

ANNEX 1



**REGION OF PUGLIA  
MEDITERRANEAN REGIONAL DIVISION, CULTURE AND TOURISM CULTURE AND  
ENTERTAINMENT SERVICE**

**Assisted Program Framework Agreement "Cultural Assets and Activities"  
FSC – Fund for Development and Cohesion 2007/2013  
(Resolution CIPE 92/2012)**

**PUBLIC NOTICE  
FOR THE SUBMISSION OF REQUESTS FOR SUBSIDIES**

**APULIA FILM FUND  
LEGAL REGIONAL PARTICIPATION**

## Reference Regulation

- Recommendation 2003/361/ European Commission of 06/05/2003 and subsequent amendments and additions (definitions of micro, small, and medium-sized companies);
- Council Regulation (EC) No. 994/98 of 7 May, 1998, on the application of Articles 92 and 93 of the Treaty empowering the European Community in certain categories of horizontal state aid, as amended by Commission Regulation (EU) No. 733/2013, of 22 July 2013, and in particular Article 1, paragraph 1, letters a) and b);
- Commission Regulation (EU) N. 651/2014 of 17 June 2014, published in the Official Journal of the European Union, No. 57, on 26 June, 2014, declaring certain categories of aid compatible with the internal market in application of Articles 107 e 108 of the Treaty;
- Communication from the European Commission published in the EU Official Journal C332 / 1 of 15.11.2013 "Communication from the Commission relating to State aid in favor of cinematographic and other audiovisual works";
- Communication from the European Commission published in the EU Official Journal C209/1 of 23/07/2013 "Guidelines on state aid for regional purposes 2014-2020";
- Legislative Decree no. 123 of 31 March 1998 concerning "Measures for the realization of the participation of public support for companies";
- L.R. no. 28 of 26/10/2006 concerning "Rules of legal matter in countering irregular employment"
- L.R. no. 15 of 20/06/2008 and Regional regulation no. 20/2009 (Transparency in administrative action);
- L.R. n. 8 of 10/03/2014 concerning "Standards for safety, quality, and well being at work";
- L.R. n. 10 of 29 June 2004 concerning "Study of regional aid systems" and, in particular, Article 1 which governs the approval for implementing the Rules of the Law;
- CIPE Resolution no. 92 del 03/08/2012;
- APQ enhanced "Culture Heritage and Activities", ratified by DGR no. 2165/2013 "Development and Cohesion Fund 2007/2013" and further amendments made by DGR 1458/2014, 164/2014, and 2640/2014;
- DGR no. 751 of 11/04/2013 "Diagram of a contract guarantee for the prospect of receiving benefits from the Region of Puglia";
- Regional regulation no. 6 of 26/02/2015 for aid compatible with the internal market under the TFEU (regional rule regarding Puglia Aid is exempt). Audiovisual works are favored under the Aid systems.

## Article 1 Definitions

1. For the purposes of this Notice, applied are the definitions of Article 2 of Regulation no. 651/2014 of the Commission of 17 June 2014, hereafter "Rule of Exemption", as well as the definitions referred to in Article 1 of the Ministerial Decree of 7 May 2009, "Tax Credit Producers".
2. In addition to the definitions referred to in paragraph 1, the following shall apply:
  - Legality rating:** This shall mean the legal ratings of companies referenced in Art. 5 under Decreed Law 24 January 2012 converted with amendments by Law 24 March, 2012, n. 27.
  - Tax credit:** This shall mean that the tax rules are facilitated under the following provisions of the law:
    - a. Tax credit production (article 1, paragraph 327, Law 244/2007 and Decreed May 7, 2009 as "Tax credit Producers")
    - b. Tax credit production executive producing foreign films (article 1, paragraph 325, Law 244/2007 and Decree 7 May 2009, "Tax Credit Producers")

- c. Foreign tax credit investors (article 1, paragraph 325, Law 244/2007 and Decree 21 January 2010, "Foreign tax credit investors and distributors")

**Cash rebate:** This shall mean the reimbursement of expenses considered eligible, to the extent of the percentage explained, followed by a verification of the costs statement.

## **Art. 2**

### **Beneficiaries**

1. The beneficiaries of the aid of this Notice are the **operating companies** making investments for **the production of audiovisual works**.
2. The ventures, in order to be eligible, must necessarily possess and respect, by the date of submission of the request, all the requirements and conditions of this Notice and its attachments for the granting and / or disbursement of the contribution.
3. Those candidates upon the submission of their requests, must satisfy **by the date of application**, the following requirements: They must -
  - a. be properly constituted and registered in the Company's Registry or in the Economic Administrative Repertoire (REA);
  - b. be classified with a code **from ISTAT ATECOFIN 2007 Group 59.1** as a primary code, as stated in the Tax Form (Modello Unico) of the previous fiscal year;
  - c. be producers or co-producers of the unique audiovisual works presented or have a contract with the executive production of the audiovisual production company;
  - d. be in full and free exercise of their own rights, not bound in a voluntary closure nor undergoing competitive exams;
  - e. not be among those who have received and subsequently not repaid, nor have deposited in a blocked account, whereby the aid is declared unlawful or incompatible by the European Commission;
  - f. operate in compliance with current building codes and zoning and labor standards, with particular reference to the contribution obligations, the (CCNL) national labor contract collection in reference and the supplemental agreements of the category, as well as with accident prevention regulations and environmental safety procedures;
  - g. be in a situation of regular taxpaying with contributions towards INPS and INAIL (social security and safety insurances);
  - h. not have been consigned, in the six years preceding the date of the application of the request, procedures revoking the use of public subsidies, except those arising from waivers by businesses;
  - i. have returned subsidies previously paid, the which were made available by the Entity in charge of restitution;
  - j. not be found in conditions such as to be a company in difficulty, according to the EU community definition (Article 2 paragraph 1 point 18 of the exemption Regulation).
  - k. not have ongoing disputes with Government Agencies like social security and welfare and/or not have measures of enforcement proceedings pending before the Judicial Authority, nor administrative proceedings related to acts of revocation for misappropriation of public funds.
4. The conditions of eligibility for the candidate, with the exception of a change in classification of the beneficiary, are cumulative and must remain constant until the date of the final disbursement of the contribution.
5. The aid recipients and the providers of goods and services must have no connection, direct or indirect, in corporate terms, or through positions held by shareholders or directors, nor in general must they themselves be found in situations of joint interest.

6. The eligibility for funding of the beneficiaries of any aid exceeding the amount of € 150,000.00 will be submitted, in accordance to Legislative Decree no. 159/2011, based on the conclusions of anti-mafia verifications;

### **Art. 3**

#### **Type of eligible participation**

1. The Region of Puglia encourages, through this notice, the creation of audiovisual works including feature films, TV movies, TV series, web series, documentaries and short films.
2. The benefits of this Notice are representative as production aid for audiovisual works.
3. Initiatives facilitated within this present Notice must:
  - a. be related to investments in art. 2 paragraph 1;
  - b. be made in the Puglia region;
  - c. have concrete beginning after the submission of the application for facilitation within the framework of this notice.

### **Art. 4**

#### **Available resources and aid intensities allowable**

1. The benefits of this Notice are insured by the Region of Puglia through the resources of the Development and Cohesion Fund (FSC) 2000-2006 and 2007-2013 in connection with the Region of Puglia, approved by Resolution CIPE no. 92 of August 3, 2012, internally by the Agreement of the Framework Program and the enhanced "Cultural Heritage and Activities", signed on November 13, 2013 and ratified by Resolution of the Regional Council (DGR) no. 2165 of 19 November 2013, and subsequently the DGR of July 15, 2014 No. 1458, re-modified under DGR no. 2640 of 12.16.2014;
2. The overall financial resources expected at the time of the present Notice totals **€1,400,000.00** (One million, four hundred thousand Euros). The Region of Puglia, on the basis of the results of the preliminary assessment and the availability of additional resources, reserves the right to increase the budget of this Notice.
3. The aid referenced in this notice shall be dispensed in the form of tax exemptions aid schemes.
4. The aid mechanism applied in this Notice is based on a percentage of production expenses incurred in the region.
5. The aid intensity given for audiovisual projects may not exceed 47% of admissible costs. Cost intensity can be increased as follows:
  - a. 50% of eligible costs for the companies to which the rating of legality is respected;
  - b. 60% of eligible costs for cross-border productions funded by more than one Member State and in which producers of more than one Member State participate;
  - c. 100% of the eligible costs for difficult audiovisual productions and shared productions which include participating countries on the list of the Development Assistance Committee (DAC) of the OESC.

It is noted that difficult projects shall mean short films, the first (debut) and the second film by a director, documentaries or movies from low cost to other works deemed difficult from a business perspective, with reference to what is governed by MiBACT. The DAC list shows all the countries and territories eligible for public development assistance. These are countries with low and middle-income based on gross national income (GNI) per capita published by the World Bank, with the exception of the members of the G8, the EU Member States and countries which already have fixed a date for EU membership. The list also includes all least developed countries as defined by the United Nations.

6. For the recipient companies, the aid intensity may not exceed the percentages specified here below, the so called "**Cash rebate**":

- a. **50%** of expenses in favor of **professional workers** regularly enrolled in the database of the Production Guide of the Foundation Apulia Film Commission (available at <http://www.apuliafilmcommission.it>) for feature films, TV movies, TV series, web series, documentaries, short films;
  - b. **25%** of expenses in favor of **suppliers** with operational headquarters in the Puglia region for feature films, TV movies, TV series, web series;
  - c. **40%** of expenses in favor of **suppliers** with operational headquarters in the Puglia region for documentaries;
  - d. **70%** of expenses in favor of **suppliers** with operational headquarters in the Puglia region for short films.
7. For the recipient companies, the aid intensity may not exceed the maximum amounts specified below:
- a. **€ 200,000.00** (two hundred thousand) for feature films, TV movies, TV series, web series;
  - b. **€ 30,000.00** (thirty thousand) for documentaries;
  - c. **€ 10,000.00** (ten thousand) for short films.

## **Art. 5**

### **Allowable expenditures**

1. Personnel costs are allowed exclusively for those specialized and enrolled in the Production Guide of Apulia Film Commission Foundation and for suppliers with operational headquarters in the Puglia region, on the **preparation, shooting and post-production** of audiovisual works.
2. Only costs incurred within the Puglia territory are considered eligible, **net of VAT**, on expenditure items as detailed in Appendix 2A.
3. The costs incurred within the Puglia territory shall mean only expenses relating to **the gross payrolls** of those professionals enrolled in the Production Guide and that only for supplier invoices whose operational headquarters are **in the Puglia region**.
4. It is to be noted that per diems shall mean eligible expenditures to the extent of 25%.
5. The following items are not eligible:
  - a. expenses for legal fees and those relating to taxes and duties;
  - b. expenses for purchase of stockpiles;
  - c. expenses for the purchase used machinery and equipment;
  - d. expenses settled in cash;
  - e. expenses where the total amount of assets eligible for aid is less than €100.00 (one hundred);
  - f. expenses relating to VAT (unless it is non-deductible for the beneficiary), and any additional burdens;
  - g. expenses related to goods and services not directly functional to the project for which support is requested;
  - h. occasional provisions of services;
  - i. expenses incurred by way of contributions in kind;
  - j. expenses sustained with internal orders processing, even if capitalized and regardless of the industry in which the company operates;
  - k. expenses incurred prior to the date of submission of the aid request;
  - l. expenses related to services performed by the owner, by the members, the administrator and by those who hold positions in the applicant's company;
  - m. expenses related to services and supplies of goods and services by third party financiers of the audiovisual work or, in general, third parties who are in situations of joint interest with the beneficiary of the aid;
  - n. expenditures connected to activities in the sectors excluded from the application of Reg. 651 art. 1 par. 3.

6. Any expenses financed through the present system of aid, in the event of a lack of authorization by the competent community bodies or a lack of recognition of eligibility by the community, state and/or regional bodies, will not be considered eligible and will remain complete responsibility of the company receiving aid.

## **Art. 6**

### **Admission procedure to the applications for contributions**

1. In order to be eligible for admission, the candidates must be in possession of the following:
  - a. A "**Certified Electronic E-Mail Address**" (**PEC**) registered in the name of the company making request, issued by one of the PEC Managers pursuant to art. 14 of the Decree of the President of the Republic 11 February 2005, no. 68 and published in the Official Journal on April 28, 2005, no. 97;
  - b. A valid "**Electronic digital signature**" of the legal representative of the company at the present time, issued by one of the certifiers<sup>1</sup> as provided in Article 29, paragraph 1 of the Legislative Decree March 7, 2005 no. 82 and specified in the Decree of the President of the Council of Ministers January 13, 2004;
2. The applications must be written in the format and in the manner specified in this Notice, on a specific set of forms, all attached, otherwise the applicant is not eligible.
3. An explicit motive for exclusion is where in the event one has already been a beneficiary of contributions received from the Film Fund Foundation "Apulia Film Commission" (Apulia National & International Film Fund, Apulia Regional Film Fund) for that same audiovisual project for which the application is made,
4. The applicant company must possess, by the date of application for facilitation, a minimum financial covering budget of the audiovisual work for which the funding is being requested, detailed herein as follows:
  - a. **60%** of the budget in the case of feature films, TV movies, TV series, web series;
  - b. **40%** of the budget in the case of documentaries;
  - c. **20%** of the budget in the case of short films.This funding, detailed in the **financial plan** according to the model Annex 2B, must be witnessed by relevant contracts (eg. With co-producers, third party lenders, broadcasters, distributors, etc.) along with a sworn certification by a registered accountant (CPA) or auditor, or an accounting firm that provides a record of the actual availability.
5. If the financial plan sustains corporate direct financial contribution by the applicant company, and/or a financial contribution of co-producers or groups of producers, in the share of the expected fund minimum, a bank certificate to date of application proving the actual availability of the sum indicated (bank credit, backed by guarantees) shall be attached.
6. If the financial plan purports financial contributions from third parties in the sharing of expected minimum funding, in addition to the contract, a bank statement on the date of submission, proving the actual availability of the sum indicated (bank credit, backed by guarantees) shall be attached.
7. If the financial plan sustains financial contribution by the national tax credit (producers, outside investors, etc.) in the share of expected minimum funding, the application to the MiBACT - General Direction for Cinema, complete with protocol shall be attached.
8. In the case of feature films, TV movies, TV series, web series, it is also required to attach a contract by a distributor and/or a broadcaster.
9. The applicant company must meet the following minimum working limits for shooting in the region:

---

<sup>1</sup> The public list of the certifiers is available at: [www.cnipa.gov.it](http://www.cnipa.gov.it), under "Firma Digitale, Elenco dei certificatori di firma digitale" (*Digital Signature, list of digital signature certifiers*)

- a. **6 working days** in the case of feature films, TV movies, TV series, web series;
  - b. **6 working days** for documentaries;
  - c. **2 working days** in the case of short films.
10. The admitted project under the contributions cannot be changed in the course of execution, in objectives, in activities nor in desired results. In order to maintain funding, all variations regarding the recipient company, the individual service provider and/or its contribution to the admitted project allowed must be communicated in a timely manner to the Region and to the Foundation Apulia Film Commission, for prior authorization, by penalty for their non-recognition.
11. Changes which affect more than a 20% limit on the score obtained in the evaluation of the application request, will implicate a loss of the benefit, considering the procedure to be akin to a tender and this is in order to avoid alterations to the principle of equal conditions between participating companies.
12. The following conditions are also considered reasons for exclusion from the financing:
- a. Submitting the application request after the deadline required by this Notice;
  - b. An incomplete application, lacking required documents, as well as statements of the prescribed requisite conditions and resulting obligations.
  - c. Non compliance to the resulting elements in the application, that is irregularities of the same with relation to the arrangements expected in the relevant legislation with reference to affidavits;
  - d. The use of a form which does not conform to the one prepared by the Region.

## **Art. 7**

### **Application procedure**

1. The application for admission to the contribution must only be sent, by penalty for exclusion, online from the applicant company's PEC to the following electronic mailbox PEC: **fsc.culturaspettacolo@pec.rupar.puglia.it**
- On the subject line of the PEC email it must be titled:  
 "Application Request Public Notice Apulia Film Fund".  
 \*("Domanda di agevolazione Avviso Pubblico Apulia Film Fund")
2. The documentation of the application for admission to the funding, duly signed digitally and prepared in accordance with the forms provided by the Region, must contain:
- a. application form (Attached 2F);
  - b. financial plan (Attached 2B), accompanied by the relevant contracts, as per art. 6 paragraphs 3, 4, 5, 6 of this Notice;
  - c. certification affidavits of traceability of financial flows (Attached 2C);
  - d. certification affidavits for the verification of the regular contributions (Attached 2C);
  - e. contract with a distributor and/or a broadcaster, in the case of feature films, TV movies, TV series, web series;
  - f. any contracts for co-production or executive production;
  - g. company profile of the applying company and all those involved in the production (or any co-productions, both associate and executive);
  - h. production budget, with above the line costs and below the line costs and the part highlighted relating to the expenditures in the Puglia region, as eligible under this Notice;
  - i. scan of the receipt of payment of the stamp duty of € 16,00 (instructions Attached 2G);
  - j. certification on the accumulation of aid in the year 2015 (Attached 2H);
  - k. an up to date business profile by the applying company and any co-producers;
  - l. a photocopy of the identification document of the legal representative of the applicant company;
  - m. subject, synopsis and script;

- n. filmography of the authors (screenplays, writers, director, cinematographer, set designer, costume designer, editor);
- o. filmography of the producer;
- p. register list of the cast and crew with details of local professionals already identified or to be identified, except for the figures, the special figures and trainees;

#### **Art. 8**

##### **Deadline for submission of applications for contributions**

1. Applications for contributions are to be sent, under penalty of exclusion, only electronically, in the manner provided for in art. 7 paragraph 1 of this notice, no later than May 29, 2015, 13:00 (CET).
2. Beyond this deadline, the regularization of all applications by proposed applicants who have omitted, totally or partially, even only one part of the data and/or documents and/or declarations required will no longer be possible, in any form.
3. Substantiate the date and time stated on the delivery receipt generated by the PEC.
4. The aid applications are subject to the payment of stamp duty of € 16, 00. The tax payment must be documented according to the procedure described in Attachment 2G.

#### **Art. 9**

##### **Preliminary procedure for evaluation and selection of projects**

1. The preliminary investigation and evaluation of the applications is carried out by a Committee appointed by the Manager of the Culture and Entertainment Service and is composed by the Chairman For Implementation (RUA) as president, three experts appointed by the Apulia Film Commission Foundation (a Story editor and/or a screenwriter, a production and audiovisual marketing expert, and a referent from the Apulia Film Commission Foundation), and are assisted by two employees of the Area Affairs for the Promotion of the Territory, Knowledge and Talents, of which one acts as recording secretary .
2. The eligibility check, carried out by the Commission in a public session, the date of which will be published on the site [www.regione.puglia.it](http://www.regione.puglia.it), concerns:
  - compliance with the terms and manners of presenting the application;
  - holding the requirements for eligibility (of the subject and of the investment);
  - verification of documentation and forms submitted for the purpose of eligibility (the lack of even one single document or the failure to complete even a part of the forms also result in the non-eligibility of the application).
3. If in the course of the preliminary eligibility activity there is a need for clarification, the Region of Puglia may issue a formal request to the subject candidate, who is then obliged to fulfill the request within a period of 10 days maximum from the receipt of such request. If no action is taken within these terms, the application is then excluded from the assessment phase and is therefore declared ineligible.
4. The Commission proceeds in one or more private sessions with the evaluation of the merits of applications for contributions, with a technical and economic evaluation of the projects. This is done by attributing a score which is assigned to each application form. The score will be determined using a mechanism for rewarding based on the following indicators:



<b>SECTION A – Artistic Rating</b>	<b>Maximum Points</b>
a. Originality of the subject 20 = High 15 = Medium High 10 = Medium 5 = Low 0 = Absent	Max 20 points
b. Quality of Writing 10 = High 7,5 = Medium-high 5 = Medium 2,5 = Low 0 = Absent	Max 10 points
c. Soundness of the narrative structure 20 = High 15 = Medium-high 10 = Medium 5 = Low 0 = Absent	Max 20 points
<b>Total section A</b>	<b>Maximum 50 points</b>
<b>SECTION B – Technical Rating</b>	
a. Consistency of the artistic components with production/financial 15 = High 12,5 = Medium-high 7,5 = Medium 2,5 = Low 0 = Absent	Max 15 points
b. Economical and occupational impacts on the territory 20 = High 15 = Medium-high 10 = Medium 5 = Low 0 = Absent	Max 20 points
c. Quality and effectiveness of the distribution plan 10 = High 7,5 = Medium-high 5 = Medium 2,5 = Low 0 = Absent	Max 10 points
d. Gained Experience (derived from the company profile and the filmography of the producer) 5 = High 3,5 = Medium-High 2,5 = Medium 1,5 = Low 0 = Absent	Max 5 points
<b>Total section B</b>	<b>Maximum 50 points</b>

5. The minimum eligibility for funding is 60 points overall including the preceding table, subject to the achievement of 30 points in section A.
6. Failure to reach 30 points in section A is a reason for exclusion.
7. Where in the course of the evaluation there is a need for clarification, the Region of Puglia may carry out a formal request to the subject candidate, who is obliged to furnish them within a maximum period of 10 days from receipt of the request. If no action is taken within these terms, the application is excluded from the assessment phase and, therefore, is declared ineligible.
8. The facilities provided in this Notice, until exhaustion of the total allocation referred to in Art. 4 are assigned on the basis of the position in the ranking, to the applications considered eligible;
9. Where there is a same score (tie) in the ranking order of financing, the investment plan that has the most points in section A shall prevail.
10. The Chairman For Implementation (RUA) shall implement, within 40 days after the deadline for submission of applications, the executive action containing:
  - The outcome of the investigation of the applications eligible/not eligible following the eligibility check;
  - The provisional rankings, compiled by the Commission, the projects declared eligible, with an indication of the projects funded, those not funded by exhaustion of the resources available and the amount of benefits granted, and shall have it published in the B.U.R.P. and on the website of the Region [www.regione.puglia.it](http://www.regione.puglia.it).
11. Within 10 days and not later than the date of publication of the provisional list, the interested companies may submit observations and motivated opposition, properly documented to the Chairman For Implementation (RUA) by way of certified electronic post (PEC) at the address: [fsc.culturaspettacolo@pec.rupar.puglia.it](mailto:fsc.culturaspettacolo@pec.rupar.puglia.it).
12. The Region of Puglia shall arrange to procure from the Authorities and from the Administrations in charge the certifications or affidavits of certification submitted by companies designated.
13. Based on the observations/objections received within the terms of the outcome of the certified verifications or affidavits submitted, the Chairman For Implementation (RUA) shall arrange for, within 40 days of publication of the provisional list, the publication of the final list on B.U.R.P. and send notice by certified electronic mail to the designated recipients, containing:
  - The description of the project facilitated;
  - The amount of subsidy allocated;
  - The deadline for subscribing to the Regulations referred to in art. 10.
14. In the event that the statements of an assigned company do bear to be true or these statements prove to be different from those contained in the certifications acquired by the office, Chairman For Implementation (RUA) arranges for the revocation of the subsidy allocated, in accordance with art. 15, and the consequential obligations provided for in Art.76 of Presidential Decree 445/2000 and s.m.i.;
15. The Chairman For Implementation (RUA) will communicate by certified mail to those ineligible parties, who will make a written request, the reasons for non-acceptance.

## **Art. 10 Disciplinary**

1. The Region, having acquired the certifications of regular contributions and verified the regularity (art. 48-bis of Presidential Decree 602/73) of the obligations derived from the notification of payment to the company's appointed Trustee, subscribes, within the time limit set by the Chairman For Implementation (RUA), with the same company, a Disciplinary prepared in the format approved by DGR 2253 of 28/10/2014, containing:

- reference to the executive decision determining allocation of contributions with the details of the publication on BURP;
- the amount of contributions granted;
- the Code of Law Project (C.U.P.);
- obligations of the company Trustee, as specified in the next article 15;
- the statement of the company Trustee to assume any and all civil and criminal liability, against anyone, arising from investments that are the object of the subsidy, as well as any liability for the request and the granting of all permits and all certifications required by law as applicable in matters of security.
- the arrangements for distribution of the contribution
- procedures for accounting of expenses;
- cases of revocation of the contribution.

### **Art. 11 Payment Scheme**

The contributions granted will be paid to those concerned, from the Region of Puglia:

- a. in **a lump sum** at the end of the postproduction, following a presentation of appropriate documentation of the final report, according to the special schemes defined and made available by the Region. The invoice for payment, since susceptible to reschedule or revocation, will be requested by the Region only **at the end of the analysis phase of the relative reporting.**
- b. **two solutions** including:
  - I. payment of an advance of 35% of the conceded contributions, followed by a specific request of the beneficiary undertaking the contributions with contextual presentation, according to the framework approved by DGR. 751 11/04/2013 by the Region of Puglia, through **a bank guarantee or insurance policy or insurance policy issued by a financial intermediary** registered in the special list referred to in Article 107 of Legislative Decree no. 385 of 1 September 1993 and subsequent, to the Region of Puglia and in an amount equal to the required;
  - II. payment of the remaining portion of the contributions granted, as the balance of the contributions, at the end of the post and following submission of appropriate documentation of the final report, according to the specific framework. The invoice for payment since susceptible to modification or revocation, will be requested by the Region only **at the end of the analysis phase of its reporting.**

### **Art. 12 Modifications and variations**

1. The project admitted to the facilities cannot be changed in the course of execution, objectives, activities and expected results. In order to maintain funding, all variations by the recipient company, the individual service provider and/or its contribution to the facilitated project are to be communicated in a timely manner to the Region, for the prior authorization, penalty for non recognition.
2. In order to maintain funding, all variations regarding the beneficiary of the contributions, the companies that provide goods and services and/or its contribution to the project allowed to be communicated in a timely manner to the Puglia Region.
3. Variations are not allowed which decrease the score assigned in the evaluation phase of more than 20%, in which case the benefit lapses, taking into account the procedure which is akin to a competition and this is in order to avoid alterations to the principle of equal conditions between participating companies of the Notice.

## Art. 13

### Reporting methods and recognition of expenditure

1. Eligible expenses must result from legally binding acts (contracts, letters of appointment, order confirmations) which clearly show the object of the provision, its amount, its relevance to the project, the terms of delivery.
2. In the case of provision of specialist advice, it shall be performed by individuals, public and private, that are technically organized and registered for VAT.
3. Occasional performances are not eligible.
4. VAT does not constitute eligible expenditure only if it is genuinely and definitively borne by the individual recipient. VAT which can be recovered in some way cannot be considered admissible even if it is not actually recovered by the final beneficiary or individual recipient. When the final beneficiary or individual recipient is subject to a flat rate system under Chapter XIV of the Sixth Directive on VAT, VAT paid is considered recoverable for the purposes mentioned above.
5. In order for expenses to be approved, the following must be attached:
  - a. a **certificate** issued by the legal representative or a delegated person, like the beneficiary, according to Attachment 2D, if it appears, among other things, that:
  - b. all the requirements of the regional and national law matters have been fulfilled; in particular those in fiscal matters.
  - c. all regulations and existing Community rules including, for example, those concerning the obligations relating to information and advertising, those relating to employment contracts and safety at work, environmental impact, equal opportunities and inclusion of the social categories with disabilities were complied with.
  - d. the expenditure is eligible, relevant and appropriate, and was carried out within the terms of eligibility in the call or notice;
  - e. were not obtained reductions and / or tax deductions on expenses incurred (i.e. have been obtained on such expenses and to what extent);
  - f. additional reimbursements, contributions and additions of other entities, public or private, national, regional, provincial and / or community (that were obtained or requested, which and to what extent), have not been obtained or requested;
  - g. (Only for the certification of final expense) the completion of the project activities took place in compliance with the objectives of the project and the measures set in place.
  - h. certification on the cumulation of aid in 2015 according to Attachment 2H.
  - i. affidavit of an accountant, auditor or chartered accountant or accounting firm, which certifies the analytical report prepared in accordance with Attachment 2E.
  - j. copies of:
    1. **receipted invoices** of suppliers from Puglia region with its bill payments (bank statement, evidence of direct debit, etc.);
    2. **payrolls** of workers regularly contracted with the related list of payments (bank copy, evidence of direct debit, etc.);
    3. **any other supporting documentation** with the related list of payments (copy of the bank, evidence of direct debit, etc.).
6. All the evidence proving the actual expenditure was incurred by the party receiving the aid must be available for verification and control.

## Art. 14

### Duration

1. The beneficiary companies are obliged to deliver the file reporting, pursuant to art. 13 of this notice, no later than **November 30, 2015**.
2. The recipient undertakings or producers and holders of rights of exploitation of the audiovisual work are obliged to complete and deliver the audiovisual work in Blue-ray Disc to the Foundation Apulia Film Commission, **no later than**:
  - a. **18 months from the date of allocation of resources**, on penalty of withdrawal of the contribution, in the case of feature films, TV movies, Web series, documentaries;
  - b. **12 months from the date of allocation of resources**, by penalty withdrawal of the contribution, in the case of short films.

### **Art. 15**

#### **Obligations of the beneficiaries**

In consideration for the assistance, the recipient firms undertake:

1. to apply the existing legislation on social security, health insurance and occupational technical and artistic personnel hired, including temporary with explicit reference to the payment of any contribution made by law;
2. to respect the law of August 13, 2010, no 136 "extraordinary plan against mafia, as well as the delegation of government with regard to anti-Mafia legislation" (OJ no. 196 of 23 August 2010);
3. to send the contract signed and countersigned by the legal representative of the beneficiary company, within 10 days of receipt;
4. to communicate via e-mail, if possible before the start of the preparation:
  - a. the plan of preparation;
  - b. the list of crew preparation;
  - c. the complete list of suppliers, specified with those from Puglia;
5. to communicate via e-mail, if possible before the start of processing (and during shooting any updates):
  - a. the complete work plan;
  - b. the complete crew list, with a clear specification of the Puglia staff;
  - c. the full cast list, clearly highlighting the interpreters from Puglia;
  - d. complete the list of suppliers, clearly highlighting those from Puglia;
  - e. and. the complete list of locations, with clear highlighting of the locations in Puglia;
6. to communicate daily the agenda of the production during processing via email to the address: [ufficioproduzioni@apuliafilmcommission.it](mailto:ufficioproduzioni@apuliafilmcommission.it)
7. to organize in the Puglia region, before or during shooting, a special press conference with the participation of national and international newspapers with the presence of the director and/or of the main performers and representatives of Apulia Film Commission Foundation;
8. to permit at any time the presence of a delegate of the Apulia Film Commission Foundation during processing;
9. to permit, only for documentation purposes, the making of video footage or photographs by a delegate of the Apulia Film Commission Foundation during processing;
10. to communicate via e-mail ([ufficioproduzioni@apuliafilmcommission.it](mailto:ufficioproduzioni@apuliafilmcommission.it)) before the end of the processing in the Puglia region:
  - a. a postproduction plan for the film;
  - b. the complete list of the post-production crew clearly highlighting the staff from Puglia;
  - c. full cast list (e.g. voice actors), clearly highlighting the interpreters from Puglia;
  - d. the complete list of the suppliers, clearly highlighting those from Puglia;
11. to use the logo of the Region of Puglia, of Apulia Film Commission Foundation, the Fund for Development and Cohesion and EU, in the opening credits, or alternatively, as a first sign of the end

credits and on all information documents, advertising and promotional work with the words "with the support of Region of Puglia - Funds FSC and ERDF 2007-2013", by sending the Apulia Film Commission Foundation a video preview of the titles and tail of the film in jpeg format before finalizing or duplicating the work; by penalty non-payment of the balance of the contribution;

12. to give the Apulia Film Commission Foundation the right to free use of the work film, the scene photos and backstage, exclusively for institutional purposes and institutional promotion of the Puglia region and the Apulia Film Commission Foundation;
13. to deliver the Apulia Film Commission Foundation<sup>2</sup>, at no additional charge, 3 copies on Blue-ray Disc of film work and any backstage (or promotional) and 2 CD copies of any stills;
14. to deliver the Mediateca Regionale Pugliese<sup>3</sup>, at no additional charge, n. 2 copies on Blue-ray Disc film work;
15. to announce the presence of a representative of the Apulia Film Commission Foundation at the national or international premiere;
16. if presenting the film at national or international festivals, to provide for the presence, during the press conference at the festival where the film is registered, of a representative of the Apulia Film Commission Foundation.

#### **Art. 16 Withdrawals**

1. The required contributions will not be paid or, if already paid, shall be returned if there are found to be falsification of accounts or documents, or if there have been made any culpably inaccurate or false statements or, if the documentation is completely unacceptable.
2. The non-fulfillment of the obligations under this Regulation also entails the return of contributions already received as an advance payment and not of any balance of the contribution.
3. Also considered as additional grounds for revocation are any of the following:
  - a. in the case where companies, once completed the work eligible for funding, do not result in compliance with the rules on security in the workplace as well as with the provisions of Law no. 68 of 12 March 1999 (Regulations for the right to work of disabled);
  - b. if a violation the provisions of the Regional Law n. 28 of 26 October 2006 (Rules on countering irregular employment) is found;
  - c. if the tangible or intangible assets which are proceed of the facilitation are diverted from the intended use before five years from the date of completion of the investment;
  - d. if the program under the contributions will not be completed on time, notwithstanding the effects of any extension granted to exceptional cases;
  - e. and if they have grossly violated specific sector rules or also those of a social order.
  - f. if the contributions granted are recognized as not licensable and/or ineligible by the competent Community bodies, or if they are declared ineligible by the agencies of control, local, state and/or regional;
4. the Chairman For Implementation (RUA), having received notice of circumstances which may result in the revocation, communicates by certified mail to the person concerned, in accordance with Law no.241 / 1990, as amended, the initiation of proceedings, stating the object of the proceedings, the head of the same and the office where it is possible to view the documents. With the same communication the recipient is given the deadline of 10 days from the date of receipt of the notice, within which the person in question may, by hand delivery or sent by certified mail, issue written

---

<sup>2</sup> to the following address: Fondazione Apulia Film Commission, Cineporti di Puglia|Bari - c/o Fiera del Levante, Lungomare Starita, 1 – 70132 Bari

<sup>3</sup> to the following address: Mediateca Regionale Pugliese, Via Giuseppe Zanardelli, 30 – 70125 Bari

statements on plain paper and by way of any other any documentation. In the case of hand delivery to the Office indicated in the communication, of value is a stamp by the office of Protocol of the Service Culture and Entertainment;

5. The Chairman For Implementation (RUA), after examining the results of the investigation, if he considers unfounded the reasons that gave rise to the proceedings will arrange to archive the matter; He can determine otherwise, for justified reasons, a total or partial withdrawal of the contributions granted. In both cases, it shall notify in writing, by certified mail, to the person of interest.
6. With the provision of revocation it is clear that any amounts already paid must be returned, plus the interest accrued at the official reference rate (TUR) in force, as well as a way to return them. Under the act of revocation, the Region of Puglia has the right to immediately demand the sum specified therein. If after 30 days from receipt of notice of the revocation, the person in question has failed to repay the amount due, the Region will register the sum total of the amounts requested and not returned and file the complaint through the competent Offices.

#### **Art. 17**

##### **Methods of monitoring and control**

1. The Region reserves the right to carry out checks and controls at any time and phase of the implementation of the operations of the companies receiving contributions, for the purpose of monitoring the intervention, as provided by laws in force.
2. The beneficiary company has the obligation to be available, up to 5 (five) years from completion of the investment, to any request of controls, information, data, documents, certificates or declarations, possibly to be issued also by any of the service providers.

#### **Art. 18**

##### **Overlapping of contributions**

1. Aid without eligible costs can be combined with any other measure of state aid with identifiable eligible costs or with other aid without identifiable eligible costs up to the total maximum threshold set for the reference categories exempted under the General Block Exemption Regulation.
2. State aid exempted under the General Block Exemption Regulation may not be combined with "de minimis aid" in relation to the same eligible costs if such overlapping leads to an aid intensity exceeding those set out in this Regulation.

#### **Art. 19**

##### **About the procedure**

1. The person responsible for the procedure (RUP), pursuant to Law no. 241/1990, is Dr. Emanuele Abbattista.
2. The right of access, in accordance with art. 22 of Law no. 241/1990 is exercised by written request to the head of procedures as required by LR no. 15/2008 and R.R. no. 20/2009.
3. This notice will be published in the Official Bulletin of the Puglia Region (BURP), and on the website of the Puglia Region ([www.regione.puglia.it](http://www.regione.puglia.it)).
4. For information on this present Notice and on the proceedings interested parties may contact exclusively via e-mail the following references:

##### **Proceedings Manager**

*Dott. Emanuele Abbattista*  
[e.abbattista@regione.puglia.it](mailto:e.abbattista@regione.puglia.it)

##### **Technical Support FSC**

[fsc.culturaspettacolo@pec.rupar.puglia.it](mailto:fsc.culturaspettacolo@pec.rupar.puglia.it)

It will be possible to provide information and/or clarifications to this notice no later than six days before the deadline for receipt of applications for contributions.

**Art. 20**  
**Privacy**

Personal data collected will be processed in accordance with Law 675/1996, including by computer and used in the conduct of the proceedings. The owner and manager of data processing is the person R.U.P.

**Art. 21**  
**Compliance with L.R. n. 28 of 26 October 2006**

The beneficiary is obliged to implement or enforce with employees, in the case of cooperatives, worker-members, whatever is the legal classification of the employment relationship, collective and national agreements in whatever territorial sector, entered into by the trade unions and associations of employers comparatively representative at a national level.

**Art. 22**  
**Safeguard clause**

The Region of Puglia, pursuant to art. 11 of EC Reg. No. 651/2014, dated 04.03.2015 has begun the procedure of notifying the European Commission of the information relating to the aid framework provided for by this notice. The communication to the Commission, pursuant to art. 3 paragraph 1 of the EC Reg. No. 794/2004 is done by the Permanent Representation of the Member State concerned, which applies the same and proceeds to communicate the information to the Commission. Therefore, the procedure of tender referred to in this notice is retained until a successful completion of the validation of the communication from the Italian Permanent Representation to the European Union is achieved.