**Annex 10**

**PRIORITY AXIS III**

COMPETITIVENESS OF SMALL AND MEDIUM ENTERPRISES

# ACTION 3.4

# Support actions for culture, tourism, creative and entertainment industry enterprises

**APULIA FILM FUND**

**PROCEDURAL GUIDELINE REGULATING THE RELATIONSHIP BETWEEN THE APULIA FILM COMMISSION FOUNDATION AND** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FOR THE REALIZATION OF THE AUDIOVISUAL PROJECT “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”

**Annex 10**

**CUP** (Single Project Code)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ART. 1 (Generalities)**

1. The relationship between the Apulia Film Commission Foundation (from hereon referred to as “Foundation”) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (from hereon referred to as “Beneficiary”) is regulated by this Procedural Guideline pursuant to what is outlined in the following articles, as well as the Apulia Film Fund Public Notice (from hereon referred to as “Notice”).
2. The Beneficiary is responsible for the realization of the audiovisual project called “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_” directed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_pertaining to category\_\_\_\_\_\_\_\_\_\_\_ financed with EUR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as per Resolution of the Director General of the Apulia Film Commission Foundation Prot. No. \_\_\_ of \_\_\_\_\_\_\_\_\_ .
3. The amount of the funding approved at the time of granting the subsidy is determined with reference to the relative expenses considered to be reimbursable during the assessment of the project and:
	1. Constitutes the maximum amount that can be granted to the Beneficiary
	2. Any increases do not in any case lead to an increase in the amount of the subsidy granted

 c) May be reduced following an analysis of the expense report and verification of reimbursable expenses, as regulated in the following articles.

**ART. 2
(First obligations of the Beneficiary)**

1. The Beneficiary must send the Procedural Guideline digitally signed by its legal representative within 10 days of the date of its receipt to the CEM address funding@pec.apuliafilmcommission.it.
2. In the event that the beneficiary company does not sign the Procedural Guideline in the manner indicated within 10 working days from the date of its receipt, it will be considered as having withdrawn and declared forfeited from the subsidy with a formal notification of revocation of the subsidy; the commitments and relationships already assumed are thus understood to be legally resolved. For compliance with the terms indicated in this paragraph, the dispatch date of the CEM will prevail. If the deadline expires on a public holiday, it is automatically postponed to the next working day.

**ART. 3
(Obligations of the Beneficiary)**

The Beneficiary is obligated to:

1. Send the Procedural Guideline signed by the legal representative of the Beneficiary within 10 days of its receipt
2. Respect the prohibition of double financing of activities, or the prohibition of cumulation of the intensity of aid for a percentage above the limit set in the rules referred to in the Notice
3. Apply 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 EU co-financing of operations, use of the European Union emblem with indication of the Structural Fund)
4. Comply with European, national and regional legislation regarding the eligibility of expenses
5. Adopt a separate accounting system or adequate accounting code in the management of all transactions related to the audiovisual project co-financed using ROP resources (e.g. accounting code associated to the project)
6. Respect the procedures and terms of reporting
7. Keep and make available the documentation relating to the project financed for the period provided for by Article 140 of EU Regulation No. 1303/2013 and of art. 12 of EU Regulation No.651/2014 for every check and inspection
8. Register and update the data referring to the financed project in the regional and/or national information system indicated and comply with the monitoring procedures foreseen for the project

9. Respect the project’s time schedule and the production plan of the audiovisual work
10. Apply and comply with the provisions on combating illegal work, on the environment and

on equal opportunities, where relevant
11. Not transfer the Apulia Film Fund subsidy for any reason to a different person, by virtue of

any contract or obligation.

12. Respect the start and end dates of filming- or the start and end dates of the activities 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

13. Give written notice to the Procedure Manager at funding@pec.apuliafilmcommission.it within 10 days of the occurrence of one of the following hypotheses:

* 1. Liquidation of the company, transfer of the business activity
	2. Declaration of bankruptcy, compulsory liquidation, composition with creditors, or the start of the procedure for the declaration of one of the aforementioned situations
	3. Sentence of a final judgment or issue of a penal decree that has become irrevocable or the pronunciation 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

14. Send via the Information System:
a. The agenda of production during the production phase - updates on the progress of the work in the case of category D
b. During the production phase and any update thereof:

i. 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

1. The complete list of the cast and crew, clearly highlighting the personnel registered with the Production Guide (excluding extras and trainees)
2. The complete list of suppliers, clearly highlighting those with tax residence in Apulia
3. The complete list of locations, clearly highlighting Apulian locations, within one week of the end of shooting (not required in the case of a project pertaining to category D)
4. At least 5 set photos from the previous week, licensed by the production (one in which the protagonists are recognizable, one in which the director is present, one of the location with the set and the crew) every Monday
5. In the case of a project pertaining to categories A or B, a behind the scenes video (possibly produced in collaboration with the Apulia Film Commission Foundation) including interviews with the director, two protagonists, executive producer and a crew member, to be received within a week of the end of filming in Apulia; in the case of a project belonging to category D, a video interview with the director, executive producer and a crew member

15. Insert the Apulia Film Commission Foundation tag in posts relating to production and distribution for promotional activities on social media

16. Give the project a unique identification code, ISAN or EIDR, before submitting the expense report

17. 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

18. 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

1. Mention the role and contribution of the Apulia Film Fund of the Apulia Film Commission Foundation in the pressbook and in all launch or festival announcements
2. If participating in a festival, reserve at least two seats at the premiere for delegates from the Apulia Film Commission Foundation and the Regione Puglia
3. Grant the Apulia Film Commission Foundation the right to free use, on any channel, of 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
4. Correspond to all requests for information, data and periodic technical reports sent by the Apulia Film Commission Foundation
5. Consent and facilitate the carrying out of all the checks ordered by the Apulia Film Commission Foundation, by the Regione Puglia, 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
6. Fulfil the mandatory publication of the aid received in accordance with this Procedural Guideline, 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
7. 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
8. 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
9. 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
10. Fulfil 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. 4
(Eligible expenses and aid intensity)**

1. For the purpose of calculating the aid payable, the expenses actually incurred in Apulia for the realisation of the audiovisual work and paid for by the beneficiary company are those that are considered eligible.
2. Costs incurred in a way that differs from that established by European, national and regional legislation on the eligibility of expenses are not eligible.
3. Only eligible production costs of the audiovisual work for the development, pre-production, shooting and post-production phases of the audiovisual work are reimbursable. The pre-production costs are integrated into the total budget and taken into account in the calculation of the aid intensity.
4. 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.
5. 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.
6. For the purposes of determining the eligibility of expenses, the following rules, insofar as they are relevant, also apply:
	* -  EU Regulation No. 1303/2013 Articles 67 - 70
	* -  EU Regulation No. 1301/2013 Art. 3
7. In order to calculate the subsidy payable, the following types of expenses incurred in Apulia are considered eligible for the different categories of aid:

a. Gross payroll of temporary or permanent employees, residing in Apulia, employed in the overall implementation of the project, registered in the Production Guide database (accessible at pg.apuliafilmcommission.it)

b. 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

c. Non-durable consumer goods purchased / rented from suppliers residing in Apulia for tax purposes

c. 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)

d. Rental of locations related exclusively to the project and located in Apulia, from owners residing for tax purposes in Apulia

e. Costs for permits and authorizations in Apulia

f. Expenses incurred for accommodation facilities located in Apulia, i.e. with production units within the region

1. The amount of aid for each beneficiary company cannot differ in any case from the following amounts specified below

* + -  Category A: minimum EUR 80,000 – maximum EUR 350,000
	+ -  Category B: minimum EUR 250,000 – maximum EUR 700,000
	+ -  Category C: minimum EUR 40,000 – maximum EUR 120,000
	+ -  Category D: minimum EUR 300,000 – maximum EUR 700,000
	+ -  Category E: minimum EUR 10,000 – maximum EUR 40,000
1. 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 of the Notice:

a. 35% of eligible expenses
b. 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.

c. 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%)

d. 50% of eligible costs for difficult audiovisual works7 and/or co-productions involving countries listed by the OECD Development Assistance Committee (DAC).

e. 80% of the eligible costs for difficult audiovisual works7 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.

1. The aid thus defined, for each type of eligible cost, constitutes the maximum amount of aid that can be granted.
2. Eligible expenses relative to “above-the-line” costs are reportable according to the following maximum amounts:

a. EUR 100,000.00 in the case of a project pertaining to categories A and B

b. EUR 40,000.00 in the case of a project pertaining to category C
c. EUR 200,000.00 in the case of a project pertaining to category D
d. EUR 10,000.00 in the case of a project pertaining to category E.

1. Expenses actually incurred and paid exclusively by the Beneficiary are eligible.

13. For the purposes of their eligibility, the estimated expenses must be:
a. Relevant and attributable to the program/project

b. Actually incurred and paid by the beneficiary and evidenced by receipted invoices or justified by accounting documents with equivalent probative value

c. Incurred and paid by the beneficiary during the eligibility period, i.e. by 31 December 2023

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

1. For the purposes of calculating the aid, the following are not eligible:
a. Notary fees and those relating to taxes and duties
b. Expenses related to the purchase of supplies
c. Expenses related to the purchase of used machinery and equipment
d. Expenses paid in cash
e. Expenses related to motorway tolls or the purchase of travel tickets
f. Expenses for eligible goods inferior to EUR 100.00
g. Expenses incurred as in-kind contributions
h. Expenses related to short-term/temporary work (except for the transfer of copyright)
i. Expenses related to compensation for workers hired by national collective labour agreements other than those provided for in the audio-visual industry sector.
2. The eligibility of expenses is in any case subject to compliance with applicable regional, national and EU legislation. Costs incurred in a manner other than that established by European, national and regional legislation regarding the eligibility of expenses are not eligible.
3. The aid intensity of Apulia Film Fund 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.
4. 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. 5
(Method of reporting expenses)**

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. The Beneficiary must submit the expense reporting of the audiovisual work within 60 days of the end of the project.
4. 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):
	1. Certificate issued by the legal representative of the beneficiary company, according to Annex 4, resulting that:

i. All regional and national legal requirements have been fulfilled, in particular those concerning fiscal matters

* + 1. 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
		2. The expenses incurred are eligible, relevant and congruous, and have been carried out within the eligibility terms set by tender or Notice
		3. 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)
		4. 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).
	1. 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
	2. 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. Copies of the originals of:
	4. 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.)
	5. Payroll of the workers registered with the Production Guide or invoices of professionals registered with the Production Guide, legally contracted, with the relative payment slip (copy of the bank transfer, proof of charges to debit account, etc.)
	6. Any other supporting documentation for expenses with the relative payment slip (copy of the bank transfer, proof of charges to debit account, etc.)
	7. 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.
	8. The definitive production plan, clearly highlighting production days in Apulia.
	9. The definitive list of the cast and crew, clearly highlighting the personnel registered with the Production Guide (excluding extras and trainees).
	10. List of suppliers with fiscal residency in Apulia.
1. 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.
2. 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.
3. 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 project1 (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.
	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.
	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.
	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.

**ART. 6
(Reduction in funding)**

1. Following the analysis of the expense report and the verification of eligible costs and reimbursable expenses, the Foundation will reduce the financing of the project subsidized if the reimbursable costs indicated in the estimate are lower than the expenses reported and recognized as reimbursable by the Foundation.
2. The amount of the subsidy granted is re-determined at the time of the last balance payment, on the basis of the eligible expenses actually incurred, reported and recognized as reimbursable by the Foundation.
3. In the case of the violation of the aid intensity limits established in the Notice, the subsidy granted will be reduced until the maximum allowed limit is reached.
4. The quantification of the definitive amount of the subsidy will be determined according to the following percentages, taking into account any anticipated disbursement:

d. 35% of eligible expenses
1 a specific notice will appear in the MIRWEB management system

e. 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.

* + 1. 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%)
		2. 50% of eligible costs for difficult audiovisual works7 and/or co-productions involving countries listed by the OECD Development Assistance Committee (DAC).
		3. 80% of the eligible costs for difficult audiovisual works7 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.

**ART. 7
(Method of subsidy disbursement)**

1. The subsidy granted will be paid to the Beneficiary by the Foundation:

a. In a lump sum at the end of post-production and following the presentation of specific final reporting documentation.

b. In two instalments that include:

* 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. 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.

c. In three instalments that include:

I. 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.

II. 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

* 1. 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.

2 It should be noted that difficult audiovisual works means 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.

1. The disbursements will be suspended if there are outstanding invoices concerning the services of suppliers and/or emoluments of members of the cast and crew.
2. Aid payable in several instalments 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.

1. 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.
2. 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. 8 (Modifications and variations)**

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.
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 allow 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.
5. In the event of exceptional and unforeseeable events, the Foundation is given the right to proceed with the acceptance of any changes that exceed the limits set out in the Notice.

**ART. 9
(Waivers and causes for subsidy revocation)**

1. The Beneficiary may waive the subsidy granted by sending a disclaimer via CEM to

funding@pec.apuliafilmcommission.it digitally signed on its own headed paper.

1. 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:
	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. Aid granted on the basis of incorrect, false or reticent data, information or statements
	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
	4. If the project characteristics that allowed the attribution of scores are altered which, determined the project's eligibility during assessment
	5. Confirmation, during checks or inspections, of administrative irregularities in the implementation of the subsidized project
	6. Failure to carry out the project.

1. The subsidy may be proportionally recalculated, provided that the project’s objectives and results are guaranteed. Realized means the total eligible reporting costs.
2. Should the beneficiary waive the subsidy, the Apulia Film Commission Foundation will formalize the forfeiture of the aid granted.
3. Pursuant to Article 9 of Legislative Decree No. 123 of 31 March 1998, aid disbursed and resulting as 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.
4. 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.
5. 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.
6. Upon the occurrence of one or more causes of revocation or forfeiture, the Foundation, having completed the procedures set forth in Articles 7 and 8 of Law No. 241/1990, transmits the definitive authorization of declaration of revocation and undertakes the recovery of the sums paid out.
7. In the case of the violation of the aid intensity limits established in the Notice, the subsidy granted will be reduced until the maximum allowed limit is reached.
8. If, in the detection of the aforementioned irregularities, responsibility for damages or criminal liability is involved, the Foundation shall take action in all appropriate areas.

**ART. 10
(Monitoring and control procedures)**

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 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. The beneficiary is obliged to make itself 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.
5. The Foundation performs periodic monitoring of the state of implementation of the projects through inspections at the registered office and/or operational headquarters and/or during the execution of the activities subject to financing.
6. The Foundation may view at any time, even after the completion of the project, the original documentation of the expenses incurred for the project, which must be kept by the Beneficiary according to the terms set out in the preceding par. 3.
7. Additional checks may be carried out by the Foundation or by the control units operating at regional, national and EU levels.
8. The Foundation may prepare an impact assessment on the use of the aid paid within 24 months from the date of the conclusion of the project.
9. The Beneficiary, within 30 days of the publication of the act of the acquisition of the evaluation results of the Technical Evaluation Committee, shall activate a user profile on the MIRWEB electronic information tracking system (accessible at: mirweb.regione.puglia.it) communicating this to the Procedure Manager.
10. The Procedure Manager shall, within 5 days of the communication referred to in the preceding paragraph, transfer the project to the Beneficiary, so that the Beneficiary may proceed with inserting the project’s data into the Information System.
11. The Beneficiary shall update the data relating to the project by the deadline of this Procedural Guideline, making sure to send the related certificate of dispatch of the expense report to the Procedure Manager, once completed.
12. The data related to the implementation of the project, as reported in MIRWEB, will be made available to the Institutional Bodies responsible for monitoring and checks.
13. In the case of an inspection, the Beneficiary is informed of the objectives and object of the inspection, with a specific communication on the part of the Director General of the Foundation, providing information on the date and time of the on-site inspection.
14. Upon the conclusion of the on-site check, the inspector will prepare an on-site visit report attesting to the activities performed, duly signed by the subject/subjects who has/have carried out the inspection and countersigned by the individual subject to inspection.
15. If, during the on-site inspection activities, designed to verify the project’s activities and the related procedures implemented, any shortcomings in information or documents and/or anomalies emerge, the inspector will highlight such discrepancies in the control checklist and in the inspection report.
16. Consequently, the Director General of the Foundation will require the Beneficiary to provide counterarguments (or, in the case of documentation shortcomings, to "correct" the situation) within 15 days and send the documentation received to the inspector.
17. After having examined the Beneficiary's counter-claims, the inspector will communicate the final results of the inspection to the Director General of the Foundation so that they may adopt the consequent measures.
18. If, on the basis of the additions received from the Beneficiary, the irregularities can be considered remedied, the Director General of the Foundation shall inform the Beneficiary thereof.
19. In the case of a decision that entails the ineligibility of some expenses or the revocation of the project eligible for financing, the Director General of the Foundation, taking into account the checks carried out, will undertake the start of recovery procedures and/or withdrawal of the subsidy.

**ART.11 (Information and advertising)**

1. The Notice, together with all its attachments, will be made public through publication on 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 and [www.apuliafilmcommission.it](http://www.apuliafilmcommission.it).
3. The beneficiary is 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. 12 (Safeguard rules)**

1. The Foundation remains extraneous to any relationship created with third parties for the implementation of the project subject of this Procedural Guideline. The checks carried out relate exclusively to the relationships that exist with the Beneficiary.
2. The Beneficiary assumes any and all civil and criminal liability towards anyone, deriving from the investments subject to the subsidy, as well as any responsibility regarding the request and the granting of all the permits and all the certifications required by current legislation in security matters.
3. For matters not expressly provided for by the preceding article, reference should be made to the provisions of the Notice, as well as to current EU, national and regional legislation.

4. The Foundation has the possibility, without prejudice, of unilaterally proceeding with the integration of this Guideline with any further requirements and obligations connected to the implementation of the financed project and compliance with the relevant legislation; the changes introduced on the basis of this paragraph will be communicated via CEM to the Beneficiary.

**ART. 13 (Duration of the Procedural Guideline)**

1. The beneficiary companies must complete the realisation of the audiovisual work presented in the application form no later than \_\_\_ months from the date of signing this Guideline.

2. Without prejudice to the provisions of the Notice, the effects of this Guideline expire with the Foundation's approval of the final expense report, subject to the obligations referred to in the previous articles.

**ART. 14 (Resolution condition pursuant to art. 3 paragraph 3 of Legislative Decree. 153/2014)**

1. In the event that the Computerized Anti-Mafia Certification System (SICEANT) issues an Anti-Mafia report with a ban on signing contracts with public authorities on behalf of the competent Prefecture, the Foundation will proceed with the immediate termination of this Procedural Guideline and with the revocation of the subsidy.

ACKNOWLEDGEMENT OF RECEIPT, READ AND DIGITALLY SIGNED.

THE LEGAL REPRESENTATIVE OF THE BENEFICIARY