

[NO] New Norwegian Regulations on Audiovisual Support

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Effective as of 1 January 2010, Norway has introduced new “Regulations on Support for Audiovisual Productions”. Since Norway has no film act, the legal bases of the Regulations are the annual budget decisions made by Parliament.

Support may be sought under the Regulations for the development and production of single feature films or slates of features, (single) feature minority co-productions, short films, single television documentaries and series and television drama series. Interactive productions may be supported at the development stage, while feature films and interactive productions may also be eligible for promotion support in Norway and abroad. Feature films furthermore qualify for retroactive (“revenue bonus”) support and for support for subtitling for the benefit of the hard of hearing.

In order to qualify, productions must pass a four-step cultural test. There are further requirements as to the professionalism and independence of the production enterprise, business transparency and accountability, as well as legal deposit and exploitation of non-commercial rights.

The new regulations maintain the “double-track” support system of combining ex ante and ex post support for feature films. The system has been enshrined in Norwegian support doctrine since 1964 and can also be found in other Scandinavian countries: Under the Norwegian scheme, all feature (i.e., cinema release) films with more than 10.000 domestic admissions are eligible for a bonus equal to the revenue accrued from the sale of all rights, in all exploitation windows, in all territories during the first three years after release. Ex post support is capped at NOK 7 million; children’s films at NOK 9 million; and films with an exceptional need of risk capital at NOK 15 million (adjusted to the 2010 Consumer Price Index).

In addition to this automatic and retroactive support, production enterprises may apply for one of two types of ex ante support: either selective support, on the basis of artistic criteria, for the development, production and promotion of a film, within the maximum support limits applied throughout the Regulation, or production and promotion support on the basis of commercial criteria up to a maximum of 50 per cent of accounted production costs. Selective ex ante support

may also be awarded for the development of slates of up to six features and for the production of slates of up to three features, within the maximum support limits applied throughout the Regulations.

Maximum support for feature films is fixed at 50 per cent of total development, production and promotion costs per film. Low-budget (less than NOK 17,2 million at 2010 CPI) or “difficult” films (i.e., with low market potential) may nevertheless be supported with up to 75 per cent aid intensity. Films of an exceptional artistic or innovative character may be supported with up to 85 per cent of total production costs.

For short films, the maximum support level is fixed at 100 per cent of accounted costs, for single documentaries at 90 per cent, for television series at 50 per cent (higher for children’s series) and for interactive productions at 75 per cent (development costs only).

The Regulations were delivered by the Royal Norwegian Ministry for Cultural and Church Affairs on 7 September 2009, after being approved by the EFTA Surveillance Authority (ESA) on 31 March 2009 and came into force on 1 January 2010.

Under the authority of the Regulations, the Norwegian Film Institute has issued subordinate Regulations with more detailed provisions in relation to each type of support, providing guidance on the application procedure, deliverables, payment of support instalments, eligible costs, crediting and other technical and administrative issues.

Forskrift om tilskudd til audiovisuelle produksjoner

http://www.lovdato.no/cgi-wift/wiftldles?doc=/app/gratis/www/docroot/for/sf/ku/ku-20090907-1168.html&emne=tilskudd*%20til*%20audiovisuelle*%20produksjon*&&

Norsk Filminstituttets underliggende forskrifter

<http://www.filmfondet.no/icm.aspx?PagelId=2578>

EFTA Surveillance Authority Decision of 31 March 2009 on the Aid Schemes for Audiovisual Productions and Development of Screenplays and Educational Measures

<http://www.eftasurv.int/?1=1&showLinkID=16616&1=1>

