

ORDER

on the establishment of the Romanian Film Commission and the approval of the Rules of Functioning thereof

Considering the provisions of art. 12, par. (1) and (10) of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry

Under the provisions of art. 6, par. (2) of the Government Ordinance no. 22/2007 (r), on the organization and operation of the National Commission for Strategy and Prognosis, as amended and supplemented.

the president of the National Commission for Strategy and Prognosis issues the following order.

Art. 1. The Romanian Film Commission, hereinafter referred to the Film Commission, is established and has the composition provided in **Annex no. 1** which is an integral part of this order.

Art. 2.(1) The Film Commission consists of 5 members, of which one is appointed as president, with recognized experience in the university, cultural, artistic, cinematographic, business or non-governmental field.

(2) The Film Commission management is assured by its president elected by unanimous vote of the members at the Commission's first meeting.

(3) The Commission Secretariat is assured by the National Commission of Strategy and Prognosis.

Art. 3. The members of the Romanian Film Commission benefit of a monthly allowance for the work carried out within it, established in accordance with the provisions of art. 16, par. (2) of the Government Ordinance no. 51/1998 on the improvement of the financing systems of programs, projects and cultural actions, as amended and supplemented, to half of the monthly allowance of the president of the National Commission of Strategy and Prognosis.

Art. 4. The Regulation for the organization and operation of the Film Commission, provided in **Annex no. 2**, which is an integral part of this order, is approved.

**THE PRESIDENT OF THE NATIONAL COMMISSION OF
STRATEGY AND PROGNOSIS**

Ion GHIZDEANU

Romanian Film Commission

1. **Adrian Titieni** - actor, PhD. - Honorary President of UNATC
2. **Dan Pița** - director and screenwriter
3. **Sterian Alexandru** - film image operator, doctor in cinematography
4. **Stan McCoy** - President Motion Picture Association, USA
5. **Kevin Dillon** - Hollywood actor

**Regulation of organization and operation of the
Romanian Film Commission**

Art.1 The Romanian Film Commission, hereinafter referred to as the Film Commission, is a decision-making body without legal personality, with the role of assessing and selecting the cinematographic projects, what meet the eligibility conditions for getting State aid in accordance with the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry.

Art. 2 This regulation on the organization and operation of the Film Commission sets out the tasks as well as the way of organizing and carrying out of its activity.

Art. 3. The Film Commission has as main tasks:

a) To evaluate the financing applications submitted under the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry in order to be registered at the Registry of the National Commission of Strategy and Prognosis, in terms of compliance and fulfilment of the eligibility conditions and criteria;

b) To request additional information, clarifications and/or documents for completing the Financing application, as the case may be;

c) To solve all the financing applications by adopting a Decision on issuance of the "Certificate of Applicant" or a Reasoned Rejection Decision, to fit into the annual budgets allocated to the scheme and to comply with the applicable legal deadlines;

d) To transmit the Decision on issuance of the "Certificate of Applicant" or the Reasoned Rejection decision to the President of the National Commission of Strategy and Prognosis in order to issue the Certificate of

applicant and the Financing Agreement or to reject the application and their approval by the order;

e) To analyze the audit reports carried out in accordance with the applicable legal provisions and recorded at the Registry of the National Commission of Strategy and Prognosis;

f) To certify the amount of eligible expenditure related to the Certificate of applicant and to the Financing agreement according to the applicable legal provisions and under the audit report;

g) To request the completion/ correction of the audit report, as the case may be;

h) To settle all the payment requests by adopting a decision that certifies the amount of eligible expenditure and the value of the corresponding State aid, by fitting into the annual budgets allocated to the scheme and in compliance with applicable legal deadlines;

i) To send the Decision that certifies the amount of eligible expenditure and the value of the corresponding State aid to the President of the National Commission of Strategy and Prognosis for the approval of the payment request;

j) To send to the National Commission of Strategy and Prognosis, at its request, the reasoned response to any appeal of the Decisions issued by it;

k) To send a reasoned response in the shortest time possible to any request for clarifications issued by the National Commission of Strategy and Prognosis in the process of issuance of the Certificate of applicant and the Financing agreement or the Rejection of the application, as well as the approval of the payment request;

l) To ensure permanent communication with the representatives of the National Commission of Strategy and Prognosis, which ensure the Secretariat of the Film Commission.

Art. 4.(1) The members and the president of the Film Commission have the obligation to keep confidentiality throughout their mandate and after its termination, regarding data and/or personal information, according to the General Regulation of Data Protection (GRDP) – (EU) Regulation 2016/679 or subject to legal protection under Law no. 8/1996 on copyright and related rights, as amended and supplemented, of which they became aware during the exercise of their mandate, except for data and documents which, according to the law, constitute information of public interest.

(2) The members and the President of the Film Commission have the obligation to exercise their mandate in accordance with the following principles:

- a) proper observance and enforcement of the law;
- b) priority of the public interest;
- c) ensuring equal treatment;
- d) professionalism, by fulfilling the mandate with responsibility, competence, efficiency, fairness and conscientiousness;
- e) impartiality and independence, which implies an objective-neutral attitude to any political, economic, religious or other interest in the exercise of the mandate;
- f) moral integrity.

(3) In order to avoid conflicts of interest, during the exercise of their mandate, the members and the president of the Film Commission, as well as the members of their families or relatives up to the second degree inclusively, may not participate in any quality to the performance of a cinematographic project registered in that competition session.

(4) For the purpose of knowing and assuming the commitments provided for in par. (1) - (3), the members and the president of the Film Commission, shall sign, within not more than 10 calendar days from the appointment, but no later than the first meeting, the confidentiality statement and the avoidance of conflict of interests, according to the model set out in the Annex no. 1 to this Regulation.

Art. 5 (1) The quality of member or president of the Film Commission ceases in the following situations:

- a) termination of the validity of the mandate;
- b) violation of the legal provisions and this regulation;
- c) finding the non-compliance with the commitments contained in the confidentiality statement and avoiding conflicts of interest;
- d) absence at 3 consecutive meetings or 5 absences per year;
- e) by giving up on his / her own initiative the mandate, communicated in writing to the President of the Film Commission or, in the case of the President, communicated in writing to the president of the National Commission for Strategy and Prognosis;

f) in case of non-fulfilment of the obligation stipulated in art. 2, par. (4);

when, following a final and irrevocable court decision, he/she is convicted of one of the deeds prescribed and sanctioned in connection with the exercise of the profession.

(2) Establishment of the situations provided in par. (1) is the responsibility of the president of the Film Commission and of 1/2 of the members of the Film Commission, the situations thus established being brought to the knowledge of the president of the National Commission of Strategy and Prognosis.

(3) If one of the members of the Film Commission or its president loses this quality, another candidate will be selected, for the period remained of the mandate.

Art. 6.(1) In exercising its duties, the Film Commission:

a) Evaluates from the compliance point of view, the financing requests submitted under the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry and is carried out by the Film Commission based on the Checklist provided in Annex no. 2 to this Regulation;

b) Evaluates from the eligibility point of view, the financing requests submitted under the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry and is carried out by the Film Commission based on the Checklist provided in Annex no. 3 to this Regulation;

c) Evaluates the payment requests submitted under the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry based on the Checklist provided in Annex no. 4 to this Regulation;

Art. 7. In the process of evaluation and deliberation for the settlement of the documentations of requests for agreement or payment submitted under the provisions of the Government Decision no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry, the members of the Film Commission may request points of view written by other experts in the field.

Art. 8.(1) The activity of the Film Commission shall be held in working sessions at least 5 days before the date proposed and shall have a pre-established agenda and shall be communicated to all members.

(2) The work sessions can also be held by remote means of communication, respectively by internet, the opinions expressed by e-mail being included in the minutes of the meeting held in this way.

(3) In the case of meetings held by remote means of communication, the date of the meeting and the term for response shall be specified, respectively when the meetings in considered to be terminated, and the presence shall be represented by the e-mails received during that time interval.

(4) Participation to the works of the Film Commission cannot be delegated.

(5) The activity of the Film Commission may take place in the presence of at least three members, including its president.

(6) In the minutes of the meeting shall be recorded the summary of the discussions and the conclusions to each topic on the agenda.

(7) The conclusion of the deliberations, formulated by the president of the Film Commission for each topic on the agenda, approved by the vote of the members of the Commission (also with the registration of the votes against, abstentions) is to mentioned in the minutes of the meeting.

(8) The Film Commission shall issue a reasoned rejection decision if no favourable vote of at least half, plus one, of the quorum is met.

Art. 9.The minutes of the meetings and the decisions of the Film Commission shall be published on the site of the National Commission of Strategy and Prognosis in a special section dedicated to the State aid scheme.

Art. 10.The Commission's technical secretariat is provided by the National Commission of Strategy and Prognosis. The secretariat mainly conducts the following activities:

a) ensures the conditions for the commission's meetings both in terms of location and computer resources;

b) draws up the minutes;

c) records the decisions and sends them to the National Commission of Strategy and Prognosis through its registry.

Art. 11.(1) The regulation for the organization and operation of the Film Commission can be modified whenever the legal provisions or the necessities impose it with the majority vote of the members.

(2) The proposals to modify the regulation will be communicated to the National Commission of Strategy and Prognosis for the issuance of a new order.

Annex no. 1 to the Regulation

STATEMENT
on confidentiality and impartiality

The undersigned, member/president in the Romanian Film Commission set up in compliance with the provisions of G.D. no. 421/2018 for the establishment of a State aid scheme to support the cinematographic industry, I declare on oath, under the sanction of false statements, provided by art. 326 of the Criminal code, the following:

a) I do not hold shares, shares of interests or shares in the subscribed capital of a legal entity that can access the State aid scheme established by G.D. no. 421/2018;

b) I am not part of the board of directors/management or supervisory body of a legal entity that can access the State aid scheme established by G.D. no. 421/2018;

c) I am not the spouse, relative or relative by affinity up to the second grade, including with persons which are part of the board of directors/management or supervisory body of a legal entity that can access the State aid scheme established by G.D. no. 421/2018;

d) I have no interest to be designed to affect my impartiality during the deliberation process of the Film Commission.

e) during the mandate I will not engage in any type of activity that contravenes to the duties exercised at the Film Commission.

f) I engage to maintain the confidentiality of information and personal data according to the General Regulation of Data Protection (GRDP) – (EU) Regulation 2016/679 and those falling into the data protection by Law no. 8/1996 on copyright and related rights, as amended and supplemented, which I will obtain/find out as an effect of my membership of the Film Commission.

I confirm that, if, during the exercise of my mandate, I find myself in one of the situations shown or out of the commitments above, I will immediately declare this and withdraw from the quality held at the Film Commission.

Date

Signature

Annex no. 2 to the Regulation

Checklist

on the fulfilment of the compliance criteria of the financing application and the supporting documents submitted in accordance with the provisions of G.D. no. 421/2018

Crt no.	Document	Compliance conditions	The existence of the document YES/NO	Observations
1.	Application form	<ul style="list-style-type: none">- It contains all the fields filled in with the required data, it is in accordance with the form in Annex 1 to the procedure in the CNSP Order no. 202/2018 and is dated and signed in the original by the person authorized to legally represent the company;- It contains information related to the information in the certificate of good standing, the financial statements, the film production plan, the identity document of the authorized person or the power of attorney, if applicable.		
2.	Certificate of registration in the Cinematography Registry	In copy.		
3.	Certificate of good standing issued by the Trade Registry	It is attached in original, it is updated with data valid on the date of registration of		

		the Application form and contains all the necessary information stipulated by GD 421/2018 and the subsequent administrative documents issued in its application.		
4.	Tax registration certificate	is valid and presents the note: without debt		
5.	Financial statements related to the last financial year ended (if applicable)	They are submitted and approved in accordance with the legal provisions, they are attached in copy. Verification is made for company in difficulty.		
Technical file (separate sheet with the title of the file. Numbered)				
6.	Presenting the project topic			
7.	Production plan of the film			
8.	Scoring simulation. The eligibility test on the model from Annex to the CNSP Order no. 166/2018			
9.	Script breakdown that will highlight the fulfilment of the eligibility criteria and compliance with the eligibility criteria set out in the Annex to the CNSP Order no. 166/2018			

10.	Legal document that proves the possession of intellectual property rights on the project Copyright contract, Copyright assignment contract.	It is presented in notarized copy.		
CVs				
11.	List of the authors of the film			
12.	CV of producer/co-producers			
13.	CV of director			
14.	CV of screenwriter			
15.	Golden para (brief presentation) of the project team members based on which the criteria of the eligibility test provided in Annex to the CNSP Order of the President no. 166/2018 is carried out.			
16.	Presentation of the locations/studios in Romania in which the shootings and endowments based on which the criteria of the eligibility test provided in Annex to the CNSP Order of the President no.			

	166/2018 is carried out.			
17.	Presentation of studios/laboratories in Romania in which different stages of the finalization of the production is achieved, based on which the criteria of the eligibility test provided in Annex to the CNSP Order of the President no. 166/2018 is carried out.			
Budget (separate sheet with the title of the file. Numbered)				
18.	Centralizer of project total budget	On the format from the order		
19.	Centralizer of Romania project budget	On the format from the order		
20.	Supporting documents for own financial contribution to the financing of the project (producer, co-producer, co-financers): Credit agreement, intra-group loan agreement, GMS decision regarding the increase of the share capital.	In original.		

Surname/Name:

Function:

Signature:

Date of signature:

Checklist

on the fulfilment of the eligibility criteria of the financing application and the related supporting documents submitted in accordance with the provisions of G.D. no. 421/2018

Crt. no.	Eligibility criteria	Fulfilment of criterion YES/NO	Comments
1	The main activity of the company is cinematographic production and, in the case of Romanian companies, they are registered in the Cinematographic Register.		
2	The company holds the quality of a producer, co-producer and/or production service provider and produces long feature films, fictions, animation or documentary films or television series, partially or wholly on the territory of Romania.		
3	As a producer/co-producer, the company owns the intellectual property rights to the work to be produced or, if it provides services for a foreign production company, it acquired the rights to produce.		
4	In the case of foreign producers, a co-production or service agreement must be signed with a Romanian producer.		
5	The company presents information related to the total budget of the production for		

	which this State aid is requested, in the case of productions wholly carried out on the territory of Romania and, in the case of those that are partially carried out on the territory of Romania, information related to the budget corresponding to the expenses incurred on the territory of Romania, for which state aid is requested.		
6	The company proves that it has no debts to the consolidated Romanian general budget.		
7	In the case of co-productions, the co-producers delegated a single company, which will represent the production and will have the quality of applicant for this aid scheme.		
8	The project falls under the category of "cultural product".		
9	The amount of total eligible expenditure in connection with the implementation of the project is at least EUR 100,000.		

Surname/Name:

Function:

Signature:

Date of signature:

Annex nr.4 to the Regulation

Checklist of supporting documents

Crt. no	Document	Compliance conditions	Existence of the document YES/O	Comments
1	Payment request	Contains the company's identification data, project name, value of expenditure incurred, amount of requested State aid, information correlated with the information from budget centralizers, production plan		
2	Audit report	In original, signed by the legal representative of the company that developed the report. Developed in accordance with the International Standard on Related Services (ISRS) 4400		
3	Supporting documents: -contracts; - invoices; - Payment orders; - Bank statements; -Accounting notes; - Account sheets;	In copy, signed by the legal representative of the company, it is marked "according to the original" translated into Romanian by an authorized translator, as the case may be		

	- Trial balance; - Payroll			
4	- Explanatory notes; -Statements.			

Surname/Name:

Function:

Signature:

Date of signature: