

The following provides details of how the BFI's Young Audiences Content Fund fulfils the terms of the General Block Exemption Regulation.

## The British Film Institute – Young Audiences Content Fund

### Member State

United Kingdom

### Region

N/A

### Title of aid Scheme

BFI Young Audiences Content Fund

### UK Legal Basis

The British Film Institute Act 1949

### EC Legal Basis

All aid provided under this Scheme will be within the limits set out in Article 54 of Commission Regulation (EU) No 651/2014 of 17 June 2014 as amended by Commission Regulation (EU) No. 2017/1084 of 14 June 2017 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (**GBER**). A full version of the Regulation can be found at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1540913231806&uri=CELEX:32014R0651>

A full version of the amending Regulation can be found at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1084&qid=1540912708493&from=EN>

### Duration of the Scheme

Aid under this Scheme may be granted until 31 March 2022.

### Granting Authority

The British Film Institute, a charity incorporated by Royal Charter dated 18 July 1983 (as amended by order of Privy Council dated 19 April 2000) and registered in England and Wales under number 287780 has been authorised by The Department for Digital, Culture, Media & Sport to implement the Scheme.

### Definitions

In this Scheme the following expressions have the same meanings attributed to them as in the GBER:

“**aid**” means any measure fulfilling all the criteria laid down in Article 107(1) of Treaty;

“**aid intensity**” means the gross aid amount expressed as a percentage of eligible costs, before any deduction of tax or other charge;

“**date of granting the aid**” means the date when the legal right to receive the aid is conferred on the beneficiary under the applicable national legal regime;

“**difficult audio-visual works**” means the works identified as such by the Member State on the basis of pre-defined criteria when setting up schemes or granting the aid and may include films whose sole original version is in a language of a Member State with a limited territory, population or

language area, short films, films by first time and second-time directors, documentaries, or low budget or otherwise commercially difficult works;

**“eligible costs”** means:

- (a) For production aid: the overall costs of production of audiovisual works including costs to improve accessibility for persons with disabilities.
- (b) For pre-production aid: the costs of script-writing and the development of audiovisual works;
- (c) For distribution aid: the costs of distribution and promotion of audiovisual works;

**“territorial spending obligations”** mean the obligations imposed by the authority granting the aid on beneficiaries to spend a minimum amount and/or conduct a minimum level of production activity in a particular territory;

**“Treaty”** means the Treaty on the Functioning of the European Union (Consolidated Version 2016) OJ C 202, 7.6.2016.

### **Objective of the Scheme**

The Scheme supports the creation of distinctive, high-quality content for audiences up to the age of 18 to be shown on television and online platforms, that have public service broadcasting values in live-action and animation and across all genres. Programmes in receipt of support are intended to:

- Inform our understanding of the world – to inform ourselves and others and to increase our understanding of the world through news, information and analysis of current events and ideas
- Stimulate knowledge and learning – to stimulate our interest in and knowledge of arts, science, history and other topics, through content that is accessible and can encourage informal learning
- Reflect UK cultural identity – to reflect and strengthen our cultural identity through original programming at UK, national and regional level; on occasion, bringing audiences together for shared experiences
- Represent diversity and alternative viewpoints – to make us aware of different cultures and alternative viewpoints, through programmes that reflect the lives of other people and other communities, both within the UK and elsewhere

### **Scope of the Scheme**

1. Development funding is available for programmes that are intended for initial broadcast on a free-to-access, Ofcom regulated service with at least significant UK-wide audience reach. A broadcaster commitment is not necessary for development funding and the Scheme prioritises new voices and emerging producers.
2. Production funding is available for programmes which have secured an initial broadcast commitment from a free-to-access, Ofcom regulated service with at least significant UK-wide audience reach.
3. Access to funding is by way of a formal application process only. All eligible applications are assessed against criteria set out in guidelines for applicants and aid is not automatically granted.

#### Incentive effect

4. All aid recipients must demonstrate that aid is required for projects to proceed by submitting a written online application before commencing project activity. The application will contain at a minimum the following information:
  - a. Name of applicant;
  - b. Description of project;
  - c. Location of the project;
  - d. List of project costs;
  - e. Form of and amount of public funding needed for the project.

#### Form of aid

5. Funding takes the form of a grant in compliance with Article 5 of GBER which is repayable if contractual stipulations are not met.

#### Compliance with Article 54 of GBER

6. The aid being provided through the Scheme supports the script-writing, development and production of audiovisual works.
7. The cultural product requiring development or production support must be capable of qualification for certification as British film through the UK's animation cultural test, children's television cultural test, high-end television cultural test or as an official co-production (with treaty partners that allow for television).
8. The funding given takes the form of:
  - (a) Aid to the production of audiovisual works through support for one-off programmes or series targeted audiences aged 18 or under; or
  - (b) Pre-production aid through BFI support for development of one-off programmes or series.
9. There are no explicit territorial spending obligations attached to the funding being offered. There are implicit territorial conditions within the UK Cultural Test but the territorial linking does not exceed 80% of the production budget.
10. The aid intensity for production funding will not exceed 50% of the eligible costs except (in accordance with paragraph 7 of Article 54) in relation to eligible co-productions or difficult audiovisual works using the UK's approved definition. The aid intensity for development (pre-production) funding cannot exceed 100% of the eligible costs and if such a project is made into an audio-visual work including a film then those development costs are incorporated into the overall budget and taken into account when calculating aid intensity.
11. A mechanism is in place as part of the assessment process to ensure that cumulation of aid does not exceed the maximum allowable aid intensities of the Scheme. Due diligence checks will be carried out during the awarding process. Aid provided under this Scheme will not be cumulated with other forms of aid nor with aid classed as *de minimis* aid in regard to the same eligible costs if the result would breach the applicable aid intensities. Aid will also not be given to companies in difficulty.

12. The aid given is not reserved for specific production activities or individual parts of the production value chain or allocated to film studio infrastructures.
13. Aid is not reserved exclusively for nationals and beneficiaries are not required to have the status of undertaking established under national commercial law. Applications for funding can be made by companies registered or centrally managed in the European Union or European Economic Area.

#### **Monitoring and Reporting requirements**

14. Records of awards made will be kept for 10 years from the date of the last award of aid under the Scheme. Records will be sufficiently detailed to establish that the conditions of the Scheme are met.
15. All awards are published on the BFI website at:  
<https://www.bfi.org.uk/film-industry/funding-awards>.
16. Details of any award (or multiple awards to a single project) exceeding €500,000 given under this Scheme will be made publicly available via a State aid website within 6 months of granting.
17. The BFI, through the Department for Digital, Culture, Media & Sport, will provide the European Commission with all information and documentation the Commission considers necessary to monitor the application of the GBER within 20 days of such request from the Commission.