



CREATIVE EUROPE

MEDIA Sub-programme

SUPPORT FOR TV PROGRAMMING OF EUROPEAN AUDIOVISUAL WORKS

GUIDELINES

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Annexes:

All the annexes are available on the EACEA website:

https://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2017_en/

GUIDELINES – EACEA 23/2016

Support for TV Programming of European Audiovisual works

1. INTRODUCTION – BACKGROUND

These guidelines are based on Regulation No 1295/2013 of the European Parliament and of the Council of 11/12/2013 concerning the implementation of a programme of support for the European cultural and creative sector (CREATIVE EUROPE) and the corrigendum of the 27/06/2014.¹

The European Commission is responsible for the implementation of the Creative Europe Programme and for the decision to grant individual European Union funds. The Education, Audiovisual and Culture Executive Agency hereafter "the Agency" manages the Culture and MEDIA Sub-programme on behalf and under the supervision of the European Commission.

General background information about the Creative Europe programme can be found on the following link: <http://ec.europa.eu/creative-europe/>

2. OBJECTIVES – THEMES – PRIORITIES

2.1. Objectives

Within the specific objective of reinforcing the European audiovisual sector's capacity to operate transnationally and internationally, one of the priorities of the MEDIA Sub-programme shall be to:

- increase the capacity of audiovisual operators to develop European audiovisual works with a potential to circulate in the EU and beyond and to facilitate European and international co-production, including with television broadcasters.

The MEDIA Sub-programme shall provide support for the following measures:

- the development of European audiovisual works, in particular films and television works such as fiction, documentaries, children's and animated films, as well as interactive works such as videogames and multimedia with enhanced cross-border circulation potential;
- activities aiming at supporting European audiovisual production companies, in particular independent production companies, with a view to facilitating European and international co-productions of audiovisual works including television works.

Under this Support scheme, the applicant submits a project intended primarily for television programming in the following categories: animation, creative documentary and drama.

2.2. Targeted projects

¹ Regulation No 1295/2013 published in the Official Journal of the European Union on the 20/12/2013 (OJ L347/221) and 27/06/2014 (OJ L189/260).

The MEDIA Sub-programme supports European production companies interested in producing a television work presenting:

- high creative/artistic value and wide cross-border exploitation potential able to reach audiences at European and international level;
- enhanced cooperation between operators from different countries participating in the MEDIA Sub-programme as well as between broadcasters;
- increased co-production and circulation of high-profile European television drama series.

3. TIMETABLE

	Stages	Date or indicative period	
a)	Publication of the call	September 2016	
b)	Deadline for submitting applications	24 November 2016 - 12:00 (noon, Brussels Time)	30 May 2017 - 12:00 (noon, Brussels Time)
c)	Evaluation period	December 2016 – February 2017	June-August 2017
d)	Information to applicants	March 2017	September 2017
e)	Signature of grant agreement	April 2017	October 2017
f)	Starting date of the action	Starts 6 months before the date of submission	Starts 6 months before the date of submission
g)	Duration of the action / Period of eligibility	24 months (or 36 months for series) after the date of submission	24 months (or 36 months for series) after the date of submission

4. BUDGET AVAILABLE

The total budget earmarked for the co-financing of projects is estimated at EUR 12.5M.

This amount is subject to the availability of the funds after the adoption of the budget for 2017 by the budgetary authority.

For drama and animation works the financial contribution awarded may not exceed EUR 500.000 or 12.50% of the total eligible costs, whichever is the lower.

Only for first seasons of Drama Series (co-produced by production companies from different countries participating in the MEDIA sub-programme, consisting of at least 6 episodes and with a total eligible production budget of minimum 10M€), an amount of maximum of EUR 1M or 10% of total eligible costs, whichever is the lower, can be requested.

For creative documentary, the financial contribution awarded may not exceed EUR 300.000 or 20% of the total eligible costs whichever is the lower.

The Agency reserves the right not to distribute all the funds available.

5. ADMISSIBILITY REQUIREMENTS

Applications shall comply with the following requirements:

- they must be received no later than the deadlines for submitting applications referred to in section 3 of the present guidelines;
- they must be submitted in writing (see section 14 of the present guidelines), using the online application form;
- they must be drafted in one of the EU official languages, preferably in English or French.

The application form must be accompanied by a balanced budget and all the other documents referred to in the application form.

Failure to comply with those requirements will lead to the rejection of the application.

In order to submit an application, applicants and partners must provide their Participant Identification Code (PIC) in the application form. The PIC can be obtained by registering the organisation in the Unique Registration Facility (URF) hosted in the Education, Audiovisual, Culture, Citizenship and Volunteering Participant Portal. The Unique Registration Facility is a tool shared by other services of the European Commission. If an applicant or partner already has a PIC that has been used for other programmes (for example the Research programmes), the same PIC is valid for the present call for proposals.

The Participant Portal allows applicants and partners to upload or update the information related to their legal status and attach the requested legal and financial documents (see section 14.2 for more information).

6. ELIGIBILITY CRITERIA

Applications which comply with the following criteria will be subject of an in-depth evaluation.

6.1. Eligible applicants

This scheme is open to independent audiovisual production companies registered in one of the countries participating in the MEDIA Sub-programme (see below) and owned, directly or by majority participation, by nationals from such countries.

Applications from legal entities established in one of the following countries are eligible as long as all conditions referred to in Article 8 of the Regulation establishing the Creative Europe Programme are met:

- EU Member States and overseas countries and territories which are eligible to participate in the Programme pursuant to Article 58 of Council Decision 2001/822/EC;

- Accessing countries, candidate countries and potential candidates benefiting from a pre- accession strategy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective Framework Agreements, Association Council Decisions or similar agreements;
- EFTA countries which are members of the EEA, in accordance with the provisions of the EEA Agreement;
- The Swiss Confederation, on the basis of a bilateral agreement to be concluded with that country;
- Countries covered by the European Neighbourhood Policy in accordance with the procedures established with those countries following the framework agreements providing for their participation in Union programmes.

The Programme shall also be open for bilateral or multilateral cooperation actions targeted at selected countries or regions on the basis of additional appropriations paid by, and specific arrangements to be agreed upon with, those countries or regions.

The Programme shall permit cooperation and joint actions with countries not participating in the Programme and with international organisations which are active in the cultural and creative sectors such as UNESCO, the Council of Europe, the Organisation for Economic Co-operation and Development or the World Intellectual Property Organisation on the basis of joint contributions for the realisation of the Programme's objectives.

Proposals from applicants in non EU countries may be selected, provided that, on the date of the award decision, agreements have been signed setting out the arrangements for the participation of those countries in the programme established by the Regulation referred to above.

(Updated list of countries that fulfil the conditions referred to in Article 8 of the Regulation and that the Commission has started negotiations with can be found on the following link:

http://eacea.ec.europa.eu/creative-europe/library/eligibility-organisations-non-eu-countries_en)

Applicants shall be independent European audiovisual production companies.

A **European company** is a company owned, whether directly or by majority participation (i.e. majority of shares), by nationals of Member States of the European Union or nationals of the other European countries participating in the MEDIA Sub-programme and registered in one of these countries.

An **independent company** is a 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).

An **audiovisual production company** is a company whose main objective and activity is audiovisual production.

The applicant must be the majority producer of the work, in terms of rights. In case of a 50%-50% co-production, the applicant should be designated by the partners as delegate producer.

Natural persons may **not** apply for a grant.

6.2 Eligible activities

Only the activities for the following projects are eligible:

Drama films (one-off or series) of a total duration of minimum 90 minutes intended primarily for the purposes of television exploitation. Sequels or second and third seasons of an existing drama series are eligible.

Animation (one-off or series) of a total duration of minimum 24 minutes intended primarily for the purposes of television exploitation. Sequels or second, third and further seasons of an existing animation series are not eligible.

Creative documentaries (one-off or series) of a total duration of minimum 50 minutes intended primarily for the purposes of television exploitation. Sequels second, third and further seasons of an existing documentary series are not eligible.

Works which are designed to be a series with a joint marketing strategy have to be submitted as a series. Single episodes of a series cannot be split into separate applications.

In order to qualify for a grant of EUR 1.000.000 the project must meet the following criteria:

- the work must be the first season of drama series consisting of at least 6 episodes, each of a minimum length of 45 minutes,
- the total eligible production budget must be at least EUR 10.000.000
- the series must be co-produced between two production companies from different countries participating in the MEDIA Sub-programme.

The application must be submitted at the latest on the first day of principal photography (or start of animation for animation projects). No grant may be awarded retrospectively for actions already completed.

The work must be produced with the significant participation of professionals who are nationals and/or residents of countries participating in the MEDIA Sub-programme. ‘Significant participation’ is defined as having more than 50% of the points on the basis of the tables below:

Drama / Documentary	Points	Animation	Points
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/ Post-Production	1	Laboratory/ Post-Production	1
Total	19	Total	19

The audiovisual work proposed must involve the participation of at least three broadcasting companies from three countries participating in the MEDIA Sub-programme.

Within the meaning of these Guidelines, a “broadcasting company” is considered any broadcaster (linear audiovisual media service provider) or on-demand audiovisual media service (non linear audiovisual media service provider) as defined in Article 1(1) of the Audiovisual Media Service Directive (DIR 2010/13/EU).

The exploitation rights licensed to the broadcasting companies 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-sale;
- 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 specify the price and licence term for the pre-sale of the exploitation rights and the conditions for the co-production. A co-production between a broadcaster and a TV producer is accepted only if the broadcaster takes a significant financial risk in the production and is involved in the organisation and economic handling of the production. **In any case, the broadcaster cannot be the majority co-producer of the work and its contribution cannot exceed 70% of the total financing of the production.**

The broadcasters' involvement must be supported by contracts or recent signed binding letters of commitment. These contracts or letters of commitment must clearly specify the licence price and term.

Minimum 50% of the financing of the total estimated production budget must be guaranteed from third party sources (either through direct financing or by advance rights sales). Third party sources of finance must be proven by recent signed binding letters of commitment, mentioning the action title, the exact amount of the financial contribution, the nature of the rights sold and the licence period. Contributions from broadcasters, distributors, funds, equity investors or co-producers are considered as third party sources of financing. Tax shelter might be accepted as third party source of finance if confirmed by documents from the competent bodies. The producer's own investment and the requested MEDIA grant are not considered as a third party source of finance.

If the action 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. Simple letters indicating a co-producer's financial contribution without further details concerning the co-production deal, will not be taken into consideration.

A minimum of 50% of the total estimated production budget must come from countries participating in the MEDIA sub-programme (6.1. above).

The maximum duration of projects is 30 months (or 42 months for series of more than 2 episodes).

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 its 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 will be granted, if requested before the deadline specified in the agreement. The maximum duration will then be 36 months (or 48 months for series of more than 2 episodes).

The following projects are ineligible:

- live recordings, TV games, talk shows, cooking shows, magazines, tv-shows, reality-shows, school and “how-to” programmes;
- documentaries promoting tourism, "making-of", reports, wild-life reportages, news programmes and "docu-soaps";
- projects including pornographic or racist material or advocating violence;
- works of a promotional nature;
- institutional productions to promote a specific organisation or its activities;
- projects that are fully financed and/or already financed by Eurimages;
- productions originally intended as cinema works (e.g. several theatrical distributors and/or an international cinema sales agent involved).

Theatrical release for drama and animation films is accepted for works originating from all countries (with the exception of France, Germany, Italy, Spain and United Kingdom) providing that it takes place after an initial TV transmission. For documentaries, a theatrical release is allowed prior to an

initial TV transmission, regardless of the territory from which the work originates and the territory in which it will be released, subject to the condition that the production must have been intended primarily for the television market.

Only applications that fulfil the eligibility criteria will be considered for a grant. If an application is deemed ineligible, a letter indicating the reasons will be sent to the applicant.

7. EXCLUSION CRITERIA

7.1. Exclusion from participation

Applicants will be excluded from participating in the call for proposals procedure if it is in any of the following situations:

a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;

b) it has been established by a final judgement or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the authorising officer is located or those of the country of the implementation of the grant;

c) it has been established by a final judgement or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract, a grant agreement or a grant decision;

(ii) entering into agreement with other persons with the aim of distorting competition;

(iii) violating intellectual property rights;

(iv) attempting to influence the decision-making process of the Agency during the award procedure;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

d) it has been established by a final judgement that the applicant is guilty of any of the following:

(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;

(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the authorising officer is located, the country in which the applicant is established or the country of the implementation of the grant;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

- (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
- g) in the absence of a final judgement or where applicable a final administrative decision, the applicant is in one of the cases provided in (c) to (f) above based on :
- i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
 - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law.
 - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.
- (h) where a person who is a member of the administrative, management or supervisory body of the applicant, or who has powers of representation, decision or control with regard to that applicant (this covers the company directors, members of the management or supervisory bodies, and cases where one person holds a majority of shares), is in one or more of the situations referred to in points (c) to (f) above.
- (i) where a natural or legal person that assumes unlimited liability for the debts of that applicant is in one or more of the situations referred to in point (a) or (b) above.

If an applicant is in one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. This does not apply for the situations referred in point (d) of this section.

In the cases provided in (c) to (f) above, in the absence of a final judgement or where applicable a final administrative decision, the Agency may exclude an applicant provisionally from participating in a call for proposals where their participation would constitute a serious and imminent threat to the Union's financial interests.

7.2. Rejection from the award procedure

An applicant will not be awarded a grant for this procedure if:

- (a) it is in an exclusion situation established in accordance with the above section 7.1;
- (b) it has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;

(c) it was previously involved in the preparation of a call for proposals where this entails a distortion of competition that cannot be remedied otherwise.

Rejection from this procedure and administrative sanctions (exclusion or financial penalty) may be imposed on applicants or affiliated entities where applicable, if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

The applicants should be informed that the Agency may publish on its internet site the following information related to the exclusion and, where applicable, the financial penalty in the cases referred to in points (c), (d), (e) and (f) of the section 7.1²:

- (a) the name of the applicant concerned;
- (b) the exclusion situation;
- (c) the duration of the exclusion and/or the amount of the financial penalty.

In case of a preliminary classification in law (i.e. absence of a final judgement or a final administrative decision), the publication shall indicate that there is no final judgment or final administrative decision. In those cases, information about any appeals by the applicant, their status and their outcome, as well as any revised decision of the authorised officer, shall be published without delay. Where a financial penalty has been imposed, the publication shall also indicate whether that penalty has been paid.

The decision to publish the information is taken by the Agency either following the relevant final judgment, final administrative decision or preliminary classification in law, as the case may be. That decision shall take effect three months after its notification to the economic operator.

The information published shall be removed as soon as the exclusion has come to an end. In the case of a financial penalty, the publication shall be removed six months after payment of that penalty. In accordance with Regulation (EC) No 45/2001, where personal data is concerned, the Agency shall inform the applicant of its rights under the applicable data protection rules and of the procedures available for exercising those rights.

7.3. Supporting documents

Applicants for a grant exceeding EUR 60.000 must sign a declaration on their honour certifying that they are not in one of the situations referred to in the above sections 7.1. and 7.2, filling in the relevant form attach to the application form accompanying the call for proposals and available at http://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2017_en. If applicable, the relevant documentary evidence which appropriately illustrates any remedial measures taken should be provided in annex to this declaration.

² This information shall not be published in any of the following circumstances:

- (a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;
- (b) where publication would cause disproportionate damage to the applicant concerned or would otherwise be disproportionate on the basis of the proportionality criteria and to the amount of the financial penalty;
- (c) where a natural person is concerned, unless the publication of personal data is exceptionally justified, inter alia, by the seriousness of the conduct or its impact on the Union's financial interests. In such cases, the decision to publish the information shall duly take into consideration the right to privacy and other rights provided for in Regulation (EC) No 45/2001.

8. SELECTION CRITERIA

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

8.1. Financial capacity

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out or the year for which the grant is awarded and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

- a) Low value grants (\leq EUR 60 000):
 - a declaration on their honour.
- b) Grants $>$ EUR 60 000:
 - a declaration on their honour;
 - the financial statements (including the balance sheet, the profit and loss accounts and the annexes) of the last two financial years for which the accounts have been closed;
 - financial capacity form provided for in the application form, filled in with the relevant statutory accounting figures, in order to calculate the ratios as detailed in the form.
- c) Grants for an action $>$ EUR 750 000 in addition to the above:
 - an audit report produced by an approved external auditor certifying the accounts for the last financial year available.

In the event of an application grouping several applicants (consortium), the thresholds mentioned in c) shall apply to each applicant.

On the basis of the documents submitted, if the Agency considers that financial capacity is not satisfactory, it may:

- request further information;
- propose a grant agreement without pre-financing;
- propose a grant agreement with a pre-financing covered by a bank guarantee (see section 11.4 below);
- propose a grant agreement without pre-financing but an interim payment based on expenses already occurred.
- reject the application.

8.2 Operational capacity

Applicants must have the professional competencies as well as appropriate qualifications necessary to complete the proposed action. In this respect, applicants have to submit a declaration on their honour, and, for those applying for a grant above EUR 60.000 the following supporting documents:

- the Curriculum Vitae of the Managing Director of the company;
- the Curriculum Vitae of the Director of the work;
- a presentation of the activities of the company over the last five years.

9. AWARD CRITERIA

Eligible applications will be assessed on the basis of the following criteria:

	Criteria	Definitions	Max. Weighting
1	Relevance and European added-value	Potential for European and international distribution of the project	30
2	Quality of the content and activities	Quality of the project and the European dimension and financing of the project	30
3	Dissemination of project results	Quality of the distribution and marketing strategy	30
4	Organisation of the project team	Distribution of the roles and responsibilities of the production and creative team	10

Detailed description of the award criteria and breakdown of points:

Relevance and European added value (30 points)

The criterion "Potential for European and international distribution" is scored as follows³:

	For works from France, Germany, Italy, Spain and United Kingdom	For works from Austria, Belgium, Denmark, Finland, Ireland, Norway, Netherlands, Poland, Sweden, Switzerland	For works from Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, FYROM, Greece, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Romania, Republic of Serbia, Slovakia, Slovenia⁴
3 broadcasting companies from 3 different countries participating in the MEDIA Sub-programme	1-10 points	10-15 points	15-20 points
At least 4 broadcasting companies from 4 different countries (of which at least 3 from countries participating in the MEDIA Sub-programme)	11-30 points	16-30 points	21-30 points

³ The application of this grid is subject to the condition of fulfilment of the conditions set out in section 6.1 Eligible countries.

⁴ And any other participating country not listed but fulfilling the conditions set out in section 6.1 Eligible countries.

For projects having only the 3 minimum broadcasters involved, the scoring will be based on:

- the financial involvement of the broadcasters (strong financial involvement increases the score / small amounts would be less considered than high amounts);
- the possible impact of the broadcasters involved in the success of the film;
- the coherence of the broadcasters involved with the nature of the film;
- the geographic and linguistic diversity of the broadcasters involved.

For projects having more than 3 broadcasters involved, the scoring will be based on:

- the number of European and non-European broadcasters involved;
- the financial involvement of the broadcasters (strong financial involvement increases the score / small amounts would be less considered than high amounts);
- the possible impact of the broadcasters involved in the success of the film;
- the coherence of the broadcasters involved with the nature of the film;
- the geographic and linguistic diversity of the broadcasters involved.

Quality of the content and activities (30 points)

The criterion "Quality of the project and the European dimension and financing of the project" will take into account:

- Overall quality of the financing of the project: coherence between the budget and the financing, including existence of European co-productions, strength and commitment of the partners involved (broadcasters, co-producers, etc.): **0-10 points**;
- European dimension of the financing of the project: percentage of non-national financing, strategies of the producer and efforts made to reach the confirmed financing, originality and innovation of the financing structure: **0-10 points**;
- Artistic quality of the project: originality and quality of the subject/treatment, quality of the pitch/trailer, (for second and third seasons of series: quality of the new developments in the stories and characters): **0-10 points**.

Dissemination of project results (30 points)

The criterion "Quality of the distribution and marketing strategy" will take into account:

Quality of the distributor's involvement: 0-15 points

- Experience and track record of the distributor involved with similar projects;
- Financial involvement and risk taken by the distributor (i.e. amount of the MG);
- If applicable and if the production company is acting as distributor: experience and track record of the producer as distributor.

Quality of the marketing and distribution strategy: 0-15 points

- Is the marketing strategy coherent and well developed?
- Have all marketing elements and key aspects of the distribution been identified and covered?

Organisation of the project team (10 points)

The criterion "Distribution of the roles and responsibilities of the production and creative team" will take into account:

Adequacy of the track record of the producer in relation to the objectives of the project

- Adequacy of the track record of international sales of the producer/production company (in relation to the project).

Adequacy of the track record of the creative team in relation to the objectives of the project

- Adequacy of the track record of the Director (in relation to the project)
- Adequacy of the track record of other key actors of the creative team (Scriptwriter, Script Doctor, Animation team, etc.) (in relation to the project).

Automatic Award criteria

	Description	Extra points
	A project targeted for young audience ⁵	5
	An applicant company established in a country with a medium or low production capacity ⁶	5

10. LEGAL COMMITMENTS

In the event of a grant awarded by the Agency, a grant agreement drawn up in euro and detailing the conditions and level of funding will be sent to the beneficiary, as well as the procedure in view to formalise the obligations of the parties. This agreement may be a mono-beneficiary (for single applicants) or a multi-beneficiary agreement (in the event of a partnership) to be concluded with the project coordinator.

The 2 copies of the original agreement must be signed first by the beneficiary on behalf of the consortium and returned to the Agency immediately. The Agency will sign them last.

Please note that the award of a grant does not establish an entitlement for subsequent years.

⁵ Young audience is intended up to 16 years old.

⁶ All MEDIA countries with the exception of France, Germany, Italy, Spain and the United Kingdom.

11. FINANCIAL PROVISIONS

11.1. General Principles

a) Non-cumulative award

An action may only receive one grant from the EU budget.

In no circumstances shall the same costs be financed twice by the European Union budget. To ensure this, applicants shall indicate in the application form the sources and amounts of European Union funding received or applied for the same action or part of the action or for its functioning during the same financial year as well as any other funding received or applied for the same action.

b) Non-retroactivity

No grant may be awarded retrospectively for actions already completed.

c) Co-financing

Co-financing means that the resources which are necessary to carry out the action may not be entirely provided by the EU grant.

Co-financing of the action may take the form of:

- the beneficiary's own resources,
- income generated by the action,
- financial contributions from third parties.

d) Balanced budget

The estimated budget of the action is to be attached to the application form. It must have revenue and expenditure in balance.

The budget must be drawn up in euros.

Applicants which foresee that costs will not be incurred in euros shall use the exchange rate published on the Infor-euro website available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm on the date of the publication of this call for proposals.

e) Implementation contracts/subcontracting

Where the implementation of the action requires the award of procurement contracts (implementation contracts), the beneficiary must award the contract to the bid offering best value for money or the lowest price (as appropriate), avoiding conflicts of interests and retain the documentation for the event of an audit.

Entities acting in their capacity of contracting authorities in the meaning of Directive 2004/18/EC or contracting entities in the meaning of Directive 2004/17/EC shall abide by the applicable national public procurement rules.

Sub-contracting, i.e. the externalisation of specific tasks or activities which form part of the action as described in the proposal and which cannot be performed by the beneficiary itself must satisfy the conditions applicable to any implementation contract (as specified above) and in addition to them the following conditions:

- it may only cover the implementation of a limited part of the action;

- it must be justified having regard to the nature of the action and what is necessary for its implementation;
- it must be clearly stated in the proposal or prior written authorisation from the Agency must be obtained.

f) Financial support to third parties

The applications may not envisage provision of financial support to third parties

11.2. Funding forms

The grants financed through reimbursement of eligible costs in combination with flat rate covering overheads are calculated on the basis of a detailed estimated budget, indicating clearly the costs that are eligible for EU funding.

➤ **Maximum amount requested**

The EU grant is limited to a maximum co-financing rate of:

- 12.50% of the total eligible costs or EUR 500.000, whichever is the lower, for drama and animation works;
- 10% of the eligible costs or EUR 1.000.000, whichever is the lower for high budget co-produced TV drama series (see section 6.2);
- 20% of the total eligible costs or EUR 300.000, whichever is the lower, for documentaries.

Consequently, part of the total eligible expenses entered in the estimated budget must be financed from sources other than the Union grant.

The grant amount may neither exceed the eligible costs nor the amount requested. Amounts are indicated in euros.

Acceptance of an application by the Executive Agency does not constitute an undertaking to award a grant equal to the amount requested by the beneficiary.

➤ **Eligible costs**

Eligible costs are costs actually incurred by the beneficiary of a grant which meet the following criteria:

- they are incurred during the duration of the action as specified in the grant agreement, with the exception of costs relating to final reports and certificates.

The period of eligibility of costs will start 6 months before the date of submission of the application and end 24 months (or 36 months in case of series of more than 2 episodes) after that date.

- they are indicated in the estimated overall budget of the action;
- they are incurred in connexion with the action which is the subject of the grant and are necessary for the implementation of the action;

- they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost-accounting practices of the beneficiary;
- they comply with the requirements of applicable tax and social legislation;
- they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

The beneficiary's internal accounting and auditing procedures must permit direct reconciliation of the costs and revenues declared in respect of the action with the corresponding accounting statements and supporting documents.

The applicant company has to indicate in the application form if in the framework of a co-production contract, costs linked to the action are incurred and/or invoiced to 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 by adding the co-producer's PIC in the application form and in case of selection the co-producer will be part of the agreement as a co-beneficiary. Only European independent production companies (see section 6.1) may be co-beneficiaries and therefore bring eligible costs to the action.

Eligible direct costs:

The eligible direct costs for the action are those costs which, **with due regard for the conditions of eligibility set out above**, are identifiable as specific costs directly linked to the performance of the action and which can therefore be booked to it directly, such as:

- the cost of personnel working under an employment contract with the applicant or equivalent appointing act and assigned to the action, comprising actual salaries plus social security contributions and other statutory costs included in their remuneration, provided that these costs are in line with the applicant's usual policy **or, where applicable, its partners. NB: these costs must be actual costs incurred by the beneficiary or the co-beneficiary. Staff costs of other organisations are eligible only if they are paid directly or reimbursed by the beneficiary.** These costs may include additional remuneration, including payments on the basis of supplementary contracts regardless of their nature, provided that it is paid in a consistent manner whenever the same kind of work or expertise is required and independently from the source of funding used;
- subsistence allowances (for meetings, including kick-off meetings where applicable, European conferences, etc.) provided that these costs are in line with the beneficiary's usual practices and that they do not exceed the scales approved annually by the Commission;
- costs of travel (for meetings, including kick-off meetings where applicable, European conferences, etc.), provided that they are in line with the beneficiary's usual practices on travel, and that they do not exceed the scales approved annually by the Commission;
- depreciation cost of equipment (new or second-hand), only the portion of the equipment's depreciation corresponding to the duration of the action 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 action;
- costs entailed by other contracts awarded by the beneficiary or its partners for the purposes of carrying out the action, provided that the conditions laid down in the grant agreement are met;
- costs arising directly from requirements linked to the performance of the action (dissemination of information, specific evaluation of the action, translations, reproduction, etc.),
- costs relating to a pre-financing guarantee lodged by the beneficiary of the grant, where required;

- costs relating to external audits where required in support of the requests for payments;
- non-deductible value added tax ("VAT") for all activities which are not activities of the public authorities in the Member States

Eligible indirect costs (overheads)

- a flat-rate amount, equal to 7% of the eligible direct costs of the action, is eligible under indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the action.

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

Applicants's attention is drawn to the fact that in the case of organisations receiving an operating grant, indirect costs are no longer eligible under specific actions.

➤ **Ineligible costs**

The following costs shall not be considered eligible:

- return on capital;
- debt and debt service charges;
- provisions for losses or debts;
- interest owed;
- doubtful debts;
- exchange losses;
- costs of transfer from the Agency charged by the bank of the beneficiary;
- costs declared by the beneficiary and covered by another action receiving a European Union grant. In particular, indirect costs shall not be eligible under a grant for an action awarded to the beneficiary who already receives an operating grant financed from the Union budget during the period in question;
- excessive or reckless expenditure
- expenditure of partners from countries not participating in the programme or not being co-beneficiaries of the agreement.

Applicants are invited to pay particular attention to the following ineligible costs, which must not figure on the eligible cost column of the budget:

- Costs incurred before the start of the eligibility period;
- Development costs that have been co financed by MEDIA Development (The total development budget presented to MEDIA Development is ineligible);
- Costs incurred by a co-producer who will not be a co-beneficiary of an agreement in case of selection;
- Indirect producers' fees and contingencies;
- Contributions in kind (such as professional/industry credits and deferred salaries). Production services offered by the broadcasters are not considered as being in kind.

➤ **Calculation of the final grant amount – Supporting documents**

The final amount of the grant to be awarded to the beneficiary is established after completion of the action, upon approval of the request for payment containing the following documents:

- a final report providing details of the implementation and results of the action;
- the final financial statement of costs actually incurred.

Option 1:

In case of Grants for an action of less than EUR 750.000, the beneficiary is required to submit, in support of the final payment, a “Report of Factual Findings on the Final Financial Report - Type I” produced by an approved auditor or in case of public bodies, by a competent and independent public officer.

The procedure and the format to be followed by an approved auditor or in case of public bodies, by a competent and independent public officer, are detailed in the following “Guidance Notes”:

http://eacea.ec.europa.eu/about-eacea/document-register_en#audit

The use of the report format set by the “Guidance Notes” is compulsory.

Option 2:

In case of Grants for an action of EUR 750.000 or more, when the cumulative amounts of request for payment is at least EUR 325.000, the beneficiary is required to submit, in support of the final payment, a “Report of Factual Findings on the Final Financial Report - Type II” produced by an approved auditor or in case of public bodies, by a competent and independent public officer. The certificate shall certify, in accordance with a methodology approved by the Agency, that the costs declared by the beneficiary in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the grant agreement.

The procedure and the format to be followed by an approved auditor or in case of public bodies, by a competent and independent public officer, are detailed in the following “Guidance Notes”:

http://eacea.ec.europa.eu/about-eacea/document-register_en#audit

The use of the report format set by the “Guidance Notes” is compulsory.

If the eligible costs actually incurred by the beneficiary are lower than anticipated, the Agency will apply the rate of co-financing stated in the grant agreement to the expenditure actually incurred.

In the event of non-execution or clearly inadequate execution of an activity planned in the application attached to the funding agreement, the final grant will be reduced accordingly.

Non-profit rule

EU grants may not have the purpose or effect of producing a profit within the framework of the action of the beneficiary. **Profit shall be defined as a surplus of receipts over the eligible costs incurred by the beneficiary, when the request is made for payment of the balance.** In this respect, where a profit is made, the Agency shall be entitled to recover a percentage of the profit corresponding to the Union contribution to the eligible costs actually incurred by the beneficiary to carry out the action⁷.

⁷ This provision does not apply for grants which are lower than or equal to 60.000€.

11.3. Payment arrangements

If specified in the grant agreement a pre-financing payment corresponding to 60% of the grant amount will be transferred to the beneficiary within 30 days counting from the written confirmation of the start of principal photography/production, provided all requested guarantees have been received.

If specified in the grant agreement an Interim payment shall be paid to the beneficiary. Interim payment is intended to cover the beneficiary's expenditure on the basis of a request for payment when the action has been partly carried out. The interim payment shall not exceed 60% of the grant amount.

The Agency will establish the amount of the final payment to be made to the beneficiary on the basis of the calculation of the final grant amount (see section 11.2 above). If the total of earlier payments is higher than the final grant amount, the beneficiary will be required to reimburse the amount paid in excess by the Agency through a recovery order.

11.4. Pre-financing guarantee

In the event that the applicant's financial capacity is not satisfactory, a pre-financing guarantee for up to the same amount as the pre-financing may be requested in order to limit the financial risks linked to the pre-financing payment.

The 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. Amounts blocked in bank accounts shall not be accepted as financial guarantees.

The guarantee may be replaced by a joint and several guarantees by a third party or by a joint guarantee of the beneficiaries of an action who are parties to the same grant agreement.

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.

12. PUBLICITY

12.1. By the beneficiaries

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

In this respect, beneficiaries are required to give prominence to the name and logo of the programme on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the logo and the disclaimer available at http://eacea.ec.europa.eu/about/eacea_logos_en.php which will be provided by the Agency.

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement.

12.2. By the Agency and/or the Commission

With the exception of scholarships paid to natural persons and other direct support paid to natural persons in most need, all information relating to grants awarded in the course of a financial year shall be published on the Internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

The Agency and/or the Commission will publish the following information:

- name of the beneficiary;
- locality of the beneficiary;
- the amount awarded;
- nature and purpose of the grant.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

12.3 Communication and dissemination

To maximise impact, projects should have a clear and strong strategy for communication and dissemination of their activities and results, and applicants must provide enough time and resources to communicate and interact appropriately with peers, audiences and local communities as appropriate.

The Commission together with the Agency may identify good practices and prepare relevant dissemination materials to be shared within and across all participating countries and beyond.

Data and results from projects will be made freely available to be used by stakeholders, policy makers and others in a wide range of ways.

Beneficiaries may be required to attend and to participate in events organised by the European Commission or the Agency to share their experience with other participants and/or policy makers.

13. DATA PROTECTION

All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Community institutions and bodies and on the free movement of such data.⁸

Unless marked as optional, the applicant's replies to the questions in the application form are necessary to evaluate and further process the grant application in accordance with the specifications of the call for proposals. Personal data will be processed solely for that purpose by the department or Unit responsible for the Union grant programme concerned (entity acting as data controller). Personal data may be transferred on a need to know basis to third parties involved in the evaluation of applications or in the grant management procedure, without prejudice of transfer to the bodies in charge of monitoring and inspection tasks in accordance with European Union law. In particular, for the purposes of safeguarding the financial interests of the Union, personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office and between authorising officers of the Commission and the executive

⁸ Official Journal L 8, 12.1.2001.

agencies. The applicant has the right of access to, and to rectify, the data concerning him or her. For any question relating to these data, please contact the Controller.

Applicants have the right of recourse to the European Data Protection Supervisor at any time. A detailed Privacy statement, including contact information, is available on EACEA's website:

http://eacea.ec.europa.eu/about/documents/calls_gen_conditions/eacea_grants_privacy_statement.pdf

Applicants and, if they are legal entities, persons who are members of the administrative, management or supervisory body of that applicant or who have powers of representation, decision or control with regard to that applicant, or natural or legal persons that assume unlimited liability for the debts of that applicant, are informed that, their personal data (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the Early Detection and Exclusion System (EDES) by the Authorising Officer of the Agency, should they be in one of the situations mentioned in the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended by the Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 (OJ L 286, 30.10.2015, p. 1).

14. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

14.1 Publication

The call for proposals is being published on the Internet site of the Agency at the following address:

https://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2017_en/

14.2 Registration in the Participant Portal

Before submitting an electronic application, applicants and partners will have to register their organisation in the Education, Audiovisual, Culture, Citizenship and Volunteering Participant Portal and receive a Participant Identification Code (PIC). The PIC will be requested in the application form.

The Participant Portal is the tool through which all legal and financial information related to organisations will be managed. Information on how to register can be found in the portal under the following address:

<http://ec.europa.eu/education/participants/portal/>

The tool also allows applicants to upload different documents related to their organisation. These documents have to be uploaded once and will not be requested again for subsequent applications by the same organisation.

Details on the supporting document that need to be uploaded in the portal can be found on the following link (under the Heading "How to apply"):

https://eacea.ec.europa.eu/creative-europe/funding/tv-programming-2017_en/

14.3 Submission of the grant application

Proposals must be received in accordance with the admissibility requirements set out under section 5 and by the deadline set out in section 3.

No modifications to the application are allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or for the correction of clerical mistakes, the Agency may contact the applicant for this purpose during the evaluation process.

Applicants submitting projects for different actions should provide separate applications for each action.

All applicants will be informed in writing about the results of the selection process.

An online application system has been set up. Grant applications must be drawn up in one of the official EU languages, using the online form (eForm) specifically designed for this purpose. To facilitate the assessment of the application, additional documents relevant to the assessment of the project should be submitted preferably in English or French.

The eForm can be obtained on the Internet at the following address: <https://eacea.ec.europa.eu/PPMT/>

Proposals must be received by the deadline mentioned in the call for proposals and in Section "3. Timetable" of the present Guidelines **before 12:00 CET/CEST (Midday, Brussels time)**, using the online application form.

Applicants should note that no applications received after 12.00CET/CEST on the deadline will be accepted. They are very strongly encouraged not to wait until the final day to submit their application.

Please note that no other method of submission of an application will be accepted. Applications submitted in any other way will be automatically rejected. No exceptions will be made.

Make sure that you have officially submitted your electronic application form and that you have received an e-mail acknowledging receipt of your submission with a project reference number.

Applicants shall ensure that all the documents requested and mentioned in the eForm are provided electronically.

In addition, a set of compulsory annexes that cannot be submitted online have to be sent to the Agency by post.

The package must include the copy of the acknowledgment of receipt of the application, the paper annexes and a CD-Rom or USB stick containing all these documents (please see details in the Annexes and application guide).

The package must indicate:

the name of the company: the title of the project: the online form confirmation number:

Address to which the documents must be sent:

Education, Audiovisual & Culture Executive Agency

Creative Europe Programme (2014–2020)

MEDIA Sub-programme – TV Programming – EACEA 23/2016

Avenue du Bourget 1

BE – 1049 Brussels

Belgium

Only applications that fulfil the eligibility criteria will be considered for a grant. If an application is deemed ineligible, a letter indicating the reasons will be sent to the applicant.

14.4 Evaluation procedure

The eligible proposals will be ranked in each genre (documentary, fiction, animation) according to the award criteria defined and weighted in section 9 of the present Guidelines. Within the limit of the available budget, applications obtaining the highest scores in each genre will be selected.

The assessment is made solely on the basis of the documents sent by the relevant deadline. Nevertheless, the Agency reserves the right to request additional information from the applicant.

14.5 Award decision

Only after completion of the procedure mentioned above, is the selection process finalised and the award decision adopted by the Agency.

Applicants will be informed of the results of the selection within two weeks of the date of adoption of the award decision.

Unsuccessful applicants will receive a letter stating the reasons why their application was not selected.

Once applicants informed the list of selected proposals will be published on the websites of the Commission/Agency: http://eacea.ec.europa.eu/creative-europe/selection-results_en

14.6 Rules applicable

Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 298, 26.10.2012, p.1) as amended by the Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 (OJ L 286, 30.10.2015, p. 1).

Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p.1) as amended by the Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 342, 29.12.2015, p. 7).

Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) concerning the implementation of a support Programme for the European creative sector (Creative Europe) (OJ L 347/221, 20 December 2013) and the corrigendum of the 27/06/2014 (OJ L189/260).

14.7 Contacts

For any further information please contact your Creative Europe desk:
http://ec.europa.eu/culture/creative-europe/creative-europe-desks_en.htm

Contact within the Agency:
EACEA-MEDIA-TV@ec.europa.eu

If you encounter a technical problem in relation to the e-Form, please ensure that you contact the HelpDesk well in advance of the deadline for submission: eacea-helpdesk@ec.europa.eu

Annexes:

- Annex 1: Detailed description of the action (A free word or pdf document containing **the artistic material** related to the project must be attached to the E-Form)
- Annex 2 – Declaration on applicant's honour
(The declaration on the applicant's honour must be attached to the E-Form)
- Annex 3 – Detailed budget and sources of financing
(The Budget Form on the standard template must be attached to the E-Form)
- Annex 4 – Track record of the applicant company
(The track record of the applicant company must be attached to the E-Form)
- Financial Capacity Form
- Expert Guide
- Sample of grant agreement