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2021 GUIDE

Support for cinemas

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For all the latest information about EURIMAGES, please consult the Fund's website:

www.coe.int/Eurimages

I – INTRODUCTION

Active since 1989, Eurimages was set up as a cultural support fund of the Council of Europe. It currently numbers 39¹ of the 47 member States of the Strasbourg-based organisation, plus Canada as Associate member.

Objective

Eurimages promotes the audiovisual industry of its member States by providing financial support to feature films, animations and documentaries produced in them. In doing so, it encourages co-operation between professionals from its different member countries.

Budget

Eurimages has a total annual budget of approximately €27.5 million. This financial appropriation derives essentially from the contributions of the member States and from reimbursement of the support.

Board of Management

The Board of Management, under the authority of its President, defines the policy of the Fund and takes decisions on support. It meets four times a year in different Eurimages member States and is composed of representatives of the Fund's member States.

Secretariat

The Eurimages Secretariat is responsible for implementing the decisions taken by the Board of Management. It maintains contact with cinema professionals and has the task of assessing applications for funding as well as ensuring the follow-up of support agreements. The Secretariat is based in Strasbourg under the authority of its Executive Director.

Support schemes

Eurimages has four support schemes: cinema co-production, distribution, cinematographic exhibition and promotion. The regulations in this brochure refer to the cinematographic exhibition support scheme. For the other support schemes, please refer to the other relevant regulations.

Funding

The support granted by Eurimages for cinematographic exhibition takes the form of a subsidy.

Information

The procedure for submission of an application and contact details can be found on the website www.coe.int/eurimages.

¹ Since 1st January 2021, EURIMAGES has 40 member States: Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovenia, Slovakia, Spain, Sweden, Switzerland, Turkey and Ukraine.

Support for cinemas

The technical management of the cinematographic exhibition support programme has been entrusted to Europa Cinemas so as to ensure complementarity with the cinema support programme run under the Creative Europe MEDIA sub-programme. Only cinemas located in Eurimages member States that do not have access to support under the Creative Europe MEDIA sub-programme are eligible for the Eurimages programme of support for cinemas.²

Cinemas supported by Eurimages belong to the Europa Cinemas network, which enables the exhibitor to benefit from the joint co-ordination, information and communication measures implemented by Europa Cinemas. These activities are co-financed by the exhibitors, who pay Europa Cinemas 5% (five per cent) of the amount of support granted to the cinema.

Objectives

The objectives of the cinema support programme are the following:

- to increase the programming in cinemas and raise attendance for films from Eurimages or Council of Europe member States³, with priority being given to non-national and Eurimages films. The term "Eurimages films" designates films which have been granted co-production support by Eurimages⁴;
- to foster diversity in the screening of eligible films and to support cinemas' efforts to enhance the programming and promotion of such films;
- to develop a wide network of cinemas, allowing joint initiatives, both between exhibitors and distributors and with other Eurimages member States and European organisations that support exhibition;
- to encourage the exhibitors, in the framework of the implementation of the Eurimages strategy for gender equality, to highlight women's work by including in their programming films directed by women.

² As at 1st January 2021: Armenia, Canada, Georgia, Russian Federation, Switzerland, Turkey and Ukraine.

³ "Eligible films" as defined in point 4 of the Cinema support regulations.

⁴ <https://www.coe.int/en/web/eurimages/co-production-funding-history>

II - Regulations concerning support for cinemas

1. Eligibility

1.1 Cinemas

Cinemas located in Eurimages member States that do not have access to the Creative Europe MEDIA programme are eligible. A "cinema" designates an establishment run by an exhibitor, whether it has one or several screens.

Cinemas must guarantee good screening conditions and audience comfort and be situated in national or regional capitals, university cities or other key cities or towns for cinematographic distribution.⁵

To be eligible, cinemas must also satisfy the following criteria:

- commercial cinemas⁶ that have been open to the public for at least 6 months and operate with a box office/ticketing system and declaration of receipts,
- minimum number of screenings: 520 per year,
- minimum number of seats: 70,
- minimum admissions over 12 months: 20,000,
- technical equipment meeting professional standards,
- safety conditions complying with national law,
- pornographic cinemas are ineligible.

The Eurimages Board of Management may nonetheless approve exceptions to the above criteria for single-screen cinemas operating in specific exploitation circumstances.

1.2 Exhibitors

Exhibitors shall be excluded from applying for membership of the network if they, or where applicable, the owners of the company or persons having powers of representation or decision-making:

1.2.1 have been convicted by final judgment for any of the following offences: participation in a criminal organisation, corruption, fraud, money laundering, child labour or human trafficking;

1.2.2 are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or subject to a procedure of the same kind;

1.2.3 have been convicted by final judgment for serious professional misconduct or any other offence relating to professional integrity;

1.2.4 do not comply with their obligations relating to the payment of social security contributions, taxes and duties under the legislation of their country of incorporation;

1.2.5 are in a situation of a conflict of interests or a potential conflict of interests in relation to the cinemas support programme;

1.2.6 have engaged in misconduct in connection with an earlier application for support that led Eurimages to justifiably terminate the support agreement or to exclude the exhibitor from the support agreement.

⁵ For example, towns where films are screened during the first week of national release.

⁶ Businesses, companies, associations (or any other type of entity) owned either directly or through share ownership by citizens of the member States concerned.

When submitting their application to join the network, exhibitors shall deliver a declaration on their honour and on behalf of their owners and persons having powers of representation or decision-making, stating that they are not in any of the situations listed under points 1.2.1 to 1.2.6.

Eurimages reserves the right to ask successful applicants to supply the following supporting documents:

- a. For the items in Articles 1.2.1, 1.2.2 and 1.2.3, an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that these requirements are met;
- b. for the items in 1.2.4, a certificate issued by the competent authority of the country of incorporation.

Exhibitors shall inform Eurimages without delay of any change in their circumstances with regard to the criteria set out under 1.2.1 to 1.2.6.

2. Support access threshold

The cinema (7 screens or less) must ensure that its screenings include a minimum percentage of screenings of eligible films⁷:

- at least 50% of the total screenings should be eligible screenings;
- at least 25% of the total screenings should be non-national eligible screenings;
- at least 10% of the total screenings should be screenings of Eurimages films.

The multiplex (8 screens or more) must ensure that its screenings include a minimum percentage of screenings of eligible films:

- at least 45% of the total screenings should be eligible screenings;
- at least 18% of the total screenings should be non-national eligible screenings;
- at least 5% of the total screenings should be screenings of Eurimages films.

For new countries entering the network, the minimum percentages of eligible screenings as set out above must be attained in the fourth year of membership. During years 1 to 3, a progressive scale is applied, as set out below:

1st year (1/3rd of obligations) – 16% of eligible screenings, 8% of non-national eligible screenings, 3% of screenings of Eurimages films
2nd year (1/2 of obligations) – 25% of eligible screenings, 13% of non-national eligible screenings, 5% of screenings of Eurimages films
3rd year (2/3rd of obligations) – 33% of eligible screenings, 17% of non-national eligible screenings, 7% of screenings of Eurimages films
4th year (full obligations) – 50% of eligible screenings, 25% of non-national eligible screenings, 10% of screenings of Eurimages films

⁷ Definition of “eligible films” under point 4 of the Exhibition support regulations

Moreover, the exhibitors are invited to organise, during International Women's Day, on 8 March each year, an event/debate on the theme of the role of woman and gender equality, including the screening of a film directed by a woman.

Should the cinema close for more than two consecutive weeks during the period under examination, the amount of support payable will be calculated on a pro rata basis of the opening weeks.

Where, for two consecutive years, a selected cinema is no longer able to achieve the required programming percentages, the Eurimages Board of Management may decide to withdraw the support and the Eurimages/Europa Cinemas label.

3. Commitments of cinema exhibitors

The cinema exhibitors undertake to:

- annually provide Europa Cinemas, by 15 January at the latest, with the information requested in the programming report for the last year (for each film: original title, local title, director's surname, main nationality of the film, gender of the director, release date in the relevant country, programming date in the relevant cinema, projection format, version, total weeks, total screenings, total admissions, box office). This information must be entered in the Member Zone of the Europa Cinemas Internet site;
- if the need arises, provide a report of 8 March event: description of the event, speakers, audience feedback, etc...;
- introduce measures to promote and publicise eligible films;
- promote the Eurimages/Europa Cinemas label on any publicity material issued during the term of this support contract by adding the following words "with the support of the Eurimages Fund of the Council of Europe" and the systematic screening of the trailer of Europa Cinemas;
- send Europa Cinemas the required documentary proof of programming and results.

4. Definition of Eligible films

"Eligible films" are defined as full-length features, documentary or animation films, produced or majority co-produced by one or more companies having its head office in a Eurimages or Council of Europe member State. Films must have been recognised as national films by the Eurimages and Council of Europe member States production countries.

Advertising films, those of a pornographic or racist nature and films advocating violence are excluded.

5. Amount and conditions of financial support

A contract between the exhibitor and the Deputy Executive Director, acting on behalf of Eurimages, sets out the conditions for awarding the support. It is concluded for a period of one year and is renewable. In the event that the Eurimages Secretariat has not received the signed agreement by the end of September of the current year, no payment shall be made.

The amount of the support is decided by the Eurimages Board of Management; if the cinema meets the programming requirements set out in the contract, Eurimages will contribute €1 (one euro) maximum per non-national eligible admission in the cinema, including admissions to national films made as co-productions **between Eurimages and Council of Europe member States**, subject to an annual maximum amount of € 15 000 (fifteen thousand euros).

The Eurimages Board of Management may also decide to grant a bonus for the programming of Eurimages films, according to the terms and conditions to be defined in the contract and within the limit of a maximum annual amount of €5,000 (five thousand euros).

Calculation method:

There are three objectives to be met. They are listed under point 2 of the regulations. Each objective met triggers a theoretical support of 5,000 euros. If all three objectives are met, the theoretical support could reach a maximum of 15,000 euros. The actual amount of support is calculated on the basis of the number of non-national eligible admissions

e.g.: if one objective is met and there are 5,000 or more non-national eligible admissions, a maximum of € 5,000 euros will be granted. If the admissions are lower, the amount granted will correspond to that figure. For full support of € 15,000, all three objectives must be met and at least 15,000 non-national eligible admissions reached. Otherwise it is according to the number of non-national eligible admissions. A cinema that meets all three objectives but only has 3,000 non-national eligible admissions, will only receive € 3,000.

Moreover, the Eurimages Board of Management may decide to award the following bonuses:

- for the programming of Eurimages films, a threshold of 1,000 admissions is set for new cinemas. This bonus shall consist of €0.50 (fifty cents) per admission to a Eurimages film, above a number of 1,000 admissions. Such additional support shall in no case exceed € 5,000 per annum. If the cinema's number of Eurimages films is above the threshold set for two consecutive years, the threshold will be set at a maximum of 2,000 admissions.
- if the cinema organises an event on 8 March, International Women's Day, the Board of Management may also grant a bonus of €0.50 (fifty cents) per admission for recent (i.e. of the current year), eligible, non-national films directed by women programmed. This bonus, which will be granted subject to budget availability, is of a maximum of €2,500 (two thousand five hundred euros) per cinema.

The support is payable in a single instalment after the Eurimages Board of Management has examined and approved the cinema's programming schedule and the corresponding report drawn up by Europa Cinemas. The amount of support paid to the exhibitor will be reduced by the share (5%) payable by Eurimages to Europa Cinemas for the implementation of joint initiatives via the Europa Cinemas network.

Cinemas will be paid proportionally to the budget available. Should the overall support exceed the available budget, the support will be reduced accordingly. (ie. overall support exceeds 10% of the budget, the support for each cinema will be reduced by 10%).

If the cinema changes exploitation company during the course of the accounting period, the support will be paid to the company managing the cinema at the time of the Board of Management's decision awarding the amount of the support, provided the managing company is willing to sign a new contract with Eurimages and undertakes to comply with the conditions as provided for in the contract concluded with the former exhibitor.

6. Procedure

The registration of application files must be completed online by following the steps below:

- 6.1. Transmission of the following information by electronic mail to mricha@europa-cinemas.org :

ON THE CINEMA

- Name of the cinema
- Total number of screens
- City
- Country
- Phone number of the cinema
- First and last name of the director of the cinema
- First and last name of the person in charge of the follow up of the application with Europa Cinemas
- Preferred language between English and French
- Position of this person in the cinema
- Mobile phone number of this person
- E-mail address of this person
- Total number of films (all films must be taken into account) screened in the previous year
- Total number of eligible⁸ films screened in the previous year (excluded the domestic films)
- Total number of domestic films screened in the previous year
- Total admissions registered in the relevant cinema in the previous year (all admissions of all films must be considered, even those for free, even those screened in the frame of an event such as a festival, Film Weeks, Tributes to...)
- Website address of the cinema

⁸ Definition of "eligible films" under point 4 of the Exhibition support regulations

ON THE EXHIBITION COMPANY/OR INDIVIDUAL EXHIBITOR

- Name of the exhibition company
- Corporate status of the company
- City
- Country
- First and last name of the legal representative of the company
- Phone number of the company
- Mobile phone number of the legal representative of the company
- Programming-mail address of the company

6.2. Upon receipt of this message, Europa Cinemas will send the exhibitor a log-in identification and password which will allow the exhibitor to enter, via the Member Zone of Europa Cinemas, all the necessary information concerning the cinema and its programming during the **year prior to application**.

6.3. Eurimages will be informed of the application upon validation by the cinema of the above information **and will require the applicant to complete a declaration on the criteria set out in 1.2 above.**⁹

6.4. Once the application is validated, the exhibitor should send to Europa Cinemas at 54, rue Beaubourg, 75003 PARIS:

- the downloaded identification sheet, signed by the legal representative of the company,
- a certificate of receipts declared to the distributors,
- copies of publications issued by the cinema.

After the applications have been received by Europa Cinemas, a programme of visits is organised by the relevant country's representative on the Board of Management, the Chair of the "Cinemas" Working Group and a representative of Europa Cinemas. Following these visits, Europa Cinemas prepares a report with its proposals which is transmitted to the Eurimages Secretariat. This report is then put forward to the Board of Management so that a decision can be taken at the meeting held in October of each year.

7. Deadline

For cinemas new to the network, the deadline for receipt of applications is **30 June at 6pm CET** of each year, at the latest, for financial support for the following year.

For cinemas already belonging to the network, the Board of Management will verify, in principle at the first meeting of the year, the conditions for maintaining the cinema in the network. The exhibitor will be informed of the decision within 30 days following the Board's meeting, and the decision will take effect as of 1 January of the current year.

Any applications that are incomplete or that have been received after the deadline (**30 June at 6pm CET**) will be refused.

⁹ See model in Appendix I.

8. Changes in The Exhibitor's circumstances

1. The Exhibitor shall inform Eurimages without delay of any changes in the persons who may legally represent it, or in its name, address or legal domicile.
2. The Exhibitor shall also inform Eurimages without delay in cases where it is or becomes involved in a merger, takeover or change of ownership or partnership or there is a change in its legal status.

9. Conflict of interest

The Exhibitor undertakes to take all necessary precautions to avoid any risk of a conflict of interests and shall inform Eurimages without delay of any situation constituting or likely to lead to any such conflict.

A conflict of interests exists where the impartial and objective exercise of the functions of any person under this Agreement is compromised for reasons involving family or private life, political or national affinity, economic interest or any other interest shared with another party.

APPENDIX I

Declaration on the Criteria set out in Article 1.2

Done in
On

I, the undersigned,

acting as the representative of THE EXHIBITOR

Name and legal form:

Address:

VAT No.: [..... (if any)]

for the CINEMA: ;

hereby declare that:

a) neither THE EXHIBITOR I represent nor its owners or any of the persons having powers of representation or decision-making have ever been convicted by final judgment for any of the following offences: participation in a criminal organisation, corruption, fraud, money laundering, child labour or human trafficking;

b) THE EXHIBITOR I represent is not in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation resulting from a procedure of the same kind or subject to a procedure of the same kind;

c) neither THE EXHIBITOR I represent nor its owners or any of the persons having powers of representation or decision-making have ever been convicted by final judgment for serious professional misconduct or any other offence relating to professional integrity;

d) THE EXHIBITOR I represent has fulfilled all obligations relating to the payment of social security contributions, taxes and duties under the legislation of the country of incorporation;

e) neither THE EXHIBITOR I represent nor its owners or any of the persons having powers of representation or decision-making are in a situation of a conflict of interests or a potential conflict of interests in relation to this application or, to the best of my knowledge, to any sub-contractors to be used. I have been notified and understand that a conflict of interests may arise, in particular, from economic interests, political or national affinities, emotional or family ties or any other type of shared relationship or interest;

f) neither THE EXHIBITOR I represent nor its owners or any of the persons having powers of representation or decision-making have ever engaged in misconduct in connection with an earlier application for support that led Eurimages to justifiably terminate a support agreement or to exclude THE EXHIBITOR concerned from the support agreement;

g) the information provided to Eurimages in this application is complete, correct and truthful;

h) if THE EXHIBITOR's application is retained, I will provide Eurimages with the following documents upon request:

- In relation to the matters referred to in sub-paragraphs a), b) and c) above, a recent extract from the criminal record or an equivalent recent document issued by a judicial or administrative authority in the country of origin or provenance, showing that the requirements referred to have been met. If the national law of the country in which THE EXHIBITOR is established does not provide for such documents to be supplied to legal persons, these documents shall be requested for natural persons concerned, such as the administrators or any person vested with powers of representation, decision or supervision on THE EXHIBITOR's behalf;
- In the case referred to in sub-paragraph d) above, recent certificates or letters from the relevant authorities of the state concerned are required. These documents must provide proof of payment of all the taxes, duties and social security contributions owed by THE EXHIBITOR including VAT, corporation tax and social insurance contributions.

If necessary, where one of the documents referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in THE EXHIBITOR's country of origin or provenance.

In signing this form, I acknowledge that I have been notified that if any of the statements made or information provided prove to be false, Eurimages reserves the right to exclude the application concerned or to terminate any existing contractual relations.

Signature.....