



Federal Government Commissioner
for Culture and the Media

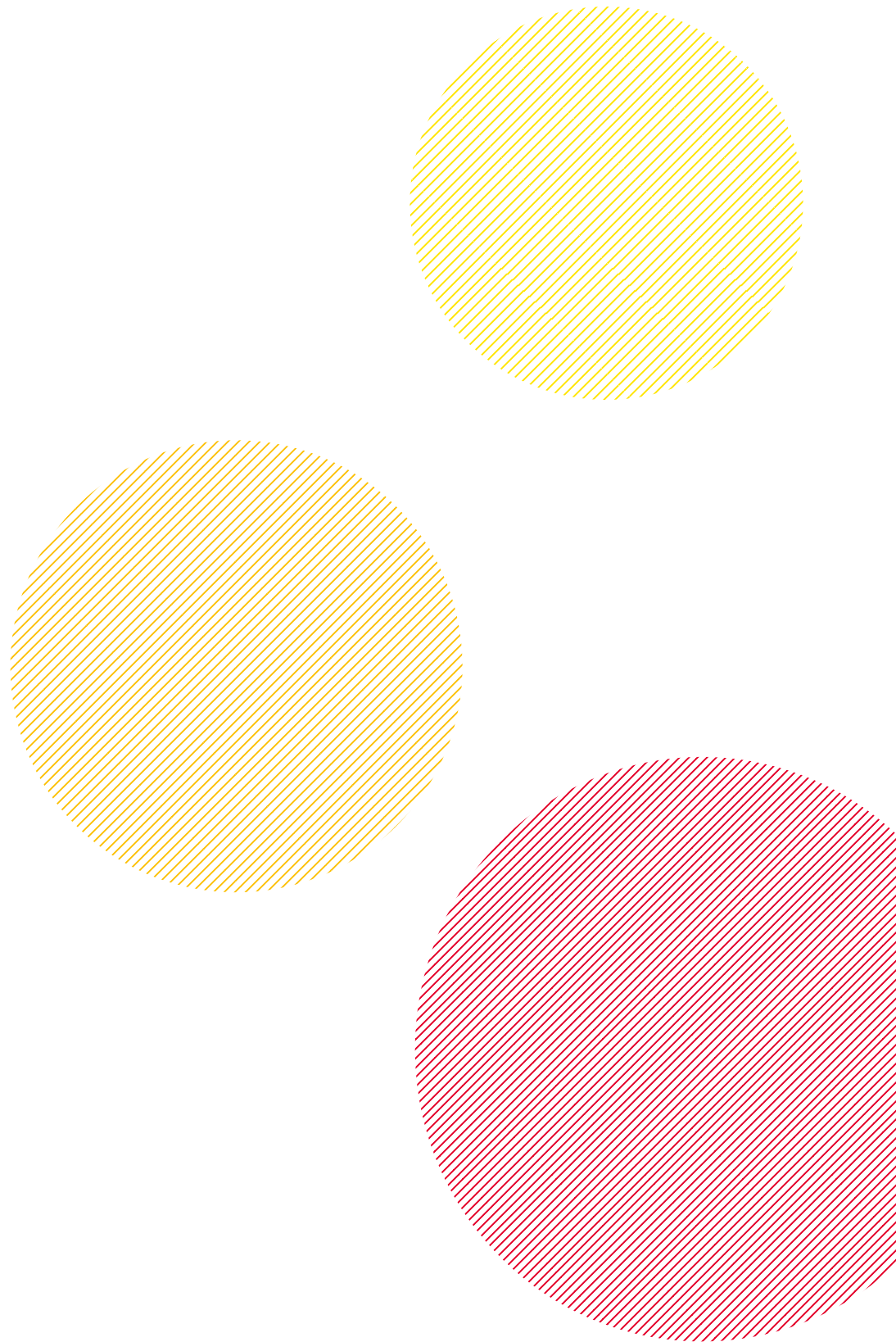


**GERMAN
FEDERAL FILM FUND
DFFF**

**GUIDELINES
OF THE BKM**

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I. PRINCIPLES AND OBJECTIVES

The German Federal Film Fund (DFFF) is a measure of the Federal Government Commissioner for Culture and the Media (BKM) to strengthen the film industry in Germany. The BKM has tasked the German Federal Film Board (FFA) with implementing the measure.

The measure is intended to improve the economic framework conditions for the film industry in Germany, to preserve and promote the international competitiveness of enterprises in the film industry with the objective of achieving long-term effects for Germany as a production location in conjunction with further effects on the macro-economy. In this context, the competitiveness of companies in the production industry and the competitiveness of companies providing production services, including those with a high level of digital added value, are especially important.

This measure is intended to facilitate the financing of German and international feature films in Germany as a cultural good. The measure is aimed at enabling higher production budgets in order to further the artistic scope, the quality, attractiveness and hence the dissemination of films.

At the same time, the expenditure in Germany in connection with the production of films is to be increased, leading to better utilisation of the capacity of production service providers and making Germany as a film location a more attractive place for skilled workers in the film industry. An improvement in film financing for production and production service companies and the existence of the corresponding technical infrastructure constitute the prerequisites for a German and European film culture which is both creative and successful in the long run.

SECTION 1 PURPOSE OF A GRANT AND OBJECTIVE OF THE MEASURE

(1) The German Federal Government awards grants for the production of a film or part of a film in accordance with these Guidelines, sections 23 and 44 of the Federal Budget Code (*Bundeshaushaltsordnung*, BHO) and the relevant General Administrative Provisions. Expenditures are financed from Chapter 0452 Title 683 22 within the framework of the estimated budget and commitment appropriations in each case. Applicants have no legal claim to a grant or a subsequent appropriation. The grant authority decides on the basis of its duly exercised discretion within the confines of the budget funds available.

(2) The objective of the measure is to strengthen film as a cultural good and Germany as a production location, within the confines of the budget funds available for this purpose.

(3) Realisation of the objectives of the measure are evaluated by the committee referred to in section 34 subsection 1.

SECTION 2 NATURE OF A GRANT

(1) The grant is approved in the form of financial aid for the project. The grant is awarded as partial financing. This assumes a financing need on the part of the applicant producer or production service provider in at least the amount of the grant. The calculation of the amount of a grant pursuant to section 16 subsection 1 and/or section 27 subsection 1 remains unaffected.

(2) The financial aid is awarded as a non-repayable grant; section 18 subsection 4 and section 29 subsection 5 remain unaffected.

II. GENERAL PROVISIONS

SECTION 3 RECIPIENT OF A GRANT

The recipient of a grant is the applicant, provided all grant requirements are met. In the case of financial aid pursuant to sections 7 to 20, the applicant may be the producer of a film; in the case of financial aid pursuant to sections 21 to 31, the applicant may be a provider of production services.

SECTION 4 DEFINITIONS

(1) According to these Guidelines, the producer is the person responsible for production of the film up to delivery of the answer print or – in the case of a co-production – the person who is co-responsible and actively involved in producing the film.

(2) According to these Guidelines, the production service provider is the company which has agreed to assemble the technical and artistic means to produce the films or film segments assigned to them and to ensure the production of these films or film segments and their monitoring, and which is responsible for the production costs resulting from the activities within its area of responsibility in Germany.

(3) Total production costs are all costs arising from the production of the film.

(4) Production costs according to these Guidelines are, for financial aid pursuant to Part III, all costs according to no. 2 in Schedule 1 and, for financial aid pursuant to Part IV, all costs according to no. 2 in Schedule 2.

(5) German production costs according to these Guidelines are production costs incurred by companies or their employees as well as by freelancers and self-employed persons for film-related goods and services provided in Germany, in accordance with the following provisions:

Services provided by persons

Wages, salaries, fees and royalties qualify as German production costs if and insofar as they are subject to unrestricted or limited tax liability in Germany. The persons employed within the context of production of the film are to be indicated in a cast and staff list customary in the industry which also indicates the domicile or place of business relevant for tax purposes.

Services provided by companies

Services provided by companies only qualify as production costs spent in Germany 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 if a registered trade exists there, and
- the company or establishment providing the services has, at the time the services are rendered, at least one permanent employee working in Germany, and
- the detailed invoice for the services is issued by the business or establishment, and
- the services billed are all provided in Germany or the material used to provide the services is all in fact procured in Germany and the technical equipment necessary to provide the services is in fact used in Germany. As regards mobile technical film equipment (e.g. cameras, lighting and sound equipment), it must be procured (i.e. purchased, leased or hired) in Germany.

(6) A film is a feature-length film if it has a screen length of at least 79 minutes, for children's films of 59 minutes.

(7) Difficult audio-visual works are for example short films, first and second films of directors, documentary films and films with low production costs. Further, films of which the original version is in the language of a Member State with a small territory or territories, small population or limited language area may be regarded as difficult films. Other films which can be expected to have only limited market success and whose likelihood of commercial exploitation must therefore be considered limited may be regarded as difficult films in particular due to their experimental nature, if and as far as they are highly subject to risks due to their content, style, artistic and/or technical form or culturally demanding nature.

SECTION 5 COMPLIANCE WITH THE LAW GOVERNING THE GRANT

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 (Verwaltungsverfahrensgesetz, VwVfG), 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.

SECTION 6 COMPETENT AUTHORITY

The grant and managing authority for this BKM measure is the German Federal Film Board (FFA), Große Präsidentenstraße 9, 10178 Berlin. The FFA is subject to the legal and technical supervision of the BKM in respect of this measure.

III. GRANT REQUIREMENTS FOR PRODUCERS (DFFF I)

CHAPTER I

Grant requirements to be satisfied by the applicant producer

SECTION 7 APPLICANT PRODUCER

- (1)** The producer of the film is entitled to file the application.
- (2)** The applicant producer must have his domicile or registered office in Germany, another Member State of the European Union (EU), another contracting state of the European Economic Area (EEA) or Switzerland. If the applicant producer does not have his domicile or registered office in Germany, he must have a business establishment within Germany at the time of disbursement of the grant.
- (3)** If the application is filed by the subsidiary or establishment of an applicant producer with his registered office outside the EU, the EEA or Switzerland, then all grant requirements must be met by the applicant subsidiary or establishment.
- (4)** The application must contain the following information about the applicant producer: name, domicile or registered office, legal form and VAT identification number of the company.
- (5)** The applicant producer or – if the film underlying the application is produced by a single-purpose 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 during the last five years (reference film) in Germany or another EU Member State or EEA contracting state or Switzerland before filing the application.

The reference film must have been commercially released in cinemas in Germany with at least 45 prints, with at least 20 prints where the total production costs of the reference film did not exceed EUR 2 million and with at least eight prints in the case of documentary films. In specially justified exceptional cases, the FFA managing board may permit exceptions to the requirements stipulated in sentences 1 and 2 on request, if the reference film could not be commercially exploited to the required extent on account of force majeure or similar circumstances.

If financial aid is requested for the first work of an applicant producer, the grant of a subsidy by the BKM, the FFA or a film promotion institution in one of the Länder suffices as a reference.

- (6)** 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.
- (7)** No undertaking which is subject to an outstanding recovery order following a previous European Commission decision declaring an aid illegal and incompatible with the internal market may be granted individual aid. Nor may undertakings in difficulties be granted financial aid. In derogation from sentence 2, Article 1 (4) (c) sentence 2 of the General Block Exemption Regulation (Commission Regulation (EU) No 651/2014) in the applicable version applies accordingly.

CHAPTER II

Film-related grant requirements

SECTION 8 FILM-RELATED REQUIREMENTS

(1) The grant is awarded for feature-length films.

(2) The total production costs of the film excluding material or services provided free or at a reduced charge, deferred fees for services rendered by those involved in the production of the film and deferred overhead costs must amount to at least EUR 1 million for feature films, to at least EUR 200,000 for documentary films and to at least EUR 2 million for animated films and films with virtually animated components. The minimum production costs referred to in sentence 1 apply only to applications submitted to the FFA in full before the expiry of these Guidelines.

The principles of economical business management according to Schedule 1 of these Guidelines apply.

Upon application by the producer, pursuant to Schedule 1 no. 9 subsection 1 sentence 2, the FFA managing board may, in specially justified exceptional cases approve a higher producer's fee than that provided for in Schedule 1 no. 9 subsection 1 sentence 1. The applicant producer must be sent written and reasoned notification of the managing board's decision regarding the approval or refusal of a higher producer's fee.

(3) No grants are awarded for films which meet the film-related requirements for a grant pursuant to Part IV.

(4) A grant is only 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. As regards the language version of the film, a version with German subtitles suitable for cinema showing suffices. The German-language version must be submitted to the FFA prior to disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before the start of its theatrical release.

(5) At least one final version of the film must be produced with German subtitles for the hearing impaired and with a German audio description for the visually impaired of a quality which meets market requirements and is suitable for screening in a cinema. Derogations from this requirement are possible in justified exceptional cases upon application by the producer. Such decision is taken by the FFA managing board. Proof of production of the barrier-free final version must be submitted to the FFA before disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before its theatrical release.

(6) No aid may be granted if the film features anti-constitutional or unlawful content. The same applies to films which, taking into account the dramaturgical structure, script, design, the actors' performance, animation, camera work or editing, are overall of poor quality. Nor are films which are focused on pornography or the glorification of violence or which openly violate religious feelings in an inappropriate way eligible for funding. It is up to the FFA managing board to decide whether the prerequisites for denying the aid are met.

(7) The shooting or animation work may commence only after a notification of grant has been issued. The first real or virtual day of shooting is deemed the start of shooting. The FFA may, in exceptional cases and upon application by the producer, decide at its duly exercised discretion and taking account of the administrative provisions issued in regard to section 44 of the Federal Budget Code to allow shooting or animation work to begin earlier.

(8) During the production of the film, the Ecological Standards according to Schedule 8 must be met.

SECTION 9 MANDATORY THEATRICAL RELEASE

(1) The film must be commercially released in Germany. To that end, the film must be screened in a cinema in Germany which regularly screens films, on at least seven consecutive days in a technical format suitable for cinemas and against payment of the market rate (regular initial theatrical release). The intended theatrical release is demonstrated by presenting a legally binding and unconditional distribution agreement at the time of disbursement at the latest.

(2) In specially justified exceptional cases, regular initial theatrical release may be replaced, upon request by the producer, by an online initial release on paid video-on-demand services, if

01. due to force majeure, the regular initial theatrical release of the film throughout Germany is not possible for a considerable period of time, and

02. the cinema industry receives a significant share of the proceeds from the exploitation of the film up to the expiry of the holdback period stipulated in section 53 subsection 2 no. 1 of the Film Promotion Act (*Filmförderungsgesetz, FFG*).

(3) If the film has had a regular initial theatrical release but further theatrical release throughout Germany is not possible for a considerable period of time owing to force majeure, further release may, in specially justified exceptional cases and on request, be continued on paid video-on-demand services, if the cinema industry receives a significant share of the proceeds from the exploitation of the film up to the expiry of the holdback period stipulated in section 53 subsection 2 no. 1 of the Film Promotion Act.

(4) Section 54 subsection 1 no. 1 of the Film Promotion Act remains unaffected by subsections 2 and 3.

(5) The FFA managing board decides in agreement with the BKM on requests made under subsections 2 and 3.

(6) Proof of theatrical release in Germany must be provided within one year of completion of the answer print. The FFA managing board may extend the deadline once in justified exceptional cases. The FFA managing board may, in agreement with the BKM, allow further extensions of the deadlines, if the regular initial theatrical release throughout Germany is not possible for a considerable period of time owing to force majeure or similar circumstances.

SECTION 9A NUMBER OF PRINTS, DISTRIBUTION REQUIREMENTS

(1) The distribution agreement pursuant to section 9 subsection 1 sentence 3 must provide for the release in cinemas of at least 45 prints of the film, or of at least 20 prints in case of a grant of less than EUR 320,000; the distribution agreement must provide for at least eight prints of a film in the case of a documentary film.

(2) If the film is a theatrical film which is also intended to be broadcast as a television miniseries, and the miniseries is at least 20 per cent longer than the version for theatrical release, the distribution agreement must provide for at least 200 prints of the film in the case of feature-length and animated films, in derogation from subsection 1, and at least 30 prints in the case of documentary films.

(3) In specially justified exceptional cases, the FFA managing board may, upon the joint request by the producer and distributor, allow exceptions to the number of prints stipulated in subsections 1 and 2 respectively.

(4) The distributor, as a company or a person, must have released at least three feature-length films in cinemas with at least 15 prints of each film for one week during the last 24 months before filing the application. The FFA keeps a list of distribution companies that satisfy these criteria. In specially justified exceptional cases, the FFA managing board may, upon request, allow exceptions to the requirements set out in sentence 1, if the regular initial theatrical release was not possible throughout Germany for a considerable period of time owing to force majeure or similar circumstances.

SECTION 10 HOLDBACK PERIODS AND TELEVISION BROADCASTING RIGHTS

(1) Chapter 4 Division 4 of the Film Promotion Act applies accordingly, unless these Guidelines stipulate otherwise. In derogation from section 19 of the Film Promotion Act, only the FFA managing board decides on the possible exceptions stipulated there. The FFA managing board makes its decisions in accordance with Chapter 4 Division 4 of the Film Promotion Act within these Guidelines at its own discretion after due consideration. The same applies insofar as the provisions of Chapter 4 Division 4 of the Film Promotion Act do not provide for discretion.

(2) The producer must demonstrate that, in any release agreement with a public broadcasting corporation or a commercial television broadcaster, the complete television broadcasting rights are transferred back to the producer within five years. In individual cases, the release agreement may provide for the television broadcasting rights to be transferred back within no more than seven years, in particular if the producer received more than the average amount of material support from the public broadcasting corporation or commercial television broadcaster for the production of the film. Sentences 1 and 2 do not apply if the producer has granted his television broadcasting rights within the German-language licensing area to a distribution or world sales company in exchange for payment of a distribution or sales guarantee.

SECTION 11 APPLICANT'S CONTRIBUTION

A grant is awarded only if the producer makes an own financial contribution to the total production costs indicated in the cost budget and approved in accordance with section 4 subsections 3 and 4; the applicant producer's own financial contribution must be commensurate with the scope of the production, the capitalisation and the previous production activities of the producer. The applicant's own financial contribution must amount to at least 5 per cent of the total production costs approved by the FFA pursuant to section 4 subsections 3 and 4. In the case of international co-productions, the own financial contribution is calculated on the basis of the financing share of the German producer. Sentence 3 applies accordingly to films produced with the involvement of a public television broadcaster. Sections 63 and 64 of the Film Promotion Act apply accordingly.

SECTION 12 MINIMUM AMOUNT OF GERMAN PRODUCTION COSTS

A grant is awarded only if the German production costs amount to at least 25 per cent of the total production costs. If the total production costs exceed EUR 20 million, the German production costs must, in derogation from sentence 1, amount to at least 20 per cent of the total production costs.

SECTION 13 TEST OF CULTURAL CHARACTERISTICS

(1) A test of characteristics is conducted to ensure the cultural objectives of the measure. A grant is only awarded if the film obtains the relevant minimum number of points in the test of characteristics for feature, documentary and animated films and films with virtually animated components. The test of characteristics for feature films is conducted according to Schedule 3, for documentary films according to Schedule 4 and for animated films and films with virtually animated components according to Schedule 5 of these Guidelines. The film must pass the test of characteristics for documentary films or for animated films and films with virtually animated components if documentary or animated scenes account for the largest share of the project in terms of time. Otherwise the film must pass the test of characteristics for feature films.

(2) In order to ensure the cultural character, feature films must satisfy at least four criteria in the category “Cultural Content” (A-Block no. 1). Documentary and animated films and films with virtually animated components must satisfy at least two criteria in the category “Cultural Content”.

(3) In order to qualify for a grant, a feature film must obtain at least 48 points from both blocks, a documentary film at least 27 points and an animated film at least 42 points, in each case from both blocks.

(4) As regards international co-productions made in accordance with the European Convention on Cinematographic Co-production, only the points system provided for in Appendix II of that Convention apply. For international co-productions of animated or documentary films made in accordance with the European Convention on Cinematographic Co-production, only the point systems provided for in Schedules 6 and 7 apply.

SECTION 14 INTERNATIONAL CO-PRODUCTIONS

(1) As regards international co-productions, the applicant producer must contribute at least 20 per cent of the total production costs; if the total production costs exceed EUR 25 million, a financial contribution of at least EUR 5 million will suffice.

(2) If the film for which a grant is being applied is an international co-production involving a producer from a country which is not an EEA contracting state, then as regards the reference film required under section 7 subsection 5, the applicant producer must have produced that film either alone or as a co-producer with majority participation. The FFA managing board may, in exceptional cases, waive the requirement for majority participation if the technical qualification of the applicant producer is not in doubt.

(3) International co-productions do not receive a grant if the contribution of the applicant producer consists solely of financing, while the applicant producer in the sense of section 7 subsection 5 bears no responsibility for the content and is not actively involved in the production of the film.

SECTION 15 ARCHIVING

The applicant producer is required to provide a technically flawless print of the film in an archivable format to the German Federal Film Archive free of charge within 12 months of the first public showing of the film or, should the theatrical release run for longer than 12 months, after the theatrical release, unless this obligation has already been otherwise met. If the applicant producer is obliged to produce an barrier-free version of the film in accordance with the provisions of these Guidelines, then sentence 1 also applies to the barrier-free version. Further particulars are determined by the provisions of the German Federal Archive.

CHAPTER III

Grants for producers

SECTION 16 AMOUNT OF A GRANT; PRODUCTION COSTS ELIGIBLE FOR A GRANT

(1) For projects with German production costs of up to EUR 8 million, the grant amounts to 20 per cent, and for projects with German production costs of more than EUR 8 million, the grant amounts to 25 per cent of the German production costs subject to the following provisions, but not to exceed EUR 4 million per film. In derogation from sentence 1, for projects with German production costs of up to EUR 8 million, the grant may amount to 25 per cent and for projects with German production costs of more than EUR 8 million, the grant may amount to 30 per cent of the German production costs, if these projects also receive support for the production of films in accordance with the BKM's film funding guidelines and Chapter 5 Division 1 of the Film Promotion Act, which governs the promotion of film projects.

(2) 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.

(3) The following costs do not qualify as German production costs eligible for a grant when calculating the amount of the grant:

- Pre-production costs (according to Schedule 1 no. 6)
- Costs for rights to content and rights to other existing works (incl. existing music), except royalties for the script on which the film is based, up to 3 per cent of the German production costs but not exceeding EUR 150,000; for documentary films, archival material up to 30 per cent of the total German production costs
- Costs for legal and tax advice
- Insurance costs
- Financing costs
- Travel and transport costs for performers
- Overhead costs (according to Schedule 1, Overview C)
- Actors' fees insofar as they exceed 15 per cent of the German production costs,
- Contingency fund unless it can be dissolved in the final cost report in favour of goods and services eligible for a grant,
- 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 and other work done abroad, as far as these do not meet the requirements of subsection 5
- Contributions to the central services organisation of the German film industry for the representation of German films 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 one year prior to submitting an application may be recognised as German production costs eligible for a grant if and as far as they are necessary for submitting an application.

(5) 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 German production costs subject to the following restrictions:

- 01.** The costs incurred must satisfy the requirements under section 4 subsections 4 and 5, and
- 02.** there is a limit of 40 per cent of the entire shooting. The limit of 40 per cent of the entire shooting does not apply to documentary films.

The costs incurred under this subsection are however not taken into account when calculating the minimum amount of German production costs pursuant to section 12.

(6) As a general rule, a subsequent overrun of eligible German production costs specified in the application will not be taken into consideration. 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 BKM, agree to make a subsequent increase of the grant (subsequent appropriation) of up to the maximum percentage grant amount permissible in each case under subsection 1. 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. In general, the grant may be cumulated with other funding programmes of the Federal Government or the Länder. In this case, it is necessary to ensure that the funding serves different purposes, i.e. that eligible costs can be separated from each other. The subsequent appropriation is paid in instalments, in agreement with the BKM, taking into account the circumstances of the individual case. The applicant producer must file the written application for an subsequent appropriation as early as possible, stating the reasons for and amount of the additional costs incurred in a substantiated way.

(7) The aid is not to be cumulated with other state aid – including aid as defined in Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24 December 2013) unless the other aid measure concerns different identifiable eligible costs, or if the highest aid intensity applicable to such aid measures or the highest aid amount applicable to such aid measures is not exceeded.

(8) The aid intensity of all the aid granted to a project is limited to 50 per cent of the respective total production costs. 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. These ceilings do not apply to difficult audio-visual works and co-productions involving countries that are included on the list of the OECD Development Assistance Committee.

SECTION 17 FILING OF APPLICATIONS AND APPLICATION PROCEDURE

(1) The written application is to be addressed to the Deutscher Filmförderfonds c/o FFA – Filmförderungsanstalt, Bundesanstalt des öffentlichen Rechts, Große Präsidentenstraße 9, 10178 Berlin. The application may only be filed by post, by courier or in person.

(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 stipulated by the FFA in the implementing provisions to these Guidelines. In particular, the application must demonstrate that the grant requirements have been met. If it is not possible to present proof 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*) applies accordingly. In this case the proof must be submitted 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. Insofar as documents do not exist in a German-language original version, the FFA may require the applicant producer to obtain a translation of the documents by a generally sworn translator, or a German-language summary of the main content required to process the application; the accuracy and completeness of the summary is to be confirmed by the applicant producer.

(4) Applications will be processed by the FFA in the order in which they are received. The receipt stamp determines the date of receipt. 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 is to be rejected. An applicant may submit no more than two applications for the same project.

(6) All application documents become the property of the BKM and remain in the possession of the FFA.

SECTION 18 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 pursuant to this chapter. Several completed applications submitted on the same day will be treated as applications received at the same time.

(2) The application may be approved only when the applicant producer has proved that 75 per cent of the total production costs of the project are financed.

(3) The FFA specifies 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 no. 3.1 of the ANBest-P in conjunction with administrative provision no. 5.3.3. regarding section 44 of the Federal Budget Code, the ceiling for appropriations governed by procurement law is raised to EUR 12 million. The appropriation is composed of all funds allocated by the Federal Government and the *Länder*. 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, as far as possible. The procedure and results must be documented. The FFA may ensure that the grant requirements are met by including ancillary terms in the notification of grant. The notification of grant is subject to the condition that the applicant producer, if the rights to the subsidised film are sold to another country, must make a financial contribution to the central services organisation of the German film industry for the representation of German films abroad. The contribution amounts to 1.5 per cent of net proceeds, up to a maximum of EUR 50,000.

(5) The notification of grant is subject to the following conditions subsequent (section 36 subsection 2 no. 2 of the Administrative Procedures Act):

01. The total funding of the project must be demonstrated within three months of receipt of the notification of grant, at the latest within the period stipulated in subsection 6 as regards exceptional cases. In accordance with sections 31 and 41 subsection 2 of the Administrative Procedure Act, the period starts on the third day after posting the proof or after electronic sending of the notification.

02. Work on filming or animation must begin within four months of receipt of the notification of grant, at the latest within the period stipulated in subsection 6 as regards exceptional cases.

03. 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 applicant producer, the deadlines referred to in subsection 5 nos. 1 to 3 may be extended, based on the exercise of due discretion:

- 01.** The FFA may extend the deadline under subsection 5 no. 1 once, by one month.
- 02.** The FFA may extend the deadline under subsection 5 no. 2 once.
- 03.** 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.
- 04.** 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 BKM, allow further extensions of the deadlines referred to in subsection 5 nos. 1 to 3.

Any application to extend a deadline must be reasoned.

SECTION 19 DISBURSEMENT

(1) The grant is disbursed to the applicant producer after the answer print has been completed at the time stated in the application, and after presenting proof of employment of funds and an audit of the final costs. Proof of actual theatrical release may be provided after disbursement, but no later than 12 months after the answer print is completed. 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.

(2) In order to determine whether the answer print was completed on the date specified in the application, the FFA is to monitor compliance with this deadline.

(3) The final cost auditor is determined by the FFA. The applicant producer bears the costs of the audit.

(4) Payment is to be refused if

- 01.** proper financing of the film project is not ensured; or
- 02.** the applicant producer has violated the principles of economical business management within the context of the financing, production or performance of the contract, rental, distribution or video distribution of a film subsidised by the FFA or the BKM.

(5) 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.

(6) Upon request the grant may be disbursed in instalments depending on the progress of production; in this case 33 per cent of the grant will be disbursed at the start of shooting, 33 per cent upon completion of the rough cut, and the remainder after submitting proof of employment of funds and an audit of the final costs. Reasons must be given for the request. In case of grants of more than EUR 2 million, disbursement 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 is allowed. 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. The applicant producer must present proof prior to disbursement of the first instalment that the total financing is secured.

SECTION 20 REPAYMENT

All German co-producers of the film are jointly and severally liable for repaying the grant.

IV. GRANT REQUIREMENTS FOR PROVIDERS OF PRODUCTION SERVICES (DFFF II)

CHAPTER I

Grant requirements to be satisfied by the applicant production service provider

SECTION 21 APPLICANT PRODUCTION SERVICE PROVIDER

(1) The production service provider is entitled to file the application. The company must demonstrate specialisation in and sufficient experience with services in the audio-visual sector. This is regarded as demonstrated if the applicant production service provider, as a natural or legal person or a company affiliated with the applicant service provider, provided services having a contract value of at least EUR 1 million net each within the five years prior to filing the application as a production service provider for at least two feature-length films with total production costs of at least EUR 10 million net each, or produced such a film as a producer and at the time of filing the application has sufficient specialised skilled workers at his disposal.

(2) The applicant production service provider must have his domicile or registered office in Germany, another EU member state, another EEA contracting state or Switzerland. If the applicant production service provider does not have his domicile or registered office in Germany, he must have a business establishment within Germany at the time of disbursement of the grant.

(3) If the application is filed by the subsidiary or establishment of an applicant production service provider with his registered office outside the EU, the EEA or Switzerland, then all grant requirements must be met by the applicant subsidiary or establishment.

(4) The application must contain the following information about the applicant production service provider: name, domicile or registered office, legal form and VAT identification number of the company.

(5) The production service provider may perform the service itself or delegate it to a third party.

(6) If multiple production service providers meet the grant requirements for the entire film or the same film segment, the application may be filed by only one of the production service providers. The production service providers participating in the co-production must agree on this point and submit a joint statement to this effect to the FFA when filing the application. Separate applications from different production service providers are permitted for different film segments.

(7) No undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market may be granted an individual aid. Nor may undertakings in difficulties be granted financial aid. Article 1 (4) (c) sentence 2 of the General Block Exemption Regulation in the applicable version applies accordingly, in derogation from sentence 2.

CHAPTER II

Project-related grant requirements

SECTION 22 PROJECT-RELATED REQUIREMENTS

(1) The grant is awarded for production services to produce a feature-length film or animated film shown in cinemas in Germany.

(2) The total production costs of the feature-length film or animated film must amount to at least EUR 20 million. The German production costs of the applicant production service provider for the commissioned film or film segment must amount to at least EUR 8 million. If the production service provider files an application for a commissioned project which must pass the test of characteristics for animated films and films with virtually animated components pursuant to section 25 subsection 1 sentence 3, then in derogation from sentence 2, the German production costs of the project must amount to at least EUR 2 million. The minimum production costs referred to in sentences 1 and 2 apply only to applications submitted to the FFA in full before the expiry of these Guidelines.

The principles of economical business management according to Schedule 2 of these Guidelines apply to the applicant production service provider. Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film are not counted when calculating the thresholds pursuant to sentences 1 and 2.

Upon application by the production service provider, pursuant to Schedule 2 no. 8 subsection 1 sentence 2, the FFA managing board may, in specially justified exceptional cases approve a higher production service provider's fee than that provided for in Schedule 2 no. 8 (1) sentence 1. The applicant production service provider is to be sent written and reasoned notification of the managing board's decision regarding the approval or refusal of a higher production service provider's fee.

(3) A grant only 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. As regards the language version of the film, a version with German subtitles suitable for cinema showing suffices. The German-language version must be submitted to the FFA prior to disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before the start of its theatrical release.

(4) At least one final version of the film must be produced with German subtitles for the hearing impaired and with a German audio description for the visually impaired of a quality which meets market requirements and is suitable for screening in a cinema. Derogations from this requirement are possible in justified exceptional cases upon application by the producer or the applicant production service provider. Such decision is taken by the FFA managing board. Proof of production of the barrier-free final version must be submitted to the FFA before disbursement of the final instalment of the approved grant and at the latest after completion of the answer print and before its theatrical release.

(5) No aid may be granted if the film features anti-constitutional or unlawful content. The same applies to films which, taking into account the dramaturgical structure, script, design, the actors' performance, animation, camera work or editing, are overall of poor quality. Nor are films which are focused on pornography or the glorification of violence or which openly violate religious feelings in an inappropriate way eligible for funding. It is up to the FFA managing board to decide whether the prerequisites for denying the aid are met.

(6) The applicant production service provider may not begin with the work to perform the contract (start of the measure) until the notification of grant has been received. In the case of live-action shooting, the first day of actual shooting is regarded as the start of the measure; in the case of visual effects, it is the first day of virtual shooting, or the start of the production of the digital assets needed for a large number of scenes, if this takes place before the first day of virtual shooting. The FFA may, in exceptional cases and at the request of the production service provider, decide at its duly exercised discretion and taking account of the administrative provisions issued in regard to section 44 of the Federal Budget Code to allow work to begin earlier. The application for aid is to be rejected if the applicant production service provider has started with the work to perform the contract before filing the application.

(7) During the production of the film or film segment, the Ecological Standards according to Schedule 8 must be met.

SECTION 23 MANDATORY THEATRICAL RELEASE

(1) The film must be commercially released in Germany. To that end, the film must be screened in a cinema in Germany which regularly screens films, on at least seven consecutive days in a technical format suitable for cinemas and against payment of the market rate (regular initial theatrical release). The intended theatrical release is confirmed by a statement of the producer to the applicant production service provider. This statement must be presented no later than the time of disbursement. In justified exceptional cases, at the request of the production service provider, the requirement to present the statement of the producer may be dispensed with.

(2) In specially justified exceptional cases, regular initial theatrical release may be replaced upon request by an online initial release on paid video-on-demand services, if

- 01.** due to force majeure, the regular initial theatrical release of the film throughout Germany is not possible for a considerable period of time, and
- 02.** the cinema industry receives a significant share of the proceeds from the exploitation of the film up to the expiry of the holdback period stipulated in section 53 subsection 2 no. 1 of the Film Promotion Act.

(3) If the film has had a regular initial theatrical release but further theatrical release throughout Germany is not possible for a considerable period of time owing to force majeure, further release may, in specially justified exceptional cases and on request, be continued on paid video-on-demand services, if the cinema industry receives a significant share of the proceeds from the exploitation of the film up to the expiry of the holdback period stipulated in section 53 subsection 2 no. 1 of the Film Promotion Act.

(4) Section 54 subsection 1 no. 1 of the Film Promotion Act remains unaffected by subsections 2 and 3.

(5) The FFA managing board decides in consultation with the BKM on requests made under subsections 2 and 3.

(6) Proof of theatrical release in Germany must be provided within one year of completion of the answer print. The FFA managing board may extend the deadline once in justified exceptional cases. The FFA managing board, in agreement with the BKM, may allow further extensions of the deadline if the regular initial theatrical release throughout Germany is not possible for a considerable period of time owing to force majeure or similar circumstances.

SECTION 24 HOLDBACK PERIODS

Chapter 4 Division 4 of the Film Promotion Act applies accordingly, unless these Guidelines stipulate otherwise. The applicant production service provider proves that these requirements have been met by presenting a statement by the producer to that effect. In justified exceptional cases, at the request of the production service provider, the requirement to present the statement of the producer may be dispensed with.

In derogation from section 19 of the Film Promotion Act, only the FFA managing board decides on the possible exceptions stipulated there. The FFA managing board makes its decisions in accordance with Chapter 4 Division 4 of the Film Promotion Act within these Guidelines at its own discretion after due consideration. The same applies insofar as the provisions of Chapter 4 Division 4 of the Film Promotion Act do not provide for discretion.

SECTION 25 TEST OF CULTURAL CHARACTERISTICS

(1) A test of characteristics is conducted in order to ensure the cultural objectives of the measure. A grant is only awarded if the film obtains the relevant minimum number of points in the test of characteristics for feature and animated films and films with virtually animated components. The film must pass the test of characteristics for animated films and films with virtually animated components (Schedule 5) if at least 50 per cent of the German production costs are directly related to the test of characteristics for animated films and films with virtually animated components. Otherwise the film must pass the test of characteristics for feature films (Schedule 3).

(2) In order to ensure the cultural character, feature films must satisfy at least four criteria in the category “Cultural Content” (A-Block no. 1). Animated films and films with virtually animated components must satisfy at least two criteria in the category “Cultural Content” (A-Block no. 1).

(3) In order to qualify for a grant, a feature film must obtain at least 48 points from both categories and an animated film and a film with virtually animated components at least 42 points from both categories.

(4) As a rule, the applicant production service provider should take into account ecological concerns in the context of the film or series production. For this purpose, he may at the time of filing the application submit the declaration of commitment found in Schedule 8 or one that goes even further, committing to produce the film in an environmentally friendly and resource-efficient way. The declaration of commitment must include a carbon footprint audit which was compiled using a suitable, scientifically recognised carbon footprint calculator. If no such declaration of commitment is submitted, the total score calculated pursuant to Schedules 3 and 5 for the category “Production” will be reduced by 10 points for feature and animated films and films with virtually animated components.

SECTION 26 ARCHIVING

(1) If the film was produced in cooperation with a German co-producer, the notification of grant will be issued only on the condition that a technically flawless print of the film is provided in an archivable format to the German Federal Film Archive free of charge within 12 months of the first public showing of the film or, should the theatrical release run for longer than 12 months, after the theatrical release, unless this obligation has already been otherwise met. Further particulars are determined by the provisions of the German Federal Archive.

(2) Even if the film was not produced in cooperation with a German co-producer, a copy is to be provided free of charge to the FFA.

(3) If an barrier-free version of the film must be produced in accordance with the provisions of these Guidelines, then subsections 1 and 2 also apply to the barrier-free version.

CHAPTER III

Grants for providers of production services

SECTION 27 AMOUNT OF A GRANT; PRODUCTION COSTS ELIGIBLE FOR A GRANT

(1) The grant amounts to 25 per cent of the German production costs of the applicant production service provider for the commissioned film or film segment, up to a maximum of EUR 25 million per film.

(2) 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.

(3) The following costs do not qualify as German production costs eligible for a grant when calculating the amount of the grant:

- Pre-production costs (according to Schedule 2 no. 5)
- Costs for rights to content and rights to other existing works (incl. existing music), except royalties for the script on which the film is based, up to 3 per cent of the German production costs but not exceeding EUR 150,000
- Costs for legal and tax advice,
- Insurance costs
- Travel and transport costs for performers
- Financing costs
- Actors' fees insofar as they exceed 15 per cent of the German production costs
- Contingency fund unless it can be dissolved in the final cost report in favour of goods and services eligible for a grant
- Materials and services provided free or at reduced charge, deferred fees for services rendered by those involved in the production of the film
- Costs for shooting and other work done abroad, as far as these do not meet the requirements of subsection 5

If the applicant production service provider bills the customer according to so-called person-days, the person-days will be recognised as German production costs as long as they meet the conditions of section 4 subsections 4 and 5.

(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 one year prior to submitting an application may be recognised as German production costs eligible for a grant if and as far as they are necessary for submitting an application.

(5) 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 German production costs subject to the following restrictions:

- 01.** The costs incurred must satisfy the requirements under section 4 subsections 4 and 5,
- 02.** at least 75 per cent of the German production costs for which the product service provider is responsible are incurred without regard to the costs of shooting abroad, and
- 03.** no more than 20 per cent of the shooting abroad for which the production service provider is responsible are recognised as German production costs eligible for a grant.

(6) As a general rule, a subsequent overrun of eligible German production costs specified in the application will not be taken into consideration. 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 applicant production service provider and in agreement with the BKM, agree to make a subsequent increase of the grant (subsequent appropriation) of up to the maximum percentage grant amount permissible under subsection 1. 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. In general, the grant may be cumulated with other federal or state funding programmes. In this case, it is necessary to ensure that the funding serves different purposes, i.e. that eligible costs can be separated from each other. The subsequent appropriation is paid in instalments, in agreement with the BKM, taking into account the circumstances of the individual case. The applicant production service provider must file the written application for an subsequent appropriation as early as possible, stating the reasons for and amount of the additional costs incurred in a substantiated way.

(7) Applications will not be accepted if other public film subsidies from the federal budget are used.

(8) The aid is not to be cumulated with other state aid – including aid as defined in Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24 December 2013) unless the other aid measure concerns different identifiable eligible costs, or if the highest aid intensity applicable to such aid measures in accordance with the General Block Exemption Regulation or the highest aid amount applicable to such aid measures in accordance with the General Block Exemption Regulation is not exceeded.

(9) 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. 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. These ceilings do not apply to difficult audio-visual works and co-productions involving countries that are included on the list of the OECD Development Assistance Committee.

SECTION 28 FILING OF APPLICATIONS AND APPLICATION PROCEDURE

(1) The written application is to be addressed to the Deutscher Filmförderfonds c/o FFA - Filmförderungsanstalt, Bundesanstalt des öffentlichen Rechts, Große Präsidentenstraße 9, 10178 Berlin. The application may only be filed by post, by courier or in person.

(2) Applications must be filed at least six weeks before the start of the work to be carried out. The FFA managing board may, in justified exceptional cases, agree to exceptions to this deadline. No applications may be submitted after the start of the work to be carried out. The applicant production service provider must present at least a preliminary contract for work or services at the time of filing the application.

(3) The application must contain the planned date of completion of the answer print of the entire film, the planned date of completion of the film segment and the information and documents stipulated by the FFA in the implementing provisions to these Guidelines. In particular, the application must demonstrate that the grant requirements have been met. The planned date of completion of the answer print of the entire film and the aid intensity must be verified by a statement from the producer. This statement must include the amount of total production costs and all aid received. If it is not possible to present proof 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 applies accordingly. In this case the proof must be submitted by the date on which the grant is disbursed. If an invoice is required as proof, it must be issued in the name of the applicant production service provider. Insofar as documents do not exist in a German-language original version, the FFA may require the applicant production service provider to obtain a translation of the documents by a generally sworn translator, or a German-language summary of the main content required to process the application; the accuracy and completeness of the summary is to be confirmed by the applicant production service provider.

(4) Applications will be processed by the FFA in the order in which they are received. The receipt stamp determines the date of receipt. 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 production service provider a grace period in order to complete the application. If the application is not completed by the applicant production service provider within the grace period granted, it is to be rejected. An applicant production service provider may submit no more than two applications for the same project.

(6) All application documents become the property of the BKM and remain in the possession of the FFA.

SECTION 29 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 pursuant to this chapter. Several completed applications submitted on the same day will be treated as applications received at the same time.

(2) The application may be approved only if the applicant production service provider has demonstrated by means of a statement from the producer that 75 per cent of the project's financing is secured.

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

(4) The approval of a grant is based on the (preliminary) contract for work or services presented at the time of filing the application. At the request of the applicant production service provider, the FFA may provide a non-binding prospect of funding, i.e. without legal grant to the funding, if this is necessary to award the contract for the project.

(5) 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 no. 3.1 of the ANBest-P in conjunction with administrative provision no. 5.3.3. regarding section 44 of the Federal Budget Code, the ceiling for appropriations governed by procurement law is raised to EUR 27 million. The appropriation is composed of all funds allocated by the Federal Government and the Länder. The applicant production service provider 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, as far as possible. The procedure and results must be documented. The FFA may ensure that the grant requirements are met by including ancillary terms in the notification of grant.

(6) The notification of grant is subject to the following conditions subsequent (section 36 subsection 2 no. 2 of the Administrative Procedures Act:

- 01.** the applicant production service provider must provide proof, within three months of receiving the notification of grant, of the unconditional assignment to produce the project along with a statement from the producer that the total financing of the film is secured. In accordance with sections 31 and 41 subsection 2 of the Administrative Procedure Act, the period starts on the third day after posting the proof or after electronic sending of the notification;
- 02.** Work on filming or animation must begin within four months of receipt of the notification of grant.
- 03.** The film or, if the complete film is not the responsibility of the production service provider, the film segment for which the production service provider is responsible, must be completed by the date specified in the application, at the latest within the period stipulated in subsection 7 as regards exceptional cases.

(7) Upon application by the applicant production service provider, the deadlines referred to in subsection 6 nos. 1 to 3 may be extended, based on the exercise of due discretion:

- 01.** The FFA may extend the deadline under subsection 6 no. 1 once by one month.
- 02.** The FFA may extend the deadline under subsection 6 no. 2 once.
- 03.** The FFA may extend the deadline under subsection 6 no. 3 once. In particularly exceptional cases, the FFA managing board may allow a second extension of this deadline.
- 04.** If it is essential to extend the deadline on account of force majeure or similar circumstances, the FFA managing board may, in duly justified exceptional cases and in agreement with the BKM, allow further extensions of the deadlines referred to in subsection 6 nos. 1 to 3.

Any application to extend a deadline must be reasoned.

SECTION 30 DISBURSEMENT

(1) The grant is disbursed to the applicant production service provider after the answer print has been completed at the time stated in the application, and after presenting proof of employment of funds and an audit of the final costs. Proof of actual theatrical release may be provided after disbursement, but no later than 12 months after the answer print is completed. As a rule, the proof of employment of funds and the audit of final costs is to be conducted no later than three years after completion of the answer print.

(2) In order to determine whether the answer print was completed on the date specified in the application, the FFA is to monitor compliance with this deadline.

(3) The final cost auditor will be determined by the FFA. The applicant production service provider bears the costs of the audit.

(4) Payment is to be refused if

- 01.** proper financing of the film project has not been confirmed by the producer;
- 02.** proper financing of the work to perform the contract is not secured, or
- 03.** the applicant production service provider has violated the principles of economical business management within the context of the financing, production or performance of the contract, rental, distribution or video distribution of a film subsidised by the FFA or the BKM.

(5) 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.

(6) The grant may be disbursed in instalments upon request. In case of disbursement in instalments, up to four instalments will be paid depending on progress of the project. Reasons must be given for the request. In case of grants of more than EUR 2 million, 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 is allowed. 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 production service provider must present proof when applying for payment in instalments that this requirement has been met. The applicant production service provider must present proof prior to disbursement of the first instalment that the total financing is secured.

SECTION 31 REPAYMENT

The applicant production service provider is liable for the repayment of the grant. This applies also if a third party was assigned to perform the work, or if the repayment results from the fact that, contrary to the assurance of the producer,

- the total financing of the film is not secured or the limits of aid intensity allowed are exceeded,
- the answer print of the film was not completed by the date specified in the application,
- the film did not have a theatrical release,
- the funded segment was not used in the film, or
- the holdback periods pursuant to the Film Promotion Act were not observed when showing the film.

V. INFORMATION AND PUBLICATION

SECTION 32 INFORMATION

Anyone who applies for financial aid in accordance with these Guidelines must provide the FFA with the information necessary to carry out these Guidelines and present the relevant documents. The information is provided on the basis of and in accordance with the FFA rules.

SECTION 33 PROCESSING OF DATA

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

(2) Please note that, in particular, the information contained in Article 9 of the General Block Exemption Regulation concerning individual aid in excess of EUR 500,000 will be published.

VI. EVALUATION

SECTION 34 EVALUATION OF THE MEASURE

(1) The measure according to these Guidelines is evaluated by a committee consisting of representatives of the BKM, of the Federal Ministry of Finance and of the Federal Ministry for Economic Affairs and Energy. Other experts who are not entitled to vote may be consulted. The evaluation is conducted on the basis of an agreed evaluation plan.

(2) The evaluation committee may recommend modifications of the Guidelines at any time.

(3) For the purpose of evaluation, the FFA may require the applicant 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.

(4) Funding granted pursuant to these Guidelines may, in individual cases, be monitored by the European Commission.

VII. FINAL PROVISIONS

SECTION 35 COMPETENCE OF THE SUPREME FEDERAL AUTHORITY FOR CULTURE AND THE MEDIA

The abbreviation BKM in these Guidelines shall designate the supreme federal authority competent for culture and the media.

SECTION 36 IMPLEMENTING PROVISIONS

With the consent of the BKM, the FFA may issue the provisions required to implement the Guidelines.

SECTION 37 TRANSITIONAL PROVISION

Applications received by the FFA before these Guidelines enter into force are decided in accordance with the Guidelines applicable at the time the application is complete. In derogation from sentence 1, section 16 subsection 6 and section 27 subsection 6 of these Guidelines also apply to projects already approved and applications received by the FFA before these Guidelines entered into force.

SECTION 38 ENTRY INTO FORCE, EXPIRY

(1) These Guidelines enter into force on 1 January 2024 and expire on 31 December 2024.

(2) The Guidelines Issued by the Federal Government Commissioner for Culture and the Media, “Incentive to Strengthen the Film Industry in Germany”, in the version of 1 March 2023 expire when the present Guidelines enter into force.

Berlin, 23 February 2024

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:

PRINCIPLES OF ECONOMICAL BUSINESS MANAGEMENT FOR MEASURES PURSUANT TO PART III (DFFF I)

1. Principles of economical business management

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

2. Production costs

The total production costs of a project include the types of costs listed in Overview A below. Production costs are calculated exclusive of VAT (deductible input VAT) (net principle).

Overview A of production costs

- 01.** Pre-production costs
- 02.** Rights and manuscripts
- 03.** Salaries/fees
 - Production staff
 - Director's staff
 - Equipment staff
 - Other staff, including staff for rigging and animation set-up, storyboarding, character conception and modelling, set conception and modelling, exposure sheets, previsualisation, rotoscopy, tracking, motion capture, layout, animation, set construction, tracing, opaquing, colourisation, lighting and rendering, compositing, visual effects, image and sound editing, mixing.
 - Actors
 - Composer / musicians / voiceovers / narrators
 - Extra costs salaries
- 04.** Set
- 05.** Equipment and technology
- 06.** Travel and transport expenses
- 07.** Film material and editing
- 08.** Final completion (including additional costs for production of the German version of the film and foreign-language versions of the film, including the answer print)
- 09.** Insurance costs
- 10.** General project-related costs (see Overview B below)
- 11.** Overhead expenses
- 12.** Contingency fund
- 13.** Trustee's fee

The producer's general project-related costs include the individual kinds of costs listed in Overview B below, provided such costs are not already included in the overhead expenses.

Overview B of general project-related costs

- 01.** Minor expenses
- 02.** FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees if included in the production costs (usually initial distribution costs)
- 03.** Production press
- 04.** Telephone, postage
- 05.** Rent for office space
- 06.** Office material
- 07.** Entertainment expenses
- 08.** Agent fees

- 09. 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 costs¹

3. Overhead costs for feature-length films

(1) The producer's overhead costs include the individual kinds of costs listed in Overview C below. These costs are not to be stated as production costs (nos. 1–10 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% up to a limit of EUR 5 million of the production costs (nos. 1–10 of Overview A). In the case of international co-productions, the calculations are based on the German financing share.

(3) If the calculated production costs exceed EUR 5 million, the overhead costs incurred by the producer will be recognised at the rate of 5% of the amount exceeding EUR 5 million.

(4) The overhead costs are capped at EUR 650,000. In the case of international co-productions, the calculations are based on the German financing share.

Overview C of individual kinds of costs included among the overhead costs

- 01. Expenditure for furnishing and maintaining permanent business premises
- 02. General business needs (writing materials, etc.)
- 03. General postal and telephone charges
- 04. General personnel costs insofar as they do not concern the specific project
- 05. Trade tax on income and capital
- 06. Expenditure for general legal, tax and foreign exchange advice and for auditing of balance sheets
- 07. Interest and bank charges for general loans
- 08. General expenditure for representation activities
- 09. Travel expenses and expenditures within the context of the producer's normal business unless incurred for a certain project.

4. Financing costs

In the costs estimate, the financing costs to be proved may generally be stated with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account more than 8% above the relevant basic interest rate in force of the European Central Bank. No financing costs for the producer's own funds may be stated.

5. Contingency fund

A contingency fund of up to 8% of the total amount of calculated kinds of costs according to nos. 1–10 (production costs) in Overview A may be stated in the costs estimate.

¹ At standard market rates.

6. 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.

7. Travel expenses

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

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

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

(2) Rebates and discounts are to be deducted from the costs for prints of the films subsidised. However, discounts and turnover-related bonuses obtained through additional own contributions outside the relevant procurement of prints do not have to be deducted.

(3) Income from the sale or other disposal of items (objects and rights) included among the production costs is to be stated as reducing the production costs.

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

(1) For projects with total production costs of up to EUR 300,000, the producer's fee is a maximum of EUR 15,000; for projects with total production costs of more than EUR 300,000 and up to EUR 500,000, the producer's fee is a maximum of EUR 25,000; and for projects with total production costs of more than EUR 500,000, the producer's fee is up to 5% of the total production costs, exclusive of the producer's fee, up to a maximum of EUR 250,000. 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.

(2) If the producer or co-producer makes own contributions, such contributions may only be stated up to the prices customary on the market. If the contribution is in kind and list prices are available, these prices are to be reduced by 25%.

(3) If the producer or the co-producer or the proprietor, exclusive or majority shareholder of the production company (individually owned company, partnership or company limited by shares) is identical to the director, the fee for the director amounts to a maximum of 4% of the total production costs (exclusive of the fee).

(4) If the producer or the co-producer or the proprietor, exclusive or majority shareholder of the production company (individually owned company, partnership or company limited by shares) is identical to the line producer, the fee for the line producer amounts to a maximum of 2.7% of the total production costs (exclusive of the fee).

(5) In the event of other multiple participation on the part of the producer within the production process of a film, the fee rates are to be reduced by 20%.

SCHEDULE 2:

PRINCIPLES OF ECONOMICAL BUSINESS MANAGEMENT FOR MEASURES PURSUANT TO PART IV (DFFF II)

1. Principles of economical business management

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

2. Production costs

The production costs of a film include the kinds of costs listed in Overview A below, insofar as they are incurred in the film segment for which the production service provider is responsible. Production costs are calculated exclusive of VAT (deductible input VAT) (net principle).

Overview A of production costs

- 01.** Pre-production costs
- 02.** Rights and manuscripts
- 03.** Salaries/fees
 - Production staff
 - Director's staff
 - Equipment staff
 - Other staff, including staff for rigging and animation set-up, storyboarding, character conception and modelling, set conception and modelling, exposure sheets, pre-visualisation, rotoscoping, tracking, motion capture, layout, animation, set construction, tracing, opaquing, colourisation, lighting and rendering, compositing, visual effects, image and sound editing, mixing.
 - Actors
 - Composer / musicians / voiceovers / narrators
 - Extra costs salaries
- 04.** Set
- 05.** Equipment and technology
- 06.** Travel and transport expenses
- 07.** Film material and editing
- 08.** Final completion (including additional costs for production of the German version of the film and foreign-language versions of the film, including the answer print)
- 09.** Insurance costs
- 10.** General project-related costs (see Overview B below)
- 11.** Contingency fund
- 12.** Trustee's fee

The general project-related costs of the production service provider include the individual kinds of costs listed in Overview B below.

Overview B of general project-related costs

- 01.** Minor expenses
- 02.** FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees if included in the production costs (usually initial distribution costs)
- 03.** Production press
- 04.** Telephone, postage
- 05.** Rent for office space
- 06.** Office material
- 07.** Entertainment expenses
- 08.** Agent fees

- 09. Reproductions
- 10. Translations
- 11. Office equipment (rental)
- 12. Financing costs
- 13. Legal and tax advice
- 14. Costs for ecological adviser
- 15. Child-care costs²

3. Financing costs

In the costs estimate, the financing costs to be proved may generally be stated with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account more than 8% above the relevant basic interest rate in force of the European Central Bank. No financing costs for the own funds of the production service provider may be stated.

4. Contingency fund

A contingency fund of up to 8% of the total amount of calculated kinds of costs according to nos. 1–10 (production costs) in Overview A can be stated in the costs estimate.

5. 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 in-sofar as they concern the general project development.

6. Travel expenses

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

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

(1) Rebates and discounts are to 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.

(2) Rebates and discounts are to be deducted from the costs for prints of the films subsidised. However, discounts and turnover-related bonuses obtained through additional own contributions outside the relevant procurement of prints do not have to be deducted.

(3) Income from the sale or other disposal of items (objects and rights) included among the production costs are to be stated as reducing the production costs.

² At standard market rates.

8. Fee of the production service provider, special provisions on production service provider's own contributions and multiple participation

- (1)** The production service provider's fee amounts to a maximum of 5% of the production costs of the project for which the production service provider is responsible, exclusive of the production service provider's fee, up to a maximum of EUR 250,000. In special, justified exceptional cases the FFA managing board may permit exceptions. The recipient of the production service provider's fee is the natural person responsible for providing the production services.
- (2)** If the production service provider makes own contributions, such contributions may only be stated up to the prices customary on the market. If the contribution is in kind and list prices are available, these prices are to be reduced by 25%.
- (3)** If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the producer, the fee for the producer amounts to a maximum of 5% of the total production costs (exclusive of the fee), not to exceed the amounts given in subsection 1 sentence 2. In this case, no additional fee for the production service provider may be claimed.
- (4)** If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the director, the fee for the director amounts to a maximum of 4% of the total production costs of the project for which the production service provider is responsible (exclusive of the fee).
- (5)** If the natural person responsible for providing the production services or the proprietor, exclusive or majority shareholder of the production service provider (individually owned company, partnership or company limited by shares) is identical to the line producer, the fee for the line producer amounts to a maximum of 2.7% of the total production costs of the project for which the production service provider is responsible (exclusive of the fee).
- (6)** Other multiple participation by the natural person responsible for providing the production services within the production process of a film is to be subject to a 20% reduction in the fee rates.

SCHEDULE 3:

TEST OF CHARACTERISTICS FOR FEATURE FILMS

The information “from Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom of Great Britain and Northern Ireland (United Kingdom)³” refers to the nationality of natural persons or their place of residence⁴ and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom. At least four criteria from the “Cultural Content” category must be met. Only full points will be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content

	Points
Film (fictional content/underlying material) is set mainly in Germany or in the German cultural area ⁵ or in a fictional place	2
uses German motifs ⁶ (i.e. motifs that can be attributed to Germany, e.g. German architecture or landscapes, such as “Black Forest cottage”) or fictional motifs	3
uses German locations ⁷	3
Lead character(s) of the underlying material is/was German ⁸ or is associated with the German-speaking or German cultural area	2
Story/material is German ⁹	2
Storyline/underlying material is based on literary material traditional fairy tales, myths or legends	2
Storyline/underlying material deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics)	2
A contemporary artist from a field other than film-making makes a significant contribution to the film	2
Storyline/underlying material is based on a historical figure (e.g. Gandhi) or a fictional figure familiar from cultural history (e.g. Hercules, Siegfried, Hansel and Gretel)	2
Storyline/underlying material refers to a historical event in world history or a similar fictional event (e.g. the conquest of Troy)	2
Storyline/underlying material deals with religious or philosophical beliefs or issues of current social or cultural relevance (e.g. Muslim headscarf, refugees, etc.), addresses different ways of life (e.g. nomads) or deals with scientific topics or natural phenomena	2
One final version is in German	3
Film is set mainly in another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	1
Film uses other European motifs (in the absence of German motifs or locations) or European motifs ¹⁰ (in addition to German motifs or locations)	1
Lead character of the underlying material from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	1
Total	30

2. Creative Talents

Points

Film artists of international standing from Germany in an important role – “German stars” (meaning the persons listed below who have participated in a film which was entered in a festival according to section 75 subsection 2 of the Film Promotion Act or won an award as defined in section 75 subsection 2 of the Film Promotion Act)

4

Film artists of international standing from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom – “European stars” (meaning the persons listed below who have participated in a film which was entered in a festival according to section 75 subsection 2 of the Film Promotion Act or won an award as defined in section 75 subsection 2 of the Film Promotion Act)

2

Actors from Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom (unless already covered under the “stars” definition)

(max. 3 points)

1. leading actor (1 point) or
2. leading actor (1 point) or two supporting actors (1 point)

3

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 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:

Director

3

Scriptwriter

3

(Co-)producer (natural person) or line producer

3

Composer

2

Director of Photography

2

Editor

2

Costume designer / lead animation artist

1

Make-up artist / lead FX artist

1

Sound / sound designer

1

Production designer / environment / digital matte painting artist

1

Art director / lead shading / texturing artist

1

³ The recognition of contributors from the United Kingdom under Schedules 3–7 is based on the principle of reciprocity, i.e. the application of comparable mechanisms in Germany and the United Kingdom.

⁴ A place of residence is where somebody has a residence in circumstances which indicate that the person will keep and use the residence for his or her personal use.

⁵ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

⁶ Motifs that are clearly German, no matter where they are shot (Frankfurt’s Renaissance City Hall, Reeperbahn in Hamburg, German Reichstag building in Berlin). The motif is the described scene of the action, to lead the viewer’s imagination in a certain direction.

⁷ German locations are those actually shot in Germany (a studio is not a location as referred to in these Guidelines. As opposed to a motif, the location is the place where imagination is transposed into a work of film

⁸ The lead character is German in the sense of the test of characteristics if he/she is or is presumably a German national or (presumably) lives permanently in Germany.

⁹ 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.

¹⁰ Motifs that are clearly European, no matter where they are shot. The motif is the described scene of the action, to lead the viewer’s imagination in a certain direction.

	Points
Lead Compositing Artist	1
VFX producer	2
VFX supervisor	2
Post-production supervisor	1
Total	35

A-Block total	65
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B-Block: Production¹¹

Location shooting or studio shooting in Germany	Points
(at least 50% of the total costs of shooting (= studio and location) and at least 70% of the total costs of any studio shooting spent in Germany)	12
(at least 25% of the total costs of shooting (= studio and location) and at least 70% of the total costs of any studio shooting spent in Germany)	(6)
If a real shoot is done in Germany for which points can be acquired based on the above requirements regarding location or studio shooting in Germany, the following applies: 25% of digital effects (VFX) in Germany, based on the overall cost of digital effects (VFX): 1 point	max. 4
If no real shoot is done in Germany or a real shoot does not accrue points based on the above requirements regarding location or studio shooting in Germany, and either the VFX budget spent in Germany amounts to at least EUR 2 million and at least 20% of the total VFX budget, or 80% of the total VFX budget is spent in Germany	8
At least 25% of special effects (SFX) in Germany, based on the overall cost of special effects (SFX): 1 point	max. 4
80% of music recording in Germany	2
80% of sound editing and mixing in Germany	2
80% of laboratory work up to answer print in Germany	1
80% of post-production during shooting of the film in Germany	3
80% of final editing in Germany	3
Total	31

A- / B-Block total	96
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At least 48 out of 96 points from both categories are required

¹¹ In case of financial aid pursuant to Part IV, the percentages refer to the share of the production service provider filing the application in the project.

SCHEDULE 4:

TEST OF CHARACTERISTICS FOR DOCUMENTARY FILMS

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 residence¹² and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom. At least two criteria from the “Cultural Content” category must be met. Only full points will be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content	Points
Film mainly deals with or is set in Germany or the German cultural and language area ¹³ or with issues relating to Germany	4
Lead character(s) is/was German ¹⁴ or is associated with the German language or cultural area	4
Film is shot in original German version or final version is in German	2
Film deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics)	1
Film focuses on a significant historical or contemporary figure	1
Film deals with an event in world history	1
Film deals with ways of life of people/minorities (e.g. material about nomads)	2
Storyline/underlying material deals with religious or philosophical issues or issues of current social or cultural relevance (e.g. discrimination, drugs, refugees, etc.)	2
Film deals with scientific topics or natural phenomenon	2
Total	19

¹² A place of residence is where somebody has a residence in circumstances which indicate that the person will keep and use the residence for his or her personal use.

¹³ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

¹⁴ The lead character is German in the sense of the test of characteristics if he or she is a German national or lives permanently in Germany.

2. Creative Talents

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 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:

	Points
Director	5
Producer	3
Author	3
Camera team	3
Editor	3
Composer	2
Sound/music design	1
Total	20

A-Block total	39
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B-Block: Production

	Points
Location or studio shooting in Germany (at least 50% of the total costs of shooting spent in Germany) otherwise 1 point for each 10%	5
80% of digital effects in Germany	1
80% of music recording in Germany (50% = 1 point)	2
80% of sound editing and mixing in Germany (50% = 1 point)	2
80% of final picture editing in Germany (50% = 1 point)	2
80% of laboratory work up to answer print in Germany	1
Total	13

A-/ B-Block total	52
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At least 27 out of 52 points from both categories are required

SCHEDULE 5:

TEST OF CHARACTERISTICS FOR ANIMATED FILMS AND FILMS WITH VIRTUALLY ANIMATED COMPONENTS

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 residence¹⁵ and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom. At least two criteria from the “Cultural Content” category must be met. Only full points will be awarded.

A-Block: Cultural Content and Creative Talents

1. Cultural Content	Points
Lead character was/is German ¹⁶ or is associated with the German cultural or language area ¹⁷	2
Storyline/underlying material is German or originates from the German language or cultural area ¹⁸	4
At least 50% of the story/material takes place in reality or virtually in Germany or another EU Member State, another EEA contracting state, Switzerland or the United Kingdom or in a place attributed to Germany or another EU Member State, another EEA contracting state, Switzerland or the United Kingdom or a fictional place	2
A final version is in German	2
Storyline is intended and suitable as children’s or youth film	3
Storyline/underlying material is based on literary material or is derived from traditional fairy tales/myths or legends	2
Story/material is based on a historical figure (e.g. Gandhi) or a fictional figure familiar from cultural history (e.g. Hercules, Siegfried, Hansel and Gretel) or on a historical event in world history or a similar fictional event (e.g. the conquest of Troy)	4
Film deals with artists or an art genre (e.g. composition, dance, performance, painting, architecture, Pop Art, comics), or a contemporary artist from a field other than film-making makes a significant contribution to the film	4
Storyline/underlying material deals with religious or philosophical beliefs or issues of current social or cultural relevance (e.g. Muslim headscarf, refugees, etc.), addresses different ways of life (e.g. nomads) or deals with scientific issues or natural phenomena	2
Total	25

¹⁵ A place of residence is where somebody has a residence in circumstances which indicate that the person will keep and use the residence for his or her personal use.

¹⁶ The main character is German in the sense of the test of characteristics if he/she is or presumably is a German national or (presumably) lives permanently in Germany.

¹⁷ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

¹⁸ The German cultural area includes German-speaking areas, formerly German-speaking areas and areas in which a German minority lives.

2. Creative Talents

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 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:

	Points
Director	3
Scriptwriter or storyboarder	3
(Co-)producer or applicant VFX producer (natural person)	3
Composer	3
VFX or animation supervisor	3
Character designer / lead FX artist or lead animation artist	2
Head of production design / background supervisor / lead environment artist or digital matte painting artist	2
Dubbing artists (one point each for the first four principal characters)	4
Sound designer	1
Lead shading/texturing artist	1
Editing or lead compositing artist	1
Line producer or VFX producer not filing the application	1
Total	27
A-Block total	52

B-Block: Production¹⁹

	Points
1 point for each 10% of the total costs for animation/VFX work spent on animation/VFX work in Germany	10
80% of rigging or layout work in Germany	2
80% of previsualisation in Germany	2
80% of digital environment or matte painting in Germany	2
80% of virtual camera work in Germany	2
80% of animatics in Germany	1
80% of simulations in Germany	2
80% of the following work in Germany speech and sound editing; mixing or VFX asset creation	3
80% of music recording in Germany	2
80% of rendering in Germany	2
80% of compositing in Germany	2
80% of laboratory work up to the answer print or VFX editorial in Germany	2
Total	32
A-/ B-Block total	84

At least 42 out of 84 points from both categories are required

¹⁹ In case of financial aid pursuant to Part IV, the percentages refer to the share of the production service provider filing the application in the project.

SCHEDULE 6:

TEST OF CHARACTERISTICS FOR DOCUMENTARY FILMS PRODUCED IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON CINEMATOGRAPHIC CO-PRODUCTION

The documentary film must be produced in accordance with the European Convention and score at least 50% of the total points available in the following catalogue. 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 residence²⁰ and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom.

	Points
Creative talents from Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom:	
Director	3
Script	2
Camera	2
Research	1
Composer	1
Editor	2
Sound engineer	1
Production in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom:	
Shooting in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
Post-production in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
Total	16

²⁰ A place of residence is where somebody has a residence in circumstances which indicate that the person will keep and use the residence for his or her personal use.

SCHEDULE 7:

TEST OF CHARACTERISTICS FOR ANIMATED FILMS PRODUCED IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON CINEMATOGRAPHIC CO-PRODUCTION

The animated film must be produced in accordance with the European Convention and score at least 14 points in the following catalogue. 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 residence²¹ and centre of their lives in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom.

	Points
Creative talents from Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom:	
Conception	1
Script	2
Character designer	2
Composer	1
Director	2
Storyboard	2
Production designer	1
Background supervisor	1
Layout	2
Production in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom:	
50% of expenditures for animation work in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
50% of colouring in Germany, another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
80% of compositing	1
80% of editing	1
80% of sound	1
Total	21

²¹ A place of residence is where somebody has a residence in circumstances which indicate that the person will keep and use the residence for his or her personal use.

SCHEDULE 8:

ECOLOGICAL STANDARDS FOR GERMAN CINEMA, TV, AND ONLINE/VOD PRODUCTIONS

PREAMBLE

The public and private media industry reaches an audience of millions with their audiovisual productions. With this scope comes social responsibility for a sustainable production of these contents. Audiovisual film and TV productions that are eco-friendly and protect resources are an essential contribution towards reducing CO₂ consumption and at the same time a process of technological transformation comprising both technical and artistic changes.

Therefore, the Federal Government Commissioner for Culture and the Media (BKM), the German Federal Film Board (FFA), the film funding institutions of the federal states, and the “Green Shooting” workgroup have agreed to the present, nationwide uniform ecological standards for audiovisual productions. As part of a work process, the workgroup and film funding institutions have jointly established a set of requirements for ecological standards. It is based on the ecological minimum standards published by the “Green Shooting” workgroup on January 1st, 2022, and experiences gained in the so-called “Reallabor”, carried out on behalf of the BKM and the federal film funding institutions.

The ecological standards are a learning system. They are evaluated on an ongoing basis and adapted according to the availability on the market, the current state of science and technology as well as climate and environmentally relevant developments. The workgroup and the funding institutions all agreed on aiming toward a steadily growing level of ambition. A sustainability board with equal representation of members from the “Green Shooting” workgroup and national and federal funding institutions is to be implemented. The industry is to be involved through the sustainability board.

The ecological standards are currently phrased as means oriented. To increase efficiency, they are to be transferred toward target value specifications in perspective.

Resilience, credibility, and transparency are the main pillars of ecological standards. Compliance is ensured through standardized verification.

The ecological standards are met by many production companies, broadcasters, and VoD services and are a basis for funding requirements in the framework of state and federal funding. Additionally, there is an option of receiving the green motion label upon fulfillment of the ecological standards.

APPLICATION OF ECOLOGICAL STANDARDS

The ecological standards apply to all stages of production from pre- to postproduction and for the parts realized in Germany, generally irrespective of whether the production company is based in Germany or abroad. Production conditions allowing compliance with the standards for the production parts carried out abroad and meeting the standards are welcome.

The ecological standards are divided into five fields of action. Most of the fields of action comprise requirements that both should and must be met. Those that must be met are mandatory. A minimum number of mandatory requirements must be met for the fulfillment of the ecological standards.

In justified exceptional cases where the mandatory requirements cannot be met, a maximum of five - as of July 1st, 2024, a maximum of 3 - deviations from the 21 mandatory requirements are admissible (so-called 5-of-21 regulation). This number is intended to be reduced in the coming years. Deviations from the respective mandatory requirement should be reduced to a minimum.

In case a mandatory requirement is justifiably not relevant (for example the production does not include external accommodation (cf. requirement IV.1), the mandatory requirement is considered to be fulfilled. Therefore the 5-of-21 regulation must not be applied.

Unlike the mandatory requirements, the target requirements should not be considered a strict regulation but an appeal for an environmentally sustainable mode of production. Implementing the target requirements, just like implementing the mandatory requirements, produces an effective reduction of greenhouse gas emissions and is therefore desirable. Prospectively, target requirements are to become mandatory in the framework of the ecological standards' evaluation and further development.

For details regarding an issuing of the green motion label please refer to the separate leaflet.

ECOLOGICAL STANDARDS IN DETAIL

I. GENERAL REQUIREMENTS

I.1 Responsibility Statement of the Management and Line Producer(s)

• **Mandatory requirement** (non-discardable as part of the 5-of-21 regulation)

Prior to the production's start, management and line production must jointly issue the following statement to the film funding responsible or, if no film funding is involved, to the broadcaster/VoD service responsible or, if no broadcaster/VoD service is involved, the inspection body:

„It is asserted that the current regulations regarding the „ecological standards for German theatrical, TV and online/VoD productions have been acknowledged in their entirety and shall be observed completely and appropriately during the production of the above-mentioned film/series/AV production.“

A template of this management and line producer(s) responsibility statement can be found on the website. The statement may also be issued in the production contract.

I.2 Green Consultant

• **Mandatory requirement**

Employing an external Green Consultant or a member of staff qualifying as a Green Consultant is mandatory. Both must provide a sound, in any case, multi-day training certificate as green consultants with up-to-date knowledge. They accompany the respective productions from the planning to the approval stage. Their consultation refers to compliance with the ecological standards and an altogether preferably resource-saving, CO₂-reduced mode of production. The entire crew is to be integrated for this purpose.

The Green Consultant's field of work might entail the following areas:

- energy use
- personnel and material transport
- accommodation & catering
- employment and use of material

I.3 Preparatory Carbon Footprinting

One of the ecological standards' essential objectives is the reduction of CO₂ emissions in the various stages of film production. Therefore, it is crucial to already get a systematic record of the CO₂ emissions in the planning stage of production.

- **Mandatory requirement** (non-discardable as part of the 5-of-21 regulation)

Before the production's commissioning, respectively prior to the application to the film funding, a recording of the planned CO₂ emissions must be carried out with the MFG CO₂ calculator. This recording is made with a simplified calculation method - available in the MFG CO₂ calculator from the end of 2022. Alternatively, the recording can be made via calculation programs, for example, Sesam, provided that these are able to produce a verifiably comparable calculation in the result. This recording enables the production to set standards for an altogether ecologically sustainable process.

I.4 Subsequent Carbon Footprinting

- **Mandatory requirement** (non-discardable as part of the 5-of-21 regulation)

After the production is completed, a detailed recording of the data must be carried out with the MFG CO₂ calculator. Alternatively, the recording can be made via calculation programs, for example, Sesam - in 2022 without conditions, in 2023 on the condition that these are able to produce a verifiably comparable calculation in the result and, for funded film productions, meet the current requirements of the film funding legislation.

I.5 Final Report

- **Mandatory requirement** (non-discardable as part of the 5-of-21 regulation)

After the production is completed, the production company must submit a final report based on a standardized template (or two reports if more than 25% of the overall production costs are incurred abroad and the company has also applied for the green motion label). This report accounts for the fulfillment of the mandatory requirements and the production's actual CO₂ emissions, calculated after the production's completion, are identified (see also „1.4 Subsequent Carbon Footprinting“).

The forms are available on the website.

II. ENERGY USE

The switch to certified green energy is one of the fastest and easiest methods to slash CO₂ emissions. Diesel generators on the other hand are frequently responsible for high emissions of greenhouse gas and particulate matter.

This is why electricity should be obtained from the grid and not generators whenever possible. If the mobile power supply is indispensable, the perspective aim is to particularly use hybrid power supply (from CO₂ neutral energy sources), mobile power storage systems (charged with green energy), or photovoltaic systems. Hybrid (fossil-fuelled) systems and (fossil-fuelled) gas generators should rather be considered a transitional solution for the replacement of diesel generators. Lighting in the studio and on location frequently causes high power consumption and accordingly high emissions of greenhouse gas. Based on systematically optimized planning for the energy use of lighting, a high proportion of the previous energy consumption can be saved through the implementation of energy-saving lighting technologies.

II.1 Green Energy at All Production Sites

- **Mandatory requirement**

Certified green energy must be used at all company sites of the production (including the postproduction) and all studios which are used for the production.

II.2 Green Energy for Temporarily Used Sites

- **Target requirement**

Certified green energy should be used for temporarily used sites (production offices or similarly used sites) wherever possible.

II.3 Green Energy at „On Location“ Productions

- **Target requirement**

Certified green energy should also be obtained wherever possible if the „on location“ production is mains-operated (see also criterion II.4). This applies with regard to existing mains supply access and set-up accesses for power consumed on site.

II.4 Green Energy in Postproduction

● Mandatory requirement

If the post-production occurs outside the production company's sites, exclusive use of green energy for the execution of the task must be ensured by the commissioned service providers.

II.5 Conditions for the Employment of Generators

● Mandatory requirement

Essentially, the entire production is to be mains operated. However, the following exceptional cases allow for generator use:

- „on location“ productions without technically suitable access to the grid and with a cable length of up to 100 meters available
- productions with contractually stipulated uninterruptible power supply may employ a redundant generator system - „Twin Power / Twin Pack“ - if the production cannot be realized otherwise. It is recommended that sustainable modern options such as a single (hybrid) generator in stand-by mode with downstream battery and parallel fixed current settings should be used.

II.6 Time Limit for Diesel Generators

○ Target requirement

If the use of diesel generators is necessary (under the conditions of II.5), these should not be employed for more than three days. Exceptional cases where they are used longer than three days must be justified in the final report.

II.7 Exhaust Emission Standard Stage IIIA for Diesel Generators

○ Target requirement

If diesel generators are employed, they must at least meet the exhaust emission Stage IIIA standards, be equipped with a particle filter, and not be filled with heating oil. Where diesel generators cannot fulfill exhaust emission Stage IIIA standards or higher, an efficient hybrid system should be used, or the generators should run on fuels from certified regenerative residues (so-called second-generation HVO fuels).

II.8 Using a Power Grid Management System

○ Target requirement

An energy-saving power grid management system should be used wherever possible if several (diesel) generators are employed at one location.

II.9 Efficient Lighting Technology in the Studio

○ Target requirement*

Light sources with a high level of energy efficiency such as LED spotlights should (as of 2024: must) be exclusively employed for studio productions. Light sources such as light bulbs and halogen spotlights („artificial light“) should (as of 2024: must) be avoided.

* Mandatory as of 2024

II.10 Efficient Lighting Technology on Location

○ Target requirement*

On-location shooting should (as of 2025: must) exclusively employ light sources with a high level of efficiency such as LED spotlight. Light sources such as light bulbs and halogen spotlights („artificial light“) should (as of 2024: must) be avoided for spot/headlights up to 2 KW.

* Mandatory as of 2025

III. PERSONNEL AND MATERIAL TRANSPORT

It is generally desirable to reduce mobility.

Optional approaches:

- preferentially using production sites and locations that can be reached by train/public transport and provide suitable accommodation in the vicinity
- logistic optimization of transport via time- or space-based pooling
- supporting the development of car-pooling
- employing local respectively small crews

The choice of means of transport is also crucial. Flights produce high greenhouse gas emissions and should be avoided whenever possible. Cars, small vans, minibusses, and trucks also produce high greenhouse gas emissions. Using bicycles and e-bikes on the other hand is almost CO₂ neutral. Other than that, trains are generally the most environmentally friendly way of transport. On average, they emit 90% less greenhouse gas than planes. Therefore, trains, public transport, bicycles, and e-bikes should be used wherever possible.

III.1 Public Transport Benefits for Audience Participation

○ Target requirement

For studio productions with audience participation, members of the audience should be offered discounted mobility options for public transport if possible. This could be in combination with tickets for the event and by making use of the respective discounted offers of the regional public transport service providers.

III.2 No Flights if Trains Take Less Than Five Hours

● Mandatory requirement

Domestic and international flights are not permissible if the respective train ride would take less than five hours. No private planes must be used on the production side unless they are shown in the picture.

III.3 Employment of Low-emission Vehicles

● Mandatory requirement

One in four cars (excluding those in the picture) owned or rented by the production must be a CO₂-reduced vehicle with low particulate matter and nitrogen oxide emission*. This comprises vehicles that are entirely electrically powered (preferably using green energy), CNG vehicles (preferably powered by bio-CNG), and hybrid vehicles (classic hybrid vehicles and plug-in hybrids, the latter preferably only used in E-mode).

*as of 2024 this requirement applies to one in three, and as of 2025 to one in two vehicles

III.4 Employment of Low-Emission Minibuses, Vans, and Small Trucks

○ Target requirement

One in five vehicles (excluding those in the picture) owned or rented by the production must be a CO₂-reduced vehicle with low particulate matter and nitrogen oxide emission*. These are:

- vehicles that are entirely electrically powered (preferably using green energy)
- hydrogen-powered vehicles
- CNG vehicles (preferably using Bio-CNG)

Special vehicles with elaborate integrated technology are excluded from this regulation.

*as of 2024 this requirement applies to one in three vehicles

III.5. Employment of Low-Emission Trucks over 7.5 Tons

○ Target requirement

One in four trucks exceeding 7.5 tons owned or rented by the production must be a CO₂-reduced vehicle with low particulate matter and nitrogen oxide emission*. These are:

- vehicles that are entirely electrically powered (preferably using green energy)
- hydrogen-powered vehicles
- CNG vehicles (preferably using Bio-CNG)

Special vehicles with elaborate integrated technology are excluded from this regulation.

III.6 Only Euro 6 Diesel

- **Mandatory requirement**

If diesel vehicles are employed, they must meet the diesel EURO 6 standard. Special vehicles with elaborate integrated technology or specific elaborate fittings are excluded. All the production company's existing vehicles as well as the technical service providers are transitionally excluded from this mandatory requirement regarding vans and trucks until the end of 2024. Here, this does, however, not apply to rented vehicles.

III.7 Charging Electrically Driven Vehicles with Green Energy

- **Target requirement**

During production, certified green energy should make up at least 30% of the total quantity used to charge the electrically driven vehicles (owned or rented/leased by the production excluding vehicles in the picture).

IV. ACCOMMODATION AND CATERING

External accommodation produces high greenhouse gas emissions, whereby hotel accommodation generally causes higher greenhouse gas emissions per person and night than accommodation in apartments or holiday homes. Greenhouse gas emissions in hotels can be substantially reduced by appropriate environmental measures. This is why apartments/holiday homes or hotels with acknowledged environmental measures should be booked whenever possible.

Here, it is important that these accommodations are in the vicinity of the production site. However, not just accommodation but catering, too, is CO₂-relevant during production. The current food production causes a considerable degree of greenhouse gas emissions worldwide. This applies in particular to the production of meat, but also international transport of food and the use of artificial fertilizers and pesticides. By reducing the consumption of animal products and a specific selection of environmentally friendly grown primary products, the environmental impact of food can be effectively reduced.

IV.1 A Minimum of 50% of Environmentally Friendly Accommodation

- **Mandatory requirement**

At least 50% of accommodation must be booked in apartments/holiday homes or hotels with acknowledged environmental measures if available within a 15-kilometer radius of the production site.

„Hotels with acknowledged environmental measures“ are hotels providing at least the following measures: green energy, energy-saving measures regarding heating and climate, water-saving measures, and waste separation.

IV.2 Using Regional and Organic Food

- **Mandatory requirement**

In case the catering is provided by an external service it is mandatory that

- either the food used from the sectors of fruit, vegetables, salad, eggs, meats, dairy, and cold drinks must be at least 50% - measured by the purchase price - (as of 2025: 70%) of regional origin. Regional food is food produced within a radius of 150km or less of the respective production site.

- or at least 33% - measured by the purchase price - of the food used must be certified organic food with an EU organic label or an approved German organic label.

IV.3 Vegetarian Catering

- **Mandatory requirement**

If an external separate catering service is employed, catering options must be strictly vegetarian at least once a week.

IV.4 Information on Catering and Enquiry on Meat Consumption

- **Mandatory requirement**

Prior to shooting, production must inform the crew regarding the environmentally oriented selection of food and include crew members in this selection via an inquiry on the topic of meat consumption.

IV.5 No Disposable Tableware

● **Mandatory requirement**

Disposable tableware (plates, cutlery, cups, etc.) and disposable bottles must not be made available during the entire production.

IV.6. Demand-oriented Meals

○ **Target requirement**

Food waste is avoided through preparing and serving demand-oriented - and not pre-portioned - meals.

V. EMPLOYMENT AND USE OF MATERIAL

The production and disposal of material used for stage and scenery construction and set design - often just employed once - bind large amounts of natural resources and release problematic emissions.

Specific environmental burdens for individual productions can be distinctly reduced through the repeated use of the material in different productions.

Employing recycled materials and an environmental-oriented selection of material are effective approaches that should be sought in terms of a resource-saving recycling economy.

V.1 Multiple Use of Material for Sets and Decoration

○ **Target requirement***

Sets, decorative elements, and material should be used multiple times. This can be implemented through storage, rental or leasing, or secondhand use. The aim is to employ a recycling economy. The proportion of the new material acquired for the construction of sets and scenery should (as of 2025: must) be reduced to less than 50% of the overall use of material.

*Mandatory as of 2025

V.2. No Disposable Batteries

● **Mandatory requirement**

Disposable batteries must not be used during the entire production on either the set or in production offices and studios. Rechargeable batteries must be employed instead; these should be recyclable if possible. Exception: mini batteries for in-ear devices.

V.3 New Wood Must Carry FSC or PEFC Seals

● **Mandatory requirement**

If new wood and new wooden composites are used, they must originate from sustainable forest management and carry the FSC or PEFC seal.

V.4 No Material with Problematic Substances

○ **Target requirement**

Materials and substances such as formaldehyde, PVC, solvent-based colors, polystyrene, isocyanate, and brominated flame retardants polluting the environment through their production, processing, or disposal should not be used. Exceptions must be justified in the final report.

V.5 Separable Connection Between Basic Material

○ **Target requirement**

Different materials should be put together in a way they can be easily separated in the disposal process and thus recycled in a targeted manner.

V.6. Reuse of Costumes

Costumes should be used multiple times. This can be implemented through storage, rental or leasing, or secondhand use. Whenever suitable and upon agreement, protagonists should be allowed to use their own clothes in front of the camera. Buying fast fashion and discount clothing should be avoided. Transport of costumes and props should be reduced by using regional services if possible.

• Mandatory requirement

For all necessary costumes in the production, costume designers must do a comprehensive check on whether wardrobes can be bought secondhand or re-used from the inventory instead of buying new.

V.7 Avoiding Disposable Plastic

○ Target requirement

Plastic articles only used once should be avoided in all areas and replaced by environmentally friendly solutions. Makeup products used in production should not contain microplastics.

V.8 Preferred Use of Recycled Material

○ Target requirement

The use of material with a percentage of more than 50% recycled components should be preferential.

V.9 90% Recovered Fiber in Paper

• Mandatory requirement

Whenever paper is used it must be recycled paper with a proportion of at least 90% of waste fiber. This applies to all consumables (copy paper, toilet paper, kitchen paper, envelopes, paper towels, etc.) except props, and in case of demonstrated technological need of 100% colorfastness in the creative process.

V.10 Waste Separation Requirement

• Mandatory requirement

Separation of the produced waste at all production sites (also on location), at all studios, and in every office used must be carried through at least in the categories paper/glass/plastics respectively „Gelber Sack“ (separately collected recyclable materials in Germany)/metal/organic waste/wood. If regional disposal companies cannot provide these categories, compliance with alternative regulations according to the disposal companies is permissible. The alternative requirements must be verified.

V.11 Separation of Decoration Prior to Disposal

○ Target requirement

Sets and decorations which are not re-used should be separated into their principal materials in the disposal process (see „V.1 Multiple Use of Set and Decoration Material“)

Especially due to funding regulations, productions funded by the Federal Government are also obliged to

- submit an initial report. It must be attached to the film funding application and - based on a standard template - contains:
 - name and description of the responsible green consultant's type of qualification employed for the production.
 - results of the preparatory carbon footprinting (I.3)
 - presentation of the implementation of envisaged measures
- inform on the fulfillment of the target requirements alongside the MANDATORY Requirements in the final report (I.5).

Status as at January 24th, 2023



CONTACT

For any questions and to support you regarding the submission of your application, please contact the team of the DFFF:

Jolinde Sawahn
Project Manager

Phone: +49 30 27 577 - 153
Mail: sawahn@ffa.de

Kristin Holst
Team Leader

Phone: +49 30 27 577 - 146
Mail: holst@ffa.de

Anja Geißen
Funding Consultant

Phone: +49 30 27 577 - 148
Mail: geissen@ffa.de

Isabell Heins
Funding Consultant

Phone: +49 30 27 577 - 145
Mail: heins@ffa.de

Svenja Rieck
Funding Consultant

Phone: +49 30 27 577 - 147
Mail: rieck@ffa.de

Annkatriin Swars
Funding Consultant

Phone: +49 30 27 577 - 156
Mail: swars@ffa.de

Ines Trentmann
Funding Consultant

Phone: +49 30 27 577 - 143
Mail: trentmann@ffa.de

Ulrike Stockhausen
Team Assistent

Phone: +49 30 27 577 - 142
Mail: stockhausen@ffa.de

Office address

Deutscher Filmförderfonds | DFFF
c/o German Federal Film Board | FFA
Friedrichstraße 153a
10117 Berlin, Germany

Mailing address

German Federal Film Fund | DFFF
c/o German Federal Film Board | FFA
Große Präsidentenstraße 9
10178 Berlin, Germany

Mail: dfff@ffa.de
Fax: +49 30 27 577 - 155
www.dfff-ffa.de



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