

## [FR] Towards Public Film Aid Reforms?

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Whereas the European Commission is very keen to safeguard cultural diversity as part of the ongoing discussions at UNESCO, the Paris Administrative Court recently issued an important decision, cancelling the approval - and the related right to public aid - given by the Centre nationale de la cinématographie (national film centre - CNC) to Jean-Pierre Jeunet's film " Un long dimanche de fiançailles ". Under the terms of the decree of 24 February 1999 on financial support of the film industry, feature-length films made by French companies or through international co-production are entitled to financial aid, provided they fulfil the conditions laid down, particularly in relation to their commercial success in cinemas. In order to qualify for automatic support, films must be granted production approval by the CNC Director General. The amount granted is paid into accounts opened at the CNC on behalf of the production companies concerned and may be used by the producers to invest in film production. On 23 October 2003, the CNC granted approval for a new feature film by Jean-Pierre Jeunet, who produced the famous "Amélie Poulain", to the company 2003 Productions, which was to produce the film. However, an association and a federation of independent producers, believing that the production company concerned was mainly American-owned, asked the courts to cancel the approval that had been granted. According to Article 7 of the decree of 24 February 1999, in order to be eligible for financial aid, the production company may not be controlled by one or more natural or legal persons domiciled in states outside the European Union. Warner Bros France, a subsidiary of the American firm Warner Bros Entertainment Inc, which owns 97% of its capital, holds a 32% stake in 2003 Productions. A further 16% is owned by the Director General of Warner Bros France, while the remainder is owned by company employees. The Administrative Court therefore noted that "the creation of the company 2003 Productions had no other purpose than to enable the company Warner Bros France, 97% of which is owned by its American parent company, to obtain financial aid which, according to the decree of 24 February 1999, is reserved for the European film industry". The cancellation of approval means that the producers will not receive the EUR 3.6 million they would have been awarded if the film had achieved the expected 5 million cinema visits (more than 3 million tickets were sold in the first month of release). This decision, which is in accordance with a ruling cancelling the approval granted to 2003 Productions for " L'ex-femme de ma vie ", has been widely criticised insofar as the film was shot in France by an entirely French crew. It is also expected to be released worldwide in French and the anticipated film aid would have been spent on the

production of other "French" films. The Minister of Culture and Communication has therefore asked Catherine Colonna, Director General of CNC, to open talks immediately with film professionals in order to lay down film aid rules that promote film-making in France while also attracting funding from outside Europe.

***Tribunal administratif de Paris (7 section, 2 chambre), 10 novembre 2004, Association des producteurs indépendants et autre***

*Paris Administrative Court (7 section, 2 chamber), 10 November 2004, Association of independent and other producers*

***Tribunal administratif de Paris (7e section, 2e chambre), 5 novembre 2004, Association des producteurs indépendants et autre***

*Paris Administrative Court (7th section, 2nd chamber), 5 November 2004, Association of independent and other producers*

