

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

TWO GENERAL FUNDING SCHEMES :

SUPPORT FOR WRITING AND DEVELOPMENT	EUR : 98.000
SUPPORT FOR PRODUCTION	EUR : 1.615.688

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 : 76.500
SUPPORT FOR THE WRITING AND DEVELOPMENT OF DOCUMENTARIES	EUR : 59.000
SUPPORT FOR THE WRITING AND DEVELOPMENT OF TV-FILMS	EUR : 127.500

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 : 800.000
SUPPORT FOR THE PRODUCTION OF SHORT FILMS	EUR : 113.688
SUPPORT FOR THE PRODUCTION OF DOCUMENTARIES	EUR : 305.000
SUPPORT FOR THE PRODUCTION OF FICTION TV	EUR : 397.000

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

The regional council of Provence Alpes Côte d'Azur is in charge of regional funding schemes.

CONSEIL REGIONAL
Hôtel 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 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)

In 2004, a new generation of conventions (2004-2006) of cinematographic and audio-visual development was implemented by the CNC with the State (regional Directions of the cultural affairs – D.R.A.C) and the regions. These conventions aim at strengthening the regional support for the cinematographic production in all its components (*writing, development, production*). They seek to contribute at the re-localization of shooting in France, factor of employment. Under the terms of these conventions, the CNC will invest 1 Euro for 2 Euros spent by the region. This measure, according to the Minister for the Culture and Communication, is justified by the development of employment and the cultural production¹.

A convention (2004-2006) of cinematographic and audio-visual development between the State, CNC and the Region Provence – Alpes –Côte d’Azur (PACA) was signed in October 2004.

A copy of the Convention and a copy of the regional regulation are attached.

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) :

¹ Ministère de la culture et de la communication, communiqué de presse, Paris le 20 septembre 2004, <http://www.culture.gouv.fr/culture/actualites/index-discours.htm>

Bilan des mesures prises par Renaud Donnedieu de Vabres en faveur du cinéma, mardi 16 mai 2006, <http://www.culture.gouv.fr/culture/actualites/index-discours.htm>

Région Provence-Alpes-Côte d'Azur : Aides à la production cinématographique et audiovisuelle
Conditions d'accès²

Les bourses de recherche

Sont destinées à soutenir le travail d'un auteur réalisateur résidant en PACA (...)

Les bourses d'aide à l'écriture

S'adressent à tout réalisateur ou scénariste justifiant de sa résidence en région PACA et proposant un projet de film de court ou long métrage de fiction, de documentaire ou de téléfilm (...)

Les bourses d'aide au développement

Sont accordées aux sociétés de production ou associations installées en région PACA, ou à des structures extérieures, si toutefois l'auteur ou le réalisateur est domicilié en région PACA (...)

Les aides à la production

Court métrage de fiction

Sont destinées aux sociétés de production ou association présentant des œuvres de fiction de moins de 60 minutes, qui sont tournées à 100% sur le territoire régional ou dont l'auteur, ou le réalisateur, ou le producteur sont domiciliés en Région (...)

Documentaire et série documentaire

Sont destinées aux sociétés de production ou associations présentant des œuvres de documentaire, qui sont tournées à 50% au minimum sur le territoire régional ou dont l'auteur, ou le réalisateur, ou le producteur sont domiciliés en Région PACA (...)

Long métrage de cinéma

Sont accordées aux sociétés de production présentant des œuvres de long métrage destinées aux salles de cinéma, qui sont tournées à 50% (ou au moins trois semaines) sur le territoire régional (...)

Fiction télévisée

Sont destinées aux sociétés de production portant des œuvres de fiction télévisée qui présentent une garantie de diffusion et qui sont tournées à 50% sur le territoire régional (...)

Modalités

Les engagements du bénéficiaire

Le montant des dépenses exigibles en région correspondra à 150% du montant de la subvention. Si ce montant n'est pas atteint le solde de la subvention sera, conformément au règlement financier régional, calculé au prorata des dépenses engagées en région(...)

² http://www2.regionpaca.fr/index.php?id=461&no_cache=1&modid=461

English working translation :

Supports for research

Are intended to support the work of a director author living in PACA (...)

Supports for writing

For a director or a scriptwriter living in PACA, proposing a project of short film or fiction feature film, documentary or TV-film (...)

Supports for development

For the companies of production or associations set up in the region of PACA, or to external entities under the condition that the author or the director resides in PACA (...)

Supports for Production

Short film of fiction

For the companies of production or associations producing works of fiction of less than 60 minutes, which are shooting at 100% in the region or of which the author, or the director, or the producer resides in the region (...)

Documentary and documentary series

For the companies of production or associations producing works of documentary, which are shooting at least at 50% in the region or of which the author, or the director, or the producer resides in the region PACA (...)

Feature films of cinema

For the companies of production producing works of feature films, which are shooting at 50% (or at least three weeks) in the region PACA (...)

TV-fiction

For the companies of production producing works of TV-fiction, which offer a guarantee of diffusion and which are shooting at 50% in the region PACA (...)

Engagements of the recipient

The amount of the eligible expenditure in the region will correspond to 150% of the amount of the subsidy. If this amount is not reached the balance of the subsidy will be, in accordance with the regional Financial Regulation, calculated with the proportion of the expenditure 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 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 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.

The region signs a private convention with the recipient of funding. This convention specifies the procedures, the conditions and the schedule of the payments, and stipulates the obligations of the recipient.

The amount of the eligible expenditure in area will correspond to 150% of the amount of the subsidy. If this amount is not reached the pay of the subsidy will be, in accordance with the regional Financial Regulation, calculated in proportion to the expenditure engaged in area.

- 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) :

In order to be entitled to the benefits granted to the French films, French international co-productions have to fulfil the conditions laid down in the bilateral co-production agreements with the France. According to these agreements, except for bilateral co-production between Great Britain, Spain and Italy, the minimum contribution of each co-producer shall not be less than 20% and the maximum contribution shall not be exceed 80% of the total production costs of the cinematographic work. The amount of the regional aid shall be included in the total of the French public financial support.

- 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).

There is neither judicial practice nor legal commentary concerning the implementation of territorialisation requirements. We have no knowledge of related French case law having been officially published.

Each region defines its own rules to grant regional supports. The region signs a private convention with the recipient of funding

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 :

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).

« 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^{er}).

“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^{er}).

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. »*

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 a committee of professionals

Ceiling : EUR : 25.000

Documentary and documentary series

Artistic quality and feasibility of the project shall be accepted by a committee of professionals

Ceiling : EUR : 77.000

Long films

No qualitative criteria

Ceiling : EUR 152.000

TV-films

No qualitative criteria

Ceiling : EUR 54.000

CONTACT DETAILS

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

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