

Regulations

concerning distribution support for full length feature films, animation and documentaries

1 Eligibility

1.1. A distributor is defined as a natural or legal person operating under the legislation of one of the Fund's member States whose principal activity consists of distributing cinematographic or audiovisual works and who is wholly independent of any public or private broadcasting organisation.

1.2. A distributor who meets the following requirements is eligible for financial support:

1.2.1. a distributor whose head office is in one of the Fund's member States which does not have access to the media distribution mechanisms, i.e. Albania, Bosnia and Herzegovina, Serbia, "the former Yugoslav Republic of Macedonia", and Turkey;¹

1.2.2. a distributor whose head office is in one of the Fund's member States which has access to the MEDIA distribution mechanism and who wishes to distribute a film produced or co-produced by a co-producer originating from one of the member States listed in 1.2.1 above

~~1.2.3. a distributor whose head office is in any of the Fund's member States and who wishes to distribute a children's feature film or documentary~~

1.2.4. a distributor who meets the usual standards of professionalism evidenced by, amongst other things, his curriculum vitae and/or the catalogue of films previously distributed;

1.2.5. a distributor who has fulfilled his obligations to Eurimages for the films previously supported by Eurimages. Failing this, he will no longer be eligible for distribution support;

1.2.6. a distributor who does not submit more than two applications for distribution support per meeting; only requests for distribution support for 35 mm optical or equivalent digital cinema projections in conformity with the DCI (Digital Cinema Initiative) standards are eligible;

1.2.7. a distributor whose head office is in the country of origin of the film is not eligible for financial assistance, thereby also excluding distributors originating from the countries of all the co-producers of the film. A distributor involved in the financing of the Eurimages-supported co-production, is also not eligible to receive support for the distribution of this film.

1.3. A full-

length feature film, animation or a documentary (minimum duration: 70 minutes) distributed by a distributor fulfilling the above requirements is eligible for financial assistance if it:

1.3.1. is produced either by one single producer from a member State of Eurimages or with more than 50% by co-producers from member States of Eurimages;

1.3.2. is directed by a director in possession of a valid passport or long-term residence permit issued by one of the member States of the Council of Europe.

1.3.3. is released on at least two prints; 1.3.4. has not yet been released in the territory covered by the application;

1.3.5. is released in the country of origin not more than five years before the date of the request for distribution support;

1.3.6. the film must be European –

the terms laid down by the European Convention on Cinematographic Coproduction will be used in assessing this qualification.

1.4. Applications are eligible only if the film is released in the territory cited in the application after the end of the Board of Management meeting during which the application is due for consideration and before the end of the meeting of the Board of Management which follows.

1.5. Films of a blatantly pornographic nature or those that advocate violence or openly incite the violation of human rights cannot be accorded support from Eurimages.

2 Submission of applications

2.1. Applications must be submitted to the Secretariat of Eurimages on the official application form contained herewith².

2.2. Application deadlines, fixed annually by the Board of Management, are published in the major European trade journals and on the Eurimages' web-site: www.coe.int/eurimages

where the rates of exchange into Euros (see paragraph 7.2 below) will also be published.

2.3. Applications must be received by the Secretariat by the application deadline date at the latest: the date of receipt is valid.

2.4. Applications must comply with Eurimages' Regulations. Applications must be complete. Applications which are not complete at the moment of their consideration by the Board of Management will be ineligible. If necessary, the Secretariat has the right to request clarifications and/or additional documentation.

2.5. An application for distribution support which has been rejected by the Board of Management, can only be re-submitted once, and on condition that the release date of the film is foreseen after the end of the meeting of the Eurimages' Board of Management.

¹. Situation as at 1 January 2011

².

Please follow the instructions given on the application form precisely and enclose all the requested documents, failing which the application will be considered void.

3 Consideration of applications

- 3.1. Each application for financial support for distribution is decided upon individually by the Fund's Board of Management.
- 3.2. In reaching its decision, the Board of Management takes particular account of the quality of the film applied for, and of the feasibility of the distribution plan.
- 3.3. Priority will be given, under the condition that the above criteria are respected, to films having received co-production support from Eurimages, feature films for children or documentaries.

4 Amount and terms of financial support

- 4.1. Financial support is up to a maximum of 50% of the eligible expenses of the distribution of the film applied for.
- 4.2. The maximum sum which may be awarded to an applicant towards the costs of the distribution of one single film is 8,000 euros.
- 4.3. Financial support is awarded in the form of a non-repayable grant.
- 4.4. Financial support may not be transferred to sub-distributors or other third parties.

5 Contract

- 5.1. A contract addressed to the applicant from the Executive Director acting on behalf of Eurimages shall stipulate the terms on which financial support is awarded.
- 5.2. If the film for which financial support has been awarded is not released within the time limit foreseen in paragraph 1.4 above, the distributor may, if the reasons are valid, request a prolongation of three months from the Board of Management.

6 Payment

The distributor will receive full payment of the grant upon receipt by the Executive Director of Eurimages of the contract, duly signed by the distributor, together with the confirmation of the film's release from the Eurimages representative of the country concerned, indicating the number of prints distributed.

7 Accounting currency

- 7.1. The accounts of the Eurimages Fund are held in euros (€), and the level of financial assistance expressed in euros. Monies shall be payable in the same currency.
- 7.2. To determine the equivalent in euros of the total distribution costs and the amount of financial assistance applied for, the only applicable exchange rate for foreign currencies into euros is the one regularly set by the Finance Division of the Council of Europe and published on the Eurimages website:

www.coe.int/eurimages

8 Reference to Eurimages support

Any publicity materials for the film (posters, press releases, etc.) must refer to the Eurimages' support for its distribution. Compliance with this requirement shall be attested by written confirmation of provisional accreditation (provisional co-production status certificate) granted by the competent national authorities.

9 Distributor's obligations

The distributor shall distribute the film as indicated in the application, with prior written approval of the Executive Director of Eurimages being necessary for any substantial changes in distribution arrangements; the Board of Management may give mandate to the Secretariat to request the presentation of accounts as well as all information relating to the film's distribution (especially the exploitation accounts).

10 Termination or cancellation

The grant shall be cancelled and any sums already paid shall become immediately repayable if the distributor:

- fails to meet his/her obligations under these Regulations or any other obligations upon him/her under the terms of the contract;
- has made false or misleading statements in his/her application or other relevant correspondence;
- becomes bankrupt or insolvent.

11 Disputes

- 11.1. There can be no appeal against the Board of Management's financial decision on the application.
- 11.2. Any dispute relating to the execution of any agreement concluded pursuant to these Regulations shall be submitted, failing an amicable settlement between the parties, for decision to an Arbitration Board composed of two arbitrators (each selected by o

ne of the parties) and a presiding arbitrator, appointed by the first two arbitrators. If a presiding arbitrator is not appointed under the above conditions within a period of four months, the President of the European Court of Human Rights shall make the appointment.

11.3. However, the parties may submit the dispute for a decision to a single arbitrator chosen by them by common agreement or, failing such agreement, by the President of the European Court of Human Rights.

11.4. The Board referred to in paragraph 11.2 above or, if appropriate, the arbitrator referred to in paragraph 11.3 above shall determine the procedure to be followed.

11.5. Failing agreement between the parties on the law applicable, the Board or, if appropriate, the arbitrator shall decide *ex aequo et bono* in the light of general legal principles as well as of customs in the cinematographic and audiovisual field.

11.6. The arbitration decision shall be final and shall be binding on the parties.

12 Interpretation and amendment

The Board of Management of the Eurimages Fund reserves the right to interpret and amend the present Regulations.