

Directives regarding the administrative and financial management of the Valais Film Commission and the facilitation, reimbursement of expenses and financial support for filming audiovisual productions in Valais

*The Department of Economy and Education and
The Department of Health, Social Affairs and Culture of the Canton of Valais*

in view of the Law on Cantonal Economic Policy dated 11 February 2000;
in view of the Law on Regional Policy dated 12 December 2008 and its ordinance dated 9 December 2009;
in view of the Law on Tourism dated 9 February 1996;
in view of the Law on the Promotion of Culture (LPrC) dated 15 November 1996 and the Directives regarding the same object dated 10 November 2010;
following the proposal from the Department for the Economy and Education and the Department of Health, Social Affairs and Culture;

hereby adopt the following provisions

Chapter 1 General Provisions

Art. 1 Aim

¹ These directives govern the administrative and financial management of the Valais Film Commission, as well as the provisions for the facilitation, reimbursement of expenses and financial support for filming audiovisual productions in Valais.

Chapter 2 The Valais Film Commission

Art. 2 Structure

¹ The Valais Film Commission is composed of a strategic body, the Commission, and an operational body, the Bureau.

² For all forms of communication, the structure as a whole is known as the “*Valais Film Commission*”. The communication and promotional activities of the Valais Film Commission are carried out within the communication framework of the Valais brand.

Art. 3 Organisation, activities and remuneration of the Commission

¹ The commission is the strategic body of the Valais film commission. The Commission is appointed by the Cantonal Council for an administrative period of four years. The Commission is composed of seven members, namely a representative from the Department of Culture; a representative from the Department for the Economy, Tourism and Innovation; two representatives from the Valais film industry; two representatives from either tourism or the economy; and one

representative from Valais/Wallis Promotion. The Commission is chaired by the above-mentioned cantonal departments, alternating every four-year administrative period. Commission members may be appointed for a maximum of 3 four-year administrative periods.

² Each commission member has one vote. Decisions are taken unanimously, otherwise by majority vote. In the event of a tie, the Chairman has the casting vote.

³ The Commission's activities are defined in the duties and responsibilities prepared by the Commission itself and submitted to the Cantonal Council.

⁴ The members of the Commission from the cantonal administration and Valais/Wallis Promotion do not receive any remuneration whatsoever. The remuneration conditions for members of the Commission external to the cantonal administration and Valais/Wallis Promotion are determined by the Order of 23 June 1999 regarding the remuneration of commissions.

Art. 4 Organisation and activities of the Bureau

¹ The Bureau is structurally integrated to the Mandatary entrusted by the Cantonal Council with the implementation of the Valais Film Commission, as defined in article 5 of these Guidelines. All Bureau 'staff are employees of the Mandatary.

² The Bureau is composed of at least the Film Commissioner who manages the Bureau. Its aim is to develop the VFC's operations within the Mandatary's structure and to maximize synergies.

³ The Film Commissioner, who leads the office, is hierarchically subordinate to the Mandatary's management.

⁴ The office is located at the Mandatary's premises, but it is possible to work at a different location depending on the project requirements.

⁵ The Film Commissioner participates, in an advisory capacity, in Commission proceedings.

Chapter 3 Relations between the Canton of Valais and the Mandatary

Art. 5 Service mandate

¹ The relationship between the State of Valais and the Mandatary shall be governed by a service mandate drawn up on the basis of a decision by the Canton Council for a four-year administrative period. The Canton Council alone decides on the choice of the agent. The service mandate defines the services that both parties undertake to provide so that the Valais Film Commission can achieve its objectives in the best possible way.

Chapter 4 Facilitation, reimbursement of expenses and financial support for filming audiovisual productions in Valais

Art. 6 Eligible audiovisual productions

¹ Audiovisual productions are defined within the framework of these directives as those which meet the criteria and characteristics of professionalism commonly accepted by the industry in artistic, economic and structural terms.

² Film productions that are considered by the Valais Film Commission to be immoral, unethical, immoral and discriminatory, that do not respect the salary conditions of the profession, that may pose a clear risk to the image of Valais, as well as those that violate the applicable federal and cantonal laws, will be excluded from any support and all financial benefits (reimbursement of expenses and financial support).

Art. 7 Facilitation

¹ Facilitation is a non-financial service that may be provided by the Bureau in response to direct requests made by audiovisual productions, irrespective of the project's eligibility for the reimbursement of expenses or financial support.

² Facilitation mainly refers to general logistic, administrative, artistic and/or technical support relevant to the realisation of an audiovisual production in the canton.

³ Facilitation does not grant any automatic right to the reimbursement of expenses or financial support.

Art. 8 Reimbursement of expenses and financial support

¹ The funding scheme in support of audiovisual productions is based on the reimbursement of eligible expenses (cash rebate). All eligible expenses are fully specified and listed in a specific document.

² The financial support is a one-time aid that can be granted on a case-by-case basis according to the decision of the Valais Film Commission. The terms of granting are defined in the relevant instruction documents.

Art. 9 Granting of financial aid

¹ The audiovisual productions eligible for reimbursement of expenses are feature films and fiction or animation series intended for cinema, TV, VOD (video on demand, free choice of playback time) and/or streaming (fixed playback time), excluding live streaming.

² Short films and documentaries are not eligible for the expense reimbursement mechanism but may be supported on a case-by-case basis.

³ Promotional content, corporate content (for explanatory, training, promotional purposes, etc.), television programmes, informational shows, music videos and video games are not subject to any funding (reimbursement of expenses or financial support).

⁴ The reimbursement of expenses and financial support are not cumulative.

⁵ All audiovisual productions eligible for the reimbursement scheme must also meet the following criteria:

- a) Guarantee eligible expenditure in Valais of at least CHF 100,000
and
- b) Guarantee a minimum of five days of filming in Valais.

Art. 10 Mechanism for reimbursement of expenses

¹ The audiovisual productions that meet the criteria detailed in Article 9 of these directives are automatically granted a baseline reimbursement of 15% of their total eligible expenses.

² The baseline reimbursement is increased by 10% of the project's eligible expenses if the audiovisual production is not of Swiss nationality within the meaning of the Federal Film Act and Ordinance. No increase is applicable if the audiovisual production is of Swiss nationality.

³ The baseline reimbursement is increased by 10% of the project's eligible expenses if the film's action is situated in Valais and if the images and/or narration clearly identify the region. If this is not the case, no increase is granted.

⁴ If the audiovisual production requires the employment of professionals residing in Valais that meet film industry standards, a reimbursement of 40% of the corresponding expenses is granted. All the professional occupations covered by this paragraph are comprehensively listed in a separate document.

⁵ The total reimbursement granted to an individual audiovisual production shall not exceed 35% of eligible expenses and/or 40% of recognised salary costs. In any event, the maximum reimbursement is a total of CHF 100,000 per production.

⁶ All reimbursements are granted within the budgetary limits available.

⁷ Furthermore, in order to benefit from the reimbursement scheme within the meaning of these directives, applicants must first demonstrate that 70% of the film's funding has been secured.

Art. 11 Decision

¹ All funding requests made by audiovisual productions (reimbursement of expenses or financial support) must be submitted directly to the Bureau at least one month before filming begins in the canton. The Bureau verifies each application's eligibility before submitting it to the Commission along with recommendations. Any request submitted after filming has begun will not be considered.

² Any audiovisual production eligible for funding (reimbursement of expenses or financial support), within the meaning of these directives, is subject to the Commission's decision, where applicable.

³ A foreign production (national production or majority co-production), within the meaning of the Federal Film Act and Ordinance, can only benefit from the reimbursement scheme via the intermediary of a Swiss executive production company approved by the Valais Film Commission.

⁴ The Valais Film Commission issues and provides audiovisual productions with the instruction documents and forms required to submit a funding application (reimbursement of expenses or financial support).

⁵ The Valais Film Commission must be immediately informed of any significant modification to the conception or implementation of the project as envisaged at the time the decision was made. Where applicable, significant modifications may result in a re-evaluation of the project.

⁶ Failure to provide relevant information and/or excessive modifications affecting the project may result in the decision being revoked.

⁷ Any reimbursement or financial support may be revoked if the recipient does not fulfil their obligations, if filming has not begun in the 12 months following the date of the decision or if the project is significantly modified without approval from the Valais Film Commission.

Art. 12 Payment of funds

¹ Subject to paragraph 2 of this article, the reimbursement of eligible expenses is processed once:

- The final statement of costs incurred in Valais has been submitted by the audiovisual production
- The final statement has been reviewed by the Bureau
- The Commission has given its final approval

² The reimbursement of expenses as defined in Article 10 para. 3 of these directives is only processed once the Bureau has seen the final version of the audiovisual production in question (final cut).

Art. 13 Recipient obligations

¹ The recipient is obliged to mention the support of the Canton of Valais in the closing credits by displaying the Valais Film Commission logo and the statement “With the support of the Valais Film Commission”. Credit on other forms of communication may be subject to a specific agreement.

² The funding (reimbursement of expenses or financial support) received from the Canton must be specifically listed in the production accounts. When crediting contributions, a clear distinction will be made between aid from public authorities and other funding. The funding (reimbursement of expenses or financial support) granted by the Canton of Valais will in no way be considered as sponsorship.

Chapter 5 Finance

Art. 14 Sources of funding

¹ The Valais Film Commission is funded by the Canton of Valais through the Cultural Events Promotion Fund. The contribution of any other source of funding must be assessed on a case-by-case basis.

Art. 15 Budget

¹ The operation of the Valais Film Commission during an administrative period of four years is based on a global budget approved by the Canton Council. The entire budget is managed by the

Mandatory in accordance with the service mandate with the State of Valais. Part of this budget is allocated to the Bureau and its operations and the remainder is dedicated to the reimbursement and financial support scheme within the meaning of Article 9 of these directives. A special cost accounting system for the VFC is set up in the accounting system.

³ The remuneration of Commission members according to Article 3 shall be paid by the Department chairing the Valais Film Commission.

Chapter 6 Final Provisions

Art. 16 Legal action

¹ The decision granting any reimbursement or financial support may be appealed directly with the organisation that made the decision.

² If the ruling is not issued by the Cantonal Council, the disputed decision is subject to appeal according to the Administrative Procedure and Jurisdiction Act. The authority's review is limited to procedural violations and arbitrariness.

Art. 17 Commencement and duration

The Department of Economic Affairs and Education and the Department of Health, Social Affairs and Culture shall determine the date of entry into force of these directives.

The Head of the Department of Economy and Education: **Christophe Darbellay**

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Head of the Department of Health, Social Affairs and Culture: **Mathias Reynard**

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