

# NL FILM FONDS

**Development Sub-Regulations of the Netherlands Film  
Fund**

*1 January 2021*

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## Development Sub-Regulations of the Netherlands Film Fund – 1 January 2021

The Stichting Nederlands Fonds voor de Film [Netherlands Film Fund],

In view of the stipulations in the Algemene Wet Bestuursrecht (Dutch General Administrative Law Act),

In view of Article 10, paragraph 4, of the Wet op het specifieke cultuurbeleid (Dutch Cultural Policy (Special-Purpose Funding) Act),

In view of Article 2 of the Algemeen Reglement (General Regulations),

decides as follows:

### GENERAL

#### - Definitions -

#### Article 1

In these regulations the following is understood:

Animatic:	sequence of usually drawn storyboard pictures that tell the story, are of the same length as the animated film to be produced and are at least accompanied by dialogue, camera movements and rudimentary movements of the characters;
Animation:	a film production that uses a man-made film technique in which by playing different still images the illusion of movement is given;
Artistic development:	final elaboration of the script, the determination of the visual style and the creative and technical aspects;
Board:	the board of the Fund;
Cinema release:	the national distribution of a film production, which is released after the première with a daily screening for several weeks and in several cinemas and/or film theatres in the Netherlands for a paying audience;
Breakdown:	an elaboration of the script by production aspects;
Category:	a type of film production;
Debut film:	a film with which a scriptwriter, director or producer makes his or her debut in a specific category in which the scriptwriter, director or producer concerned has not previously had independent responsibility for a film that has been realised and published;
Documentary:	a non-fiction film production suitable for cinema screening that throws light upon an aspect of reality where the director's own vision is given shape making creative use of cinematic resources in a personal style;
Documentary script:	the content-related setup for a documentary including the vision of the director of the subject, style, form and development within the narrative;
Film consultant:	a specialist film professional who for a limited period is appointed by the Fund to advise on applications to the Fund;
Film production: the Fund:	a cinematographic work; Netherlands Film Fund;
International co-production:	an internationally co-produced film production to be released in the Dutch cinema and/or film theatres. For a minority co-production the Dutch producer has limited decision-making powers and responsibility and also contributes less than 50% of the funding for the film production. For a majority co-production the Dutch producer is jointly and severally responsible and has decision-making powers and also contributes more than 50% of the funding for the film production;
Short film:	a film production with a screening time of up to 60 minutes

Long animated film:	a feature film that uses artificial film technology in which the illusion of movement is given by showing different still images one after the other;
Investigative & experimental:	a film production, in any category, that in the opinion of the board is investigative and/or ground-breaking; *
Development:	all work associated with the development of a film production up to its production;
Producer:	the natural person who legally represents the production company and is ultimately responsible within the organisation of the production company for policy, operations and content;
Production company:	a legal entity that continuously engages in business activities aimed mainly at the production and exploitation of film productions and other audiovisual media productions. At the time of the application for grant the legal entity has been based and active for at least two years beforehand in the Netherlands, a Member State of the European Union, or in a State that is party to the agreement establishing the European Economic Area, or in Switzerland;
Production development:	the elaboration of the business and production setup for a film production in preparation for its possible realisation;
Project development:	the artistic elaboration of the script into a final version and the elaboration of the business and production setup of a film production in preparation for possible realisation;
Director:	a natural person who is in charge of the artistic direction in relation to the execution of a film production;
Script:	a description of a sequence of scenes and written text with dialogue suitable for filming to create a film production;
Scriptwriter:	the writer of a synopsis, treatment, script or documentary script;
Script coach:	a dramatist, script editor or experienced scriptwriter, a specialist in his field and who fits with the project, specialising in supporting scriptwriters in writing a script;
Slate funding:	the funding of a package of film productions;
Feature film:	a film production in the fiction genre with a screening time of at least 60 minutes, which is primarily intended for cinema release;
Storyboard:	a sequence of shots (worked up on paper) of scenes from a script consisting of drawings supplemented with written information, such as the dialogue, the sound as well as a brief description and the duration of each shot;
Synopsis:	a description of the story and the key characters of the script to be written;
Teaser / trailer:	a promotional audiovisual advertisement for the (intended) film production;
Treatment:	a concentrated written account of the script to be written, without dialogue, on a scene-by-scene or cluster of scenes basis;
Work plan:	a substantiated plan of action in which the planning and steps are described for the development process that the team envisages, including substantiation by the producer, scriptwriter and/or director as to how this process contributes to the optimal development of the film plan.

- Scope of regulations -

Article 2

1. These sub-regulations apply to financial contributions granted by the board for development in the feature film, documentary, animation, short film and investigative & experimental categories and, taking into account Article 9, for the collaboration projects with other institutions that serve for development of these film productions. \*
2. The Fund's General Regulations apply in addition and as a supplement to these sub-regulations.

- Types of grants -

Article 3

1. The board operates the following types of grants:
  - a. project grants
  - b. *slate funding*
2. The board awards project grants for the categories referred to in Article 2.
3. Notwithstanding the provisions in the previous paragraph, the board may provide *slate funding* for script development.

- Slate funding -

Article 4

1. The board may stage a grant round for *slate funding* for script development for feature film or documentary. The *slate* is made available for a period of two years. The board announces this grant round and the conditions associated with it as well as the deadlines within which applications can be registered, on the Fund's website: [www.filmfonds.nl](http://www.filmfonds.nl).
2. The board in any case associates the following conditions with a *slate*:
  - a) at the time of the application's submission a *slate* will consist of not less than three and not more than five film plans that will be developed into a feature film script or, in the case of a *slate* for documentaries, a documentary script;
  - b) the film plans are produced by different directors and scriptwriters;
  - c) the directors and scriptwriters have proved themselves with previous feature films or documentaries as regards audience reach and/or artistic success or, if they are making their first film, on the basis of their first independent work;
  - d) the production company has a team that can offer continuity to multiple projects that are developed in parallel and a corporate plan that fits with this; and
  - e) the film plans are varied as regards film genre and target group.
3. The board determines the grant ceiling for *slate funding* for script development for each grant round.
4. For a period indicated in the corresponding application round a production company that has been granted *slate funding* is no longer eligible for the development contribution referred to in Article 3, paragraph 2, with the exception of project grants provided for production development. Applications for development in the context of special or collaboration projects may however still be submitted. \*

- Applicant -

Article 5

1. An application within the meaning of these regulations is made by a production company, represented by a producer with, in the opinion of the board, demonstrable experience in professional film and television practice in the category relevant for the application.
2. A call or scheme published on the Fund's website can be used to deviate from paragraph 1 and impose other or further conditions on the applicant. \*
3. Notwithstanding paragraph 1, an application for script development can be made in the feature film and long animated film categories by a scriptwriter who has had prime responsibility for the script of a feature film, or long animated film, previously realised and released in Dutch cinemas.
4. An application for *slate funding* is made by a production company, which during the previous five calendar years or longer has continuously produced feature films or documentaries. The production company is represented by a producer with proven experience in the area of majority and minority international co-productions and talent coaching and who prior to the application was jointly and severally responsible for the realisation and exploitation of at least five majority feature films or documentaries which achieved good results as regards viewer numbers (cinema and further exploitation) and/or international (festival) success.

*- Application -*

Article 6

1. The applicant must submit an application digitally for each category, also providing the Fund with a written copy of this digital application, signed by the applicant.
2. The board can organise specific grant rounds for the different application options. Information on submission rounds and any submission stops are published on the Fund's website ([www.filmfonds.nl](http://www.filmfonds.nl)).
3. Applications for a specific development phase for the same film production may, after a rejection decision, be submitted once more. An application for a specific development phase of the same film production that has been rejected twice by the board will not be considered.

*- Assessment of development grant -*

Article 7

1. For granting the application the opinion on the quality of the film production must be positive. The quality of the film production is assessed in the light of the assessment criteria in Article 5 of the General Regulations.
2. The board can publish further conditions, procedures and methods relating to the assessment of development applications of the different categories on the Fund's website [www.filmfonds.nl](http://www.filmfonds.nl).

*- Relationship between grants -*

Article 8

1. The provision of a grant for development shall in no case commit the board to grant any other contribution for the same film production.
2. If the film production for the development of which a grant has been awarded is realised, the costs associated with the development form part of the production costs.

*- Collaboration projects -*

Article 9

1. The board may in collaboration with other (grant awarding) institutions provide grants for the development of film productions and to this end enter into collaboration agreements with these institutions and/or implementation agreements with the applicants.
2. Where possible and relevant, the board awards a development grant within the collaboration referred to in the first paragraph in accordance with these regulations. The board may also deviate from the provisions in these sub-regulations.
3. The board will publish the further conditions, procedures and methods relating to collaboration projects as referred to in this Article on the Fund's website [www.filmfonds.nl](http://www.filmfonds.nl).

*- Filming and exploitation rights -*

Article 10

Notwithstanding the provisions of Article 19, the applicant for a grant for development must demonstrate, whether or not by submitting an exclusive licence or an – extendable – exclusive option for this, that it is the sole beneficiary of the filming and exploitation rights to the script, documentary script, storyboard and artwork to be produced or – where applicable – to the existing work.

*- Involvement of directors and scriptwriters -*

Article 11

Having regard to the efficient spending of funds the board may lay down conditions or restrictions for the involvement of directors and scriptwriters.

*- Obligations of grant recipient -*

Article 12

The following obligations are associated with the award of a financial contribution for development:

- a. the recipient of the grant shall without delay report in writing to the board as soon as it is likely that the development for which the grant has been awarded will not be carried out, or not in good time or not in full or that the obligations associated with the grant will not be fulfilled, or not in good time or not in full;
- b. the recipient of the grant shall demonstrate in the way indicated in the decision to award the grant – at the latest within twelve months or within the period indicated in the decision to award the grant – that the development for which the grant has been awarded has been carried out and that the obligations associated with the grant have been fulfilled;
- c. the recipient of the grant must demonstrate that in return for payment of a fair remuneration he has the exclusive filming and exploitation rights; and
- d. a follow-up application for the same film production may only be submitted if the obligations of the previous decision awarding a grant have been fulfilled.

## SPECIAL PROVISIONS RELATING TO THE CATEGORIES

### Feature film

*- Activity eligible for a grant -*

#### Article 13

1. Applications may be made for the development of a feature film or long animated film.
2. An application may be made for this category for:
  - script development; or
  - project development.
3. The board can decide to hold a special round for an international development process for teams of film professionals who have distinguished themselves on leading international platforms. \*

*- Script development and input of others activity eligible for a grant -*

#### Article 14

1. A grant for script development will be awarded for the research and writing one or more versions of the script or a part thereof.
2. An applicant who complies with the provisions of Article 5, paragraph 1 can apply for an additional contribution for the input of a script coach and director. In the case of a long animated film, an application can be submitted for an additional contribution to the development of concept art, character design and/or a beat or storyboard.

*- Spending on script development and additional contribution -*

#### Article 15

The grant is primarily intended for (the) scriptwriter(s) and any script coach and/or director involved who produce or supervise the script, or one or more versions thereof, for which this contribution is granted.

*- Project development activity eligible for a grant -*

#### Article 16

1. In the case of a grant for project development a chronological distinction is made between two different stages: first the artistic development, then the production development:
  - a. the artistic development of a film production is aimed at the final elaboration of the script and of decisive creative and technical aspects; and
  - b. the production development is aimed at the elaboration of the business and production setup of a film production in preparation for possible realisation.
2. The costs of the following components are in any event eligible for a contribution to the artistic development:
  - a) the elaboration of a final script;
  - b) the further creative and technical elaboration; \*
  - c) the casting and the activities of specialist crew members; \*
  - d) the basis for the production design (including mood boards) and location research;
  - e) camera tests and/or teaser and/or the storyboard and/or test shots;
  - f) the elaboration of special and/or visual effects; and in the case of a long animated film the elaboration into an animatic.
3. The costs of the following components are in any event eligible for a contribution to the production development:
  - a) the elaboration of co-production and co-financing facilities via foreign funds, economic and fiscal financing forms, co-producers, sponsoring and other forms of (private) financing;
  - b) the elaboration of breakdown and production planning;
  - c) the elaboration of a detailed budget;
  - d) the elaboration of a marketing and distribution vision;
  - e) artistic completion, including limited polishing of the script.
4. The applications referred to in this Article contain a work plan and a thorough substantiation.

- Conditions for project development -

Article 17

1. A grant will only be awarded for *artistic development* if:
  - a. in the opinion of the board the script is of such quality that further elaboration into a final script with associated creative and technical elements is necessary to determine whether filming is likely;
  - b. a director is associated with the project.
2. A grant will only be awarded for *production development* if:
  - a. the artistic development phase has been completed and in the opinion of the board the script is so final that realisation of the film production is a realistic possibility; and,
  - b. realisation of the film production must be investigated and elaborated in terms of business and production; and
  - c. a director is associated with the project.
3. A grant for artistic development does not bind the board to awarding a grant for production development for the same film production.

- Project development obligations -

Article 18

In addition to the obligations referred to in Article 12, a report of the production development will be submitted by the applicant with a description of the demands for business development of the film production within the period mentioned in the decision and at the latest before any application for realisation of the film production.

- Obligations of scriptwriter as applicant for script development -

Article 19

During the development of the script the scriptwriter referred to in Article 5, paragraph 3, of these regulations is obliged to involve a production company to investigate the possibilities of project development and realisation of the film production. To this end the scriptwriter shall give the production company the opportunity to acquire (an exclusive option to) the exclusive filming and exploitation rights.

## Documentary

- Activity eligible for a grant -

Article 20

1. Applications may be made for the development and research costs of a documentary script as well as for the input of a script coach, the involvement of a team of creative and technical experts or making the initial (test) recordings or a teaser for an international co-production.
2. The board can decide to hold a special round for an international development process for teams of film professionals who have distinguished themselves on leading international platforms. \*

## Animation

- Activity eligible for a grant -

Article 21

1. Applications may be made for the development of a script (or part of this) or *(moving) storyboard, artwork and preproduction* for a short film in the animation category as well as the input of a script coach, the involvement of a team of creative and technical experts or for the creation of initial animation tests and/or an animatic. \*
2. Provisions 13 to 18 of the feature film category apply to animated films with an intended screening time of at least 60 minutes.

## Investigative & experimental

- Activity eligible for a grant -

### Article 22

Applications for investigative & experimental may be made for the development of a script or *storyboard* of a film production as well as the input of a script coach, the involvement of a team of creative and technical experts or for making initial (test) shots.

- Assessment criterion -

### Article 23

For the assessment of a grant application the board assesses, in addition to the criteria of Article 5 of the General Regulations, whether the film production in the investigative & experimental category contributes to the creative and technical upgrading of the cinematography. For an award the assessment of this criterion must also be positive. \*

## TRANSITIONAL AND FINAL PROVISIONS

### Article 24

1. The board shall decide in all cases not provided for by these regulations.
2. The board may for important reasons deviate from these regulations, where such deviations are compatible with the assessment framework for state support to the film sector, as used by the European Commission.
3. These regulations were adopted by the board with the approval of the Board of Trustees on 30 October 2020 and come into force with effect from 1 January 2021.
4. The Development Sub-Regulations, applicable from 1 May 2019, are withdrawn as of 1 January 2021.
5. The Development Sub-Regulations as they applied up to 1 January 2021 remain applicable to all applications received by the Fund before 1 January 2021.
6. These regulations will be cited as Development Sub-Regulations of the Netherlands Film Fund.
7. These regulations will be published by means of their announcement in the Staatscourant (Dutch Government Gazette) and on the website of the Netherlands Film Fund ([www.filmfonds.nl](http://www.filmfonds.nl)).

## General notes

In the general part the Development Sub-Regulations describe among other things the methods, procedures, requirements and obligations of the applicant that apply for all grants for development. In the second part, for each category special provisions are laid down. The provisions of the general part apply in full to these categories.

## ARTICLE-BY-ARTICLE NOTES

### Article 1 (Definitions)

The Fund distinguishes between the following types of film production: the categories of *feature film*, *documentary*, *animation*, *short film* and *investigative & experimental*.

The Fund understands by the definition of *cinema release* a thorough and national distribution of a film production that after the première is released with a daily screening for a significant number of weeks and in a significant number of cinemas and/or film theatres for a paying public. In the case where a realisation contribution for a film production is granted, the extent of the release must be in line with the approved exploitation objective in the application. If a different release in cinemas and film theatres is necessary for a specific film production, such as documentaries or vulnerable artistic feature films, this must be agreed beforehand with the Fund. This involves the cinema release in the Netherlands unless otherwise provided in the relevant sub-regulation under 'activity eligible for a grant'.

Excepted from the definition of *documentary* are audiovisual works that have the aim of purely providing information or that are purely descriptive, such as for example an educational film, an informative film, business film, a report, a purely scientific or teaching media production, a grant for the news or a current affairs programme. As a rule, with the odd exception, documentaries have a screening time of at least 70 minutes.

Fiction means a film production in which a story is told that mainly takes place in the fantasy of the maker and the viewer. This means that the main elements, the story/plot, characters and story structure are invented/fictitious and not based on reality. This is unlike non-fiction, which means film productions that mainly do relate to reality.

The definition of *investigative & experimental* not only includes the film productions that are experimental and ground-breaking in form and content, but also interactive and immersive film productions and (feature) films that originate mainly from the visual power of the film medium and which explore the boundaries between art and film or film productions with a clearly identifiable cinematic component in which the visual narrative and the use of new media applications come together. ✖

The *producer*, as the person ultimately responsible, is in principle also the owner/shareholder of the production company. If the applicant is a production company, it will have to be demonstrated to the satisfaction of the board that the elements of the definition of production company are fulfilled.

*Project development* in all categories serves for the artistic elaboration of the script into a final version and the elaboration of the business and production setup of a film production in preparation for possible realisation.

For feature films and long animated films an application for a project development contribution is made at two different stages: first the *artistic development*, then the *production development*:

- The *artistic development* is not only aimed at the final elaboration of the script, but also at the determination of the style and design and the further creative and technical elaboration of the film plan with the assistance of a director and heads of department, such as a cameraman, casting director or production designer. Depending on the project, this may include test shots with actors, initial visual designs, casting, location scouting, an animatic, etc.

- The *production development* is aimed at the financial/business aspects and the production elaboration, including the further elaboration of the production budget and the funding structure and the search for co-producers, partners and funding. There is also a final artistic fine-tuning or polishing of the script.

#### Article 3 (Types of grants)

The Fund mainly awards project grants under these regulations but may decide for script development only to stage a separate application round for *slate funding* for which applicants may apply.

#### Article 4 (Slate funding)

The Fund announces the grant round and the conditions associated with it on the website of the Fund. These conditions may relate to the minimum or maximum number of *slates* that can be supported, or the number of film plans per *slate*, the maximum contribution of which the *slate funding* consists, what delivery requirements are laid down or the track record of the applicant.

#### Article 5 (Applicant)

The natural person, who legally represents the production company and on their behalf leads the development of the film production, must in the opinion of the board have demonstrable experience in professional film/television practice as a producer. The film production(s) previously realised and professionally released in the same category as the one for which an application is being submitted will be considered in the assessment of this. Film productions created for the purposes of training or competition (such as the 48 Hour Project) will be disregarded. The development of the film production to which the Fund makes a possible contribution is carried out for the own account and risk of the production company and producer involved.

Conditions other than or further to those in paragraph 1 of this Article may be imposed on the applicant through a call or scheme that the Fund publishes on the website. The Fund will take this step if for example it wishes to open specific development grants to film professionals other than producers, such as directors or scriptwriters, or wishes to expand the circle of applicants with makers having a different film background. A film professional who submits an application on the basis of such a call or further scheme will be able to apply for a limited contribution. To make an application under such a further call or scheme, a film professional must in any event have demonstrable relevant experience in professional film and television practice, media or visual art on the basis of previous uncommissioned work. \*

For script development in the feature film category, a scriptwriter may also submit an application independently for script development if the scriptwriter has demonstrable experience in Dutch film and television practice and has had prime responsibility as a scriptwriter for at least one feature film with a cinema release. From the project development (artistic and production development) phase however a production company, represented by a producer, is always the applicant.

As regards *slate funding* the feature films or documentaries previously realised by the producer and released by the producer in the Netherlands must have achieved good results. This is understood to mean that several films have succeeded in reaching more than a hundred thousand viewers for a feature film and more than 10,000 viewers for a documentary in the Dutch cinemas and/or film theatres and/or have been successful with multiple films from an artistic point of view by being included in the selection at leading international film festivals and/or winning prizes.

#### Article 6 (Application)

The requirements made of an application differ by application option.

Applications that have been rejected twice previously in the context of a specific collaboration project will no longer be considered within the same collaboration project, unless otherwise agreed with the collaboration partners.

#### Article 9 (Collaboration projects)

The board grants development grants within collaboration projects with other (grant awarding) institutions where possible and relevant in accordance with these regulations. In particular where this involves procedures and methods the board may in these cases deviate from these regulations.

*Article 11 (Involvement of directors and scriptwriters)*

The balance and collaboration in the producer, scriptwriter and director triangle must be the optimum so as to arrive at the strongest possible film plans that are not only convincing in creative and business terms but also appeal to an audience. If the Fund sees that the same makers are involved in several applications, the Fund may lay down conditions for the involvement of these makers in order to ensure the optimum progress of the development and realisation of film productions.

The board is of the opinion that a producer and creative director responsible for one film production in principle cannot be associated in one person. In addition, a director or scriptwriter may be associated with a maximum of three applications at the same time.

*Article 12 (Obligations of grant recipient)*

Any maximum amounts and percentages to be included in the application that may be used are given in the Financial & Production Protocol on the Fund's website.

*Article 13 (Feature film activity eligible for a grant)*

Script development is also understood to mean the elaboration of a synopsis and treatment development.

*Article 14 (Script development activity eligible for a grant)*

The grant for script development is awarded for writing one or more versions of the script. Option rights to the filming rights of an existing work must be funded out of the applicant's overhead payment or own funds.

For follow-up applications, clear progression in the development and an updated work plan should be included, in which the steps to be taken and planning for further development are described.

*Article 15 (Spending on script development and additional contribution)*

The grant is primarily intended for the scriptwriter or scriptwriters and the additional contribution for any script coach or coaches and director involved. An application for an additional contribution can only be submitted by a producer. For *slate funding* the costs of the input of those other than the scriptwriter must be included within the total budget for script development. The maximum grant amounts and percentages are given in the Financial & Production Protocol.

*Article 16 (Project development activity eligible for a grant)*

In the case of feature films and long animated films project development is granted in two stages: first the artistic development, in which the script receives its final elaboration and the visual translation in which creative and technical expertise is involved; then production development, which involves the production and business elaboration in preparation for possible realisation application. This involves giving the production feasibility, co-funding options and other business questions concrete form, but also the artistic completion. The costs of script development and artistic development do not form part of production development. A producer or other market parties making a contribution of their own to the development strengthens the confidence in the film production.

*Article 18 (Obligations for project development)*

The applicant must deliver a report on the results of artistic development and production development within the deadline laid down in the decision. The report on production development must in any event be submitted before any application for realisation. If the applicant submits a follow-up application for a contribution within the context of the realisation of the same film production, the report or status report of the production development and the feedback given on this must be incorporated in this application.

*Article 21 (Animation activity eligible for a grant)*

Applications for an animated film with a screening time of 60 minutes or more that are intended for screening in the cinema are included in the feature film category.

*Article 22 (Investigative & experimental activity eligible for a grant)*

The development application must take into account the image carriers on which the film production, if realised, is recorded. Use of all available image carriers is permitted within this category, provided the end result is suitable for screening to an audience in cinemas or film theatres, or in museums, galleries or similar public locations or via the internet and/or festivals.

*Article 23 (Investigative & experimental assessment criterion)*

The extent to which the film production is innovative, exceptional and exemplary for the cinematographic cultural offer is assessed here. This may involve new methods in a technical and creative area as a result of which the film production is a quality and/or professional addition to the cultural offer in the Netherlands. In addition to the assessment criteria mentioned in Article 5 of the General Regulations, this assessment criterion must be positively assessed for an award in the investigative & experimental category. \*

*Article 24 (Transitional and final provisions)*

The reference date relevant for the transitional system is the date of submission of the grant application. These sub-regulations apply to applications submitted on or after 1 January 2021.