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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing an audiovisual cooperation programme with professionals from third
countries MEDIA Mundus**

**{SEC(2008) 3102}
{SEC(2008) 3098}
{SEC(2008) 3097}**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The audiovisual sector contributes to achieving the goals of the Lisbon Agenda, namely to boost competitiveness, skills, growth and jobs in a knowledge-based economy. It plays a major role in the context of the i2010 initiative — the policy umbrella for the European information society and media policies — in the framework of the Lisbon Agenda. Furthermore the audiovisual sector plays a major role for the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions ratified by the European Community together with 13 Member States on 18 December 2006.

The international audiovisual landscape has changed significantly over the last two decades, notably from the impact of technological developments. New players and platforms have emerged, boosting or requiring more content production, notably for emerging markets where growth is extremely promising. However, structural weaknesses affecting the circulation of European audiovisual works on third country markets prevent the European audiovisual industry from benefiting fully from this new expansion of international opportunities and threaten the competitiveness of this industry.

Given these challenges arising from the internationalisation of markets the European Parliament adopted, on 13 December 2007 a preparatory action called MEDIA International, focusing on developing European Union relations with third-country audiovisual markets. The subsequent call for proposals was successful, attracting strong interest from the industry. Eighteen projects were selected. The Parliament is currently in the process of renewing the preparatory action for 2009 with an increased budget. Ministers responsible for audiovisual matters in the European Union met informally in Cannes on 19 May 2008, and adopted a declaration welcoming the European Parliament's initiative on the MEDIA International preparatory action and encouraging the Commission 'to pursue the development of this initiative and to examine the desirability and the possibility of presenting, before the end of the year, a proposal for a support programme to promote cooperation between European audiovisual industry professionals and industry professionals in third countries for the mutual benefit of all participants'.

- **General context**

The major problem of the European audiovisual industry on international markets is the poor circulation of audiovisual works. This problem affects not only European companies which cannot fully benefit from the internationalisation of audiovisual markets but also the consumers who are faced with a limited choice (and cultural diversity) of audiovisual works. The European Union itself, a major player in the negotiation of the UNESCO Convention on Cultural Diversity, is therefore confronted with high expectations from audiovisual professionals worldwide regarding its

implementation.

The reasons underlying the poor circulation of audiovisual works are the following. The different European markets are fragmented not only on the basis of language but also of structure. The problem is one of critical mass: the original domestic market determines the strength of the industry on the international stage. Individually all the Member States (and most of their foreign counterparts) have relatively small markets compared to that of the USA. The distribution structure in Europe is made up of small individual companies unlike the large multinational vertically integrated studios in the USA; hence the lack of competitiveness of the European audiovisual industry. In addition European companies struggle with underfunding. Moreover viewing habits of audiences dominated by US and/or domestic blockbusters represent a significant obstacle to showing a real diversity of audiovisual works.

These structural weaknesses affecting the circulation of European works on third-country markets prevent the European audiovisual industry from benefiting fully from the new opportunities for international expansion.

Existing EU programmes in the area of audiovisual support (MEDIA 2007, Euromed Audiovisual II or the EU-ACP programme for cinema) cannot address all the challenges of the rapid internationalisation of the audiovisual sector, either because they were conceived for cooperation within the European Union or because they answer to development policy needs and not to industrial policy ones. Other international instruments such as existing international film funds only have limited budgetary allocations or, in the case of co-production treaties, are not endowed with the necessary budgetary means and are therefore ineffective in fully addressing the structural problems of the European audiovisual industry in its efforts to develop its international potential.

- **Existing provisions in the area of the proposal**

MEDIA 2007

The MEDIA 2007 programme (2007-2013) is the fourth multi-annual programme for support to the European audiovisual industry since 1991. Its general objectives are:

- Preserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage;
- Increase the circulation and viewership of European audiovisual works inside and outside the European Union;
- Strengthen the competitiveness of the European audiovisual sector in the framework of an open and competitive European market favourable to employment, including by promoting links between audiovisual professionals.

MEDIA 2007 includes EU-wide funding for training, development, distribution, promotion and horizontal actions.

MEDIA 2007 is overwhelmingly an intra-European programme aiming at increasing cooperation and circulation among Member States. Although several of the action lines

of MEDIA Mundus cover activities similar to MEDIA 2007, the objectives pursued and the mechanisms for participation in the programmes are radically different from those of MEDIA 2007.

Euromed Audiovisual

In the 1995 Barcelona Conference Foreign Affairs Ministers from the European Union and 12 Mediterranean Partners agreed to form the Euro-Mediterranean Partnership to nurture closer cultural ties between the Southern Mediterranean and Europe (third pillar: intercultural dialogue). In 2000, the European Commission launched the regional Euromed Audiovisual I Programme and in 2006, the current Euromed Audiovisual II Programme with a budget of €15 million for the period 2006 to 2008. It is geared towards professionals, institutions and national organisations in the audiovisual field from the following countries and territories: Algeria, Egypt, Jordan, Israel, Lebanon, Morocco, Syria, the Palestinian Authority, Tunisia and Turkey. The 12 Euromed Audiovisual projects concern training, development, promotion, distribution and exhibition. The programme ends in 2008 and its relaunch is currently planned for 2009. Euromed Audiovisual does not primarily target the increased competitiveness of Europe's audiovisual industry.

EU-ACP

The EU-ACP support programme for cinema and the audiovisual industry aims to promote the development and structuring of the audiovisual industries in the 79 ACP (Africa, Caribbean and Pacific) countries. The Programme started in October 2007 for 3 years with a budget of €6.5 million. Funded under the 9th European Development Fund, it supports training, film production, film distribution and film promotion.

Both of these programmes, Euromed Audiovisual and EU-ACP, have development policy objectives with a specific regional focus. The objectives of MEDIA Mundus focus on international partnerships and projects aiming at the competitiveness of the European audiovisual sector and a global increase of consumer choice and cultural diversity.

- **Consistency with the other policies and objectives of the Union**

The policy objectives of MEDIA Mundus are consistent and complementary with the objectives of other European Union policies such as industrial policy, external cooperation policy, the common commercial policy, the cultural policy, the actions on linguistic diversity and the completion of the internal market.

The audiovisual sector contributes to achieving the Lisbon Agenda. In its conclusions, the European Council of 23 and 24 March 2000 stated that 'content industries create added value by exploiting and networking European cultural diversity'. This approach was confirmed in the conclusions of the Brussels European Council of 20 and 21 March 2003 and by conclusions from the Austrian presidency in 2006. The initiative is coherent with and further develops the audiovisual strand of the i2010 initiative, the policy umbrella for the EU's information society and media policies.

Furthermore, the general policy and the operational objectives play an important role in the context of the implementation of the UNESCO Convention on the Protection and

Promotion of the Diversity of Cultural Expressions. This convention emphasises the specific and dual (cultural and economic) nature of cultural goods and services.

Community action is consistent with the obligation placed on the Community by Article 151(4) of the EC Treaty to take cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures.

The general policy objectives and the specific and operational objectives of the action are also consistent with the Charter of Fundamental Rights, especially the principle of promoting cultural diversity (Article 22).

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

• Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

1) Meetings:

- o In February 2008 a meeting of the Cinema Expert group on ‘strengthening of the external dimension of Audiovisual Policy’ took place. National authorities’ and experts’ views were heard;
- o In February and May 2008 the European Film Agencies’ Directors were consulted;
- o In February 2008, during the Berlin Film Festival, and in April 2008, during the Udine Far East Film Festival, consultations were held with professionals originating from European and third countries;
- o In April 2008 the audiovisual experts from the EFTA were informed.
- o In April 2008 the MEDIA committee was informed. Delegations were invited to send their written comments to the Commission and to hold bilateral consultations with the Commission;
- o In May 2008, Ministers responsible for audiovisual matters met during Europe Day in Cannes on the theme ‘Cinema: building a world of exchanges’ and a conference with approximately 230 stakeholders took place to present and discuss possible means of international cooperation;
- o In June 2008 a public hearing with approximately 120 professionals took place in Brussels;
- o In July 2008, the French Presidency of the EU organised a colloquium on the topic ‘Quelle politique de coopération cinématographique pour l’Union européenne?’
- o In July 2008 the evaluation of projects submitted under the call for proposals for the Preparatory Action MEDIA International took place. Intensive discussions were held with the independent experts on the projects submitted and on their

recommendations for modifications to any future actions.

2) Online Consultation: wide publicity was given to this public consultation by placing it on the 'Your Voice in Europe' website as well as on other Europa websites such as MEDIA 2007 and Euromed Audiovisual II.

Summary of responses and how they have been taken into account

Most professionals strongly support strengthened cooperation between European and third country professionals in the audiovisual sector. The stakeholders consulted expressed a need for action that should mainly focus on training, distribution, the facilitation of co-productions and circulation of audiovisual works, and film literacy. The proposal reflects their views.

An open consultation was conducted over the internet from 10/04/2008 to 25/06/2008. The Commission received 259 response(s). The results are available on http://ec.europa.eu/information_society/media/docs/mundus/pc.pdf.

• **Collection and use of expertise**

Scientific/expertise domains concerned

The Commission concluded a service contract with Technopolis / Media Consulting Group to acquire external expertise on and input for the impact assessment and the ex-ante evaluation.

Methodology used

Ex-ante evaluation and impact assessment

Main organisations/experts consulted

In the context of the research for their Report, Technopolis / Media Consulting Group conducted 54 interviews with audiovisual professionals from around the world, covering all relevant parts of the audiovisual value chain (producers, distributors, sales agents, exhibitors, broadcasters and public support bodies).

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has not been mentioned.

The advice received covered analysis of the underlying problems, policy options and an assessment of potential impacts of the policy options.

Means used to make the expert advice publicly available

Publication of the Report on the MEDIA website

• **Impact assessment**

- o Business as usual

Given the expected developments, the impact of internationalisation on the European audiovisual sector and the negative costs anticipated if a counter-activity is not implemented in the next few years, the policy option 'business as usual' was assessed to be inoperable and not to be pursued further.

- o Extension of existing instruments

An extension of the Euromed Audiovisual II and the EU-ACP programme for Cinema cannot meet the objectives pursued by the proposal, mainly because these programmes have development cooperation objectives. The extension of MEDIA 2007 through adding further action lines would meet the Community's policy objectives and the European industry's needs but this would be less effective than the creation of a new instrument.

- o Creation of a new instrument MEDIA Mundus

The Impact assessment concluded that the creation of a new instrument is the most effective and the most efficient way to meet the general and specific objectives and to respond to the challenges arising from the internationalisation of audiovisual markets.

The Commission carried out an impact assessment listed in the Work Programme, accessible on: http://ec.europa.eu/information_society/media/mundus/index_en.htm.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposal is to set up a new programme called MEDIA Mundus. The three general policy objectives of the programme are:

- o To increase the competitiveness of the EU audiovisual industry on international markets.
- o To enable Europe to play its cultural and political role in the world.
- o To increase consumer choice and cultural diversity.

These objectives can be detailed in three specific objectives:

- o To increase information exchange, training and market intelligence.
- o To improve the competitiveness and transnational distribution of audiovisual works worldwide.
- o To improve circulation and exposure of audiovisual works worldwide and to increase public (in particular young public) demand for cultural diversity.

Following the principle of mutual benefit, professionals from countries participating in the programme and from other countries would jointly propose and implement projects under the proposed action lines. Funding would be available for consortia only, and under three basic premises: (1) any group/consortium which submits a project needs to

be owned, whether directly or by majority participation, by EU nationals; (2) any group/consortium should include at least one audiovisual company/organisation which has its head office in a third country; (3) each project needs to have a minimum of three partners and shall significantly boost an international networking effect.

- **Legal basis**

- o Articles 157 (3) and 150 (4) EC

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason(s).

The European initiative will be complementary to initiatives such as cooperation programmes undertaken by individual Member States (for example the World Cinema Fund, or Fonds Sud). Although the latter are beneficial in themselves, they often remain at bilateral level and cannot have the same pan-European effect as a Europe-wide cooperation instrument. The European added value generated would be that the visibility of European audiovisual works in the world would not be reduced to a small number of audiovisual works from mostly large Member States but would create opportunities to increase market share for European audiovisual works on third-country markets.

Community action will better achieve the objectives of the proposal for the following reasons.

The nature of the challenge that Europe faces means that coordinated action at European level is likely to create an European added value to regional or local initiatives because it enables a pooling of resources and greater geographical coverage. Many of the barriers to internationalisation can be better addressed at European level, in particular as regards the size, under-funding and fragmentation of markets, but also barriers specifically related to third countries. It would be more efficient, proportional and effective if these problems were addressed on a European level rather than by individual Member States.

The key qualitative indicators for determining whether greater cooperation at international level has improved the current situation would be that European audiovisual professionals would be perceived as the most attractive partners for international cooperation and a globally diverse film market would have emerged.

A joint approach, including a critical mass of professionals from the European Union and from third countries, can lead to a greater positive impact, sustainable global networking and thus the gradual change of global market structures. This will be

particularly beneficial for smaller Member States. The European Union is best placed to help develop an international dimension for the European audiovisual industry, thus creating a framework for cooperation and for improved circulation of audiovisual works.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reasons.

Community action will aim at reinforcing national action taken in this field. It would be proportionate and would not go beyond what is necessary to achieve the objectives. This proposal conforms to the principle of proportionality because it can be implemented on the basis of existing national and European structures.

The programme will follow standardised procedures in order to minimise the administrative burden for the Commission and beneficiaries. It will also encourage grouping of professionals in order to limit the number of contracts.

- **Choice of instruments**

Proposed instruments: other.

Alternative means would not be adequate for the following reasons.

A Community programme is the only possible legal instrument for stimulating international cooperation in the audiovisual sector. It is designed to provide a leverage effect, which could not be achieved by legislative measures.

4. BUDGETARY IMPLICATION

The overall budget for the actions (2011-2013) amounts to €13,5 million:

- Information exchange, training and market intelligence (specific objective 1): €2,7 million
- Competitiveness and distribution: (specific objective 2) €5,1 million,
- Circulation (specific objective 3): €5,7 million

The overall budget for actions and for implementing this programme amounts to €15 million.

5. ADDITIONAL INFORMATION

- **Simulation, pilot phase and transitory period**

There was or there will be a simulation or a pilot phase for the proposal.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing an audiovisual cooperation programme with professionals from third countries MEDIA Mundus

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 150(4) and 157(3) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

- (1) The audiovisual sector contributes to achieving the goals of the Lisbon Agenda, namely to boost competitiveness, skills, growth and jobs in a knowledge-based economy. It plays a major role in the context of the i2010 initiative — the policy umbrella for the European information society and media policies — in the framework of the Lisbon Agenda.
- (2) The European Parliament has consistently underlined that the audiovisual sector makes an important contribution to the European creative and knowledge economy and plays a central role in promoting cultural diversity and pluralism.
- (3) The cultural and creative sectors contribute substantially to the European cultural economy and creative industries employ at least 5.8 million people, 3.1% of total EU25 population.
- (4) In its Resolution 2007/C 287 of 16 November 2007 on a European Agenda for Culture, the Council considered that culture was a vital element of international

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

relations and underlined the need to enhance its role in the EU's external relations and development policy.

- (5) The Commission's Communication on 'Europe in the world' emphasises the inextricable link between the EU's internal and external policies, and stresses that Europe has the potential to share in the new opportunities created by emerging markets and globalisation, as it has an open society that can absorb people, ideas and new technologies⁵.
- (6) The European Union was a major player in the process leading to the adoption of the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions which entered into force on 18 March 2007, following the ratification by the European Community and 13 EU Member States on 18 December 2006. The Convention's aim is to strengthen international cooperation and solidarity so as to favour the cultural expressions of all countries. Following Article 12 (e) of the Convention, parties to the Convention 'shall encourage the conclusion of co-production and co-distribution agreements'.
- (7) Community support to the audiovisual sector takes into account Article 151 of the Treaty, which states that the Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture.
- (8) The Charter of Fundamental Rights of the European Union, in Article 11 recognises the freedom of expression and media pluralism.
- (9) The evaluation report of the MEDIA Plus programme⁶ identified the importance of international markets to overcome the problems of the European audiovisual industry.
- (10) The international audiovisual landscape has changed significantly over the last two decades, notably under the impact of technological developments such as digital cinema projection, video on demand or multi-channel digital television. This has created strong financial growth and promising investments and consequently, a strong and growing demand for more audiovisual content, offering numerous opportunities to companies. Accordingly, there is a strong and increasing interest in developing projects relating to the various digital applications. In addition, there is a strong link between international cooperation on projects and our ability to promote in the world Europe's regulatory model on audiovisual issues and the convergence between audiovisual and electronic communications.
- (11) Given the increasing importance of the international dimension of audiovisual policy, on 13 December 2007 the European Parliament adopted, in the 2008 budget, a preparatory action MEDIA International, focusing on developing European Union relations with third-country audiovisual markets, providing the opportunity for structuring and strengthening relations and networks between European Union and third-country professionals in the audiovisual sector, for the mutual benefit of the

⁵ Europe in the world — Some practical proposals for greater coherence, effectiveness and visibility, Communication from the Commission to the European Council of June 2006 COM (2006) 278 final 8 June 2006 http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0278en01.pdf.

⁶ http://ec.europa.eu/information_society/media/overview/evaluation/reports/index_fr.htm.

European industry and the third countries involved. The subsequent call for proposals attracted great interest from both European and third-country professionals. Eighteen projects were selected for support. The first year of the preparatory action MEDIA International thus confirmed the sector's interests and needs in the international field and the necessity for Community action.

- (12) The European Parliament renewed the preparatory action with an increased budget for 2009.
- (13) On 19 May 2008, ministers responsible for audiovisual matters in the European Union adopted a declaration welcoming the European Parliament's initiative on the preparatory action MEDIA International and encouraging the Commission 'to pursue the development of this initiative and to examine the desirability and the possibility of presenting a proposal for a support programme to promote cooperation between European audiovisual industry professionals and industry professionals in third countries for the mutual benefit of all participants'.
- (14) The open public consultation on MEDIA Mundus demonstrated strong support for strengthened cooperation between European and third-country professionals in the audiovisual sector, notably in the fields of training, the facilitation of co-productions, distribution and circulation of audiovisual works (including new platforms, such as VOD and IPTV), and film literacy.
- (15) Access to audiovisual markets in third countries should be facilitated by disseminating market knowledge among professionals operating on those markets and by creating networks between them. For those purposes, projects to provide training should be supported within the framework of a programme.
- (16) The distribution sector determines the diversity of audiovisual works on offer and consumer choice. European distributors are small companies, and because of the market structure and the fragmentation of the market, they are, unlike their large vertically-integrated competitors, ill equipped for gaining access to international markets. Furthermore, new players and distribution platforms have emerged, boosting or requiring more audiovisual content. It is therefore appropriate take measures to improve the distribution, circulation and exhibition of audiovisual works.
- (17) There is therefore a need to establish a Community programme for the audio-visual sector, providing financial support to projects in the fields of information exchange and training, competitiveness, distribution, circulation and exhibition of audiovisual content.
- (18) In order to create the maximum mutual benefit and to simplify the administration, projects under the programme should be proposed and implemented jointly by professionals from the European Union and from third countries, and it should be a requirement that minimum of three partners participate in the project. In order to simplify the administration projects should be coordinated by a professional established in a country which participates in the programme.
- (19) Appropriate measures should be implemented to prevent irregularities and fraud and to recover funds which have been lost or transferred or used improperly.

- (20) It is appropriate to lay down, for the entire duration of the programme, a financial framework constituting the prime reference for the budgetary authority, within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management⁷.
- (21) Since certain measures necessary for the implementation of this Decision are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁸, they should be adopted by use of the management procedure provided for in Article 4 of that Decision.
- (22) The arrangements for monitoring and evaluating the programme should include detailed annual reports as well as specific, measurable, achievable, relevant and time-bound objectives and indicators.
- (23) Since the objectives of the proposed actions cannot be sufficiently achieved by the Member States, given the transnational and international character of the issues at stake, and can therefore by reason of the European scope and effects of the actions be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

HAVE DECIDED AS FOLLOWS:

CHAPTER 1: ESTABLISHMENT, SCOPE AND OBJECTIVES OF THE PROGRAMME

Article 1 Establishment of the programme

1. The programme MEDIA Mundus (hereinafter referred to as "the programme") is hereby established for the funding of projects for international cooperation with professionals in third countries in the audiovisual sector.
2. The programme shall be implemented from 1 January 2011 till 31 December 2013.

Article 2 Scope of the programme

This programme is addressed to professionals from

1. European Union Member States;
2. EFTA States which are members of the EEA, in accordance with the provisions of Part VI of the EEA agreement;

⁷ OJ C 139, 14.6.2006, p. 1.
⁸ OJ L 184, 17.7.1999, p. 23.

3. Countries referred to in article 8, paragraphs 1 and 2, of Decision No 1718/2006/EC, and not already mentioned under paragraph 2 of this article, where the country:
 - (a) Unilaterally declares its willingness to be a member of the programme and
 - (b) Pays a contribution, calculated on the same basis as their contribution to the MEDIA 2007 programme.
4. All other countries.

Article 3 *Definitions*

For the purposes of this Decision the following definitions shall apply:

1. 'European professional' means a professional who:
 - (a) is a national of one of the countries referred to in Article 2, paragraph 1, or of a country fulfilling the requirements in Article 2, paragraph 2 or 3, or
 - (b) is established as a legal person in one of the countries referred to in Article 2, paragraph 1, or in a country fulfilling the requirements in Article 2, paragraph 2 or 3, and is owned, whether directly or by majority participation, and continue to be owned by one or more of those countries or by one or more nationals from those countries until the end of the project
2. 'Audiovisual work' means a set of moving images with or without sound. Examples of audiovisual works include feature films, documentaries, and animation films.
3. 'European works' means audiovisual works originating in countries referred to in Article 2, paragraph 1, 2 or 3.

Article 4 *Conditions for participation in the programme*

1. Projects shall be proposed and implemented jointly by European professionals and professionals having their residence or place of establishment in one of the countries referred to in Article 2 paragraph 4 in order to be eligible for funding under the programme.
2. Each project shall have a minimum of three partners, and seek to promote an international networking effect.
3. Each project shall be coordinated by a European professional and include at least one partner from a country referred to in Article 2 paragraph 4. The coordinator shall be responsible for the submission of the proposal, for the management of the project and for the financial administration and implementation.

Article 5
Objectives of the programme

1. The global objectives of the programme are to increase the competitiveness of the European audiovisual industry, to enable Europe to play its cultural and political role in the world more effectively and to increase consumer choice and cultural diversity.
2. The programme's specific objectives are:
 - (a) to increase information exchange and, in particular through training activities and scholarships, facilitate transnational networking between professionals in order to improve access to third country markets and to build trust and long-term commercial relationships;
 - (b) to improve the competitiveness and transnational distribution of audiovisual works worldwide;
 - (c) to improve circulation and exposure of audiovisual works worldwide and to increase public (in particular young public) demand for culturally diverse audiovisual content.
3. Particular attention shall be paid to consistency and complementarity between the programme and other relevant Community policies, instruments and actions, in particular coordination with and implementation of the MEDIA 2007 programme and external cooperation programmes in the audiovisual and cultural sectors with third countries.

CHAPTER 2: OPERATIONAL OBJECTIVES OF THE PROGRAMME

Article 6
Information exchange, training and market intelligence

In the field of information exchange and training, the operational objectives of the programme are to:

1. Strengthen the skills of European and other professionals from countries referred to in Article 2 paragraph 4 to improve their understanding of in particular the operating conditions, legal frameworks, financing systems and cooperation possibilities of their respective audiovisual markets, and, in particular through scholarships, thus facilitate networking and the emergence of long-term commercial relationships and improve the level of information and knowledge of audiovisual markets in order to secure and facilitate audiovisual cooperation between professionals.
2. Support continuous training courses including partners, trainees and trainers from European and from other countries referred to in Article 2 paragraph 4, with a focus on the conditions of production, co-production, distribution, exhibition and dissemination of audiovisual works in the relevant international markets.
3. Support continuous training courses including partners, trainees and trainers from European and from other countries referred to in Article 2 paragraph 4, on the

inclusion of new technologies for production, post-production, distribution (including new distribution platforms, such as VOD, IPTV, Web TV), marketing and archiving of audiovisual works.

Article 7 *Competitiveness and Distribution*

Regarding the improvement of the competitiveness and distribution of audiovisual works on foreign markets, the operational objectives of the programme are to:

1. Facilitate the search for foreign partners for European audiovisual works. The programme shall support the organisation of co-production markets and partner search events (pitching), aiming at bringing together possible partners (script writers, directors, producers and distributors).
2. Encourage international sales and promotion of audiovisual works. The programme shall encourage the conclusion of agreements between groupings of right-holders/sales agents/distributors to ensure the distribution (in cinemas, on TV, IPTV, Web TV and VOD platforms) and promotion of their respective audiovisual works on the territory/territories of their partner(s).

Article 8 *Circulation*

In the field of circulation, the operational objectives of the programme are to:

1. Encourage cinema operators in European and countries referred to in Article 2 paragraph 4 to reciprocally increase the programming and exhibition conditions (duration of, exposure and number of screenings) of exclusive first releases of audiovisual works. The programme shall support projects presented by cinema networks with screens in Europe and in countries referred to in Article 2 paragraph 4 that programme a significant number of audiovisual works on the territory/territories of their partner(s).
2. Increase the supply of audiovisual content and improve broadcasting and distribution conditions for audiovisual works from countries referred to in Article 2 paragraph 4 on European distribution channels (TV, IPTV, Web TV, VOD platforms) and for European works through international distribution channels. The programme shall support partnerships between broadcasters (or VOD platforms) and rights-holders aiming at broadcasting a package of works or at distributing a catalogue of works on VOD Platforms.
3. Facilitate the organisation of events and film literacy initiatives, notably aimed at young audiences, intended to internationally promote the diversity of audiovisual works and increase public demand for culturally diverse audiovisual content.

Article 9
Implementation of the operational objectives

1. The Commission shall take steps to ensure that the activities supported under the operational objectives referred to in Articles 6 to 8 complement each other.
2. The measures set out under Articles 6 to 8 shall be implemented in accordance with the provisions in the Annex.

CHAPTER 3: ARRANGEMENTS FOR IMPLEMENTING THE PROGRAMME AND FINANCIAL PROVISIONS

Article 10
Financial provisions

1. The measures financed under this Decision shall be implemented in accordance with Regulation No 1605/2002⁹.
2. In accordance with Article 176(2) and (4) of Commission Regulation (EC, Euratom) No 2342/2002¹⁰, the Commission may decide, depending on the beneficiaries and the type of action, whether they may be exempted from verification of the professional skills and qualifications required to successfully complete an action or programme of work.
3. Depending on the type of action, financial aid may take the form of grants¹¹ or scholarships. The Commission may also award prizes for the programme's activities or projects. Depending on the nature of the activity, flat-rate financing or the use of scales of unit costs may be authorised in accordance with Article 181 of Commission Regulation (EC, Euratom) No 2342/2002.
4. Funding awarded under the programme may not exceed 50% of the final costs of the project to be funded. However, in the cases expressly provided for in the Annual Work Programme and in the Call for Proposals, funding may be as high as 80%.
5. In accordance with Article 113 paragraph 1 of Council Regulation (EC, Euratom) No 1605/2002, in conjunction with Article 172 paragraph 1 of Regulation (EC Euratom) No 2342/2002, the beneficiaries' contribution may be provided either entirely or partly in kind if the value of the contribution can be established on the basis of costs actually borne and duly supported by accounting documents, or costs generally accepted in the market in question. Premises made available for training or promotional purposes may be included in such contributions..
6. In accordance with Article 112 paragraph 1 of Regulation (EC, Euratom) No 1605/2002, where provided for in the annual work programme and in the call for proposals, the Commission may decide that costs directly linked with implementing

⁹ OJ L 248 of 16.9.2002, p.1.

¹⁰ OJ L 357 of 31.12.2002, p. 1.

¹¹ Reimbursable in respect of the MEDIA contribution (excluding support for dubbing/subtitling).

the project are eligible for funding, even if they were partially incurred by the beneficiary before the selection procedure.

Article 11 *Implementation of this Decision*

1. The Commission is responsible for implementing the programme in accordance with the arrangements laid down in the Annex.
2. The following measures for the implementation of the programme shall be adopted in accordance with the procedure referred to in Article 12 paragraph 2
 - (a) an annual plan of work, including priorities;
 - (b) an annual internal breakdown of the programme resources, including the breakdown between measures in the different fields;
 - (c) the general guidelines for implementing the programme;
 - (d) the content of the calls for proposals, the definition of the criteria and the procedures for the selection of projects;
 - (e) selection of proposals for the allocation of Community funds in excess of €400 000 per beneficiary and year;
3. The Commission shall adopt other measures and decisions on the award of grants other than those listed in paragraph 2, point (e). The Commission will provide the Committee and the European Parliament with all relevant information including the selection decisions taken in accordance with this paragraph within two working days after the adoption of these decisions.

Article 12 *Committee*

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this paragraph, the management procedure laid down in Articles 4 of Decision 1999/468/EC shall apply, in compliance with Article 7 paragraph 3 and Article 8 thereof.
3. The period laid down in Article 4 paragraph 3 of Decision 1999/468/EC shall be two months.

Article 13 *The programme's contribution to other Community policies and prerogatives*

The programme shall help to strengthen the European Community's horizontal policies by:

1. contributing to the debate on and information about the European Union as an area of peace, prosperity and security;
2. promoting the fundamental principle of freedom of expression;
3. encouraging awareness of the importance of cultural diversity and multiculturalism in the world;
4. enhancing the knowledge base of the European economy and contributing to strengthening the global competitiveness of the European Union;
5. helping to combat all forms of discrimination based on sex, race or ethnic origin, religion or beliefs, disabilities, age or sexual orientation.

Article 14
Monitoring and evaluation

1. The Commission shall monitor the projects regularly. The results of the process of the monitoring shall be taken into account in the implementation of the programme.
2. The Commission shall ensure that the programme is evaluated , externally and independently.
3. The Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:
 - (a) Communication on the continuation of the programme by 30 June 2012 at the latest;
 - (b) an ex-post evaluation report by 31 December 2015 at the latest.

Article 15
Budget

1. The budget for implementing this programme for the period set out in Article 1 paragraph 2 is fixed at €15 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

CHAPTER 4: ENTRY INTO FORCE

Article 16
Entry into force

This Decision shall enter into force 20 days following its publication in the Official Journal of the European Union and shall apply from 1 January 2011.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

ACTIONS TO BE IMPLEMENTED

1. SPECIFIC OBJECTIVE 1: STRENGTHEN INFORMATION EXCHANGE, TRAINING AND MARKET INTELLIGENCE

Increase information exchange and market intelligence and, in particular through training activities and scholarships, facilitate networking between European and other professionals from countries referred to in Article 2 paragraph 4 (hereinafter referred to as third-country) in order to improve access to third-country markets and to build trust and long-term commercial relationships.

(1) Operational objective

Strengthen the skills of European and third countries' professionals to improve their understanding of in particular the operating conditions, legal frameworks, financing systems, cooperation possibilities of their respective audiovisual markets, and thus facilitate networking and the emergence of long-term commercial relationships. Improve the level of information and the knowledge of audiovisual markets in order to secure and facilitate audiovisual cooperation between European and third country professionals.

Actions to be implemented

- Support the development and implementation of training modules including trainees and trainers from European and third countries; with a focus on the conditions of production, co-production, distribution, exhibition and dissemination of audiovisual works in the relevant international markets.
- Support the development and implementation of training modules including trainees and trainers from European and third countries; on the inclusion of new technologies for production, post-production, distribution (including new distribution platforms, such as VOD, IPTV, Web TV), marketing and archiving of audiovisual works.
- Encourage exchanges between the institutions and/or existing continuous training activities.
- Contribute to training for trainers.

2. SPECIFIC OBJECTIVE 2: COMPETITIVENESS AND DISTRIBUTION

Improve the competitiveness and transnational distribution of audiovisual works worldwide.

(1) Operational objective

Facilitate the search for partners for co-productions.

Actions to be implemented

- Support the organisation of forums for development, financing, co-production and pre-sales of international co-productions, in particular co-production markets and partner search events (pitching), aiming at bringing together possible partners (script writers, directors, producers and distributors).

(2) Operational objective

Encourage international sales and promotion of audiovisual works.

Actions to be implemented

- Encourage the conclusion of agreements between groupings of European and third countries' rights-holders/sales agents/distributors to ensure the distribution (in cinemas, on TV, IPTV, Web TV and on VOD platforms) of their respective audiovisual works on the territory/territories of their partner(s).
- Raise public awareness, through reinforced promotion campaigns, of the release of films from European countries worldwide, and the release of third-country films in Europe.
- Support dubbing and subtitling for the distribution and dissemination through all available channels of European and third countries' audiovisual works for the benefit of producers, distributors and broadcasters.
- Encourage the creation and consolidation of networks of artistic and industrial cooperation between European rights-holders/sales agents/distributors and rights-holders/sales agents/distributors from third countries.

3. SPECIFIC OBJECTIVE 3: CIRCULATION SUPPORT

Improve circulation and exposure of audiovisual works worldwide and increase public (in particular young public) demand for culturally diverse audiovisual content.

(1) Operational objective

Encourage cinema operators in European and third countries to reciprocally increase the programming and exhibition conditions (duration of, exposure and number of screenings) of exclusive first releases of audiovisual works.

Actions to be implemented

- Support projects presented by European and third-country cinema owners in programming a significant share respectively of European and third-country films in commercial cinemas for first release for a minimum defined duration. The support granted will in particular be determined according to the number and schedule of admissions made by these cinemas for third-country films (or European films in the case of third-country cinema owners) over a reference period.
- Support the creation and the consolidation of European and third-country cinema owners' networks developing common actions for this type of programming.

(2) Operational objective

Increase the supply of audiovisual content and improve broadcasting and distribution conditions for third countries' audiovisual works on European distribution channels (TV, IPTV, Web TV, VOD platforms) and European works on third countries' distribution channels.

Actions to be implemented

- Support partnerships between European and third countries' broadcasters (or VOD platforms etc.) and rights-holders aiming at broadcasting a package of European and third countries' works or at distributing a catalogue of European works and third countries' works on VOD Platforms.
- Build trust and long-term commercial relationships between European and third country broadcasters, VOD platforms and rights-holders.

(3) Operational objective

Facilitate the organisation of events and film literacy initiatives, in particular aimed at young audiences, intended to internationally promote the diversity of audiovisual works.

Actions to be implemented

- Support networking of European and third countries' media literacy initiatives, in particular film literacy aimed at young audiences, to internationally promote the diversity of audiovisual works.
- Support partnerships between European and third countries' broadcasters for the broadcasting of audiovisual works dedicated to young audiences.

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE**

1. NAME OF THE PROPOSAL:

AUDIOVISUAL COOPERATION PROGRAMME WITH PROFESSIONALS FROM
THIRD COUNTRIES (**MEDIA MUNDUS**)

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Information Society and media, Audiovisual policy and media policy

3. BUDGET LINES:

3.1 Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

09.01.04.07 - Audiovisual Cooperation Programme with professionals from Third Countries (Media Mundus) - Expenditure on administrative management

09.06.01.03 - Audiovisual Cooperation Programme with professionals from Third Countries (Media Mundus)

3.2 Duration of the action and of the financial impact:

01 January 2011 – 31 December 2013

a) Budgetary characteristics:

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
09.01.04.07	Non-comp	Non-diff	YES	YES	YES	No 3B
09.06.01.03	Non-comp	Diff	YES	YES	YES	No 3B

4. SUMMARY OF RESOURCES

4.1 Financial Resources

4.1.1 Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2011	2012	2013 and following	Total
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Operational expenditure¹²

Commitment Appropriations (CA)	8.1	a	4,500	4,500	4,500	13,500
Payment Appropriations (PA)		b	1,350	3,349	8,801	13,500

Administrative expenditure within reference amount¹³

Technical & administrative assistance (NDA)	8.2.4	c	0,5	0,5	0,5	1,500
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	5,000	5,000	5,000	15,000
Payment Appropriations		b+c	1,850	3,849	9,301	15,000

Human resources and associated expenditure (NDA)	8.2.5	d	0,244	0,366	0,561	1,171
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0,121	0,121	0,121	0,363

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c+d+e	5,365	5,487	5,682	16,534
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¹² Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

¹³ Expenditure within article xx 01 04 of Title xx.

TOTAL PA including cost of Human Resources		b+c+d+e	2,215	4,336	9,983	16,534
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Co-financing details (not applicable)

4.1.2 Compatibility with Financial Programming

X Proposal is compatible with existing financial programming.

☐ Proposal will entail reprogramming of the relevant heading in the financial perspective.

☐ Proposal may require application of the provisions of the Interinstitutional Agreement¹⁴ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3 Financial impact on Revenue

X Proposal has no financial implications on revenue

☐ Proposal has financial impact – the effect on revenue is as follows:

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [Year n-1]	Situation following action					
			[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] 15
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2 Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

¹⁴ See points 19 and 24 of the Interinstitutional agreement.

¹⁵ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years.

Annual requirements	2011	2012	2013
Total number of human resources	2	3	5

5. CHARACTERISTICS AND OBJECTIVES

5.1 Need to be met in the short or long term

- to **increase the competitiveness** of the EU audiovisual industry on international markets.
- to enable Europe to play its cultural and political role in the world more effectively
- to increase consumer choice and cultural diversity. •

5.2 Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

A joint approach, including a critical mass of professionals from the European Union and from third countries, could lead to a positive impact, sustainable global networking and thus the gradual change of global market structures. This would be particularly beneficial for smaller Member States.

5.3 Objectives, expected results and related indicators of the proposal in the context of the ABM framework (see annex)

5.4 Method of Implementation (indicative)

5.4.1 Applicants

5.4.1.1 Consortia

Funding is available for consortia only, and any consortium which submits a project needs to be headed by a company with its head office in a member state of the programme and should include at least one partner from a third country.

5.4.1.2 Members of the programme

Countries participating in MEDIA 2007 have the possibility to become members of the new programme (subject to an annual financial contribution).

5.4.2 Management

The programme will be managed by the Commission.

5.4.3 *Comitology*

Programme Management Committee.

6. MONITORING AND EVALUATION

6.1 Monitoring system

Any evaluation of the programme will be done externally and independently, addressing relevance, effectiveness, efficiency and utility of the programme.

6.2 Evaluation

The proposed programme runs between 2011 and 2013. One final evaluation will be carried out. Should the Commission decide to extend the programme beyond 2013, there would be an ex ante evaluation.

7. ANTI-FRAUD MEASURES

On programme level anti-fraud measures will include close monitoring of the European and international audiovisual sector, involving trend analysis studies and expert advisory groups. In respect of the individual projects, all the contracts, conventions and legal undertakings that are concluded between the Commission and the beneficiaries under the programme provide for the possibility of an audit at the premises of the beneficiary; as well as the possibility of requiring the beneficiaries to provide all relevant documents and data concerning expenses up to 5 years after the contractual period. Particular attention will be paid to financial viability checks and bank guarantees may be requested from beneficiaries or beneficiaries will not receive pre-financing.

8. DETAILS OF RESOURCES

8.1 Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2011		2012		2013		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
SPECIFIC OBJECTIVE No. 1: Information exchange, training and market intelligence										
Action 1: Continuous Training										
- Output 1	Support for new training measures and the extension of existing training measures	0,06	15	0,900	15	0,900	15	0,900	45	2,700
SPECIFIC OBJECTIVE No2 Competitiveness and distribution										
Action 1: Co-production markets / partner search (pitching)										
- Output 1	Support attendance at events	0,110	6	0,600	5	0,600	5	0,600	16	1,800
Action 2: Support for partnerships of rights-holders, sales agents and distributors										
- Output 2	Support for partnerships of rights-holders, sales agents and distributors	0,160	7	1,100	7	1,100	7	1,100	21	3,300
SPECIF OBJECTIVE 3 Circulation										
Action 1: Cinema network										
- Output	Support for cinema networks	0,54	1	0,900	2	0,900	2	0,900	5	2,700

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2011		2012		2013		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
Action 2: Support for broadcasters and digital platforms										
- Output	Support for partnerships between broadcasters or VOD platforms and broadcasters from third countries	0,390	1	0,700	2	0,700	2	0,700	5	2,100
Action 3: Audinece support										
- Output	Support for networks / partnerships dedicated to film literacy	0,05	6	0,300	6	0,300	6	0,300	18	0,900
TOTAL COST				4,500		4,500		4,500		13,500

8.2 Administrative Expenditure

8.2.1 Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		2011	2012	2013			
Officials or temporary staff ¹⁶ (XX 01 01)	A*/AD	1	1	2			
	B*, C*/AST	1	1 1	1 1			
Staff financed ¹⁷ by art. XX 01 02				1 (DNE)			
Other staff ¹⁸ financed by art. XX 01 04/05							
TOTAL		2	3	5			

8.2.2 Description of tasks deriving from the action

Implementation of the programme

8.2.3 Sources of human resources (statutory)

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

- ☐ Posts currently allocated to the management of the programme to be replaced or extended
- ☐ Posts pre-allocated within the APS/PDB exercise for year n
- ☐ Posts to be requested in the next APS/PDB procedure
- ☒ Posts to be redeployed using existing resources within the managing service (internal redeployment)
- ☐ Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

¹⁶ Cost of which is NOT covered by the reference amount.

¹⁷ Cost of which is NOT covered by the reference amount.

¹⁸ Cost of which is included within the reference amount.

8.2.4 *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line 09.01.04.07 - Audiovisual Cooperation Programme with professionals from Third Countries (Media Mundus) - Expenditure on administrative management	2011	2012	2013	TOTAL
1 Technical and administrative assistance (including related staff costs)				
Other technical and administrative assistance				
- studies and conferences	0,185	0,185	0,185	0,495
- service contract (database, IT)	0,315	0,315	0,315	0,935
Total Technical and administrative assistance	0,5	0,5	0,5	1,5

8.2.5 *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	2011	2012	2013
Officials and temporary staff (09 01 01)	0,244	0,366	0,488
Staff financed by Art 09 01 02 (auxiliary, END, contract staff, etc.)	-	-	0,073
Total cost of Human Resources and associated costs (NOT in reference amount)	0,244	0,366	0,561

Calculation– *Officials and Temporary agents*

Reference should be made to Point 8.2.1, if applicable

2011: (€122.000) x 2 = €244.000

2012: (€122.000) x 3 = €366.000

2013: (€122.000) x 4 = €488.000

Calculation– *Staff financed under art. XX 01 02*

Reference should be made to Point 8.2.1, if applicable

2013: (€73.000) x 1 = €73.000

8.2.6 Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	2011	2012	2013	TOTAL
XX 01 02 11 01 – Missions	0,028	0,028	0,028	0,084
XX 01 02 11 02 – Meetings & Conferences	0			
XX 01 02 11 03 – Committees ¹⁹	0,093	0,093	0,093	0,279
XX 01 02 11 04 – Studies & consultations				
XX 01 02 11 05 - Information systems	-	-	-	
2 Total Other Management Expenditure (XX 01 02 11)				
3 Other expenditure of an administrative nature (specify including reference to budget line)				
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0,121	0,121	0,121	0,363

Calculation — *Other administrative expenditure not included in reference amount*

Missions:

15 missions of up to 2 days at €650/day and 3 missions of 1 week at €3000

Committees:

27 Member State representatives for €60 for 4 meetings per year

¹⁹ Specify the type of committee and the group to which it belongs.

The needs for human and administrative resources shall be covered within the allocation that can be granted to the managing DG in the framework of the annual allocation procedure in the light of budgetary constraints