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# Public Notice Apulia Film Fund

Version 04/08/2020

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## Art. 1 - Referenced legislation

- Commission Regulation (EU) No. 651/2014, of 17 June 2014, "General Block Exemption Regulations" declaring certain categories of aid compatible with the common market, in accordance with Articles 107 and 108 of the Treaty (GU EU L 187/1 of 26 June 2014);
- Commission Regulation (EU) No. 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Fund for maritime affairs and fisheries and general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, and repealing EC Regulation No. 1083/2006 of the Council;
- Commission Regulation (EU) No. 1084/2017 of 14 June 2017 amending EU Regulation No. 651/2014 for aid to port and airport infrastructures, notification thresholds applicable to culture and heritage conservation aid and to aid for sports facilities and multifunctional recreational facilities, as well as regional aid schemes in the outermost regions, and amending the EU Regulation No. 702/2014 regarding the calculation of eligible costs;
- Communication of the European Commission published in the Official EU Journal C332/1, 15 November 2013, "Commission Communication on State aid for cinematographic and other audiovisual works";
- Law No. 220 of 14 November 2016 "Regulations for cinema and audiovisual industries" and subsequent modifications; in particular Ministerial Decree MiBACT No. 63 of 25 January 2018 "Application provisions concerning the Film Commission and general guidelines and parameters for the management of financial support funds for the audiovisual sector, allocated through the Regions or Autonomous Provinces", Inter-ministerial Decree MiBACT-MEF No. 157 of 15 March 2018 "Application provisions concerning tax credit for film and audiovisual production companies referred to in Article 15 of Law No. 220 of 14 November 2016, "and Inter-ministerial Decree MiBACT-MEF No. 158 of 15 March 2018 "Provisions for the application of tax credits in the cinematographic and audiovisual sector" referred to in articles 16, 17, paragraph 1, 18, 19 and 20 of Law No. 220 of 14 November 2016, sub-paragraphs V and VI;
- Decree of the President of the Republic No. 22 of 5 February 2018 "Regulation containing the criteria on eligibility of expenditure for programs co-financed by European Structural Investment Funds (SIE) for the 2014-2020 programming period;
- Legislative Decree No. 123 of 31 March 1998, "Provisions for the rationalization of public support measures for businesses, pursuant to article 4, paragraph 4, letter c), of Law no. 59 of 15 March 1997"
- Legislative Decree No. 33 of 14 March 2013, No. 97 of 25 May 2016 "Reorganization of legislation regarding civil disclosure and requirements on advertising, transparency and dissemination of information by public authorities";
- Regional Law No. 28 of 26 October 2006 concerning "Regulations for countering unemployment";
- Regional Law No. 15 of 20 June 2008 and Regulation No. 20/2009 of the Regione Puglia (Transparency in administrative action);
- Regulation of the Regione Puglia No. 6 of 26 February 2015, for aid to be compatible with the internal market under the TFUE (Regional Regulation of Puglia for aid in exemption). Aid schemes for audiovisual works;
- Resolution No. 1000 of the Regional Council of 7 July 2016 for the modification of the "Format of the contract of Guarantee for anticipation of aid from the Regione Puglia";
- Resolution No. 582 of the Regional Council of 26 April 2016, "Operational Program ERDF-ESF 2014/2020. Acknowledgment of the methodology and of the criteria for the selection of operations approved by the Monitoring Committee, in accordance with Art. 110 (2), letter A) Regulation (EU) No. 1303/2013";
- Resolution No. 977 of the Regional Council of 20 June 2017 "Operational Program ERDF-ESF 2014/2020. Modification of selection criteria for operations co-financed by the Program";



- Resolution No. 1422 of the Regional Council of 14 September 2017, "Operational Program ERDF-ESF 2014/2020. Deliberation of the Regional Council No. 583 of 26 April 2016. Acknowledgement of the changes made to the Internal Regulations of the Program Monitoring Committee".
- Resolution No. 1533 of the Regional Council of 2 August 2019, ESF 14-20: PUGLIA PACT Axis IV. Approval of the "New Integrated Information System for the Economy of Culture" and the Tripartite Cooperation Agreement Scheme between the Regione Puglia, the Regional Agency for Technology and Innovation and the Apulia Film Commission Foundation. Compensatory variation to the Budget of the Regione Puglia.
- Resolution No. 1522 of the Regional Council of 2 August 2019, Operational Program of the Regione Puglia ERDF 2014-2020 - AXIS XIII - ACTION 13.1. Technical assistance. Support actions for financial aid for audiovisual productions and cinematic production companies. Variation to the 2019 budget and the 2019-2021 multi-year budget pursuant to Legislative Decree No. 118/2011 and subsequent amendments and approval of the Agreement Scheme with the Apulia Film Commission Foundation.
- Resolution No. 414 of the Regional Council of 30 March 2020, Operational Program of the Regione Puglia ERDF 2014-2020 Action 3.4-Support interventions for businesses in the cultural, tourism and entertainment sectors - Approval of the Guidelines relating to a new public notice for aid for audiovisual productions - Apulia Film Fund 2018-20 special session guidelines. Variation to the 2020 budget and 2020-2022 multi-year budget pursuant to Legislative Decree No. 118/2011 and its subsequent amendments
- Resolution No. 934 of the Regional Council of 18 June 2020, Operational Program of the Regione Puglia ERDF 2014-2020 - Axis XIII "Technical Assistance". Identification of the Apulia Film Commission (AFC) Foundation as Intermediate Body and approval of the agreement scheme. Modification of DGR 414/2020. Variation to the 2020 budget and 2020-2022 multi-year budget pursuant to Legislative Decree No. 118/2011 and its subsequent amendments

This Notice uses the definitions from Article 2 and Annex I of (EU) Regulation No. 651/2014 "General Block Exemption regulations", the definitions of which are Article 2 from Law No. 220 of 14 November 2016 "Regulations for cinema and audiovisual industries" and its subsequent amendments, from the MiBACT Ministerial Decree No. 343 of 31 July 2017 and the MiBAC Ministerial Decree No. 9 of January 15 2019 "Amendments to the decree of the Minister of Cultural Heritage and Activities and Tourism" of July 31 2017 containing "Application provisions on selective contributions referred to in Article 26 of Law No. 220 of 14 November 2016" as well as the following definitions:

1. "General Block Exemption Regulations": EU Regulation No. 651/2014 of the Commission of 17 June 2014.
2. "Anti-Mafia legislation": Legislative Decree No. 159 of 6 September 2011 and its subsequent amendments
3. "Independent producer": the European audio visual production company that carries out audiovisual production activities and is not controlled by or connected to providers of audiovisual media services under Italian jurisdiction and, alternatively:
  - 3.1. Allocates no more than 90% of its production to a single supplier of audio visual media services for a period of three years; or
  - 3.2. Is the secondary rights holder.
4. "Production": the combination of development phases, pre-production, executive realization or shooting or technical realization of the work, post-production, the outcome of which is the creation of the final copy or the master copy of the audiovisual work; if it is carried out by the same producer, the preparation of the audiovisual materials necessary for the communication, promotion and marketing of the audiovisual work in Italy and abroad is included;
5. "Development": the initial phase of production concerning the creative, economic and financial planning of the work; typically including investments relating to the drafting or acquisition of the rights of the plot and of the script, to the possible acquisition of the rights of adaptation and use from another work protected by copyright;
6. "Pre-production": the phase of organization of the shooting and contracting of the cast and crew, including activities of research, location inspection, documentation, as well as expenses related to the definition of the budget, financial plan and the pursuit of other sources of funding;



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7. "Shooting" or "Realization": the shooting phase or the actual execution of the work;
8. "Post-production": the phase following shooting, which includes audio-video editing and mixing activities, the addition of special effects and transfer to the destined media equipment;
9. "Distribution": all activities of a commercial, promotional, legal, executive and financial nature connected to the negotiation of the rights relating to the economic usage of audiovisual works across various channels in one or more geographical areas of reference and the consequent provision of fruition by the public via the various platforms of use. "Distribution in Italy" is in reference to the geographical territory of Italy and "distribution abroad" is the geographical area outside of Italy. In distribution in Italy, "cinema distribution" is defined as the activity related to the usage and fruition of films in Italian cinemas;
10. "Producer": the enterprise with NACE code 59.11 which is producer, and/or co-producer with a share of not less than 10% or executive producer with an executive production contract at a blocked cost for the audiovisual work presented under this Notice;
11. "Service": The production company delegated by another company, called "contractor", by entering into a contract for the supply of services or similar, for the realization of certain services related to the production of the audiovisual work; specifically, casting services, set design, post-production, stage costumes, and special effects.
12. "Difficult audiovisual works": the works defined by the MiBACT Ministerial Decree No. 343 of 31 July 2017 and its subsequent amendments and recalled here:
  - 12.1. Audio visual works referred to in Article 1, paragraph 2, letters i), j), k), l), n) of the MiBACT Ministerial Decree No. 343 of 31 July 2017 and animation works that have been declared by the experts referred to in Article 26, paragraph 2, of Law No. 220 of 2016, unable to attract significant financial resources from the private sector;
  - 12.2. Films that have obtained the selective contributions referred to in Article 26 of Law No. 220 of 2016 and that have been declared by the experts referred to in Article 26, paragraph 2, of Law no. 220 of 2016, unable to attract significant financial resources from the private sector;
  - 12.3. Works with a total production cost of less than EUR 2,500,000;
  - 12.4. Films that are distributed simultaneously in a number of cinemas equaling less than 20 percent of the total number of active cinemas and that have been declared by the experts referred to in Article 26, paragraph 2, of Law no. 220 of 2016, unable to attract significant financial resources from the private sector;
13. "Total production budget" or "Production cost": the gross costs of any tax or other charge related to the phases of pre-production, executive realization, shooting or technical realization of the work, post-production, as per Table B "Production Costs" in Ministerial Decree MiBACT No.157 of 15 March 2018. In the case of a serial project pertaining to any category, the overall cost of the episodes, with the specification of the unit cost per episode, is intended.
14. "Final copy cost": total production cost, excluding general expenses and payment for production ("producer's fee"); by extension, the definition shall apply to all types of audio-visual works that are beneficiaries of this Notice.
15. "Rating of the legality of enterprises": the rating referred to in AGCM Resolution No. 27165 of 15 May 2018 - "Implementing regulation on legality rating", pursuant to art. 5-ter of Law Decree No. 1 of 24 January 2012, as amended by art. 1, paragraph 1-quinquies, of Law Decree No. 29 of 24 March 2012, converted with amendments by Law No. 62 of 18 May 2012.
16. "Information System": online platform for sending the aid application and uploading data and attachments.

## Art. 2 - Referenced axis and action



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<b>Priority Axis III</b>	Competitiveness of small and medium enterprises
<b>Priorities for intervention</b>	3.b) Developing and implementing new business models for SMEs, in particular for internationalization
<b>Specific aim</b>	3.c Consolidation, modernization and diversification of territorial production systems
<b>P.O. Puglia 2014-2020 Action</b>	3.4. Support interventions for businesses in the cultural, tourism, creative and entertainment sectors
<b>Action from AdP</b>	3.3.2 - Support for the development of complementary products and services for the valorisation of identified cultural and natural attractions of the area, also through the integration of businesses from the cultural, tourism, sports, creative and entertainment sectors, and the supply chains of traditional and typical products

1. Among the objectives of Axis III, called "Competitiveness of small and medium-sized enterprises", we find Objective 3c), which specifies, "Consolidating, modernizing and diversifying the territorial production systems" within which is Action 3.4, which provides for the activation of support measures for businesses in the cultural, tourist, creative and entertainment sectors. Action 3.4 of the ROP Puglia ERDF-ESF 2014/2020 has among its activities the development of complementary products and services for the enhancement of identified cultural and natural attractions of the territory including the valorisation of Apulian locations created through support for Italian, European and non-European audiovisual, cinematographic and television production companies that produce in Apulia.
2. This Notice contributes to the pursuit of the following output indicators (referred to in investment priority 3b "Developing and implementing new business models for SMEs, in particular for internationalization", of the ROP Puglia ERDF-ESF 2014/2020): CO01 - Number of enterprises receiving support and CO02 - Number of enterprises receiving grants.

### Art. 3 - Legal basis of the aid

1. The aim of the project is to support, through the provision of subsidies, the production phase of works or a series of audiovisual works through a system of aid granted under:
  - 1.1. Commission Regulation (EU) No. 651/2014, of 17 June 2014, "General Block Exemption Regulations" declaring certain categories of aid compatible with the common market, in accordance with Articles 107 and 108 of the Treaty (GU EU L 187/1 of 26 June 2014) and in particular to Article 54 "Aid schemes in favour of audiovisual works", and
  - 1.2. Regione Puglia Regulation No. 6 of 26 February 2015, "Regulation for subsidies compatible with the internal market under the TFUE (Regional Regulation of Apulia for exempt aid). Aid schemes for audiovisual works."

### Art. 4 - Available resources and financial support

1. The total financial resources provided for in this Notice amount to EUR 5,000,000.00. The Regione Puglia, on the basis of the results of the assessment and the availability of additional resources, reserves the right to increase the financial resources of this Notice.
2. If the endowment is not increased, partial contributions will not be granted when resources are depleted.
3. The financial support shall be configured in the form of partial reimbursement of costs actually incurred and paid.



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## Art. 5 - Purpose of the Notice

1. The Notice is aimed at supporting Italian, European and non-European companies operating in the audiovisual, film and television production sector and to facilitate the attraction and increase in investments aimed at valorising the Apulian territory and guaranteeing direct and indirect impacts, including those of an economic and employment nature.
2. The general objective of this Notice is to support the growth of Apulian SMEs operating in the cinematic and audiovisual sector, while valorising the beauty and variety of Apulia from the point of view of its historical, artistic and landscape heritage, which fully includes all aspects relating to the relationship between cultural and landscape attractions and cinematographic works. In this context, the Regione Puglia intends to support Italian, European and non-European audiovisual, film and television production companies that produce in Apulia, in order to valorise the territorial locations and the skills of the workers and suppliers of the Apulian film industry.
3. Pursuant to DGR No. 934 of 18 June 2020, the Apulia Film Commission Foundation has been identified as the Intermediate Body for the management of this Notice.

## Art. 6 - Subjective requirements for the presentation of projects

1. The recipients of the benefits provided for are micro, small and medium-sized enterprises, which at the date of submission of the application for aid, meet the following requirements:
  - 1.1. Being producers of the audiovisual work presented;
  - 1.2. Being a micro, small or medium-sized enterprise according to the parameters defined by the Decree of the Ministry of Productive Activities of April 18 2005 for the compliance to selection criteria for SMEs to EU regulations (European Commission Recommendation 2003/361 / EC), or rather
    - A medium-sized enterprise is defined as an enterprise whose workforce is less than 250 annual work units (AWU) and whose turnover does not exceed €50 million or whose annual balance sheet total does not exceed €43 million;
    - A small enterprise is defined as an enterprise whose workforce is less than 50 annual work units (AWU) and whose turnover or annual balance sheet total does not exceed € 10 million;
    - A micro enterprise is defined as an enterprise with fewer than 10 annual work units (AWU) and whose turnover or annual balance sheet total does not exceed €2 million.
  - 1.3. Having been established for at least 24 months;
  - 1.4. In the case of companies established in the form of a joint stock company, having a minimum fully paid-up share capital of not less than EUR 40,000.00. In the case of companies established in the form of partnerships, having a net worth of not less than EUR 40,000.00. These limits are reduced to the amount of EUR 10,000.00 in reference to the production of documentaries and short films (projects relating to categories C and E);
  - 1.5. Being registered in the Business Register or an equivalent register in a member state of the European Union;
  - 1.6. Operating mainly in the field of "Motion picture, video and television program production activities" (ATECO code 2007 J 59.11, NACE code J 59.11 or equivalent outside Europe);
  - 1.7. Not being considered an enterprise in difficulty according to the Community definition (Article 2 paragraph 1 point 18 of the General Block Exemption Regulation);
  - 1.8. Not being subject to bankruptcy proceedings (such as, business failure, receivership or special administration or compulsory administrative liquidation), or liquidation, dissolution of the company or composition with creditors without business continuity or debt restructuring plan;
  - 1.9. Operating in compliance with the provisions of national and territorial collective bargaining agreements and social security obligations, in accordance with Regional Law No. 28 of 26 October 2006;
  - 1.10. Not being in conditions which do not allow the disbursement of aid, pursuant to Anti-Mafia Legislation;
  - 1.11. Not being in a position of having received aid and subsequently not paid it back or having deposited it into a blocked account, which the authorities are required to recover by the implementation of a recovery decision;



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- 1.12. Not having been the recipients, in the 6 years preceding the date of communication of admission to the benefits, of revocation orders with which the total restitution of public benefits has been arranged, with the exception of those deriving from revocation measures or waiver undertaken by the enterprise itself;
  - 1.13. Not having started work on the audiovisual work for which the aid is requested before submitting the application, with the exception of preparatory work<sup>1</sup>;
  - 1.14. Not being the recipients of interdictory sanctions pursuant to Legislative Decree 231/2001, article 9, paragraph 2, letter d) or of any other sanction that involves the prohibition of contracting with the public administration.
2. The requirements referred to in the previous points must be possessed at the time of submitting the application and persist until the final disbursement date of the date of the endowment.
  3. Individuals as well as foundations, institutes, universities, associations and other legal entities operating in the public interest are not considered recipients of the benefits set out in this Notice.
  4. Companies must also have their registered office or local unit in Apulia. This requirement must exist at the time of the first payment of the aid granted (a requirement of establishment referring to the date of the application would be in violation of EU law).
  5. Applicant companies not residing in Italy must be established in accordance with the civil and commercial rules of law in force in their country of residence and registered in the relevant Business Register. Moreover, these companies, upon the date of submission of the application for aid, subject to possessing the additional requirements set out in this Notice, and under penalty of forfeiture of the aid requested, must demonstrate the local unit's availability in Apulia.

## **Art. 7 - Art. 7 - Eligible types of projects**

1. The types of projects eligible for aid are audiovisual works pertaining to the categories listed below, realized in Apulia, either wholly or in part, namely:
  - 1.1. Category A: fictional feature film with a minimum duration of 52 minutes, whose principal use is cinematographic
  - 1.2. Category B: individual works of fiction and television and web series with a minimum total duration of 90 minutes, mainly intended for television broadcasting, including SVOD<sup>2</sup>
  - 1.3. Category C: creative documentaries with a minimum duration of 52 minutes, principally for cinematographic use; creative documentaries (single or series), generally not intended for cinematographic use;
  - 1.4. Category D: animated feature films with a minimum duration of 52 minutes; animation series projects with a minimum total duration of 24 minutes
  - 1.5. Category E: fictional short films with a duration of less than 52 minutes; musical short films (music videos)
2. The beneficiary companies must complete the creation of the audiovisual work presented in the application form no later than:
  - 2.1. 18 months from the date of signing the Procedural Guideline in the case of a project pertaining to categories A, B and C (feature films, television works, documentaries)

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<sup>1</sup> Pursuant to EU Regulation 651/2014 art. 2 "Start of work" means: the date of commencement of construction work relating to the investment or the date of the first legally binding commitment to order equipment or any other commitment that makes the investment irreversible, depending on which condition occurs first (...). Preparatory work such as the request for permits or the carrying out of feasibility studies are not considered as starting the work."

<sup>2</sup> Works intended for the public primarily through a provider of online audiovisual media services through ministerial-recognized SVOD platforms (Amazon Prime, Netflix, Apple TV, Disney +);



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- 2.2. 12 months from the date of signing the Procedural Guideline in the case of a project pertaining to category E (short films);
- 2.3. 24 months from the date of signing the Procedural Guideline in the case of a project pertaining to category D (animated films)
3. The Apulia Film Commission Foundation may, following a justified request to be made at least six months before the deadline, grant an extension of no more than six months for the realization of the activities. In any case, the expenses must be incurred by the beneficiary and paid in the eligibility period, i.e. by 31 December 2023, as required by the ROP Puglia ERDF-ESF 2014/2020.
4. The project is considered concluded when:
  - 4.1. The activities have been carried out in full,
  - 4.2. Expenses have been incurred,
  - 4.3. The project has achieved the objective for which it was admitted for funding,
  - 4.4. A sample copy of the audiovisual work has been submitted.
5. Within 60 days of the end of the project, the beneficiary companies must submit the expense sheet of the audiovisual work.
6. The audiovisual work projects, at the date of application, must possess the following specific requirements by type.
7. Categories A) and B) must possess:
  - 7.1. A minimum financial coverage of 50% of the cost of the sample copy
  - 7.2. A deal memo or a distribution contract with a broadcaster or audiovisual media service provider on other media of national and/or international importance. Therefore, letters of interest will not be eligible in any way.
  - 7.3. A production plan that includes at least 25% of shooting days in Apulia.
8. Category C) must possess:
  - 8.1. A minimum financial coverage of 30% of the cost of the sample copy;
  - 8.2. A production plan that includes at least 25% of shooting days in Apulia.
9. Category D) must possess:
  - 9.1. A minimum financial coverage of 50% of the cost of the sample copy
  - 9.2. A deal memo or a distribution contract with a broadcaster or audiovisual media service provider on other media of national and/or international importance. Therefore, letters of interest will not be eligible in any way.
10. Category E) must possess:
  - 10.1. A minimum financial coverage of 20% of the cost of the sample copy;
  - 10.2. A production plan that includes at least 25% of shooting days in Apulia.
11. Excluded are projects which advocate crime or incite violence or racial, political, sexual or gender discrimination; projects of a pornographic nature; projects that are contrary to human rights or the values of the Italian Constitution and the fundamental principles of the European Community.
12. Audiovisual works intended for distribution to the public through hosting service providers are not eligible.
13. In compliance with Article 6 of EU Regulation No. 651/2014 and Article 15 of the Regione Puglia Regulation No. 6/2015 (incentive effect), only audiovisual projects with "start of work"<sup>3</sup> following the date of submission of the application can benefit from the subsidy.

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<sup>3</sup> Pursuant to EU Regulation 651/2014 art. 2 "Start of work" means: the date of commencement of construction work relating to the investment or the date of the first legally binding commitment to order equipment or any other commitment that makes the investment irreversible, depending on which condition occurs first (...). Preparatory work such as the request for permits or the carrying out of feasibility studies are not considered as starting the work."





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14. The beneficiary, at the time of submitting the application, is therefore required to declare that it has not yet started the work relating to the production of the audiovisual work for which it is requesting the subsidy.

## Art. 8 - Eligible expenses

1. For the purpose of calculating the aid payable, the expenses actually incurred<sup>4</sup> in Apulia for the realisation of the audiovisual work and paid for by the beneficiary company are those that are considered eligible.
2. All eligible expenses must actually be incurred after the date of submission of the aid application, in compliance with the incentive effect and within the project completion deadline.
3. The eligible expenses must be relevant to the proposed project and directly attributable to the activities envisaged in the project itself, as well as referring to goods and services purchased at market conditions from third parties.
4. For the purposes of determining the eligibility of expenses, the following rules, insofar as they are relevant, also apply:
  - 4.1. EU Regulation No. 1303/2013 Articles 67 - 70
  - 4.2. EU Regulation No. 1301/2013 Art. 3
5. In order to calculate the subsidy payable, the following types of expenses incurred in Apulia are considered eligible for the different categories of aid:
  - 5.1. Gross payroll of temporary or permanent employees, residing in Apulia, employed in the overall implementation of the project, registered in the Production Guide<sup>5</sup> database (accessible from the url [pg.apuliafilmcommission.it](http://pg.apuliafilmcommission.it));
  - 5.2. Expenses for the supply of services, professional services and consultancy fees carried out by companies and/or professionals in the audiovisual sector residing in Apulia for tax purposes;
  - 5.3. Non-durable consumer goods purchased/rented from suppliers residing in Apulia for tax purposes;
  - 5.4. Durable goods rented from suppliers residing in Apulia for tax purposes, owners of the rented goods (rental costs are recognized to the extent and for the period in which they are used for the project);
  - 5.5. Rental of locations related exclusively to the project and located in Apulia, from owners residing for tax purposes in Apulia;
  - 5.6. Costs for permits and authorizations in Apulia;
  - 5.7. Expenses incurred for accommodation facilities located in Apulia, i.e. with production units within the region.
6. The amount of the grant approved at the time of the concession of the subsidy is determined with reference to the expenses that are deemed to be reimbursable; any increase in variation does not in any case determine an increase in the amount of the aid granted.
7. Expenses actually incurred and paid exclusively by the applicant company are eligible.
8. For the purposes of their eligibility, the estimated expenses must be:
  - 8.1. Relevant and attributable to the program/project;
  - 8.2. Actually incurred and paid by the beneficiary and evidenced by receipted invoices or justified by accounting documents with equivalent probative value;
  - 8.3. Incurred and paid by the beneficiary during the eligibility period, i.e. by 31 December 2023;
  - 8.4. Recorded in compliance with the provisions of the law and accounting principles. To this end, the beneficiary must have a separate accounting system or adequate accounting coding to

<sup>4</sup> By expense incurred we mean the expense justified by an invoice or equivalent document (title of expense) issued to the beneficiary, receipted upon payment made by the beneficiary.

<sup>5</sup> The obligation to register with the Production Guide database of the Apulia Film Commission Foundation is waived for minors (at the date of employment), extras and trainees, whose gross paycheques are considered reimbursable as long as they reside in Apulia.

keep all transactions related to the subsidized program/project separate.

9. For the purposes of calculating the aid, the following are not eligible<sup>6</sup>:
  - 9.1. Notary fees and those relating to taxes and duties;
  - 9.2. Expenses related to the purchase of supplies;
  - 9.3. Expenses related to the purchase of used machinery and equipment;
  - 9.4. Expenses paid in cash;
  - 9.5. Expenses related to motorway tolls or the purchase of travel tickets;
  - 9.6. Expenses for eligible goods inferior to EUR 100.00
  - 9.7. Expenses incurred as in-kind contributions;
  - 9.8. Expenses related to short-term/temporary work (except for the transfer of copyright);
  - 9.9. Expenses related to compensation for workers hired by national collective labour agreements other than those provided for in the audio-visual industry sector.
10. Costs incurred in a manner other than that established by European, national and regional legislation regarding the eligibility of expenses are not eligible.
11. Eligible expenses must be discounted to the actual value of the aid granted. The interest rate used for discounting is the discount rate at the time of granting the aid.

#### **Art. 9 - Aid intensity**

1. Aid will be granted in compliance with the provisions of EU Regulation No. 651/2014, art. 54 “Aid schemes for audiovisual works”.
2. To verify compliance with the notification thresholds and maximum aid intensities, the total amount of State aid to the subsidized audiovisual work is taken into account. To this end, moreover, information relating to the aid granted will be transmitted to the National Register of State Aid, pursuant to art. 52 of Law 234/2012 and its subsequent amendments.
3. Pursuant to Regional Regulation No. 6/2015, the Regione Puglia makes the aid subject to territorial spending obligations, i.e. the amount of aid granted is calculated in terms of a percentage of production costs incurred on the regional territory.
4. The aid granted under this Notice is cumulative with other State aid in relation to different eligible costs or, if in relation to the same eligible costs, only if this combination does not lead to exceeding the aid intensity or the highest amount of applicable aid.
5. The aid granted pursuant to this Notice cannot be combined with “de minimis” aid for the same eligible costs if this combination leads to a higher aid intensity than that provided for by Regional Regulation No. 6/2015.
6. Information relating to the aid granted will be transmitted to the National Register of State Aid.
7. Pursuant to Art. 54 para. 4 of EU Regulation No. 651/2014, the maximum expenditure subject to spending obligations at the Apulian territorial level does not exceed a total of 80% of the total production budget.
8. The tax credit in favour of film production companies (internal Tax Credit) can be accumulated within the maximum limits of the aid intensity provided for.
9. The amount of aid for each beneficiary company cannot differ in any case from the following amounts specified below:
  - 9.1. Category A: minimum EUR 80,000 – maximum EUR 350,000
  - 9.2. Category B: minimum EUR 250,000 – maximum EUR 700,000
  - 9.3. Category C: minimum EUR 40,000 – maximum EUR 120,000
  - 9.4. Category D: minimum EUR 300,000 – maximum EUR 700,000

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<sup>6</sup> Cf. Regional regulation 6/2015



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- 9.5. Category E: minimum EUR 10,000 – maximum EUR 40,000
10. Subject to the maximum amounts recognized on territorial expenditure in Apulia, as stated above, the amount of the aid is defined by applying the following percentages referring to the types of eligible expenses detailed in Article 8 paragraph 5:
- 10.1. 35% of eligible expenses;
  - 10.2. 45% of eligible expenses, which can increase by a further 3% for the beneficiary company with a respected legality rating and up to 2% with the reward criteria (for a maximum of 50%) in the case of production (autonomous production, production executive, co-production of at least 10% or associated production of at least 10%) carried out by a beneficiary company residing in Apulia for tax purposes at the time of obtaining the aid and with primary NACE code 59.11.
  - 10.3. 45% of the eligible costs for cross-border productions, financed by more than one Member State and involving producers from more than one Member State, which can increase up to 5% with the reward criteria (for a maximum of 50%);
  - 10.4. 50% of eligible costs for difficult audiovisual works<sup>7</sup> and/or co-productions involving countries listed by the OECD Development Assistance Committee (DAC).
  - 10.5. 80% of the eligible costs for difficult audiovisual works<sup>7</sup> and co-productions involving countries from the OECD's Development Assistance Committee (DAC) in the case of production (autonomous production, production executive, co-production of at least 10% or associated production of at least 10%) carried out by a beneficiary company residing in Apulia for tax purposes at the time of obtaining the aid and with primary NACE code 59.11.
11. The aid thus defined, for each type of eligible cost, constitutes the maximum amount of aid that can be granted.
12. Eligible expenses relative to "above the line"<sup>8</sup> costs are reportable according to the following maximum amounts:
- 12.1. EUR 100,000.00 in the case of a project pertaining to categories A and B;
  - 12.2. EUR 40,000.00 in the case of a project pertaining to category C;
  - 12.3. EUR 200,000.00 in the case of a project pertaining to category D;
  - 12.4. EUR 10,000.00 in the case of a project pertaining to category E.
13. For the purposes of calculating the aid intensity and eligible expenses, all figures used are inclusive of any taxes or other charges.
14. The aid intensity of this Notice may be proportionally adjusted in the presence of other aid already granted, in line with the limits on the intensity of aid that can be granted, pursuant to EU Regulation No. 651/2014 and of the Regional Regulation No.6/2015.

<sup>7</sup> It should be noted that by difficult audiovisual works we mean short films, first and second films by a director, documentaries or low cost films or other difficult audiovisual works from a commercial point of view, with reference to what is governed by MIBACT and detailed in the definitions above. The DAC list presents all the countries and territories that can benefit from public development aid. These are low- and middle-income countries on the basis of gross national income (GNI) per capita published by the World Bank, with the exception of G8 members, EU Member States and countries for which a date of accession to the EU has been fixed. The list also includes all least developed countries as defined by the United Nations.

It is also specified that, again within the definition of "difficult audiovisual works", for "works that have been declared by the experts referred to in Article 26, paragraph 2, of Law No. 220 of 2016, not able to attract significant financial resources from the private sector", it will be necessary to attach said ministerial certificate to the application documentation.

<sup>8</sup> So-called "Above the line" costs: subject and screenplay (including costs for the purchase of rights), direction and main actors. "Below the line" costs: the difference between the total cost of production and "above the line" costs, the general expenses and the producer's fee.



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## **Art. 10 - Entities, conditions, terms and method of aid disbursement to the Beneficiary**

The subsidy will be paid to the beneficiaries by the Apulia Film Commission Foundation:

1. In a lump sum at the end of post-production and following the presentation of specific final reporting documentation.
2. In two instalments that include:
  - 2.1. A share equal to 40% of the assigned aid, as an advance, following the request for advance payment referred to in Annex 8a, with the simultaneous presentation of a bank guarantee or insurance policy or policy issued by a financial intermediary for the Apulia Film Commission Foundation according to the scheme approved with DGR No. 1000 of 7 July 2016 by the Region (Annex 7), for an amount equal to the amount of the requested advance.
  - 2.2. Disbursement of the remaining portion of the aid granted by submitting Annex 8c, as the balance of the subsidy itself, at the end of post-production and following the presentation of specific final reporting documentation.
3. In three instalments consisting of:
  - 3.1. A share equal to 40% of the assigned aid, as an advance, following the request for advance payment referred to in Annex 8a, with the simultaneous presentation of a bank guarantee or insurance policy or policy issued by a financial intermediary for the Apulia Film Commission Foundation according to the scheme approved with DGR No. 1000 of 7 July 2016 by the Region (Annex 7), for an amount equal to the amount of the requested advance.
  - 3.2. A share equal to 30% of the eligible expenses provided for in the approved project following the request referred to in Annex 8b and subject to the presentation of regular expense documentation and an intermediate technical report. In the event that the advance share has been chosen (as per the previous point), it will be necessary to guarantee the maintenance of the sureties in progress;
  - 3.3. Disbursement of the remaining portion of the aid granted by submitting Annex 8c, as the balance of the aid itself, at the end of post-production and following the presentation of specific final reporting documentation.
4. Aid payable in several installments is discounted to its value at the time of being granted. Eligible costs are discounted to their value at the time the aid is granted. The interest rate to be used for discounting is the discount rate in effect at the time the aid is granted.
5. The Apulia Film Commission Foundation, following the presentation of each grant request, verifies through the National Register of State Aid that the beneficiary is not among the companies that have received and, subsequently, not reimbursed or deposited in a blocked account, aid identified as illegal or incompatible by the European Commission. The details of the Visura Deggendorf issued by the Registry following this verification are mentioned in the deeds that arrange the disbursement of the aid.
6. The Apulia Film Commission Foundation, following the submission of each request for funding, verifies the regularity of social contributions and, in the event of obtaining a single contribution regularity document indicating a non-compliance with contributions by the beneficiary, the Apulia Film Commission Foundation will withhold the amount corresponding to the default and disburse the residual to the beneficiary according to the procedures provided for the subsidy.

## **Art. 11 - Art. 11 - Procedures and terms for submitting applications for financial aid**

1. Submission of the application for financial aid can only be made using the Information System application accessible on the Apulia Film Commission Foundation website, via registration on said website.



2. After filling in the indicated fields, the application form must be signed digitally, under penalty of inadmissibility.
3. The date on the online candidacy application is certified by the Information System which, after final submission, will no longer allow modifications to said application.
4. Information will be available on the Internet portal to request support for the presentation of project proposals.
5. A consultancy interview is mandatory in order to complete submission of the online application.
6. By submitting the application for aid, the applicants fully recognize and accept the methods, directions and stipulations set forth in this Notice.
7. Multiple applications cannot be sent by the same company with the same role in the production team (sole producer, co-producer, executive producer); the applicant with the same role in the production team who intends to submit more than one subsidy application will have to wait for the outcome of the evaluation of the first subsidy application submitted.
8. If the applicant submits several subsidy requests relating to different projects with the same role in the production team without waiting for the outcome of the first application submitted, the Procedural Manager will invite the applicant to choose which subsidy application must be considered for the purposes of the investigation; applications not taken into consideration will be declared inadmissible.
9. Once assessed by the Technical Evaluation Commission, the subsidy application cannot be resubmitted at a later date. Aid applications deemed not able to be evaluated by the Technical Evaluation Commission may be resubmitted later.

## Art. 12 - Documentation to be submitted

In order to access the aid provided, applicants must prepare and present, according to the methods and times referred to in the preceding article, the following documentation:

1. Project form (Annex 1a), containing detailed information on the audiovisual work to be created, according to the following elements: Personal data of the Applicant Entity, profile of the Applicant Entity, project proposal and time schedule, financial plan, list of expenses, aid requested, and additional elements for evaluation.
2. Financial plan of the costs to be incurred in Apulia (Annex 1b) and estimate of the total production budget (Annex 1c), with above the line and below the line costs, producer's fee and general expenses, with clear evidence of the expenses to be incurred in Apulia. In the case of a serial project, this means the total cost of the episodes, specifying of the unit cost per episode and the expenses to be incurred in Apulia.
3. Documentation certifying the availability of the minimum financial coverage detailed in the Financial Plan (Annex 1d) and explained discursively in the production notes. The funding obtained must be supported by official documentation of the institution that makes the contribution (supranational, national or regional body)<sup>9</sup> and in the case of investors outside the film or audiovisual sector, the relative contracts duly registered with the Italian Tax Office (Agenzia delle Entrate).
4. Documentation certifying the distribution prospects, such as a deal memo or a contract with a distributor, broadcaster or an audiovisual media service provider or other media of national and/or international

<sup>9</sup> If the financial plan provides:

- a direct corporate financial contribution from the applicant company, and/or a financial contribution from the co-producers, within the amount of minimum financial coverage provided, it will be necessary to attach a declaration of financial availability at the date of submission of the application that proves the actual availability of the indicated sum, drawn up according to the Annex 5 model, attaching documentation certifying these amounts
- a contribution through "tax credit for film and audiovisual production companies" within the amount of minimal financial coverage provided, it will be necessary to attach the provisional eligibility to the tax credit of DG Cinema - MiBACT, provided for by Art. 7 paragraph 5 of the MiBACT-MEF Interministerial Decree No.157 of 15 March 2018, or the prior request to DG Cinema - MiBACT provided for by Art. 13 and 18 of the same Interministerial Decree.



importance<sup>10</sup> for projects relating to categories A, B and D, to be discursively detailed in the production notes.

5. Documentation relative to coproduction contracts, duly registered with the Italian Tax Office (Agenzie delle Entrate);
6. Substitutive declaration (Annex 2);
7. Declaration containing information that qualifies the company as an SME (Annex 3).
8. Artistic materials relative to the project presented:
  - 8.1. In the case of a project pertaining to categories A, B and E: subject, synopsis, script, any moodboards and links to the teaser. In the case of music videos: synopsis, treatment, director's notes or moodboard, link to the music track, information on the artist, the record company and the planned release of the music video;
  - 8.2. In the case of a project pertaining to category C: synopsis, treatment, research dossier (photographic and documental material) and any link to a teaser;
  - 8.3. In the case of a project pertaining to category D: plot, screenplay, storyboard and analysis of the characters and locations, and links to the possible teaser.
9. Cast and crew profile indicating necessary professional skills already identified or to be identified, as well as indicating professionals registered in the Production Guide;
10. Resume and filmography, in a single pdf file, of the applicant company (and any co-producers), the producer, the department heads of the artistic team (direction, screenplay, actors) and of the technical team (photography, editing, set design, music, costumes);
11. Production notes and director's notes;
12. Valid identity document of the legal representative of the applicant company;
13. Any other documentation deemed useful by the applicant for the purpose of verifying the admissibility of the proposal and its evaluation.

## **Art. 13 - Selection criteria for financial aid applications**

### Formal eligibility criteria

1. The formal eligibility evaluation process is carried out according to the following criteria:
  - 1.1. Admissibility and completeness of the subsidy application;
  - 1.2. Correctness of the submission of the project proposal;
  - 1.3. Possession of the subjective requirements for participation and compliance with Community and Regional regulations regarding State aid.

### Substantial eligibility criteria

2. Compliance with Community and Regional regulations regarding State aid, as well as with all other mandatory regulations at the National and Community level.

### Evaluation criteria

3. The evaluation will be carried out by a special Technical Evaluation Committee according to the selection criteria of projects relating to action 3.4 of the ROP Puglia 2014/202011.
4. The selection criteria, explained in the grid below, apply.

<sup>10</sup> SVOD platform recognized at the Ministerial level (Amazon Prime, Netflix, Apple TV, Disney+)

<sup>11</sup> <sup>11</sup>DGR 20 June 2017, No. 977 "Operational Program ERDF-ESF 2014-2020. Resolution of the Regional Council No. 582 of 26 April 2016. Modification of selection criteria for projects co-financed by the Program."

5. Applications that reach an overall minimum score of 60, as well as the minimum score of 27 points in criterion A, are considered eligible.

Evaluation criteria	Sub-criteria	Maximum points for sub-criteria		Maximum points criterion
		Categ. A B C E	Categ. D	
<b>A) Quality and innovativeness of the proposal with respect to the development of products and services that are complementary to the cultural and environmental valorisation of the Region</b>	<p>A1. Originality of the story, solidity, tone and rhythm of the narrative structure;</p> <p>A2. Quality of writing, dramaturgical processing skills, development and depth of characters, dialogues, and coherence between the different components (ideas, structure, characters and dialogues);</p> <p>A3. Audiovisual work whose development and pre-production project has obtained aid through the AFC "Apulia Development Film Fund" tender;</p> <p>A4. Quality and originality of cinematographic or audiovisual language;</p> <p>A5. Degree of innovation of the director's vision, language and style compared to the cinematographic or audiovisual genre;</p> <p>A6. Animation technique used (for projects relating to category D);</p> <p>A7. Quality of the visual approach, artwork and graphic approach (for projects pertaining to category D);</p> <p>A8. CV of the artistic team (director, screenplay, actors) and of the technical team (photography, editing, screenplay, music, costumes); one point for any previous work, homogeneous to the category in which the project is submitted;</p> <p>A9. CV of the production company, the manufacturer and any co-producers; one point for each previous work, homogeneous to the category to which the project is submitted;</p> <p>A10. CV of the creative team, awards obtained, consistency in the choice of the creative team compared to the creative quality required by the project (for projects pertaining to category D); one point for each previous work, homogeneous to the category to which the project is submitted.</p>	13 12 2 6 6 3 3	13 6 2 6 12 3 3 3	45
<b>B) Sustainability and reliability of the applicant entity from an equity, financial and economic point of view with respect to the type of planned investments</b>	<p>B1. Economic and patrimonial situation, evaluating the congruence between the net equity of the applicant companies and the cost of the project net of the subsidy, according to the following formula: <math>PN / (CA-C)</math> in which:</p> <p>PN = net assets of the individual company as shown in the latest approved and filed financial statements at the date of submission of the application. For companies not obliged to prepare financial statements, the PN is inferred on the basis of a financial statement drawn up pursuant to Articles 2423 to 2425 of the Civil Code by a qualified professional.</p> <p>CA = sum of the eligible costs of the project, as indicated in the application;</p> <p>C = amount of the subsidy requested by the company. If the ratio is less than/equal to 0.2 the score is 0 (zero).</p> <p>If the ratio is greater than /equal to 1, the score is equal to 5. The score is assigned via linear interpolation within these values, rounding up to the unit.</p>	5		5
<b>C) Quality of the investment plan</b>	<p>C1. Consistency and congruity of the artistic and technical components of the project with the budget and financial plan;</p> <p>C2. Quality and reliability of any partners involved (co-producers, investors, broadcasters, distributors) for the purposes of financial coverage;</p> <p>C3. Ratio between reimbursable expenses incurred in the region and cost of the sample copy of the work;</p> <p>C4. Ratio between working days in Apulia and total working days;</p> <p>C5. Ratio between workers enrolled in the Production Guide and total workers (excluding extras and trainees);</p> <p>C6. Expenses incurred in the region in absolute terms (for projects pertaining to category D)</p> <p>i. Greater than EUR 600,000.00: 5 points</p> <p>ii. Between EUR 400,000.01 and EUR 600,000.00 Euro: 1 to 4 points</p> <p>iii. Less than EUR 400,000.00 Euro: 0</p>	10 6 3 3 3	10 4 3 3 5	25
<b>D) Ability of the investment to develop products or services complementary to the</b>	D1. a) Curriculum vitae of national and international distributors or other national and international audiovisual media service providers (cinema distributors, television broadcasters, SVOD platforms), for projects relating to categories A,	5		15



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valorisation of centers of excellence, systems or networks of thematic or territorial use	B and D; one point for each distributed work homogeneous to the category in which the project is submitted; Or b) Potential of the audiovisual work to become a vehicle for the dissemination of creativity, authorship and cultural heritage for projects relating to categories C and E;		
	D2. D2. Quality of the work's dissemination and distribution strategies, with particular reference to the identification of the national and international reference audience and artistic potential of the audiovisual work in relation to its selection in festivals in Italy and abroad;	5	
	D3. D3. Potential of the work to foster and increase the contamination and integration between expressions, languages and different cultural and artistic disciplines	5	
E) Ability to develop the innovative promotion and marketing of regional tourism products, identified by target demand and market segment	E1. Project execution in international co-production or international partnership i. With countries of the European Economic Area (2 points); ii. With countries not belonging to the European Economic Area (1 point).	2	5
	E2. Valorization or authenticity of the artistic, cultural, historical, environmental, landscape, enogastronomic and artisanal heritage of Apulia within the narrative;	3	
F) Contribution of initiatives increase services aimed at ecotourism and the valorization of the Regional Ecological Network	F1. a) Possession of certified environmental management systems – EMAS or ISO 14001; or b) Commitment to obtain a certification for environmental sustainability of the work, issued by certified entities	2	5
	F2. Valorisation (providing them as a set) of the sites of the Regional Ecological Network.	3	

6. In relation to each sub-criterion, with the exception of A3, A8, A9, A10, B1, C3, C4, C5, C6, D1a, E1, and F1, referred to in the above-mentioned evaluation grid, the Evaluation Committee will take into account the relationship between the qualitative judgment evaluation and the coefficients specified below which must be multiplied by the corresponding maximum score established:

Qualitative judgment	Coefficient
Excellent	1.0
Great	0.9
Good	0.8
Discrete	0.7
Sufficient	0.6
Mediocre	0.5
Insufficient	0.4
Inadequate	0.3
Poor	0.2
Very poor	0.1
Not evaluable	0.0

7. The following reward criteria also apply if present, an additional 1% of the contribution for each criterion is expected, up to a maximum of 2% for the projects referred to in art. 9 par. 10.2:

Reward criteria
1. Female director or mostly female directors
2. Authors of the work as identified by Law 633/1941, mostly women
3.a. Director under 35; or 3.b. First or second work;





or
3.c. Director residing in Apulia and enrolled in the Production Guide.
4. At least 5 actors residing in Apulia and enrolled in the Production Guide in primary, supporting or secondary roles
5. At least 2 department heads (including photography, set design, costumes, editing, music departments) residing in Apulia and registered in the Production Guide

## Art. 14 - Procedures and terms of assessment and evaluation

1. The procedure for the preliminary assessment of applications will be carried out through a "rolling application" procedure and will be divided into the following phases:
  - 1.1. Formal admissibility assessment;
  - 1.2. Assessment of substantial admissibility and evaluation of the project's merit;
  - 1.3. Publication of the evaluation results;
  - 1.4. Granting of financing.
2. The formal eligibility assessment will be carried out by the Procedure Manager, in order of submission of the applications, who will assess the prerequisites for eligibility of the applications referred to in the administrative documentation and verify the correct submission of the application and the completeness of the documentation attached.
3. For inadmissible applications, the Procedure Manager will communicate the reasons for exclusion, according to the procedures set out in Art. 10-bis of Law No. 241/1990.
4. The results of the assessment are approved by the Director General of the Apulia Film Commission Foundation with the publication of the list of formally eligible and non-eligible applications with indication of the reasons for their ineligibility on the Foundation's website in the relevant section within 30 days of the definitive submission of the subsidy request. In the event that the number of applications received is greater than 15 or in the case of very complex projects, the deadline is extended by a further 30 days. The aforementioned terms are to be considered interrupted if it is necessary to request documentary additions and/or clarifications relating to the documents submitted. These terms start again from the date of receipt of the documentation or clarifications requested.
5. At the end of the aforementioned activities, the Procedure Manager will communicate the final results to the individual Beneficiaries.
6. Applications admitted to the formal eligibility assessment phase will be admitted to the subsequent phase of substantial eligibility and evaluation of the project's merit on the basis of the selection criteria of the proposals, approved by the Monitoring Committee of the ROP-ERDF 2014/2020 and referred to in Action 3.4, according to DGR No. 582/2016 and its subsequent amendments referred to in the grid of Article 13 of this Notice.
7. The evaluation of the projects that have passed the formal eligibility phase will be carried out by a specific Technical Evaluation Committee, appointed by the Director General of the Apulia Film Commission Foundation, and composed of four sector experts who guarantee independence, high profile and high technical and/or scientific skills, an employee of the Apulia Film Commission Foundation assisted by an employee of the Apulia Film Commission Foundation taking the minutes. These experts of the Technical Evaluation Committee will belong to the following technical areas of expertise:
  - 7.1. Two experts from the "Authors and story editors" area, each of whom will be assigned a different project;
  - 7.2. An expert from the "Production" area;
  - 7.3. An expert from the "Financing" area.
8. During the preliminary phase of substantial eligibility and assessment of merit, the Evaluation Committee may request information and/or clarifications that may be necessary, assigning a deadline of no more than 10 (calendar) days from receipt of the request. It will also be possible to request a hearing by the Committee.



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9. In the case of non-reply within the terms established by the request:
  - 9.1. If the information and/or clarifications are required in the substantive eligibility assessment phase: the application will be deemed inadmissible;
  - 9.2. If the information and/or clarifications are requested in the technical assessment phase: the attribution of scores relating to the criteria for which the requests were formulated will not proceed forward.
10. Replies received beyond the established deadline cannot be considered, except for an extension request to be submitted within the aforementioned term of 10 days, adequately justified and in any case for no more than a total of 30 days.
11. The results of the Technical Committee's evaluation will be acknowledged with a specific document by the Director General and published in the BURP on the institutional website of the Foundation in the appropriate section, and will include the list of admitted funded projects and non-funded projects, based on the total score obtained, as well as those excluded with the relative reasons.
12. No later than 20 calendar days from the publication on BURP, interested companies will be able to submit comments and reasonable objections adequately documented to the Procedure Manager, by CEM to [funding@pec.apuliafilmcommission.it](mailto:funding@pec.apuliafilmcommission.it). If the deadline falls on a public holiday, this is automatically postponed to the first following working day.
13. The Procedure Manager will proceed with the assessment of the observations/objections that have occurred, possibly consulting the Technical Evaluation Committee.
14. Based on the observations/objections and the outcome of the verifications conducted by the Apulia Film Commission Foundation on the requirements subject to self-declaration, the Director General adopts the concession measures, which will be published on the Foundation's institutional website in the appropriate section.
15. In the event of a negative outcome of the checks on the requirements, the non-allocation provision declares the applicant excluded from the procedure and starts the process for reporting to the competent authorities. In the event of a positive outcome, the Procedure Manager will communicate the decision to grant by certified email.
16. Applications for projects admitted and unfunded due to insufficient resources may become eligible as a result of:
  - 16.1. Recovery of resources following declarations of forfeiture or following a specific reduction subsequent to checking financial statements and consequent to the disbursement of subsidies lower than those initially allocated
  - 16.2. A possible increase in the endowment available for this Notice.
17. The Procedure Manager, after having completed all the phases referred to in the previous points, will declare the allocation procedure concluded and will send the Procedural Guideline pursuant to art. 15 to the beneficiary company via the certified email address stated in the application.
18. If the beneficiary company does not sign the Procedural Guideline in the manner indicated within 10 calendar days following its receipt, this will be regarded as forfeiture and the beneficiary company will be disqualified from the subsidy with a specific provision for revocation of the aid, meaning all commitments and relationships already made are thus legally dissolved. In order to meet the deadlines referred to in this paragraph, the date of dispatch by CEM shall prevail. If the deadline falls on a public holiday, this is automatically postponed to the first following working day.

## **Art. 15 - Methods of implementation and project management. Procedural Guideline**

1. For project proposals admitted to funding, the Procedural Guideline will be signed (Annex 10) governing the relations between the Apulia Film Commission Foundation and the Beneficiary Entity, containing, among



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other things, an indication of the methods and timing of implementation of the aid, the eligible expenses, the methods of disbursement of the subsidy, reporting, monitoring and checks of the aid, as well as the conditions under which the Regione Puglia may proceed with the revocation of the subsidy granted.

2. The Procedural Guideline will also contain the amount of the public aid granted to cover the eligible expenses in relation to the overall cost.
3. The Procedural Guideline, to be signed electronically by the legal representative of the beneficiary company, within 10 working days following its receipt, will contain specifically:
  - 3.1. Amount of the subsidy granted.
  - 3.2. Single Project Code (CUP).
  - 3.3. The obligations and commitments of the recipient company.
  - 3.4. Methods of implementation and management of the financed project and time schedule.
  - 3.5. Types of eligible expenses.
  - 3.6. Extent, conditions, terms and methods of payment of the subsidy to the beneficiary company.
  - 3.7. Methods and terms of reporting of expenses by the beneficiary company.
  - 3.8. Indication that the data relating to the implementation of the aid, as reported in the Registration and Monitoring Information System, will be made available to the Institutional Bodies responsible for monitoring and checks.
  - 3.9. Indication that, pursuant to Annex XII, Section 3.2 to EU Regulation No. 1303/2013, acceptance of the funding by the beneficiary company constitutes acceptance of its inclusion in the list of transactions published pursuant to art.115, par. 2, of EU Regulation No. 1303/2013.
  - 3.10. Procedures and terms for carrying out checks and inspections on the project eligible for aid.
  - 3.11. Cases of revocation of benefits.
  - 3.12. Any further requirements and obligations connected with the implementation of the aid program and compliance with the relevant regulations.

### **Art. 16 - Methods and terms of expense reporting by the Beneficiary**

1. The amount of approved aid at the time of granting the subsidy is determined with reference to the eligible expenses; any changes in increase do not in any case lead to an increase in the amount of aid that can be granted.
2. The amount of the aid granted is recalculated when the balance is disbursed, following the verification of the reimbursable expenses actually incurred, reported and recognised.
3. For the recognition of expenses, the beneficiary enterprise must send the following documents via user profile on the MIRWEB electronic information tracking system ([mirweb.regione.puglia.it](http://mirweb.regione.puglia.it)):
  - 3.1. Certificate issued by the legal representative of the beneficiary company, according to Annex 4, resulting that:
    - 3.1.1. All regional and national legal requirements have been fulfilled, in particular those concerning fiscal matters;
    - 3.1.2. All applicable Community regulations and rules have been complied with, including, but not limited to, those concerning the traceability of financial flows, information and advertising, those relating to work contracts and workplace safety, environmental impact, equal opportunities and inclusion of disabled social categories;
    - 3.1.3. The expenses incurred are eligible, relevant and congruous, and have been carried out within the eligibility terms set by this Notice;
    - 3.1.4. No reductions and/or VAT deductions have been obtained on the expenses incurred (or if they were obtained, for what expenses and to what extent);



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- 3.1.5. No further reimbursements, subsidies and contributions were obtained or requested from other subjects, public or private, national, regional, provincial and/or EU community (or if they were obtained or requested, which and to what extent).
  - 3.2 Analytical report of reimbursable expenses drawn up in accordance with Annex 9 accompanied by: copies of the single workbook and production plans; specific rooming lists prepared by accommodation facilities located in Apulia. The cast may be included in the rooming lists, in line with the provisions of the production plan;
  - 3.3. Legally binding acts (contracts, agreements, letters of appointment, etc.), which clearly show the object of the service or supply, its amount, delivery terms, and payment methods.
  - 3.4. Copies of the originals of:
    - 3.4.1. Invoices from suppliers with tax residence in Apulia, with the relative payment slips (copy of the bank transfer, proof of charges to debit account, etc.)
    - 3.4.2. Payroll of the workers registered with the Production Guide or invoices of professionals registered with the Production Guide, legally contracted, with the relative payment slips (copy of the bank transfer, proof of charges to debit account, etc.)
    - 3.4.3. Any other supporting documentation for expenses with the relative payment slip (copy of the bank transfer, proof of charges to debit account, etc.)
  - 3.5. Asseveration by an accountant, or statutory auditor or auditing firm registered in the register pursuant to Legislative Decree No. 39/2010 and its subsequent amendments, drawn up on the model set out in Annex 6 that certifies the analytical report of reimbursable expenses and the relative production cost.
  - 3.6. The definitive production plan, clearly highlighting production days in Apulia.
  - 3.7. The definitive list of the cast and crew, clearly highlighting the personnel registered with the Production Guide (excluding extras and trainees).
  - 3.8. List of suppliers with fiscal residency in Apulia.
4. In each procedural phase, checks and inspections may be made by appointed persons from the Regione Puglia, and the competent EU Institutions for the implementation of projects granted funding as provided for in Part IV, Title I of EU Regulation No. 1303/2013.
  5. The data related to the implementation of the project, as reported in the Registration and Monitoring Information System, will be made available to the Institutional Bodies responsible for monitoring and control.
  6. Documents relating to the realization of the project must, in any case, be made available for the entire duration of the project and for a period of 3 years starting from 31 December following the presentation of the accounts which include the costs of the project<sup>12</sup> (and in any case for ten years from the date on which the last aid was granted under the scheme, pursuant to Art.12 of EU Regulation No. 651/2014) and will be checked during any inspection for the technical and administrative verification of the project, by the Apulia Film Commission Foundation, the Regione Puglia and/or the competent EU institutions; these documents must be made available in originals at the request of said bodies.
    - 6.1. In the case of incomplete documentation, the Apulia Film Commission Foundation, the Regione Puglia and/or the competent EU institution will request the necessary additions, which must be provided by the beneficiary company within 20 calendar days following the request.
    - 6.2. The Apulia Film Commission Foundation, the Regione Puglia and/or the competent EU institution following the verification of the additions requested, may proceed with the request to send the application for payment or with the revocation of the subsidy.
    - 6.3. Acceptance of the funding by the beneficiary constitutes acceptance of its inclusion in the list of published projects in accordance with Art. 115, par. 2, of EU Regulation No. 1303/2013.

<sup>12</sup> A specific notice will appear in the MIRWEB management system



## Art. 17 - Main obligations and commitments of the Beneficiary

The Beneficiary is held to:

1. Respect the prohibition of double financing of activities;
2. The application of EU legislation on advertising and information on financing with EU funds pursuant to Annex XII, Section 2.2, EU Regulation No. 1303/2013 and EU Regulation No. 821/2014 (reference to the Community co-financing of operations, use of the emblem of the European Union with indication of the Structural Fund);
3. Comply with the rules of the eligibility of expenses;
4. Adopt a separate accounting system or adequate accounting code in the management of all transactions related to the financed audiovisual project (e.g. accounting code associated to the project);
5. Respect the procedures and terms of reporting;
6. Commit to keeping and rendering available the documentation relating to the project financed for the period provided for by art. 140 of EU Regulation No. 1303/2013 and of art. 12 of EU Regulation No. 651/2014 for any checks and inspections;
7. Comply with the obligations of recording and updating data in the Information System and compliance with monitoring procedures;
8. Comply with the time schedule of the project and the production plan of the audiovisual work;
9. Apply and comply with the provisions regarding illegal work, the environment and equal opportunities, where relevant;
10. The prohibition of transferring the subsidy to a different subject, by virtue of any contract or obligation.
11. Respect the start and end dates of filming – or the start and end dates of the work in the case of a project pertaining to category D- as indicated during the submission of the subsidy application, except for sending timely communications to the Apulia Film Commission Foundation via the Information System;
12. Communicate via CEM to [funding@pec.apuliafilmcommission.it](mailto:funding@pec.apuliafilmcommission.it) to the Procedure Manager within 10 days of the occurrence of one of the following hypotheses:
  - 12.1. Liquidation of the company, transfer of the business activity
  - 12.2. Declaration of bankruptcy, compulsory liquidation, composition with creditors, or the start of the procedure for the declaration of one of the aforementioned situations;
  - 12.3. Sentence of a final judgment or issue of a penal decree that has become irrevocable or the pronouncement of judgement applying the penalty upon request pursuant to art. 444 of the Criminal Procedure Code, for serious crimes against the State or the European Community that affect professional morality and in particular, pursuant to art. 45 of EC Directive No. 18/2004, for participation in a criminal organization, for corruption, for financial fraud against the European Community, for laundering of proceeds from illegal activities;
13. Fulfill communication obligations to the Apulia Film Commission Foundation detailed in the Procedural Guideline and send via the Information System:
  - 13.1. The production agenda during the production phase - updates on the progress of the work in the case of category D;
  - 13.2. During the production phase and any update thereof:
    - 13.2.1. The complete production plan, clearly highlighting the production days in Apulia; time schedule of the activities of the departments in the case of a project pertaining to category D;
    - 13.2.2. The complete list of the cast and crew, clearly highlighting the personnel registered with the Production Guide (excluding extras and trainees);



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- 13.2.3. The complete list of suppliers, clearly highlighting those with tax residence in Apulia;
  - 13.2.4. The complete list of locations, clearly highlighting Apulian locations; not required in the case of a project pertaining to category D;
  - 13.2.5. Stills.
14. Give the project a unique identification code, ISAN or EIDR, before submitting the expense report;
  15. Allow, at any time, the presence of a delegate of the Apulia Film Commission Foundation during shooting and, for documentation purposes only, photos or filming by a delegate of the Apulia Film Commission Foundation during shooting;
  16. Affix the logos requested in the opening credits or, alternatively, as the first credit of the end credits and on all the informative, advertising and promotional documents of the project, pursuant to Annex XII of EU Regulation No. 1303/2013 and art. 4 of EU Regulation No. 821/2014, the words "with the contribution of [Regione Puglia LOGO] [European Union LOGO] [Rop Puglia ERDF-ESF 2014/2020] [Apulia Film Commission Foundation LOGO]", by sending, via the Information System, the preview of the opening credits of the film in ".jpg" or ".pdf" format before proceeding with the finalization or duplication of the final work, under penalty of revocation of the subsidy, to the Apulia Film Foundation Commission;
  17. Grant the Apulia Film Commission Foundation the right to free use, on any channel, excerpts relating to the film project (also mounted with other extracts from other films), set photos and behind the scenes photos, exclusively for institutional aims and institutional promotion of the Apulia Film Commission Foundation and its Members.
  18. Correspond to all requests for information, data and periodic technical reports sent by the Apulia Film Commission Foundation and the Regione Puglia;
  19. Consent and facilitate the carrying out of all the checks ordered by the Apulia Film Commission Foundation, by the Puglia Region, as well as by competent state bodies, the European Commission and other bodies of the European Union competent in the matter, also through inspections and on-site visits, to verify the progress of the initiatives and the conditions for maintaining the aid;
  20. Fulfill the mandatory publication of the aid received in accordance with this Notice, pursuant to the provisions of Article 1, paragraphs 125 and following of Law No. 124 of 4 August 2017 and its subsequent amendments and additions;
  21. Adhere to all suitable forms of appropriate advertising of the use of the financial resources of the ROP Puglia ERDF 2014/2020, in the ways identified;
  22. Ensure that the expenses subject to the subsidy have not already benefited from a Community financial support measure pursuant to Article 65, paragraph 11, of EU Regulation No. 1303/2013 and/or national support measure in accordance with the current national regulations on the eligibility of expenses;
  23. Ensure compliance with European Union policies and national regulations on the eligibility of expenses, environmental protection, sustainable development, equal opportunities and non-discrimination as well as applicable legislation on the prevention of money laundering and the fight against terrorism;
  24. Fulfill all obligations and allow the execution of all monitoring, checks and advertising activities required by European legislation on the use of resources of the European Regional Development Fund (ERDF) referred to in EU Regulation No. 1303/2013 and subsequent implementing and delegated provisions, according to the indications that will be provided by the Apulia Film Commission Foundation and the Regione Puglia.

## **Art. 18 - Modifications to the approved project**

1. Any changes to the funded project, both financially and in terms of content, must be approved in advance by the Procedure Manager, provided that they do not alter the objectives and purposes of the project and do not lead to a change in the parameters that allowed the attribution of the scores given during the evaluation.



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2. The variations referred to in the previous point among the types of expenses indicated in the application phase are admissible during the duration of the project.
3. The request for changes to the project, signed by the legal representative of the beneficiary, must include: the reasons for the changes, the details of the changed items and related financial changes.
4. The request for changes will be automatically approved, unless otherwise communicated by the Procedure Manager, within 30 working days of receiving the request. Modifications and/or changes must not provide for inadmissible measures and/or ineligible types of investment and must not obscure the achievement of the original objectives and purposes of the Project, under penalty of revocation of the subsidy granted.

### **Art. 19 - Waivers and causes for subsidy revocation**

1. Beneficiaries may waive the subsidy granted by sending a communication via CEM to [funding@pec.apuliafilmcommission.it](mailto:funding@pec.apuliafilmcommission.it).
2. The subsidy awarded is subject to revocation by order of the Director General of the Apulia Film Commission Foundation or by the Assignee Manager of the resources identified by the Management Authority of the ROP Puglia ERDF-ESF 2014/2020, under Priority Axis 3, in the following cases:
  - 2.1. If the requisites required for admission to the subsidy, which must last until the final disbursement date of said subsidy, are no longer valid;
  - 2.2. Aid granted on the basis of incorrect, false or reticent data, information or statements;
  - 2.3. Confirmation, during checks or inspections, of changes to the funded project that do not allow for compliance with the objectives and purposes of the Public Notice;
  - 2.4. If the project characteristics that allowed the attribution of scores are altered which, determined the project's eligibility during assessment;
  - 2.5. Confirmation, during checks or inspections, of administrative irregularities in the implementation of the subsidized project;
  - 2.6. Failure to carry out the project.
3. The subsidy may be proportionally recalculated, provided that the project's objectives and results are guaranteed. Realized means the total eligible reporting costs.
4. Should the beneficiary waive the subsidy, the Apulia Film Commission Foundation will formalize the forfeiture of the aid granted.
5. Pursuant to Article 9 of Legislative Decree No. 123 of 31 March 1998, the aid disbursed and results unduly received must be repaid plus the official discount rate in force on the date of stipulation of the subsidy, increased by 5 percentage points for the period between the date of payment of the aid and that of its repayment.
6. In the event that the repayment is due to events outside the company, the aid will be repaid only with interest calculated at the official discount rate.
7. The procedures for returning the sums are also defined in the revocation act. The revocation act constitutes the right of the Apulia Film Commission Foundation to immediately demand the sum determined therein.

### **Art. 20 - Monitoring and controls**

1. It is within the power of the Regione Puglia and the Apulia Film Commission Foundation Intermediate Body to request further documentation and/or clarifications, both during the evaluation phase and for the entire



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duration of the activities provided for by the project and subsequently, up to the deadlines prescribed in the following par. 3.

2. The Regione Puglia, also through intermediaries, reserves the right to carry out checks and inspections at any time and phase of the implementation of the projects admitted to the subsidy for the purpose of monitoring the project, in accordance with current legislation.
3. All beneficiaries are obliged to make themselves available, for a period of three years starting from 31 December following the presentation of the accounts in which the costs of the project are included (and in any case for ten years from the date on which the last aid was granted under the scheme, pursuant to art.12 of EU Regulation No.651 / 2014), to any request for checks, information, data, documents, certificates or declarations, to be issued possibly also by suppliers of goods or services.
4. Checks may be carried out by the Regione Puglia, the Apulia Film Commission Foundation, and officials of the Italian State and of the European Union.

### **Art. 21 - Information and advertising**

1. The Notice, together with all its attachments, will be made public through publication on the BURP and on the websites of the Apulia Film Commission Foundation and the Regione Puglia.
2. In order to ensure compliance with the obligations regarding information and advertising, this Notice will be disseminated on the Internet through publication on the portals of the Regione Puglia: [www.regione.puglia.it](http://www.regione.puglia.it) and [www.apuliafilmcommission.it](http://www.apuliafilmcommission.it).
3. The beneficiaries are required to comply with the information and communication obligations provided for in EU Regulation No. 1303/2013 (Article 115) and in particular in Annex XII "Information and communication on the support provided by the funds" and in Commission Implementing Regulation No. 821/2014 of the European Parliament and of the Council (articles 4 and 5) as regards the detailed procedures for the transfer and management of program contributions, reports on financial instruments, technical characteristics of information and communication measures for the operations and the data recording and storage system.

### **Art. 22 - Processing of personal data**

1. The personal data provided to the Apulia Film Commission Foundation will be processed exclusively for the purposes referred to in this Notice and for institutional purposes. The processing of the data in question is an indispensable prerequisite for participation in this Notice and for all consequent activities.
2. Personal data will be processed by the Apulia Film Commission Foundation for the pursuit of the aforementioned purposes in a lawful and correct manner, in compliance with Legislative Decree No. 196/2003 "Code regarding the protection of personal data", of EU Regulation No. 679/2016 and of Legislative Decree No. 101/2018, also with the aid of electronic and in any case automated means.
3. In particular, personal data are processed for the following service purposes:
  - 3.1. Enabling registration and participation in this Notice;
  - 3.2. Fulfilling the obligations established by law, by a regulation, by Community legislation or by an order of the Authorities;
  - 3.3. Exercising the rights of the Data Controller, such as the right to legal defense.
4. The processing of personal data is carried out through the operations indicated in Art. 4 of the Privacy Code and Art. 4 No. 2) GDPR and more precisely: collection, registration, organization, storage, consultation, processing, modification, selection, extraction, comparison, use, interconnection, blocking, communication, cancellation and destruction of data. Personal data are subjected to both paper and electronic processing.
5. The Data Controller will process personal data for the time necessary to fulfill the aforementioned purposes and in any case for no more than 10 years from the termination of the relationship for the purposes of service.





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6. Should the Apulia Film Commission Foundation make use of other subjects to carry out the operations relating to processing, the activity of these subjects will in any case comply with the provisions of the law in force. For the aforementioned purposes, personal data may be disclosed to third parties, who will manage them as data processors, exclusively for the same purposes.
7. All subjects participating in the projects presented pursuant to this Notice consent to the dissemination, for the purposes of compliance with the principle of transparency of the procedures, of the lists of beneficiaries through their publication on the Official Bulletin of the Regione Puglia, on the regional internet portals ([www.regione.puglia.it](http://www.regione.puglia.it)) and on the website of the Apulia Film Commission Foundation ([www.apuliafilmcommission.it](http://www.apuliafilmcommission.it)), pursuant to EU Regulation No. 1303/2013 Art. 115 paragraph 2.
8. The recipients of the aid must also provide their consent to the inclusion of their data in communications and information to citizens through "open data" systems.
9. The Data Controller is the Apulia Film Commission Foundation, based in Bari - Lungomare Starita 1, Cineporti di Puglia c/o Fiera del Levante, legally represented by the President.
10. In relation to the processed data, the subjects benefiting from the aid have the right at any time to exercise the rights recognized by the current regulations in particular, among others, to obtain a copy of the data processed, their updating, their rectification or integration, their cancellation, transformation into anonymous form or blocking for treatments in violation of the law, and to oppose their treatment for legitimate reasons. To exercise these rights, you can write to the Apulia Film Commission Foundation to the attention of the DPO - Data Protection Officer, domiciled at the headquarters of the Apulia Film Commission Foundation or at the email address [privacy@apuliafilmcommission.it](mailto:privacy@apuliafilmcommission.it).
11. The Apulia Film Commission Foundation and the Regione Puglia also communicate that they have access to the ARACHNE information system, developed by the European Commission to support the verification activities of the Authorities of the Management of Structural Funds 2014-2020 in identifying initiatives potentially exposed to the risk of fraud, conflicts of interest and irregularities.
12. The ARACHNE system is powered by external sources, such as global databases (Orbise and LexisNexisWorld compliance), information systems of the European Commission (VIES and Infoeuro) and by internal data sources, represented by the information coming from the single Management Authorities of the various Member States holding ERDF and ESF Community Programs referring to the state of implementation of operations. The data, available in external databases, will be processed in order to identify risk indicators.
13. The Regione Puglia electronically transmits the data of the operations reported under the ROP Puglia ERDF-ESF 2014-2020 through the "National Monitoring System" managed by the Ministry of Economy and Finance-RGS- IGRUE to the ARACHNE information system.
14. The Regione Puglia communicates that it will process the data available in the ARACHNE system exclusively for the purpose of identifying the risks of fraud and irregularities at the level of beneficiaries, contractors, contracts and projects. The ARACHNE system can be used both in the selection phase and in the eventual implementation phase of the project.
15. The process and purpose of the data analysis operated by ARACHNE is described on the following web page of the European Commission: <https://ec.europa.eu/social/main.jsp?catId=325&intPageId=3587&langId=it>