European Commission: Communication on Three-Year Extension to the 2001 Cinema Communication

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Christina Angelopoulos
Institute for Information Law (IViR), University of Amsterdam

On 28 January 2009, after the conclusion of the public consultation launched last October on the issue (see IRIS 2009-1: 6), the European Commission adopted a Communication confirming the extension, until 31 December 2012, of the validity of the State aid assessment criteria contained in the 2001 Cinema Communication. The criteria are based on the "cultural derogation" to the general prohibition of Article 87(1) EC on State aid with distorting effects on competition and are used by the Commission to approve Europe's national, regional and local film support schemes.

In the Communication, the Commission identified a number of emergent trends upon which further reflection is needed, with a view to the refinement, in due course, of the State aid criteria in a future communication. Such trends include support for areas other than film and TV production per se (e.g. film distribution and digital production), more regional film support schemes and competition amongst Member States, in the form of State aid, so as to attract investment from foreign, large-scale production companies. Despite these observations the Commission has concluded that for the time being a stable environment for the film industry and debate as to the best way forward among the Member States, film support bodies and the film industry take precedence.

Two previous extensions took place in 2004 and 2007.

State aid: Commission prolongs film support rules until end 2012, IP/09/138, Brussels, 28 January 2009

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