

PUBLIC NOTICE

Supplementary addendum for 2012

second quota (expiry date 30 April),

for PUBLIC NOTICE issued on 21 Dec 2011

APULIA HOSPITALITY FUND



Application deadline:

30 April 2012

CUP (Project Code): B39E11001500009

CUP (Project Code): B39E11002740004

CUP (Project Code): B39E12000820004

Fondazione Apulia Film Commission

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Art. 1 Introduction

Following the Public Notice on “Hospitality Funding for film production companies in Apulia”, issued on the 21 Dec 2011 (Reference no, 3270/11/U), a funding endowment of €230,000 was agreed for the April 2012 session as set out in article 4 below, consequently affecting how funding provision is to be determined.

Production companies must therefore make any application for Hospitality Funding in Apulia under the procedures and terms detailed in this supplementary addendum.

As part of an established agreement, the Apulia Region assigned the Apulia Film Commission Foundation the task of carrying out the regional project “Combining activities for the promotion of Apulian locations of cultural, natural and artistic interest through the organisation of educational tours” (LOCA.TOUR), under long term programme Axis IV, section 4.3, action 4.3.1 (C) of the European Regional Development Fund 2007-2013 (approved by Regional Deliberation 1150, 30 June 2009). In consideration of the resources available through action 4.3.1 to complement hospitality as part of the project “Promotion of Apulian locations of historical, cultural, artistic and natural interest through the organization of educational tours”, as established in an agreement dated 12th April 2012, as well as those available for action 4.1.2 for the project “Increasing cine-tourism through promotion, communication and attracting film crews to the area – 2012 – Promoting Cinema (PRO.CINE)”, the Apulia Film Commission Foundation hereby announces a selection procedure for applications for hospitality funding for production companies who intend to use Apulia for filming in order to guarantee the completion of their projects; these must be completed by 31 December 2012 (each grant beneficiary will be given its own exact deadline for the completion of hospitality-funded projects) .

The provision of hospitality funding for film cast and crews forms part of the institutional aims of the AFC Foundation and is in line with its principal activities; moreover, it meets the general objectives of Actions 4.3.1 and 4.1.2 in promoting Apulian locations with a subsequent effect on cine-tourism as well as a reinforcement of the image of Apulia with important effects on tourism (increasing incoming tourist flow and diversifying relative targets) and a significant impact in social-economic terms.

Further aims of this action are to encourage out-of-season tourism, promote specific itineraries, areas of cultural excellence and Apulian environment and landscapes, balance tourist flow and offer development opportunities for different local areas and for the region as a whole.

In addition, this meets the wider objective of encouraging local artists and technicians in the audio-visual field to remain in the region, increasing the number of professionals

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operating in Apulia and offering employment opportunities by developing factors favouring growth and economic impact and thus attracting further film crews to the area. The final strategic aim of hospitality funding is that of presenting Apulia as a production hub in attracting investors in the audio-visual field, thus ensuring important effects on the region.

In providing hospitality funding, the AFC Foundation has seen a significant growth in the number of film production companies operating in Apulia compared with previous years (in particular the production of full length feature films, shorts, documentaries, TV series and TV films), as well as in the vital aforementioned tourist impact resulting from a wider recognition of the region and the promotion of Apulia as a film set both in Italy and abroad.

Art. 2 Who can apply

Funding is available for Italian, European and non-European productions presenting projects in the following categories;

- feature-length fiction films
- TV movies
- TV series
- documentaries, docu-fictions, mockumentaries
- fiction shorts
- video clips

Eligibility for potential applicants for funding is outlined below and may also include temporary enterprises or co-production companies.

- In the case of feature films, TV movies, and TV series, only commercial companies, foundations and co-operative production companies will be taken into consideration.
- In the case of all other film projects, in addition to production companies, foundations and co-operative production companies mentioned above, other public and private bodies intending to produce audiovisual or film picture projects may also apply for funding.

Each production or association / co-production company may only apply for funding with one project per application.

Except in exceptional and justifiable cases, applicants will be denied funding in the following circumstances:

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- the director of the project applying for funding has not completed any previous projects which received funding from the Apulia National Film Fund.
- the applying production company has not settled invoices pertaining to suppliers or outstanding payments or wages to be made to cast and crew for film projects produced previously in Apulia.

Art. 3 Outline of hospitality funding and criteria

Hospitality funding is provided to cover costs (totally or in part) directly incurred by the film production companies in the Apulia region only during production of the film project for the following types of expenditure:

- accommodation (hotels, apartment-hotels, rented apartments);
- board (refreshments, catering and packed meals);
- transport within the region (including hired vehicles).

The applying production team and its beneficiaries are obliged to:

1. use, for the aforementioned expenses on accommodation, board and regional transportation, suppliers selected by the AFC Foundation following a public tender procedure, details of which can be found on the AFC Foundation website. This is subject to the beneficiary production company verifying the availability of the suppliers to provide the services required. In cases where AFC-selected suppliers are unable to provide these services, the beneficiary production company is obliged to obtain and send at least 5 estimates to the accounting department of the Apulia Film Commission head offices. Companies are expected to use those services with the lowest-quoted price or those whose quality or specific facilities are deemed necessary by the beneficiary production company for hospitality purposes (no. of stars, level of comfort, proximity to set, etc.) In all cases, the maximum expenditure per supplier is €40,000. In cases where it is impossible to obtain 5 estimates (e.g. the area chosen by the production company does not have hotels/restaurants with an appropriate standard of quality), the production company may proceed with the selection of suppliers but is required to provide the accounting department of the AFC head office with a written report outlining the reasons for the impossibility of attaining estimates;

2. include the following logo on opening credits:

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- Apulia Film Commission Foundation (preceded by the text “Film made with the support and funding of the Apulia Film Commission Foundation”;

3. include the following logos on closing credits:

- Apulia Region – Mediterranean, Culture and Tourism Department;
- EU (followed by the text: "Initiative co-financed with the European Union Fund for Regional Development”;
- Viaggiare in Puglia (Travel throughout Apulia);

4. reach agreement with the Foundation on all the film’s information, publicity and promotional material before its distribution. These documents should be sent to the e-mail address email@apuliafilmcommission.it for approval. Furthermore, the following logos must be included:

- Apulia Film Commission Foundation
- Apulia Region – Mediterranean, Culture and Tourism Department;
- EU (followed by the text: "Initiative co-financed with the European Union Fund for Regional Development”;
- Viaggiare in Puglia (Travel throughout Apulia);

5. send by e-mail (email@apuliafilmcommission.it) before the end of the post-production phase:

- the screen images on the opening and closing credits (jpeg - tiff – pdf formats) where the 4 aforementioned logos are present.

**All the above logos can be downloaded from the following link:
<http://disco.apuliafilmcommission.it/download/LoghiAFC.zip>;**

6. provide, together with receipt or VAT-exempt invoice for funding received (under article 2;3 of Italian Presidential Decree 633/72) a complete financial report in electronic and paper formats; this must contain certified copies of all documents related to expenses and payments as set out in article 7 of the present document.

Production companies must also adhere to article 3, law no. 136 (passed on 13 August 2010), “Extraordinary anti-mafia legislation and government authority for anti-mafia regulations” (Official Gazzette no.196, 23 Aug 2010 in order **to trace cash flow**); contractors and sub-contractors as well as public financial agents (European or otherwise) in any way related to work carried out, services or supply must use one or more public current bank or post office accounts. In all cases where transactions are carried out without using banks or the Italian Post Office Ltd, under article 3.8 of the aforementioned law, funding will be withdrawn. Adherence to this law also requires the

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inclusion of the Project Code (CUP) on all documents set out by regulations to trace cash flow. This includes payment invoices, as indicated by the AFC Foundation;

7. communicate any changes occurring after application presentation before work starts on the film project; these include any artistic, financial, organisational and employment changes as well as any modifications which alter the project from the description presented in the application for the Apulia Hospitality Fund grant;

8. send the production programme by e-mail before the start of production along with a complete list of cast and crew (highlighting Apulian personnel) and a list of locations to be used; during shooting any updated information should also be communicated;

9. during production, to send daily production schedules by e-mail;

10. where possible, organise a press conference in Apulia before the start of or during filming with the presence of national journalists (or international journalists for foreign films) and including the director and/or leading actors as well as representatives of the AFC Foundation;

11. grant the Apulia Film Commission the rights for the free use of completed and semi-processed footage as well as scene and backstage photography in regional locations for AFC Foundation use in non-profit promotional advertising for the Apulia region;

12. provide the AFC, at no additional charge, with 5 DVD copies of the film and backstage footage (or extra promotional footage) and 2 CD copies of scene photography granting rights for the AFC and Apulia Region to use these in promoting the region and its territory;

13. organise a preview screening of the film in Apulia or, in case of participation in national or international film festivals, allow for the presence of an AFC representative at the film presentation press conference at the festival where it has been entered;

14. allow, at any given time, for the presence of an AFC representative during production and permit video recording or photography during production, to be carried out by the AFC representative for purely documentary purposes;

15. adhere to current regulations regarding social security contributions, medical assistance and workplace insurance for technical and artistic staff hired, including temporary staff with clear reference to their membership of ENPALS (national insurance office for workers in the entertainment industry) including payment of all legally required contributions.

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The Apulia Film Commission will not consider projects which incite violence or encourage racism, political hatred, sexism or discrimination of any kind

Art. 4 – Funds Available

The financial resources available for Hospitality Funding as set out in the current document amount to a total of **€230,000** (two hundred and thirty thousand euros), for hospitality costs incurred by and no later than 30 September 2012.

Art. 5 – Allocation procedures for Hospitality Funding

The Apulia Film Commission Foundation may, on receipt of hospitality funding applications and while resources are still available, provide a production company with maximum grants as detailed below:

- Feature length fiction films, TV films and TV series up to a maximum of €100,000
- Documentaries, docu-fictions, mockumentaries up to a maximum of €20,000
- Fiction shorts up to a maximum of €15,000

Funding is subject to delivery of the final financial report and all other requirements set out in articles 3 and 7 of the present document.

A required receipt or VAT-exempt invoice (under article 2.3 of Presidential Decree 633/72) is subject to modification or withdrawal and will thus only be required by the Foundation after the financial report has been analysed.

In accordance with legislation governing payments made by public administrations, the AFC Foundation is legally obliged to carry out checks through the Equitalia system and examine any payment over €10,000 for outstanding fiscal burdens with regard to the Italian tax authorities. In case of non-compliance, legal sanctions will be imposed.

Payment will be carried out by bank transfer within 30 days of delivery of the relative receipt or invoice subject to an audit of the requirements that must be met.

Art. 6 Criteria for selection and allocation of funds

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Applications will be examined by a Selection Committee nominated by the board of directors of the AFC Foundation. Public notice of the results of funding applications will be published on the website www.apuliafilmcommission.it.

If an application is successful, the Apulia Film Commission will draw up a contractual agreement with the beneficiary in line with a decision made by the Sole Supervisor of the selection procedure.

The AFC Foundation will evaluate and select applications based on the following criteria, with a maximum score of 100 points:

1. Artistic quality of the film project (max 20 points);
2. Coherence of artistic factors with production framework in terms of project feasibility (max 20 points);
3. Economic effect on the Apulia Region (max 10 points);
4. Days / weeks of production in Apulia (max 10 points);
5. Number of personnel used in production of Apulian section of the film project (max 10 points);
6. Distribution plan for the film project (max 15 points);
7. Visibility of the Apulian locations selected and their potential impact on local economy and out-of-season tourist flow (max 15 points).

The Commission will evaluate applications at their discretion in line with the objectives set out in this document and the requisites outlined above. Only projects attaining a minimum score of seventy (70) points will be eligible for funding.

On the basis of score attained and budget available, the AFC Foundation will provide funding for hospitality as per the formula set out below:

$$\begin{array}{lcl} \text{maximum score :} & \text{Hospitality budget in} & = \\ \text{(max 100 points)} & \text{Apulia estimated by applicant} & \text{Selection Committee score : established provisional budget} \\ & & \text{(70>100)} \end{array}$$

Therefore, funding will be determined by fixing new percentage parameters for the recognised provisional budget to grant availability for each individual session and can not, in any circumstances, exceed the maximum levels outlined for production types in article 5 of this document.

In cases where contract agreements are unsigned or in cases of withdrawal or cancellation, the Commission will re-examine any previously unsuccessful applications.

Art. 7 Allowable expenses, financial reports and production company obligations

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The following hospitality expenses in Apulia are deemed allowable provided they are incurred in Apulia after the deadlines for hospitality funding applications (30 April and in all cases by 30 September 2012):

- 1) **Accommodation:** all expenses pertaining to accommodation expenses (e.g. hotels, B&Bs, etc.). A rooming list must be attached;
- 2) **Board:** all board expenses such as refreshments, catering and packed meals;
- 3) **Transport within the region:** expenses for transfers within the region (vehicle hire, use of public transport etc.). The following are not considered allowable expenses: 1st class travel, taxis, travel to and from Apulia.

In order for expenses to be deemed allowable, production companies must use the suppliers selected by the AFC Foundation following public tender procedures. In cases where AFC-selected suppliers are unable to provide these services, the beneficiary production company is obliged to obtain and send at least 5 estimates to the accounting department of the Apulia Film Commission head offices. Companies are expected to use those services with the lowest-quoted price or those whose quality or specific facilities are deemed necessary by the beneficiary production company for hospitality purposes (no. of stars, level of comfort, proximity to set, etc.) In all cases, the maximum expenditure per supplier is €40,000. In cases where it is impossible to obtain 5 estimates (e.g. the area chosen by the production company does not have hotels/restaurants with the appropriate level of quality), the production company may proceed with the selection of suppliers but is required to provide the accounting department of the AFC head office with a written report outlining the reasons for the impossibility of attaining estimates.

All documentation relative to expenses (e.g. invoices, travel tickets, receipts, contracts) must be made out to the funding beneficiary and clearly show date and reason for expense.

In cases where beneficiaries have a co-production or executive production contract with third parties to carry out the film project and are provided with hospitality funding, incurred expenses may be made out to these production companies provided that:

- the beneficiary production company has previously notified the AFC Foundation, sending a certified copy of the contract;
- the AFC Foundation gives written authorisation that expenses are also allowable for co-producers and executive producers as set out above.

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All expense claims must be accompanied by receipts and include specific documentation of payment made (bank transfers, copies of cheques and/or bank statements). Under article 3, law no. 136/2010 to trace cash flow, all payments must be made **exclusively by bank or post office transfer or by non-transferable cheque on condition that the production company uses a current account specifically for the film project in question and that the beneficiary of payment is unable to accept transfers directly into a current account** (in the latter case, a declaration must be signed by all relevant parties under art. 76 of Presidential Decree 445/200, attesting to the awareness of the legal consequences of false declarations). Failure to comply will result in the non-reimbursement of expenses.

In order to provide an accurate financial report, each expense incurred must be included in an expenditure summary table, to be signed and stamped by a legal representative of the production company (sent by e-mail to funding beneficiaries). The form must refer to the period indicated in the funding application; invoices and payments must be made within this specific period for expenses to be considered allowable.

Upon payment of the hospitality funding, production companies must subsequently:

- **Send a receipt or VAT-exempt invoice** (art.2,3 (a), Presidential Decree 633/72) by registered post to the Head Office of the AFC Foundation in Bari, Italy, before and not after the deadline outlined in the contract agreement, clearly stating the CUP Project Code;
- **Send a certified copy of all allowable expense and payment documents** (copies of bank transfers, copies of cheques¹ and/or bank statements) together with the expenditure summary table (available as attachment C) by registered post to the Head Office of the AFC Foundation in Bari, Italy, by and not after the deadline outlined in the contract agreement. The expenditure summary table must also be sent by e-mail to the address provided upon contract agreement;
- For Italian production companies, **send a certified copy of DURC certificate** (Certificate of national insurance contribution payments);
- **Send a list of suppliers used.** In cases where suppliers used are not those from the AFC Foundation list, **at least 5 estimates** must be included with proof that those services with the lowest-quoted price or those whose quality or specific facilities were deemed necessary by the beneficiary production company for hospitality purposes (no. of stars, level of comfort, proximity to set, etc.) were used. In all cases, the maximum expenditure per supplier is €40,000. In cases where it is impossible to obtain 5 estimates (e.g. the area chosen by the production

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company does not have hotels/restaurants with the appropriate level of quality), the production company may proceed with the selection of suppliers but is required to provide the accounting department of the AFC head office with a written report outlining the reasons for the impossibility of attaining estimates.

**Bank or postal cheques may only be used if the following conditions are adhered to:*

- *the beneficiary is unable to accept payment into a current account (or deposit account);*
- *the account in question is specifically set up for the film project which is receiving hospitality funding;*
- *the cheques are clearly made out as non-transferable.*

In addition to the obligations outlined in article 3, it is hereby reiterated that companies must adhere to article 3, law no.136 to trace cash flow (passed on 13 August 2010), "Extraordinary anti-mafia legislation and government authority for anti-mafia regulations" (Official Gazzette no.196, 23 Aug 2010); contractors and sub-contractors as well as public financial agents (both European and other) in any way related to work, service or supply must use one or more public current bank or post office accounts. (In all cases where transactions are carried out without using banks or the Italian Post Office Ltd, under article 3.8 of the aforementioned law, funding will be withdrawn). Adherence to this law also requires the inclusion of the Project Code (CUP) on all documents set out by legal requirements to trace cash flow. This includes payment invoices, as stipulated by the Head Office of the AFC Foundation.

During the phase of checking financial statements, if the AFC Foundation notes that declared expenses are lower than those stipulated in the contract agreement, indisputable proceedings may be carried out to proportionally reduce or annul the grant.

Art. 8 Length of contract and cancellation

The contract is valid upon the signing of the agreement and will expire on the date outlined in the agreement, except in cases where funding is withdrawn. This expiry will in all cases be by and not after 30 September 2012.

Agreed funding will not be allocated where there is evidence of forgery of documentation or financial accounts or if false or deliberately imprecise statements have been made.

Failure to comply with the regulations stipulated under Articles 3 and 7 of this document will result in non-payment of funds, or, where payment has been made, proceedings to ensure the reimbursement of funding already allocated.

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

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

Art. 9 Application conditions and procedures

All applications for funding, completed in accordance with the attached application form (attachment A of this document) must also include the following (failure to comply will exclude the application) :

- signed and dated declaration of notary deed (facsimile copy to be included in application);
- photocopy of identity document of applying production company's legal representative;
- project story outline in electronic format.
- project screenplay in electronic format.

Applications should be sent from the date of publication of this public notice, **by recorded delivery and/or courier by and not after the following deadline:**

- **30 April 2012**

to the following address:

Fondazione Apulia Film Commission
c/o Cineporto Bari – Fiera del Levante
Lungomare Starita, 1
70132 Bari
Italy

Completed application envelopes, with all relevant material enclosed, should clearly state the following text:

“For the attention of Apulia Film Commission Foundation – application for Hospitality Funding grant”.

On receipt, all applications will be registered with a reference number.

The date of applications will be defined as that shown on the envelope postmark.

Hand-delivered or standard mail applications will not be accepted.

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Art. 10 Exclusion

The following conditions will lead to the exclusion of applications:

- a) application envelopes sent after the deadline of 30 April 2012; the date will be defined as that on the envelope postmark;
- b) applications made without using the official application form and / or an erroneous or incomplete compilation of the form;
- c) missing or incomplete document attachments.

Art. 11 Treatment of personal data

Under Legislative Decree 196/2003, the data requested in this public notice and its application forms will be used exclusively for the purposes set out in this document and will be treated with or without computer technology in full recognition of regulations and privacy laws governing public bodies.

In participating in the application procedure, applicants accept all the clauses set out in this public notice without exception.

For further information, the AFC Foundation can be contacted by e-mail at email@apuliafilmcommission.it or by telephone (0039) 080 9752900, from Monday to Friday 10am – 1pm.

Bari, 17 April 2012
Ref. No. 1584/12/U

Application forms follow

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