

Content

Title :	Directions for Funding Production of Motion Pictures and Television Dramas in the Republic of China by Foreign Motion Picture and Television Production Enterprises <b>Ch</b>
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Content :	<p>Article 1 - Purpose</p> <p>The Bureau of Audiovisual and Music Industry Development of the ROC Ministry of Culture (hereinafter referred to as "BAMID" ) has promulgated the present set of regulatory directions (referred to hereinafter as "these Directions" ) in order to assist foreign motion picture and television production enterprises (referred to hereinafter as "Applicant(s)" if they apply for BAMID funding) with production of motion pictures and television dramas in Taiwan, ROC; facilitate and stimulate domestic motion picture and television production enterprises' cooperative arrangements with their foreign counterparts; and augment domestic motion picture and television production enterprises' experience in international production operations.</p> <p>Article 2 - Definition of terms in these Directions</p> <p>(1) "Foreign motion picture and television production enterprises" refers to motion picture and television production enterprises that are based in locales other than Taiwan, mainland China, Hong Kong and Macau, and whose investors do not include mainland Chinese citizens, corporations, groups or other organizations.</p> <p>(2) "International directors" refers to foreign directors other than those who hold mainland China citizenship.</p> <p>(3) "Well-reputed international motion picture directors" refers to international directors whose productions have been honored with "best director" awards at the Cannes International Film Festival, the Venice International Film Festival, the Berlin International Film Festival or the Academy Awards ceremony held by the Academy of Motion Picture Arts and Sciences of the United States; and "well-reputed international television drama directors" refers to international directors whose productions have been honored with "best director" or "best drama" awards at the International Emmy Awards ceremony or the Seoul International Drama Awards (SDA) ceremony.</p> <p>(4) "Personnel expenditures" refers to expenditures for the services of workers employed in Taiwan in connection with production of foreign motion pictures or television dramas during the period of production operations in Taiwan.</p> <p>In the preceding paragraph, expenditures for employment of "the services of workers ... who are employed during the period of production" refers to personnel expenditures for citizens of Taiwan or for other persons approved by BAMID during the period of filming and related operations of motion picture and television drama productions conducted in Taiwan.</p>

(5) "Production expenditures" refers to expenditures for services provided by Taiwan-based enterprises in connection with filming operations and post-production operations of foreign motion pictures or television dramas during the period of production operations in Taiwan.

In the preceding paragraph, the "period of production operations" primarily refers to filming operations and related visual special effects, computer-generated imagery (CGI), graphic arts, set design and construction, provision of equipment, etc.; and "post-production operations" refers to audio enhancement and sound effects, film editing, color correction, film developing and printing, and other operations approved by BAMID.

#### Article 3 - Eligibility for funding

(1) Motion picture productions eligible for funding under these Directions are limited to those which are produced by foreign motion picture production enterprises, or those which are directed by well-reputed international motion picture directors, and whose production operations are conducted in Taiwan. Television drama productions eligible for funding under these Directions are limited to those which are produced by foreign television production enterprises, or those which are directed by well-reputed international television drama directors, and whose production operations are conducted in Taiwan.

(2) Foreign motion picture and television production enterprises may apply for funding under these Directions for production expenditures in Taiwan, discounting funding provided by other ROC government agencies/organizations, state enterprises, and foundations established with government support (before/after BAMID' s approval of funding), if they conform with the following conditions.

##### (a) Foreign motion pictures

1. Regarding foreign motion picture production enterprises' applications for funding of motion pictures directed by well-reputed international motion picture directors, whose production expenditures in Taiwan come to at least NTD 3 million, the amount of funding is up to 30 percent of total expenditures in Taiwan, not to exceed NTD 30 million.

2. Regarding applications for funding of motion pictures produced by foreign motion picture enterprises, whose production expenditures in Taiwan come to at least NTD 30 million, the amount of funding is up to 30 percent of total expenditures in Taiwan, not to exceed NTD 30 million.

##### (b) Foreign television dramas

1. Regarding foreign television production enterprises' applications for funding of television dramas directed by well-reputed international television drama directors, whose production expenditures in Taiwan come to at least NTD 3 million, the amount of funding is up to 30 percent of total expenditures in Taiwan, not to exceed NTD 30 million.

2. Regarding applications for funding of television dramas produced by foreign television production enterprises whose production expenditures in Taiwan come to at least NTD 30 million, the amount of funding is up to 30 percent of total expenditures in Taiwan, not to exceed NT Dollars 30 million.

##### (3) Items of funding

(a) Personnel expenditures: Funding of expenditures for the employment of performers and workers who are citizens of Taiwan during the period of production operations of foreign motion picture and television drama production enterprises conducted in Taiwan is limited to 45 percent of said expenditures.

(b) Production expenditures: Funding of expenditures for production operations of foreign motion picture and television drama production enterprises conducted in Taiwan is limited to 35 percent of said expenditures.

(c) Insurance, transportation and lodging expenditures: Funding of expenditures for liability insurance and accident insurance of performers and workers who are citizens of Taiwan, and for transportation and lodging of said performers and workers during the period of production of foreign motion pictures and television dramas conducted in Taiwan, is limited to 20 percent of said expenditures.

(4) Funding of personnel expenditures for the employment of citizens of Taiwan during the period of production of foreign motion pictures and television dramas conducted in Taiwan may exceed 45 percent if at least 70 percent of said expenditures are for employment of chief or vice-chief persons in charge of the production team's various work sections.

#### Article 4

Foreign motion picture or television drama production enterprises that apply for funding under these Directions shall, before commencing production operations in Taiwan, engage as their application agent a Taiwan-based motion picture or television drama production enterprise to provide copies of the following documentation to BAMID.

(1) Certificate of registration of the aforesaid Taiwan-based agent of the Applicant and the Applicant's written contract with said agent to act on the Applicant's behalf, stating specific actions which the agent is authorized to undertake, the general scope of such actions, and the period of time during which said authorization shall be in force.

(2) Certificate of registration of the Applicant in the country in which it is based, together with a Chinese-language translation of same, both documents to be notarized by the relevant Taiwan representative office abroad.

(3) Documentation/affidavits demonstrating that the Applicant is not mainland China-invested.

(4) Documentation demonstrating that the proposed director of the motion picture or television drama production in question is a well-reputed international director.

(5) Prospectus of the proposed motion picture or television drama production, including: profile of the Applicant; summary of the Applicant's previous accomplishments; the proposed production's Chinese-language and foreign-language titles, genre and general concept; anticipated filming and other production locations in Taiwan; anticipated production schedule; profile of the proposed production team and their various job positions; estimate of total production cost; and an itemized estimate of anticipated production expenditures in Taiwan.

(6) Synopsis of story/plot of the proposed production.

(7) Summary of motion picture scenes or television drama episodes (including anticipated filming locations and schedule).

If written in a foreign language, the aforesaid items of documentation shall be accompanied by Chinese-language translations.

#### Article 5

An Applicant for funding under these Directions whose application has received BAMID's approval shall, through the Applicant's Taiwan-based agent, apply to BAMID for approval of reimbursement of expenditures, submitting the following documentation:

(1) An application letter for reimbursement.

(2) A photocopy of the BAMID-issued Notification of Approval of Eligibility.

(3) Documentation demonstrating the Applicant's actual production-related expenditures in Taiwan, including: work logs and items of work actually performed (time schedules/hours) for filming and post-production operations; photographs of actual filming operations conducted at each of the filming locations in Taiwan; and descriptions of equipment and technical services actually employed.

(4) A list of citizens of Taiwan employed as performers and in other

positions, including their job descriptions, copies of their employment contracts, and copies (front and back) of their ROC national ID cards.

(5) A summary statement of the Applicant's total expenditures/income in Taiwan (specifying general categories of expenditure and associated sources of income), prepared by a Taiwan-based certified public accountant, demonstrating that the Applicant's expenditures in Taiwan for the purpose of producing the BAMID-approved production come to at least NTD 3 million or at least NTD 30 million, together with a detailed audit report prepared by same, including: Chinese-language and foreign-language titles of the BAMID-funded motion picture or television drama; account of expenditures in Taiwan in connection with filming and post-production operations; and photocopies of original expenditure receipts. Photocopies of the income tax withholding certificates issued to performers and other workers who have been employed by the Applicant in connection with the Applicant's production operations in Taiwan shall be attached to the audit report.

(6) Documentation demonstrating the Applicant's purchase of liability insurance and accident insurance for performers and other workers who are citizens of Taiwan during the period of production operations in Taiwan.

(7) Original receipts for personnel, production, transportation, insurance and lodging expenditures in Taiwan.

(8) Declaration(s) of the Applicant's receipt of funding by other ROC government agencies/organizations, state enterprises, and foundations established with government support (before/after BAMID's approval of funding), using the Attachment form.

(9) Electronic files containing ten high-resolution photographs of operations at filming location sets, and at least five high-resolution photographs of scenes from the motion picture/television drama, shall be provided to BAMID, which shall be authorized by the Applicant to use them, compensation-free and with no restrictions on period of time or place, for the purpose of non-profit activities.

(10) Other documentation which BAMID may stipulate.

If written in a foreign language, the aforesaid items of documentation shall be accompanied by Chinese-language translations.

#### Article 6

An Applicant whose application for reimbursement of expenditures has been approved by BAMID shall, within 20 days of receiving the BAMID-issued Notification of Approval of Funding, submit to BAMID for its review and approval its current bank account information and signed Confirmation of BAMID-Approved Reimbursement. Following BAMID's review and approval of the aforesaid documents, BAMID shall remit its approved amount of reimbursement to the bank account designated by the Applicant. In the event the Applicant fails to submit to BAMID the aforesaid documents within the above-specified 20-day period, BAMID shall deem the Applicant as having forfeited its right to claim reimbursement for its expenditures under these Directions. BAMID reserves the right to remit the approved funds to the Applicant in multiple installments in consideration of changing budgetary constraints from year to year.

#### Article 7

Motion pictures and television dramas whose country of origin is the Republic of China, as defined in conformance with the ROC regulatory "Criteria for defining the country of origin of publications, motion picture video programs, and radio and television programs" (進口出版品電影片錄影節目及廣播電視節目原產地認定基準) shall not be eligible for other categories of funding from BAMID.

#### Article 8 - Rules by which the Applicant shall abide

(1) The applicant shall not submit untruthful or vague information to apply for and receive the BAMID-issued Notification of Approval of Eligibility or Notification of Approval of Funding.

(2) In the event that the Applicant's receipt of funding under these Directions entails purchasing activities in Taiwan, and if said activities are subject to the criteria stated in Article 4 of the ROC Government Procurement Act, then the Applicant shall conduct its purchasing activities in conformance with the provisions of said Act. Further, the Applicant who receives funding shall provide to BAMID copies of its related public announcements and reports as stipulated by said Act as well as other related documentation.

(3) Productions which receive funding under these Directions shall state in print format, either at the beginning or in the tail-end credits of the motion picture or television drama, that its scenes were filmed in Taiwan with the assistance of the Ministry of Culture of Taiwan / the Republic of China, or similar language. Further, this statement shall be accompanied by the official agency logo provided by BAMID.

#### Article 9 - Response to Applicant's violation of rules

(1) In the event that the Applicant who has received the BAMID-issued Notification of Approval of Eligibility or Notification of Approval of Funding is found to have violated the rules stated in Section (1) or Section (2) of Article 8 of these Directions, BAMID shall, in consideration of the particular circumstances, revoke its approval of eligibility or annul, in whole or in part, its approval of disbursement of funding, and shall not disburse any funding or any category of compensation or restitution; and the Applicant shall return to BAMID any funding (without interest) it has received. In the event that, in view of such violations, the Notification of Approval of Eligibility is revoked, or the Notification of Approval of Funding is annulled, the Applicant may not again apply for funding under these Directions for a period of two years starting from the date of revocation or annulment. Further, the Applicant may not again apply for funding under these Directions until the Applicant has returned to BAMID the full amount of funding previously received. Until funds BAMID has previously remitted to the Applicant are returned in full to BAMID, the Applicant may not further apply to BAMID for any other category of funding.

(2) Applicants who do not abide by their obligation under Section (3) of Article 8, and who are requested by BAMID to take corrective action but fail to do so, may not again apply to BAMID for funding under these Directions.

#### Article 10 - Other rules

(1) BAMID reserves the right to review and approve applications under these Directions during a given fiscal year in consideration of budgetary constraints for that year. In the event that applied-for funding exceeds its total budget for that fiscal year, BAMID may suspend acceptance and processing of applications.

(2) In the event that BAMID is unable to carry out funding operations due to legislative cuts or freezing of budget items under these Directions, or due to other factors for which BAMID cannot be held responsible, BAMID reserves the right to suspend acceptance and processing of applications under these Directions; to suspend issuance of Notification of Approval of Eligibility; and to temporarily cease disbursement of approved funding. Further, Applicants shall not have the right to seek related compensation or restitution from BAMID.

(3) In the event doubts arise concerning these Directions or nonfulfillment of them, BAMID shall resolve them.

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Attachments : 附表(英譯).docx