

Regulations for Allocation of Apulia Film Fund Grant

Application deadlines:

31st January

31st May

31st August

Modified by Directorate of 28 Oct 2009



Fondazione Apulia Film Commission

Sede legale e operativa: c/o Fiera del Levante, Lungomare Starita 70132 Bari, Cineporto - padiglione 180- Bari Italy

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1. Introduction

The Apulia Film Commission Foundation, set up under Regional Law 6/2004 art.7, may allocate part of its annual resources – in one or more sessions – to audiovisual, cinema and television productions made in any media format and aimed at any distribution chain through the assignment of a free grant towards the costs of preparation, production and post-production of audiovisual projects shot (partly or entirely) in Apulia. This has been given the title of Apulia Film Commission Film Fund.

A principle interest of the Foundation is to set up co-productive links among local, national and international groups in order to create a new culture of production aimed at human and technological investment in the Apulia region.

The purposes of this financial support to production companies are;

- to attract direct and indirect investment in the Apulian audiovisual sector
- to enable professional development for regional artistic and technical staff
- to provide an opening for international culture, art and business
- to publicize Apulian audiovisual culture through comparisons with in-field production
- to encourage contact between local public and private institutions with the best international expertise
- to contribute to the promotion and sharing of Apulian cultural identity

In accordance with European regulations set out in the EU Commission statement of 26/09/2001, the level of grant allowable, when added to other funding from public bodies (EU, state, region, local bodies, public foundations), may not exceed 50% of the total cost of the project (for production and distribution costs). This figure may rise to 80% in the case of “complex films” or “films with limited financial resources”.¹

2. Who can apply

Funding is available for Italian, European and foreign productions presenting projects in the following categories;

- feature-length fiction films (minimum 85 mins)
- TV movies (minimum two parts of 100 mins)
- TV series (minimum four episodes of 52 mins)
- documentaries, docu-fictions, mockumentaries
- fiction shorts (maximum 20 mins)

¹ “Complex films” are those with over 70 points in the following categories; primary and secondary cinema projects, documentaries, shorts, projects produced by Italian state-recognised schools of cinema and films of cultural interest. “Films with limited financial resources” are cinema projects within EU regulations whose entire production costs do not exceed €1,500,000 and who meet the cultural eligibility requirements which allow them to obtain maximum total funding of €1,200,000 from the Ministry of Cultural Affairs and other public bodies.

- video clips
- video games

Potential applicants for funding are listed below and may also include temporary enterprises or co-production companies provided that the mandatory ATI or co-production head has been active for at least three (3) years.

In the case of feature films, TV movies and TV series, only commercial companies, foundations and co-operative production companies will be taken into consideration.

In the case of all other film projects, in addition to the companies, foundations and co-operative production companies mentioned above, other public and private entities intending to produce audiovisual, motion picture or videogame projects may also apply.

Each production, co-production company or association may only apply for funding with one (1) project per session and for a maximum of 3 times during a 12 month period.

Except in special and valid circumstances, applicants can not be awarded a grant if the director for the project seeking funding has not yet delivered a previously AFC-financed film to the Apulia Film Fund.

3. Criteria for funding

As part of funding regulations, the production team applying and its beneficiaries are obliged to:

- ensure that 30% of hired staff (crew and cast) including post-production team, but excluding extras or special extras, are made up of citizens resident or born in Apulia;
- spend a total that is equal to at least 150% of the grant received within the Region of Apulia;
- guarantee that for full-length films at least two (2) weeks of filming of the first reel is on Apulian territory; one (1) week for documentaries (including docu-fictions and mockumentaries); two (2) working days for shorts and video clips and at least four (4) weeks of post-production at an Apulian company for animation films or video games.
- use services supplied by Apulia-based companies for board and lodging, also when any part of filming takes place in regions bordering Apulia within a range of 30km;
- include the brand of the Apulia Film Commission in the opening and closing titles of the film as well as on all the film's information, publicity and promotional documentation (press kits, etc.), or alternatively, in accordance with the conditions set out below;

- f. allow the Apulia Film Commission the rights for the free use of completed and semi-processed footage of regional locations for AFC use in promotional advertising for the Apulia region;
- g. provide the AFC, at no additional charge, with five (5) DVD copies of the film and backstage footage (or promotional footage), two (2) CD copies of scene photography and one (1) Beta SP copy of the film, granting rights for the AFC and Apulia Region to use these in promoting the region and its territory;
- h. adhere to current regulations regarding social security contributions, medical assistance and workplace insurance for hired technical and artistic staff, including temporary staff with clear reference to their membership of ENPALS (national insurance office for workers in the entertainment industry) including payment of all necessary contributions;
- i. supply punctual and accurate budget data (above and below the line) to allow for internal monitoring procedures. In particular, specific reference must be made to employment data and all expenditure on regional territory;
- j. communicate the production order by e-mail before the start of production; during shooting any updated information should also be communicated;
- k. during production, to communicate daily production schedules by e-mail;
- l. organise a press conference in Apulia before the start and/or during filming with the participation of non-Apulian journalists (also international journalists for foreign films) and including the director and/or leading actors as well as representatives of the AFC Foundation;
- m. permit the presence of an AFC representative at any time during production;
- n. permit video recording or photography during production, to be carried out by an AFC representative for purely documentary purposes;
- o. organise a preview of the film in Apulia or, in case of participation in national or international film festivals, provide for the presence of an AFC representative at the film presentation press conference at the festival where it has been entered;
- p. ensure that the application for project funding is not made later than the post-production phase

With regard to funding for productions of:

- Full length fiction films, TV films and TV series; the film must be completed and delivered to the AFC Foundation no more than 18 months after the decision to allocate the grant;
- Fiction shorts, documentaries, docu-fictions, mockumentaries; the film must be completed and delivered in DVD and Beta format to the AFC Foundation no more than 12 months after the decision to allocate the grant;

- Video games and animation films; the project must be completed and delivered in DVD and Beta format to the AFC Foundation no more than 24 months after the decision to allocate the grant.

The Apulia Film Commission will not consider projects which incite violence or encourage racism, political hatred or sexism.

4. Funding available and allocation procedures

Each individual production may apply for a maximum grant as detailed below:

- Feature length fiction films, TV films and TV series up to a maximum of €150,000
- Documentaries, docu-fictions, mockumentaries up to a maximum of €40,000
- Fiction shorts and video clips up to a maximum of €30,000
- Videogames up to a maximum of €12,000

Funds are allocated as follows;

20% at the start of shooting (subject to receipt of the following; a detailed, updated budget; an updated production plan; the agenda for the first and subsequent days of filming; a complete list of crew personnel with Apulian members highlighted; the film “bible”).

80% upon receipt of complete financial statements as well as any other documentation stipulated in article 3 and article 7 of this document and in any additional, formally stipulated agreements.

The contribution is exempt from VAT as it is allocated by a non-profit institution, and in any case may not exceed 20% of the overall production budget for full length films and 40% for shorts and documentaries.

The grant is subject to a 4% withholding tax under clause 28, section 2 of Italian Presidential Decree no.600 (29/9/73). This levy, paid by the AFC Foundation in the form of a withholding agent, is shown on receipts which the production team must send to the AFC Foundation at the time of signing the contract (for advance payment) and at the end of filming (for final payment), after which a bank transfer will be paid for the final balance of the allocated grant.

5. Application procedures

All applications for funding must include the following attachments in **1 ring-bound or loose-leaf folder (in correctly filed order)**. Failure to comply will result in films being returned without further consideration:

for feature-length fiction films, TV films and TV series:

application form, completed in accordance with attached written criteria and appearing on the 1st page of the folder;

- ❑ company profile of all parties involved in production;
- ❑ DVDs of most recent projects of director and production company;
- ❑ story, synopsis and script **both on paper and on CD**;
- ❑ director's contract or agreement;
- ❑ director's filmography;
- ❑ contract and filmography of the writer(s);
- ❑ leading actors' filmographies and contracts / letters of intent;
- ❑ file of artistic and technical staff specifying local professionals already selected or to be appointed (except for extras and special extras);
- ❑ detailed estimated budget of general expenses, including actors' and writers' fees (above the line costs) and production/ post-production fees (below the line costs), highlighting those to be incurred in Apulia. The budget must be accompanied by official certification signed by a registered accountant or auditing company;
- ❑ certification of enrolment in the Official Register of Companies, where required by law;
- ❑ copy of the Certificate of Incorporation or Foundation Deed and copy of the statute, where required by law;
- ❑ copy of balance sheets for last 3 years with relevant attachments;
- ❑ photocopy of ID document and tax code of the production company's legal representative (or that of the mandate company);

- ❑ the production company's financial plan together with any of the following; co-production, pre-acquisition, foreign sale, distribution and minimum guaranteed contracts; any public funding granted for Cultural Interest, debut or second films; agreements for concession of rights to free-TV and/or pay-TV networks; UE contributions; Ministry of Culture script development grants;
- ❑ receipt of bank draft for €120 (including VAT) as reimbursement for AFC secretarial duties. An invoice can be issued for this payment if required.

for fiction shorts, documentaries, docu-fictions, mockumentaries, video clips and video games:

- ❑ application form, completed in accordance with attached written criteria and appearing on the 1st page of the folder;
- ❑ story, synopsis and script (for video games only, the game design bible) **both on paper and on CD**;
- ❑ company profile of all parties involved in production;
- ❑ filmography of director and writer(s) as well as for the production or co-production company;
- ❑ file of artistic and technical staff specifying local professionals already selected or to be appointed (except for extras and special extras);
- ❑ DVDs of most recent projects of director and production company;
- ❑ estimated budget of general expenses, highlighting those to be incurred in Apulia;
- ❑ certification of enrolment in the Official Register of Companies, where required by law;
- ❑ copy of the Certificate of Incorporation or Foundation Deed and copy of the statute, where required by law;
- ❑ copy of balance sheets or financial statements for last 3 years with relevant attachments;
- ❑ photocopy of ID document and tax code of applicant's legal representative;
- ❑ receipt of bank draft for €120 (including VAT) as reimbursement for AFC secretarial duties.

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An invoice can be issued for this payment if required.

Applications should be sent by registered post or courier to:

Fondazione Apulia Film Commission
c/o Fiera del Levante
Cineporto, padiglione 180
Lungomare Starita, 1
70132 Bari

Application envelopes should clearly state the following text:

“For the attention of Apulia Film Commission – application for AFC Film Fund grant”.

A bank draft for €120,00 should be made out as follows:

Fondazione Apulia Film Commission
San Paolo Banco di Napoli – Ag. 2 – Bari
IBAN: IT 19 D 01010 04002 100000001503
Reason for payment: “Reimbursement of expenses incurred for application to AFC Film Fund”.

6. Criteria for allocation of funds

Applications will be examined by the AFC Board of Directors facilitated by two film experts, critics or historians belonging to the National Union of Italian Cinema Critics (SNCCI) who are changed each year. Within 60 days of the final deadline, applications will be submitted to the Foundation Board for their final, indisputable assessment.

The experts' opinions will be relevant but not binding in the final decision-making process.

The results of applications will be published on the website www.apuliafilmcommission.it If an application is successful, the Apulia Film Commission will draw up a contractual agreement with the applicant in line with a Board resolution.

If requested by the production company or association, the Board reserves the right to grant or to deny non-onerous legal assistance from the AFC Foundation.

During assessment and deliberation for funding, the Board may defer a project found valid but not accepted for funding in the current session to the following session

The decisions made by the Board of Directors are final and irrevocable.

The AFC will evaluate and select applications based on the following criteria:

For full-length feature films, TV films and TV series:

Projects with a score of at least 60 points out of a total of 100 will be accepted.

Each section contributes towards the total as an overall percentage:

1. Artistic quality of the story and screenplay with regard to different genres of film (30%, max 30 points)
2. Technical quality of the film, defined as technical and technological merit and coherence of artistic and production factors in terms of feasibility (20%, max 20 points)
3. Effect on the Apulia Region defined as local expenditure and employment of staff resident in Apulia (30%, max 30 points)
4. Director's and screenwriters' artistic contributions, defined as awards won at principal international film festivals, entry of previous films at international film festivals, box-office takings, awards won by actors/actresses directed previously (10%, max 10 points)
5. Any acknowledgement and/or ministerial funding awarded for films of Cultural and National Interest, primary and secondary films or Ministry of Cultural Affairs script development grants; acknowledgement and/or funding awarded by EU Programmes (Eurimages, Media, etc); distribution or sales contracts with pay-TV and free-TV networks and internet services; any contracts for product placement and/or proof of private sponsorship (10%, max 10 points).

For shorts, documentaries, docu-fictions, mockumentaries, video games and video clips:

Projects with a score of at least 60 points out of a total of 100 will be accepted.

1. Artistic quality of the story and screenplay (35%, max 35 points)
2. Technical quality of the project, defined as technical and technological merit and coherence of artistic and production factors in terms of feasibility (35%, max 35 points)

3. Effect on the Apulia Region defined as local expenditure and employment of staff resident in Apulia (20%, max 20 points)
4. Director's and screenwriters' artistic contributions, defined as awards won at principal international film festivals, entry of previous films at international film festivals, box-office takings, awards won by actors/actresses directed previously (5%, max 5 points)
5. Any acknowledgement and/or ministerial funding awarded to short movies; distribution or sales contracts with pay-TV and free-TV networks and internet services; any contracts for product placement and/or proof of private sponsorship (5%, max 5 points)

7. Financial Statements and Production Company Obligations

In order to obtain payment and avoid incurring legal sanctions, beneficiaries must guarantee to the following conditions:

- to submit certified copies of invoices, payslips and all other documentation relating to expenses incurred in Apulia, for a total that is equal to at least 150% of the grant awarded;
- to submit certified copies of invoices, payslips and all other documentation relating to expenses incurred for the entire production;
- to provide a statement and final balance for expenses incurred in making the film, verified by a certified accountant or auditing company, highlighting all expenses incurred in Apulia in a single column;

During the phase of checking financial statements, if the AFC notes that expenses stipulated in the contract do not correspond with those actually incurred and/or that these are lower than the total stipulated in the contract agreement, proceedings may be carried out to proportionally reduce or annul the grant.

8. Allowable expenses

Expenses are only permitted when incurred in the following circumstances:

Story and screenplay, project management, acting personnel, production, direction, technical staff, manual workers, artistic personnel, wardrobe, set design, studio stages and set building, real-life interior and exterior scenes, technical resources, transport, film, film processing, editing, music, advance organization, insurance, rental, catering,

production services.

9. Annulment of grant and place of jurisdiction

Grants will not be awarded (or, if already allocated, must be refunded) where there is evidence of forgery of documentation or financial accounts or if false or deliberately imprecise statements have been made.

Projects which are not completed and failure to comply with the regulations stipulated under Articles 3 and 7 of this document will result in proceedings to ensure the reimbursement of funding already allocated as well as the non-payment of any outstanding balance.

In these cases, the Apulia Film Commission has the right to request a total and immediate reimbursement of previously allocated funds, which may also be in the form of an advance payment.

It is agreed that the place of jurisdiction for all disputes arising out of, or in connection with, these regulations will be exclusively that of Bari. On signing the application form, applicants agree to accept all conditions set out under these regulations.

Entry form follows.

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Apulia Film Commission - Film fund – Tranche n. _____ 20____
Deadline: _____

APPLICATION FORM

1. Production Company (in case of co-production or ATI, requisite individual or head supervisor)

Name	
Name of Producer	
Legal Status	
Address	
VAT (tax code) number	
Tel / Fax	
e-mail address	
Web address	
International Bank Account Number (IBAN)	

2. Applicable associate producers or co-producers

Name	
Name of Producer	
Legal Status	
Address	

Web address	
Name	
Name of Producer	
Legal Status	
Address	
Web address	
Name	
Name of Producer	
Legal Status	
Address	
Web address	

3. Contact information

Name & surname	
Office telephone	
Mobile telephone	
Fax	
e-mail address	
Web address	

4. Application category (mark with an X)

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Feature Film	
Film for TV	
TV series	
Fictional short	
Documentary (docu-fiction, mockumentary)	
Video clip	
Video game	

5. Project

Title	
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6. Director or writer

Name of director	
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7. Film format (mark with an X)

35 mm film	
16 mm film	
Mini Dv	
Dv Cam	
HD	
HDV	
Betacam	
Other specify)..... (please specify).....	

8. Estimated budget of film

	€
Above the line	
Below the line	
Total	

9. Estimated budget to be spent in Apulia

€	
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10. Expected shooting time in Apulia

From _____ to _____	Total no. of days: _____
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11. Total shooting time, Apulia plus other locations (to be listed)

Start shooting _____	End shooting _____	Total no. of days _____
Other shooting locations (regions): _____		

12. No. of days in Apulia for film preparation

From _____ to _____	Total no. of days: _____
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13. Expected number of local staff to be hired

Number of staff (crew and cast) resident in Apulia to be registered at local entertainment

employment agency: _____ . (NB: This total EXCLUDES extras).

14. Total number of staff (crew and cast) to be hired: _____ .

15. Grant requested from Apulia Film Commission

€	
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16. Other grants and funding applied for (A) or obtained (O).

Funding and / or grant type	€ (A / O)
Ministry of Culture or government.....	
EU	
Distribution (guaranteed minimum)	
TV rights	
Other	
Total	

17. Schedule of main Apulian locations (list names of towns, villages or areas in Apulia where shooting is scheduled and number of days shooting)

Location	No. of days	Location	No. of days

18. Invoicing

Please attach a copy of the bank transfer made out to the AFC to the application form.

If an invoice is required for reimbursement of the AFC administration charge of €120, include applicant details with e-mail contact and VAT number below:

Production data and VAT number (tax code)	
e-mail address	

Having read the Fondazione Apulia Film Commission Regulations, I hereby approve the contents and fully accept each condition under Law no. 193/2003 (protection of personal data) .

Applicant's legal representative
 (Signature and Stamp)

Acceptance of terms of regulations

I hereby approve, under Arts. 1341 and 1342 of the Italian Civil Code, Art. 3 (application criteria for funding) and Art.9 (annulment of grant and place of jurisdiction) according to laws and for all legal purposes.

Applicant's legal representative
(Signature and Stamp)