

**FINANCIAL REGULATIONS
OF THE SUPPORT FUND FOR THE CO-PRODUCTION AND DISTRIBUTION
OF CREATIVE CINEMATOGRAPHIC AND AUDIOVISUAL WORKS
"EURIMAGES"**

*as amended by the Eurimages Board of Management
on 19 October 2018, at its 152nd meeting ¹*

PART I - GENERAL PROVISIONS

Article 1

These regulations set forth the rules concerning:

- the Fund's Programme and Budget;
- member states' contributions and other income;
- the management of the funds placed at the disposal of the Secretary General to ensure the functioning of the Partial Agreement
- the financial statements and the budgetary management accounts of the fund

Article 2

1. These regulations are applicable to the operations performed within the framework of the Eurimages Fund, as defined in revised Resolution (88)15, setting up a European support fund for the co-production and distribution of creative cinematographic and audiovisual works "Eurimages".

2. Where no provision is made in these regulations, the Financial Regulations of the Council of Europe shall apply.

Article 3

1. The financial year shall last one year extending from 1 January to 31 December of the same calendar year. Since 2012, the Programme and Budget will cover two consecutive financial years (hereafter "the biennium").

2. The Programme and Budget shall be an integrated document. The Programme shall set the Fund's objectives for the biennium, along with expected results and performance indicators. The Budget shall authorise the budgetary receipts and budgetary expenditure of the Fund for the implementation of the Programme for each of the financial periods of the biennium.

3. The Secretary General shall propose, and the Committee of Ministers shall approve, on the recommendations of the Eurimages Board of Management, the Programme and Budget in accordance with the present regulations.

Article 4

All receipts and all expenditure of the Fund shall be shown in the budgets.

¹ Amendments to Article 13 (entry into force on 19/10/2018)

Article 5

As set out in Article 17 of these regulations, the Programme and Budget shall be established and the accounts kept in euros. The contributions of member states shall be payable in Euros.

PART II - FINANCING – RECEIPTS AND CONTRIBUTIONS

Article 6

The Fund's resources shall be used to defray the programme expenditure and operational expenditure referred to in revised Resolution (88)15 revised.

Article 7

The income of the fund shall consist of obligatory contributions, voluntary contributions, sums derived from reimbursements or cancellations of support, the interest earned on the Fund's financial assets, miscellaneous receipts and all other payments, donations or legacies, subject to the provision laid down in paragraph 4.3 of Resolution (88)15 revised.

Article 8

The credit balance of a financial year shall be added to the Fund's resources for the following financial year. This balance shall be credited to the budget of receipts as of 1 January of the following year but can be used only for the financing of programme expenditure.

Article 9

1. The total amount of obligatory contributions for each financial year shall be assessed so as to cover the appropriations authorised in the Programme and Budget of the Fund for the same financial year, after deduction of the estimated amount of miscellaneous income.
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 adopted by the Board of Management by virtue of the power conferred on it by the Committee of Ministers in Article 4.2 of Resolution (88)15 revised.
3. As from 1 January 2011 the scale of contributions shall be based on the method adopted by the Board of Management on 2 June 2009, at its 115th meeting and described in Appendix I attached.
4. The obligatory contributions calculated according to this scale may be supplemented by voluntary contributions.

Article 10

Any new member shall pay, in respect of the financial year during which its instrument of accession is deposited, a contribution in an amount to be determined, according to the scale in force, by the Fund's member states represented on the Board of Management. This contribution shall be recorded as a current year budget receipt.

Article 11

1. Each member state shall pay at least one third of its obligatory contribution in the course of the first two months of the year.
2. The balance of the contribution due shall be payable before the end of June of the same year.
3. Member states that have not paid their entire contribution before the end of June, shall be required to pay simple monthly interest of 0.5% on amounts remaining unpaid on the first day of each of the following six months, and 1% on amounts remaining unpaid on the first day of each month thereafter.
4. The budget of receipts shall be credited with the amounts of contributions called. If a contribution remains unpaid in whole or in part at the end of the financial year, the unpaid amount shall remain recorded in a debtors account.
5. The Board of Management shall be informed of the situation regarding unpaid contributions in accordance with a timetable that it shall determine and, in any case, on the presentation of the annual accounts.

Article 12

The contribution of a new member state shall be paid within six months of the deposit of its instrument of accession. The non-payment of a contribution within the time-limit shall lead to the application of default interest as set out below.

Article 13

1. If all or part of a contribution remains unpaid when the financial year ends on 31 December, the Secretariat shall, after informing the state's representative on the Board of Management, call on the authorities concerned to pay the contribution within a maximum of six months. Once the six months have elapsed, any new request (or request for a renewal) for Eurimages support (whether financial or not) concerning a project or activity linked to a natural or legal person of that state will be frozen. This shall apply to all Eurimages' activities and in the case of a request for co-production support shall be applicable to both majority and minority participations in a project.
2. If a member state fails to meet all or a substantial part of its financial obligations over a two-year period, the Board of Management may suspend its right of representation on the Board.

Article 14

1. A voluntary contribution shall be accepted as soon as the Permanent Representative of a member state has transmitted written confirmation from the competent national authorities stating the amount, subject to the agreement of the Board of Management.
2. A voluntary contribution can be paid in either one or two instalments.
3. To calculate the contribution rate applied for determining voting rights, the contribution of the member state concerned shall be increased by the total of the accepted voluntary contribution. The resulting rate shall be taken into account as follows:

a) Payment in a single instalment:

If the total amount of the voluntary contribution is paid before the end of February, the change in voting rights shall apply to all four meetings of the current year;

b) Payment in two instalments:

First instalment: if the first instalment is paid before the end of February, the change in voting rights shall apply to all meetings held before the end of June; in the event of late payment of the first instalment, the change in voting rights shall apply to the meetings following receipt of the payment until the end of June;

Second instalment: if the second instalment is paid before the end of May or, at the latest, before the third meeting of the year, the change in voting rights shall apply to all meetings held between 1 July and 31 December.

4. No penalty for late payment shall apply to voluntary contributions.

PART III – FINANCIAL AND BUDGETARY PROCEDURES

Article 15

1. The Board of Management shall in principle hold four meetings per year.

2. During the first meeting of the year the Board of Management shall examine the record of payments of obligatory and voluntary contributions, validate the statistics used as a basis for the calculation of the contributions (criteria 2, 3 and 4) and examine the budgetary orientations for the following financial year.

3. At its second meeting the Board of Management shall fix the scale of contributions for the following financial year. It shall examine the accounts of the preceding financial year as well as the External Auditor's report on these accounts. It shall also take note, where possible, of the report of the Budget Committee on the draft budget of the following financial year and may adopt any proposed modifications.

5. At its third meeting of the year the Board of Management shall examine the draft budget and approve the scale and the amounts of contributions for the following financial year. It may instruct the Executive Director to bring any comments to the attention of the Committee of Ministers. At this same meeting, or at any later stage, the representatives on the Board shall indicate the amount of any further voluntary contributions to the Partial Agreement's budget.

5. During the fourth meeting of the year, the Board of Management shall take note of the decision of the Committee of Ministers concerning the adoption of the budget, and provisionally determine the allocation of the available appropriations to the different support schemes.

Article 16

The Committee of Ministers approves the Programme and the Budget of the Fund for the biennium at the budgetary meeting which precedes the biennium concerned.

Article 17

The draft Programme and Budget shall contain for each financial year of the biennium:

- a) objectives, expected results, performance indicators and resources of the Fund;
- b) tables showing by category of expenditure and receipts, the approved expenditure and receipts for the previous financial year, and the budgetary management accounts for the financial year last ended;
- c) the salary ceiling along with the salary ceiling for the previous financial year and the expenditure in relation to the salary ceiling for the financial year last ended;
- d) a table of posts and a table of positions, by grade, as at 30 June of the year preceding the biennium.

Article 18

1. The financial statements of Eurimages shall be prepared in accordance with International Public Sector Accounting Standards (IPSAS).
2. The principles adopted and the manner of their application shall be set forth in the note on accounting policies accompanying each period's financial statements.
3. The annual accounts shall consist of financial statements and the budgetary management account showing the final result of the budget.
4. The accounts shall be made available to the External Auditor in accordance with the conditions laid down by the Financial Regulations to the Council of Europe.

Article 19

The financial statements and the Fund's budgetary management accounts, drawn up by the Secretary General of the Council of Europe, together with the report of the External Auditor, shall be submitted for adoption to the Board of Management of Eurimages, which shall communicate its comments to the Committee of Ministers.

PART IV - CONDITIONS OF SUPPORT

Article 20

The Board of Management may grant financial aid to natural or legal persons governed by the legislation of one of the Fund's member states who produce, publicise, distribute, broadcast, exhibit films or are in any way involved in the film industry including film festivals, information portals or film industry associations, and to persons that support the development of the film industry, such as training initiatives or institutions. This financial aid can be granted in the form of a subsidy, a sponsorship, an advance on receipts or in any other form decided upon by the Board of Management.

The Secretariat of Eurimages may, if it considers that the circumstances so require, order payments into an escrow account.

Article 21

The conditions governing the award of support, as determined by the Board of Management, are set out in the rules governing the support schemes.

Article 22

1. The amount of the support shall be determined and paid in euros.
2. To determine the euro equivalents of the financing plan, the budget, the receipts and the amount of support applied for, only the euro exchange rate for converting foreign currencies, as regularly stipulated by the Directorate of Finance of the Council of Europe, shall be applicable.

Article 23

An agreement between the Executive Director, acting on behalf of the Eurimages Fund, and the beneficiary(ies) shall stipulate the terms on which support is granted, in particular:

- ♦ the beneficiary(ies)
- ♦ the amount of support awarded
- ♦ the identity of the work
- ♦ the nature of support
- ♦ the time-limits
- ♦ the method of payment
- ♦ if appropriate, the repayment procedure
- ♦ conditions governing termination and cancellation of the agreement.

Article 24

1. The Executive Director shall supervise the execution of agreements and report to the Board of Management on the beneficiaries' compliance with their contractual obligations towards Eurimages.
2. The Executive Director shall initiate and pursue any measures which the Board of Management considers necessary for this purpose.

Article 25

1. Any dispute relating to the execution or application of the support agreement referred to in Article 22 of these Regulations shall be submitted, failing a friendly settlement between the parties, for decision to an Arbitration Board composed of two arbitrators, each selected by one of the parties, and of a presiding arbitrator, appointed by the other two arbitrators; if no second arbitrator or presiding arbitrator is appointed under the above conditions within a period of four months, the President of the European Court of Human Rights shall make the appointment.
2. However, the parties may refer the dispute for decision to a single arbitrator selected by agreement between them or, failing such agreement, by the President of the European Court of Human Rights.
3. The Board or, where appropriate, the arbitrator shall determine the procedure to be followed.
4. If the parties fail to agree upon the applicable law, the Board or, where appropriate, the arbitrator shall decide *ex aequo et bono*, having regard to the general principles of law and to practices in the cinematographic and audio-visual field.
5. The arbitral award shall be binding upon the parties and is not subject to appeal.

PART V – FINAL PROVISIONS

Article 26

1. These Financial Regulations shall enter into force on 1 January 2016.
2. The provisions of the former Financial Regulations are hereby abrogated with effect from the same date.

Appendix I to the Financial Regulations of Eurimages

Method of calculating the scale of member states' contributions to the Eurimages budget¹

**Amended by decision of the Board of Management,
During its 135th meeting on 20 June 2014
Coming into force on 1 January 2016**

I. Determination of the contributions payable by member states of the Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "EURIMAGES"

1. As from **1 January 2011** the method of calculating the scale of member states' contributions to the Fund's budget shall be that set out in this appendix to the Fund's Financial Regulations. The amendments introduced by the Board of Management (135th meeting) will be implemented for the calculation of the contributions as from the year 2016.

Description of the calculation method

2. This new method departs from the principles established by Resolutions (74)25 and (94)31 of the Council of Europe in that it reduces the impact, on the final calculation of the contributions, of the GDP and population factors (in particular, the population factor now counts for only 4.8%). The aim is to redistribute the cost of the contributions among the member states, still in accordance with the GDP and population criteria but while adding other criteria that reflect the specific nature of Eurimages' work and the situation of its member states as regards cinematographic co-production, projects submitted to the Fund and projects supported by the Fund.

3. The percentage rates of contribution are expressed to four decimal places.

4. The minimum rate of contribution is set by the Board of Management. The latter can also decide whether a maximum rate should be set².

Reminder of the principles laid down by Resolution (94)31

5. The method of calculating the scale of contributions in force until 31 December 2010 is based on the principles established by Resolution (94)31 of the Committee of Ministers, which is applicable to all Council of Europe budgets.

6. This scale is calculated by reference to the average annual statistical data relating to each member state's population and GDP (converted to US dollars) for the three-year period ending 24 months before the date of the scale's entry into force. Under the calculation procedure, the GDP data are given a weighting of 5 and the population data a weighting of 1.

7. The data relating to these two factors are drawn from documents published by independent sources (for example, the OECD, the United Nations, the International Monetary Fund, the World Bank, and so on), which are identified in the calculation tables. When data are not available from a published independent source, the secretariat will use the best available data and inform the Board of Management of Eurimages and the Committee of Ministers of their source and nature.

8. At this stage the rate applicable to the member states qualifying as major contributors must be equalised. The rate is obtained by adding the rates for the states concerned, as shown in column F of Table A of the detailed calculation procedure set out in point II below, and dividing the result by the number of these states.

¹ Scale of contributions based on the method adopted by the Board of Management on 2 June 2009 at its 115th meeting.

² As from 1 January 2010, the minimum rate of contribution is of 0.5 %.

9. In the case of Eurimages the major contributors are determined by the Board of Management¹.

New contributions calculation criteria

10. The new method is based on a combination of four criteria:

1. The country's wealth (GDP) and the size of its population, with the coefficients laid down in Resolution (94)31 (1 for population size and 5 for GDP). These two parameters combined, after equalisation of the rates for the major contributors to Eurimages, as described in paragraph 8 above, constitute **criterion no. 1**.

The data used to determine this criterion are those taken into account for calculating scales of contributions to Council of Europe budgets for the same financial year.

2. Each country's co-production volume: the number of films co-produced, with coefficients of 1 for majority co-productions and 0.5 for minority co-productions, constitutes **criterion no. 2**.

These data are established according to the following principles:

- a. a film is included in the calculations in the year of its release in the country concerned;
- b. the films taken into account are full-length feature films, animations and documentaries intended for theatrical release;
- c. co-productions: these are "approved" co-productions recognised by the authorities of the co-producing countries.

The data used to determine this criterion are established in co-operation with the European Audiovisual Observatory.

They are submitted to the Eurimages Board of Management for approval at its first meeting in the relevant year.

3. The amount of support requested from Eurimages by co-producers in a given country for eligible projects (whether supported or not) constitutes **criterion no. 3**.

The data used to determine this criterion are taken from the "Coeurimages" data base and must correspond to the amounts shown in the support application form.

These data are submitted to the Eurimages Board of Management for approval at its first meeting in the relevant year.

4. The amount received from the Fund by co-producers in a given country for projects supported constitutes **criterion no. 4**.

The data used to determine this criterion are taken from the "Coeurimages" data base and must correspond to the amounts awarded at the time of the Eurimages Board of Management's decision to grant support

These data are submitted to the Eurimages Board of Management for approval at its first meeting in the relevant year.

Reference periods

11. The scale of contributions is calculated on the basis of the average of the annual data for the above criteria (§ 10). The reference periods for these averages are not identical for all of the criteria; they are determined according to the availability of the data.

12. For **criterion no. 1** the reference period corresponds to that specified in Resolution (94)31, namely the three-year period ending 24 months before the scale's entry into force (for example, for contributions payable in 2016, the reference period will be 2011 to 2013).

¹ As from 1 January 2010, the major contributors to the Fund are France, Germany and Italy.

13. For **criterion no. 2** full historical data before 2005 are lacking, and the data recorded by the European Audiovisual Observatory are normally available at the end of year n+1 (2013 data available at the end of 2014). The reference period for calculating contributions payable in 2016 will span nine years, from 2005 to 2013. However, as from 2017, the reference period for criterion no. 2 will be increased so as to span ten years, ending 24 months before the scale's entry into force (for example, 2005 to 2014 for contributions payable in 2017).

14. For **criteria nos. 3 and 4**, which refer to Eurimages' internal statistics available as early as the end of year n, the reference period will be the ten years ending 12 months before the scale's entry into force (for example, 2005 to 2014 for contributions payable in 2016).

15. To sum up, the reference periods for the various criteria applied in calculating the contributions would be modified as follows:

Contributions for 2016

Criterion	Length of period	Years taken into consideration
1. GDP + Population	3 years	2011 to 2013
2. Co-production volume	9 years	2005 to 2013
3. Amount of eligible projects	10 years	2005 to 2014
4. Amount of support received	10 years	2005 to 2014

Contributions for 2017 (and subsequent years)

Criterion	Length of period	Years taken into consideration
1. GDP+Population	3 years	2012 to 2014
2. Co-production volume	10 years	2005 to 2014
3. Amount of eligible projects	10 years	2006 to 2015
4. Amount of support received	10 years	2006 to 2015

Coefficients for weighting the criteria

16. The four chosen criteria are combined to obtain the **end rate** applicable to total contributions in year n with a view to apportioning the cost among the member states. The following **coefficients** are applied to these criteria:

- criterion no. 1, coefficient 1
- criterion no. 2, coefficient 0.5
- criterion no. 3, coefficient 1
- criterion no. 4, coefficient 1

New member states

17. To calculate the contributions payable by new member states, for the first year an estimate will have to be made as follows:

- criterion no. 1: see paragraph 10.1 above;
- criterion no. 2: see paragraph 10.2 above;
- criteria nos. 3 and 4: the Eurimages secretariat will have to estimate the rates to be used for these two criteria. This estimate will be based on the averages obtained for criteria nos. 3 and 4 for the six countries closest to the candidate state as regards criterion no. 2.

Transitional provisions

18. At its 115th meeting, on 2 June 2009, the Eurimages Board of Management set the date of 1 January 2011 for the entry into force of the new method and decided that **its implementation would be staggered over a six-year period**. This transitional period ends on 1 January 2016.

19. As a consequence, the new calculation method will apply in full for the contributions of the year 2016.

II. Detailed calculation procedure

20. The calculations to determine the annual scale of contributions to the Eurimages Fund will be performed by the Eurimages secretariat and verified by the Directorate of Finance in connection with the annual budgeting procedure.

21. The data relating to the various criteria will, as far as possible, be established according to the following time-table:

- a) the data relating to criterion no. 1 will be supplied by the Directorate of Finance in about mid-May;
- b) the raw data relating to criterion no. 2 will be supplied by the European Audiovisual Observatory towards the end of November;
- c) at the year end the Eurimages secretariat will extract the Fund's internal statistical data relating to criteria nos. 3 and 4.

22. The Fund's internal statistical data are analysed and reprocessed to obtain averages for each country. These averages, calculated on the basis of a country's number of years' membership of the Fund, are set out in two tables:

- The table "Eligible projects (supported and non-supported), amounts requested": the amounts shown correspond to the sum of the support requested by co-producers (majority or minority) in the various countries for a given year. The amount requested for each project is apportioned per country on the basis of each co-producer's percentage in the project;¹
- The table "Support received by producers in the different member states" shows the amount of support awarded to supported projects during the five years in question.

¹ The co-production percentages are those shown in the financing plan of the application file submitted to the Board.

23. The contributions are calculated in two stages, as shown in tables A and B below:

a) **Table A** shows the four criteria used in calculating the contributions and the manner of calculating the rates, which are then carried over to table B. The four criteria used in calculating the contributions (table B) are the rates indicated in columns H, J, L and N of table A.

b) **Table B** shows the stages involved in calculating the contributions:

- carrying over of the rates constituting the four chosen criteria, with an indication of the weighting coefficient applied to them:
 - Column C, criterion no. 1: GDP and population, overall coefficient 1
 - Column D, criterion no. 2: co-production volume (majority + minority), overall coefficient 0.5¹
 - Column F, criterion no. 3: amount of eligible projects, coefficient 1
 - Column G, criterion no. 4: amount of support received, coefficient 1.
- column H: calculation of the average rate for the four criteria combined, weighted by their coefficients;
- column I: application of the minimum contribution rate of 0.5000;
- column J: modulation ("lissage") of the rates;
- column K: final rate;
- this final rate applied to the total amount of contributions gives the new breakdown of their cost, shown in column L.

¹ The coefficient of 0.5 allocated to criterion no. 2 - co-production volume - is due to a concern not to penalise states having substantial co-production activities with countries not members of the Fund.

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