

**Funding Guidelines of the  
Film- und Medienstiftung NRW GmbH**

**These funding guidelines apply from 15 November, 2015.**

**Film- und Medien  
Stiftung NRW GmbH  
Kaistraße 14  
40221 Düsseldorf  
Telefon 0211 93 05 00  
Telefax 0211 93 05 05  
info@filmstiftung.de  
www.filmstiftung.de**

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## Preamble

In accordance with the Articles of the Film- und Medienstiftung NRW GmbH, one of the institution's central tasks is to promote film and media culture as well as the film and media industry in North Rhine-Westphalia. The financial support is awarded pursuant to the Articles and the following funding guidelines. This funding should primarily ensure that there is a strengthening of the national and regional culture and the existing creative potential in the audiovisual media of film and television.

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## 1 General Principles and Objectives of the Funding

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### 1.1. Foundations and Principles

- 1.1.1 The funding by the Film- und Medienstiftung NRW GmbH (hereinafter referred to as „Film- und Medienstiftung“) is awarded on the basis of these guidelines and, if applicable, a fact sheet, the respective funding approval as well as a corresponding funding agreement. These regulations are binding for the Film- und Medienstiftung and the funding recipient<sup>1</sup> and complement one another.
- 1.1.2 Projects, which are funded according to these guidelines, must be expected to result in a quality project worthy of funding. The Film- und Medienstiftung undertakes to only fund those projects and productions which uphold the dignity of the individual, respect fundamental rights, and promote regard for life. The organs of the Film- und Medienstiftung are obliged, in particular, to not fund any screenplays or film projects whose contents glorify war as well as physical and psychological violence, incite racial hatred, are pornographic, or represent a moral threat to children and young people<sup>2</sup>.
- 1.1.3 A legal claim to funding does not exist.
- 1.1.4 Funding measures pursuant to Sections 3.2, 3.3, 3.4, 4.2, 4.3, 4.4, 4.5, 5 and 10 will be granted according to the General Block Exemption Regulation (GBER) of the European Union (Regulation (EU) No. 651/2014 of the Commission, issued 17 June, 2014, declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text regarding the operating principles of the European Union (ABl. EU L 187/1, 26.6.2014)). Article 54, in conjunction with Article 3 of the GBER, applies, in particular, for the provision of funding. According to Article 9, in conjunction with Article 11 GBER, funding measures granted on the basis of the GBER must be published on a national or regional website.
- 1.1.5 Funding measures pursuant to Sections 6, 7, 8, and 9 are granted according to the De-minimis Regulation (Regulation (EU) No. 1407/2013 of the Commission, issued 18 December, 2013, regarding the application of the Articles 107 and 108 of the Treaty Text on the operating principles of the European Union with regards to De-minimis aid (ABl. EU L 352/1, 24.12.2013)).

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<sup>1</sup> Insofar as there is reference in these funding guidelines to applicants or funding recipients, this will also refer to both male or female applicants, male and female funding recipients as well as legal entities.

<sup>2</sup> The Film- und Medienstiftung NRW bases its concept of culture and its principles of cultural funding on the NRW Law to Promote Culture of 18.12.2014, with particular reference to paragraphs 2 to 4.

1.1.6 Companies which have not complied with a recovery order based on an earlier decision by the Commission declaring an aid illegal and incompatible with the internal market will not be funded, pursuant to Article 1 Section 4 Letter a of the GBER. Funding will also not be granted to companies in difficulties, pursuant to Art. 1 Section 4 Letter c, of the GBER.

## 1.2. **Funding Objectives and Object of Funding**

1.2.1. The objective of the funding is

1.2.1.1. to contribute to the enhancement of the cultural quality of North Rhine-Westphalian film and media production, regarding the story's relevance as far as its content and historical, social or societal aspects are concerned, the narrative and linguistic form, the visual realisation and the competence of the participating artists,

1.2.1.2. to strengthen the efficiency of the North Rhine-Westphalian film and media enterprises, and particularly independent producers as set out in the currently valid version of the Regional Media Law,

1.2.1.3. to facilitate culturally diverse and qualitatively striking filmmaking in North Rhine-Westphalia in project development, production, distribution and exhibition,

1.2.1.4. to support the next generation of film and media practitioners in their development,

1.2.1.5. to make a contribution to the strengthening of the audio-visual sector in Europe by funding the development and production of corresponding projects,

1.2.1.6. to support, in particular, the development of innovative potential for the further development of film and media culture, the film and media industry as well as North Rhine-Westphalia as a film and media hub,

1.2.1.7. to support radio drama in its development and production.

1.2.2. The funding may include the following areas:

1.2.2.1. Pre-production measures

1.2.2.2. Production of theatrical films and television projects

1.2.2.3. Postproduction measures

1.2.2.4. Distribution and sales

1.2.2.5. Film exhibition and presentation in North Rhine-Westphalia

1.2.2.6. Development and production of radio drama

1.2.2.7. Innovative audiovisual content and pilot projects

1.2.2.8. Other measures to strengthen the film and media hub.

### **1.3. Financial basics / subsidies**

- 1.3.1. The support is allocated from the funds managed on a trust basis by the Film- und Medienstiftung, as made available by the shareholders for funding purposes.
- 1.3.2. As a rule, the funding is granted as conditionally repayable loan unless otherwise specified in the following sections or the respective fact sheet.
- 1.3.3. Funding from this fund may be accumulated with funding from other funding institutions. Insofar as upper limits apply to the accumulation of state aid under German or European law, these limits also apply to any funding allocated according to these guidelines.
- 1.3.4. The funding recipient undertakes to realise the measure/project as far as possible in North Rhine-Westphalia. In addition, the funding recipient is entitled to spend at least 20% of the production costs in another EU member state<sup>3</sup>.

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## **2 General funding conditions and requirements**

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### **2.1. Application**

- 2.1.1. Applications can be accepted from companies or freelancers who, both at the moment of application as well as the moment of payment of the aid, have headquarters, an establishment or branch in North Rhine-Westphalia or the Federal Republic of Germany, or are resident there. Further details are set out in the following explanations for each respective funding category<sup>4</sup>.
- 2.1.2. The application must be submitted in full and on time by the respective deadlines. The application must be prepared using the Film- und Medienstiftung's forms and/or online tools which also indicate the enclosures that must be included with the application.
- 2.1.3. The project's costs must be calculated according to industry norms and the principle of economic financial management.
- 2.1.4. Work on the project may not have commenced at the time of the application. Further details are set out in the explanations in the fact sheets for each respective funding category.

### **2.2. Allocation and Payment**

- 2.2.1. The Film- und Medienstiftung makes its decision on the basis of the submitted applications. Funding commitments are made in writing.
- 2.2.2. Decisions on the applications are taken by the respective committees insofar as no other provisions have been adopted in the guidelines.

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<sup>3</sup> Further details can be found on the homepage of the Film- und Medienstiftung, available at <http://www.filmstiftung.de>.

<sup>4</sup> Art. 1 Section 5 a GBER applies, i.e. headquarters, establishment or branch in North Rhine-Westphalia or the Federal Republic of Germany at the time of payment of the aid.

- 2.2.3. Payment of the approved funding requires the conclusion of an effective funding agreement and proof that the entire financing of the project has been secured. The funding may also be approved if proof of the financing has not yet been furnished. As a rule, the funding expires if proof of the financing is not furnished within the period specified in the funding commitment. Exceptions and extensions are decided by the management.
- 2.2.4. Prior consent must be sought from the Film- und Medienstiftung with respect to major changes regarding the artistic, technical or financial structure of the project, the project's progress or other aspects of substantial importance for the funding decision.
- 2.2.5. The front and end credits of the funded film as well as all information, press, advertising and other accompanying materials associated with the film or the funded measure must refer in accordance with normal market practice – and after prior consultation with the Film- und Medienstiftung – to the fact that the film/measure was funded by the Film- und Medienstiftung.

Furthermore, the funding recipient must ensure that, when granting copyright exploitation rights to the funded film/funded measure, conditions are agreed upon whereby the preceding obligations to name the Film- und Medienstiftung are complied with.

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### **3 Funding of pre-production measures**

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#### **3.1. General requirements**

- 3.1.1. The realisation of the planned film project should be set to take place in North Rhine-Westphalia. The funding amount should be spent as far as possible in North Rhine-Westphalia.
- 3.1.2. The funding must be paid back six months after the beginning of principal photography or on the sale of the rights associated with the funded measure.
- 3.1.3. If the project is not realised within 36 months after payment of the last loan instalment, the rights acquired with this funding will then be transferred to the Film- und Medienstiftung. On repayment of the loan, the funding recipient may demand, in agreement with the screenwriter, that the rights to the screenplay be re-transferred.
- 3.1.4. If the applicant is not a producer, he should undertake upon drawing down the loan to also offer the screenplay to North Rhine-Westphalian producers.
- 3.1.5. The funding recipient may apply within a period set by the Film- und Medienstiftung following the first repayment to receive a loan equivalent to the amount repaid pursuant to Section 4.1.10 for the preparation or production of a film.
- 3.1.6. The application may be approved if the project is in compliance with these guidelines and the production costs are being spent for the most part - and at least for the amount of the loan applied for – in North Rhine-Westphalia.

The project's compliance with these guidelines is determined by the management for loans of up to 25,000 Euros. The film funding committee determines the compliance for a loan exceeding this amount.

### **3.2. Screenplay funding**

- 3.2.1. The writing of a script for film projects may be funded if one can expect a film that seems to be capable of improving the quality and profitability of German cinema.
- 3.2.2. Producers and screenwriters are eligible to file applications. Section Ziffer 2.1.1 applies mutatis mutandis. Further details are set out in the respective fact sheet.
- 3.2.3. The loan should generally not exceed an amount of 20,000 Euros.

### **3.3. Project development funding**

- 3.3.1. Funding may be granted for the development of film projects. The project development funding may be granted for the development of 3 to 5 films as slate funding.
- 3.3.2. The funding may amount to a maximum of 80% of the calculated project development costs, but not exceed 75,000 Euros for single project funding or 150,000 Euros for slate funding. The funding amount must be spent as far as possible in North Rhine-Westphalia.

### **3.4. Pre-production funding<sup>5</sup>**

- 3.4.1. Funding may be granted for the pre-production of a film project.
- 3.4.2. The funding may amount to a maximum of 80% of the calculated pre-production costs, but not exceed 100,000 Euros

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## **4 Funding of the production of theatrical films and television projects**

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### **4.1. General information**

- 4.1.1. The funding requires that a project appears capable of improving the cultural quality and profitability of German cinema.
- 4.1.2. Producers are eligible to file applications.
- 4.1.3. The funding recipient must employ own funds to an appropriate degree for the financing of the project. The own funds may not be less than 5% of the production costs.
- 4.1.4. The funding will be disbursed in instalments, commensurate with the project's documented progress. The last instalment will be paid out after examination of the financial statement, the verified archiving and the final approval by the Film- und Medienstiftung. The Film- und Medienstiftung will encourage the broadcasters participating in the Film- und Medienstiftung to examine on a case-by-case basis whether they can dispense with the presentation of a bank guarantee.

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<sup>5</sup> As set out as an aid for the „development of audio-visual works“, according to Art. 54, Section 5b GBER.

- 4.1.5. The funding recipient undertakes to provide a copy to the Federal Archive or another professionally recognised archive. Other stipulations are set out in the funding agreement.
- 4.1.6. The regulations of the German Film Law (FFG) on holdback windows, as valid at the time of the funding agreement's conclusion, apply for the exploitation of funded theatrical films. Exceptions are possible; the decision on this is taken by the management.
- 4.1.7. The German premiere of funded theatrical films should take place in North Rhine-Westphalia.
- 4.1.8. During the film's production, the beneficiary shall guarantee to an appropriate degree to provide initial and further film vocational training for individuals who have their first place of residence in North Rhine-Westphalia.
- 4.1.9. Repayment of the loan comes into effect after the funding recipient has recouped his contractually agreed own investment from the film's domestic and foreign distribution revenues. As a rule, 50% of the funding recipient's revenues from the film's exploitation must be used for repayment of the loan. If other German funding institutions are involved in the film's financing, repayment may be effected in line with the corresponding funding shares. Further details are set out in the funding agreement. As a rule, the obligation to repay the loan ends 10 years after the theatrical release or the first airing of a film.
- 4.1.10. The funding recipient may apply within a period specified by the Film- und Medienstiftung following the first repayment to receive a new loan equivalent to the amount repaid for use in the preparation or production of a film.

The application may be approved if the project is in compliance with these guidelines and the production costs are being spent for the most part - and at least for the amount of the loan applied for – in North Rhine-Westphalia.

The film's compliance with these guidelines is determined by the management for loans of up to 25,000 Euros. The film funding committee will determine the compliance for a loan exceeding this amount.

## 4.2. **Theatrical Films**

- 4.2.1. The funding of a feature-length theatrical film is only possible if the film promises an economic success in the cinemas and/or strengthening of film culture.
- 4.2.2. The funding may be up to 50% of the funding recipient's share of the expenditure or 50% of the calculated total production costs. Films that are difficult to exploit and/or low budget films can be funded with up to 70% of the funding recipient's share of the expenditure or up to 70% of the calculated total production costs following a duly substantiated decision taken by the film funding committee.
- 4.2.3. At least 1.5 times of the funding sum granted must be spent in North Rhine-Westphalia.

4.2.4. Notwithstanding the regulations in Section 4.2.2., there is a provision for projects with total production costs of up to 750,000 Euros that at least the funding amount must be spent in North Rhine-Westphalia and the loan may be up to 50% of the calculated total production costs. Films that are difficult to exploit and/or low budget films can be funded with up to 80% of the funding recipient's share of the expenditure or up to 80% of the calculated total production costs following a duly substantiated decision taken by the film funding committee.

#### 4.3. **Television projects**

4.3.1. The production of television projects may be supported if:

4.3.1.1. the project is characterised by particular production quality in its content and/or form, or

4.3.1.2. the project is being produced together with international and particularly European co-production partners, or is demonstrably destined for exploitation on the international and particularly European market, or

4.3.1.3. the project is of particular interest for North Rhine-Westphalia.

4.3.2. As a rule, the funding may be up to 30% of the calculated (in substantiated exceptional cases, up to 50%) of the total production costs. For an international co-production, the funding may not exceed 50% of the funding recipient's share of the expenditure.

4.3.3. Generally speaking, a first exploitation phase of 7 years should be agreed so long as the broadcaster's participation is between 55% and 65% of the production costs.

4.3.4. At least 1.5 times the granted funding amount must be spent in North Rhine-Westphalia.

#### 4.4. **Postproduction measures<sup>6</sup>**

4.4.1. Funding may be granted to measures for the postproduction of theatrical films and television projects.

4.4.2. In individual cases, funding may be granted for postproduction measures on the production of a theatrical film or television project so long as the respective theatrical film or television project has not already received production funding according to these guidelines.

4.4.3. A rough cut must be submitted as a prerequisite for the application.

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<sup>6</sup> Production costs within the meaning of an aid for the „overall costs of production of audio-visual works“, according to Art. 54 Section 5a GBER, provided that the postproduction funding is related to the total costs of the production and pursuant to Art. 54 Section 9 GBER.



4.4.4. When making an application, the following must be submitted in addition to the enclosures required for production funding: a copy of the film to be supported or other appropriate material as well as a detailed description indicating why a postproduction measure is being undertaken and how this is to be organised.

4.4.5. In addition, Section 4.2. applies for theatrical films and Section 4.3. for television projects, respectively.

#### 4.5. **Festival presentation funding<sup>7</sup>**

4.5.1. Festival presentations of projects backed by the Film- und Medienstiftung or films produced by North Rhine-Westphalian filmmakers or producers may be supported. The management of the Film- und Medienstiftung decides on these applications.

4.5.2. The funding is allocated as a grant in the form of part financing, with the grant generally not allowed to exceed 7,500 Euros or 80% of the measure's costs<sup>8</sup>.

4.5.3. The grants must be spent as far as possible in North Rhine-Westphalia.

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## **5 Funding of Distribution and sales**

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5.1. Funding may be granted for distribution and sales measures by distribution and world sales companies for culturally high-quality films that are distributed in German cinemas or are to be sold on the international markets and

5.1.1. received production funding in North Rhine-Westphalia  
or

5.1.2. are of particular film cultural or economic interest for North Rhine-Westphalia  
or

5.1.3. make a special contribution to the development of European film culture  
or

5.1.4. can be attributed to the genre of „films for children and young people“.

5.2. Applications can be filed by operators of distribution and sales companies.

5.3. As a rule, the loan may not exceed 50% of the costs of the measure. Films that are particularly suited for preserving cultural diversity and difficult-to-release films may receive a loan of up to 70% of the measure's costs following a duly substantiated decision taken by the film funding committee.

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<sup>7</sup> Within the meaning of aid for the „the costs of distribution and promotion of audio-visual works“, according to Art. 54 Section 5c GBER.

<sup>8</sup> The funding applies to films which are likely to contribute to the preservation of cultural diversity, and to difficult-to-release films.

- 5.4. The funding recipient must cover at least 30% of the costs from his own funds. In addition, at least the loan's amount must be spent in North Rhine-Westphalia if technically possible and economically viable.
- 5.5. The repayment of the loan is effected after covering the funding recipient's own share pro rata from the part of the revenues for covering advance costs according to the license agreement.

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## **6 Funding of Cinema Exhibition and Film Presentation in North Rhine-Westphalia**

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- 6.1. The funding may be granted for:
  - 6.1.1. the modernisation and new construction of cinemas.
    - 6.1.1.1. The funding is awarded in the form of a grant and/or a loan of up to 30% of the approved costs.
    - 6.1.1.2. The own share should be at least 50%. In specially substantiated cases, a lower minimum may be stipulated.
    - 6.1.1.3. Funding is granted exclusively for measures where the financial aid is of economic significance as far as the situation of the applicant's capital assets and earnings is concerned.
    - 6.1.1.4. Funding is primarily granted for measures from applicants whose film programme has an appropriate share of European, German and North Rhine-Westphalian films or which make a special contribution to the cultural diversity of cinema programming in North Rhine-Westphalia.
  - 6.1.2. the screening of film programmes of outstanding quality with an appropriate share of European, German and North Rhine-Westphalian films. The funding is awarded as a lump sum of up to 20,000 Euros.
  - 6.1.3. the organisation of high-quality film presentations. The funding is awarded as a grant.
  - 6.1.4. the realisation of innovative marketing measures for cinemas. The funding is awarded as a grant of up to 50% of the documented costs..
  - 6.1.5. the striking of additional prints of commercially strong, first-run theatrical films for use in small communities in North Rhine-Westphalia, medium-sized venues as well as in arthouse cinemas, and of high-quality reprises which promise success for the North Rhine-Westphalian cinemas and repertoire films. The funding is awarded as a grant.
- 6.2. Applications may be filed by operators of North Rhine-Westphalian cinemas and screening venues as well as organisers of film programmes in North Rhine-Westphalia.

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**7 Radio Drama Funding**

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- 7.1. The Film- und Medienstiftung may award grants for development and production to promote the literary radio play as well as experimental and innovative forms of radio drama as way of fostering the genre's further development.
- 7.2. Details are set out in a fact sheet.

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**8 Promotion of innovative audiovisual content and pilot projects**

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- 8.1. The Film- und Medienstiftung may award grants and loans for pilot projects and innovative measures for all measures set out in the preceding sections in order to promote projects and measures for the development of film and media culture and the film and media industries in North Rhine-Westphalia.
- 8.2. Moreover, the Film- und Medienstiftung may consider other funding measures or develop funding instruments to support audio-visual projects that demonstrate innovative potential – especially also for alternative forms of exploitation.
- 8.3. The Film- und Medienstiftung may also support interactive and transmedia audio-visual content and formats if these are regarded as being worthy of support in line with the funding objectives.
- 8.4. Details are set out in the corresponding fact sheets.

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**9 Other Measures to Strengthen the Film and Media Hub**

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- 9.1. The Film- und Medienstiftung may support other measures to strengthen film and media culture and the film and media industries in North Rhine-Westphalia.
- 9.2. In particular, it may award prizes to recognise outstanding achievements as well as grants to support future achievements, and back graduation films by students from North Rhine-Westphalian film schools.
- 9.3. Details are set out in the corresponding fact sheets.

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## **10 “Vereinfachte Förderung”<sup>9</sup>**

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### **10.1. Principles and general requirements**

- 10.1.1. The instrument of „Vereinfachte Förderung“ serves to provide particular support for culturally sophisticated film projects.
- 10.1.2. The project's calculated total costs may not exceed 1.5 million Euros. The calculated release costs in the area of distribution and sales funding may not exceed 75,000 Euros.
- 10.1.3. Funding is awarded as a grant.
- 10.1.4. The grant must be used as far as possible in North Rhine-Westphalia.
- 10.1.5. The grant may not exceed 80% of the calculated total costs for the respective measure<sup>10</sup>.
- 10.1.6. The funding recipient must cover at least 5% of the calculated costs from his own funds.

### **10.2. Application requirements and allocation**

- 10.2.1. Applications may be filed – depending on the funding category – by companies or natural persons with place of business or residence or permanent establishment in North Rhine-Westphalia. In duly substantiated cases, funding may also be awarded to applicants whose place of business or residence is in the Federal Republic of Germany rather than in North Rhine-Westphalia<sup>11</sup>.
- 10.2.2. Funding with the following upper limits may be awarded for the simplified funding:
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|---|---------------------|
| 10.2.3. Screenplay funding                  | up to 10,000 Euros  |
| 10.2.4. Pre-production funding              | up to 25,000 Euros  |
| 10.2.5. Production funding theatrical films | up to 100,000 Euros |
| 10.2.6. Short film funding                  | up to 25,000 Euros  |
| 10.2.7. Postproduction funding              | up to 40,000 Euros  |
| 10.2.8. Distribution and sales funding      | up to 25,000 Euros  |
- 10.2.9. The decision on the allocation of funding as part of the simplified funding programme is taken by the respective committee. In the case of Section 10.2.1 Sentence 2, the decision is taken unanimously by the committee. The management of the Film- und Medienstiftung may take the decision without the committee in duly substantiated cases which require a current decision and do not exceed 10,000 Euros.

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<sup>9</sup> Within the meaning of an aid analogous to Art. 54 Section 5a-c GBER.

<sup>10</sup> Within the meaning of an aid for „difficult audio-visual works“ according to Art. 54 Section 7b GBER.

<sup>11</sup> The Regulation of Art. 1 Section 5 a GBER, i.e. headquarters, establishment or branch in North Rhine-Westphalia or the Federal Republic of Germany at the moment of payment of the aid.

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## **11 Special Regulations**

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- 11.1. Projects of particular film and media cultural and/or film and media economic interest for North Rhine-Westphalia, may be funded by way of derogation from the specifications set out in Sections 3 to 5 with respect to the level of own funds, the level of funds to be spent in North Rhine-Westphalia, the upper limits of the funding amounts as well as the repayment obligations. Section 1.3.4 remains unaffected and applies in every case. For funding decisions on the projects stipulated in Sentence 1, a unanimous decision by the film funding committee is required following a proposal submitted by the management of the Film- und Medienstiftung<sup>12</sup>.
- 11.2. Film projects of particular film cultural and/or industrial interest for North Rhine-Westphalia, may be decided by the management of the Film- und Medienstiftung up to an upper limit of 25,000 Euros if these are measures in the spirit of Sections 3 to 7 of these guidelines. The decision will be brought to the attention of the film funding committee immediately afterwards.
- 11.3. The Film- und Medienstiftung is not limited with regards to the respective form of exploitation within the framework of its funding according to the preceding regulations. These funding guidelines also apply provided that an exploitation is intended which covers new forms of usage and exploitation that are not yet known when these funding guidelines come into force and are therefore not mentioned here.

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## **12 Coming into Force**

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These funding guidelines come into effect as of 15 November, 2015.

The German version of the above guidelines is binding.

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<sup>12</sup> The Section 1.1.4 remains unaffected and applies in every case.