



7. National factsheets

7.1. AT – Austria – National Summary¹⁹⁶

7.1.1. Summary

At federal level, there are five main operating funds in the country:

- *Österreichisches Filminstitut* (ÖFI) - Austrian Film Institute: it is the federal film financing body that supports Austrian cinema productions as well as the Austrian film industry by providing pre-production, production and distribution support to Austrian films according to cultural, economic and artistic criteria.
- *ORF/Film-Fernsehabskommen* (ORF Film/Television Agreement): the ORF (the Austrian Broadcasting Corporation) operates as a film fund which, in cooperation with the ÖFI, provides production support for Austrian films through the Film/TV Agreement.
- *Bundeskanzleramt* (Federal Chancellery, BKA): within Division II/3 - Film, the Federal Minister for the EU, Art, Culture and Media offers support for the pre-production, production and distribution of commercially difficult film projects (because of their limited resources, experimental nature, content/style or artistic design).
- *Fernsehfonds Austria*¹⁹⁷ (Austrian Television Fund): it is a TV film promotion fund, set up and managed by the *Rundfunk und Telekom Regulierungs-GmbH* (Austrian Broadcasting and Telecommunications Regulatory Authority, RTR)¹⁹⁸ since 2004, which provides support for the production of television content thanks to an annual budget of EUR 13.5 million.
- *Filmstandort Austria* (FISA) - Film Industry Support Austria: it is a subsidy programme created by the Austrian Federal Ministry for Digital and Economic Affairs in order to support the production of cinema films and to provide an ongoing stimulus for Austria as a film location.

¹⁹⁶ The factsheet on Austria incorporates the feedback received from Roland Teichmann (ÖFI) during the checking round with the national film and audiovisual funds.

¹⁹⁷ *Fernsehfonds Rundfunk und Telekom Regulierungs-GmbH* (RTR)

¹⁹⁸ The Austrian Broadcasting and Telecommunications Regulatory Authority, www.rtr.at/en/rtr/RTRGmbH.



By now, nearly all federal states have funding schemes; most of them define themselves as gap financing in order to promote local (cultural and economic) resources and provide smaller budgets. By far the most important and largest regional fund is the *Filmfonds Wien* (Vienna), with an elaborate funding scheme and organisation, followed by smaller funds like *Land Niederösterreich*, *Cinestyria*, *Cine Tirol* and the *Carinthia Film Commission*. In addition to these funding institutions, some federal states such as Burgenland, Vienna and the Tyrol mainly fund individuals, based on regulations for cultural funding in general, however they do not provide elaborate funding schemes or guidelines for film funding.

7.1.2. General framework

7.1.2.1. Overview of the film and audiovisual funding policy and legislation

Each film fund in Austria is regulated by legislation at federal or state level and supplemented by relevant guidelines.

Table 12. Main funds in Austria

Funding institution	Geographical level	Legislation / Guidelines
Österreichisches Filminstitut (ÖFI) ¹⁹⁹	Federal	Film Funding Act ²⁰⁰
		ÖFI Guidelines ²⁰¹
ORF/Film-Fernsehabskommen ²⁰²	Federal	Federal Act on Austrian Broadcasting (ORF Act) ²⁰³
		The Film/TV Agreement ²⁰⁴
Bundeskanzleramt	Federal	Art Promotion Act 1988 ²⁰⁶

¹⁹⁹ www.filminstitut.at/.

²⁰⁰ *Filmförderungsgesetz - Bundesgesetz vom 25. November 1980 über die Förderung des österreichischen Films* (Federal law consolidated: Entire legal provision for the Film Funding Act, version of 04.03.2019), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009500; to our knowledge, there is no up-to-date English version at the time of the elaboration of this factsheet, for the latest version available, see:

www.filminstitut.at/en/view/files/download/forceDownload/?tool=12&feld=download&sprach_connect=553

²⁰¹ *Förderungsrichtlinien* (Filminstitut's Guidelines), www.filminstitut.at/de/richtlinien/, for English version, see: www.filminstitut.at/en/guidelines/.

²⁰² www.filminstitut.at/de/orf-filmfernseh-abkommen/.

²⁰³ *ORF-Gesetz - Bundesgesetz über den Österreichischen Rundfunk* (ORF Act - Federal Act on Austrian Broadcasting), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000785

²⁰⁴ *Film/Fernseh-Abkommen Jänner 2011* (The Film/TV Agreement January 2011), www.filminstitut.at/de/orf-filmfernseh-abkommen/.



Funding institution	Geographical level	Legislation / Guidelines
(BKA) ²⁰⁵		Guidelines ²⁰⁷
Fernsehfonds Austria ²⁰⁸	Federal	KommAustria Act ²⁰⁹
		Fernsehfonds Austria Guidelines ²¹⁰
Filmstandort Austria (FISA) ²¹¹	Federal	Film Location Act ²¹²
		FISA Guidelines ²¹³
Filmlocation Salzburg ²¹⁴	Regional	Guidelines ²¹⁵
Land Salzburg ²¹⁶	Regional	Law of 11 December 1997 on the Promotion of Culture in the Province of Salzburg ²¹⁷
		Guidelines ²¹⁸

²⁰⁶ *Kunstförderungsgesetz - Bundesgesetz vom 25. Februar 1988 über die Förderung der Kunst aus Bundesmitteln* (Federal Act of 25 February 1988 on the Promotion of Art from Federal Funds, hereinafter "Art Promotion Act"), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009667.

²⁰⁵ www.kunstkultur.bka.gv.at.

²⁰⁷ *Richtlinien für die Gewährung von Förderungen nach dem Kunstförderungsgesetz durch das Bundeskanzleramt* (Guidelines for the granting of subsidies under the Art Promotion Law by the Federal Chancellery), <http://www.kunstkultur.bka.gv.at/documents/340047/618530/Richtlinie+Kunstfoerderungsgesetz/f808e354-f5f3-4677-9caa-61cdafe48e69>.

²⁰⁸ www.rtr.at/de/ffat/Fernsehfonds.

²⁰⁹ *KommAustria-Gesetz - Bundesgesetz über die Einrichtung einer Kommunikationsbehörde Austria* (KommAustria Act - Federal Act on the Establishment of a Communications Authority for Austria), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001213;

²¹⁰ *Richtlinien über die Gewährung von Mitteln aus dem Fernsehfonds Austria* (Guidelines on the granting of funds from the Fernsehfonds Austria), www.rtr.at/de/ffat/Richtlinien for English version, see: www.rtr.at/en/ffat/Richtlinien/Guidelines_for_FERNSEHFONDS_AUSTRIA_Version_as_of_1_December_2018.pdf.

²¹¹ www.filmstandort-austria.at/foerderung/.

²¹² *Filmstandortgesetz - Bundesgesetz über die Förderung des Filmstandortes Österreich* (Film Location Act - Federal Act on the Promotion of Film Location Austria), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008872.

²¹³ *FISA Richtlinien* (FISA Guidelines), www.filmstandort-austria.at/foerderung/richtlinien/; for English version, see: www.filmstandort-austria.at/foerderung/richtlinien/index.php?lang=EN.

²¹⁴ www.salzburgagentur.at/.

²¹⁵ *Förderung kommerzieller Filmproduktionen Richtlinien* (Promotion of commercial film productions - Guidelines), www.salzburgagentur.at/fileadmin/documents/filmfoerderung/Foerderrichtlinien_2015.pdf.

²¹⁶ www.salzburg.gv.at/themen/kultur/kulturfoerderungen.

²¹⁷ *Salzburger Kulturförderungsgesetz - Gesetz vom 11. Dezember 1997 über die Förderung der Kultur im Land Salzburg* (Law of 11 December 1997 on the Promotion of Culture in the Province of Salzburg), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=10001052.

²¹⁸ *Richtlinien der Filmförderung* (Funding Guidelines), www.salzburg.gv.at/kultur/_Documents/richtlinien_filmfoerderung_2015.pdf.



Funding institution	Geographical level	Legislation / Guidelines
Filmfonds Wien ²¹⁹	Regional	Vienna Land Foundation and Fund Act ²²⁰
		Guidelines ²²¹
		Statute and Mission Statement for the Vienna Film Fund ²²²
Land Niederösterreich ²²³	Regional	Lower Austrian Culture Promotion Act ²²⁴
		Guidelines for the Film Funding of the Province of Lower Austria ²²⁵
Land Oberösterreich ²²⁶	Regional	Upper Austrian Culture Promotion Act (Law of 2 October 1987 on the Promotion of Culture in Upper Austria ²²⁷
		Upper Austrian Film Promotion ²²⁸
Cine Art Steiermark ²²⁹	Regional	Styrian Culture and Arts Promotion Act 2005 ²³⁰
		Cine Art Funding Guidelines ²³¹
Cinestyria ²³²	Regional	Funding Guidelines of the Cinestyria Film Commission & Funds ²³³

²¹⁹ www.filmfonds-wien.at/.

²²⁰ *Gesetz über Stiftungen und Fonds - Wiener Landes-Stiftungs- und Fondsgesetz* (Vienna Land Foundation and Fund Act), www.wien.gv.at/recht/landesrecht-wien/rechtvorschriften/html/i1400000.htm.

²²¹ *Förderrichtlinien* (Guidelines), www.filmfonds-wien.at/foerderung/richtlinien.

²²² *Satzung und Leitbild für den Filmfonds Wien* (Statute and Mission Statement for the Vienna Film Fund), www.filmfonds-wien.at/files/140507_ffw_satzung_1.pdf.

²²³ www.no.e.gv.at/noe/Kunst-Kultur/Kunst_Kultur.html.

²²⁴ *NÖ Kulturförderungsgesetz 1996* (Lower Austrian Culture Promotion Act), www.no.e.gv.at/noe/Kunst-Kultur/NOE_Kulturfoerderungsgesetz_1996_3.pdf.

²²⁵ *Richtlinien für die Filmförderung des Landes Niederösterreich* (Guidelines for the Film Funding of the Province of Lower Austria), www.no.e.gv.at/noe/Kunst-Kultur/Richtlinien_fuer_die_Filmfoerderung_des_Landes_NOe_2016.pdf.

²²⁶ www.land-oberoesterreich.gv.at/212728.htm.

²²⁷ *Oö Kulturförderungsgesetz - Gesetz vom 2. Oktober 1987 über die Förderung der Kultur in Oberösterreich* (Upper Austrian Culture Promotion Act - Law of 2 October 1987 on the Promotion of Culture in Upper Austria), www.land-oberoesterreich.gv.at/Mediendateien/Formulare/DokumenteAbt_K/Kulturfoerderungsgesetz.pdf.

²²⁸ *Oberösterreichische Filmförderung 2018* (Upper Austrian Film Promotion 2018), www.land-oberoesterreich.gv.at/212728.htm.

²²⁹ <http://www.filmkunst.steiermark.at>.

²³⁰ *Steiermärkisches Kultur- und Kunstförderungsgesetz 2005* (Styrian Culture and Arts Promotion Act 2005), www.filmkunst.steiermark.at/cms/dokumente/10557501_16090901/4036d30f/KuKuFöG%202005%20%28Fassung%20vom%2013%2001%202017%29.pdf.

²³¹ *Förderungsrichtlinien Cine Art* (Cine Art Funding Guidelines), www.filmkunst.steiermark.at/cms/dokumente/10557501_16090901/8da2c322/2011-09-19CINE%20ART%20Richtlinien%2BLandeslogo%20%282%29.pdf.

²³² www.cinestyria.com/.



Funding institution	Geographical level	Legislation / Guidelines
Carinthia Film Commission (CFC) ²³⁴	Regional	Carinthian Culture Promotion Act 2001 - K-KFördG 2001 ²³⁵
		Guidelines ²³⁶
Cine Tirol Film Commission ²³⁷	Regional	Cine Tirol Film Commission Guidelines ²³⁸
Landesregierung Vorarlberg ²³⁹	Regional	Cultural Promotion Act (Act on the Promotion of Culture) ²⁴⁰

Source: Response to European Audiovisual Observatory standardised questionnaire

7.1.2.2. Definition of cultural criteria

Most federal and regional funds provide for a cultural selection criterion or a complete cultural test, with the exception of the *Bundeskanzleramt* at federal level, and the following regional funds:

- ÖFI: as per Article 6.1 of the ÖFI Guidelines, it is up to the project commission to decide what kind of content should be funded and whether it is “cultural content”. According to Article 10 (3), cultural content will be assessed on the basis of the criteria laid down in the funding guidelines. However, the guidelines do not provide a definition of “cultural content”, simply a definition of “Austrian Film” in Article 3.
- *Fernsehfond Austria*: the fund has a cultural test which requires a cultural production to fulfil at least three criteria from a given list in order to qualify for a grant, although most points are related to the film being connected to Austria or Europe (Article 1.4 of the RTR Guidelines).

²³³ *Förderungsrichtlinien der Cinestyria Filmcommission & Fonds* (Funding Guidelines of the Cinestyria Film Commission & Funds),

www.cinestyria.com/upload/44218_Förderungsrichtlinien_Cinestyria_2012DSGVO2018.pdf. Cinestyria is a service of the Steirische Tourismus GmbH, a company held by the Federal State of Styria. Its main task is to promote Styria as a film and touristic location.

²³⁴ www.filmcommission.at/.

²³⁵ K-KFördG 2001 - *Kärntner Kulturförderungsgesetz 2001* (Carinthian Culture Promotion Act 2001), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrK&Gesetzesnummer=20000113&ShowPrintPreview=True;

²³⁶ *Richtlinien* (Guidelines), www.kulturchannel.at/fileadmin/user_upload/cfc-richtlinien_2017_endg_1.pdf.

²³⁷ www.cine.tirol/en/cine-tirol-film-commission/.

²³⁸ Cine Tirol Film Commission *Richtlinien* (Cine Tirol Film Commission Guidelines), www.cine.tirol/wp-content/uploads/2017/04/richtlinien_062017_dt.pdf. Cine Tirol is a service of Tirol Werbung GmbH, a company held by the Federal State of Tyrol. Cine Tirol promotes the film land Tyrol through marketing and communication activities and funding.

²³⁹ www.vorarlberg.at/vorarlberg/tourismus_kultur/kultur/aktuelles/foerderungen/film_kino_video.htm.

²⁴⁰ *Kulturförderungsgesetz - Gesetz über die Förderung der Kultur* (Cultural Promotion Act - Act on the Promotion of Culture), www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrVbg&Gesetzesnummer=20000338.



- FISA: the Austrian Film Location Act provides a Cultural Test for Feature and Documentary Films and a Cultural Test for International Productions (annexes 2 and 3 of the FISA Guidelines) that is a bit more detailed, including cultural criteria not related to nationality, such as the plot/underlying material being based on literary material or depicting an artist or artistic genre, or the film involving a contemporary artist from a genre other than cinematography.
- *Filmfonds Wien*: Article 4 of the Guidelines indicates several cultural criteria, which include the cultural effect, the Viennese film industry effect and the respective significance for the cultural development and the added value for the film industry at the Vienna location.
- Carinthia Film Commission: Article 1.6 of the Guidelines stipulates that eligible projects must have a cultural connection to Carinthia, which is assessed based on a series of cultural criteria (such as the presentation of Carinthian cultural history or its specific regional way of life).

Most of the other regional funds connect cultural and local aspects, but do not provide a fixed cultural text; however, a professional commission is mostly responsible for selecting the projects to be funded.

7.1.2.3. Nationality of the applicant

At federal level, nearly all funds define that the applicant has to be an Austrian or EEA citizen or a legal entity with a permanent branch or establishment in Austria:

- ÖFI: Article 11(1) of the Austrian Film Act provides that “the applicant shall be a legal entity or a partnership recorded in the commercial register with a permanent establishment or a branch in Austria and a seat in the EU or in a state which is a contracting party of the Agreement on the European Economic Area (EEA) and shall bear the responsibility for the execution of the film project”,
- *Bundeskanzleramt*: Article 1.3 of the Guidelines stipulates that eligible applicants are either natural persons who hold Austrian citizenship and reside in Austria at the time of receiving the grant, or legal entities with a branch in the EEA (as long as the director or co-producer has Austrian citizenship).
- *Fernsehfonds Austria*: the applicant is required to be a physical person or legal entity possessing the necessary specialised qualifications and having her/his place of establishment located within the EEA, as per Article 3.2 of the Guidelines.
- FISA: As per Article 2 (1) of the FISA Guidelines, eligible applicants are “independent film production companies with sufficient technical, i.e. artistic and business, qualifications and experience having an operation or branch office in Austria, irrespective of the location of their principal business, provided it is located within the EEA, or a company established for the sole purpose of making a film, and provided that applicants produce sustainable cultural properties of a specifically European character in the field of cinematographic films”.

At regional level, some funds do not focus on nationality or place of residence, but rather emphasise that the content has to be in the interests of the region; the funding has to be



spent in total in the region; or that the shooting has to be done in the region. However, the following funds have established criteria related to the nationality or establishment of the applicant:²⁴¹

- *Filmfonds Wien*: the applicant must have at least a permanent establishment in Austria at the time of the payment of the subsidy.
- Film Location Salzburg: preference is given to applicants who have their residence or business located in the region of Salzburg.
- Steiermark - Cine Art: the applicant company has to be established within the EEA.
- *Land Niederösterreich*: when the applicant is a legal entity or a company, it must have an operating seat in the EEA.
- *Land Oberösterreich*: the seat of the production company must be in the region.

7.1.3. Funding criteria applicable to production support

7.1.3.1. Theatrical release, broadcasting and visibility on VOD

Nearly all funds ask for an exploitation schedule and/or marketing concept for the film, and provide an obligation to distribute the film adequately.²⁴² Moreover, some funds have established requirements related to the theatrical release of the supported work:

- FISA: the applicant is required to “release the supported film within one year of completion for adequate commercial exploitation in cinemas”²⁴³.
- *Filmfonds Wien*: for theatrical feature films, “the applicants must demonstrate their efforts to have the film supported by the Fund premiered in Vienna”²⁴⁴.
- Steiermark - Cine Art: As per Article 2.5 of the Guidelines, the applicant must ensure that the premier takes place in Styria.

In the case of TV Funds, a TV distribution deal as well as the investment of TV broadcasters is often a precondition for applying:

²⁴¹ Article 5.1 of the Film Fond Wien Guidelines; Articles 2 and 3.3 of the Filmlocation Salzburg Guidelines; Articles 1.1.3; 2.1.3 and 2.2.3 of the Land Niederösterreich Guidelines, Article 3 of the Land Oberösterreich, Guidelines; Article 3.3.2. of the Steiermark-Cine Art Guidelines; Article 3.1.2. of the Cinestyria Guidelines; and Article 2.2.1. of the Cine Tirol Guidelines.

²⁴² Article 6.1.3. of the Österreichisches Filminstitut Guidelines; Article 10.2. of the Fernsehfond Austria Guidelines; Article 4 (7) of the Filmstandort Austria Guidelines; Article 3.2. of the Filmlocation Salzburg Guidelines; Article C 7 of the Film Fond Wien Guidelines; Article 2.1.8. of the Land Niederösterreich Guidelines; Article 2.5. of the Steiermark-Cine Art Guidelines; Article 2.5. of the Cinestyria Guidelines; Article D 2.5. of the Carinthia Film Commission Guidelines; Article 2.2.2. of the Cine Tirol Guidelines; Antragstellung 7 of the Landesregierung Vorarlberg Guidelines.

²⁴³ Paragraph 4 (7) of FISA Guidelines.

²⁴⁴ Article 2.4 of the Funding Guidelines (C. Production of Cinematographic Films), www.filmfonds-wien.at/files/ffw_f_rderrichtlinien_teil-c_herstellung-von-kinöfilmen.pdf.



- *Fernsehfond Austria*: as per Article 4.1 of the Guidelines “a production is only eligible for funding where one or more broadcasters contribute at least 30% of overall production costs to the financing of the production”. Additional rules governing the nature and extent of agreements with TV broadcasters are described in Articles 4.2 to 4.20 of the Guidelines.
- *Filmfonds Wien*: a project is eligible for TV production support only if TV broadcasters contribute at least 30% of the total production costs to the financing of the project.²⁴⁵
- *Land Niederösterreich*: for the production of economically and culturally relevant TV projects, at least one TV broadcaster must contribute to the total production costs.²⁴⁶
- *Cinestyria*: international potential is an essential criterion for funding, as demonstrated by a pre-sale agreement or contract with a TV broadcaster or distributor.²⁴⁷
- *Landesregierung Vorarlberg*: depending on the type of work, the participation of TV broadcasters or distributors is required, as per Article 3 (2) 9 of the Guidelines.
- *Carinthia Film Commission*: TV productions are eligible for production support only if broadcasters are involved in the project and contribute at least 30% of the production costs.²⁴⁸

For all other funds, it might be helpful to provide a letter of intent (LOI) from a distributor, but it is not a condition established in the application guidelines.

Concerning media windows, Article 11 of the ÖFI Guidelines provides holdback periods as follows: “To ensure the protection of the individual exploitation stages of a film, whoever receives funding is not permitted to exploit or allow others to exploit the funded film through picture carriers in Austria or in German-language versions (including synchronised or subtitled versions) abroad, or in television transmissions, or in any other manner prior to the expiry of the following holdback periods: “11.1.1. The holdback period for picture carrier exploitation is 6 months from the first regular cinema exploitation in Austria (first regular run).

11.1.2. The holdback period for individual access and retrieval schemes for individual films (“video-on-demand” and “near-video-on-demand”) or for pay-per-view schemes is 6 months following the first regular run.

11.1.3. The holdback period for exploitation by pay TV is 12 months following the first regular run.

11.1.4. The holdback period for exploitation by free television is 18 months following the first regular run.

11.2. The Film Institute may, upon a reasoned request by the producer, reduce the holdback periods listed in Article 11.1. The holdback periods may be reduced as follows:

²⁴⁵ Article 6 of Funding Guidelines D. Production of television production, https://www.filmfonds-wien.at/files/ffw_f_rderrichtlinien_teil-d_herstellung-von-fernsehproduktionen.pdf.

²⁴⁶ Article 2.2.6 of the Guidelines.

²⁴⁷ Article 2.1.2 of the Guidelines.

²⁴⁸ Article 1.1 of Guidelines D.



- 11.2.1. to 4 months following the first run for exploitation by a picture carrier
- 11.2.2. to 4 months following the first run for individual access and retrieval schemes for individual films ("video-on-demand" and "near-video-on-demand") or for pay-per-view schemes
- 11.2.3. to 8 months following the first run for pay TV
- 11.2.4. to 12 months following the first run for free television.”

Holdback periods are also specified at regional level by Steiermark - Cine Art, in Article 3.3.6 of the Guidelines, and by Cinestyria, in Article 3.1.7 of the Guidelines.

7.1.3.2. Theatrical performance and performance at festivals, events and awards

None of the schemes require a minimum theatrical performance, but most of them ask for an exploitation plan, a marketing plan or a statement about the expected target audience and potential participation in film festivals. Filmfonds Wien specifically asks for a report.²⁴⁹

Furthermore, the ÖFI has introduced a reference scheme whereby it supports the production and development of a new film in the form of non-repayable contributions (reference funds) based on the production of a successful cinema film (reference film) complying with the funding prerequisites. Reference funds can be gained through domestic admissions or through success at internationally recognised festivals and prizes.²⁵⁰ The Wiener Film Fond has implemented a similar reference film funding scheme, based on refunds from successful films.²⁵¹

Regarding performance abroad, international potential is an important requisite for Film Location Salzburg, substantiated, for example, by a signed distribution contract with a major German distributor.²⁵²

7.1.3.3. Budget

Only the following funds set requirements related to a minimum or maximum eligible budget:

- FISA: Articles 4 and 5 of the FISA Guidelines have fixed minimum budgets for film funding: EUR 2.3 million for fiction (EUR 4 million for international co-productions) and EUR 350 000 for non-fiction (EUR 500 000 for international co-productions).
- *Bundeskanzleramt*: Article 3.1 of the Guidelines defines a maximum budget of EUR 500 000.

²⁴⁹ Article 7 of the Funding Guidelines (C. Production of Cinematographic Films).

²⁵⁰ Article 7 of the ÖFI Guidelines.

²⁵¹ Funding Guidelines (E. Success-based film funding), https://www.filmfonds-wien.at/files/ffw_f_rderrichtlinien_teil-e_erfolgsabh_ngige-filmf_rderung.pdf.

²⁵² Article 3.2 of the Guidelines.



- *Landesregierung Vorarlberg*: Article 2 (6) of the Guidelines sets the minimum eligible costs of a work at EUR 30 000.

Furthermore, all funds require the applicant to make an appropriate contribution to the budget. Several funds²⁵³ require a minimum contribution from the applicant equal to at least 5% of the production costs. Specifically for Fernsehfond Austria, funding cannot be higher than the expected contribution of the highest share of the broadcaster involved and of the producer's own investment.²⁵⁴ With regard to the share of the budget to be secured before applying, only the following funds set requirements:

- *Land Salzburg*: the rest of the overall funding has to be secured in order to be eligible.²⁵⁵
- *Cine Tirol*: At least 80% of the production budget must already be secured when applying, as per Article 2.2.1 of the Guidelines.

7.1.3.4. Awarded amount

At federal level, the following requirements apply:

Österreichisches Filminstitut (ÖFI)	
Aid intensity	The aid intensity is up to: ²⁵⁶ 50% in general; 60% for co-productions; 80% for commercially difficult films or films produced with scarce resources; more than 80% in exceptional cases. There is no fixed ceiling for funding and no maximum share, only an indicative rate of EUR 440 000. ²⁵⁷ As regards automatic support for reference films, support cannot exceed EUR 800 000. ²⁵⁸
Repayable	Repayable for production funding, ²⁵⁹ non-repayable for reference films. ²⁶⁰
Eligible costs	Defined as per an ÖFI fixed calculation table. ²⁶¹
Selective/Automatic	Selectively upon a decision of a selection committee, automatically for reference films. ²⁶²
ORF / Film Fernhabkommen	

²⁵³ Article 6.1.2 of the ÖFI Guidelines; Article 6 (2) of the FISA Guidelines; Article 2.2 of the Film Fond Wien Funding Guidelines (C. Production of Cinematographic Films, only for theatrical feature films); Article 3.3.3 of the Steiermark - Cine Art Guidelines; Article 3.1.3 of the Cinestyria Guidelines; Article 2.3. of the Carinthia Film Commission Guidelines D.

²⁵⁴ Articles 7 and 2.2 of the Guidelines.

²⁵⁵ P.1 of the Guidelines.

²⁵⁶ Paragraph 10 of the Film Funding Act.

²⁵⁷ Attachment A of the ÖFI Guidelines, *Op. cit.* If the amount granted exceeds 10% of the ÖFI budget (2016: 1.779,000) an approval of the supervisory board is necessary.

²⁵⁸ Article 7.4 of the ÖFI Guidelines.

²⁵⁹ Article 14 of the ÖFI Guidelines.

²⁶⁰ Article 7 of the ÖFI Guidelines.

²⁶¹ Article 6.2 of the ÖFI Guidelines.

²⁶² Article 6 of the Film Funding Act.



Aid intensity	ORF funds Austrian films selected by the ÖFI and ORF in a joint decision. The precondition is that the film is selected by the ÖFI. Thus, the ÖFI guidelines are applicable.
Repayable	Yes. ²⁶³
Eligible costs	ÖFI Guidelines applicable.
Selective/Automatic	Selectively by a Joint Commission. ²⁶⁴
Bundeskanzleramt	
Aid intensity	As per Articles 5.2 and 9 of the Guidelines, the maximum amount awarded is up to EUR 1 million for fiction, or EUR 200 000 for documentary works. Furthermore, it should be noted that cumulative funding for film projects from the ÖFI or the RTR is not possible, as the three institutions base their legal sources on different priorities. ²⁶⁵
Repayable	No.
Eligible costs	Defined in Article 6 of the Guidelines.
Selective/Automatic	Selectively by the Film Advisory Council, final decision by the federal minister, as per Article 4.1 of the Guidelines.
Fernsehfond RTR	
Aid intensity	As per Article 7 of the Guidelines, the maximum amount awarded is capped at EUR 1 000 000 for fiction and EUR 200 000 for non-fiction, with the aid intensity limited to 20% of the production costs, increased to 30% under special conditions. ²⁶⁶ In any event, the grant cannot exceed the share of the television broadcaster contributing the greatest amount to the total financing of the film compared to the other television broadcasters participating in the production.
Repayable	No.
Eligible costs	Defined in Articles 2.1, 10.2 and 10.3 of the Guidelines.
Selective/Automatic	Decision based on a cultural test and a committee as per Articles 1.4 and 10.7 of the Guidelines.
Filmstandort Austria (FISA)	
Aid intensity	As per Article 8 of the FISA Guidelines, the aid intensity is up to 20% (or 25% for international co-productions) of the production costs eligible for support. The basis for calculating the extent of the aid is a maximum of 80% of the total production costs. In any event, support may not exceed a total equivalent to 15% of the annually available funds.
Repayable	No.
Eligible costs	Defined in Article 6 (4) and in Annex 1 a, and include personal services

²⁶³ ORF receives licence rights for broadcasting.

²⁶⁴ Paragraph 3 of the Film/TV Agreement.

²⁶⁵ Article 1.4 of the Bundeskanzleramt Guidelines.

²⁶⁶ For example, when the proposed production reflects Austrian cultural identity to an especially great extent.



	and business services incurred in Austria.
Selective/Automatic	Selectively upon a decision taken by the Federal Minister for Digital and Economic Affairs based on a cultural test and on the assessment of an advisory board, as per Article 10 (1) of the FISA Guidelines.

At state level, support is awarded selectively by a committee, commission or jury. Furthermore, for the majority of film funds, there is no specific definition of eligible costs, and the support awarded is non-repayable, with the exceptions of:

- *Filmfonds Wien*: the eligible costs are defined in the Guidelines, and in the case of theatrical feature films, the support is repayable as soon as the income received by the beneficiaries from the exploitation of the contractual film exceeds the fund's contractually recognised own share.²⁶⁷
- *Land Oberösterreich*: the support is non-repayable, and the eligible costs are defined as per the ÖFI calculation table.

In terms of aid intensity, the following ceilings apply:

- Salzburg: up to EUR 20 000, as per paragraph 3 of the Guidelines.
- *Filmfonds Wien*:²⁶⁸ up to EUR 700 000 for theatrical feature films; up to EUR 450 000 for fiction TV series (EUR 200 000 for TV films); and up to EUR 100 000 for documentaries (TV films or series). As for reference film funding, the accumulation of repayments made from the proceeds of one or more reference films is possible up to a total amount of EUR 350 000.
- *Land Niederösterreich*: as per Article 1.4 of the Guidelines, up to 50% of production costs, 60% for co-productions, 100% for difficult works.
- *Land Oberösterreich*: up to 10% of production costs.
- Land Steiermark – Cine Art: up to 50% of production costs in Austria, as per Article 2.2 of the Guidelines.
- Cinestyria : 20% of the production budget as per Article 2.2 of the Guidelines.
- Carinthia Film Commission: up to 20% of production costs.²⁶⁹
- Cine Tirol: up to 20% of the production costs.
- Vorarlberg: up to 20% of production costs, capped at EUR 150 000, as per Article 2 (6) of the Guidelines.

²⁶⁷ Articles 1, 4 and 7 of the Funding Guidelines (C. Production of Cinematographic Films), Article 8 of the Funding Guidelines (D. Production of television production).

²⁶⁸ Article 1 of the Funding Guidelines (C. Production of Cinematographic Films), Article 1 of the Funding Guidelines (D. Production of television production), Article 3.2 of the Funding Guidelines (E. Success-based film funding).

²⁶⁹ Article 2.1 of Guidelines (D).



7.1.3.5. Spending and shooting criteria

Most of the local funding schemes ask for a specific local cultural or economic effect.²⁷⁰ Specifically, in terms of spending obligations, the following requirements apply:

- *Fernsehfond Austria*: 160% of the awarded amount has to be spent in Austria, and up to 20% of the total production costs can be incurred in other member states of the EEA, as per Article 7.2 of the Guidelines.
- FISA: in the case of international co-productions, the applicant must provide evidence of at least EUR 400 000 of eligible costs as per Article 5 (2), which are defined as costs incurred in Austria.
- Film Location Salzburg: 200% of spending must be incurred in Salzburg or 100% for local film services, as per Article 3.1 of the Guidelines.
- *Land Niederösterreich*: for economically and culturally relevant feature films, documentaries and TV projects, local spending must amount to 150% of the requested amount for fiction, and 100% for non-fiction, as per Articles 2.1.7 and 2.2.8 of the Guidelines.
- Land Steiermark – Cine Art: 100% of expected local spending.²⁷¹
- *Filmfonds Wien*: in the case of cinematographic or TV works, the Viennese film industry effect must be at least 100% of the grant awarded by the fund.²⁷²
- Cinestyria: at least 150% of the amount awarded must be spent in the region, as per Article 2.1.3 of the Guidelines.
- *Landesregierung Vorarlberg*: Article 2 (7) of the Guidelines stipulates: “Half of the funding granted for an audiovisual work pursuant to paragraph 6 must be spent on the Vorarlberg film industry, otherwise the whole work is not eligible for funding. The remaining half of the grant must be spent in Vorarlberg, otherwise half of the grant amount will be reduced proportionately.”

Concerning shooting obligations:

- ÖFI: Article 3.5.4 of the ÖFI Guidelines requires that for the film to qualify as Austrian, it must be shot in Austria (except for scenes requiring foreign locations).
- FISA: for feature films (except animated films), at least five shooting days must take place in Austria, as per paragraph 4 (5) of the Guidelines.
- *Land Niederösterreich*: for the production of feature films, documentaries and TV projects of economic and tourist interest, Articles 2.1.5 and 2.2.5 of the Guidelines stipulate that “filming in Lower Austria and economic Lower Austrian effects are a

²⁷⁰ For example, Article 2.2.1 of the Cine Tirol Guidelines stipulates that: “the prerequisites for the granting of a production subsidy are the economic Tyrolean effect and/or the Tyrolean content reference: the economic Tyrolean effect is given if production-related expenses are incurred on site as a result of the realisation of the filming of the submitted project, either wholly or at least partly in Tyrol. Tyrolean content reference is given if Tyrol is a clearly identifiable location of the plot and/or if the film project deals in detail with the history, culture or nature of Tyrol”.

²⁷¹ <http://www.filmkunst.steiermark.at/cms/ziel/16090901/DE/>.

²⁷² Article 2.1 of the Funding Guidelines (C. Production of Cinematographic Films), Article 4.2 of the Funding Guidelines (D. Production of television production).



prerequisite”. In addition, special consideration is given to projects which make Lower Austria identifiable as the setting for the action or as an important location.

- Cinestyria: Article 2.1.1 of the Guidelines provides that: “the submitted project must have essential content-related and production-technical characteristics that are relevant to Styria or suitable for achieving tourist and economic effects in Styria”. This is mainly achieved by setting the film, at least partially, and in such a way as to make it identifiable for viewers in Styria.

7.1.3.6. Talent, cast, crew, underlying copyright

First, concerning the nationality of the film, a film shall be considered an Austrian film pursuant to the Film Funding Act (Article 3.5 of the ÖFI Guidelines) provided that the decision-makers in creative and managerial terms are Austrian nationals and the remaining staff members are mainly Austrian nationals (nationals of contracting parties of the TFEU (EU) and the EEA (Iceland, Liechtenstein and Norway) are equated to Austrian nationals). Moreover, the following funds have implemented criteria related to the nationality of the talent, cast and crew:

- ÖFI: where production support is requested, the nationality of the talent, cast and crew are taken into account, as per Article 6.1.2 of the ÖFI Guidelines. Specifically, in order to be eligible for entitled funds, at least two of the following three criteria must be fulfilled, as per Article 7.6 of the ÖFI Guidelines: the production must have an Austrian director; there must be Austrian majority participation or an Austrian responsible for at least two of the three areas of script, camera and editing.
- Fernsehfonds Austria: Article 1.4 of the Guidelines regarding the cultural test (see also section 7.1.2.2) includes the criteria that Austrian talent be engaged in the production.
- FISA: one of the film-related eligibility conditions is that “the persons deciding on the artistic or organisational aspects during the making of the film are Austrian nationals or nationals from EEA countries and the remaining team is composed of primarily Austrian nationals or nationals from EEA countries”.²⁷³

With regard to the underlying copyrights, all schemes refer to the content of local interest or talent. In particular, most regional schemes stress that the content has to have a connection to the region (besides economic aspects).

7.1.3.7. Shooting language and diversity

The schemes do not refer to the shooting language but to cultural heritage. Nevertheless, the ÖFI (among others) requires that a final version of the film be made in German (dubbed or subtitled) as per Article 3.5.3 of their Guidelines, as does FISA, in paragraph 4

²⁷³ Article 4 (1) point 2 of the FISA Guidelines.



(6) of the FISA Guidelines. With regard to diversity-promoting criteria, the following applies:

- ÖFI has implemented a gender incentive: if the film reaches a target value of key female talent and crew members, as set out in Annex F,²⁷⁴ the production company will receive an automatic incentive of EUR 30 000. This amount can only be used for the development (script/project development) of new projects which involve at least two professional females working as the producer, director or scriptwriter.
- Bundeskanzleramt: as per Article 3 of the Guidelines, one of the goals pursued by the fund is the “gender-fair distribution of funding to ensure equality between men and women”. In addition, as a general rule for all types of cultural support by the Federal Chancellery, women should be the beneficiary of at least 50% of grants for individuals.²⁷⁵
- Filmfonds Wien: the fund produces regular statistics on gender within their support schemes (share of projects and share of overall funding).²⁷⁶ In addition, in the case of TV production support, Article 7 of the Guidelines stipulates that: “These funding ceilings can only be applied for if at least one of the following positions is held by a woman: producer, scriptwriter or director. Having signing authority (procurement, management) is relevant for the female producer function.” Furthermore, special attention is paid to films with scripts written by female authors or films directed by female directors, as per Article 4 of the Guidelines.

7.1.4. Funding criteria applicable to pre-production support

7.1.4.1. Budget

At federal level, when it comes to funding project development, only the Bundeskanzleramt has implemented requirements related to the budget, whereby the maximum eligible budget is limited to EUR 40 000, as per Article 5.2 of the Guidelines. At regional level, only the Carinthia Film Commission sets a requirement related to the budget, namely a minimum contribution from the applicant of at least 5% of the total project development costs.²⁷⁷

²⁷⁴ Gender Incentive 2019, ÖFI, <https://equality.filminstitut.at/de/gender-incentive-2019>.

²⁷⁵ Richtlinien für die Gewährung von Förderungen nach dem Kunstförderungsgesetz durch das Bundeskanzleramt (Guidelines for the granting of subsidies under the Art Promotion Act by the Federal Chancellery), <https://www.kunstkultur.bka.gv.at/documents/340047/618530/Richtlinie+Kunstfoerderungsgesetz/f808e354-f5f3-4677-9caa-61cdafe48e69>.

²⁷⁶ *Filmfonds Wien's* Gender Statistics, <https://www.filmfonds-wien.at/institution/gender>.

²⁷⁷ Article 2.3 of Guidelines E.



7.1.4.2. Awarded amount

At federal level, the following requirements apply:

Österreichisches Filminstitut (ÖFI)	
Aid intensity	As per Attachment A and Articles 4 and 5 of the ÖFI Guidelines, the following caps apply: <ul style="list-style-type: none"> ■ Script development: up to EUR 12 000 (qualified author as applicant), EUR 12 500 (the author together with the producer), or EUR 15 000 (author/producer/dramaturge) ■ Project development: up to EUR 50 000, with the aid intensity limited to 50% of the entire development project; this can be increased to 80% in exceptional and duly justified cases, especially if the Film Institute is the only major funding partner.
Repayable	The support is not repayable. However, the funding awarded will be fully credited to any subsequent production funding. If the applicant uses the funded script/shooting outline as a basis for a TV film, she/he shall be obliged to repay the allocated amount. This obligation is not applicable if shooting starts more than 6 years after the disbursement of the last instalment. ²⁷⁸
Eligible costs	Not specified.
Selective/Automatic	Selectively by the Film Advisory Council, final decision by the federal minister, as per Article 4.1 of the Guidelines.
Bundeskanzleramt	
Aid intensity	As per Article 5.2 of the Guidelines, the following caps apply: <ul style="list-style-type: none"> ■ Script development: up to EUR 7 000 ■ Project development: up to EUR 22 000 for fiction, and EUR 12 000 for documentary works.
Repayable	No.
Eligible costs	Defined in Article 6 of the Guidelines.
Selective/Automatic	Selectively by the Advisory Committee.

At regional level, the following requirements apply:

- Carinthia Film Commission: the aid intensity is capped at 30% of the development costs.²⁷⁹
- Filmfonds Wien: this support takes the form of a conditionally repayable grant of up to EUR 75 000, repayable in the event of the film being produced, and awarded

²⁷⁸ Articles 4.5 to 4.7 (Script development) and 5.2 to 5.3 (Project development) of the ÖFI Guidelines, *Op. cit.*

²⁷⁹ Article 2.1 of Guidelines E.



selectively by an independent commission.²⁸⁰ Regarding eligible costs, they are defined in Article 4 of the Funding Guidelines (B. Project Development).

- Steiermark - Cine Art: the aid intensity is limited to 50%, as per Article 2.2 of the Guidelines.

7.1.4.3. Other criteria

The funding schemes do not mention copyright issues or any rules on the language of the script (for example, the ÖFI also accepts applications in English). With regard to diversity issues, the ÖFI and Film Fund Wien have developed several measures to implement gender budgeting and foster female filmmakers, as explained in section 7.1.3.7.

7.1.5. Funding criteria applicable to distribution and promotion support

7.1.5.1. Theatrical release, broadcasting and visibility on VOD

The ÖFI and Filmfonds Wien fund the costs for the distribution of productions with specific funding schemes (Cinema Release Funding). Applicants have the obligation to distribute the film and to report back to the ÖFI and Filmfonds Wien every year on the exploitation of the funded film productions and subsequent earnings, also with respect to the obligation to refund the funding from those earnings. In the case of distribution support provided by the Bundeskanzleramt, Article 2.9 of the Guidelines stipulates that in order to be eligible for support, the applicant must provide:

- A written guarantee from at least one cinema theatre that the film will be screened on seven consecutive days in a fixed evening slot.
- A written guarantee of the online placement (VOD platform, etc.) of the film.

There are no specific schemes to support distribution via VOD. With regard to release windows, the ÖFI Guidelines provide holdback periods, as described in section 7.1.3.1.

7.1.5.2. Theatrical performance and performance at festivals, events and awards

There are no mandatory requirements regarding the performance of a work in terms of theatrical attendance at home or abroad. In terms of performance at festivals and awards,

²⁸⁰ Articles 1 and 7 of the Funding Guidelines (B. Project Development), https://www.filmfonds-wien.at/files/ffw_f_rderrichtlinien_teil-b_projektentwicklung.pdf.



the ÖFI, Fernsehfond Austria and the Bundeskanzleramt provide support for films participating in festivals.²⁸¹

7.1.5.3. Budget

There are no specific requirements related to the budget for any of the funds, except in the case of the additional funding provided by the ÖFI and Filmfonds Wien, where the applicant's own investment must be at least equal to the funding amount.²⁸²

7.1.5.4. Awarded amount

Österreichisches Filminstitut (ÖFI)	
Aid intensity	There is no aid intensity stipulated. In the case of additional funding, as mentioned in the previous section, the amount must be at least equal to the applicant's own contribution. Furthermore, as stipulated in attachment A of the ÖFI Guidelines, the maximum and indicative rates are as follows: <ul style="list-style-type: none"> ■ Cinema release funding: the basic amount is up to EUR 40 000, with the possibility of EUR 50 000 in additional funding . ■ Other measures of dissemination: EUR 20 000 for festivals; EUR 26 000 for foreign-language dubbing; EUR 3 000 for DVD release.
Repayable	The support is not repayable, except in the case of additional funding where the repayment of these funds to the ÖFI will be executed based on the gross proceeds from the distribution.
Eligible costs	Defined in Article 9.2 of the ÖFI Guidelines, and include, <i>inter alia</i> : expenses related to release prints, advertising material and measures (such as posters, press kit), etc.
Selective/Automatic	Selectively by a selection committee.
Bundeskanzleramt	
Aid intensity	As per Article 5.2 of the Guidelines, the following caps apply: <ul style="list-style-type: none"> ■ Participation in festivals: up to EUR 15 000 ■ Distribution support: EUR 15 000 for basic funding, EUR 20 000 in the case of innovative online measures.
Repayable	No.
Eligible costs	Defined in Article 6 of the Guidelines.

²⁸¹ Article 9 of the ÖFI Guidelines; Article 8.1 of the Fernsehfond Austria Guidelines; Article 2.5.7 of the Bundeskanzleramt Guidelines.

²⁸² Article 9.2.4 and Attachment A of the ÖFI Guidelines; Article 2.1 of the Film Fond Wien Guidelines (F. Promotion), see https://www.filmfonds-wien.at/files/ffw_f_rderrichtlinien_teil-f_verwertungsfo_rderung.pdf.



Selective/Automatic	Selectively by the Film Advisory Council, final decision by the federal minister, as per Article 4.1 of the Guidelines.
Fernsehfond Austria	
Aid intensity	As per Article 8.1 of the Guidelines, the aid intensity is up to 50% for the costs of dubbing and festivals, and 80% of the costs for the production of versions for handicapped persons, with the following caps: <ul style="list-style-type: none"> ■ Festival distribution and foreign-language dubbing: EUR 30 000 ■ Production of versions for handicapped persons: EUR 10 000
Repayable	No.
Eligible costs	Defined in Articles 2.1, 10.2 and 10.3 of the Guidelines.
Selective/Automatic	Decision based on a cultural test and a committee, as per Articles 1.4 and 10.7 of the Guidelines.
Filmfonds Wien	
Aid intensity	As per Articles 2 and 3.1 of the Guidelines (F. Promotion), the following caps apply: <ul style="list-style-type: none"> ■ Cinema release funding: the basic amount is up to EUR 40 000, with the possibility of EUR 50 000 in additional funding. ■ Other measures of dissemination: EUR 20 000 for festivals, and EUR 26 000 for foreign-language dubbing.
Repayable	The support is not repayable, except in the case of additional funding where the repayment of these funds to the Filmfonds Wien will be executed based on the gross proceeds from the distribution, as per Article 2.5 of the Guidelines.
Eligible costs	Defined in Articles 2.3 and 3.3 of the Guidelines.
Selective/Automatic	Selectively by a selection committee.
Land Steiermark – Cine Art	
Aid intensity	The aid intensity is limited to 50% of the production costs in Austria, as per Article 2.2 of the Guidelines.
Repayable	No.
Eligible costs	Not specified.
Selective/Automatic	Selectively by selection committee.

7.1.5.5. Language and diversity

There are no specific requirements regarding the language of the film or linked to ethnic or linguistic minorities and gender.



7.1.6. Data compilation

This factsheet was produced based on data compiled by Harald Karl, Pepelnik & Karl Rechtsanwälte GmbH, Vienna.