

APULIA DEVELOPMENT FILM FUND 2019

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Definitions

This Notice uses the definitions laid down by the decrees implementing Law N. 220 of 14 November 2016 «Film and Audiovisual Regulations» and additional amendments as well as the following definitions:

1. « De minimis Aid »: aid granted in accordance with the provisions of Regional Regulation N. 15 of 1 August 2014, and additional amendments and of EU Regulation N. 1407/13 for a total amount of 200,000.00 euros over a three-year financial period for a single undertaking;
2. «Production»: all stages of development, pre-production, executive production, namely the carrying out of the filming or technical production of the work, post-production, where the outcome is the production of a sample or master copy of the audiovisual work. If it is made by the same producer, the preparation activity of the audiovisual materials necessary for communication, promotion, marketing of the audiovisual work in Italy and abroad is included;
3. «Development»: the initial phase of production, concerning the creative, economic and financial planning activities of the work, which typically involves the investments relating to the drafting or acquisition of the rights of the script or of the screenplay, to the possible acquisition of adaptation or exploitation rights from another work protected by copyright;
4. «Pre-production»: the organizational phase of the contracting of technical and artistic staff and filming, including research, on-site inspection, documentation as well as expenses related to establishing a budget, financial planning and search for financing by way of additional sources;
5. «Processing» o «Production»: the filming phase or, in the case of an animation project, the actual execution of the work;
6. «Post-production»: the post-production phase, which includes audio-video editing and mixing of the work, the addition of special effects and transfer to the intended medium;
7. «Creative Processing Rights»: all the exclusive rights of modification, processing, adaptation, translation, transformation, reconstruction, reduction and variation, in whole or in part, of the script, the screenplay and more generally of the original works from which the complete work is taken, for the creation and utilization of derivative works, as well as any other creative processing right, as per Law 633/41 and additional amendments;
8. «Production costs»:
 - a. in the case of projects related to the CINEMA, TV SERIES and DOC categories, the costs pertaining to the development, pre-production, executive production, filming or the technical production phases of the work or post-production, where the outcome is the production of a sample or master copy of the audiovisual work, i.e. the sum of:
 - so-called "above the line" costs: Script and Screenplay, Direction and Main Actors;
 - so-called "below the line" costs: Pre-production, Production, Direction, Editing, Technical staff, Crew, Artistic staff, Costumes, Set design, Theatre construction, Real-life interiors, Technical resources, Exteriors, Accessibility, Transport, Films and processing, Visual and special effects, Editing, Music, Insurance and guarantees, Directly incurred miscellaneous expenses, including costs for the certification of final statements, Indirect costs, Financial charges, Producer's fee and General expenses.
 - b. in the case of projects related to the ANIMATION category, the costs pertaining to the development, pre-production, executive production, filming or technical production phases of the work or post-production, where the outcome is the production of a sample or master copy of the audiovisual work, i.e. the sum of:
 - so-called "above the line" costs: Script and Screenplay, Direction and Main Actors;
 - so-called "below the line" costs: Pre-production, Production, Direction, Technical Staff, Crew, Artistic staff, Transport, Films and processing.

3D modeling and rigging, Layout, Animation, Coloring, Set design, Compositing and rendering, Music recording, Sound editing and mixing, Final editing, Visual and special effects, Editing, Music, Insurance and guarantees, Directly incurred miscellaneous expenses, including costs for the certification of final statements, Indirect costs, Financial charges, Producer's fee and General expenses.

9. «Cost of Sample Copy»: production costs with the exclusion of general expenses and production compensation («producer's fee»); by extension the definition is to be considered valid for all types of audiovisual works addressed in this Notice.
10. «Difficult Films»: pertain to works referred to in art. 5 of MiBACT-MEF Inter-ministerial Decree N. 157 of 15 March 2018.
11. «Main Contractor»: in the case of projects presented by way of an association between two or more authors as well as in the case of projects presented in an association by two or more Italian audiovisual companies or by business networks, the company that holds the majority of the rights. This submits a request on a delegated basis, where the request is also signed by the other parties. The main contractor also makes changes to the submitted projects, submits requests for disbursement of subsidy grants and is the sole recipient of communications from the Apulia Film Commission Foundation.
12. «Projects»: in the case of projects related to:
 - a. the CINEMA category, this refers to the screenplay;
 - b. the TV SERIES category, this refers to the script of the series;
 - c. the DOC category, this refers to the treatment and research dossier;
 - d. the ANIMATION category, this refers to the bible and teaser (in the case of a feature film project) and the bible and video board are of the pilot episode (in the case of a series project).

Art. 1 - Purpose, Aims and Types of Eligible Projects

1. The overall objective of this Notice is to encourage the creative potential of authors and creative artists as well as to increase the appeal of the Apulian territory as a setting for audiovisual productions, by raising the professional level of technicians and workers and enhancing the beauty and variety of Puglia from a historical, artistic and scenic point of view. Hence, Puglia's heritage can be understood in the broadest sense as a "visible environment", in which all the aspects relating to the relationship of man and nature are fully covered.
2. In particular, this Notice is intended to support the development and pre-production phase of works or series of audiovisual films, television, fiction and animation, with the ultimate purpose of enhancing Apulian locations, through the disbursement of subsidy grants pursuant to Regional Regulation N. 18 of 18 December 2018 "Regulation for the granting of aid of minor importance (de minimis) to SMEs and repeal of the regional Regulations N. 2 of 31 January 2012, N. 9 of 29 May 2012, N. 19 of 20 August 2012, and N. 1 of 7 February 2013."
3. The present Notice regulates the methods for the granting of the aforementioned subsidy for the year 2019. The types of projects that can be facilitated by this Notice are the audiovisual works related to the categories indicated below, which are set in whole or predominantly in Puglia:
 - a. CINEMA category: fiction feature films with a minimum duration of 52 minutes, for mainly cinematographic exploitation purposes;
 - b. TV SERIES category: audiovisual works with a minimum duration of 120 minutes, primarily intended for television broadcasting (including VoD and SVoD);
 - c. DOC category: creative documentaries with a minimum duration of 52 minutes, for mainly cinematographic exploitation purposes;
 - d. ANIMATION category: animated feature films with a minimum duration of 52 minutes, for mainly cinematographic exploitation purposes; animation works (single or series) with a minimum duration of 24 minutes primarily intended for television broadcasting (including VoD and SVoD).

4. The projects must be declaredly and explicitly set in whole or predominantly in Puglia, as further detailed below:
 - a. if CINEMA category, for at least 50% of the screenplay's pages;
 - b. if TV SERIES category, for at least 50% of the script's pages;
 - c. if DOC category, for at least 50% of the treatment's pages;
 - d. if ANIMATION category, for at least 50% of the locations described in the bible.
5. Eligible projects must have a concrete start after the publication date of this Notice. More specifically, the writing phase of the scripts and in general the activities related to the development and pre-production phases must have a tangible beginning after the publication date of this Notice.
6. The following works are excluded: any work of a pornographic nature, anything which excuses a criminal offence or incites violence or racial hatred as well as works that could damage the image of the Puglia Region and the Apulia Film Commission Foundation. In addition, works such as television advertising, commercials, telesales and tele-promotions; information and news programs; variety shows, game or quiz shows, talk shows; also broadcasting of live events, including theatrical, musical, artistic, cultural, sporting and celebratory events; documentaries that promote tourism, "making-of" programs, reportages, animal reportages, information programs and soap operas.
7. The Notice defines the characteristics of the beneficiaries who can access the subsidy, the form and extent of the subsidy, as well as the eligible expenses, the evaluation criteria and the procedures for the accessing and granting of the subsidy.

Art. 2 - Beneficiaries and Eligibility Requirements

1. The recipients of the subsidies provided for in this Notice are to be micro, small and medium-sized companies, as defined by Recommendation 2003/361/ EC of the European Commission of 6 May 2003 and subsequent amendments and additions, which have met the following requirements by the submission date of the application for subsidy:
 - a. To be a micro, small or medium-sized company, according to the Community definition in paragraph 2 below;
 - b. To hold the majority of the rights relating to the audiovisual work for which the subsidy referred to in this Notice is requested; specifically, to be in possession, by virtue of transfer, of all the rights (or literary options in the case of literary works) for economic use and creative processing of the scripts or other artistic material, pursuant to Art. 15 of Law 633/41 and additional amendments, and aimed at the processing of the cinematographic or audiovisual work, as well as of the permission to use the rights on the part of the co-owner(s) in the case the recipients do not hold all the rights;
 - c. To be registered in a Companies' Register or an equivalent register in a Member State of the European Union;
 - d. To operate mainly in the "Film, video and television program production" sector (code ATECO 2007 J 59.11, NACE code J 59.11 or extra-European equivalent);
 - e. To not be a company in difficulty according to the Community definition (Article 2 paragraph 1 point 18 of the General Exemption Regulation);
 - f. To not be subject to insolvency proceedings (for example, bankruptcy, controlled or extraordinary administration or compulsory administrative liquidation) or liquidation, upon dissolution of the company, or arrangement with creditors without a business continuity or debt restructuring plan;
 - g. To operate in compliance with provisions regarding national and territorial collective bargaining for labor and contributory obligations, pursuant to Regional Law N. 28 of 26 October 2006;
 - h. To not be in a position which prohibits the granting of subsidies in accordance with Anti-Mafia legislation;

- i. To not be in the position of having received and subsequently not having reimbursed or deposited in a blocked account subsidies that the administrations are required to recover pursuant to a recovery decision;
 - j. To not have received, over the last 6 years prior to the notification date for admission of subsidies, revocation orders by which the total repayment of public subsidies was ordered, with the exception of those resulting from forfeiture orders or waivers by the company.
2. For the purposes of the classification of micro, small and medium-sized companies, parameters defined by the Decree of the Ministry of Productive Activities of 18 April 2005 (GURI N. 238 of 12 October 2005), applied to fulfill identification criteria for SMEs under the Community framework, have been adopted (European Commission Recommendation 2003/361/EC). Within the SME category:
 - a. a medium-sized company is defined as a company with fewer than 250 employees per year and whose turnover does not exceed 50 million euros or whose annual budget does not exceed 43 million euros;
 - b. a small company is defined as a company with fewer than 50 employees per year and whose turnover or total annual budget does not exceed 10 million euros;
 - c. a micro-enterprise is defined as a company with fewer than 10 employees per year and whose turnover or total annual budget does not exceed 2 million euros.
3. The requirements described above must all be in tact at the time of application and are verified through the company's business registration, as well as random checks of the Legal Representative's statements and any queries of institutional, regional and/or national databases.
4. For matters not expressly covered for in this Notice, rules of the European regulations regarding ESI Funds, that also prevail in the event of conflict, shall apply.
5. On the submission date of the subsidy application, the applicant company must demonstrate that it holds the majority of the rights relating to the project for which subsidy is requested (e.g. rights of adaptation and use through an option or transfer agreement of such rights) as well as permission to use the rights by the co-owner(s), if it does not hold all the rights. In this regard it is necessary to provide the contract relating to the acquisition of the rights of the artistic material included in the application, duly dated and signed by the author and the possible written permission concerning the rights of third parties.
6. The requirements referred to in the previous points b) to j) of paragraph 1 of this article shall be maintained until the final payment date of the subsidy.
7. The following are not considered as beneficiaries of the subsidies referred to in this Notice: individuals and sole proprietorships as well as foundations, institutes, universities, associations and other legal entities operating in the public interest.
8. The regularity of contributions must continue throughout the entire period of relationship with the Apulia Film Commission Foundation, that is from the submission date of the application to the date of disbursement and payment balance of the subsidy. The Apulia Film Commission Foundation will proceed to verify this regularity with the competent authorities.
9. Any possible contribution irregularity found in the later phases following the signing of the agreement will result in the impossibility to proceed with the disbursements by the Apulia Film Commission Foundation, until welfare contribution obligations are duly fulfilled and a regular DURC (i.e. statement of correct fulfillment of welfare contribution obligations) is issued.

Art. 3 - Financial Endowment, Nature and Extent of the Subsidy

1. The financial resources provided for in this Notice amount to Euro 238,000.00, based on the resources referred to in Resolution of the Regional Council N. 327 of 21 February 2019,

“FSC 14-20: Patto for Puglia. Actions for the enhancement and protection of cultural and intangible heritage. Guidelines concerning the measures to be implemented by Apulia Film Commission: Years 2019-2020.”

2. The Apulia Film Commission Foundation reserves the right to increase the financial endowment of this Notice, based on the evaluation results and the availability of additional resources.
3. In the event the financial endowment is not increased, partial subsidies will not be awarded when resources are exhausted.
4. The Apulia Film Commission Foundation reserves the right to make available any remaining resources from failed assignments or from obtained revocations or waivers.
5. The subsidy referred to in this Notice is configured as a direct grant disbursed in the form of a de minimis aid, in the form of a partial reimbursement for eligible operating expenses actually incurred and paid.
6. The subsidy amount for each beneficiary company is determined as a partial reimbursement for the operating costs related to expenses for the development and pre-production of audiovisual works, and is equal to 70% of the eligible expenses listed in art. 4 of this Notice.
7. The subsidy amount for each beneficiary company is not to exceed the maximum amounts specified below:
 - a. CINEMA category: 22,000.00 euros
 - b. TV SERIES category: 15,000.00 euros
 - c. DOC category: 10,000.00 euros
 - d. ANIMATION category: 28,000.00 euros
8. One project for each category will be entitled to the automatic participation in the 2020 edition of Apulia Film Forum, the co-production forum organized by the Apulia Film Commission Foundation.
9. This Notice shall apply with the limitations provided for by EU Regulation N. 1407/13 of the European Commission of 18 December 2013, relating to the application of articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, and Regional Regulation N. 15 of 1 August 2014 for the granting of a subsidy of minor importance (de minimis) to SMEs.
10. Pursuant to the provisions of the aforementioned regulations, beneficiaries who intend to benefit from a contribution according to de minimis regulation must provide comprehensive information of any other de minimis subsidy received over the last two financial years as well as in this current financial year.
11. Each applicant seeking eligibility for regional financing provided for in this Notice is required to certify, under his/her own responsibility, compliance with de minimis regulation.
12. It should be noted that art. 2, par. 2 of EU Regulation N. 1407/13 establishes that, for the purpose of verifying compliance with maximum limits, "all entities which are controlled (on a legal or on a *de facto* basis) by the same entity should be considered as a single undertaking," as detailed in the Appendix.
13. The granting of subsidies under de minimis regulations to companies is subject to prior verification with the "National Register of State Aid" for compliance with the maximum threshold established for each company, which cannot exceed 200,000.00 euros over a three-year financial period.

Art. 4 Eligible Expenses

1. Only expenses exclusively related to the development and pre-production phases of the audiovisual work, effectively incurred and paid by the beneficiary company, from the starting date of the publication of this Notice, are considered eligible.
2. For the purposes of calculating payable aid, equal to the partial reimbursement of costs related to the development and pre-production phases, 70% of the costs summarized below and detailed in Annex 1 are considered to be reimbursable:

- a. expenses in favor of authors and creative artists; expenses for the purchase of rights are eligible up to 20% of the total subsidy granted;
 - b. expenses for location scouting, on-site inspections and research carried out in the Apulian territory;
 - c. expenses for participation in training courses co-financed by the Sub-program Media - Creative Europe (available at the URL: creative-europe-media.eu/trainings/courses), whereby the specific project candidate for the subsidy of this Notice was selected;
 - d. expenses for participation in co-production forums and international markets as per Table 7 of the MiBACT Ministerial Decree of 31 July 2017, whereby the specific project candidate for the subsidy of this Notice was selected.
3. These expenses, accompanied by documentary proof, shall be eligible for reimbursement:
 - a. taxable amount of the invoices;
 - b. net payroll or receipt (in the case of transfer of rights) of any tax, social security and welfare charges, both for the company and for the worker;
 4. In the case of services rendered by consulting specialists, they must be performed by VAT holders.
 5. The following expenses are not eligible in any case:
 - a. expenses related to the purchase of used machinery and equipment;
 - b. purchases settled in cash;
 - c. expenses incurred by bank accounts not listed in Annex 2a;
 - d. expenses related to VAT, except in cases where VAT is not recoverable under national legislation;
 - e. expenses related to goods and services not directly operational to the project for what subsidy is requested;
 - f. expenses related to services for copyright transfer, if not regulated in accordance with article 2575 and following of the Civil Code, as well as with publishing laws, Law 633/1941, Community Directives and Law 128/2004;
 - g. expenses incurred by way of contributions paid in kind;
 - h. expenses incurred in favor of companies “affiliated” or “associated” with the beneficiary company, as defined by the European Community (Recommendation 2003/361/EC of the European Commission of 6 May 2003 and subsequent amendments and additions);
 - i. expenses incurred before the publication date of this Notice;
 - j. expenses related to services and supplies of goods and services from third parties, financing the audiovisual work or, in general, from third parties who are in situations of joint interest with the beneficiary of the subsidy;
 - k. interest payable, production payment (producer’s fee) and general overhead costs;
 - l. expenses below 100.00 Euro (excluding VAT);
 6. The amount of the subsidy approved is determined by reference to the relevant eligible expenses; any increase in the expenditure will not result in any case in an increase in the amount of the subsidy.
 7. The amount of the subsidy granted is recalculated at the time of balance payment, on the basis of the eligible expenses actually recognized.

Art. 5 - Submission Method for Subsidy Application

1. The application for subsidy must be sent exclusively by certified e-mail (CEM), under penalty of inadmissibility, from the CEM address of the requesting company to the following CEM: **funding@pec.apuliafilmcommission.it**
2. In the subject of the e-mail the following must be indicated: “Apulia Development Film Fund - Subsidy Application”.
3. Application documentation for the subsidy must contain:

- a. Contracts, or options, for the purchase of creative processing rights of the script, the treatment, or other artistic material, pursuant to art. 15 of Law 633/41 and subsequent amendments and additions, and aimed at the realization of the cinematographic or audiovisual work, signed by the applicant and the authors of the script and of the treatment;
- b. Annex 2 which includes:
 - I. substitutive declaration of certification for the purpose of verifying social security compliance, as well as traceability of financial flows (Annex 2a); the bank accounts indicated will be registered in the company's name and dedicated to the project, even if not exclusively. The same bank accounts must be used for the payment of expenses related to the financed project and only one account will be the recipient of the subsidy;
 - II. substitutive declaration of certification relative to the possession of the requirements indicated in art. 2 paragraph 1 of this Notice (Annex 2b);
 - III. substitutive declaration of certification on the accumulation of aid, relating to any other de minimis aid received during the previous two financial years as well as in the current financial year (Annex 2c);
 - IV. declaration in lieu of an affidavit, signed by the same persons as per previous letter, certifying the absence of agreements of any nature aimed at modifying, in any way, the economic and financial structure of the same contract (Annex 2d);
- c. Application form (Annex 3);
- d. Statement containing information that qualifies the company as a SME (Annex 4) along with details concerning its associated and affiliated companies, as well as controlling companies and subsidiaries.
- e. Contract or other agreement as per art. 2, paragraph 1, letter b) of this Notice demonstrating possession of the majority of the rights relating to the project;
- f. Any co-production contracts;
- g. Company profile of the applicant company and all those involved in the production (any co-productions or associated productions);
- h. Development plan and relative time schedule;
- i. Estimate of development and pre-production expenses;
- j. Photocopy of the applicant company's legal representative's identity document;
- k. Depending on the candidate project categories,
 - I. in the case of a project related to the CINEMA category: (i) the script that contains the story's main line, the approach and the genre of the work; (ii) the treatment, that is the provisional drafting of the script containing a story that presents and describes the characters, their actions and the contexts in which they are inserted;
 - II. in the case of a project related to the TV SERIES category: (i) the short script; (ii) the profile of the characters; (iii) the serialization project with indication of the format, duration, genre and structure of the episodes and the series, reference models; (iv) the script of the pilot episode;
 - III. in the case of a project related to the DOC category: (i) the script; (ii) the project and the methodology of research;
 - IV. in the case of a project related to the ANIMATION category: (i) the synopsis; (ii) the concept; (iii) the main characters' character design;
- l. Production notes, which highlight the development and pre-production strategies and the production and distribution potential of the final work;
- m. Filmography of producer and screenwriters, in a single file;
- n. Curriculum vitae and contacts of authors and professionals already identified (director of photography, editor, music composer, set designer, costume designer), in a single file;
- o. Any contract already entered into, letter of intent or other documentation signed with the director or with the authors and professionals referred to in the previous letter;
- p. Any letter of interest, or similar documentation, of the main actors;
- q. Any other artistic materials (storyboards, moodboards, character descriptions, etc.);

- r. In the case of projects ascribed to more than one person, the main contractor shall submit the request (signed by the other parties) and receive the subsidy,
4. The documents related to Annexes 2, 3 and 4, forming the documentation of the subsidy application, must be digitally signed by the legal representative.
5. The subsidy applications must be drawn up according to the layouts and methods indicated in this Notice, on the appropriate attached forms.
6. The application shall be declared inadmissible for failure to submit the Application form and the script.
7. Subsidy applications are subject to the payment of a 16.00-euro duty stamp. The payment of the tax is self-certified through the presentation of Annex 3, in the assigned section.
8. The subsidy applications will be registered and subjected to a preliminary investigation for the purposes of verifying the completeness and sole conformity of the documentation presented.
9. Multiple subsidy applications cannot be submitted within the same assessment session, unless the applicant explicitly declares a cancellation and subsequent replacement of a previous submission for the same project. In this case, the first application sent will not be taken into consideration.
10. It is possible to submit several subsidy applications, related to different projects, in different sessions. The subsidy application assessed by the Technical Evaluation Commission cannot be presented in subsequent sessions. The requests for subsidy not considered assessable by the Technical Evaluation Commission may be re-submitted in subsequent sessions.
11. If the applicant submits several requests for subsidy relating to different projects, within the same session, the Procedure Manager will ask the applicant to choose which subsidy application must be considered admissible, pursuant to the Notice; applications not taken into consideration will be declared ineligible. This is without prejudice to the right of the applicant to submit the project, which has been considered inadmissible, in the subsequent session.
12. In submitting the application, the applicants fully recognize and accept the methods, indications and prescriptions foreseen by this Notice.
13. The applicant undertakes to promptly notify the Apulia Film Commission Foundation of updates to the declarations made pursuant to Presidential Decree N. 445 of 28 December 2000, in the case that, between the submission date of the subsidy application and the publication date of the lists pursuant to the following Art. 6 of this Notice, events may occur that will render the aforementioned statements obsolete.

Art. 6 - Selection and Evaluation Procedures for Applications

1. The selection of applications is performed through an evaluation procedure carried out by a specific Technical Evaluation Commission, appointed by the General Director of the Apulia Film Commission Foundation. This commission is composed of three experts in the field, who guarantee independence, high profile and high technical and/or scientific skills, assisted by an employee of the Apulia Film Commission Foundation as a recording secretary.
2. The Technical Evaluation Commission experts will have reference to the following technical areas of competence:
 - a. two experts from the "Authors and story editor" area;
 - b. an expert in the "Audio-visual marketing and economic evaluation of audiovisual works" area.
3. Applications can be sent in during two different selection sessions, periods indicated according to the following schedule:
 - a. 1st Session: applications sent from 01/10/2019 to 31/10/2019;

- b. 2nd Session: applications sent from 01/12/2019 to 31/12/2019.
4. Within the framework of each session, the types of projects that may be subsidized are divided into following categories:
 - a. CINEMA category: maximum 3 projects per session;
 - b. TV SERIES category: maximum 1 project per session;
 - c. DOC category: maximum 1 project per session;
 - d. ANIMATION category: maximum 1 project per session.
5. For each session, the Apulia Film Commission Foundation will proceed with the acquisition of declarations that demonstrate absence of causes for incompatibility and non-assignment by the selected experts.
6. The Procedure Manager shall carry out the preliminary procedures aimed at verifying formal compliance with the prescribed documentation for the subsequent phase of substantial admissibility and evaluation of the applications received.
7. Should the need for clarification or additions be identified in the course of this preliminary investigation, the Procedure Manager may make a formal request to the candidate, who is then required to make the necessary provisions within a maximum period of 10 calendar days from receipt of the request. If the deadline falls on a public holiday, it is automatically postponed to the next working day. If this deadline has elapsed, the subsidy application is declared inadmissible.
8. For applications deemed inadmissible, the Procedure Manager communicates the reasons for exclusion according to the procedures set forth in art. 10bis of Law N. 241/90.
9. The results of the preliminary investigation are approved by the General Manager, with the publication of the formal list of admissible applications as well as those that are non-admissible with an indication for the reasons of inadmissibility; evaluations can be found on the Foundation's official website in the relative section, within 30 days from the deadline for subsidy applications of each respective evaluation session.
10. The applications deemed formally admissible are submitted to the attention of the Technical Evaluation Commission that verifies the possession of the requirements indicated in art. 2. If the Commission ascertains the non-possession of the aforementioned requirements, the application will be judged as non-assessable. If the Commission ascertains the possession of the requirements, it proceeds to evaluate the applications according to the criteria established in the Appendix and determines their substantial admissibility.
11. Applications that reach a total score of 60 points relative to the criteria set out in the grids shown in the Appendix are eligible for financing. If the application does not reach the minimum score, the subsidy application will be deemed non-eligible for financing.
12. The evaluation activity referred to in the previous paragraphs is carried out by the Technical Evaluation Commission. The completion time of the assessment procedures is set at 60 calendar days, starting from the publication date of the results referred to in previous paragraph 9.
13. Should the need for clarification or additions be identified in the course of this evaluation activity, the Commission, by way of the Procedure Manager, can submit a formal request to the applicant, who is then required to make the necessary provisions within a maximum period of 10 days from receipt of the request. If the deadline falls on a public holiday, it is automatically postponed to the next working day. If this deadline has elapsed, the subsidy application is declared inadmissible and excluded from the proceeding. For compliance with terms indicated in this paragraph, the transmission date by way of CEM will prevail.
14. The results of the evaluation carried out by the Evaluation Technical Commission will be acquired with a specific act and published on the Foundation's official website in the relative section. Within 20 calendar days from publication, the interested companies may submit observations and duly motivated objections to the Procedure Manager, by way of CEM to the address:

fundings@pec.apuliafilmcommission.it. If the deadline falls on a public holiday, it is automatically postponed to the next working day.

15. On the basis of the observations/objections referred to in the previous paragraph and the outcome of the evaluations carried out pursuant to art. 2 paragraphs 8 and 9 of this Notice, the General Manager adopts a final decision to grant aid, with the admission to the subsidy for each application. In the event of a negative outcome of the evaluations carried out pursuant to Art. 2 paragraphs 8 and 9 of this Notice, the General Manager proceeds to declare the applicant to be excluded from the procedure.
16. Applications that cannot be subsidized due to insufficient resources can become eligible for subsidy following an increase in the financial endowment of this Notice, also according to the provisions of Art. 3 of this Notice.
17. In the case of granted applications, the Apulia Film Commission Foundation sends to the beneficiary companies the final decision to grant aid by way of CEM, where the text of the agreement will be attached.

Art. 7 - Cumulation of Aid and General Conditions for Financing

1. This Notice shall apply with the limitations provided for by EU Regulation N. 1407/13 of the European Commission of 18 December 2013, relating to the application of articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, and regional Regulation N. 15 of 1 August 2014 for the granting of a subsidy of minor importance (de minimis) to SMEs.
2. Pursuant to the provisions of the aforementioned regulations, subjects who intend to benefit from a contribution according to de minimis regulation must provide comprehensive information on any other de minimis subsidy received over three financial years.
3. If the applicant company is part of a "single undertaking" (as defined by EU Regulation N. 1407/13, article 2, paragraph 2 and detailed in the Appendix), each company connected to it (subsidy or parent company) must provide information regarding compliance with the maximum limit, by having its legal representative sign a declaration in lieu of an affidavit. These declarations must be attached to the application by the applicant company.
4. Each applicant seeking to benefit from the regional financing provided for in this Notice is required to certify, under his/her own responsibility, compliance with de minimis regulation.
5. De minimis aid granted pursuant to this Notice may be combined with de minimis aid granted pursuant to EU Regulation N. 360/12 to the maximum amount envisaged in this regulation. They can also be combined with de minimis aid granted in accordance with other de minimis regulations provided they do not exceed the maximum limit of 200,000.00 euros over three financial years.
6. This maximum limit applies regardless of the form of de minimis aid or its pursued objective and regardless of whether the aid granted is financed in whole or in part by EU resources.
7. State aid exempted pursuant to EU Regulation C (2014) 3292/3 adopted on 21 May 2014 cannot be combined with de minimis aid in relation to the same eligible expenses, if this accumulation leads to an aid intensity greater than that established by the aforementioned Regulation.
8. De minimis aid is considered granted on the date of the final decision to grant aid, even temporarily, regardless of the disbursement date of the aid to the company.
9. In the event of mergers or acquisitions, in order to determine whether any new de minimis aid to the new company or the acquiring company exceeds the relevant maximum limit, all de minimis aid previously granted to each of the companies participating in the merger must be taken into account. De minimis aid legally granted before the merger or acquisition remains legitimate.

10. The beneficiaries are required to maintain the intangible assets subsidized for at least 3 years, from the date of completion of the subsidized investments. Completion date means the date relative to the last eligible expense item.
11. De minimis aid granted pursuant to this Notice shall not be combined with other development or pre-production aid granted by other Regions and Film Commissions of the Italian territory, regardless of the form of the aid (de minimis or by virtue of an exemption regulation) and the pursued objective and regardless of whether the aid granted is financed in whole or in part by EU resources.

Art. 8 - Agreement

1. The Apulia Film Commission Foundation, following the publication of the Determination pursuant to art. 6 paragraph 13 of this Notice, adopts a specific agreement to be signed by the beneficiaries (Annex XX) containing:
 - a. Amount of the subsidy granted.
 - b. Unique Project Code (CUP).
 - c. Obligations and commitments of the beneficiary company, as defined in following art. 13.
 - d. Implementation methods and management of the financed operation and time schedule.
 - e. Types of eligible expenses.
 - f. Amount, conditions, terms and methods for subsidy disbursement to the beneficiary company.
 - g. Methods and terms for the reporting of expenses by the beneficiary company.
 - h. Indication, pursuant to Annex XII, Section 3.2, of EU Regulation N. 1303/13, that the acceptance of the financing by the beneficiary company constitutes acceptance of its inclusion in the list of operations published pursuant to art. 115, par. 2, of EU Regulation N. 1303/13.
 - i. Procedures and terms for carrying out evaluations and inspections on the eligible operation for financing.
 - j. Cases of subsidy revocation.
 - k. Any additional requirements and obligations connected with the implementation of the investment program and compliance with reference regulations.

Art. 9 - Changes, Variations and Development of Audiovisual Works

1. The projects eligible for subsidy cannot be modified in progress, in terms of activities and expected results.
2. In order to maintain financing, all variations concerning the beneficiary company, the productive structure referred to in the co-production contracts and/or the relative project eligible for subsidy shall be reported in a timely manner to the Apulia Film Commission Foundation for prior authorization, otherwise they will not be recognized.
3. Variations concerning modifications on the part of the authors shall be communicated within 10 days to the Apulia Film Commission Foundation for prior authorization, otherwise they will not be recognized.
4. In the case of exceptional and unforeseeable events, the Apulia Film Commission Foundation has the right to proceed with the acceptance of any modification that exceeds the limits set forth in the previous paragraphs.

Art. 10 - Procedures for Reporting and Recognition of Expenses

1. For the recognition of the expenses, the following documentation must be enclosed:
 - a. certification issued by the legal representative of the beneficiary, in accordance with Annex 8, where it is reported, inter alia, that:

- all regional and national legal requirements, in particular with reference to fiscal regulations, have been duly fulfilled;
 - all provisions and European regulations have been respected including, e.g. obligations related to traceability of financial flows, information and publicity, contracts of employment and workplace safety, environmental impact, equal opportunities and inclusion of disabled people in society;
 - the expenses incurred are eligible, relevant and adequate, and have been carried out within the terms and according to the eligibility requirements laid down by the Agreement of the Notice;
 - reductions and/or VAT deductions on the expenses incurred have not been obtained (or if they have been obtained, on which expenses and to what extent);
 - additional reimbursements, contributions and additions from other entities, public or private, national, regional, provincial and/or community have not been obtained or requested (or if they have been obtained, details relating to the type and the extent thereof shall be provided).
- b. self-certification on the cumulation of aid related to any other de minimis aid received during the previous two financial years as well as in the current financial year (Annex 2c).
 - c. detailed report on development and pre-production activities, complete with timetable.
 - d. cost production estimate with the so-called “above the line” and “below the line” costs, clearly highlighting expenses to be incurred in Puglia. In the case of a serial project, this refers to any related category and includes the total cost of episodes, the specification of the unit cost per episode and the expenses to be incurred in Puglia.
 - e. financial plan (Annex 5).
 - f. list of authors.
 - g. list of suppliers.
 - h. complete list of locations, clearly highlighting locations in Puglia.
 - i. According to the categories:
 - i. CINEMA category: final screenplay, clearly highlighting the scenes set in Puglia;
 - ii. TV SERIES category: series’ script, clearly highlighting the scenes set in Puglia;
 - iii. DOC category: treatment, clearly highlighting the scenes set in Puglia, and research dossier;
 - iv. ANIMATION category: in the case of an animated feature film project, bible, clearly highlighting the scenes set in Puglia, and teaser; in the case of an animated series project, bible, clearly highlighting the scenes set in Puglia, and videoboard of the pilot episode.
 - j. ISAN or EIDR codification of the audiovisual work.
 - k. Detailed expense report pursuant to Annex 6, transmitted by CEM in excel format, digitally signed by the legal representative.
 - l. Affidavit of an accountant or statutory auditor/auditing firm, enrolled in the Register pursuant to Legislative Decree N. 39/2010 and subsequent amendments, drawn up in accordance with Annex 6, which certifies that the detailed report has been prepared according to Annex 7 of the Notice.
 - m. Certified copies of originals, under the conditions laid down in the attachment section “Reporting” of the following:
 - invoices of suppliers with relative payment statement (copy of the wire transfer, proof of debit featured in the bank account, etc.);
 - payrolls or invoices of professional workers under regular contract along with relative payment statement (copy of the wire transfer, proof of debit featured in the bank account, etc.);
 - any other supporting documentation along with relative payment statement (copy of the wire transfer, proof of debit featured in the bank account, etc.);

- where applicable, legally binding acts (contracts, agreements, letters of appointment etc.) clearly highlighting the subject of the service or supply, its amount, the terms of delivery as well as the method of payment.
2. For the purposes of expense recognition, the expenses must:
 - a. be effectively incurred and paid by the first day following the publication date of this Notice;
 - b. be clearly and closely related to the eligible project, in accordance with the Notice;
 - c. have actually been incurred and justified by invoices or accounting documents of equivalent probative value;
 - d. be in good standing from the perspective of civil and tax legislation;
 - e. be recorded and clearly identifiable with a separate accounting system or adequate accounting codification (containing the transaction date, type and details of receipts, and method of payment), which allows to distinguish them from other accounting operations, without prejudice to national accounting rules;
 - f. be paid in accordance with the regulations establishing the traceability of financial flows (Art. 3 of Law N. 136/2010, as amended by Law N. 217/2010); with payment instruments that will report the Unique Code of Project (CUP) provided by the Apulia Film Commission Foundation; accounted expenses incurred by any other form of payment, other than those specified, will be considered ineligible.
 3. All the expense items reported must be presented in certified copy of the original and bear the following wording: **“Expense incurred with the contribution of FSC 2014-2020 - Patto per la Puglia. Public Notice APULIA DEVELOPMENT FILM FUND”**, as well as the CUP to be provided by the Apulia Film Commission Foundation.
 4. The Apulia Film Commission Foundation will examine the request for subsidy payment and attached reporting documentations within 60 days of receipt, on the basis of documentation checks and/or inspections at the headquarters of the beneficiary company
 5. During the course of inspections, the following will be verified:
 - a. Proof of administrative documentation relating to the transaction, which demonstrates proper financing applicable under the Program and justifies the right for subsidy payment;
 - b. thoroughness and consistency of the reimbursement request and of the supporting documentation for expenses incurred (including invoices or equivalent accounting documentation) in compliance with Community, national and regional legislation applicable to the Program, to the Notice and to the financed operation;
 - c. thoroughness of supporting documentation for expenses incurred from a regulatory point of view;
 - d. eligibility of expenditure, as incurred in the period permitted by this Notice;
 - e. consistency and eligibility of expenditure, as they relate to the types of expenses jointly permitted by national and community legislation, by the Program and by the Notice;
 - f. traceability of expenditure, incurred and reported precisely by the beneficiary who requests subsidy disbursement, as well as for the operation subject to the subsidy;
 - g. verification of the absence of an accumulation of the requested subsidy with other non-cumulative contributions;
 - h. verification of compliance with EU and national standards on State aid;
 6. The Apulia Film Commission Foundation reserves the right to request the presentation of original expenses, as well as additions and clarifications on the activities carried out and on the reporting documentation of the presented expenses. Any additional documentation required must be sent within and no later than 20 days from the receipt of the request, otherwise the relative expense will be deemed inadmissible. The request for additional documentation suspends the deadlines for completing the verification of the documents.

7. The Apulia Film Commission Foundation, following the verification of the requested additions referred to in the previous paragraph, may proceed with sending the payment request (Annex 9) or rather decide on the revocation of the subsidy if one or more of the cases mentioned in art. 14 of the Notice should be detected.

Art. 11 - Subsidy Disbursement

1. The subsidy granted will be paid to the Beneficiaries by the Apulia Film Commission Foundation:
 - a. In a one-time installment (lump sum) following proper verification of the reporting documentation, pursuant to art. 10 of this Notice, by submitting a balance request according to Annex 9b.
 - b. in two installments including:
 - i. advance payment equal to 50% of the granted subsidy according to Annex 9, along with the presentation of a bank guarantee or insurance policy or a policy issued by a financial intermediary in favor of the Apulia Film Commission Foundation, pursuant to the payment scheme approved with Decree of Regional Council N. 1000 of 7 July 2016 (Annex 10), in an amount equal to the total amount of the advance payment required;
 - ii. payment of the remaining subsidy, following proper verification of the final reporting documentation, pursuant to art. 10 of this Notice, by presenting a balance request according to Annex 9b.
2. The amount of the subsidy granted is determined at the time of subsidy disbursement, on the basis of the expenses effectively recognized by the Apulia Film Commission Foundation, following proper verification of the final reporting documentation.
3. The process of defining total eligible expenses takes place within 90 calendar days from the date of the presentation of the payment request (Annex 9b), subject to suspensions or interruptions arranged by the offices of the Apulia Film Commission Foundation for clarification and/or additions. The request for additional documentation suspends the deadlines for completing the verification of the documents.

Art. 12 - Duration of the Agreement

1. The beneficiary companies are obliged to turn over the reporting package within and no later than 12 months from the date of the subsidy grant, pursuant to art. 6 paragraph 16 of this Notice, under penalty of non-disbursement of the subsidy.
2. The Apulia Film Commission Foundation reserves the right to withhold payment of the subsidy balance until the final delivery of what has been established in art. 10 of this Notice.
3. In the case of exceptional and unforeseeable events, the Apulia Film Commission Foundation has the right to proceed with the acceptance of any modification that exceeds the limits set forth in the previous paragraphs.

Art. 13 - Obligations of the Beneficiaries

In light of the subsidy granting, the beneficiary companies undertake:

1. To transfer 10% of the royalty rights to the Apulia Film Commission Foundation, which will be automatically released if the project enters the processing phase in Puglia or 3 years after the completion of subsidized investments. Completion date means the date relative to the last eligible expense item;

2. To allocate at least 60% of the amount of the subsidy to the remuneration of the authors (with the exception of the authors of literary work subject to film / television adaptation) and of the creative personnel;
3. To set, in whole or predominantly in Puglia, the projects to be financed, pursuant to art. 1 paragraph 4 of this Notice;
4. To deliver a status report on operations in the form of a self-declaration within in six months from the date of the final disbursement of the subsidy grant;
5. To organize at least one follow-up meeting with the Apulia Film Commission Foundation's Offices, no later than six months from the date of the final disbursement of the subsidy;
6. To assign to the project a unique identification code, such as ISAN or EIDR, prior to its delivery, as provided by art. 10 of this Notice;
7. To apply or enforce with regard to employees or, in the case of cooperatives, working associates, the national and territorial collective agreements of the sector to which they belong, stipulated by the trade unions of such employees and employer's organizations, which are comparatively the most representative organizations at national level;
8. To implement current regulations relating to social security assistance and insurance throughout the contractual relationship with the Apulia Film Commission Foundation, namely from the date of submission of the application to the date of subsidy disbursement and payment;
9. To comply with Law N. 136/2010 "Extraordinary plan against Mafia and Anti-Mafia legislation Proxy to the Government";
10. To send the agreement duly signed by the legal representative of the beneficiary company, within 15 days of receipt;
11. To comply with the prohibition of dual financing of activities;
12. To comply with the rules regarding the eligibility of expenditure;
13. To be available for any request to examine all information, data, certifications or statements, even those issued by suppliers, up to 5 years from the completion date of the disbursement;
14. To retain and make available documentation relating to financial transactions, up to 5 years from the completion of the disbursement;
15. To comply with reporting procedures and deadlines;
16. To store all accounting documents in the company's legal office, in compliance with civil, fiscal and tax regulations, for the stipulated period according to the aforementioned legislation;
17. To comply with the timetable's start and end dates, as indicated by the submission of the subsidy application, except for the transmission of timely communications to the Apulia Film Commission Foundation;
18. To give written notice to the Sole Procedure Manager, within 10 days after the occurrence of any one of the following situations:
 - a. liquidation or sale of the company;
 - b. declaration of bankruptcy, compulsory liquidation, arrangements with creditors, or proceedings initiated for the declaration of any of the above stated situations;
 - c. delivery of a judgment having the force of res judicata; issue of a criminal prosecution decree having become irrevocable or delivery of a judgment applying a penalty according to art. 444 of the Code of Criminal Procedure, for serious offenses against the State or the EU affecting the professional conduct and, in particular, pursuant to art. 45 of EC Directive N. 18/2004, for: participation in a criminal organization, corruption or financial fraud against the EU or for money laundering

19. To apply to the projects in accordance with Annex XII of EU Reg. N. 1303/13 and art. 4 of EU Reg. N. 821/14, the heading “**With the contribution of [LOGO European Union] [LOGO Development and Cohesion Fund 2014-2020] [LOGO Puglia Region] and [LOGO Apulia Film Commission Foundation]**”;
20. To apply the requested logos in the opening credits, or alternatively, on the first page of the closing credits and in any informational, advertising and promotional documents about the work, in accordance with Annex XII of EU Reg. N. 1303/13 and art. 4 of EU Reg. N. 821/14, with the heading “**With the contribution of [LOGO European Union] [LOGO Development and Cohesion Fund 2014-2020] [LOGO Puglia Region] and [LOGO Apulia Film Commission Foundation]**” and also sending to the Apulia Film Commission Foundation the preview of the film titles in .jpeg or .pdf format, before finalizing or duplicating the final work, under penalty of non-disbursement of the subsidy;

Art. 14 - Revocation, Forfeiture, Reduction and Renouncement

1. The subsidy granted is subject to complete revocation, with reimbursement of an amount equal to the sum of the subsidy which may have already been disbursed, increased by simple interest calculated at the legal rate for the period between the date of disbursement and the date of revocation, in one or more of the cases listed below:
 - a. If the project, having entered the processing phase, is carried out outside the territory of the Puglia Region;
 - b. if the projects are not considered to be set in whole or predominately in Puglia, following their verification performed by the offices of the Apulia Film Commission Foundation, according to art. 1 paragraph 4;
 - c. in case of granted and/or disbursed subsidy, on the basis of either false or reticent data and information as well as misrepresentations;
 - d. in case of initiation of bankruptcy proceedings, dissolution of the company, liquidation, controlled or extraordinary administration, compulsory administrative liquidation, composition with creditors without business continuity or debt restructuring plan;
 - e. in case of serious breaches of obligations by the beneficiary company under art. 13 of this Notice, in the agreement and in all documentation produced as an annex to the subsidy application;
 - f. in case of serious irregularities resulting from verifications and evaluations carried out, or in the case of being prevented from carrying out control and monitoring activities under art. 16 of this Notice.
2. The applicant is considered excluded from the proceeding or lapsed from any subsidy granted, with reimbursement of an amount equal to the sum of the subsidy, which may have already been disbursed, increased by simple interest calculated at the legal rate for the period between the date of disbursement and the date of revocation, in one or more of the cases listed below:
 - a. if the requirements are not met at the time of the signing of the agreement or in the case of failure to sign the same;
 - b. if the requirements pursuant to art. 2 of this Notice are not met;
 - c. if the deadlines referred to in art. 12 paragraph 1 of this Notice are not met, without prejudice to the effects of any extensions granted for exceptional and unforeseeable events.
3. Any delay in the repayment of the amount due will result in the application of interest on arrears, in accordance with the legal interest, increased by 100 basis points.
4. Upon the occurrence of one or more causes for revocation, the Apulia Film Commission Foundation, having fulfilled the procedures laid down in articles 7 and 8 of Law 241/90, will forward the final decision of the declaration of revocation and ensure the recovery of the amounts already disbursed. The applicant, either directly as a producer or indirectly as a co-producer or associate producer, may not apply to public notices of the Apulia Film Commission Foundation related to subsidies for audiovisual works for the following 6 years, from the dispatch date of the final decision of the revocation.
5. The amount of the subsidy is reduced at the time of the balance payment, on the basis of the eligible expenses effectively incurred, reported and recognized.

6. In case of breach of the aid intensity limits in accordance with art. 6 of this Notice, the subsidy granted is reduced until it reaches the maximum allowable limit.
7. Should liability for damage or criminal responsibility arise from the detection of the aforementioned irregularities, the Apulia Film Commission Foundation will fulfill every action in the appropriate offices.
8. In order to renounce subsidy, the Beneficiary must send notice of withdrawal, digitally signed on company letterhead, by way of CEM.

Art. 15 - Monitoring and Supervision Procedures

1. The beneficiary company of the received subsidy shall make itself available, up to 5 years from the date of the last subsidized expense item, for any request for verification, information, data, documents, attestations or declarations, and where appropriate from service providers as well.
2. The Apulia Film Commission Foundation has the right to carry out at any time and phase of the work eligible for subsidy, evaluations and verifications for the purpose of monitoring the operation, in accordance with applicable legislations in force.
3. Further control activities may be carried out by the Puglia Region or Control Bodies operating at regional, national and EU levels.

Art. 16 - Information and Publicity Obligations, Data Processing, Access Rights and Procedure

1. All documentation relating to this Notice will be made available on the Apulia Film Commission Foundation official website (accessible at the URL: apuliafilmcommission.it).
2. The right to access shall be exercised in accordance with the methods and limits set out in the aforementioned regulations, pursuant to art. 22 and following Law N. 241/90 and subsequent amendments.
3. Pursuant to Law N. 241/90, Sole Procedure Manager is Cristina Piscitelli.
4. In accordance with EU Regulation N. 679/16 and subsequent amendments, personal data collected are processed with computer tools and used as part of the process in compliance with the obligations of confidentiality. Data Owner and Manager is Cristina Piscitelli.
5. When submitting the application, the beneficiary accepts the publication, electronically or otherwise, of his/her identification data as well as the amount of subsidy granted under articles 26 and 27 of Legislative Decree N. 33/13 on transparency.
6. When submitting the application, the beneficiary also accepts the publication, electronically or otherwise, of the form, the data and information required by art. 115 (1) and (2) of (EU) Regulation N. 1303/13 regarding information obligations and transparency of the beneficiaries.
7. For information about this Notice and on any procedure, interested parties may contact:
 - a. Sole Procedure Manager, by CEM to funding@pec.apuliafilmcommission.it
 - b. Contact center activated at the Apulia Film Commission Foundation, at 080 975 2900 and / or by email at filmfund@apuliafilmcommission.it