

# INTERNATIONAL FILM CO-PRODUCTION PROGRAM

EFFECTIVE 2 JULY 2021

## STANDARD OPERATING PROCEDURES



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## SECTION 1 – DEFINITION

1.1 The terms used in this Program SOP have the same meaning as defined in the Guidelines issued by FINAS, unless the context otherwise requires or otherwise defined as follows:

<b>“Agreement(s)”</b>	refers to the agreements entered into between the Government of Malaysia with the governments of other countries in relation to the Program;
<b>“Applicant”</b>	being the applicant for the application for Provisional Approval and/or Final Approval (whichever applicable);
<b>“Application”</b>	refers to application for Provisional Approval and/or Final Approval made by the Applicant (whichever is applicable);
<b>“Business Day(s)”</b>	means a day on which banks are open for business in Selangor and shall exclude Saturdays, Sundays and public holidays;
<b>“Certificate of Provisional Approval”</b>	refers to the document issued by the Program Committee to the Applicant pursuant to the Program Committee’s approval of the Applicant’s application for the Provisional Approval;
<b>“Certificate of Final Approval”</b>	refers to the document issued by the Program Committee to the Applicant pursuant to the Program Committee’s approval of the Applicant’s application for the Final Approval;
<b>“Committees”</b>	collectively refer to as the Secretariat and the Program Committee;
<b>“Competent Authority”</b>	refers to the government department or body nominated by that country’s government which is responsible to administer the Program;
<b>“Co-Producers’ Contract”</b>	being the contract to be executed/executed between co-producers which outlining the terms for the making of the Project;
<b>“Co-Production Eligibility Tool”</b>	refers to the tool which may assist the Applicant in the assessment of its eligibility for co-production (in respect of the Project) which is made available at FINAS website;
<b>“Final Approval”</b>	refers to the final approval as described in <b>Section 6 (Program SOP In Respect Of The Application For Final Approval)</b> of this Program SOP;

<b>“Final Approval Co-Production Application Form”</b>	refers to the application form in respect of the Final Approval;
<b>“Formality Assessment”</b>	refers to the formality assessment of the Application either for Provisional Approval or Final Approval as further described in this Program SOP;
<b>“FINAS”</b>	refers to <i>Perbadanan Kemajuan Filem Nasional Malaysia</i> or National Film Development Corporation Malaysia, a statutory body incorporates under National Film Development Corporation Act 1981 (Act 244) being the Competent Authority of the Program. FINAS is the government agency under the Ministry of Communication and Multimedia of Malaysia (Kementerian Komunikasi dan Multimedia Malaysia - KKMM);
<b>“Guidelines”</b>	means the International Film Co-Production Program Guidelines as issued by FINAS and may be amended or supplemented, from time to time, at the discretion of FINAS;
<b>“Independent Film Co-Production Consultant”</b>	means a person who: <ul style="list-style-type: none"> <li>(a) has recent experience in large budget film production management; and</li> <li>(b) in FINAS’s opinion, is independent of the Applicant in relation to which he or she is asked, under this Program SOP, to provide an assessment report which forms part of the Program’s due diligence process;</li> </ul>
<b>“Malaysian Co-Production Audit Report”</b>	refers to the audit report for the Applicant’s cost on the Project in according to the film’s cost categories which are co-produced in the form that is acceptable to the Secretariat;
<b>“Program”</b>	means the International Film Co-Production Program as described in <b>Part 2 (Introduction)</b> of the Guidelines;

<b>“Program Committee”</b>	means the Program Committee that convenes:
	(a) to give decisions on either to approve or refuse the Applicant’s application for either Provisional Approval or Final Approval during the Program Committee’s Meeting; and/or
	(b) to give any other decisions relevant to the Program.
<b>“Program Committee’s Meeting”</b>	means the meeting arranged / to be arranged by the Secretariat for the Program in which the Program Committee and the Secretariat will convene to discuss on the Application and for the Program Committee to give decisions in respect of the Application;
<b>“Program SOP”</b>	refers to standard operating procedures in respect of the Program, as issued by FINAS and may be amended or supplemented, from time to time, at the discretion of FINAS;
<b>“Program T&amp;C”</b>	refers to the terms and conditions in respect of the Program, as issued by FINAS and may be amended or supplemented, from time to time, at the discretion of FINAS;
<b>“Project”</b>	means the film as defined in the Guidelines being the film to be co-produced under the Program;
<b>“Provisional Approval”</b>	refers to provisional approval as described in <b>Section 5 (Program Sop In Respect Of Application For Provisional Approval)</b> of this Program SOP;
<b>“Provisional Approval Co-Production Application Form”</b>	refers to the application form in respect of the Provisional Approval;

**“Relevant Documents”**

refers to the relevant documents for the Program as follows:

- (a) the Program Guidelines;
- (b) the application form being the Provisional Approval Co-Production Application Form and/or the Final Approval Co-Production Application Form;
- (c) the certificate being the Certificate of Provisional Approval and/or the Certificate of Final Approval;
- (d) the Program T&C;
- (e) this Program SOP;
- (f) Co-Production Eligibility Tool; and
- (g) any other document(s) which are relevant to the Program,

**“Secretariat”**

refers to the Secretariat being the relevant division in FINAS established to process the Application in the manner as described in this Program SOP. FINAS and the Secretariat may be used interchangeably in this Program SOP and refers to the same organization (i.e. FINAS);

**“Statutory Declaration”**

means a statutory declaration in accordance with the Statutory Declarations Act 1960 of Malaysia; and

**“Substantive Assessment”**

refers to the substantive assessment of the Application either for Provisional Approval or Final Approval as further described in this Program SOP.

## SECTION 2 – INTRODUCTION

2.1 This Program SOP is a document that outlines internal standard operating procedure that is approved by FINAS in respect of the Program for the following objectives:

- (a) to provide the relevant information in respect of the establishment of the Committees;
- (b) to provide the relevant information for the purpose of the Secretariat to process the Application submitted by the Applicant as well as to assist the Program Committee in respect of the Program in the manner as prescribed in this Program SOP;
- (c) to provide the relevant information for the purpose of the Program Committee in giving decisions relevant to the Program in the manner as prescribed in this Program SOP;
- (d) to provide the relevant procedure in respect of the application for Provisional Approval and/or Final Approval; and
- (e) any other relevant information in respect of the operation of the Program.

This Program SOP is subjected to review, amendments and additions, from time to time, at the discretion of FINAS.

2.2 It must be understood that this Program SOP is based on the Guidelines and rely on an assumption that the Committees have a general understanding of the Program as prescribed under the Agreement and the Guidelines. For the Program to operate at optimum efficiency there must be a spirit of cooperation, teamwork and communication between the Committees and the Applicant.

## SECTION 3 – TERM OF REFERENCE OF SECRETARIAT

### 3.1 Objective of the establishment of the Secretariat

The Secretariat is established and administered by FINAS for the Secretariat to perform its duties and obligations in relation to the Program, as further described under **Section 3.3** below.

### 3.2 Accountability of the Secretariat

The Secretariat is led by the Head of Department of the Secretariat who is responsible to head and oversees the performance of duties and obligations of the Secretariat as provided under this Program SOP.

### 3.3 Duties and obligations of the Secretariat

The following are the main duties and obligations of the Secretariat in respect of the Program, which may, from time to time be added to better govern the Program in Malaysia:

- (a) To undertake general administration duties in respect of the implementation of the Program which includes but not limited to the following:
  - (i) To provide advice and reasonable assistance to the Applicant in respect of the Program, Guidelines and Program T&C in general;
  - (ii) To receive the Application submitted by the Applicant and thereafter to process the Application through Formality Assessment and Substantive Assessment;
  - (iii) To assist the Program Committee in respect of the Program to enable the Program Committee to perform its duties and obligations, among others, as follows:
    - (aa) to report to the Program Committee of its finding on its Formality Assessment and Substantive Assessment;
    - (bb) to arrange for the Program Committee's Meeting; and
    - (cc) to take necessary actions in giving effect of Program Committee's decisions pursuant to the Program Committee's Meeting.



- (b) To report to FINAS the outcome and decision of the Program Committee pursuant to the Program Committee's Meeting;
- (c) To provides review, guidance and oversight for the overall operations of the Program;
- (d) To develop the strategic planning module in respect of the implementation of the Program in Malaysia;
- (e) To determine the relevant aspect in the following documents which need improvement and thereafter to effect the relevant improvement on the Relevant Documents, from time to time, with the approval from the Board Member of FINAS.
- (f) Responsible to discuss and resolve the issue(s) in relation to the Relevant Documents and/or the administration and operation of the Program for the purpose of ensuring that the Program will be successfully undertaken in Malaysia;
- (g) To determine and propose to FINAS the involvement of other relevant individual(s) and/or organization(s) for the purpose of a better implementation of the Program in Malaysia; and
- (h) To assist in managing, coordinating and promoting the Program through the communication strategic department with a view to obtain the supports for a better execution of the Program in Malaysia from the related party(ies); and
- (i) To perform its duties and obligations for the Program in the manner as described under this Program SOP based on the terms and conditions as stipulated in the Agreement(s), Guidelines as well as the Program T&C.

#### 3.4 Confidentiality

The Secretariat shall ensure the followings:

- (a) to treat the information and/or documentations in which the Secretariat obtained in the performance of its duties and obligations in relation to the Program as confidential in nature and not to disclose such confidential information and/or documentations to any third party (unless for the lawful purpose to fulfil its duties and obligations under the Program as described under the Agreement, Guidelines and Program T&C);
- (b) to strictly comply with the terms and conditions relating to Personal Data Protection Act 2010 of Malaysia ("PDPA 2010"), Official Secrets Act 1972 and other applicable laws relating to confidentiality; and

- (c) If applicable, to ensure compliance with any other confidentiality obligation as imposed by FINAS on the Secretariat;

For the avoidance of doubt, the Secretariat's confidentiality obligations as provided under this **Section 3.4** herein shall survive the termination of this Program in Malaysia.

## SECTION 4 – TERM OF REFERENCE OF PROGRAM COMMITTEE

### 4.1 Objective of the establishment of the Program Committee

The Program Committee is established by FINAS for the Program Committee to perform its duties and obligations in relation to the Program, as further described under **Section 4.3** below.

### 4.2 Accountability of the Program Committee

The Program Committee is led by the Chairman of the Program Committee who is responsible to oversee the performance of duties and obligations of the Program Committee as provided under this Program SOP.

### 4.3 Duties and obligations of the Program Committee

The following are the main duties and obligations of the Program Committee in respect of the Program, which may, from time to time be added to better govern the Program in Malaysia:

- (a) To convene in the Program Committee's Meeting ;
- (b) To peruse and make careful deliberation of the Secretariat's finding on its Formality Assessment and Substantive Assessment;
- (c) To provide its decisions relevant to the Program, which includes but not limited to the followings:
  - (i) To approve or refuse the Application; and
  - (ii) To revoke the Provisional Approval or Final Approval,
- (d) To perform its duties and obligations for the Program in the manner as described under this Program SOP based on the terms and conditions as stipulated in the Agreement(s), Guidelines as well as the Program T&C.

#### 4.4 Membership of the Program Committee

- (a) Chairman of the Program Committee;
- (b) Vice Chairman of the Program Committee;
- (c) Members:
  - (i) One (1) representative from International Division of the Ministry of Communications and Multimedia Malaysia (*Bahagian Antarabangsa Kementerian Komunikasi dan Multimedia Malaysia*);
  - (ii) One (1) representative from Contents Development Division of the Ministry of Communications and Multimedia Malaysia (*Bahagian Pembangunan Kandungan Kementerian Komunikasi dan Multimedia Malaysia*);
  - (iii) One (1) representative from Licensing Department of FINAS (*Bahagian Perlesenan FINAS*);
  - (iv) One (1) representative from Immigration Department of Malaysia (*Jabatan Imigresen Malaysia*);
  - (v) One (1) representative from Royal Malaysia Customs Department (*Jabatan Kastam Diraja Malaysia*); and
  - (vi) One (1) representative from Ministry of Foreign Affairs Malaysia – Wisma Putra (*Wisma Putra Kementerian Luar Negeri Malaysia*),
- (d) Advisory:
  - (i) One (1) representative from the Board Directors of FINAS; and
  - (ii) One (1) representative from the Financial Department of FINAS;

#### 4.5 Meeting(s) by the Program Committee

Meeting(s) by the Program Committee has to be conducted on a quarterly basis or at any time (deemed necessary by the Secretariat) among others, for the purposes of the Program Committee's Meeting or any other matter as may be deemed necessary by the Secretariat for the Program,.

#### 4.6 Quorum of Program Committee

The Program Committee has to consist of one (1) Chairman of Program Committee or one (1) Vice Chairman of Program Committee and not less than five (5) other members.

#### 4.7 Confidentiality

The Program Committee shall ensure the followings:

- (a) to treat the information and/or documentations in which the Program Committee obtained in the performance of its duties and obligations in relation to the Program as confidential in nature and not to disclose such confidential information and/or documentations to any third party (unless for the lawful purpose to fulfil its duties and obligations under the Program as described under the Agreement, Guidelines and Program T&C);
- (b) to strictly comply with the terms and conditions relating to Personal Data Protection Act 2010 of Malaysia ("**PDPA 2010**"), Official Secrets Act 1972 and other applicable laws relating to confidentiality; and
- (c) If applicable, to ensure compliance with any other confidentiality obligation as imposed by FINAS on the Program Committee.

For the avoidance of doubt, the Program Committee's confidentiality obligations as provided under this **Section 4.7** herein shall survive the termination of this Program in Malaysia.

#### 4.8 Decision making

Any decision making to be made by the Program Committee relevant to the Program shall be made in reasonable manner.

## SECTION 5 – PROGRAM SOP IN RESPECT OF APPLICATION FOR PROVISIONAL APPROVAL

### 5.1 Formality Assessment Stage

- (a) The assessment criteria under Formality Assessment Stage for Provisional Approval are as follows:
- (i) the Applicant has submitted the latest version of the Provisional Approval Co-Production Application Form (as at the date of the submission) as provided on FINAS website;
  - (ii) the Applicant has submitted all the supporting documents based on the latest checklist as listed on the latest version of the Provisional Approval Co-Production Application Form (as at the date of the submission) as provided on FINAS website;
  - (iii) the Provisional Approval Co-Production Application Form and supporting documents as required above are provided by the Applicant in one (1) hard copy and one (1) soft copy (in USB flash drive);
  - (iv) the Applicant has fully completed the Provisional Approval Co-Production Application Form;
  - (v) the fully completed Provisional Approval Co-Production Application Form has been executed by the authorized representative and signatory;
  - (vi) the Applicant has submitted among others, the following documents together with the Provisional Approval Co-Production Application Form:
    - (aa) a Statutory Declaration to certify the accuracy of all the details/information contained within the Provisional Approval Co-Production Application Form and the supporting documents provided in respect of the Application;
    - (bb) a completed Co-Production Eligibility Tool; and
    - (cc) other documents as identified in the Provisional Approval Co-Production Application Form,
  - (vii) the Applicant's co-producer has lodged an Application for Provisional Approval to its Competent Authority at the same time as the Provisional Approval can only be granted once all the relevant Competent Authorities have provided their provisional approval towards the co-producer's Application.

- (b) The Formality Assessment Stage for Provisional Approval is to be conducted by the Secretariat in the following manner:
- (i) in the event the Provisional Approval Co-Production Application Form is not fully completed and/or any part of the same is believed to be inadvertently omitted by the Applicant, the Secretariat to request the Applicant to re-submit a complete version of the Provisional Approval Co-Production Application Form;
  - (ii) in the event that there is any supporting documents which have not been provided by the Applicant and/or is believed to be accidentally omitted by the Applicant, the Secretariat to request the Applicant to submit such supporting documents;
  - (iii) in the event that the Secretariat requires additional information and/or document(s), the Secretariat may request for additional information and/or document(s) from the Applicant in the manner provided under **Section 5.6** of this Program SOP;
  - (iv) the Secretariat to record the receipt date of the complete Application, upon receiving complete Provisional Approval Co-Production Application Form and relevant supporting documents;
  - (v) the Secretariat to ensure that the Application fulfils the assessment criteria under Formality Assessment Stage as mentioned under **Section 5.1(a)** above;
  - (vi) the Secretariat to only proceed with Substantive Assessment Stage for Provisional Approval once a complete Application (being a complete Provisional Approval Co-Production Application Form and all relevant supporting documents) has been duly submitted by the Applicant to the Secretariat and the Secretariat having satisfied that the assessment criteria under Formality Assessment Stage for Provisional Approval as mentioned under **Section 5.1(a)** above has been met.

## **5.2 Substantive Assessment Stage**

- (a) The assessment criteria under Substantive Assessment Stage for Provisional Approval are as follows:
- (i) the Applicant and the proposed Project would meet the eligibility requirements and criteria of the Program; and
  - (ii) the conditions set out in the Agreement(s), Guidelines and Program T&C will be met, or likely to be met.

- (b) The Substantive Assessment Stage for Provisional Approval is to be conducted by the Secretariat and the Program Committee in the following manner:
  - (i) If necessary, the Secretariat to request for additional information and/or document(s) from the Applicant in the manner provided under **Section 5.6** of this Program SOP;
  - (ii) the Secretariat may seek information and/or advice from third (3<sup>rd</sup>) party as further described under **Section 7** of this Program SOP;
  - (iii) the Secretariat to conduct careful and deliberate assessment on the Application which includes assessment on:
    - (aa) information provided on the Provisional Approval Co-Production Application Form and the supporting documents submitted by the Applicant;
    - (bb) any additional information and/or document(s) provided by the Applicant pursuant to the Secretariat's request (if any); and
    - (cc) information and/or advices from third (3<sup>rd</sup>) party pursuant to the due diligence process as further described under **Section 7** of this Program SOP.
  - (iv) the Secretariat to ensure that the Application fulfils the assessment criteria under the Substantive Assessment Stage for Provisional Approval as mentioned under **Section 5.2(a)** above; and
  - (v) The Secretariat to only proceed with Decision Stage for Provisional Approval once the Secretariat having satisfied that the assessment criteria for Formality Assessment Stage for Provisional Approval as mentioned under **Section 5.2(a)** above has been met.

### **5.3 Decision Stage**

- (a) The approval criteria for Decision Stage for Provisional Approval are as follows:
  - (i) the Applicant and the proposed Project would meet the eligibility requirements and criteria of the Program; and
  - (ii) the conditions set out in the Agreement(s), Guidelines and Program T&C will be met, or likely to be met,



failing of which the Program Committee is to refuse the Application for Provisional Approval;

- (b) The Decision Stage is to be conducted by the Secretariat and the Program Committee in the following manner:
- (i) the Secretariat to arrange for the Program Committee's Meeting;
  - (ii) the Secretariat to report to the Program Committee the Secretariat's findings pursuant to the Formality Assessment and Substantive Assessment for Provisional Approval prior or during the Program Committee's Meeting;
  - (iii) the Secretariat to ensure the Applicant to present its Project to the Secretariat and the Program Committee during the Program Committee's Meeting to enable the Secretariat and the Program Committee to understand the Project. The Program Committee may further inquire from the Applicant on the Project during such meeting;
  - (iv) the Program Committee to conduct careful and deliberate assessment on the Application for Provisional Approval based on the Applicant's presentation during the Program Committee's Meeting and Secretariat's findings pursuant to the Formality Assessment and Substantive Assessment for Provisional Approval;
  - (v) the Program Committee to ensure that the Applicant and the proposed Project fulfils the approval criteria of the Provisional Approval as mentioned under **Section 5.3(a)** above,
  - (vi) The Program Committee to provide its decision (either to approve or refuse the Application for the Provisional Approval) and to provide its reasons for such decision in writing to the Secretariat pursuant to the Program Committee's Meeting;
  - (vii) in the event where the Program Committee is not able to derive at a concluding decision (i.e. in the event where the Program Committee is of the view that the Application cannot be approved nor refused at the same time), the Program Committee to communicate such position and the reason of the same in writing to the Secretariat; and
  - (viii) If so requires by the Program Committee, to inform the Secretariat in writing on any query and/or request for any additional information and/or document(s) relevant to the Application to be addressed to the Applicant to enable the Program Committee's to provide its decision.

#### **5.4 Issuance of Certificate of Provisional Approval**

- (a) In the event where the Program Committee approves the Application for Provisional Approval, Certificate of Provisional Approval is to be issued to the Applicant.
- (b) The Certificate of Provisional Approval is to be issued to the Applicant in the following manner:
  - (i) the Secretariat to confirm and ensure that the relevant Competent Authorities have provided their approval towards the co-producer's Application;
  - (ii) the Secretariat to prepare the Certificate of Provisional Approval which provides for all the terms and conditions in relation to the Provisional Approval. A sample of the Certificate of Provisional Approval is appended as **Appendix 1** of this Program SOP; and
  - (iii) the Secretariat to obtain the Chairman of the Program Committee's signature on the Certificate of Provisional Approval and thereafter, to provide the duly signed Certificate of Provisional Approval to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.

#### **5.5 Issuance of Letter of Refusal of Provisional Approval**

- (a) In the event where the Program Committee refuses the Application for Provisional Approval, a letter of refusal is to be issued to the Applicant.
- (b) The letter of refusal is to be issued to the Applicant in the following manner:
  - (i) the Secretariat to prepare the letter of refusal; and
  - (ii) the Secretariat to obtain the Chairman of the Program Committee's signature on the letter of refusal and thereafter to provide the duly signed letter of refusal to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.
- (c) In the event where the Applicant appeals the refusal, the Program Committee's decision to refuse the Provisional Approval may be set aside and thereafter the Application may be approved in the following manner:
  - (i) the Applicant has submitted written appeal to the Secretariat containing proposals, conditions, amendments, modifications or limitations pursuant to the letter of refusal of Provisional Approval within thirty (30) days from the receipt of letter of refusal of Provisional Approval;

- (ii) the Secretariat to assess the appeal and to provide the same to the Program Committee for the Program Committee's further perusal and consideration;
- (iii) the Program Committee to assess the appeal and to accept the appeal only if Program Committee is satisfied with written appeal made by the Applicant;
- (iv) in the event where the Program Committee decide to maintain its decision to refuse the Provisional Approval taking into account the Applicant's appeal:
  - (aa) the Program Committee to inform the Secretariat of its decision;
  - (bb) the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on the said letter; and
  - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee,
- (v) in the event where the Program Committee decide to set aside its decision to refuse the Provisional Approval and to approve the Application for Provisional Approval, taking into account the Applicant's appeal:
  - (aa) the Program Committee to inform the Secretariat of its decision; and
  - (bb) the Certificate of Provisional Approval is to be issued to the Applicant in the manner described under **Section 5.4** above.

## **5.6 Request of additional information and/or documents**

- (a) Request of additional information and/or document(s) may be made by the Secretariat to the Applicant in the following circumstances:
  - (i) in the event that the Secretariat requires additional information and/or document(s) from the Applicant during the Formality Assessment Stage or during the Substantive Assessment Stage; or
  - (iii) in the event that the Program Committee requires additional information and/or document(s) from the Applicant during the Decision Stage.
- (b) Request for additional information and/or document(s) may be made by the Secretariat to the Applicant under the circumstances mentioned above, in the following manner:

- (i) the Secretariat to either:
  - (aa) issue a formal letter to the Applicant to request for the additional information and/or document(s); or
  - (bb) send an email to the 'contact person' of the Applicant as mentioned in the **Section 1** of the Provisional Approval Co-Production Application Form, to request for the provision of the additional information and/or document(s); or
  - (cc) to call the 'contact person' of the Applicant through the telephone number mentioned in the **Section 1** of the Provisional Approval Co-Production Application Form, to request for the provision of the additional information and/or document(s),  
  
and if option (cc) above is opted, the Secretariat to recap the discussion made through the telephone conversation between the Secretariat's member in charge and the 'contact person' of the Applicant in an email form.
- (ii) the Secretariat's to ensure that its request for the additional information and/or document(s) must specify:
  - (aa) the additional information and/or document(s) required by the Secretariat; and
  - (bb) the period within which the additional information and/or document(s) is to be provided to the Secretariat,
- (iii) in the event where the Applicant request for extension of the prescribed period (as stipulated under **Paragraph 5.6(b)(ii)(bb)** above, the Secretariat may extend such period in the following manner:
  - (aa) the Secretariat to ensure that the Applicant's request to the Secretariat to extend the prescribed period:
    1. is made on a valid reason(s);
    2. has been made in writing to the Secretariat; and
    3. has been submitted to the Secretariat within fourteen (14) Business Days from the date of Secretariat's query and/or request; and

(bb) in the event the Secretariat approve the Applicant's request to the Secretariat to extend the prescribed period:

1. the Secretariat to notify the Applicant in writing to that effect; and
  2. the Secretariat to ensure that such letter, must specify the extended prescribed period within which the additional information and/or document(s) is to be provided to the Secretariat.
- (iv) In the event the Applicant does not provide the additional information and/or document(s) within the prescribed period or within the extended prescribed period without any reasonable and/or valid reason(s), the Application shall be deemed abandoned.

#### **5.7 Abandonment of Application for Provisional Approval**

- (a) The Applicant's application shall be deemed abandoned on the following grounds:
- (i) the Applicant fails to comply with any prescribed period as stipulated under the Program T&C and this Program SOP;
  - (ii) the Applicant fails to comply with any extended prescribed period as approved by the Secretariat; or
  - (iii) in the event the Applicant does not submit any written appeal within thirty (30) Business Days from the receipt of letter of refusal of Provisional Approval.
- (b) In the event of abandonment, the Secretariat may notify the Applicant in writing to that effect i.e. that the Application for the Provisional Approval has been abandoned.

#### **5.8 Revocation of grant of Provisional Approval by the Program Committee**

- (a) The Provisional Approval may be revoked by the Program Committee on the following grounds:
- (i) the Applicant and/or the Project fails to comply with the relevant terms and conditions set out in the Agreement(s), Guidelines, the Program T&C, and/or the Certificate of Provisional Approval;

- (ii) any part of the information and/or documentation in the Provisional Approval Application Form and the supporting documents enclosed therein was obtained by fraud, contains material inconsistencies/ inaccuracies and/or misrepresentation and/or there is a transgression of any applicable laws and requirements in Malaysia during the co-production under the Program; and/or
  - (iii) such revocation is necessitated by any directive or regulation from any governmental or statutory authority having jurisdiction over the matters herein.
- (b) The Provisional Approval may be revoked by the Program Committee based on the grounds mentioned above, in the following manner:
  - (i) the Secretariat to ascertain whether the Provisional Approval is subject to revocation based on the grounds mentioned above. If affirmative, the Secretariat to arrange for the Program Committee's Meeting;
  - (ii) the Secretariat to report to the Program Committee of its findings prior or during the Program Committee's Meeting;
  - (iii) the Program Committee to conduct careful and deliberate assessment on the Project based on the Secretariat's findings and to ascertain whether the Provisional Approval should be revoked under any of the grounds mentioned above;
  - (iv) the Program Committee to decide (either to revoke or not to revoke the Provisional Approval) and thereafter to inform the Secretariat of its decision; and
  - (v) in the event the Program Committee decides to revoke the Provisional Approval, the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on the said letter and thereafter the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.
- (c) In the event where the Applicant appeals such revocation, the Program Committee's decision to revoke the Provisional Approval may be set aside by the Program Committee in the following manner:
  - (i) the Secretariat to ensure that the Applicant has submitted written appeal to the Secretariat containing justification and/or clarification in response to the

Program Committee's decision to revoke the Provisional Approval within thirty (30) days from the receipt of the letter of revocation;

- (ii) the Secretariat to assess the appeal and to provide the same to the Program Committee for the Program Committee's further perusal and consideration;
- (iii) the Program Committee to decide (either to maintain its decision to revoke the Provisional Approval or to set aside its decision to revoke the Provisional Approval) and thereafter to inform the Secretariat of its decision;
- (iv) in the event where the Program Committee decide to maintain its decision to revoke the Provisional Approval taking into account the Applicant's appeal:
  - (aa) the Program Committee to inform the Secretariat of its decision;
  - (bb) the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on the said letter; and
  - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee;
- (v) in the event where the Program Committee decide to set aside its decision to revoke the Provisional Approval taking into account the Applicant's appeal:
  - (aa) the Program Committee to inform the Secretariat of its decision including any additional terms and conditions to be imposed to the Applicant in respect of the Project (if any);
  - (bb) the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on the said letter; and
  - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.

## SECTION 6 – PROGRAM SOP IN RESPECT OF APPLICATION FOR FINAL APPROVAL

### 6.1 Formality Assessment Stage

- (a) The assessment criteria for Formality Assessment Stage for Final Approval are as follows:
  - (i) the Applicant has submitted the latest version of the Final Approval Co-Production Application Form (as at the date of the submission) as provided on FINAS website;
  - (ii) the Applicant has submitted all the supporting documents based on the latest checklist as listed on the latest version of the Final Approval Co-Production Application Form (as at the date of the submission) as provided on FINAS website;
  - (iii) the Applicant has submitted the Final Approval Co-Production Application Form including all the relevant supporting documents in one (1) hard copy and one (1) soft copy (in USB flash drive);
  - (iv) the Applicant has fully completed the Final Approval Co-Production Application Form;
  - (v) the fully completed Final Approval Co-Production Application Form has been executed by the authorized representative and signatory;
  - (vi) the Applicant has submitted among others, the following documents together with the Final Approval Co-Production Application Form:
    - (aa) a completed Co-Production Eligibility Tool;
    - (bb) the Malaysian Co-Production Audit Report;
    - (cc) the duly executed Co-Producers' Contract;
    - (dd) a copy of the finished Project;
    - (ee) a Statutory Declaration verifying the accuracy of the information contained in the Application; and
    - (ff) other documents as clearly mentioned, identified and requested in the Final Approval Co-Production Application Form.



- (vii) the Applicant's co-producer has lodged an Application to its Competent Authority at the same time as Final Approval can only be granted once all the relevant Competent Authorities have provided their final approval towards the co-producer's application;
  - (viii) the Project has obtained prior grant of Provisional Approval as evidenced via Certificate of Provisional Approval issued by Program Committee; and
  - (ix) the production of the Project has been completed.
- (b) The Formality Assessment Stage for Final Approval is to be conducted by the Secretariat in the following manner:
- (i) in the event the Final Approval Co-Production Application Form is not fully completed and/or any part of the same is believed to be accidentally omitted by the Applicant, the Secretariat to request the Applicant to re-submit a complete version of the Final Approval Co-Production Application Form .
  - (ii) in the event that there is any supporting document which have not been submitted by the Applicant and/or is believed to be accidentally omitted by the Applicant, the Secretariat to request the Applicant to submit such supporting documents;
  - (iii) in the event that the Secretariat requires additional information and/or document(s), the Secretariat may request for additional information and/or document(s) from the Applicant in the manner as provided under **Section 6.6** of this Program SOP;
  - (iv) the Secretariat to record the receipt date of the complete Application for Final Approval upon receiving complete Final Approval Co-Production Application Form and relevant supporting documents;
  - (v) the Secretariat to ensure that the Application fulfils the assessment criteria for Formality Assessment Stage for Final Approval as mentioned under **Section 6.1(a)** above;
  - (vi) The Secretariat to only proceed with Substantive Assessment Stage for Final Approval upon receiving complete Application (being complete Final Approval Co-Production Application Form and all relevant supporting documents has been duly submitted by the Applicant to the Secretariat) and the Secretariat having satisfied that the assessment criteria for Formality Assessment Stage for Final Approval as mentioned under **Section 6.1(a)** above has been met.

## 6.2 Substantive Assessment Stage

- (a) The assessment criteria under Substantive Assessment Stage for Final Approval are as follows:
  - (i) the Applicant and the Project meet the eligibility requirements and criteria of the Program;
  - (ii) the conditions set out in the Agreement(s), Guidelines and Program T&C has been met; and
  - (iii) the Project is completed in accordance with the information provided in the Final Approval Co-Production Application Form and relevant supporting documents as well as the terms and conditions mentioned in the Certificate of Provisional Approval.
  
- (b) The Substantive Assessment Stage for Final Approval is to be conducted by the Secretariat and the Program Committee in the following manner:
  - (i) if necessary, the Secretariat to request additional information and/or document(s) in the manner as described under this Program SOP;
  - (ii) the Secretariat may seek information and/or advice from third (3<sup>rd</sup>) party as further described under **Section 7** of this Program SOP;
  - (iii) the Secretariat to conduct careful and deliberate assessment on the Application which includes assessment on;
    - (aa) the information on the Final Approval Co-Production Application Form and supporting documents submitted by the Applicant;
    - (bb) any additional information and/or document(s) provided by the Applicant pursuant to the Secretariat request; and
    - (cc) information and/or advice from third (3<sup>rd</sup>) party pursuant to the due diligence process as further described under **Section 7** of this Program SOP.
  - (iv) the Secretariat to ensure that the Applicant and the proposed Project fulfils the assessment criteria for the Substantive Assessment Stage for Final Approval as mentioned under **Section 6.2(a)** above;

- (v) The Secretariat to only proceed with Decision Stage for Final Approval once the Secretariat having satisfied that the assessment criteria for Formality Assessment Stage for Final Approval as mentioned under **Section 6.2(a)** above has been met.

### **6.3 Decision Stage**

- (a) The approval criteria for Decision Stage for Final Approval are as follows:
  - (i) the Applicant and the Project meet the eligibility requirements and criteria of the Program; and
  - (ii) the conditions set out in the Agreement(s), Guidelines, Program T&C and Certificate of Provisional Approval has been met.

failing of which the Program Committee is to refuse the Application for Final Approval.

- (b) The Decision Stage is to be conducted by the Secretariat and the Program Committee in the following manner:
  - (i) the Secretariat to arrange for the Program Committee's Meeting;
  - (ii) the Secretariat to report to the Program Committee the Secretariat's findings pursuant to the Formality Assessment and Substantive Assessment for Final Approval prior or during the Program Committee's Meeting;
  - (iii) the Program Committee to conduct careful and deliberate assessment on the Application for Final Approval based on the Secretariat's findings pursuant to the Formality Assessment and Substantive Assessment for Final Approval;
  - (iv) the Program Committee to ensure that the Applicant and the Project fulfils the approval criteria for the Decision Stage for Final Approval as mentioned under **Section 6.3(a)** above;
  - (v) The Program Committee to provide its decision (either to approve or refuse the Application for the Final Approval) and to provide its reasons for such decision in writing to the Secretariat pursuant to the Program Committee's Meeting;

- (vi) in the event where the Program Committee is not able to derive at a concluding decision (i.e. in the event where the Program Committee is of the view that the Application cannot be approved nor refused at the same time), the Program Committee to communicate such position and the reason of the same in writing to the Secretariat; and
- (vii) If so requires by the Program Committee, to inform the Secretariat in writing on any query and/or request for any additional information and/or document(s) relevant to the Application to be addressed to the Applicant to enable the Program Committee's to provide its decision.

#### **6.4 Issuance of Certificate of Final Approval**

- (a) In the event where the Program Committee approves the Application for Final Approval, Certificate of Final Approval is to be issued to the Applicant.
- (b) The Certificate of Final Approval is to be issued to the Applicant in the following manner:
  - (i) the Secretariat to prepare the Certificate of Final Approval which provides for all the terms and conditions in relation to the Final Approval. A sample of the Certificate of Final Approval is appended as **Appendix 2** of this Program SOP;
  - (ii) the Secretariat to confirm and ensure that the relevant Competent Authorities have provided their approval towards the co-producer's Application;
  - (iii) the Secretariat to obtain the Chairman of the Program Committee's signature on the Certificate of Final Approval and thereafter, to provide the duly signed Certificate of Final Approval to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.

#### **6.5 Issuance of Letter of Refusal of Final Approval**

- (a) In the event where the Program Committee refuses the Application for Provisional Approval, a letter of refusal is to be issued to the Applicant.
- (b) The letter of refusal is to be issued to the Applicant in the following manner:
  - (i) the Secretariat to prepare the letter of refusal;

- (ii) the Secretariat to obtain the Chairman of the Program Committee's signature on the letter of refusal and thereafter, to provide the duly signed letter of refusal to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.
- (c) In the event where the Applicant appeals the refusal, the Program Committee's decision to refuse the Final Approval may be set aside in the event and thereafter the Application may be approved in the following manner:
  - (i) the Applicant has submitted written appeal to the Secretariat containing proposals, conditions, amendments, modifications or limitations pursuant to the letter of refusal of Final Approval within thirty (30) Business Days from the receipt of letter of refusal of Final Approval;
  - (ii) the Secretariat to assess the appeal and provide the same the Program Committee for the Program Committee's further perusal and consideration;
  - (iii) the Program Committee to assess the appeal and to accept the appeal only if Program Committee is satisfied with written appeal made by the Applicant;
  - (iv) in the event where the Program Committee decide to maintain its decision to refuse the Final Approval taking into account the Applicant's appeal:
    - (aa) the Program Committee to inform the Secretariat of its decision;
    - (bb) the Secretariat to prepare a letter to the that effect and obtain the Chairman of the Program Committee's signature on the said letter;
    - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee,
  - (v) in the event where the Program Committee decide to set aside its decision to refuse the Final Approval and to approve the Applicant's application for the Final Approval, taking into account the Applicant's appeal:
    - (aa) the Program Committee to inform the Secretariat of its decision; and
    - (bb) the Certificate of Final Approval is to be issued to the Applicant in the manner described under **Section 6.4** above.

## 6.6 Request of additional information and/or documents

- (a) Request of additional information and/or document(s) may be made by the Secretariat to the Applicant in the following circumstances:
  - (i) in the event that the Secretariat requires additional information and/or document(s) from the Applicant during the Formality Assessment Stage;
  - (ii) in the event that the Secretariat requires additional information and/or document(s) from the Applicant during the Substantive Assessment Stage; or
  - (iii) in the event that the Program Committee requires additional information and/or document(s) from the Applicant during the Decision Stage.
  
- (b) Request for additional information and/or document(s) may be made by the Secretariat to the Applicant under the circumstances mentioned above, in the following manner:
  - (i) the Secretariat to either:
    - (aa) issue a formal letter to the Applicant to request for the additional information and/or document(s); or
    - (bb) the Secretariat to send an email to the 'contact person' of the Applicant as mentioned in the **Section 1** of the Final Approval Co-Production Application Form, to request for the provision of the additional information and/or document(s); or
    - (cc) the Secretariat to call the 'contact person' of the Applicant through the telephone number mentioned in the **Section 1** of the Final Approval Co-Production Application Form, to request for the provision of the additional information and/or document(s),  
  
and if option (aa) above is opted, the Secretariat to recap the discussion made through the telephone conversation between the Secretariat's member in charge and the 'contact person' of the Applicant in an email form.
  - (ii) the Secretariat's to ensure that its request for the additional information and/or document(s) must specify:
    - (aa) the additional information and/or document(s) required by the Secretariat; and

- (bb) the period within which the additional information and/or document(s) is to be provided to the Secretariat,
- (iii) the prescribed period may be extended by the Secretariat in the following manner:
  - (aa) the Secretariat to ensure that the Applicant's request to the Secretariat to extend the prescribed period:
    1. is made on a valid reason(s);
    2. has been made in writing to the Secretariat;
    3. has submitted to the Secretariat within fourteen (14) Business Days from the date of Secretariat's query and/or request; and
  - (bb) in the event the Secretariat approve the Applicant's request to the Secretariat to extend the prescribed period:
    1. the Secretariat to notify the Applicant in writing to that effect;
    2. the Secretariat's to ensure that such letter, must specify the extended prescribed period within which the additional information and/or document(s) is to be provided to the Secretariat;
- (iv) In the event the Applicant does not provide the additional information and/or document(s) within the Provisional Timeline Period or within the extended prescribed period without any reasonable and/or valid reason(s), the Application shall be deemed abandoned.

**6.7 Abandonment of Application for Final Approval**

- (a) The Application for Final Approval shall be deemed abandoned on the following grounds:
  - (i) the Applicant and/or the Project fails to comply with any period as prescribed under the Program T&C and this Program SOP;
  - (ii) the Applicant fails to comply with any extended period as approved by the Secretariat; or
  - (iii) in the event the Applicant does not submit any written appeal within within thirty (30) Business Days from the receipt of letter of refusal of Final Approval.

- (b) In the event of abandonment, the Secretariat may notify the Applicant in writing to that effect i.e. that the Application for the Final Approval has been abandoned.

## **6.8 Revocation of Certificate of Final Approval**

- (a) The Final Approval may be revoked by the Program Committee on the following grounds:
  - (i) the Applicant and/or the Project fails to comply with the relevant terms and conditions set out in the Agreement(s), Guidelines, the Program T&C, the Certificate of Provisional Approval and/or the Certificate of Final Approval;
  - (ii) any part of the information and/or documentation submitted to the Committees by the Applicant was obtained by fraud, contains material inconsistencies/ inaccuracies and/or misrepresentation and/or there is a transgression of any applicable laws and requirements in Malaysia during the co-production of the Project in Malaysia;
  - (iii) the Applicant fails to provide to the Secretariat with a soft copy (in USB flash drive) of the completed production of the Project or other proof or evidence which can be reasonably regarded to be acceptable to the Secretariat that the Project has been completed with thirty (30) days from the date of the production material is in a state where it could reasonably be regarded as ready to be distributed, broadcast or exhibited to general public;
  - (iv) the final production version vary significantly from the submitted documentations in a manner which damages the image of Malaysia; and/or
  - (v) such revocation is necessitated by any directive or regulation from any governmental or statutory authority having jurisdiction over the matters herein.
- (b) The Final Approval may be revoked by the Program Committee based on the grounds mentioned above, in the following manner:
  - (i) the Secretariat to ascertain whether the Final Approval is subjected to revocation based on the grounds mentioned above. If affirmative, the Secretariat to arrange for the Program Committee's Meeting;
  - (ii) the Secretariat to report to the Program Committee of its findings prior or during the Program Committee's Meeting;



- (iii) the Program Committee to conduct careful and deliberate assessment on the Project based on the Secretariat's findings and to ascertain whether the Final Approval should be revoked under any of the grounds mentioned above;
  - (iv) the Program Committee to decide (either to revoke or not to revoke the Final Approval) and thereafter to inform the Secretariat of its decision;
  - (v) in the event the Program Committee decides to revoke the Final Approval, the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on such letter and thereafter the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.
- (c) In the event where the Applicant appeals such revocation, the Program Committee's decision to revoke the Provisional Approval may be set aside by the Program Committee in the following manner:
- (i) the Secretariat to ensure that the Applicant has submitted written appeal to the Secretariat containing justification and/or clarification in response to the Program Committee's decision to revoke the Final Approval within thirty (30) days from the receipt of letter of revocation;
  - (ii) the Secretariat to assess the appeal and to provide the same to the Program Committee for the Program Committee's further perusal and consideration;
  - (iii) the Program Committee to decide (either to maintain its decision to revoke the Final Approval or to set aside its decision to revoke the Final Approval) and thereafter to inform the Secretariat of its decision;
  - (iv) in the event where the Program Committee decide to maintain its decision to revoke the Final Approval taking into account the Applicant's appeal:
    - (aa) the Program Committee to inform the Secretariat of its decision;
    - (bb) the Secretariat to prepare a letter to that effect to be issued to the Applicant and to obtain the Chairman of the Program Committee's signature on the letter; and
    - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.

- (v) in the event where the Program Committee decide to set aside its decision to revoke the Final Approval taking into account the Applicant's appeal:
  - (aa) the Program Committee to inform the Secretariat of its decision including any additional terms and conditions to be imposed to the Applicant in respect of the Project (if any);
  - (bb) the Secretariat to prepare a letter to that effect and to obtain the Chairman of the Program Committee's signature on the said letter; and
  - (cc) the Secretariat to provide the duly signed letter to the Applicant within fourteen (14) Business Days after the said decision is being officially made by the Program Committee.

## SECTION 7 – PROGRAM SOP IN RESPECT OF DUE DILIGENCE PROCESS

- 7.1 If deemed necessary by the Secretariat in undertaking the Formality Assessment Stage and/or Substantive Assessment Stage for Provisional Approval or Final Approval, the Secretariat may solicit information and/or advice from a third (3<sup>rd</sup>) party, including but not limited to, an Independent Film Production Consultant.
- 7.2 In undertaking the above option, the Secretariat may and if necessary:
- (a) procure the third (3<sup>rd</sup>) party to evaluate the application forms and the relevant supporting documents submitted by the Applicant (including the Malaysian Co-Production Audit Report);
  - (b) procure the third (3<sup>rd</sup>) party, based on its evaluation above, to advise whether the Applicant and the Project has met the conditions set out in the Agreement(s), Guidelines, Program T&C, Certificate of Provisional Approval and Certificate of Final Approval which includes advice on whether the Applicant's financial and creative contributions are reasonably equivalent;
  - (c) procure the third (3<sup>rd</sup>) party to provide written report of the third (3<sup>rd</sup>) party's findings and advice pursuant to the third (3<sup>rd</sup>) party's evaluation; and
  - (d) if required, procure the Applicant to cooperate with the third (3<sup>rd</sup>) party to enable the third (3<sup>rd</sup>) party to understand the Project as well as for the purpose of the third (3<sup>rd</sup>) party's evaluation.

## Appendix 1

### CERTIFICATE OF PROVISIONAL APPROVAL

**Date:** *[Date of issuance of Certificate of Provisional Approval]*

**Reference:** *[FINAS's reference number]*

**Address:** *[Malaysian Producer's address as stated in Section 2 of the Provisional Co-production Approval Form]*

**Attention:** *[Contact person of the Malaysian Producer as stated in Section 2 of the Provisional Co-production Approval Form]*

**CERTIFICATE OF PROVISIONAL APPROVAL  
FOR THE INTERNATIONAL FILM CO-PRODUCTION PROGRAM**

**Applicant Producer:** *[Name of Malaysian Producer as stated in Section 2 of the Provisional Co-production Approval Form]* (“Applicant Producer”)

**Project Title:** *[Title of the project as stated in Section 3 of the Provisional Co-production Approval Form]* (“Project”)

1. We refer to the above matter and to the Applicant Producer's application for provisional approval via the submission of the Provisional Approval Co-production Application Form (“**Provisional Approval Application**”) received on *[date of receipt of the Provisional Approval Application]* in respect of the International Film Co-production Program (“**Program**”).

**2. GRANT OF PROVISIONAL APPROVAL**

2.1 We are pleased to inform the Applicant Producer that the Program Committee has approved the Provisional Approval Application and agreed to grant the Applicant Producer the Provisional Approval (“**Grant of Provisional Approval**”) based on the information and projected budget presented in the Provisional Approval Application to the Secretariat and on the basis that the Applicant Producer and the proposed Project would meet the eligibility requirements and criteria of the Program, the conditions set out in the agreements entered into between the Government of Malaysia with the governments of other countries in relation to the Program (“**Agreement(s)**”), the International Film Co-Production Program Guidelines issued by FINAS (“**Guidelines**”) and Program's Terms & Conditions (“**Program T&C**”) (which is appended hereto as **Appendix**

- 1) will be met or likely to be met.
- 2.2 This Certificate of Provisional Approval is issued to evident the Grant of Provisional Approval. The terms used in this Certificate of Provisional Approval have, unless the context otherwise requires or otherwise defined herein, the same meaning as defined in the Guidelines and the Program T&C.
- 2.3 Please note that the Grant of Provisional Approval neither provides a guarantee for the grant of Final Approval nor does it guarantee automatic qualification for any incentive or benefit made available to an official co-production (being a national film) in Malaysia, rather, it means the Applicant Producer are eligible to apply for the relevant incentive or benefit to support the Applicant Producer’s film, subject however to the terms and conditions applicable to such incentive or benefit.
- 2.4 This Grant of Provisional Approval is valid from [*date of issuance of Certificate of Provisional Approval*] and expires on [*date of expiry of Certificate of Provisional Approval*] (“**Date of Expiry**”). Upon its expiry, this Certificate of Provisional Approval will be deemed null and void, and the Provisional Approval Application will be considered or deemed cancelled. An extension of the validity period of the Grant of Provisional Approval is permissible, provided that an application for extension is made in writing to the Secretariat not less than three (3) months prior to the Date of Expiry and that the Secretariat has the sole and absolute discretion whether or not to allow such extension. A new Provisional Approval Application may be submitted provided that the Program T&C are complied with and subject to the sole and absolute discretion of FINAS.
- 2.5 The Project’s production and post-production activities in Malaysia can only commence on or after [*date of issuance of Certificate of Provisional Approval*]. Please note that in the event that the due diligence process reveals that the production commenced prior to the date of the Grant of Provisional Approval, the grant of the Grant of Provisional Approval will be revoked and/or the grant of Final Approval will not be issued or will be revoked, as the case may be.
- 2.6 The Grant of Provisional Approval is granted to the Applicant Producer for the Project, the detail of which as set out in the Provisional Approval Application.
- 2.7 Without prejudice to the other terms and conditions mentioned in the Agreement(s) and the Guidelines, the Applicant Producer shall ensure that all aspects of the Project adhere and comply strictly with the terms and conditions provided in the Program T&C and this Certificate of Provisional Approval (including the additional term and conditions

as provided under **Paragraph 3** below) at all times. Failure to comply with the terms and conditions provided in the Agreement(s), the Guidelines, the Program T&C and this Certificate of Provisional Approval (including the additional term and conditions as provided under **Paragraph 3** below) may result in revocation of the Grant of Provisional Approval and this Certificate of Provisional Approval or refusal of the Applicant Producer's application for Final Approval. For avoidance of doubt, the condition set out under Agreement(s), the Guidelines, the Program T&C and this Certificate of Provisional Approval (including the additional term and conditions as provided under **Paragraph 3** below) must continue to be satisfied / maintained throughout the exploitation of the Project.

**3. ADDITIONAL TERMS AND CONDITIONS RELATING TO THE GRANT OF PROVISIONAL APPROVAL**

3.1 In addition to and without prejudice to the other terms and conditions mentioned in the Agreement(s), the Guidelines and the Program T&C, the Grant of Provisional Approval is further granted to the Applicant Producer upon the terms and conditions mentioned below.

3.2 The Applicant Producer shall :

- (a) ensure that the Project maintains its Program eligibility requirements and criteria of the Program at all times (as mentioned in the Agreement(s), Guidelines and the Program T&C) and that the Project belongs to the Applicant Producer;
- (b) ensure that the production schedule as set out in the Provisional Approval Application is complied with and met in a timely manner;
- (c) ensure that the key details of the Project as identified in the Provisional Approval Application will not be significantly or materially changed. The Applicant Producer shall seek the Program Committee's approval through the Secretariat for any significant changes to the Project which may affect the Applicant Producer's compliance with the terms sets out in this Certificate of Provisional Approval. Failure to comply with the terms and conditions of the Grant of Provisional Approval and/or failure to obtain the approval from the Program Committee in relation to any proposed change may result in refusal of the grant of the Final Approval. The Applicant Producer shall contact the Secretariat for reassessment of the Grant for Provisional Approval for such proposed significant

changes as soon as possible;

- (d) ensure that the following statement is included at the credit roll of the Project:



**“Co-Production between Malaysia and [●]”**

Nevertheless, in the event the Applicant Producer is found ineligible for the Grant of Final Approval and the issuance of Certificate of Final Approval or in the case that the Grant of Final Approval and the issued Certificate of Final Approval are revoked by FINAS, the Applicant Producer shall exclude the above mentioned statement from the Project; and

- (e) submit a **monthly Project status report** which includes an expenditure report. This report shall be submitted to FINAS via the following email address: [●] or [●] until the Project is completed.

- 3.3 All information with regard to the terms and conditions relating to the Grant of Provisional Approval as mentioned herein and the Applicant Producer’s communication with the Secretariat or the Program Committee or FINAS shall be treated as strictly private and confidential. The Applicant Producer shall not divulge or communicate any information in respect thereof to any third (3<sup>rd</sup>) party without the prior written consent of FINAS.
- 3.4 The Applicant Producer shall inform the Secretariat of its authorized representative who shall be available to be contacted for all matters related to the Project and the Grant of Provisional Approval.
- 3.5 The Grant of Provisional Approval is further granted on the basis that the Applicant Producer **SHALL NOT** at all times do any act and/or provide any form of statement, whether personally and/or through any agent of representative(s), which may lead to taint of good reputation, may bring to the prejudicial impact of and/or may in any manner, leave a negatively impact to, FINAS and/or the Program.
- 3.6 Unless otherwise expressly mentioned in this Certificate of Provisional Approval, there is no other matter which shall be deemed existed and/or granted to the Applicant Producer.

**4. APPENDIX 1**

APPENDIX 1 as appended herein shall be read and form an integral part of this Certificate of Provisional Approval.

**5. ACKNOWLEDGEMENT**

Kindly indicate the Applicant Producer's acknowledgement and agreement to adhere strictly to the contents and all the terms and conditions of this Certificate of Provisional Approval by signing the letter of acceptance attached herein and returning the acknowledged copy to the Secretariat within thirty (30) days of receiving this document.

Thank you.

We, the International Film Co-Production Program Committee of FINAS wish the Applicant Producer every success in the Applicant Producer's production.

[Signature]

[Name]

**Chairman**

**Program Committee**

**National Film Development Corporation Malaysia (FINAS)**

**Our Reference:** [Applicant Producer's or Malaysian Production Company's reference number]

**Date:**



**LETTER OF ACCEPTANCE**

**[Name of FINAS's International Film Co-Production Program Committee Chairman]**

**Chairman**

**Program Committee**

**National Film Development Corporation Malaysia (FINAS)**

Kompleks Studio Merdeka

Lot 1662, Batu 8

Jalan Hulu Kelang

68000 Ampang

Selangor Darul Ehsan

Malaysia

**RE: ACCEPTANCE OF GRANT OF PROVISIONAL APPROVAL FOR THE INTERNATIONAL FILM CO-PRODUCTION PROGRAM**

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**Applicant Producer:** *[Name of Malaysian Producer as stated in Section 2 of the Provisional Co-production Approval Form] ("Applicant Producer")*

**Project Title:** *[Title of the project as stated in Section 3 of the Provisional Co-production Approval Form] ("Project")*

**Reference:** *[FINAS's reference number]*

We,                     *(full name of authorized signatory)* and                     *(full name of second authorized signatory)* are the authorized signatory and representative of the Applicant Producer (as mentioned above) and we are duly authorized to hereby confirm for and behalf of the Applicant Producer (as mentioned above) of its acknowledgement and agreement to adhere strictly to the terms and conditions of this Certificate of Provisional Approval dated                     .

For and behalf of the Applicant Producer

\_\_\_\_\_  
*(Signature of authorized signatory)*

\_\_\_\_\_  
*(Signature of second authorized signatory)*

**NAME:** \_\_\_\_\_  
*(Full name of authorized signatory)*

**NAME:** \_\_\_\_\_  
*(Full name of second authorized signatory)*

**DESIGNATION:** \_\_\_\_\_

**DESIGNATION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## Appendix 2

### CERTIFICATE OF FINAL APPROVAL

**Date:** *[Date of issuance of this Certificate of Final Approval]*

**Reference:** *[FINAS's reference number]*

**Address:** *[Malaysian Producer's address as stated in Section 2 of the Final Co-production Approval Form]*

**Attention:** *[Contact person of the Malaysian Producer as stated in Section 2 of the Final Co-production Approval Form]*

#### CERTIFICATE OF FINAL APPROVAL FOR THE INTERNATIONAL FILM CO-PRODUCTION PROGRAM

**Applicant Producer:** *[Name of Malaysian Producer as stated in Section 2 of the Final Co-production Approval Form]* (“Applicant Producer”)

**Project Title:** *[Title of the project as stated in Section 2 of the Final Co-production Approval Form]* (“Project”)

1. We refer to the above matter and to:
  - (a) the Certificate of Provisional Approval issued by the Program Committee on *[Date of issuance of Certificate of Provisional Approval]* (“Certificate of Provisional Approval”); and
  - (b) the Applicant Producer’s application for final approval via the submission of the Final Approval Co-production Application Form (“Final Approval Application”) received on *[date of receipt of the Final Approval Application]* in respect of the International Film Co-production Program (“Program”).

#### **2. GRANT OF FINAL APPROVAL**

- 2.1 We are pleased to inform the Applicant Producer that the Program Committee has approved the Final Approval Application and agreed to grant the Applicant Producer the Final Approval (“Grant of Final Approval”) based on the information presented in the Final Approval Application to the Secretariat and on the basis that the Applicant Producer and the Project has meet the eligibility requirements and criteria of the

Program, the conditions set out in the agreements entered into between the Government of Malaysia with the governments of other countries in relation to the Program ("**Agreement(s)**"), International Film Co-Production Program Guidelines issued by FINAS ("**Guidelines**") and Program's Terms & Conditions ("**Program T&C**") (which is appended hereto as **Appendix 1**) has been met and that the Project is completed in accordance with the information provided in the Final Approval Application as well as the terms and conditions mentioned in the Certificate of Provisional Approval.

2.2 This Certificate of Final Approval is issued to evident the Grant of Final Approval. The terms used in this Certificate of Final Approval have, unless the context otherwise requires or otherwise specifically defined herein, the same meanings as defined in the Guidelines and the Program T&C.

2.3 The Grant of Final Approval is granted to the Applicant Producer for the Project, as set out in the Final Approval Application.

2.4 Without prejudice to the other terms and conditions mentioned in the Agreement(s), the Guidelines and the Certificate of Provisional Approval, the Applicant Producer shall ensure that all aspects of the Project adhere and comply strictly with terms and conditions provided in the Program T&C and this Certificate of Final Approval (including the additional term and conditions as provided under **Paragraph 3** below) at all times. Failure to comply with the terms and conditions provided in the Agreement(s), the Guidelines, the Program T&C, the Certificate of Provisional Approval and this Certificate of Final Approval (including the additional term and conditions as provided under **Paragraph 3** below) may result in revocation of the Grant of Final Approval and this Certificate of Final Approval. For avoidance of doubt, the condition set out under the Agreement(s), the Guidelines, the Program T&C, the Certificate of Provisional Approval and this Certificate of Final Approval (including the additional term and conditions as provided under **Paragraph 3** below) must continue to be satisfied / maintained throughout the exploitation of the Project.

### **3. ADDITIONAL TERMS AND CONDITIONS RELATING TO THE GRANT OF FINAL APPROVAL**

3.1 In addition to and without prejudice to the other terms and conditions mentioned in the Agreement(s), the Guidelines, the Program T&C and the Certificate of Provisional Approval, the Grant of Final Approval is further granted to the Applicant Producer upon the terms and conditions mentioned below.

3.2 The Applicant Producer shall:

- (a) ensure that the Project maintains its Program eligibility requirements and criteria of the Program at all times (as mentioned in the Agreement(s), Guidelines and the Program T&C) and that the Project belongs to the Applicant Producer;
- (b) ensure that the following statement is included at the credit roll of the Project:



**“Co-Production between Malaysia and [●]”**

Nevertheless, in the event that the Grant of Final Approval and this Certificate of Final Approval are being revoked by the Program Committee, the Applicant Producer shall exclude the above mentioned statement from the Project.

- (c) provide to the Secretariat with a soft copy (in USB flash drive) of the completed production of the Project or other proof or evidence which can be reasonably regarded to be acceptable to the Secretariat that the Project has been completed with thirty (30) days from the date of the production material is in a state where it could reasonably be regarded as ready to be distributed, broadcast or exhibited to general public; and
- (d) ensure that the final production version will not significantly vary from the submitted documentations in a manner which damages the image of Malaysia.

3.3 All information with regard to the terms and conditions relating to the Grant of Final Approval as mentioned herein and the Applicant Producer’s communication with FINAS or the Secretariat or the Program Committee shall be treated as strictly private and confidential. The Applicant Producer shall not divulge or communicate any information in respect thereof to any third (3<sup>rd</sup>) party without the prior written consent from FINAS.

3.4 The Grant of Final Approval is further granted on the basis that the Applicant Producer **SHALL NOT** at all times do any act and/or provide any form of statement, whether personally and/or through any agent of representative(s), which may lead to taint of good reputation, may bring to the prejudicial impact of and/or may in any manner, leave a negatively impact to, FINAS and/or the Program.

3.5 Unless otherwise expressly mentioned in this Certificate of Final Approval, there is no other matter which shall be deemed existed and/or granted to the Applicant Producer.

4. **APPENDIX 1**

APPENDIX 1 as appended herein shall be read and form an integral part of this Certificate of Final Approval.

5. **ACKNOWLEDGEMENT**

Kindly indicate the Applicant Producer's acknowledgement and agreement to adhere strictly to the contents and all the terms and conditions of this Certificate of Final Approval by signing the letter of acceptance attached herein and returning the acknowledged copy to the Secretariat within thirty (30) days of receiving this document.

Thank you.  
Your faithfully,

[Signature]

[Name]

**Chairman  
Program Committee  
National Film Development Corporation Malaysia (FINAS)**

LETTER OF ACCEPTANCE

[Name of FINAS's International Film Co-Production Program Committee Chairman]

Chairman

Program Committee

National Film Development Corporation Malaysia (FINAS)

Kompleks Studio Merdeka

Lot 1662, Batu 8

Jalan Hulu Kelang

68000 Ampang

Selangor Darul Ehsan

Malaysia

RE: ACCEPTANCE OF GRANT OF FINAL APPROVAL FOR THE INTERNATIONAL FILM CO-PRODUCTION PROGRAM

Applicant Producer: [Name of Malaysian Producer as stated in Section 2 of the Final Co-production Approval Form] ("Applicant Producer")

Project Title: [Title of the project as stated in Section 3 of the Final Co-production Approval Form] ("Project")

Reference: [FINAS's reference number]

We, \_\_\_\_\_ (full name of authorized signatory) and \_\_\_\_\_ (full name of second authorized signatory) are the authorized signatory and representative the Applicant Producer (as mentioned above), and we are duly authorized to hereby confirm for and behalf of the Applicant Producer (as mentioned above) of its acknowledgement and agreement to adhere strictly to the terms and conditions of this Certificate of Final Approval dated \_\_\_\_\_.

For and behalf of the Applicant Producer,

\_\_\_\_\_  
(Signature of authorized signatory)

\_\_\_\_\_  
(Signature of second authorized signatory)

NAME:

\_\_\_\_\_  
(Full name of authorized signatory)

NAME:

\_\_\_\_\_  
(Full name of second authorized signatory)

DESIGNATION:

\_\_\_\_\_

DESIGNATION:

\_\_\_\_\_

DATE:

\_\_\_\_\_

DATE:

\_\_\_\_\_