



RESOLUTION (88) 15
SETTING UP A EUROPEAN SUPPORT FUND
FOR THE CO-PRODUCTION AND DISTRIBUTION OF CREATIVE
CINEMATOGRAPHIC AND AUDIOVISUAL WORKS
(« EURIMAGES »)

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

The Representatives of the Committee of Ministers of Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden,¹

Considering the European Cultural Convention;

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

Considering Resolution N°1 on the promotion of European audiovisual works, adopted by the 1st European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

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

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

Realising that the constant advance of information and communication technology and the large-scale emergence of new transmission and distribution channels will result in increased demand for programmes and increased competition in the programme market;

¹ List of States which have joined the 12 founding member States

See <https://www.coe.int/en/web/conventions/partial-agreements/-/conventions/ap/list> - "Eurimages" - Accessions or other participations

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

Wishing to intensify co-operation and exchanges for the purpose of stimulating film and audiovisual production as an important means of promoting Europe's cultural identity;

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

Having regard to Committee of Ministers Resolution (51) 62, concerning partial agreements;

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

Resolve to set up a European support Fund for the co-production and distribution of creative cinematographic and audiovisual works to be governed by the following rules:

1. *Purpose and functions of the Fund*¹

- 1.1. The purpose of the European support Fund for the co-production and distribution of creative cinematographic and audiovisual works, -hereinafter referred to as « the fund » - shall be to encourage in any way to be defined by the Board of Management the co-production, distribution, broadcasting and exploitation of creative cinematographic and audiovisual works, particularly by helping to finance the co-production, distribution, broadcasting and exploitation.
- 1.2. The Fund shall receive, hold and utilise the resources allocated to it in accordance with paragraph 4 below, in pursuance of decisions taken by the Board of Management set up pursuant to paragraph 2 below.
- 1.3. By a decision of the Board of Management, the Fund may enter into arrangements with any organisation pursuing objectives of cinematographic and audiovisual interest, with a view to co-ordinating their work.
- 1.4. The headquarters of the Fund shall be in Strasbourg.

¹ Amended according to the provisions of Resolution (93) 10 adopted by the Committee of Ministers on 13 April 1993 at the 492nd meeting of the Ministers' Deputies.

2. *Board of Management*¹

- 2.1. Each Member State of the Fund shall appoint one representative to the Board of Management.
- 2.2. The Board of Management shall take all decisions regarding the granting of financial aid. It shall determine the policy and modalities for the granting of financial aid, assuring itself beforehand that the works retained fulfil in particular the cultural criteria conforming to the objectives of the Fund. It shall also ensure the most effective use of the resources of the Fund.
- 2.3. The Board of Management shall manage the Fund. For this purpose, it may secure the assistance of experts and representatives of the professional circles concerned.
- 2.4. The Board of Management shall adopt its rules of procedure.

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

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

- 2.5. The Board of Management shall invite the representative of an associate member to attend Board of Management meetings whenever such associate member is directly concerned by one of the items on the agenda. The associate member shall be entitled to vote in respect of any such item, and the voting rules set out in paragraph 2.4 above shall be construed accordingly.

3. *Audit of Accounts*²

- 3.1. The accounts of the Fund shall be audited by the Board of Auditors of the Council of Europe.
- 3.2. The Board of Auditors shall examine the accounts of the Fund and verify the accuracy of the management account and balance sheet. It shall also verify whether the Fund's resources have been used for the specified purposes. It shall draw up an annual report on the financial situation and management of the Fund to be submitted to the governments of the Fund's Member States. The report shall also be submitted to the Committee of Ministers.

¹ Amended according to the provisions of Resolution (95) 4 adopted by the Committee of Ministers on 7 June 1995 at the 540th meeting of the Ministers' Deputies.

² Amended according to the provisions of Resolution (89) 6 adopted by the Committee of Ministers on 15 June 1989 at the 427th meeting of the Ministers' Deputies

4. *Resources of the Fund*^{1 2}

- 4.1. The Fund's resources shall comprise:
- 4.1.a. the annual contributions of each of the Fund's Member States and associate Member States;
 - 4.1.b. the amounts of repaid loans;
 - 4.1.c. any other payments, donations or legacies, subject to the provisions of paragraph 4.3 below.
- 4.2. The contributions of the Fund's Member States and associate members shall be determined each year by their representatives on the Board of Management, duly authorised to that effect by their respective governments, according to a scale approved by the Board of Management. The obligatory contributions calculated according to this scale may be supplemented by annual voluntary contributions.
- 4.3. The crediting to the Fund of payments, donations or legacies referred to in paragraph 4.1.c above, in excess of the amount fixed by the Board of Management, shall be subject to the agreement of the latter.
- 4.4. The Fund's assets shall be acquired and held in the name of the Council of Europe and as such shall enjoy the privileges and immunities accorded to the Council's assets under the relevant agreements. The Fund's assets shall be kept separate from the Council of Europe's other assets.

5. *Conditions attaching to the award of financial aid*^{3 4 5 6 7 8}

- 5.1. 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, which produce films and/or audiovisual works as well as to natural or legal persons which distribute, broadcast or exploit them.

¹ Amended according to the provisions of Resolution (95) 4 adopted by the Committee of Ministers on 7 June 1995 at the 540th meeting of the Ministers' Deputies.

² Amended by the Committee of Ministers on 19 July 2000 by a decision taken at the 718th meeting of the Ministers' Deputies.

³ Amended according to the provisions of Resolution (90) 34 adopted by the Committee of Ministers on 30 November 1990 at the 449th meeting of the Ministers' Deputies

⁴ Amended according to the provisions of Resolution (92) 3 adopted by the Committee of Ministers on 10 February 1992 at the 470th meeting of the Ministers' Deputies.

⁵ Amended according to the provisions of Resolution (93) 10 adopted by the Committee of Ministers on 13 April 1993 at the 492nd meeting of the Ministers' Deputies.

⁶ Amended according to the provisions of Resolution (95) 4 adopted by the Committee of Ministers on 7 June 1995 at the 540th meeting of the Ministers' Deputies.

⁷ Amended according to the provisions of Resolution (97) 65 adopted by the Committee of Ministers on 19 December 1997 at the 613th meeting of the Ministers' Deputies.

⁸ Amended by the Committee of Ministers on 15 December 1999 by a decision taken at the 692nd meeting of the Ministers' Deputies.

- 5.2. In reaching its decision on whether to grant aid, the Board of Management shall take into account the quality of the work and shall ascertain whether it is apt to reflect and to promote the contribution of the diverse national components to Europe's cultural identity.
- 5.3. Co-production aid may be granted for co-productions originating in the Fund's Member States and including at least three co-producers from the Fund's Member States. The Board of Management may derogate from this rule in accordance with the implementing regulations that it has adopted for this purpose.

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

The contribution, from public or private sources, of each of the co-producers from Fund Member States may not exceed 70% of the production costs. The Board of Management may derogate from this rule in accordance with the implementing regulations that it has adopted for this purpose.
- 5.4. Aid for the co-production of films and audiovisual works shall be granted in respect of co-productions of works primarily intended for cinema showing and of co-productions of works primarily intended for broadcasting by television or cable distribution, where such work is produced by producers independent of the broadcasting agencies.
- 5.5. Aid for the distribution, broadcasting and promotion of a film or audiovisual work originating in one or more Member States of the Fund shall be granted to cover expenditure specified in the application for the manufacture of copies, subtitling and/or dubbing and recourse to various means of promotion. Such aid may not exceed 50% of such expenditure.
- 5.6. Aid for exploitation shall be granted to support and develop the exploitation of European films or audiovisual works in the Member States of the Fund.
- 5.7. Distributors and exhibitors from an associate Member State can benefit from the support scheme for distribution and cinemas.
- 5.8. Aid shall be allocated in the form of grants, loans at a preferential rate or advances on receipts.

6. *Accession and withdrawal*^{1 2}

- 6.1. Any Member State of the Council of Europe may, at any time, indicate to the Secretary General its intention to join the Fund as a member or associate member. The Secretary General shall forward this request to the Board of Management, which shall hold a preliminary dialogue with the State concerned regarding the modalities of accession, with respect in particular to the provisions of paragraph 6.3 below. The Board of Management shall inform the Secretary General and the State concerned of its opinion, on the basis of which the State may notify its accession to the Fund.

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

- 6.2. ³A non-member State of the Council of Europe may accede to the Fund, either as a member or associate member, provided that its application is unanimously accepted by the Fund's Member States. The European Union may also accede to the Fund on the same condition.
- 6.3. The Fund's Member States, represented on the Board of Management, shall agree with any new member or associate Member State upon the percentage of its annual financial contribution in relation to the total amount contributed to the Fund by States.
- 6.4. Any Member State or associate Member State may withdraw from the Fund upon giving six months' notice expiring at the end of the financial year.

7. *Secretariat*

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

8. *Operation*⁴

- 8.1. The Fund's operational expenditure shall be apportioned as follows:
- 8.1.a. The travel and subsistence expenses of participants at Meetings of the Fund shall be paid by each member or associate Member State of the Fund.
- 8.1.b. The cost of implementing decisions of the Board of Management and common secretariat expenditure (documents, staff, official travel, translation, interpretation and all other specific expenditure relating to the operation of the Fund) shall be provided for in a partial agreement budget, financed by the Member States and associate Member States of the Fund.

¹ Amended according to the provisions of Resolution (95) 4 adopted by the Committee of Ministers on 7 June 1995 at the 540th meeting of the Ministers' Deputies.

² Amended according to the provisions of Resolution (98) 10 adopted by the Committee of Ministers on 2 July 1998 at the 638th meeting of the Ministers' Deputies.

³ Amended according to the provisions of Resolution (2013) 57 adopted by the Committee of Ministers on 11 December 2013 at the 1187th meeting of the Ministers' Deputies.

⁴ Amended according to the provisions of Resolution (95) 4 adopted by the Committee of Ministers on 7 June 1995 at the 540th meeting of the Ministers' Deputies.