

**PART A OF THE CINEMA STUDY  
REPLIES TO THE LEGAL QUESTIONNAIRE FOR THE CZECH REPUBLIC**

<b>Member State:</b>	<b>CZECH REPUBLIC</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>08 January 2007</b>

(...)

I am attaching the updated country report with more details provided to the replies concerning items B12 a N13 and with the copy of the explanation of the issue of priority of international agreements over national law - item B8 sent to you in October 2006 .

If you need additional information or explanation, do not hesitate to contact me.

(...)

<b>Attachments to e-mail of 08 January 2007</b>
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- B8 explanation.doc
- CG Legal Questionnaire Czech Republic revised.doc

(...)

Prague, January 7, 2007

Dear Dr. Germann,

I am sending the additional explanation to my reply to the question B.8

Q: With respect to your reply to question B.8 we assume that, in case of a conflict or an inconsistency between the rules on territorialisation contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which you country is a party, the latter rules prevail over the former, i.e. international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements, please provide us with a short description of the legal mechanism addressing such conflicts or inconsistencies as applied in your jurisdiction.

A: Under the amendment of the Czech Constitution (Constitutional Act No. 359/2001 Legal Coll) the Article 10 of the Czech Constitution has been changed to the effect that: "all international treaties, ratified with the approval by the Czech Parliament (and by which the Czech Republic is bound) are regarded as part of the Czech legislation, provided that if the international agreement states otherwise than the national law, the respective provision of the international agreement prevails over the provision of the national law". This amendment is interpreted in wide sense so that the constitutional principle of priority of international agreements over national law does extend also to all rights and obligations ensuing from the international law, by which the former Czechoslovak Republic was bound and which were accepted by the Czech Republic by virtue of the paragraph 5, article 2 of the Constitutional Act No. 4/1993 Legal Coll. on the provisions connected with the cessation of the Czech and Slovak Federative Republic regardless of the dates of their ratification and publication. This relates to bi-lateral international co-production treaties made with France, Italy and Canada before existence of the Czech Republic as an independent state. As regard the implementation of European Co-Production Convention and its transposition into the national law, the provisions on granting status of a co-producer (and other provisions) are applied by virtue of such priority of international agreements over territorialization requirements based on national law. In 2005, Czech Parliament refused to accept an amendment to the Act of the Czech National Council No. 241/1992 Legal Coll, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, by which amendment the provisions of the European Co-Production Convention would be transposed into this Act, so the provisions of the European Convention apply by virtue of their priority over the national law, so far these provisions of the international agreements - namely the European Co-Production - are "self-executing", until more detailed national legislation is adopted to implement the European Co-Production Convention into the national law as it was envisaged by the amendment of the Fund Act, refused by the Czech Parliament in 2005.

Czech Republic made declaration under Article 5 of the the Convention, which states that *"The respective organ according to the Article 5, paragraph 5 of the Convention is the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography"* in the Czech original version: *"Příslušným orgánem podle článku 5 odst. 5 Úmluvy je Státní fond České republiky pro podporu a rozvoj české kinematografie."*

(...)

**QUESTIONNAIRE ON STATE AID TO CINEMA AND TERRITORIALISATION  
REQUIREMENTS  
(Version of 15 September 2006)**

**PART A**

**GENERAL QUESTIONS**

**OVERVIEW**

- A.1 Country / region: **Czech Republic**
- A.2 Names of funding schemes with an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works<sup>1</sup> of at least €1 million in 2005 (this includes any kind of support, e.g. direct subsidies, fiscal advantages, etc., to pre-production, production, post-production, marketing, distribution and promotion):

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography - the annual budget of 83.000.000 Czech crowns/ 3.014.892 EUR in 2005**

**Source: Ministry of Culture – Report on the Czech Cinematography 2005**  
[http://www.mkcr.cz/assets/media-a-audiovize/kinematografie/ZPR\\_VA\\_O\\_KINEMATOGRAFII\\_2005.pdf](http://www.mkcr.cz/assets/media-a-audiovize/kinematografie/ZPR_VA_O_KINEMATOGRAFII_2005.pdf)

**Note: Ministry of Culture also grants direct financial subsidies to various projects in the sphere of cinematography, such as financial support to Czech film festivals and screenings, film workshops and seminars, film periodicals and magazines, production of tv and radio programmes with important social themes and children programmes etc., these direct subsidies in 2005 amounted to 72.400.000 Czech crowns. This funding scheme is outside the scope of this report as it is not dedicated to provide subsidies for the pre-production, production, post-production of independent cinematographic and audiovisual works and the total amount of support granted to the promotion and production of individual independent cinematographic and audiovisual works from this subsidy scheme is much less than € 1 million.**

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<sup>1</sup> “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

**Source: Ministry of Culture –Conditions of public tender in the audiovisual and mass media sphere in 2006**

**[http://www.mkcr.cz/assets/media-a-audiovize/granty-a-programy/audiovize-a-media/VZM\\_2006.doc](http://www.mkcr.cz/assets/media-a-audiovize/granty-a-programy/audiovize-a-media/VZM_2006.doc)**

## **COPRODUCTION AGREEMENTS**

A.3 List the conventions on co-production agreements to which your country is currently a party, indicate the date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision:

**European Convention of Film Co-production, entered into force as of June 1, 1997**

**Authority in charge: State Fund of the Czech Republic for the Support and Development of the Czech Cinematography (*also in the text referred to only as “The Fund”*)**

**Agreement between the government of the Czechoslovak Republic and the government of the French Republic about co-production and exchange of films (*Accord de coproduction et d’échanges cinématographiques entre le Gouvernement de la République Socialiste Tchecoslovaque et le Gouvernement de la République Française*) signed on March, 6, 1968**

**Authority in charge: Ministry of Culture.**

This agreement entered into force for the former Czechoslovak Republic as of July 19, 1968, and after the split of the Czechoslovak Republic into two independent states it entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

**Agreement on Film and Video Co-productions between the Government of the Czechoslovak Socialist Republic and the Government of Canada, signed on March 25, 1987.**

This agreement entered into force for the former Czechoslovak Republic as of June 10, 1988 and after the split of the Czechoslovak Republic into two independent states it entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

**Agreement between the government of the Czechoslovak socialist Republic and the government of Republic of Italy on cinematographic coproduction / *Accordo tra il Governo della Repubblica Socialista Cecoslovacca e il Governo della Repubblica Italiana sulla coproduzione cinematografica* signed on March 25, 1968.**

This agreement entered into force for the former Czechoslovak Republic as of March 25, 1968 and after the split of the Czechoslovak Republic into two independent states entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

Source: Collection of International Agreements of the Czech Republic – website of the Ministry of Foreign Affairs of the Czech Republic

### **NATIONALITY CERTIFICATION PROCEDURES**

A.4 Describe the formal procedure, if any, to assess and certify the nationality of an independent film or television production in your country by indicating the authority in charge of this procedure, the criteria of eligibility, and the scope of this certification procedure in relation to public funding schemes in your jurisdiction:<sup>2</sup>

**The nationality of the independent film for the purpose of the implementation of the European Convention of Film Coproduction is assessed by the Authority in charge, i.e. by the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography according to the criteria of eligibility laid for European film works in the Annex No. I and Annex No. II to the European Convention of Film Co-production. This national certification ascertaining conformity of the international film co-productions with the Czech co-production participation has so far been made mainly for the purpose of submitting applications for financial co-production support to the Eurimages Fund, in accordance with the applicable Eurimages Rules.**

**As the Czech Republic made no reservation according to the Article 20 of the European Co-Production Convention, the conditions of the Convention have priority over the conditions of the bilateral international co-production agreements specified above (i.e. those made with France and Italy)**

**In relation to the described public funding scheme in the Czech Republic, there are no specific criteria of eligibility and specific criteria for the national certification other than stipulated in the Article 10, paragraph 1 of the Act of the Czech National Council No. 241/1992 Legal Coll., on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography (“Fund Act”), which limits the granting of support for the creation and production of only to Czech cinematographic works. The notion of Czech cinematographic work is not defined by the Fund Act, but the Article 10 of the Fund Act stipulates that (*only*) legal person with its seat or physical person with its permanent residence in the territory of the Czech Republic may apply for the financial support from the Fund. If the applicant is the legal person, in which a foreign person has an ownership interest, the means of the Fund may be provided only if the ownership interest of the foreign person (*in the legal person applying for support*) is lower than 50% . Such a limitation of access to the financial support of the Fund by Czech legal persons in which the foreign legal person has ownership interest higher than 50% may not be applicable to international co-productions conforming the European**

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<sup>2</sup> E.g. the French “Procédure d’agrément”.

**Convention of Film Co-production, as according to the Article 20, paragraph 1 of the European Convention of Film Co -Production, only certain defined reservations of the contracting states limiting access to the national film support are permissible.**

**The Act No. 273/1993 Sb. “On some conditions of production, dissemination and archiving of audiovisual works” as amended, defines in its § 1, Article b) , (but solely for the purpose of this Act) the Czech audiovisual work as a work “the producer of which as defined under the Article 2, letter a) has or had at the time of its first public showing permanent resident or seat in the territory of the Czech Republic. Audiovisual work, at whose creation the producer participates, is also considered as the Czech audiovisual work,**

**Czech original text:**

**§ 1 písm. b) zákona č. 273/1993 Sb.ze dne 15. října 1993 o některých podmínkách výroby, šíření a archivování audiovizuálních děl, o změně a doplnění některých zákonů a některých dalších předpisů: “ českým audiovizuálním dílem se rozumí audiovizuální dílo, jeho výrobce podle odstavce 2 písm. a) má nebo měl v době jeho prvního veřejného předvedení trvalý pobyt nebo sídlo na území České republiky; za české audiovizuální dílo se považuje i takové audiovizuální dílo, na jehož vytvoření se tento výrobce podílí”.**

**The definition of the Czech audiovisual work made under the Act No. 273/1993 Sb. is applied also to the criteria of eligibility for national support, as it uses the same criterion fro that definition , i.e. the seat or permanent residence of the applicant.**

#### **EXPECTED DEVELOPMENTS**

A.5 Indicate whether new co-production agreements are to be expected in your jurisdiction as of 1 January 2007, indicate the contemplated date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision

**To my knowledge, there are no new co-production agreements expected in the Czech Republic as of January 1, 2007**

A.6 Indicate whether new funding schemes containing territorialisation requirements entered into force or are to be expected to enter into force in your jurisdiction as of 1 January 2006,<sup>3</sup> and indicate the name and address of the administration of these funding schemes:<sup>4</sup>

**There are no new funding schemes containing territorialisation requirements entered into force or to be expected to enter into force in the Czech Republic as of 1 January**

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<sup>3</sup> Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

<sup>4</sup> E.g. in Germany, there will be a new funding scheme on the federal level containing a territorialisation clause as from 2007.

**2007, but new funding schemes are now under discussion in preparation of the new film legislation and new funding schemes may contain the national certification criteria for national works similar to those adopted for the definition of European works.**

## **REFERENCES TO LOCAL STUDIES**

A.7 Provide the references of studies, reports or other relevant materials on territorialisation requirements, on co-production agreements and on legal aspects of the promotion of film related cultural identities and cultural diversity in your jurisdiction (author, title, place, date of publication, and, if available, internet link):

**ECONOMIC IMPACT ASSESSMENT OF THE CZECH FILM INDUSTRY - a study on the Czech film production sector made on March 16, 2006 by Olsberg/SPI, and commissioned by Czech Film Chamber and financed by the Czech Ministry of Culture on the Czech film production sector . This study involves a economic impact assessment of current activity and the generation of strategic options to assure future growth of the Czech film industry and monitors economic activity data obtained from companies in the film sector and governmental organisations and provides options for strategic support initiatives for the sector. It recommends establishment of the Czech Film Commission as an umbrella organ similarly as in Hungary and Poland and introduction of the production and co-production 12,5% tax shelter system combined with national certification system for eligible beneficiaries, similarly as in Hungary**

**Annual Reports on Czech Cinematography prepared by the Ministry of Culture of the Czech Republic. These Annual Reports contain information relevant to the developments in the Czech Film industry for each calendar year**

**These materials and reports are available at the website of the Ministry of Culture <http://www.mkcr.cz/>**

## **PART B**

### **FUND SPECIFIC QUESTIONS**

*Please only cover funding schemes, including tax incentive schemes, that were operated at the national, regional (excluding EU schemes, e.g. the Media programme)<sup>5</sup> or local level in your country during the reference period from 1 January 2001 to 31 December 2005, and that disposed of an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works of at least € 1 million per year.<sup>6</sup>*

<sup>5</sup> Regional schemes mean both, schemes operated within your country and schemes to which y

our country is a party among other countries, e.g. the Nordic Film- and TV Fund (see [http://korda.obs.coe.int/web/display\\_fonds.php?fonds\\_id=28](http://korda.obs.coe.int/web/display_fonds.php?fonds_id=28) ).

<sup>6</sup> “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

*Please use for each funding scheme a separate form.*

## **IDENTIFICATION OF THE FUNDING SCHEME**

B.1 Country/region: **Czech Republic**

B.2 Name of the funding scheme:

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography**

B.3 Name and address of the funding scheme's administration and supervisory authority:

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, administered by the Ministry of Culture, Maltézské nám. 471/1, P.O.B. 74, 118 01 Praha 1, e-mail [fondkino@mkcr.cz](mailto:fondkino@mkcr.cz), website [www.mkcr.cz](http://www.mkcr.cz)**

**The fund is legal person established by the law, i.e. by the Fund Act . It has no employees as it is administered by the Ministry of Culture. Minister of Culture is statutory organ of the Fund and he/she responsible for the administration of the financial means of the Fund. The decisions on the granting of the support from the Fund are made by the Fund Council, consisting of 13 members, elected and recalled by the Czech Parliament.**

**Supervisory authority: Czech Parliament (only recalls and appoints 13 members of the Council of the Fund, approves its Statutes) and partly Ministry of Finance (in fiscal and financial matters regarding the administration of the financial means of the Fund by the fund administrator – i.e. by the Ministry of Culture)**

B.4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate

**Act of the Czech National Council No. 241/1992 Legal Coll., from April 14, 1992, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, as subsequently amended by the Act No. 241, 1992 Legal Coll. and by Act No. 273/1993 Legal Coll. This Act entered into force as of July 1, 1992**

**Statutes of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography adopted by the decision of the Czech National Council No. 119 from the 11th meeting of the Czech National Council held on December 17, 1992 approving the Statutes of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography entered into force as of December 17, 1992**

**Rules of Procedure of the Council of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, approved at the 1<sup>st</sup> meeting of**

**the Council of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography held on April 8, 1997.**

**These laws and regulations were not amended during the period from 2001 to 2005**

**Czech versions of these laws and regulation are attached to this questionnaire**

## **TERRITORIAL CONDITIONS<sup>7</sup>**

### **Explicit territorial conditions**

B.5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (*consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005*)?

**No**

If yes,

B.6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B.4 (*provide quotes of the current version of the rules as of 31 December 2005 and, only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005*):

B.7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*).

B.8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A.3 (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*):

B.9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B.6 to B.8 (*provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*):

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<sup>7</sup> Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

### **Implicit or *de facto* territorial conditions**

B.10 Does the scheme provide any scope for territorial conditions to be applied implicitly or *de facto*? - For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (*please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005*)?

**No**

If yes,

B.11 Please describe the implicit or *de facto* territorialisation requirements that are practised by this funding scheme (*as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005*):

### **CULTURAL CLAUSES**

B.12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6, B.7 and B.11 and that are currently in force:

**Certain limited cultural policy goals are provided or in the Czech Constitutional Law – the Charter of Fundamental Rights and Basic Freedoms - Constitutional Act No. 2/1992 as amended by the Constitutional Act No. 162/1998 of Collection of Laws – such cultural policy goals are limited in their scope to guaranteeing the citizens forming national and ethnical minorities rights to development of their own culture in the Czech Republic.**

**Hlava třetí - Práva národnostních a etnických menšin**

**Článek 25**

**(1) Občanům tvořícím národnostní nebo etnické menšiny se zaručuje všestranný rozvoj, zejména právo společně s jinými příslušníky menšiny rozvíjet vlastní kulturu, právo rozšiřovat a přijímat informace v jejich mateřském jazyku a sdružovat se v národnostních sdruženích. Podrobnosti stanoví zákon.**

**CHAPTER THREE - THE RIGHTS OF NATIONAL AND ETHNIC MINORITIES**

**Article 25**

**(1) Citizens who constitute a national or ethnic minority are guaranteed all-round development, in particular, the right to develop, together with other members of the minority, their own culture, the right to disseminate and receive information in their**

native language, and the right to associate in national associations. Detailed provisions shall be set down by law.

A legal provision expressing cultural policy goal, that could be interpreted as principle for the evaluating and establishing the criteria for granting the financial support from the above public funding scheme – i.e. the policy goal of support and development of the Czech cinematography – is based on the Articles 9 paragraph 1 of the Act of the Czech National Council No. 241/1992 Legal Coll. on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography which stipulates that

(1) The means of the Fund may be provided (*i.e. the support from the Fund may be granted*) to these projects:

- a) creation of the Czech cinematographic work
- b) production of the Czech cinematographic work
- c) distribution of valuable cinematographic work (*i.e. not only Czech films, but also foreign films*)
- d) promotion of the Czech cinematography
- e) technical development and modernization of the Czech cinematography
- f) production and distribution of cinematographic works of national and ethnic minorities, living on the territory of the Czech Republic

Czech original wording:

#### § 9

(1) Prostředky Fondu lze poskytnout na tyto projekty:

- a) tvorbu českého kinematografického díla,
- b) výrobu českého kinematografického díla,
- c) distribuci hodnotného kinematografického díla,
- d) propagaci české kinematografie,
- e) technický rozvoj a modernizaci české kinematografie,
- f) výrobu, distribuci a propagaci kinematografických děl národnostních a etnických menšin, žijících na území České republiky.

The principle that the scheme supports the production of Czech cinematograph films made by the producers having their seat and permanent residence in the Czech Republic, i.e. the expressing the cultural policy goal, is also reflected in the Article 10, paragraph 1 of the Act of the Czech National Council No. 241/1992 Legal Coll., on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, which stipulates that:

„The applicant for the granting of the means (*subsidies*) from the Fund may be (*only*) legal person with its seat or physical person with its permanent residence in the territory of the Czech Republic. If the applicant is the legal person, in which a foreign person has an ownership interest, the means of the Fund may be provided only if the ownership interest of the foreign person (*in the legal person applying for support*) is lower than 50%

Czech original wording:

#### § 10

*(1) Žadatelem o poskytnutí prostředků Fondu může být právnická osoba se sídlem nebo fyzická osoba s trvalým pobytem na území České republiky. Je-li žadatelem československá právnická osoba s majetkovou účastí zahraničních osob,<sup>4</sup>) lze prostředky Fondu poskytnout, jen pokud je podíl majetkové účasti zahraniční osoby nižší než padesát procent.*

The Article 9, paragraph 3 of the of the Act of the Czech National Council No. 241/1992 Legal Coll, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography stipulates that:

**(3) The non-repayable support (i.e. direct subsidies granted for a defined purpose) from the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography may be granted only up to 50% of the cost planned (i.e. to be spent) by the applicant**

Czech original wording:

**(3) Účelové dotace z Fondu lze poskytnout jen do výše jedné poloviny nákladů plánovaných žadatelem.**

These requirements are not territorialisation requirements *per se*, in the view of the definition of the notion of territorialisation for the purpose of the study, merely express the cultural policy goals which influence the decisions of the Council of the Fund as regards the selection criteria for the granting of the support.

**It must be stressed that the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography does not require any minimum amount (or any minimum proportion of the production budget) that must be spent by the applicants in the Czech Republic to qualify for Fund support**

## **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively,<sup>8</sup> please list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005:

**The scheme distributes the aid selectively, and the qualitative criteria do not exist in the laws or in the regulation. The applicants have not legal claim to obtain the support if they meet the prescribed criteria. The individual applications for support that are in compliance with the application form prescribed by the Fund Council are considered by the Fund Council. The application form for support contains the following basic information:**

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<sup>8</sup> Selective funding schemes grant State aid based on an evaluation of each project and following qualitative criteria. In contrast, automatic schemes grant State aid if certain quantitative criteria such as box office results of previous works are met.

**1. Project name:**

**2. Character of the project :**

- a) creation of Czech cinematographic work (only for application for funding the scriptwriting)**
- b) production of the Czech cinematographic work**
- c) distribution of the valuable cinematographic work**
- d) promotion of Czech cinematographic work**
- e) technical development and modernization of the Czech cinematography**
- g) production and distribution of cinematographic works of national and ethnic minorities, living on the territory of the Czech Republic**

**3. Requested form of support:**

- a) subsidy for prescribed purpose**
- b) returnable financial support**
- c) loan**

**4. Amount of support requested :**  
**(maximum of 50% of total cost)**

**5. Total cost of the project:**

**6. Film Director:**

**7. Author of the project:**

**8. Characteristics and estimated duration of the project :**

**10. Producer of the project:**

**11. Co-producers of the project:**

**12. Current financial backing of the project – contractual, in negotiations:**

**13. Status of copyright clearances:**

**14. Status of project development :**

**15. Overview of all financial subsidies rendered by the Fund to applicant and the status of recoupment to the Fund of the support granted:**

**The applicant has the right to apply for hearing during the deliberations of the Fund Council about the project.**

**The Fund Council decides on individual applications by voting. Under the Article 5 of the Statutes of the Council of the Fund, the Fund Council is left with ample competences to decide, which project it will support. Under the Article 5 letter c) of the Statutes of the Fund which was approved by the Czech Parliament, the Fund Council should – in the draft budget for each subsequent fiscal year - establish criteria and conditions for granting support and forms of support which will be granted in a given fiscal year and in a respective quarter of the given year together with establishment of the kind (*i.e. for***

*example by genres*) of projects, that will be supported by the Fund Council on priority basis

The Fund Council has officially declared at its session held in 2000, that it gives priority to projects of cinematographic character. To my knowledge, The Fund Council has never published or adopted the specific criteria and conditions that will be applicable for granting support in each fiscal year. Given the character of the projects supported by the Fund in the past years, and the information requested by the Fund Council from applicants in the application form, it may be observed that the Fund takes into account also the artistic value of the script/project as the production of commercial projects by their character clearly appealing to mass audiences was not supported by the Fund Council. As it is evidenced by the character of data and information required by the Fund Council from applicants in the application form, the Fund is not concerned with the issues having the character of territorialization conditions as pre-condition for accessing the national support scheme, such as the amount of local production spend, employment of the local staff, national creative elements, filming on locations in the Czech Republic etc. The size of the budgets of the Films that apply for the support mostly do not allow for a production expenses to be made outside the Czech Republic anyway and often the national/local providers of equipment, facilities and services for the individual projects are often becoming minority co-producers by providing in-kind contributions as their co-production investments for the projects.

#### **CONTACT DETAILS**

B.14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme:

Ing. Vlastimil Staněk – phone +420 2570852456, [vlastimil.stanek@mkcr.cz](mailto:vlastimil.stanek@mkcr.cz)  
Mgr. Lenka Mikolášová – phone +420 257085360 [lenka.mikolasova@mkcr.cz](mailto:lenka.mikolasova@mkcr.cz)  
Ministerstvo kultury  
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Name of the lawyer and law firm in charge of the data collection:

**JUDr. Vladimír Kroupa, attorney-in-law**

Date of the data collection and processing:

**October 20, 2006, last revision by January 7, 2007**

<b>Member State:</b>	<b>CZECH REPUBLIC</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>27/29 November 2006</b>

(...)

- Please quote and summarize legal provisions articulating cultural objectives and/or justification that are applying to the funding scheme of your jurisdiction, including constitutional provisions, if any (question B.12)

- Please provide more detailed information on selective aid granting criteria and procedure that apply to the Czech funding schemes (question B.13)

(...)

Your initial replies to questions B.12 and B.13 do not provide clear information on selective aid granting criteria and procedures (e.g. the funding schemes grants State aid to film project that present artistic quality) and on Czech rules of law articulating cultural and/or economic objectives and justification for the State's involvement in the independent film and television sector (see for example art. 151 of the EC Treaty), respectively.

(...)

<b>Member State:</b>	<b>CZECH REPUBLIC</b>
<b>Re:</b>	<b>Follow Up Reply</b>
<b>Date:</b>	<b>26 October 2006</b>

(...)

Under the amendment of the Czech Constitution (Constitutional Act No. 359/2001 Legal Coll) the Article 10 of the Czech Constiution has been changed to the effect that: "all international treaties, ratified with the approval by the Czech Parliament (and by which the Czech Republic is bound) are regarded as part of the Czech legislation, provided that if the international agreement states otherwise than the national law, the respective provision of the international agreement prevails over the provision of the national law". This amendment is interpreted in wide sense so that the constitutional principle of priority of international agreements over national law does extend also to all rights and obligations ensuing from the international law, by which the former Czechoslovak Republic was bound and which were accepted by the Czech Republic by virtue of the paragraph 5, article 2 of the Constitutional Act No. 4/1993 Legal Coll. on the provisions connected with the cessation of the Czech and Slovak Federative Republic regardless of the dates of their ratification and publication. This relates to bi-lateral international co-production treaties made with France, Italy and Canada before existence of the Czech Republic as an independet state. As regard the implementation of European Co-Production Convention and its transposition into the national law, the provisions on granting status of a co-producer (and other provisions) are applied by virtue of such priority of international agreements over territorialization requirements based on national law . In 2005, Czech Parliament refused to accept an amendment to the Act of the Czech National Council No. 241/1992 Legal Coll, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography , by which amendment the provisions of the European Co-Production Convention would be transposed into this Act, so the provisions of the European Convention apply by virtue of their priority over the national law, so far these provisions of the international agreements - namely the European Co-Production - are "self-executing", until more detailed national legislation is adpoted to implement the European Co-Production Convention into the national law as it was envisaged by the amendment of the Fund Act, refused by the Czech Parliament in 2005.

Czech Republic made declaration under Article 5 of the the Convention, which states that:

*"The respective organ according to the Article 5, paragraph 5 pf the Convention is the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography"*

in the Czech original version:

*"Příslušným orgánem podle článku 5 odst. 5 Úmluvy je Státní fond České republiky pro podporu a rozvoj české kinematografie."*

(...)

<b>Member State:</b>	<b>CZECH REPUBLIC</b>
<b>Re:</b>	<b>Follow Up Question</b>
<b>Date:</b>	<b>25 October 2006</b>

(...)

With respect to your reply to question B.8 we assume that, in case of a conflict or an inconsistency between the rules on territorialization contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which your country is a party, the latter rules prevail over the former, i.e. international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements, please let us know via email, and please provide us with a short description of the legal mechanism addressing such conflicts or inconsistencies as applied in your jurisdiction.

(...)

<b>Member State:</b>	<b>CZECH REPUBLIC</b>
<b>Re:</b>	<b>Reply</b>
<b>Date:</b>	<b>22 October 2006</b>

(...)

I am attaching the Leag questionnaire and the Czech version of the respectione laws and regulations relevant to the funding scheme. If you have any queries, do not hesitate to contact me. The Czech funding scheme is not much relevant for the purpose of your study but I am ready to provide detailed insight into the current initiatives of the Czech Film Chamber aimed at adoption of the new film legislation and introducing the tax incentiveness scheme.

(...)

<b>Attachments to e-mail of 22 October 2006</b>
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- CG Legal Questionnaire Czech Republic.doc
- jedn\_rad.doc
- statut.doc
- zakon.doc

**Attachment to e-mail of 22 October 2006:  
CG Legal Questionnaire Czech Republic.doc**

**QUESTIONNAIRE ON STATE AID TO CINEMA AND TERRITORIALISATION  
REQUIREMENTS  
(Version of 15 September 2006)**

**PART A**

**GENERAL QUESTIONS**

**OVERVIEW**

- A.1 Country / region: **Czech Republic**
- A.2 Names of funding schemes with an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works<sup>9</sup> of at least €1 million in 2005 (this includes any kind of support, e.g. direct subsidies, fiscal advantages, etc., to pre-production, production, post-production, marketing, distribution and promotion):

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography**

**COPRODUCTION AGREEMENTS**

- A.3 List the conventions on co-production agreements to which your country is currently a party, indicate the date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision:

**European Convention of Film Co-production, entered into force as of June 1, 1997**

**Authority in charge: State Fund of the Czech Republic for the Support and Development of the Czech Cinematography (also in the text referred to only as “The Fund”)**

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<sup>9</sup> “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

**Agreement between the government of the Czechoslovak Republic and the government of the French Republic about co-production and exchange of films (*Accord de coproduction et d'échanges cinématographiques entre le Gouvernement de la République Socialiste Tchécoslovaque et le Gouvernement de la République Française*) signed on March, 6, 1968**

**Authority in charge: Ministry of Culture.**

This agreement entered into force for the former Czechoslovak Republic as of July 19, 1968, and after the split of the Czechoslovak Republic into two independent states entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

**Agreement on Film and Video Co-productions between the Government of the Czechoslovak Socialist Republic and the Government of Canada, signed on March 25, 1987.**

This agreement entered into force for the former Czechoslovak Republic as of June 10, 1988 and after the split of the Czechoslovak Republic into two independent states entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

**Agreement between the government of the Czechoslovak socialist Republic and the government of Republic of Italy on cinematographic coproduction / *Accordo tra il Governo della Repubblica Socialista Cecoslovacca e il Governo della Repubblica Italiana sulla coproduzione cinematografica* signed on March 25, 1968.**

This agreement entered into force for the former Czechoslovak Republic as of March 25, 1968 and after the split of the Czechoslovak Republic into two independent states entered into force for the Czech Republic as of January 1, 1993

**Authority in charge: Ministry of Culture**

Source: Collection of International Agreements of the Czech Republic – website of the Ministry of Foreign Affairs of the Czech Republic

## **NATIONALITY CERTIFICATION PROCEDURES**

- A.4 Describe the formal procedure, if any, to assess and certify the nationality of an independent film or television production in your country by indicating the authority in charge of this procedure, the criteria of eligibility, and the scope of this certification procedure in relation to public funding schemes in your jurisdiction:<sup>10</sup>

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<sup>10</sup> E.g. the French “Procédure d’agrément”.

**The nationality of the independent film for the purpose of the implementation of the European Convention of Film Coproduction is assessed by the Authority in charge, i.e. by the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography according to the criteria of eligibility laid in the Annex No. I and Annex No. II to the European Convention of Film Co-production. This national certification has so far been made mainly for the purpose of submitting applications for financial co-production support to the Eurimages Fund, in accordance with the applicable Eurimages Rules.**

**As the Czech Republic made no reservation according to the Article 20 of the European Co-Production Convention, the conditions of the Convention have priority over the conditions of the bilateral international co-production agreements specified above (i.e. made with France and Italy)**

**In relation to the public funding scheme in the Czech Republic, the scope of eligibility and criteria for the national certification are the same as applied by the Authority in charge under the European Convention of Film Co-production.**

#### **EXPECTED DEVELOPMENTS**

A.5 Indicate whether new co-production agreements are to be expected in your jurisdiction as of 1 January 2007, indicate the contemplated date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision

**To my knowledge, there are no new co-production agreements expected in the Czech Republic as of January 1, 2007**

A.6 Indicate whether new funding schemes containing territorialisation requirements entered into force or are to be expected to enter into force in your jurisdiction as of 1 January 2006,<sup>11</sup> and indicate the name and address of the administration of these funding schemes:<sup>12</sup>

**There are no new funding schemes containing territorialisation requirements entered into force or to be expected to enter into force in the Czech Republic as of 1 January 2007, but new funding schemes are now under discussion**

#### **REFERENCES TO LOCAL STUDIES**

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<sup>11</sup> Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

<sup>12</sup> E.g. in Germany, there will be a new funding scheme on the federal level containing a territorialisation clause as from 2007.

- A.7 Provide the references of studies, reports or other relevant materials on territorialisation requirements, on co-production agreements and on legal aspects of the promotion of film related cultural identities and cultural diversity in your jurisdiction (author, title, place, date of publication, and, if available, internet link):

**ECONOMIC IMPACT ASSESSMENT OF THE CZECH FILM INDUSTRY - a study on the Czech film production sector made on March 16, 2006 by Olsberg/SPI, and commissioned by Czech Film Chamber and financed by the Czech Ministry of Culture on the Czech film production sector . This study involves a economic impact assessment of current activity and the generation of strategic options to assure future growth of the Czech film industry and monitors economic activity data obtained from companies in the film sector and governmental organisations and provides options for strategic support initiatives for the sector. It recommends establishment of the Czech Film Commission as an umbrella organ similarly as in Hungary and Poland and introduction of the production and co-production 12,5% tax shelter system combined with national certification system for eligible beneficiaries, similarly as in Hungary**

**Annual Reports on Czech Cinematography prepared by the Ministry of Culture of the Czech Republi. These Annual Reports contain information relevant to the developments in the Czech Film industry for each calendar year**

**These materials are available at the Ministry of Culture**

## **PART B**

### **FUND SPECIFIC QUESTIONS**

*Please only cover funding schemes, including tax incentive schemes, that were operated at the national, regional (excluding EU schemes, e.g. the Media programme)<sup>13</sup> or local level in your country during the reference period from 1 January 2001 to 31 December 2005, and that disposed of an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works of at least € 1 million per year.<sup>14</sup>*

*Please use for each funding scheme a separate form.*

#### **IDENTIFICATION OF THE FUNDING SCHEME**

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<sup>13</sup> Regional schemes mean both, schemes operated within your country and schemes to which y

our country is a party among other countries, e.g. the Nordic Film- and TV Fund (see [http://korda.obs.coe.int/web/display\\_fonds.php?fonds\\_id=28](http://korda.obs.coe.int/web/display_fonds.php?fonds_id=28) ).

<sup>14</sup> “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

B.1 Country/region: **Czech Republic**

B.2 Name of the funding scheme:

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography**

B.3 Name and address of the funding scheme's administration and supervisory authority:

**State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, administered by the Ministry of Culture, Maltézské nám. 471/1, P.O.B. 74, 118 01 Praha 1, e-mail [fondkino@mkcr.cz](mailto:fondkino@mkcr.cz), website [www.mkcr.cz](http://www.mkcr.cz)**

**The fund is administered by the Ministry of Culture. Minister of Culture is responsible for the administration of the financial means of the Fund**

**Supervisory authority: Czech Parliament (only recalls and appoints the 13 members of the Council of the Fund) and partly Ministry of Finance (in fiscal and financial matters regarding the administration of the financial means, towards the fund administrator – i.e. Ministry of Culture)**

B.4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate

**Act of the Czech National Council No. 241/1992 Legal Coll., from April 14, 1992, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, as subsequently amended by the Act No. 241, 1992 Legal Coll. and by Act No. 273/1993 Legal Coll. This Act entered into force as of July 1, 1992**

**Statutes of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography adopted by the decision of the Czech National Council No. 119 from the 11th meeting of the Czech National Council held on December 17, 1992 approving the Statutes of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography entered into force as of December 17, 1992**

**Rules of Procedure of the Council of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, approved at the 1<sup>st</sup> meeting of the Council of the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography held on April 8, 1997.**

**These laws and regulations were not amended during the period from 2001 to 2005**

**Czech versions of these laws and regulation are attached to this questionnaire**

## TERRITORIAL CONDITIONS<sup>15</sup>

### Explicit territorial conditions

B.5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (*consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005*)?

No

If yes,

B.6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B.4 (*provide quotes of the current version of the rules as of 31 December 2005 and, only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005*):

B.7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*).

B.8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A.3 (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*):

B.9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B.6 to B.8 (*provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*):

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<sup>15</sup> Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

### **Implicit or *de facto* territorial conditions**

B.10 Does the scheme provide any scope for territorial conditions to be applied implicitly or *de facto*? - For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (*please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005*)?

**No**

If yes,

B.11 Please describe the implicit or *de facto* territorialisation requirements that are practised by this funding scheme (*as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005*):

### **CULTURAL CLAUSES**

B.12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6, B.7 and B.11 and that are currently in force:

**A legal provision expressing cultural policy goal, that could be interpreted as principle for the evaluating and establishing the criteria for granting the financial support from the above public funding scheme – i.e. the policy goal of support and development of the Czech cinematography – is based on the Articles 9 paragraph 1 of the Act of the Czech National Council No. 241/1992 Legal Coll. on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography which stipulates that**

**(1) The means of the Fund may be provided (*i.e. the support from the Fund may be granted*) to these projects:**

- g) creation of the Czech cinematographic work**
- h) production of the Czech cinematographic work**
- i) distribution of valuable cinematographic work (*i.e. not only Czech films*)**
- j) promotion of the Czech cinematography**
- k) technical development and modernization of the Czech cinematography**
- l) production, distribution and promotion of cinematographic works (*i.e. not only Czech films*)**
- m) production and distribution of cinematographic works of national and ethnic minorities, living on the territory of the Czech Republic**

Czech original wording:

### § 9

*(1) Prostředky Fondu lze poskytnout na tyto projekty:*

- a) tvorbu českého kinematografického díla,*
- b) výrobu českého kinematografického díla,*
- c) distribuci hodnotného kinematografického díla,*
- d) propagaci české kinematografie,*
- e) technický rozvoj a modernizaci české kinematografie,*
- f) výrobu, distribuci a propagaci kinematografických děl národnostních a etnických menšin, žijících na území České republiky.*

The principle that the scheme supports the production of Czech cinematograph films, i.e. the expressing the cultural policy goal, is also reflected in the Article 10, paragraph 1 of the Act of the Czech National Council No. 241/1992 Legal Coll., on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography, which stipulates that:

„The applicant for the granting of the means (*subsidies*) from the Fund may be (*only*) legal person with its seat or physical person with its permanent residence in the territory of the Czech Republic. If the applicant is the legal person, in which a foreign person has an ownership interest, the means of the Fund may be provided only if the ownership interest of the foreign person (*in the legal person applying for support*) is lower than 50%

Czech original wording:

### § 10

*(1) Žadatelem o poskytnutí prostředků Fondu může být právnická osoba se sídlem nebo fyzická osoba s trvalým pobytem na území České republiky. Je-li žadatelem československá právnická osoba s majetkovou účastí zahraničních osob,<sup>4</sup>) lze prostředky Fondu poskytnout, jen pokud je podíl majetkové účasti zahraniční osoby nižší než padesát procent.*

The Article 9, paragraph 3 of the of the Act of the Czech National Council No. 241/1992 Legal Coll, on the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography stipulates that:

**(3) The non-repayable support (*i.e. direct subsidies*) from the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography may be granted only up to 50% of the cost planned (*i.e. to be spent*) by the applicant**

Czech original wording:

**(3) Účelové dotace z Fondu lze poskytnout jen do výše jedné poloviny nákladů plánovaných žadatelem.**

These requirements are not territorialisation requirements *per se*, in the view of the definition of the notion of territorialisation for the purpose of the study, merely express

**the cultural policy goals which influence the decisions of the Council of the Fund as regards the selection criteria for the granting of the support.**

**It must be stressed that the State Fund of the Czech Republic for the Support and Development of the Czech Cinematography does not require any minimum amount (or any minimum proportion of the production budget) that must be spent by the applicants in the Czech Republic to qualify for Fund support**

### **SELECTIVE SCHEMES**

B.13 If this scheme distributes aid selectively,<sup>16</sup> please list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005:

**The scheme does not distribute the aid selectively, and the qualitative criteria do not exist in the laws or in the regulation, under the Article 5 of the Statutes of the Council of the Fund, the Council of the Fund should regularly establish criteria and conditions for granting support and forms of support which will be granted in a given year and in a respective quarter of the given year together with establishment of the kind (*i.e. from example by genres* not individual projects) of projects, that will be supported on a priority basis**

**The Council of the Fund has officially declared in 2000, that it gives priority to projects of cinematographic character**

### **CONTACT DETAILS**

B.14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme:

**Ing. Vlastimil Staněk – phone +420 2570852456, [vlastimil.stanek@mkcr.cz](mailto:vlastimil.stanek@mkcr.cz)  
Mgr. Lenka Mikolášová – phone +420 257085360 [lenka.mikolasova@mkcr.cz](mailto:lenka.mikolasova@mkcr.cz)  
Ministerstvo kultury  
samostatné odd. správy státních fondů  
Milady Horákové 139  
160 41 Praha 6**

Name of the lawyer and law firm in charge of the data collection:

**JUDr. Vladimír Kroupa, attorney-in-law**

Date of the data collection and processing: **October 20, 2006**

<sup>16</sup> Selective funding schemes grant State aid based on an evaluation of each project and following qualitative criteria. In contrast, automatic schemes grant State aid if certain quantitative criteria such as box office results of previous works are met.