

# The Film Act

## - No 186 of March 12, 1997

WE, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby proclaim: Folketinget has passed and We have provided the following Act by Our Royal Assent:

### Chapter 1 - Objective

1. (1) The objective of this Act shall be to promote film art, and film and cinema culture, in Denmark.

(2) "Film" in this Act shall mean motion pictures of any kind, irrespective of their mode of creation or showing, including photographic films and videogrammes, with the exception of television broadcasts.

### Chapter 2 - The Danish Film Institute

2. (1) The Danish Film Institute shall have the following tasks:

- 1) to subsidize the development, preparation of scripts, production, launch and showing of Danish films and to ensure distribution of Danish films,
- 2) to spread knowledge of Danish and foreign films in Denmark and to promote the sale and spread knowledge of Danish films abroad,
- 3) to ensure the conservation of films and documentation material concerning films, the collection of film and television literature, the performance of research and the availability of these collections to the public,
- 4) to provide varied film activities for the general public,
- 5) to ensure continuous dialogue with the film industry and important user groups on the activities of the Institute,
- 6) to promote professional experimental film art and the development of talent by holding workshops,
- 7) to ensure the production of informative films, including for educational purposes.

(2) The Institute may subsidize the independent institution Det Danske Filmstudie (the Danish Film Studio) and other film studio activities.

(3) Furthermore, the Institute may subsidize other activities which promote film art, and film and cinema culture, in Denmark.

### EXECUTIVE COMMITTEE

3. (1) The Danish Film Institute shall be managed by an Executive Committee

consisting of a maximum of seven members appointed by the Minister for Culture.

(2) Three members shall be nominated by the Minister for Culture and shall represent cultural, media and managerial expertise.

(3) Rådet for Spillefilm (The Council for Feature Films), Rådet for Kort- og Dokumentarfilm (The Council for Short Films and Documentaries) and Museumsrådet (The Museum Council) cf. section 8, shall each appoint one member of the Executive Committee.

(4) The employees of the Institute may elect one member of the Executive Committee.

(5) The Minister for Culture shall appoint a Chairman and Deputy Chairman from among the members of the Executive Committee.

(6) Members of the Executive Committee may not be representatives of or employed by or hold a financial interest in any enterprise of which the main activity is the production, distribution or showing of films, nor may they be persons holding positions of trust in the film industry. In special cases the Minister for Culture may grant a dispensation from this provision.

(7) Members of the Executive Committee may not hold the consultant positions stated in section 4. (4) and (5).

(8) The duration of appointments shall be four years. Immediate re-appointment may take place for one period only. Should a member resign during the period of appointment a new member shall be appointed for the remainder of the period.

(9) The Executive Committee shall determine its own rules of procedure.

4. (1) The Executive Committee shall be in charge of the overall management of the activities of the Danish Film Institute and shall determine and follow up on the Institute's overall goals for the promotion of Danish films.

(2) The Executive Committee shall be accountable to the Minister for Culture for compliance with the provisions concerning the activities of the Institute.

(3) The Executive Committee shall appoint a Management Board.

(4) On the recommendation of the Council for Feature Films the Executive Committee shall appoint a maximum of three consultants and a children's film consultant for the area of feature films, cf. section 6.

(5) On the recommendation of the Council for Short Films and Documentaries the Executive Committee shall appoint a maximum of three consultants and a

children's film consultant for the area of short films and documentaries, cf. section 6.

(6) The Executive Committee shall appoint the councils stated in section 8.

## MANAGEMENT

5. The day-to-day management of the Danish Film Institute shall be the responsibility of a Management Board headed by a Managing Director.

## CONSULTANT SCHEME, ETC.

6. (1) The consultants shall undertake the final artistic evaluation of script and production proposals and submit proposals to the Management regarding the allocation of the funds available for the preparation of scripts and production of feature films and short films and documentaries and for the purchase of short films and documentaries, cf. section 7, however.

(2) The consultants may not be representatives of, or employed by, or hold a financial interest in, any enterprise of which the main activity is the production, hire or showing of films, or hold positions of trust in the film industry.

7. In accordance with rules issued by the Minister for Culture in the statutes stated in section 10 the Danish Film Institute may grant funds to cover a maximum of 60 pct. of the costs of the production of feature films without previous consultant assistance.

## COUNCILS

8. (1) The Council for Feature Films, The Council for Short Films and Documentaries and the Museum Council shall advise the Danish Film Institute's management with regard to respectively feature films, short films and documentaries and the museum activities of the Institute. Each council shall consist of five members appointed for a period of four years. Immediate re-appointment may take place for one period only. Should a member resign during the appointment period a new member shall be appointed for the remainder of the period.

(2) The Council for Feature Films shall consist of three representatives of the film industry and two members with media and cultural expertise appointed by the Liaison Committee stated in section 9.

(3) The Council for Short Films and Documentaries shall consist of three representatives of the film industry and two members with media and cultural expertise appointed by the Liaison Committee stated in section 9.

(4) Members of the Museum Council shall represent expertise in the fields of museums, film history, research and the film industry.

(5) The councils shall elect a Chairman and Deputy Chairman from among their number.

(6) The Executive Committee shall determine the rules of procedure of the Councils on their recommendation.

(7) Council members may not hold the consultant positions stated in section 4. (4) and (5).

#### LIAISON COMMITTEE

9. The Executive Committee shall appoint a Liaison Committee consisting of user and audience organizations and interest groups to maintain contact with the users and audiences of the Danish Film Institute. The Liaison Committee shall monitor the activities of the Institute and propose suggestions to the Executive Committee, and shall appoint two members of the Council for Feature Films and two members of the Council for Short Films and Documentaries, cf. section 8. (2) and (3). The Liaison Committee shall meet at least once a year.

#### STATUTES

10. On the basis of suggestions from the Executive Committee the Minister for Culture shall issue statutes containing rules for the tasks of the Danish Film Institute and may determine additional tasks for the Institute to those stated in section 2. The statutes shall furthermore contain rules on the appointment of an employees representative to the Executive Committee, cf. section 3. (4), on the Institute's internal delegation of authority, on the appointment and composition and the tasks, etc. of the councils and the Liaison Committee stated in sections 8 and 9, and on subsidies for production without prior consultant assistance, cf. section 7. Furthermore, the Minister for Culture shall in the statutes lay down rules on the consultant scheme on the basis of suggestions from the Executive Committee.

#### GRANTS

11. (1) In the annual Finance Acts special allocations shall be made for the production of feature films and short films and documentaries, respectively.

(2) At least 25 pct. of the funds allocated for the production of feature films and short films and documentaries shall be used for films for children and young people.

### **Chapter 3 - Submission Obligation**

12. (1) The producer of any Danish film which is shown to the general public shall on request submit a copy thereof to the Danish Film Institute as well as a complete set of the stills and material produced to advertise the film and for educational purposes. If the production has been subsidized in accordance with this Act such submission shall be free of charge.

(2) No later than two years after the first showing of a Danish film to the general public in Denmark the producer shall at his or her own initiative submit a good copy of the film to the Institute free of charge.

(3) Negatives of Danish films which have been shown to the general public and negatives of the stills produced to advertise the films and for educational purposes may not be destroyed before they have been offered to the Institute free of charge and the Institute has declared that it does not wish to receive them.

(4) The provisions in subsections (1) and (3) shall apply equivalently to Danish films which have not been shown to the general public, but which have been sent into distribution with a view to reaching a broader audience.

(5) If the producer cannot be identified the Institute may determine that the submission obligation shall pass to the distributor.

13. An unused copy of every Danish film distributed and sold in Denmark on video cassette in more than 50 copies shall be submitted by the distributor at his or her own initiative to the Danish Film Institute free of charge.[note]

14. Should the holder of the submission obligation die or be subject to proceedings in bankruptcy the obligation shall pass to the estate.

15. (1) The Minister for Culture may issue rules concerning the method of submission, including submission dates and any information to be enclosed with the material submitted, as well as the cases in which the Danish Film Institute may reimburse part of the submission costs.

(2) The Minister for Culture may issue rules concerning the conservation and availability of the films and videogrammes submitted.

(3) The Minister for Culture may issue rules concerning exemption from the submission obligation for certain types of films and videogrammes and concerning the discarding of copies not considered suitable for conservation.

16. The Danish Film Institute may not utilize the material submitted to the Institute in accordance with sections 12 and 13 for commercial purposes.

## **Chapter 4 - Danish Films and Co-Productions**

17. (1) "Danish Film" in this Act shall mean a film of which the producer is Danish. Furthermore, the soundtrack of the film shall be in the Danish language, or the film shall have special artistic or technical features which contribute to the promotion of film art and film culture in Denmark.

(2) By "Danish producer" is meant

1) any person holding Danish citizenship or resident in Denmark,  
2) any limited liability company or a private company registered in Denmark,  
3) any central or local government institution,  
4) any other company with limited liability domiciled in Denmark, including foundations and societies, if the management and the majority of the members of the Board of Directors hold Danish citizenship or are resident in Denmark, or  
5) any foreign limited liability company or private company which has registered a branch office in Denmark with the Danish Commerce and Companies Agency, or any other foreign company with limited liability in so far as the branch manager holds Danish citizenship or is resident in Denmark.

(3) Any film made in cooperation with one or more foreign producers and at least one Danish producer (a co-production) may be regarded as Danish, provided that the Danish and foreign financial contributions and influence on the production, as well as the artistic or technical contributions by each party, are in reasonable proportion to each other.

(4) The requirements regarding residence, citizenship, registered office, etc., in Denmark according to subsection (2) shall lapse if required under international agreements, including the Treaty on the European Union, the agreement establishing the European Economic Area and the Agreement on a Joint Nordic Labour Market.

## **Chapter 5 - Municipal and County Film Production**

18. Municipalities or counties may undertake the production of films as set out in legislation on the tasks of municipalities and counties. Municipalities and counties may also show and distribute films and may provide assistance in the form of subsidies, loans or guarantees for loans for production and distribution of films and for operation of cinemas.

## **Chapter 6 - The Media Council for Children and Young People**

19. (1) The Minister for Culture shall appoint the Media Council for Children and Young people. Its object is the guidance of parents, etc. on the suitability of films,

etc. for children and young people. The Media Council shall also advise and assist the Minister and may at its own initiative consider any issue regarding the suitability of films for children and young people.

(2) The Minister for Culture shall issue rules concerning the Media Council, including the composition of the Council.

20. (1) Any film shown or commercially sold, hired or lent publicly in Denmark to children under the ages of 11 and 15 shall be subject to prior approval for children of that age group by the Media Council for Children and Young People, cf. subsection 3, however.

(2) The decision of the Media Council shall be made on the basis of an assessment of whether the films can be considered to be unsuitable for children in that particular age group. The Media Council may require further information about the contents of the films. The Media Council's decision may be one of the following:

- 1) approval of the film for general admittance,
- 2) approval of the film for general admittance, but not recommended for children under the age of 7,
- 3) approval of the film for admittance of children from the age of 11,
- 4) approval of the film for admittance of children from the age of 15.

(3) However, all films may be shown publicly to children from the age of seven who are accompanied by a parent or another adult.

(4) The Minister for Culture shall issue rules on the collection of fees to cover all or part of the costs of the Media Council's assessment of films. The size of the fees shall be determined by the Minister for Culture.

21. (1) Persons who show to the general public or commercially sell, hire or otherwise distribute films publicly in Denmark shall according to rules issued by the Minister for Culture be obliged to rate or otherwise provide information on the suitability of the film for children and young people in accordance with the assessment of the Media Council for Children and Young People.

(2) After deliberation with the Media Council the Minister for Culture shall issue further rules concerning rating, etc. and may determine that certain films shall be rated, etc. without the assessment of the Council, and that certain films may be exempt from rating, etc.

## **Chapter 7 - Complaints**

22. Complaints against decisions made by the Danish Film Institute in

accordance with this Act or according to rules issued pursuant to the Act, may only be brought before the Minister for Culture if the complaint concerns legal issues.

23. Complaints concerning decisions made by the Media Council for Children and Young People in accordance with this Act or according to rules issued pursuant to the Act, may only be brought before the Minister for Culture if the complaint concerns legal issues.

(2) However, the Minister for Culture may issue rules concerning more extensive access to make complaints against decisions made pursuant to section 20. (1) and may determine fees to cover all or part of the cost of consideration of complaints.

### **Chapter 8 - Accounts and Audit**

24. Persons receiving grants under this Act shall be obliged to submit accounts. The accounts shall be audited by the auditor appointed by the recipient of the grant according to rules for good auditing practices.

(2) The Minister for Culture shall issue rules for the presentation of accounts, including auditors' competence and performance of the audit.

### **Chapter 9 - Penalty Provisions**

25. Any violation of sections 12, 13, 20. (1) or 21. (1) shall be subject to the penalty of a fine.

(2) Rules issued pursuant to sections 15 and 21. (2) of the Act may stipulate a penalty in the form of a fine for any violation of the provisions.

(3) Companies, etc. (legal persons) may be subject to criminal liability in accordance with the rules in Chapter 5 of the Danish Penal Code.

### **Chapter 10 - Commencement and Transitional Provisions**

26. The Minister for Culture shall determine the date of the coming into force of the Act. The Minister of Culture may determine that the provisions of the Act shall come into force on different dates.

(2) The Minister for Culture may revoke the following acts or parts of the following acts:



- 1) The Danish Film Act, cf. Consolidated Act no. 342 of May 2, 1996.
- 2) The Danish Act on Film Censorship, cf. Consolidated Act no. 211 of May 30, 1980.
- 3) The Danish Act on Rating of Videogrammes, cf. Consolidated Act no. 34 of January 25, 1996.

(3) Rules issued under the authority of the acts mentioned in subsection 2, except Consolidated Act no. 283 of April 30, 1993 on the procedure for attachment of salaries, etc. for defaulted loans granted under the previous legislation on films and cinemas, shall remain in force until they are revoked or replaced by rules issued pursuant to this Act.

(4) The Minister for Culture shall make the first appointment of the councils mentioned in section 8.

(5) The first Liaison Committee, cf. section 9, shall be appointed by the Minister for Culture,

(6) The first statutes, cf. section 10, shall be issued by the Minister for Culture after deliberations with the present Executive Committees of the Danish Film Institute and the Danish Government Film Office.

(7) The provisions of Chapter 6 concerning the Media Council for Children and Young People shall apply to films publicly shown, produced or imported for commercial sale, hire or other public distribution in Denmark after the Minister for Culture's appointment of the Media Council and issue of rules pursuant to sections 19-21.

(8) Decisions concerning the suitability of films for children under the ages of 12 and 16 which are made in accordance with the Danish Act on Film Censorship, cf. Consolidated Act no. 211 of May 30, 1980 and the Danish Act on Rating of Videogrammes, cf. Consolidated Act no. 34 of January 25, 1996 shall be considered to be a decision, cf. section 20. (1), as from the date of commencement of this Act.

27. This Act shall not apply to Greenland and the Faroe Islands.

Given at Christiansborg Palace on March 12, 1997

Under Our Royal Hand and Seal

MARGRETHE R.

/ Ebbe Lundgaard

-----

[note]

Section 13 has been repealed by Act. No. 423 of 10 June 1997 concerning copyright deposit of published works.