

**Regulations for Allocation of Apulia Film Commission
Foundation Grant
“APULIA DEVELOPMENT FILM FUND”**

Application deadlines:

31st January

31st May

30th September

Approved by the Board of Directors on 5 December 2012

SUMMARY

Type of grant

Applications accepted for three deadlines during the year (31 Jan, 31 May and 30 Sept 2012) with a total funding budget of €90,000.

Who can apply

Italian, European and non-European audiovisual, film and TV production companies.

Eligible projects

- full-length feature and animation films
- TV films (also animation)
- TV series or internet series (also animation)
- documentaries or docu-fiction

Application requirements

Projects must be:

- original or based on other works of literature
- of cultural and social relevance and clearly set wholly or partially in Apulia
- in Italian language or English language for foreign projects

Selection criteria

The AFC Foundation Board assesses projects within 60 days and bases evaluation on a project's artistic and technical quality, assigning a score up to a maximum of 100.

Projects which are awarded a score of 70 or more will be considered for funding.

Amount of grant and maximum number of beneficiaries

- 50% of project development costs incurred in Apulia, up to a maximum of €15,000.

Only those two projects obtaining the highest evaluation scores will be eligible for funding for each session.

Accumulation with other AFC Foundation grants

The grant is accumulable with all other types of AFC Foundation funding, as per regulations.

1. Introduction

The Apulia Film Commission Foundation (AFC), set up under Regional Law 6/2004 art.7, is implementing its institutional role in providing financial support for film production companies by allocating part of its annual resources to projects which promote and publicise the image and public awareness of Apulia, awarding funding and benefits through one or more of its specific grant funds.

Furthermore, the AFC is to dedicate part of its 2013 resources to developing projects based on original screenplays or adapted from literature of cultural, social or regional relevance or that are set wholly or partially in the Apulia region. The fund, in the form of a free grant, allocates direct funding of 50% of the project development budget in covering the expenses incurred in developing a film project in Apulia, in any format and for any distribution network.

The purposes of this financial support are to encourage film production in Apulia by attracting direct and indirect investment in the Apulian audiovisual sector, to stimulate growth in regional artistic and technical professions in the audiovisual field and to publicise Apulian audiovisual culture in early production phases, thus contributing to the promotion and sharing of Apulian cultural and creative identity.

Funding for the development of film projects is governed by Legislative Decree no.28 (2004's "Cinema Law") and its subsequent conditions which the current regulatory document adheres to in its allocation of grants. It also adheres to the new EU regulations outlined in the 'Communication from the Commission on State aid for films and other audiovisual works' document.

2. Who may apply and project eligibility

Funding is available for Italian, European and non-European production companies in the audiovisual, film and TV fields presenting applications for projects in the following categories;

- feature-length fiction or animation films
- TV movies (also animation)
- TV or internet series (also animation)
- documentaries and docu-fictions

which include the following features:

- original screenplay or adapted from other works of literature
- of cultural and social relevance and clearly set wholly or partially in Apulia ¹
- in Italian language or English language for foreign projects

¹ "Partially" is defined as at least 60% of external and/or internal scenes to be set in Apulia.

Applications for grants are accepted from producers in the following categories, also in the form of temporary business associations or co-production companies.

- In the case of feature films, TV movies and TV series, only commercial companies, co-operative production companies and foundations may apply.
- In the case of documentaries and docu-fictions, in addition to the companies, foundations and co-operative production companies mentioned above, other public and private bodies intending to produce audiovisual or motion picture projects may also apply.

A production company may only apply for funding as set out in the current document with one project per session.

Except in special and valid circumstances, applicants can not be awarded funding if the applying production company has not fully paid invoices pertaining to suppliers or wages for cast and crew for film projects produced previously in Apulia.

3. Available funding and allocation procedures

The total budget for 2013 is **€90,000**, equal to €30,000 available per tranche. **Each project will receive financial support of 50% of costs incurred in Apulia as set out in the production budget which in all cases may not exceed €15,000.** Only those two projects obtaining the highest evaluation scores will be eligible for funding for each session.

The AFC Foundation Board reserves the right to defer a project attaining a score of 70 or more to the following session as set out in these regulations.

Funds are allocated as follows:

- **part payment of 50%** upon completion of the grant contract by sending an original copy of the payment invoice to the Foundation and subject to receipt of the project development cost estimate and an updated production plan;
- **balance of 50%** upon receipt of complete financial statements and the completed project. Due to possible modification or withdrawal under article 9, the balance invoice may be requested by the Foundation only at the end of a complete financial report audit.

The grant is exempt from VAT as it is allocated by a non-profit organisation.

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

In accordance with current legislation governing payments made by public administrations, the AFC Foundation is legally obliged to carry out checks through the Equitalia system and examine any contract over €10,000 for outstanding fiscal burdens with regard to the Italian tax authorities. In case of non-compliance, any debts which production companies have incurred with the tax authorities will be automatically distrained by Equitalia and paid by the AFC in the name and on behalf of the production creditor.

4. Funding regulations

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

- communicate any changes occurring after presentation of the grant application; these include any artistic, financial and organisational changes as well as any modifications which alter the project from the description presented in the application for the Apulia Development Film Fund grant;
- send by e-mail (address: email@apuliafilmcommission.it) a biannual production progress report;
- adhere to law no. 136 (passed on 13 August 2010), “Extraordinary anti-mafia legislation and government authority for anti-mafia regulations” (Official Gazzette no.196, 23 Aug 2010);
- provide full financial statements on costs incurred as set out in article 7 and deliver the completed project no more than 12 months after the decision to allocate the grant, extendible once only for a maximum period of 6 months; failure to comply will result in the withdrawal of the grant and the return of any funding already allocated;
- insert on the script title page either the option “project developed with the support of Apulia Film Commission” and the Apulia Development Film Fund logo;

In cases where the beneficiary project is carried out, production companies are obliged to:

- permit video recording or photography during production, to be carried out by an AFC representative purely for documentary purposes;
- include the logo of the AFC Foundation in the opening credits or in the first frame of closing credits as well as on all the film’s information, publicity and promotional documentation (press kits, etc.), with the wording “Produced with the support of the Apulia Film Commission” and send the Foundation a preview of the opening and closing credits in jpeg format before completing or duplicating the final version of the project;

- allow the Apulia Film Commission the rights for the free use of the film as well as production and backstage photography exclusively for institutional use and institutional promotional purposes for the AFC Foundation and the Apulia region;
- provide the AFC with five DVD copies of the film and backstage footage (or promotional footage) and two CD copies of production photography;
- in case of participation in national or international film festivals, allow for the presence of an AFC representative at the film presentation press conference at the festival where it has been entered.

Furthermore, in cases where beneficiary projects are completed and produced in Apulia, 10 points will be awarded for any subsequent application for an Apulia National Film Fund grant.

The Apulia Film Commission **will not consider** subject matter, adaptations or screenplays which incite violence or encourage racism, political hatred, sexism or discrimination of any kind.

5. Application procedures

All applications for funding must include the following (failure to comply will invalidate applications):

- application form, completed in accordance with the conditions outlined in the attachment below;
- declaration of legal ownership of rights to use the subject matter / adaptation / screenplay;
- subject matter / adaptation / screenplay of film project;
- project summary / log-line (20-30 words);
- project development plan including timescale;
- estimate of project development cost;
- project development financial programme;
- estimated costs of production of the complete project (above and below the line costs);
- scriptwriter(s) CVs (subject matter, adaptation and screenplay);
- production company profile;

- list and brief description of principal Apulian settings, internal & external;
- copies of co-production / financial / distribution contracts;
- copy of the Certificate of Incorporation or Foundation Deed and copy of the statute, where required by law;
- photocopy of ID document and tax code of the production company's legal representative (or that of the leading or mandate company);
- receipt of bank draft for €121 (including VAT) as reimbursement for AFC secretarial duties. An invoice will be issued for this payment.

Applications can be sent :

- by e-mail from a PEC address to the following address:
email@pec.apuliafilmcommission.it

The mail subject must clearly state the text: **“Application for Apulia Development Film Fund grant”**.

- by registered post or courier to the following address:

**Fondazione Apulia Film Commission
Cineporto di Puglia / Bari
c/o Fiera del Levante
Lungomare Starita, 1
70132 Bari**

Application envelopes must clearly state the following text:

“Application for Apulia Development Film Fund grant”.

For applications sent by registered post or courier, production companies must provide the abovementioned material both **on paper as well as in CD/DVD or USB pen-drive format**. Failure to comply will result in an invalid application.

A bank draft for €121 should be made out as follows:

**Fondazione Apulia Film Commission
San Paolo Banco di Napoli – Ag. 2 – Bari
IBAN: IT 19 D 01010 04002 10000001503
Reason for payment: “Reimbursement of expenses for Apulia Development Film Fund application”**.

6. Criteria for allocation of funds

Applications will be examined by the AFC Foundation Board whose final, indisputable decision will be made and communicated within sixty (60) days of receipt of applications.

The Board's decision will be facilitated by the pertinent but non-binding opinions of two film experts, critics or historians.

Public notice of the results of applications will be published on the website www.apuliafilmcommission.it.

If an application is successful, the Apulia Film Commission will draw up a contractual agreement with the applicant in line with a Board resolution.

Decisions made by the Board of Directors are final and irrevocable.

The two projects which obtain the highest scores will be eligible for funding. The minimum qualifying score is 70 points out of a maximum of 100.

Each part contributes towards the total as an overall percentage based on the following criteria:

- A. **Artistic quality** of the story, adaptation or screenplay with regard to different genres of film, considering originality of the overall subject, quality of writing and narrative structure, quality and originality of the characters, quality of the dialogue and cinematographic imagery, cinematographic innovation (maximum 60 points);
- B. **Quality, consistency and feasibility of project**, validity of technical aspects of the project: consistency and congruity of the project with the subject matter/adaptation/screenplay in addition to the cost estimate, company profile and level of feasibility of the potential film project (maximum 40 points).

7. Financial Statements and Production Company Obligations

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

- to comply with law no. 136 (passed on 13 August 2010), "Extraordinary anti-mafia legislation and government authority for anti-mafia regulations" (Official Gazzette no.196, 23 Aug 2010);
- to adhere to current regulations regarding social security contributions, medical assistance and workplace insurance for technical and artistic staff hired, including

temporary staff with clear reference to their membership of ENPALS (national insurance office for workers in the entertainment industry) including payment of all legally required contributions;

- to provide an itemised financial breakdown of the project **to be submitted both in electronic format and on paper** verified by a certified accountant or auditing company.
- to submit certified copies of invoices, work or consultancy contracts carried out by Apulian personnel, payslips and all other documentation relating to allowable expenses incurred in Apulia for the development of the project in addition to an itemised financial breakdown for the entire project in both electronic format and on paper, verified by a certified accountant or auditing company.
- to provide a final report detailing all activities carried out in the production of the project.

The grant is accumulable with other forms of public funding (Media, Mibac, etc.) In these cases, production companies are required to provide a copy of the financial statements compiled for other institutions or public funding bodies involved in the project.

During the phase of checking financial statements, if the AFC notes that declared expenses are lower than those shown in the estimated budget included in the funding application, indisputable proceedings may be carried out to proportionally reduce or annul the grant.

Upon payment of the final balance, a certified copy of the **DURC** certificate (certificate of national insurance contribution payments) is required. This is necessary even for companies that have no permanent employees if they are required to be insured both at INAL and INPS. The certificate must be valid and accompanied by a **declaration, under Presidential Decree 445 (2000)**, which certifies the fulfilment of all conditions set out in Legislative Decree 83 (2012), art.13, covering contracts and sub-contracts for work and services, specifically the correct payment of VAT and deductions.

In cases where a beneficiary project is made into a film and receives funding from the Apulia National Film Fund or Apulia International Film Fund, expenses already presented for financial accounts regarding the Development Film Fund **will not be taken into account** in reaching this quota.

8. Allowable expenses

Only those expenses **incurred in Apulia and net of VAT** are deemed allowable in the following circumstances:

- options on rights to adapt works of literature (in cases of Apulian publishing companies);
- writers of subject matter, adaptation and screenplay (if Apulian citizens);
- production staff;
- research activity;
- translations;
- production of storyboard or videoboard (produced by Apulian designers or artists);
- pre-casting;
- production of a video version, pilot or trailer (produced by Apulian artists or technicians);
- travel and accommodation in Apulia.

All expenses must be directly related to project development and incurred **subsequent to the date of presentation of the funding application.**

It is stipulated that the **only allowable expenses incurred outside Apulia** are those related to membership of national or international markets, co-production forums or development workshops directly linked to the project.

9. Annulment of grant, place of jurisdiction and data protection

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

Projects which fail to comply with the regulations stipulated under Articles 3, 7 and 8 of this document will result in proceedings to ensure the reimbursement of funding already allocated as well as the non-payment of any outstanding balance.

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

It is agreed that the place of jurisdiction for all disputes arising out of, or in connection with, these regulations will be exclusively that of Bari.

On signing the application form, applicants agree to accept all conditions set out under these regulations.

Under Legislative Decree 196/2003, it is hereby notified that the holder of all data used in applications for the Apulia Development Film Fund is the Apulia Film Commission Foundation.

Bari, 21 December 2012

Our ref: no. 4959/12/U

Application forms attached below

