

**CALL FOR PROPOSALS – EACEA N° 19/2007  
MEDIA 2007 Programme**

**GUIDELINES ON THE  
SUPPORT FOR TELEVISION BROADCASTING OF EUROPEAN AUDIOVISUAL WORKS**

**1. INTRODUCTION**

The EACEA Call for Proposals 19/2007 is based on Decision N° 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) (ref. Official Journal N° L 327 of 24 November 2006, page 12).

The European Commission is responsible for the implementation of the MEDIA Programme and for the decision to grant individual European Community funds. The Education, Audiovisual and Culture Executive Agency administers the MEDIA Programme on behalf of and under the control of the European Commission. The section responsible for the implementation of the Call for Proposals is the MEDIA Programme Unit, part of the Education, Audiovisual and Culture Executive Agency (the Agency).

NB: The implementation of Call for proposals in 2008 is subject to the following condition:  
The adoption of the European Union budget for the year 2008 by the budget authority. This condition does not depend solely on the Commission or the Agency.

**2. OBJECTIVES**

**2.1. Objectives of the programme**

The global objectives of the MEDIA 2007 programme are:

- to preserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage, to guarantee its access to the public and to promote intercultural dialogue;
- to increase the circulation and viewership of European audiovisual works inside and outside the European Union, including through greater cooperation between players;
- to strengthen the competitiveness of the European audiovisual sector in the framework of an open and competitive European market favourable to employment, including by promoting links between audiovisual professionals.

The objectives of the programme in the field of distribution and dissemination include the following:

- to promote the transnational dissemination of European audiovisual works produced by independent production companies by encouraging cooperation

between broadcasters on the one hand and independent producers and distributors on the other.

Particular attention will be paid to the development of potential in countries or regions with a low audiovisual production capacity and/or a restricted linguistic or geographical area.

## **2.2. Objectives of the support**

This call for proposals is aimed at independent European TV production companies. It explains how to submit a proposal with a view to obtaining a financial contribution from the MEDIA 2007 Programme.

The support scheme's objective is to encourage independent producers to produce works (fiction, documentary and animated films) involving the participation of at least three broadcasters from several member states participating or co-operating in the programme.

Special attention will be given to audio-visual works that contribute to the enhancement of European heritage and linguistic and cultural diversity.

Support granted must contribute to speeding up the financing of productions selected by broadcasters and to strengthening independent production companies' rights over such works, thereby encouraging their subsequent exploitation.

## **3. TIMETABLE**

The Call for Proposals EACEA 19/2007 is open counting from the date of its publication in the Official Journal until 13/06/2008. It contains two deadlines. Applicants are invited to read carefully point 12.3 of the current Call for the procedure on the submission of applications.

To be included in the 1<sup>st</sup> deadline, the application for support must be sent to the Agency between the date of the publication of the Call for Proposals and **22/02/2008**. Applicants will be informed of the results of this 1<sup>st</sup> deadline no later than during the month of June 2008.

To be included in the 2<sup>nd</sup> deadline, the application for support must be sent to the Agency between 23/02/2008 and **13/06/2008**. Applicants will be informed of the results of this 2<sup>nd</sup> deadline no later than during the month of October 2008.

The relevant date is the date of posting (not the date of receipt by the Agency). The Agency cannot under any circumstances be held responsible for the shortcomings of courier services, and it is up to the applicant alone to ensure that the proposal is sent off in good time. In the event that there are any charges in the delivery of an application (postal, fiscal or other) the Agency cannot be held liable for them and will refuse to accept same.

The period of eligibility of costs starts 6 months before the date of the application and ends 24 months after the date of application (for series with more than 3 episodes and a total duration of more than 3 hours, the period ends 36 months after the date of the application). The maximum duration of the project is therefore 30 months (or 42 for series). **All costs incurred before the period starting 6 months before the date of the application will not be considered as eligible.**

However, if after the signing of the agreement and the start of the project it becomes impossible for the beneficiary, for fully justified reasons beyond his control, to complete the project within the scheduled period, an extension to the eligibility period may be granted. A maximum extension of 6 additional months may be granted, if requested before the deadline specified in the agreement. The maximum duration of the period of eligibility of costs will then be 36 months (or 48 months for series).

#### **4. AVAILABLE BUDGET**

The total budget allocated for co-financing projects within the framework of the Call for Proposals EACEA 19/2007 is estimated to be € 7,5 millions.

The financial contribution awarded can not exceed 12,5% of the total eligible costs for fiction and animation projects. The maximum financial contribution which may be awarded to fiction and animation projects is € 500 000 per work.

For documentaries, the financial contribution awarded can not exceed 20% of the total eligible costs and the maximum financial contribution which may be awarded is € 300 000 per work.

The Agency reserves the right not to award the entire available budget.

#### **5. ELIGIBILITY CRITERIA**

Submissions that do not meet the following eligibility criteria will be eliminated during the first phase of selection.

The Agency reserves the right not to process proposals which lack the required documentation or information (documents listed in the application form) at the deadline.

##### **5.1. Eligible companies**

The present call is open to European and independent production companies.

An European production company is a company whose main activity is audiovisual production and which is registered in one of the Member States of the European Union or in one of the countries participating in the MEDIA 2007 Programme as defined in this Call for Proposals, and which is owned and continues to be owned, whether directly or by majority participation, by nationals from these countries.

An independent production company is an audiovisual production company which does not have majority control by a television broadcaster, either in shareholding or commercial terms. Majority control is considered to occur when more than 25% of the share capital of a production company is held by a single broadcaster (50% when several broadcasters are involved) or when, over a three-year period, more than 90% of a production company's revenue is generated in co-operation with a single broadcaster.

Foundations, Institutes, Universities, Associations and other legal bodies acting in the public interest cannot apply.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

## **5.2. Legal entities**

In order to demonstrate its existence as a legal person, the applicant must provide the following documents:

- bank details form, duly completed and signed,
- extract from the official gazette/trade register, and certificate of liability to VAT (if, as in certain countries, the trade register number and VAT number are identical, only one of these documents is required).

## **5.3. Eligible countries**

Companies submitting an application must be established in one of the following countries:

- Member States of the European Union as of 1<sup>st</sup> January 2007;
- countries in the European Economic Area participating in the MEDIA 2007 Programme (Iceland, Liechtenstein and Norway);
- countries meeting the conditions laid down by Article 11 of Council Decision 2000/821/EC (Switzerland).

They must also be owned and continue to be owned, either directly or by majority shareholding, by nationals of these countries.

### Countries with a low audiovisual production capacity

For the purposes of this Call for Proposals, the following countries will be considered as countries with a low audiovisual production capacity: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland,

Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and Switzerland.

Among these countries, the following countries are considered "New Member States": Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

#### 5.4. Eligible projects

##### 5.4.1. European audiovisual programme

Any work of fiction (including animated films) or documentary, complying with the following conditions:

- the work to be produced will be majority produced by companies established in one or more countries participating in the MEDIA Programme;
- the work has a significant participation by professionals who are citizens and/or residents of the countries participating in the MEDIA Programme. Significant participation is defined as 10 or more points under the following scheme:

<b>Fiction / Documentary</b>	<b>Points</b>	<b>Animation</b>	<b>Points</b>
Director	3	Director	3
Scriptwriter	3	Scriptwriter	3
Composer	1	Composer	1
Actor 1/ Voice over artist	2	Storyboard Artist	2
Actor 2/ Voice over artist	2	Character Designer	2
Actor 3/ Voice over artist	2	Animation Supervisor	2
Artistic Director	1	Artistic Director	1
Director of Photography	1	Technical Director	1
Editor	1	Editor	1
Sound	1	Sound	1
Shooting location	1	Studio Location	1
Laboratory	1	Laboratory	1
<b>Total</b>	<b>19</b>	<b>Total</b>	<b>19</b>

Audiovisual programmes consisting of advertising, pornographic or racist material or advocating violence, as well as programmes intended to promote an institution or its activities are not eligible for support.

##### 5.4.2. Category of projects

- Production projects belonging to the following categories are eligible:
  - Television fiction projects (individual projects or series) of a total duration of minimum 50 minutes. In order to be eligible, fiction projects must be made primarily for the purposes of television exploitation.

- Creative documentaries (individual projects and series) of a total duration of minimum 25 minutes. Creative documentaries are productions based on real subject matter but which require substantial original writing, in particular those setting out the point of view of a writer and/or a filmmaker. Creative documentaries based on archive footage are eligible. News programmes, magazines, talk-shows, reality-shows, docu-soaps, school and “how to” programmes are not considered eligible for support.
  - animation (individual projects or series) of a total duration of minimum 25 minutes.
- The number of applications per project is limited to two applications. Projects which were already submitted twice within this or a previous call for proposals for the TV Broadcasting support are ineligible for support.
  - *Series and sequels*

Projects which are designed to be a series with a joint marketing strategy have to be submitted as a series. It is not possible to split series into several parts, i.e. to submit single episodes as separate applications.

Sequels and series of episodes based in whole or in part on a previous project are ineligible for support.
  - *Theatrical releases*

For fiction and animation projects from countries with a low audiovisual production capacity for which a national (and national only) theatrical release is forecast are eligible, however only if the theatrical release is done after an initial TV transmission.

For fiction and animation projects originating from UK, Germany, France, Italy and Spain, only clear television productions are eligible (i.e. no theatrical distributor attached, even a national distributor).

For documentaries, a theatrical release is also allowed prior to an initial TV transmission, regardless of the territory from which the project originates and the territory in which it will be released. However, the project has to have been originally intended for the television market. Projects originally intended as cinema projects (e.g. several theatrical distributors or an international cinema sales agent attached to the project), are ineligible.
  - Projects already financed by Eurimages are ineligible for support.

The Agency reserves the right to apply these criteria, taking into account the specific characteristics of the television industry of the individual countries participating in the MEDIA 2007 Programme.

### 5.5. Other eligibility criteria

The following eligibility criteria shall apply:

- The applicant company must be the majority producer of the work. In the case of co-productions, the co-producers have to designate one of the partners as delegate producer to be the contractual partner with the Agency. This delegate producer must be the majority co-production partner.
- The application must be submitted within the following time period: at the earliest 6 months before the first day of principal photography and at the latest on the first day of principal photography.
- The audiovisual work proposed must be an independent European television production (fiction, animation or creative documentary) involving the participation of at least three broadcasting companies established in the Member States of the European Union or in one of the countries participating in the MEDIA 2007 Programme.  
For the purposes of this Call for Proposals a broadcaster is considered any company which, holding the broadcasting rights (terrestrial, via satellite or cable) to a film or an audiovisual programme for a given territory, is directly or as parent company responsible for its broadcast by determining the terms on which it is shown.  
Internet Services are not considered to be an eligible television broadcaster.
- In all cases, the broadcaster contribution must be above the following minimum thresholds in order to be eligible:

Broadcaster coming from:	Minimum % of total production budget	
	Fiction, Animation	Documentary
Big territories <sup>1</sup>	1%	0,5%
Countries with a low audiovisual production capacity <sup>2</sup>	0,5%	0,5%
New Member States <sup>3</sup>	0,1%	0,1%

- The exploitation rights licensed to the broadcasters participating in the production have to revert to the producer after a maximum license period of :
  - 7 years if the broadcaster's participation takes the form of a pre-purchase;
  - 10 years if the broadcaster's participation also takes the form of a co-production.  
In this case, the contract between the producer and the broadcaster must clearly

<sup>1</sup> Covering the big 5 European countries + big countries outside Europe as Australia, Canada, Japan, Russia and USA.

<sup>2</sup> Including European and non European countries with a limited production capacity (i.e. all countries not mentioned as big countries and as new member states).

<sup>3</sup> Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

specify the price and licence term for the pre-purchase of the exploitation rights and the conditions for the co-production. A co-production between a broadcaster and a TV-producer is accepted by the Executive Agency only if the broadcaster takes a significant financial risk in the production and is involved in the total organisation and economic handling of the production. The Agency reserves the right to assess these circumstances on a case by case basis. In any case, the broadcaster can not be the majority co-producer of the work;

- The broadcasters' involvement needs to be proved by contracts or binding letters of commitment. These contracts or letters of commitment must clearly specify the licence price and the licence term. If the broadcaster's participation also takes the form of a co-production, the conditions of such co-producer's relationship must be specified.
- At time of application, a minimum 50% of the financing of the budget of the project must be guaranteed from third party sources of finance (either through direct financing or by advance rights sales), proved by binding letters of commitment, including the project title, the exact amount of the financial contribution, the rights sold and the licence period. Contributions from broadcasters, distributors, public funds or co-producers are considered as third party sources of financing. The producer's own investment is not considered as a third party source of finance. If the project is co-produced by several production companies, a co-production contract (or deal-memo) indicating the share of financing, share of rights, share of costs and share of revenues, has to be submitted with the application.
- Projects that are fully financed will not be considered eligible for support. Financing which is raised from private individuals is not considered as eligible.
- The production budget must be minimum 50% financed by European sources (ie from Member States or countries participating to the MEDIA 2007 Programme).

## **5.6. Eligible proposals**

Only proposals submitted on the official application forms, completed in full, signed (original signatures required) and received by the specified deadline, will be considered.

The application forms must be accompanied by documents attesting its financial and operational capacity, and all of the other documents referred to in the application form.

Applicants must submit a budget that is balanced in terms of expenditure and revenue and must comply with the ceiling for Community cofinancing, set at 12,5% of the eligible costs for fiction and animation projects and at 20% of the eligible costs for documentaries.



## 6. EXCLUSION CRITERIA

Applicants must state that they are not in any of the situations described in Articles 93 and 94 of the Financial Regulation applicable to the General Budget of the European Communities (Council Regulation (EC, Euratom) No 1605/2002) and set out below.

Applicants will be excluded from participating in the Call for Proposals if they are in any of the following situations:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Applicants will not be granted financial assistance if, on the date of the grant award procedure, they:

- (a) are subject to a conflict of interests;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant award procedure, or fail to supply this information.

In accordance with Articles from 93 to 96 of the Financial Regulation, administrative and financial penalties may be imposed on applicants who are guilty of misrepresentation or are found to have seriously failed to meet their contractual obligations under a previous contract award procedure.

To comply with these provisions, applicants must sign a declaration on their honour certifying that they are not in any of the situations referred to in Articles 93 and 94 of the Financial Regulation.

## **7. SELECTION CRITERIA**

The selection criteria shall be such as to make it possible to assess the applicant's ability to complete the proposed action or work programme.

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the project is being carried out or the year for which the grant is awarded and to participate in its funding. They must have the professional competencies and qualifications required to complete the proposed project or work programme.

Applicants must submit a declaration on their honour, completed and signed, attesting to their status as a legal entity and to their financial and operational capacity to complete the proposed activities.

### **7.1. Technical capacity**

In order to permit an assessment of their technical capacity, applicants must submit, together with their applications:

- the Curriculum Vitae of the Managing Director of the company;
- the Curriculum Vitae of the Director of the project;
- the presentation of the activities of the company over the last twelve months: projects (including co-productions) in pre-production, in production and productions completed as well as other activities of the company.

### **7.2. Financial Capacity**

In order to evaluate its financial capacity, the applicant company must present at the time of the submission of its application the following documents:

- only for requests greater than 25.000 € the complete audited accounts for the last financial year available certified by an approved external auditor, including the balance sheet and profit and loss statement. For companies that cannot provide a profit and loss sheet and a certified financial report in their first year of existence an estimate of the figures required should be provided. For requests below or equal 25.000 €, the applicant company has to sign a declaration attesting that he has sufficient sources of funding to maintain their activity throughout the period during which the project is being carried out;
- only for requests greater than 25.000 € the Financial Capacity form (see page 5 of Company Application Form) carefully and fully completed. The information given (in figures) must be based on the certified accounts of the most recent completed fiscal year which are included in the application form. The applicant guarantees that these figures are precise and verifiable. This information is required to evaluate the financial strength and co-financing capacity of the applicant.

- the Bank Identification Form duly completed and certified by the bank (original signatures required).

If, on the basis of the documents provided, the Agency considers that the financial capacity is not proven or sufficient it may:

- Refuse the application
- Request additional information
- Require a Bank Guarantee
- Propose a subsidy contract without pre-financing.

The Agency reserves the right not to select proposals submitted by producers who have not fulfilled their obligations in the framework of contracts signed with the European Commission, in particular in the framework of the MEDIA I, MEDIA II, MEDIA Plus and MEDIA 2007 Programme and other community programs.

## 8. AWARD CRITERIA

The award criteria shall be such as to make it possible to assess the quality of the proposals submitted in the light of the objectives and priorities set out in this call for proposals.

Within the limits of the budgetary resources available, the Agency will select the projects which score the highest number of points, based on the following criteria:

### 8.1. Evaluation

Applications will be evaluated in terms of the award criteria with the help of independent experts. On the basis of the independent experts' opinions, a list of projects, ranked according to merit, will be established.

The Agency selects experts on the basis of their independence, professional experience and quality. Their identity may not be communicated to applicants, for reasons of confidentiality and impartiality.

Points will be allocated out of a total of 100 on the basis of the following weightings:

Criteria related to the distribution of the project	Criteria related to the project	Criteria related to the company
The European dimension and financing of the project: <b>40 points</b>	International appeal of the project: <b>25 points</b>	Track record of international sales: <b>10 points</b>
International distributor's involvement: <b>10 points</b>	Enhancement of European linguistic and cultural diversity: <b>10 points</b>	
	Enhancement of the European audiovisual heritage: <b>5 points</b>	
<b>Total: 50 points</b>	<b>Total: 40 points</b>	<b>Total: 10 points</b>

## 8.2. Criteria related to the distribution of the project

### 8.2.1. The European dimension and financing of the project (40 points)

The following aspects will be taken into account:

- the country of origin of the applicant company;
- the number of broadcasters attached to the project;
- the financial involvement of the broadcasters;
- the level of non national financing.

The points will be awarded according to the following table:

	Projects from companies coming from countries with high production capacity <sup>1</sup>	Projects from companies coming from countries with low production capacity <sup>2</sup>	Projects from companies coming from new Member States <sup>3</sup>
Minimum requirements regarding pre-sales (3 broadcasters)	0-5 points	5-10 points	10-15 points
Minimum requirements + one to five additional non national broadcasters	6-15 points	11-20 points	16-25 points
Minimum requirements + more than five additional non national broadcasters	16-25 points	21-30 points	26-35 points
Minimum requirements + more than five additional non national broadcasters, of which at least 3 are participating with more than 5% of the budget	26-40 points	31-40 points	36-40 points

In each category, the evaluation committee and the experts will award the final score on the basis of the number of broadcasters, the financial participation of the broadcasters and the non national financing. The size of the production company, the efforts made and the difficulty in obtaining the involvement of the broadcasters participating to the project will also be taken into account.

<sup>1</sup> France, Germany, Italy, Spain and United Kingdom.

<sup>2</sup> Austria, Belgium, Denmark, Finland, Greece, Ireland, Iceland, Liechtenstein, Luxembourg, Norway, Netherlands, Portugal, Sweden and Switzerland.

<sup>3</sup> Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

The thresholds regarding the eligibility of the broadcasters mentioned in point 5.4 of the present guidelines apply only to the first three broadcasters needed to fulfil the eligibility criteria. The thresholds do not apply to all other additional broadcasters.

### **8.2.2. International distributor's involvement (10 points)**

The following aspects will be taken into account:

- number and track record of the distributors involved in the project;
- amount of the distributor's involvement;
- existence of a distribution arm in the applicant production company.

## **8.3. Criteria related to the project**

### **8.3.1. International appeal of the project (25 points)**

The following aspects will be taken into account:

- the quality of the project;
- the international sales potential;
- the international marketing strategy (including planned dubbed/subtitled versions).

### **8.3.2. Enhancement of European linguistic and cultural diversity (10 points)**

From 0 to 5 points for the enhancement of European linguistic diversity (on the basis of the number of European linguistic areas covered).

And

From 0 to 5 points for the enhancement of European cultural diversity. Projects presenting an interest in promoting European cultural diversity are those which bring together different cultural identities national and/or regional within a framework of inter-cultural dialogue among at least two European countries.

### **8.3.3. Enhancement of the European audiovisual heritage (5 points)**

Including, in particular, an examination of the archive material to be used.

## **8.4. Criteria related to the company**

### **8.4.1. Track record of international sales (10 points)**

Including in particular, an examination of the international sales done in the last 5 years by the applicant production company or by the producer, taking into account the market situation in which the company is based.

## **9. FINANCIAL CONDITIONS**

The selection of a particular applicant does not signify agreement to the level of financial support requested. The allocation of a grant does not confer any rights for subsequent years.

Community grants are intended to stimulate the realisation of projects based on the principle of co-financing. It completes financial support provided, in addition, by the applicant and/or national, regional or private aid.

The amount allocated cannot be greater than that requested.

Requests for grants must contain a detailed provisional budget in which all items must be given in Euros. Companies whose countries are not part of the "Eurozone" must use the conversion rate published in the Official Journal of the European Communities, Series C on the date of submission of their application (<http://ec.europa.eu/budget/inforeuro>).

The budget for the submitted project must be balanced in terms of expenditure and income and show clearly the costs which are eligible for financing from the Community budget.

The application must show the other sources and amounts of finance that have been agreed or requested for the project.

The grant may not have the purpose or have an effect of generating any form of profit for the beneficiary. Profit is defined as any excess of income over expenditure. Any excess will result in a proportional reduction in the amount of the grant.

The beneficiary's bank account must allow for the identification of the Community funds paid. If the funds paid into the account generate interest or any other form of profit, in accordance with the laws of the country wherein the account is held, the interest or profits will be recovered by the Agency when they result from pre-financing payments exceeding € 50 000.

The project proposed by the applicant may not receive double financing. Other sources of Community funding to the production of the same project cannot be part of the financing plan. In fact, the Community rules state that no project may benefit from two sources of Community funding.

Applicants must indicate in their application for support what other applications for financial support they have submitted or will be submitting to the European Commission during that same year, indicating for each support the Community programme concerned and the amount of the support.

### **9.1. Amount of the financial contribution**

The amount of the financial contribution awarded to each selected project by the Agency is determined with respect to the cost and nature of each project, in particular with regards to the following criteria:

- the production budget and financing plan of the work
- the performance of the producer in the execution of its previous contracts with the MEDIA II, MEDIA Plus and MEDIA 2007 Programme (respect of the submitted production budget)

The financial contribution will take the form of a subsidy.

The financial contribution awarded can not exceed 12,5% of the total eligible costs for fiction and animation projects. The maximum financial contribution which may be awarded to fiction and animation projects is € 500 000 per work.

For documentaries, the financial contribution awarded can not exceed 20% of the total eligible costs and the maximum financial contribution which may be awarded is € 300 000 per work.

### **9.2. Payment of the financial contribution**

In the event of definitive approval, a financial agreement, drawn up in euros and detailing the conditions and level of funding, will be entered into between the Agency and the beneficiary. This agreement must be signed and returned to the Agency immediately. The Agency will sign it last.

The payment of the financial contribution will normally be made in three instalments.

A first pre-financing payment of 40% will be transferred to the beneficiary within 45 days counting from written confirmation of the start of principal photography / production.

A second pre-financing payment of 20% will be transferred to the beneficiary within 45 days counting from presentation to and approval by the Agency of the signed contract between the producer and the main broadcaster, a progress report on the production and an Interim Financial Report.

The Agency will establish the amount of the final payment to be made to the beneficiary on the basis of the presentation to and approval by the Agency of a written declaration by the first broadcaster proving its acceptance of the delivered material as well as a Final Financial Report certified by an external approved auditor. The Agency's final financial contribution may not exceed 12.5% of the final total eligible expenditure for fiction and animated films and 20% of the final total eligible expenditure for documentary films.

The requested documents for the second and third pre-financing may be submitted simultaneously. Upon approval by the Agency of these deliverables, the Agency may make a joint payment of the second and final payments.

The beneficiaries will notify the Agency of major alterations of the financing plan and production budget during the entire contractual period with the Executive Agency.

### **9.3. Guarantee**

The Agency may require any organisation which has been awarded a grant to provide a guarantee beforehand in order to limit the financial risks linked to the prefinancing payment.

The purpose of this guarantee is to make a bank or a financial institution stand as irrevocable collateral security for, or first-call guarantor of, the grant beneficiary's obligations.

This financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the Member State of the European Union. When the beneficiary is established in a third country, the authorising officer responsible may agree that a bank or financial institution established in that third country may provide the guarantee if he considers that the bank or financial institution offers equivalent security and characteristics as those offered by a bank or financial institution established in a Member State.

The guarantee shall be released as the pre-financing is gradually cleared against interim payments or payments of balances to the beneficiary, in accordance with the conditions laid down in the grant agreement.

### **9.4. Eligible costs**

In order to be eligible under this Call for Proposals, costs must:

- be necessary for the implementation of the project, be included in the estimated budget attached to the agreement, necessary and reasonable for the completion of the project, and consistent with the principles of sound financial management, in particular in terms of value for money and cost-effectiveness;
- be incurred during the lifetime of the project as defined in the agreement;
- actually be incurred by the beneficiary, be recorded in the beneficiary's accounts in accordance with the applicable accounting principles, and be declared in accordance with the requirements of the applicable tax and social legislation;
- be identifiable and verifiable and be backed up by original supporting documents.



#### **9.4.1. Eligible period of costs**

Only those costs incurred by the beneficiary (ies) for the execution of the project during a period starting 6 months before the date of submission of the application and ending 24 months after the date of submission, or 36 months after this date in the case of series, will be eligible.

#### **9.4.2. Categories of eligible costs**

The categories of eligible costs are clearly identified in the form “Production Budget”, which will form the basis for calculating the financial contribution awarded to the projects. The financial contribution awarded will in no event exceed 12.5% of the eligible production budget submitted by the producer for fiction and animated films and 20% of the eligible production budget for documentary films.

The applicant company has to indicate in the application form if in the framework of a co-production contract, costs linked to the project will be incurred and invoiced by a co-producer and if these costs have to be included in the eligible budget. In this case, the information about the co-producer will have to be submitted and the co-producer will enter into the agreement (in case of selection) as a co-beneficiary. Only the companies which meet the eligibility criteria indicated in point 5.1 (Eligible companies) may be co-beneficiary and therefore bring eligible costs to the project.

#### Eligible direct costs:

The eligible direct costs for the project are those costs which, with due regard to the conditions of eligibility set out above, are identifiable as specific costs directly linked to the performance of the project and which can therefore be booked to it directly. In particular, the following direct costs are eligible, provided that they satisfy the criteria set out in the previous paragraph:

- the cost of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs included in their remuneration, provided that these costs do not exceed the average rates corresponding to the usual remuneration policy of the beneficiary or, where applicable, its partners. These costs must be actual costs incurred by the beneficiary. Staff costs of other organisations are eligible only if they are paid directly or reimbursed by the beneficiary;
- subsistence allowances for staff taking part in the action/project (for meetings, European conferences, etc.) provided that they do not exceed the scales approved annually by the Commission;
- travel allowances for staff taking part in the action/project (for meetings, European conferences, etc.), provided that they are reasonable, justified, and that they comply with the principle of sound financial management, in particular regarding economy and efficiency;

- purchase cost of equipment (new or second-hand), provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiary and generally accepted for items of the same kind. Only the portion of the equipment's depreciation corresponding to the duration of the action/project and the rate of actual use for the purposes of the action may be taken into account by the Agency, except where the nature and/or the context of its use justifies different treatment by the Agency;
- costs of consumables and supplies, provided that they are identifiable and assigned to the project;
- costs entailed by other contracts of the beneficiary or its partners for the purposes of carrying out the project, provided that the conditions laid down in Article II.9 of the agreement are met;
- costs arising directly from requirements linked to the performance of the project (dissemination of information, specific evaluation of the project, audits, translations, reproduction, etc.), including, where applicable, the costs of any financial services (especially the cost of financial guarantees).

Eligible indirect costs (administrative costs):

A flat-rate amount, not exceeding 7% of the eligible direct costs of the project, is eligible under indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the project.

Indirect costs may not include costs entered under another budget heading.

Distinction between eligible costs and total costs

The production budget included in the application form consists of two columns, one for the eligible costs and one for the total production costs. The applicant has to verify the correctness of the declared amounts.

All costs indicated in point 9.5 here under have to be excluded from the eligible costs column. Particular attention will have to be given to ineligible costs incurred before the start of the period of eligibility indicated in point 9.4.1, as well as costs already co-financed by the MEDIA Development scheme, incurred by a co-producer which will not be co-beneficiary of the agreement or eventual indirect producer's fees or contingencies.

**9.5. Ineligible costs**

The following costs are considered as ineligible:

- Return on capital,
- Debt and debt service charges,
- Provisions for losses or potential future liabilities,

- Doubtful debts,
- Exchange losses,
- VAT unless the beneficiary can show that he is unable to recover it,
- Costs declared by the beneficiary and supported in the framework of another action or under another Community grant,
- Excessive or reckless expenditure
- Expenditure for partners from countries not participating in the programme or not being co-beneficiaries of the agreement.

If the development of the work applied for was supported within the framework of the MEDIA II, MEDIA Plus or MEDIA 2007 Programme (Single projects or Slate Funding), the costs which were co-financed at the development stage are not eligible. The total amount presented in the forecast or final MEDIA development budget will be ineligible.

Contributions in kind (such as professional credits / industry credits in kind and deferred salaries) are not eligible costs. Production services offered by the broadcasters are not considered as being in kind<sup>1</sup>.

## **10. SUB-CONTRACTING AND AWARD OF PROCUREMENT CONTRACT**

Where implementation of the project requires sub-contracting or the awarding of a procurement contract, the beneficiary and, where applicable, its partners must obtain competitive tenders from potential contractors and award the contract to the bid offering best value for money, observing the principles of transparency and equal treatment of potential contractors and taking care to avoid conflicts of interests.

## **11. PUBLICITY**

All grants awarded in the course of a financial year must be published on the Internet site of the Community institutions during the first half of the year following the closure of the budget year in respect to whom they were awarded. The information may also be published using any other appropriate medium, including the Official Journal of the European Union.

With the agreement of the beneficiary (taking into account of whether information is of such a nature as to jeopardise its security or prejudice its financial interests), the Agency will publish the following information:

- name and address of the beneficiary,
- subject of the grant,
- amount awarded and rate of funding.

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used.

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<sup>1</sup> The value of such contributions must not exceed (a) either the costs actually borne and duly supported by accounting documents; or (b) the costs generally accepted on the market in question.

Furthermore, beneficiaries are required to give prominence to the name and logo of the MEDIA Programme on all their publications, posters, programmes and other products realised under the co-financed project. If this requirement is not fully complied with, the beneficiary's grant may be reduced.

## **12. PROCEDURE FOR THE SUBMISSION OF PROPOSALS**

### **12.1. Publication**

The Call for Proposals is published in the Official Journal of the European Union and is accessible on the following website:

<http://ec.europa.eu/media>

### **12.2. Application form**

Applications must be submitted in one copy using the official Application Forms which can be downloaded from the website mentioned in 12.1.

Applications must be typed and should preferably be submitted in English or French.

### **12.3. Submission of the grant application**

Only applications submitted using the official Application Forms having been dated, completed correctly and in full, including a complete and balanced Forecast Production Budget and Financial Plan, and signed by the legal representative of the company will be considered.

They must be sent by registered mail or private courier posted no later than the closing dates of **22/02/2008** and **13/06/2008** (postmark), to the following address:

Education, Audiovisual and Culture Executive Agency (EACEA)  
MEDIA  
Constantin Daskalakis  
BOUR 3/30  
1, Avenue du Bourget  
BE-1140 Brussels  
Belgium

Envelopes should be clearly marked:

**MEDIA 2007 – Call for Proposals 19/2007 - TV BROADCASTING**

Applications sent only by fax or by email will not be accepted.

*Contacts at the Executive Agency*

Any requests for clarification should be addressed to:

Matteo Solaro: [matteo.solaro@ec.europa.eu](mailto:matteo.solaro@ec.europa.eu)

*National contacts*

Additional information, as well as guidelines and applications forms in the Community's official languages other than French and English are available at MEDIA Desks and Antennae as per the list included in Annex II.

**12.4. Applicable rules**

- Council Regulation (EC Euratom) n°1605/2002 of 25<sup>th</sup> June 2002 on the Financial Regulations applicable to the general budget of the European Communities.
- Commission Regulation (EC Euratom) n°2342/2002 of 23<sup>rd</sup> December 2002 (rules for the implementation of the Council Regulation), as amended by:
- Commission Regulation 1261/2005 of 20<sup>th</sup> July 2005 as modified by Commission Regulation 1248/2006 of 2 August 2006.
- Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)

**Annexes :**

- Annex I: Financial Guide
- Annex II List of MEDIA Desks

<b>Annex I - FINANCIAL GUIDE.</b>
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### **Introduction**

The purpose of this section is to define clearly for the applicants the procedures to follow when setting out the project and the budget to be applied for, as well as the financial principles which will be applied in the framework of the execution of the agreement for financial support signed by the Executive Agency in the event that the presented project is selected.

In the course of the operation of the MEDIA Programme and the audits carried out of a certain number of selected projects, a series of errors and omissions have been identified. These errors prolong and needlessly complicate the process of selection, as well as the treatment of payments of the selected projects, for both the beneficiaries and the Executive Agency.

The remarks below will thus be useful for applicants and beneficiaries in reducing the number of queries and requests for additional information that are often required for the finalising of an application dossier or the execution of the support contracts.

## **1. APPLICATION FORM / PRODUCTION BUDGET / FINANCIAL PLAN**

### **1.1. Application Form**

All requests for financial support within the current Call for Proposals must be made using the application form attached to the current Call for Proposals.

The Application Form must be filled out completely. This counts for all headings including the Marketing Strategy. Otherwise the application runs the risk of being rejected because of missing information.

The information about the sales of the works produced over the last 5 years by the company has to be correct. Only the territories where the project has been sold and broadcasted should be mentioned. Exploitation rights taken by distributors should not be indicated if the work has not been sold to a broadcaster. Only the net revenues having been effectively paid to the producer have to be indicated.

### **1.2. Production Budget**

The budget must be presented using the form “Production Budget” set out in the Budget Form “Support for TV Broadcasting”.

Applicants must pay particular attention to the estimation of all budget items. The services of the Agency have developed a sound knowledge of the applicable prices for different European markets for the categories of items used in the budget: costs which are overestimated or manifestly superior to known market prices will not be accepted.

Equally, applicants must indicate the quantities (no. of staff and days) in the “quantity” columns of the Production Budgets. Overheads as specified in the Production Budget may in no case exceed the relevant specified maximum percentages.

Where the Production Budget indicates "item to be specified in detail" such specifications have to be made, otherwise the budget item will not be approved and/or the application will be regarded as incomplete.

The production budget included in the application form consists of two columns, one for the eligible costs and one for the total production costs. The applicant has to verify the correctness of the declared amounts.

All costs indicated in point 9.5 have to be excluded from the eligible costs column. Particular attention will have to be given to ineligible costs incurred before the start of the period of eligibility indicated in point 9.4.1, as well as costs already co-financed by the MEDIA Development scheme, incurred by a co-producer which will not be co-beneficiary of the agreement or eventual producer's fees or contingencies.

### **1.3. Financing Plan**

The financing plan must be presented using the form "Financing Plan" set out in the Budget Form “Support for TV Broadcasting”.

All financial sources of the Project must be named and specified in the Financing Plan quoting the detailed amount of financing. At the stage of application minimum 50% of the financing must be confirmed by binding letters of commitment. For the broadcasters' participation, the letter of commitment must clearly specify the licence price and the licence term.

For the avoidance of any doubt, the percentages used to verify the eligibility criteria and to calculate the award criteria will be calculated from the total costs budget.

Financial contributions from **Public funds** consist of reimbursable advances on receipts, loans, subsidies or automatic support funds. Such financing may be European, national, regional or local.

Other sources of Community funding to the production of the same project (e.g. funding obtained under the MEDEA programme or by the Research General Direction) cannot be part of the financing plan. In fact, the Community rules state that no project may benefit from two sources of Community funding.

## **2. ELIGIBLE COSTS**

The details regarding the eligible costs are indicated in point 9.4 of the Guidelines of the present call.

Applicants have to verify the correctness of the eligible costs declared as the amount awarded will be calculated on the basis of the total of the eligible costs.

By derogation of Article 112 of the Implementation Rules of the Financial Regulations (Regulation n°2342/2002 of 23<sup>rd</sup> December 2002) and according to the specificity of the projects to be financed, the period of eligibility of costs can start 6 months before the date of submission of the application. In order to justify this retroactivity, the applicant has to add to the forecast budget submitted with the application a list of invoices and costs presented in the budget and incurred in the period of 6 months before the date of application. This list will have to mention the heading to which the costs refer and will have to be signed by the accountant of the company.

### **3. CALCULATION OF THE FINAL FINANCIAL CONTRIBUTION**

Should the project be selected, the following principles will be applied in the framework of the performance of the agreement for financial support signed between the Commission and the beneficiary production company.

#### **3.1. Transfers between budget headings**

The amounts indicated by the beneficiary under the different headings of the production budget are considered indicative. The beneficiary may therefore apply changes to the budget, as long as these transfers do not affect the basic purpose of the operation and the financial impact is limited to a transfer between headings of the budget involving a variation of less than 10% of the total amount of the budget. If the financial impact foreseen involves variation of an amount entered under a heading of more than 10% of the total budget, the beneficiary shall seek the prior written approval of the Agency before applying the modification.

#### **3.2. Report of final expenditure and financing of the production**

The report of total final expenditure and financing of the production must be presented using the “Financial Report” form prescribed by the Agency, which will be annexed to the agreement to be signed between the Agency and each beneficiary. It must be certified by an external approved auditor.

##### ***3.2.1. Expenditure***

The “expenditure” part of the Financial Report shall contain the final statement of eligible costs incurred for the project. It shall also indicate the Total costs of the production.

In addition to the Financial Report, and for the purposes of verification of the final costs of the production, the Agency may ask for copies of invoices of some of the eligible costs.



The Financial Report will form the basis for calculation of the final amount of the financial contribution. The financial contribution shall not exceed 12.5% of the total final approved eligible expenditure for fiction and animated films and 20% of the total final approved eligible expenditure for documentary films. At the same time the final financial contribution cannot exceed the maximum amount awarded according to the agreement signed with the Agency.

### **3.2.2. Financing sources**

All financing sources of the project (including public funds) must be included in the “financial plan” part of the Financial Report. These financial sources must be named and specified, quoting the detailed amount of financing for each source.

The MEDIA financial contribution shall be limited to the amount required to balance financial contributions and the Total costs of the production. At the same time the final financial contribution shall not exceed the maximum amount awarded according to the agreement signed with the Agency.

### **3.3. Financial control and audit**

Should the project be selected, an agreement shall be signed between the Agency and the beneficiary, by which the beneficiary shall undertake to allow the Agency staff, staff from the Court of Auditors of the European Communities and persons authorised by them, appropriate access to the sites or premises where the project is being carried out and to all documents relating to the technical and financial management of the operation. Access by persons authorised by the Agency may be subject to confidentiality arrangements to be agreed between the Agency and the beneficiary.

The beneficiary shall also agree that the Agency and the Court of Auditors of the European Communities can verify the use to which the financial contribution is put in accordance with the Council Regulation No 1605/2002 of 25 June 2002 on the Financial Regulation, published in OJ No L 248 of 16 September 2002, applicable to the general budget of the European Communities, as amended, throughout the duration of the agreement and for five years after its end date.

The beneficiary shall also undertake to ensure that any subcontractors accept the same obligation. By entering in a multi-beneficiary agreement, the co-beneficiaries commit themselves to respect these obligations.

Controls by the Agency or the Court of Auditors of the European Communities may be carried out on the basis of documents or on the spot.

## **4. EXCHANGE RATES**

The forecast production budget and financial plan must be presented in Euro (€).

For those countries which are not members of the Euro zone, or for expenses incurred in the currencies of countries which are not part of the Euro zone, the exchange rate to be used is the official exchange rate published at the date of the application. The exchange rates are available from the MEDIA Desks and Antennae and from the web site of the Commission at :

<http://ec.europa.eu/budget/inforeuro>

Annexe II.

MEDIA DESK & ANTENNES



**BELGIË/BELGIQUE/BELGIEN (BE)**

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Vlaamse Gemeenschap  
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Fax (32-9) 233 07 09  
E-mail:  
[Info@mediadesk-vlaanderen.be](mailto:Info@mediadesk-vlaanderen.be)  
Internet:  
<http://www.mediadesk-vlaanderen.be>  
**Nathalie Goethals**

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Fax (32-2) 413 20 68  
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[www.mediadesk.com.cy](http://www.mediadesk.com.cy)  
**Ioanna Americanou**

**CESKA REPUBLIKA (CZ)**

MEDIA Desk CZ  
Ceska filmova komora o.p.s.  
Narodni 28  
110 00 Prague 1  
The Czech Republic  
Tel. : +420 221 105 209 / 210  
Fax. : +420 221 105 303  
[Info@mediadesk.cz](mailto:Info@mediadesk.cz)  
[www.mediadesk.cz](http://www.mediadesk.cz)  
**Barbora Ondřejčáková**

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DK-1120 København  
Tel. (45-33) 74 34 42  
Fax (45-33) 74 34 65  
E-mail: [media@centrum.dk](mailto:media@centrum.dk)  
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**Søren Stevns**

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MEDIA Antenne Marseille  
(beginning 2008)

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