

Guidelines Issued by the Federal Government Commissioner for Culture and the Media

German Motion Picture Fund

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Section 1 Objective and principles of funding

(1) The objective of the funding programme of the Federal Government Commissioner for Culture and the Media (BKM) is to strengthen the competitiveness and innovative force of Germany as a film location. It is intended to contribute to maintaining, making full use of and expanding the audio-visual infrastructure in Germany and to promoting technical creative services in the film industry, which are the prerequisites for creative and cultural activities in the digital age. Above all support is also to be given to the further digitalisation of German film-making in order to promote innovative, creative work at all stages of the production process and the value-added chain of film production, to establish internationally recognised production standards, and to stimulate the implementation of internationally promising material with the involvement of the German film industry and the creation of digital content as principal forces for growth in the digital industry. For these purposes the production of films and series may be supported as an economic and cultural asset.

The funding is furthermore intended to contribute to the following:

- enhancing the attractiveness of Germany as a film production location;
- supporting the use and development of creative, innovative technologies and digital film-making in the German film industry at all levels of the production process;
- maintaining and expanding the production capacities for technical creative services in Germany;
- supporting the transfer of knowledge and technology during the production of films and series; and
- encouraging producers to put innovative formats into practice in Germany, and ensuring they have the greatest possible creative and cultural leeway to do so.

(2) The Federal Government Commissioner for Culture and the Media awards grants for the production of films and series in accordance with these Guidelines and the Administrative Provisions under sections 23 and 44 of the Federal Budget Code (*Bundeshaushaltsordnung*, BHO). Expenditures are financed from Chapter 0452 Title 683 22 within the framework of the estimated budget and commitment appropriations in each case.

(3) The granting and processing authority is the German Federal Film Board (FFA), Große Präsidentenstraße 9, 10178 Berlin. The FFA is subject to the legal and technical supervision of the Federal Government Commissioner for Culture and the Media in respect of this measure.

(4) The applicant producer has no entitlement to being awarded a grant or a potential subsequent appropriation under section 7.5. The FFA decides as it sees fit. Grants and potential subsequent appropriations are awarded subject to the availability of budgetary resources.

(5) A company which is subject to an outstanding recovery order following a previous Commission decision declaring an aid granted by the same Member State illegal and incompatible with the internal market must not be granted individual aid. Nor may companies in difficulty be granted funding.

Section 2 Subject of funding; definitions

Section 2.1 Subject of funding

(1) Funding is granted for the production of films which are not intended or suitable for initial release in cinemas, and for the production of series.

(2) Feature-length films in which the German share of financing is at least 20 per cent are eligible. In the case of production costs exceeding 35 million euros, a German financial contribution of at least 7 million euros is sufficient.

(3) Feature-length series are eligible, irrespective of whether they are intended for linear or non-linear reception. A series according to these Guidelines has a continuing, fictional plot or documentary subject that is played out in a predetermined number of at least four consecutive episodes in the case of fictional series and at least three consecutive episodes in the case of documentary series (season). Whole seasons or individual episodes of a season may be funded.

Section 2.2 Definitions

(1) Total production costs of the film or series within the meaning of these Guidelines are all costs arising from the production of the film.

(2) Production costs within the meaning of these Guidelines are all costs in accordance with Schedule 5 no. 1 of these Guidelines.

(3) German production costs are production costs for film-related goods and services provided by companies or their staff as well as by freelancers and self-employed persons in Germany pursuant to the following provisions:

1. Services provided by persons

Wages, salaries, fees and royalties will qualify as German production costs if and insofar as they are subject to unrestricted or limited tax liability in Germany. The persons employed in film or series production must be specified in a staff and cast list usual in the industry, also indicating the domicile and place of business relevant for tax purposes.

2. Services provided by companies

Company services will only be recognised as German production costs if

- the company providing the services has its place of business or a business establishment in Germany and is entered in the Commercial Register or is a registered trade there, and
- at the time of providing the services, the company or the establishment employs at least one permanent member of staff based in Germany; and
- the company or establishment provides detailed invoicing for the service; and
- the service indicated in the invoice has actually been completely provided in Germany or the material used to provide the service has all been procured in Germany and the technical equipment required to deliver the service is actually deployed in Germany. Mobile film equipment (e.g. cameras, lighting and sound equipment) must be procured (i.e. purchased, leased or hired) in Germany.

Section 3 Recipient of a grant

(1) The recipient of a grant is the applicant, provided all grant requirements are met.

(2) Producers of films or series within the meaning of these Guidelines are eligible to apply. The producer is the person who is responsible for project production through to delivery of the first answer print or who is jointly responsible in the case of a co-production and who is actively involved in production. A purely financial involvement of the producer is not sufficient.

(3) Public service broadcasters and private broadcasters as well as video-on-demand providers are not eligible to apply.

(4) The applicant producer must have his or her domicile or registered office in Germany, another Member State of the European Union (EU), another contracting state of the Agreement on the European Economic Area (EEA) or Switzerland. If the applicant producer does not have his or her domicile or registered office in Germany, he or she must have a business establishment within Germany at the time of disbursement of the grant.

(5) If the project is produced by the German subsidiary or establishment of a producer with a registered office outside the EU, the European Economic Area or Switzerland, then all grant requirements must be met by the German subsidiary or establishment. The application may only be submitted by the German subsidiary or establishment.

(6) The applicant producer or – if the project underlying the application is produced by a company founded solely for that purpose – a company affiliated with the applicant must have produced, as an enterprise or a person responsible for a production, at least one feature-length film (reference film) or feature-length series (reference series) during the last seven years before filing the application, in Germany or another EU Member State or EEA contracting state or Switzerland. The reference film or reference series must have been released in German cinemas, German television or by video-on-demand services accessible from Germany. If the reference film or reference series is an international co-production involving a producer from a country which is not an EU Member State, an EEA contracting state or Switzerland, then the applicant producer must have produced that reference film either alone or as a co-producer with majority participation. The FFA managing board may, in justified exceptional cases, waive the requirement for majority participation if the technical qualification of the applicant producer is not in doubt.

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

Section 4 General grant requirements

Section 4.1 Combination with other funding

(1) Funding may not be combined with other state aid – including aid under Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L, 2023/2831, 15.12.2023) – unless the other aid refers to different identifiable eligible costs, or the maximum aid intensity applicable to this support or the maximum amount of aid applicable for this support is not exceeded.

(2) The aid intensity of all the aid granted to a project is to be limited to 50 per cent of the respective total production costs. The aid intensity may be increased as follows: in the case of cross-border projects financed by more than one EU Member State and involving producers from more than one Member State, the aid intensity may be up to 60 per cent of the respective total production costs.

Section 4.2 No violation of German laws

Films or series which feature anti-constitutional or unlawful content or which are focused on pornography or the glorification of violence or which openly, seriously and inappropriately violate religious feelings are not eligible for funding. It is up to the FFA managing board to decide whether the conditions of this provision are met.

Section 4.3 Start of the filming or animation work

The shooting or animation work may only commence after a grant notification has been issued. The first day of real or virtual shooting is regarded as the beginning of shooting. The applicant producer may submit a request to begin filming or animation work earlier, and the FFA will decide on such a request as it sees fit, giving consideration to the general administrative provisions adopted regarding section 44 of the Federal Budget Code.

Section 4.4 Incentive effect

The necessity of the grant and the incentive effect for Germany as the film and business location that is associated with funding must be set out in the application (particularly the fact that the project would not be executed in Germany to this degree without the funding).

Section 4.5 Test of characteristics

(1) To receive funding, a feature film or a fictional series must score at least 40 points in the test of characteristics in Schedule 1.

(2) To receive funding, a purely animated feature film or series must score at least 28 points in the test of characteristics in Schedule 2.

(3) To receive funding, a documentary film or series must score at least 23 points in the test of characteristics in Schedule 3.

(4) As a general rule, the applicant producer must take into account ecological concerns in the context of the film or series production. For this purpose, the applicant producer may at the time of filing the application submit the declaration of commitment found in Schedule 7 or one that goes even further, committing to produce the film or series in an environmentally friendly and resource-efficient way. If no such declaration of commitment is submitted, the total score calculated pursuant to Schedules 1 to 3 for the category "Production" will be reduced by 10 points for feature and animated films or series and by 5 points for documentary films or series.

Section 4.6 Archiving

The applicant producer must provide the German Federal Film Archive with a technically perfect analogue or digital non-compressed copy of the funded project free of charge in a format that can be archived, unless this obligation has already been otherwise met. If the applicant producer is obliged to produce an accessible version of the project in accordance with the provisions of these Guidelines, sentence 1 also applies to the accessible version. Further particulars are determined by the provisions of the German Federal Archive.

Section 4.7 Information duties

In the case of funded projects, clear information about the funding pursuant to these Guidelines must be faded in or shown in the national and international opening or closing credits and on all advertising media. In addition, the logo of the Federal Government Commissioner for Culture and the Media must be faded in or shown in a clearly visible place in line with the Federal Government's style guide.

Section 4.8 Ecological Standards

During the production of the series or film, the Ecological Standards in the applicable version must be met.

Section 5 Special grant requirements for films

Section 5.1 Running time

The grant is awarded for feature-length films. A film is feature-length if it runs for at least 79 minutes, or 59 minutes in the case of children's films. In justified exceptional cases, the FFA managing board may allow a shorter running time for animated films.

Section 5.2 Minimum total production costs and minimum amount of the German production costs

(1) The total production costs must be at least 25 million euros. The principles of economical business management according to Schedule 4 of these Guidelines apply.

(2) The German production costs must comprise at least 40 per cent of total production costs. Sentence 1 does not apply if the German production costs are at least 13 million euros. In exceptional cases, the minimum requirements of sentences 1 and 2 may be waived on request if, viewed across all phases of the entire production process, at least 3 million euros have been spent on digital film-making in Germany in accordance with Schedule 6. The FFA managing board decides on such requests as it sees fit and in agreement with the Federal Government Commissioner for Culture and the Media.

Section 5.3 Release in the German language

(1) The film must be released on German television or by video-on-demand services accessible in Germany. Evidence of the intended release must be provided to the FFA at the time the application is submitted. Proof of the actual release in Germany must be furnished within a year of the film's completion. The FFA managing board may extend the deadline once in justified exceptional cases.

(2) A grant will only be awarded for films of which at least one final version is produced in the German language, except for dialogue scenes where the script provides for a different language. With regard to the language version of the film, a version with German subtitles suitable for cinema use will suffice for the cinema performance or release on German television or by video-on-demand services accessible in Germany. The German-language version must be submitted to the FFA before payment of the last instalment of the grant and at the latest on expiry of the project term specified in the application.

(3) In addition, the FFA must be provided with the accessible version of the funded film on its release. An accessible version of a film is a final version of the film with German-language subtitles for people who are deaf or hard of hearing and a final version of the film with German-language audio description for viewers with visual impairments, in a quality which meets market requirements and is suitable for the type of intended screening.

Section 6 Special grant requirements for series

Section 6.1 Running time, involvement of German broadcasters

(1) The grant will be awarded for feature-length series. A fictional or animated series is feature-length if it runs for at least 240 minutes per season, and a documentary series is feature-length if it runs for at least 180 minutes per season. In justified exceptional cases, the FFA managing board may allow a shorter running time for animated films.

(2) If a German broadcaster is involved in funding the series, the grant will be awarded only if the share of funding from the German broadcaster or from a company affiliated with it does not exceed 60 per cent. If the series is not filmed in German, sentence 1 applies on the condition that the share of funding from German broadcasters may not exceed 70 per cent.

(3) The FFA managing board may permit exceptions to subsection (2) in justified cases on request. In doing so it will, among other things, consider whether and to what extent the production of the series may be financed and/or refinanced by the sale of overseas distribution rights.

Section 6.2 Minimum total production costs and minimum amount of the German production costs

(1) In the case of fictional series, the total production costs must be at least 30,000 euros per minute. Sentence 1 does not apply if the total production costs are at least 1.2 million euros per episode and at least 7.2 million euros per season.

(2) In the case of documentary series, the total production costs must be at least 9,000 euros per minute. Sentence 1 does not apply if the total production costs are at least 360,000 euros per episode and at least 1.65 million euros per season; the cost per minute cannot be less than 7,000 euros.

(3) The principles of economical business management according to Schedule 4 of these Guidelines apply.

(4) The German production costs must comprise at least 40 per cent of the total production costs. Sentence 1 does not apply if the German production costs amount to at least 10 million euros in the case of fictional series and 3 million euros in the case of documentary series. In exceptional cases, the minimum requirements of sentences 1 and 2 may be waived on request if, viewed across all phases of the entire production process, at least 3 million euros have been spent on digital film-making in Germany in accordance with Schedule 6. The FFA will decide on such requests as it sees fit and in agreement with the Federal Government Commissioner for Culture and the Media.

Section 6.3 Release in the German language

(1) The series must be released on German television or by video-on-demand services accessible in Germany. Evidence of the intended release must be provided to the FFA at the latest at the time of submitting the application. Proof of the actual release or broadcasting on German television or by video-on-demand services accessible in Germany must be furnished within a year of completion. The FFA managing board may extend the deadline once in justified exceptional cases.

(2) The grant will only be awarded for series of which at least one final version of the series is produced in German, except for dialogue scenes where the script provides for a different language. A version with German subtitles will suffice. The German-language version must be submitted to the FFA before payment of the last instalment of the grant and at the latest before the beginning of the initial release.

(3) In addition, the FFA must be provided with an accessible version of the funded series when broadcasting of the series begins in Germany. An accessible version of a series is a final version of the series with German-language subtitles for people who are deaf or hard of hearing and a final version of the series with German-language audio description for viewers with visual impairments, in a quality which meets market requirements and is suitable for the type of intended screening.

Section 7 Nature, scope and amount of the grant

Section 7.1 Nature of the grant

The grant will be approved in the form of financial aid for the project. The grant will be awarded as partial financing. This requires a financing need on the part of the applicant producer in at least the amount of the grant. The calculation of the amount of a grant pursuant to section 7.3 and/or section 7.4 (1) and (2) remains unaffected.

Section 7.2 Reference point for the grant

(1) The basis for calculating the amount of the grant is the German production costs, but not more than 80 per cent of the total production costs.

(2) The following costs are not eligible:

- Pre-production costs (according to Schedule 5, no. 7)
- Costs for rights to content and rights to other existing works (incl. existing music) The exception to this is royalties for the screenplay to the film and, in the case of archive material for documentary films and documentary series, up to 30 per cent of the German production costs.
- Costs for legal fees
- Insurance costs
- Financing costs
- Travel and transport costs for performers
- Overhead costs (according to Schedule 5, Overview C)
- Actors' fees insofar as they exceed 15 per cent of the German production costs
- Contingency funding, where this cannot be settled in the final cost report in favour of eligible goods and services
- Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs
- Costs for shooting abroad, irrespective of whether these are German production costs within the meaning of section 2.2 (3), to the extent that these do not meet the requirements of subsection (3)

(3) If compelling dramaturgical requirements in the script call for shooting on location which cannot take place in Germany or only at an unreasonably high cost, then the on-location shooting costs incurred abroad for these reasons qualify as eligible production costs with regard to documentary films and documentary series in derogation from subsection (2), if at least 65 per cent of the German production costs incurred to produce the documentary film or series are incurred without taking into account the costs incurred for shooting on location abroad.

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

Section 7.3 Films: Scope and amount of grants

The grant is for up to 30 per cent of the eligible German production costs, not to exceed 5 million euros per film.

Section 7.4 Series: Scope and amount of grants

(1) For series, the grant is for up to 30 per cent of the eligible German production costs, not to exceed 6 million euros per season.

(2) For fictional series with German production costs of at least 24 million euros and at least 70 points in the test of cultural characteristics pursuant to Schedule 1, the maximum grant per season is, in derogation from subsection (1), not to exceed

- 7.2 million euros for fictional series with German production costs of up to 32 million euros,
- 10.5 million euros for fictional series with German production costs of up to 40 million euros,
- 20 million euros for fictional series with German production costs of more than 40 million euros.

(3) The amount of the grant is irrespective of whether individual episodes of a season are funded or the entire season is funded.

Section 7.5 Subsequent appropriation

(1) As a general rule, any subsequent overrun of eligible German production costs specified in the application will not be taken into consideration.

(2) If the German production costs rise owing to force majeure or similar circumstances, the FFA managing board may, in justified exceptional cases, on request by the producer and in agreement with the Federal Government Commissioner for Culture and the Media, agree to make a subsequent increase of the grant (subsequent appropriation) of up to the maximum percentage grant amount permissible in each case under sections 7.3, 7.4. This subsequent appropriation is limited to a maximum of 30 per cent of the grant originally awarded. The basis for calculating the amount of the subsequent appropriation is the amount of the eligible German production costs additionally incurred. The subsequent appropriation is paid in instalments, in agreement with the Federal Government Commissioner for Culture and the Media, taking into account the circumstances of the individual case. The applicant producer must file the written application for a subsequent appropriation as early as possible, stating the reasons for and amount of the additional costs incurred in a substantiated way.

Section 8 Procedure

Section 8.1 Application

(1) The application, including all schedules, must be submitted to the FFA in digital form; detailed information about submitting applications is published on the FFA website.

(2) Applications must be filed no later than six weeks before the start of shooting. The FFA managing board may, in justified exceptional cases, agree to exceptions to this deadline. No application may be submitted after the start of shooting.

(3) The application must contain the planned date of completion of the answer print and the information and documents in digital form stipulated by the FFA in the implementing provisions to these Guidelines. If it is not possible to present proof that the grant requirements have been met at the time of filing the application, the fact that the grant requirements have been met must be established with sufficient probability. Section 294 of the Code of Civil Procedure

(*Zivilprozessordnung*, ZPO) applies accordingly. In this case the proof must be presented by the date on which the grant is disbursed. If an invoice is required as proof, it must be issued in the applicant producer's name. If documents do not exist in a German-language original version, the FFA may require the applicant to submit a translation of the documents by a generally sworn translator, or a German-language summary of the main contents required in order to process the application; the accuracy and completeness of the summary must be confirmed by the applicant.

(4) Applications will be processed by the FFA in the order in which the completed applications are received. Applications received during the hours of business of the FFA on the same calendar day will all be regarded as having been received at the same time.

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

(6) All application documents become the property of the Federal Government Commissioner for Culture and the Media and remain in the possession of the FFA.

Section 8.2 Approval

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

(2) The application may not be approved until the applicant producer has substantiated the fact that 65 per cent of the total production costs of the project are financed.

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

(4) The General Auxiliary Conditions for Grants for the Promotion of Projects (*Allgemeine Nebenbestimmungen für Zuwendungen zur Projektförderung*, ANBest-P) are an integral part of the notification of grant. In derogation from this rule, no. 3.1 of the ANBest-P applies only to grants of at least 16 million euros. In case of smaller grants, too, the applicant producer is obligated to award contracts only to competent and efficient vendors in line with principles of competition and under cost-effective conditions. At least three bids are to be collected, if possible. The procedure and results must be documented. The appropriation is composed of all funds allocated by the Federal Government and the *Länder*.

(5) The grant notification is subject to revocation (section 36 subsection 2 no. 3 of the Administrative Procedure Act) of the following number 1 and to the conditions subsequent (section 36 subsection 2 no. 2 of the Administrative Procedure Act) of the following numbers 2 and 3:

1. The total funding of the project must be demonstrated within five months of receipt of the grant notification, at the latest within the period stipulated in subsection (6) as regards exceptional cases. In accordance with sections 31 and 41 (2) of the Administrative Procedure Act, this period starts on the third day after mailing the proof or after electronic transmission of the notification.
2. Work on filming or animation must begin within six months of receipt of the grant notification, at the latest within the period stipulated in subsection (6) as regards exceptional cases.
3. The project must be completed within the term for completion of the answer print as specified in the application, at the latest within the period stipulated in subsection (6) as regards exceptional cases.

- (6) Upon application by the producer, the deadlines referred to in subsection (5) nos. 1 to 3 may be extended, based on the exercise of due discretion:
1. The FFA may extend the deadline under subsection (5) no. 1 once, by one month.
 2. The FFA may extend the deadline under subsection (5) no. 2 once.
 3. The FFA may extend the deadline under subsection (5) no. 3 once. In particularly exceptional cases, the FFA managing board may allow a second extension of this deadline.
 4. If it is essential to extend the deadline on account of force majeure or similar circumstances, the FFA managing board may, in justified exceptional cases and in agreement with the Federal Government Commissioner for Culture and the Media, allow further extensions of the deadlines referred to in subsection (5) nos. 1 to 3.

Grounds must be provided for any application to extend a deadline.

- (7) The FFA may ensure that requirements for approval are met by including further auxiliary conditions in the grant notification.

Section 8.3 Request and payment

(1) The grant will be disbursed to the applicant producer after the answer print of the film or series has been completed at the time stated in the application and when the final costs have been audited and the proof of employment of funds has been presented. Proof of the actual release on German television or by a video-on-demand service accessible in Germany can also be provided after payment, but no later than 12 months after completion of the answer print.

(2) On request, payment may be made in instalments in line with production progress; in this case 33 per cent of the grant will be paid at the start of filming, 33 per cent on completion of the rough cut, and the rest when the final costs have been audited and the proof of employment of funds has been presented. In the case of series, sentence 1 applies on the condition that the rough cut must have been completed for at least 50 per cent of the season or for at least 50 per cent of the individually funded episodes. In the case of documentary series, in derogation from sentence 1 an additional instalment may be disbursed in the middle of filming and the amounts disbursed may be adjusted flexibly as needed, although no instalment may exceed 33 per cent and the final instalment must amount to at least 20 per cent of the total grant. Reasons must be provided for every request for payment in instalments. In case of grants of more than 2 million euros, payment in instalments also requires the presentation of a completion bond or a guarantee in the amount of the grant approved. No guarantee pursuant to sections 65 and 86 of the Film Promotion Act (*Filmförderungsgesetz*, FFG) is allowed. In exceptional cases, payment may be disbursed on completion of the answer print without a completion bond or a guarantee, if the proof required by the FFA is presented. Disbursement in instalments may be granted only where it is guaranteed that the funding will be used without delay and no later than six weeks from the date of disbursement. The applicant producer must present proof when applying for payment in instalments that this requirement has been met. Before the first instalment is disbursed, the producer must prove that all remaining requirements for approval pursuant to section 8.1 (3) have been met and that overall financing is secured.

(3) Payment is to be refused

- (a) if correct financing of the project has not been guaranteed; or
- (b) if the applicant producer has breached the principles of economical business management.

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

Section 8.4 Procedure for verifying use

(1) The FFA is responsible for verifying and checking use and for any necessary revocation of the grant notification and for any recovery of the funds as set out in section 8.5 (2).

(2) The final cost auditor will be determined by the FFA. The applicant producer bears the costs of the audit.

(3) As a rule, the proof of employment of funds and the audit of final costs must be conducted no later than two years after completion of the answer print.

(4) In the case of co-productions, the co-producers are jointly and severally liable for repaying the grant.

Section 8.5 Compliance with the rules

(1) The information set out in the application forms and the information in the proof of employment of funds are relevant to the granting of subsidies in accordance with section 264 of the German Criminal Code (*Strafgesetzbuch*, StGB) in conjunction with section 2 of Germany's Subsidies Act (*Subventionsgesetz*, SubvG).

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

(3) Anyone who applies for grants in accordance with these Guidelines must provide the FFA with the information necessary to carry out these Guidelines and must present the relevant documents. The provision of information takes place on the basis of and in accordance with the FFA rules.

Section 9 Processing of data

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

(2) It should be noted that, in particular, the rules on transparency contained in the Communication from the Commission on State aid for films and other audiovisual works (2013/C 332/01) will be complied with and the information in Article 9 of the GBER concerning individual aid of more than 100,000 euros will be published, as a rule within six months of the day on which the aid was granted, in the state aid transparency database of the European Commission or on a comprehensive national or regional aid website.

Section 10 Evaluation of the measure

(1) Compliance with the objective pursued through the funding measure will be evaluated regularly.

(2) For the purpose of evaluation, the Federal Government Commissioner for Culture and the Media, the FFA or a third party authorised in the context of the evaluation may require the applicant producer to provide information in compliance with the general provisions of data protection law in order to establish an adequate basis of information and data for the evaluation.

(3) Funding granted may, in individual cases, be reviewed by the European Commission in accordance with Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union.

Section 11 Transitional provision

Applications received by the FFA before these Guidelines enter into force are decided on in accordance with the Guidelines applicable at the time the application is complete. In derogation from sentence 1, if the application is complete after these Guidelines enter into force, but filming on the film that is the subject of the application began before 1 February 2025, or if the application is complete before 1 February 2025, then section 7.3 and section 7.4 of the BKM Guidelines “German Motion Picture Fund” in the version of 1 July 2024 apply.

Section 12 Entry into force / expiry

(1) These Guidelines enter into force on 1 January 2025 and expire on 31 December 2025.

(2) The Guidelines Issued by the Federal Government Commissioner for Culture and the Media on the German Motion Picture Fund in the version of 1 July 2024 expire when the present Guidelines enter into force.

Berlin, 28.03.2025

The Federal Government Commissioner
for Culture and the Media

For the Federal Government Commissioner for Culture and the Media

signed Dr Frank Castenholz

Schedule 1: Test of Characteristics for Feature Films and Fictional Series

The project must score at least 40 points in total. At least three criteria must be fulfilled and seven points must be obtained from each of the three categories: “cultural content”, “creative talents” and “production”. Only full points are awarded.

The information “from Germany, the EU, the EEA, Switzerland or the United Kingdom of Great Britain and Northern Ireland (United Kingdom)”¹ refers to the nationality of natural persons or to their place of residence² and centre of their lives in Germany, the EU, an EEA contracting state, Switzerland or the United Kingdom.

“Cultural content” category

	<i>Maximum points, total</i>
• The majority of scenes (fictional content/material) are set in Germany or in German-speaking areas	4
• The majority of scenes (fictional content/material) are set in another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	3
• The majority of scenes (fictional content/material) are set in a fictional place, not a real place	2
• The project refers to subjects of current social or political relevance	3
• The project refers to German/ European history/politics	3
• The project is especially oriented towards a young target group	3
• The project uses German motifs ³	3
• The project uses other European motifs ⁴ (in the absence of German motifs)	3
• A lead character in the underlying material on which the film or series is based is/was German ⁵ or from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	3
• German or European locations ⁶ are used	2
• The storyline/underlying material is based on a book, a computer game, a play, an opera, a comic	3
• The final version is in German/has German subtitles	3
• The storyline/underlying material is German ⁷ or from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
	37

¹ Inclusion in schedules 1 to 3 of persons from the United Kingdom is based on the principle of reciprocity, i.e. that equivalent mechanisms apply in Germany and the United Kingdom.

² A place of residence is where somebody has a residence in circumstances which indicate that he or she will retain and use the residence.

³ German motifs are typically and unmistakably associated with Germany, irrespective of where they are shot (Reichstag, Frankfurt’s Renaissance city hall, etc.). The motif is the described scene of the action, to guide the viewer’s imagination in a certain direction.

⁴ European motifs are typically and unmistakably associated with an EU Member State, an EEA contracting state, Switzerland or the United Kingdom, irrespective of where they are shot. The motif is the described scene of the action, to guide the viewer’s imagination in a certain direction.

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

⁶ Locations are where scenes are actually filmed; a studio is not a film location within the meaning of this provision. As opposed to a motif, a location is the place where imagination is transformed into a work of film.

⁷ The storyline/underlying material is German if it originated from a German-speaking author or from an author who lives permanently in Germany, or if it concerns issues relevant to Germany.

“Creative talents” category

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

	Maximum points, total
One leading actor (2 points) <u>or</u> at least two leading actors (4 points)	4
One supporting actor (1 point) <u>or</u> at least two supporting actors (2 points)	2
• Director	2
• Scriptwriter	2
• Producer/co-producer (natural person)	2
• Cameraman/-woman	1
• Digital image technician (DIT)	1
• Composer	1
• Costume designer	1
• Lead animation artist	1
• Make-up artist	1
• Lead FX artist	1
• VFX supervisor/producer	2
• Animation supervisor	2
• Post-production supervisor	2
• Editor	1
• Colour correction/colour grading	1
• Sound editing/sound designer	1
• Line producer	1
• Set designer (analogue and digital)	1
• Art director/lead shading artist/texturing artist	1
• Dubbing artist (one point each for the first three lead roles)	3
	34

“Production” category

	Maximum points, total
• Development and/or use of innovative technologies which have not/hardly been used before in the film industry	5
• Studio shooting in Germany	3
• Location filming in Germany	3
• VFX modelling in Germany	2
• VFX animation in Germany	4
• VFX compositing in Germany	4
• SFX costs spent in Germany	3
• Music recorded in Germany	2
• Sound editing in Germany	3

• Picture editing (without VFX) in Germany	2
• Post-production during shooting in Germany	3
• Final editing in Germany	2
• Film processing work through to the answer print in Germany	2
	38

Total: 109

Schedule 2: Test of Characteristics for Purely Animated Films and Series

The project must score at least 28 points in total. At least two criteria must be met from the “cultural content” category, and at least four criteria each must be met both from the “creative talents” and from the “production” category. Only full points are awarded.

The information “from Germany, an EU Member State, an EEA contracting state, Switzerland or the United Kingdom” refers to the nationality of natural persons or their place of residence⁸ and centre of their lives in Germany, the EU, another EEA contracting state, Switzerland or the United Kingdom.

“Cultural content” category

	<i>Maximum points, total</i>
• In terms of content, the project is intended and suitable for children/young people	4
• The project refers to subjects of current social or political relevance	3
• The project refers to German/ European history/politics	3
• The project uses German ⁹ or European ¹⁰ motifs	2
• A lead character in the underlying material on which the film or series is based is/was German ¹¹ or from an EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
• The storyline/underlying material is based on a book, a computer game, a play, an opera, a comic	3
• The final version is in German	2
• The storyline/underlying material is German ¹² or from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2

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⁸ A place of residence is where somebody has a residence in circumstances which indicate that he or she will retain and use the residence.

⁹ German motifs are typically and unmistakably associated with Germany, irrespective of where they are shot (Reichstag, Frankfurt’s Renaissance city hall, etc.). The motif is the described scene of the action, to guide the viewer’s imagination in a certain direction.

¹⁰ European motifs are typically and unmistakably associated with an EU Member State, another EEA contracting state, Switzerland or the United Kingdom, irrespective of where they are shot. The motif is the described scene of the action, to guide the viewer’s imagination in a certain direction.

¹¹ The lead character is German in the sense of the test of characteristics if he or she is or is presumably a German national according to the storyline, or (presumably) lives permanently in Germany.

¹² The storyline/underlying material is German if it originated from a German-speaking author or from an author who lives permanently in Germany, or if it concerns issues relevant to Germany.

“Creative talents” category

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

	Maximum points, total
• Director	2
• Scriptwriter	2
• Producer/co-producer (natural person)	2
• Lead storyboard artist	2
• Art director	2
• VFX supervisor	2
• Animation supervisor	2
• Character designer	1
• Equipment/concept artist	1
• Set design/set designer	1
• Composer	1
• Musical performance/artist/band	1
• Editor	1
• Sound editing/sound designer	1
• Line producer	1
• Dubbing artist (one point each for the first four lead roles)	4
	26

“Production” category

	Maximum points, total
• Development and/or use of innovative technologies which have not/hardly been used before in the film industry	4
• Storyboard from Germany	2
• Modelling and texturing in Germany	2
• Production design/rigging in Germany	2
• Lighting/light rigging in Germany	1
• Animation including motion capture in Germany	2
• Calculation/rendering in Germany	2
• Editing in Germany (one point each for image and sound)	2
• Music recorded in Germany	1
• Voice/sound mixing in Germany	2
• Post-production in Germany	2
	22

Total: 69

Schedule 3: Test of Characteristics for Documentary Films and Documentary Series

The project must score at least 23 points in total. At least two criteria must be met from the “cultural content” category, and at least one criterion each must be met from both the “creative talents” and “production” category. Only full points are awarded.

The information “from Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom” refers to the nationality of natural persons or their place of residence¹³ and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom.

“Cultural content” category

	<i>Maximum points, total</i>
• Series/film mainly deals with or is set in Germany or the German cultural and language area or with issues relating to Germany	4
• One principal character is/was German or is associated with the German cultural or language area	4
• Series/film is shot in original German version or one final version is in German	2
• Series/film deals with artists or an art genre (e.g. composition, dance, performance art, painting, architecture, pop art, comics)	1
• Series/film focuses on a significant historical or contemporary figure	1
• Series/film deals with a historical event of world history	1
• Series/film deals with the way of life of certain groups of people/minorities	2
• Storyline/underlying material deals with religious or philosophical issues or issues of current social or cultural relevance (e.g. discrimination, drugs, flight and migration, etc.)	2
• Series/film deals with scientific topics or natural phenomena	2
	19

¹³ A place of residence is where somebody has a residence in circumstances which indicate that he or she will retain and use the residence.

“Creative talents” category

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

	<i>Maximum points, total</i>
• Director	5
• Producer	3
• Author	3
• Cameraman/-woman	3
• Editor	3
• Composer	2
• Sound/music design	1
	<u>20</u>

“Production” category

	<i>Maximum points, total</i>
• Location shooting or studio shooting in Germany (at least 50 per cent of the total costs of shooting spent in Germany; as for the rest, 1 point per every 10 percentage points)	5
• Digital effects in Germany	1
• Music recorded in Germany	2
• Sound editing and mixing in Germany	2
• Final picture editing in Germany	2
• Film processing work through to the answer print in Germany	1
	<u>13</u>
Total:	<u>52</u>

Schedule 4: Principles of Economical Business Management

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

1. Travel expenses

In keeping with the principles of economical business management, the set allowances for travel expenses must not exceed collective agreements or provisions under tax law. Justified exceptions are permitted for top names.

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

Rebates and discounts must be deducted from the relevant cost items in the final cost report. Discounts obtained through the producer's own additional contributions outside the project do not need to be deducted from the relevant cost items.

Income from the sale of items (objects and rights) included in production costs is to be recognised as reducing production costs.

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

The producer's fee is up to 5 per cent of production costs (where the fee is not set in advance), up to a maximum of 350,000 euros. In special, justified exceptional cases the FFA managing board may permit exceptions. The recipient of the producer's fee is the natural person responsible for the creative tasks of the producer relating to production of the film.

If the producer or co-producer makes contributions in kind, these contributions may only be recognised up to the usual prices or list prices on the market where available, less a 25 per cent reduction in the amounts. If the producer or co-producer makes other personal contributions, these contributions may only be recognised up to the usual prices or list prices on the market where available, less the customary discounts in the industry.

If the producer or co-producer or the proprietor, sole shareholder or majority shareholder of the production company (sole trader, partnership or joint stock company) and the director are one and the same, the director's fee is a maximum 4 per cent of the total production costs (where the fee is not set in advance).

If the producer or co-producer or the proprietor, sole shareholder or majority shareholder of the production company (sole trader, partnership or joint stock company) and the line producer are one and the same, the line producer's fee is a maximum 2.7 per cent of the total production costs (where the fee is not set in advance).

In the case of other multiple participation on the part of the producer or co-producer within the production process of a project, fees are to be reduced by 20 per cent.

Schedule 5: Determining the Production Costs

The production costs of a project include the types of costs listed in Overview A below. Costs are calculated without value added tax (net principle).

1. Overview A, production costs:

1. Pre-production costs (see no. 7)
2. Rights and manuscripts
3. Salaries/fees
 - Production staff
 - Director's staff
 - Equipment staff
 - Other staff
 - Actors
 - Musicians
 - Additional costs for fees
4. Studio
5. Equipment and technology
6. Travel and transport expenses
7. Film material and editing
8. Final completion
9. Insurance costs
10. General project-related costs (see Overview B, no. 2 below)
11. Overhead costs (see no. 3)
12. Contingency funding (see no. 6)
13. Trustee's fee

The general project-related costs of the producer include the individual types of costs listed in Overview B below, but only where these have not already been included in the overhead costs.

2. Overview B, general project-related costs:

1. Minor expenses
2. FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees, where by way of exception these are included in the production costs (as a rule initial distribution costs)
3. Production press
4. Telephone, postage
5. Rent for office space
6. Office material
7. Entertainment expenses
8. Agent fees
9. Reproductions
10. Translations
11. Office equipment (rental)
12. Financing costs
13. Legal and tax advice
14. Costs for ecological adviser
15. Charge for German Films
16. Child-care costs¹⁴

¹⁴ At standard market rates.

3. Overhead costs for feature-length projects

- (1) The producer's overhead costs include the individual kinds of costs listed in Overview C below. These costs may not be stated as production costs (nos. 1 to 10 of Overview A).
- (2) In keeping with the principles of economical business management, the overhead costs incurred by the producer for the production of feature-length films will be recognised at the rate of 10 per cent up to a limit of 5 million euros of the production costs (nos.1 to 10 of Overview A).
- (3) If the production costs exceed 5 million euros, the overhead costs incurred by the producer will be recognised at the rate of 5 per cent of the amount exceeding 5 million euros.
- (4) The overhead costs are capped at 650,000 euros. In the case of international co-productions, the calculations are based on the German financing share.

4. Overview C, individual costs included in overhead costs:

1. Expenditure for furnishing and maintaining permanent business premises
2. General business needs (writing materials, etc.)
3. General postal and telephone charges
4. General personnel costs insofar as they do not concern the specific project
5. Trade tax on income and capital
6. Expenditure for general legal, tax and foreign exchange advice and for auditing of balance sheets
7. Interest and bank charges for general loans
8. General expenditure for representative measures
9. Travel expenses and expenditures within the context of the producer's normal business unless incurred for a certain project.

5. Financing costs

In the calculation of the total production costs, the financing costs to be documented may generally be taken into account with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account at more than 8 per cent above the applicable base interest rate of the European Central Bank. No financing costs for the producer's or co-producer's own funds may be taken into account; these also include funds made available to the producer by affiliated companies within the meaning of section 15 of the Stock Corporation Act (*Aktiengesetz, AktG*) unless these funds are demonstrably based on an existing bank loan of the affiliated company which gives out the loaned funds and the interest charges are only applied within affiliated companies on the same or better conditions.

6. Contingency funding

Contingency funding of up to 8 per cent of the total calculated cost types nos. 1 to 10 (production costs) in Overview A may be included in the calculation of the total production costs.

7. Pre-production costs

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

Schedule 6: Digital Film-making

Digital film-making permeates the entire film production and constitutes a major part of the design process in every phase of production. The producer may make free use of digital production work throughout all sections and crafts in the production process and combine these with traditional production work; digital production work includes the following:

1. Production preparation

Including:

- Storyboard
- Digital pre-visualisation

2. Work steps during production:

Including:

- Digital image technician (DIT) support when filming with digital cameras and with data management on the set
- Digital technical check and colour correction when preparing the rushes
- Set supervision by the VFX supervisor

3. Work steps after production

a. Creative image design

Including:

- Cutting
- Colour correction/colour grading
- Depth grading
- Titles editing / motion graphics design
- Stereo sweetening
- 2D-3D conversion

b. Digital Visual Effects (VFX)

Including:

- 2D design
- Scale model (design and shaping of characters from 2D to 3D)
- Modelling
- Texturing
- Shading
- Rigging, skinning
- Animation
- Simulation, effects
- Tracking, matchmoving
- Lighting, rendering
- Matte painting/set extension
- Compositing

c. Sound design

Including:

- Production sound editing
- Additional dialogue recording (ADR)
- Sound design
- Foley recording/organic sound design
- Film music
- Sound mixing