# Attachment 10

**PRIORITY AXIS 1**

COMPETITIVENESS AND INNOVATION

**ACTION 1.9**

**Interventions to expand and consolidate the entrepreneurial system of SMEs**

**Regional Program for Puglia ERDF-ESF+ 2021-2027**

**APULIA FILM FUND**



**PROCEDURAL GUIDELINES GOVERNING THE RELATIONSHIP BETWEEN THE APULIA FILM COMMISSION FOUNDATION AND**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

FOR THE REALIZATION OF THE AUDIOVISUAL WORK

“\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”

**SINGLE PROJECT CODE (CUP)** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ART. 1**

**(General Information)**

1. The relationship between the Apulia Film Commission Foundation (hereinafter referred to as “Foundation”) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as “Beneficiary”) are regulated in this disciplinary code as outlined in the following articles, as well as in the Apulia Film Fund Public Notice (hereinafter referred to as “Notice”).
2. The Beneficiary is responsible for the realization of the audiovisual work called, “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_” directed by “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”, pertaining to category \_\_\_\_, financed with EUR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as per the Determination of the Director General of the Apulia Film Commission Foundation Prot. no. \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_.
3. The amount of funding approved in the granting of the subsidy is determined with reference to the related expenses deemed reimbursable in the assessment of the project and:
	1. constitutes the maximum amount that can be granted to the Beneficiary;
	2. any increases do not, under any circumstances, result in an increase of the amount of the subsidy to be granted;
	3. may be reduced following an analysis of the report and control of reimbursable expenses, as regulated in the following articles.

**ART. 2**

**(Initial Obligations of the Beneficiary)**

1. The Beneficiary undertakes to send the procedural guidelines, digitally signed by their legal representative, within 10 working days from the date of receipt of the same via certified email to: funding@pec.apuliafilmcommission.it.
2. If the beneficiary company does not sign the disciplinary code as indicated within 10 working days of its receipt, it will be considered as having been relinquished and the subsidy declared as forfeited with a specific provision of revocation of the subsidy. This will result in an automatic resolution of prior commitments and relationships previously undertaken. For compliance with the deadlines indicated in this paragraph, the sending date via certified email will be considered the official date. If the deadline falls on a public holiday, it will be automatically extended to the next business day.

**ART. 3**

**(Obligations of the Beneficiary)**

The Beneficiary assumes responsibility to:

1. submit the procedural guidelines signed by the legal representative of the beneficiary company, within 10 days from the date of receipt;

comply with the prohibition of double funding of activities, i.e., the prohibition of cumulation of aid intensity for a percentage exceeding the limit established in the rules referred to in the Notice;

apply EU Community regulations on publicity and informational documents regarding financing with EU Community funds in accordance with Annex 13, Section 2.2, of EU Regulation No. 1303/2013 and EU Regulation No. 821/2014 or the subsequent EU Regulation No. 1060/2021 (reference to EU Community co-financing of projects, use of the European Union logo with indication of the Structural Fund);

1. comply with European, national and regional regulations regarding the eligibility of expenditures;
2. adopt a separate accounting system or appropriate accounting codification for the management of all transactions related to the project co-financed with resources from the Regional Program for Puglia (e.g., accounting code associated with the project);
3. adhere to reporting procedures and deadlines;
4. retain and make available documentation related to the financed work for the period specified for in art. 140 of EU Regulation No. 1303/2013 and of art. 12 of EU Regulation No. 651/2014 or the subsequent EU Regulation No. 1060/2021 for any verification and check;
5. to record and update data referring to the financed work in the indicated regional and/or national information systems and to comply with the monitoring procedures provided for the project;
6. comply with the timetable of the project and the production plan of the audiovisual work;
7. apply and comply with provisions countering illegal work, the environment and equal opportunities, where relevant;
8. not transfer for any reason the Apulia Film Fund subsidy to a different entity, by virtue of any contract or obligation;
9. comply with the start and end dates of shooting (or with the start and end dates of the activities in the case of a project pertaining to category D or category E, limited to animated short films) as indicated during the subsidy application, subject to timely submission of communications to the Apulia Film Commission Foundation, through the Information System;
10. provide written notice through certified email to the Procedure Manager at: funding@pec.apuliafilmcommission.it within 10 days of the occurrence of one of the following scenarios:
	1. liquidation of the company or transfer of business activity;
	2. declaration of bankruptcy, compulsory liquidation, prior arrangement with creditors or the initiation of proceedings for any of the aforementioned situations;
	3. pronouncement of a final judgment or issuance of a penal decree that has become irrevocable or the delivery of a sentence upon request pursuant to art. 444 of the Criminal Procedure Code for serious crimes against the State or 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, corruption, financial fraud against the European Community or money laundering from illegal activities.
11. Submit through the Information System:
	1. the production agenda during the production phase – along with progress updates in the case of category D or category E, limited to animated short films;
	2. during the production phase and with any subsequent updates:
		1. the complete production plan, clearly highlighting the production days in Puglia; time schedule of the activities of the departments in the case of a project pertaining to categories D or E, limited to animated short films;
		2. the complete list of cast and crew, clearly highlighting the personnel[[1]](#footnote-1) registered with the Production Guide (excluding crew members hired on a daily basis, extras and trainees);
		3. the complete list of suppliers, clearly highlighting those with tax residence in Puglia;
		4. the complete list of locations, clearly highlighting Apulian locations, within a week after the end of shooting, (not required in the case of categories D or E, limited to animated short films);
		5. every Monday, at least 5 behind-the-scenes photos from the previous week, approved by the production (one featuring recognizable protagonists, one with the director, and one of the locations with the presence of the set and crew);
		6. in the case of a project pertaining to category A or B, a backstage video (possibly produced in collaboration with the Apulia Film Commission Foundation) of an interview with the director, two protagonists, executive producer and a crew member, to be received within a week after the end of shooting in Puglia; in the case of a project pertaining to category D or category E, limited to animated short films, a video interview with the director, executive producer and a crew member;
12. include in promotion activities on social networks, a tag of the Apulia Film Commission Foundation in posts related to production and distribution;
13. assign the project a unique identification code, ISAN or EIDR, before submitting the expense report;
14. allow, at any time, the presence of a delegate from the Apulia Film Commission Foundation during shooting, for the sole purpose of documentation and permit video or filming by such delegate from the aforementioned Foundation.
15. affix the requested logos in the opening credits or, alternatively, as the first credit of the closing credits and on all the informational, publicity and promotional documents of the project, pursuant to Annex 9 of EU Regulation No. 1060/2021. The wording should read: **"with the contribution of [Coesione Italia 21-27 Puglia] [European Union LOGO] [Italian Republic LOGO] [Puglia Region LOGO] [Apulia Film Commission Foundation LOGO]."** An advance preview of the film titles in “jpg” or “pdf” format should be sent through the Information System to the Apulia Film Commission Foundation before proceeding with the finalization or duplication of the final work, under penalty of revocation of the subsidy;
16. deliver to the Apulia Film Commission Foundation, at no additional cost, one link with a duration of at least 12 months, from which to download the audiovisual work (and, if available, backstage and/or promotional specials); one portable USB memory device of the audiovisual work (and, if available, backstage and/or promotional specials); and one original Blu-ray Disc of the audiovisual work (if not produced, one copy of the audiovisual work on Blu-ray Disc).
17. mention the role and contribution of the Apulia Film Fund of the Apulia Film Commission Foundation in the pressbook and in all promotional press releases or festival participations;
18. reserve at least two seats, in the case of festival participation of the premiere, for delegates of the Apulia Film Commission Foundation and the Apulia Region;
19. grant the Apulia Film Commission Foundation the right to use, free of charge, excerpts related to the audiovisual work (even edited with other excerpts from other works), of still and backstage photos, exclusively for institutional purposes and institutional promotion of the Apulia Film Commission Foundation and its members;
20. correspond to all requests for information, data and periodic technical reports arranged by the Apulia Film Commission Foundation;
21. consent to and facilitate the conducting of all checks mandated by the Apulia Film Commission Foundation and Puglia Region, as well as by competent state bodies, the European Commission and other relevant European Union bodies, including inspections and on-site visits, in order to verify the progress of the initiatives and conditions for maintaining the subsidy;
22. fulfill obligations to publish the subsidy received in accordance with this procedural guidelines, pursuant to the provisions of art. 1, paragraphs 125 and the following Law No. 124 of 4 August 2017, and its subsequent amendments and additions;
23. adhere to all suitable forms of appropriate publicity of the use of the financial resources of the Regional Program for Puglia ERDF 2021/2027, in the manner identified for this purpose;
24. ensure that expenses subject to the subsidy have not already benefited from an EU financial support measure pursuant to art. 65 par. 11 of EU Regulation No. 1303/2013 and/or national or subsequent EU Regulation No. 1060/2021 in accordance with the provisions of the current national regulations on eligibility of expenses;
25. ensure compliance with European Union policies and national regulations on eligibility of expenses, environmental protection, sustainable development, equal opportunities and non-discrimination as well as with applicable legislation in the prevention of money laundering and countering terrorism;
26. fulfill all obligations and enable all activities regarding monitoring, checks and publicity required by European regulations on the use of resources of the European Regional Development Fund (ERDF) referred to under EU Regulation No. 1303/2013 or the subsequent EU Regulation No. 1060/2021 and the subsequent implementing and delegated provisions, according to the indications that will be provided by the Apulia Film Commission Foundation and Puglia Region;
27. comply with the provisions of Legislative Decree No. 231/2001 and Law No. 190 of 6 November 6, 2012 (so-called Anti-Corruption Law), as well as the principles, norms and standards set forth in the Organization, Management and Control Model, Code of Ethics and the Three-Year Plan for the Prevention of Corruption and rules on Transparency approved by the AFC Foundation. A copy of this is available on the website "Transparent Administration" section. The Beneficiary assumes the responsibility not to behave and/or perform or omit acts in such a way as to induce employees and/or collaborators of the Foundation to violate Code of Ethics principles and the Three-Year Plan for the Prevention of Corruption and rules on Transparency, or to behave in a manner that is not in compliance with the Organization, Management and Control Model. Failure by the Beneficiary to comply with these commitments constitutes a serious breach of contract and entitles the AFC Foundation to terminate the procedural guidelines effective immediately, pursuant to and in accordance with Article 1456 of the Italian Civil Code, except for to the right to compensation for damages resulting from the breach.

**ART. 4**

**(Eligible expenses and aid intensity)**

1. For the purpose of calculating the payable subsidy, expenses, actually incurred in Puglia for the realization of the audiovisual work and paid for by the beneficiary company, are those that are considered eligible.
2. Expenses incurred in a manner other than that established by European, national and regional legislation regarding the eligibility of expenses are ineligible.
3. Only eligible production costs of the audiovisual work for the development, pre-production, production and post-production phases of the audiovisual work are eligible for reimbursement. Pre-production costs shall be integrated into the total budget and taken into account when calculating the aid intensity.
4. All eligible expenses must be actually incurred after the date of submission of the application, in compliance with the incentive effect and within the project completion date.
5. 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. 1060/2021 art. 53;
	* EU Regulation No. 1060/2021 art. 1.
7. For the purposes of calculating the subsidy for the different categories of aid, the following types of expenses incurred in Puglia are considered eligible:
	1. gross payroll or temporary or permanent employees, residing in Puglia, employed in the overall implementation of the project, registered with the Production Guide database [[2]](#footnote-2) (accessible from the URL pg.apuliafilmcommission.it); reimbursements and expenses (related to travel) provided they are directly attributable to the project with reference to the period of work in Puglia;
	2. expenses for the supply of services, professional services and consultancy fees carried out by companies and/or professionals in the audiovisual sector with residency in Puglia for at least 12 months for tax purposes;
	3. non-durable consumer goods purchased/rented from suppliers residing in Puglia for tax purposes;
	4. durable goods rented from suppliers residing in Puglia for tax purposes (rental costs are recognized to the extent and for the period in which they are used for the project); digital media, rented and used as archives or delivered to the AFC Foundation, are also considered as durable goods;
	5. rental of locations related exclusively to the project and located in Puglia, from owners residing in Puglia for tax purposes;
	6. costs for permits and authorizations in Puglia;
	7. expenses incurred for accommodation facilities in Puglia, i.e., with production units within the region.
8. The amount of the subsidy for each beneficiary company cannot differ in any way from the following amounts specified below:
	* Category A: minimum EUR 80,000 – maximum EUR 320,000
	* Category B: minimum EUR 250,000 – maximum EUR 450,000
	* Category C: minimum EUR 40,000 – maximum EUR 120,000
	* Category D: minimum EUR 300,000 – maximum EUR 500,000
	* Category E: minimum EUR 10,000 – maximum EUR 40,000
9. Notwithstanding the maximum amounts eligible for territorial spending in Puglia, as stated above, the amount of the subsidy is defined by applying the following percentages in reference to the types of eligible expenses detailed in art. 8 paragraph 5 of the Notice:
	1. 35% of eligible expenses;
	2. 40% of eligible costs for cross-border productions, financed by more than one Member State and involving producers from more than one Member State;
	3. 60% of eligible cost for difficult audiovisual works and/or co-productions involving countries on the OECE Development Assistance Committee (DAC) list.
10. The subsidy thus defined, for each type of eligible cost, constitutes the maximum amount of subsidy that can be granted.
11. Eligible expenses related to so-called “above-the-line” costs are reportable according to the following maximum amounts:
	1. EUR 100,000.00 in the case pertaining to categories A and B;
	2. EUR 40,000.00 in the case pertaining to category C;
	3. EUR 200,000.00 in the case pertaining to category D;
	4. EUR 10,000.00 in the case pertaining to category E.
12. In any case, expenses actually incurred by and in the name of the Beneficiary are reimbursable.
13. For the purposes of their eligibility, estimated expenses must be:
	1. relevant and attributable to the program/project. The Single Project Code (CUP) shall be indicated on each expense receipt;
	2. actually incurred by the Beneficiary and supported by receipted invoices or substantiated by accounting documents with equivalent probative value;
	3. incurred and paid by the beneficiary within the eligibility period, i.e., 31 December 2029;
	4. accounted for in accordance with legal provisions and accounting principles. To this end, the beneficiary must have a separate accounting system or appropriate accounting code system to keep separate all transactions related to the subsidized program/project.
14. For the purpose of calculating the subsidy, the following are ineligible:
15. expenses incurred before the application for the contribution or those incurred subsequently but related to legally binding commitments (contracts, letters of appointment, purchase orders and estimates) that render the investment irreversible in accordance with EU Regulation No. 651/2014 art. 2 and were signed before the subsidy application (see art. 7, paragraph 17 of the Public Notice);
16. notary fees and those relating to taxes and fees;
17. expenses related to the purchase of supplies;
18. expenses related to the purchase of machinery, equipment, durable goods (for example, but not limited to: computers, tablets, mobile phones, household appliances, motor vehicles, etc.) and costs related to structural measures, (such as, but not limited to, the making of film studios) ordinary or extraordinary maintenance on existing film studio infrastructure or expenditure on damages and repair/renovation costs of buildings or durable goods;
19. expenses paid from undisclosed bank accounts as listed in Annex 2a;
20. expenses related to goods and services not directly and exclusively relevant to the project for which the contribution is requested;
21. expenses paid out in cash;
22. expenses under EUR 100.00 related to the supply of goods and services, excluding payments to employees;
23. expenses incurred as in-kind contributions;
24. expenses for supplies or goods and services provided by companies or other entities having a control or an affiliated relationship with the beneficiary, as defined in Annex 1 of EU Regulation No. 651/2014;
25. compensation for the owner, director, and members of the administrative bodies of the applying company attributable to the performance of tasks related to these corporate roles;
26. expenses related to the provision and supply of goods and services by third party financiers of the audiovisual work in general (excluding the development phase) or who are in a joint interest situation with the beneficiary company receiving the subsidy;
27. interest expense and company fees (producer’s fee);
28. all general expenses, including utilities and office rental;
29. expenses related to the purchase of travel tickets;
30. reimbursements or expenses not directly attributable to the project nor related to a period different from that of the production period in Puglia;
31. expenses related to feasibility studies, budgeting, search for sources of financing and other funds, or general programming;
32. expenses related to activities not strictly connected to the production of the work (i.e., press office, promotion, communication, etc.) unless they are directly related to the production period in Puglia;
33. expenses related to personnel hired under an employment or secondment contract in favor of the beneficiary company or expenses related to the provision of labor supply or secondment services in favor of the beneficiary company;
34. expenses incurred by third parties other than the requesting beneficiary of the subsidy;
35. expenses for supply of goods and services provided by companies and professionals that are not relevant to the business activities of these same suppliers;
36. expenses related to compensation for workers hired under collective labor agreements (CCNL) other than those stipulated for the film-audiovisual sector by the most representative employers and trade unions on a national level;
37. expenses related to VAT unless it is unrecoverable under national law;
38. expenses for which the proof of payment receipts do not include the Single Project Code (CUP). .
39. The eligibility of expenses is subject to compliance with applicable regional, national and EU regulations; expenses incurred in a manner that differs from the provisions of European, national and regional regulations on the eligibility of expenses are ineligible.
40. The aid intensity of the Apulia Film Fund may be proportionally adjusted in the presence of other subsidies already granted, in line with the allowable aid intensity limits, pursuant to EU Regulation No. 651/2014 and Regional Regulation No. 6/2015.
41. Eligible costs must be discounted to their value at the time the subsidy is granted. The interest rate used for discounting purposes is the discount rate at the time the subsidy is granted.

**ART. 5**

**(Methods of expense reporting)**

1. The amount of approved subsidy at the time of subsidy granting is determined based on eligible expenses; any increase in expenses will not result in an increase of the subsidy being granted.
2. The amount of the subsidy granted is recalculated upon the disbursement of the final payment, following the verification of actually incurred, documented and recognized eligible expenses.
3. Within 60 days of the end of the project, the beneficiary company must submit the expense report of the audiovisual work.
4. In order to validate expenses, the beneficiary company must submit the following documents through a user account on the MIRWEB electronic information tracking system (mirweb.regione.puglia.it):
	1. Certificate by the legal representative of the beneficiary company according to Annex 4, indicating that:
	* all regional and national legal requirements have been fulfilled, particularly those related to fiscal matters;
	* all applicable EU regulations and standards have been adhered to, including but not limited to those related to traceability of financial flows, information and publicity, those related to labor contracts and workplace safety, environmental impact, equal opportunities and inclusion of disabled social groups;
	* expenses incurred are eligible, relevant and appropriate, and were made within the eligibility terms set by this Notice;
	* no reductions and/or VAT deductions were obtained on incurred expenses (or if they were obtained, for what expenses and to what extent);
	* no additional reimbursements, subsidies and contributions were obtained or requested from other entities, whether public or private, national, regional, provincial and/or EU community (or if they were obtained or requested, which ones and to what extent).
	1. Analytical report of reimbursable expenses drawn up in accordance with Annex 9 accompanied by: copies of the single labor logbook, production plans, specific rooming lists prepared by accommodation facilities located in Puglia, which may include the artistic cast, consistent with what is provided for in the production plan;
	2. Legally binding acts (contracts, agreements, letters of appointment, etc.), clearly showing the subject matter of the service or supply, its amount, delivery terms and payment methods.
	3. Certified copies of:
	* invoices from suppliers with tax residence in Puglia, with relative payment slips (copy of bank transfers, evidence of charges to bank account, etc.);
	* payroll of workers registered with the Production Guide or invoices of professionals registered with the Production Guide (copy of bank transfers, evidence of charges to bank account, etc.);
	* any other supporting documentation for expenses with a relative payment slip (copy of bank transfers, evidence of charges to bank account, etc. to be attached to the receipt to which it refers to, etc.);
	1. Certification by an accountant, or statutory auditor or auditing firm registered in the registry referred to in Legislative Decree No. 39/2010 and subsequent amendments, according to the model set out in Annex 6 that certifies the analytical report of reimbursable expenses and the relative production costs.
	2. The final production plan, clearly highlighting the number of working days in Puglia.
	3. The final list of cast and crew, clearly highlighting personnel registered with the Production Guide [[3]](#footnote-3) (excluding crew members hired on a daily basis, extras and trainees).
	4. List of suppliers with tax residence in Puglia.

5. At each procedural stage, checks and inspections may be carried out by representatives from the Puglia Region and relevant EU Institutions for the implementation of projects eligible for funding as provided for in Title VI Chapter I of EU Regulation No. 1303/2013 or subsequent EU Regulation No. 1060/202.

6. 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.

7. The documents related to the realization of the project must be made available throughout its duration and for a period of five years from 31 December of the year in which the last payment is made by the managing authority to the beneficiary [[4]](#footnote-4) (and in any case for ten years from the date on which the last subsidy was granted under the scheme, pursuant to art. 12 of EU Regulation no. 651/2014). They will be verified during any on-site inspection for the technical and administrative verification of the project by the Apulia Film Commission Foundation, the Puglia Region and/or the competent EU institutions; such documents must be made available in the original upon request of said bodies.

* 1. In the case of incomplete documentation, the granting body shall ask for the necessary additions, which must be provided by the beneficiary company within 20 business days following the request.
	2. The granting body, following the verification of the requested integrations, may proceed with the request for the submission of the payment application or with the revocation of the incentive.
	3. Acceptance of the funding by the beneficiary company shall constitute acceptance of its inclusion in the list of published projects in accordance with art. 115(2) of EU Regulation No. 1303/2013 or the subsequent EU Regulation No. 1060/20218.

8. In addition to the documentation listed above, the beneficiary company is required to deliver one link with a duration of at least 12 months, from which the audiovisual work (and, if available, backstage and/or promotional specials) can be downloaded. One portable USB memory device of the audiovisual work (and, if available, backstage and/or promotional specials) must also be delivered as well as one original Blu-ray Disc of the audiovisual work (if not produced, one copy of the audiovisual work on Blu-ray Disc).

**ART. 6**

**(Reduction in funding)**

1. As a result of an analysis of the expense reporting statement and monitoring of eligible costs and reimbursable expenses, the Foundation will determine a reduction in the subsidy if the reimbursable expenses budgeted are less than the expenses reported and recognized as reimbursable.
2. The amount of the subsidy awarded shall be recalculated upon the disbursement of the final payment, following the verification of actually incurred, documented and recognized eligible expenses by the Foundation.
3. In the event of a violation of aid intensity limits established in the Notice, the subsidy awarded shall be reduced until the maximum allowable limit is reached.
4. The quantification of the final subsidy will be determined according to the following percentages, taking into account any previous advance payments:
	1. 35% of eligible expenses;
	2. 40% of eligible costs for cross-border productions, financed by more than one Member State and involving producers from more than one Member State;
	3. 60% of eligible cost for difficult audiovisual works and/or co-productions involving countries on the OECE Development Assistance Committee (DAC) list.

**ART. 7**

**(Method of subsidy disbursement)**

1. The subsidy will be paid to the Beneficiaries by the Apulia Film Commission Foundation:
	1. in one lump sum, upon completion of post-production and submission of appropriate documentation of final reporting.
	2. in two instalments that include:
		1. a share equal to 40% of the assigned subsidy, as an advance, following a request for advanced payment as referred to in Annex 8a, along with the 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 by Regional Council Resolution No. 1000 of 7 July 2016 by the Region (Annex 7), for an amount equal to the advanced payment requested;
		2. disbursement of the remaining portion of the granted subsidy by submitting Annex 8c, as a balance of the subsidy, at the end of post-production and following the submission of appropriate documentation of final reporting.
2. Before granting the subsidy following the submission of each disbursement request, the Apulia Film Commission Foundation shall verify 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, subsidy identified as illegal or incompatible by the European Commission. The details of the Deggendorf Declaration issued by the Registry as a result of this verification shall be mentioned in the documents providing for the disbursement of the subsidy.
3. Following the submission of each grant request, the Apulia Film Commission Foundation shall verify the contributory regularity. If during this verification a single document indicates non-compliance with the contribution of the Beneficiary, the Apulia Film Commission Foundation shall withhold the amount corresponding to the default and disburse the residual to the beneficiary according to the procedures established for the subsidy.

**ART. 8**

**(Modifications and variations)**

1. Any changes to the funded project, both in financial terms and content, must be approved in advance by the Procedure Manager, provided they do not alter its objectives and purposes and do not result in a reduction of more than 30% of the total amount of expenses in Puglia as declared in the application phase.
2. Variations referred to in the previous point among the types of expenses indicated in the application phase are permissible 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 business days of receipt of the request. Modifications and/or changes must not involve ineligible interventions and/or ineligible types of investment and must not result in a detriment to the achievement of the original objectives and goals of the project, under penalty of revocation of the granted subsidy.
5. Variations regarding the production aspects of the project that go beyond the limit of art. 7, paragraph 2 of the Regional Regulation No. 6 of 26 February 2015, will result in the forfeiture of subsidy during inspection in the following cases:
	1. For projects pertaining to categories A, B, C, E, deviations lower than those declared during the application will be tolerated, provided they do not exceed 30% for any one of the following criteria:
		* the ratio between expenses incurred in the regional territory and the cost of the sample copy of the work;
		* the ratio between working days in Puglia and total working days;
		* the ratio between workers registered with the Production Guide to total workers (excluding extras and trainees).
	2. For projects pertaining to category D, deviations lower than those declared during the application will be tolerated, provided they do not exceed 30% for any one of the following criteria:
		* the ratio between expenses incurred in the regional territory and the cost of the sample copy of the work;
		* the ratio between working days in Puglia and total working days;
		* the ratio between workers registered with the Production Guide to total workers.
6. All quantities mentioned in the previous paragraph are to be considered as final, following monitoring and approval of the expense reporting statement.

**ART. 9**

**(Waivers and causes for subsidy revocation)**

1. Beneficiaries may waive the granted subsidy by sending a communication via certified email to: funding@pec.apuliafilmcommission.it.
2. The granted subsidy is subject to revocation by order of the Director-General of the Apulia Film Commission Foundation or the official responsible for the allocated resources identified by the Managing Authority of the Regional Program for Puglia ERDF-ESF+ 2021/2027, under Priority Axis 1, in the following cases:
	1. if requirements for eligibility for the subsidy, which must be maintained until the final disbursement date of said subsidy, are no longer valid;
	2. allocation of subsidy is based on false, inaccurate 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. confirmation, during checks or inspections, of changes to the funded project with regards to alteration of its original design, which allowed the attribution of its scores;
	5. confirmation, during checks or inspections, of administrative irregularities in the implementation of the subsidized project;
	6. failure to carry out the project.
3. The subsidy may be proportionally recalculated, provided the objectives and results of the project are achieved. “Achieved” relates to the total eligible reporting costs.
4. Should the Beneficiary waive the subsidy, the Apulia Film Commission Foundation will formalize the forfeiture of the granted subsidy.
5. Pursuant to art. 9 of Legislative Decree No. 123 of 31 March 1998, contributions disbursed and unduly received must be repaid, increased by the official interest rate in effect on the date of the loan agreement increased by 5 percentage points from the period between the date the contribution was disbursed and the date it was returned.
6. In the event that the repayment is due to facts not attributable to the company, the contribution will be repaid only by interest calculated at the official interest rate.
7. Procedures of reimbursement of the amounts are also defined in the revocation act. This act grants the Apulia Film Commission Foundation the right to immediately demand the determined sum.
8. In the case of one or more causes of revocation or forfeiture, the Apulia Film Commission Foundation, having carried out the procedures outlined in articles 7 and 8 of Law No. 241/1990, shall submit the final act of declaration of revocation or forfeiture and shall recover any sums disbursed.

**ART. 10**

**(Methods of monitoring and control)**

1. The Puglia Region and the Apulia Film Commission Foundation Intermediate Body have the right to request additional documentation and/or clarification, both during the assessment phase and throughout the duration of the activities envisaged by the project and thereafter, up to the deadlines prescribed in the following par. 3.
2. The Puglia Region, also through intermediaries, reserves the right to carry out verifications and checks 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 five years from 31 December following the last payment by the managing authority to the Beneficiary (and in any case for ten years from the date on which the last subsidy was granted under the scheme, pursuant to art. 12 of EU Regulation No. 651/2014), to any request for control, information, data, documents, certificates or declarations, to be issued, if necessary, also by suppliers of goods or services.
4. Controls may be carried out by the Puglia Region, the Apulia Film Commission Foundation and officials of the Italian State and the European Union.
5. The Apulia Film Commission Foundation may carry out periodic monitoring activities on the status of project implementation through inspection visits to the registered office and/or operational headquarters and/or during the execution of the funded activities.
6. The Apulia Film Commission Foundation may inspect at any time, even after the completion of the project, the original documentation of expenses incurred for the project, which must be compulsorily kept by the Beneficiary within the terms prescribed in Paragraph 3 above.
7. Further control activities may be carried out by the Apulia Film Commission Foundation or by the bodies responsible for monitoring and control at the regional, national and community levels.
8. Within 24 months from the date of completion of the project, the Apulia Film Commission Foundation may prepare an impact assessment on the use of the awarded subsidy.
9. The Beneficiary, within 30 days of the publication in the Official Bulletin of the Puglia Region (BURP) of the assessment results of the evaluation by the Technical Evaluation Committee, shall activate a user account on the MIRWEB electronic information tracking system (mirweb.regione.puglia.it) by notifying the Procedure Manager.
10. Within 5 days of the communication referred to in the preceding paragraph, the Procedure Manager shall arrange for the transfer of the project to the Beneficiary, so that they can proceed to update data in the Information System related to the project.
11. The Beneficiary shall upload the data related to the project by the deadline specified in this disciplinary code, ensuring to transmit to the Procedure Manager, upon completion of its insertion, the corresponding certificate of submission statement.
12. Indication that the data relating to the implementation of the subsidy, as reported in the Registration and Monitoring Information System, will be made available to the institutional bodies responsible for monitoring and control.
13. In case of audits, the Beneficiary shall be informed of the objectives and subject matter of such audits, with a specific communication from the Director General of the Apulia Film Commission Foundation, in which information shall be provided regarding the date and time of the on-site audit.
14. Upon completion of the on-site audit, the Data Controller shall prepare an on-site visit report attesting to the activities carried out, duly signed by the person(s) who carried out the audit and countersigned by the person subjected to the check.
15. Should certain information or documental deficiencies and/or anomalies arise during an on-site audit designed to verify project activities and related implementation procedures, the Data Controller shall highlight such discrepancies in the audit check list and audit report.
16. Consequently, the Director General of the Foundation requests the Beneficiary to provide their counter-arguments (or, in the case of documentary deficiencies, to "rectify" the situation) within 15 days and forwards the documentation received to the Data Controller.
17. After examining the Beneficiary’s counterarguments, the Data Controller shall communicate the final results of the audit to the Director General of the Foundation so that appropriate measures can be taken.

If, on the basis of the additions received from the Beneficiary, the irregularity can be considered rectified, the Director General of the Foundation shall notify the Beneficiary.

In the event of a decision that results in the ineligibility of certain expenses or the revocation of the eligible project, the Director General of the Foundation, taking into account the controls carried out, shall initiate procedures for recovery and/or revocation of the subsidy.

**ART. 11**

**(Information and publicity)**

1. The Notice, along 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 Puglia Region.
2. In order to ensure compliance with obligations related to information and publicity, the Notice will be disseminated via the Internet through publication on the portals of the Apulia Region: www.regione.puglia.it e [www.apuliafilmcommission.it](http://www.apuliafilmcommission.it).
3. Beneficiaries are required to comply with information and communication obligations provided for in EU Regulation No. 1303/2013 art. 15 and in particular in Annex 12 "Information and communication on the support provided by the funds" and in the Implementing Regulation of the Commission No. 821/2014 of the European Parliament and of the Council (art. 4 and 5), or the subsequent EU Regulation No. 1060/2021, regarding detailed procedures for the transfer and management of program contributions, reports on financial instruments, technical characteristics of information and communication measures for operations and the data recording and storage system.

**ART. 12**

**(Protection standards)**

1. The Apulia Film Commission Foundation shall remain unrelated to any type of relationship arising with third parties in connection with the implementation of the project covered by this procedural guidelines. Assessments carried out shall relate exclusively to the existing relationship with the Beneficiary.
2. The Beneficiary shall assume any and all civil and criminal liability towards anyone arising from the investments that are covered by the subsidy, as well as any and all responsibility with regards to the application for and granting of all permits and certifications required by current safety regulations.
3. For matters not expressly provided for in the preceding articles, please refer to what is regulated in the Notice, as well as to current EU, national and regional regulations.
4. The Foundation reserves the right to unilaterally supplement this procedural guidelines with any additional requirements and obligations related to the implementation of the funded work and compliance with relevant regulations. Changes introduced under this paragraph will be communicated to the Beneficiary via certified email.

**ART. 13**

**(Duration of the procedural guidelines)**

1. Beneficiary companies shall complete the realization of the audiovisual work submitted in the application and deliver the documentation required in art. 5 of this procedural guidelines no later than 12 months from the date of the concession act, except for animation works (Category D) which shall deliver the documentation required in art. 16 no later than 24 months from the date of the concession act as required in art. 14 par. 15.
2. Notwithstanding the provisions of the Notice, the effects of this procedural guidelines shall expire upon approval by the Apulia film Commission Foundation of the final financial reporting, with obligations set forth in the preceding articles remaining in force.

**ART. 14**

**(Resolution condition under art. 3 par. 3 of Legislative Decree 153/2014)**

1. In the event that the Computerized System for Anti-Mafia Certification (SICEANT), on behalf of the competent Prefecture, issues a prohibitory anti-mafia notice, the Apulia Film Commission Foundation will proceed with an immediate termination of this procedural guidelines and the revocation of the funding.

BY ACCEPTANCE, READ AND DIGITALLY SIGNED.

THE LEGAL REPRESENTATIVE OF THE BENEFICIARY

1. That is, fixed-term or permanent employees with residence in Puglia and self-employed VAT-registered workers with residence in Puglia, (therefore, sole proprietorships are excluded). [↑](#footnote-ref-1)
2. The obligation to register in the Production Guide data base of the Apulia Film Commission Foundation is waived for minors on the date of work performance, extras, workers hired on a “daily basis” and trainees, whose gross payroll is considered reimbursable expenses as long as they are residents of Puglia. [↑](#footnote-ref-2)
3. That is, fixed-term or permanent employees with residence in Puglia and self-employed VAT-registered workers with residence in Puglia, (therefore, sole proprietorships are excluded). [↑](#footnote-ref-3)
4. A specific notice will appear in the MIRWEB management system. [↑](#footnote-ref-4)