



Die Beauftragte der Bundesregierung
für Kultur und Medien

GERMAN MOTION PICTURE FUND **GMPF**

GUIDELINES OF THE BKM

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SECTION 1 OBJECTIVE AND PRINCIPLES OF FUNDING

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

The funding is furthermore intended to contribute to the following:

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

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

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

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

(5) Companies which are subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market may not be granted funding pursuant to these Guidelines. Nor may companies in difficulty be granted funding; the General Block Exemption Regulation (GBER, Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union) applies in the appropriate version.

SECTION 2 SUBJECT OF FUNDING; DEFINITIONS

SECTION 2.1 SUBJECT OF FUNDING

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

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

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

SECTION 2.2 DEFINITIONS

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

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

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

01. Services provided by persons

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

02. Services provided by companies

Company services will only be recognised as German production costs if

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

SECTION 3 RECIPIENT OF A GRANT

- (1)** The recipient of a grant is the applicant, provided all grant requirements are met.
- (2)** Producers of films or series within the meaning of these Guidelines are eligible to apply. The producer is the person who is responsible for project production through to delivery of the first answer print or who is jointly responsible in the case of a co-production and who is actively involved in production. A purely financial involvement of the producer is not sufficient.
- (3)** Public service broadcasters and private broadcasters as well as video-on-demand providers are not eligible to apply.
- (4)** The applicant producer must have his or her domicile or registered office in Germany, another Member State of the European Union (EU), another contracting state of the Agreement on the European Economic Area (EEA) or Switzerland. If the applicant producer does not have his or her domicile or registered office in Germany, he or she must have a business establishment within Germany at the time of disbursement of the grant.
- (5)** If the project is produced by the German subsidiary or establishment of a producer with a registered office outside the EU, the European Economic Area or Switzerland, then all grant requirements must be met by the German subsidiary or establishment. The application may only be submitted by the German subsidiary or establishment.
- (6)** The applicant producer or – if the project underlying the application is produced by a company founded solely for that purpose – a company affiliated with the applicant must have produced, as an enterprise or a person responsible for a production, at least one feature-length film (reference film) or feature-length series (reference series) during the last five years before filing the application, in Germany or another EU Member State or EEA contracting state or Switzerland. The reference film or reference series must have been released in German cinemas, German television or by video-on-demand services accessible from Germany. If the reference film or reference series is an international co-production involving a producer from a country which is not an EU Member State, an EEA contracting state or Switzerland, then the applicant producer must have produced that reference film either alone or as a co-producer with majority participation. The FFA managing board may, in justified exceptional cases, waive the requirement for majority participation if the technical qualification of the applicant producer is not in doubt.
- (7)** If, in the case of a co-production, several co-producers satisfy the grant requirements, the application may nevertheless only be filed by one of the producers. The producers participating in the co-production must agree on this point and issue a corresponding joint statement to the FFA at the time of filing an application.

SECTION 4 GENERAL GRANT REQUIREMENTS

SECTION 4.1 COMBINATION WITH OTHER FUNDING

- (1)** The grant may not be combined with other state aid, including aid pursuant to 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 regarding de minimis aid (OJ L 352 of 24 December 2013), unless the other aid refers to different identifiable eligible costs or does not exceed the maximum aid intensity for this support or the maximum amount of aid.

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

SECTION 4.2 NO VIOLATION OF GERMAN LAWS

Grants may not be awarded if the film or series features anti-constitutional or unlawful content. The same applies to films or series which, taking into account the dramaturgical structure, script, design, the actors' performance, animation, camera work or editing, are overall of poor quality. Nor may films or series which are focused on pornography or the glorification of violence or which openly violate religious feelings in an inappropriate way be eligible for funding. It is up to the FFA managing board to decide whether the prerequisites for denying grants are met.

SECTION 4.3 START OF THE FILMING OR ANIMATION WORK

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

SECTION 4.4 INCENTIVE EFFECT

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

SECTION 4.5 TEST OF CHARACTERISTICS

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

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

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

SECTION 4.6 ARCHIVING

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

SECTION 4.7 INFORMATION DUTIES

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

SECTION 4.8 ECOLOGICAL STANDARDS

During the production of the series or film, the Ecological Standards according to Schedule 7 must be met.

SECTION 5 SPECIAL GRANT REQUIREMENTS FOR FILMS

SECTION 5.1 RUNNING TIME

The grant is awarded for feature-length films. A film is feature-length if it runs for at least 79 minutes, or 59 minutes in the case of children's films.

SECTION 5.2 MINIMUM TOTAL PRODUCTION COSTS AND MINIMUM AMOUNT OF THE GERMAN PRODUCTION COSTS

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

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

SECTION 5.3 RELEASE IN THE GERMAN LANGUAGE

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

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

(3)) In addition, the FFA must be provided with the accessible version of the film on its release. The accessible version is the final version with German-language audio description and with German subtitles for the hearing-impaired. The FFA managing board may make an exception to the requirement to provide an accessible version on request.

SECTION 6 SPECIAL GRANT REQUIREMENTS FOR SERIES

SECTION 6.1 RUNNING TIME, INVOLVEMENT OF GERMAN BROADCASTERS

(1) The grant will be awarded for feature-length series. A fictional or animated series is feature-length if it runs for at least 240 minutes per season, and a documentary series is feature-length if it runs for at least 180 minutes per season.

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

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

SECTION 6.2 MINIMUM TOTAL PRODUCTION COSTS AND MINIMUM AMOUNT OF THE GERMAN PRODUCTION COSTS

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

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

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

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

SECTION 6.3 RELEASE IN THE GERMAN LANGUAGE

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

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

(3) In addition the FFA must be provided with an accessible version of the funded series when broadcasting of the series begins in Germany. The accessible version is the final version with German-language audio description and with German subtitles for the hearing-impaired. On request, the FFA managing board may make an exception to the requirement to provide an accessible version.

SECTION 7 NATURE, SCOPE AND AMOUNT OF THE GRANT

SECTION 7.1 NATURE OF THE GRANT

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

SECTION 7.2 REFERENCE POINT FOR THE GRANT

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

(2) The following costs are not eligible:

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

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

(4) As a rule, costs may be taken into account as German production costs eligible for a grant only if they were incurred during the funding period specified by the FFA in the notification of grant. Costs arising within 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.

SECTION 7.3 FILM: SCOPE AND AMOUNT OF GRANTS

The grant is for up to 20 per cent of the eligible German production costs, not to exceed 2.5 million euros per film.

SECTION 7.4 SERIES: SCOPE AND AMOUNT OF GRANTS

- (1)** For series, the grant is for up to 20 per cent of the eligible German production costs, not to exceed, per season,
- 2.5 million euros for series with German production costs of up to 20 million euros,
 - 4 million euros for series with German production costs of more than 20 million euros.
- (2)** For fictional series with German production costs of at least 24 million euros and at least 70 points in the test of cultural characteristics pursuant to Schedule 1, the grant is for up to 25 per cent of the eligible German production costs, not to exceed, per season,
- 6 million euros for fictional series with German production costs of up to 32 million euros,
 - 8 million euros for fictional series with German production costs of up to 40 million euros,
 - 10 million euros for fictional series with German production costs of more than 40 million euros.
- (3)** The amount of the grant is irrespective of whether individual episodes of a season are funded or the entire season is funded.

SECTION 7.5 SUBSEQUENT APPROPRIATION

- (1)** As a general rule, any subsequent overrun of eligible German production costs specified in the application will not be taken into consideration.
- (2)** If the German production costs rise owing to force majeure or similar circumstances, the FFA managing board may, in justified exceptional cases, on request by the producer and in agreement with the Federal Government Commissioner for Culture and the Media, agree to make a subsequent increase of the grant (subsequent appropriation) of up to the maximum percentage grant amount permissible in each case under sections 7.3, 7.4. This subsequent appropriation is limited to a maximum of 30 per cent of the grant originally awarded. The basis for calculating the amount of the subsequent appropriation is the amount of the eligible German production costs additionally incurred. The subsequent appropriation is paid in instalments, in agreement with the Federal Government Commissioner for Culture and the Media, taking into account the circumstances of the individual case. The applicant producer must file the written application for a subsequent appropriation as early as possible, stating the reasons for and amount of the additional costs incurred in a substantiated way.

SECTION 8 PROCEDURE

SECTION 8.1 APPLICATION

- (1)** The written application must be addressed to the German Motion Picture Fund c/o Filmförderungsanstalt (FFA), Große Präsidentenstraße 9, 10178 Berlin. The application may be submitted by post, 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. If it is not possible to present proof that the grant requirements have been met at the time of filing the application, the fact that the grant requirements have been met must be established with sufficient probability. Section 294 of the Code of Civil Procedure (Zivilprozessordnung, ZPO) applies accordingly. In this case the proof must be presented by the date on which the grant is disbursed. If an invoice is required as proof, it must be issued in the applicant producer's name. If documents do not exist in a German-language original version, the FFA may require the applicant to

submit a translation of the documents by a generally sworn translator, or a German-language summary of the main contents required in order to process the application; the accuracy and completeness of the summary must be confirmed by the applicant.

(4) Applications will be processed by the FFA in the order in which 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 will be rejected. An applicant producer may submit no more than two applications for the same project.

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

SECTION 8.2 APPROVAL

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

(2) The application may not be approved until the applicant producer has proved that 75 per cent of the total production costs of the project are financed.

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

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

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

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

02. Work on filming or animation must begin within four months of receipt of the grant notification, 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 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 Federal Government Commissioner for Culture and the Media, allow further extensions of the deadlines referred to in subsection (5) nos. 1 to 3.

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

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

SECTION 8.3 REQUEST AND PAYMENT

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

(2) On request, payment may be made in instalments in line with production progress; in this case 33 per cent of the grant will be paid at the start of filming and when financing has been agreed, 33 per cent on completion of the rough cut, and the rest when the final costs have been audited and the proof of employment of funds has been presented. In the case of series, sentence 1 applies on the condition that the rough cut must have been completed for at least 50 per cent of the season or for at least 50 per cent of the individually funded episodes. Reasons must be provided for the request. In case of grants of more than 2 million euros, payment in instalments also requires the presentation of a completion bond or a guarantee in the amount of the grant approved. No guarantee pursuant to sections 65 and 86 of the Film Funding Act (Filmförderungsgesetz, FFG) 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. Before the first instalment is disbursed, the producer must prove that all remaining requirements for approval pursuant to section 8.1 (3) have been met and that overall financing is secured.

(3) Payment is to be refused

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

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

SECTION 8.4 PROCEDURE FOR VERIFYING USE

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

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

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

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

SECTION 8.5 COMPLIANCE WITH THE RULES

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

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

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

SECTION 9 PROCESSING OF DATA

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

(2) It should be noted that, in particular, the rules on transparency contained in the Communication from the Commission on State aid for films and other audiovisual works (2013/C 332/01) will be complied with and the information in Article 9 of the GBER concerning individual aid will be published.

SECTION 10 EVALUATION OF THE MEASURE

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

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

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

SECTION 11 TRANSITIONAL PROVISION

Applications received by the FFA before these Guidelines enter into force are decided on in accordance with the Guidelines applicable at the time the application is complete.

SECTION 12 ENTRY INTO FORCE/EXPIRY

(1) These Guidelines enter into force on 1 March 2023 and expire on 31 December 2023.

(2) The Guidelines Issued by the Federal Government Commissioner for Culture and the Media on the German Motion Picture Fund in the version of 7 January 2022 expire when the present Guidelines enter into force.

Berlin, 1 March 2023

The Federal Government Commissioner
for Culture and the Media

For the Federal Government Commissioner for Culture and the Media

signed Manuela Kehlenbach

SCHEDULE 1:

TEST OF CHARACTERISTICS FOR FEATURE FILMS AND FICTIONAL SERIES

The project must score **at least 40 points** in total. At least three criteria must be fulfilled and 7 points must be obtained from each of the three categories: “cultural content”, “creative talents” and “production”. Only full points are awarded. The information “from Germany, the EU, the EEA, Switzerland or the United Kingdom of Great Britain and Northern Ireland (United Kingdom)”¹ refers to the nationality of natural persons or to their place of residence² and centre of their lives in Germany, the EU, an EEA contracting state, Switzerland or the United Kingdom.

“CULTURAL CONTENT” CATEGORY

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

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

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

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

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

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

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

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

"CREATIVE TALENTS" CATEGORY

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

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

"PRODUCTION" CATEGORY

	Maximum points
Development and/or use of innovative technologies which have not/hardly been used before in the film industry	5
Studio shooting in Germany	3
Location filming in Germany	3
VFX modelling in Germany	2
VFX animation in Germany	4
VFX compositing in Germany	4
SFX costs spent in Germany	3
Music recording in Germany	2
Sound editing in Germany	3
Picture editing (without VFX) in Germany	2
Post-production during shooting in Germany	3
Final editing in Germany	2
Film processing work through to the answer print in Germany	2
Total	38

Category total	109
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SCHEDULE 2:

TEST OF CHARACTERISTICS FOR PURELY ANIMATED FILMS AND SERIES

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

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

“CULTURAL CONTENT” CATEGORY	Maximum points
In terms of content, the project is intended and suitable for children/young people	4
The project refers to subjects of current social or political relevance	3
The project refers to German/European history/politics	3
The project uses German ⁹ or European ¹⁰ motifs	2
A lead character in the underlying material on which the film or series is based is/was German ¹¹ or from an EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
The storyline/underlying material is based on a book, a computer game, a play, an opera, a comic	3
The final version is in German	2
The storyline/underlying material is German ¹² or from another EU Member State, another EEA contracting state, Switzerland or the United Kingdom	2
Total	21

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

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

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

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

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

"CREATIVE TALENTS" CATEGORY

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

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

"PRODUCTION" CATEGORY

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

Category total	69
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SCHEDULE 3:

TEST OF CHARACTERISTICS FOR DOCUMENTARY FILMS AND DOCUMENTARY SERIES

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

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

“CULTURAL CONTENT” CATEGORY

Maximum points

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

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

"CREATIVE TALENTS" CATEGORY

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

	Maximum points
Director	5
Producer	3
Author	3
Cameraman/-woman	3
Editor	3
Composer	2
Sound/music design	1

Total	20
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"PRODUCTION" CATEGORY

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

Category total	52
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SCHEDULE 4:

PRINCIPLES OF ECONOMICAL BUSINESS MANAGEMENT

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

1. Travel expenses

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

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

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

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

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

The producer's fee is up to 5 per cent of production costs (where the fee is not set in advance), up to a maximum of 250,000 euros. In special, justified exceptional cases the FFA managing board may permit exceptions. The recipient of the producer's fee is the natural person responsible for the creative tasks of the producer relating to production of the film.

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

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

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

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

SCHEDULE 5:

DETERMINING THE PRODUCTION COSTS

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

1. Overview A, production costs:

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

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

2. Overview B, general project-related costs:

01. Minor expenses
02. FSK (Voluntary Self-Control Association) / FBW (Film Rating Board) fees, where by way of exception these are included in the production costs (as a rule initial distribution costs)
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 costs¹⁴

¹⁴ At standard market rates.

3. Overhead costs for feature-length projects

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

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

- 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 representative measures
- 09. Travel expenses and expenditures within the context of the producer's normal business unless incurred for a certain project.

5. Financing costs

In the calculation of the total production costs, the financing costs to be documented may generally be used with the interest rate (including ancillary costs and commitment commission) of the German syndicate banks granting the film loans, but on no account at more than 8 per cent above the relevant basic interest rate of the European Central Bank. Financing costs for the producer's or co-producer's own funds or those of companies associated with them may not be used.

6. Contingency funding

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

7. Pre-production costs

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

SCHEDULE 6:

DIGITAL FILM-MAKING

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

1. Production preparation

Including:

- Storyboard
- Digital pre-visualisation

2. Work steps during production:

Including:

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

3. Work steps after production

(a) Creative image design

Including:

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

(b) Digital Visual Effects (VFX)

Including:

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

(c) Sound design

Including:

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



SCHEDULE 7:

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 „I.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



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as of 1 March 2023

PUBLISHED BY:

The Federal Government Commissioner
for Culture and the Media (BKM)

Graurheindorfer Straße 198
53117 Bonn, Germany

www.kulturstaatsministerin.de