

**Article 36. Rebates for investments in film and series audiovisual productions, live performances and musical shows.**

1. Investments in Spanish productions of feature films and audiovisual fiction, animation or documentary series, which enable a physical medium to be made prior to their serial industrial production, shall entitle the producer to a deduction of:

- a) 30% of the first million of the basic amount for deduction;
- b) 25% on the excess of said amount.

The basic amount for deduction shall be the total cost of the production, as well as the costs for obtaining copies and advertising and promotion expenses, which shall be borne by the producer up to a limit for both of 40% of the cost of production. At least 50% of the basic amount for deduction shall correspond to expenses incurred on Spanish territory.

The amount of this deduction may not exceed €10 million.

In the event of a coproduction, the amounts indicated in this section shall be determined, for each coproducer, according to their respective percentage share in said production.

The following requirements must be met in order to apply the deduction:

- a) The production must obtain the corresponding certificate of nationality and the certificate attesting to the cultural nature of its content, its link with the Spanish cultural reality and its contribution to the enrichment of the cultural diversity of cinematographic works shown in Spain, issued by the Institute of Cinematography and Audiovisual Arts, or by the corresponding body of the Autonomous Community with competence on the matter.
- b) A new copy of the production in perfect condition must be delivered to the Spanish Film Library or the film library officially recognized by the respective Autonomous Community.

The deduction provided under this section will be generated for each tax period for the production cost incurred during that period, although it will be applied as of the tax period in which the production of the work is completed.

In the case of animation productions, however, the deduction provided under this section shall be applied as of the tax period in which the certificate of nationality referred to under a') supra is obtained.

The basic amount for deduction shall be reduced by the amount of the subsidies received to finance the investments that give rise to the entitlement of reduction.

The amount of this deduction, together with the other aid received, may not exceed 50% of the production cost. Nevertheless, this limit shall be raised to:

- a) 85% for short films
- b) 80% for productions directed by a person who has not directed or co-directed more than two feature films qualified for commercial exploitation in movie theatres, whose production budget does not exceed €1,500,000.
- c) 80% in the case of productions shot entirely in one of the co-official languages other than Spanish which are screened in Spain in said co-official language or with subtitles.
- d) 80% in the case of productions directed exclusively by a person with a degree of disability greater than or equal to 33% recognized by the competent body.
- e) 75% in the case of productions directed exclusively by female directors.
- f) 75% in the case of production with a special cultural and artistic value that require exceptional financial support according to the criteria set by Ministerial Order or in the corresponding calls for aid.
- g) 75% in the case of documentaries.
- h) 75% in the case of animation works whose production budget does not exceed €2,500,000.
- i) 60% in the case of cross-border productions financed by more than one EU Member State involving producers from more than one Member State.
- j) 60% in the case of international coproductions with Latin American countries.

2. Producers registered in the Administrative Registry of Film Companies of the Institute of Cinematography and Audiovisual Arts who are in charge of the execution of a foreign production of feature films or audiovisual works that enable the creation of a physical medium prior to their serial industrial production shall be entitled to a deduction for the expenses incurred in Spanish territory:

- a) 30% of the first million of the basic amount for deduction;
- b) 25% on the excess of said amount.



The deduction shall be applied provided that such costs amount to at least €1 million. For preproduction and postproduction expenses for animation and visual effects in Spanish territory, however, the limit shall be set at €200,000.

The basic amount for deduction shall consist of the following costs incurred on Spanish territory which are directly related to the production:

1. Expenses of creative personnel, provided that they are tax residents in Spain or in a Member State of the European Economic Area, with a limit of €100,000 per person.
2. Expenses derived from the use of technical industries and other suppliers.

The amount of this deduction may not exceed €10 million for each production.

The deduction provided under this section shall be excluded from the limit referred to in Article 39 (1) last paragraph of this Act. That deduction shall not be taken into account for calculating that limit.

The amount of this deduction, together with other aid received by the contributing company, may not exceed 50% of the production cost.

The requirements and obligations for entitlement to this deduction may be laid down in a regulation.