FILM POLICY FOR IRELAND’S NATIONAL BROADCASTER
CORE POLICY

In most European territories Public Service Broadcasters play a pivotal role in the success of their domestic film production industries. This role is underpinned either by legislation, regulation or a formalised minimum spend commitment on local film, on the part of the national broadcasters. The result is a healthy support and strong broadcaster demand for indigenous films from the local territory.

Ireland has no such legislation or regulated commitment. SPI believes Ireland’s national broadcaster RTÉ should be compelled to play this pivotal role in Ireland.

Film is a costly medium when compared to other programme genres and for this reason, Ireland’s national broadcaster will often overlook film in favour of lower cost programme genres to support. For this reason, in order to support their indigenous film industries, other territories have legislated or provide regulation for minimum spend requirements for locally produced films. Ireland has no such legislation or regulated commitment. Not having such legislation or regulation puts the Irish film industry at a fundamental disadvantage.

In 2014 the Irish Film Board invested just under €10 million in production activity. This permitted Irish producers to leverage this funding to generate production expenditure of over €42 million in relation to IFB funded projects in that year. Support for a greater number of feature films and feature documentary films by RTÉ would result in more production activity in the State due to the producer’s ability to leverage funding.

A principal factor when seeking co-production partners for the financing of film is that a local broadcaster, particularly the national broadcaster, is an investment partner. Producers and financiers in other territories operate on this basis and therefore they find it difficult to understand why Irish producers do not enjoy the support of Ireland’s national broadcaster. It is problematic for Irish producers to explain to international partners why the national broadcaster does not support Irish film projects at the early financing stage.

Consequently Irish producers operate at a competitive disadvantage when compared to their European counterparts as the international market interprets this as a fault with the project. This results in fewer Irish films being made.

SPI proposes a change to the 2009 Broadcasting Act to provide for the following minimum spend by RTÉ on Irish feature films and feature documentaries.

- 1.5% of RTE revenue allocated to Television Integrated Business Division (i.e. licence fee + commercial income) in the preceding financial year (e.g. 2013: €167,034,000 = @1.5% = €2.5m) and in any case no less than €2.5m per annum.
PRINCIPLES ON WHICH POLICY IS BASED

We set out how such legislation, regulation or formalised minimum spend is achieved in individual territories.

The outcome is a vibrant economic environment for the local indigenous film industry.

Ireland by contrast has no such legislation or regulated commitment.

The 2009 Broadcasting Act states:

RTÉ: “114.—(1) The objects of RTÉ are— (4) the principal express powers of RTÉ in pursuance of the objects outlined in subsection (1) are......(n) to invest in, originate or procure films,”

The Irish Broadcasting Act 2009 recognises film as a distinct genre, underlining the importance of film to Irish audiences but it makes no distinction between Irish film and foreign films and it imposes no obligation on the national broadcaster to fund or support Irish feature films or feature length documentaries.

Heritage and culture are important determinants of national identity. It is therefore vital to create and preserve Irish heritage and contemporary society on screen for audiences both in Ireland and abroad. To tell stories by Irish filmmakers for Irish audiences and the world.

Films matter, they provide historical perspectives on events, a mirror of contemporary society, they allow us to reflect on the past, assess the present and imagine the future. They provide an opportunity to showcase Ireland as a tourism destination and provide tangible benefits for Ireland’s valuable tourism industry. Examples of important Irish films which have resonated deeply with audiences in Ireland and across the world include ‘The Quiet Man’, ‘Michael Collins’, ‘The Crying Game’, ‘My Left Foot’, ‘In the Name of the Father’, ‘In America’, ‘Once’, ‘What Richard Did’, ‘The Guard’, ‘Song of The Sea’ and documentaries ‘The Summit’, ‘Lón sa Spéir’, ‘One Million Dubliners’.

There is no specific reference to supporting Irish film in the 2009 Broadcasting Act and there is no minimum requirement to invest in Irish productions.

Screen Producers Ireland calls on the Irish Government to legislate on this important issue to Ireland’s film makers.
**Austria**

There has been a non-legal voluntary treaty „Film-Fernseh –Abkommen” between the Austrian PSB ORF to contribute €8m p/a to the Austrian Film Institute (additional to AFI budget of €20m.). Between 2000 and 2013, the ORF got extra money from the government and one of the conditions was to fulfill the „Film-Fernseh –Abkommen”. This condition was set up into the ORF-Law and expired in 2013.

The programme of the new government (elected in 2013) included the announcement to support the production of film by the PSB. There is currently a draft law being discussed whereby the ORF has a legal obligation to the „Film-Fernseh –Abkommen” with a binding minimum budget of €8m per annum.

**Denmark**

The two Danish PSB’s Danmarks Radio & TV2 Danmark are regulated by the Radio and Television Broadcasting Act and their obligations are specified in a contract with the Ministry of Culture, including the obligation to strengthen Danish film production.

Every 4 years parliament agrees a ”Media Policy” which covers all aspects of the PSB’s obligations and their licence fee. Amongst other issues, the agreement issued by the Ministry of Culture establishes the obligation of the PSB to have financial involvement in “indigenous” film, not as an obligation to “invest”, but an obligation to buy a license to transmit. In the last 4 years this figure was on average 53m. dkr (€7.1m) for feature (80%) and documentaries (20%) per annum.

**France**

Under French law, PSB’s and Private Broadcasters must invest in cinema movies by Direct Contribution and an Indirect Contribution.

**Direct Contribution:** Broadcasters must invest 3.2% of their turnover per year in European productions. 2.5% of the turnover must be invested in feature films originally made in the French language (“EOF” works).

Canal Plus is required to invest more as it is a cinema channel. Canal Plus must spend 12% of its total resources on pre-purchase of European films and at least 9% on pre-purchase of “EOF works”. In addition, at least 17% of its “EOF” obligation must be spent on low-budget films.

A special scheme applies to Arte (Franco-German channel), where there are no obligations to cinema film. However, the channel typically invests 5% of its turnover in Arte France Cinema.

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022423813&fastPos=2&fastReqId=2140040805&categorieLien=cid&oldAction=rechTexte

**Indirect Contribution** (”soutien antenne”): This is a tax paid by all broadcasters into a specified account in the Centre National de la Cinematographie (CNC). The tax is calculated by applying a rate to the amounts paid by the television services in performance of contracts for the transfer of broadcasting rights.

France, key Film Stats 2013:

- **270 feature films** were produced in France during 2013
- Of which **154 were fully financed by France**
- Investment in French production **totaled €1.3 billion**
- French PSB’s **contributed €101.5m** (under legislative requirements)
- **Private Films Channels (incl. Canal+) €190m** (under legislative requirements)
- Over 42% of films aired on television were French
- The largest viewership for film on TV was recorded by a French film ‘Rien à déclarer’ (‘Nothing to Declare’)
FINLAND
YLE has a published strategy to invest €6m per annum 2014-2016 for films (incl. documentary). This is part of a declaration of intent on a minimum number of feature film projects with the Finnish Film Foundation.

GERMANY
Federal: In principle, there is no requirement on the PSB’s to invest in Federal film aid. However, there is a Film Support Act (‘FFG’) which states that contributions and grants are to be agreed between the PSB’s and the German Federal Film Board (FFA).

ZDF and ARD have undertakings in their individual Film Aid Agreements (FF-Abkommen), renewed every 4 years, to support co-productions and contributions in cash and in kind. The private broadcasters have an agreement with the FFA, (the VPRT Abkommen), whereby the broadcasters provide cash contributions and media services to the film fund.

Regional: In principle, there is no requirement on regional PSB’s to invest in regional film aid. Except for WDR (which belongs to ARD). WDR must assign an amount of its licence fee to the Westfalia Film Foundation.

POLAND
Poland Act on Cinematography 2005, is a comprehensive 16 page document which “… defines the principles in respect of supporting film creativity and other activities in the field of cinematography and the protection of film art resources.”

Chapter 1. Article 19. (7) Public television broadcasters are required to earmark at least 1.5% of their annual proceeds from subscriptions from television owners for film production purposes. The broadcaster shall submit to the Director an annual report on discharging this duty by the end of the first quarter of the calendar year. If the amount referred to in the first sentence is not fully expensed on film production, the broadcaster shall transfer to the Institute the difference resulting.

The Act also stipulates that cinema exhibitors, distributors, commercial television broadcasters, digital platforms, cable television stations each contribute 1.5% of specified revenues to the Polish Film Institute.


Poland key Film Stats 2014:
Poland produced over 40 feature films in 2014. The average budget of a domestic film is 4 - 4.5m PLN (c. €1m). The Polish Film Institute (PISF) is the largest source of funding in Poland, with additional funds coming from television, a well-developed network of regional film funds as well as private sources. By December of 2014 the number of titles distributed in Poland surpassed 240, with the three top spots in the box office held by Polish productions (‘Gods’, ‘Warsaw 44’, ‘Jack Strong’).

SWEDEN
According to the Public service regulation, SVT shall "contribute to the development of Swedish film production". In the Swedish Film Agreement (between the government and the industry), SVT has committed to 42,1 MSEK (€4.7M) per year to the Swedish Film Institute for the Swedish film funds. In addition, SVT has a minimum guaranteed spend of 41,3 MSEK (€4.6) on co-production or purchases of new Swedish feature films or new Swedish shorts and documentaries.
According to a Declaration signed by SVT and FILMTVP (Swedish producers association) in 2010, the estimated share of independent production in relation to SVT’s program budget (excl. news, sports and foreign purchases) will not be less than 40 % annually for the foreseeable future.

Private broadcasters are also obliged to "contribute to the development of Swedish film production" under their licences.

**UK**

Communication Act 2003: (Chapter 21, Part 3, Chapter 4, p235) requires that cultural activity in the UK is reflected by the inclusion of feature films in the services of PSB’s.

**Key Points 2014**

**BBC : Charter & Agreement 2006** states the need for the BBC to have a film strategy overseen by the BBC Trust. BBC Films budget in 2013 was STG. £12m.

**Channel 4 : Digital Economy Act 2010** [22.(1)(1) Channel 4 must participate in... (b) the making of high quality films intended to be shown to the general public at the cinema in the UK and (c) the broadcasting and distribution of such content and films. Film 4’s annual budget is approx. STG. £15m.

**UK key Film Stats 2014:**

- **223 feature films** were produced in UK during 2014
- Of which **154 were domestic UK features**
- Total UK film production activity was **£1.5 billion**
- The UK spend associated with inward investment features was £1,233 million, up 40% from £879 million in 2013.
- Seventeen big budget films (£30 million or over) accounted for 89% of the total UK film production spend.
- FILM 4 : annual production expenditure STG. £15M for feature film
- BBC Films annual budget approx. STG. £12M for feature film
- British Film Institute expenditure on Production STG. £23M (2012)
- (BBC TV Drama budget approx. STG. £200M)
### Legislative Reference to Cinema Film Production for Broadcasters

#### PSB’s

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* Additional information attached.