



STATUTORY INSTRUMENTS.

S.I. No. 197 of 2025

FILM (ENHANCED CREDIT FOR LOWER BUDGET FILM)
(AMENDMENT) REGULATIONS 2025

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The Revenue Commissioners, in exercise of the powers conferred on them by section 481 of the Taxes Consolidation Act 1997 (No. 39 of 1997), with the consent of the Minister for Finance, and with the consent of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in relation to the matters to be considered regarding the issue of certification under section 481(2), hereby make the following regulations:

1. (1) These Regulations may be cited as the Film (Enhanced Credit for Lower Budget Film) (Amendment) Regulations 2025.

(2) These Regulations come into operation on 20th May 2025 as respects applications made on or after this date by a producer company for the enhanced credit for lower budget film under section 481(1C) of the Act of 1997, as inserted by section 48(1) of the Finance Act 2024, to apply to a certificate under section 481(1A) of that Act.

2. The Film Regulations 2019 (S.I. No 119 of 2019) are amended—

(1) by the insertion of the following Regulation after Regulation 3A:

“Application for enhanced credit for lower budget film”

3B. (1) An application under section 481(1C) of the Act of 1997 for a certificate issued under section 481(2)(a) of that Act to specify that the enhanced credit for lower budget film may apply shall be made in writing to the Minister in advance of commencement of the Irish production.

(2) The Minister shall set out the manner and format of an application under this regulation, and the information that shall accompany such an application, to assist evaluation of the criteria:

(a) that the film will be a feature film or animated film of feature length,

(b) that one or more key creative roles in the production of the film will be performed by individuals who are nationals of, or ordinarily resident in, the State or another EEA state, and

(c) that the qualifying expenditure to be incurred on the production of the film is expected to be less than €20,000,000.

(3) (a) In relation to paragraph (a) of the definition of “lower budget film” in section 481(1) of the Act of 1997, a film shall be considered a feature film or animated

film of feature length where the film is intended for theatrical release.

(b) For the purposes of subparagraph (a), a film shall be regarded as being intended for theatrical release where—

- (i) the film is intended for exhibition to the paying public at a commercial cinema or theatre in the State,
- (ii) the period of exhibition of the film is intended to be no less than 5 days, and
- (iii) the matters specified in clauses (i) and (ii) are provided for in the detailed finance plan that is submitted in accordance with Schedule 1 to these regulations.

(4) (a) (i) In relation to paragraph (a) of the definition of “key creative role” in section 481(1) of the Act of 1997, where a film has more than one director, the key creative role may be satisfied by reference to any director of the film who is a lead director.

(ii) For the purposes of clause (i), a director of a film shall be regarded as a lead director in relation to the film if the contribution made by them to the film in that role is greater than or equal to the contribution made by any other person who is a director of that film in that role.

(b) (i) In relation to paragraph (b) of the definition of “key creative role” in section 481(1) of the Act of 1997, where a film has more than one screenwriter, the key creative role may be satisfied by reference to any screenwriter of the film who is a lead screenwriter.

(ii) For the purposes of clause (i), a screenwriter of a film shall be regarded as a lead screenwriter in relation to the film if the contribution made by them to the film in that role is greater than or equal to the contribution made by any other person who is a screenwriter of that film in that role.

(5) The creative roles of appropriate seniority that may meet the requirements of paragraph (c) of the definition of “key creative role” in section 481(1) of the Act of 1997 are—

(a) in relation to the production of a feature film:

- (i) editor,
- (ii) cinematographer,

- (iii) production designer, or
 - (iv) composer,
- and
- (b) in relation to the production of an animated film of feature length:
 - (i) art director,
 - (ii) production designer, or
 - (iii) composer.

(6) In any case where the Minister determines the relevant criteria have been met the Minister may:

- (a) specify when issuing a certificate in accordance with regulation 3 that the enhanced credit for lower budget film may apply if on completion of the film it satisfies the criteria of a lower budget film contained in section 481 of the Act of 1997, and
- (b) in accordance with section 481(2)(b) of the Act of 1997, specify in the certificate such conditions in relation to the enhanced credit for lower budget film as the Minister may consider proper.

(7) Notwithstanding paragraph (1), where an application for a certificate under section 481(1A) of the Act of 1997 was made to the Minister prior to the amendment of these regulations:

- (a) an application may be made in accordance with this regulation under section 481(1C) of the Act of 1997 on or before 3 June 2025, and
- (b) in making a claim for the film corporation tax credit under subsection (2G)(b)(ii) of section 481 of the Act of 1997, only expenditure incurred after 2 May 2025 may be used in calculating the value of the enhanced credit for lower budget film.”,

(2) in Regulation 7(2)(b), by the substitution of the following clause for clause (ii):

“(ii) a certificate from Coimisiún na Meán (as established by the Online Safety and Media Regulation Act 2022), Fís Éireann (formerly known as the ‘Irish Film Board’ as established by the Irish Film Board Act 1980), or equivalent bodies established in an EEA state, confirming that the body’s requirements in relation to the financial and other arrangements for the film have been fulfilled to the extent that the body has agreed to release its production funding to the producer company in relation to the qualifying film, where the due diligence procedures performed by the body, prior to its issuing the certificate, have been approved by the Revenue Commissioners,”,

(3) in Schedule 1, by the insertion of the following entry after Tab M:

“Tab N Detailed Finance Plan.”,

(4) in Schedule 2, in Tab P, by the substitution of “Fís Éireann, Coimisiún na Meán” for “Irish Film Board, Broadcasting Authority of Ireland”,

and

(5) in Schedule 3, in Tab P, by the substitution of “Fís Éireann, Coimisiún na Meán” for “Irish Film Board, Broadcasting Authority of Ireland”.

The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media consents to the making of these Regulations, insofar as they relate to the matters to be considered regarding the issue of certificates under subsection (2) of section 481.



GIVEN under the Official Seal of the Minister for Tourism,
Culture, Arts, Gaeltacht, Sport and Media,

20 May, 2025.

PATRICK O'DONOVAN,
Minister for Tourism, Culture, Arts, Gaeltacht, Sport and
Media.

The Minister for Finance consents to the making of these Regulations.



GIVEN under the Official Seal of the Minister for Finance,
20 May, 2025.

PASCHAL DONOHOE,
Minister for Finance.

GIVEN under my hand,
20 May 2025

NIALL CODY,
Revenue Commissioner

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Film Regulations 2019 to provide an application process for an increased film corporation tax credit introduced by Finance Act 2024 called the enhanced credit for lower budget film. A producer company may submit an application to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media for an enhanced percentage rate to apply to a certificate for a qualifying film where that film meets certain criteria relating to the employment of individuals in key creative roles on the production and has a qualifying expenditure of less than €20 million. Where the certificate states that the enhanced credit for lower budget film may apply, and on completion the qualifying film has met the criteria, the film corporation tax credit is calculated using the higher rate.

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