
Resolution CM/Res(2020)8 amending Resolution Res(88)15 setting up a European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works (“Eurimages”)

*(Adopted by the Committee of Ministers on 9 September 2020
at the 1381st meeting of the Ministers' Deputies)*

Adopted by the Committee of Ministers on 26 October 1988 at the 420th meeting of the Ministers' Deputies, amended by Resolutions Res(89)6, Res(90)34, Res(92)3, Res(93)10, Res(95)4, Res(97)65 and Res(98)10, by decisions taken by the Ministers' Deputies on 15 December 1999 at their 692nd meeting and on 19 July 2000 at their 718th meeting, and amended by CM/Res(2013)57.

The Representatives of the Committee of Ministers of Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine,

Considering the European Cultural Convention (ETS No. 18);

Considering the Committee of Ministers' Resolution Res(86)3 on European cultural co-operation;

Considering Resolution No. 1 on the promotion of European audiovisual works, adopted by the 1st European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

Considering the Committee of Ministers' Recommendation Rec(86)3 on the promotion of audiovisual production in Europe and Recommendation Rec(87)7 on film distribution in Europe;

Considering the work of the 5th Conference of European Ministers responsible for Cultural Affairs, held in Sintra from 15 to 17 September 1987, and of the informal meeting of the European Ministers responsible for Cultural Affairs, held in Brussels on 13 and 14 September 1988, as well as the conclusions of the Colloquy on film co-distribution in the European area, organised by the Committee of Governmental Experts on the cinema of the Council for Cultural Co-operation in Rimini on 3 and 4 July 1987;

Considering that the aim of the Council of Europe is to achieve greater unity between its members in order, in particular, to safeguard and promote the ideals and principles which form their common heritage;

Considering that freedom of creation and freedom of expression constitute fundamental elements of these principles;

Realising that digital technology, artificial intelligence and other emerging technologies have profoundly modified behaviours in film and audiovisual consumption and that freedom of expression and pluralism must be preserved in a fast-changing audiovisual ecosystem;

Wishing, therefore, to foster the co-production, distribution and circulation of creative and independent cinematographic and audiovisual works in order to take full advantage of digital technologies and to meet the cultural and economic challenges arising from their development;

Wishing to intensify co-operation for the purpose of stimulating film and audiovisual production as an important means of promoting cultural exchanges within Europe and beyond, thus contributing to more inclusive and peaceful societies;

Wishing, accordingly, to take concrete measures to encourage the production and distribution of films and audiovisual works and, thereby, the development of the programme industries;

Having regard to Committee of Ministers' Statutory Resolution Res(93)28 on partial and enlarged agreements;

Having regard to the decision taken by the Committee of Ministers on 20 October 1988 at the 420th meeting of the Ministers' Deputies authorising the member States who so wish to pursue these objectives within the Council of Europe by means of a partial agreement;

Having regard to Recommendation CM/Rec(2017)9 of the Committee of Ministers to member States on gender equality in the audiovisual sector;

Having regard to the Council of Europe Convention on Cinematographic Co-production (revised) (CETS No. 220) which, in Article 17, establishes that the Board of Management of the European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages" shall be responsible for the follow-up of this convention,

Resolve to set up a European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works to be governed by the following rules:

1 Purpose and functions of the Fund

1.1. The purpose of the Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works (hereinafter referred to as "the Fund") shall be to encourage in any way to be defined by the Board of Management the co-production, distribution, broadcasting, streaming and exhibition of creative cinematographic and audiovisual works.

The Fund's main objective is cultural. It fosters independent, original and diverse filmmaking of quality (in any format and using any technological means available). It may decide to take other measures in any area of the audiovisual sector including, but not limited to, gender equality, diversity, inclusion and environmental protection.

1.2. The Fund shall receive, hold and utilise the resources allocated to it in accordance with paragraph 4 below, in pursuance of decisions taken by the Board of Management and the Executive Committee set up pursuant to paragraph 2 below.

1.3. By a decision of the Board of Management, the Fund may enter into arrangements with any organisation pursuing objectives of cinematographic and audiovisual interest, with a view to co-ordinating their work.

1.4. The headquarters of the Fund shall be in Strasbourg.

2. Board of Management and Executive Committee

2.1. Each member State of the Fund (including associate members) shall appoint one representative to the Board of Management.

2.2. The Board of Management shall manage the Fund.

It shall avail itself of independent experts from the cultural field, such as film and audiovisual professionals, approved by the Board of Management and subsequently hired by the Secretariat, based on public procurement principles and on criteria established by the Board of Management.

2.3. The Board of Management shall adopt the budget of the enlarged partial agreement, define the policy of the Fund and the modalities for the granting of financial support. It oversees the most effective use of the resources of the Fund in line with its cultural objectives and the principles and values of the Council of Europe. In doing so, it endeavours, as far as possible, to reduce the environmental impact of its activities.

It shall also be responsible for the follow-up of the Council of Europe Convention on Cinematographic Co-production (revised).

2.4. The Board of Management shall adopt its rules of procedure.

Decisions shall be taken by a two-thirds majority of the votes cast, each of the Fund's member States casting one vote. The decisions thus taken shall be valid provided the above-mentioned majority represents half of the paid-in capital of the Fund, calculated on the basis of the contribution of each of the Fund's member States.

However, procedural decisions shall be taken by a majority of the votes cast.

2.5. The Executive Committee shall be composed of one third of the representatives using a system of rotation amongst all the member States of the Fund (including associate members). Rotation will ensure, wherever possible, a geographical and gender balance amongst the representatives.

The Executive Committee shall carry out tasks that do not fall within the exclusive competence of the Board of Management as defined in Article 2.3 above. In doing so, it shall ensure that the decisions taken are in line with the cultural objectives of the Fund as defined in the Board of Management policy and the principles and values of the Council of Europe.

The Executive Committee shall adopt its rules of procedure, which shall be approved by the Board of Management.

3. Audit of accounts

The accounts of the Fund shall be audited by the external auditors appointed by the Committee of Ministers of the Council of Europe.

4. Resources of the Fund

4.1. The Fund's resources shall comprise:

- 4.1.a. the annual contributions of each of the Fund's member States and associate member States;
- 4.1.b. the amounts of repaid loans;
- 4.1.c. any other payments, donations or legacies, subject to the provisions of paragraph 4.3 below.

4.2. The contributions of the Fund's member States and associate members shall be determined each year by their representatives on the Board of Management, duly authorised to that effect by their respective governments, according to a scale approved by the Board of Management. The obligatory contributions calculated according to this scale may be supplemented by annual voluntary contributions.

4.3. The crediting to the Fund of payments, donations or legacies referred to in paragraph 4.1.c. above, in excess of the amount fixed by the Board of Management, shall be subject to the agreement of the latter.

4.4. The Fund's assets shall be acquired and held in the name of the Council of Europe and as such shall enjoy the privileges and immunities accorded to the Organisation's assets under the relevant agreements. The Fund's assets shall be kept separate from the Council of Europe's other assets.

5. Conditions attaching to the award of financial support

5.1. The Fund may grant financial support to natural or legal persons governed by the legislation of one of the Fund's member States (including associate members), which produce films and/or audiovisual works as well as to natural or legal persons which distribute, broadcast, stream or exploit them. The Fund may avail itself of intermediate entities in the granting of such support.

5.2. Independent experts, as defined in Article 2.2 above, shall evaluate projects complying with the eligibility criteria set out in the regulations approved by the Board of Management. In doing so, experts take no instructions from national authorities and apply exclusively the selection criteria and the guidelines defined by the Board of Management. The Executive Committee monitors the application of the selection criteria and guidelines and adopts the recommendations made by the independent experts.

5.3. Co-production support may be granted to films or audiovisual works originating in the Fund's member States (including associate members), co-produced between independent producers established in different member States of the Fund (including associate members), of which at least one is a member State of the Council of Europe.

Such support may also be granted to co-productions involving co-producers from member and associate member States of the Fund on the one hand, and co-producers from non-member States on the other hand, provided that the contribution by the latter States does not exceed 30% of the cost of producing the co-production.

5.4. In addition, support for distribution, circulation, broadcasting and streaming of a film or audiovisual work originating in one or more member States of the Fund (including associate members) already supported by the Fund under the co-production support scheme, may be granted to cover costs related to promotion.

5.5. Support for cinematographic exhibition may be granted to ensure that films originating in the member States of the Fund (including associate members) are shown in their cinemas.

5.6. Support for the promotion of co-production may be granted to ensure that projects are conceived as co-productions at the development stage and to explore new forms of international co-operation in film-making.

5.7. Financial support shall be allocated in the form of grants, loans at a preferential rate or advances on receipts.

6. Accession and withdrawal

6.1. Any member State of the Council of Europe may, at any time, indicate to the Secretary General its intention to join the Fund.

A non-member State of the Council of Europe may accede to the Fund first as an associate member for a period of at least four years and thereafter as a full member, provided that its application for membership is unanimously accepted by the Fund's member States. The status of associate member is equivalent to that of a full member of the Fund except for decisions concerning the policy of the Fund and modalities of support, which can only be taken by the latter.

The Secretary General shall forward the request for membership or associate membership to the Board of Management, which shall hold a preliminary dialogue with the State concerned regarding the modalities of accession, with respect in particular to the provisions of paragraph 6.3 below. The Board of Management shall inform the Secretary General and the State concerned of its opinion, on the basis of which the State may notify its accession to the Fund.

In the event of disagreement about the modalities of accession, it will be for the Committee of Ministers, in its composition limited to the member States of the Fund and in agreement with the State concerned, to take a decision.

6.2. The European Union may also accede to the Fund.

6.3. The Fund's member States, represented on the Board of Management, shall agree with any new member or associate member State upon the percentage of its annual financial contribution in relation to the total amount contributed to the Fund by States.

6.4. Any member State or associate member State may withdraw from the Fund upon giving six months' notice expiring at the end of the financial year.

7. Secretariat

7.1. The Secretariat General of the Council of Europe shall act as secretary of the Fund.

8. Operation

8.1. The Fund's operational expenditure shall be apportioned as follows:

8.1.a. The travel and subsistence expenses of participants at Board of Management and Executive Committee meetings of the Fund shall be paid by each member or associate member State of the Fund. In the organisation of such meetings, the environmental impact should, whenever possible, be taken into account.

8.1.b. The cost of implementing decisions of the Board of Management and common secretariat expenditure (documents, staff, official travel, experts, translation, interpretation and all other specific expenditure relating to the operation of the Fund) shall be provided for in the enlarged partial agreement budget, financed by the member States and associate member States of the Fund. In financing such expenditure, the environmental impact should, whenever possible, be taken into account.

8.2. The Fund shall complete a periodic evaluation of its functioning at least every five years.