



APPLICATION GUIDELINES

INCLUDING THE COVID-19 MEASURES

Version June 2020*

** Small practical changes have been made in this version of the Screen Flanders guidelines. The changes are clearly marked in red and can be found in the sections: 2.3.1 General principles, 2.5.3 Submission to a call, 3.4 Compulsory reports and elements, 3.5 Communication obligations and 4. Information and contact persons. The new Screen Flanders logo has also been inserted in this version. The measures taken within the framework of the corona crisis can be consulted in the rounded pink boxes*

FLANDERS INNOVATION &
ENTREPRENEURSHIP



Flanders
State of the Art

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1 Introduction

1.1 What is Screen Flanders?

Screen Flanders is a programme implemented by the Government of Flanders **for the economic support of audiovisual works**. It aims to put Flanders on the international audiovisual map by improving its appeal, particularly to foreign productions, and strengthening its competitive position relative to other regions.

By spending a portion of their budget in the Flanders Region, international productions can receive **up to EUR 400,000 in funding**. In return, they agree to return percentage of earnings to Screen Flanders. In other words, Screen Flanders support is neither a grant, in the sense that nothing is expected in return, nor a loan, in the sense that repayments are automatically due. Repayments are due only if and when earnings are received.

You decide how much support to apply for, based on the amount and type of expenditures you intend to make in the Flanders Region and the general quality of the application. Do bear in mind that applications are assessed in comparison with other projects submitted.

In other words, Screen Flanders uses a **competitive format**: periodic calls to submit applications for support (also known as calls for proposals) are issued, according to a predetermined budget. A jury assesses the applications according to both an established set of criteria in relation to the other proposals. There are a number of conditions that must be satisfied by the project and planned expenditures.

Assessments also take into consideration the correct completion of the application. Applications must be **complete and submitted on time**. They must also satisfy the conditions of admissibility and contain the compulsory attachments.

These guidelines provide information on how your Screen Flanders application should be submitted and how it is processed. The introduction includes a description of the legal framework by which Screen Flanders is governed, as well as a call for sustainable film production. The 'Support Applications' section sets out all the information you need to submit an application, and the 'Support Award' section provides information of relevance once the support has been granted. The deadlines for calls are listed at www.screenflanders.be.

Screen Flanders is managed by Agentschap Innoveren & Ondernemen (Flanders Innovation & Entrepreneurship), assisted by the Vlaams Audiovisueel Fonds (Flanders Audiovisual Fund (VAF)). The Screen Flanders team is happy to assist with any problems you may have in completing the application. As our office can become very busy in the run-up to a deadline, we do recommend that you contact us in good time. Please see the final section of these guidelines for contact details.

Good luck!

Corona update

This guide is an adaptation of the existing guide that has been updated – with modifications shown in the rounded pink boxes – to take into account the temporary relaxation of certain measures in order to support the producers affected by the corona crisis.

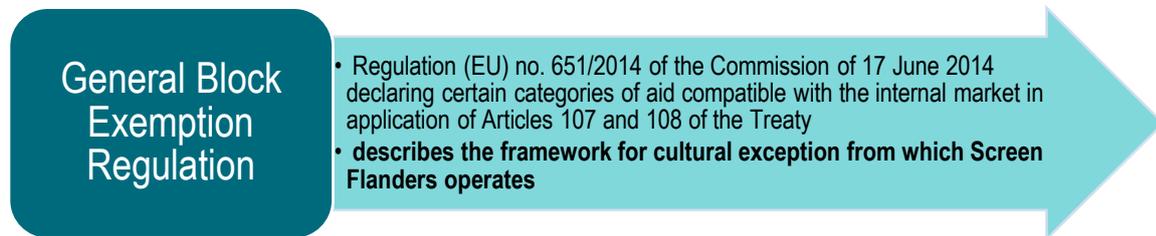
These are temporary measures that have been approved by means of an additional ministerial decree. Should the ministerial decree be repealed, these relaxation measures will no longer apply.



1.2 Legal Framework

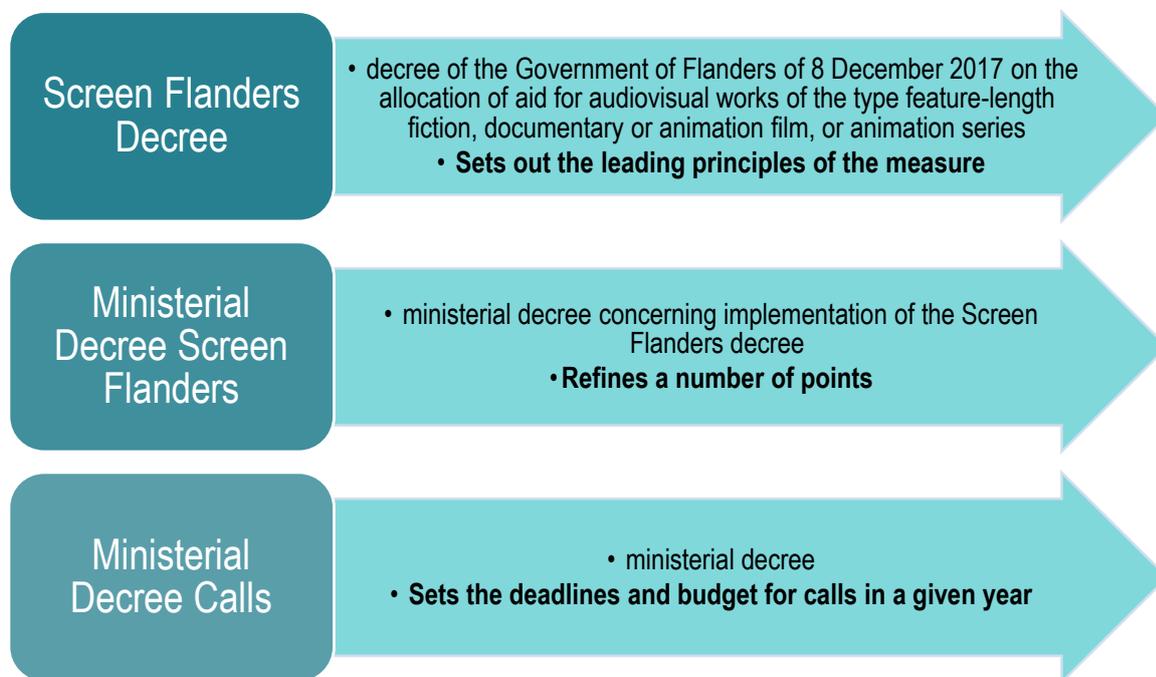
1.2.1 European

A government is not free to provide unlimited support as European law recognises the need for support as well as exceptions to the rule.



1.2.2 Flemish

National and regional regulations must adapt to European laws. The following decrees have been passed in Flanders:



Please note! The decree of the Government of Flanders of 9 November 2012 applies to applications submitted up to and including the third call of 2017.

Where reference is made to other laws and regulations, these apply to specific documents only and are stated explicitly in the text.

Corona update

Because limitations were imposed on the operational and production activities of the Flemish audiovisual sector on account of the federal corona measures taken by the National Security Council, a number of provisional measures were taken in 2020 on the basis of an additional ministerial decree, to make it possible, despite the crisis, for audiovisual works that were already receiving subsidies as well as future projects to nevertheless be realised.

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1.3 Sustainable filmmaking

In 2013 Flanders became a pioneer in sustainable filmmaking, in part because of the work of VAF. Screen Flanders supports this initiative by providing a set of tools and good practices, which it presents in its 'Sustainable Filmmaking' brochure. Projects selected for support may also apply to the VAF Sustainability Coordinator for coaching. Although you are under no obligation to do so, we strongly recommend that you follow the brochure guidelines. By making conscious sustainability choices, the audiovisual sector can make an effective contribution that positively impacts both the environment and the production budget.

The 'Sustainable Filmmaking' brochure (in Dutch) is available from the Screen Flanders website. For more information on this initiative, see the website of the Flanders Audiovisual Fund (VAF).

¹ Ministerial Decree amending various provisions of and the annex to the Ministerial Decree of 23 February 2018 implementing and amending the Decree of the Flemish Government of 8 December 2017 granting subsidies for audiovisual works of type long-form fiction, documentary or animated film, or animation series (cited as the Screen Flanders decree)



2 Funding Applications

Applications for support must satisfy a number of conditions relating to both the applicant and the project. Funding is also subject to a number of criteria.

2.1 Who can apply for support?

The applicant must satisfy the following conditions:

- the funding applicant is a company of the type listed in Article 3.1° of the decree of 16 March 2012

The '**company**' is any entity, irrespective of legal form, that carries out an economic activity. This means natural persons acting as buyers or operating independently, trading companies with a legal personality under private law, professional partnerships trading under private law and foreign companies subject to similar statutory regulations.

- the applicant is an audiovisual production company
- the applicant has a seat of operations and can demonstrate continuity of operations in Belgium
- the applicant is an independent producer

An '**independent producer**' is a producer whose legal status is distinct from that of a broadcasting organisation, which holds no more than 15%, directly or indirectly, of capital in a Flemish broadcasting organisation, and no more than 15% of whose capital is controlled by a company owning more than 15%, directly or indirectly, of the capital of a Flemish broadcasting company. For more information see the decree of 27 March 2009 concerning radio broadcasting and television.

- no administrative authority exerts a dominant influence over the applicant's policy

A suspicion of dominant influence exists where an administrative authority controls, directly or indirectly, 50% or more of the funding applicant's capital or voting rights. An applicant can refute this suspicion if it can be demonstrated that no dominant influence exists. The matter will be resolved by ministerial decision.

- the applicant is not a business experiencing difficulties and has no legal proceedings pending by which allocated support is recoverable

The European regulations state that support may not be granted to a company, which, at the time of the support allocation, is in difficulties according to certain parameters. The relevant information is available from [the agency website](#), where a model can be used to calculate the parameters.

We recommend that the parameters, and certainly those for the current financial year, be monitored regularly to ensure that support is not refused for this reason. Please remember that while you may not consider your production company to be in difficulties, the parameters could indicate otherwise.

As long as there is a sum outstanding, we will be unable to accept a new application.

- the applicant is not in default and has no legal proceedings pending which could prevent completion of the project



2.2 For what type of projects?

To receive support, an audiovisual work must satisfy the following conditions:

- it is a feature-length fiction, documentary or animation film, or a fiction, documentary or animation series. A series must consist of at least three episodes

A **fiction film** is an audiovisual, largely live action creation involving mostly fictional characters and events.

A **fiction series** is a fiction film in series form. A fiction series qualifies if the episodes tell an on-going story, and it is an international co-production in which the total Belgian share, demonstrated by the entitlements to the earnings (specified in the co-production deal memo or co-production contract) as well as the funding (specified in the funding plan in annex), is less than 50%.

Corona update

A fiction series is a fiction film in the form of a series, with a maximum of 13 episodes. A fiction series is eligible if the episodes tell a continuous story. These can be both national and international productions, in which the Belgian share is not limited to 50%. Soap operas, telenovelas, sitcoms, web series and experimental series are excluded.

A **documentary film** is a non-fiction film that offers a treatment or interpretation of reality, from the personal involvement of the filmmaker, with intrinsic long-term value. In other words, this excludes films that are designed solely to provide information or are merely descriptive, such as corporate videos, educational films, film reports, purely academic documentaries, or contributions to news or current affairs programmes.

A **documentary series** is a documentary film in series form. A documentary series qualifies if the episodes tell an on-going story.

An **animation film** is an audiovisual project in which the production process essentially uses single-frame techniques, ranging from the filming of puppets, objects and/or drawings (e.g. animated cartoons) to more digital, computer-animated techniques.

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- it has a length of at least 60 minutes
- at least EUR 250,000 in qualifying expenses (excluding VAT) are incurred in its production (see 'For what expenses can I apply?')
- it is submitted before the first day of principal photography/animation

The **first day of principle photography** is the first day of filming or animation (excluding tests and pilot episodes).

- at the time of application, you are able to demonstrate that 50% of the financing of the project has already been secured (see 'Application Procedure')
- it satisfies at least three (in the case of animation) or four (fiction and documentary) of the following cultural values, also known as the **cultural test**:
 - the script is mostly set in Flanders, in Belgium, in another member state of the European Economic Area or in a member state of the European Free Trade Association
 - the director or script writer resides in Flanders, in Belgium, in another member state of the European Economic Area or in a member state of the European Free Trade Association



- one of the leading characters or three of the supporting characters have an association with the Belgian culture
- at least one of the leading characters has an association with the Belgian culture
- the original script is mostly written in, and the leading characters express themselves in, one of the official languages or regional dialects of Belgium
- the script is an adaptation of an original literary work or inspired by another creation known for its cultural interest
- the audiovisual work has art or artists as its main theme
- the audiovisual work is mostly about historical figures or events
- the audiovisual work generally addresses social themes relevant to Belgium or another member state of the European Economic Area or European Free Trade Association, and have a topical, cultural, social or political aspect
- the audiovisual work helps bring about a reassessment of Belgian or European audiovisual heritage
- it was submitted no more than once previously and received no support when last submitted

An audiovisual work that was submitted in response to an earlier call and that has essentially the same characteristics is considered a **resubmission**.

Corona update

A subsidy application for a project that has largely the same characteristics as one that the producer has withdrawn from the jury can be re-submitted one time.

- The total state support maximum percentages are respected

The total state support shall amount to no more than 50% of the total production budget for the project. This percentage rises to 60% for co-productions that receive funding from more than one member state of the EU and that involve producers from more than one member state, and to 75% if it concerns a difficult production:

- in the case of fiction and animation: a low-budget project (where the total budget is below EUR 2,500,000), début project, youth project, author's project, Dutch-language project or project based on a subject that touches on Flemish cultural identity or Flemish cultural patrimony and heritage, or which is based on a Dutch-language work
- for documentaries of notable artistic or cultural value

Please note! The **total state aid** is not restricted to aid from a particular member state. It covers aid from all government authorities, including the Belgian Federal Tax Shelter.

The following works do not qualify for support:

- works that incite hatred or racial prejudice
- works that disrupt public order or good conduct
- advertising and information, entertainment, news or sports programmes



2.3 For what expenses?

2.3.1 The general principles

Screen Flanders support does not apply to all costs. Eligible expenses are those that are:

- Invoiced and paid in the spending period

The **spending period** starts on the day the support application is submitted, i.e. the date of the file's submission and registration under a file number, and closes 18 months (in the case of fiction and documentary) or 24 months (in the case of animation) after the call ranking decision. It is thus entirely independent of production planning. The spending period is defined clearly in the written decision you receive when support is granted. It may be extended, provided that reasons for the extension are given and accepted and that the extension is requested before the original spending period ends.

Corona update

For projects that have not yet been audited by the Inspectorate of the Flanders Innovation & Entrepreneurship (Agentschap Innoveren & Ondernemen), the expenditure period ends 30 months (for fiction and documentary) or 36 months (for animation) after the decision that determines the ranking of the call.

For such projects, it will also be acceptable for a substantiated extension request to be submitted up to six months after the end of the spending period.

- Invoiced by a VAT paying company which has a registered office, seat of operations and demonstrable continuity of operations in the Flanders Region, and are paid in the Flanders Region

The purpose of Screen Flanders is to support the Flemish audiovisual sector. The producer is responsible, as the immediate beneficiary, for selecting authentic suppliers based in the Flanders Region that provide for structure in the sector. In other words, shell companies, which provide little in the way of actual structure in the Flanders Region, will be refused. Hence the requirement that, in addition to a registered office, there has to be a seat of operations and, therefore, a structure in the Flanders Region. But, as every situation is different, a definitive checklist to establish the unequivocal existence of a seat of operations would be impossible to compile. **Be critical, then, when selecting suppliers on a cost eligibility basis.**

An Industry Database is available on the www.screenflanders.be website. It lists freelancers and companies that work in the Flemish audiovisual sector. This database is searchable by main entry and activity. Use "Contacts" to generate a quick and simple list of companies and professionals in the industry, which you can then send to your email address. Please remember that **the companies listed in the Industry Database are not necessarily eligible for Screen Flanders support**. This database is designed to not simply list eligible suppliers but provide an overview of potential project contributors.

If in doubt, please contact the Screen Flanders team.

The Industry Database on www.screenflanders.be will be deactivated as of 2020.

- Invoiced directly to the applicant
- Incurred to ensure completion of the audiovisual work in question
- Incurred in respect of (im)material goods or services related to the audiovisual sector
- Realistic and competitive in terms of price

Extremely high rates may be refused.



- Exclusive of VAT
- Marked as an 'eligible expense' in the list below

Expense type	Eligible expenses (if all conditions are satisfied)	Ineligible expenses (non-exhaustive list)
Above-the-line expenses (*1)		
Development (such as location hunting, casting, etc.)	x	
Script and rights	x	
Music (including copyrights)	x	
Directors	x	
Lead actors	x	
Below-the-line expenses (*2)		
Production and administration teams	x	
Direction crew	x	
Camera crew	x	
Sound crew	x	
Animation and CGI crew	x	
Set decoration crew	x	
Costume and make-up crew	x	
Electricians and grip	x	
Extra personnel (security, police, fire department...)	x	
Supporting roles (supporting actors, extras, animals, etc.)	x	
Stunts and special effects during filming	x	
Camera equipment (including equipment truck)	x	
Lighting equipment (including equipment truck)	x	
Grip equipment (including equipment truck)	x	
Sound equipment	x	
Rent of studios and warehouses	x	
Equipment for animation and CGI	x	
Expenses relating to production office, post, land line and mobile telephone, couriers and other administrative expenses and office equipment		x
Set decoration materials	x	
Costume and make-up materials	x	
Trailers (cast, costume and make-up)	x	
Films, negatives and photos	x	
Sound recording media, production and post-production	x	
Production laboratory	x	
Recording expenses	x	
Location rental	x	



Transportation expenses, including travel expenses for crew, rental of production vehicles, purchase of fuel, taxis, miscellaneous vehicles, etc., during production and post-production		x
Hotel expenses, during production and post-production		x
Restaurant expenses, during production and post-production		x
On set catering	x	
Post-production crew	x	
Film editing crew	x	
Sound and mixing team	x	
Sound studios	x	
Editing units	x	
Visual effects in post-production	x	
Laboratory for post-production	x	
Office expenses (such as those for the post-production office)		x
Promotion costs		x
Website		x
Financial costs		x
Legal costs		x
Language versions	x	
Insurance policies, such as film insurance, public liability, etc.		x
Other expenses		
Contingency		x
Overhead		x
Producer's fee	x	

(*1) 'Above-the-line' expenses are those that are fixed before production commences. These expenses are not performance related. In other words, there is no margin to factor in for contingency.

(*2) 'Below-the-line' expenses are those that vary according to performance (number of shooting days, editing days, etc.). A margin for unforeseen circumstances can be factored into these expenses (this is done under the 'contingency' heading).

Invoices and receipts for expenses must be kept in a separate and transparent set of accounts that can be produced for inspection (see 'Inspection'). Each item of expenditure must be listed in the approved budget for the project (see 'Payment').

2.3.2 Other restrictions

There are several other restrictions to bear in mind.

Affiliated organisations

In the case of collaborations with affiliated organisations, only the costs quoted in the budget submitted with the application will be accepted.

Affiliated organisations are undertakings that satisfy the following criteria:

- the company applying for support holds direct or indirect voting rights or capital in the service provider
- the service provider holds direct or indirect voting rights or capital in the company applying for support



- the service provider and company applying for support have at least one business manager, director, employee or shareholder in common
- the business managers, directors or shareholders of the company applying for support and the company providing the service are related to each other as spouses, as blood relatives in the second degree or as cohabitants

Additional documentation must be provided for these invoices from affiliated organisations. Preferably, the standard hourly rate should be quoted for labour costs (see 'Labour costs' below). If equipment is hired from affiliated organisations, the depreciation schedule from the accounts must be included.

Computer equipment

These costs are not eligible unless they relate to costs incurred explicitly for visual effects and computer animations used in the actual project.

Invoices

Invoices must always be drawn up in accordance with prevailing laws and contain the following details:

- the word 'invoice'
- date and invoice number
- name and address of the issuer and co-contractor, or company name and legal entity
- bank account number
- VAT number or company registration number
- name of the audiovisual work to which the goods or services relate
- date of the taxable event (when the service was provided) or delivery date
- detailed description and quantity of the goods delivered (stating the prevailing market hire price per hour/day and number of hire hours/days) or services rendered (stating the prevailing market hourly rate and the number of hours), as well as the information needed to establish the transaction type and VAT rate
- price (split per transaction or classification if more than one rate of VAT applies)
- amount of VAT due (per rate where relevant)
- statement of the reason for exemption if the invoice item is not subject to VAT
- date and place where the invoice was generated
- reference to previous invoices if several invoices or documents are generated for the same transaction
- general terms and conditions. (Though there is no requirement to give your general terms and conditions, we do recommend that you include them on the back)

In some cases, additional statements need to be attached to the invoice:

- 'VAT deferred', if the VAT is payable by the co-contractor
- 'invoice issued by buyer', in the case of self-billing
- 'VAT exempt on the grounds of article...', if the transaction is VAT exempt. The legal basis for the exemption must be described in detail
- Specific statements required under prevailing legislation (sale of art objects, antiquities, motor vehicles, travel bureaus, used goods)



Producer's fee

The eligible 'producer's fee' is limited to a maximum of 7.5% of the eligible above and below-the-line expenses if the funding applicant has a seat of operations in the Flanders Region. The co-producers may include no more than the amount to which they are entitled under the co-production contract. Please note: payments to all (co)producers, irrespective of form or name, must be listed under item 92-00.

Investments

The rules on investments apply in the case of purchases (such as motion-capture equipment, computer generated visual effects, camera, lighting, grip in truck, electric generator in truck, etc.).

Only investment depreciation by a funding applicant with a seat of operations in the Flanders Region, required specifically for the project, are eligible, in proportion to the period and degree of use in the spending period. Prevailing accounting standards must be applied in this case.

Supporting documents must be provided in the form of the original investment invoice, the depreciation table and the declared use of the product in the framework of the audiovisual work.

Leasing

If an investment is leased, it is not the global sum of the leasing contract that is eligible, but the monthly repayments of the investments specifically needed for the project, in proportion to the period and degree of use in the spending period.

Labour costs

Only the labour costs relating to personnel who are directly involved and on the payroll, are eligible, in proportion to the time spent on the project. It is preferred that labour costs are calculated as the standard hourly rate multiplied by the number of hours worked on the project. It is therefore essential that a record be kept of the number of hours spent on the project by each employee.

Standard hourly rate?

The standard hourly rate (SHR) is a measure that takes account of holidays, sick days, training days and so on in addition to earnings. There is no need to keep a record of days off as these are automatically factored in. The SHR is fixed as follows for each employee: gross monthly salary (full time) of the employee in question at the beginning of the project x 1.2%. The gross monthly salary is always calculated for a full-time position at 38 hours/week.

Example

An animator works part time (20 hours/week) for a part-time gross salary of EUR 1,500.

The SHR is $1,500 \times 38/20 \times 1.2\% = \text{EUR } 34.20$.

For 150 hours the eligible labour cost is: $34.20 \times 150 = \text{EUR } 5,130$.

If a registration system is used to allocate personnel as expenses, proof of labour costs may be derived from this. A statement on honour that these data are correct will be required from the funding applicant.



Transport, travel, accommodation and restaurant expenses are not eligible. However, employee expenses covered by official sector agreements in the joint committees are eligible. These relate specifically to expenses payable by the employer, such as commuting expenses and compulsory fixed allowances. Allowances for actual transport, travel, accommodation and restaurant expenses are not eligible. These rules are also applicable to temporary labour.

Employee home address

Please note! The employee's home address cannot be used as a criterion. This is because there can be no discrimination according to place of residence under European rules.

Music

Music by Flemish artists (composers, musicians and recording) is eligible in full. Eligible expenses related to music of non-Flemish origin, invoiced and paid in the Flanders Region, are limited to 12.5% of the clearance rights.

Participations and deferred payments

These can be listed as financing elements in the financial plan, but do not qualify as eligible expenses.

Catering on set

The service aspect of catering is an eligible expense, but not the consumables. If the invoice does not differentiate between the two elements, 50% will be accepted as an expense

Expenses to be documented for VAF support

Expenses, which need to be documented to qualify for VAF support, cannot be subsidised. However, expenses to be documented in the framework of the Belgian Federal Tax Shelter can be subsidised, provided they are eligible for Screen Flanders support.

Corona update

Of the additional expenditures resulting from the corona measures, only those related to personnel and services are eligible, not the purchase of products. These expenditures must meet the general principles for eligible costs and further limitations as outlined above.



2.4 Support

The maximum support per project is EUR 400,000. You decide how much support you apply for on the basis of your eligible expenses and the general quality of the application. Although the assessment covers many aspects (see 'Application Procedure'), the relationship between support and eligible expenses or '**leverage**' is an important criterion.

However, the support is restricted by the following rules:

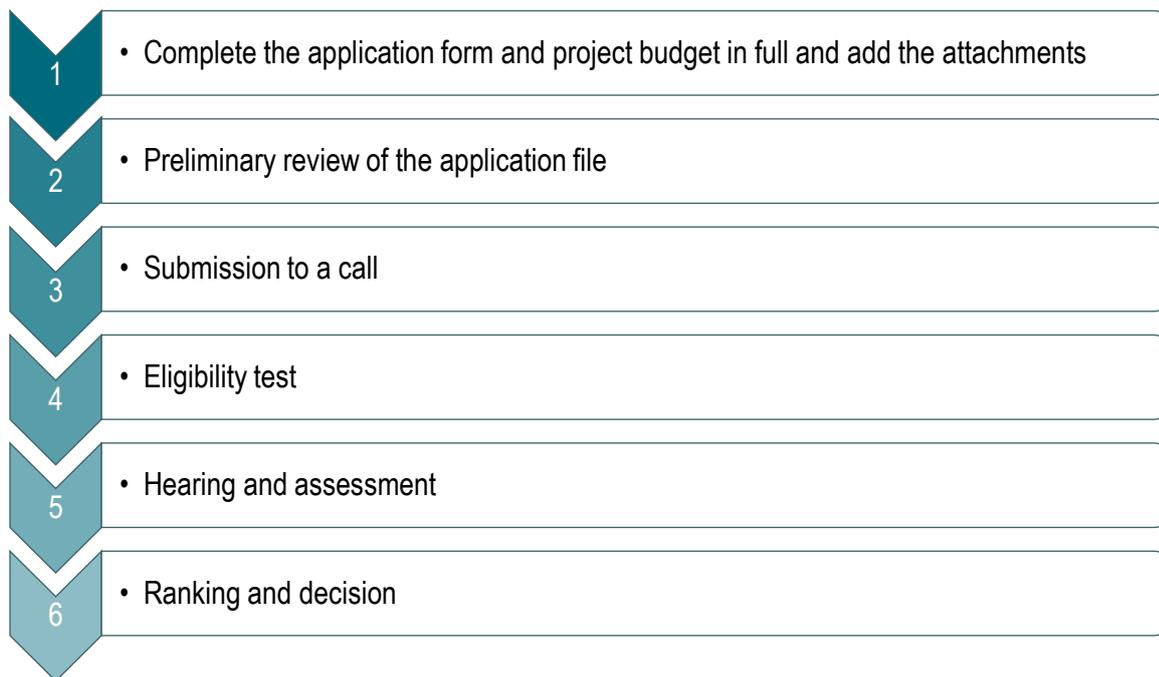
- the support shall be no more than the amount of eligible expenses. In other words, the degree of financial leverage must be at least 1
- the total state support granted to the project (See 'For what type of project can I apply?')

Repayable?

The aid is granted in the form of advances repayable on net receipts. In this context '**repayable**' means that you are under an obligation to make repayments if earnings are made, but under no obligation if earnings are not made. It also means that the repayments are independent of the level of support. The repayments could turn out to be lower, but could also turn out to be higher than the amount of aid granted (see also 'Repayment Obligation').



2.5 Application procedure



2.5.1 Complete the application form and project budget in full and add the attachments

Application form and project budget

The key documents in a Screen Flanders funding application are the application form and project budget form, which are available at www.screenflanders.be > Downloads > Documents. The two forms must be completed in full in Dutch and provide a complete picture of the project. If you cannot provide an answer to a question, please state your reasons clearly. Useful information can be found in the right-hand margin under the 'Notes' tab. Please do not add extra tabs to the Excel documents or modify them in any way.

The project budget, which consists of a financial plan as well as an overview of expenditure and an itemised list of expenses, must give a complete picture of the financial situation of the project as a whole. It must consist of a detailed and realistic estimate of all funding and expenses, regardless of whether they are eligible for support.

The finance plan must specify the funding that has already been confirmed and that is yet to be confirmed. It is also required that a clear distinction is made between the Flemish and non-Flemish financing.

The total (Flemish + non-Flemish and confirmed + non-confirmed) funding must be equivalent to the total (eligible + ineligible) expenses. Please add the names of known collaborators and companies under the detail tab.

Please note! The application and project budget cover the **(co-)production as a whole**, not simply the Flemish, Belgian or eligible part.

The project budget contains the **production budget**. Promotional costs such as, but not confined to, Prints & Advertising (P&A), must be eliminated from the financing and expenses of the project budget.

Confirmed funding

At the time of applying for aid, 50% of the total production financing must be confirmed. A (Flemish or non-Flemish) funding element cannot be described as confirmed until a document, dated and signed by all the parties, is attached showing that the other party agrees to award the sum in question to this specific project and that the term of duration, if one exists, has not expired. Letters of intent and letters of commitment are acceptable as proof of available funding.

Requests for instalments (see 'Payment') must be made on the basis of funds definitively acquired. This is evidenced by contracts signed and dated by all parties or implementation agreements mentioning the project by name and the amount. Letters of intent do not, therefore, qualify as proof of funds definitively acquired.

Please note! The following are most certainly not viewed as funds definitively acquired:

- emails
- automatic aid, i.e. aid awarded once certain conditions are satisfied, unless there is written confirmation from the aid granting authority to the effect that the sum in question will be transferred to that specific project
- a statement by the co-producer, in a co-production contract, to the effect that it agrees to provide certain funds, except deferrals in the overheads and producer's fee

Corona update

For government funds and Flemish channels, when applying for the 1st instalment, the LOIs, LOCs and confirmation letters - dated, signed by the counterparty and drawn up no more than 6 months prior – will, however, be accepted as proof of definitively acquired funding.

Expenditure

The expenditure is divided over three columns:

Eligible for Screen Flanders support

these are structural expenses in the Flanders Region that are eligible for Screen Flanders support

Flemish Community, ineligible for Screen Flanders support

these are expenses in the Flemish Community but not eligible for Screen Flanders support, such as expenses incurred before or after the spending period and expenses to be proven for the VAF

Ineligible non-Flemish

these are expenses not incurred in Flanders and not, therefore, eligible for Screen Flanders or VAF support. They concern expenses in the French-speaking Community or the Walloon Region of Belgium, or abroad



Unforeseen expenses and overheads

The total budget may only contain unforeseen expenses of up to 10% of the below-the-line expenses and overheads of up to 7.5% of the total above and below-the-line expenses.

Compulsory attachments

To give a complete picture of the project, a number of attachments are requested in addition to the application form. They are listed in the final question on the application form, which serves as a handy checklist and form an integral part of the file. The application form states clearly whether an attachment is compulsory or optional. The attachments must be numbered in the same way.

Please find an overview of the attachments below.

No.	Attachment	Compulsory	Optional
1	Signed and dated statement on honour	X	
2	Synopsis (+/- 1 A4 = minimum 400 words)	X	
3	Project budget (Excel template available on website)	X	
4	<p>Statement of intent from the producer as to the choice of project, the production and funding approach, placement in the market and the impact of the project on the Flanders Region.</p> <p>The statement must contain at a minimum the following information on the audiovisual work:</p> <ul style="list-style-type: none"> • impact on the (Flemish) production company • impact on the Flemish audiovisual sector • impact on the film crew • impact on the Flemish providers of technical services • impact on Flanders as an audiovisual and production region and as a region in general • in the case of projects already supported by VAF: impact and added value of additional support via this application. 	X	
5	Statement of intent from the author or script writer as to the choice of subject, the chosen approach or perspective, form, structure, style and visual approach to the story	X	
6	Statement of intent from the director as to the choice of subject, the style, the structure and the visual approach	X	
7	<p>Description of the audiovisual work or script. Please add the script as a separate document.</p> <p>The project description depends on the genre of the audiovisual work:</p> <ul style="list-style-type: none"> • <u>Animation</u>: a fully written script, the beginnings of a storyboard, design of characters, decor, mood boards and a description of the techniques used • <u>Documentary</u>: a detailed visual plan, content and structure, a detailed script if possible • <u>Fiction</u>: a fully written script 	X	



8	Character descriptions	X*	
9	Co-production contract(s) (+ annexes) with all co-producers listed in the application form	X*	
10	Agreed distribution guaranties as set out in the application form	X*	
11	Where an adaptation, remake or IP, format or franchise is concerned: proof that filming rights have been acquired (in the form of a valid option or contract) plus one copy of the original work (novel, play, DVD) and documentation on the IP, franchise or format in question (moving pictures or otherwise)	X*	
12	CV of the director, scriptwriter, producer, production designer, head animator and leading actors	X	
13	The most recently filed annual accounts of the company and, where applicable, a diagram of the group structure and in the case of a first request or amendments, the articles of association of the production company	X	
14	Agreements relating to copyrights and author's fees (director and scriptwriter)	X	
15	Preliminary agreements of those involved		X
16	Contracts concluded in relation to financing	X	
17	Documents on financing still under negotiation		X
18	Documents on distribution and/or screening negotiations		X
19	Financial estimate of the national distribution and international sales and possible returns for your production company and Screen Flanders, supported by a substantial note as to the saleability of the project or a marketing plan (based on USP, story, director, cast, target audience, results of original work (commercial success of a book or the original film) and the results of previous films by the director or producer, or comparable films).	X	
20	If an application was/is made for Wallimage or Screen Brussels support (whether approved or not): overview of the amounts using the dedicated form, which is available from the website)	X*	
21	Recoupment statement signed by the main producer and the producer applying for support (standard form available from the website)	X	
*: where applicable			

Contracts and agreements added as attachments will not qualify as attachments unless they are **dated and signed by the parties involved**. Annexes to agreements must also be attached (e.g. finance plan, budget, recoupment plan, etc.).

Everything in Dutch?

Synopses, notes of intent and character descriptions must be submitted in Dutch. Scripts may be submitted in Dutch, French or English, but Dutch is preferred. Articles of association, CVs, contracts and documents with regard to funding may be submitted in Dutch, French or English.

If these documents are not in any of the three permitted languages, a translation into Dutch of at least the most relevant passages of each document must be added.



2.5.2 Preliminary review of the application file

Although it is not required to submit the application for preliminary consideration, we highly recommend that you do so. It can result in very useful information, such as whether or not a given source of financing will be considered as confirmed. The aim is to give every project a favourable starting position.

2.5.3 Submission to a call

The agency will only accept applications between the opening of a call and the 12.00 deadline for that call. Documents will not be accepted after the submission date and, once submitted, files cannot be adapted.

The first call of the year will open on the date specified in the Ministerial Decree on Calls. Ensuing call(s) in that year will open at 12.00 on the latest submission date for the previous call.

Submission

Submit the completed funding application file to Agentschap Innoveren & Ondernemen (Flanders Innovation & Entrepreneurship). Applications can be submitted on weekdays between 09.00 and 17.00. The agency is located in the Ellips building, Koning Albert II-laan 35 / bus 12, 1030 Brussels, on the **19th floor**. You can also address the file to a member of (agency, see p.29) staff listed under 'Information and Contacts'.

A complete funding application file includes:

- **Two paper copies** (preferably printed recto/verso) containing the completed application, including all attachments, bound or stapled. Only the script need be added in a separate document, also in two copies. Loose leaf documents and classification folders will not be accepted.
- **Two digital copies** of the complete funding application. The application form and project budget must be submitted in Excel format. To be certain that the file is legible at our end you must (also) provide an xlsb file. The other documents must be converted to PDF. All files are to be supplied on two separate, identical, non-rewritable electronic storage devices (CD-ROM, DVD, Windows-formatted USB stick, etc.). File names of the attachments must refer to the index numbers given in the final question of the application form.
- **Two copies of the screening material** (if screening material is needed)
- **One copy of the original work** (novel, play...) (if the work is an adaptation) or documentation (if the work is an IP, franchise or format).

Do you plan to submit the application in person? Please be sure to obtain a receipt stating the date and time of submission.

Can the application be submitted by courier? It can! Your receipt will be sent to you in the post.

On the final day of submission, a member of Flanders Innovation and Entrepreneurship will staff the ground floor reception until 12.00 to take receipt of your application. Once again, it is essential that you obtain a receipt in proof of submitting your application file before 12.00.

Corona update

Due to the corona guidelines, it may not always be possible to physically deliver your application, so please get in touch with one of the contacts of the Agency for Innovation & Enterprise, details for whom can be found in point 4 of this guide.



2.5.4 Admissibility test

An application is admissible if the conditions have been fully satisfied. Use the following checklist to ensure the file is complete:

- have all the conditions relating to the support applicant been satisfied?
- have all the conditions relating to the project been satisfied?
- have the application form and project budget been completed in the Excel template?
- have the application form and project budget been fully and correctly completed?
- do all documents relating to funding viewed as available (or at least 50% of the total budget) satisfy the conditions for confirmed funding?
- have all contracts, agreements and annexes in attachments been signed?
- has the statement on honour been signed by the funding applicant's representative?
- are all the required attachments included?
- was the application submitted on time?
- have two digital and two paper copies been submitted?
- The agency will inform you whether or not your application is admissible.

2.5.5 Hearing and assessment

You are invited to present your application at a hearing. The jury, composed of three representatives from the agency and three representatives from VAF, may amend the support application (by rejecting expenses, for example, or imposing extra conditions, or adjusting the requested sum downwards) to ensure optimal use of government resources. Where expenses are rejected, the support will be proportionally adjusted. If the jury adjusts the support downwards it will also adjust the eligible expenses in accordance with the degree of financial leverage presented in the application.

At the hearing, the applicant will have the opportunity to propose an alternative recoupment position (see 'Repayment Obligation') if this arrangement improves the position for Screen Flanders. Some funding models may undermine the conventional Screen Flanders recoupment position. Extreme caution is applied to such a proposal. As it can be difficult to determine whether a given recoupment position is 'better', the conventional position is taken as standard, and alternatives are an exception.

The jury then assesses the application against the following qualitative and quantitative criteria:

- **The social and cultural added value of the audiovisual work in terms of the quality and appeal of the script (10 points)**
- **The actors involved in the audiovisual work (10 points):**
 - a) the professionalism and track record of the applicant
 - b) the quality and appeal of the cast and director
- **Efficiency and output (30 points):**
 - a) the commercial strengths of the co-production contract
 - b) the signed distribution guarantees (as set out in the financial plan)
 - c) cost-effectiveness of resources used
 - d) the feasibility of the audiovisual work's production given the resources available
 - e) the quality of the distributors and the presold territories
 - f) the free territories (being territories that generate income in the event of a sale)
 - g) the chances of a financial return and the repayment capacity
- **Effectiveness and outcome (50 points):**



- a) the amount of eligible expenditure in the Flanders Region or the degree of financial leverage created
- b) impact of the audiovisual work on the (Flemish) production company
- c) impact on the Flemish audiovisual sector
- d) impact on the film crew
- e) impact on the Flemish providers of technical services
- f) impact on Flanders as an audiovisual and filming region and as a region in general
- g) In the case of projects already supported by the VAF: impact and added value of additional support via this decision

2.5.6 Ranking and decision

Projects are ranked in descending order according to their overall score.

Please note! To receive funding, a project must achieve more than 60 points, and the budget must allow full allocation of the - possibly corrected - amount.

Does the budget exceed the approved amount of support and is another call due in the same year? If so, the surplus is added to the budget for the next call.

The agency will send an informal email informing you of its decision. If support is awarded, this email will contain some of the key figures, such as the amount of support and the eligible expenditure to be made. A formal funding award decision will then be sent containing the parameters and obligations, as well as any additional conditions attached to the project.

This award decision replaces the ministerial decisions on individual projects, which had applied until the third call of 2016.

If a project is not awarded support, a letter is sent explaining the reasons for the decision.



3 Support Award

3.1 Payment

The support is awarded *intuitu personae* and cannot be transferred to another beneficiary without the agency's written approval.

The support is paid in three instalments according to the following schedule. These instalments are paid at the earliest 30 days after the decision of support allocation, provided you have requested the instalment from the agency and submitted all the relevant information. Send your request by post or email to the account manager, whose name is mentioned in the decision of support allocation.

Requests for instalments must be made within 12 months of the end of the spending period.

A first instalment of 40% is payable once you demonstrate that at least 80% of the total funding and at least 50% of the Belgian Federal Tax Shelter investment have been **definitively acquired**. The following documents must be enclosed at a minimum:

- an updated, detailed project budget showing the current state of affairs
- all signed contracts and agreements
- the amendments form (if amendments were made) (see 'Compulsory reports')
- the co-production contract

Documents in support of **financing definitively acquired** may be provided in the form of contracts or implementing agreements mentioning the project and signed by all of the parties. Letters of intent will not therefore suffice as documents in support of financing definitively acquired (see also 'Application procedure').

Corona update

A first **partial instalment of 10%** of the aid granted if the aid applicant demonstrates, when requesting payment of this partial instalment, that he disposes of at least 50% of the funding of the total production budget, excluding VAT. Letters of intent will be accepted as valid documentary evidence of available funding (for more details, see the information on confirmed funding under 2.5.1).

However, Flanders Innovation & Entrepreneurship reserves the right to refuse this payment on the basis of reasonable grounds.

The **second instalment of 30%** of the allocated aid will subsequently be paid according to the usual rules for the entire first tranche as already in place. This can therefore only be applied for if you can demonstrate that at least 80% of the total funding and at least 50% of the amount from the Belgian federal Tax Shelter has been **definitively acquired**.

Valid evidence of this are contracts or implementation agreements signed and dated by all parties, with reference to the project. Letters of intent therefore cannot serve as proof of definitively acquired funding.

Only for government funds and Flemish channels can LOIs, LOCs and confirmation letters, signed no more than 6 months prior to application date, be accepted as valid proof of definitively acquired funding.



A second instalment of 30% is payable once the applicant demonstrates that the production has started, by means of a call sheet on the first day of shooting (fiction and documentary) or a report of the first day's animation (animation).

A third instalment of 30% is payable once the eligible expenses have been paid in full. The following documents are to be added at a minimum (see 'Inspection' below):

- the final project budget, showing the definitive state of affairs and accounting for any rejected amounts
- contracts demonstrating any remaining financing
- the accounting report mentioning if all credit notes were deducted
- the amendments form (where applicable) (see 'Compulsory reports')
- the supplier list containing at least every invoice eligible for Screen Flanders support

The agency must also have ascertained that:

- all conditions set out in the Screen Flanders decree, the Screen Flanders ministerial decree, the ministerial decree of the Calls and the decision of support allocation have been satisfied
- amendments, if any, have been reported, justified and accepted (see 'Compulsory reports')
- all deliverables have been delivered to VAF (see 'Compulsory Reports')
- the definitive and correctly drafted recoupment scheme, signed by the main producer, has been provided

Corona update

If, for the first instalment, LOIs or LOCs have been used as evidence of the confirmed funding for government funds and Flemish channels, the final agreements with these parties must still be provided in order to receive payment of the third instalment.



3.2 Inspection

The project is inspected by the agency's inspectors. An inspector will visit to inspect the elements listed in the funding decision. The findings of the inspection and any other comments (such as ex post infringements relating to admissibility) will be written up in an inspection report.

Inspections normally take place after the request for the third and final instalment, but can also be arranged on the agency's initiative. The original invoices and means of payment are to be produced for these inspections. The documents must be described and listed in Excel, in the 'supplier list', along with a series number referring to the analytical accounts at minimum, and a clear distinction must be made between invoices that are eligible for support and those that are not. This list can be taken from the analytical accounts.

See also 'For what expenses ?' for an overview of the expenses eligible for Screen Flanders support.

3.2.1 Combination with VAF support

If the project is also in receipt of VAF support, the inspection will cover the two support mechanisms at once and be carried out by one inspector from the agency and another from VAF.

3.2.2 Inspection findings

The inspection report is sent to the account manager who then processes the file. This may lead to any of the following outcomes:

- more eligible expenses in relation to the support allocation: support granted in full (a higher eligible figure cannot lead to a higher amount of support)
- fewer eligible expenses in relation to the support allocation, but more than EUR 250,000: pro rata reduction of the amount of support
- less than EUR 250.000 in eligible expenses: support withdrawn and reclamation of the amounts already paid
- other elements not satisfied: support withdrawn and reclamation of the amounts already paid

The findings of the inspection are also used to set the definitive recoupment percentage (see 'Repayment obligation' below).



3.3 Repayment obligation

The agency receives a percentage of all net receipts generated through the exploitation of the audiovisual work, the '**recoupment percentage**', as of the first euro in net receipts, in first rank and at the same time as the other financiers. This percentage is set provisionally by the jury and included in the decision of support allocation.

Recoupment percentage = support / financing definitively acquired for the audiovisual work

Repayment is entirely independent of the support amount and must conform to the approved recoupment scheme (see 'Payment'). If earnings are low, the repayments may be lower than the support received, while if earnings are high, the repayments may be higher than the support received.

When is the recoupment percentage adjusted?

Please note! The recoupment percentage is set by the jury and is only adjusted at a later date if the accepted total budget falls (recoupment percentage rises) or the aid is reduced, withdrawn or reclaimed (recoupment percentage falls). The recoupment percentage cannot fall as the result of a higher total budget.

What are the **net receipts**?

All earnings from the exploitation of the audiovisual work in Belgium and abroad, including earnings from cable and private copyrights and merchandising, that do not fall under the funding of the total cost of the audiovisual work, with the exception of the reserved rights and territories of the other producers and financiers.

The following costs may be deducted from these earnings:

- tax paid to public administrations, levies on foreign earnings, the rights paid to copyright associations and the share for theater operators
- promotion and distribution expenses involved in releasing the audiovisual work, including the making of copies, as well as the expenses involved in dubbing and subtitling the versions for festivals. These expenses must be in reasonable proportion to the sales market or production expenses for the audiovisual work
- the distribution provision and sales commissions according to prevailing international standards
- the collection account fee
- the minimum guarantees, provided they were used to finance the project
- court costs relating to sums to be collected

Deferred payments and participations cannot be deducted from the earnings.

Please note! In the event that the project is overfunded, the overfunded portion will also be viewed as earnings to which the recoupment percentage applies.

Monitoring

The agency will monitor net receipts for a minimum of 5 years and a maximum of 15, depending on the earnings generated. You must keep detailed information on all revenue and expenditure, known as the 'exploitation account', (see also 'Compulsory reports').



The exploitation account for the previous calendar year must, on 31 March of each year, be sent to the agency starting by the year following that of the first public screening, together with an audit report. In the first 5 years, you must produce these documents on your own initiative. After the first 5 years, you need only do so at the agency's request.

The first public screening is the first public screening at home or abroad, including festivals and premières.

Within 30 calendar days of submitting the exploitation account, you will pay any amounts owing to account number BE 65 3751 1174 5796 belonging to the Hermesfonds, Koning Albert II-laan 35/bus 12, 1030 Brussels, quoting the structured payment details you received from the agency. If you are unable to use the structured payment details, quote at least the application file number and the title of the project.

This obligation does not apply in territories with a Collection Account Management Agreement in which Screen Flanders is named as the beneficiary and through which it receives statements and payments directly from the Collection Account Manager.



3.4 Compulsory reports & elements

The following elements must be reported to the agency, unless it is explicitly stated that they are to be reported to VAF.

Opening and closing credits: all language and region versions are to be reviewed by VAF prior to the first public screening.

Collection account agreement: where a collection account is used, Screen Flanders will be added as a beneficiary - not as a signatory - and the Collection Account Agreements signed by all parties will be provided as and when available.

Co-production contract: all amended versions and the definitive version are to be produced (if these versions have not already been provided) as and when available.

Deliverables: during production, and immediately after completion of the master, several elements are to be supplied to VAF (Katrien Maes). The full list is available at www.screenflanders.be > **Economic Fund** > **Deliverables and communication**. These deliverables are separate from deliverables in the case of support from VAF.

Shooting schedule: the final and complete shooting schedule (showing the shooting days in the Flanders Region) is to be provided prior to the first day of principal photography.

Exploitation account: an overview of the revenue and expenditure resulting from exploitation of the audiovisual work is to be produced on 31 March of each year, starting the year following the first public screening (see also 'Repayment obligation').

Defaults and legal proceedings: every direct or indirect default or legal case relating to the project and naming the beneficiary or a third party must be reported immediately.

Production milestones: milestones such as the start of principal photography or the première screening must be reported to VAF (Katrien Maes) immediately, once known. Communications issued by Screen Flanders may be based on these dates.

Stoppage: any stoppage of the project must be reported immediately. Support will be withdrawn in the event of a stoppage, and the amounts paid may be reclaimed. Be aware that support, which has been awarded but not paid cannot be recuperated. Support awarded to one project cannot be used for another project, whether for the same production company or other production companies.

Amendments: all substantial amendments must be communicated immediately via the amendments form, which is available from the website, i.e.:

- every change in the total budget in excess of 10%
- every change in or between expense items of more than 10%
- all other changes likely to affect the quality of the project or of importance to the application, such as the title, director, DOP, lead actors, number of episodes and/or total playing time, date of first screening, changes in co-production, lapse of spending period, changes in presales and minimum guarantees by which the audiovisual work is funded, change of beneficiary/contact's seat of operations.

Only approved amendments will be accepted by the inspection.



3.5 Communication obligations

In the titles of the audiovisual work and in all promotional and advertising material and/or publications and/or information material (including press kits and releases) paid for by the (co-)producers the support of Screen Flanders must be mentioned explicitly, irrespective of the language of communication, the territory of distribution, the form (print, electronic), the storage device or the medium (cinema, television, DVD, etc.).

The opening credits must state **'Met de steun van Screen Flanders'** in a prominent and legible manner, in letters of at least equal point size to those of the (co-)producer(s) and/or co-financiers who contributed equivalent funding.

End credits must state:

**'Supported by Screen Flanders
an initiative of Flanders Innovation & Entrepreneurship (VLAIO)
in collaboration with the Flanders Audiovisual Fund (VAF)'**

Other languages?

'Met de steun van Screen Flanders
een initiatief van het Vlaams Agentschap Innoveren & Ondernemen (VLAIO)
in samenwerking met het Vlaams Audiovisueel Fonds (VAF)'

'Avec le soutien de Screen Flanders
une initiative de l'Agence pour l'innovation et l'entrepreneuriat
en coopération avec le Fonds Audiovisuel de Flandre (VAF)'

or an analogous statement in the language of the credits

A legible Screen Flanders logo (**2020 version**) must also be placed in a prominent position in the opening and closing credits and be of a size equivalent to the logos of the (co-)producer(s) and/or co-financiers who contributed equivalent funding or the media partners. If the credits do not show any logos at all, this obligation ceases to apply and a text mention will suffice.

All (language or regional) versions of the opening and closing credits must be submitted to VAF (Katrien Maes) for approval.

Screen Flanders-logo

The Screen Flanders logo and guidelines relating to its use can be downloaded in several file formats at www.screenflanders.be > Downloads > Logos.



3.6 Follow-up-checklist

Title:

File number: SCREEN.....
File processed by:

Who	When	To	OK?
(Generally) before the production:			
Decision of support: read thoroughly			
Provide shooting schedule	once available and with first instalment	Agency	
Request instalment 1	once 80% of the total budget and 50% of the Belgian Federal Tax Shelter sum are confirmed	Agency	
During and post-production (generally):			
Report amendments	once known, using the amendments form	Agency	
Provide co-production contract	once an update or the definitive version is available	Agency	
Report production milestones	once known	VAF (Katrien Maes)	
Provide deliverables	once available	VAF (Katrien Maes)	
Provide opening and closing credits	once available and definitely before the first public screening	VAF (Katrien Maes)	
Request instalment 2	after first day of principle photography	Agency	
Arrange collection of account management agreement	the fully signed version, as soon as this is available	Agency	
Request instalment 3	once all eligible expenses have been made and at the latest 12 months after the end of the spending period	Agency	
Produce the exploitation-account for the previous calendar year	at the latest on 31 March of each year (as of the year following the first public screening) and pay any amounts due within 30 days	Agency	
	Year of first public screening + 1		
	Year of first public screening + 2		
	Year of first public screening + 3		
	Year of first public screening + 4		
	Year of first public screening + 5		



4 Information and contact persons

All of the relevant information is available at www.screenflanders.be.

For more information, please contact Flanders Innovation and Entrepreneurship or the Flanders Audiovisual Fund (VAF).

You can get in touch by telephone at the numbers below or address your email to screenflanders@vlaanderen.be

Contact persons at Flanders Innovation and Entrepreneurship:

- Miek Geiregat – Tel. 02 553 06 42
- Lynn De Vlieger – Tel. 02 553 37 17
- Wolfgang Cleymans – Tel. 02 553 38 41
- **Leslie De Voogt - Tel. 050 32 50 43**

Contact persons at Flanders Audiovisual Fund (VAF):

- Jan Roekens – Tel. 02 226 06 42
- Katrien Maes – Tel. 02 226 06 38

Please contact Jan Roekens if you would like to discuss your application in advance (see 'Application procedure'). We strongly recommend doing so to ensure that your application covers the required funding and eligible expenses and contains all relevant documentation.

In the event of a dispute the original Dutch version of the Screen Flanders procedure manual shall apply.

