[RO] Project for a new cinematography and film industry law

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On 28 September 2018, the Centrul Naţional al Cinematografiei (National Centre for Cinematography - CNC) submitted for public consultation a draft law on cinematography and the film industry aimed at replacing the current Government Ordinance no. 39/2005 (GO no. 39/2005) (see, inter alia, IRIS 2013-3/26, IRIS 2014-1/37, IRIS 2014-7 /29, IRIS 2014-9/26, IRIS 2015-10/27, IRIS 2016-2/26, IRIS 2016-10/24, IRIS 2017-1/30, IRIS 2017-7/28 and IRIS 2018-3/29).

According to the CNC, the system established by Government Ordinance no. 39/2005 has demonstrated, after more than 12 years of application, both the positive effects and the limits highlighted by domestic and European developments in cinematography. Professionals in the field - as well as official bodies of the Romanian State, such as the Court of Accounts and the Competition Council - have pointed out the necessity of aligning the regulatory framework with the European one and of including other audiovisual formats and players in the Cinematographic Fund. This calls for a redesign of the support model for cinema creation, the CNC added.

The CNC project advocates for the replacement of the repayable loan model with a non-reimbursable financial support model for film development and production (in line with European Union’s practice in the field of State aid) in order to increase the collection base for the Cinematographic Fund, bringing it up to date with technological developments. It furthermore proposes ending anonymous applications (not showing the title of the project, the name of the director and the name of the scriptwriter).

The CNC also advocates introducing increased support measures for Romanian film by implementing certain EU provisions concerning, inter alia, the definition of the various categories of supported films in order to clarify the tasks of the Board of Directors with regard to the activities of the Cinematographic Fund and setting up a steering board within the CNC that would have operational and administrative functions.

The draft law also aims to introduce two continuous funding sessions over a one-year period; it also (i) sets deadlines for streamlining and rendering more transparent the funding process, clarifying and differentiating the duties of the members of the selection boards, (ii) stipulates the length of the period for which

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they hold this function, and (iii) addresses any possible incompatibility that have thus far arisen. Furthermore the draft law introduces new measures for providing support in order to help ensure large audiences and high artistic quality. Such measures include the financing of new independent productions and earmarking a portion of available funds for micro-budget film and minority co-productions (facilitating the fulfilment of reciprocal obligations in respect of other States with which there is close cooperation). The draft law also clearly defines the types of projects eligible for funding under each category of the funding sessions. The law also broadens the support categories in respect of various cinematographic activities (including the refurbishment of cinema theatres), in line with the European Union's policy.

Proiect de lege privind cinematografia şi industria filmului

http://cnc.gov.ro/wp-content/uploads/2018/08/ProiectLege_Cinematografie_CNC.docx

Draft Law with regard to cinematography and film industry of 28 September 2018

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