

EN

EN

EN

COMMUNICATION FROM THE COMMISSION

CONCERNING THE STATE AID ASSESSMENT CRITERIA OF THE COMMISSION COMMUNICATION ON CERTAIN LEGAL ASPECTS RELATING TO CINEMATOGRAPHIC AND OTHER AUDIOVISUAL WORKS (CINEMA COMMUNICATION) OF 26 SEPTEMBER 2001

(Text with EEA relevance)

As announced in its 2004¹ and 2007² Communications extending the validity of the State aid assessment criteria of the 2001 Cinema Communication³, the Commission has carried out an extensive study into the economic and cultural impact of territorial spending obligations imposed in film support schemes. The study was launched on 24 August 2006⁴ and a stakeholders' workshop was held in Brussels on 6 July 2007. The results of the study were published on 22 May 2008⁵.

The final report of the study was not conclusive about the economic or cultural impact of territorial spending obligations in film support schemes, one way or the other. Therefore, the results underline the need for further reflection before proposing a modification of the existing State aid assessment criterion in the 2001 Cinema Communication concerning territorial spending obligations, compatible with the fundamental principles of the Treaty.

In the Commission's view, the current State aid assessment criteria can continue for the time being to promote cultural creation and will ensure that the aid granted to film and audiovisual production does not affect competition and trading conditions to an extent contrary to the common interest. However, a number of different trends have emerged since the 2001 Cinema Communication which will require some refinement of these criteria in due course.

These trends include support for aspects other than film and TV production (such as film distribution and digital projection), more regional film support schemes, as well as competition among some Member States to use State aid to attract inward investment from large-scale, mainly US, film production companies. These are complex issues which will require reflection with the Member States and national and regional film support bodies to develop appropriate criteria.

Consequently, the Commission has decided to continue to apply the current criteria until such time as new rules on State aid to cinematographic and other audiovisual works come into effect, or, at the latest, until 31 December 2012.

¹ OJ C 123, 30.4.2004, p. 1.

² OJ C 134, 16.6.2007, p. 5.

³ OJ C 43, 16.2.2002, p. 6.

⁴ OJ S 173, 12.9.2006, reference 2006/S 173-183834.

⁵ http://ec.europa.eu/avpolicy/info_centre/library/studies/index_en.htm#finalised.