

European Certificate of British Nationality Guidance Notes



Version: August 2011

For further details on European Certificates of British Nationality please contact the certification unit via e-mail: certifications@bfi.org.uk

Introduction

The British Film Institute (BFI) issues European Certificates of British Nationality (“European Certificates”). The purpose of a European Certificate is to assist film-makers when seeking distribution in certain European Union (EU) or European Economic Area (EEA) countries where such country may have some form of quota on the number of EU films that it is required to exhibit. The European Certificate may therefore be requested as evidence that the film is a film of British Nationality. Please note that the European Certificate is not a legal requirement in order for a film to be eligible for UK film tax relief and **nor can it be used to claim UK film tax relief.**

Eligibility

1. A film can qualify for a European Certificate where:

- (a) it meets the criteria set out in Annex 1 of these guidance notes; or
- (b) it has received final approval as an official co-production under one of the UK’s film co-production agreements, or under the European Convention on Cinematographic Co-Production, AND the artistic and technical contribution of EEA State(s) is not less than 30% . (As per Article 4 of the 1963 directive.)

The EEA comprises of the following states: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

Who can apply?

2. Any company registered in an EEA State can apply for a European Certificate. The application does not have to be made by the film production company.

How to apply?

3. Application forms are available on our web-site at <http://www.bfi.org.uk/about/certification/> or write to:

Certification Unit
British Film Institute
21 Stephen Street
London
W1T 1LN

or e-mail: certifications@bfi.org.uk

When to apply?

4. Applications may only be made after the film has been completed. A film that has received final certification as a British film under Schedule 1 to the Films Act 1985 or as a UK co-production will be considered to be completed. Otherwise a film is completed when it is first in a form in which it can reasonably be regarded as ready for copies of it to be made and distributed for presentation to the general public. A film should be ready, for instance, for a broadcaster to broadcast it to the general public, or for the general public to pay to see it. A temporary version is not finished. Where it is expected that further work needs to be done on a film it is incomplete.

Annex 1: The criteria for qualifying for a European Certificate of British Nationality

To be eligible films must meet the following criteria:

Who made the film?

The film must be made by a company registered in an EEA state.

The address given for the production company in the application form should be the address of its principal place of business, rather than the address of its registered office.

Where does the filming take place?

Location shooting may take place anywhere in the world if required by the subject of the film.

Where there is no location shooting outside of the EEA, all studio filming must take place in studios situated in an EEA State.

If location shooting takes place outside of the EEA then up to 30% of studio filming may be shot in that country.

(The percentage of studio shooting should be measured in terms of the screen time accorded to studio scenes in the completed film.)

What language was the film made in?

An original recording of the film must be in one of the UK's recognised languages. The UK has six indigenous minority languages under the Council of Europe Charter for Regional or Minority Languages (Scottish-Gaelic, Welsh, Irish, Scots, Ulster Scots and Cornish).

If required by the narrative of the screenplay, parts of the film may be recorded in another language.

What is the nationality of the key cast and crew?

Categories:

- (1) the scriptwriter
- (2) the composer
- (3) lead actors
- (4) executive producer
- (5) director of photography
- (6) sound engineer
- (7) editor
- (8) production designer
- (9) costume designer

Exceptions to this rule:

Where the film has been certified as British under the Cultural test the following exceptions to this rule may be applied:

(i) the director, scriptwriter, any composer and the majority of the personnel in categories (3) to (9) may be EEA nationals or residents; or

(ii) personnel in categories (1) to (9) may be non-EEA nationals provided that such nationals are not more than 40% of the total of the personnel in those categories; or

(iii) the director may be a non-EEA national provided that: (a) the scriptwriter and any composer are EEA nationals or residents; and

nationals or residents.

Residency means a person ordinarily resident in the UK (England, Northern Ireland, Scotland or Wales). Further details on residency can be found on HM Revenues and Customs website.

<http://www.hmrc.gov.uk/manuals/cbtmanual/CBTM10020.htm>

The key cast and crew shall be determined as follows:

The director. The applicant will be asked to determine who the lead director is, taking into account factors including: the person who takes the credit in the film, the creative input and time spent working on the film.

(1) The scriptwriter. The applicant will be asked to determine who the lead scriptwriter is, taking into account factors including: the person who takes the credit in the film, creative input on the script and time spent working on the script.

(2) The composer. The applicant will be asked to determine who the lead composer is, taking into account factors including: the person who takes the credit in the film, the creative input on the original music score (not including source music) and time spent working on the score.

(3) The lead actors. The applicant will be asked to determine who the 6 lead actors are, taking into account factors including: the number of days worked in front of the camera and the centrality of the actor's role in the film.

For animations only: this will include actors voicing characters.

For documentaries only: this will include the presenter, narrator, subject or other person who participates and appears in a documentary.

(4) The executive producer. The applicant will be asked to determine who the executive producer is. It should be the individual with decision-making authority who plays an active role throughout the pre-production and production of a film and assumes responsibility for the physical process of production and carrying through practical and financial arrangements for the making of the film.

(5–9) The director of photography, sound engineer, editor, production designer and the costume designer, shall be taken to mean the most senior person working on the film in those roles.