a description with respect to the current version of the territorialisation requirements as of 31 December and only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005) :*

The above-mentioned requirements on territorialisation are applied to co productions.

- B9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B6 to B8  
*(provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005).*

#### IMPLICIT OR DE FACTO TERRITORIAL CONDITIONS

- B 10 Does the scheme provide any scope for territorial conditions to be applied implicitly or de facto ?  
For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005)?

YES/NO : NO

IF YES,

- B11 Please describe the implicit or de facto territorialisation requirements that are practised by this funding scheme  
*(as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005)*

#### CULTURAL CLAUSE

- B 12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6 B.7 and B.11 and that are currently in force :

The territorialisation requirements currently in force could be legitimate by :

For the regional funding :

The territorialisation requirements implemented in regional support schemes can be considered as the measures which put into action the objectives of the artistic and cultural education policy, and mainly for the implementation of the actions plan scheduled for five years in favour of the artistic and cultural education for all,

presented by the Ministry of Culture and Education and the Ministry of Education on 14 December 2000.

1988 Law n°88-20 of 6 January 1988 concerning the artistic educations  
Decree n°88-709 adopted in application on artistic educations n°88-709 of 6 May  
Memorandum “Culture” n°2001-010 of 23 March 2001 on the implementation of the actions plan set up for 5 years for cultural and artistic education.  
Memorandum “National education” on the orientations for a policy in artistic education and cultural actions  
  
<http://www.assemblee-nationale.fr/12/rap-info/i2424.asp>  
<http://www.crdp-strasbourg.fr/artsculture/telech/moePlan5ans.pdf>  
see file attached

For national and regional financial support schemes :

#### 1- The missions of the Ministry of Culture and Communications

Decree n°97-713 of June 11, 1997

The Minister for the Culture and Communication has the mission to facilitate the wide access of the greatest number capital works of humanity, and first the wide access of all of the French works :

- to ensure the vastest audience our cultural inheritance
- to support the creation of the spirit and works of art
- to develop the artistic practices
- to implement, jointly with the other interested ministries, the actions carried out by the State in order to ensure the French culture expansion and to support the exchanges with the other cultures of the world
- to ensure the development of cultural industries
- to contribute to the French cultural action at the international level”

-2- Article 3-1 of the Freedom of communication Act n°86-1087 of 30 September 1986. The article 3-1 has been introduced by the law n°2006-396 of 31 March 2006 (article 47). It is entered into force on 3 April 2006.

In the version as of 31 December 2005, the article 1 of the Freedom of Communication Act states that :

#### *Article 1<sup>20</sup>*

Audio-visual communication is free. the exercise of this freedom may be limited only, to the extent required, on the hand, for the respect of human dignity, freedom and property of other people, the pluralistic nature of the expression of ideas and opinions and, on the other hand, for the safeguarding of law and order, for national defence, public service reasons, for technical reasons inherent to the means of communication as well as for the need to develop a national

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<sup>20</sup> (Act No.86-1067 of 30 September 1986, Official Journal of 1 October 1986); (Act No. 89-25 of 17 January 1989, Article 1, Official Journal of 18 January 1989); (Act No. 2000-719 of 1 August 2000, Article 28 and 32, Official Journal of 2 August 2000)

audiovisual production industry. The Conseil Supérieur de l'Audiovisuel, an independent authority, guarantees the exercise this freedom in accordance with the terms provided for in this Act. It ensures equality of treatment; it guarantees the independence and impartiality of the public radio and television broadcasting sector. It sees to the promotion of the free competition and the creation of non-discriminatory relations between producers and service distributors; it sees to the quality and diversity of programmes, the development of the national audio-visual production and creation as well as to the defence and illustration of the French language and culture. It may put forward proposals to improve the quality of programmes.

- 3- The best justification for the territorialisation requirements can be found in the “CONVENTION ON THE PROTECTION AND THE PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 2005”, Paris, 20 October 2005.

## **Article 2 – Guiding principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

### **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential

requirement for sustainable development for the benefit of present and future generations.

#### 7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

#### 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

### **Article 5 – General rule regarding rights and obligations**

1- The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### **Article 6 – Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

- (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;

g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

### **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively, please indicate the total aid selectively distributed, and list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005 :

Annual budget 2005 :

Total amount financial support : EUR : 1.878.688

CNC support : EUR : 505.667

#### Support for writing and research/development

No qualitative criteria

Ceiling : EUR 5.500 for writing / EUR 15.000 for research/ EUR 5.000 for development

#### Support for production

*short films of fiction :*

Artistic quality and feasibility of the project shall be accepted by the professional committee

Ceiling : EUR : 25.000

*Documentary and documentary series*

Artistic quality and feasibility of the project shall be accepted by the professional committee

Ceiling : EUR : 77.000

*Long films*

No qualitative criteria

Ceiling : EUR 152.000

*TV-films*

No qualitative criteria  
Ceiling : EUR 54.000

<b>CONTACT DETAILS</b>
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- B 14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme)

Chantal FISCHER

Chargée de mission pour le cinema et l'audiovisuel

CONSEIL REGIONAL

Hotel de Région

Service culture

27, place jules-Guesde

13481 MARSEILLES Cedex 20

Tél : 04.91.57.50.57 , poste 6130- Fax : 04.91.57.54.15-

[cfischer@hregionpaca.fr](mailto:cfischer@hregionpaca.fr), [www.cr-paca.fr](http://www.cr-paca.fr)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>26 October 2006</b>

(...)

The following regional funding schemes exist but the amount of financial support is allocated in various funding schemes which are less than EUR 1.000.000. I have this information. I will provide a detailed identification for each scheme (...).

- Agence pour le développement régional du cinéma, 3 965 800 EUR
- Aquitaine Image Cinéma, 1 476 000 EUR
- Atelier de Production Centre Val de Loire, 1 080 000 EUR
- Centre national de la cinématographie, 490 960 000 EUR : CNC ?
- Centre régional de ressources audiovisuelles de la région Nord-Pas de Calais, 2 764 500 EUR
- Collectivité territoriale de la Corse, 1 587 000 EUR
- Conseil régional Rhône-Alpes, 3463 000 EUR : transmitted
- Conseil régional d'Aquitaine - not clear, budget not known
- Conseil régional de Poitou-Charentes, 1 552 000 EUR
- Conseil régional de Provence-Alpes-Côte d'Azur, 2 320 000 EUR
- Conseil régional du Limousin, 1 031 500 EUR
- Ministère des Affaires étrangères - not clear, budget not known

(...)



<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>23 October 2006</b>

(...)

Further your question concerning the reply to question B 8, please find attached my replie.

(...)

<b>Attachment to e-mail of 23 October 2006:</b> <b>Cinema study for the European Commission-further steps.doc</b>
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*In case of conflict or inconsistency between the rules on territorialisation contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which your country is a party, the latter rules prevail over the former, i.e international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements.*

### **1- The principle of national treatment**

The bi-lateral co-production agreements between France and Austria, Australia, ....are based on the principle of national treatment.

The films that comply with the requirements of the Bi-lateral co-production Agreements are assimilated to national films in each country participating in the co-production which is a Party to the agreement. These films, which have accessed to the co-production status, are entitled to the full enjoyment of all the benefits which are or may be accorded in France to national films. Therefore, in order to access to the automatic financial support, the film shall reach 25 points out of 100 points to the point system.

### **2- Assessment by the two competent authorities**

The conditions under which the films are granted co-production status shall be examined by both competent authorities, in relation to France, the Centre National de la Cinématographie (CNC), acting jointly, on a case-by-case basis.

The CNC and the other competent authority acting jointly shall consider any project for a co-production film that may be submitted to them and, after verifying that it conforms with the provisions of the bi-lateral co-production agreement, shall decide whether a film made in accordance with that project, subject to such conditions as they may stipulate at the time in order to achieve the general aims and provisions of the bi-lateral agreement, is approved by them as a co-production film.

### **3- The power of the competent authorities**

In the event of difficulties arising in the application of French territorialisation requirements related to a film which benefits of a co-production status, the CNC deals directly to the producer in order to reach an agreement on artistic and technical costs spent in France.

According to the CNC, there is no conflict between the principles set out in bi-lateral agreements and the French legislation. In the case of bilateral co-production, financial and creative contribution shall be at least 20%. Whether this condition is not fulfilled, the co-production status is not granted. However, the bi-lateral co-production agreements between France-Italy, France-Great-Britain and France-Spain authorize a financial co-production.

Exceptions to the rules set out in the bi-lateral agreements are granted by the CNC and the other competent authority acting jointly. As an exception, nationals or residents of third countries may take part as leading artists or principal directors subject to the approval of the competent authorities of each country acting jointly. According to the provisions of the bi-lateral agreements, the majority of the work of making (studio and location shooting) shall normally be carried out in the country which has the major financial participation. However, the CNC and the other competent authority acting jointly have the power to approve location filming in a third country.

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>19 October 2006</b>

(...)

Further to your mail , I will check whether this principle was not applied in France and under which conditions. However, in France the main case-law related to cinema focus on copyright and Intellectual property rights. I come back to you as soon as possible.

(...)

<b>Member State:</b>	<b>FRANCE</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>19 October 2006</b>

(...)

With respect to your reply to question B.8 we assume that, in case of a conflict or an inconsistency between the rules on territorialization contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which your country is a party, the latter rules prevail over the former, i.e. international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements, please let us know via email, and please provide us with a short description of the legal mechanism addressing such conflicts or inconsistencies as applied in your jurisdiction.

(...)

**Attachment to e-mail of 28 February 2007: MODIFICATION.pdf**

9 pages

**Attachment to e-mail of 28 February 2007: PARTA &B FRANCE.pdf**

starts at page 143