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Federal Act on Film Production and Film Culture (Film Act, FiA)

of 14 December 2001 (Status as of 1 January 2022)

*The Federal Assembly of the Swiss Confederation,
based on the Articles 71 and 93 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 18 September 2000²,
decrees:*

Chapter 1 General Provisions

Art. 1 Aim

This Act is intended to promote the diversity and quality of the films on offer and the creation of films and to aid the development of film culture.

Art. 2 Definitions

¹ A film is defined as any sequence of structured images, with or without a soundtrack, intended for reproduction, which when viewed, gives the impression of movement, irrespective of the technical procedure for shooting, recording or playback chosen.

² A Swiss film is defined as a film that:

- a. has to a substantial extent been created by an author of Swiss nationality or who is domiciled in Switzerland;
- b. has been produced by a natural person who is domiciled in Switzerland or a company with registered office in Switzerland in which the equity and borrowed capital as well as the management is predominantly held and controlled respectively by persons with domicile in Switzerland; and
- c. which was produced, insofar as possible, using performers and technicians who are of Swiss nationality or domiciled in Switzerland and by technical cinematographic companies in Switzerland.

AS 2002 1904

¹ SR 101

² BBl 2000 5429

Chapter 2 Film Promotion

Section 1 Promotion Areas

Art. 3 Swiss film production

The Confederation supports the cultural dissemination, the economic viability, the continuity and the development potential of the independent Swiss film industry. To this end, it may provide financial assistance and other forms of support for the development of projects as well as for the production and exploitation of:

- a. Swiss films;
- b. films co-produced by Switzerland and other countries.

Art. 4 Diversity and quality of the films on offer

In order to promote the cultural and linguistic diversity and the quality of the films on offer, the Confederation may provide financial assistance and other forms of support, in particular for distribution, public screening and sales.

Art. 5 Film culture

The Confederation may provide financial assistance and other forms of support for:

- a. the dissemination of film culture and for increasing film awareness;
- b. film festivals that make a significant contribution to the national or international film culture;
- c. the archiving and restoration of films;
- d. cooperation among the various sectors of the film industry;
- e. further institutions and efforts that make a significant contribution to the maintenance and development of film production and film culture in Switzerland as well as innovation in these fields;
- f. international cooperation in the film sector.

Art. 6³ Continuing education and training

The Confederation may provide financial assistance and other forms of support for the continuing education and training of persons working in the film industry.

³ Amended by Annex No 17 of the Federal Act of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS **2016** 689; BBl **2013** 3729).

Section 2 Promotion Instruments

Art. 7 Awards

The Confederation may reward outstanding contributions to film production and film culture by awarding prizes or other distinctions.

Art. 8⁴ Selective and success- or location-linked film promotion

¹ Financial assistance is provided in accordance with criteria related to quality (selective promotion), success (success-linked promotion) or location (location-linked promotion).

² The Federal Department of Home Affairs (FDHA) determines the requirements, in particular the reinvestment obligations, and the procedure.

Art. 9 Delegation of film promotion to institutions

¹ The Confederation may delegate film promotion in a particular field to a private organisation provided third parties make an important contribution to such promotion.

² The Federal Council decides on the principle of delegation on a case-to-case basis. The FDHA⁵ determines the general conditions and appoints the representatives of the Confederation.

³ The Confederation shall enter into a service agreement with the organisation in order to regulate the mutual obligations. The service agreement provides for a court of arbitration that decides, without right of appeal, on disputes between the organisation and entitled parties.

Art. 10 Service agreements

The Confederation may enter into service agreements with legal entities that regularly receive financial assistance.

Section 3 Promotion Concepts and Assessment

Art. 11 Promotion concepts

¹ The FDHA regulates the organisation of film promotion through promotion concepts.

² The promotion concepts are issued for the individual promotion areas in accordance with Articles 3–6 as well as for awards in accordance with Article 7. They

⁴ Amended by No I of the FA of 19 June 2015, in force since 1 July 2016 (AS 2015 5637; BBl 2015 497).

⁵ Name in accordance with No I of the FA of 19 June 2015, in force since 1 Jan. 2016 (AS 2015 5637; BBl 2015 497). This change has been made throughout the text.

define the goals that should be achieved, designate the promotion instruments and determine the decisive criteria.

³ The promotion concepts issued have a period of validity of from three to five years.

Art. 12 Assessment

¹ The appropriateness and effectiveness of the promotion concepts and the promotion instruments are assessed regularly.

² The results of the assessment are made public.

³ The FDHA regulates the assessment procedure.

Section 4 Financial Assistance and other Forms of Support

Art. 13⁶ Forms of financial assistance

¹ Financial assistance shall be provided within the limits of the authorised credits in the form of non-repayable cash payments, deficit guarantees, interest subsidies, payments in kind or conditionally repayable loans.⁷

² Support may also be provided in the form of advice or recommendations and by issuing letters of comfort or providing other services in kind.

Art. 14 Decisions on financial assistance and other forms of support

¹ Financial assistance and other forms of support are awarded by the Federal Office⁸ responsible (Federal Office).

² If the Federal Office does not have the required technical knowledge, it shall have the applications assessed by technical committees or specially instructed experts.

³ ...⁹

Art. 15 Provision and allocation of resources

¹ The financing of film promotion is governed by Article 27 of the Culture Promotion Act of 11 December 2009^{10,11}

⁶ Amended by Annex No II 3 of the Culture Promotion Act of 11 Dec. 2009, in force since 1 Jan. 2012 (AS **2011** 6127; BBl **2007** 4819 4857).

⁷ Amended by No I 2 of the Federal Act of 19 March 2021 on Administrative Facilitations and a Relief of the Federal Budget, in force since 1 Jan. 2022 (AS **2021** 654; BBl **2020** 6985).

⁸ Currently the Federal Office of Culture.

⁹ Repealed by Annex No 41 of the Administrative Court Act of 17 June 2005, with effect from 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

¹⁰ SR **442.1**

¹¹ Amended by Annex No II 3 of the Culture Promotion Act of 11 Dec. 2009, in force since 1 Jan. 2012 (AS **2011** 6127; BBl **2007** 4819 4857).

² Income from the tax on the promotion of the diversity of films on offer, contributions from broadcasting organisations as well as any payments and benefits from third parties are included in the financial budget and earmarked for use in film promotion.

³ The Federal Office allocates the available resources annually to the promotion areas in accordance with Articles 3–6. In doing so it takes account of the promotion concepts and stipulates the maximum amounts of assistance that may be awarded to any individual project in each promotion area.

Section 5 Exclusion from Film Promotion

Art. 16

¹ No financial assistance is awarded to:

- a. advertising films;
- b. films that are primarily educational in their objective;
- c. films that produced to order.

² Films that are completely excluded from film promotion measures include films:

- a. that offend human dignity;
- b. that portray members of either sex of a specific group in a degrading manner;
- c. that glorify or trivialise violence;
- d. that are pornographic in character.

Chapter 3

Provisions on the Promotion of the Diversity of Films intended for Public Screening

Section 1 Measures to promote the Diversity of the Films on offer

Art. 17 Principles

¹ Distribution and projection companies must contribute in their activities to the diversity of films on offer by means of:

- a. their business policy;
- b. measures agreed within the industry.

² The measures include agreements in which distribution and projection companies or their professional associations undertake to organise the programming for a cinema region to provide as much diversity and quality as possible.