

Law No.2004/22

ON CINEMATOGRAPHY

The Assembly of Kosovo

Based on UNMIK Regulation 2001/9, of May 2001 on the Constitutional Framework for Provisional Institutions of Kosovo and especially Chapters 5.1, 5.7, 9.1 (a) and 9.3.3;

With the aim of developing a modern cinematographic activity in Kosovo,

Hereby adopts, as follows:

LAW ON CINEMATOGRAPHY

CHAPTER I GENERAL PROVISIONS

Object of the Law Article 1

This Law establishes basic norms on the practice and good progress of cinematography.

Definitions Article 2

For purposes of implementation of this Law:

“Cinematography” involves production, distribution and show of works of film as a fundamental and additional activity necessary for the progress of cinematography.

“A work of film” is a work expressed with a range of interrelated images and motion figures accompanied with sound or without it, placed on a magnetic digital or celluloid tape, or on any other material sustainer. A work of film includes: artistic films (with narrative coherence and dramaturgy structure) documentaries, cartoons-animated, and those full length films or short length films.

“An author” or a co-author of a work of film, as well as author who gives a creative input for its realization is a person to whom belongs this attribute according to legal provisions on copyright and other similar rights.

“A producer” of a work of film is a person or a group of natural or legal persons, domestic or international who on their behalf or to their benefit, or to the benefit of others start and undertake responsibility, provide financial means and other means for producing and successful completion of a work of film.

“Distribution” is exploitation, trading or selling and purchasing including import or export, bids or giving for use (borrowing for use) of a sample of a reproduced work of film.

“Reproduction” of a work of film is multiplication of one or more copies of a material sustainer where a work of film is recorded in order to be put to trade, or giving it for use or for a public show.

“A distributor” is a person or a group of natural or legal persons that carry out any activity or service which fall on the same as distribution of a work of film.

“**Exhibitor**” is a person or a group of legal persons who possess or takes with rent a cinema for public exhibition”

“**Show of a work of film**” is its projection on screen in any public place.

“**A domestic film**” is of a work of film when:

- Financial participation for its production by a producer or by domestic co-producers is over 51%.

“**The acronym CCK**” denominates The Cinematographic Centre of Kosova.

“**Videogram**” is a material sustainer of recording of a work of film (videocassette, compact disc CD, digital disc-DVD, etc.).

CHAPTER II CONDITIONS ON EXERCISING THE ACTIVITY

Article 3

3.1. Every natural or legal person, domestic or foreign registered as a profitable or non-profitable entity to exercise this activity in Kosova in accordance with relevant legal and sub-legal provisions and with provisions of this Law may carry out cinematography activity.

3.2. In cinematography can be engaged also publicly owned entities.

Article 4

Production, distribution and public showing of works of film cannot be subject of a censorship or ideological and political and religious pressure.

Article 5

5.1. In principle, a producer of a work of film may shoot film scenes wherever in Kosova.

5.2. If shooting should be done in buildings or various environments including also those of infrastructure where public access is not allowed or should be restricted, or shooting meant to be within monuments of culture, in the complexes of cultural and historical areas, in an archaeological location or other location in the natural areas ranked as cultural and natural protected heritage or which enjoy a treatment as protected, a producer should request a permission for shooting from the competent authority at least 15 days from the day planned for starting shooting, while the relevant authority shall notify within 7 days from the day when request permission was received. The producer shall respect requirements set by the relevant authority.

Article 6

6.1. A foreign producer may make shooting of a work of film in Kosova if he/she has obtained permission for shooting by the CCK in advance.

6.2. Application for shooting permission is submitted in the appropriate CCK form followed by a sample of the respective screen play.

6.3.The Ministry of Culture approves an administrative direction on the manner and terms of issuing permission for shooting.

Article 7

7.1.A domestic film producer who gain subvention by CCK is obliged that within 7 days from the day of completion of the first copy of the work of film to inform the CCK on its completion.

7.2.Obligation within meaning of paragraph 1 binds a producer of domestic film even when he/she produced a work of film in co-production with foreign producers.

7.3.A domestic producer subventioned by the CCK, if aims at reproducing the first copy outside of Kosova, he/she should notify the CCK for this in a written form.

Article 8

Socially or publicly owned cinemas, privatized or given for rent to natural or legal persons, domestic or foreign, may not change the purpose of their activity without the CCK consent.

Article 9

9.1.For every film, domestic or foreign intended to be shown openly, prior to having the first show in Kosova, a distributor, or a showman respectively must obtain a license for public show of the film.

9.2.Only the CCK Preview Committee issues license, as under the above said paragraph.

Article 10

10.1.The CCK Preview Committee issues licenses within meaning of Article 9 of this Law according to the following categories:

- a) Category 'A' – when film is allowed for all ages and with no restriction in terms of timing of public projection;
- b) Category 'B' – when film is allowed for all inhabitants over 14 years old;
- c) Category 'C' – when film is allowed for all inhabitants over 18 years old.

10.2.No license is issued to films promoting or supporting pornography, prostitution, drug abuse, ethnic, or racial or religious hatred, terrorism, as well as other criminal activities.

10.3.Films equipped with a license and which contain extremely violent scenes, horror scenes, scenes of family violence or child violence or abuse, may be shown to public after 22: 00hrs.

10.4.Upon previewing, provisions of the Article 4 of this Law shall be wholly respected.

Article 11

11.1.If a film, for which a showman or distributor have not obtained a license or he/she was not given a license for it within the meaning of the Article 10, is shown to the public, then Director of the CCK issues a decision whereby prohibiting the further showing of such a film.

11.2.There may be filed a complaint with the Steering Board of the CCK, within 8 days from the day of announcement of the decision.

11.3. There may be filed an administrative contest with a competent court against a decision made by the Steering Board of the CCK, within deadline of 30 days from the day of delivery of the decision.

11.4. A complaint within the meaning of paragraph (2) and a request for review of the decision within paragraph (3) of this Article, do not suspend the execution of the decision from paragraph (1) of this Article

Article 12

12.1. Public showing of works of film may be carried out in premises that are built and arranged according to relevant standards on premises where such public gatherings are conducted.

12.2. Cinemas, cinema-theatres respectively provide access to disabled persons.

12.3. A municipal body in charge of construction matters, or cultural matters shall suspend use of a cinema or a cinema-theatre, or public show of films respectively, if it determines that relevant standards and conditions were not met and would allow to the owner or possessor of the Hall respectively, a reasonable deadline to avoid the shortcomings.

12.4. If shortcomings determined have not been removed within the set deadline, the body from paragraph 3 of this Article shall prohibit the public showing of films until the shortcomings been avoided.

12.5. There may be filed a complaint with the Competent Court against a judgment of the municipal body within 8 days from the day of delivery of such judgment.

Article 13

13.1. A videogram containing a work of film may be traded or reproduced, shown openly and given for use if the distributor or natural or legal person respectively intending to carry out such an activity has a due contract with the producer or holder of rights to use, when this is the case of a work of film from abroad - even if it is imported according to legal and sub-legal provisions on imported goods.

13.2. Videograms reproduced outside Kosova, including videograms of domestic films, upon entering inside Kosova shall be treated as import.

13.3. Videocassettes and videodiscs where works of film are reproduced can be treated as editions.

13.4. Film material is treated as a public archive material.

Article 14

Fulfillment of terms and conditions according to Article 13 of this Law shall be monitored by relevant inspectors.

Article 15

15.1. As evidence that legal conditions for bidding, trading, reproducing and giving for use are met, every videogram of a work of film should be provided with a relevant label posted in a sustainable manner.

15.2.The label proving that conditions for reproducing and giving for use are met is posted on the surface of videogram, whereas the label proving that conditions for trading including their import or export are met is posted in the outer cover of the videogram.

15.3.The CCK publishes the labels.

15.4.The Ministry of Culture shall establish the content, appearance, size and other elements of label, including those, which identify its originality, every year. It is an obligation that each label contains a written note: the Ministry of Culture, serial sign and serial number, year of edition.

15.5.The CCK issues a special regulation on the manner and terms of edition, monitoring of edition; tracking, uploading-downloading and issuing labels and on disposal of labels after expiration of a calendar year.

15.6.Falsification of labels is punished as an action of falsification of a fiscal label.

Article 16

16.1.The CCK distributes relevant labels based on a submitted register with titles of works of film, and presented evidence within meaning of Article 13 of this Law, after the due compensation (further: tax) for the overall quantity of labels.

16.2.The CCK distributes as many labels as is the quantity declared by the user, or distributor of videograms respectively, for putting into trade during the calendar year.

16.3.Labels are distributed every calendar year continuously and are not valid after the end of previous year.

16.4.The excess of published and undistributed labels during the calendar year, are disposed by the special CCK Committee and one representative of the Ministry of Culture is included in its composition. Disposal with the relevant data on serial sign and numerical quantity of the labels in excess shall be carried out until 15 January of the following year for the previous calendar year, and all members of Committee sign the minutes on disposal and they are retained as a financial document.

Article 17

17.1.Videograms, which do not contain an appropriate label within the meaning of Article 15 of this Law, including videograms whose labels got outdated, respectively a label that do not correspond to the calendar year within the meaning of paragraph 3 of Article 16 of this Law, will also be confiscated.

17.2.Videograms given for use containing titles of works of film that do not appear on the register will also be confiscated.

Article 18

18.1.Bidding is not allowed, including exhibition and selling videograms in the streets, pavements or other improvised places, or in buildings or premises that are not registered for trade services.

18.2.Videograms that are caught, within meaning of the above paragraph will also be confiscated.

Article 19

19.1.Temporary confiscation within meaning of Article 17 and 18 of this Law will be executed by respective inspectors. On this occasion, together with the request for criminal proceeding or violations, they submit videograms to prosecutor or an appropriate court respectively.

19.2. When a decision on confiscation of videogames becomes binding in an appropriate procedure, confiscated videogames get disposed and this action is determined and verified in the minutes. A representative from the CCK is also included in the Commission for disposal.

CHAPTER III INSTITUTIONS

Article 20

20.1. For realization of policy objectives aiming at development of cinematography, fulfillment of responsibilities and needs reflecting the public interest in this field is established the Cinematography Centre of Kosova as an institution with attributes of a central authority for cinematography, under dependence of the Ministry of Culture.

20.2. The CCK Headquarters is in Prishtina.

Article 21

The Ministry of Culture sets objectives for cinematography development.

Article 22

22.1. The Ministry of Culture oversees legality of the CCK activity.

22.2. The CCK's duty is to provide information required and allow for control of documentation whenever the Ministry of Culture requires this.

Article 23

The Ministry of Culture undertakes all measures to ensure due and effective implementation of this Law, including adoption of sub-legal enactments for its implementation.

Article 24

24.1. At least once a year, the Ministry of Culture makes an assessment regarding realization of the objectives for cinematography development, quality and effectiveness of the CCK activity, as well as management of means from the Fund for Cinematography.

24.2. Main conclusions of the assessment shall be made public.

24.3. No later than two months after completion of a calendar year, the CCK should submit a summary report to the Ministry of Culture on activities carried out in the previous year, with sufficient necessary data to assess fulfillment of tasks, impact of shortcomings on the progress of cinematography development, as well as on management of Fund for Cinematography. A short version of the report shall be published by the CCK in the daily press and on its official web page in Internet.

**CHAPTER IV
THE CINEMATOGRAPHY CENTRE OF KOSOVA**

Authorizations and responsibilities

Article 25

25.1.The CCK has authorizations and function given to it by this Law and by sub-legal enactments for its implementation.

25.2.Its under the CCK competence the assessment and decision making to encourage and support cinematographic activity in function of objectives of development policy and public interest under Articles 21 of this Law.

25.3.It is the CCK's competence the management of the Fund for Cinematography and it is accountable for its purpose and effective use.

25.4.The CCK has the status of a legal person and is eligible to close contracts and to enter into other obligatory relationship with the third parties.

25.5.The CCK co-operates with public authorities, also with institutions, domestic and foreign organizations and associations on all matters of interest for creation of a favorable environment for development of cinematography, exchange of experiences and information.

25.6.The CCK co-operates with its counterpart authorities in other countries, co-operates and is affiliated to regional organizations and associations and other international ones from the field of cinematography, and also participates in their activities.

25.7.Creates and updates its database in relation to domestic and World film creativity, on entities dealing with cinematography in Kosova, on progress of trade of works of film, production costs and other latest trends in film creativity and technology, and makes this necessary information available to interested entities.

25.8.The CCK shall fulfill its tasks and function completely and in a professional manner, independent of political influences, and by abiding to principles of transparency and non-discrimination.

Article 26

The CCK oversees strict implementation of this Law and other sub-legal enactments, its implementation in activities of entities dealing with cinematography, except if otherwise foreseen by this Law.

Structure and functioning

Article 27

27.1.Structure and functioning of the CCK according to this Law is established under the CCK statute and other acts.

27.2.The CCK statute enters into force upon adoption by the Ministry of Culture.

Article 28

28.1.The Leading bodies of the CCK are: the Steering Council and the CCK Director.

28.2.The organigramme for CCK is proposed by the director of CCK, and it will be approved by the Minister of Culture

The Steering Council

Article 29

29.1.The Steering Council exercises the function of governing, sets out general policies about the CCK activities.

29.2.The Steering Council:

- a) Assesses needs and possibilities that refer to policy objectives for development and public interest in the field of cinematography, it sets annual programme of activities and measures for its implementation, follows up on progress of implementation;
- b) Approves annual budget, submits request for allocation of budgetary means, define financial policy for the cinematography Fund and for the functioning of CCK; allocation of means for planned activities giving priority to film projects in production of domestic artistic films, documentary and animated ones; ensures effective and lawful use of incomes and takes care for the progress of expenses within financial potentials; reviews and approves the annual report on the work of the CCK and makes the annual balance;
- c) Appoints a professional jury on film projects of applicants in the contests announced by the CCK, and provides other necessary advice;
- d) Approves the proposed CCK statute; its rules of procedure and rules of procedure of the professional juries; regulation on approval and subvention of film projects and other activities, regulation for previewing of works of film to be shown openly in Kosova;
- e) Takes initiatives for improvement or completion of the legal framework in the field of cinematography and culture; approves acts on implementation of this Law when this is responsibility of the CCK;
- f) Assesses effectiveness of organization of the CCK professional service;
- g) Performs other activities related to planning and decision making and monitoring processes as established by the statute.

Article 30

30.1.The Steering Council is composed of five members who are appointed by the Minister of Culture.

30.2.The mandate of members is three years with the right to be re-appointed for another mandate successively.

30.3.Members should be people who have university education, film makers or experienced and reputed publishers in the field of cinematography.

30.4.No person may be appointed or remain a member of the Steering Council if:

- a) holds or is in a public elected office;
- b) is or becomes a member of an executive body of a political party;
- c) is convicted under a criminal proceeding for a criminal action for which he gained no amnesty or is pardoned, which makes him/her unworthy to be a member or one who during the mandate is tried with a final decision for such a criminal action.

30.5.Members, from their ranks, elect the head with one-year mandate.

30.6.Steering Council for CCK is composed by a representative delegated from Ministry of Culture, domestic producers, the Association of Film Artists, distributors and one from the film critics.

30.7.The Steering Council takes decisions with majority votes of the members.

30.8.Members of the Steering Council are not in an employment relationship with the CCK.

Director of the CCK

Article 31

Director of the CCK has his/her duties, authorizations and responsibilities provided for by law, the CCK Statute and decisions of the Steering Council, especially:

- a) determines operational policies for fulfillment of CCK duties, and decisions of the Steering Council, organizes daily tasks and motivates, supervises and evaluates staff performance; conducts staff recruitment by applying procedures of vacancy notice, assigns staff tasks and responsibilities and has other authorizations as an employer; takes care for working conditions and staff training regarding management skills and an effective realization of responsibilities he/she is in charge of;
- b) represents the CCK;
- c) is responsible for activity progress of the CCK in accordance with law;
- d) prepares meetings and meeting materials of the Steering Council and drafts acts and other decisions which fall within the CCK responsibilities, prepares the CCK annual reports;
- e) operates to maintain effective and correct relationship with the Ministry of Culture and other institutions, other entities dealing with cinematography, professional associations of the artists, counterpart partners;
- f) proposes professional juries for selection of film projects for their subvention, determines the amount of reward on the work of members of the Steering Council, juries and preview committee.

Article 32

32.1.The Ministry of Culture announces a public vacancy notice for appointment of Director of the CCK.

Director of the CCK is appointed by the Minister of Culture from the list containing no less than two candidates proposed by the Commission for implementation of the vacancy notice. As a Director of the CCK would be appointed a person with university education, who has organization and management skills, or a film maker or an artist with reputation.

32.2.No person may be appointed and after appointment remain in Director's position if he/she creates or holds another active employment or position, as in cases under paragraph 4 of Article 30 of this Law.

32.3.Director is appointed for a four-year mandate with the possibility to be re-appointed for another time successively.

32.4.The Minister of Culture sets the salary of Director.

32.5.Dismissal of Director is carried under a decision by the Minister of Culture in accordance with the Law and the CCK statute.

CHAPTER V
PROCEDURE FOR SELECTION AND APPROVAL OF PROJECTS

Contest of film projects

Article 33

33.1. In accordance with programme of activities and financial potentials of respective year, the Steering Council announces a contest for film projects: for artistic full length films and short length films, documentary films and cartoons and animated ones no later than two months following the approval of budget means.

33.2. All legal persons, domestic or foreign, registered in Kosova as a business entity for film production (film producers), film makers with a status of free artist, have right to participate to this contest, except if otherwise established by this Law. The CCK employees and members of the Steering Council do not have the right to participate in the contest.

33.3. The Steering Council recommends selection procedures for projects, whereas the Minister approves them.

Article 34

A participant to contest submits: screenwriter, a verified copy of registration as a business entity and as a producer, including such copies for each co-producer, a short description of activity as a producer and co-producer, and description for each co-producer of the film project; the complete elaborate for realization of film project; names of co-authors foreseen for realization of the work of film, providing for each data on their level of professional education, professional experience and works where they contributed as co-authors ("curriculum vitae" further on: "CV").

Article 35

35.1. Each participant to the contest has the right to ask for clarifications and information regarding the contest announced by CCK.

35.2. Film projects submitted after the deadline of the contest, submitted by the submitter who according to this Law has forfeited the right to be represented with film projects in the contests of the CCK, as well as submitters who did not meet requirements of the contest are not taken into consideration and they are sent back to the submitter within 3 days after closing of the contest.

35.3. Deadline for submission to the contest is open and cannot be shorter than 30 days and no longer than 60 days from the day of its announcement.

35.4. Applications with additional documentation do not return to the submitters and are retained as a permanent archive material, except in cases under paragraph 2 of this Article.

Article 36

The Steering Committee, upon the CCK Director's proposal announces every year a contest for artistic film of full length, short length, documentary film and cartoon - animated film, with the right of participation only for young film makers who has recently completed their university professional education.

Decision-making

Article 37

37.1.The Steering Council approves and subvention film projects (by setting a quota for subvention) based on selection from a evaluation jury and the report of financial committee.

37.2.If the Steering Committee determines shortcomings, then it will send back for review a decision on selection or financial report, thus identifying the shortcomings.

Article 38

38.1.If it is determined that within composition of the evaluation jury happened to be a person who could not be or remain a member of the jury within meaning of paragraph 6 of the Article 43 of this Law, then the Steering Committee cancels a decision of the jury, dismisses and removes from the jury such a member, and appoints a new member in his/her place, and schedules a meeting of the jury by allowing for a reasonable timing in order that new member become familiar with the presented projects.

38.2.If, after decision for subvention of the project, it is determined a case as in the above mentioned paragraph, then the decision of the jury on project's selection and the Steering Committee's decision on subvention the project will be cancelled and it will have a retroactive effect.

Article 39

39.1.Against the decision of Steering Council can be submitted a complaint to the Ministry of Culture, within 8 days from the day of written notice.

39.2.A contest participant whose project is rejected, within 8 days from the day of notification on contest's results, may request from the CCK a revision of the decision, but only if allegedly his/her project has been selected by the evaluation jury and the jury's decision has not been regarded, or his/her project was not considered at all by the jury, or he/she has available information or reliable evidence that one of the members of the jury is a person regarding to connections within meaning of point (b) and (c) of paragraph 6 of Article 43 of this Law regarding the winner of the film project. Request for review shall be approved if allegations of the complainant result to be true, or it shall be rejected if they result to be ill-founded. A request for review, which is in contradiction with a decision of the evaluating jury in terms of its content, shall be rejected.

Article 40

Submitters of film projects shall be notified in writing on the decisions of the Steering Committee and it contains a short justification on the approval of the winning film project, or rejection of such an approval respectively. Notification on the approval of the winning project, with identification data about its submitter and composition of the jury shall be published in the daily press and on the official web page of the CCK on Internet.

Article 41

Decision on the approval of project, including subvention quota is not transferable. Such a transaction shall be considered illegal and in such case the CCK shall cancel the decision, or the contract for realization of the winning project shall be considered nullified and will have a retroactive effect.

Quota of subvention

Article 42

42.1. The Steering Committee sets the quota of subvention within limits of the Fund for Cinematography, having in mind genre of a film project, technical standards, report of financial committee and assessment of the jury on its artistic, social and cultural and economic productivity of the project.

42.2 CCK do not fund more than 51% of the total amount of the project, except for cartoons, animated films and projects of recently graduated cineastes, which can be up to 90%.

42.3. Subvention for cartoons – animated films and for projects of recently graduated film makers may be up to 90%.

42.4. The CCK shall have the attribute of a co-producer and will participate in the proportional share of profit from the economic use of a work of film in accordance with terms and conditions established in the contract, except if otherwise established by this Law.

42.5. Once the decision for approval and subvention of a film project has been taken and when the overall amount of foreseen expenses for its realization is secured 100%, the winning producer can neither enter into a relationship with other co-producers, nor request or create additional sources without notifying the CCK in advance with a written justification and without obtaining its consent.

42.6. If they do not comply with the paragraph above, then decision of CCK for subvention of the project will be withdrawn.

42.7. The amount of subvention shall be delivered in three phases: 1\3 when making shooting of the first image, 1\3 following 30 days of shooting, and 1\3 when the shooting of the last image is concluded.

The Evaluating Jury

Article 43

43.1. Film projects shall be evaluated and selected for approval by the Evaluating Jury.

43.2. The Evaluating Jury shall be appointed by the Steering Committee of the CCK from the list of more candidates proposed by the Director of the CCK.

43.3. The Evaluating Jury shall be appointed immediately after the deadline for submission of projects of the announced contest.

43.4. The Evaluating Jury shall be composed of 7 members, who from their ranks elect by consensus the head at the first meeting, in the lack of consensus – head is appointed by the Director of the CCK.

43.5. As members of the Evaluating Jury may be appointed film makers and other distinguished artists from various fields of arts and culture.

43.6. A member of the Evaluating Jury may not be appointed or if appointed may not remain as such a person who regardless of meeting the above mentioned requirements:

- a) is in close family relationship or is a spouse of Director of the CCK, or with any of the members of the Steering Committee;
- b) is in close family relationship or is a spouse of a submitter of the competing project, with an author of screen play, or of the literary work adapted for a screen play;
- c) is a person who has a direct financial interest (partnership) or indirect (co-founder or share holder) or an active employee with the business of a submitter of the film project.

43.7. Members of the Evaluating Jury are notified in advance on impediments for being or remaining a member of the jury and also with data on identity of submitters of competing projects. Each of the members of the jury signs a declaration in advance stating that there is no obstacle (restriction) upon them for being a member of the jury.

43.8. Director of the CCK convenes meetings of the jury, they are open with the exception of the voting stage. At the meetings of the Evaluating Jury are invited also submitters of film projects and they enjoy the right to present their views regarding the project, give explanations and additional information or to answer on the questions of the members of the jury.

43.9. The Jury shall consider as having a quorum if at least 5 members are present at its meeting. Decision is legitimate if at least 4 members vote in favour of it. No one may abstain from voting.

43.10. Comprehensive minutes are taken at each meeting of the jury. Meetings of the jury are at the same time sound recorded, and that recording together with the minutes are retained as a permanent archive material.

Article 44

44.1. The Evaluating Jury, based on the screen play and elaborate of the film project, and also on the report of the Financial Committee, reviews and evaluates all the projects in turn from the point of view of technical quality and realization feasibility.

44.2. Once evaluation of projects have been conducted, the Evaluating Jury selects projects and presents them to the Steering Committee for approval and subvention.

The Financial Committee

Article 45

45.1. The Financial Committee shall be appointed by Director of the CCK once the contest for approving and subvention of film projects have been concluded.

45.2. The Financial Committee shall be composed of three members – financial experts or specialists in film production from whom at least one must not be a staff member of the CCK.

45.3. The Financial Committee analyses technical financial documentation of the presented projects to verify whether they are comprehensive and if corresponds with real expenses for film production.

45.4. The Financial Committee verifies data and evidence regarding the sources and reliability on producer's side for securing his/her participation.

45.5. The Financial Committee prepares its own report at least ten days prior to the meeting of the professional jury.

Progress in realization of subventioned projects

Article 46

46.1.No later than fifteen days from the day of taking the decision to subvention a project, Director of the CCK and the producer of the winning project close a contract on the subvention of the realization of project.

46.2.In addition, the contract should establish:

- a) a deadline for starting shooting of a work of film (which cannot be longer than six months from the day of closing the contract) and duration of realization resulting in the first copy of the film;
- b) a commitment of producer for abiding by the standards of quality in shooting sound and pictures;
- c) a commitment of producer that he/she shall undertake any excess in expenses beyond the foreseen amount while not allowing the extension of the deadline, drop of quality or any deviation from the screen play, or book of shooting respectively;
- d) an obligation of a producer to inform the CCK on any change in the progress of realization of the project;
- e) an obligation of a producer to allow the representatives of the CCK to closely follow the progress of realization of the project in capacity of a monitors with no influence regarding the aspect of artistic development;
- f) a commitment of producer that he/she guarantees justification of costs, and accuracy and variety and quality of services performed, materials released and other contributions payable with payments, and that any payment of debts shall be done based on relevant documents;
- g) an obligation of a producer to keep track according to standards of accounting and accountability, and also to create and maintain relevant documents regarding the incomes and expenditures related to realization of the project;
- h) an obligation of a producer to provide the required information and to allow access to relevant documentation in order to monitor the effective and lawful use of the means that arise from subvention;
- i) an obligation of a producer that upon completion of realization of a work of film to provide to the CCK a complete report together with the concluding balance sheet;
- j) potential favours that a producer would enjoy in case that work of film is artistically successful, and if it is realized correctly and efficiently from the financial aspect;
- k) an obligation of a producer to inform the CCK on the progress of exploitation of a work of film and on the incomes that arise from its exploitation for the period from putting it to exploitation and for three consecutive years.

Article 47

The CCK may terminate the contract unilaterally if a producer:

- a)provided false information or evidence;
- b)does not fulfill obligations and terms of contract;

- c)bankrupted or is deleted from the register;
- d)abuses the subvention;
- e)during the shooting deviates essentially from the presented screen play.

CHAPTER VI THE FUND FOR CINEMATOGRAPHY

Article 48

48.1.In order to create material conditions for the development of production activity and reproduction cinematography, within Ministry of Culture, with this law is established the Fund for Cinematography (Fund”).

48.2.The sources of the means for fund are:

48.2.1.From Consolidated Budget of Kosovo:

- a).The means of Consolidated Budget of Kosovo, which with request from Ministry of Culture and based on projects are allocated to the Fund;
- b).Incomes in the level of budgetary revenues from VAT, taxes, selling of film tickets and according to the project shell be allocated to the Fund
- c).Incomes in the level of budgetary revenues from fines, punishments or compensations collected as a consequence of offenses foreseen in this law.

48.2.2. Other incomes

- a).Grants from donors donated for the Fund
- b).The benefit coming from the production of the film, which is co-produced by CCK.

CHAPTER VII DISTRIBUTION AND SHOWMEN

Article 49

With a special regulation, the CCK shall establish a supportive system for showmen and distributors.

The Preview Committee

Article 50

50.1.The Preview Committee shall be proposed by the director of CCK, while is approved by the Steering Committee.

50.2. The Preview Committee evaluates films and issues licenses for public showing of films according to Article 10 of this law.

50.3.The Preview Committee is composed of the members of cinematography sector and other fields as writers, sociologists, psychologists, film critics, producers, directors, distributors and

showmen. The Committee shall have in its composition also representatives of organization for wellbeing of family, representatives of ethnic and religious communities. The Preview Committee operates according to a special regulation.

CHAPTER VIII KOSOVA FILM

Article 51

Organization and functioning of Kosova Film shall be defined with a special act, from the Ministry of Culture.

CHAPTER IX THE CINEMA ARCHIVE

Article 52

52.1. Kosova Film has its cinema archive as a special public archive of the film materials.

52.2. Within the cinema archive there will be also a special library with collections containing literature from criticism, theory and history of film art, copies of film screen plays and professional editions regarding directing, shooting, animation, cutting, audio-visual communications, etc. and the film museum with equipments, objects with historical and scientific values for cinematography creativity.

Article 53

53.1. The cinema archive collects, retains, protects and restores film material as well as systemizes the appropriate collections.

53.2. Maintenance of films is applied to all copies regardless of their technique of shooting and material sustainer where they are fixed.

53.3. Registration of films is conducted according to their type, year when it is produced, place of origin (production). Register keeps data on film producer, co-authors and starring actors.

53.4. Film material is made available to users for purposes of learning, education and studying.

53.5. The cinema archive provides reference service and is user oriented by respecting principle of equal and non-discriminatory treatment.

53.6. Copying and making available flow of film material for commercial purposes is prohibited.

53.7. For purposes of permanent retention of source film material, cinema archive may reproduce work of film up to three copies, but for internal use only (in the premises of cinema archive), if not otherwise specified with legal provisions on copyright and other similar rights.

53.8. Source material (the negative of pictures and sound) of a work of film is allowed to be used, including use outside of Kosova upon a producer's request, as an inalienable property, provided that this material be returned to the cinema archive in an unchanged situation, but no longer than after 2 years.

Article 54

54.1. A domestic producer of a work of film within a year from the day of its prime show of public projection, it is his/her duty to send an unused work of film.

54.2. A producer of a work of film subventioned by the CCK, it is his/her duty, in addition to a copy from the paragraph above also the first copy of the work of film together with a copy of the respective documentation: screen play, list of dialogues, book of shooting, sketches of decor of costumes, music notes and partitures of film, pamphlets, posters of pictures or any other material of publicity, to deliver to the cinema archive for a permanent retention.

54.3. An obligation under paragraph 1 and 2 of this Article lies also with a domestic producer who realizes a work of film in co-operation with a producer whose headquarters or residence is not in Kosova.

CHAPTER X VIOLATIONS

Article 55

A fine from 20.000 € to 120.000 €, shall be imposed on a distributor or the owner or leaser of a cinema for violation of altering the purpose of the cinema activity without the CCK consent (Article 8).

Article 56

A fine from 500 to 5.000 € shall be imposed on a showman or distributor respectively, for a violation of:

- a) showing a film not equipped with a license for public show (Article 9) or who has been denied license (Article 10 paragraph 2);
- b) allowing the juveniles under 14 years old to have access to the cinema when film is provided with category 'B', or juveniles under 18 years old (Article 10 paragraph 1 point (b) and (c));
- c) showing a film prior 22,00 hrs with content within the meaning of Article 10 paragraph 3.

Article 57

A fine from 500 to 5.000 € for a violation shall be imposed on:

- a) A producer who does not comply with Article 54 paragraph 1 of this Law;

Article 58

A fine from 200 to 1.000 € for violation shall be imposed on a member of the evaluating jury who covered an information or fact that constitutes an obstacle for being a member of evaluating jury, or who took part at the meeting of the evaluating jury despite the obstacles (Article 43 paragraph 6).

Article 59

All fines imposed for violations from the field of cinematography activity shall be remitted to the Kosova Budget.

CHAPTER XI TRANSITIONAL AND FINAL PROVISIONS

Article 60

60.1. Within three months from entry into force of this Law, the Ministry of Culture shall develop the procedure of appointment of the Steering Committee and Director of CCK in accordance with article 30.1 and 32.1 of this Law and shall ensure conditions for functioning of CCK.

60.2. Sub-legal enactments for implementation of this Law shall be adopted within six months from the entry into force of this Law.

60.3. The CCK shall adopt its acts foreseen by this Law within six months from entry into force of this Law.

Article 61

Provisions of this law has nothing to do with activity on TV.

Article 62

Upon entry into force of this Law all legal and sub-legal provisions to date from the field of cinematography shall be repealed.

Article 63

The present Law shall enter into force after adaptation by the Assembly on the date of its promulgation by the Special Representative of the Secretary General

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