[RO] Government Emergency Decree on the Cinematography Law modification

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On 12 December 2016, Government Emergency Decree no. 91/2016 on the modification and completion of Government Decree no. 39/2005 on cinematography and on establishing some measures in the cinematography area ('the Act') came into force. The Romanian Government adopted the Act on 29 November 2016 (see IRIS 2003-2/23 and IRIS 2016-10/23).

The Act aims at securing the functioning of the film production, making it more dynamic, and ensuring the access of the public to Romanian and European films. The Act changes the previous regulation in the way cinema production is financed through the Cinema Fund, by: transforming the refundable direct credit in a non-refundable financial support for production and project development; reforming the organization and the transparency of the cinematography projects contest; ensuring reciprocal obligations at European level on international co-productions; and gaining the support of audiovisual education. The producers' obligation to return the percentage of the profits equivalent to the percentage of the obtained production budget remains in force. The money will go to the Cinematographic Fund to support the funding of other film projects.

The Act also intends to support young creators through a contest category designed for the directors of first and second feature films, a contest for micro-budget films (with budgets up to EUR 60,000), as well as to encourage the distribution of Romanian film, through increasing the mandatory percentage of such productions in the movie theatres from 5% to 10%.

The National Films Archive is no longer under the supervision of the National Film Centre, but under the supervision of the Ministry of Culture to protect the national cinematographic heritage.

At the same time, the Act provides additional measures to unblock the process of taking over the cinema halls and open-air cinemas by local authorities from the Autonomous Administration for Films Distribution and Exploitation of „Romanian Film", under the provisions of Law no. 303/2008. The Autonomous Administration for Films Distribution and Exploitation of „Romanian Film" is a major distribution authority under the authority of the Ministry of Culture and national heritage. According to Law no. 328/2006, for the approval of the Government Ordinance no.

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39/2005 with regard to cinematography, the cinemas and the open-air cinemas - including the land and the related movable goods - which belonged to the private domain of the state and of the Autonomous Administration for Films Distribution and Exploitation of „Romanian Film", passed free of charge into the public domain of local administrative-territorial units and in the administration of the local councils concerned. The local councils also took over the related personnel of the cinemas, under the provisions of the Labour Code. At the same time, once the real estate transfer took place, the local councils took over the assets and liabilities for each facility they received in administration. According to the Act, the deadlines for the local authorities to revitalize and modernize the theatres taken over is extended to four years, with additional obligations to constantly show films in those cinemas (at least once a week). The measure aims at keeping the cinemas in the cinema circuit. The local authorities can apply for financial support for upgrading the cinemas, as well as for modernizing the cinemas and compiling cinema programmes.

For the first time, the Act provides funding for making Romanian films more accessible for people with disabilities.

Ordonanţa de urgenţă nr. 91/2016 pentru modificarea şi completarea Ordonanţei Guvernului nr. 39/2005 privind cinematografia, precum şi pentru stabilirea unor măsuri în domeniul cinematografiei

http://lege5.ro/Gratuit/geztonbzgmyq/ordonanta-de-urgenta-nr-91-2016-pentru-modificarea-si-completarea-ordonantei-guvernului-nr-39-2005-privind-cinematografia-precum-si-pentru-stabilirea-unor-masuri-in-domeniul-cinematografiei/2

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