

EAVE EXCLUSIVE INTERVIEW

EURIMAGES applies the “force majeure” clause

Eurimages Executive Director Roberto Olla – EAVE graduate and EAVE legal expert - on how the fund can help European film producers



Interrupted shoots, cancelled or postponed festivals, closed cinemas – European film has been hit hard by the measures taken against the COVID-19 virus. How has the Eurimages fund itself been affected?

Eurimages is an international fund, even if the team is based in France. Decisions are taken during plenary meetings, where representatives of the 41 Member States of the Fund meet 4 times a year to take the decisions of support. The measures to limit the spread of the covid-19 virus adopted by a great majority of the Member States made it impossible for the Fund to function as usual. If no alternative operating measures are taken, the Fund would be paralysed....until such time as the borders are reopened.

How can Eurimages help the European film industry in these difficult times?

By having the Eurimages team (tele)working despite the lockdown, with the view to keep on processing the projects already supported (issuing contracts, authorising payments etc), moving forward with the implementation of the reform of the Fund, establishing a certain number of written procedures / videoconferencing tools to obtain the Member States agreement on how to keep on operating etc. We coordinate our work through mail, phone, videoconferencing and we of course are constantly in contact with all the Member States to take the necessary decisions.

Does Eurimages plan measures specially designed for the support of European film producers?

For the projects already supported by the Fund, which should have been theatrically released in this period where cinema theatres are closed, we apply the “force majeure” clause already included in our support agreements. That is, availability of the film on VoD (or similar digital distribution tool) is considered to be equivalent to a theatrical distribution.

The “force majeure” clause will also apply in case the shooting had to stop because of the confinement measures. If principal photography had already started and then shooting was interrupted, we keep on processing the first payment of the support to give the necessary oxygen to the production companies. On the other hand, if the production is abandoned, the Board of Management of the Fund must decide on how to handle these very difficult cases (especially when production costs had already been borne and salaries to the crews must be paid).

Before the backdrop of the current measures – are there any intentions to support European film entrepreneurs in the medium term?

We were not able to decide upon the projects yet, which were submitted for support during the first call of the year. The Board of Management meeting was supposed to take place during the third week of March....but the lock-down and the inevitable travel restrictions have made this impossible. We are working on a double scenario now: either we assess the projects in June, during the meeting of the Board for the second call of the year, or we assess them by written procedure as soon as possible.

Today, we do not even know if the travel bans and the confinement measures will be lifted by the time the Board of Management is supposed to meet in June. And if these measures are lifted, will people feel safe enough to travel? For these reasons, we are working hard to establish a procedure for the assessment of the projects online and then a written procedure for the final support decisions. We sincerely hope this scenario obtains all the necessary green lights to be able to move on as quickly as we can.

Do you have a personal advice for the European film producers for the time of the cultural lockdown?

I wish this nightmare would be over soon. I have no advice to give, I can only express my full solidarity to all the film profession who is seriously affected by these terrible events.