

Statutes of the Nordisk Film & TV Fond

Determined by the Nordic Council of Ministers (the culture ministers), 27 June 2018.

§ 1 PURPOSE

1. The purpose of the Nordisk Film & TV Fond, henceforth referred to as the Fund, cf. Agreement of 6 May 2014, is to promote the production and distribution of Nordic audiovisual works of high quality, in accordance with the rules laid down in these statutes and in administrative guidelines.

§ 2 SPHERE OF ACTIVITY

1. The Fund can participate in the financing of Nordic audiovisual works of high quality, including all forms of fiction (feature films, television drama, television series, animation, etc.), as well as creative documentaries suitable for cinema release, TV viewing and/or other forms of distribution on various platforms, and which are considered to have significant market/audience potential in the Nordic Region.

2. Productions aimed at children and young people will be prioritised.

3. Support for voice-overs of productions aimed at children and young people will also be prioritised.

4. In exceptional cases, the Fund may participate in the financing of productions that are not deemed to have significant audience potential, but which are otherwise within the Fund's sphere of activity.

5. The Fund prioritises support for the distribution of audiovisual works produced in the Nordic Region and deemed to have a satisfactory market/audience potential both in the Nordic Region and the global market.

6. The Board of the Fund has a duty to ensure an equitable long-term balance between the Nordic countries as well as in terms of gender and diversity in the works it chooses to finance. This is, however, subject to appropriate proposals for productions being presented.

7. The Board also has a duty to ensure an equitable long-term balance between the types of productions mentioned under no. 1 above. This is, however, subject to appropriate proposals for productions being presented.

§ 3 FUNDING CRITERIA

1. The evaluation of whether a production complies with the Fund's objectives should be based on an overall assessment of the project in terms of artistic and market criteria. An evaluation will also be conducted of whether the financial preconditions for the production are realistic, in terms of production, marketing and distribution. There are no particular requirements for joint Nordic themes, national quotas or requirements regarding the composition of artistic or technical personnel.



2. The prerequisites for eligibility for grants from the Fund include that the project has significant funding from at least one of the Fund's parties, that it has a realistic marketing plan and a distribution contract. These must meet the following criteria:

a) When a contract is entered into about participation in the financing of a feature-film production, cf. § 2, 1., a contract must already have been entered into for satisfactory distribution in two Nordic countries.

b) When entering into a contract to participate in the financing of a TV fiction production, cf. § 2, 1., a contract must already have been entered into with the Fund's financing partners in at least two Nordic countries for satisfactory distribution. If a TV company is in charge of the production, a contract must already have been entered into with at least one of the Fund's other financing partners.

c) When entering into a contract to participate in the financing of creative documentary films, cf. § 2, 1., a contract must already have been entered into for satisfactory distribution in two Nordic countries, including with at least one of the Fund's financing partners.

d) In principle, the Fund prioritises support for productions that have guaranteed themselves the widest possible distribution, primarily in the Nordic Region and secondarily in the global market.

3. Productions that do not receive support from the Fund during the production phase have the opportunity, based on a concrete assessment, to apply for funding for distribution and voice-overs for the Nordic Region.

4. The Fund cannot provide support for productions financed by Nordic TV companies that are not Parties to the Fund, except for productions co-funded by one of the Fund's financing partners from the same country.

§ 4 THE FUNDING PRINCIPLE

The Fund tops up funding for productions. The Fund participates in productions as a financial partner on a par with private investors, with a specified percentage share, which also applies to revenues, though only with respect to profits made. The funding is in the form of loans that must be repaid according to the rules stipulated in the Fund's guidelines.

§ 5 GENERAL TERMS

To be eligible for financing from the Fund the following prerequisites must be met:

The applicant must be a production company which, at the time of the application and as per current legislation is a resident of one of the five Nordic countries, a member state of the EU, EEA or Switzerland, and must be able to document experience in audiovisual production.

At the time the money is received the applicant must be doing business in one of the five Nordic countries through the establishment of business premises or equivalent under applicable law.

The production must involve special artistic and/or technical work that helps promote audiovisual culture in the Nordic Region. The creative driving forces behind the



production and/or technical features, irrespective of nationality and ethnic origin, must reside or stay permanently in the Nordic Region or otherwise have a material and significant link to and/or importance for Nordic audiovisual culture.

The production company is responsible for legal compliance and working conditions, including the prevention of discrimination and harassment.

§ 6 THE FUND'S STATUS AND FINANCIAL BASIS

1. The Fund is established under the Agreement on the financing and operation of the Nordisk Film & TV Fond of 27 November 1999.
2. The name of the Fund is Nordisk Film & TV Fond.
3. The Fund has capital of NOK 200,000.
4. The Fund's financial foundations are based on:
 - a) subsidies as per the Fund's Agreement.
 - b) income from film and TV productions funded by grants from the Fund.
 - c) other possible sources of income, interest, donations, etc.

§ 7 MANAGEMENT OF FINANCIAL RESOURCES, ETC.

1. The Fund has full access to capital invested, to income generated from the Fund's activities, interest received, etc.
2. The Fund is managed according to the rules for the administration of such funds in the country in which it is based.
3. The Fund's financial year is the calendar year.
4. The Fund's accounts must be approved by the national audit office in the country in which it is based. The Fund is also bound by the accounting rules in the country in which it is based.
5. The Fund's Board is responsible for the publication of an annual report within three months of the end of each financial year. The annual report must be sent to all Parties.

§ 8 THE BOARD

1. The Fund is managed by a Board appointed by the Nordic Council of Ministers (the culture ministers).
2. The Nordic Council of Ministers appoints the chairperson and deputy chairperson.
3. Members of the Board are appointed for a term of three years, with a maximum of two terms as a member and two terms as an alternate, i.e. a total of no more than six years as a member and a maximum of six as a deputy. The actual time spent on the Board depends on the individual member's term of office, not the period covered the Fund's mandate. If the Board member takes up office in the middle of a current calendar year, the period starts on 1 January of the same year and continues for three years.



4. The participating TV companies, film institutes and other financing partners have the right to submit proposals for members and alternate members to the Board.
5. The Board consists of five members who must represent the Nordic Region well.
6. An alternate is appointed for each ordinary member.
7. The Board must include representatives of the Fund's Parties, namely the film institutes, other financing partners and TV companies, and will be composed of individuals who have insight into the audiovisual industry, including development, production and distribution. At least two members of the board must have special expertise in the film industry, and at least two must have particular expertise in the television sector. The same applies to alternates. Overall, the Board should maintain a balance between film institutes, broadcasters and other financing partners.
8. The Board convenes meetings when requested to do so by the chairperson, by the Director or by at least two board members.
9. The Board is quorate when at least four members (or their personal alternates) are present. Each member has one vote. Resolutions are passed by a simple majority. The chairperson has the casting vote in the event of a tie.
10. Board decisions cannot be appealed.
11. Minutes must be kept of Board meetings.

§ 9 ADMINISTRATION

1. The Fund's day-to-day business is managed by a Director.
2. The Board appoints the Director. The post is fixed-term for four years, with an option to renew for up to four years.
3. The Board lays down the guidelines for the Fund's activities, including delegation of responsibilities to the Director. The Board also determines any application deadlines and processing procedures for funding applications.
4. Within the framework of these statutes, the Board is entitled to adopt guidelines for the Fund's activities and make changes and additions to them. The Board must, however, ensure that the Parties are notified at all times.
5. A Secretariat, headed by the Director, manages the Fund's activities.
6. For the processing of funding applications, the Fund has the option to bring in consultants on an ad hoc basis or for short periods. Such consultants cannot simultaneously play similar consultancy roles in other national institutions.

§ 10 RIGHTS

The Fund participates in the financing of a production under the following conditions:



1. In relation to the Fund, the producer is the owner of all the Nordic distribution rights, unless otherwise agreed with the Fund.

§ 11 CONTRACT WITH THE FUND

1. The Fund enters into a contract with each Party receiving support from the Fund. The individual terms for support from the Fund are indicated in the contract. The Fund must ensure that the Party with whom the contract is concluded is an authorised signatory.

2. The contract with the Fund must stipulate that the Party in receipt of support from the Fund complies with the provisions enshrined in § 5 and § 10 of these Statutes. The contract must also show that the Party, when entering into any future contracts, undertakes not to override the obligations of § 5 and § 10 of the Statutes, except where the prior written agreement of the Fund has been obtained.

3. If the Fund's interest in a production is commensurate with its investment, this must be defined in the contract.

4. The producer guarantees that the production will actually be completed.

§ 12 MISCELLANEOUS REGULATIONS

1. The Nordic Council of Ministers decides in which country the Fund is based.

2. If the Fund is based in Sweden, the Fund will be exempt from supervision under the Act (1929:116) on the supervision of funds.