

**Order no. 202/2018 on the procedure for selecting
beneficiaries and projects and the indicative budget structure
of the project, with details of eligible expenditure**

Considering the provisions of art. 10, paragraph (3) of the Government Decision no. 421/2018, on the establishment of a State aid scheme to support the cinematographic industry,

under 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 this order:

Art. 1 (1) The procedure for the selection of beneficiaries and projects is provided in Annex no. 1.

(2) The indicative structure of the project budget, with details of eligible expenditure, according to the provisions of art. 8 of the Government Decision no. 421/2018 for the establishment of a State aid scheme for the support of the film industry to be submitted by the applicant is set out in Annex no. 2.

Art. 2. Annexes no. 1 and 2 form an integral part of this order.

Art. 3. This Order shall be published in the Romania's Official Gazette, Part I, and shall enter into force on the date of its publication.

**THE PRESIDENT OF THE NATIONAL COMMISSION FOR STRATEGY AND PROGNOSIS
Ion GHIZDEANU**

Bucharest, 20th of August, 2018
No. 202

**The procedure
for the submission, selection of projects and payment of state aid**

Chapter I – The procedure for the submission and selection

Art. 1

The allocation of the state aid is done subject to the provisions of the Government Decision no. 421/2018 for the establishment of a state aid scheme to support the cinematographic industry.

Art. 2

(1) Registration of the financing application is made annually, in continuous session, and it starts from the date communicated by the National Commission for Strategy and Prognosis on its site.

(2) No more financing applications can be registered after the exhaustion of the annual budget allocated to the scheme.

Art. 3

(1) In order to obtain the financing, the applicant shall forward to the registry of the National Commission for Strategy and Prognosis in Cristian Popișteanu street, no. 2-4, District 1, Bucharest, the application form provided in annex no. 1, accompanied by the supporting documents necessary for the assessment, provided in annex no. 2, in one printed copy and in electronic format such as a memory stick or CD type.

(2) Documents can be sent by post or courier services. It is also allowed to personally submit the documentation to the registry of the National Commission for Strategy and Prognosis.

(3) On the envelope it will be mentioned "The contest of selection of projects under the state aid scheme established by GD no. 421/2018".

(4) Only financing applications recorded at the registry of the National Commission for Strategy and Prognosis will be taken into consideration, starting with the date communicated on the site.

(5) The financing applications submitted to another address than the one indicated or before the date communicated, are returned to the applicants.

Art. 4

The National Commission for Strategy and Prognosis sends to The Romanian Film Commission, the application forms received along with the attached documentation, for the analysis, assessment and selection.

Art. 5

(1) The financing applications are analyzed in the order of registration at the registry of National Commission for Strategy and Prognosis and within the limits of commitment and budget credits approved by the annual budget laws.

(2) If the value of the requested state aid exceeds the value of the annual budget approved by the annual budget laws, the settlement of the financing applications is done as follows:

a) the financing applications are analyzed in the order of registration at the registry of the National Commission for Strategy and Prognosis and within the limits of annual budget allocated by the annual budget laws;

b) The National Commission for Strategy and Prognosis publishes on its website, periodically, the list of financing applications submitted and the stage of their analysis (in the analysis, an agreement was issued, a letter of rejection was issued, as the case may be), within the limits of the annual budget approved by the annual budget laws;

(3) If following the assessment, during the financial year, are issued rejection letters of the requests for financing agreement or the applicants communicate to the National Commission for Strategy and Prognosis the renunciation to the "Financing Agreement" issued and thus remain available the commitment and budget credits, the financing applications, that remained on hold, which were not subject to the assessment because the aid requested exceeded the allocated annual budget, they will be analyzed in the order of registration at the registry of the National Commission for Strategy and Prognosis. For the financing applications, which were initially on hold, the terms of analysis/settlement provided by the normative act will run from the date of publication on the site of the National Commission for Strategy and Prognosis of the budget remained available.

(4) The financing applications are selected in the order in which the documentation is complete and subject to the compliance of provisions of the Government Decision no. 421/2018.

(5) The financing applications that are not settled until the date of exhaustion of the annual budget approved by the annual budgetary laws are returned to the applicants, and the National Commission for Strategy and Prognosis communicates on its website that no further financing applications will be accepted.

Art. 6

The assessment of the financing application by the Romanian Film Commission includes the following stages:

(1) Stage 1 – Analysis of compliance of documents within a maximum of 15 business days from the date when the financing application is considered complete in the meaning of the compliance criteria, which includes mainly:

(i) Verification of the existence and compliance of the Application form and the documentation attached to it;

(ii) Request for additional information/clarifications if a non-compliance is found in the documents.

(iii) Verification of compliance of documents submitted following the request for additional information, as the case may be.

(2) Stage 2 – Analysis of the eligibility of the investment project within a maximum of 15 business days from the date when the financing application is considered complete following the completion of Stage 1, which includes mainly:

(i) The assessment of the financing agreement request and the documents attached from the point of view of fulfilling the eligibility conditions and criteria,

(ii) Request for information and/or documents for filling in the financing application, as the case may be;

(iii) Deliberation of the Commission;

(iv) Settlement of the financing application by adopting a decision on the issue of the applicant's certificate or a reasoned rejection decision,

(v) Transmission of the decision on the issue of the applicant's certificate or a rejection decision reasoned by the President of the National Commission for Strategy and Prognosis in order to issue the applicant's certificate and the Financing agreement or the rejection of the application and their approval through the order.

Art. 7

(1) If, at any time during the assessment of the financing application, the Romanian Film Commission finds the following:

a) the existence of inconsistencies in the information provided;

b) the need for additional documents to assess the compliance or eligibility of the financing application;

the Romanian Film Commission shall communicate to the applicant about the necessity of completing/correcting the application form and/or the documents attached, accompanied by the appropriate motivation.

(2) The applicant has a maximum of 5 business days to submit the additional information and documents requested by the Romanian Film Commission.

(3) The documents submitted by the applicant on his/her own initiative in order to complete the documentation for the request for financing agreement are not taken into account.

(4) The settlement terms provided in art. 6 run from the date when the documentation is considered complete following the receipt of additional information and documents requested by the Romanian Film Commission in accordance with the provisions of paragraph (3).

Art. 8

The Romanian Film Commission adopts a reasoned rejection decision when the following are found:

a) The cumulative compliance and eligibility conditions provided by the state aid scheme are not cumulatively met,

b) The Application form is not accompanied by the documents provided in Annex no. 2 to this procedure.

c) The applicant does not respond to the request for clarifications within the timeframe stipulated in art. 7, paragraph (2).

Art. 9

(1) In case of fulfilment of all the eligibility conditions provided by the state aid scheme, the Romanian Film Commission adopts a decision on the issuance of the applicant's certificate indicating the following:

a) the registration number received on the application form;

b) the value of eligible expenditure based on the application form;

c) the maximum approved state aid

(2) The Decisions of the Romanian Film Commission are adopted by majority vote. In case of equal votes, the president's vote prevails.

Art. 10

(1) The decision regarding the issuance of the applicant's certificate or the reasoned rejection decision shall be transmitted by the Romanian Film Commission to the president of the National Commission for Strategy and Prognosis for the approval of the order for the issuance of the applicant's certificate and the financing agreement or the order for the issuance of rejection of the application.

(2) The decisions mentioned in paragraph (1) can be appealed under the Law 554/2004 of administrative litigation, as subsequently amended and supplemented.

(3) Following the approval of the Order for the issuance of the Applicant's certificate and the financing agreement, the National Commission for Strategy and Prognosis shall communicate the result of the assessment to the applicant.

(4) The applicant's certificates and the financing agreements do not provide the applicants with the payment of the non-reimbursable financial allocation, which are finally certified by the project auditor under the conditions of art. 12 of the Government Decision no. 421/2018;

(5) The applicant's certificates and the financing agreements are not transferable.

Chapter II. Payment of state aid

Art. 11

(1) Within 20 days from the last expenditure incurred on the territory of Romania but no later than 2 years from the issuance of the Applicant's Certificate, the applicant shall submit an application for payment of the state aid to the registry of the National Commission for Strategy and Prognosis.

- (2) The application for payment shall be accompanied by an audit report certifying the amount of eligible expenditure actually incurred in accordance with the International Standard on Related Services ("ISRS") 4400 based on the provisions of Art. 11 paragraph (2) and (3) of the Government Decision no. 421/2018.
- (3) The application for payment of state aid together with the attached documentation shall be filed with the National Commission for Strategy and Prognosis, in a single copy, printed in electronic format such as memorystick or CD.
- (4) Documents can be sent by post or courier services. It is also allowed to personally submit the documentation to the registry of the National Commission for Strategy and Prognosis.
- (5) On the envelope it will be mentioned "Request for payment under the State aid scheme established by the Government Decision no. 421/2018".
- (6) The documentation provided in paragraph (4) is sent by the National Commission for Strategy and Prognosis to the Romanian Film Commission.
- (7) The request for payment is considered complete on the date when the audit report is complete.
- (8) If the Romanian Film Commission finds the following:
- a) the existence of inconsistencies in the information provided;
 - b) the need for additional documents
- within 10 days from the date of filing the request for payment, the Romanian Film Commission will request the Applicant to complete / correct the Audit Report.
- (9) The applicant has 30 days to submit the additional information and documents requested by the Romanian Film Commission.
- (10) The documents submitted by the applicant on his/her own initiative in order to complete the documentation for the request for payment are not taken into account.
- (11) The Romanian Film Commission issues a decision certifying the amount of eligible expenditure and the amount of the corresponding state aid.
- (12) On the basis of the Decision issued by the Romanian Film Commission, the National Commission for Strategy and Prognosis will approve the payment request within 10 days from the date on which the audit report is complete.
- (13) The National Commission for Strategy and Prognosis may carry out its own verifications of the payment application and the attached documentation and may request completions in its turn.
- (14) Effective payment will be made within 120 days of the date of approval of the payment request.

Chapter III – Final provisions

Art. 12. – Annexes 1 and 2 form an integral part of this procedure.

APPLICATION FORM

CONTEST OF SELECTION OF PROJECTS, sessionyear

Applicant: _____
Title of project: _____

Registration date _____ (*the date of registration shall be mentioned in the applicant's correspondence register*)

Registration number _____ (*the number in the applicant's correspondence register shall be mentioned*)

Application

The undersigned, with the identification data mentioned at point I, legally represented by Mr/Mrs, as, identified with the ID card series ___ no. _____, issued by _____ on _____, with residence in the locality _____

Street _____, no. _____, bl. _____, entrance _____, ap. _____, district/county _____, request the financing under the provisions of the state aid scheme regarding the support of the cinematographic industry, established by the Government Decision no.421/2018.

I. Presentation of the applicant

1. Identification of the applicant

Applicant's name

Applicant's registration date

Registration number at the Trade Registry Office or another office with similar competences from other states

No. of authorization in the Cinema Registry (for Romanian companies)

Tax identification code

Address, postal code

Telephone fax

E-mail:

Legal form:

Social capital: (foreign currency) held by:

- Individuals: _____ %
- small and medium sized undertakings¹: _____
- large undertakings²: _____

The main object of activity: Activities of cinematographic production, video and television programs, NACE code: NACE 5911

2. Presenting the current situation of the applicant

¹ Undertaking that falls within the definition provided in annex no. 1 to Regulation (EU) No. 651/2014 of the Commission

² Undertaking that does not fall within the definition of SMEs according to the provisions of Annex no. 1 to Regulation (EU) No. 651/2014 of the Commission

Data from the approved annual financial statements, corresponding to the last financial year, as the case may be:

- average number of employees: _____
- turnover: _____
- profit/loss: _____

3. The applicant's quality

- o Producer
- o Representative co-producer

Please mention the other co-producers and indicate their country of origin _____

- o Service provider

Please mention the foreign producer with whom he has signed a service contract and indicate his country of origin.

4. Owning the rights over the work

- o hold the intellectual ownership rights over the work (attach the legal document showing the proof of ownership rights, in copy and authorized translation in Romanian – ex. sale-purchase contract, contract of assignment of intellectual property rights etc.)
- o hold a part of the intellectual ownership rights over the work – please mention the percentage and method of distribution between co-producers (attach the co-production contract, in copy and authorized translation in Romanian in which is mentioned the percentage of contribution of each co-producer in the project and the percentage of rights owned appropriately).
- o hold a contract/pre-contract of service provision with a foreign producer holder of the intellectual ownership rights over the work (attach the contract of service provision with the foreign producer and the legal document that shows the proof of intellectual ownership rights over the work by the foreign producer/Deal Memo / MOA – in copy and authorized translations in Romanian).

II. Presentation of project for which the state aid is requested:

1. Type of audiovisual production what is the subject of the project (a single situation corresponding to the applicant is ticked)

- o Fiction film
 - Feature film (>70 min)
 - Medium feature film (30-50 min)
 - Short feature film (<30 min)
- o TV series³
 - Mini-series (≤8 episodes, maximum one season)
 - Series (>8 episodes and/or more than one season)
- o Artistic documentary
 - Feature film (≥50 min)
 - Short feature film (<50 min)
- o Animation film
 - Feature film (>70 min)
 - Medium feature film (30-50 min)
 - Short feature film (<30 min)

³ The following terms will be interpreted as follows:

Sitcom – The audiovisual work realized in proportion of 80% in a movie set, in front of a live audience or recorded and of limited scenery in number, multicamera (simultaneously shooting with maximum 3 cameras) with a duration of at most 30 minutes, whose script has no epic thread which develops on several episodes, a script that shows comic situations of persons with pre-evolutive predefined patterns and for which the production of an episode does not require more than 2 days of shooting.

Soap opera: audiovisual work intended to be cast on a TV channel with a daily frequency, at least 5 time a week, with a duration of at most 60 minutes, which shows life facts and soul relationships of a great number of characters, essentially melodramatic, whose script shows a continuous epic thread, without finality, which develops during more episodes (minimum 80). A season will contain up to 20 episodes and the distance between the beginning of a season and the beginning of the next to be of minimum 12 months.

2. **The first operating environment of the audiovisual work (a single situation corresponding to the applicant is ticked)**

- o Cinema
- o TV
- o Video support (CD/DVD/Blue-Ray etc.)
- o Internet

3. **Presenting the subject of the project based on the synopsis/artistic concept (maximum 1.000 characters)**

4. **Framing the project in the category of cultural product:**

4.1 It records a number of _____ points at the simulation regarding the fulfilment of the Eligibility test provided in the Annex to the Order of the President of the National Commission for Strategy and Prognosis no. 166/2018 regarding the establishment of the criteria for classification as “cultural product” of the projects that can benefit of state aid.

Script breakdown will be attached, which will highlight the fulfilment of the eligibility criteria from above, including the classification on the Criteria of the eligibility test provided in the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018.

4.2 **Project implementation period**

Start date of the project (mention month and year)

Project completion date (mention month and year)

Estimated date of project premiere (mention month and year)

4.3 **Dates on the implementation of the project in Romania**

The shooting preparation period in Romania (mention starting month/year, respectively the ending month/year)

The shooting period in Romania (mention starting month/year, respectively the ending month/year)

Post-production period in Romania (mention starting month/year, respectively the ending month/year)

The locations in Romania where the subject of the film runs⁴

Development region of Romania		
County		
Locality		
Architectural/cultural landmark		
% of the production subject in that location		
Visual identification		
Verbal identification		
Indication of page/sequence from the attached script		

4.4 **Project team⁵**

Crt.no.	Team position	Name	Surname	Citizenship
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⁴ The table below will be filled in for each relevant location in Romania in which the film is running

⁵ The enumeration presented is indicative without being limitative and can be completed/modified accordingly depending on the project specificity.

1	Director			
2	Screenwriter			
3	Producer			
4	Main actor			
5	Secondary actor			
6	Voice actor			
7	Image director			
8	Composer			
9	Animator artist			
10	Image editor			
11	Scenographer			
12	Costume painter			
13	MakeUp artist			
14	Hairstyle artist			
15	Sound editor			
16	Cameraman			
17	Assistant director			
18	Film director			
19	Post production supervisor			
20	Sound engineer			
21	Colourist			
22	Instrumentalist			

III. Presenting the eligible expenditure and the requested financing

1. Total project budget⁶

Total project budget		Total budget of the project realized on the territory of Romania		Total budget of the project realized outside the territory of Romania	
euro	lei	euro	lei	euro	lei

2. Eligible expenditure and requested state aid

Name of activity	Type of eligible expenditure for which the financing is requested	Value of eligible expenditure -lei-			Maximum intensity of the aid	Value of the requested state aid -lei-
		I st year	II nd year	Total		
Supply of goods and provision of services directly related to the implementation of the project	1. Fees, wages and other payments to individuals ⁷ in relation to their activity directly related to the implementation of the project					
	2. Payments for goods and services provided by legal entities directly related to the implementation of the project ⁸					
	TOTAL					

IV. Other aspects

1. I declare on oath that the applicant:

- falls under the large enterprise category
- falls under the small and middle enterprise category
- has not started the work for the project for which it is requesting the financing, respectively it has not concluded any commitment through which the realization of the project in Romania becomes irreversible, according to the provisions of the Regulation (EU) no. 651/2004 of the Commission of 17th of June, 2014, declaring certain categories of aid compatible with the internal market in the application of articles 107 and 108 of the Treaty⁹;
- does not fall in the category of "enterprises in difficulty" according to the provisions of point (18) of the Regulation (EU) no. 651/2014 of the Commission of 17th of June, 2014, declaring certain categories of aid compatible with the internal market in the application of articles 107 and 108 of the Treaty;
- has no debts to the state budget
- is not the subject of an unexecuted recovery order following a prior decision by the competent authorities by which an aid is declared illegal.

⁶ The exchange rate of lei/euro will be the NBR rate of the day of the start of the application submission session.

⁷ The income these people receive for or in direct connection with the implementation of the eligible project are taxable income in Romania according to the Romanian tax legislation, the bilateral tax conventions and the international agreements in force at the date of obtaining the income

⁸ The legal person who provides the goods or renders the services has its registered office in Romania; the legal person is a tax resident in Romania and the goods are supplied and the services are provided on the territory of Romania, regardless of their origin.

⁹ Preliminary surveys to determine the location of the project, the obtaining of permits and the carrying out of the studies are not considered as "the beginning of the work".

2. I declare on oath that, in the last 3 years¹⁰, the applicant: (*tick one of the two variants*):

- did not benefit of the minimis aid and other state aids;
- it benefited of the following minimis aids or other state aids:

crt. no	Project name	Year of granting the aid	The aid supplier	Normative act	Amount of aid -euro ¹¹ -
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3. Declare on oath that all the information provided and recorded in this application is accurate and complete and that all the copy documents accompanying the application conform to the originals.

Name/Surname:

Position:

Signature¹²:

Signature date:

¹⁰ The last three years are considered: the fiscal year in progress and previous 2 years

¹¹ The equivalent in euro is taken from the legal document or determined at the foreign exchange rate valid at the date of granting the aid in accordance with the legal document.

¹² The application will be signed by the person authorized to legally represent the applicant.

LIST OF DOCUMENTS TO BE ATTACHED TO THE APPLICATION FORM

Crt.no	Document	Sheet in the file	Observations
1.	Registration certificate in the Cinema registry	1	
2.	Certificate of good standing issued by the Trade Registry	2	
3.	Certificate of fiscal attestation	etc.	
4.	Financial statements related to the last financial year ended (if applicable)		
5.	Identification document of the person authorized to legally represent the applicant		
Technical file (separate sheet with the file's title. It is numbered)			
6.	Presentation of the project subject		
7.	Film production plan		
8.	Scoring simulation of Eligibility test on the model from the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018 regarding the establishment of the criteria for classification as "cultural product" of the projects that can benefit of state aid.		
9.	Script breakdown, which will highlight the fulfilment of the eligibility criteria from above, including the classification on the Criteria of the eligibility test provided in the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018.		
10.	Legal document proving the possession of intellectual property rights on the project		
CVs			
11.	List with the authors of film		
12.	CV of producer/co-producers		
13.	CV of director		
14.	CV of screenwriter		
15.	The "golden para" of the project team members on the basis of which the criteria for the eligibility test set out in the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018 is carried out.		
16.	Presentation of the locations / studios in Romania In which will be made the filming and their equipment on which the fulfilment of the criteria of the Eligibility Test set out in the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018 is carried out.		
17.	Presentation of the Romanian studios/laboratories in which different stages are achieved in the completion of the production on the basis of which the fulfilment of the criteria of the Eligibility Test provided in the Annex to the Order of the president of the National Commission for Strategy and Prognosis no. 166/2018 is carried out.		
Budget (distinct sheet with file's title. It is numbered)			
18.	Centralized total project budget		
19.	Centralized project budget for Romania		
20.	Supporting documents regarding the own financial contribution of the co-financiers to the financing of the project In the case of the producers / co-producers, and In the case of the service providers the proof of the own contribution of the foreign producer.		
21.	Other supporting documents		

Name/Surname:

Position:

Signature¹³:

Signature date:

Annex 2

Indicative structure of the eligible expenditure categories in the project budget				
Crt.no	Category	Page¹⁴	EURO	LEI
Section 1				
	SCRIPT AND OTHER RELATED INTELLECTUAL RIGHTS			
	SCREENWRITER			
	PRODUCER AND HIS OWN TEAM			
	DIRECTOR AND DIRECTOR'S TEAM			
	COMPOSER			
	IMAGE DIRECTOR			
	CASTING DIRECTOR			
	INTERPRETERS (SINGERS, ORCHESTRA)			
	STUNTS			
	ACTORS			
Total section 1				
Section 2				
	PRODUCTION TEAM			
	PRODUCTION COSTS			
	SHOOTING CAMERA EQUIPMENT			
	CAMERA DEPARTMENT/SPECIAL EQUIPMENT			
	SCENOGRAPHY DEPARTMENT			
	SCENERY CONSTRUCTION			
	SPECIAL EFFECTS MADE AT FRAME			
	MACHINISTS AT SHOOTING EQUIPMENT			
	STAGE PROPS DEPARTMENT (RENTING, ACQUISITION AND STAGE PROPS PRODUCTION)			
	ELECTRICAL DEPARTMENT			
	SCENERY SETUP			
	PROPS AT FRAME			
	VEHICLES AT FRAME AND ANIMALS			
	COMPUTERIZED GRAPHICS			
	SPECIAL SHOOTING			
	SIMPLE AND SPECIAL WALK-ON			
	COSTUMES DEPARTMENT (including RENTING, ACQUISITION AND PRODUCTION, COSTUMES CLEANING)			
	MAKEUP AND HAIRSTYLE DEPARTMENT			
	DIRECT INCOMING SOCKET			
	COSTS OF SHOOTING LOCATIONS (including COSTS WITH THE AMBULANCE, POLICE, FIRE FIGHTERS AT FRAME, SPECIAL PERMITS)			

¹³The application will be signed by the person authorized to legally represent the applicant.

¹⁴ Please refer to the pages that contain details of the eligible expenditure if the beneficiary has budget figures for each eligible expenditure category

	VIDEO ASSISTANCE AT FRAME			
	TRANSPORT			
	FILM AND PROCESSING LABORATORY/DIGITAL STORAGE UNITS/FILM			
	SHOOTING STUDIO COSTS			
	POST PRODUCTION STUDIO COSTS			
	COMPUTERIZED SPECIAL EFFECTS			
	SECURITY			
	TABLE OF THE MOVIE SET			
	OVERTIME			
Total costs for the production period, section 2				
Section 3				
	VIDEO EDITING			
	VIDEO			
	MUSIC ACQUISITION			
	POST PRODUCTION COSTS			
	SOUND EDITING, MIXER, SOUND EFFECTS			
	ACQUISITION OF GRAPHIC ELEMENTS, BOOKSTORES ETC			
	COMPUTERIZED SPECIAL EFFECTS			
	GENERIC MAKING			
Total costs for the production period, section 3				
Section 4				
	INSURANCE POLICIES			
	ADVERTISING			
Total other expenses section 4				
A. Total section 1				
B. Total sections 2+3+4				
General total (A+B)				