

GUIDELINES FOR OFFICIAL CO-PRODUCTION STATUS APPLICATION

Updated December 2009

1. INTRODUCTION

To support the development of media industry, Singapore has negotiated and entered into bilateral Co-production Treaties with key markets for Singapore media products. Under these Treaties, productions that are made jointly by a Singapore co-producer together with foreign co-producer(s) (herein after referred to as “Project”), can apply to obtain an Official Co-production Status for the Project.

To obtain the Official Co-production Status, the Project must adhere fully to all the articles and annexes in the relevant bilateral co-production treaty between Singapore and the country with which the co-production is proposed, and meet the terms stated in the ‘Guidelines for Official Co-production Status Application’. The Official Co-production Status will only be granted to the Project when both the Media Development Authority (MDA) and the foreign competent authority have assessed and agreed that the completed Project is eligible.

The Singapore co-producer is to submit their application for Official Co-production Status and required supporting documents for the Project to MDA. The foreign co-producer(s) of the co-production is/ are to submit separate but equivalent applications to, and as required by, the competent authority of the co-producing country. The form for Application for Official Co-production Status for the Project, Guidelines for Application for Official Co-production Status, and copies of the bilateral Co-production Treaties are available online at www.smf.sg.

Applications for Official Co-production Status are processed and assessed by the International Relations team of the Media Development Authority (MDA) of Singapore within the terms of the relevant bilateral Co-production Treaty and this set of Guidelines. In the event of any queries, please contact:

Ms Adriana Lee
Community & International Relations Division
Media Development Authority
Tel: 818 33 951, Email: Adriana_lee@mda.gov.sg

Note

- a) “In-Principle Agreement” and “Final Approval” granted to a Project do not guarantee financing from the Media Development Authority (MDA) of Singapore. Separate applications should be made to MDA for this purpose. In considering financial support for projects, MDA will operate in line with existing guidelines and procedures, irrespective of whether official co-production status is already achieved or not.
- b) The MDA need not accept further applications from producers who have previously breached the terms of their Official Co-production Status approval.

2. ELIGIBILITY

- There must be a co-producer from each of the countries concerned, who must be “nationals” of Singapore and of the country of the co-producer (s). Individuals involved in the making of a co-production must be “nationals” of Singapore or of the co-producing country (as defined in the relevant Treaty) unless there are exceptions stated in the Treaty. For Singapore’s purposes, “nationals” mean Singapore citizens or permanent residents of Singapore.
- Companies that are incorporated in Singapore with 30% local shareholding (ownership by Singapore nationals), and central management and control in Singapore are eligible to apply.
- None of the co-producers from Singapore and country of the co-production partner, with which a co-production is proposed, shall be linked, directly or indirectly, through legal entities with common management, ownership or control.
- The Singapore co-producer must retain a share in the intellectual property right arising from the making of the Project.
- Each Project must meet all the following terms and conditions:

2.1 UNDERLYING WORKS AND SCREENPLAYS

The Project may be based on an underlying work (for example, a novel or a concept) from any country, subject to the terms of the relevant Agreement. However, for the Project, all drafts of the screenplay must be written by a “national” of one of the co-producing countries.

2.2 PARTICIPATION LEVEL

Financial Contribution

- a) The co-producers must between them contribute 100% of the cost of the Project. They may obtain their contribution from any source(s) from their own, or any other country. In general, the Singapore co-producer must contribute a minimum of 20% of the total production budget for the co-production. Please refer to the relevant bilateral Co-production Treaty for the minimum financial contribution required from Singapore.

- b) In principle, the percentage of the amount of the total budget spent on Singaporean elements of the Project must be at least equivalent to the percentage of the total budget contributed by the Singaporean producer. Singaporean elements may include key creative participants, cast, crew, facilities and materials, per Diems of all Singaporeans and their travel and accommodation costs whether incurred in Singapore or not. Furthermore, a percentage of contingencies, of the cost of insurances and of a completion guarantee may be included, as may legal costs incurred by the Singaporean producer.

Creative Contribution

- c) In general, the Singapore co-producer must contribute a minimum of 20% of the total creative contribution (for example, performing, technical and craft contribution) for the Project. Please refer to the relevant bilateral Co-production Treaty for the minimum creative contribution required from Singapore.
- d) The percentage of the Singapore key creative participants (*refer to Application form Section D for list of key creative participants*) in the Project should be at least equivalent to the percentage of the budget contributed by the Singapore producer. Where both the writer and the director of the co-production are not Singapore “nationals”, the Project should include substantial Singaporean creative participation.
- e) The percentage of the other cast and crew in the Project should be at least equivalent to the percentage of the budget contributed by the Singapore producer. However, when no Singaporean actors are engaged in any of the four major roles (or as any of the three lead voices in the case of animation productions), Singapore’s technical or other cast participation must be increased to compensate in the overall Singaporean balance.

3. APPLICATION PROCESS

There are two stages in the Application for Official Co-production Status for the Project:

Stage One: Application for “In-principle Agreement”

Stage Two: Application for “Final Approval”

STAGE ONE: BEFORE COMMENCEMENT OF CO-PRODUCTION

Application for IN-PRINCIPLE AGREEMENT for Project to be accorded *Official Co-Production Status*

- a) The application for “In Principle Agreement” has to be submitted to MDA at least 30 days prior to principal photography. For animation projects, application has to be submitted at the time of key animation, and for series of any genre, the application has to be submitted at the latest, upon production of a video master of first episode.
- b) The Singaporean producer must complete and submit an application, together with the required supporting documents / information as stipulated in the application form to the MDA. If the supporting documents/ information are provided in draft form, the Singapore producer must provide final (executed where applicable) copies when they become available, and in any case, before completion of the co-production. The application form can be downloaded online at www.smf.sg.
- c) It is necessary for the foreign producer(s) to submit separate but equivalent applications to, and as required by, the competent authority of the co-producing country.
- d) Upon receipt of the Singapore co-producer’s application form and supporting documents, MDA will assess the application within the terms of the relevant bilateral Co-production Treaty and this set of Guidelines. Upon completion of MDA’s assessment, MDA would engage in consultation with the foreign competent authority of the co-producing country. MDA will revert to the applicant within 20 working days* with an update on the status of the application.

** As MDA need to assess the application in consultation with the competent authority of the co-producing country, MDA’s response time to applicants may vary.*

- e) If both the MDA and the competent authority of the co-production country agree and approve the Project as eligible, MDA will grant “In-Principle Agreement” to accord the Project *Official Co-production Status*, and the foreign competent authority will accord the equivalent to the Project.
- f) Principal photography of the Project must initiate within 2 years from the date that the “*In-Principle Agreement*” was granted, failing which the “*In-Principle Agreement*” granted will lapse.
- g) Should the application for the Official Co-production status be rejected in this stage, a new application must be submitted before the Project will be considered again.

STAGE TWO: UPON COMPLETION OF CO-PRODUCTION

Application for FINAL APPROVAL for Project to be recognised as an Official Co-Production

- a) The Singapore co-producer must write to the MDA to inform of the Project’s completion and provide the following documents/ information for MDA to assess the completed Project for Final Approval:
 - a. Finished project on DVD (2 episodes in the case of a television series)
 - b. Final executed co-production agreement between the co-producers
 - c. Final production budget
 - d. Final full list of cast and crew, indicating the nationality/ residency status of each cast / crew member.
 - e. Any other documentation or information that the MDA may require to complete its assessment.
- b) It is necessary for the foreign producer(s) of the Project to submit separate but equivalent applications to, and as required by, the competent authority of the co-production country.
- c) Upon receipt of the Singapore co-producer’s notification and required materials/ documents, MDA will assess the completed Project with reference to the information submitted in its application for “In-principle Agreement” and if the Project complies with this set of Guidelines, and is within the terms of the relevant bilateral Co-production Treaty. Upon completion of MDA’s assessment, MDA would engage in consultation with the foreign competent authority of the co-producing country. MDA

will revert to the applicant within 20 working days* with an update on the status of the application.

* As MDA need to assess the completed Project in consultation with the competent authority of the co-producing country, MDA's response time to applicants may vary.

- d) If both the MDA and the competent authority of the co-producing country approve the completed Project as eligible, both authorities will grant "Final Approval" to accord *Official Co-production Status* to the Project.

5. PRODUCER'S UNDERTAKING

The MDA requires each Singaporean producer applying for Official Co-production status for their Project, to enter into a formal undertaking (please see application form for details). If a producer fails to adhere to these undertakings or if any divergence occurs from the original terms of Official Co-production for which MDA's further prior approval has not been obtained, MDA reserves the right to revoke the *In-Principle Agreement*, or the *Final Approval* for the Project and/or deny the producer(s) concerned future use of bilateral Co-production Treaties.

6. MDA SCHEMES FOR INTERNATIONAL CO-PRODUCTIONS – Priority consideration for Official Co-productions

The MDA administers investment and funding schemes for International co-production projects in television, films and animation for Singapore production companies. Projects that are successful in their application for Official Co-production Status will be given priority consideration when applying for investment / funding from MDA under the schemes applicable to International co-productions.

"In-Principle Agreement" and "Final Approval" granted to a co-production do not guarantee financing from the MDA. Separate applications should be made to MDA for this purpose. In considering financial support for projects, MDA will operate in line with existing guidelines and procedures, irrespective of whether the Project has achieved Official Co-production Status.