



Appui à la coproduction audiovisuelle ACP
Support for ACP audiovisual co-production

EuropeAid/171459/IH/ACT/Multi

QUESTIONS & REPONSES no. 1

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11 mars 2021 - 26 mars 2021

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FR-EN

(Les réponses sont données dans la langue de l'appel à propositions dans laquelle les questions sont formulées)

(The answers are given in the call for proposals language in which they have been formulated)

DISCLAIMER

As per section 2.2.4 of the Guidelines, in the interest of equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of an applicant, a co-applicant, an affiliated entity, an action or specific activities.

AVIS

Comme stipulé dans la Section 2.2.4 des Lignes directrices, et afin de garantir un traitement équitable entre les demandeurs, l'Autorité Contractante ne peut émettre d'avis préalable sur l'éligibilité d'un demandeur, un codemandeur, une entité affiliée, une action ou d'activités spécifiques.

QUESTION 1.1

I need advice on the following clause in the guidelines for the grant call:

2.1.1. Eligibility of applicants (i.e. lead applicant and co-applicant(s) c) The partnership as a whole (Lead applicant + co-applicant(s)) must satisfy the following eligibility criteria:

- have experience in the management of film and audio-visual support funds with the following characteristics:
- have awarded at least 2 co-production subsidies in at least 2 ACP countries over the last 4 years from the publication date of this call for proposal (copy of the contract to be provided as requested under section 2.4.7) and
- have supported ACP co-productions in other ways (technical assistance, other non-financial forms of support to distribution/to co-production) in at least 2 ACP countries during the last 4 years from the publication date of this call for proposal (state of play proving the total of ACP co-productions' support as requested under section 2.4.7)

Is this call open only to previous recipients of EU grants? Please advise.

ANSWER 1.1

No, it is not. The eligibility criteria require, according to Article 2.1.1. c) of the Guidelines, to [...

1) have awarded at least 2 co-production subsidies in at least 2 ACP countries over the last 4 years from the publication date of this call for proposal and

2) have supported ACP co-productions in other ways (technical assistance, other non-financial forms of support to distribution/to co-production) in at least 2 ACP countries during the last 4 years from the publication date of this call for proposal

...].

It is not required that the support and subsidies granted be European funds.

QUESTIONS 1.2

Please I would like to be guided and advised on the following:

1. What type of representation of 80% are you talking about? It's countries in Africa or with also European countries.
2. Is there any chance for individuals working together on the project or your funding only organisations?
3. Does the fund support Film festivals or audiovisual events?

ANSWERS 1.2

1. Referring to point 1.3 of the Guidelines for applicants "Financial allocation provided by the Contracting Authority", the maximum percentage of 80% refers to the amount of the EU Contribution requested with regard to the total eligible cost of the proposed action. The remaining percentage (minimum 20%) shall be financed from sources other than the European Union Budget or the European Development Fund.
2. Please refer to section 2.1.1 of the Guidelines and the Corrigendum 1 to the Guidelines for the eligibility of applicants (lead applicants and co-applicants).

[... (1) In order to be eligible for a grant, the lead applicant shall:

- *be a legal person and*
- *be a specific type of organisation such as foundation, association, public/private sector operator, national or regional local authority, international (intergovernmental) organisation, as defined by Article 156 of the Financial Regulation of the European Union (including regional development banks and regional financial institutions) and*
- *have an annual average support capacity of at least 300 000 EUR during the last 4 years from the publication date of this call for proposal (to be proved by copies of financial acts, under section 2.4.4) and ...]*

*[...The co-applicants must satisfy the same eligibility criteria that are applicable to the lead applicant, **with the exception of the following:***

- *Have an annual average support capacity of **at least 300 000 EUR** during the last 4 years from the publication date of this call for proposal...]*

Once the successful organisations have been selected and awarded a contract under this call for proposals , they will be responsible for **awarding financial support to third parties** (production companies in ACP and EU countries, referred to as "third parties" in the text) as the main activity, in accordance with the conditions and restrictions set out in the Guidelines and in Annex M. As stated in section 1.2 of the Guidelines, "*Financial support to third parties will be awarded through existing mechanisms designed to support the audio-visual sector.*"

3. The eligible actions for third parties on the ground will be specified in the Calls for Proposals (financial support to third parties) issued by the Organizations selected/awarded through the present call of proposals **in accordance with these guidelines, and in particular with the conditions or restrictions established in Annex M.**

Please refer to paragraph (ii) of Annex M for the Types of activities eligible to a financial support.

More precisely: [*...In general, for the eligible activities:*

- *The aim is to support cinematographic and audio-visual works, including the postproduction phase.*
- *All durations, formats and genres should be accepted: short films, feature films, TV series, web content and mini-series, fiction, animation, documentaries, cross-media projects, virtual reality, 3D and video games etc.*
- *Support shall be provided for projects involving a collaboration between an author/director from an ACP country and a producer. The projects have to present a co-production partnership, made of at least 3 entities. The number of ACP entities part of the partnership must always be equal to or higher than the number of entities of other nationalities...]*

QUESTIONS 1.3

Regarding the **Calls for Proposals, ACP EU CULTURE - Support for ACP audiovisual coproduction**, we would like to confirm:

- If the Director of the film or audiovisual work must have an ACP country nationality?
- If directors based & living in permanence in an ACP country with other nationality are eligible?
- If the main promoter organization (enterprise or association) must be based in an ACP country?

ANSWERS 1.3

As provided in section 2.2.4 of the Guidelines for Grant Applicants and in the Disclaimer at the beginning of this document, *“to ensure equal treatment of applicants, the contracting authority cannot give a prior opinion on the eligibility of lead applicants, co-applicants, affiliated entity(ies), an action or specific activities.”*

Please refer to answer 1.2 (point 2), to section 2.1.1 of the Guidelines and to corrigendum 1 to the Guidelines, for the eligibility criteria for applicants (lead applicant and co-applicant(s)) under this Call for proposals.

Please refer to Annex M concerning the conditions or restrictions to award financial support to third parties.

The eligibility criteria for third parties will be specified in the Calls for Proposals issued by the Organizations selected/awarded through the present call of proposals **in accordance with these guidelines, and in particular with the conditions or restrictions established in Annex M.**

However, the lead applicant have already to indicate mandatory in Section 1 of Annex A.1 Concept Note (grant application form) and develop in Section 2.1.1 of the Grant Application Form (description of the action):

- (i) the overall objective, the specific goals and the outputs (i.e. the results) to be achieved with the financial support;
- (ii) the different types of activities eligible for financial support, on the basis of a fixed list;
- (iii) the types of persons or categories of persons eligible for financial support;
- (iv) the criteria for selecting these entities and awarding them the financial support;
- (v) the criteria for determining the exact amount of financial support for each third entity and the indicative number of projects ;
- (vi) the maximum amount which may be awarded;
- (vii) the exclusion criteria;
- (viii) the set up of a control system to verify the eligibility of costs and the monitoring of the activities, also through regular and appropriate reporting and expenditure verifications;
- (ix) Visibility.

In any event, the mandatory conditions established above for the award of financial support shall be strictly defined in the grant contract so as to avoid any exercise of discretion.

QUESTION 1.4

Concernant l'éligibilité des demandeurs et co-demandeurs : l'article 2.1.1.a des Lignes directrices prévoit que « *le demandeur chef de file doit (...) appartenir à l'une des catégories d'organisations suivantes: fondation, association, opérateur du secteur public/privé, autorité locale, nationale, régionale, organisation internationale (intergouvernementale) ...* ». Nous ne trouvons pas dans cette liste la mention « ministère » et nous ne trouvons nulle part de définition claire des notions « opérateur du secteur public » ou « autorité nationale », alors que l'autorité locale est précisément définie par une note de bas de page. D'où cette question :

Question : Le Ministère chargé de la Culture d'un État ACP (qui satisfait par ailleurs à toutes les autres conditions) est-il éligible comme demandeur ou co-demandeur ?

REPONSE 1.4

Veillez vous référer à l'Avis en début du présent document concernant les questions d'éligibilité, pour lesquelles l'Autorité Contractante ne peut émettre un avis préalable.

Toutefois, les critères d'éligibilité du présent appel, définis dans l'article 2.1.1. des lignes directrices, prévoient la participation de tous types d'opérateurs du secteur public/privé et des autorités locales, nationales et régionales.

QUESTIONS 1.5

Nous envisageons de constituer un consortium de projet incluant 1 entité d'un pays non ACP et 1 entité de pays ACP dont l'éligibilité est certaine (pour toutes les 2), et une autre entité de pays ACP qui nous semble éligible mais dont le statut légal particulier pourrait ne pas cadrer avec les critères exigés, auquel cas elle pourrait ne pas être retenue comme partenaire du projet, selon votre décision au dépouillement. Cependant nous prenons soin, dans la

conception de notre proposition, à ce qu'en cas d'exclusion d'un partenaire, la nature de nos activités et de nos résultats reste inchangée et que le consortium conserve un profil parfaitement éligible au regard de tous les critères des lignes directrices.

La question qui suit est donc purement réglementaire.

- Question 2 : La disqualification administrative d'un des membres d'un consortium entraîne-t-elle l'élimination du consortium dans son ensemble ?
- Question 2bis : Au cas où le statut juridique particulier d'un partenaire d'un consortium serait considéré inéligible lors du dépouillement administratif et que pour ce motif, ou pour un autre motif, un partenaire est rejeté par vos services, mais que, même sans ce partenaire, le consortium conserve son profil d'éligibilité et que les activités et résultats de l'action proposée sont préservés, le consortium et l'action demeurent-ils éligibles ?
- Question 2ter : En cas de réponse positive à la question précédente (malgré l'élimination d'un partenaire le consortium et l'action restent éligibles) le projet sera-t-il examiné à la hauteur de son budget initial ou sera-t-il diminué des coûts et apports du partenaire disqualifié ? le consortium peut-il déjà préciser dans sa proposition les activités et financements de substitution qui seraient engagés dans le cas d'une disqualification d'un partenaire et dans ce cas préserver le budget tel que présenté ?

REPONSES 1.5

Question 2 :

Veillez vous référer à la section 2.1.1. des lignes directrices « Éligibilité des demandeurs (demandeur chef de file et codemandeurs) ».

Tous les critères d'éligibilité et d'évaluation spécifiés dans l'appel à propositions doivent être appliqués tels quels et ne peuvent être modifiés en cours de procédure.

De plus, veuillez noter que, tel qu'indiqué à la section 2.3 des Lignes directrices, « *L'éligibilité des demandeurs et des entités affiliées est vérifiée sur la base des critères établis dans les sections 2.1.1 et 2.1.3. Si l'examen de la demande révèle que l'action proposée ne satisfait pas aux critères d'éligibilité énoncés à la section 2.1, la demande sera rejetée pour ce seul motif* ».

Les questions 2bis et 2ter sont de ce fait sans objet.