[AM] Introduction to the Law on Cinematography of Armenia

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The Law on Cinematography (hereinafter referred to as the Law) was adopted on 30 June 2021 and entered into force on 26 July 2021. The purpose of adopting the Law is to ensure the development of the cinematography industry in the Republic of Armenia, to create sufficient legal guarantees and to support the creation, distribution, screening and promotion of national films, as well as the preservation of and access to film heritage and film history.

This law, consisting of 10 chapters in total, defines the principles of state policy in the field of cinematography, the goals and forms of state support, the powers of the state and other bodies, and regulates the legal, organizational and financial relations of cinematographic activity.

The first chapter of the Law contains general provisions. The articles of this chapter illustrate the concepts used in the Law, as well as the main principles, objectives and forms of state policy for cinematography. The law also defines principles that govern the state's policy on cinematography, such as guaranteeing the freedom of creators, the obligation and continuity of state support, the transparency of state support, the improvement of the legal framework, the management of conflicts of interest, the guarantee of a favourable tax policy, the preservation, distribution and development of film art, and more.

The law also defines six goals and nine forms of state support for cinematography. Among the latter, the following categories are highlighted:

1. implementation of investments and provision of guarantees;

2. creation and development of supporting infrastructure;

3. guarantee ofnecessary production and technical conditions;

4. creation of accessible conditions for the communication of film art;

5. provision of favourable financing conditions;

6. financing of the creation, distribution and preservation of films;

7. financing of film festivals and other film art events;

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8. ensuring participation in film art events;

9. other support not prohibited by law.

The articles of Chapter 2 of the Law define the powers of the RA (Republic of Armenia) Government, the authorized state body and the national body in the field of cinematography.

Chapter 3 of the Law provides for the national body, the council, and the director of the national body, defines the procedure for their election and the scope of powers.

The articles of Chapter 4 of the Law define the standards governing national films, the film register, the preservation of films as well as the ownership rights of films. According to the Law, a national film is a film intended to be shown in cinemas, where the majority of the creative team are citizens of the Republic of Armenia, the author of the script and (or) the film director is a citizen of the Republic of Armenia, and where the film producer has received state registration in the Republic of Armenia.

National films are also those for which ownership rights have been transferred to the Republic of Armenia as part of a comprehensive succession.

Chapter 5 of the Law provides rules on film production, film distribution and film screening. Chapter 6 of the Law defines the rules for issuing and terminating certificates confirming the right to purchase services directly related to film production at a price 20 per cent lower than the minimum profitable price. The articles of Chapter 7 of the Law regulate state support of the cinematography industry. In terms ofstate support, the Law stipulates that in case of an investment of AMD 100 million or more for film production in the territory of the Republic of Armenia, the film producer can receive a certificate and, based on it, obtain the services directly related to film production from suppliers at a price 20 per cent lower than their minimum profitable price.

The provisions of Chapter 8 of the Law refer to international cooperation, and provide, inter alia, that international cooperation in cinematography is carried out in accordance with international agreements and the Law.

Articles of Chapters 9 and 10 of the Law refer to liability for violations of the Law and the final and transitional provisions, respectively.

On 12 September 2023, the RA National Assembly adopted Amendments to the Law on Cinematography in the second reading. As a result of the Amendments made in the Law, Chapter 6 was completely rewritten and the form of state support defined by Chapter 7 was changed. The essence of the legal amendments is that one form of state support in the field of film production has been replaced

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by another. In particular, the possibility of purchasing services directly related to film production at a price 20 per cent lower than the minimum profitable price has been replaced by the possibility of compensating 10-40 per cent of the monetary costs invested in film production. In the justification of the amendments, the authors state that according to experts in the field, the current form of state support has never worked since the adoption of the Law, and is ineffective.

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