



A programme of the European Union



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

**SUPPORT FOR THE NETWORKING  
OF CINEMAS SCREENING  
EUROPEAN FILMS**

**CALL FOR PROPOSALS  
EACEA/23/08**

**GUIDELINES**

**FOR THE SUBMISSION OF PROPOSALS TO OBTAIN FINANCIAL SUPPORT**

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

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### 1. INTRODUCTION

#### 1.1. Legal basis

The current call for proposals and attached guidelines (hereafter: "Call for proposals") are based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).<sup>1</sup>

The total budget for the MEDIA Programme 2007-2013 amounts to EUR 754,95 million.

The European Commission is responsible for the implementation of the MEDIA Programme and for the decision to grant individual European Community funds. The Education, Audiovisual and Culture Executive Agency hereafter "the Agency" manages the MEDIA Programme on behalf and under the control of the European Commission.

The MEDIA programme unit of the Education, Audiovisual and Culture Executive Agency is responsible for the implementation of this call for proposals.

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

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

#### 1.2. Definitions

For the purpose of this Call for Proposals the following definitions shall apply:

##### Action

- **Action:** the "action" covers the preparation and implementation stages as well as the follow-up, evaluation and dissemination of results of the activity(ies) for which the beneficiary receives financial support for a given period .
- **Activity(ies):** one or group of activities implemented and managed by the applicant during a defined period.
- **MEDIA countries:** the Member States of the European Union, as well as the following countries of the European Economic Area (Iceland, Liechtenstein, Norway), Switzerland and Croatia.
- **Eligible European body:** companies registered in and owned and continues to be owned, whether directly or by majority participation, by States or nationals from one of the Member States of the European Union and of the countries of the European Economic Area participating in the MEDIA Programme (Iceland, Liechtenstein, Norway), Switzerland and Croatia.
- **European countries with a low audiovisual production capacity:** Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary,

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

Ireland, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Norway, Netherlands, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Switzerland and Sweden.

- **European film:** any recent work of fiction (including animated films) or documentary, with a minimum duration of 60 minutes, complying with the following conditions : the work has been majority produced by a producer or producers established in the countries participating in the MEDIA Programme and the work must be produced with the significant participation of professionals who are nationals/residents of countries participating in the MEDIA programme (See Section 5.4)
- **Non-national European film:** European films will be considered as national in that member state or territory participating in the MEDIA Programme whose citizens / residents have participated in the highest proportion in the making of the film, on the basis of the points table shown above. They will be considered as non-national in all the other territories.
- **Cinema Operators:** any European company which, having contractually acquired the rights to exhibit a film in a cinema, exhibits it and determines the conditions on which it is shown.
- **Cinema:** a single set of commercial premises with one or more auditoria on a single site and operating under the same trade name. Also considered as a single cinema are those premises with single or more auditoria on different sites in the same town and which belong to the same commercial company or whose programming is assured by the same organisation.
- **Screen / auditorium:** a screening room forming part of a single-screen or multi-screen cinema.
- **Cinema Network:** a group of cinemas developing, through the medium of a legally constituted co-ordination entity, joint activities in the area of screening and promoting European films. In particular, this coordination entity shall ensure the operation of a communication and information system between the cinemas.

### Agreement and relevant documents

- **Framework Partnership Agreement (FPA):** agreement establishing a long-term cooperation between the Agency and the beneficiary. The FPA shall specify the common objectives, nature of actions planned, the procedure for awarding specific grants and the general rights and obligations of each party under the specific agreements. The duration of the FPA is of maximum 4 years (2009-2012):
- **Global Action Plan:** it sets out the objectives, priorities and expected results for the period 2009–2012 as well as the strategy and the actions to be implemented to ensure that the objectives and results are achieved. This Global Action Plan will constitute a contractual obligation annexed to the framework partnership agreement.
- **Specific Annual Grant Agreement:** subject to the signature of the Framework Partnership Agreement, it sets up the rules, conditions and procedures according to which the specific grant for a given year will be awarded.
- **Annual Work Programme:** the annual work programme presents in detail the activity/ies to be implemented in the framework of an "action" during a given year

### Budget

- **Eligible Costs:** the costs directly linked to the execution of the Action receiving support, as detailed below under Section 9.5 and incurred by the beneficiary during the period of the action.
- **Grant:** the financial support awarded to the selected applicant for an action. This can be revised downwards upon reception of the final report on the basis of the total actual eligible costs.

### Applicant organisation and partners

- **Applicant:** organisation applying to the MEDIA Programme with an action.
- **Beneficiary:** organisation benefiting from a MEDIA Programme grant.
- **Financial contributor:** any public or private organisation providing a financial contribution to the Action.

### 1.3. Context of submission.

- *Information on the Framework partnership agreement (2009-2012) and on the funding of first year of activity (2009 action)*

Organisations wishing to establish a long-term cooperation with the MEDIA Programme are invited to submit an application for a *framework partnership agreement ("FPA")*. This agreement formalises a partnership relationship between the Agency and the beneficiaries for **4 years**, to enable them to achieve their long-term objectives. It is aimed at organisations whose actions are stable in particular in terms of objectives, format, target group and methodology.

In their proposal for a FPA, applicants must submit a Global Action Plan setting out the objectives, priorities and expected results for the period 2009–2012 as well as the strategy and the actions to be implemented to ensure that the objectives and results are achieved.

The applicants must also submit for 2009 a detailed annual work programme and the corresponding budget.

In the event of definitive approval by the Agency of the submitted application, a Framework partnership agreement for 2009-2012 will be entered into between the Agency and the Beneficiary. The Global Action Plan will be annexed to this agreement.

Subsequently a specific annual agreement detailing the conditions and level of funding for 2009 will also be entered into between the Agency and the Beneficiary. The annual work programme for 2009 will form the basis for awarding a specific annual action grant for this precise year.

The estimated budget foreseen and the MEDIA contribution are not expected to be increased by more than 10% from one year to another.

Such increases should accompany the natural evolution of the action, and must have already been foreseen, described and justified in the Global Action Plan 2009-2012 submitted.

Please note that the developments foreseen cannot have the effect of changing the nature of the action, especially in terms of objectives, format, target group and methodology. When applicable, applicants shall give in the Global Action Plan (where appropriate in the Application forms), an indication of the increased total budget and MEDIA contribution requested in each given year. These figures shall be, in any case, considered as maximum amounts. The Agency reserves the right to accept or not such increases on the basis of the results achieved under the previous specific annual agreement(s), the annual work programme submitted and within the limits of the budget available.

The cinema network whose activities contribute the most to the objectives set out below will be selected.

### 2. OBJECTIVES

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

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

#### 2.2. Specific objectives

The specific objectives are:

- ◆ to improve the circulation of non-national European films on the European and international markets by incentives measures for export, distribution on any medium and cinema exhibition
- ◆ to encourage the screening of non-national European films on the European market, in particular by supporting the coordination of a cinema network.

#### 2.3. Priorities of this Call for Proposals

This call for proposal aims to encourage the networking of European première cinemas and the screening of non-national European films by these cinemas.

The financial support is particularly aimed at:

- ◆ Encouraging cinema owners and operators to screen a significant proportion of non-national European films in cinemas for first release for a minimum defined period. The support granted to each cinema will be determined according to the programming and taking into account the number of tickets sold for non-national European films over a reference period.
- ◆ Contributing to the development of educational and awareness-raising activities for young cinema-goers.
- ◆ Supporting the creation and the consolidation of a European cinema owners' network developing common actions of this type.
- ◆ Encouraging and accompanying the introduction of digital cinema among exhibitors.

Particular attention will be paid to the development of potential in countries or regions with a low audio-visual production capacity and/or a restricted linguistic or geographical area.

It is addressed to European associations or companies networking cinema theatres whose activities contribute to the aforementioned objectives.

### 3. TIMETABLE

Applications must be sent to the Agency by the following deadline (the postmark will be taken as proof of timely sending):

## **Deadline for submission: 31<sup>st</sup> of October 2008**

Please read carefully section 13 concerning the procedures for submitting applications.

Applicants will be informed as soon as possible of the results of the selection and normally within 2 weeks of the date of decision by the Commission to grant or not a financial contribution. For the selected action a Framework Partnership Agreement will be signed between the beneficiary and the Agency.

Should an application be unsuccessful, the Agency will inform the applicant as soon as possible and in writing of the reasons for its decision with regard to the criteria established in this Call for Proposals.

### **Period of eligibility of costs**

Activities must start between 01/01/09 and 31/12/2009 and be completed by 30/06/2010 for the first year of the FPA.

Only costs incurred during the period of the action shall be considered as eligible.

**For the first year of FPA, only those costs incurred by the beneficiary for the execution of the action during the following periods shall be considered as eligible:**

- **for the costs of part I** : from 01/01/2009 to 30/06/2010;
- **for the costs of the part II** : from 01/01/2009 to 31/12/2009;
- **for the costs of part III**: from 01/01/2009 to 31/12/2009;

For the second year the eligibility periods will be as follow:

- **for the costs of part I** : from 01/07/2010 to 30/06/2011
- **for the costs of the part II** : from 01/01/2010 to 31/12/2010;
- **for the costs of part III**: from 01/01/2010 to 31/12/2010;

Eligibility periods for subsequent years will follow the same pattern as the second year.

## **4. AVAILABLE BUDGET**

The total budget earmarked for the co-financing of the action selected to take place in 2009 is estimated at EUR 8,500,000 subject to the adoption of the European Union budget for the year 2009 by the budget authority.

**Financial contribution from the MEDIA Programme cannot exceed 50% of the total eligible costs.** The beneficiary must guarantee the remaining financing. Only one beneficiary will be selected.

The selection of the action does not signify agreement to the level of financial support requested.

The amount of the financial contribution to be awarded will be determined within the limits of available budgetary resources and in consideration of the costs and nature of the action.

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

In no circumstances does the award of a contribution in previous years infer the right to a grant under the present Call for Proposals.

### 5. ELIGIBILITY CRITERIA

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

#### 5.1. Eligible applicants

**The Applicant must be a European body as defined herein.** Only those proposals coming from **European cinemas grouped in a network** are eligible.

##### 1. Eligibility of Cinemas.

Only those cinemas shall be eligible:

- that are first run cinemas (programming European films in first run, within a maximum period of twelve months after the first national release). Those cinemas which dedicate a maximum of 30% of their screenings to retrospectives or re-releases may be eligible ;
- that have been open to the public for a minimum of six months ;
- where the security conditions conform to national legislation and which utilise technical equipment of the normal professional standard ;
- that possess a ticketing and entry declaration system ;
- that have at least one screen and 70 seats ;
- that had at least 520 screenings per year for permanent cinema (i.e. cinemas in operation for a period of at least 6 months per year), and at least 30 screening per month for summer / open air cinemas (cinemas in operation for less than 6 months per year) ;
- that had at least 20,000 spectators in the previous twelve months.

Films consisting of advertising, pornographic or racist material or advocating violence are not eligible for support.

##### 2. Eligibility of the Cinema Network.

The cinema network is as a group of cinemas developing, through the medium of a legally constituted co-ordination entity, joint activities in the area of screening and promoting European films. In particular, this coordination entity shall ensure the operation of a communication and information system between the cinemas.

To be eligible, the cinema network must represent at least 100 cinemas situated in at least 20 countries participating in the MEDIA Programme.

The network must identify the co-ordination entity that represents them, which co-ordinates its activities and which is responsible for the execution of all the activities proposed.

The network must be represented by a duly constituted legal entity, with a legal personality, having its registered office in one of the Member States of the European Union.

The co-ordination entity has to be suitable to represent the network of cinemas and in any contractual relationship with the Agency that may be concluded if the network is selected. In this context, the co-ordination entity must be able to present all the relevant information concerning each member of the network necessary for the implementation of the common actions conforming to the conditions defined in this Call for Proposals.

### 5.1.1 Legal entity

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

- ◆ Form III: "Financial Identification" ("Bank Identification Sheet") duly completed, stamped and signed by both the legal representative of the applicant and by a representative of the bank. The form relating to the financial identification of the applicant company according to the country in which it is established is available in the Application Form as well as on the following website: [http://ec.europa.eu/budget/execution/ftiers\\_en.htm](http://ec.europa.eu/budget/execution/ftiers_en.htm)
- ◆ Form IV: "Legal Entity Form" duly completed and signed by the legal representative of the applicant. The form relating to the legal structure of the applicant company according to the country in which it is established is available in the Application Form as well as on the following website: [http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)
- ◆ A copy of the applicant's registration certificate from the relevant authority, (e.g Companies register, Official Journal, etc.)

**This(ese) document(s) must mention the name of the applicant organisation (full legal title), the registration number, the official registered address of the organisation, the date and place of registration.** The information on this(ese) document(s) must correspond precisely to the information provided on Application form

- ◆ The statutes of the applicant organisation.

If the name of the legal representative of the organisation is not stated in the official registration document, a copy of his / her nomination is also required (for instance: signed minutes of the Board). Where the person authorised to sign any agreement with the Agency is not an individual specified in the documents mentioned above, a letter or proxy (signed by one of the aforementioned individuals) giving them the authority to sign agreements with the Agency on the organisation's behalf is required.

- ◆ A copy of the VAT registration, including the VAT number. *If the applicant does not have a VAT number, "Not applicable" shall be written down in the right place on the application form IV.*

## 5.2. Eligible Countries

Countries participating in the MEDIA programme are the following:

- Member states of the European Union
- Member countries of the European Economic Area (EEA) participating in the MEDIA programme (Iceland, Liechtenstein, Norway)
- Switzerland
- Croatia

### 5.3. Eligible Actions

Only actions and their activities **taking place in the MEDIA countries** are eligible.

- Actions aiming at promoting and screening European films
- Educational activities aiming at raising awareness among young cinema-goers.
- Activities aiming at encouraging and accompanying the introduction of digital cinema among exhibitors
- Networking activities: information, animation and communication.

### 5.4. Eligible films

Any recent work of fiction (including animated films) or documentary, with a minimum duration of 60 minutes, complying with the following conditions:

- the work has been majority produced by a producer or producers established in the countries participating in the MEDIA Programme. To be considered as the actual producers the production companies must be credited as such. Other elements such as creative control, ownership of exploitation rights and share of profits may also be taken into account to determine who the actual producer is;

and

- the work must be produced with the significant participation of professionals who are nationals/residents of countries participating in the MEDIA programme. ‘Significant participation’ is defined as having more than 50% of the points on the basis of the table below, (e.g. having 10 or more points in the case of a work of fiction or the biggest share of points if the total is less than 19 as is normally the case for documentaries or animation films where all of the categories are not usually included in the credits):

+	Points
Director	3
Scriptwriter	3
Composer	1
Actor 1	2
Actor 2	2
Actor 3	2
Artistic Director/Production Design	1
Director of Photography	1
Editor	1
Sound	1
Shooting location	1
Laboratory	1
<b>Total</b>	<b>19</b>

Recent films are those whose first copyright has been established during or after **2005**.

Films consisting of advertising, pornographic or racist material or advocating violence are not eligible for support.

### **5.5. Eligible Applications**

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

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

Applicants must submit a budget that is balanced in terms of expenditure and revenue and must comply with the ceiling for Community cofinancing, set at 50% of the total eligible costs.

## **6. EXCLUSION CRITERIA**

Applicants must certify that they are not in any of the situations described in Articles 93 & 94 of the Financial Regulations applicable to the budgets of the European Communities and set out below.

Applicants will be excluded from participation in this call for proposals if they are in any of the following situations:

- a. they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b. they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- c. they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d. they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, or with those of the country of the contracting authority, or those of the country where the contract is to be performed.;
- e. they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f. following another grant award procedure or procurement procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with contractual obligations.

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

- a. are subject to a conflict of interest;
- b. are guilty of misrepresentation in supplying the information required by the Commission as a condition of participation in the grant award procedure, or fail to supply this information.

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

To comply with these provisions, **applicant must sign a declaration on their honour certifying that they are not in any of the situations set out in Articles 93 & 94 of the Financial Regulations.**

This declaration is included in the Application Form I of this Call for Proposals.

### 7. SELECTION CRITERIA

The selection criteria are aimed at assessing the applicant's operational and financial capacity to complete the proposed action.

#### 7.1. Operational Capacity

Applicants must prove their operational capacity to implement the activity by demonstrating the existence of:

- Human and technological resources available within the applicant organisation (the CVs of the person(s) responsible for the proposed action, showing all their relevant professional experience);
- A summary of the activities of the applicant (and of its partners, when applicable) together with an evaluation of the results achieved over the previous three years;
- An extensive international network of contacts in the audiovisual industry.

#### 7.2. Financial Capacity

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out. The evaluation of this criterion will be based on the following documents:

- Profit and Loss account of the applicant organisation as well as a complete balance sheet and its annexes for the last two financial years.
- The Financial Capacity form (see Application Form n° V) carefully and fully completed must be signed by the legal representative of the company. The information (in figures) should be given in national currency and must be based on the certified accounts. The applicant guarantees that these figures are correct and verifiable. This information is required to evaluate the financial strength and co-financing capacity of the applicant.
- Bank identification sheet duly completed by the applicant and certified by its bank (original signatures are required).

If on basis of the documents submitted, the Agency estimates that the financial capacity of the applicant is not proven or satisfactory, it may:

- Reject the application
- Ask for further information
- Require a guarantee (see 9.3)
- Offer a grant agreement without pre-financing

### **Exemptions**

The verification of financial capacity does not apply to:

- Public bodies

If the applicant is in the situations here described, this must be mentioned on the **application form V** ("Information concerning the applicant's financial capacity") and the applicant must certify that it has the operational and financial capacity (Declaration of honour – Application form I).

### **7.3. Audit**

In the framework of a Framework Partnership Agreement, the application shall be accompanied by an external audit report produced by an approved auditor. That report shall certify the accounts of the applicant for two financial years available (for commercial company and non profit organisation).

This obligation does not apply to public bodies.

## **8. AWARD CRITERIA**

The award criteria make it possible to assess the quality of the proposals, including the Global Action Plan as well as the Annual Work Program for 2009 submitted, in light of the objectives and priorities set in this Call for proposals. Grants will be awarded on the basis of the weighted criteria presented below.

The network	20 points
Financial support Distribution and monitoring strategy	20 points
Cost-effectiveness	20 points
Common actions	20 points
Young audience	10 points
Digital cinema	10 points
TOTAL	100 points

The applicants to the "Framework Partnership Agreement" will submit a Global Action Plan - including the forecasted budget and requested Media contribution - for the period 2009-2012 and a Work Programme for 2009.

The award criteria will be judged on the basis of the information provided in the Application form.

### **8.1. The network**

The number and geographical balance of the cinemas belonging to the network (especially cinemas located in countries or regions with a low audio-visual production capacity and/or a restricted linguistic or geographical area).

### **8.2. Financial support Distribution and monitoring strategy**

The quality of the strategy developed by the coordination entity for the distribution and monitoring of the financial support between the cinemas belonging to the network

This methodology must be based upon precise and objective criteria such as:

- the proportion of European non-national films screened by the cinema : the minimum proportion must be between 25%- 30 % of the screenings for single screen cinemas, and between 35% of the screenings of the supported screens for multi-screen cinemas<sup>2</sup> ;
- the capacity of the cinema to create an audience for non national European films (the number of admissions achieved for non national European films) ;
- Education activities developed by the cinema aiming at raising awareness among young cinema-goers.
- Actions undertaken by the cinema to prepare for digital cinema

### **8.3. Cost-effectiveness**

- The quality of the action plan (annual and global action plan): applicant shall present in a concise and synthesized way the concrete implementation of its action, its objectives, added value, potential, partnerships and benefits. The presentation must be clear, sufficiently detailed and correct, especially with regards to the budgetary aspects;
- The cost-effectiveness of the action plan: the cost/effectiveness, in particular in relation to the ratio of services offered and of personnel/administrative costs, will be analysed and taken into consideration, as well as the viability and feasibility of the action and of its financing plan.

### **8.4. Common actions**

The quality of the common actions made by the coordination entity and their “added value” for the member cinemas;

### **8.5. Young audience**

The quality of common education actions made by the network to raise awareness of European cinema among young cinema-goers.

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<sup>2</sup> These thresholds should take into account the proportion of European screening and the country where the cinema is located. They will be revisable in 2009 for 2010, particularly in light of the results obtained in 2008 by European Films in the participating countries of the MEDIA Programme. To this end, a revision clause will be included in the agreement concluded between the Commission and the selected network of cinemas.

### 8.6. Digital cinema

The quality of the strategy developed by the network to encourage and accompany the introduction of digital cinema.

## 9. FINANCIAL CONDITIONS

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

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

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

Grant applications must include a detailed estimated budget in which all prices are given in euro. Applicants from States which are members of the Euro Zone must present their budget and reports exclusively in Euro. **All other applicants must present their budget in both Euro and their national currency. Currency conversions in the Budget Form should be calculated using the official exchange rate applicable at the beginning of the previous month of the relevant deadline.** These exchange rates can be obtained from the national MEDIA Desks and Antennae and from the European Commission website:

<http://europa.eu.int/comm/budget/inforeuro/index.cfm?Language=en>

The exact rate used should be specified within the space provided on the Budget Form.

Applicants should note that currency conversions must be made on an item by item basis and the sub-totals and totals of each budget sub-category calculated from the converted euro amounts for each item (and not simply converted from the equivalent subtotal in a national currency), so that both national currency and euro budgets are coherent and totally correct.

The budget for the action, attached to the application, must have revenue and expenditure in balance and show clearly the costs which are **eligible** for financing from the Community budget.

Applicants are **strongly** advised to re-check all automatic calculations.

The amount of the own resources indicated in the revenue part of the estimated budget is regarded as secured. The applicant must indicate the sources and amounts of any other funding received or applied for in the same financial year for the same action.

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

The financial contribution will be in the form of a subsidy and will be granted globally to the cinema network selected. The co-ordination entity representing the network must undertake to manage the distribution of the financial contribution between the different member cinemas of the network.

The financial support granted will normally cover the following costs:

**Part I - Co-ordination entity administrative costs:** Administrative costs incurred by the co-ordination entity for the monitoring, coordination, analysis of the programming, dissemination of results and distribution of the financial contribution between the different member cinemas of the network.

**Part II - Cinema Network Common activities:** Operational costs incurred by the coordination entity to carry out common activities for the members of the network

**Part III – Screening and Promotion of European films by the member cinemas:** Support the actions and activities undertaken by the member cinemas of the network such as: the screening of European films, especially non national European films; activities for the education and the awareness-raising of young cinema goers; or activities for the preparation to digital cinema.

These costs can only be financed up to a limit of 50% by the Community contribution. At least 50% of these costs must, in any case, be met from sources of financing other than the European Commission.

In addition, the part I "Co-ordination entity administrative costs" may not exceed 5% of the total financial contribution granted to the network.

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

### 9.1. Payment Procedure

In the event of definitive approval by the Agency of the FPA, a specific annual grant agreement, drawn up in euro and detailing the conditions and level of funding, will be entered into between the Agency and the beneficiary.

This agreement (the original) must be signed and returned to the Agency immediately. The Agency will sign it last.

The account or sub-account indicated by the beneficiary must make it possible to identify the funds transferred by the Agency. If the funds paid into this account give rise to interest or equivalent profits in accordance with the legislation of the country where the account is held, such profit or interest will be recovered by the Agency where it results from the prefinancing payment if this payment exceeds EUR 50,000.

#### Payment schedule

A pre-financing payment of 75% for parts I and II will be transferred to the beneficiary within 45 days of the date when the last two parties signs the specific agreement and all the possible guarantees are received. This Pre-financing payment is designed to provide the beneficiary with a float.

The Agency will establish the amount of the final payment to be made to the beneficiary on the basis of the final reports.

If the eligible costs actually incurred by the organisation during the action are lower than anticipated, the Agency will apply its rate of funding to the actual costs, and the beneficiary will, where applicable, be required to repay any excessive amounts already transferred by the Agency under the pre-financing payment.

The amount allocated to each cinema cannot, under any circumstances, be higher than 50% of the costs committed by each cinema for the screening and promotion of non national European films.

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

A certificate on the financial statements and underlying accounts, produced by an approved auditor or in case of public bodies, by a competent and independent public officer, may be demanded by the authorising officer responsible in support of any payment on the basis of his assessment of risks.

The certificate shall be attached to the request for payment. The certificate shall certify, in accordance with a methodology approved by the authorising officer responsible, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement.

The certificate on the financial statements and underlying accounts shall be compulsory for interim payments per financial year and for payments of balances in cases of grants for an action of EUR 750,000 or more, when the cumulative amounts of request for payment is at least EUR 325,000.

### **9.3. Guarantee**

The Agency may require any organisation which has been awarded a grant to provide a financial guarantee first, in order to limit the financial risks linked to the prefinancing payment.

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

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

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

This requirement does not apply to public bodies

### **9.4. Double Financing**

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

To ensure this, applicants must indicate in the application form what other applications for financial support they have submitted or intend to submit to the European Institutions, indicating for each support the Community Programme concerned and the amount of the support.

### 9.5. Eligible costs

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

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

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

#### **N.B:**

- Costs assigned to a specific budget line in the application form must be assigned to **this very same budget line** in the final accounts.
- The beneficiary shall ascertain from the competent national authorities the provisions, rules and legislation governing the taxation of promotion activities in his country.
- A beneficiary of a community support is obliged to maintain a clear analytical accounting system for the costs of the supported action. This accounting and classification system will facilitate the verification and certification of the final costs by the approved external auditor necessary for the payment of the financial contribution. The independent audit of all final accounts is mandatory.

#### Distinction between eligible and non-eligible costs

The estimated budget submitted in the application file **must only state eligible costs**.

If the applicant plans some costs for the proposed action, which cannot be considered as eligible for the MEDIA Programme (*i.e. costs which are not stated in the estimated budget*), the applicant may attach to the application file a short explanatory note on these non-eligible costs if this note contributes to a better understanding of its promotional activities by the Evaluation Committee.

#### 9.5.1 Eligible direct costs

Applicant must submit a budget and a note to the budget for the Annual Action (year 2009).

Budget Headings are the following:

1. Co-ordination entity administrative costs
2. Cinema network common activities
3. Screening and Promotion of European films by the member cinemas

### **Heading 1 – Co-ordination entity administrative costs**

**The total of this budget heading can not represent more than 5% of the Media contribution.**

This Budget Heading consists of the following Sub-headings:

#### **Sub-heading 1.1. Salaries of Personnel and fees for Project Management**

Are to be written under this sub-heading any costs relating to employees (personnel) of the applicants organisation or company and to any human resources directly linked to the management of the action and its activity/ies, such as project manager, policy officer, project assistant etc., which contribution is charged over the whole duration of the action. This might include consultants and any other external partner(s).

The personnel costs shall be calculated on the basis of the actual daily salary of the employee, multiplied by the number of days devoted to the action. Where applicable, this figure will include all the usual contributions paid by the employer, such as social security contributions, but shall exclude any bonuses, incentive payments or profit-sharing schemes.

The daily salary will be based on the average salary charged at national level for qualified personnel executing comparable tasks.

#### ***Common rules:***

- The maximum number of working days per year per person is 220.
- Senior staff/consultants and directors shall be identified by name (if already known at submission stage).
- These costs must be actual costs incurred by the applicant; personnel costs of other organisations are eligible only if they are directly paid or reimbursed by the applicant.

#### **Sub-heading 1.2 Operating costs:**

Operating costs include travel and subsistence costs for Personnel and Project Management, costs for the seminars and experts groups as well as the costs for bank guarantee.

##### ***1.2.1 Travel costs for Personnel and Project Management***

The costs specified under these items are those linked to journeys undertaken for the monitoring of the network (experts meeting, monitoring visits to member cinemas, meetings with the Agency for the follow-up of the project, participation to professional meetings).

The number and destination of journeys and the number of days spent travelling must be reasonable with regard to the objectives of the applicant for the proposed action.

The destination of the travels as well as the number of days forecast and the name or role in the activity of the person(s) travelling should be justified in the Note to the estimated budget.

Accommodation and subsistence costs ("per diems") cannot be in excess of the scales accepted by the Commission and published on the following website:

[http://ec.europa.eu/europeaid/work/procedures/implementation/per\\_diems/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm)

If there is no overnight stay, the amounts are reduced by 50%.

If the internal regulation of the institution applying for a MEDIA grant imposes a lower limit than the scales accepted by the Commission, the lower limit must be used as a basis of calculation.

### **Common rules:**

- Air travel : only economy class tickets will be eligible
- Train travel : second and first class tickets are eligible
- Car travel: the eligible amount will be limited to the amount corresponding to the price of a 1<sup>st</sup> class train ticket.
- Per diems cover taxi and parking costs. Applicants using these monetary limits are thus not authorised to include these costs separately in the budget.

These conditions apply also for travel and subsistence costs for other professionals participating in the action (cf. 1.2.2, 1.3.2 & 2.2.2 below).

### *1.2.2 Seminars and experts groups*

Remuneration and travel costs for experts must be directly related to the implementation of the action.

Travel and subsistence costs for experts shall be calculated under the same conditions as those defined for the Personnel and Project Management (Item 1.2.2).

Costs relating to the seminars / experts meetings will also include the costs relating to the preparation and organisation of the meetings (rental of conference room, rental of equipment, evaluation material and documentation).

The destination of the travels as well as the number of days forecast and the name or role in the activity of the person(s) travelling should be justified in the Note to the estimated budget.

### *1.2.3 Costs for bank guarantee and audit costs*

Costs related to bank guarantee, which may be required by the Agency, and costs related to the audit of the action can be written in this category.

Interest charges (bank interests) are not eligible. Please pay particular attention to the other ineligible costs listed under Section 9.6.

### Sub-heading 1.3. Sub-contracting costs

Costs under these budget lines relate to the provision of services by persons who are neither employees of the applicant's organisation or company, nor individuals contracted for the whole duration of the action (see 1.1 above), for example: translation/ interpretation, printing, provision of computer software, accounting services (audit certification of accounts).

The costs specified under this heading relate to the amounts paid to third parties carrying out a specific one-off task in connection with the proposed action.

Sub-contracting costs are accepted only if the applicant staff does not have the skills required and the EC procurement procedures are respected. **Subcontracting costs must be substantiated by received invoices.**

All necessary explanations shall be stated in the "Note to the estimated budget".

This Budget Sub-heading consists of the following items:

### *1.3.1 Fees/Flat rates of third parties*

Costs under this item relate to the provision of services by persons who are neither employees of the applicant's organisation or company, nor individuals contracted for the whole duration of the action (see 1.1 above), for example:

- Expenditure relating to persons taken on exclusively for the duration of the activity/ies, such as interpreters, press attaches, publicists, hostesses, etc.
- Any fees and expenditures relating to the provision of consultancy services (on a short-term basis) by experts in particular in audio-visual matters to European professionals participating in the activity/ies to which the action relates. This category includes translation costs incurred in the frame of the action.

#### **Common rules:**

- Individuals contracted with a significant involvement in the management and/or organisation of the action and its activity/ies, shall be considered as "personnel" and budgeted accordingly under 1.1.
- Records of the time devoted to the activity/ies by third parties should be detailed clearly according to the type of service provided, the period during which they have been charged to the activity and their cost per head (duration, number, individual cost).

### *1.3.2 Travel and subsistence costs of third parties*

Costs under this item relate to the travel and accommodation costs of the sub-contracting persons specified under 2.1. below.

For the limits, rules and conditions applicable on travel and subsistence costs, please refer to section 1.2.1 above.

### *1.3.3 Computer and IT costs*

The costs specified under this item may include various computing and data base costs applicable under management of the action solely.

These costs may include for example, leasing costs of hardware and software, as well as their development, production and maintenance costs and costs related to connect time to on-line services where this is necessary for the proper implementation of the action.

#### **Common rules:**

- These costs may be charged to the action in so far as such costs are not charged under any other category of cost.
- Only the portion of the computing and technical equipment's depreciation corresponding to the duration of the activity(ies) and the rate of actual use for the purposes of the activity(ies) may be taken into account by the Agency.

- Only the cost of rental, leasing of equipment for the duration of the activity(ies) will be considered eligible.

### 1.4. Overheads

See section 9.5.2

## **Heading 2. Cinema network common activities**

This Budget Heading consists of the following Sub-headings:

### **Sub-heading 2.1 Salaries of Personnel and fees for Project Management**

Are to be written under this sub-heading any costs relating to employees (personnel) of the applicants organisation or company and to any human resources directly linked to the management of the action and its activity/ies, such as project manager, policy officer, project assistant etc., which contribution is charged over the whole duration of the action. This might include consultants and any other external partner(s).

The personnel costs shall be calculated on the basis of the actual daily salary of the employee, multiplied by the number of days devoted to the action. Where applicable, this figure will include all the usual contributions paid by the employer, such as social security contributions, but shall exclude any bonuses, incentive payments or profit-sharing schemes.

The daily salary will be based on the average salary charged at national level for qualified personnel executing comparable tasks.

#### ***Common rules:***

- The maximum number of working days per year per person is 220.
- Senior staff/consultants and directors shall be identified by name (if already known at submission stage).
- These costs must be actual costs incurred by the applicant; personnel costs of other organisations are eligible only if they are directly paid or reimbursed by the applicant.

### **Sub-heading 2.2 Operating costs**

#### ***2.2.1 Travel costs for Personnel and Project Management***

Costs relate to the travel and accommodation costs of the personnel and Project Management specified under 2.1 above.

For the limits, rules and conditions applicable on travel and subsistence costs, please refer to section 1.2.1.

#### ***2.2.2 Meetings of the members of the network***

Costs relating to the preparation and organisation of the meetings of the representatives of the cinemas of the network (rental of conference room, rental of equipment, conference, material and documentation).

For the limits, rules and conditions applicable on travel and subsistence costs for participants please refer to section 1.2.1.

A detailed list and description of the costs relating to the meetings of the members of the network shall be presented for each forecast meeting.

### 2.2.3 Information, publicity, communication and promotion costs

This category includes:

- the costs related to the design, lay-out, production and dissemination towards the member cinemas of material promoting their participation in the network. Such material may include posters, flyers, stickers, or 35 mm - trailer to be screened in the member cinemas.
- The costs related to the design, lay-out, production and dissemination of information and exchange tools between the members of the network, such as newsletters of Internet / Intranet services.
- The costs related to the design, lay-out, production and dissemination of publications (in printed, on-line or off-line formats) aiming at the dissemination of the results of the network activities.
- The costs related to certain common promotional actions

These costs shall be admissible in so far as they are not already assigned to another budget heading or category.

### **Heading 3 - Screening and promotion of European films by the member cinemas:**

The following costs shall be admissible as the cinemas' investment:

- Cost of programming of European films, in particular non-national European films: costs related to the payment of minimum guarantees or rental of European films, as negotiated contractually with the films' distributors.
- Education and awareness-raising activities: costs related to the organisation of premières with the director / cast of the film, of conferences / debates with the audience for the screening of a European film, advertising costs for European films screened, publications produced by the cinemas for the audience on the films screened, and in particular European films.
- Costs related to the introduction of digital cinema

### Note to the Estimated Budget

The note to the estimated budget will be used for the evaluation of the award criteria, especially for the assessment of the cost effectiveness of the proposed action. The applicants have to explain the reasoning behind the amounts stated in the estimated Budget.

- The Note to the estimated budget must be sufficiently detailed to allow identification and control of the proposed activity.
- The presentation of the Note to the estimated budget will be identical "heading by heading" to the estimated budget.
- In the event that costs such as Personnel costs or Overheads are distributed over one or more activities, a detailed justification for such distribution must be included in the Note to the estimated budget.

### **9.5.2 Eligible indirect costs ("overheads")**

These costs represent the applicant's general administrative costs. They are considered as eligible when they relate indirectly to the implementation of the proposed action but do not fall into any of the above-mentioned categories.

These costs should be in line with the principles set out in this guide. They cannot exceed a flat-rate amount of **7% of the total eligible direct costs** of the part I of the budget (subheadings 1.1+1.2+1.3). Indirect costs may not include costs entered under another budget heading.

Overhead costs encompass the following categories:

- ◆ **Premises and related expenses** (e.g. rent, insurance ...)
- ◆ **Office expenses and consumables** (e.g. telephone, postal services, photocopies ...)

Indirect costs are not eligible when the beneficiary also receives an operating grant from the European Commission/Agency.

### 9.6. Ineligible Costs

The following costs are considered ineligible:

- Return on capital,
- Debt and debt service charges,
- Provisions for losses or potential future liabilities,
- Interest owed,
- Doubtful debts,
- Exchange losses,
- VAT unless the beneficiary can show that he is unable to recover it, according to the applicable national legislation
- Costs declared by the beneficiary and supported in the framework of another action or under another Community grant,
- Excessive or reckless expenditure.

Contributions in kind do not constitute eligible costs.

Please note that the Agency reserves its right to reduce any cost, either in the award or subsequent payment procedures, which is not consistent with average market prices for the item or service foreseen.

### 9.7. Sources of Income

**All financial contributions must be substantiated by clear statements duly dated and signed (Annex E), specifying the amounts.**

The part 1 of the Estimated Budget (sheet 1 – Financing Plan) should show:

- The direct monetary contribution from the applicant (own resources);
- Any income generated by the proposed action (e.g. fees charged to participants, revenue from sales of publications etc.);
- The financial contribution from other fund providers (public and/or private);
- The contribution applied for to the MEDIA Programme.

### 10. SUB-CONTRACTING AND AWARD OF PROCUREMENT CONTRACTS

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

The beneficiary must clearly document the tendering procedure and retain the documentation for the event of an audit.

### 11. PUBLICITY

All grants awarded in the course of a financial year must be published on the internet site of the Community institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. This information may also be published in any other appropriate publication, for example the Official Journal of the European Community.

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

- name and address of the beneficiary;
- subject of the grant;
- amount and rate of financing.

Beneficiaries must clearly acknowledge the European Union's contribution and mention clearly "*With the support of the MEDIA Programme of the European Union*" in all publications or in conjunction with activities for which the grant is used.

Furthermore, beneficiaries are required to display clearly the name and logo of the MEDIA Programme on all their publications, posters, programmes and other products realised in the frame of the action supported.

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

### 12. DATA PROTECTION

All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.<sup>3</sup>

Your replies to the questions in the application form are necessary in order to assess your grant application and they will be processed solely for that purpose by the department responsible for the Community grant programme concerned. On request, you may be sent personal data and correct or complete them. For any question relating to these data, please contact the Agency. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time.

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<sup>3</sup> Official Journal L 8, 12.1.2001.

## **13. HOW TO APPLY**

### **13.1. Publication**

The Call for Proposals is being published in the Official Journal of the European Union and on MEDIA Programme's website at the following address:

[http://ec.europa.eu/information\\_society/media/exhibit/index\\_en.htm](http://ec.europa.eu/information_society/media/exhibit/index_en.htm)

### **13.2. Application Forms**

Grant application must be drawn up using the form specifically designed for this purpose.

Application forms and budget forms can be downloaded from the following website:

[http://ec.europa.eu/information\\_society/media/exhibit/index\\_en.htm](http://ec.europa.eu/information_society/media/exhibit/index_en.htm)

Applicants are required to present

- **One** complete and unbound application file duly signed.
- All the official documents relating to the legal entity and financial capacity of the applicant.
- 2 (two) **ADDITIONAL** unbound copies (translated in **ENGLISH** or **FRENCH** if necessary) including **ONLY** the following points of the application file must be also provided separately:
  - ◇ Application form II : Information on the application organisation
  - ◇ Application form VII : Partnership agreement : Global Action Plan for 2009-2012
  - ◇ Application form VIII : Annual Work Programme for 2009
  - ◇ Annex II of the application forms : The estimated budget for 2009
  - ◇ Annex D: Lists of the members of the network (on paper and on CD-ROM/DVD)

In addition to these, an electronic version of the documents requested in the Annex D (list of members of the network participating in the action) shall be included **on CD-Rom / DVD-Rom on Excel** (no other formats accepted) and attached to the application file.

### **13.3. Submission of the Application**

Only applications submitted on the correct form, duly completed, dated, showing a balanced budget (revenue/expenditure), submitted in the requested number of copies, and signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation will be accepted.

Applications which do not include all the stipulated documents and which are not submitted before the deadline will not be considered.

Proposals must be sent **by registered mail** at the applicant's own expense and by **31/10/2008** - postmark will be proof of timely sending - to the following address:

**Education, Audiovisual and Culture Agency (EACEA)**  
**Unit MEDIA Programme – P8**  
**MEDIA Support for the networking of cinemas screening European films 23/2008**  
**Mr. Constantin Daskalakis**  
**BOUR 03/30**  
**Avenue du Bourget 1**  
**B -1140 Brussels, BELGIUM**

Applications delivered by hand must be receipt by the services of the Commission at the latest on the **15/10/2008** before 15.00 hours to the address indicated above.

For express couriers, the date of delivery to the express courier company will be proof of timely sending.

Applications sent by fax or email will not be accepted.

**All envelopes should be clearly marked:**

**« CALL FOR PROPOSALS EACEA/23/2008  
MEDIA – Support for the networking of cinemas screening European films »**

No changes to the dossier can be made after the application has been submitted. Nevertheless, the Agency reserves the right to request additional information clarifying elements of the application. Applicants should give full and prompt replies to any such request.

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

All unsuccessful applicants will be informed in writing.

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

No file or document submitted will be returned to applicants at the end of the evaluation and award procedure.

### **13.4. Applicable Rules**

- COUNCIL REGULATION (EC, Euratom) N° 1995/2006 of 13 December 2006 (OJ L 390/2006 of 30 December 2006); amending Council Regulation N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.09.2002);
- COMMISSION REGULATION (EC, EURATOM) No 478/2007 of 23 April 2007 amending Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities;
- Decision n°1718/2006/EC of the European Parliament and the Council of 15<sup>th</sup> November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).

### **13.5. Contacts**

For any further information please contact **preferably** the MEDIA Desks and Antennes (addresses list on [http://ec.europa.eu/information\\_society/media/overview/who/desks/index\\_en.htm](http://ec.europa.eu/information_society/media/overview/who/desks/index_en.htm)).

Or

EACEA – Education, Audiovisual and Culture Executive Agency

Arnaud Pasquali/ Estelle Roger

MEDIA Programme

E-mail: [arnaud.pasquali@ec.europa.eu](mailto:arnaud.pasquali@ec.europa.eu)/ [estelle.roger@ec.europa.eu](mailto:estelle.roger@ec.europa.eu)