[PT] Adoption of the Specific Regulations Implementing the New Act on Cinema and Audiovisual Media

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Specific regulations implementing the new Law for Cinema and Audiovisual Media (see IRIS 2012-7/33) were published in the official news bulletin, Diário da República, and all the legal requirements detailed in these documents are in force since the end of February 2013. The law came into force in October 2012, though much of its content depended on the adoption of specific regulations. These regulations stipulate the fees applicable to operators in the field of investment in cinematographic and audiovisual production (referring to ICA, the Portuguese Institute of Cinema and Audiovisual Media), supervision and fines.

The Act on Cinema and Audiovisual Media introduced a new financing model for the sector, since the number of funding sources is increased, including private television broadcasters (called “SIC” and “TVI”), operators of audiovisual services on demand, video stores, the so-called premium channels (such as “Sport TV”), as well as distributors and exhibitors (such as “Zon Lusomundo”). The absence of specific legislation for the regulation of fees in 2012 hindered the opening of public contests within the support programs for the creation, production, exhibition and distribution of cinematographic works. This situation now has a legal framework due to the approval, by the Council of Ministers, of Law-Decree no. 9/2013, which enters into force on 24 February 2013. This Law-Decree defines the regulation of the determination, collection, payment and fees supervision, as established in the Cinema and Audiovisual Law. 60 % of the fees collected are handed over to the State and 40 % to ICA (in application of Article 9 of the Law-Decree).

Moreover, the following specific regulations also come into force (as from 31 January 2013) and describe the conditions on which public tenders, in different support programs, shall be conducted:

- Decree no. 57-A/2013 (Portaria n.º 57-A/2013) relates to support programs for production. It authorizes the ICA to proceed with the allocation of resources for fiction films, first work of fiction films, short fiction films, documentaries, short animation films, and co-productions, up to a total amount of EUR 8,190,000.00. According to Article 2, the expenses resulting from future contracts for financial support envisage amounts of EUR 1,838,000.00 for 2013, of EUR 4,843,000 for

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2014, of EUR 1,329,000.00 for 2015, and of EUR 180,000.00 for 2016;

- Decree no. 57-B/2013 (Portaria n.º 57-B/2013) establishes the support conditions for participation in international festivals and markets, for festivals organization and for the sector bodies. The ICA is responsible for resources allocation through public tenders, having the total amount of EUR 404,000 for the year 2013, increasing to EUR 476,000 for the following year and EUR 100,000 for 2015 (as established by Article 2 of the decree);

- Decree no. 57-C/2013 (Portaria n.º 57-C/2013) relates to support for distribution. It defines the conditions on which national productions can receive support for distribution, nationally or outside Portugal, as well as for non-national cinematographic works less widespread in the national territory. While this year, the total amount of funding available within this support program is EUR 500,000, it will be reduced to EUR 155,000 in 2014;

- Decree no. 57-D/2013 (Portaria n.º 57-D/2013) allows the ICA to proceed with the allocation of exhibition support, which includes programs for non-commercial and commercial exhibition.

- Decree no. 57-E/2013 (Portaria n.º 57-E/2013) defines the conditions on which the support program for the creation of cinematographic productions can be applied. The ICA is also responsible for this program, which includes support for scriptwriting fiction productions, series and animation films development, as well as documentaries.

Decreto-Lei 9/2013, de 24 de janeiro - Estipula a cobrança de taxas a operadores do setor para investimento na produção cinematográfica e audiovisual - Publicado no "Diário da República" n.º 17, 1ª Série, de 24-01-2013

http://www.ica-ip.pt/Admin/Files/Documents/contentdoc2400.pdf

Law-Decree no. 9/2013, of 24 January - Stipulates fees collection to operators in the sector for investment in cinematographic and audiovisual production - published in the official news bulletin, no. 17, 1st Serie, of 24 January 2013

Portaria n.º 57-A/2013 - Fica o ICA autorizado a proceder à repartição de encargos relativos aos contratos de apoios na tipologia de Apoio à Produção, que compreende os programas de apoio à produção de Longas-metragens de ficção, Primeira Obra de Longa-metragem de ficção e Curtas-metragens de Coproduções e Automático

http://dre.pt/pdf2sdip/2013/02/023000001/0000200002.pdf

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Decree no. 57-A/2013 - Support for the production of cinematographic works

Portaria n.º 57-B/2013 - Fica o ICA autorizado a proceder à repartição de encargos relativos aos contratos de apoios nas tipologias de Apoio à participação em festivais e mercados internacionais, Apoio à realização de festivais e Apoio a entidades do setor

http://dre.pt/pdf2sdip/2013/02/023000001/0000200002.pdf

Decree no. 57-B/2013 - Support for participation in international festivals and markets

Portaria n.º 57-C/2013 - Fica o ICA autorizado a proceder à repartição de encargos relativos aos contratos de apoios na tipologia de Apoio à Distribuição, que compreende os Programas de Apoio à distribuição em território nacional de obras apoiadas pelo ICA, Apoio à distribuição em território nacional de outras obras nacionais e de obras não nacionais de cinematografias menos difundidas e Apoio à distribuição de obras nacionais fora de Portugal

http://dre.pt/pdf2sdip/2013/02/023000001/0000200003.pdf

Decree no. 57-C/2013 - Support for the distribution of cinematographic productions

Portaria n.º 57-D/2013 - Fica o ICA autorizado a proceder à repartição de encargos relativos aos contratos de apoios na tipologia de Apoio à Exibição, que compreende os Programas de Apoio à exibição não comercial e de Apoio à exibição comercial

http://dre.pt/pdf2sdip/2013/02/023000001/0000300003.pdf

Decree no. 57-D/2013 - Support for the exhibition of cinematographic productions

Portaria n.º 57-E/2013 - Fica o ICA autorizado a proceder à repartição de encargos relativos aos contratos de apoios na tipologia de Apoio à Criação, através das modalidades de apoio à escrita de argumentos para longas-metragens de ficção, ao desenvolvimento de séries e filmes de animação e de documentários cinematográficos

http://dre.pt/pdf2sdip/2013/02/023000001/0000300003.pdf

Decree no. 57-E/2013 - Support for the creation of cinematographic productions

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