

LAW

NO. 8096, dated 21.3.1996

FOR CINEMATOGRAPHY

(AMENDED BY LAW No. 9353, dated 3.3.2005

**FOR SOME AMENDMENTS AND ADDITIONS TO THE LAW No.8096, DATED
21.3.1996, "ON CINEMATOGRAPHY")**

(UPDATED)

**Pursuant to article 16 of Law No. 7491, dated 29.4.1991 "On the main
constitutional provisions" on the proposal of the Council of Ministers,**

POPULAR ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED

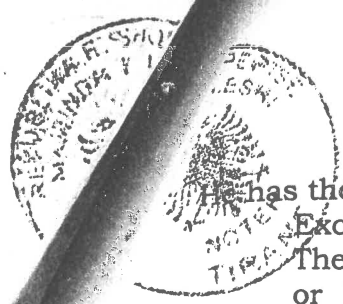
Article 1 General Provisions

This law defines the basis and principles of the organization, management and development of cinematography (as forms of artistic expression) and economical support from the state.

Article 2

For The effects of this law are made the following definitions:

- The Film called audovizual production, contain a quantity of interrelated film, accompanied by sound or not, which create movements effect, bearing a unique harmony between the form and content.
- The Author, in terms of this law is a physic person or physic persons who thanks to their creative capabilities, create an artistic cinematographic work. Authors including, evaluation criteria of authors and esthetics elements are defined in the law "On Copyright"
- Copy of the film is a material object in which the production has taken a permanent form with one of the known techniques and that the producer has materialized it for the first time.
- The Public performance is the design of copies in all possible techniques through equipments in any country, in front of a present group of peoples, not in a family environment.
- Distribution is the purchase, exchange, donation and hiring of the copy of the film, in and abroad.
- The Producer of a film work is a person or group of physic persons or legal entities, domestic or foreign that organizes and supports economically and takes responsibility for the realization of films work with or without budgetary fund.



It has the right of economic exploitation on realized films work.

Excluded public juridical persons, which not follow profitable activities

The distributor is a physical or legal person or a group of physical persons or legal entities or a combination of these, domestic or foreign, that establishes, for the purpose of economic benefit the marketing or distribution of films work.

- Albanian Film is considered a work made by a producer or co-producer with one or more other local producers domestic or foreign, when:
 - a) A checking must be in albanian language ;
 - b) The financial contribution for the realization of the film by albanian legal and physics persons is over 51 percent

- Co- producer is considered the production of a film work by two or more physics persons and legal entities, national or foreign, according to the contract signed between them, who are co-owner of the films work, in proportion to the percentage of the financial contribution provided for its implementation.

- Home cinema, Are producers that have activities in the field of cinematography, in accordance with the albanian legislation.

Homes Cinema acts as legal entities and are registered in the National Cinematographical Center (NCC).

- The Service Called : make available the specialists in the field of cinema, of spaces, technology, manufacturing tools for the realization of the films work.

- Hall is considered a public place closed or open, with one or more screens.

- Budgetary Fund is considered financing for the creation, production and distribution of films work, for the protection of filmmakers and functioning of the National Center of Cinematography.

- External funding is any type of financing in the form of bank credit, donation, sponsorship, cogeneration, that is made to a film project of NCC, out of budget funds.

Article 3

National Center of Cinematography (NCC), operates as a legal public person, with the status of the central institution, depending from the Ministry of Culture, Youth and Sports, for the coordination of work, financial support, promotion of cinematographic activity in the Republic of Albania and for the representation of the Albanian cinematography in the world.

The Statute of the National Center of Cinematography adopted by the Council of Ministers with the proposal of the Minister of Culture, Youth and Sports.

The Operating Regulation of NCC is approved by the Chairman of this center.

Article 4

The main tasks of the NCC :

NCC has this main tasks.

1. To Determine the distribution of budgetary funds for film genres (artistics, documentary and animated).
2. Distribute the funds for projects that meet the requirements of the regulation,

for the production and distribution of films that have qualitative values and national cultural interest, also reports on the implementation of approved projects and funds.

3. Approve the projects for the realization of the film works of an Albanian producer, Albanian or foreign producers when NCC gives the funds.
4. To allocate the funds for festivals of national and international film week.
5. Proposes changes and improvements in laws, decisions, orders and directions in this field and, particularly for the organizational measures, technical, legal and financial, for a better function of the national legal system of the film, which after reviewed by the Ministry Culture, Youth and Sports, presented for approval to the Council of Ministers through the Minister of Culture, Youth and Sports.
6. Organizes and financially supports the training, specialization and education of young filmmakers, as well as various publications cinematographic activity.
7. Record all physical and legal persons, that operate in the field of production and distribution of films, according to the procedures specified in the Regulations, and issued with a certificate for these activities to all applicants who meet the necessary conditions, defined in the Regulations.
8. Register all physical and legal persons who own halls or other facilities for the screening of the film works, according to the regulation of distribution and occurrence of film works in the Republic of Albania.
9. Register films produced or imported to be screened in the territory of Albania.
10. Monitorate the implementation of technical standards apparatuses operating in Albania for the production and distribution of films work.
11. Organizes the training, specialization and education of young filmmakers.
12. Informs the producers about its financial possibilities, for changes in its approving councils, for the changes of laws and bylaws and for the participation in festivals, and and weeks of national and international film.
13. Reviews, by artistic form, the projects presented by the appointed rapporteurs to the projects council.
14. Analyzes the technical-economical documentation of the projects submitted, implementing regulations adopted by it.
15. Supports financially, with a special fund budget, the distribution projects Albanian films work, inside and abroad.

Article 5

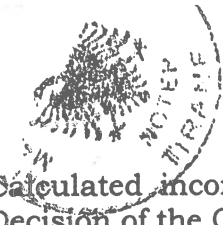
The NCC fund is public, with separate item in the state budget and the remainder at the end of the year carried over to the next year.

The use of this fund to finance film production, excludes the procedures of the law "On public procurement" and enforce the provisions of this law and its implementing acts.

Article 6

The NCC Income consists of:

1. The fund allocated in the state budget.
2. The revenues that will be generated by the distribution and sales of works of film, created by budgetary funds or in part by the budget.
3. A part of the income proceeds from the sale of cinematographic works produced by the entry into application of this law.
4. The revenue from tickets of the show.
5. Income from sponsors and donors.



Calculated income in percentage for the articles 2, 3 and 4 appointed by the Decision of the Council of Ministers.

Governing bodies

Chairman

Article 7

NCC Chairman appointed by the Council of Ministers, between the two candidates proposed by the Minister of Culture, Youth and Sports. The Chairman of the NCC can be charged from with motivated reason from this body that appoints too. The Chairman of NCC, approves the organizational structure and projects submitted by approving councils of the projects

Article 8

Approving councils of the projects, proposed and selected by filmmakers associations

Approving councils of the projects are directed by their mayors, who are elected by the respective councils.

Approving councils of the projects are temporary and non functional organizations.

Approving councils of the projects have a period of 2-year term.

Approving councils of the projects for cinematographic activity consists of 5-7 people.

The functionality of these councils is defined in the internal regulations of the NCC.

Article 9

Approval Councils of Projects

Approval Councils of Projects, in the three genres of film (artistics, documentary and animated), evaluate and select projects from the economical and artistic viewpoint and the winning projects they represent to the Chairman for approvement.

The Chairman of NCC has the right to return the decision of the approval councils of projects for the selection of one project, giving attached the relevant reasons. In case that the project reassessed and the decision reapproved by the council, it takes effects immediately.

Article 10

Monitoring Commission

Monitoring commission appointed by the chairman of the NCC. It provides with circulation permit the film works created in Albania or imported from abroad. The Chairman of the Monitoring Committee appointed by the relevant committee. The Monitoring Committee is the body non-functionary with defined term.

Article 11

The NCC Monitoring Commission provides with circulation permit the

distributors under the following categories:

1. Category A - when the movie is allowed for all ages.
2. Category B - when movie is allowed for all citizens over 14 years.
3. Category C - when movie is allowed for all citizens over 18 years

The NCC Monitoring Commission, when the film is not presented in accordance with the constitutional laws, it doesn't provide the distributors with the film driving permit.

When the distributor does not agree with the decision of the Monitoring Committee, he lodge an appeal court.

Article 12

The Financial Commission

The Financial commission, appointed by the chairman of the NCC. This commission evaluate the submitted projects by the financial oversees and monitorate the implementation of this fund in approved projects. The Financial Commission Chairman is elected by this commission.

Article 13

The Composition and functionation of the approval councils of projects of visioning committee and of financial committee are defined in the Regulations of the NCC.

Article 14

The Producer

The manufacturer's contract with the authors of the films work, through which they could pass to the manufacturer the right of economical exploitation of the work, constitutes a condition for obtaining the production financing of the respective work with the funds of NCC.

The producer is obliged to start and end the production of film work, financed with or without budgetary fund of the NCC, in the stated period.

The two preceding paragraphs shall also apply for homes cinema.

Article 15

Any producer or group of producers that meet the requirements of this law, submitted the request for budgetary fund for the project. Only him had the exclusive right to obtain the fund after signing the contract.

Article 16

Any producer or group of producers, who have taken budgetary funds in the completion of the implementation of the act, is obliged to submit to the NCC a detailed report of all activity and the use of budgetary funds. This serves as the basis for the priority that can be given to the producer in

obtaining budgetary funds for future projects.

The distributor is obliged to declare to the NCC, the income derived from trading or distribution of film work, produce form budgetary fund of the the center, under the terms defined in this law. This provision is valid for homes cinema. The Statement of income during the first year of exploitation should be done every three months during the three years subsequent declaration, is made every six months, while remainder by the end of 10 years, the declaration should be made each year. "

Article 17

To obtain the budgetary funds to NCC Has the priority the producers who have provided part of the funding of the work or from local or foreign co-producers, sponsors, foundations, donors and bank loans.

Article 18

The producers for the project approved with fully budget fund, employ managers who are members of the associations of filmmakers.

Article 19

Producers who have received funding from the NCC, along with their activity, have the right to exercise other activities with audiovisual character.

Article 20

The Distributor

The distributor must be registered in the NCC

Article 21

Any distributor can not distribute the film without the appropriate permit provided by the monitoring commission.

Article 22

The Distributor for imported movies, is required to distribute the film dubbed or subtitled in Albanian language.

Article 23

Film works, produced with budgetary fund of the NCC, marketed or distributed by the distributor or by the home cinema, while respecting the requirements of this law and the legislation in force.



The Management of the cinematographical production of Kinostudio " New Albania" until 1990, passe from Albafilm Studio to the National Center of Cinematography.

Article 24
Studio Albafilm
(3 sections merge into one)

Albafilm studio Albafilm Animation Studio will be called Albafilm and in accordance to this law Albafilm is a joint stock company, where the state retains 100 percent of the shares.

The new company JSC Albafilm, registered in court within one year from the entry into force of this law.

Charged the Council of Ministers for the implementation of this law

Article 27

Albafilm animation studio enters into production and service contracting with producers who have benefited endowment by NCC, with other domestic producers and foreign television stations with other natural persons and legal entities, domestic and foreign.

Article 28
Central State Film Archive (CSFA)

Central State Archive of Film is a budgetary institution depending by the Ministry of Culture, Youth and Sports, with the object status of the special importance.

Article 29

The task of CSFA is conservation, scientific processing, enrichment with new materials and the use of archival film material for the production of new cinematographic films and television works study, respecting moral and economic rights of the author.

Article 30

CSFA is member of the International Organization of Films Archives (FIAF) and subject to the rights and obligations arising from the membership. With the approval of the Ministry of Culture, Youth and Sports, exchange archival materials to expand and enrich its inventory with homologues and private counterparts within and outside the country, in terms of reciprocity.



Article 31

The distribution of the income generated by activities in relation to third parties is regulated by bylaws.

Article 32

The Relations with Albanian and foreign producers filmmakers and television, are regulated by CSFA according to the statute approved by the Minister of Culture, Youth and Sports.

Article 33

Cinematographers associations

The Cinematographers associations is created with the free will of their members, they protect the maker of artistic and economic interests of these members.

Article 34

Relations between actors

1. The producer for the realization of the films enters into contractual relations with professional and amateurs actors.
2. The Producers who receive budgetary funds may enter into contractual relations with foreign actors.

Article 35

Relationships with public and private national television

1. Statual, public and private television, are obliged to display for the public, in agreement with the producers or distributors, the films work, produced by state fund no earlier than one year from the date of production of the film (the performance of the work).
2. Statual, public and private television enter into production, co-production relations and trade with producers who have taken or not budgetary funds.

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Article 36 **Relations cinemas**

All physics or legal persons, albanian or foreign, which exercises his activity in public performances halls (cinemas) in the Republic of Albania, are required to display no less than 5 consecutive days, the realized premieres with or without budgetary fund from Albanian producers or in conjunction with other physics persons and legal entities, albanian or foreign.

Article 37

Pursuant to this law, the state cinemas privatized or leased to physics and legal persons, domestic or foreign, shall not change the destination.

Article 38

All public entities are obliged, pursuant to the law, to allow the producers for the realization of the films work, in the environments required by them under the agreement to be concluded.

For the subjects of partuculars importance, the producer shall take the authorization of the competent authority.

Article 39

To encourage production, co-production and film works service fiscally will be the same as for the Albanian Radio Television.

Article 40

Is charged The Council of Ministers to enact relevant legislation.

Article 41

Any legal or normative act that is inconsistent with this law is repealed.

Article 42

This law comes into force 15 days after publication in the Official Journal.

Andre Berberi
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