



**DANISH FILM
INSTITUTE**

**TERMS FOR
SUPPORT FOR
DOCU
MENTARY
FILMS**

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Film support

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1 PURPOSE

1.1

The Danish Film Institute (DFI) can subsidise the development, production and promotion of Danish documentary films and documentary projects as well as the participation of Danish producers in co-productions with a foreign majority producer.

1.2

The purpose of the DFI's subsidies is to secure the continual production and dissemination of different types of films, so that the overall range of Danish documentary films – in terms of artistic quality, diversity, volume and audience appeal – sustains and develops Danish cinematic art and cinema culture, both domestically and internationally.

1.3

Film subsidies are awarded under the Commissioner Scheme and as promotion and distribution subsidies; cf. the applicable Film Act and Film Agreement.

1.4

Subsidies are awarded by the DFI's board of directors.

2 DEVELOPMENT SUBSIDIES

2.1

At the recommendation of a film commissioner, the DFI can subsidise the development of a film project, if such development is deemed to be significantly important to strengthen the project artistically, financially or production-wise, or in terms of the film's distribution.

2.2

The purpose of development subsidies is to secure optimum development of the project and to form a basis for the DFI's assessment of a possible subsequent application for a production subsidy for the film project; however, cf. item 2.11.10.

2.3

Subsidies can be awarded for all forms of development costs. As examples, it is worth mentioning synopsis, pitch, treatment, research, scriptwriting, pilot, preproduction, urgent shoots, initiatives that develop the promotion and distribution of the film, and financing costs, including costs of obtaining third-party services.

2.4

Development subsidies for script development and research can be awarded to a writer, a writer-director, a producer, or a team of the aforementioned.

2.5

Development subsidies awarded as script subsidies for acquiring the rights to a literary property, or an option on such rights, may normally constitute no more than 50 % of the costs.

2.6

If application is made for a subsidy to treat a copyright-protected work, the application will not be approved until the applicant has documented that he/she holds or is able to acquire the necessary rights to the work.

2.7

Before a decision to award a development subsidy is made, the DFI performs a production and finance assessment of the project and, if applicable, a promotion assessment, however, not if the development subsidy is intended solely for script development or research.

2.8 Applying for development subsidies

2.8.1

When applying for development subsidies, the [DFI's application form](#) must be used.

Applications for development subsidies must include:

- The director's content description
- Project description and status
- CVs of key project participants
- Crew list
- Budget
- Financing plan

2.9 Budget and financing plan

2.9.1

Development subsidies are awarded based on a budget and financing plan approved by the DFI. The budget must show all costs and expenses at market prices in DKK.

2.9.2

The DFI does not normally approve continually updated development budgets in relation to the budget approved in accordance with the funding contract.

2.9.3

All expenses and costs incurred prior to the application date must be approved separately by the DFI if they are to be included in the budget.

2.9.4

The development budget may contain a contingency margin unless the development subsidy is awarded solely for script development or research. A contingency margin may constitute no more than 10 % of the budgeted development costs, excluding administrative costs.

Administrative expenses of no more than 10 % of the budgeted development costs, excluding any contingency margin, may be included in the development budget, unless the development subsidy is awarded solely for script development or research.

2.9.5

All financing agreements and co-production agreements for the project, including the producer's own investment in the project, must be presented to the DFI for approval. The co-production agreements must specify the distribution of the project's financing and rights among co-producers, investors and the producer.

2.9.6

A development funding contract cannot be issued until the producer has documented that the budget is fully financed, including a contingency margin.

2.10 Payment of instalments

2.10.1

The subsidy recipient will be notified about the DFI subsidy award in a funding contract.

2.10.2

Development subsidies are normally paid in two instalments: the first instalment after the DFI has received the producer's written acceptance of the funding contract, and the second instalment upon the DFI's approval of the final accounts and development result.

2.11 Reporting and accounts

2.11.1

The subsidy recipient must continually inform the DFI about significant conditions concerning project development progress and about significant changes to the project, including, among other things, the replacement of key project participants etc., schedule changes, changes concerning rights to the project or the script, economy and financial conditions concerning the project etc.

2.11.2

The subsidy recipient is responsible for the completion of the project development and must submit accounts for the DFI's approval no later than three months after the anticipated completion date for the project development as set out in the schedule; cf. items 5.10 and 5.11.

2.11.3

For subsidies of DKK 100,000 or less, which are awarded solely for script development or development, and which are prepared by one person only, the script contract or other corresponding written documentation constitutes the subsidy recipient's submission of accounts for the project in accordance with items 5.10 and 5.11.

2.11.4

Normally, a final commitment to the awarding of a subsequent development subsidy for a project cannot be issued until development accounts for the preceding development subsidy have been submitted, which can be approved by the DFI; cf. items 5.10 and 5.11.

2.11.5

If a subsidy recipient is awarded more than one development subsidy for the same film project, the DFI may grant an exemption from the requirement in items 5.10 and 5.11, that audited development accounts must be submitted for each development subsidy prior to the date at which subsequent development subsidies are awarded.

If the DFI grants an exemption in accordance with the above, the subsidy recipient must submit audited accounts for each individual development project in accordance with items 5.10 and 5.11 simultaneously and no later than three months after the anticipated date of completion that is set out in the schedule for the development project that was awarded a development subsidy last.

2.11.6

Normally, a production subsidy cannot be awarded until accounts have been submitted for the development project; cf. items 5.10 and 5.11.

2.11.7

The DFI may grant an exemption from the requirement that accounts be submitted for the development project before the project can be awarded a production subsidy in connection with the board of directors' reservation of a production subsidy for a certain period (LOC), cf. item 3.4.1, if the DFI considers this necessary for the realisation of the project. The LOC cannot be converted into a production subsidy until, at the earliest, the terms in the LOC have been fully met, and audited accounts for the development project have been submitted; cf. items 5.10 and 5.11.

2.11.8

Any savings in the approved development accounts against the approved budget must immediately be repaid to the DFI in a proportion equal to the DFI subsidy's share of the total development budget.

Savings on unspent contingency margins are non-repayable.

2.11.9

A commitment to a development subsidy does not imply a commitment to a subsequent production subsidy.

2.11.10

If at a later stage the film project is awarded a production subsidy from the DFI, the development subsidy

is considered a part of the total subsidy, regardless of whether the recipient of the development subsidy is somebody other than the recipient of the production subsidy.

3 PRODUCTION SUBSIDIES

3.1

At the proposal of a film commissioner, the DFI can subsidise the production of Danish documentary films and documentary productions.

3.2

Before a decision to recommend the award of a production subsidy is made, the DFI performs a production and financial assessment of the project as well as a promotion assessment of the project.

3.3 Applying for production subsidies for films with a Danish majority producer

3.3.1

When applying for production subsidies, the [DFI's application form](#) must be used.

Applications for production subsidies must, as a minimum, contain the following information and appendices:

- Treatment
- The director's vision
- Production concept
- Promotion proposal (when applying under the Commissioner Scheme)
- Schedule
- Budget
- Financing plan
- Crew list
- CVs of key project participants

Upon approval, the following additional documents must be submitted to the DFI:

- All documents and vouchers that have been audited, changed or added after the application date
- Rights agreements
- Copies of written contracts concerning the film's financing
- Delivery 1, cf. [delivery list](#)

3.4 Letter of Commitment (LOC) and Letter of Interest (LOI)

3.4.1

If the film's financing has not been finally confirmed through written agreements and/or not all documents listed under item 3.3.1 are complete, the DFI may reserve a production subsidy for a period specified in a Letter of Commitment (LOC) in connection with the board of directors' awarding of the subsidy. The funding contract cannot be issued until all terms in the LOC have been met.

3.4.2

If the terms in the LOC are not met within the time limit stipulated in the LOC, the reserved production subsidy will become void.

3.4.3

The LOC can be extended based on a written request from the applicant.

3.4.4

The DFI may issue a Letter of Interest (LOI) without a subsidy amount to show its interest in a project. However, an LOI is no guarantee that the project will be subsidised.

3.5 Budget and financing

3.5.1

Production subsidies are awarded based on a budget and financing plan approved by the DFI. The budget must show all costs at market prices in DKK.

3.5.2

The DFI does not normally approve production budgets that are continually updated in relation to the budget approved in accordance with the funding contract; cf. item 3.9.1.

3.5.3

All expenses and costs incurred prior to the application date must be approved separately by the DFI if they are to be included in the budget.

3.5.4 For certain budget items, the following applies:

- The DFI-approved development accounts must be listed in a separate budget item.
- The budget contingency margin must constitute at least 5 % and no more than 10 % of the budgeted production costs, excluding the costs of project development, administration, any completion bond and producer overheads.
- For minority productions, the budget may contain a budget contingency margin of no more than 10 % of the Danish producer's share of the budgeted production costs, excluding costs related to administration and any completion bond and producer's overheads.

- Administration expenses may constitute no more than 10 % of the budget, excluding costs of project development, contingency margin and any completion bond and producer's overheads.
- The amount of the producer's fee must be approved by the DFI, with due consideration for the character and scope of the individual production.
- The producer's overheads may constitute no more than 5 % of the budgeted production costs, excluding costs of project development, administration, contingency margin and any completion bond.

3.5.5

All financing agreements and co-production agreements for the film, including the producer's own investment in the project, must be presented to the DFI. The financing and co-production agreements must specify the distribution of the film's financing and rights among co-producers, investors and the Danish producer.

3.5.6

A production funding contract cannot be issued until the producer has documented that the budget is fully financed, including a contingency margin.

3.6 Supplementary production subsidies

In rare cases, the DFI can award supplementary production subsidies. Subsidies can normally be granted only if the entire budget contingency has been expended.

Applications for supplementary production subsidies are subject to the same terms as those that apply to applications for production subsidies.

In addition, applicants applying for supplementary subsidies must submit an updated cost report to the DFI.

Applications cannot be made for supplementary subsidies to cover administrative costs, and normally, the budget may not include a budget contingency margin.

3.7 Regional subsidies

3.7.1

The DFI can award regional subsidies for documentary film production outside the capital area. The capital area is to be understood as the geographical area covered by the Capital Region of Denmark, excluding Bornholm.

3.7.2

Regional subsidies can only be awarded to documentary films that have been awarded a production subsidy.

3.7.3

Subsidy applications can be submitted, at the earliest, together with the application for a production subsidy, and, at the latest, before the LOC is converted into a funding contract.

3.7.4

Applications for regional subsidies must include a specified budget for regional costs related to production taking place outside the capital area.

3.7.5

The DFI can award subsidies to partially cover local expenses incurred in connection with the production of the film, which contribute to the development of the local production environment.

3.7.6

The DFI can subsidise all expenses that meet these requirements, apart from expenses related to development, transport and travel, accommodation and food, archive materials, legal assistance, administration, budget contingency and producer's overheads.

3.7.7

Audited accounts must be submitted for regional subsidies, documenting that the regional subsidy has been used locally outside the capital area and in conformity with the DFI's terms for the awarded subsidy. The regional accounts must form part of the complete production accounts for the film; cf. items 5.10 and 5.11.

3.7.8

Unspent regional subsidies and regional subsidies that have not been used outside the capital area must be repaid to the DFI.

3.8 Minority productions (co-productions with a foreign majority producer)

3.8.1

The DFI can award production subsidies for foreign documentary film projects where the Danish producer, cf. item 5.2, is not the majority producer (minority productions). The DFI's subsidy is awarded as top financing. The Danish producer's share of the production costs, including fees and salary expenses for Danish creative and/or technical participation, must be approved by the DFI; cf. items 5.3 and 5.5.

3.8.2

In order for minority productions with a foreign majority producer to receive subsidies, the application must be made by a Danish producer, cf. item 5.4.3, there must be Danish creative and/or technical involvement in the production, cf. items 5.3 and 5.5, and a distribution agreement or an LOC must have been made about Danish cinema distribution, broadcast on Danish television, or other nationwide distribution aimed at a Danish audience, and the majority financing must be confirmed in written agreements.

3.8.3

In special cases, the DFI may issue a non-binding Letter of Interest (LOI) without a subsidy amount to show its interest in a project. However, an LOI is no guarantee that the project will be subsidised. The DFI may indicate, in an LOI, a non-binding estimated amount for the subsidy that the DFI would consider recommending to the board of directors if the DFI decides to recommend that the project be awarded a subsidy at a later stage. The DFI is under no obligation at a later date to award the project the subsidy amount stated in the LOI. The DFI may decide to recommend and/or award another subsidy amount, and not to award funding to the project.

3.8.4

If the agreement(s) made, and approved by the DFI, about Danish distribution is/are cancelled, and the producer does not make any other agreement to replace cancelled agreements, the DFI automatically acquires, free of charge and in addition to the distribution rights mentioned in item 3.14.1, the right to distribute the film to individuals in Denmark, cf. item 3.14.2., on its own platforms, presently known or future, by streaming and by making the film available in such a way that individuals gain access to the film in an individual place and at an individual time.

The DFI's acquisition of rights as described above is non-exclusive and valid for a period of five years calculated from the film's world premiere.

3.8.5

When applying for subsidies for the production of minority productions, the [DFI's application form](#) must be used.

Applications for production subsidies for minority productions must include:

- The Danish producer's vision
- Treatment
- The director's vision
- Production concept
- Promotion proposal (when applying under the Commissioner Scheme)
- Confirmation of Danish distribution
- Schedule
- Total budget
- Danish budget
- Financing plan
- Co-production agreement or preliminary co-production agreement (deal-memo)
- Crew list
- CVs of key project participants

Upon approval, the following additional documents must be submitted to the DFI:

- Copies of written contracts concerning the film's financing
- Rights agreements

3.8.6

If an application is rejected, it is not possible to re-apply for a production subsidy for the same project, unless the DFI assesses that the project has undergone significant changes.

3.8.7

Other terms in the present subsidy terms also apply to minority productions, unless they are specifically dispensed with.

3.9 Payment of instalments

3.9.1

The subsidy recipient will be notified about the DFI subsidy award in a funding contract.

3.9.2

Production subsidies are paid to the producer in instalments, the size of which is specified by the DFI in the funding contract.

Production subsidies are normally paid in four instalments:

- The first instalment will be paid after the DFI has received the producer's written acceptance of the funding contract, and the producer has met the applicable delivery requirements; cf. [delivery list](#).
- The second instalment will be paid when the commissioner has reviewed raw cuts or pre-edits, and the producer has met the applicable delivery requirements; cf. [delivery list](#).
- The third instalment will be paid when the producer has submitted the ISAN number and met the applicable delivery requirements; cf. [delivery list](#).
- The fourth instalment will be paid when the DFI has approved the audited production accounts; cf. items 5.10 and 5.11.

3.9.3 Payment of instalments for minority productions

For minority productions, production subsidies are normally paid in three instalments, which are specified in the commitment:

- The first instalment will be paid after the DFI has received the producer's written acceptance of the funding contract, and the producer has met the applicable delivery requirements.
- The second instalment will be paid when the producer has submitted the ISAN number and met the applicable delivery requirements; cf. [delivery list for minority productions](#).
- The third instalment will be paid when the DFI has approved the audited production accounts; cf. items 5.10, 5.11 and 3.11.4.

3.9.4

The DFI reserves the right to change the dates of payment and the amounts of the instalments if the schedule, production plan etc. are changed significantly.

3.10 Delivery of materials

3.10.1

The producer must deliver an ISAN number and archive materials relating to the film to the DFI Film Archive and Stills Archive; cf. the Legal Deposit Act, cf. [delivery list](#) in force at any time.

3.10.2

The producer must deliver materials relating to the film, for use in the DFI's PR, publishing, distribution and festival work, in accordance with the [delivery list](#) in force at the time the delivery is made.

3.10.3

The technical quality of the delivered material must be approved by the DFI.

3.10.4

Delivery in accordance with the present terms must be made free of charge and may be included in the production budget.

3.10.5

It is a requirement that films that have received production subsidies from the DFI, and which have their cinema premiere in Denmark, must be delivered with Danish subtitles.

3.11 Reporting and production accounts

3.11.1

The producer must continually inform the DFI about significant changes concerning production progress and about significant changes to the production, including, among other things, the replacement of key project participants etc., schedule changes, changes concerning rights to the project or the script, economy and financial conditions concerning the project etc.

3.11.2

During the production, the producer must forward progress reports to the DFI for information, including summarising notification about significant conditions concerning production progress and the film's distribution and promotion. Progress reports must be forwarded in the course of the film's production. The dates are agreed in connection with the recommendation for the production subsidy.

3.11.3

If the total production costs for the film will entail an overrun of the approved budget, including the entire contingency margin, the producer must prepare a new financing plan with documentation for the financing of the over spend, which must be presented to the DFI for information. The DFI's receipt of a new financing plan does not imply an approval of the over spend or any other deviations in relation to that which has previously been approved by the DFI.

3.11.4

The producer is responsible for the completion of the production and must submit the film's production accounts to the DFI for approval no later than three months after the payment of the second but last instalment; cf. items 5.10 and 5.11.

For minority productions, the production accounts with respect to the Danish share of the production costs must be audited and forwarded together with the complete production accounts for the film, which must contain an overview of the film's final funding organised by country.

3.11.5

Any savings in the production accounts against the approved budget, excluding the total unspent contingency margin, must be repaid to the DFI in a proportion equal to the DFI's subsidy share. The production accounts cannot be approved until the DFI's share of the savings has been repaid. Unspent contingency margins are non-repayable.

3.11.6

The DFI's subsidy rate is calculated based on the approved production budget.

The DFI's subsidy rate is calculated in a proportion equal to the DFI subsidy's share of the film's total financing, based on the DFI-approved production budget in accordance with the DFI's production funding contract.

Any DFI script and development subsidies for the film project are included as a part of the film's total subsidy, regardless of whether the recipient of the script and/or development subsidies is somebody other than the recipient of the production subsidy.

For minority productions, the DFI's subsidy rate is calculated in a proportion equal to the Danish producer's share (= Danish spend) of the film's total production budget.

3.11.7

If the producer procures financing that results in the total financing of the film exceeding the production costs with reference to the final production accounts, the DFI's subsidy will be reduced by a corresponding amount, which must be repaid to the DFI.

3.12 Revenue statements

3.12.1

If so requested, the subsidy recipient must submit statements of the film's revenue to the DFI.

The producer must forward the statement within 14 days of the date the request is sent. The revenue statement must be based on the film's revenue in all countries and all media.

Revenue statements must separately state revenue from Danish cinema distribution, rental and sales of DVD, VOD, streaming, sales to TV stations, and other revenue, respectively.

Distribution and promotion subsidies from the DFI must be included in the revenue statement together with other public funding for distribution and marketing.

Revenue included in the film's financing, according to the approved production accounts, including minimum guarantees, presales, etc., should not be included in the calculation of the film's revenue.

3.13 The subsidy recipient's rights

The subsidy recipient retains all rights to commercial usage of the subsidised film in Denmark and abroad.

The subsidy recipient, along with the DFI, holds the non-exclusive right to exploit the film in the non-commercial market in Denmark, Greenland and the Faroe Islands, and among the Danish minority in South Schleswig; cf. Item 3.14.1.

It is a requirement for achieving funding under the subsidy terms that the subsidy recipient and the underlying rights holders have access to having their rights reserved under the agreement licence provisions in the Danish Consolidated Act on Copyright.

The DFI's acquisition of rights under the present terms is non-exclusive. Hence, the DFI's acquisition of rights poses no restriction on the subsidy recipient's and the underlying rights holders' exploitation of the same rights in accordance with any agreements they may have made in that regard.

The DFI's acquisition of the non-exclusive distribution rights, as mentioned in item 3.14 of the present terms, implies no restriction on the right of the subsidy recipient and the underlying rights holders to make claims for remuneration under (and under schemes established via) Sections 13, 17, 30a, 35, 39-46a, and agreements covered by Section 50(2) of the Danish Consolidated Act on Copyright and similar foreign or international regulations or the like that might later supplement or change these provisions.

3.14 The DFI's distribution rights

3.14.1

The DFI's distribution rights to schools, institutions, associations, film clubs, museums, libraries and other non-commercial entities

Respecting the commercial usage of the subsidised film, the DFI has the non-exclusive right to distribute the film in any way and via any medium, including, but not limited to, DVD, Blu-ray etc., and all other presently known and future analogue, digital and interactive media and formats, to schools, institutions, associations, film clubs, museums, libraries and other non-commercial entities in Denmark, Greenland and the Faroe Islands, and among the Danish minority in South Schleswig.

The DFI's distribution rights, as described above, include the right to publicly present the film in any manner, on any platform, and in any media, presently known and future, by screenings, by streaming, and by making the film available to schools, institutions, associations, film clubs, museums, libraries, and other non-commercial entities and their students, users and members in such a way that these are given access to the film at individually selected times and in individually selected places.

The film must be submitted to the DFI no later than one month before the film's Danish premiere, so that the DFI can make use of the distribution rights to the film acquired under the present term starting from the date of the film's Danish TV premiere or the film's Danish premiere if the film does not get a Danish TV premiere.

The film's Danish premiere is to be understood as the first time the film is presented publicly in Denmark, e.g. on TV, at a cinema, on the Internet or through any other public screening, or it is distributed to the public in a way that gives a Danish audience access to the film, e.g. on DVD. The DFI does not consider festival screening to be the film's Danish premiere in this context, unless the subsidy recipient accepts this.

3.14.2 Distribution to individuals

The subsidy recipient and the DFI can enter into an agreement giving the DFI the non-exclusive right to distribute the film to individuals in Denmark, Greenland and the Faroe Islands, and among the Danish minority in South Schleswig on any platform, presently known and future, by streaming and by making the film available in such a way that individuals get access to the film in individually selected places and at individually selected times.

If the DFI and the subsidy recipient decide to enter into an agreement to transfer the rights mentioned above, the following applies:

Upon agreement with the subsidy recipient, the DFI can acquire the right to make use of these rights starting from the date of the film's Danish premiere:

- Open-ended rights acquisition: To acquire the rights, the DFI must pay the subsidy recipient DKK 50,000.
- Temporary rights acquisition for five years: To acquire the rights, the DFI must pay the subsidy recipient DKK 25,000.

Upon agreement with the subsidy recipient, the DFI can acquire the right to make use of these rights before 12 months have passed from the date of the film's Danish premiere:

- Open-ended rights acquisition: To acquire the rights, the DFI must pay the subsidy recipient DKK 30,000.
- Temporary rights acquisition for five years: To acquire the rights, the DFI must pay the subsidy recipient DKK 15,000.

Upon agreement with the subsidy recipient, the DFI can acquire the right to make use of these rights later than 12 months and before five years have passed from the date of the film's Danish premiere:

- Open-ended rights acquisition: To acquire the rights, the DFI must pay the subsidy recipient DKK 20,000.
- Temporary rights acquisition for five years: To acquire the rights, the DFI must pay the subsidy recipient DKK 10,000.

The film's Danish premiere is to be understood in accordance with the present terms as the first time the film is presented publicly in Denmark, e.g. on TV, in connection with cinema distribution or through similar public presentations.

3.14.3

Any agreement between the DFI and the subsidy recipient about the transfer of rights to the DFI in accordance with Item 3.14.2 must be in writing and must be entered into on the basis of a contract prepared by the DFI.

The DFI is not obligated to enter into an agreement with the subsidy recipient or other rights holders to the film about acquiring rights to the film in accordance with Item 3.14.2.

The DFI can automatically extend the rights for a period of another five years against a payment of DKK 10,000, unless the rights holder raises objections to this in writing.

4 PROMOTION AND DISTRIBUTION

4.1

The DFI can subsidise the promotion and distribution in Denmark of Danish documentary films, documentary projects and foreign minority productions that receive production subsidies from the DFI under the Commissioner Scheme. The DFI can also subsidise the promotion and distribution in Denmark of Danish documentary films and documentary projects produced without a production subsidy from the DFI. In all cases, the prerequisites in items 5.2 – 5.5 must be met.

4.2

The purpose of promotion subsidies is to secure the best possible exploitation of the individual film's cultural and commercial potential.

4.3

Applications may be submitted for subsidies for conditions concerning the film's promotion and distribution, and for expenses related to promotion and distribution.

4.4

Applications for promotion subsidies can be submitted by and will be awarded to the film's producer.

4.5

Applicants must use [application forms](#).

4.5.1

When applying for promotion subsidies, the [DFI's application form](#) must be used.

Applications for promotion subsidies must consist of the following:

- Promotion and distribution plan, using the DFI's form
- Budget and financing plan, using the DFI's form
- Link to / copy of the film

4.5.2

Applications for promotion subsidies must be submitted no later than eight weeks before the premiere.

However, applications for promotion subsidies for cinema promotion must normally be submitted no later than four months before the film's Danish cinema premiere.

4.6

Assessments of applications as well as prioritisation and distribution of subsidy funds will be based on the [DFI's subsidy criteria](#).

4.7

Subsidies will be awarded simultaneously for the film's promotion in all distribution windows.

4.8

If at the time of the application there is insufficient basis for applying for a promotion subsidy for all distribution windows, applications for promotion subsidies for these may be submitted separately when the prerequisites for this are met.

4.9

Before a decision can be made about a possible recommendation that a promotion subsidy be awarded, the following prerequisites must normally be met:

- The application, including strategy, campaign elements, budget, distribution plan and premiere date, must be assessed by the DFI to exploit the film's potential to a sufficient degree and be in accordance with the [DFI's subsidy criteria](#).
- Agreements about the distribution of the film must have been made with the central players, e.g. TV station, VOD distributor, streaming services, other business partners or central players concerning the film's distribution.

Cinema promotion:

- In connection with cinema promotion, applicants must, as a starting point, collaborate with a distributor who has documented experience with the promotion and distribution of Danish films to the Danish cinema market.

- The film's main poster, main trailer and final pitch must be on the market no later than two months before the film's Danish cinema premiere.
- If deemed necessary, the DFI may request that the applicant arranges for tests of e.g. campaign elements, the film's primary target group and/or its assessment of the final cut of the film.
- Data about the film, subsidised or collected by the DFI, e.g. test, exit polls or the DFI Film Base, must be available for publication no later than four months after the film's Danish cinema premiere.
-

4.10

If any significant circumstances concerning the film's promotion, marketing and distribution are changed, e.g. campaign elements, strategy, schedule, budget and distributor, the subsidy recipient must immediately inform the DFI.

Before a decision is made to change the date for the film's Danish cinema premiere, the DFI must be informed in writing about this. The Danish premiere date cannot be changed without prior written approval from the DFI.

4.11 Other promotion subsidies

4.11.1

In special cases, the DFI can provide other promotion subsidies for the film.

4.11.2

Assessments of applications for other promotion subsidies as well as prioritisation and distribution of subsidy funds will be based on the [DFI's subsidy criteria](#).

4.12 Budget and payment of subsidies

4.12.1

Promotion subsidies are awarded based on a budget that has been approved by the DFI. The budget must show all costs and expenses at market prices in DKK.

4.12.2

The DFI may approve an addition to the budget of administration expenses of no more than 10 % of the budget. The DFI will not approve the addition to the budget of expenses to cover a contingency margin and producer's overheads.

4.12.3

Subsidies are awarded based on the DFI-approved application to support the activities, expenses and costs that are stated in the approved budget.

4.12.4

The subsidy recipient will be notified about an award in a funding contract. The awarded subsidy cannot be paid until the DFI has received the subsidy recipient's written acceptance of the funding contract.

4.12.5

In the funding contract, the DFI specifies the payment instalments for the awarded subsidy.

4.13 Delivery of materials

4.13.1

For films produced without a production subsidy from the DFI, but for which the DFI awards a promotion subsidy, the subsidy recipient must forward archive materials concerning the film to the DFI's Film Archive no later than six months after the film's premiere in Denmark; cf. the [Legal Deposit Act](#) in force at the time.

It is a requirement that films that have their cinema premiere in Denmark must be delivered with Danish subtitles.

4.13.2

Delivery in accordance with the present terms must be made free of charge to the DFI.

4.14 Reporting and accounts

4.14.1

The subsidy recipient is obligated to submit promotion accounts for the DFI's approval no later than six months after the film's Danish premiere; cf. items 5.10 and 5.11.

4.14.2

Together with the promotion accounts, cf. item 4.14.1, the subsidy recipient must forward an evaluation report with summarising information about significant conditions concerning the film's promotion.

4.14.3

The subsidy recipient is obligated to submit an evaluation report for the DFI's approval no later than three months after the film's Danish premiere.

4.14.4

If so requested, the subsidy recipient must forward specified proceeds figures and turnover figures for the cinema window and other distribution windows.

4.14.5

Any savings in the promotion accounts against the approved budget must be repaid to the DFI in a proportion equal to the DFI subsidy's share of the total budget.

4.14.6

The DFI's subsidy rate is calculated in a proportion equal to the DFI subsidy's share of the total promotion costs based on the DFI-approved promotion budget in accordance with the DFI's promotion funding contract.

5 GENERAL TERMS

5.1

The following general terms apply to all forms of DFI subsidies awarded under the present terms. Subsidies are understood to mean any form of capital infusion to the project that does not constitute an investment or remuneration.

5.2 The DFI's requirements on applicant's and subsidy recipients' nationality affiliation

In order to achieve support from the DFI, applicants must meet the following requirements:

- The applicant must be a producer or a production company who at the time of application and according to existing law is domiciled in Denmark, an EU or EEA member state or in Switzerland, and who has documented experience with film production and has film production as their main occupation.
- The applicant must be an independent producer. An independent producer is understood to mean a production company or a producer who is not under the majority control of a TV station or a VOD service, neither in terms of ownership nor in business terms; cf. item 5.8.3, second section.
- The applicant is legally represented by a producer who can document being qualified for or has documented experience with film production.
- The production company / producer who submits the application must, at the time the DFI awards the subsidy, run a business through Denmark by establishing a fixed place of business or similar in Denmark in accordance with existing law.

If the person applying for a subsidy for script development or research is a writer and/or a director, the following prerequisites must be met:

- Regardless of their nationality and ethnic origin, the applicant must be resident or live permanently in Denmark or in some other way have a fundamental and significant association with Danish cinematic art or film culture.

5.3 The DFI's requirements on the film project's artistic and cultural association with Denmark

In order to be awarded funding from the DFI, the film production must contain a special artistic and/or technical aspect that contributes to promoting cinematic art and film culture in Denmark.

In order to meet this requirement, the film production must be recorded in Danish or in a Danish version, and the film production's main creative forces and main functions on the crew list must, regardless of their nationality and ethnic origin, be resident or live permanently in Denmark or in some other way have a fundamental and significant association with and/or importance to Danish cinematic art or film culture.

5.4 The DFI's requirements on subsidies for international co-productions

5.4.1

International co-productions are to be understood as film production that meets the criteria in the European Co-production Convention or in the international co-production agreements and conventions that have been made between Denmark and the country/countries with whom the Danish producer collaborates on the co-production.

5.4.2

It is a prerequisite for achieving a subsidy for international co-productions that the application is submitted by the film production's majority producer who must meet the nationality affiliation requirements mentioned in item 5.2, and that the film production meets the artistic and cultural association requirements mentioned in item 5.3, however, so that an exemption may be granted from the requirement that the film production must be recorded in Danish.

It is furthermore a requirement that the Danish co-producer as a minimum holds the distribution rights to the film production in Denmark, in accordance with the co-production agreement.

5.5 The DFI's requirements on territorial expenditure commitments (Danish spend)

When a production subsidy is awarded for film production in accordance with the present terms, it is a requirement that in terms of artistic, creative, technical and/or production, a share of the production costs is used in Denmark corresponding to the DFI's total production subsidy to the film, i.e. the DFI requires a Danish spend of 100 %.

However, it is not a requirement that Danish spend constitutes more than 50 % of the production budget.

For minority productions, it is not a requirement that Danish spend constitutes more than 50 % of the Danish producer's share of the film's total production budget.

5.6 Other prerequisites for applying for support

5.6.1

The film's director and the producer who is responsible for finances must not be the same person, unless the DFI specifically approves of this due to the project's character.

5.6.2

Applications for support for a project cannot be submitted simultaneously under more than one of DFI's support schemes. However, this does not apply to projects for which funding is sought from *Spilordningen* (the Games Scheme) and the *Tværfaglige Udviklingsordning* (the Intermedia Development Scheme).

5.6.3

It is a prerequisite for being awarded a subsidy that all rights concerning the individual project are stated in full, and that the subsidy recipient holds unrestricted rights or is able to acquire all rights to the project that are necessary for the subsidy recipient's and the DFI's exploitation of the film in accordance with the present terms.

5.6.4

The applicant must have made agreements with rights holders and cast members at the application date, ensuring that the applicant holds or can acquire all necessary rights to filming and distribution of the finished work.

5.6.5

The subsidy recipient is obligated to observe the applicable law in force at any time relating to the subsidised project/production.

5.7 Documentation, notification, subsidy calculation etc.

5.7.1

The DFI may at any time demand that the applicant / subsidy recipient submits documentation, statements, information, facts and accounts etc. of any type and character that are necessary for the case processing, including documentation that the applicant / subsidy recipient holds or is able to acquire rights as indicated in the present terms for economic and financial conditions concerning the project etc.

5.7.2

The applicant / subsidy recipient is bound by the terms, and any deviation must be agreed in writing with the DFI. The DFI must respond to requests from applicants / subsidy recipients in this regard within a reasonable period of time.

5.7.3

If the schedule and/or the financing plan are changed, the subsidy recipient must immediately forward the altered schedule and/or financing plan to the DFI for information. The DFI's receipt of an altered schedule and/or a new financing plan does not imply an approval of any deviations in relation to that which has previously been approved by the DFI concerning the same conditions or of any other conditions in the revised documents.

5.7.4

In relation to a specific project, the DFI may supplement and/or change these terms with a view to securing and/or fulfilling the intentions in the subsidy schemes and/or the project's feasibility.

5.7.5

The DFI's calculation of the specific subsidy amount in accordance with the present terms will be based on an estimate that includes all the criteria that have formed the basis for the recommendation of the individual application, including the production and economy assessment of the project, and the assessment of the target group and the distribution potential.

5.8 Cumulation of support etc.

5.8.1

Cumulation of support from the DFI and other support for the same project, and as regards minority productions, the Danish producer's share of the total project, cf. item 3.8.1, must not result in the total support intensity exceeding 100 %.

5.8.2

In accordance with item 3.6 of the subsidy terms, it is a prerequisite for the awarding of supplementary production subsidies for a project that the award is necessary for the film's completion.

5.8.3

If the producer, co-producer or investor is under the majority control of a TV station / VOD service, the investment cannot be included in the private investment in accordance with the present terms.

Majority control refers to a situation in which more than 25 % of the production company is owned by a single TV station / VOD service provider (50 % if the ownership involves several TV stations / VOD service providers), or where more than 90 % of the production company's earnings over a 3-year period derive from production agreements made with a single TV station / VOD service provider. Given the limited size of the Danish market, the DFI may grant a dispensation, upon request, from the stipulated earnings limits.

5.9 Security

5.9.1

In order to secure both the completion of the film in case of the producer's bankruptcy, and the DFI's conditional right to repayment of subsidies, the DFI may require the producer to provide satisfactory security. The producer must bear all costs of such a security.

5.9.2

The producer is obligated to complete the film. The DFI may require a completion bond to be taken out with a DFI-approved guarantor.

5.10 Accounting

5.10.1

The subsidy recipient must submit accounts for subsidised projects for the DFI's approval; cf. the [DFI's auditing instructions](#) in force at any time.

5.10.2

The accounts must include a specification of costs incurred and of earnings that have limited the costs (for instance, but not limited to, the sale of props). The accounts must also include a balance sheet.

In addition, the accounts must include a final financing overview and for feature films also a repayment overview. Furthermore, the accounts must include a separate specification of the amounts that have formed part of the project's financing, including support from funds, public grants, presales etc.

5.10.3

The accounts must include the same items as the approved budget, and the budget figures must be stated for comparison.

5.10.4

The accounts must not include expenses and costs incurred prior to the application date, which were not included in the budget that was approved on the commitment date.

5.10.5

The accounts must include a statement on any deviations from the approved budget's main items, which deviate more than 10 %, however, not for deviations of less than DKK 5,000. If the total approved budget is exceeded, the final accounts must, at any rate, include a statement on the overrun.

5.10.6

The DFI does not normally approve over spend of the administration costs and directors' and producers' fees that have been set out in the approved budget.

5.10.7

The DFI may approve that internal salaries are included in the final accounts, including over spend in relation to the budget approved by the DFI, provided that meeting the costs for the internal salaries has been necessary, relevant to and directly related to the project, that the internal salaries have continually been registered in a documentation system, and that the accountant can approve the aforementioned conditions.

5.10.8

All salaries and fees in connection with the production, as well as all due taxes to public coffers, must be paid before the accounts are submitted, and the producer must, if so requested, be able to document that such payments have been made.

5.11 Auditing

5.11.1

Accounts must be submitted in accordance with the regulations set out in the [DFI's auditing instructions](#) in force at any time.

For subsidies of more than DKK 100,000, accounts must be audited by a registered public accountant or a state-authorized accountant.

The accounts must be audited in accordance with generally accepted public auditing standards; cf. Section 3 of the Act on Auditing of Government Accounts etc. The audit must, at a minimum, meet the requirements in the DFI's auditing instructions in force at any time, including assets, liabilities, earnings, expenditure and rights agreements.

5.11.2

The Office of the Auditor General of Denmark and the DFI have access, at all times, to review accounts and vouchers, as well as all other accounting material and documents submitted by the subsidy recipient as a basis for the subsidy recipient's preparation of the submitted accounts, including as part of a random check.

5.11.3

The subsidy recipient is obligated to keep all vouchers, all financial records, and all documents that form the basis for the subsidy recipient's preparation of the submitted accounts for a period of five years after the DFI's approval of the production accounts for the film.

For projects that have not received production subsidies, the subsidy recipient is obligated to keep submitted accounts in accordance with the above for five years calculated from the DFI's approval of the last submitted accounts for the awarded subsidy.

5.12 Repayment and negligence

5.12.1

If the subsidy recipient abandons, or for other reasons prematurely terminates, a subsidised project, and no violation of the subsidy terms on the part of the subsidy recipient is found, cf. item 5.12.2, any unspent part of the subsidy must be repaid immediately, and unpaid subsidy instalments will become void. In such cases, the DFI may require auditor-certified accounts that meet the requirements in the DFI auditing instructions in force at any time.

5.12.2

The DFI's funding contract will become void, and any paid subsidies must be repaid by the subsidy recipient if the subsidy terms and/or other agreements are violated, or if it is determined that the project cannot legally be screened in Denmark.

5.12.3

The DFI can waive its repayment requirement if, in the DFI's judgment, special circumstances apply, or if the repayment requirement will counteract the objectives of the DFI's activities under the regulatory framework in force at any time.

5.12.4

The DFI may reject a subsidy application if the DFI has an unsecured outstanding account against the applicant, against a subsidy recipient who the applicant controls, or against a subsidy recipient who controls the applicant.

The DFI may also reject a subsidy application if the applicant, a subsidy recipient who the applicant controls, or a subsidy recipient who controls the applicant, is in material breach of the subsidy terms concerning another project.

If the subsidy terms are violated by a legal entity, and another legal entity applies to the DFI for support, and there is or has been physical or legal reciprocal directorship between the management or group of owners and the non-performing company's management and/or group of owners, the DFI may refuse to award a subsidy to the applying company based on a specific assessment.

5.13 Credits

5.13.1

The film's opening credits must state that the film has been produced with support from the 'The Danish Film Institute', unless otherwise agreed by the producer and the DFI. The film's credit texts and all other advertising materials must state that the film has been produced with support from 'The Danish Film Institute', stating the name and title of the film commissioner who recommended the film for a production subsidy, and the DFI logo must be displayed. The DFI must approve the design of credit texts and all other advertising materials concerning the DFI. The subsidy recipient is responsible for ensuring that it is stated clearly in all material concerning the film that the DFI has subsidised the film. The logo is available [here](#).

5.13.2

The DFI is entitled to publish any information about the film in connection with the DFI's promotion and media work, unless otherwise agreed in writing with the subsidy recipient or pursuant to legislation.

5.14 Transfer of rights to the project

5.14.1

When rights to projects that have received subsidies are transferred, the DFI must approve such transfer in writing. The DFI can oppose a transfer if the transfer entails a risk that the DFI will be unable to exercise its rights according to the present terms and other agreements made with the producer.

5.14.2

It is a requirement for any transfer of rights to projects that the DFI will not be worse off than it would have been under the present terms, the funding contract and other agreements with the subsidy recipient.

5.15 Storage of scripts, ISAN registration etc.

5.15.1

Screen versions of scripts (Final Draft) will be stored at the DFI's library where they can be read and borrowed by the public. If so requested by the scriptwriter, the DFI may decide that a script is not to be made available to the public if there are serious reasons for this.

5.15.2

The subsidy recipient is obligated to carry out ISAN registration of the completed film. The subsidy recipient must inform the DFI in writing about the film's designated ISAN number no later than at the time material is delivered in accordance with the present subsidy terms.

5.15.3

The film's producer and director must be available in connection with the DFI's promotion and marketing of the film as specifically agreed with the DFI and with due consideration for their other commitments, planned holidays and similar.

5.16 The DFI's rights

5.16.1

The DFI holds the rights to screen the film at festivals, domestically and internationally.

The DFI is entitled to distribute festival copies produced with support from the DFI in any way and through any medium, all presently known and future analogue, digital and interactive media and formats, and through the use of links to the festival copy of the films / TV programmes to the extent that this is necessary for the films' and TV programmes' selection, participation, promotion etc. at international festivals in accordance with the present terms.

5.16.2

The DFI is furthermore entitled to screen the film domestically and internationally as a part of its film-cultural activities, including to paying audiences.

If the film is still playing in cinemas in the same geographical area, the DFI may screen the film only at individual, special events. The DFI must notify the producer of such screenings.

In case of screenings to paying audiences, the DFI is obligated to follow market prices, if the film is in commercial distribution.

5.16.3

The DFI is entitled to use trailers, teasers, film posters, film quotes, stills and other image materials, including frame grabs, dialogue sequences, and excerpts of title scores and of the film in the promotion of subsidised film productions domestically and internationally as well as in the exercise of the DFI's distribution rights, cf. item 3.14, and as a part of the DFI's film-cultural activity; cf. the Danish Film Act, the Order on Regulations for the DFI and the Danish Film Agreement in force at any time. Furthermore, the DFI is entitled to use the materials, with appropriate credits, in the DFI's publications, including in video formats (DVD, Blu-ray etc.) and on the Internet, on all platforms, as well as in festival and press contexts. All images must be provided to the DFI with crediting of the stills photographer and with indication of the director, scriptwriter and producer.

5.16.4

The DFI has the unrestricted right to produce copies of the film and other materials, cf. items 5.16.1 and 5.16.3, with a view to exercising the DFI's rights under the present terms.

5.16.5

There is no time constraint on the DFI's acquisition of rights under the present terms.

As regards the rights to the music used in the film and any archive materials and similar, the DFI may, considering the circumstances and by written agreement with the subsidy recipient, approve that the subsidy recipient's acquired rights to exploit these rights are temporary.

The DFI can transfer the rights acquired under the present terms to a third party for use in the DFI's exercise of these rights under the present terms.

5.16.6

The DFI's exercise of its rights under the present terms does not imply an obligation to pay remuneration to the producer or others, unless this has been agreed in writing.

5.16.7

The subsidy recipient is obligated to enter into agreements with the relevant rights holders and cast members so as to secure the DFI's free and unrestricted exercise of the DFI's rights to the finished production, as described in the present terms. The subsidy recipient must document to the DFI that the necessary rights have been acquired by the subsidy recipient. The subsidy recipient must indemnify the DFI against any claim from rights holders or third parties that may arise from the DFI's exercise of its rights under the present terms or under any other agreements with the subsidy recipient.

5.16.8

The subsidy recipient is obligated to append the present terms to all contracts and agreements relating to the film regarding circumstances that are regulated by the present terms or that might otherwise be of importance to the DFI's rights under the present terms.

The present subsidy terms have been set down by the DFI's board of directors in accordance with the existing Danish Film Act, the Order on Regulations for the DFI, the Danish Film Agreement 2015 – 2018, and the DFI's regulations, and in accordance with the applicable practice of the EU Commission, these must be reviewed no later than six years after the subsidy terms enter into force.