

Governmental Ordinance no. 39 of 14 July 2005 on Cinematography

Text in force as of 21 June 2007

(Text updated on the basis of the modifying normative acts published in the Official Journal of Romania, Part I, until 18 June 2007) :

- Law no. 328/2006 for the approval of the Government Ordinance no. 39/2005 was adopted with amendments, as follows;

- Government Emergency Ordinance no. 97/2006, approved and amended by Law no. 145/2007;

- Decision of the Constitutional Court no. 227/2007*;

- Law no. 145/2007;

- Law no. 174/2007.

At present, the normative acts marked with asterisk () are being modified, repealed or rejected and the amendments made by means of these normative acts on Government Ordinance no. 39/2005 are no longer valid*

NOTE:

By Order of the Minister of Culture and Religious Affairs no. 2379/2006, the methodological norms for the implementation of the Governmental Ordinance no. 39/2005 on Cinematography were approved.

On the grounds of Article 108 of the republished Constitution of Romania and of Article 1, paragraph VII.3 of Law no. 209/2005 on the empowerment of the Government to issue ordinances,

The Government of Romania has adopted the present ordinance.

CHAPTER 1

General provisions

ARTICLE 1

(1) The present ordinance regulates the general background for developing activities within the field of cinematography, the support of the development of the film industry, of culture and cinematographic education in Romania, the way of constituting and of using the financial resources for fulfilling, distributing, exploiting and archiving the creations of the national cinematography, the administration of goods that are a part of the national cinematographic heritage, as well as the organization of the National Centre of Cinematography as a specialized body of the central public administration in the field of cinematography.

(2) From the provisions of the present ordinance benefit the natural and legal Romanian persons, as well as those from the Member States of the European Union, authorized as such, in keeping with the principles of the freedom of establishment, of the free movement of goods and services, as well as of non-discrimination on grounds of nationality.

ARTICLE 2

Regulation of the activities in the field of cinematography concern mainly the following objectives:

- a) developing the film industry in Romania and supporting the vocational training in the field;
- b) encouraging the private initiative in the field of creation, financing, production, distribution and exploitation of the Romanian films or of films that are made with Romanian participation;
- c) promoting the national cultural identity and of the national minorities in Romania by creation of cinematographic films and promoting the latter in the world values circuit;
- d) promoting an open competitive system of access to the financial credit sources in the Cinematographic Fund;
- e) developing the European and international cinematographic cooperation;

f) protecting, developing and promoting the heritage of the national cinematography.

ARTICLE 3

For the purposes of the present ordinance, the terms and expressions hereunder have the following meaning:

a) cinematography – cultural industry of national importance, which creates added value by exploiting and spreading the cultural diversity, aiming at creating, distributing and exploiting the cinematographic films and includes the sum of activities and persons that work in this field;

b) cinematographic film, hereinafter called "film" – the final product of some artistic and technical activity specific to the field, with the aim to create fiction films, animation films, documentaries, of any duration, irrespective of the support used, and that are initially brought out by the on screen projection in cinema halls or in outdoor film theatres or in other spaces intended for this purpose;

c) Romanian film – the film that is produced mainly with artistic and technical Romanian participation, according to the criteria set forth in annex no. 2, which is an integrated part of the present ordinance, observing as well the regulation issued on the basis and for the enforcement of the provisions of the present ordinance, hereinafter called "regulation";

d) co-production film – a film in which the Romanian participation to the total costs of the production cannot be lower than 20% for the bilateral co-productions and, respectively, 10 % for the multilateral co-productions set forth in this regulation;

e) art film – the film that, by its artistic quality, contributes to the development of the cinematographic culture and to the national, European and universal cultural diversity, classified as such by the commission within the Registry of Cinematography;

f) producer – natural or legal person authorized as such, registered with the Registry of Cinematography, which initiates and supports on its own the creation of a film, ensuring for this purposes the financial, organizational and technical conditions;

g) co-producer - authorized natural or legal person, which participates with technical means and/or financial in the creation of a film;

h) delegated producer (delegated person) – natural person assigned by all the co-producers, which carries out actions that are specific to the producer, on his behalf;

i) *executive producer – natural person hired by the producer, that, within the limits of the budget granted by this latter, coordinates and is responsible for the actual creation of the film within the established artistic, financial and organizational parameters;*

j) *financer – natural or legal person that participates in the financing of a film and that has no rights attached to its negative;*

k) *film authors – the script writer, the director, the author of the original music, as well as other natural persons that contribute in a creative way to the creation of the film, defined as such in the provisions of Law no. 8/1996 on author's rights and neighboring rights, with further amendments and completions;*

l) *direct credit – the reimbursable financial credit, without interest, granted from the Cinematographic Fund after winning a contest for the film production and the development of projects, according to the provisions of the regulation;*

m) *non-reimbursable financial support – the non-reimbursable amounts of money allotted from the Cinematographic Fund, the immediate financial support of films with high success to the public and artistic quality, for the distribution and the exploitation in theaters of Romanian films or films with Romanian participation or for the organization or the participation in festivals and field fairs, as well as for supporting programmes on cinematographic culture and education or for the operating of art cinematography;*

n) *film distributor- natural or legal person that is authorized as such, registered with the Registry of Cinematography , whose object of activity is the film distribution;*

o) *film distribution – the activity that aims at presenting, by means of on screen projections to the public, of a film in theaters or in other spaces defined as such, selling broadcasting rights to the television channels, of video cassettes or DVDs, as well as the film import or export;*

p) *theater – any space endowed with cinematographic equipment in view of a public presentation, by means of on screen projections, of a film where one charges the counter value of the entrance tickets;*

r) *art theater – the theater that shows art films in a proportion of minimum 50% from the annual shows schedule, out of which at least half is reserved for the European and/or Romanian films;*

s) *difficult films – films that may have reduced chances of cinematographic exploitation and are characterized by: a high level of creative risk, renewing the*

cinematographic language by narrative and innovative expression modalities, as well as offering an artistic alternative to commercial cinema. Difficult films fulfil at least three of the following objectives: they are films of cultural interest of high complexity and whose creation supposes a high degree of difficulty, for instance historical films; they implement new cinematographic technologies in a creative and innovative style; they promote new and inventive ideas in the form and in their content; they have got minimum chances or they do not even have the possibility of acquiring commercial success due to the experimental style in which they are produced; they promote debuts in features, short subject films or pilot-films under 10 minutes, except for the advertising spots that may hold a commercial potential; they support the development of creation communities and of creation of films from at least two countries;

s) low-budget films – films having budgets considerably lower than the average budget of a film within the same category, made within the previous year;

t) project development – consists in the activities aiming at carrying out a cinematographic project of the following type: writing or re-writing of the script, documentation, drawing up the budget and the financing plan, the identification of the financial sources, as well as other activities dedicated for this purpose;

†) film production – all the operations developed since the first day of the preparations until the last day of post-production, aiming at accomplishing the standard copy of the film;

u) direct costs – the expenses incurred, registered, brought out and justified on the basis of accountancy acts set forth, drawn up and issued according to the law; the modality of registration in the accountancy is made according to the methodological norms of enforcement issued on the basis of the present ordinance.

CHAPTER 2 The National Centre of Cinematography

ARTICLE 4

(1) The National Centre of Cinematography shall be reorganized and shall operate as a specialised body of the central public administration in the field of cinematography, public institution of national interest, having legal personality, subordinated to the Ministry of Culture and Religious Affairs.

(2) The National Centre of Cinematography has its headquarters in the municipality of Bucharest, no. 4 – 6 Dem. I. Dobrescu Street, sector 1.

(3) The activity of the National Centre of Cinematography, as well as of the units subordinated to it, is financed from its own sources and from subventions coming from the state budget, allotted through the budget of the Ministry of Culture and Religious Affairs.

ARTICLE 5

(1) The National Centre of Cinematography is coordinated by a managing board, hereinafter called “Board”, made up of seven members.

(2) The members of the Board are appointed by order of the Minister of Culture and Religious Affairs for a time frame of two years.

(3) The Board is made up of:

a) five members appointed upon the proposal of the unions and associations in the field of cinematography;

b) a member proposed by the Ministry of Culture and Religious Affairs;

c) the general manager of the National Centre of Cinematography.

(4) The members of the Board are paid with a monthly amount representing 25% of the gross salary of the general manager of the National Centre of Cinematography.

(5) The National Centre of Cinematography is run by a general manager, appointed by order of the Minister of Culture and Religious Affairs after a contest that was organized according to the law.

(6) The General Manager of the National Centre of Cinematography is, by right, the president of the Board.

(7) The General Manager of the National Centre of Cinematography is the secondary credit release authority and represents the institution in its relationships with third parties.

(8) In exercising the attributions that fall under its responsibility, The General Manager of the National Centre of Cinematography issues decisions with normative or individual character.

(9) The organization and the operating of the National Centre of Cinematography, as well as the attributions of the Board are established by means of government decision, upon the proposal of the Ministry of Culture and Religious Affairs, within 30 days from the entry into force of the present ordinance.

ARTICLE 6

(1) The National Centre of Cinematography fulfils the following duties:

1. draws up, under the coordination of the Ministry of Culture and Religious Affairs, the strategy and the policies in the field of cinematography subsequently submitting them for approval to the Government;
2. draws up and submits for approval to the Government, by means of the Ministry of Culture and Religious Affairs, draft laws for its field of activity;
3. issues, in keeping with the present ordinance, norms and methodologies concerning the running of activities in the field of cinematography;
4. issues regulations, norms and instructions for the institutions subordinated to it;
5. participates, together with the Ministry of Culture and Religious Affairs and the Ministry of Internal Affairs, in the initiation and in the negotiation of the conventions, agreements and other international arrangements in the field of cinematography, according to the present ordinance;
6. proposes to the Ministry of Culture and Religious Affairs the conclusion of conventions, of agreements and of arrangements of international cooperation, as well as the adhesion or, as occasion arises, the ratification of international convention in its field of competence;
7. issues norms, ensures the organization, the operating and the management of the Registry of Cinematography as a unitary record instrument for natural and legal persons that carry out activities in the field of cinematography;

8. issues norms and ensures, by means of the Registry of Cinematography, the classification of the films, as well as of the halls and outdoor film theatres or of any other spaces where public films are shown, according to the level of technical endowment and of the comfort facilities and of the view offered to the audience;

9. suspends or withdraws the established classifications, in case of non-compliance with the conditions set forth in the norms and methodologies issued;

10. manages and exploits the national heritage of cinematography, according to the present ordinance;

11. ensures, under the terms of the present ordinance, the financial resources that are necessary for preserving, maintaining and modernising the goods that belong to the national heritage of cinematography;

12. can lease or concede goods belonging to the national heritage of cinematography, according to the present ordinance;

13. allots financial resources in view of the preservation, restoration, turning to good account of Romanian cinematographic films, as well as of other assets part of the national heritage of cinematography, under the terms of the present ordinance.

14. ensures the collection and the effective management of the Cinematographic Fund, according to the present ordinance;

15. initiates the necessary regulations and ensures the organization and the development of the assessment and of the selection, in an open and competitive system, of the cinematographic projects, for the purpose of granting financial support, under the terms of the present ordinance;

16. grants, according to the provisions of the present ordinance, direct credits for film production and for project development;

17. grants non-reimbursable financial support for the support of cinematographic culture and educational programmes, for distributing and exploiting the Romanian films within and outside the Romanian territory, as well as for art films;

18. analyses the way of using the financial credits allotted from the Cinematographic Fund and provides legal measures that are necessary for recovering the latter in case of non-compliance with the legal provisions and credit contractual clauses;

19. may grant financial support, under the terms of the present ordinance, for the organisation of cinematographic festivals, the participation of films and Romanian

professionals in national and international field exhibitions, by setting up stalls, exhibitions and promotional activities within the latter;

20. initiates, organizes and supports financially, under the terms of the present ordinance, any other forms of turning to good account the Romanian cinematographic works and of the national cinematographic heritage;

21. awards the National Prize for Cinematography on a yearly basis and can institute prizes for the creation and for the production of Romanian films;

22. issues statistic speciality indicators and ensures the collection of statistic data for its field of activity;

23. edits, publishes and markets the Statistical Yearbook of Cinematography, other speciality publications and can support the publishing of such publications;

24. may directly or in cooperation initiate and commercialize transfers of Romanian films belonging to the national cinematographic heritage, on any support, observing the legislation concerning author's rights and neighboring rights;

25. establishes, with the approval of the Ministry of Culture and Religious Affairs, the prices and tariffs for the services that it provides, as well as for those provided by the institutions that are subordinated to it;

26. organizes and finances the vocational training and specialisation activities of the professionals exercising trades specific to the field of cinematography, and for whom there are no other forms of tuition, and issues vocational certificates for this purpose;

27. cooperates, under the terms of the present ordinance, with the non-governmental organizations, the trade unions and the patronages within the field of cinematography, as well as with other structures of the civil society, controls and ensures the observance of the regulations in the field of cinematography, applies the civil sanctions provided for in the present ordinance;

28. grants specific support to the producers, distributors and exploiters of theaters for the access to the national and international financing forms;

29. makes propositions to the Ministry of Culture and Religious Affairs as to representatives of Romania in international and inter-governmental bodies in the field of cinematography.

30. signs and approves, in the capacity of national competent authority, the requests for approval in the legal regime of European cinematographic co-productions.

(2) The National Centre of Cinematography fulfils any other attributions set forth by legal provisions, for the purpose of development of the national cinematography and promotion of the Romanian films.

CHAPTER 3

National Films Archive

ARTICLE 7

(1) The National Films Archive is subordinated to the National Centre of Cinematography and is an of public interest institution, with legal personality.

(2) *The employees of the National Films Archive benefit from the provisions of the Government Ordinance no. 9/2005 concerning the salary raises that shall be granted in 2005 to the wage-earner budgetary personnel according to Government Emergency Ordinance no. 24/2000 concerning the system of establishment of the base salaries for the contractual personnel in the budgetary sector and to the wage-earner personnel according to annexes no. II and III to Law no. 154/1998 concerning the system of establishment of the base salary in the budgetary sector and of indemnities for persons holding appointments of public dignity, approved with amendments and completions by Law no. 112/2005, with further amendments.*

ARTICLE 8

(1) The National Films Archive acts as legal and voluntary depository having as main attributions the collection, the preserving, the restoring and the turning to good account of films, written documentaries and any other measure of the Romanian and universal cinematographic culture, as well as the organization and the support, by means of the Romanian Cinematheque, of the promotion of the cinematographic culture in Romania.

(2) *All natural and legal persons, recorded with the Registry of Cinematography and that distributes cinematographic films on the Romanian territory can reposit in the National Films Archive, voluntarily, for the purpose of being stored, a positive copy for each title of film presented in the cinematographic halls within the Romanian territory.*

(3) *the voluntary repositing of film copies, with the aim of being stored, shall be carried out in full observance of the provisions of Law no. 8/1996 on author's rights and neighboring rights, with further amendments and completions*

ARTICLE 9

(1) The National Films Archive is financed from the budget of the National Centre of Cinematography.

(2) The National Films Archive is run by a manager who acts as third party credit release authority.

ARTICLE 10

(1) *The Romanian Cinematheque and the Film Restoration Laboratory operate within the National Films Archive.*

(2) *For the purpose of training and developing the cinematographic culture, as well as the promotion of the Romanian film and of that one performed in co-production, with Romanian participation, the Romanian Cinematheque develops its cinematographic cultural programmes in the "Union" and "Eforie" theatre halls in the municipality of Bucharest, as well as in other halls and outdoor film theatres in Bucharest or on the Romanian territory.*

(3) *The National Films Archive administers the following theatre halls: "Union", "Eforie" and "Studio" in the municipality of Bucharest.*

ARTICLE 11

The organization and the operating of the National Films Archive are approved by government decision, upon the proposal of the Ministry of Culture and Religious Affairs, within 30 days from the entry into force of the present ordinance.

CHAPTER 4

Cinematographic Fund

ARTICLE 12

(1) *In order to ensure the financial means that are necessary for the development of the cinematographic activity, as well as for the fulfilment of the attributions under the responsibility of the National Centre of Cinematography, the Cinematographic Fund shall be constituted.*

(2) The Cinematographic Fund is constituted out of the financial resources established according to the provisions of the present ordinance.

(3) The capital expenses, the personnel costs, as well as the material expenses that are necessary for the fulfilment of the attributions and responsibilities that belong to the National Centre of Cinematography, according to the present ordinance, as well as the administration expenses of the Cinematographic Fund are supported out of funds that are allotted from the state budget and out of its own income.

ARTICLE 13

(1) The Cinematographic Fund is constituted out of the following sources:

a) the collection of a contribution of 2% from the sale price and/or rent of the recorded video cassette, of DVDs or any other recorded support, which can be multiplied on video or digital support, which adds to the price of the latter, being payable by the economic agent that carries out the sale and/or the en gross lease; the economic agents en gross distributors of recorded video cassettes, DVDs or any other recorded support, the can be multiplied on video support or digitally, are bound to transmit to the National Centre of Cinematography the list of concluded sale contracts and/or of lease including the consideration of the latter and the identification data of the contractual partners, presenting as well the licenses of the respective titles; in the case of films classified in the Registry of Cinematography in the XXX category, with prohibition of public show, the contribution is of 10%;

b) the collection of a contribution of 4% from the counter value of the advertising time contracted by the public and private television channels, a contribution that adds to this price and that is charged to the advertising agent, by the intermediary company that buys the advertising time and is bound to communicate to the National Centre of Cinematography the list of all concluded contracts, including the value of the latter and the denomination of the selling agents;

c) a percentage of 3% from the price of the advertising time sold by the private TV cable companies cashed from the program of their own air space, cable tv providers which are licensed to produce their own programs and which are added to the price; the cable television provider will pay the contribution to the Cinematographic Fund;

d) a percentage of 5% from the exploitation of the cinematographic films of any kind and on any type of support, within film theatres or other spaces destined to public audiences; the payment obligation falls upon the exploiters;

e) a percentage of 1% from the monthly income earned by the economic agents out of cable, satellite and digital re-broadcasting of televised shows;

f) a 4% percentage of the annual profit cashed by the economic operators that organize gambling; payment is due up to the 31 May of the respective year for the previous year;

g) a 50% percentage from the income cashed from selling halls and outdoor film theatres, as well as their afferent land ;

h) the interest afferent to the availabilities in the account of the Cinematographic Fund within the State Treasury ;

i) other revenues in accordance to the provisions of the law.

(2) The sums owed for the contributions provided for in paragraph (1) letters a) - f) are deductible expenses when calculating the taxable profit of the respective economic agents, in accordance with the stipulations of Law no. 571/2003 regarding the Fiscal Code, with subsequent modifications and completions.

(3) The contributions provided for in paragraph (1) letters a) – f) shall apply to the total cashing, out of which the afferent VAT and/or the show tax, as well as the cinematographic postmark tax, were deducted.

(4) The own income of the National Centre of Cinematography is gathered from the following sources:

a) sources obtained from the administration and exploitation of works from the national cinematographic heritage, under public or private state property, in accordance with the present ordinance;

b) income obtained from renting and leasing of buildings or other goods under its administration, in accordance with the present ordinance;

c) tariffs charged for the operations of classification, registration and authorization within the Registry of Cinematography; tariffs are established and updated periodically upon the proposal of the general manager of the National Centre of Cinematography ;

d) collecting a contribution of minimum 25% percentage of the net income earned from the transfer granted on the grounds of a tender, when the case may be, for the

broadcast and exploitation rights of Romanian films within the national cinematographic heritage, in accordance with the stipulations of Law no. 8/1996 on author's rights and neighboring rights, with further amendments and completions;

e) income obtained from performing specific activities, accepting donations and patronages, as well as any income earned in accordance with the present ordinance;

f) a percentage of 5% of Cinematographic Fund, out of which 3% for the National Films Archive, for preserving, restoring and turning to good account the Romanian cinematographic films, and 2% for the expenses for the administration of the Cinematographic Fund.

ARTICLE 14

The economic agents are bound to declare and transfer to the National Centre of Cinematography the amounts provided for in Article 13 paragraph (1) letters a) – e) until the 25th of the current month for the previous month, as well as to submit the list of the contracts concluded, provided for in Article 13 paragraph (1) lit. a) - c), by mentioning their value.

ARTICLE 15

(1) For the delay in transferring the amounts due by the economic agents, according to the provisions of Article 13, delay penalties are charged according to the legal regulations concerning the tax regime and the taxes that are due to the State budget.

(2) To follow the cashing of the owed amounts, the National Centre of Cinematography is authorized to apply the forced execution proceedings, in accordance with the regulations in force.

(3) The delay penalties that are cashed according to the provisions provided for in paragraph (1) represent sources for the Cinematographic Fund and are used according to the provisions of the present ordinance.

ARTICLE 16

(1) The authorized legal persons, provided for in Article 13 paragraph (1) letters a) and c) may opt for the direct financing of the film production, under the terms of the

present ordinance, with up to half of the owed amount, upon the producers' request, and after having notified the National Centre of Cinematography.

(2) All authorized natural and legal persons, provided for in Article. 13 paragraph (1) letter d), may opt, after having notified the National Centre of Cinematography, for the direct financing of the production or distribution of Romanian films, according to the provisions of the present ordinance.

(3) All authorized legal persons, provided for in Article. 13 paragraph (1) letter b), may opt for the direct financing of the television films production – documentaries or fiction – with up to 1% out of the advertising time, upon the request of television stations and after having notified the National Centre of Cinematography, and for the direct financing of cinematographic films productions under the terms of the present ordinance, with up to 1.5% of the counter value of the advertising time, upon the request of television stations and after having notified the National Centre of Cinematography.

(4) The amounts of money which were not used according to paragraphs (1) - (3) shall be transferred in the account of the Cinematographic Fund until 31 December of the current year.

(5) The notifications drawn up according to paragraph (1) shall be submitted on a quarterly basis to the National Centre of Cinematography.

(6) The sums invested according to the provisions of paragraph (1) - (3) shall be subtracted from the full amount of the contributions owed to the Cinematographic Fund under the terms of the present ordinance.

(7) The contribution of the natural persons and legal entities provided for in paragraph (1) - (3) represent the participation of the respective economic companies in the production and the distribution of the film not being included in the full amount of the direct credit granted, in accordance with the provisions of the present ordinance

ARTICLE 17

(1) For the purpose of supporting the production of cinematographic films, the Romanian Television Company shall contribute with an amount that represents 15% of its own income earned out of advertising.

(2) The Romanian Television Company may opt for financing directly the film production, under the terms of the present ordinance, with up to half of the sum owed to

the Cinematographic Fund, upon the request of the producers and after the notification submitted to the National Centre of Cinematography.

(3) The amount which is not used shall be transferred in the account of the Cinematographic Fund, not later than 31 March of the current year, for the previous year.

ARTICLE 18

At the end of each year, the amount in the Cinematographic Fund which was not used shall be carried forward with the same destination for the next year.

CHAPTER 5

Mechanisms and financing modalities for some activities within the Cinematographic Fund

SECTION 1

Financing through direct credit granting

ARTICLE 19

The National Centre of Cinematography grants, in compliance with the provisions from the present ordinance, direct credits for all natural persons and legal entities authorized and recorded with the Registry of Cinematography, out of the Cinematographic Fund.

ARTICLE 20

(1) The direct credit is granted in compliance with the present ordinance, for:

- a) all types of film production : fiction, documentary, animation;
- b) film projects development.

(2) The direct credit is granted by the National Centre of Cinematography in compliance with the provisions of the present ordinance and of the regulation.

(3) The direct credit for the production cannot exceed 50% of the total value of the budget intended for production costs.

(4) Difficult films and low budget films are excepted from the limit provided for in paragraph (3).

ARTICLE 21

(1) Direct credit for project production and development may be requested by the authorized natural persons and legal entities that have won a selection session and have fulfilled the following conditions:

- a) they are registered with the Registry of Cinematography ;
- b) have a share capital of minimum 20.000 RON, in the case of legal entities, they present a bank performance bond, with the equivalent sum, issued in favour of the National Centre of Cinematography, in the case of natural persons;
- c) *provide their own contribution of minimum 6% of the total film production budget, in cash, services or in kind ;*
- d) in the case of cinematographic co-productions, their own contribution of the minimum 6% refers to the participation of the Romanian party;
- e) have obtained, in compliance with the provisions of the present ordinance, the written approval of the script author/ authors, as well as the exploitation right of the produced film ;
- f) present the project file drawn up in compliance with the provisions of the regulation;
- g) *include in the film's production estimate costs that cannot exceed the following maximum quota:*
 - 10% for the fee of the producing companies;
 - 10% unforeseen expenses;
 - 5% for the director's fee, as well as for the transfer of the rights coming from this activity;
 - 4% for the script writing fee, as well as dialogues and for the transfer of the rights coming from this activity;
 - 4% for the executive producer;
 - 4% for the original music track;
- h) *** Repealed
- i) they prove that they do not have any state debt or debts to the local budgets, the budget of state social securities, as well as to the Cinematographic Fund, except for the

falling due instalments for the contracts concluded with the National Centre of Cinematography that are in progress.

(2) The producer may spend at least 20% of the film budget on the territory of the Member States of the European Union or signatory parties of the Central European Free Trade Agreement.

(3) The direct credit for the film production is exclusively granted for the projects declared winners of the selection contests and it is not transmissible, except for the special cases provided for in the present ordinance.

ARTICLE 22

(1) The direct credit for project development may be granted within the contest sessions for cinematographic projects, based on the assessments carried out by the commissions, in compliance with the provisions of the regulation.

(2) The direct credit for project development is granted only for fiction features, documentaries or animation.

(3) The direct credit for project development may also be granted for documentaries and prospections necessary for script writing, hiring specialized dramatists or for covering over expenses concerning the project development.

(4) The projects that benefited from credits for development shall be compulsorily signed up for the selection contests for cinematographic projects, within maximum one year since the signing of the crediting contract for development.

(5) In the case that the respective project is not declared winner at four successive contests the credit beneficiary is bound to return it.

(6) In the case of winning projects, the sum granted as development credit is added to the production credit granted for the project and is granted in the conditions provided for in Article 20 paragraphs (3) and (4).

(7) The project development credit cannot exceed the amount of 3% of the value of the average production credit for the fiction film, documentary or animation film, as needed, accomplished in the previous year.

(8) The credit for project development is non-transmissible, except for the cases stipulated in the present ordinance.

ARTICLE 23

The maximum crediting full amount, in the case of difficult films and low budget films, which may be granted under the terms of the present ordinance, is of 80% of the value of the film estimate.

ARTICLE 24

The National Centre of Cinematography may grant direct credit in the case of international film productions that fulfil the following conditions:

- a) co-producers are Romanian natural or legal persons authorized as such and recorded with the Registry of Cinematography;
- b) Romanian co-producers participated and won a selection session, in compliance with the provisions of the present ordinance;
- c) Romanian co-producers have a minimum 10% participation from the film's production budget, in the case of multilateral productions, under the terms provided for in the regulation;
- d) co-producers have, based on co-production contract, the co-property right over the film negative, corresponding to each contribution, and are owners of film exploitation rights within the Romanian territory;
- e) co-producers shall be bound to mention within the film credits and in all advertising materials that the film was accomplished benefiting from the financial support of the National Centre of Cinematography;
- f) *** Repealed
- g) *direct credit for international co-productions cannot exceed 50% of the contribution by the Romanian part to the creation of the film, with the exception of the films provided for in Article 20 paragraph (4).*

SECTION 2

Financing through non-reimbursable financial support granting

ARTICLE 25

(1) The National Centre of Cinematography grants non-reimbursable financial support from the Cinematographic Fund, in compliance with the provisions provided for in Article

26 paragraph (1) letters a) - d), to natural persons and legal entities authorized, and recorded with the Registry of Cinematography.

(2) The National Centre of Cinematography grants, as well, from the Cinematographic Fund, under the terms of the present ordinance, non-reimbursable financial support to other authorized natural persons or legal entities as well.

ARTICLE 26

(1) The non-reimbursable financial support is granted, under the terms of the present ordinance for:

a) encouraging producers and directors of films that enjoy success among spectators;

b) encouraging the directors and producers of films endowed with special artistic value, internationally acknowledged as such;

c) distributing all types of Romanian films : fiction, documentary, animation;

d) encouraging the operating of art theaters and of films in the latter;

e) organizing or participating in national and international festivals and film fairs;

f) supporting cultural programs, cinematographic education, professional publications editing, as well as supporting other activities for the purpose of fulfilling the duties of the National Centre of Cinematography, in compliance with the provisions provided for in Article 6 paragraph (1).

(2) The granting of non-reimbursable financial support is carried out in compliance with the provisions of the present ordinance and of the regulation.

(3) The non-reimbursable financial support is granted upon request, in compliance with the regulation, by the Board.

ARTICLE 27

(1) In view of granting automatic financial support for audience success, the National Centre of Cinematography establishes at the beginning of each year, two reference thresholds for the previous year, as follows:

a) the reference threshold of the premieres of Romanian films or accomplished in co-production, with Romanian participation, representing the average number of paying spectators afferent to the cinematographic premieres;

b) the reference threshold for Romanian films titles or accomplished in co-production, with Romanian participation, except for those stipulated at letter a), representing the average number of paying spectators afferent to the titles shown in theaters;

(2) For the time frame prior to 2006, the reference thresholds shall be established by the National Centre of Cinematography, until the organization of the first contest session for cinematographic projects in 2007.

(3) The automatic financial support for public success is granted to producers and directors of a Romanian film, or a co-produced one with Romanian participation, and who had a number of paying spectators higher than the corresponding reference threshold in the film theatres or other halls destined for audience.

(4) The modality of calculating reference thresholds, respectively the automatic financial support, is stipulated in the regulation.

(5) The automatic financial support for public success is granted only upon the producer's request, exclusively for the production of a new film, in compliance with the provisions of the present ordinance.

(6) The automatic financial support for public success is granted separately, in equal proportions to the film's producer and director, for accomplishing a new cinematographic project, if this latter was declared winner of the selection contest, organized in compliance with the provisions of the present ordinance.

(7) The automatic financial support for public success is granted to directors, in the case of co-production films, with Romanian participation, only in the event that they concluded firm contracts.

(8) The automatic financial support for public success is a non-reimbursable financial support.

ARTICLE 28

(1) The automatic financial support for the artistic quality of the film is granted to the producers and directors of a film that was selected or awarded at the OSCARS, at the European Film Academy (EFA), as well as « A » category international festivals, accredited by the International Federation of Film Producers Association (F.I.A.P.F.).

(2) The full amount of this support is equivalent to the automatic financial support for public success that can be granted in the respective year.

(3) This sum is granted separately, in equal proportions to the film's producer and director, for accomplishing a new cinematographic project, if the latter was declared winner of the selection contest organised in compliance with the provisions of the present ordinance.

(4) The automatic financial support for artistic quality is granted only upon the producer's request, exclusively for the production of a new film, in compliance with the provisions of the present ordinance.

(5) The automatic financial support for artistic quality is granted to producers only for Romanian films or co-production films, with Romanian participation.

(6) The automatic financial support for artistic quality is granted to directors in the situation of co-production films with Romanian participation only in the event that they concluded contracts of a firm nature.

(7) The automatic financial support for artistic quality is a non-reimbursable financial support.

ARTICLE 29

(1) Authorized natural and legal persons may ask for non-reimbursable financial support for the distribution and exploitation of Romanian films if they fulfil the following conditions:

- a) they are registered with the Registry of Cinematography ;
- b) they have a share capital of minimum 10.000 lei (RON), in the case of distributors and exploiters, or present a bank performance bond, representing the equivalent of the sum, issued in favour of the National Centre of Cinematography, in the event of natural persons;
- c) they ensure an own contribution of 6% from the value of the estimate in cash or in equivalent services;
- d) they obtained, in compliance with the provisions of the present ordinance, the producer's written agreement, in view of distributing and exploiting the film ;
- e) they present a file that was drawn up in compliance with the provisions of the regulation;

f) they include in the estimate, costs that cannot exceed the following maximal quotas :

- 7, 5% for the fee of the distribution companies;
- 5% unforeseen expenses.

(2) The distributor may spend at least 20% of the distribution budget of a Romanian film on the territory of the Member States of the European Union or signatory parties of the Central European Free Trade Agreement.

(3) The non-reimbursable financial support for film distribution and exploitation is not transmissible, with the exception of specific cases, provided for in the present ordinance.

(4) The non-reimbursable financial support for the distribution of a Romanian film or with Romanian participation may be granted with at least 6 months before its distribution date.

(5) In the event of Romanian films or films with a majority Romanian participation, a non-reimbursable support may also be granted for the distribution and exploitation of cinematographic films outside Romania.

ARTICLE 30

The non-reimbursable financial support for art cinematography may be requested by all authorized natural and legal persons that fulfil the following conditions:

- a) are recorded with the Registry of Cinematography ;
- b) have a share capital of minimum 10.000 lei (RON) in the case of legal entities or have a bank performance bond, issued in favour of the National Centre of Cinematography in the case of natural persons;
- c) present a file that was drawn up in compliance with the provisions of the regulation;
- d) they broadcast art films in a 50 percentage of their yearly schedule, out of which half is devoted to European or Romanian films.*

ARTICLE 31

(1) The non-reimbursable financial support is granted based on a contract signed with the National Centre of Cinematography.

(2) The non-reimbursable financial support, with the exception of the automatic financial support for public success and film artistic quality, is granted in instalments, provided that the first one should not exceed 30% of the total approved financing amount, and that the last one should be at least 15%.

(3) The last instalment is granted only after having completed the activity and after having submitted the supporting documents regarding the costs incurred and of the assessment report of the developed project.

(4) The non-reimbursable financial support cannot be used for covering salary expenses or other debts of the beneficiaries of the financing or for profit gaining.

(5) The manner in which non-reimbursable financial support is used, is subject to the control of the National Centre of Cinematography, as well as of the public authorities holding attributions in the financial-budgetary field.

CHAPTER 6

Cinematographic projects contest

ARTICLE 32

(1) Granting a direct credit for projects development and film production is carried out as a consequence of winning a cinematographic project selection contest.

(2) The cinematographic projects contest is organised twice a year and is carried out in compliance with the provisions of the present ordinance and of the regulation.

ARTICLE 33

The cinematographic project selection contests are organised in observance of the following principles :

- a) freedom of creation, artistic expression and public communication of cinematographic films ;
- b) the overrule of artistic value within the selection and promotion of cinematographic projects ;
- c) encouraging international cinematographic co-productions ;
- d) encouraging cinematographic debuts;

ARTICLE 34

(1) All natural persons and legal entities that are Romanian residents can participate in the project selection contests, in compliance with the law, as well as all persons authorized as film producers, recorded with the Registry of Cinematography and whose projects cumulatively fulfil the stipulations of the regulation.

(2) All natural and legal persons, which did not observe the provisions of the present ordinance as well as the obligations set forth in the contracts that in progress with the National Centre of Cinematography may not benefit from credits from the Cinematographic Fund.

ARTICLE 35

(1) Under the terms of the present ordinance, cinematographic projects dealing with feature films, fiction, animation and documentaries, with a minimum of 79 minute length, as well as short subject fiction films, animation and documentaries, with a maximum 60 minute length are eligible.

(2) The cinematographic projects selection contest is organised into two sections: the section consisting in fiction features or short subject films and the section consisting in documentaries and animation films.

ARTICLE 36

On the day of the public notice of the contest, the general manager of the National Centre of Cinematography appoints the technical secretariat of the contest, made up of three persons.

ARTICLE 37

(1) The organization of cinematographic projects is announced through mass media, by publishing in at least 3 national coverage newspapers, by means publication on the site and of notifications displayed at the headquarters of the National Centre of Cinematography, at least 30 days before the deadline intended for submitting the contest files.

(2) On the day of the public notice of the contest, the National Centre of Cinematography shall also communicate the total value of the funds allotted for the respective contest section.

(3) Out of the total funds, a minimum 15% quantum will be allotted for debut feature fiction, minimum 5% for short subject fiction films and 15% for documentaries and animation films.

ARTICLE 38

(1) Fiction cinematographic projects that will benefit from production financing credits, shall be presented at the premiere, by means of on screen projection, in standard 35 mm copy or in digital projection.

(2) The short films, documentaries and animation films can also be presented at premiere on betacam, digibeta or HD video support.

ARTICLE 39

(1) In view of participating to the cinematographic projects contest, the film producers shall draw up the film script file and the project file.

(2) The files shall be submitted to the technical secretariat of the contest.

(3) The script files shall be submitted in securized form, not mentioning the name of the script writer, director, producer or any other clue that would make possible the identification of the latter.

(4) The selection of cinematographic projects shall be carried out by two committees, as follows:

a) a committee made up of five members for the section of fiction features and short subject films;

b) a three member committee for the documentary and animation films section.

(5) The selection committee for the fiction film section shall be supported in its activity by an aiding committee of lecturers that are not entitled to vote.

(6) The appointment of the lecturers' committee is carried out by the members of the selection committee.

(7) The lecturers' committee analyzes the film scripts and draws up specialty reports, which are placed at the disposal of the selection committee members.

(8) The organization and operating of the selection committees and lecturers' committees are established by regulation.

ARTICLE 40

(1) The structure of the cinematographic projects selection committees shall be established by order of the Minister of Culture and Religious Affairs, after having consulted the trade unions and associations in the cinematographic industry field.

(2) The members of the selection committees shall be assigned for each contest section.

(3) The members of the lecturers' committee may be assigned for two sessions of consecutive contests.

(4) The persons proposed for the selection committees, as well as for the lecturers' committee, their family members, or first degree relatives cannot participate in any capacity in the fulfilment of a cinematographic project enrolled in the respective contest section.

(5) For the activity carried out within the committees, during the contest sessions, its members shall be paid from the budget of the National Centre of Cinematography.

ARTICLE 41

(1) The selection committees assess and select the cinematographic projects that fulfilled the eligibility conditions and establish the results of the contest based on the following evaluation criteria:

- a) quality of the script;
- b) director's quality;
- c) producer's quality.

(2) The weight of the previous criteria in evaluating and selecting the cinematographic projects shall be set by regulation.

(3) For the project development direct credit, the evaluation criteria are:

- a) the quality of the synopsis or of the script if completed and the need to rewrite it occurs, in the case of fiction films;
- b) the quality of project description, in the case of documentary or animation films;
- c) the quality of the scriptwriter;

d) the quality of the producer.

ARTICLE 42

When closing the cinematographic projects selection stage, respectively the direct credit grant for project development, the selection committees will issue decisions regarding the selection of the latter.

ARTICLE 43

(1) The selected film projects shall be classified in decreasing order of the final score, on separate lists, for the following film categories, as follows:

- a) the list of cinematographic projects selected for fiction feature films;
- b) the list of cinematographic projects selected for debut short subject films;
- c) the list of cinematographic projects selected for fiction short subject films;
- d) the list of cinematographic projects selected for documentary and animation films;
- e) the list of cinematographic projects selected for credit granting and project development.

(2) The decisions of the selection committees represent the document that certifies the selection of projects for the financing stage and shall be forwarded to the General Manager of the National Centre of Cinematography.

ARTICLE 44

(1) In the financing stage, the Board analyzes the files of the cinematographic projects in decreasing order of the final scores, established by decision of the selection committee.

(2) The Board decides the full amount of the credit to be granted for the film production for the selected projects, based on the following criteria:

- a) classification of the cinematographic projects by decision of the selection committee ;
- b) production or project development estimate, as needed;
- c) the financing plan;
- d) the production plan;

e) the running of the previous contracts concluded between the National Centre of Cinematography and the producer of the cinematographic project, as the case may be.

(3) for each project analyzed, one shall draw up a financial credit granting report.

ARTICLE 45

The maximum full amount that can be allotted to a producer, natural or legal person authorized as such, out of the total funds allotted by the National Centre of Cinematography for each contest session shall be communicated before each session.

ARTICLE 46

In the event that the producer of a winning project decides to replace the director, this replacement can only be carried out in justified cases and only with the approval of the Board.

ARTICLE 47

(1) The Selection Committee and the Board shall meet within maximum two days after the completion of the financing stage, in order to adopt a final decision regarding the cinematographic projects selection contest results and concerning the granting of the financial credits.

(2) The projects that have been selected and obtained financial credits are declared winners of the contest.

ARTICLE 48

(1) The results of the contest, including the amount of the direct credit allotted for each winning project, shall be published by posting at the headquarters of the National Centre of Cinematography, on its website, as well as in a national newspaper, within five days from the drawing up of the final decision of the selection committee and of the Board.

(2) The production direct credit granting decision is valid for 18 months from the date of its communication, time frame in which project financing shall be assured and a crediting contract shall be signed.

(3) Credit beneficiaries, as well as the persons assigned in the capacity of producers, cannot request new credits if the legal terms for accomplishing previous projects were infringed.

(4) In well justified cases, the General Manager of the National Centre of Cinematography may grant an extension of maximum 6 months for the deadline provided for in paragraph (2).

ARTICLE 49

The National Centre of Cinematography is bound to communicate in written form to the credit applicant, within 7 calendar days, the decision concerning the direct financial credit granting.

ARTICLE 50

(1) The non-observance of the procedures provided for in the present ordinance regarding the production and the project development direct credit can be contested within 30 days since the notice of the results of the contest session with the Ministry of Culture and Religious Affairs.

(2) the Ministry of Culture and Religious Affairs shall appoint by order, a legal contest committee, made up of five members.

(3) The legal contest committee shall pronounce within 30 days since the date of the legal contest entry.

(4) The decisions of the legal petition commission can be impugned at the Court of Appeal in Bucharest, within 30 days since the day they have been made public.

(5) The decision of the Court of Appeal of Bucharest issued for the adjudication of these legal contests is final and irrevocable.

ARTICLE 51

(1) The direct credit for production and the credit for film projects development are granted on the grounds of contract that was signed between the National Centre of Cinematography and the authorized natural person or legal entity that requested it.

(2) The contracts shall be signed only after the Board verifies the financial file of the film project and the respective file has to attest that the integral project financing, sums and deadlines shall be ensured.

(3) The production of a film made with the help of production credit, automatic financial support for public success, as well as support for artistic quality shall begin in maximum one year from the contract signing, and the execution of the standard copy shall not exceed, as a general rule, two years since that date.

(4) In well-justified cases, the General Manager of the National Centre of Cinematography can grant an extension of maximum 6 months for the delivery deadline of the standard copy.

ARTICLE 52

(1) The production direct credit is granted as follows:

- a) up to 50% of the sum allotted at the beginning of the preparation period;
- b) up to 50% difference of the remaining value shall be allotted during the progress of the project;
 - up to 20% on the producer's or the delegated producer's request, at mid-filming, based on the production reports, signed by the director and producer, or by the delegated producer, as necessary ;
 - up to 20% on the producer's request, at the end of shooting, based on the production reports and minutes of the shooting completion, signed by the director and producer;
 - 10% on the producer's request, when fulfilling the following cumulative conditions: delivering the standard copy or video matrix; delivering an audit that certifies the correct credit usage, the financial participation of the project co-producers/financers, as well as the producers' contribution and the presentation of a distribution contract ;
- c) in the event that the instalment granted in compliance with the provisions stipulated within letter a) is lower than 50% of the allotted sum, the difference shall be distributed with the second and third instalment provided for in letter b).*

(2) The allotment of a last credit instalment is carried out only after a financial audit, completed and delivered by the producer, that should certify the correct usage of the granted credits.

ARTICLE 53

The General Manager of the National Centre of Cinematography can suspend, as the case may be, can terminate the contracts for financial credit granting, can request the refund of the credited sums and can start the forced execution procedure, in compliance with the present ordinance, under the following situations:

- a) the direct credit beneficiary does not present to the National Centre of Cinematography with the balance for the expenses and supporting documents, within maximum 15 days from the date of the request;
- b) the direct credit beneficiary does not observe the contractual obligations undertaken with the National Centre of Cinematography.

ARTICLE 54

(1) The beneficiary of a direct credit, granted according to the provisions of the present ordinance is bound to keep evidence of the cashing balance for the film for which the credit was granted, in a distinct analytic account, during the whole time frame of the credit returning.

(2) The beneficiary of a direct credit is bound to make available for the National Centre of Cinematography, upon request, all the requested accounting documents.

ARTICLE 55

(1) The direct credit for production and development, granted according to the provisions of the present ordinance is reimbursed to the National Centre of Cinematography from the income obtained by the credit beneficiary, exclusively through turning to good account the film that was completed by means of this credit.

(2) The reimbursement starts from the first cashed leu, percentually, from all the incomes of the film that obtained crediting, from all exploitation forms, audiovisual, cinema, video, television, internal or international market, the reimbursement percentage being equal to the crediting percentage of the respective project, by the National Centre of Cinematography.

(3) *The reimbursement of the production direct credit shall be completed within a period of 10 years.*

(4) In the event of non-reimbursing the whole production credit, after the 10 year period has expired, the National Centre of Cinematography shall take over the capitalization rights of the film, based on a protocol signed with the credit beneficiary, until recovering the non-reimbursed quantum from the value of the granted credit, based on an « access letter » to the laboratory for making new copies, signed by the producer.

(5) On the date of the signing of the protocol provided for in paragraph (4), the non-reimbursed sum shall be extinguished as a debt. In the case of co-productions with foreign partners, the provisions stipulated with paragraph (4) refer to the Romanian financing party.

*) In Romania's Official journal, Part I no. 704, 4 August 2005, it was erroneously written "Article (4)" instead of "paragraph (4)".

(6) All producers, natural persons or legal entities that obtained direct credit are bound to report periodically to the National Centre of Cinematography the incomes from the respective film, in all exploitation forms, cinema, video, TV or any other presentation form, both on the Romanian territory and outside it.

(7) In the first year of the film exploitation, monthly reports shall be submitted, for the while quarterly reports for the following 2 years and yearly reports after the third year of exploitation. The reports shall be written on appropriate forms approved by the National Centre of Cinematography.

(8) If these incomes are not reported for a period longer than 3 months in the first year, 6 months in the 2nd and 3rd years and one year for the following crediting years, the automatic cancellation of the crediting contract shall be carried out and, consequently the debtor is bound to fully pay the balance of the respective credit.

ARTICLE 56

The transfer of sums representing the instalments falling due for the granted credits, provided for in Article 55 paragraph (2), is carried out on a quarterly basis, until the 25th

of the first month of the following quarter for the profits accomplished out of film exploitation, in accordance with the provisions stipulated in Article 55 paragraph (7).

ARTICLE 57

(1) Under the terms of the present ordinance, the ownership right over the film negative belongs to the producer.

(2) Until credit reimbursement of the film and the primary materials used for its production, achieved with the financial support granted by the National Centre of Cinematography will be stored in a laboratory for film processing, approved by the National Centre of Cinematography that is the co-signatory party of the submitting document.

(3) The cases for which the National Centre of Cinematography can approve the transmission of a project to another producer for production are:

- a) incapacity of payment;
- b) judicial reorganization or bankruptcy;
- c) withdrawal of a co-producer or of a financier from the project.

ARTICLE 58

(1) The following cannot take part in the selection contests for credits granted from the Cinematographic Fund:

a) the projects of the authors that hold the positions of General Manager of the National Centre of Cinematography, members of the Board, managers of cinematographic studios with majority state capital, of trade companies with majority state capital in the cinematography field or that own other management positions within the National Centre of Cinematography and trade companies with majority state capital, members of the selection committees, for a successive period of two contest sessions, as well as clerks from within the Ministry of Culture and Religious Affairs;

b) cinematographic projects that propagate country or nation defamation, of the right order or constitutional principles, that incite to war, to national, racial, class or religious hatred, to discrimination on ethnical, religious, sex, or sexual orientation grounds, to territorial separation;

c) films that contain, in images or language, pornographic or obscene elements;

d) cinematographic projects that offend the dignity, honour, private life of a person and the right to its own image;

e) cinematographic projects that directly or indirectly incite to violence;

f) cinematographic projects with electoral, political or religious propagandistic character.

(2) The cinematographic studios with fully integrated state capital cannot participate in the selection contest for obtaining credits from the Cinematographic Funds.

(3) The cinematographic studios with fully integrated state capital can participate in the selection contest for obtaining credits from the Cinematographic Funds as co-producers.

ARTICLE 59

(1) The local Public Administration authorities may support, in compliance with the provisions of the present ordinance, the building of new film theatres with one or more screens, through fund allotment or through renting or leasing adequate land for legal entities that wish to invest in this field.

(2) In the case of Romanian films or those produced with Romanian participation for the purposes of the provisions provided for in annex no. 2, the local public administration authorities grants exemptions for different activities within the cinematography field, for shootings as well as for paying for filming locations, except for the buildings that are in their own property or under their respective administration.

(3) For the purposes of the provisions provided for in paragraph (2), the local public authorities may grant exemptions for shootings within the buildings they own or administrate.

ARTICLE 60

(1) Theaters or outdoor film theatres exploiters are bound to ensure a minimum of 5% from the annual show number with cinematographic films produced in compliance with the provisions of the present ordinance, out of which at least 1% at prime time hours and benefit under the present conditions from this non-reimbursable financial support.

(2) The cinema halls that will ensure a minimum of 10% of the annual show numbers with cinematographic films accomplished in compliance with the provisions of the

present ordinance will benefit from a 50% discount from the contribution provided for in Article 13.

ARTICLE 61

Televisions that broadcast films have the obligation to ensure a minimum of 2% of the space destined to the latter for broadcasting audiovisual works, including cinematographic films, achieved in compliance with the provisions of the present ordinance.

ARTICLE 62

(1) In view of supporting the cinematographic activity, the economic operators that have cinematographic film production in their activity field and are involved in the production and/or financing, distributing and exploitation of cinematographic films, benefit from the provisions of Law no. 571/2003 regarding the Fiscal Code, with further amendments and completions.

(2) The economic operators directly involved in the production, distribution and film exploitation, registered with the Registry of Cinematography, benefit from the exemption of customs taxes for import of equipment used, of cinematographic equipment, of film support, processing substances and other goods used in the cinematographic industry and which are not produced in the country.

(3) For the purpose of implementing the provisions provided for in paragraph (1), as well as those stipulated in Article 77¹, the National Centre of Cinematography will issue an « Investor Certificate » for the producer, respectively a « Financer Certificate » for the co-producer or financer, in which the following shall be mentioned:

- a) the name of the legal entity and the identification data ;*
- b) the registering number in the Registry of Cinematography, for the producer and co-producer, or the contract, for the financer;*
- c) the amount of the direct credit obtained;*
- d) the total amount of the estimate production budget and the value of the direct production costs;*
- e) the total value of the investment or financing.*

(4) The certificates provided for in paragraph (3) will be submitted to the fiscal entities by the legal entities, at the same time with the other declarations required by the law.

CHAPTER 7

National heritage of cinematography and the manner to administer it

ARTICLE 63

(1) The following goods are in the public property of the State:

a) all types of films: fiction feature films and short subject films, documentaries or animation films, as well as their primary image and sound materials and sound mixings carried out up to the year 1997, financed from the state budget, from state units or from the budget of the National Centre of Cinematography;

b) documentary materials, such as : photos, posters, scripts, scores or other goods connected to the history of the Romanian film stored within the National Films Archive ;

c) the headquarters and the additional buildings where the National Centre of Cinematography carries out its activities;

d) the headquarters and the additional buildings where the National Film Archive carries out its activities;

e) "Union", "Eforie" and "Studio" film theatres in the municipality of Bucharest.

(2) *The goods in the state's public heritage, provided for in paragraph (1) letters a) and c) are managed by the National Centre of Cinematography, and the ones listed at paragraph (1) letters b), d) and e) are managed by the National Films Archive.*

ARTICLE 64

Magnetic mixings, materials and goods left over from some Romanian productions, accomplished in compliance with the provisions of Article 63 paragraph (1) letter a), or other international shows, which may be used for accomplishing other films, such as: props, furniture, costumes, weapons, amours, sets or décor, acquired and made at the expense of the respective films and found in the heritage of the commercial companies with majority state capital: "Sahia Film" - S.A. Cinematographic Studio, "Rofilm" - S.A., Cinematographic Studio and "Animafilm" - S.A. Cinematographic Studio, are in the state's private heritage and shall be managed by the respective companies.

ARTICLE 65

(1) Theaters and outdoor film theatres, which are not in the public or private property of the administrative-territorial unities, as well as their afferent lands, provided for in annex no. 1 that is an integrative part of the present ordinance, are in the state's private property and managed by "Romania-Film" Autonomous Administration of Film Distribution and Exploitation.

(2) The Film Processing Laboratory in Mogoșoaia, in the municipality of Bucharest is in the state's private property and under the administration of the "România-Film" Autonomous Administration of Film Distribution and Exploitation.

ARTICLE 66

(1) Halls, buildings with other destinations, as well as their afferent lands, in the heritage of "Sahia Film" - S.A., Cinematographic Studio, "Rofilm" - S.A. Cinematographic Studio and of "Animafilm" - S.A., Cinematographic Studio, companies that operate under the authority of the Ministry of Culture and Religious Affairs are in the state's private property.

(2) The "Romania-Film" Autonomous Administration of Film Distribution and Exploitation is under the authority of the Ministry of Culture and Religious Affairs.

ARTICLE 67

(1) The diminishing state participation to the units under the authority of the Ministry of Culture and Religious Affairs, provided for in Article 66, as well as selling halls and outdoor film theatres, their afferent lands, from the state's private property and under the administration of the "Romania-Film" Autonomous Administration of Film Distribution and Exploitation may be carried out on the grounds of specific strategies, issued by the Ministry of Culture and Religious Affairs, for each company and approved by Governmental decision.

(2) The strategies shall also include the criteria and modalities of completing the privatization, or respectively the selling, in compliance with the legal stipulations, through:

- a) stock selling;*
- b) the selling of halls and outdoor film theatres, headquarters, buildings with a different destination, as well as goods in the state's private property;*
- c) increasing the share capital through private capital contribution;*
- d) concluding association contracts with private investors for achieving investments in the field;*
- e) any combination of the methods provided for with letters a) - d).*

(3) *** Repealed

CHAPTER. 8

Minor offences and sanctions

ARTICLE 68

The infringement of the provisions stipulated in the present ordinance is sanctioned with penalties from 5.000 lei (RON) to 25.000 lei (RON), for the non-observance of the following:

- a) registering with the Registry of Cinematography of the natural persons or legal entities that carry out activities in the field of cinematography;
- b) carrying out any kind of activities of distribution, broadcasting or cinematographic films exploitation, regardless of their support, without a classification certificate issued by the National Centre of Cinematography;
- c) the exploitation, including through selling and/or renting videograms or cinematographic films in other conditions than those set forth in the classification certificate;
- e) the exploitation, through public showing, selling and/or renting cinematographic films or videograms that are not subtitled or dubbed in Romanian.

ARTICLE 69

The ascertaining of contraventions and the sanctioning of the infringement of the provisions of the present ordinance is carried out by the National Centre of

Cinematography or by special units within the Ministry of Administration and Internal Affairs:

- a) upon the request of a public authority;
- b) ex officio;
- c) following a complaint from a natural or legal person directly injured as a consequence of the infringement of the provisions set forth in the present ordinance.

ARTICLE 70

The provisions of Governmental Ordinance No. 2/2001, regarding the public regime of contraventions, approved with amendments by Law no. 180/2002, with subsequent amendments, are applicable to the contraventions set forth in Article 68.

ARTICLE 71

- (1) The sums coming from penalties are transferred to the state budget.
- (2) The quantum of civil penalties will be periodically updated, upon the proposal of the Ministry of Culture and Religious Affairs by Governmental decision.

ARTICLE 72

In the case of non-observance of the provisions provided for in the present ordinance and methodological norms which regulate the operating and administration of the Registry of Cinematography, the National Centre of Cinematography may suspend or cancel the registering or classification certificate from the Registry of Cinematography and settle the immediate termination of the activities for which the respective measure was disposed.

CHAPTER 9

Final and transitory provisions

ARTICLE 73

- (1) Within 30 days from the entry into force of the present ordinance, the National Centre of Cinematography will elaborate the regulation set forth in the present ordinance regarding the cinematographic projects selection contest, with the purpose of

granting direct financial credits for project development, as well as the development of production and film distribution.

(2) The project of the regulation set forth in paragraph (1) is approved by order of the Minister of Culture and Religious Affairs and is published in the Official Journal of Romania, Part I.

(3) Observing the deadline set forth in paragraph (1), the National Centre of Cinematography will elaborate and submit for approval to the Ministry of Culture and Religious Affairs the methodological norms of implementation of the provisions of the present ordinance, which shall be published in the National Journal of Romania, Part I.

ARTICLE 74

(1) The registration and classification operations carried out in compliance with the provisions of Government Decision 418/2003 regarding the approval of the Methodological Norms for the organizing, operating and administration of the Registry of Cinematography that maintain their validity, will not be amended until the deadlines for which they have been granted expire.

(2) The cinematographic films that are presented within international cinematographic festivals, cultural exchanges, and other manifestations organized in Romania or abroad make exception from the obtaining of the classification.

ARTICLE 75

(1) The National Centre of Cinematography organizes vocational training and improvement activities and issues freelance certificates in the trades specific to the cinematography field for which there are no tuition forms in the Romanian education system.

(2) For this purpose, along with the National Centre of Cinematography, committees made up of specialists are constituted, whose members being the representatives of the Ministry of Education and Research, the Ministry of Culture and Religious Affairs, the Ministry of Labour, Social Solidarity and Family.

(3) The committees provided for in paragraph (2) are constituted by common order of the sector state secretaries, within 60 days from the entry into force of the present ordinance.

(4) The Committees will carry out their activities at the headquarters of the National Centre of Cinematography, which will ensure the technical secretariat.

(5) For the activity carried out within the committees, the members will be paid in accordance with the legal stipulations.

ARTICLE 76

Within 60 days since the entry into force of the present ordinance, the Ministry of Labour, Social Solidarity and Family will bring in the trades that are specific to the cinematographic field into the code of Romanian occupations classification, in compliance with the European legislation in the field, upon the proposal of the Ministry of Culture and Religious Affairs.

ARTICLE 77

The payment of the contributions owed by the National Centre of Cinematography and the National Films Archive to the specific international organization is supported from the budget of the National Centre of Cinematography.

ARTICLE 77*1

For the purpose of developing cinematography in Romania, the indirect support is included as follows:

a) since the date established in compliance with the provisions set forth in Article 38 paragraph (7) within Law 571/2003 regarding the fiscal code, with further amendments and completions, 150% indirect support will be granted for the producers, co-producers and financers involved in film production, granted from the profit tax corresponding to the invested amount, amount which cannot exceed 10% of the direct production costs on the Romanian territory and represent a maximum 50% of the gross income; this stipulation does not apply for the contribution provided for in Article 21 paragraph (1) letter c);

b) in the event of ordered films, conditioned by the spending inside Romania of a minimum 40% of the film's budget, a 30% indirect support is granted, out of the total taxes afferent to the budget spent on the Romanian territory, support which is granted for the authorized legal person, registered with the Registry of Cinematography, Romanian resident, according to the law and that participates in the making of the film; the indirect support will be used for covering the direct production costs carried out on the Romanian territory and cannot exceed 10% of the previous; in the case of ordered films, the provisions of the present article may be completed by right with the provisions provided for in letter a);

c) indirect support by the exemption from paying the royalty tax for distributors that bring to Romania a number equal or higher to eight film copies;

d) 150%, indirect support afferent to profit tax obtained after the investment, for operators involved in the exploitation of cinematographic chains, if the chain has at least ten cinema theaters, spread all over Romanian territory, corresponding to 10% of the investment that was made.

ARTICLE 78

(1) The Romanian Radio Broadcasting Company and the Romanian Television Company are bound to reserve free advertising breaks in prime time, within their schedule, necessary for promoting Romanian films, or films with Romanian participation, for the purpose of the definitions provided for in annex 2.

(2) Within 30 days since the entry into force of the present ordinance, the National Centre of Cinematography, Romanian Radio Broadcasting Company shall establish, on the grounds of a protocol, the modalities and the space allowed for promoting Romanian cinematographic films or films shot with Romanian participation within their schedule for the purpose of the definitions provided for in annex 2.

(3) The advertising broadcast in compliance with the provisions set forth in paragraph (1) shall not be deemed as commercial advertising.

ARTICLE 78*1

The provisions of Article 55 paragraphs (3) - (5) also apply to the contracts signed as of 1997, which are in progress, either for the purpose of reimbursing the granted credit, or for financing from the Cinematographic Fund.

ARTICLE 79

Upon the entry into force of the present ordinance, Law 630/2002 on Cinematography, published in The Official Journal of Romania, Part I, no. 889 of 9 December 2002, with the subsequent amendments, as well as any other contrary dispositions, is hereby repealed.

ARTICLE 79*1

(1) The measures of the state aid nature, respectively direct credits given for film production, with the exception of the schemes of minimum stipulated by the law, will be notified and will be granted subsequent to being authorized by the Competition Council.

(2) The non-reimbursable financial support, the support in the form of development credit, as well as the support granted by the public authorities within support schemes shall not exceed the minimum limit provided for in Article 29 of Law 143/1999) regarding state aid, republished. The methodological norms issued on the grounds and for applying the present ordinance will include provisions regarding the plurality, the calculation modalities, and the request for information in compliance with the provisions set forth in Article 3 - 5 of the Regulation regarding the minimum limit of the that does not fall under the incidence of the notification obligation, approved by order of the President of the Competition Council 27/2000**), published in the Official Journal of Romania Part I, no. 125 24 March 2000.*

(3) By the time the Competition Council has issued a state aid scheme, the indirect support set forth in Article 77^1 will not exceed the minimum limit provided for in Article 29 of Law 143/1999) regarding the state aid, republished, in compliance with the provisions set forth in paragraph (2) regarding the methodological norms issued on the grounds and for the implementation of the present ordinance by order of the President of the Competition Council 27/2000**), published in Official Journal of Romania, no. 125, Part I of 24 March 2000.*

**) Law143/1999, republished, was hereby repealed. See Government Emergency Ordinance no. 117/2006.*

***) Regulation regarding the minimum limit of the state aid that shall not enter the angle of incidence of the notifying obligation, approved by order of the Competition Council 27/2000, was repealed through the Regulation regarding form, content and other details of notifying a state aid, approved by Order of the President of the Competition Council no. 528/2004. At present, the Regulation regarding form, content and other details of notifying a state aid, approved by Order of the President of the Competition Council no. 528/2004 is hereby repealed.*

ARTICLE 80

The present ordinance shall enter into force on the third day following its publication in the Official Journal of Romania, Part I.

NOTE:

We reproduce below, the provisions of Article II and III of Law 328/2006, with the subsequent amendments.

ARTICLE 2

Up to 20 June 2007, theaters together with lands afferent to them, provided for in annex 1 to Government Ordinance 39/2005 on Cinematography, with subsequent amendments and completions, as well as the amendments and completions brought by the present law may pass from the private domain of the state, and from the administration of the "Romania-Film" Autonomous Administration of Film Distribution and Exploitation to the public domain of the administrative-territorial units and to the administration of the public local authorities by Governmental decision, with the obligation of preserving the object stipulated in the decision.

ARTICLE 3

Up to 20 June 2007, the Ministry of Culture and Religious Affairs will elaborate the specific strategies provided for in Article 67 paragraph of Government Ordinance

39/2005 on Cinematography with subsequent amendments and completions brought by the present law, which are approved by Governmental decision.

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)

ANNEX 1*)

*) The annex is reproduced from the facsimile.

THE HALLS AND THE OUTDOOR FILM THEATRES THAT ARE IN THE PRIVATE PROPERTY OF THE STATE AND UNDER THE "România-Film" R.A.D.E.F. ADMINISTRATION

Current No.	Address	Denomination	Number of. seats
0	1	2	3
1	Alba County, municipality of Alba Iulia, no. 8 Zorilor Street	COLUMNA	500
2	Alba County, municipality of Alba Iulia, no. 31 M. Viteazul Street	CETATE Outdoor Film Theatre	750
3	Alba County, municipality of Alba Iulia, no. 25 Victoriei Boulevard	DACIA	500
4	Alba County, municipality of Aiud, no. 42 Băilor Street	PROGRESUL	350
5	Alba County, the town of Cugir, no. 24 Al. Sahia Street	PATRIA	399
6	Alba County, the town of Zlatna, no. 6 Avram Iancu Street	MUNCITORUL	241
7	Alba County, the town of Teiuș, no. 90 Clujului Street	VICTORIA	219
8	Arad County, municipality of Arad, no. 2 Vasile Alecsandri Street	ARTA – cinematographic complex with two halls	250 + 60
9	Arad County, municipality of Arad, no. 2 Vasile Alecsandri Street	ARTA Outdoor Film Theatre	445
10	Arad County, municipality of Arad, no. 1 - 3 Vasile Goldiș Street	STUDIO	587

11	Arad County, municipality of Arad, no. 98 Revoluției Boulevard	MUREȘUL	465
12	Arad County, municipality of Arad, no. 25 P. Rareș Street	GRĂDIȘTE	310
13	Arad County, municipality of Arad, no. 32 Calea Timișorii Street	PROGRESUL	232
14	Arad County, municipality of Arad, no. 1 Codrului Street	SOLIDARITATEA	261
15	Arad County, municipality of Arad, no. 49 - 53 Revoluției Boulevard	DACIA	741
16	Arad County, the town of Chișineu-Criș, no. 66 Înfrățirii Street	POPULAR	200
17	Arad County, the town of Chișineu-Criș, , no. 66 Înfrățirii Street	POPULAR Outdoor Film Theatre	300
18	Arad County, the town of Nădlac, no. 32 Victoriei Street	NĂDLAC	280
19	Arad County, the town of Sântana, no. 58 Muncii Street	POPULAR	220
20	Arad County, the town of Lipova, no.10 N. Titulescu Street	MUREȘUL	374
21	Arad County, the commune of Pecica, no. 16 Bella Breiner Street	DACIA	279
22	Arad County, the commune of Ghioroc no. 86	GHIOROC	186
23	Argeș County, municipality of Pitești, no. 2 Calea București	BUCUREȘTI	459

24	Argeş County, municipality of Piteşti, no. 20 Victoriei Street	MODERN	351
25	Argeş County, municipality of Piteşti, Craiovei district	DACIA	501
26	Argeş County, municipality of Câmpulung, Visoi III district	BALADA	150
27	Argeş County, municipality of Câmpulung, no. 1 D.I. Berechet Street	MUSCELUL	315
28	Argeş County, municipality of Câmpulung, no. 1 D.I. Berechet Street	MUSCELUL Outdoor Film Theatre	150
29	Bacău County, municipality of Bacău, no. 165 Mărăşeşti Street	ORIZONT	500
30	Bacău County, municipality of Bacău, no. 4 Mărăşeşti Street	FORUM	410
31	Bacău County, municipality of Bacău, no. 33 M. Eminescu Street	ORION	419
32	Bacău County, municipality of Bacău, no. 12 N Bălcescu Street	CENTRAL	650
33	Bacău County, municipality of Oneşti, no. 3 Poştei Street	CAPITOL	457
34	Bacău County, municipality of Oneşti, no. 25 Oituz Boulevard	OITUZ	353
35	Bacău County, the town of Târgu Ocna, no. 1 C. Dionisie Street	URANUS	285
36	Bihor County, municipality of Oradea, no. 1 Independenţei Street	LIBERTATEA - cinematographic complex with 3 halls	961

37	Bihor County, municipality of Oradea, no. 2 Regele Ferdinand Square	TRANSILVANIA	399
38	Bihor County, municipality of Oradea, no. 4 Transilvaniei Street	PATRIA	652
39	Bihor County, municipality of Oradea, no. 77 Republicii Street	CRÎȘANA	450
40	Bihor County, municipality of Beiuș, no. 2 Andrei Șaguna Street	BIHORUL	501
41	Bihor County, municipality of Salonta, no. 14 Libertății Street	VICTORIA	325
42	Bihor County, the town of Aleșd, no. 10 Bobâlna Street	PACEA Cinema Projection Room	0
43	Bistrița-Năsăud County, municipality of Bistrița, no. 3 - 5 Decebal Boulevard	DACIA - cinematographic complex with 3 halls	383 + 207 + 150
44	Bistrița-Năsăud County, municipality of Bistrița, no. 39 Republicii Street	BULEVARD	200
45	Bistrița-Năsăud County, municipality of Bistrița, no. 22 Gh. Șincai Street	TINERETULUI	150
46	Bistrița-Năsăud County, the town of Năsăud, no. 24 Grănicerului Street	FLACĂRA	331
47	Bistrița-Năsăud County, the commune of Prundu Bârgăului,	TIHUȚA	161

no. 35 Principală Street

48	Botoşani County, municipality of Botoşani, no. 24 Unirii Street	UNIREA	500
49	Botoşani County, municipality of Botoşani, no. 3 Dobrogeanu Gherea Street	LUCEAFĂRUL	150
50	Botoşani County, municipality of Dorohoi, no. 22 A.I. Cuza Street	MELODIA	355
51	Botoşani County, municipality of Dorohoi, no. 3 D-tru Furtună Street	CULTURAL	355
52	Botoşani County, the town of Săveni, no. 12 Centrală Street	PATRIA	300
53	Botoşani County, the town of Ştefăneşti	PRUTUL	309
54	Brăila County, municipality of Brăila, no. 21 Cojocari Street	LIRA - cinematographic complex with 2 halls	399 + 79
55	Brăila County, municipality of Brăila, no. 10 Calea Galaţi	CENTRAL	656
56	Brăila County, municipality of Brăila, no. 57 Independenţei Boulevard	BULEVARD	754
57	Brăila County, municipality of Brăila, no. 5 Aleea Cinematografului Street	UNIREA	336
58	Brăila County, municipality of Brăila, no. 5 Calea Galaţi	CENTRAL Outdoor Film Theatre	1000
59	Brăila County, municipality of Brăila, Viziru I district	PESCĂRUŞ	355

60	Braşov County, municipality of Braşov, no. 50 15 Noiembrie Street	PATRIA	789
61	Braşov County, municipality of Braşov, no. 47 Griviţei Street	MODERN - cinematographic complex with 3 halls	705
62	Braşov County, municipality of Braşov, no. 1 Uranus Street	COSMOS	500
63	Braşov County, municipality of Braşov, no. 7 Mureşenilor Street	ROYAL	510
64	Braşov County, municipality of Braşov, no 1 Lungă Street	ASTRA	505
65	Braşov County, municipality of Făgăraş, 13 Decembrie Street Block of flats no.100	TRANSILVANIA	350
66	Braşov County, municipality of Făgăraş, no. 21 Republicii Street	NEGOIUL	501
67	Braşov County, municipality of Codlea, no. 131 Lungă Street	MĂGURA	311
68	Braşov County, the town of Rupea, no. 143 Republicii Street	POPULAR	346
69	Municipality of Bucureşti, sector 1, no. 12 - 14 Gh. Magheru Boulevard	PATRIA	1387
70	Municipality of Bucureşti, sector 1, no. 2 - 4 Gh. Magheru Boulevard	SCALA	900
71	Municipality of Bucureşti, sector 1, no. 174 Ion Mihalache Boulevard	EXCELSIOR	801

72	Municipality of București, sector 1, no. 137 Calea Griviței	DACIA	150
73	Municipality of București, sector 1, no. 166 Calea Griviței	GRIVIȚA	150
74	Municipality of București, sector 1, no. 9 Cotroceni Main Road	COTROCENI	150
75	Municipality of București, sector 1, no. 56 A Calea Giulești	GIULEȘTI	350
76	Municipality of București, sector 1, no. 80 Calea Griviței	FEROVIAR	-
77	Municipality of București, sector 1, no. 1 Poligrafiei Boulevard	PARC Outdoor Film Theatre	150
78	Municipality of București, sector 2, no. 2 S.V. Rahmaninov Street	FLOREASCA	150
79	Municipality of București, sector 2, no. 131 Ștefan cel Mare Main Road	MELODIA	150
80	Municipality of București, sector 2, no. 127 Calea Moșilor	EUROPA (MIORIȚA)	536
81	Municipality of București, sector 2, no. 31 Mătășări Street	POPULAR	150
82	Municipality of București, sector 2, no. 357 A Pantelimon Main Road	COSMOS	150
83	Municipality of București, sector 3, no. 6 I.C. Brătianu Boulevard	LUCEAFĂRUL	802

84	Municipality of Bucureşti, sector 3, no. 7 Bucovina Alley	GLORIA	652
85	Municipality of Bucureşti, sector 3, no. 2 Stănilă Alley	GLORIA-TITAN Outdoor Film Theatre	150
86	Municipality of Bucureşti, sector 3, no. 221 Mihai Bravu Main Road	MUNCA	150
87	Municipality of Bucureşti, sector 3, no. 9 Doamnei Street	DOINA	150
88	Municipality of Bucureşti, sector 3, no. 9 Doamnei Street	DOINA Outdoor Film Theatre	150
89	Municipality of Bucureşti, sector 4, no. 1A Libertăţii Street	MODERN	150
90	Municipality of Bucureşti, sector 4, no. 119 Giurgiului Main Road	FLAMURA	900
91	Municipality of Bucureşti, sector 4, no. 31 Al. Obregia Boulevard	CULTURAL	525
92	Municipality of Bucureşti, sector 4, no. 79 11 Iunie Street	MODERN Outdoor Film Theatre	150
93	Municipality of Bucureşti, sector 5, no. 26 Regina Elisabeta Boulevard	BUCUREŞTI	1015
94	Municipality of Bucureşti, sector 5, no. 34 Regina Elisabeta Boulevard	FESTIVAL	817
95	Municipality of Bucureşti, sector 5, no. 27 Regina Elisabeta Boulevard	CORSO	150

96	Municipality of Bucureşti, sector 5, no. 36 Regina Elisabeta Boulevard	CAPITOL	150
97	Municipality of Bucureşti, sector 5, no. 36 Regina Elisabeta Boulevard	CAPITOL Outdoor Film Theatre	150
98	Municipality of Bucureşti, sector 5, no. 32 Regina Elisabeta Boulevard	LUMINA	500
99	Municipality of Bucureşti, sector 5, no. 196 Calea 13 Septembrie	LIRA	150
100	Municipality of Bucureşti, sector 5, no. 196 Calea 13 Septembrie	LIRA Outdoor Film Theatre	150
101	Municipality of Bucureşti, sector 6, no. 8 Drumul Sării	DRUMUL SĂRII	150
102	Municipality of Bucureşti, sector 6, no. 24A Drumul Taberei	FAVORIT	944
103	Buzău County, municipality of Buzău, no. 1 Daciei Square	DACIA	642
104	Buzău County, municipality of Buzău, no. 36 N. Bălcescu Street	TINERETULUI	454
105	Buzău County, municipality of Buzău, no. 36 N. Bălcescu Street	TINERETULUI Outdoor Film Theatre	150
106	Buzău County, municipality of Râmnicu Sărat, no. 2 bis N. Bălcescu Street	Outdoor Film Theatre	150

107	Buzău County, municipality of Râmnicu Sărat, no. 36 Victoriei Street	PROGRESUL	320
108	Buzău County, the commune of Merei, Monteoru Village	MONTEORU	250
109	Buzău County, the commune of Merei, Monteoru Village	MONTEORU Outdoor Film Theatre	150
110	Călărași County, municipality of Călărași, no. 2 Prelungirii București Street	ORIZONT	450
111	Călărași County, municipality of Călărași, no. 2 1Mai Boulevard- it is being transferred in other places	VICTORIA	150
112	Călărași County, municipality of Oltenița, no. 154 Republicii Boulevard	FLACĂRA	150
113	Călărași County, municipality of Oltenița, no. 1 Flacăra Street	FLACĂRA Outdoor Film Theatre	150
114	Caraș-Severin County, municipality of Reșița no. 15 Republicii Street	DACIA	634
115	Caraș-Severin County, municipality of Caransebeș, no. 2 Revoluției Street	TINERETULUI	522
116	Caraș-Severin County, the town of Băile Herculane, no. 5 1 Mai Street	HERCULES	453
117	Caraș-Severin County, the town of Bocșa, no. 24 1 Decembrie Street	ASTRA	300

118	Caraș-Severin County, the town of Oravița, no. 57 1 Decembrie Street	CARAȘ	302
119	Caraș-Severin County, Locality of Moldova Veche, Coșbuc Street	DANUBIUS	350
120	Cluj County, municipality of Cluj-Napoca, no. 51 Eroilor Boulevard	VICTORIA	464
121	Cluj County, municipality of Cluj-Napoca, no. 11 Mihai Viteazul Boulevard	REPUBLICA	1010
122	Cluj County, municipality of Cluj-Napoca, no. 3 Universității Street	ARTA	300
123	Cluj County, municipality of Cluj-Napoca, no. 4 - 6 Horea Street	FAVORIT	294
124	Cluj County, municipality of Cluj-Napoca, no. 24 Unirii Street	TIMPURI NOI	280
125	Cluj County, municipality of Cluj-Napoca, Lingurari Street (WN)	DACIA - cinematographic complex with 2 halls	400 + 250
126	Cluj County, municipality of Cluj-Napoca, Aurel Vlaicu Street (WN)	MĂRĂȘTI - cinematographic complex with 2 halls	350 + 150
127	Cluj County, municipality of Turda, no. 1 Castanilor Street	FOX	255
128	Cluj County, municipality of Turda, no. 1 Tineretului Street	TINERETULUI - cinematographic complex with 2 halls	350 + 150

129	Cluj County, municipality of Turda, no. 38 Republicii Street	PACEA Outdoor Film Theatre	150
130	Cluj County, municipality of Dej, no. 3 16 Februarie Square	ARTA	500
131	Cluj County, municipality of Dej, no. 1 Mioriței Street	BOBÂLNA	300
132	Cluj County, municipality of Gherla, no. 1 Ștefan cel Mare Square	PACEA	300
133	Constanța County, municipality of Constanța, no. 56 Ferdinand Boulevard	REPUBLICA	1000
134	Constanța County, municipality of Constanța, no. 46 Tomis Boulevard	STUDIO (POPULAR)	465
135	Constanța County, municipality of Constanța, no. 235 Tomis Boulevard	DACIA	650
136	Constanța County, municipality of Constanța, no. 169A Mamaia Boulevard	BULEVARD	257
137	Constanța County, municipality of Constanța, no. 9A Ferdinand Boulevard	TOMIS Outdoor Film Theatre	2527
138	Constanța County, municipality of Mangalia, no. 1A Rozelor Street	PESCĂRUȘ	300
139	Constanța County, locality of Eforie Sud, no. 41 Republicii Boulevard	EFORIE SUD	188

140	Constanța County, locality of Eforie Nord	NEON Outdoor Film Theatre	1682
141	Constanța County, locality of Eforie Nord	PERLA Outdoor Film Theatre	1694
142	Constanța County, municipality of Mangalia, Mihai Viteazul Street (WN)	FARUL Outdoor Film Theatre	1142
143	Constanța County, municipality of Mangalia, Venus resort	VENUS Outdoor Film Theatre	1258
144	Constanța County, municipality of Mangalia, Saturn resort	SATURN Outdoor Film Theatre	954
145	Constanța County, municipality of Mangalia, Jupiter resort	JUPITER Outdoor Film Theatre	1077
146	Constanța County, locality of Mamaia, no. 1 Mamaia Boulevard	ALBATROS Outdoor Film Theatre	1625
147	Constanța County, locality of Eforie Sud, no. 2 T. Vladimirescu Street	EFORIE SUD Outdoor Film Theatre	1513
148	Constanța County, municipality of Medgidia, no. 14 Republicii Street	DOBROGEA	503
149	Constanța County, the town of Negru Vodă, no. 34 Constanței Street	LUMINA	299
150	Covasna County, municipality of Sfântu Gheorghe, no. 10 Korosi Cs. Sandor Street	ARTA	500
151	Covasna County, municipality of Covasna, no. 1 Gh. Doja Street	VICTORIA	300
152	Covasna County, municipality of Târgu Secuiesc, no. 2 Kossuth	PETOFI	300

Lajos Street

153	Dâmbovița County, municipality of Târgoviște, no. 2 Independenței Street	INDEPENDENȚA	668
154	Dâmbovița County, the town of Găești, no. 6 13 Decembrie 1918 Street	GLORIA	300
155	Dâmbovița County, the town of Moreni, no. 8 Lct. Pantea Ion Street	MUNCA	350
156	Dolj County, municipality of Craiova, no. 19 A.I. Cuza Street	PATRIA	950
157	Dolj County, municipality of Craiova, no. 82 Unirii Street	PATRIA Outdoor Film Theatre	950
158	Dolj County, municipality of Craiova, no. 3 - 5 Madona Dudu Street	MODERN	520
159	Dolj County, municipality of Craiova, no. 3 A.I. Cuza Street	JEAN NEGULESCU	382
160	Dolj County, municipality of Craiova, no. 2 – 4 M. Kogălniceanu Street	JEAN NEGULESCU Outdoor Film Theatre	150
161	Dolj County, municipality of Craiova, Oltenia Boulevard (WN)	CRAIOVIȚA	504
162	Dolj County, municipality of Craiova, no. 2 Drumul Jiului Str	LUMINA	248
163	Dolj County, the town of Filiași, no. 2 Street Stadionului	INDEPENDENȚA	500
164	Galați County, municipality of Galați, no. 165 Brăilei Street	ȚIGLINA	

165	Galați County, municipality of Galați, no. 60 Gh. Asachi Street	DOINA	600
166	Galați County, municipality of Galați, no. 4 Lahovary Street	CENTRAL Outdoor Film Theatre	2000
167	Galați County, municipality of Galați, no. 11 Oțelarilor Street	DACIA	500
168	Galați County, municipality of Galați, no. 35 Domnească Street	REPUBLICA	851
169	Galați County, municipality of Galați, no. 7 Henri Coandă Boulevard	FLACĂRA	500
170	Galați County, municipality of Tecuci, no. 1 Ion Petrovici Street	ARTA	370
171	Giurgiu County, municipality of Giurgiu, no. 16 Mircea cel Bătrân Street	BUCUREȘTI	420
172	Giurgiu County, municipality of Giurgiu, no. 16 Street Mircea cel Bătrân	BUCUREȘTI Outdoor Film Theatre	200
173	Gorj County, municipality of Târgu Jiu, no. 8A Siretului Street	VICTORIA	440
174	Gorj County, municipality of Motru, no. 16 Trandafirilor St	MINERUL	500
175	Harghita County, municipality of Miercurea-Ciuc, no. 2 Majlath Gustav Street	TRANSILVANIA	501
176	Harghita County, municipality of Miercurea-Ciuc, no. 38 Petofi Sandor Street	HARGHITA	150
177	*** <i>Repealed</i>		

178	Harghita County, municipality of Gheorghieni, no. 22 Libertății Street	MIORIȚA	400
179	Harghita County, municipality of Odorheiu Secuiesc, no. 3 Rakoczi Ferencz Street	STUDIO	501
180	Harghita County, the town of Cristuru Secuiesc, no. 35 Libertății Square	ARTĂ	355
181	Harghita County, the commune of Ciumani, no. 256 Principală Street	CULTURAL	300
182	Hunedoara County, municipality of Deva, no. 5 1 Decembrie Boulevard	PATRIA	482
183	Hunedoara County, municipality of Hunedoara, no. 5 Dacia Boulevard	FLACĂRA	421
184	Hunedoara County, municipality of Hunedoara, no. 3 Arenei Street	MODERN	500
185	Hunedoara County, municipality of Petroșani, no. 1 Poporului Alley	PARÂNGUL	500
186	Hunedoara County, municipality of Petroșani, no. 89 1 Decembrie Street	VICTORIA	546
187	Hunedoara County, municipality of Petroșani, no. 2 Aviatorilor Street	UNIREA	350
188	Hunedoara County, municipality of Lupeni, no. 1 T. Vladimirescu Street	CULTURAL	501
189	Hunedoara County, municipality of Orăștie, no. 5 N. Bălcescu Street	PATRIA	485

190	Hunedoara County, municipality of Brad, no. 13 Street Moților	ZARAND	623
191	Hunedoara County, municipality of Vulcan, no. 18 M. Viteazul Street	LUCEAFĂRUL	355
192	Hunedoara County, the town of Hațeg, no. 3 T. Vladimirescu Street	DACIA	353
193	Hunedoara County, the town of Uricani, no. 19 Muncii Street	RETEZATUL	355
194	Hunedoara County, the town of Lonea, no. 22 Republicii Street	MINERUL	300
195	Hunedoara County, the commune of Ilia, no. 10 Libertății Street	LUMINA	300
196	Ialomița County, municipality of Slobozia, no. 19 Unirii Boulevard	GALAX	500
197	Ialomița County, municipality of Slobozia, no. 132 M. Basarab Street	IALOMIȚA	360
198	Ialomița County, municipality of Slobozia, no. 132 M. Basarab Str	AMFITEATRU Outdoor Film Theatre	600
199	Ialomița County, municipality of Urziceni, no. 27 București Street	PACEA	250
200	Ialomița County, the town of Amara	AMARA Outdoor Film Theatre	1000
201	Iași County, municipality of Iași, no. 5 Unirii Square	VICTORIA	902
202	Iași County, municipality of Iași, no. 48 Copou Boulevard	COPOU	500
203	Iași County, municipality of Iași, no. 14 Voievozilor Square	DACIA	500

204	Iași County, municipality of Iași, no. 18 Al. Lăpușneanu Street	TINERETULUI	150
205	Iași County, municipality of Iași, no. 12 Al. Lăpușneanu Street	REPUBLICA	858
206	Iași County the town of Hârlău, no. 2 Bogdan Vodă Street	1 MAI	392
207	Ilfov County, the town of Buftea, no. 123 București - Târgoviște Main Road	LIBERTĂȚII	150
208	Maramureș County, municipality of Baia Mare, no. 7 Revoluției Square	DACIA	800
209	Maramureș County, municipality of Baia Mare, no. 7 Libertății Boulevard	MINERUL	549
210	Maramureș County, municipality of Sighetul Marmăției, no. A1 Bogdan Vodă Street	UNIREA	350
211	Maramureș County, municipality of Sighetul Marmăției, no. 1 Libertății Street	MUNCITORESC	497
212	Maramureș County, the town of Baia Sprie, no. 4 Săsar Street	MINERUL	298
213	Maramureș County, the town of Șomcuta Mare, no. 1 Ioan Buteanu Street	CHIOARUL	298
214	Maramureș County, the commune of Câmpulung la Tisa, no. 852 Principală Street	TISA	200

215	Mehedinți County, municipality of Drobeta-Turnu Severin, no. 65 Calea Traian	PORTILE DE FIER	483
216	Mehedinți County, municipality of Drobeta-Turnu Severin, no. 7 Carol Boulevard	PORTILE DE FIER Outdoor Film Theatre	1200
217	Mehedinți County, municipality of Drobeta-Turnu Severin, no. 22 Revoluției Boulevard	FLACĂRA	150
218	Mehedinți County, municipality of Orșova, no. 52 The Civic Centre	DUNĂREA	345
219	Mureș County, municipality of Târgu Mureș, no. 35 - 37 Trandafirilor Square	ARTA	742
220	Mureș County, municipality of Târgu Mureș, no. 49 Trandafirilor Square	SELECT	300
221	Mureș County, municipality of Târgu Mureș, no. 13 Trandafirilor Square	TINERETULUI	200
222	Mureș County, municipality of Reghin, no. 58 Petru Maior Street	PATRIA	500
223	Mureș County, the town of Sovata, no. 10 M. Eminescu Street	DOINA	328
224	Mureș County, the town of Luduș, no. 14 Republicii Street	FLACĂRA	300
225	Neamț County, municipality of Piatra Neamț, no. 14 Ștefan cel	DACIA	650

Mare Street

226	Neamț County, municipality of Piatra Neamț, no. 7 1 Decembrie 1918 Street	COZLA – cinematographic complex with 2 halls	350 + 150
227	Neamț County, municipality of Piatra Neamț, no. 4 M. Kogălniceanu Square	PIETRICICA	500
228	Neamț County, municipality of Roman, no. 211 Ștefan cel Mare Street	FLACĂRA	390
229	Neamț County, municipality of Roman, no. 4 N. Titulescu Street	UNIREA	500
230	Neamț County, the town of Târgu Neamț, no. 2 M. Kogălniceanu Street	OZANA	351
231	Olt County, municipality of Slatina, no. 28 A.I. Cuza Boulevard	ALUTUS	612
232	Olt County, municipality of Slatina, no. 30 Dinu Lipatti Street	LUMINA	300
233	Olt County, municipality of Slatina, no. 42 Lipscani Street	VICTORIA	150
234	Olt County, municipality of Caracal, no. 8 Victoriei Street	CENTRAL	299
235	Olt County, municipality of Caracal, no. 5 Antonius Caracalla Street	FLACĂRA	501
236	Olt County, the town of Corabia, no. 112 Carpați Street	DUNĂREA	150

237	Olt County, the town of Balș, no. 2 N. Bălcescu Street	MODERN	500
238	Prahova County, municipality of Ploiești, no. 4 Victoriei Square	PATRIA	1000
239	Prahova County, municipality of Ploiești, no. 3 Inelului Street	MODERN - cinematographic complex with 2 halls + gr.	400 + 269
240	Prahova County, municipality of Ploiești, no. 32 Romană Street	ARO with Outdoor Film Theatre	271
241	Prahova County, municipality of Ploiești, no. 8 Ștefan cel Mare Street	TINERETULUI	227
242	Prahova County, municipality of Câmpina, no. 69 Carol Boulevard	CENTRAL	469
243	Prahova County, the town of Sinaia, no. 25 Carol I Street	PERLA - cinematographic complex with 2 halls	250 + 270
244	Prahova County, the town of Azuga, no. 1 Postăvăriei Street	CONCORDIA	223
245	Prahova County, the town of Mizil, no. 108 M. Bravu Street	FAVORIT	300
246	Prahova County, the town of Slănic, no. 13 Slănicului Street	UNIREA	300
247	Sălaj County, municipality of Zalău, no. 1 Simion Bărnuțiu Street	SCALA	500
248	Sălaj County, the town of Șimleul Silvaniei, no. 1 Iuliu Maniu Square	MĂGURA	300

249	Sălaj County, the town of Cehu Silvaniei, no. 1 Gh. Pop de Băsești Street	SILVANIA	327
250	Satu Mare County, municipality of Satu Mare, no. 1 L. Blaga Boulevard	LUCEAFĂRUL	500
251	Satu Mare County, municipality of Satu Mare, no. 1 Păcii Square	VICTORIA	337
252	Satu Mare County, municipality of Satu Mare, no. 18 Ștefan cel Mare Street	POPULAR	150
253	Satu Mare County, municipality of Carei, no. 1 25 Octombrie Street	ARTA	160
254	Sibiu County, municipality of Sibiu, no. 29 N. Bălcescu Street	PACEA	634
255	Sibiu County, municipality of Sibiu, no. 1 Aurel Vlaicu Squar	ARTA	238
256	Sibiu County, municipality of Mediaș, no. 11 I.G. Duca Street	PROGRESUL	567
257	Sibiu County, the town of Cisnădie, no. 15 Cetății Street	POPULAR	453
258	Suceava County, municipality of Suceava, no. 1 Petru Rareș Street	MODERN	501
259	Suceava County, municipality of Suceava, no. 5 Gh. Deja Street	ARTA	150
260	Suceava County, municipality of Fălticeni, no. 276 Republicii Street	DOINA	450

261	Suceava County, municipality of Vatra Dornei, no. 36 Mihai Eminescu Street	DORNA	300
262	Suceava County, municipality of Câmpulung Moldovenesc, no. 35 Cal. Transilvaniei	MOLDOVA	298
263	Suceava County, municipality of Câmpulung Moldovenesc, no. 2 Cal. Transilvaniei	LUCEAFĂRUL	150
264	Suceava County, the town of Gura Humorului, no. 15 Republicii Square	LUMINA	150
265	Suceava County, the commune of Vama, Vama Village	VAMA	150
266	Teleorman County, municipality of Turnu Măgurele, Vlad Țepeș Street, block of flats no. 32	TURRIS	500
267	Teleorman County, municipality of Roșiori de Vede, no. 10 Carpați Street	MODERN	480
268	Teleorman County, the town of Zimnicea, no. 1 Mihai Viteazul Street	UNIREA	150
269	Timiș County, municipality of Timișoara, no. 2 C.D. Loga Boulevard	CAPITOL	1079
270	Timiș County, municipality of Timișoara, no. 2 C.D. Loga Boulevard	CAPITOL Outdoor Film Theatre	2500
271	Timiș County, municipality of Timișoara, Zborului Street	DACIA	500

272	Timiș County, municipality of Timișoara, no. 2 Lenau Street	STUDIO	708
273	Timiș County, municipality of Timișoara, no. 7 Revoluției Boulevard	TIMIȘ	770
274	Timiș County, municipality of Timișoara, no. 2 Porumbescu Street	VICTORIA	355
275	Timiș County, municipality of Timișoara, no. 18 Văcărescu Street	ARTA	400
276	Timiș County, municipality of Timișoara, no. 18 Văcărescu Street	ARTA Outdoor Film Theatre	150
277	Timiș County, municipality of Timișoara, no. 3 Mureș Street	UNIREA	350
278	Timiș County, municipality of Timișoara, no. 40 Izlaz Street	FRATELIA	288
279	Timiș County, municipality of Timișoara, no. 97 N. Andreescu Street	FREIDORF	330
280	Timiș County, municipality of Lugoj, no. 5 Alex. Mocioni Street	VICTORIA	331
281	Timiș County, the town of Sănnicolaul Mare, no. 8 V. Babeș Street	SELECT Outdoor Film Theatre	150
282	Timiș County, the town of Jimbolia, no. 37 Republicii Street	URANIA	511

283	Timiș County, the town of Jimbolia, no. 37 Republicii Street	URANIA Outdoor Film Theatre	150
284	Timiș County, the town of Recaș, no. 113 Crișan Street	AMFORA	258
285	Timiș County, the commune of Cărpiniș, no. 96 Principală Street	MARA	316
286	Timiș County, the commune of Variaș, no. 29 A Principală Street	STEAUA	324
287	Timiș County, the commune of Periam	MUNCITORESC	274
288	Timiș County, the commune of Periam	MUNCITORESC Outdoor Film Theatre	150
289	Timiș County, the commune of Dudeștii Vechi	LIBERTATEA	296
290	Timiș County, the commune of Cenad	CULTURAL	423
291	Timiș County, the commune of Teramia Mare	LUCEAFĂRUL	396
292	Timiș County, Grabați Village	ROMANȚA	268
293	Timiș County, Gottlob Village	GOTTLOB	180
294	Timiș County, Tomnatic Village	1 MAI	235
295	Tulcea County, municipality of Tulcea, no. 16 Isacsei Street	DACIA Outdoor Film Theatre	1121
296	Tulcea County, municipality of Tulcea, no. 6 A Isacsei Street - In course of being delivered L10/2001	SELECT – cinematographic complex with 2 halls	380 + 55
297	Tulcea County, municipality of Tulcea, no. 4 A Babadag Street	TINERETULUI	350

298	Tulcea County, the town of Măcin, no. 4 Florilor Street	REPUBLICA	300
299	Tulcea County, the town of Babadag, no. 82 Mihai Viteazul Street	HERACLEEA	350
300	Vâlcea County, municipality of Râmnicu Vâlcea, no. 1 Tineretului Street	FLACĂRA	362
301	Vâlcea County, municipality of Drăgășani, no. 31 Gib Mihăescu Street	PROGRESUL	298
302	Vâlcea County, locality of Căciulata, no. 782 Calea lui Traian Street	COZIA	266
303	Vâlcea County, the town of Olănești, no. 4 Băilor Street	DACIA	261
304	Vâlcea County, the town of Olănești, T. Vladimirescu Street	DACIA Outdoor Film Theatre	670
305	Vâlcea County, the town of Călimănești, Calea lui Traian Street	OLTUL	281
306	Vâlcea County,, the town of Horezu, no. 45 T. Vladimirescu Street	MIORIȚA	290
307	Vâlcea County, the town of Govora Băi, Parcului Street	PARC	320
308	Vâlcea County, the town of Bălcești	OLTEȚUL	200
309	Vaslui County, municipality of Vaslui, no. 100 Victoriei Street	INDEPENDENȚA	650

310	Vaslui County, municipality of Vaslui, no. 80 Ing. Badea Romeo Street	MODERN	501
311	Vaslui County, municipality of Bârlad, no. 250 Republicii Street	VICTORIA	397
312	Vaslui County, municipality of Bârlad, no. 83 Republicii Street	BÂRLADUL	450
313	Vaslui County, municipality of Huși, no. 15 G-ral Teleman Street	DACIA – cinematographic complex with 2 halls	311+151
314	Vrancea County, municipality of Focșani, no. 18 Republicii Street	UNIREA	100
315	Vrancea County, municipality of Focșani, no. 1 N. Bălcescu Park	Outdoor Film Theatre	1350
316	Vrancea County, municipality of Adjud, no. 1 V. Alecsandri Str	DOINA	300
317	Vrancea County, the town of Panciu, no. 1 Independenței Boulevard	REPUBLICA	350
318	Vrancea County, the town of Mărășești, no. 1 Republicii Str	VICTORIA	350

ANNEX 2

CRITERIA

For defining the Romanian film, the Romanian participation film, as well as the original film, produced in Romanian language

In compliance with Article 3 letter c) of Government Ordinance no.39/2005 and for the purpose of the contest Regulation, the following shall be deemed as:

1. Romanian film – a film that cumulates a minimum of 65 points out of a 100 possible, in compliance with the criteria below ;

2. Romanian participation film –a film that cumulates a minimum of 35 points out of a total of 100, in compliance with the criteria below :

a) authors:

<i>- director</i>	<i>15</i>
<i>- script writer</i>	<i>7</i>
<i>- composer</i>	<i>3</i>
<i>Total:</i>	<i>25 points</i>

b) producer *15*

c) original film produced in Romanian *10*

language in compliance with pt. 3

d) actors (on film or sound):

<i>- leading roles</i>	<i>10</i>
<i>- secondary roles</i>	<i>5</i>
<i>Total:</i>	<i>40 points</i>

e) artistic and technical team:

- image director or operator and crew	4
- scenography	1
- costumes	1
- sound engineer	2
- make up	1
- image editor	2
- other technicians	2
- day labourers	2
Total:	15 points

f) shootings, technical equipment and postproduction :

- locations (at least half in Romania)	4
- laboratory	2
- technical equipment	4
- sound postproduction	5
- laboratory and editing	5
Total:	20 points

Total: 100 points

3. *original film produced in the Romanian language - a film that complies with one of the following:*

- *The original version will be presented in Romanian language;*
- *The original version will be presented in two or several languages, but the Romanian speaking interval exceeds the other ones;*
- *The original version was produced in the language of a minority living in Romania, if the subject refers to the traditions and culture of the respective minority.*
