

OFFICIAL GAZETTE OF ROMANIA, PART I, No. 713/16.VIII.2018

**ACTS OF THE SPECIALIZED BODIES OF  
CENTRAL PUBLIC ADMINISTRATION**

NATIONAL COMMISSION FOR STRATEGY AND PROGNOSIS

**ORDER**

**to establish the criteria for the classification of the projects eligible for State aid as „cultural product”**

Whereas,

- cinematographic film or audiovisual work in the “cultural product” category is the finished product of some artistic and technical works specific to the field (resulting in the production of fiction movies, animation, television series, documentaries, of any duration and on any support), therefore, it is a cultural product, the film industry being part of the big family of cultural industries, alongside audiovisual production, multimedia activities etc.

- the film, as cinematographic product, is a consumer cultural asset, because it spreads ideas, symbolic values; the film has the role of cultural service because it responds to an idea or cultural need and it manifests by measures that support the cultural practices which the state, the cultural institutions, foundations of private companies make available to the community;

- by Government Decision no. 421/2018 the establishment of a state aid to support the film industry has been approved.

- art. 6 of the Government Decision no. 421/2018 provides that state aid under the scheme may be granted to projects that have the quality of “cultural product” and which meet the eligibility conditions approved by the President of the National Commission for Strategy and Prognosis;

under the provisions of the Government Decision no. 421/2018 for the establishment of a state aid to support the film industry, published in the Romania’s Official Gazette, Part I, no. 508 of 20<sup>th</sup> of June 2018, and the provisions of art. 6, paragraph (2) of the Government Ordinance no 22/2007 on the organization and functioning of the National Commission for Strategy and Prognosis, republished, as subsequently amended and supplemented.

**the president of the National Commission for Strategy and Prognosis** issued the present order:

Art. 1. – The criteria for the classification of the projects eligible for State aid as „cultural product” to support the cinematographic industry are those set out in the Eligibility Test in the annex which forms an integral part of this order.

Art. 2. – (1) In order to benefit from the State aid granted on the basis of the aid state scheme established by the Government Decision no. 421/2018 for the establishment of State aid to support the film industry, only the film projects that obtain at least 18 points in eligibility test will be eligible.

(2) In the case of projects that explicitly promote Romania and prominently, through the locations used, they obtain, according to art. 4, paragraph (1), let. b) of the Government Decision no. 421/2018, an additional bonus of 10% from the eligible costs, which adds up to 35%, thus reaching the maximums state aid intensity of 45%. For this purpose, the following conditions must be met cumulatively:

a) at least 60% of the production subject is carried out on the Romanian territory, being related to or located in a Romanian architectural or cultural location/settlement/ landmark. The proportion will be measured by counting the number of pages in the script, that takes place on Romanian territory;

b) the action or subject of the film is visually explicit (for example: plates with names of localities, landmark identification plates or architectural element) and/or verbally (for example: the characters mention through dialogue the locations where they are or where the action is carried out). To this end, the applicant will indicate in the submitted materials, by way of script extracts and precise references to the pages/sequences, how to explain the localization.

Art. 3 –No projects will be considered in the category of “cultural product” for obtaining the state aid under the state aid scheme established by the Government Decision no. 421/2018:

a) film projects that promote denigration of the country or nation, rule of law or constitutional principles, that incite to war, national, racial, class or religious hatred, discrimination on ethnic, religious, gender or sexual orientation discrimination, to territorial separatism;

b) audiovisual works containing, in images or language, elements with pornographic character;

c) audiovisual works that impair the dignity, honour, the private life of a person and his/her rights to his/her own image;

d) audiovisual works that incite, directly or indirectly, to violence;

e) audiovisual works with electoral, political or religious propaganda;

f) sporting events; games or competitions;

g) talk-shows; demonstrative programs for different hobbies or projects;

h) lifestyle, free (no script) or “reality” programs;

i) sitcoms television series;

j) soap opera television series;

k) shootings for internal use that are not accessible to public;

l) audiovisual works of an advertising and/or promotional nature, regardless of the length, support or operating environment;

m) audiovisual works prepared as advertising or commercial programs for exhibitions.

Art. 4. – The specialized departments of the National Commission for Strategy and Prognosis will carry out the provisions of this order.

Art. 5 – This order is published in the Romania’s Official Gazette, Part I.

The president of the National Commission for Strategy and Prognosis  
**Ion Ghizdeanu**

Bucharest, the 4<sup>th</sup> of July, 2018

No. 166

**ROMANIA'S OFFICIAL GAZETTE, PART I, No. 713/16.VIII.2018**

**Criteria for the classification of projects as “cultural product”**

No.	Criterion	Points
1.	<p>The subject/material underlying the film script is based on an event (events), part of the culture/history/mythology/religions in Romania and Europe.</p> <p>1 point is granted if the film produces a Romanian or European event, respectively if:</p> <p>a) the subject is Romanian or European – for example, the film is based on a cultural/historical/mythological/religious Romanian or European event, imaginary or non-imaginary, even if this does not take place in Romania or other European state. The applicants will have to prove how their film reveals a Romanian or European event;</p> <p>b) the material on which the film is based (book, story, film, game, original script, article) is written by a Romanian or European citizen.</p>	1
2.	<p>The film is based on a (real or fictional) character/personality that belongs to the Romanian or European culture/history/ society/religions.</p> <p>A character is considered to be a Romanian or European character if he or she belongs to the Romanian or European culture/history/society/religions. If this is not clear, the applicants will explain why that character meets this criterion.</p>	1
3.	<p>The subject/material underlying the film script is based on a literary work or adapted from another artistic discipline (music, painting, opera, theater).</p> <p>The applicants will have to prove and to detail how their film is based on a certain literary work or adapted from another artistic discipline.</p>	2
4.	<p>The final version of the film is one in the EU's official languages.</p>	6
<b>Total maximum score for section A – cultural content</b>		<b>10</b>
<b>B. Cultural contribution</b>		
5.	<p>The film/the subject of the film promotes the Romanian or European ethnocultural identity. It is granted for the promotion within the production of port, customs, traditional rituals and popular creation in Romanian and European space.</p>	1
6.	<p>The film reflects the Romanian or European important values, such as diversity/solidarity, equality/protection of minorities or human rights/tolerance/environmental protection/ respect for cultural traditions or family.</p> <p>It is granted taking into consideration the following determinants of diversity:</p> <p>a) subject/presentation: exploring contemporary social and cultural issues related to people with disabilities, ethnic diversity and social marginalization; promoting and increasing cultural diversity;</p> <p>b) other factors representing the cultural diversity that may have impact on the final content.</p> <p>The applicants will have to prove that they meet the criterion in connection with their film.</p>	2
7.	<p>The film is a cinematographic work that proposes an innovative form of artistic expression through means or content or which contributes to the development of its cinematographic genre.</p>	2
<b>Total maximum score for section B – cultural content</b>		<b>5</b>
<b>C. The team involved in making the film and the use of national resources</b>		
8.	<p>The involvement in making the film of Romanian or EEA citizens:</p> <p>a) director;</p> <p>b) producer/line producer;</p> <p>c) main actor;</p> <p>d) at least two secondary actors/voice-actors;</p> <p>e) at least one of the following: image director, screenwriter, composer, animator; image editor</p> <p>f) at least one of the following: scenographer/art director, costume designer, makeup artist, hairstyle artist, sound editor, musicians/orchestra;</p> <p>g) cameraman/image operator, assistant director (1st AD), film director/production manager, post production supervisor, sound engineer, colourist.</p>	Maximum 7 (1 point for each)

9.	<p>The involvement in making the film of Romanian or EEA citizens, others than those mentioned at point 8</p> <p>At least 20% of the members of the filmmaking team made in Romania, except for those mentioned at C.8, are Romanian citizens or citizens of the EEA member states – 1 point.</p> <p>At least 30% of the members of the filmmaking team made in Romania, except for those mentioned at C.8, are Romanian citizens or citizens of the EEA member states – 2 points.</p> <p>At least 50% of the members of the filmmaking team made in Romania, except for those mentioned at C.8, are Romanian citizens or citizens of the EEA member states – 3 points.</p>	Maximum 3
10.	<p>The shooting location is in Romania or one of the studios on the territory of Romania.</p> <p>If one day of shooting is in Romania – 1 point.</p> <p>Over 10% of the total number of shootings days are in Romania, but more than one shooting day – 2 points.</p> <p>Over 20% of the total number of shootings days are in Romania – 3 points.</p> <p>Over 30% of the total number of shootings days are in Romania – 4 points.</p> <p>Over 40% of the total number of shootings days are in Romania – 5 points.</p> <p>Over 50% of the total number of shootings days are in Romania – 6 points.</p>	Maximum 6
11.	<p>The finalization of the film production takes place in Romania, namely:</p> <p>If it uses a laboratory in Romania (film processing, digital transposition, internegative, image editing, colour corrections etc,) – 1 point.</p> <p>If it uses a cutting studio in Romania – 1 point.</p> <p>If it uses graphical effects studio in Romania – 1 point.</p> <p>If it uses a studio of recording sound, music etc. in Romania - 1 point.</p>	Maximum 4
	<b>C. The team involved in making the film and the use of national resources</b>	20
	<b>MAXIMUM TOTAL (sections A+B+C)</b>	35