



Die Beauftragte der Bundesregierung
für Kultur und Medien



**GERMAN
FEDERAL FILM FUND
DFFF**

**GUIDELINES
OF THE BKM**

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I. PRINCIPLES AND OBJECTIVES

The German Federal Film Fund (DFFF) is a measure of the Federal Government Commissioner for Culture and the Media (BKM) to strengthen the film industry in Germany. The BKM has tasked the German Federal Film Board (FFA) with implementing the measure.

The measure is intended to improve the economic framework conditions for the film industry in Germany, to preserve and promote the international competitiveness of enterprises in the film industry with the objective of achieving longterm effects for Germany as a production location in conjunction with further effects on the macro-economy. In this context, the competitiveness of companies in the production industry and the competitiveness of companies providing production services, including those with a high level of digital added value, are especially important.

This measure is intended to facilitate the financing of German and international feature films in Germany as a cultural good. The measure is aimed at enabling higher production budgets in order to further the artistic scope, the quality, attractiveness and hence the dissemination of films.

At the same time, the expenditure in Germany in connection with the production of films is to be increased, leading to better utilization of the capacity of production services providers and making Germany as a film location a more attractive place for skilled workers in the film industry. An improvement in film financing for production and production services companies and the existence of the corresponding technical infrastructure constitute the prerequisites for a German and European film culture which is both creative and successful in the long run.

SECTION 1 PURPOSE OF A GRANT AND OBJECTIVE OF THE MEASURE

(1) The German federal government shall award grants for the production of a film or part of a film in accordance with these Guidelines and the General Administrative Provisions on Sections 23 and 44 of the Federal Budget Code (BHO). Expenditures shall be financed from Chapter 0452 Title 683 22 within the framework of the estimated budget and commitment appropriations in each case. An applicant shall have no legal claim to a grant. The grant authority shall decide on the basis of its duly exercised discretion within the confines of the budget funds available.

(2) The objective of the measure shall be to strengthen film as a cultural good and Germany as a production location, within the confines of the budget funds available for this purpose.

(3) Realization of the objectives of the measure shall be evaluated by the committee referred to in Section 34 (1).

SECTION 2 NATURE OF A GRANT

(1) The grant shall be approved in the form of financial aid for the project. The grant shall be awarded as partial financing. This shall assume a financing need on the part of the producer or production services provider filing an application in at least the amount of the grant. The calculation of the amount of a grant pursuant to Section 16 (1) and/or Section 27 (1) shall remain unaffected.

(2) The financial aid shall be awarded as a non-repayable grant; Section 18 (4) and Section 29 (5) shall remain unaffected.

II. GENERAL PROVISIONS

SECTION 3 RECIPIENT OF A GRANT

The recipient of a grant shall be the applicant, provided all grant requirements are met. In the case of financial aid pursuant to Sections 7 to 20, the applicant may be the producer of a film; in the case of financial aid pursuant to Sections 21 to 31, the applicant may be a provider of production services.

SECTION 4 DEFINITIONS

(1) According to these Guidelines, the producer is the person responsible for production of the film up to delivery of the answer print or – in the case of a co-production – the person who is co-responsible and actively involved in producing the film.

(2) According to these Guidelines, the production services provider is the company which has agreed, on the basis of a contract with the producer for work or services, to assemble the technical and artistic means to produce the films or film segments assigned to them and to ensure the production of these films or film segments and their monitoring, and which is responsible for the production costs resulting from the activities within its area of responsibility in Germany.

(3) Total production costs are all costs arising from the production of the film.

(4) Production costs according to these Guidelines are, for financial aid pursuant to Part III, all costs according to No. 2 in Schedule 1 and, for financial aid pursuant to Part IV, all costs according to No. 2 in Schedule 2.

(5) German production costs according to these Guidelines are production costs incurred by companies or their employees as well as by freelancers and self-employed persons for film-related goods and services provided in Germany, in accordance with the following provisions:

1. Services provided by persons

Wages, salaries, fees and royalties will qualify as German production costs if and insofar as they are subject to unrestricted or limited tax liability in Germany. The persons employed within the context of production of the film shall be indicated in a cast and staff list customary in the industry which also indicates the domicile or place of business relevant for tax purposes.

2. Services provided by companies

Services provided by companies will only qualify as production costs spent in Germany if

- the company providing the services has its place of business or a business establishment in Germany and is entered in the Commercial Register or if a registered trade exists there, and
- the company or establishment providing the services has, at the time the services are rendered, at least one permanent employee working in Germany, and
- the detailed invoice for the services is issued by the business or establishment, and
- the services billed are all provided in Germany or the material used to provide the services is all in fact procured in Germany and the technical equipment necessary to provide the services is in fact used in Germany. As regards mobile technical film equipment (e.g. cameras, lighting and sound equipment), it must be procured (i.e. purchased, leased or hired) in Germany.

(6) A film is a feature-length film if it has a screen length of at least 79 minutes, for children's films of 59 minutes.

(7) Difficult audio-visual works are for example short films, first and second films of directors, documentary films and films with low production costs. Further, films of which the original version is in the language of a Member State with a small territory or territories, small population or limited language area may be regarded as difficult films. Other films which can be expected to have only limited market success and whose likelihood of commercial exploitation must therefore be considered limited may be regarded as difficult films in particular due to their experimental nature, if and as far as they are highly subject to risks due to their content, style, artistic and/or technical form or culturally demanding nature.

SECTION 5 COMPLIANCE WITH THE LAW GOVERNING THE GRANT

The grant, disbursement and accounting of the grant as well as proof and auditing of its use as well as the possible revocation of the notification of grant and a possible claim for repayment of the grant awarded shall be governed by Sections 48 to 49a of the Administrative Procedure Act (VwVfG), Sections 23 and 44 of the Federal Budget Code and the relevant General Administrative Provisions, unless derogations from the General Administrative Provisions are permitted under these funding guidelines. The Bundesrechnungshof (German SAI) shall be authorized to conduct audits pursuant to Sections 91 and 100 of the Federal Budget Code.

SECTION 6 COMPETENT AUTHORITY

The grant and managing authority for this BKM measure shall be the German Federal Film Board (FFA), Große Präsidentenstraße 9, 10178 Berlin.

The FFA shall be subject to the legal and technical supervision of the BKM in respect of this measure.

III. GRANT REQUIREMENTS FOR PRODUCERS (DFFF I)

CHAPTER I

Grant requirements to be satisfied by the applicant

SECTION 7 APPLICANT

(1) The producer of the film shall be entitled to file the application.

(2) The applicant must have his/her domicile or registered office in Germany, another EU Member State or another EEA contracting state or Switzerland. If the applicant does not have his/her domicile or registered office in Germany, he/she must have a business establishment within Germany at the time of disbursement of the grant.

(3) If the application is filed by the German subsidiary or establishment of an applicant with his/her registered office outside the European Union or the EEA or Switzerland, then all grant requirements must be met by the applicant's German subsidiary or establishment.

(4) The application must contain the following information about the applicant: name, domicile or registered office, legal form and VAT identification number of the company.

(5) The applicant or – if the film underlying the application is produced by a single-purpose company founded solely for that purpose – a company affiliated with the applicant must have produced, as an enterprise or a person responsible for a production, at least one feature-length film during the last five years (reference film) before filing the application, in Germany or another EU Member State or EEA contracting state or Switzerland.

The reference film must have been commercially released in cinemas in Germany with at least 45 prints, with at least 20 prints where the total production costs of the reference film did not exceed EUR 2 million and with at least eight prints in the case of documentary films.

If financial aid is requested for the first work of an applicant, the grant of a subsidy by the BKM, the FFA or a film promotion institution in one of the federal states of Germany shall suffice as a reference.

(6) If, in the case of a co-production, several co-producers satisfy the grant requirements, the application may nevertheless only be filed by one of the producers. The producers participating in the co-production shall agree on this point and issue a corresponding joint statement to the FFA at the time of filing an application.

(7) An undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market shall not be granted individual aid. Nor shall undertakings in difficulties be granted financial aid.

CHAPTER II

Film-related grant requirements

SECTION 8 FILM-RELATED REQUIREMENTS

(1) The grant shall be awarded for feature-length films.

(2) The total production costs of the film excluding material or services provided free or at a reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs must amount to at least EUR 1 million for feature films, to at least EUR 200,000 for documentary films and to at least EUR 2 million for animated films and films with virtually animated components. The minimum production costs referred to in the first sentence shall apply only to applications submitted to the FFA in full before the expiry of these Guidelines.

The principles of economical business management according to Schedule 1 of these Guidelines shall apply.

Upon application by the producer, pursuant to Schedule 1, No. 9, subsection 1, third sentence, the FFA managing board may in specially justified exceptional cases approve a higher producer's fee than that provided for in Schedule 1, No. 9, subsection 1, first and second sentences. The applicant shall be sent written and reasoned notification of the managing board's decision regarding the approval or refusal of a higher producer's fee.

(3) No grants shall be awarded for films which meet the film-related requirements for a grant pursuant to Part IV.

(4) A grant shall only be awarded for films, of which at least one final version is produced in the German language, except for dialogue scenes where the script provides for a different language. As regards the language version of the film, a version with German subtitles suitable for cinema showing shall suffice. The German-language version must be submitted to the FFA prior to disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before the start of its theatrical release.

(5) At least one final version of the film must be produced with German subtitles for the hearing impaired and with a German audio description for the visually impaired of a quality which meets market requirements and is suitable for screening in a cinema. Derogations from this requirement shall be possible in justified exceptional cases upon application by the producer. Such decision shall be taken by the FFA managing board. Proof of production of the accessible final version must be submitted to the FFA before disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before its theatrical release.

(6) No aid shall be granted if the film features anti-constitutional or unlawful content. The same shall apply to films which, taking into account the dramaturgical structure, script, design, the actors' performance, animation, camera work or editing, are overall of poor quality. Nor shall films which are focused on pornography or the glorification of violence or which openly violate religious feelings in an inappropriate way be eligible for funding. It shall be up to the FFA managing board to decide whether the prerequisites for denying the aid are met.

(7) The shooting or animation work may not commence until after a notification of grant has been issued. The first real or virtual day of shooting shall be deemed the start of shooting. The FFA may, in exceptional cases and upon application by the producer, decide at its duly exercised discretion and taking account of the administrative provisions issued in regard to Section 44 of the Federal Budget Code to allow shooting or animation work to begin earlier.

SECTION 9 THEATRICAL RELEASE

(1) The film must be commercially released in Germany. To that end, the film must be screened in a cinema in Germany which regularly screens films, on at least seven consecutive days in a technical format suitable for cinemas and against payment of the market rate. The intention to theatrically release the film shall be demonstrated by presenting a legally binding and unconditional distribution agreement at the time of disbursement at the latest.

(2) The distribution agreement must provide for the release in cinemas of at least 45 prints of the film, or of at least 20 prints in case of a grant of less than EUR 320,000; the distribution agreement must provide for at least eight prints of a film in the case of a documentary film. The FFA managing board may, upon the joint application of the producer and the distributor, permit an exception to the number of prints specified in the first sentence.

(3) If the film is a cinematic film which is also intended to be broadcast as a television miniseries, and the miniseries is at least 20 percent longer than the version for theatrical release, the distribution agreement must provide for at least 200 prints of the film in the case of feature-length and animated films, in derogation of subsection 2, first sentence, and at least 30 prints in the case of documentary films.

(4) The distributor, as a company or a person, must have released at least three feature-length films in cinemas with at least 15 prints of each film for one week during the last 24 months before filing the application. The FFA shall keep a list of distribution companies that satisfy these criteria.

(5) Proof of theatrical release in Germany must be provided within one year of completion of the answer print. In justified exceptional cases the FFA managing board may extend this period.

SECTION 10 HOLDBACK PERIODS AND TELEVISION BROADCASTING RIGHTS

(1) The provisions on holdback periods stipulated in the Film Promotion Act (FFG) shall apply subject to the proviso that the FFA managing board shall decide on reductions of holdback periods and in the case of violations of holdback periods.

(2) The producer must demonstrate that, in any release agreement with a public broadcasting corporation or a commercial television broadcaster, the complete television broadcasting rights are transferred back to the producer within five years. In individual cases, the release agreement may provide for the television broadcasting rights to be transferred back within no more than seven years, in particular if the producer received more than the average amount of material support from the public broadcasting corporation or commercial television broadcaster for the production of the film. The first and second sentences shall not apply if the producer has granted his or her television broadcasting rights within the German-language licensing area to a distribution or world sales company in exchange for payment of a distribution or sales guarantee.

SECTION 11 APPLICANT'S CONTRIBUTION

A grant shall be awarded only if the producer makes an own financial contribution to the total production costs indicated in the cost budget and approved in accordance with Section 4 (3) and (4); the applicant's own financial contribution must be commensurate with the scope of the production, the capitalization and the previous production activities of the producer. The applicant's own financial contribution must amount to at least 5 percent of the total production costs approved by the FFA pursuant to Section 4 (3) and (4). In the case of international co-productions, the own financial contribution shall be calculated on the basis of the financing share of the German producer. The third sentence shall apply accordingly to films produced with the involvement of a public television broadcaster. Sections 63 and 64 of the Film Promotion Act shall apply accordingly.

SECTION 12 MINIMUM AMOUNT OF GERMAN PRODUCTION COSTS

A grant shall be awarded only if the German production costs amount to at least 25 percent of the total production costs. If the total production costs exceed EUR 20 million, the German production costs must, in derogation of the first sentence, amount to at least 20 percent of the total production costs.

SECTION 13 TEST OF CULTURAL CHARACTERISTICS

(1) In order to ensure the cultural objectives of the measure, a test of characteristics shall be conducted. A grant shall only be awarded if the film obtains the relevant minimum number of points in the test of characteristics for feature, documentary and animated films and films with virtually animated components. The test of characteristics for feature films shall be conducted according to Schedule 3, for documentary films according to Schedule 4 and for animated films and films with virtually animated components according to Schedule 5 of these Guidelines. The film must pass the test of characteristics for documentary films or for animated films and films with virtually animated components if documentary or animated scenes account for the largest share of the project in terms of time. Otherwise the film must pass the test of characteristics for feature films.

(2) In order to ensure the cultural character, feature films must satisfy at least four criteria in the category “Cultural Content” (A-Block No. 1). Documentary and animated films and films with virtually animated components must satisfy at least two criteria in the category “Cultural Content”.

(3) In order to qualify for a grant, a feature film must obtain at least 48 points from both blocks, a documentary film at least 27 points and an animated film at least 42 points, in each case from both blocks.

(4) As regards international co-productions made in accordance with the European Convention on Cinematographic Co-production, only the points system provided for in Appendix II of that Convention shall apply. For international co-productions of animated or documentary films made in accordance with the European Convention on Cinematographic Co-production, only the points systems provided for in Schedules 6 and 7 shall apply.

(5) The applicant should take into account ecological concerns in the context of the film production. For this purpose, he or she may at the time of filing the application submit the declaration of commitment found in Schedule 8 of these Guidelines or one that goes even further, committing to produce the film in an environmentally friendly and resource-efficient way. If no such declaration of commitment is submitted, the total score calculated pursuant to Schedules 3 to 5 for the category “Production” will be reduced by 10 points for feature and animated films and films with virtually animated components and by 5 points for documentary films.

SECTION 14 INTERNATIONAL CO-PRODUCTIONS

(1) As regards international co-productions, the applicant must contribute at least 20 percent of the total production costs; if the total production costs exceed EUR 25 million, a financial contribution of at least EUR 5 million will suffice.

(2) If the film for which a grant is being applied for is an international co-production involving a producer from a country which is not an EEA contracting state, then as regards the reference film required under Section 7 (5), the applicant must have produced that film either alone or as a co-producer with majority participation. In exceptional cases, the FFA managing board may waive the requirement of majority participation if there are no doubts as to the applicant’s professional skills.

(3) International co-productions shall not receive a grant if the contribution of the producer eligible to apply consists solely of financing, while the producer eligible to apply in the sense of Section 7 (2) bears no responsibility for the content and is not actively involved in the production of the film.

SECTION 15 ARCHIVING

The grant recipient shall be required to provide a technically flawless print of the film in an archivable format to the German Federal Film Archive free of charge within 12 months of the first public showing of the film or, should the theatrical release run for longer than 12 months, after the theatrical release, unless this obligation has already been otherwise met. If the grant recipient is obliged to produce an accessible version of the film in accordance with the provisions of these Guidelines, then the first sentence shall also apply to the accessible version. Further particulars shall be determined by the provisions of the German Federal Archive.

CHAPTER III

Grants for producers

SECTION 16 AMOUNT OF A GRANT; PRODUCTION COSTS ELIGIBLE FOR A GRANT

(1) For projects with German production costs of up to EUR 8 million, the grant shall amount to 20 percent, and for projects with German production costs of more than EUR 8 million, the grant shall amount to 25 percent of the German production costs subject to the following provisions, but not to exceed EUR 4 million per film.

(2) The basis for calculating the amount of the grant shall be the German production costs, but not more than 80 percent of the total production costs.

(3) The following costs shall not qualify as German production costs eligible for a grant when calculating the amount of the grant:

- Generic Pre-production costs according to Schedule 1, No. 6
- Costs for rights to content and rights to other existing works (incl. existing music), except royalties for the script on which the film is based, up to 3 percent of the German production costs but not exceeding EUR 150,000; for documentary films, archival material up to 30 percent of the total German production costs
- Costs for legal and tax advice,
- Insurance costs
- Financing costs
- Travel and transport costs for performers
- Overhead costs (according to Schedule 1, Chart C)
- Actors' fees insofar as they exceed 15 percent of the German production costs,
- Contingency unless it can be dissolved in the final cost report in favour of goods and services eligible for a grant
- Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs,
- Costs for shooting and other work done abroad, as far as these do not meet the requirements of subsection 5
- Contributions to the central services organization of the German film industry for the representation of German films abroad

(4) As a rule, costs may be taken into account as German production costs eligible for a grant only if they were incurred during the funding period specified by the FFA in the notification of grant. Costs arising within one year prior to submitting an application may be recognized as German production costs eligible for a grant if and as far as they are necessary for submitting an application.

(5) If compelling dramaturgical requirements in the script call for shooting on location which cannot take place in Germany or only at an unreasonably high cost, then the on-location shooting costs incurred abroad for these reasons shall qualify as German production costs subject to the following restrictions:

- 01.** The costs incurred must satisfy the criteria under Section 4 (4) and (5), and
- 02.** there shall be a limit of 40 percent of the entire shooting. The limit of 40 percent of the entire shooting shall not apply to documentary films.

The costs incurred under the above paragraph shall however not be taken into account when calculating the minimum amount of German production costs pursuant to Section 12.

(6) A subsequent increase in the German production costs as indicated in the application and approved shall not be taken into account.

(7) The aid may not be cumulated with other state aid – including aid as defined in Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24 December 2013, p. 1) unless the other aid measure concerns different identifiable eligible costs, or if the highest aid intensity applicable to such aid measures or the highest aid amount applicable to such aid measures is not exceeded.

(8) The aid intensity of all the aid granted to a project shall be limited to 50 percent of the respective total production costs. In the case of cross-border projects financed by more than one EU Member State and involving producers from more than one Member State, the aid intensity may be up to 60 percent of the respective total production costs. These ceilings shall not apply to difficult audiovisual works and co-productions involving countries that are included on the list of the OECD Development Assistance Committee.

SECTION 17 FILING OF APPLICATIONS AND APPLICATION PROCEDURE

(1) The written application shall be addressed to the Deutscher Filmförderfonds c/o FFA – Filmförderungsanstalt, Bundesanstalt des öffentlichen Rechts, Große Präsidentenstraße 9, 10178 Berlin. The application may only be filed by post, by courier or in person.

(2) Applications must be filed no later than six weeks before the start of shooting.

(3) The application must contain the planned date of completion of the answer print and the information and documents stipulated by the FFA in the implementing provisions to these Guidelines. In particular, the application must demonstrate that the grant requirements have been met. If it is not possible to present proof at the time of filing the application, the fact that the grant requirements have been met must be established with sufficient probability. Section 294 of the Code of Civil Procedure shall apply accordingly. In this case the proof must be submitted by the date on which the grant is disbursed. If an invoice is required as proof, it must be issued in the applicant's name. Insofar as documents do not exist in a German-language original version, the FFA may require the applicant to obtain a translation of the documents by a generally sworn translator, or a German-language summary of the main content required in order to process the application; the accuracy and completeness of the summary shall be confirmed by the applicant.

(4) Applications shall be processed by the FFA in the order in which they are received. The receipt stamp shall determine the date of receipt. Applications received during the hours of business of the FFA on the same calendar day shall all be regarded as having been received at the same time.

(5) If the application is incomplete or does not satisfy the requirements as to sufficient probability or proof that the grant requirements have been met, or if other information or documents are missing, the FFA may allow the applicant a grace period in order to complete the application. If the application is not completed by the applicant within the grace period granted, it shall be rejected. An applicant may submit no more than two applications for the same project.

(6) All application documents shall become the property of the BKM and remain in the possession of the FFA.

SECTION 18 APPROVAL

(1) The grant shall be awarded by way of written notification. The date on which the completed application with the required documents is submitted shall determine the order in which grants are approved pursuant to this chapter. Several completed applications submitted on the same day shall be treated as applications received at the same time.

(2) The application may not be approved until the applicant has proved that 75 percent of the total production costs of the project are financed.

(3) The FFA shall specify the funding period in the notification of grant.

(4) The General Ancillary Terms on the Grant of Financial Aid (ANBest-P) shall constitute an integral part of the notification of grant. The FFA may ensure that the grant requirements are met by including ancillary terms in the notification of grant. The notification of grant shall be subject to the condition that the applicant, if the rights to the subsidized film are sold to another country, must make a financial contribution to the central services organization of the German film industry for the representation of German films abroad. The contribution shall amount to 1.5 percent of net proceeds, up to a maximum of EUR 50,000.

(5) The notification of grant shall be subject to the condition subsequent (Section 36 (2), no. 2, Administrative Procedure Act) that

- 01.** the applicant does not present proof that the total financing of the film project is secured within three months of receipt of the notification of grant. Upon application, the time limit may be extended by one month once only. In accordance with Sections 31 and 41 (2), Administrative Procedure Act, the period shall start on the third day after mailing the proof or after electronic transmission of the notification;
- 02.** shooting or the animation work does not start within four months of receipt of the notification of grant. The FFA may grant a request to postpone the start of shooting or animation work once. No. 1, third sentence, shall apply accordingly.
- 03.** the project is not completed by the date of completion of the answer print (project term) specified in the application. The FFA may grant an extension of the deadline to produce the answer print once only. In exceptional cases, the FFA managing board may grant a second extension to the deadline for producing the answer print. No. 1, third sentence, shall apply accordingly.

SECTION 19 DISBURSEMENT

(1) The grant shall be disbursed to the applicant after the answer print has been completed at the time stated in the application, and after presenting the documents to audit the final costs. Proof of actual theatrical release may be provided after disbursement, but no later than 12 months after the answer print is completed. As a rule, the audit of final costs must be conducted no later than two years after completion of the answer print.

(2) In order to determine whether the answer print was completed on the date specified in the application, the FFA shall monitor compliance with this deadline.

(3) The final cost auditor shall be determined by the FFA. The applicant shall bear the costs of the audit.

(4) No disbursement shall be made

- 01.** if proper financing of the film project is not ensured; or
- 02.** if the applicant has violated the principles of economical business management within the context of the financing, production, performance of the contract, rental, distribution or video distribution of a film subsidized by the FFA or the BKM.

(5) A claim for disbursement of a grant may be assigned or pledged to banks or other financial institutes solely for the purpose of interim financing.

(6) Upon request the grant may be disbursed in instalments depending on the progress of production; in this case 33 percent of the grant shall be disbursed at the start of shooting, 33 percent upon completion of the rough cut, and the remainder after submitting proof of employment of funds and an audit of the final costs. Such a request shall be supported by reasons. In case of grants of more than EUR 2 million, disbursement in instalments shall also require the presentation of a completion bond or a guarantee in the amount of the grant approved. No guarantee pursuant to Sections 65 and 86 of the Film Promotion Act shall be allowed. The grant may be disbursed in instalments only where it is guaranteed that the funding will be used without delay and no later than six weeks from the date of disbursement. The applicant shall present proof prior to disbursement of the first instalment that the overall financing is secured.

SECTION 20 REPAYMENT

All German co-producers of the film shall be jointly and severally liable for repaying the grant.

IV. GRANT REQUIREMENTS FOR PROVIDERS OF PRODUCTION SERVICES (DFFF II)

CHAPTER I

Grant requirements to be satisfied by the applicant

SECTION 21 APPLICANT

(1) The production services provider shall be entitled to file the application. The company must demonstrate specialization in and sufficient experience with services in the audio-visual sector. This shall be regarded as demonstrated if the applicant, as a natural or legal person or a company affiliated with the applicant, provided services having a contract value of at least EUR 1 million net each within the five years prior to filing the application as a service provider for at least two feature-length films with total production costs of at least EUR 10 million net each, or produced such a film as a producer and at the time of filing the application has sufficient specialized skilled workers at his or her disposal.

(2) The applicant must have his/her domicile or registered office in Germany, another EU Member State, another EEA contracting state or Switzerland. If the applicant does not have his/her domicile or registered office in Germany, he/she must have a business establishment within Germany at the time of disbursement of the grant.

(3) If the application is filed by the German subsidiary or establishment of an applicant with his/her registered office outside the European Union or the EEA or Switzerland, then all grant requirements must be met by the applicant's German subsidiary or establishment.

(4) The application must contain the following information about the applicant: name, domicile or registered office, legal form and VAT identification number of the company.

(5) The production service provider may perform the service itself or delegate it to a third party.

(6) If multiple production service providers meet the grant requirements for the entire film or the same segment of a film, the application shall be filed by only one of the production service providers. The production service providers participating in the co-production shall agree on this point and issue a corresponding joint statement to the FFA when filing the application. Separate applications from different production service providers shall be permitted for different segments of a film.

(7) An undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market shall not be granted individual aid. Nor shall undertakings in difficulties be granted financial aid.

CHAPTER II

Project-related grant requirements

SECTION 22 PROJECT-RELATED REQUIREMENTS

(1) The grant shall be awarded for production services to produce a feature-length film or animated film shown in cinemas in Germany.

(2) The total production costs of the feature-length film or animated film must amount to at least EUR 20 million. The German production costs of the production service provider filing the application for the commissioned film or segment of a film must amount to at least EUR 8 million. If the production service provider files an application for a commissioned project which must pass the test of characteristics for animated films and films with virtually animated components pursuant to Section 25 (1), third sentence, then by derogation from the second sentence, the German production costs of the project must amount to at least EUR 2 million. The minimum production costs referred to in the first and second sentences shall apply only to applications submitted to the FFA in full before the expiry of these Guidelines.

The principles of economical business management according to Schedule 2 of these Guidelines shall apply. Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs shall not be counted when calculating the thresholds pursuant to the first and second sentences.

Upon application by the production service provider, pursuant to Schedule 2, No. 8, subsection 1, third sentence, the FFA managing board may in specially justified exceptional cases approve a higher production service provider's fee than that provided for in Schedule 2, No. 8, subsection 1, first and second sentences. The applicant shall be sent written and reasoned notification of the managing board's decision regarding the approval or refusal of a higher producer's fee.

(3) A grant shall only be awarded for films of which at least one final version is produced in the German language, except for dialogue scenes where the script provides for a different language. As regards the language version of the film, a version with German subtitles suitable for cinema showing shall suffice. The German-language version must be submitted to the FFA prior to disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before the start of its theatrical release.

(4) At least one final version of the film must be produced with German subtitles for the hearing impaired and with a German audio description for the visually impaired of a quality which meets market requirements and is suitable for screening in a cinema. Derogations from this requirement shall be possible in justified exceptional cases upon application by the producer. Such decision shall be taken by the FFA managing board. Proof of production of the accessible final version must be submitted to the FFA before disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before its theatrical release.

(5) Aid shall not be granted if the film features anti-constitutional or unlawful content. The same shall apply to films which, taking into account the dramaturgical structure, script, design, the actors' performance, animation, camera work or editing, are overall of poor quality. Nor shall films which are focused on pornography or the glorification of violence or which openly violate religious feelings in an inappropriate way be eligible for funding. It shall be up to the FFA managing board to decide whether the prerequisites for denying the aid are met.

(6) The applicant may not begin with the work to perform the contract (start of the measure) until

the notification of grant has been received. In the case of live-action shooting, the start of the measure shall be regarded as the first day of actual shooting; in the case of visual effects, this shall be the first day of virtual shooting, or the start of the production of the digital assets needed for a large number of scenes, if this takes place before the first day of virtual shooting. The FFA may, in exceptional cases and at the request of the production service provider, decide at its duly exercised discretion and taking account of the administrative provisions issued in regard to Section 44 of the Federal Budget Code to allow work to begin earlier. The application for aid shall be rejected if the applicant has started with the work to perform the contract before filing the application.

SECTION 23 THEATRICAL RELEASE

(1) The film must be commercially released in Germany. To that end, the film must be screened in a cinema in Germany which regularly screens films, on at least seven consecutive days in a technical format suitable for cinemas and against payment of the market rate. The intended theatrical release shall be confirmed to the applicant by a statement of the producer. This statement must be presented no later than the time of disbursement.

(2) Proof of theatrical release in Germany must be provided within one year of completion of the answer print. In justified exceptional cases the FFA managing board may extend this period.

SECTION 24 HOLDBACK PERIODS AND TELEVISION BROADCASTING RIGHTS

The provisions on holdback periods stipulated in the Film Promotion Act (FFG) shall apply subject to the proviso that the applicant must demonstrate, by means of a statement of the producer to this effect, that the showing of the film will comply with the holdback periods, and that the FFA managing board shall decide on reductions of holdback periods and in the case of violations of holdback periods.

SECTION 25 TEST OF CULTURAL CHARACTERISTICS

(1) In order to ensure the cultural objectives of the measure, a test of characteristics shall be conducted. A grant shall only be awarded if the film obtains the relevant minimum number of points in the test of characteristics for feature and animated films and films with virtually animated components. The film must pass the test of characteristics for animated films and films with virtually animated components (Schedule 5) if at least 50 percent of the German production costs are directly related to the test of characteristics for animated films and films with virtually animated components. Otherwise the film must pass the test of characteristics for feature films (Schedule 3).

(2) In order to ensure the cultural character, feature films must satisfy at least four criteria in the category “Cultural Content” (A-Block No. 1). Animated films and films with virtually animated components must satisfy at least two criteria in the category “Cultural Content” (A-Block No. 1).

(3) In order to qualify for a grant, a feature film must obtain at least 48 points from both categories and an animated film and a film with virtually animated components at least 42 points from both categories.

(4) The applicant should take into account ecological concerns in the context of the film production. For this purpose, he or she may at the time of filing the application submit the declaration of commitment found in Schedule 8 or one that goes even further, committing to produce the film in an environmentally friendly and resource-efficient way. If no such declaration of commitment is submitted, the total score calculated pursuant to Schedules 3 and 5 for the category “Production” will be reduced by 10 points for feature and animated films and films with virtually animated components.

SECTION 26 ARCHIVING

(1) If the film was produced in cooperation with a German co-producer, the notification of grant will be issued only on the condition that a technically flawless print of the film is provided in an archivable format to the German Federal Film Archive free of charge within 12 months of the first public showing of the film or, should the theatrical release run for longer than 12 months, after the theatrical release, unless this obligation has already been otherwise met. Further particulars shall be determined by the provisions of the German Federal Archive.

(2) A copy shall be provided free of charge to the FFA, even if the film was not produced in cooperation with a German coproducer.

(3) If an accessible version of the film must be produced in accordance with the provisions of these Guidelines, then the first and second subsections shall also apply to this version.

CHAPTER III

Grants for providers of production services

SECTION 27 AMOUNT OF A GRANT; PRODUCTION COSTS ELIGIBLE FOR A GRANT

(1) The grant shall amount to 25 percent of the German production costs of the production service provider filing the application for the commissioned film or segment of a film, up to a maximum of EUR 25 million per film.

(2) The basis for calculating the amount of the grant shall be the German production costs, not to exceed 80 percent of the total production costs.

(3) The following costs shall not qualify as German production costs eligible for a grant when calculating the amount of the grant:

- Generic Pre-production costs according to Schedule 2, No. 5
- Costs for rights to content and rights to other existing works (incl. existing music), except royalties for the script on which the film is based, up to 3 percent of the German production costs but not exceeding EUR 150,000
- Costs for legal and tax advice,
- Insurance costs
- Travel and transport costs for performers
- Financing costs
- Actors' fees insofar as they exceed 15 percent of the German production costs,
- Contingency unless it can be dissolved in the final cost report in favour of goods and services eligible for a grant
- Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs,
- Costs for shooting and other work done abroad, as far as these do not meet the requirements of subsection 5

If the applicant bills its customer according to person-days, the person-days billed shall be recognized as German production costs as long as they meet the conditions of Section 4 (3) and (5).

(4) As a rule, costs may be taken into account as German production costs eligible for a grant only if they were incurred during the funding period specified by the FFA in the notification of grant. Costs arising within one year prior to submitting an application may be recognized as German production costs eligible for a grant if and as far as they are necessary for submitting an application.

(5) If compelling dramaturgical requirements in the script call for shooting on location which cannot take place in Germany or only at an unreasonably high cost, then the on-location shooting costs incurred abroad for these reasons shall qualify as German production costs subject to the following restrictions:

- 01.** The costs incurred must satisfy the criteria under Section 4 (4) and (5), and
- 02.** at least 75 percent of the German production costs for which the product service provider is responsible are incurred without regard to the costs of shooting abroad, and
- 03.** no more than 20 percent of the shooting abroad for which the production service provider is responsible are recognized as German production costs eligible for a grant.

(6) A subsequent increase in the German production costs as indicated in the application and approved shall not be taken into account.

(7) Applications shall not be accepted if other public film subsidies from the federal budget are used.

(8) The aid may not be cumulated with other state aid – including aid as defined in Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24 December 2013, p. 1) unless the other aid measure concerns different identifiable eligible costs, or if the highest aid intensity applicable to such aid measures in accordance with the GBER or the highest aid amount applicable to such aid measures in accordance with the GBER is not exceeded.

(9) The aid intensity of all the aid granted to a project shall be limited to 50 percent of the respective total production costs. In the case of cross-border projects financed by more than one EU Member State and involving producers from more than one Member State, the aid intensity may be up to 60 percent of the respective total production costs. These ceilings shall not apply to difficult audio-visual works and co-productions involving countries that are included on the list of the OECD Development Assistance Committee.

SECTION 28 FILING OF APPLICATIONS AND APPLICATION PROCEDURE

(1) The written application shall be addressed to the Deutscher Filmförderfonds c/o FFA - Filmförderungsanstalt, Bundesanstalt des öffentlichen Rechts, Große Präsidentenstraße 9, 10178 Berlin. The application may only be filed by post, by courier or in person.

(2) An application must be filed at least six weeks before the start of the work to be carried out. The applicant must present at least a preliminary contract for work or services at the time of filing the application.

(3) The application must contain the planned date of completion of the answer print of the entire film, the planned date of completion of the segment and the information and documents stipulated by the FFA in the implementing provisions to these Guidelines. In particular, the application must demonstrate that the grant requirements have been met. The planned date of completion of the answer print of the entire film and the aid intensity must be verified by a statement from the producer. This statement must include the amount of total production costs and all aid received. If it is not possible to present proof at the time of filing the application, the fact that the grant requirements have been met must be established with sufficient probability. Section 294 of the Code of Civil Procedure shall apply accordingly. In this case the proof must be submitted by the date on which the grant is disbursed. If an invoice is required as proof, it must be issued in the applicant's name. Insofar as documents do not exist in a German-language original version, the FFA may require the applicant to obtain a translation of the documents by a generally sworn translator, or a German-language summary of the main contents required in order to process the application; the accuracy and completeness of the summary shall be confirmed by the applicant.

(4) Applications shall be processed by the FFA in the order in which they are received. The receipt stamp shall determine the date of receipt. Applications received during the hours of business of the FFA on the same calendar day shall all be regarded as having been received at the same time.

(5) If the application is incomplete or does not satisfy the requirements as to sufficient probability or proof of that the grant requirements have been met, or if other information or documents are missing, the FFA may allow the applicant a grace period in order to complete the application. If the application is not completed by the applicant within the grace period granted, it shall be rejected. An applicant may submit no more than two applications for the same project.

(6) All application documents shall become the property of the BKM and remain in the possession of the FFA.

SECTION 29 APPROVAL

(1) The grant shall be awarded by way of written notification. The date on which the completed application with the required documents is submitted shall determine the order in which grants are approved pursuant to this chapter. Several completed applications submitted on the same day shall be treated as applications received at the same time.

(2) An application may not be approved until the applicant has demonstrated by means of a statement from the producer that 75 percent of the project's financing is secured.

(3) The FFA shall specify the funding period in the notification of grant.

(4) The approval of a grant shall be based on the (preliminary) contract for work or services presented at the time of filing the application. At the applicant's request, the FFA may provide a non-binding prospect of funding, i.e. without a guarantee of funding, if this is necessary to award the contract for the project.

(5) The General Ancillary Terms on the Grant of Financial Aid (ANBest-P) shall constitute an integral part of the notification of grant. The FFA may ensure that the grant requirements are met by including ancillary terms in the notification of grant.

(6) The notification of grant shall be subject to the condition subsequent (Section 36 (2), no. 2, Administrative Procedure Act) that

01. the applicant fails to provide proof of the unconditional assignment to produce the project along with a statement from the producer that the total financing of the film is secured within three months of receiving the notification of grant. Upon application, the time limit may be extended by one month once only. In accordance with Sections 31 and 41 (2) of the Administrative Procedure Act, the period shall start on the third day after mailing the proof or after electronic transmission of the notification;

02. work to be carried out (start of the measure) does not start within four months of receipt of the notification of grant. The FFA may grant a request to postpone the start of shooting or animation work once. No. 1, third sentence, shall apply accordingly.

03. the film or, if the complete film is not the responsibility of the production service provider, the segment for which the production service provider is responsible, is not completed by the date specified in the application. The FFA may grant an extension of the deadline to complete the film or segment of the film for which the production service provider is responsible once only. In exceptional cases, the FFA managing board may grant a second extension to the deadline to complete the film or segment of the film for which the production service provider is responsible. No. 1, third sentence, shall apply accordingly.

SECTION 30 DISBURSEMENT

(1) The grant shall be disbursed to the applicant after the answer print has been completed at the time stated in the application, and after presenting proof of employment of funds and an audit of the final costs. Proof of actual theatrical release may be provided after disbursement, but no later than 12 months after the answer print is completed. As a rule, the proof of employment of funds and the audit of final costs must be conducted no later than three years after completion of the answer print.

(2) In order to determine whether the answer print was completed on the date specified in the application, the FFA shall monitor compliance with this deadline.

(3) The final cost auditor shall be determined by the FFA. The applicant shall bear the costs of the audit.

(4) No disbursement shall be made

- 01.** if proper financing of the film project has not been confirmed by the producer;
- 02.** if proper financing of the work to perform the contract is not secured, or
- 03.** if the applicant has violated the principles of economical business management within the context of the financing, production or performance of the contract, rental, distribution or video distribution of a film subsidized by the FFA or the BKM.

(5) A claim for disbursement of a grant may be assigned or pledged to banks or other financial institutes solely for the purpose of interim financing.

(6) The grant may be disbursed in instalments upon request. In case of disbursement in instalments, up to four instalments shall be paid depending on progress of the project. Such a request shall be supported by reasons. Disbursement in instalments shall also require the presentation of a completion bond or a guarantee in the amount of the grant approved. No guarantee pursuant to Sections 65 and 86 of the Film Promotion Act shall be allowed. Disbursement in instalments may be granted only where it is guaranteed that the funding will be used without delay and no later than six weeks from the date of disbursement. The applicant shall present proof when applying for disbursement in instalments that this requirement has been met. The applicant shall present proof prior to disbursement of the first instalment that the overall financing is secured.

SECTION 31 REPAYMENT

The applicant shall be liable for the repayment of the grant. This shall apply also if a third party was assigned to perform the work, or if the repayment results from the fact that, contrary to the assurance of the producer,

- the overall financing of the film is not secured or the limits of aid intensity allowed are exceeded,
- the answer print of the film was not completed by the date specified in the application,
- the film did not have a theatrical release,
- the funded segment was not used in the film, or
- the holdback periods pursuant to the Film Promotion Act were not observed when showing the film.

V. INFORMATION AND PUBLICATION

SECTION 32 INFORMATION

Anyone who applies for financial aid in accordance with these Guidelines must provide the FFA with the information necessary to carry out these Guidelines and present the relevant documents. The provision of information shall take place on the basis of and in accordance with the FFA rules.

SECTION 33 PROCESSING OF DATA

(1) The FFA processes data in compliance with the general provisions of data protection law.

(2) Please note that, in particular, the information contained in Article 9 of the GBER concerning every individual grant in excess of EUR 500,000 will be published.

VI. EVALUATION

SECTION 34 EVALUATION OF THE MEASURE

(1) The measure according to these Guidelines shall be evaluated by a committee consisting of representatives of the BKM, of the Federal Ministry of Finance and of the Federal Ministry of Economic Affairs and Energy. Other experts who are persons not entitled to vote may be consulted. The evaluation shall be conducted on the basis of an agreed evaluation plan.

(2) The evaluation committee may recommend modifications of the Guidelines at any time.

(3) For the purpose of evaluation, the FFA may require the applicant to provide information in compliance with the general provisions of data protection law in order to establish an adequate basis of information and data for the evaluation.

(4) Funding granted pursuant to these Guidelines may, in individual cases, be monitored by the European Commission.

VII. FINAL PROVISIONS

SECTION 35 COMPETENCE OF THE SUPREME FEDERAL AUTHORITY FOR CULTURE AND THE MEDIA

The abbreviation BKM in these Guidelines shall designate the supreme federal authority competent for culture and the media.

SECTION 36 IMPLEMENTING PROVISIONS

With the consent of the BKM, the FFA may issue the provisions required to implement the Guidelines.

SECTION 37 TRANSITIONAL PROVISION

(1) Applications received by the FFA before these Guidelines enter into force shall be decided in accordance with the Guidelines applicable at the time the application is complete.

(2) By derogation from subsection 1, in the case of projects approved pursuant to Chapter IV of the Guidelines of 1 August 2017 but before the 15 October 2018, costs for shooting on location abroad may be recognized as German product costs upon application, if the conditions of Section 27 (5) are met and if the on-location shooting does not start until after the application for recognition of costs for shooting on location abroad has been approved. In this case, Section 27 (6) shall not apply.

(3) By derogation from subsection 1, in the case of projects approved pursuant to Chapter IV of the Guidelines of 1 August 2017 but before the 15 October 20, disbursement in instalments pursuant to Section 30 (6) of the Guidelines of 15 October 2018 may be approved upon application. Section 29 (3) and (4) of the Guidelines of 1 August 2017 shall not apply in this case.

SECTION 38 ENTRY INTO FORCE, EXPIRY

(1) These Guidelines shall enter into force on 15 October 2018. The measure shall be limited in time until 31 December 2020.

(2) The Guidelines Issued by the Federal Government Commissioner for Culture and the Media: “Incentive to Strengthen the Film Industry in Germany” in the version of 1 August 2017 shall expire when the present Guidelines enter into force.

Berlin, 15 October 2018

The Federal Government Commissioner
for Culture and the Media
For the Federal Government Commissioner for Culture and the Media

signed Katharina Cramer-Hadjidimos



SCHEDULE 1

PRINCIPLES OF ECONOMICAL BUSINESS MANAGEMENT FOR MEASURES PURSUANT TO PART III (DFFF I)

1. Principles of economical business management

Applications shall comply with the principles of economical business management in accordance with the following provisions.

2. Production costs

The production costs of a film shall include the kinds of costs listed in Chart A below. Production costs shall be calculated exclusive of VAT (deductible input VAT) (net principle).

Chart A of production costs

- 01.** Pre-production costs
- 02.** Rights and manuscripts
- 03.** Salaries/fees
 - Production staff
 - Director's staff
 - Equipment staff
 - Other staff, including staff for rigging and animation set-up, storyboarding, character conception and modelling, set conception and modelling, exposure sheets, pre-visualization, rotoscoping, tracking, motion capture, layout, animation, set construction, tracing, opaquing, colourization, lighting and rendering, compositing, visual effects, image and sound editing, mixing
 - Actors
 - Composer / musicians / Voiceovers / Narrators
 - Extra costs salaries
- 04.** Set
- 05.** Equipment and technology
- 06.** Travel and transport expenses
- 07.** Film material and editing
- 08.** Final completion (including additional costs for production of the German version of the film and foreign-language versions of the film, including the answer print)
- 09.** Insurance costs
- 10.** General project-related costs (see Chart B below)
- 11.** Overhead expenses
- 12.** Contingency
- 13.** Trustee's fee

The producer's general project-related costs shall include the individual kinds of costs listed in Chart B below, provided such costs are not already included in the overhead expenses.

Chart B of general project-related costs

- 01.** Minor expenses
- 02.** FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees if included in the production costs (usually initial distribution costs)
- 03.** Production press
- 04.** Telephone, postage
- 05.** Rent for office space
- 06.** Office material

- 07. Entertainment expenses
- 08. Agent fees
- 09. Reproductions / Photocopies
- 10. Translations
- 11. Office equipment (rental)
- 12. Financing costs
- 13. Legal and tax advising
- 14. Fees for ecological consulting (“Green Adviser”)
- 15. Mandatory contribution fee to German Films Service + Marketing GmbH

3. Overhead costs for feature-length films

(1) The producer’s overhead costs shall include the individual kinds of costs listed in Chart C below. These costs may not be stated as production costs (Nos. 1 to 10 of Chart A).

(2) Within the context of these Principles, the overhead costs incurred by the producer for the production of feature-length films shall be recognized at the rate of 7.5 percent up to a limit of EUR 2,000,000 of the production costs (Nos.1-10 of Chart A). In the case of international co-productions, the calculations shall be based on the German financing share.

(3) If the calculated production costs exceed EUR 2,000,000 the overhead costs eligible for recognition shall increase by EUR 2,500 for each EUR 50,000 of additional production costs, up to a maximum of EUR 350,000.

(4) In the case of feature-length films with total production costs of less than EUR 1,000,000 the overhead costs shall amount to 9 percent of the production costs; a total of EUR 75,000 may not be exceeded.

Chart C of individual kinds of costs included among the overhead costs

- 01. Expenditure for furnishing and maintaining permanent business premises
- 02. General business needs (writing materials, etc.)
- 03. General postal and telephone charges
- 04. General personnel costs insofar as they do not concern the specific project
- 05. Trade tax on income and capital
- 06. Expenditure for general legal, tax and foreign exchange advice and for auditing of balance sheets
- 07. Interest and bank charges for general loans
- 08. General expenditure for entertaining guests, representation, flowers and gifts
- 09. Travel expenses and expenditures within the context of the producer’s normal business unless incurred for a certain project.

4. Financing costs

Financing costs may generally be stated with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account more than 8 percent above the relevant basic interest rate in force of the European Central Bank. No financing costs for the producer’s own funds may be stated.

5. Contingency

A contingency of up to 8 percent of the total amount of calculated kinds of costs Nos. 1–10 (production costs) in Chart A may be stated in the costs estimate.

6. Pre-production costs

The pre-production costs not eligible for recognition shall include costs for location scouting, underlying material/script development, costs for test shooting and preliminary negotiations, in each case insofar as they concern the general project development.

7. Travel expenses

Within the context of these Principles, per diems for travel expenses may not be higher than the rates under collective agreements or tax law. Justified exceptions shall be permitted for top personnel.

8. Rebates, discounts, bonuses, sale or other disposal of materials

(1) Rebates and discounts shall be deducted from the relevant cost items in the final cost report. Discounts obtained through the producer's own additional contributions outside the film project do not have to be deducted from the relevant cost items.

(2) Rebates and discounts shall be deducted from the costs for prints of the films subsidized. However, discounts and turnover-related bonuses obtained through additional own contributions outside the relevant procurement of prints do not have to be deducted.

(3) Income from the sale or other disposal of items (objects and rights) included among the production costs shall be stated as reducing the production costs.

9. Producer's fee, special provisions on producer's own participation and multiple participation

(1) The producer's fee shall amount to a maximum of 2.5 percent of the total production costs, exclusive of the producer's fee, up to a maximum of EUR 125,000. If the German production costs amount to more than EUR 5 million, the producer's fee shall increase by EUR 25,000 per each additional EUR 1 million in German production costs, to a maximum of EUR 250,000. In special, justified exceptional cases the FFA managing board may permit exceptions. The recipient of the producer's fee shall be the natural person responsible for the creative tasks of the producer relating to production of the film.

(2) If the producer makes own contributions, such contributions may only be stated up to the prices customary on the market. If the contribution is in kind and list prices are available, these prices shall be reduced by 25 percent.

(3) If the producer or the co-producer or the proprietor, exclusive or majority shareholder of the production company (individually owned company, partnership or company limited by shares) is identical to the director, the fee for the director shall amount to a maximum of 4 percent of the total production costs (exclusive of the fee).

(4) If the producer or the co-producer or the proprietor, exclusive or majority shareholder of the production company (individually owned company, partnership or company limited by shares) is identical to the line producer, the fee for the line producer shall amount to a maximum of 2.7 percent of the total production costs (exclusive of the fee).

(5) In the event of other multiple participation on the part of the producer within the production process of a film, the fee rates shall be reduced by 20 percent.

SCHEDULE 2

PRINCIPLES OF ECONOMICAL BUSINESS MANAGEMENT FOR MEASURES PURSUANT TO PART IV (DFFF II)

1. Principles of economical business management

Applications shall comply with the principles of economical business management in accordance with the following provisions.

2. Production costs

The production costs of a film shall include the kinds of costs listed in Chart A below, as far as they are incurred by the production services provider. Production costs shall be calculated exclusive of VAT (deductible input VAT) (net principle).

Chart A of production costs

- 01.** Pre-production costs
- 02.** Rights and manuscripts
- 03.** Salaries/fees
 - Production staff
 - Director's staff
 - Equipment staff
 - Other staff, including staff for rigging and animation set-up, storyboarding, character conception and modelling, set conception and modelling, exposure sheets, pre-visualization, rotoscoping, tracking, motion capture, layout, animation, set construction, tracing, opaquing, colourization, lighting and rendering, compositing, visual effects, image and sound editing, mixing
 - Actors
 - Composer / musicians / Voiceovers / Narrators
 - Extra costs salaries
- 04.** Set
- 05.** Equipment and technology
- 06.** Travel and transport expenses
- 07.** Film material and editing
- 08.** Final completion (including additional costs for production of the German version of the film and foreign-language versions of the film, including the answer print)
- 09.** Insurance costs
- 10.** General project-related costs (see Chart B below)
- 11.** Contingency
- 12.** Trustee's fee

The general project-related costs of the production service provider shall include the individual kinds of costs listed in Chart B below.

Chart B of general project-related costs

- 01.** Minor expenses
- 02.** FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees if included in the production costs (usually initial distribution costs)
- 03.** Production press
- 04.** Telephone, postage
- 05.** Rent for office space

- 06. Office material
- 07. Entertainment expenses
- 08. Agent fees
- 09. Reproductions / Photocopies
- 10. Translations
- 11. Office equipment (rental)
- 12. Financing costs
- 13. Legal and tax advising
- 14. Fees for ecological consulting (“Green Adviser”)

3. Financing costs

In the costs estimate the financing costs to be proved may generally be stated with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account more than 8 percent above the relevant basic interest rate in force of the European Central Bank. No financing costs for the own funds of the production service provider may be stated.

4. Contingency fund

A contingency fund of up to 8 percent of the total amount of calculated kinds of costs Nos. 1–10 (production costs) in Chart A may be stated in the costs estimate.

5. Pre-production costs

The pre-production costs not eligible for recognition shall include costs for location scouting, underlying material/script development, costs for test shooting and preliminary negotiations, in each case insofar as they concern the general project development.

6. Travel expenses

Within the context of these Principles, the expenses rates for travel expenses may not be higher than the rates under collective agreements or tax law. Justified exceptions shall be permitted for top personnel.

7. Rebates, discounts, bonuses, sale or other disposal of materials

(1) Rebates and discounts shall be deducted from the relevant cost items in the final cost report. Discounts obtained through the producer’s own additional contributions outside the film project do not have to be deducted from the relevant cost items.

(2) Rebates and discounts shall be deducted from the costs for prints of the films subsidized. However, discounts and turnover-related bonuses obtained through additional own contributions outside the relevant procurement of prints do not have to be deducted.

(3) Income from the sale or other disposal of items (objects and rights) included among the production costs shall be stated as reducing the production costs.

8. Fee of the production service provider, special provisions on production service provider's own contributions and multiple participation

(1) The production service provider's fee shall amount to a maximum of 2.5 percent of the production costs of the project for which the production service provider is responsible, exclusive of the production service provider's fee, up to a maximum of EUR 125,000. If the German production costs amount to more than EUR 5 million, the production service provider's fee shall increase by EUR 25,000 per each additional EUR 1 million in German production costs, to a maximum of EUR 250,000. In special, justified exceptional cases the FFA managing board may permit exceptions. The recipient of the production service provider's fee shall be the natural person responsible for providing the production services.

(2) If the production service provider makes own contributions, such contributions may only be stated up to the prices customary on the market. If the contribution is in kind and list prices are available, these prices shall be reduced by 25 percent.

(3) If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the producer, the fee for the producer shall amount to a maximum of 2.5 percent of the total production costs (exclusive of the fee), not to exceed the amounts given in subsection 1, second sentence. In this case, no additional fee for the production service provider may be claimed.

(4) If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the director, the fee for the director shall amount to a maximum of 4 percent of the total production costs of the project for which the production service provider is responsible (exclusive of the fee).

(5) If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the line producer, the fee for the line producer shall amount to a maximum of 2.7 percent of the total production costs of the project for which the production service provider is responsible (exclusive of the fee).

(6) Other multiple participation by the natural person responsible for providing the production services within the production process of a film shall be subject to a 20 percent reduction in the fee rates.

SCHEDULE 3

TEST OF CHARACTERISTICS FOR FEATURE FILMS

The information “from Germany, another EU member state, another EEA contracting state or Switzerland” refers to the nationality of the natural person or his or her domicile¹ and the focus of his or her daily life in Germany, another EU member state, another EEA contracting state or Switzerland. At least four criteria from the “Cultural Content” category must be met. Only full points shall be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content

	Points
Film (fictional content/underlying material) is set mainly in Germany or in the German cultural area ² or in a fictional place	2
uses German motifs ³ (i.e. motifs that can be attributed to Germany, e.g. German architecture or landscapes, such as traditional cottages in the Black Forest) or fictional motifs	3
uses German locations ⁴	3
Lead character(s) of the underlying material is/was German ⁵ or is associated with the German language or cultural area	2
Storyline/underlying material is German ⁶	2
Storyline/underlying material is based on literary material,	2
Storyline/underlying material deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics)	2
A contemporary artist from a field other than filmmaking makes a significant contribution to the film	2
Storyline/underlying material is based on a historical figure (e.g. Gandhi) or a fictional figure familiar from cultural history (e.g. Hercules, Siegfried, Hansel and Gretel)	2
Storyline/underlying material refers to a historical event in world history or a similar fictional event (e.g. the conquest of Troy)	2
Storyline/underlying material deals with religious or philosophical beliefs or issues of current social or cultural relevance (e.g. Muslim headscarf, refugees, etc.), addresses different ways of life (e.g. nomads) or deals with scientific topics or natural phenomena	2
One final version is in German	3
Film is set mainly in another EU member state, another EEA contracting state or Switzerland	1
Film uses other European motifs (in the absence of German motifs or locations) or European motifs (in addition to German motifs or locations) ⁷	1
Lead character of the underlying material from another EU member state, another EEA contracting state or Switzerland	1
Total	30

2. Creative Talents

	Points
Internationally renowned film artist from Germany in an important role – “German stars” (meaning the persons listed below who have participated in a film which was entered in a festival according to Section 75 (2) of the Film Promotion Act or won an award as defined in Section 75 (2) of the Film Promotion Act)	4
Film artists of international standing from another EU member state, another EEA contracting state or Switzerland – “European stars” (meaning the persons listed below who have participated in a film which was entered in a festival according to Section 75 (2) of the Film Promotion Act or won an award as defined in Section 75 (2) of the Film Promotion Act)	2
Actors from Germany, another EU member state, another EEA contracting state or Switzerland (unless already covered under the “stars” definition) (max. 3 points) 1. leading actor (1 point) or 2. leading actor (1 point) or two supporting actors (1 point)	3
Creative talents from Germany, another EU member state, another EEA contracting state or Switzerland in a position of responsibility who, within the ten years before the start of shooting creatively contributed to a film made in Germany, another EU member state, or another EEA contracting state or shot with the participation of a producer from Germany, another EU member state, another EEA contracting state or Switzerland, or creative talents from Germany, another EU member state, another EEA contracting state or Switzerland making their first film:	
director	3
scriptwriter	3
producer/co-producer (natural persons)	3
composer	2
director of photography	2
editor	2
costume designer/lead animation artist	1
make-up artist/lead FX artist	1
sound recordist/sound designer	1
production designer/environment/digital matte painting artist	1
art director/lead shading/texturing artist	1

1 A person is domiciled where he/she has a residence in circumstances which permit the conclusion that he/she will keep and use the residence for his/her personal use.

2 The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

3 Motifs that are clearly German, no matter where they are shot (Frankfurt’s Renaissance City Hall, Reeperbahn in Hamburg, German Reichstag building in Berlin). The motif describes the place of action, meant to lead the viewer’s imagination in a certain direction.

4 German locations are those actually shot in Germany (a studio is not a location as referred to in these Guidelines. As opposed to a motif, the location is the place where imagination is transposed into a work of film.

5 The lead character is German in the sense of the test of characteristics if he/she is or is presumably a German national or (presumably) lives permanently in Germany.

6 The storyline/underlying material is German if it originated from a German-speaking author or from an author who lives permanently in Germany, or if it concerns issues relevant to Germany.

7 Motifs that are clearly German, no matter where they are shot. The motif describes the place of action, meant to lead the viewer’s imagination in a certain direction.

	Points
lead compositing artist	1
VFX producer	2
VFX supervisor	2
post-production supervisor	1
Total	35

A-Block total	65
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B- Block: Production⁸

Location shooting or studio shooting in Germany

	Points
(at least 50 percent of the total costs of shooting (= studio and location) and at least 70 percent of the total costs of any studio shooting spent in Germany)	12
(at least 25 percent of the total costs of shooting (= studio and location) and at least 70 percent of the total costs of any studio shooting spent in Germany)	(6)
If a live action shoot is done in Germany for which points can be acquired based on the above requirements regarding location or studio shooting in Germany, the following shall apply: 25 percent of digital effects (VFX) in Germany, based on the overall cost of digital effects (VFX): 1 point	max. 4
If no real shoot is done in Germany or a real shoot does not accrue points based on the above requirements regarding location or studio shooting in Germany, and either the VFX budget spent in Germany amounts to at least EUR 2 million and at least 20 percent of the total VFX budget, or 80 percent of the total VFX budget is spent in Germany	8
At least 25 percent of special effects (SFX) in Germany, based on the overall cost of special effects (SFX): 1 point	max. 4
80 percent of music recording in Germany	2
80 percent of sound editing and mixing in Germany	2
80 percent of laboratory work up to answer print in Germany	1
80 percent of post-production during shooting of the film in Germany	3
80 percent of final editing in Germany	3
Total	31

A- / B-Block total	96
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At least 48 out of 96 points from both categories are required

⁸ In case of financial aid pursuant to Part IV, the percentages refer to the share of the production service provider filing the application in the project.

SCHEDULE 4

TEST OF CHARACTERISTICS FOR DOCUMENTARY FILMS

The information “from Germany, another EU member state, another EEA contracting state or Switzerland” refers to the nationality of the natural person or his or her domicile⁹ and the focus of his or her daily life in Germany, another EU member state, another EEA contracting state or Switzerland. At least two criteria from the “Cultural Content” category must be met. Only full points shall be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content

	Maximalpunkte
Film mainly deals with or is set in Germany or the German cultural and language area ¹⁰ or with issues relating to Germany	4
Lead character(s) is/was German ¹¹ or is associated with the German language or cultural area	4
Film is shot in original German version or final version is in German	2
Film deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics)	1
Film focuses on a significant historical or contemporary figure	1
Film deals with an event in world history	1
Film deals with ways of life of people/minorities (e.g. material about nomads)	2
Storyline/underlying material deals with religious or philosophical issues or issues of current social or cultural relevance (e.g. discrimination, drugs, refugees, etc.)	2
Film deals with scientific topics or natural phenomena	2
Total	19

⁹ A person is domiciled where he/she has a residence in circumstances which permit the conclusion that he/she will keep and use the residence for his/her personal use.

¹⁰ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

¹¹ The lead character is German in the sense of the test of characteristics if he/she is a German national or lives permanently in Germany.

2. Creative Talents

Creative talents from Germany, another EU member state, another EEA contracting state or Switzerland in a position of responsibility who, within ten years before the start of shooting creatively contributed to a film made in Germany, another EU member state, another EEA contracting state or Switzerland or shot with the participation of a producer from Germany, another EU member state, another EEA contracting state or Switzerland, or creative talents from Germany, another EU member state, another EEA contracting state or Switzerland making their first film:

	Maximalpunkte
director	5
producer	3
screenwriter	3
director of photography	3
editor	3
composer	2
sound/music design	1
Total	20

A-Block total	39
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B- Block: Production

	Maximalpunkte
Location or studio shooting in Germany (at least 50 percent of the total costs of shooting spent in Germany) otherwise 1 point for each 10 percent	5
80 percent of digital effects in Germany	1
80 percent of music recording in Germany (50 percent = 1 point)	2
80 percent of sound editing and mixing in Germany (50 percent = 1 point)	2
80 percent of final picture editing in Germany (50 percent = 1 point)	2
80 percent of laboratory work up to answer print in Germany	1
Total	13

A-/ B-Block total	52
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At least 27 out of 52 points from both categories are required

SCHEDULE 5

TEST OF CHARACTERISTICS FOR ANIMATED FILMS AND FILMS WITH VIRTUALLY ANIMATED COMPONENTS

The information “from Germany, another EU member state, another EEA contracting state or Switzerland” refers to the nationality of the natural person or his or her domicile¹² and the focus of his or her daily life in Germany, another EU member state, another EEA contracting state or Switzerland. At least two criteria from the “Cultural Content” category must be met. Only full points shall be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content

	Maximalpunkte
Lead character was/is German ¹³ or is associated with the German cultural or language area ¹⁴	2
Storyline/underlying material is German or originates from the German language or cultural area ¹⁵	4
At least 50 percent of the storyline/underlying material takes place (either in reality or virtually) in Germany or another EU member state, another EEA contracting state or Switzerland or in a place attributed to Germany or another EU member state, another EEA contracting state or Switzerland or a fictional place	2
A final version is in German	2
Storyline is intended and suitable as children’s or youth film	3
Storyline/underlying material is based on literary material or is derived from traditional fairy tales/myths or legends	2
Storyline/underlying material is based on a historical figure (e.g. Gandhi) or a fictional figure familiar from cultural history (e.g. Hercules, Siegfried, Hansel and Gretel) or on a historical event in world history or a similar fictional event (e.g. the conquest of Troy)	4
Film deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics), or a contemporary artist from a field other than filmmaking makes a significant contribution to the film	4
Storyline/underlying material deals with religious or philosophical beliefs or issues of current social or cultural relevance (e.g. Muslim headscarf, refugees, etc.), addresses different ways of life (e.g. nomads) or deals with scientific issues or natural phenomena	2
Total	25

¹² A person is domiciled where he/she has a residence in circumstances which permit the conclusion that he/she will keep and use the residence for his/her personal use.

¹³ The main character is German in the sense of the test of characteristics if he/she is or presumably is a German national or (presumably) lives permanently in Germany.

¹⁴ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

¹⁵ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

2. Creative Talents

Creative talents from Germany, another EU member state, another EEA contracting state or Switzerland in a position of responsibility who, within the ten years before the start of shooting creatively contributed to a film made in Germany, another EU member state, another EEA contracting state or Switzerland or shot with the participation of a producer from Germany, another EU member state, another EEA contracting state or Switzerland, or creative talents from Germany, another EU member state, another EEA contracting state or Switzerland making their first film:

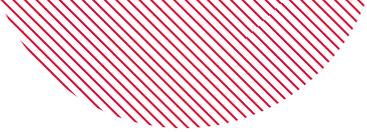
	Maximalpunkte
director	3
screenwriter or storyboard artist	3
producer/co-producer or VFX producer filing the application (natural person)	3
composer	3
VFX or animation supervisor	3
character designer / lead FX artist or lead animation artist	2
head of production design / background supervisor / lead environment artist or digital matte painting artist	2
voices (one point each for the first four principal characters)	4
sound designer	1
lead shading/texturing artist	1
editing or lead compositing artist	1
line producer or VFX producer not filing the application	1
Total	27
A-Block total	52

B- Block: Production¹⁶

	Maximalpunkte
1 point for each 10 percent of the total costs for animation/VFX work spent on animation/VFX work in Germany	10
80 percent of rigging or layout work in Germany	2
80 percent of previsualization in Germany	2
80 percent of digital environment or matte painting in Germany	2
80 percent of virtual camera work in Germany	2
80 percent of animatics in Germany	1
80 percent of simulations in Germany	2
80 percent of the following work in Germany: voice and sound editing; mixing or VFX asset creation	3
80 percent of music recording in Germany	2
80 percent of rendering in Germany	2
80 percent of compositing in Germany	2
80 percent of laboratory work up to the answer print or VFX editorial in Germany	2
Total	32
A-/ B-Block total	84

At least 42 out of 84 points from both categories are required

¹⁶ In case of financial aid pursuant to Part IV, the percentages refer to the share of the production service provider filing the application in the project.



SCHEDULE 6

TEST OF CHARACTERISTICS FOR DOCUMENTARY FILMS PRODUCED IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON CINEMATIC CO-PRODUCTION

The documentary film shall be produced in accordance with the European Convention and score at least 50 percent of the total points available in the following catalogue. The information “from Germany, another EU member state, another EEA contracting state or Switzerland” refers to the nationality of the natural person or his or her domicile¹⁷ and the focus of his or her daily life in Germany, another EU member state, another EEA contracting state or Switzerland.

	Maximalpunkte
Creative talents from Germany or the EEA:	
Director	3
Script	2
Camera	2
Research	1
Composer	1
Editor	2
Sound engineer	1
Production in Germany or another EEA contracting state:	
Shooting in Germany or another EEA contracting state	2
Post-production in Germany or another EEA contracting state	2
Total	16

¹⁷ A person is domiciled where he/she has a residence in circumstances which permit the conclusion that he/she will keep and use the residence for his/her personal use.

SCHEDULE 7

TEST OF CHARACTERISTICS FOR ANIMATED FILMS PRODUCED IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON CINEMATOGRAPHIC CO-PRODUCTION

The animated film must be produced in accordance with the European Convention and score at least 14 points in the following catalogue. The information “from Germany, another EU member state, another EEA contracting state or Switzerland” refers to the nationality of the natural person or his or her domicile¹⁸ and the focus of his or her daily life in Germany, another EU member state, another EEA contracting state or Switzerland.

	Maximalpunkte
Creative talents from Germany, another EEA contracting state or Switzerland:	
Concept	1
Script	2
Character designer	2
Composer	1
Director	2
Storyboard	2
Production designer	1
Background supervisor	1
Layout	2
Production in Germany, another EEA contracting state or Switzerland:	
50 percent of expenditures for animation work in Germany or another EEA contracting state	2
50 percent of colouring in Germany or another EEA contracting state	2
80 percent of compositing	1
80 percent of editing	1
80 percent of sound	1
Total	21

¹⁸ A person is domiciled where he/she has a residence in circumstances which permit the conclusion that he/she will keep and use the residence for his/her personal use.

SCHEDULE 8

VOLUNTARY DECLARATION OF COMMITMENT TO SUSTAINABLE, RESOURCE-EFFICIENT FILM PRODUCTION

By signing the declaration of commitment, the undersigned indicates his or her commitment to producing the film in the most environmentally friendly way possible. The undersigned agrees in particular to undertake the following measures:

Communication

Starting at the pre-production stage, all persons involved in the production shall be informed of possible and/or planned measures for a resource-efficient and environmentally friendly production and in particular the following areas of action (e.g. production office, transport, on location, equipment and set design, catering, etc.) and actively invited to identify further suitable measures where appropriate. For this purpose, information material on resource-efficient film production is available on the DFFF website. The undersigned shall further examine whether it would be useful to engage an environmental consultant (“Green Adviser”).

Resource-Efficient Equipment

Minimization and environmentally sound disposal of electrical waste, use of ecologically safe materials for props and equipment wherever possible, maximum recycling of props and equipment.

Catering

Avoid use of disposable tableware and consistently sort waste. Regional and seasonal products and local water resources should be used.

Production Office

Minimize the use of paper; use environmentally friendly paper, print paper on both sides, use electronic planning and scheduling tools, consistently sort waste and use renewable electricity if possible. In the case of temporary production offices use leased or second-hand furniture.

Transport/Mobility

Rely on carpooling wherever possible; avoid air travel; use rail services in Germany and abroad.

Lighting/Technology

Use energy-efficient lighting and solid and/or rechargeable power sources on the set; avoid the use of generators.

It is recommended that a CO2 footprint be produced and submitted if possible.

Upon finalization of the answer print at the latest and before the final instalment is disbursed, the undersigned shall submit a brief report to the funding agency, outlining the areas of action in which and the measures by which the objective of a sustainable, environmentally friendly production process was achieved and identifying possible areas for improvement.

CONTACT

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