

Support Guidelines Film Industry Support Austria

Guidelines for Financial Support Schemes issued by the Federal Minister for Digital and Economic Affairs in Agreement with the Federal Minister of Finance

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The Film Location Act (Filmstandortgesetz), Federal Law Gazette I no. 40/2014, and the ordinance of the Federal Minister of Finance on general framework regulations for awarding federal support (Allgemeine Rahmenrichtlinien für die Gewährung von Förderungen aus Bundesmitteln – ARR 2014) Federal Law Gazette II no. 208/2014 are integral parts of the present Guidelines by Film Industry Support Austria.

Said Guidelines for financial support schemes are subject to the Commission Regulation (EU) no. 651/2014 declaring certain categories of aid compatible with the internal market in application of articles 107 and 108 of the Treaty on the Functioning of the European Union, Official Journal of the EU no. L 187 of 26 June 2014, page 1 (the GBER – General Block Exemption Regulation) and based on the Communication from the Commission on State Aid for Films and Other Audiovisual Works 2013/C 332/01 of 15 Nov 2013.

Financial support is provided by the Federal Government, represented by the Federal Minister for Digital and Economic Affairs, who uses the services of Austrian Business Agency – Österreichische Industrieansiedlungs- und WirtschaftswerbungsgmbH (hereinafter called ABA) and Austria Wirtschaftsservice Gesellschaft mbH (hereinafter called aws) to manage such financial support schemes.

Implementation of the relevant financial support scheme must comply with the following Guidelines to be issued in agreement with the Federal Ministry of Finance.

Object and Purpose of Financial Support

§ 1. (1) As far as film as a cultural asset is concerned, the object of such financial support is to improve the framework for the film industry, to maintain and promote the competitiveness of film businesses and to provide sustained impetus to the location for producing films, to enhance international co-operation by co-productions as well as to improve the exploitation of supported films.

(2) Another object of such financial support is to improve Austria's attractiveness as a location for film-making as measured by the number of Austrian-foreign co-productions, the number of international productions, the total amount of principal filming realised in Austria and the total amount of money spent in Austria as compared to the amount of financial support received.

(3) The purpose of financial support is to facilitate the financing of films by awarding financial aid. This is intended to provide filmmakers with higher production budgets allowing them more artistic leeway in order to foster the quality, attractiveness and thus the dissemination of films. Improving the financing of films for production companies is a precondition for ensuring a creative and successful European film culture in the long term.

(4) In addition, such financial support is intended to be used as an additional contribution to the improvement of equal opportunities among all genders within the film industry.

Subject of Financial Support

§ 2. (1) Financial support is awarded to cinematographic feature films. A feature film is one that runs at a minimum length of 70 minutes or, in the case of children's films, 59 minutes.

(2) Financial support is awarded to Austrian productions, joint Austrian–foreign productions (hereinafter called co-productions) and international productions.

(3) A project is considered an Austrian production under the present Guidelines if:

1. the applicant for support produces a film in their own name and at their own expense and bears responsibility for the implementation of the film project,
2. the persons in charge of making artistic or administrative decisions in the process of making said film hold EEA citizenships while the majority of the remaining crew members also hold EEA citizenships,
3. a final version of said film is produced in German, with the exception of dialogue and song lyrics for which the screenplay expressly dictates the use of a foreign language for plot reasons, and
4. shooting for said film takes place in Austria, with the exception of shoots abroad that are required for reasons related to its content.

(4) A project is considered a co-production under the present Guidelines if

1. the applicant for support is adequately involved in said project pursuant to § 3, and
2. the project complies with the regulations of an intergovernmental film agreement and/or the European Convention on Cinematographic Co-Production.

If no such agreement exists, the project is considered a co-production if the Austrian involvement in financial, licencing, artistic and technical terms is at least 20 per cent in each case. The Advisory Board may recommend an exception to the supporting body based on a substantiated request by the applicant for support pursuant to § 15 (8), if the Austrian share is at least 10 per cent.

(5) A project is considered an international production under the present Guidelines if

1. principal shooting takes place at least in part in Austria, but the project does not comply with the requirements for productions pursuant to § 2 (3) and/or (4), and
2. the production company that is mainly responsible does not have its base in Austria, but commissions the applicant for support pursuant to § 4 to realise the project or produce part of the product in Austria.

(6) The term 'principal shooting' as referred to in the present Guidelines includes actual days of shooting as well as virtual days of shooting to produce digital effects (hereinafter called VFX) and animation.

General Conditions for Financial Support

§ 3. (1) Realising the project must be completely unfeasible or feasible only in an insufficient manner without financial support pursuant to the present Guidelines. This presupposes a need for financing on the part of the applicant for support at least on the level of the amount awarded. Applied to international productions, it means that production in Austria is completely unfeasible or feasible only in an insufficient manner without such financial support.

(2) The project must appear to be financially secured factoring in such support pursuant to the present Guidelines. The applicant for support has to prove this using appropriate documents, in particular by presenting a cost, time and financing plan.

(3) The following projects are excluded from consideration for financial support:

1. projects produced on commission,
2. projects for which financial support is requested by a television broadcaster or its affiliate,
3. projects in violation of applicable European Union law or the Constitution and laws of the Republic of Austria, and
4. projects in violation of human rights, projects offending religious or moral sensitivities and projects glorifying violence.

Eligibility Conditions for Financial Support

§ 4. (1) Eligible applicants are film production companies with sufficient technical, i.e. artistic and business, qualifications and experience which are independent and have an operation or branch office in Austria, irrespective of the location of their principal business, provided it is located within the European Economic Area, or companies established for the sole purpose of making a film, and provided that applicants produce sustainable cultural properties of a specifically European character in the field of film. Any company set up for the sole purpose of making a film must have been established by the time the application is submitted. The technical preconditions to be met by the applicant for support shall be assessed with due regard to the scope and nature of the project to be supported.

Film production companies are not regarded as independent especially if a majority shareholder of the production company is a television broadcaster. Broadcasters shall assuredly be considered 'majority shareholders' if a single television broadcaster holds more than 25 per cent of shares or voting rights or if two or more television broadcasters together hold more than 50 per cent of shares or voting rights.

(2) Film production companies pursuant to §4 (1) are responsible for making the film up to the delivery of the first screenable copy or, in the case of co-productions, they are co-responsible and actively involved in making the film.

(3) In the case of an international production, the applicant's responsibility, i.e. the responsibility of the executive production company, is limited to the realisation of the project or the production of part of its product in Austria. The executive production company is responsible both for acquiring the technical and artistic means for implementation and for securing and overseeing production as well as for the production costs thereby incurred in Austria.

(4) The applicant for support must have made at least one comparable reference film in a Member State of the European Union or any other country party to the Agreement on the European Economic Area, either as a company or as a person, within the past five years preceding the application for support in the role of the producer of the film and must have released this film for adequate commercial exploitation.

(5) A company which is subject to an outstanding recovery order following a previous decision by the European Commission declaring an aid illegal and incompatible with the internal market shall not receive any financial aid pursuant to article 1 (4) lit a of the General block exemption Regulation (the GBER) until the illegal and incompatible aid has been fully reversed.

(6) A company in difficulty pursuant to article 1 (4) lit a GBER shall not receive any financial support.

Regulations for Austrian Productions and Co-Productions

§ 5. (1) The total production costs according to Annex 1 of the project must be at least **EUR 2 million** for fictional films and at least **EUR 330,000** for documentaries.

(2) Fictional films can be exempt from said minimum threshold if they are film debuts, provided that said project under application for support has been granted production support by the Austrian Film Institute and provided that the overall production costs are least **EUR 1 million**. Film debuts as referred to in the present Guidelines are directorial debuts, i.e. they constitute the first directorial work by film-makers at the onset of their film-making career on a cinematographic (fictional) feature film, for which they have sole responsibility.

(3) Any contingency amount as well as withheld personal contributions exceeding 10 per cent of the production cost share to be financed by the applicant for support shall remain disregarded as for the reaching of the respective minimum thresholds according to (1) and (2).

(4) The production costs according to Annex 1 eligible for support must be at least **EUR 1 million** for fictional films, with at least **EUR 800,000** being sufficient for co-productions and film debuts. For documentaries, the production costs according to Annex 1 eligible for support must generally be at least **EUR 100,000**, with at least **EUR 80,000** being sufficient for co-productions.

(5) In addition, fictional films must prove principal shooting in Austria in the amount of at least five actual days of shooting. Partly or fully animated films are exempt from said rule.

(6) The applicant for support undertakes to produce a final version in German of the film receiving financial support. It is sufficient for said mandatory German version of the film to be a version with German subtitles suitable for adequate commercial exploitation. Moreover, the applicant has to ensure that a final version e.g. on DVD with German subtitles for people with hearing impairment and with German audio description for people with visual impairment is produced (accessibility).

(7) The applicant for support undertakes to ensure adequate commercial exploitation in cinemas within a year after completing the supported film. Said intended exploitation has to be credibly set out by a plausible exploitation plan and by letters of intent. The applicant for support must report to aws immediately upon completion. The deadline for exploitation begins on the date when completion is reported to aws.

(8) The applicant for support undertakes to provide a technically immaculate copy of the film in a format suitable for archiving free of charge immediately upon completion of the film, unless this obligation has already been met in keeping with other applicable regulations. Said copy shall be stored by Filmarchiv Austria for the purpose of preserving the country's cultural film heritage. The applicant for support must make a copy of the depositing confirmation from Filmarchiv Austria available to aws.

(9) The vesting periods active in Austria must generally be met, in particular if they apply to the relevant project due to other applicable regulations. The purpose of vesting periods is to protect the individual stages of exploitation beginning with a film's theatrical release in Austria.

(10) The applicant for support has to contribute their own share in financing the project, which must not be financed through public means. Said own contribution must be adequate in relation to the scope of the project and the applicant's financial resources of. It can be contributed through the applicant's own funds, funds lent to the applicant, priceable non-material contributions, distribution or sales guarantees as well as through any revenue from the selling of rights and licences. Said share of funds contributed by the applicant for support has to be at least 2.5 per cent of the entire budget and has to be introduced in cash. In the case of an Austrian–foreign co-production, said obligatory cash shall be determined based on the applicant's share in production cost to be financed according to Annex 1 (3).

(11) Financial support based on the present Guidelines is also possible if the project is already receiving support through public funds from other sources, unless this is precluded based on other applicable regulations. The sum of all supporting amounts for the same costs to be supported must not exceed the established maximum limits for financial support according to articles 53 and 54 GBER (cumulation of support funds).

(12) A maximum of 10 per cent of annually available funds may be used to support film debuts according to paragraph (2).

Regulations for International Productions

§ 6. (1) The overall production costs of the project according to Annex 1 must be at least **EUR 4 million** for fictional films and at least **EUR 500,000** for documentaries.

(2) Fictional films must prove at least **EUR 200,000**, documentaries at least **EUR 80,000** of production costs eligible for support according to Annex 1.

(3) In addition, fictional films must prove principal shooting in Austria in the amount of at least five actual days of shooting. Animated films are exempt from this rule.

(4) International productions are supposed to be designed and suitable for international theatrical exploitation. The desired commercial exploitation has to be credibly set out. The applicant for support has to ensure that a final version of the supported film is produced in German. It is sufficient for said mandatory German version of the film to be a subtitled version in any official language of the EEA.

(5) The applicant for support has to contribute their own share in financing the project, which must not be financed through public means. Said own contribution must be adequate in relation to the scope of the project and the applicant's financial resources. It can be contributed through the applicant's own funds, funds lent to the applicant or priceable non-material contributions.

(6) No other federal public funding can be used for international productions. Cumulation with public funds from the provincial governments is allowed, unless it is precluded under any other applicable regulations. The sum of all supporting amounts for the same costs to be supported must not exceed the established maximum limits for financial support according to articles 53 and 54 GBER (cumulation of support funds).

(7) A total of up to 20 per cent of the annually available funds may be used to support international productions.

Cultural Test

§ 7. (1) To ensure the cultural purpose of support, ABA will conduct a Cultural Test. Financial support will be awarded only if the project meets the required number of criteria listed in Annexes 2 and 3 and scores the respective minimum number of points required therein.

(2) Cultural Test according to Annex 2 for Austrian productions and co-productions: To ensure their cultural character, fictional films must meet at least four, animated (fictional) films must meet at least three, and documentaries must meet at least two of the criteria listed in Part A, "Cultural Content" in Annex 2. Moreover, in order to qualify for financial support, a fictional film must score at least 51 points, an animated (fictional) film must score at least 46 points, and a documentary must score at least 36 points out of a possible 102 points in all parts of Annex 2.

(3) Cultural Test according to Annex 3 for international productions: To ensure their cultural character, projects must meet at least two of the criteria listed in Part A, "Cultural Content" in Annex 3 and score at least 38 out of a possible 76 points in all parts of Annex 3.

Nature, Scope and Level of Financial Support

§ 8. (1) Support is provided in the form of a non-repayable grant.

(2) The basis for calculating the extent of said grant are the production costs eligible for support according to Annex 1, but not more than 80 per cent of the overall production costs.

(3) Said grant generally amounts to a maximum of 20 per cent of the production costs eligible for support for Austrian productions and a maximum of 25 per cent of the production costs eligible for support according to Annex 1 for co-productions. In the case of an international production, said grant shall amount to a maximum of 30 per cent of the production costs eligible for support according to Annex 1.

(4) For co-productions, said grant shall amount to up to 55 per cent exclusively for that portion of the production costs eligible for support according to the annex which exceeds the share of production costs to be financed by the applicant, which can only be taken into account at an amount that is at least **EUR 100,000**, but does not exceed **EUR 1 million**.

(5) Said grant shall be raised by a lump sum of up to EUR 25,000 for Austrian productions and co-productions as part of the so called Gender Gap Financing programme regardless of (2) through (4) (maximum amounts of grant), if the project meets a target share of female employees as defined in Annex 4.

(6) The financial support for a single project is generally not allowed to exceed an amount equalling 15 per cent of the annually available funds. In the case of a film debut pursuant to § 5 (2), the financial support for a single project must not exceed **EUR 250,000**, in which case the Gender Gap Financing programme according to paragraph (5) shall be disregarded. The Advisory Board may recommend an exception to said regulations to the supporting body based on a substantiated request by the applicant for support.

(7) Should the contractually agreed-upon production costs eligible for support and/or the applicant's production costs be undershot, the granted financial aid shall be reduced accordingly.

Submission of Application

§ 9. (1) Written applications for support shall be submitted electronically to aws with all information and documents required to prove compliance with the conditions for support. Applications based on the present Guidelines may be submitted until 31 Oct 2022.

(2) Projects for which principal shooting is begun before submission of an application will not be eligible for support. In the case of an international production, this applies to the beginning of shooting in Austria. In the case of virtual shooting, principal shooting shall begin on the first day of virtual shooting and/or the first day of production of digital assets, if the latter takes place before the first day of virtual shooting.

(3) The approved reference date for the production costs eligible for support is the date on which the application is submitted.

(4) In the application, applicants must provide credible proof or satisfactory explanation regarding eligibility for support and the overall financing of the project. In the latter case, said proof is the condition for the delivery of an offer of support.

(5) Applications shall be considered in their order of arrival at aws.

(6) If the application for support is incomplete or does not meet the requirements regarding credibility or proof of eligibility for support, aws may declare a deadline for completing the application for support. If the application is not completed, or if the missing data or documents are not filed within the set deadline, the application shall be regarded as not submitted.

(7) If, in the case of a co-production, multiple film production companies meet the conditions for support, the application for support may only be submitted by one of those. The film production companies involved in the co-production have to agree on one applicant for support and include with the submitted application a respective declaration stating the name of said selected applicant for support, the intended use of the supporting funds, compliance with the respective modalities and the conditions for support as well as the intention of joint liability pursuant to § 891 Austrian Civil Code (Allgemeines Bürgerliches Gesetzbuch) for any case in which the support funds have to be paid back.

(8) All documents included in the application for support will remain with the supporting body or the handling institutions, unless they are originals. If originals have been submitted with the application, these will be returned to the applicant for support within due course.

(9) If documents are not originally available in German, aws may request from the applicant a translation of the documents by a certified translator or a summary of all those contents essential to the processing of the application for support, the accuracy and completeness of which must be confirmed by the applicant for support.

(10) The applicant for support undertakes to indicate, as part of the submission of their application, which instances of support from public funds, including EU funds, have been awarded for the same effort within the past three years prior to the submission of said application, even if they were awarded for a different purpose, and for which such instances of support applications have been or will be submitted with a different budget unit of the federal government or any different legal entity including other territorial entities and the European Union, even if the granting of these has not yet been decided. Said obligation to notify of support applied for is subsequently active until the supported project is completed.

(11) In the course of the submission of their application and in the support agreement, the applicant for support furthermore has to confirm their compliance with the Federal Equal Treatment Act (Bundesgesetz über die Gleichbehandlung), the Federal Disability Equality Act (Bundesgesetz über die Gleichstellung von Menschen mit Behinderungen) and the Non-Discrimination Act pursuant to § 7b Disability Hiring Act (Behinderteneinstellungsgesetz) as amended in realising the project.

Decision on Awarding Financial Support

§ 10. (1) Decisions are made by the Federal Minister for Digital and Economic Affairs based on the results of reviews undertaken by ABA and aws. ABA is responsible for reviewing eligibility criteria as part of the Cultural Test, while aws is responsible for reviewing whether all eligibility criteria are met. Both ABA and aws have to phrase a recommendation as to whether or not the application is worthy of support and present this recommendation to the supporting body for approval.

(2) Complete applications for support are typically processed within no more than seven weeks.

(3) The decision on whether or not to award support has to be communicated to the applicant for support in writing by aws. If support is granted, aws has to deliver to the applicant for support a terminable support offer. If the applicant for support accepts the support offer including any restrictions and conditions within the set term, the support agreement comes into effect.

(4) If an application is rejected, aws will inform the applicant for support in writing of the major reasons for said decision.

(5) The applicant for support is obligated to notify aws immediately of any deviations from the application for support. If the deviations are of a significant nature, reasons have to be stated.

(6) There is no legal entitlement to be awarded financial support. Support will be awarded in accordance with available budget funds.

(7) Awarded support must not be used for building up reserves or provisions pursuant to the 1988 Income Tax Act (Einkommensteuergesetz, EstG 1988), Federal Law Gazette no. 400, or the Austrian Commercial Code (Unternehmensgesetzbuch), dRGBL. S 219/1897.

Disbursement

§ 11. (1) Disbursement modalities for Austrian productions and co-productions: Support funds will be transferred once the terms and conditions related to the support agreement are met, and with due regard to the project's progress and support requirements. Disbursement will typically take place in three instalments: 40 per cent when shooting begins, 40 per cent when the rough cut is submitted and 20 per cent after the final review of the project. Review of the use of the funds by submitted evidence shall be conducted by aws. If multiple Austrian support institutions are involved in the project, the review may be conducted on a mutual level. The applicant for support may request, based on a financing requirement schedule, a different distribution of instalments; however, the last instalment must amount to at least 10 per cent of the total support amount.

The following must be submitted before the first instalment of funds is disbursed:

- the appropriately signed support offer;
- proof that the terms and conditions related to the support agreement are met;
- suitable evidence of when shooting will begin.

The following must be submitted before the second instalment of funds is disbursed:

- tangible proof, i.e. a breakdown of all earnings and spending in connection with the supported project as evidenced by invoices and receipts. To confirm partial completion of the project, an intermediate accounts balance including a list of actually incurred production costs eligible for support as well as an updated financing plan have to be submitted. Said tangible proof has to include a comparison of budget figures with actual figures.
- suitable evidence of a completion of shooting and the rough cut.

The following must be submitted before the third instalment of funds is disbursed:

- tangible proof, i.e. a breakdown of all earnings and spending in connection with the supported project as evidenced by invoices and receipts. A final accounts balance including a list of actually incurred production costs eligible for support, drawn up and signed by the applicant for support, as well as the final financing plan have to be submitted. Discounts and deductibles have to be deducted from the respective

cost positions of the final accounts balance. Proceeds from the sale of objects (materials and rights) included in the production costs, insurance benefits and/or returns of premiums, advertisement and contributions by sponsors have to be accounted for as cost-cutting. Said tangible proof has to be produced by collated accounting as evidenced by original invoices and receipts and by relevant records of priceable personal contributions and must include a comparison of budget figures with actual figures. In the case of a co-production, a final accounts balance signed by all co-producing companies and a final financing plan for the overall production costs have to be submitted.

- suitable evidence of the German language version, the accessible version and adequate exploitation and archiving pursuant to § 5 (6) through (8). A respective copy on a standard storage volume (such as a DVD) has to be delivered to aws.

(2) Disbursement modalities for international productions:

The support funds are paid in two instalments following compliance with the terms and conditions related to the support agreement: 30 per cent are paid when shooting begins, the remaining 70 per cent are paid following the final review of the project. Review of the use of funds will be conducted by aws.

The following must be submitted before the first instalment of funds is disbursed:

- the appropriately signed support offer;
- proof that the terms and conditions related to the support agreement are met;
- suitable evidence of when shooting in Austria will begin.

The following must be submitted before the second instalment of funds is disbursed:

- tangible proof, i.e. a breakdown of all earnings and spending in connection with the supported project as evidenced by invoices and receipts. A final accounts balance including a list of actually incurred production costs eligible for support, drawn up and signed by the applicant for support (regarding the costs of implementation in Austria), has to be submitted. Discounts and deductibles have to be deducted from the respective cost positions of the final accounts balance. Proceeds from the sale of objects (materials and rights) included in the production costs, insurance benefits and/or returns of premiums, advertisement and contributions by sponsors have to be accounted for as cost-reducing. Said tangible proof has to be produced by collated accounting as evidenced by original invoices and receipts and by relevant records of priceable personal contributions and must include a comparison of budget figures with actual figures.

- suitable evidence of the days of shooting in Austria as well as of a final version in an official language of the EEA (a subtitled version is sufficient) pursuant to § 6 (3) through (4).

Ceasing and Repayment of Support Funds

§ 12. (1) The applicant for support is obligated – under the caveat of enforcing farther-reaching legal titles, in particular a repayment obligation pursuant to § 30b Foreign Nationals Employment Act (Ausländerbeschäftigungsgesetz) – to immediately repay the support funds upon written request by the supporting body, by aws or by the European Union and the right to granted and not yet paid-out support funds ceases, if, in particular:

1. federal or European Union bodies or agents have been incorrectly or incompletely informed of essential facts by the applicant for support;
2. the applicant for support has failed to make the requisite reports, to submit evidence, or to provide required information, provided that in such cases a written reminder with appropriate deadline and express mention of the legal consequence of non-compliance has been unsuccessful, and other notifications set out in the present directive have been disregarded.
3. the applicant for support has failed to report on their own initiative and without delay – in any case before any review or its announcement – any events which delay or frustrate the implementation of the supported accomplishment, or which would require changes thereto, in particular if:
 - a) proper financing of the project is no longer guaranteed;
 - b) shooting failed to begin within six months after the support agreement has been made. However, aws may grant a substantiated request by the applicant to postpone the start of shooting and/or to extend the scheduled duration of the project;
4. intended control measures are obstructed or prevented or the right to receive support can no longer be validated within the period of time scheduled for the storing of documents,
5. the support funds have been entirely or partially used in a manner adverse to their dedicated cause,
6. the project is no longer able to be implemented or will not be able to be or has not been implemented in due time,

7. the assignment ban, the directive ban, the pawning ban or any other restriction pursuant to § 24 (2) 11 general framework regulations for awarding federal support (Allgemeine Rahmenrichtlinien für die Gewährung von Förderungen aus Bundesmitteln – ARR 2014) has been violated,

8. the regulations of the Equal Treatment Act have not been followed by a supported company,

9. the Federal Disabilities Equality Act or the Non-Discrimination Act pursuant to § 7b Disability Hiring Act is being disregarded,

10. bodies of the European Union are demanding disruption or revocation, or

11. other eligibility criteria, terms or conditions for support, in particular those intended to ensure achievement of the purpose of support, have not been met.

(2) Instead of a complete revocation as set out in (1), merely partial ceasing or repayment of support funds may be conducted in individual cases, if

1. obligations of the applicant for support are dividable and the achieved partial contribution is in itself worthy of support,

2. the applicant is not at fault for the cause for revocation, and

3. the supporting body continues to be able to reasonably uphold the support agreement.

(3) the repayable amount will be subject to 4 per cent interest p.a. based on the compound interest method beginning on the date of disbursement. If said interest rate is below the interest rate stipulated for revocations by the European Union, the European Union interest rate shall apply.

(4) If repayment of the support funds is delayed, default interest of 9.2 per cent above the applicable basic interest rate p.a. shall be stipulated beginning with the start of the delay. The basic interest rate applicable on the first calendar date of each half-year shall be relevant for the respective half-year.

(5) If the accomplishment will be able to be or has been achieved only partially without any fault on the part of the applicant for support, the supporting body can waive the revocation or repayment of the support funds dedicated to the accomplished part of the project, if the accomplished part of the project is in itself worthy of support.

(6) The applicant for support is obligated to repay unused support funds after completion and settling of accounts of the supported project while charging interest of 2 per cent

above the applicable basic interest rate p.a., beginning on the date on which the support funds were paid. In the case of delay, paragraph (4) shall be applied. Support funds are liable for repayment if the contractually agreed-upon production costs eligible for support, i.e. the applicant's production costs, are undershot and the accordingly reduced support amount in turn undershoots the amount equalling the already paid-out support funds.

(7) The granted support may be reduced to the extent admissible pursuant to § 3 (1) (incentive effect):

1. if the applicant receives support for the same accomplishment, albeit for a different purpose, from a different federal body or a different legal entity including other territorial entities, which was not known at the time of granting the original support, or

2. if they make or are able to make a higher personal contribution than originally agreed, unless a contractual change is deemed expedient by the supporting body or by aws. A reduction shall be refrained from, if the amounts according to 1 and 2 are necessary to achieve the originally agreed and financially supported accomplishment. If the support funds have already been paid, they shall be revoked accordingly. (1) and (2) shall remain untouched, while (3) and (4) will be applied *mutatis mutandis*.

3. if the contractually agreed production costs eligible for support, i.e. the applicant's production costs, are undershot. The support funds will typically be reduced according to the percentage-wise higher deviation.

(8) For co-productions with more than one Austrian film production company involved, the Austrian co-producing companies will be jointly and severally liable for the repayment of the support funds. In any case, the co-production agreement has to contain appropriate provisions to said end.

Information Requirements

§ 13. (1) The applicant for support is obligated

1. to report to aws, on his own initiative and without delay, any events which delay or frustrate the implementation of the project, or which would require changes to the application for support or the agreed terms and conditions, and to comply with its reporting requirements without undue delay.

2. to permit inspection of books, invoices and receipts as well as any other records required to review achievement of the accomplishment on their own or on third-party premises and to grant access for on-site inspections, to provide or have provided all information required

and to assign a suitable respondent to said matter. The reviewing body will decide about the relevance of the respective documents for the accomplishment.

3. to keep all books, invoices and receipts as well as other records listed in 2 in safe custody and in an orderly manner for ten years beginning with the end of the calendar year in which the complete support funds were paid out, but at the very least beginning with the achievement of the accomplishment; in cases in which other terms beyond the above apply in European Union law, those shall apply. In general, suitable media for image and data may be used for storage, if a possible rendition of the records in a manner that is complete, orderly, identical in content, true to the original and verifiable is guaranteed at any time until the storage obligation expires.

4. to provide any other information required to assess the achievement of the support objectives pursuant to the present Guidelines and to submit to aws the respective documents, in particular regarding costs, earnings and box-office figures relating to the supported project.

Privacy

§ 14. (1) Use of data:

1. The applicant for support has to be advised, both in the application for support and in the support agreement, that the supporting body and aws as the handling institution are authorised, as the controlling entities pursuant to Art. 26 GDPR (the controllers),

- to use those personal data acquired in connection with the initiation and processing of the agreement the use of which is necessary for the performance of a task vested in the supporting body and/or in aws, which is carried out in the public interest (Art. 6 (1) lit e GDPR), for compliance with a legal obligation (Art. 6 (1) lit c GDPR), for purposes of the performance of the agreement or in order to take steps prior to entering into said agreement (Art. 6 (1) lit b GDPR) or else for purposes of the legitimate interests pursued by the controllers or a third party (Art. 6 (1) lit. f GDPR);
- to collect personal data necessary for the assessment of compliance with the eligibility criteria for support and for the review of proof of use pursuant to § 12 and/or section 8 of the 2014 general framework regulations for awarding federal support (Allgemeine Rahmenrichtlinien für die Gewährung von Förderungen aus Bundesmitteln – ARR 2014) beyond information volunteered by the applicant also from the other federal bodies in question or another legal entity that grants and handles relevant support or from any other third parties and to relay such information to

said entities, who are in turn authorised to process personal data required for such requests and to provide information;

- to conduct Transparency Portal queries pursuant to § 32 (5) of the 2012 Transparency Database Act (Transparenzdatenbankgesetz – TDBG 2012).

2. The applicant for support has to be advised that, in the course of such use, it is possible that personal data must be transferred or disclosed to bodies and agents of the Federal Ministry of Finance (in particular pursuant to §§ 57 through 61 and 47 of the 2013 Federal Budget Act (Bundeshaushaltsgesetz 2013), Federal Law Gazette no. 139/2009 as well as § 14 of the ARR 2014, as amended), the Court of Auditors (in particular pursuant to § 3 (2), § 4 (1) and § 13 (3) of the 1948 Court of Auditors Act (Rechnungshofgesetz 1948), Federal Law Gazette no. 144/1948, as amended), bodies and institutions of the European Union pursuant to the regulations of European law as well as KommAustria pursuant to the regulations of the Media Transparency Act (Medientransparenzgesetz), Federal Law Gazette I no. 125/2011, as amended, the legal grounds for which being in each case either compliance with a legal obligation (Art. 6 (1) lit. c GDPR) or the performance of a task in the public interest (Art. 6 (1) lit. e GDPR).

3. Where the applicant for support is a physical person, the application for support and the support agreement have to contain information relating to data processing pursuant to Art. 13 and Art. 14 GDPR (data processing information).

4. The applicant for support has to confirm that the disclosure of data relating to physical persons to the supporting body or to aws as the handling institution is in accordance with the provisions of the GDPR and that the applicant for support has notified or will notify the persons concerned of the fact that their data has been obtained by the collectors (data processing information pursuant to 3)

(2) Declaration of consent: In case any use of data exceeding (1) is required and use of said data is not per se allowed, it has to be stipulated that the applicant for support expressly agrees pursuant to Art. 6 (1) lit. a and Art. 9 (2) lit. a GDPR that said data may be used by the collectors for such additional purposes. The declaration of consent has to contain a list stating which data may be used for which purpose. Withdrawal of said declaration of consent by the applicant for support is allowed at any time. To be effective, however, such withdrawal must be declared to aws in writing. Any further use of said data shall then be ceased immediately upon receipt of said withdrawal by aws without prejudice to any applicable legal obligations of communication.

Advisory Board

§ 15. (1) The Federal Ministry for Digital and Economic Affairs establishes an Advisory Board which advises the Federal Minister for Digital and Economic Affairs and issues recommendations in particular regarding the design of the criteria for awarding support and, in specific cases, regarding individual applications for support.

(2) Members of the Advisory Board include one representative each from the following bodies:

1. the Federal Ministry for Digital and Economic Affairs;
2. the Federal Ministry of Europe, Integration and Foreign Affairs;
3. the Federal Chancellor's Office;
4. the Austrian Film Institute;
5. Austria Tourism (Österreich Werbung);
6. the Austrian Economic Chamber;
7. up to five experts in the field of the film industry, who are to be appointed by the Federal Minister for Digital and Economic Affairs in agreement with the Federal Chancellor's Office.

(3) A substitute is appointed for each member to represent said member if they are indisposed.

(4) The Advisory Board members are each appointed by the Federal Minister for Digital and Economic Affairs for a period of three years. Re-appointments are allowed.

(5) The Advisory Board has to adopt its own rules of procedure, which are to be approved by the Federal Minister for Digital and Economic Affairs. The Board is chaired by the representative of the Federal Ministry for Digital and Economic Affairs.

(6) An Advisory Board member's duty shall be dormant during discussions and decision-making processes regarding points on the agenda which relate to the support of a project for which such members themselves or a legal person of which such members are representatives or employees appears as the applicant or in which business interests of such members are concerned.

(7) The Advisory Board shall convene every six months or at the request of ABA or aws or any of its members. A meeting is deemed to be duly convened if the invitation to the meeting is received by the Advisory Board members no later than three weeks before the date of the meeting.

(8) Upon substantiated request by the applicant, the Advisory Board may recommend exemptions from the requirements of § 2 (4) (“Austrian involvement in co-productions”) and § 8 (6) (“maximum amount of support funds”).

(9) At the beginning of each funding year, the Advisory Board may make recommendations applicable to the respective funding year regarding

1. the maximum level of support pursuant to § 8 (3) and (4);
2. the use of a certain percentage of the available funds, which may not fall below one per cent, for purposes of public relations.

(10) Upon substantiated request by ABA or aws, the Advisory Board may issue a recommendation regarding the provisions pursuant to § 5 (12) for film debuts (fictional films) and § 6 (7) for international productions.

(11) Decisions in the Advisory Board shall be taken by a majority of votes. In the case of a tie, the chairperson shall have the deciding vote. The Advisory Board has a quorum when at least half of its members are present. Decisions taken by circulation require a two-thirds majority of the votes cast.

(12) The work of members and substitute members shall be pro bono.

Evaluation

§ 16. (1) A monitoring system shall be in effect for the purpose of programme evaluation. Support measures based on the present Guidelines shall be evaluated on a federal level in co-operation with ABA and aws no later than 30 Jun 2022. It shall be reviewed whether the support measures helped achieve the objectives of said Guidelines. In terms of programme evaluation, main objects of analyses include conception, implementation and effect, and recommendations for future application as well as any modifications of said Guidelines shall be derived thereof.

(2) aws shall be obligated to acquire the data necessary for monitoring and evaluating the present Guidelines based on output indicators.

(3) aws shall be obligated to acquire outcome and impact indicators for an evaluation. The indicators for object achievement will be derived from the impact assessment.

(4) The applicant for support has to be obligated to participate in the evaluation of the support programme to be conducted by the supporting body in collaboration with ABA and aws and to deliver the data necessary for the evaluation to the supporting body or

the institution(s) commissioned to conduct said evaluation on behalf of the supporting body as well as to provide information.

Final Provisions

§ 17. (1) The present Guidelines shall enter into force on 1 Jan 2020 and remain in force until 31 Dec 2022.

(2) Nationals of countries party to the Agreement on the European Economic Area shall be deemed equivalent to Austrian nationals.

(3) Where these Guidelines refer to provisions of the law, such provisions shall in each case be applied as amended.

(4) Article 9 GBER stipulates an obligation to publish individual aid of EUR 500,000 or more within 6 months from granting said aid.

(5) The Annexes are integral parts of the present Guidelines for Awarding Support. Annex 1: Provisions on Production Costs Eligible for Support, Annex 2: Cultural Test for Austrian Productions and Co-Productions, Annex 3: Cultural Test for International Productions, Annex 4: Gender Gap Financing and Annex 5: Green Producing.

Annex 1: Provisions on Production Costs Eligible for Support

A differentiation has to be made between the overall production costs, the applicant's production costs, the applicant's share of production cost in need of financial support and the production costs eligible for support.

(1) Overall production costs shall be all costs incurred for the entire production of the project.

(2) The applicant's production costs shall include the types of costs listed in the table below based on the Austrian Film Institute's account code structure, which is commonly used in Austria. Principles of expedient and economical management have to be followed. Multiple offers have to be verifiably acquired, if this is expedient with regard to the amount of the estimated order value. The value added tax (deductible input VAT) shall not be taken into account in calculating the production costs.

1. Initial costs
2. Rights
3. Fees and salaries
4. Camera, lighting, sound
5. Studios, construction, exterior sets
6. Set decoration and costume design
7. Editing, dubbing, sound mix
8. Film stock, sound material and laboratory
9. Insurance
10. Travel expenses and transportation costs
11. General expenses
12. Cost-cutting revenues
13. Subtotal of production (= sum of #1 through #12)
14. Overheads
15. Completion bond
16. Financing costs
17. Contingency
optionally transfer of funds
18. Total production costs (= sum of #13 through #17)

In the case of virtual days of shooting (VFX/animation), the following types of costs shall also be included in the production costs:

Storyboard, animatic/previz, concept & character design, environment/digital matte painting, modelling, rigging, texturing, shading, lighting, animation, visual effects, rendering, compositing, simulation, motion capture, rotoscoping, tracking. Calculation based on so called person days shall be accepted.

Free-of-charge, but priceable contributions of third parties ('cashless sponsoring') shall not be included in the production costs. They may be recorded in the calculation for the sake of comprehensiveness but have to be taken into account at the same level as cost-cutting revenues.

(3) In the case of a co-production, the applicant's production costs shall include those costs assigned to the applicant according to the co-production agreement. The applicant's share of production cost in need of financial support shall include all production costs to be borne by the applicant according to the co-production agreement. In the case of international productions, the applicants' production costs have to be equalled with the production costs incurred for the realisation of the project or part thereof in Austria.

(4) The production costs eligible for support are those Austrian production costs clearly attributable to the supported project, under the following conditions:

A. Contributions of persons

Wages, salaries and fees shall be accepted, if and provided that they are subject to unlimited or limited tax liability in Austria. The persons employed by the applicants for support in the context of producing the project have to be listed with their private or business tax residences in a cast-and-crew list as commonly used in the industry. In the context of gender gap financing pursuant to § 8 (5), the employees' genders have to be added to the relevant positions in the crew list.

B. Contributions of companies

Contributions of companies shall only be accepted if:

- a) the company making the contribution verifiably has its business residence or a branch in Austria and possesses a business licence, and
- b) detailed invoicing regarding the contribution exists, indicating how the company or its branch charge the applicant for support.

(5) Special provisions

Pre-production costs/project development

No project development costs which are fully covered by other public funds are ever eligible for support.

Collective agreement

Realisation of the supported project has to comply with the regulations of the Austrian film industry as laid down in collective agreements, if applicable.

Fees and wages

The total of fees and wages have to equal or exceed by no more than 20 per cent the amount defined in the respective collective agreements. In special cases, and subject to appropriate qualification and experience, rates exceeding the minimum level by up to 30 per cent may be approved.

In filling leading positions in the crew, the requirement of qualification and clear definition of authorities (four-eyes principle) shall be taken into account. If multiple functions are to be held simultaneously, the applicant for support has to provide good reasons for the compatibility of said functions.

Scriptwriter's and director's fees shall be reviewed under the aspects of economic efficiency, appropriateness and cost effectiveness and approved on a case-by-case basis with these principles in mind. The director's fee shall cover all the work done by the film's director ranging from pre-production to post-production activities, promotional measures and completion of the film

Priceable personal contributions (internal service charges)

The term 'personal contributions' shall mean all cost positions allotted to contributions made by the applicant as such as well as, optionally, the Austrian co-production company. It shall include all contributions made by said company's shareholders, managers or individuals in a close business relationship with the same, in particular the producer's fee and the manufacturing overheads.

Personal contributions have to be highlighted in the calculation and can be accrued in the equity ratio. Any personal contributions going beyond the applicant's own contribution

may be included in the calculation based on accepted market remuneration minus deductions of 20 per cent. In case the internal service charge is a business service (such as equipment rental), an alternative quotation must be indicated to prove its value.

Accrued personal contributions (internal service charges) exceeding the share of production costs to be funded by the applicant for support by more than 10 per cent are not eligible for support.

Producer's fee

The producer's fee can be accepted to amount to a maximum of 5 per cent of the applicant's production costs, but only to a maximum of 2.5 per cent if the subtotal of production equals or exceeds EUR 5 million.

Overheads

Overheads shall be accepted as lump sums of a maximum of 9 per cent of the applicant's subtotal of production, but only of a maximum of 8 per cent if the subtotal of production equals or exceeds EUR 1.6 million and only of a maximum of 7.5 per cent if the subtotal of production equals or exceeds EUR 2.5 million.

In particular, manufacturing overheads shall include the types of costs listed below, which may therefore not be included in the calculation as individual elements of the subtotal of production.

- Expenses accrued establishing and maintaining permanent office rooms and buying general office supplies,
- generic postal and telephone expenses,
- generic staff costs (administration),
- generic insurance policies,
- cost of financial audits,
- interest and bank charges for generic loans,
- generic entertainment expenses,
- travel expenses and costs which are not verifiably used for the relevant project, such as those incurred in the context of meetings, negotiations and location visits, etc.

Travel costs

Travel costs will be accepted only if they comply with the rules set out in collective agreements or tax law regulations.

Exploitation costs

Expenses for materials for the subsequent exploitation of the film, which are made during the production process, as well as for exploitation measures undertaken during production may be accepted (such as trailers, dubbing, subtitling, making-of, etc., as well as press relations, social media presence and the like during shooting). There must be a clear separation from any support for festival participation or theatrical releases.

Financing costs

Financing costs shall be typically accepted at the interest rate (including utility costs) of Austrian banks granting film loans, but never at more than 8 per cent above the applicable euro key interest rate.

Completion bond

Expenses for a completion bond as it is typical in the industry may be accepted.

Contingency

An optional contingency amount (of a maximum of 8 per cent or in exceptional cases 10 per cent of the subtotal of production) may be included in the calculation as eligible for support up to the level calculated based on the subtotal of production eligible for support. It is a precondition for acceptance that said costs appear as actually incurred in the final accounts balance and that good reasons for the exceedance can be presented.

Annex 2: Cultural Test for Austrian Productions and Co-Productions

In order to qualify for support, Austrian productions and co-productions must meet at least the following criteria and score at least the following number of points. Scores are not divided.

	Criteria Part A "Cultural Content"	Minimum score Parts A through D
Fictional film	4	51
Animated (fictional) film	3	46
Documentary	2	36
Maximum	12	102

The reference 'from Austria or another EEA country' refers to the nationality of the physical person or their place of residence and centre of life being in Austria or any other country party to the Agreement on the European Economic Area. A place of residence is where at least some of the vital interests of one's life cumulate.

Part A: Cultural Content

	Points
1. A. The majority of scenes is actually or virtually set (fictional content/subject matter) in Austria, another EEA country ¹ or	4
1. B. the majority of scenes is set (fictional content) in a non-real place.	2
2. Recognisably Austrian or European locations are used. ²	3
3. Austrian or European locations are used for shooting. ³	3
4. A. One main character/protagonist is or was Austrian and/or from another EEA state ⁴ or	3

¹ The majority of scenes shall be understood as more than half of the plot according to the screenplay or concept, irrespective of where the actual shooting takes place.

² Locations can be typically and clearly associated with Austria or another EEA state, irrespective of where the actual (live-action or virtual) shooting takes place.

³ Austrian or European locations for shooting mean that both interior and exterior shooting actually takes place at locations in Austria or another EEA state, respectively.

⁴ One main character or protagonist is Austrian or European within the meaning of the present Cultural Test if said character reflects an Austrian or European identity according to the plot.

	Points	
4. B. one main character/protagonist cannot be attributed to a particular nationality or a particular culture or language.	1	Max. 3
5. The plot/underlying material/topic of the film is Austrian or European. ⁵	3	
6. The plot/underlying material is based on existing work. ⁶	2	
7. The plot/underlying material/topic of the film deals with artists or a form of art (such as composition, dance, performance, painting, architecture, pop art, comic books).	1	
8. A contemporary artist from a field other than film art has a key position in creating the film.	1	
9. The plot/underlying material/topic of the film relates to a person in the public eye of the present or of the past or a fictional character from cultural history or literature.	2	
10. The plot/underlying material/topic of the film relates to a historic event in world history or a comparable fictional event in cultural history or literature.	2	
11. The plot/underlying material/topic of the film deals with topics of social or cultural relevance in the present and/or matters of religious or philosophic ideology.	3	
12. The plot/underlying material/topic of the film deals with scientific topics or natural phenomena.	3	
Total for 1–12	30	

Part B: Film Professionals⁷

	Points
<p>1. Creative film professionals from Austria or another EEA country</p> <p><u>A. as head of department (1 person max. per function):</u> producer, director, scriptwriter, cinematographer, set designer, costume designer, make-up designer, editor, VFX or animation supervisor, production supervisor, sound manager, composer, sound designer</p> <p><u>B. in the field of performance (4 persons max. per function):</u> performing actor, musical performer (instruments/voice), dubbing or voice-over artist</p> <p><u>C. in the field of VFX/animation as lead artist (1 person max. per function):</u> storyboard (leica/animatic), concept design, character design, environment/digital matte painting, modelling, rigging, texturing/shading/lighting, animation, visual effects, compositing.</p>	2 points for each person, 12 points max.
2. Film professionals from Austria or another EEA country by professions according to the Austrian collective agreement for film professions or involved in the animation process, unless already covered under 1. above.	1 point for each person, 12 points max.

⁵ The plot/underlying material is Austrian or European if it is from a writer who permanently resides in Austria or another EEA state or whose work engages in themes relevant, specific and/or identity-defining to Austria or Europe, respectively.

⁶ Existing work includes a piece of literature, a fairy-tale, a legend, a poem, a play, an opera, a comic book, a computer game, a TV series or the like.

⁷ In the case of multiple activities, no more than one position can be allocated to one person.

3. Female film professionals in the following key functions (1 person max. per function): scriptwriter, director, cinematographer, producer	2 points for each female person, 8 points max.
Total for 1–3	32

Part C: Production

	Points
1. Provided that days of live-action shooting take place; otherwise continue at question 3: Days of shooting in Austria at locations, motives or in the studio (only principal shooting).	
1% to 9%	1
10% to 29%	3
30% to 49%	6
50% or more	12
2. Provided that days of live-action shooting take place: Digital effects (VFX and animation work) ⁸ in Austria.	
25% to 49%	1
50% to 79%	2
80% or more	4
3. Provided that no days of live-action shooting take place: Digital effects (VFX and animation work) in Austria.	
10% to 24%	4
25% to 49%	6
50% to 79%	10
80% or more	16
4. Music recording in Austria	
25% to 49%	1
50% to 79%	2
80% or more	4

⁸ Costs in the fields of storyboard, animatic/previz, concept & character design, environment/digital matte painting, modelling, rigging, texturing, shading, lighting, animation, visual effects, rendering, compositing, simulation, motion capture, rotoscoping, tracking.

	Points
5. Sound post-production in Austria (sound editing, dubbing, post-editing, mixing, not including music recording))	
25% to 49%	1
50% to 79%	2
80% or more	4
6. Visual post-production in Austria (video editing, grading/finalisation, film lab work, not including VFX and animation work)	
25% to 49%	1
50% to 79%	2
80% or more	4
7. Green producing: sustainable, ecological and resource-efficient film production according to Annex 5	2
Total for 1–7	30

Part D: Exploitation

	Points
1. A. Agreement with a theatrical distributor	2
1. B. Letter of intent by a theatrical distributor	1
2. A. Agreement with a global distributor	3
2. B. Letter of intent by a global distributor	1
3. Minimum guarantee (proportionate to project dimensions) ⁹	3
4. Market expansion through Austrian–foreign co-production	2
Total for 1–4	10

⁹ At least 2.5 per cent of the applicant's production costs, i.e. at least 2.5 per cent of the respective portion in the case of co-productions.

Annex 3: Cultural Test for International Productions

In order to qualify for support, international productions must meet at least two of the criteria listed in Part A ‘Cultural Content’ and score a total of at least 38 out of a possible 76 points for Parts A through C. Scores shall not be split.

The reference ‘from Austria or another EEA country’ refers to the nationality of the physical person or their place of residence and centre of life being in Austria or any other country party to the Agreement on the European Economic Area. A place of residence is where at least some of the vital interests of one’s life cumulate.

Part A: Cultural Content

	Points
1. A. Part of the scenes is actually or virtually set (fictional content/subject matter) in Austria, another EEA country ¹⁰ or	4
1. B. part of the scenes is set (fictional content) in a fictitious, non-real place.	2
2. Recognisably Austrian or European locations are used. ¹¹	3
3. Austrian or European locations are used for shooting. ¹²	3
4. A. One main character/protagonist is or was Austrian and/or from another EEA state ¹³ or	3
4. B. one main character/protagonist cannot be attributed to a particular nationality or a particular culture or language.	1
5. The plot/underlying material/topic of the film is Austrian or European. ¹⁴	3
6. The plot/underlying material is based on existing work. ¹⁵	2
7. The plot/underlying material/topic of the film deals with artists or a form of art (such as composition, dance, performance, painting, architecture, pop art, comic books).	1

¹⁰ ‘Part of the scenes’ shall be understood as at least one scene according to the screenplay or concept, irrespective of where the actual shooting takes place.

¹¹ Motives can be typically and clearly associated with Austria or another EEA state, irrespective of where the actual (live-action or virtual) shooting takes place.

¹² Austrian or European locations for shooting mean that both interior and exterior shooting actually takes place at locations in Austria or another EEA state, respectively.

¹³ One main character or protagonist is Austrian or European within the meaning of the present Cultural Test if said character reflects an Austrian or European identity according to the plot.

¹⁴ The plot/underlying material is Austrian or European if it is from a writer who permanently resides in Austria or another EEA state or whose work engages in themes relevant, specific and/or identity-defining to Austria or Europe, respectively.

¹⁵ Existing work includes a piece of literature, a fairy-tale, a legend, a poem, a play, an opera, a comic book, a computer game, a TV series or the like.

	Points
8. A contemporary artist from a field other than film art has a key position in creating the film.	1
9. The plot/underlying material/topic of the film relates to a person in the public eye of the present or of the past or a fictional character from cultural history or literature.	2
10. The plot/underlying material/topic of the film relates to a historic event in world history or a comparable fictional event in cultural history or literature.	2
11. The plot/underlying material/topic of the film deals with topics of social or cultural relevance in the present and/or matters of religious or philosophic ideology.	3
12. The plot/underlying material/topic of the film deals with scientific topics or natural phenomena.	3
Total for 1–12	30

Part B: Film Professionals¹⁶

	Points
<p>1. Creative film professionals from Austria or another EEA country</p> <p><u>A. as head of department (1 person max. per function):</u> producer, director, scriptwriter, cinematographer, set designer, costume designer, make-up designer, editor, VFX or animation supervisor, production supervisor, sound manager, composer, sound designer</p> <p><u>B. in the field of performance (4 persons max. per function):</u> performing actor, musical performer (instruments/voice), dubbing or voice-over artist</p> <p><u>C. in the field of VFX/animation as lead artist (1 person max. per function):</u> storyboard (leica/animatic), concept design, character design, environment/digital matte painting, modelling, rigging, texturing/shading/lighting, animation, visual effects, compositing.</p> <p><u>D. by professions according to the Austrian collective agreement for film professions or involved in the animation process.</u></p>	2 points for each person, 24 points max.
2. Female film professionals in the following key functions (1 person max. per function): scriptwriter, director, cinematographer, producer	2 points for each female person, 8 points max.
Total for 1–2	32

¹⁶ In the case of multiple activities, no more than one position can be allocated to one person.

Part C: Production

	Points
1. Provided that days of live-action shooting take place; otherwise continue at question 3: Days of shooting in Austria at sites, locations or in the studio (only principal shooting).	
5 to 9 days of shooting	2
10 to 14 days of shooting	3
15 or more days of shooting	4
2. Provided that days of live-action shooting take place: Digital effects (VFX and animation work) ¹⁷ in Austria.	
EUR 50,000 or less	1
EUR 50,001 or more	2
3. Provided that no days of live-action shooting take place: Digital effects (VFX and animation work) in Austria.	
EUR 250,000 or less	1
EUR 250,001 or more	2
EUR 500,000 or more	3
EUR 1 million or more	6
4. Music recording in Austria	
EUR 50,000 or less	1
EUR 50,001 or more	2
5. Use of film-specific resources in Austria (equipment in the fields of camera, light, sound, etc., props, SFX and post-production, <i>not including VFX and animation work and music recording</i>).	5
6. Green producing: sustainable, ecological and resource-efficient film production according to Annex 5	1
Total for 1–6	14

¹⁷ Costs in the fields of storyboard, animatic/previz, concept & character design, environment/digital matte painting, modelling, rigging, texturing, shading, lighting, animation, visual effects, rendering, compositing, simulation, motion capture, rotoscoping, tracking.

Annex 4: Gender Gap Financing

In the context of the Gender Gap Financing programme according to § 8 (5), projects must achieve the following target values (minimum scores) in female employees as heads of department. Only one female employee per department can score points based on the table below. In the case of two or more equivalent heads of one and the same department, 50% of the points intended for said department will be granted. If one female employee heads several different departments, a maximum of two departments will be taken into account.

For fictional films	Points
Production	16
Directing	14
Scriptwriting	14
Line producing (Herstellungsleitung)	7
Production management (Produktionsleitung)	6
Cinematography	9
Editing	4
Dramaturgy	6
Set design	5
Music	9
Original sound	9
Sound design	8
Sound editing	8
Light	10
VFX, animation	8
Maximum score	133
Minimum score	44

For animated films	Points
Production	14
Directing	14
Scriptwriting	14
Design	5
Character design	13
Environments	4
Props	4
Storyboard (leica/animatic)	5
Animation	5
Compositing	5
Voice recording	4
Editing	4
Music	5
Sound design	4
Maximum score	100
Minimum score	20

Annex 5: Green Producing

The applicant for support has to ensure compliance with applicable environmental standards in the production of the project to be supported and to meet the provisions of the guidelines for UZ76, the Austrian eco-label “Green Producing in Film and Television”.

Two points for question 7 or 6 in “Part C: Production” of the Cultural Test according to Annexes 2 and 3, respectively, are awarded only if the applicant for support can prove in the course of submitting their application that an application for certification with the Austrian eco-label UZ76 has been issued and stage one of the two-stage review process has been completed. The applicant for support has to designate the position of green consultant in the crew list and to state in the Producers’ Statement the measures taken to ensure sustainable, ecological and resource-efficient production.

Additional costs incurred in this context due to the UZ76 certification that are not funded through other public means as part of any environmental programmes may be included in the calculation.

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