

**PACT FOR THE DEVELOPMENT OF THE SICILIAN REGION
(PACT FOR THE SOUTH)**

Sensi Contemporanei Programme - 3rd Integrative Act

Measures to strengthen the audiovisual and performing arts sector



**PUBLIC NOTICE
FOR THE GRANTING OF CONTRIBUTIONS
IN SUPPORT OF FILM AND AUDIOVISUAL PRODUCTION**

CALL FOR PROPOSAL - YEAR 2021

TABLE OF CONTENTS

Art. 1	BACKGROUND	3
Art. 2	LEGAL BASIS AND REFERENCE LEGISLATION	3
Art. 3	DEFINITIONS.....	5
Art. 4	OBJECT, PURPOSE AND OBJECTIVES.....	6
Art. 5	ELIGIBILITY REQUIREMENTS	7
	5.1 Subjective Requirements.....	7
	5.2 Objective Requirements.....	11
Art. 6	EXTENT AND INTENSITY OF SUPPORT	11
Art. 7	ELIGIBLE COSTS AND EXPENSES.....	12
Art. 8	TERMS AND CONDITIONS TO SUBMIT A PROPOSAL - APPLICATION FILE.....	14
	8.1 Terms and conditions to submit of proposals	14
	8.2 Application file.....	14
Art. 9	APPOINTMENT OF THE R.P. AND THE EVALUATION COMMITTEE - VERIFICATION OF ADMISSIBILITY OF APPLICATIONS - REDRESS.....	15
	9.1 Appointment of the R.P. and the Evaluation Committee	15
	9.2 Verification of admissibility of applications	16
	9.3 Redress	16
Art. 10	EVALUATION PROCEDURES AND SELECTION CRITERIA	17
	10.1 Evaluation procedures	17
	10.2 Selection criteria	17
Art. 11	OUTCOME OF THE EVALUATION AND PROVISIONAL GRANTING OF AID	22
	11.1 Outcome of the evaluation	22
	11.2 Provisional granting of aid.....	23
Art. 12	OBLIGATIONS OF THE BENEFICIARY	23
Art. 13	PROJECT VARIANTS	25
Art. 14	EXTENSIONS	26
Art. 15	PROJECT COMPLETION, REPORTING AND FINAL GRANT OF AID	26
Art. 16	DISBURSEMENT	28
Art. 17	CHECKS	29
Art. 18	REVOCAION OF GRANT.....	30
	18.1 Cases of revocation	30
	18.2 Revocation procedure	31
Art. 19	INFORMATION ABOUT PERSONAL DATA PROCESSING	31
Art. 20	INFORMATION REQUEST – FAQ	32
Art. 21	PUBLICATION IN ENGLISH.....	32

ARTICLE 1

BACKGROUND

The Sicilian Region recognises cinema and audiovisual media as a fundamental means of artistic expression, cultural education, communication and as an important tool for social and economic growth, promoting their development and related activities.

Therefore, within the competences assigned to it, the Sicilian Region pursues, inter alia, the objective of encouraging the production of cinematographic and audiovisual works, in order to strengthen and qualify local companies, attract national and international productions, foster the professional growth of regional operators in the sector, spread the knowledge of the historical, artistic, cultural and landscape-environmental contexts of the Island, also for tourism promotion purposes.

In this context, with the present public notice the Sicilian Regional Ministry of Tourism, Sport and Entertainment - Regional Department of Tourism, Sport and Entertainment (hereinafter also referred to as "*Administration*" or "*Granting Administration*") intends to grant non-repayable contributions for the production **in Sicily of** audiovisual products falling within the classification set out in Art. 4. below, through the instrument of State aids in accordance with Art. 54 ("*Aid schemes for audiovisual works*") of the EU Regulation no. 651/2014 as amended. (GBER), which declares certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (hereinafter also referred to as TFEU).

The above-mentioned facilities will be granted within the framework of the interventions of the Pact for the Development of the Sicilian Region (Pact for the South), using the FSC 2014-2020 resources earmarked for "*Interventions to strengthen the audiovisual and live entertainment sector (III Integrative Act of the APQ Sensi Contemporanei Programme - The development of the audiovisual industry in Southern Italy)*", according to the remodulation approved by the Regional Council no. 596 of 17/12/2020 and, in particular:

- **LINE B.1** - *Enhancement through support for the development and production of feature films;*
- **LINE B.2** - *Enhancement through support for the development and production of documentaries.*

ARTICLE 2

LEGAL BASIS AND REFERENCE LEGISLATION

- EU Regulation No 651/2014 of the Commission of 17/06/2014 (and, in particular, art. 54 - "*Aid schemes for audiovisual works*"), published in the Official Journal of the European Union of 26/06/2014, declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty and, in particular, paragraph 2, letter b) of the mentioned art. 107, concerning aid to make good the damage caused by natural disasters or other exceptional occurrences;
- EU Regulation No 1084/2017 of the Commission of 06/14/2017 amending the aforementioned EU Regulation No 651/2014 as regards, inter alia, the notification thresholds applicable to aid for culture and heritage conservation and amending EU Regulation No 702/2014 as regards the calculation of eligible costs;
- Communication from the European Commission published in OJEU C332/1 of 11/15/2013 concerning the "*Communication from the Commission on State aid to cinematographic and other audiovisual works*";

- L. no. 220 of 11/14/2016, concerning the "*Discipline of cinema and audiovisual*" as amended;
- MiBACT Decree no. 63 of 01/25/2018 published in the Official Gazette of the Italian Republic - General Series no. 55 of 03/07/2018 concerning application provisions on Film Commissions and general addresses and parameters for the management of funds of economic support to the audiovisual sector, allocated through the Regions or Autonomous Provinces;
- R.L. no. 16 of 08/21/2007, concerning "*Interventions in favour of cinema and audiovisual*", which committed the Sicilian Region to pursue the objective of encouraging the production of cinematographic and audiovisual works in order to strengthen and qualify local companies, attract national and international productions, foster the professional growth of operators in the sector and spread knowledge of the Island;
- Legislative Decree no. 33 of 03/14/2013 and no. 97 of 05/25/2016 concerning the "*Reorganisation of the rules on the right of civic access and the obligations of publicity, transparency and dissemination of information by Public Administrations*";
- L.R. n. 21 del 08/12/2014, art. 68 "*Rules on transparency and publicity of administrative activity*" as amended;
- Communication "*Temporary framework for State aid measures to support the economy in the current emergency of COVID-19*", adopted by the European Commission by Decision C(2020)1863 of 19/03/2020, amended and supplemented by Decisions C(2020)2215 of 03/04/2020, C(2020)3156 of 08/05/2020, C(2020)4509 of 29/06/2020 and C(2020)7127 of 13/10/2020, aimed at allowing Member States to adopt measures to support the economic fabric by way of derogation from the ordinary rules on State aid;
- CIPE Resolution No. 26 of 08/10/2016 concerning the "*Fund for Development and Cohesion 2014-2020: Plan for the South. Assignment of Resources*" with which the resources of the FSC 2014-2020 are assigned to the Regions and the Metropolitan Cities of Southern Italy for the implementation of interventions to be carried out through specific Interinstitutional Agreements called "*Pacts for the South*", assigning to Sicily the amount of M€ 2,320.4;
- Pact for the Development of the Sicilian Region, signed on 09/10/2016 between the President of the Council of Italian Ministers and the President of the Sicilian Region, concerning the implementation of priority interventions and the identification of strategic intervention areas for the territory;
- Deliberation of the Regional Council no. 301 of 09/10/2016 as amended, approving the Pact for the Development of the Sicilian Region - Implementation of the interventions and identification of the strategic intervention areas for the territory and the annexes "A" and "B";
- Deliberation of the Regional Council no. 29 of 01/21/2017 updating the List of Interventions referred to in the Deliberation of the Regional Council no. 301 of 09/10/2016, allocating M€ 15 to the Strategic Intervention "*Interventions to strengthen the audiovisual and performing arts sector - Sensi Contemporanei Programme*";
- Deliberation of the Regional Council no. 400 of 13/09/2017 approving the outline of the Framework Programme Agreement (APQ), III Integrative Act "*Sensi Contemporanei. The development of the audiovisual industry in Southern Italy*";
- Deliberation of the Regional Council no. 596 of 12/17/2020, whereby, within the framework of the Development Pact for the Region of Sicily - FSC 2014/2020, the "*Interventions to strengthen the audiovisual and live entertainment sector - Sensi Contemporanei Programme*" (III Integrative Act of the FPA "*Sensi Contemporanei. Lo sviluppo dell'industria audiovisiva nel Mezzogiorno*").

ARTICLE 3 DEFINITIONS

This Public Notice generally uses the definitions set out in Article 2 and Annex I of EU Regulation No. 651/2014 "GBER", as well as those set out in Article 2 of Law No. 220 of 11/14/2016 "*Discipline of cinema and audiovisual* " as amended.

In any event, for the purposes of this Notice, the following definitions shall prevail:

- "*Cinematographic/TV production film*": an audiovisual work of fictional narrative content, including animation, with a minimum duration of 52 minutes, made on any medium and using any technique, intended for public viewing in cinemas and/or for broadcasting by a television station, including SVOD (*Subscription Video On Demand*);
- "*TV series*": an audiovisual work of fictional narrative content, also in animation, with a minimum overall duration of 52 minutes and composed of more than two episodes, produced on any medium and using any technique, divided into narrative segments (episodes and/or episodes), intended for broadcasting to the public through a television channel, including SVOD;
- "*Documentary*": an audiovisual work, also in animation, with a minimum duration of 50 minutes, the creative emphasis of which is placed primarily on real events, places or activities, also by means of stock images and in which any inventive or fantastic elements are instrumental to the representation and documentation of situations and facts, for cinematographic and/or television exploitation, including SVOD;
- "*Documentary TV series*": an audiovisual work with documentary content, including animation, with a minimum overall duration of 52 minutes and composed of more than two episodes, produced on any medium and using any technique, divided into narrative segments (episodes and/or episodes), intended for broadcasting to the public through a television channel, including SVOD;
- "*Short film*": an audiovisual work of fictional narrative content, including animation, lasting less than 52 minutes;
- "*Producer*": the economic entity with ATECO 2007 code "59.11" (or NACE Rev.2 code "59.11" or equivalent) which is a producer or co-producer with a share of at least 20% of the audiovisual work proposed for the purposes of this Notice;
- "*Production*": all the stages of development, pre-production, executive realisation or filming or technical realisation of the work, post-production, the outcome of which is the realisation of the sample copy or the *master* of the audiovisual work (if it is realised by the producer himself, this includes the activity of preparing the audiovisual materials necessary for the communication, promotion and marketing of the audiovisual work in Italy and abroad);
- "*Realization*" means the phase of filming or the actual execution of the work;
- "*Post-production*": the phase following realisation, which includes audio-video editing and mixing, the addition of special effects and transfer to the target medium;
- "*Distribution*": all the activities, of a commercial, promotional, legal, executive and financial nature, connected with the negotiation of the rights relating to the economic exploitation of audiovisual works on the various channels in one or more geographical areas of reference and the consequent making available of the fruition by the public, through the various platforms of use;

- "Start of production": the date on which production starts;
- "End of processing": the date on which the sample copy was made;
- "Production cost": the gross costs, including any tax or other charge relating to the development, pre-production, executive realisation, filming or technical realisation of the work, post-production stages, as per Table B "Production costs" of MiBACT Ministerial Decree no. 157 of 15/03/2018 (in the case of a serial project pertaining to any category, this means the overall cost of the episodes or episodes, specifying the unit cost per episode or episode);
- "Industrial cost": the sum of the cost of production and distribution costs in Italy and abroad;
- "Administration" or "Granting Administration": Sicilian Regional Ministry of Tourism, Sport and Entertainment - Regional Department of Tourism, Sport and Entertainment;
- "R.P.": Person in charge of the procedure as per Article 5 of Law no. 241/1990;

ARTICLE 4

OBJECT, PURPOSE AND OBJECTIVES

By means of this public notice, the Department of Tourism, Sport and Entertainment of the Sicilian Region intends to grant non-repayable contributions, in the form of State aid referred to in Article 54 of Regulation (EU) No 651/2014, for the production of the audiovisual works specified below, in accordance with the definitions in Article 3 above.

In particular, the Administration intends to act in the audiovisual sector to:

- to promote and support original and quality audiovisual works;
- to enhance the image of Sicily by strengthening public commissioning, aimed at supporting audiovisual works related to the Sicilian territory in order to enhance its topicality, history, culture, landscape, traditions, food and wine and identity;
- to promote and support audiovisual professionals working in the region;
- To support audiovisual works made in Sicily, even if they are not expressly linked to identity features of the island, but are nevertheless capable of boosting the regional audiovisual sector and promoting economic and employment impacts on the Sicilian territory;
- support audiovisual works with a high degree of feasibility and distribution potential capable of generating effects and impacts on the territory;
- support the professional and/or artistic growth of young people and, specifically, producers, directors and screen writers under 35 years of age;
- to financially support audiovisual productions in Sicily in order to limit the economic effects of the COVID-19 pandemic declared by the World Health Organization on 03/11/2020, as a result of which production has been slowed down and/or suspended, with a consequent increase in production costs, also in relation to the health costs arising from the application of the "Protocol for the protection of workers in the cinema-audiovisual sector" validated by the Italian Ministry of Labour and Social Policies
(http://www.anica.it/allegati/7.07.2020_ENG_Safety_Protocol_Covid19_def_v_EN.pdf).

The aid granted under this notice intend to support:

- "Film/TV production" and "TV series";
- "Documentaries" and "Documentary TV series";
- "Short films".

Pursuant to Article 6(5)(f) of Regulation (EU) No 651/2014 and Article 107(2)(b) of the TFEU, in conjunction with Article 107(2)(b) of the TFEU, as well as under the "Temporary framework for state aid measures to support the economy in the current emergency of the COVID-19", adopted by the European Commission by Decision C(2020)1863 of 19/03/2020 and subsequent amendments and additions, will be eligible for the benefits in question those audiovisual productions which, on the date of submission of the application, have not yet started filming (or processing, in the case of animated products) in Sicily or which have started filming **after 07/07/2020**, provided - in the latter case - that the production has not been completed on the same date of submission of the application.

Under penalty of revocation of any aid granted, the above-mentioned filming (or processing, in the case of animation products) must be completed **no later than 18 months** from the date of the provisional granting of aid under this notice, a deadline that may be extended only once for a period not exceeding six months, on the basis of a duly substantiated request by the Beneficiary.

Film/TV production Films and TV Series shall compulsorily make **the version accessible for the sensory disabled (subtitles for the deaf and audio description for the blind)** consistently with the provisions of Art. 3, paragraph 1, letter g) and Art. 12, paragraph 4, letter a) of Law no. 220/2016.

ARTICLE 5

ELIGIBILITY REQUIREMENTS

5.1 Subject requirements

Under **penalty of ineligibility, applications** may be submitted by applicants who meet the following requirements at the time of submission:

- Companies **based in the territory of the Italian State and of the European Union**: film companies as defined in Article 2, paragraph 1, letter o), of Law no. 220/2016 (for EU foreign companies, a permanent establishment in Italy is not mandatory for the purposes of this Notice):
 - with primary activity in the production of motion pictures, videos, television programmes and films (ATECO 2007 Code '59.11', or NACE Rev.2 Code '59.11' or equivalent);
 - have been registered for at least 24 months, at the date of publication of this notice, in the Register of Enterprises at the Chamber of Commerce with jurisdiction in their area, or at the equivalent body to the Register of Enterprises in their country of origin;
 - producers of the submitted project, or co-producers with a share of at least 20%;
 - users of an Italian certified e-mail address (PEC) for communication with the Administration;

- Companies **based in a non-EU country**:
 - with primary activity in motion picture, video, television programme and film production (Code equivalent to NACE Rev. 2 "59.11');
 - registered for at least 24 months, on the date of publication of this notice, with the equivalent body in the Register of Enterprises of the country to which they belong;
 - producers of the submitted project, or co-producers with a share of at least 20%;
 - users of an italian certified e-mail address (PEC) for communication with the Administration.

- **Non-profit cultural associations based in the territory of the Italian State and of the European Union** (only for the production of the works referred to in points b) and c) of Article 4 above, i.e. Documentaries, Documentary TV Series and Short Films):
 - with an express provision in the articles of association for carrying out audiovisual production activities;
 - registered for at least 24 months, on the date of publication of this notice, in the REA (Repertorio Economico Amministrativo), or in the similar register of the Member State of residence;
 - with documented production activity in the audiovisual field over the last 24 months;
 - users of an italian certified e-mail address (PEC) for communication with the Administration.

If the application for aid is accepted and before the provisional concession decree is issued, economic operators whose registered office is outside the European Union must sign a co-production or executive production agreement with an operator whose tax domicile is in the European Union and who meets the requirements set out in this public notice and who, to all intents and purposes, will become the beneficiary of the aid granted. This requirement, under penalty of forfeiture, shall be verified at the time of the issuance of the aforementioned decree of provisional grant.

In addition, all operators wishing to participate in this public notice, when submitting their applications, must certify, by means of a substitutive declaration of notary deed, made pursuant to the Presidential Decree No 445/2000, that they:

- have been active for at least two years in the field of audiovisual production and are not subject to liquidation, bankruptcy, composition with creditors, receivership or other insolvency procedures;
- have the operational, administrative and economic-financial capacity in relation to the project to be implemented;
- be able to document that they have actually carried out production activities in the audiovisual field over the last 24 months;
- be up to date with tax, social security, welfare and insurance obligations, as required by current Italian national legislation;
- not be a firm in difficulty as defined in Article 2 - *Definitions* - point 18 of Regulation (EU) 651/2014;

- comply with legislation on the environment, on safety and health protection in the workplace, on the prevention of accidents and occupational diseases, on equal opportunities for men and women, and on national collective bargaining;
- in the three years preceding the date of publication of the Notice, not have been subject to administrative proceedings connected with acts of revocation of public funding for violation of the prohibition on the diversion of assets, for proven gross negligence in carrying out the investment and/or failure to achieve the objectives set by the initiative, for lack of essential requirements, for irregularities in the documentation produced;
- have the capacity to contract, i.e. not be subject - or not have been in the last three years - to disqualification sanctions or measures, or any other sanction involving the prohibition to contract with the Public Administration, or measures suspending business activity;
- not having been convicted with a final sentence, a criminal decree of conviction which has become irrevocable or a sentence of application of the penalty on request, pursuant to Article 444 of the Italian Code of Criminal Procedure for one of the following offences:
 - offences, committed or attempted, referred to in Articles 416, 416-bis of the Criminal Code or offences committed by taking advantage of the conditions laid down in the aforementioned Article 416-bis or in order to facilitate the activities of the associations referred to in the same Article, as well as offences, committed or attempted, referred to in Art. 74 of Presidential Decree no. 309/1990, Art. 291-quater of Presidential Decree no. 43/1973 and Art. 260 of Legislative Decree no. 152/2006, insofar as they can be traced back to participation in a criminal organisation, as defined in Art. 2 of Framework Decision 2008/841/JHA of the Council;
 - offences, committed or attempted, referred to in Articles 317, 318, 319, 319-ter, 319-quater, 320, 321, 322, 322-bis, 346-bis, 353, 353-bis, 354, 355 and 356 of the Italian Criminal Code and Article 2635 of the Italian Civil Code;
 - fraud within the meaning of Article 1 of the Convention on the Protection of the European Communities' Financial Interests;
 - offences, committed or attempted, committed for the purposes of terrorism, including international terrorism, and subversion of the constitutional order terrorist offences or offences connected with terrorist activities;
 - offences referred to in Articles 648-bis, 648-ter and 648-ter.1 of the Criminal Code, money laundering or terrorist financing, as defined in Article 1 of Legislative Decree no. 109/2007 and subsequent amendments;
 - Exploitation of child labour and other forms of trafficking in human beings as defined by Legislative Decree No. 24/2014;
 - any other offence from which, as a secondary penalty, the inability to contract with the Public Administration derives.

The existence of grounds for disqualification, suspension or prohibition provided for in Article 67 of Legislative Decree no. 159/2011 or of an attempt to infiltrate the mafia, as referred to in Article 84(4) of the same Decree, shall also constitute grounds for exclusion.

This is without prejudice to the provisions of Articles 88(4-bis) and 92(2) and (3) of the aforementioned Legislative Decree no. 159/2011, with reference to anti-mafia communications and information respectively.

Exclusion shall be imposed if the persons to whom the final judgment or criminal decree is addressed are:

- in the case of a sole proprietorship, the owner or technical director;
- for a general partnership, a partner or the technical director;
- in the case of a limited partnership, the general partners or the technical director;
- for any other type of company (including consortia), the members of the board of directors vested with legal representation, management or supervision, other persons with powers of representation, management or control, the technical director, the sole shareholder or the majority shareholder (in the case of companies with fewer than five shareholders).

In any case, the exclusion and prohibition shall also apply to persons who ceased to hold office in the year preceding the date of publication of this notice, if the company fails to demonstrate that there has been complete and effective dissociation from the criminally penalised conduct; exclusion shall not be ordered and the prohibition shall not apply when the offence has been decriminalised or when rehabilitation has taken place or when the offence has been declared extinct after the conviction or in the event of revocation of the conviction.

For economic operators based outside the territory of the Italian State, the cases of exclusion must be understood as referring to similar technical and corporate management positions equivalent to those listed above.

In addition, all economic operators will be ineligible if they have committed serious violations, definitively ascertained, with respect to obligations relating to the payment of taxes or social security contributions, in accordance with Italian law or the law of the State in which they are established.

Serious breaches are those that result in the omission of payment of taxes and duties exceeding the amount referred to in Article 48-bis, paragraphs 1 and 2-bis, of Presidential Decree no. 602/1973. Definitively ascertained violations are those contained in judgments or administrative acts which are no longer subject to appeal and, in any case, serious violations in the field of contributions and social security are those which prevent the issuance of the single document of regularity in contributions (DURC), as per Art. 8 of the Decree of the Italian Ministry of Labour and Social Policies of 01/30/2015, published in the Official Gazette no. 125 of 01/06/2015.

Exclusion does not apply where economic operators have fulfilled their obligations by paying or giving a binding undertaking to pay any taxes or social security contributions due, including any interest and/or penalties, provided that the payment or undertaking was formalised before the deadline for submitting applications under this notice.

All the aforementioned subjective requirements must be met by each Beneficiary until the end of the project and the closure of the financial circuit, it being understood that any change or variation occurring after the submission of the application, under penalty of exclusion/withdrawal, must be promptly communicated to the Granting Authority for the necessary checks and assessments, as specified below in this Notice.

In addition, under penalty of exclusion from any form of participation in this public notice, and without prejudice to points (a), (b) and (c) above, each applicant, whether as a sole producer or as a co-producer (whether with a majority or minority shareholding), may submit

- a single application for the category "*Film/TV production*" and "*TV series*";
- a single application for the category "*Documentaries and Documentary TV series*";
- a single application for the category "*Short films*".

5.2 Objective requirements

Under **penalty of ineligibility**, the application for admission may relate only to audiovisual products:

- falling within the types of works exhaustively referred to in Article 4 (*Object, Purposes and Objectives*), according to the characteristics defined in Article 3 (*Definitions*);
- which do not disseminate, directly or indirectly, messages contrary to the policies of the European Union (such as, but not limited to, projects that may be contrary to the interests of public health, human rights, personal safety, freedom of expression and the like);
- which do not incite violence, discrimination and racism and/or contain pornographic content;
- for which filming (or processing, in the case of animated products) has not begun in the region at the date of submission of the application, or has begun after 07/07/2020 and has not been completed at the date of submission of the application;
- the production of which involves spending at least 150% of the requested contribution on Sicilian regional territory;
- whose production activities are scheduled to end within 18 months from the date of the provisional concession decree;
- which are not of a promotional or advertising nature, or which relate to television entertainment (e.g. reality or quiz shows, etc.);
- which do not fall within the category of institutional productions, intended to promote a particular organisation or its activities;
- which, on the date of publication of this public notice, have not participated in full in any Festival or other event, or which have not been the subject of full public viewing by any means, including via the web;

ARTICLE 6 EXTENT AND INTENSITY OF SUPPORT

The aid referred to in this public notice is granted in accordance with the provisions of Regulation (EU) No 651/2014, as amended, with particular reference to Article 54, and the Commission Communication '*Temporary framework for State aid measures to support the economy in the current emergency of COVID-19*', as amended.

The measure in support of audiovisual productions referred to in this Notice shall be notified to the European Commission within the time limits laid down by the legislation in force.

The amount for the year 2021 of the resources referred to in this Public Notice to be used for the interventions of the Pact for the Development of the Sicilian Region (Pact for the South) - FSC 2014-2020, intended for the "*Interventions for the strengthening of the audiovisual and live entertainment sector (III Integrative Act of the APQ Sensi Contemporanei Programme - The development of the audiovisual industry in Southern Italy)*" on the lines of intervention:

- **B.1** - *Enhancement through support for the development and production of feature films;*
- **B.2** - *Enhancement through support for the development and production of documentaries,*

is equal to **€ 3,400,000.00**, without prejudice to the Administration's right to implement the budget of this public notice with any additional resources from regional, national and Community funds, for the co-financing of projects successfully placed in the respective rankings.

The above total amount of **€ 3,400,000.00** is allocated as follows:

- **€ 2,500,000.00** for cinema/television production films and TV series;
- **€ 850,000.00** for documentaries and documentary TV series;
- **€ 50,000.00** for short films.

The amount of **co-financing for** each subsidised project may not exceed the following amounts:

- **€ 250,000.00** for cinema/television production films and TV series;
- **€ 40,000.00** for documentaries and documentary TV series;
- **€ 15,000.00** for short films.

The aid consists, within the limits of the intensity of the aid granted, of a capital contribution towards **the expenditure incurred in the period between 8 July 2020 and the end of the project**, for the production of the audiovisual work and relating to the eligible expenditure items declared in advance when the application is submitted.

In compliance with the limits established by Article 54 of Regulation (EU) 651/2014 and subsequent amendments, under penalty of withdrawal of the contribution:

- **The aid intensity** for the production of audiovisual works under this Notice may not in any event exceed **50%** of the total production budget;
- **Eligible production costs, as referred to in Article 7 below, must be incurred on Sicilian regional territory to the extent of at least 150% of the aid granted;**
- **these territorial spending obligations shall in no case exceed 80%** of the production cost.

ARTICLE 7

ELIGIBLE COSTS AND EXPENSES

Eligible cost means the amount of the items of expenditure indicated in Form III (which is one of the annexes to this Notice), in Section 4, "*Audiovisual budget*", concerning the production and distribution phase of the work, with the **exclusion of** the expenses accompanied by the wording "*not eligible*".

As regards the construction phase of the work, the following costs are specifically eligible for co-financing only if incurred in Sicily:

- Costs incurred in complying with the aforementioned "*Shared protocol for the protection of workers in the film and audiovisual sector*" to combat the spread of COVID-19;
- personnel costs;
- costs of renting space and/or premises;
- travel expenses, hotel, catering;
- costs of purchasing or hiring equipment, technical means and props;

- transport costs, including the cost of hiring vehicles without drivers for the transport of persons and goods;
- insurance charges;
- **VAT (or, in the case of foreign companies, similar indirect consumption tax) if not recoverable by** the Beneficiary under the relevant national legislation;
- expenditure on aids to ensure the use of products by persons with cognitive sensory disabilities - subtitling and audio description, for the production of an accessible sample copy, ensuring the integration of accessibility also at the distribution stage;
- expenses - not financed by other grants - aimed at carrying out the project and related to the eligible expenditure items declared during the submission of the application, provided that they are incurred in the period between 07/08/2020 and the end of the project, and in any case no later than the date of submission of the report, except in cases of extension, as governed by Article 14 below.

In order to be eligible for co-financing, the expenses referred to above must be incurred in accordance with the reference legislation on the **traceability of financial flows, as per** Law No. 136/2010, as amended by Law No. 217/2010, and certified by fiscally valid documentation (invoices, tax receipts, receipts for occasional services, etc.).

Moreover, in order to avoid any possibility of double financing, the above-mentioned expenses cannot be reported if the applicant has applied for and/or benefited from public funding for the same costs of the same audiovisual work before or after the submission of the application under this Notice.

On **the other hand**, all expenses, **even if incurred in Sicily**, for which the transaction was made in cash are **ineligible**, as well as costs relating to

- debit interest, concessions, notary fees, interest payable, testing, etc;
- exchange rate losses;
- fines, penalties and litigation costs;
- taxi and fuel reimbursement;
- purchase of durable goods (purchase of mobile phones, cameras, hardware and software - PCs and tablets - any other expenditure that is not considered eligible);
- postage and telephone costs (including telephone charges including rechargeable and courier postage);
- consumables: stationery, CDs, pendrives, inkjet cartridges; etc;
- all goods purchased by persons other than those eligible for co-financing and used goods;
- damage and compensation;
- services provided by the owner, partners, director and those who hold corporate offices in the applicant company or association, if they relate to the ordinary management of the company and are not directly attributable to the production costs of the subsidised project;
- costs incurred in favour of undertakings controlled by and linked to the beneficiary undertaking, as defined in Annex I to Reg. 651/2014;
- VAT (or, for foreign companies, a similar indirect consumption tax) if recoverable under the relevant national legislation.

ARTICLE 8

TERMS AND CONDITIONS TO SUBMIT A PROPOSAL - APPLICATION FILE

The submission of an application for the benefits referred to in this public notice must comply with the requirements set out in the following points.

8.1 Terms and conditions to submit a proposal

Applications may only be validly submitted by 12:00 on April 15th 2021 by certified electronic mail (PEC) to dipartimento.turismo@certmail.regione.sicilia.it.

The applicant is required to include the following in the subject line of the PEC: **"Istanza Avviso pubblico - Cofinanziamento progetti audiovisivi 2021 - FSC 2014/2020 (III Atto Integrativo dell'APQ Programma Sensi Contemporanei)"**.

The aforementioned forwarding via PEC shall take place from the certified email address indicated by the applicant in its application form and, specifically, in the Application Dossier referred to in paragraph 8.2 below.

Applications will be considered inadmissible if:

- they are received **before** the publication of this notice or **after** the deadline indicated above;
- do not comply, even in part, with the submission methods/procedures set out in this notice;
- are submitted on forms other than those attached to this notice and expressly indicated in Section 8.2 below (*Application file*), complete with all the mandatory documents referred to therein;
- are not accompanied by **all** the required documentation, correctly completed;

The files relating to each application, including the entire *application file* and its annexes, **may under no circumstances exceed 10 MB in size.**

8.2 Application file

Applicants may formalise their application by **using only the *application dossier*** according to the models attached to this Notice, which may be downloaded from the institutional website of the Regional Department of Tourism, Sport and Entertainment, as well as from the section "*Bandi e Loghi - Produzione*" of the website of the Sicilia Film Commission, through the link: <http://www.siciliafilmcommission.org/it/bandi-e-loghi>.

The ***application dossier* consists of Forms I, II, III and is an integral and substantial part of the grant application, together with the following documents:**

- **FORM I**, consisting of the Application Form and the following Annexes, to be completed **and submitted in .pdf** format:
 - declaration on the cumulation of aid for the same work (*according to the model provided*);
 - copy of the valid identity document of the legal representative;
 - script and/or treatment of the work;
 - curriculum vitae of the applicant;
 - curriculum vitae director(s);
 - resume screenwriter(s);
 - working plan.

- **MODULE II - Production sheet**, to be completed **and submitted in .pdf** format;
- **MODULE III - Production data** (consisting of cover page and six sections), which in addition to being submitted in **.pdf extension**, must also be submitted in **.xls** extension, taking care that the data contained in the two formats correspond completely with each other.

For operators resident in the territory of the Italian State, Form I and Form III of the application file must be reproduced in **.pdf** format and signed by digital signature.

For all other applicants, the same forms may be signed by hand and then reproduced in **.pdf** format, together with a copy of a valid identity document.

It should be noted that, regardless of the nationality of the applicant, the application, in its various components, must be submitted in Italian, under penalty of inadmissibility.

It should also be noted that if commercial agreements relating to the project in question have been signed with third parties, they must be declared in the application file, which must include the following documents:

- **in the case of co-production:**
 - curricula of those involved in the production;
 - copies of *deal memos* or contracts;
- **in case of national and international funding (applied for and/or obtained):**
 - documents certifying the application submitted and/or the granting of other national and/or Community funding;
- **in the case of distribution agreements:**
 - copy of *deal memos* or contracts with one or more film/television distributors and/or broadcasters and/or SVOD or VOD platforms;
- **in case of agreements with an executive producer:**
 - *resume of the executive producer*;
 - copy of *deal memo* or contract with the executive production company;
- **in the case of agreements with external financiers (external tax credit and product placement):**
 - copies of *deal memos* or signed contracts.

If any of the documents attached to the application (e.g. subject, script, contracts, *deal memo*, etc.) is drafted in a language other than Italian, the Administration may request a translation at the expense of the applicant.

Failure to comply with any one of the above deadlines and/or submission procedures will result in the application being deemed inadmissible and, therefore, excluded from the subsequent selection stages provided for in this notice.

ARTICLE 9

APPOINTMENT OF THE R.P. AND THE EVALUATION COMMITTEE - VERIFICATION OF ADMISSIBILITY OF APPLICATIONS - REDRESS

9.1 Appointment of the R.P. and the Evaluation Committee

At the same time as approving this notice, the General Director of the Regional Department of Tourism, Sport and Entertainment appoints the person in charge of the procedure (R.P.), to be chosen from among the managers or executive officials working in the same administration.

Following the deadline for submitting applications under this notice, and within 15 days, the aforementioned General Director shall appoint, by decree, the Evaluation Committee, composed of 5 members, as specified below:

- President, chosen from among the Managers or Executive Officers in service at the Sicilian Region;
- 1 member, chosen from among the staff of the Sicilian Region, with a level of no less than Executive Instructor, who is also assigned secretarial duties;
- 3 members from outside the Sicilian Regional Administration, chosen on the basis of their high level of expertise in the field of cinema, film production and distribution and cinetourism.

The meetings of the Commission may also be held in telematic mode, by means of remote connections.

The score collectively decided by the Commission for each project proposal will correspond to the arithmetic average of the scores attributed to the same project by the individual members.

For the remaining activities, the deliberations of each meeting are adopted by the Commission by majority vote.

9.2 Verification of admissibility of applications

Within 30 days of the expiry of the aforementioned deadlines, on the proposal of the R.P., the General Director of the Regional Department of Tourism, Sport and Entertainment, by means of a specific provision, approves the list of applications admitted to the next stage of assessment for each of the categories referred to in Article 4.

Simultaneously, the same decree approved the lists of applications declared inadmissible/inadmissible, specifying the reasons for each one.

Such measure shall be promptly made available for consultation through publication on the institutional website of the Regional Department of Tourism, Sport and Entertainment. The Beneficiaries will be guaranteed the right of access within 15 days from the aforementioned publication, also in order to formulate reasoned requests for changes to the lists.

After the aforementioned 15-day period has elapsed, the list of admissible applications (approved as above) is considered consolidated and the documentation of each project proposal is forwarded by the Project Manager to the Evaluation Committee for its subsequent decisions.

9.3 Redress

During the preliminary investigation phase aimed at verifying the admissibility of the applications to the subsequent evaluation phase, the RP may use the preliminary assistance procedure under Article 6 of Law 241/1990, in order to request the applicants to rectify incorrect/incomplete statements or applications.

With reference to the scope of the aforementioned institution, reference is made here to the consolidated case law (cf. Italian Council of State Sez. IV, Sent. no. 5698 of 10/04/2018) which has clarified how the opportunities for regularisation, clarification or supplementation of documentation cannot be translated into opportunities for posthumous adjustments, i.e. expedients to evade the consequences associated with the law or the notice or to remedy irregularities that cannot be remedied as a result of negligent non-compliance with mandatory requirements imposed on all competitors, under penalty of breach of the principle of equal treatment.

In accordance with the aforementioned jurisprudence, therefore, in the context of this comparative procedure, the preliminary assistance procedure may not be invoked whenever the individual participant is under an obligation of fairness, which imposes on him the fulfilment of minimum obligations of cooperation, such as the duty to provide complete and correct information, to fill in forms and to submit documents.

ARTICLE 10

EVALUATION PROCEDURES AND SELECTION CRITERIA

10.1 Evaluation procedures

When it takes office, the Committee shall establish the operating procedures for carrying out its activities and define the sub-criteria for quantifying the variable scores given in the individual items of the evaluation grids referred to in Section 10.2 below.

After the preliminary examination of the documentation of each project proposal, if it is considered indispensable for a more thorough examination of the applications accepted for evaluation, the Commission may define a calendar of hearings of the proposers, establishing for the latter the interlocutors to be invited (producer, director, etc.).

In this case, at the request of the Evaluation Committee, the RP shall publish the calendar of the aforesaid hearings on the institutional website of the granting Administration, giving direct notice by PEC of the day and time of the hearing to the interested parties.

The Commission, on the basis of all the information acquired, shall then proceed to allocate, up to a maximum of 100/100 and according to the grids described in Paragraph 10.2 below, the merit score for each project evaluated, determining the final rankings for each category as per Article 4.

In any case, projects scoring less than 60/100 will not be eligible, it being understood that reaching this minimum threshold does not guarantee the granting of co-financing, except within the limits of the financial resources allocated to the call.

This does not affect the right of the Commission - until the conclusion of the activities assigned to it for the drafting of the aforementioned ranking list - to notify the RP the identification of causes of exclusion in relation to those projects for which it may have emerged during the evaluation phase that some of the subjective and/or objective eligibility requirements referred to in Article 5 above are not met.

10.2 Selection criteria

The specific elements on which the **evaluation by the appropriate Commission** will be based are set out in the following grids, respectively:

- **TABLE A: 'Film/TV production', 'TV series' and 'Short films';**

- **TABLE B: 'Documentaries' and 'Documentary TV series'.**

As already indicated above, the Evaluation Committee, at the time of its establishment, defines the sub-criteria for the attribution of the variable scores shown in the individual items of the grids below.

Table A
"Film/TV production", "TV series" and "Short films".

SPECIFIC OBJECTIVES		CRITERIA		DESCRIPTION OF CRITERIA	POINTS
A	PRODUCT QUALITY				UP TO 30
1	Promoting and supporting original and quality audiovisual works	1.1	Originality of the screenplay	Originality of the story, characters and their representation, solidity, tone and rhythm of the narrative structure.	up to 7
		1.2	Quality of the screenplay	Quality of writing, dramaturgical capacity, development and depth of characters, degree of linguistic innovation in relation to the audiovisual proposal.	up to 13
2	To enhance the image of Sicily by supporting audiovisual works that promote the history, current affairs, culture, landscape, traditions, food and wine and the identity of the island. sicilian territory	2.1	Ability of the screenplay to highlight elements linked to the history, landscape, culture and identity traits of Sicily	Capacity of the screenplay to offer a new look (in terms of structure, setting, genre, characters, ideas, language) and to enhance facts, events, dialogues, relationships between characters and places linked to the story, with reference to the Sicilian context (and/or landscape and/or traditions and/or culture and/or current affairs and/or food and wine and/or Sicilian identity), also for the purpose of encouraging film tourism.	up to 10
B	PROPOSERS AND STAKEHOLDERS				UP TO 16
3	Promoting and supporting professionals in the audiovisual sector	3.1	Director	Director's CV	up to 4
		3.2	Screenwriter	Screenwriter's CV	up to 2
		3.3	Production companies and works produced	Production company and ability to place the audiovisual product on the market. In particular, with reference to the last five years: <ul style="list-style-type: none"> ● for feature films and short films: number of productions made, participation in festivals, awards and prizes obtained, national and international co-productions made; ● for TV production films and TV series: number of productions made, distribution channels, national and international co-productions made. 	up to 3
		3.4	Artistic cast	CVs of the individual professionals involved in relation to the number and quality of the audiovisual works in which they have participated and the awards and prizes they have won.	up to 2
		3.5	Technical cast (crew)	CVs of the individual professionals involved in relation to the number and quality of the audiovisual works in which they participated.	up to 2
		3.6	Youth creativity	Presence of at least one director, screenwriter and producer under 35 years of age.	3

C		AUDIOVISUAL PRODUCTION - ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY			UP TO 30
4	Promoting economic and employment impacts on the Sicilian territory	4.1	Duration of processing in Sicily	Working days in Sicily (pre-production, filming)	up to 8
		4.2	Number of Sicilian professionals in the artistic cast	Number of professionals born and/or resident in Sicily for at least six months, involved in the artistic cast (excluding extras and extras)	up to 4
		4.3	Number of Sicilian professionals in the technical cast	Number of professionals born and/or resident in Sicily for at least six months involved in the technical cast (crew)	up to 4
		4.4	Duration of post-production in Sicily	Processing days in Sicily (post-production)	up to 4
		4.5	Expenditure on sicilian territory	Percentage of expenditure on the territory compared to the grant applied for	up to 6
		4.6	Presence of the executive producer based in Sicily	Presence of the executive producer based in Sicily	4
D		ECONOMIC/FINANCIAL SOUNDNESS OF PRODUCTIONS			UP TO 24
5	Supporting audiovisual works with a high degree of feasibility and distribution potential	5.1	Coherence of the business plan	Coherence and incidence of the items of expenditure for the realisation of the audiovisual product: "above the line" production costs; "below the line" production costs; overheads; <i>producer fees</i>	up to 5
		5.2	Soundness of the financial plan in relation to the concrete feasibility of the work	Soundness of the Financial Plan with respect to the nature, consistency and quality of the funders and to the presence of <i>deal memos</i> and/or signed contracts: in terms of pre-sales, co-productions, distribution, sales, or with any external funders (<i>external tax credit</i> and <i>product placement</i>).	up to 9
		5.3	Distribution strategy	Distribution strategy indicated by the production company, with reference to: <ul style="list-style-type: none"> • for feature <u>films and short films</u>: the presence and nature of distribution contracts - including international ones; • for <u>TV production films and TV series</u>: the presence and nature of distribution contracts - including international ones - with a broadcaster. 	up to 6
		5.4	Internationalisation	Presence of an international co-producer	4
MAXIMUM SCORE					100

Table B
"Documentaries" and "Documentary TV series".

SPECIFIC OBJECTIVES		CRITERIA		DESCRIPTION OF CRITERIA	POINTS
A	PRODUCT QUALITY				UP TO 30
1	Promoting and supporting original and quality audiovisual works	1.1	Originality of the subject/treatment	Originality of the story, of the characters and their representation, solidity, tone and rhythm of the narrative structure, also in relation to the landscape, naturalistic and historical context and to the identified theme.	up to 9
		1.2	Quality of the subject/treatment	Quality of the writing, capacity for dramaturgical development and character portrayal, degree of linguistic innovation in relation to the proposed audiovisual, potential to attract interest on the international market.	up to 14
2	Enhancing the image of Sicily by supporting audiovisual works that highlight the history, current affairs, culture, landscape, traditions, food and wine and the identity of the Sicilian territory.	2.1	Ability of the subject/process to enhance elements linked to the history, landscape, culture and identity traits of Sicily	Ability of the subject/treatment to offer an unprecedented view (in terms of structure, setting, genre, characters, ideas, language) and to enhance facts, events, dialogues, relationships between characters and places, linked to the story, with reference to the Sicilian context (and/or landscape and/or traditions and/or culture and/or current affairs and/or food and wine and/or Sicilian identity), also for the purpose of encouraging film tourism.	up to 7
B	PROPOSERS AND STAKEHOLDERS				UP TO 17
3	Promoting and supporting professionals in the audiovisual sector	3.1	Director	Director's CV	up to 4
		3.2	Author/subject author and/or Scientific advisor	Author/subject author's and/or Scientific advisor's CV.	up to 3
		3.3	Production companies and works produced	Production company and ability to place the audiovisual product on the market. In particular, with reference to the last five years, the number of productions realised, participation in Festivals, Awards and acknowledgements obtained, national and international co-productions realised.	up to 3
		3.4	Technical cast (crew)	CVs of the individual professionals involved in relation to the number and quality of the audiovisual works in which they participated	up to 3
		3.5	Youth creativity	Presence of at least one director, author of the subject/treatment, scientific advisor and producer under 35 years old.	4

C		AUDIOVISUAL PRODUCTION - ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY			UP TO 29
4	Promoting economic and employment impacts on the Sicilian territory	4.1	Processing time in Sicily	Working days in Sicily (pre-production, filming).	up to 8
		4.2	Number of Sicilian professionals in the technical cast	Number of professionals born and/or resident in Sicily for at least six months, involved in the technical cast.	up to 7
		4.3	Duration of post-production in Sicily	Days of processing in Sicily (post-production).	up to 4
		4.4	Expenditure in Sicily	Percentage of expenditure on the territory compared to the contribution requested.	up to 6
		4.5	Presence of the executive producer based in Sicily	Presence of the executive producer based in Sicily.	4
D		ECONOMIC/FINANCIAL SOUNDNESS OF PRODUCTIONS			UP TO 24
5	Supporting audiovisual works with a high degree of feasibility and distribution potential	5.1	Coherence of the business plan	Coherence and incidence of the items of expenditure for the realisation of the audiovisual product: "above the line" production costs; "below the line" production costs; overheads; <i>producer fees</i> .	up to 8
		5.2	Soundness of the financial plan in relation to the concrete feasibility of the work	Soundness of the Financial Plan with respect to the nature, consistency and quality of the group of lenders and the presence of <i>deal memos</i> and/or contracts signed in the pre-purchase, distribution, sales or with any external lenders (external <i>tax credit</i> and <i>product placement</i>).	up to 9
		5.3	Distribution strategy	Distribution strategy indicated by the Production Company, with reference to the presence and nature of deal memos and/or distribution contracts, including international ones.	up to 7
MAXIMUM SCORE					100

ARTICLE 11 OUTCOME OF THE EVALUATION AND PROVISIONAL GRANTING OF AID

11.1 Outcome of the evaluation

Once the evaluation activities have been completed, the Commission communicates the results to the R.P., who - within the following 15 days - submits to the General Director of the Department of Tourism, Sport and Entertainment of the Sicilian Region the proposal concerning the separate final rankings for each of the following categories:

- "*Film/TV production*" and "*TV series*";
- "*Documentaries*" and "*Documentary TV series*";
- "*Short films*".

The aforementioned Director General, by means of a specific administrative measure, approves the programmes of the proposals eligible for co-financing, identifying the Beneficiaries and the amount of the grants awarded.

The aforementioned measure is published on the institutional website of the Department and is also communicated by PEC to the individual Beneficiaries included in the ranking list.

The same Decree also approves the lists of projects which, despite having exceeded the minimum score of 60/100, do not benefit from any grant due to the lack of financial resources allocated under this Notice.

In accordance with the most recent case law, this public funding procedure is not subject to the prior notice requirement set out in Article 10 *bis* of the above-mentioned Law No 241/1990, given that the need to enter into discussions with the Administration in this case is incompatible with the need for speed in the provision of aid under this public notice.

The granting authority reserves the right to extend the ranking list at any time in the event of further regional and/or extra-regional resources being found, or in the event of financial availability resulting from the ascertainment of savings, including following the partial or total withdrawal of projects eligible for co-financing.

For the purposes of quantifying the grant awarded, the project with the highest score in the final ranking list will receive an amount equal to 100% of the amount requested in the application form.

Within the limits of the financial resources available under this notice, each of the projects ranked in the following positions in the ranking list will receive a percentage of the grant requested equal to the ratio between the score assigned to the project and the score achieved by the project ranked first.

As previously specified, projects with a score of less than 60/100 will not be considered eligible for co-financing and, in any case, reaching the minimum threshold of 60/100 does not guarantee the granting of co-financing, except within the limits of the financial resources allocated to the call.

Within the following 15 days from the notification via PEC of the Decree approving the final ranking list, the Beneficiaries are required to formalize their unconditional acceptance of the amount of the grant to be awarded to them, by means of specific correspondence to be forwarded, by the same means, to the Regional Department of Tourism, Sport and Entertainment.

At the same time, each Beneficiary shall be required to send to the same Administration the declaration digitally signed (also by any production partners) of adherence to the "Integrity Pact",

as provided for in Article 1, paragraph 17 of Law no. 190/2012, according to the format that will be provided for this purpose.

In the case of co-financing of an amount in excess of €150,000.00, pursuant to Article 92 of Legislative Decree 159/2011, anti-mafia information will be requested from the competent Prefectures in relation to the beneficiary of the subsidies.

11.2 Provisional granting of aid

Within 30 days from the receipt of the above mentioned acceptance, the Administration, after having carried out all the verifications, adopts the decrees for the provisional granting of the subsidies for the individual projects.

These include, among others:

- consultation of the National Register of State Aid, in order to verify that the Beneficiary is not among those who have received and not reimbursed aid declared illegal or incompatible by the European Commission ("Deggendorf");
- verification of the regularity of contributions (DURC);
- any sample request to individual beneficiaries, pursuant to Article 74 of Presidential Decree no. 445/2000, of documentation proving the content of the self-declarations produced.

The provisional award decision sets out, inter alia, the obligations of the Beneficiary, which also include the final compilation of reports and survey models aimed at measuring the impact of the co-funded audiovisual productions on the territory.

At the same time as the provisional grant decrees, the Administration shall notify the Beneficiaries of the following forms, which must be used in connection with the requests for the disbursement of funding, as per Article 16 below:

- **Request for advance payment (up to 40%);**
- **Bank/insurance guarantee for the application for the above advance payment;**
- **Request for disbursement of the second tranche of the grant (up to 90%);**
- **Request for payment of the balance (up to 10%);**
- **General account;**
- **Reporting matrix;**
- **Impact matrix.**

ARTICLE 12 OBLIGATIONS OF THE BENEFICIARY

The Grantee shall, on **pain of revocation of the grant awarded, comply with the following** requirements:

- a) ensure that the investment in the region is at least 150% of the funding granted;
- b) enter into - in the case of selection of companies having their registered office in countries outside the territory of the European Union - a co-production agreement or an executive production contract with a company having its tax domicile in the European Union and meeting all the requirements set out in this notice;

- c) notify the Department of Tourism, Sport and Entertainment of the Sicilian Region of any change or variation concerning the eligibility requirements set out in Article 5 of this notice that occurs after the submission of the application;
- d) notify the Administration - in accordance with the procedures set out in Article 13 below - of any changes to the production project submitted at the time of application that may occur following the evaluation and up to the final statement of activities and expenses;
- e) not transfer to third parties, during production, the realization of the audiovisual work for which co-funding has been received;
- f) to authorize Regional Ministry of Tourism, Sport and Entertainment - Regional Department of Tourism, Sport and Entertainment, as well as other institutional entities indicated by the latter (such as, for example, the other underwriters of the *3rd Integrative Act of the APQ Sensi Contemporanei Programme* ", i.e. the Italian Ministry of Cultural Heritage and Activities and Tourism - General Directorate for Cinema and the Agency for Territorial Cohesion) to the use of the audiovisual work for which the grant is received for use as a film archive;
- g) notify the Licensing Authority of the date on which filming is to start in the region;
- h) complete the production of the audiovisual product within and no later than **18 months** from the date on which the Administration issued the provisional grant decree, specifying that this obligation applies both to the Beneficiaries of the resources that have already started filming and to those that have yet to start production at the date the co-financing is granted;
- i) submit the final report no later than **6 months** after completion of the work (i.e. after the sample copy has been made);
- j) deliver to the Administration, during the above-mentioned reporting phase, all the required accounting documents, as well as the reports and survey models aimed at measuring the impact of the audiovisual productions on the territory;
- k) deliver to the same Administration, in the same phase of reporting, **two high resolution copies** of the audiovisual product made (Blu-ray and/or high definition files on pen drive or hard disk), **one of** which for the archives of the Sicilian Regional Film Library and **one** for the archives of the Sicilian Regional Department of Tourism, Sport and Entertainment. For *Film/TV production* and *TV Series* only, please note that, as indicated in art. 4 of this Public Notice, they must be accessible to people with sensory disabilities, with particular reference to audio description and subtitling, in line with the provisions of Art. 3, paragraph 1, letter g) and Art. 12, paragraph 4, letter a) of Law no. 220/2016;
- l) to deliver, free of charge, to the Administration, during the above-mentioned reporting phase, **five scene photographs, in electronic format, chosen by the Sicilia Film Commission**, for which the exploitation rights will be transferred for non-commercial communication and promotional purposes (also via web), guaranteeing their full and free availability, and relieving the Sicilian Regional Department of Tourism, Sport and Entertainment of the Sicilian Region from any responsibility towards third parties;
- m) inform the Administration in case the co-financed work is selected for participation in national and international festivals and/or exhibitions and/or reviews, in order to allow the Administration to attend the event, including collateral press conferences for the presentation of the work;
- n) ensure that the following **logos** appear in the **headlines**:



followed by the words "*Realised within the framework of the Sensi Contemporanei Project*" (if the credits are not present, the Beneficiary is obliged to insert an appropriate initial sign bearing the above-mentioned words).

With respect to the aforementioned securities, the Administration may exempt the Beneficiary from this obligation if the Beneficiary can demonstrate that compliance with the aforementioned obligation would result in a financial loss for the Beneficiary arising from contractual clauses with third parties.

- o)** ensure that in the **first credits** of the audiovisual product, with the **same prominence given to the producers, the following logos are** present in order from left to right, according to the example below:



followed by the words "*Realised within the framework of pact for the development of the Sicilian Region (Pact for the South) FSC 2014-2020*".

This obligation is to be understood as extended, in string format and even if realised after the end of the project, on the following promotional/advertising material: posters, billboards of various formats, brochures, leaflets, press kits and banners for websites and social media;

The logos - in a high-definition version, adjusted for size and identical in size - will be made available on the institutional website of the Department of Tourism, Sport and Entertainment and at <http://www.siciliafilmcommission.org/it/bandi-e-loghi>;

- p)** submit in advance both the opening and closing credits, as well as the draft of the aforementioned materials, for approval by the Sicilian Region's Department of Tourism, Sport and Entertainment to verify the correct use of the logos;
- q)** agree with the Regional Department of Tourism, Sport and Entertainment on the date, place and manner of holding any press conferences and promotional meetings organised before the end of the production of the audiovisual product;
- r)** make itself available for the identification of 60 seconds of audio-video promotional material of the audiovisual work, to be used exclusively for communication and promotional purposes of institutional nature of the Sicily Film Commission, excluding any commercial use. The Beneficiary, to this end, shall guarantee that the images are at its full and free disposal, committing itself also to indemnify and hold harmless the Department of Tourism, Sport and Entertainment of the Sicilian Region from any request, also from third parties;
- s)** make themselves available to organise an event in the Sicilian region to present the co-financed audiovisual work, agreeing in advance with the Administration on the date, place and methods of the event;
- t)** document the theatrical release of the co-funded work, or its airing in the case of TV films, TV series and documentary TV series.

ARTICLE 13 PROJECT VARIANTS

The project provisionally admitted to the grant may not be modified in its general outline, in the expected overall result and in all the components affecting the items already subject to the technical-financial assessment and the corresponding allocation of points.

Any variants which, other than in the above case, do not affect the items covered by the technical and financial evaluation and the corresponding awarding of points, must be adequately justified and promptly notified to the Regional Department of Tourism, Sport and Entertainment, failing which they will not be recognised, so that the granting authority itself can verify the impact on the outcome of the previous evaluation.

A documented communication describing any changes to the project compared to the application initially submitted must be sent **before the issuing of the final grant award decree** by certified e-mail to the following address: dipartimento.turismo@certmail.regione.sicilia.it.

No changes will be allowed if the verification of the changes results in a decrease in the score awarded at the assessment stage that would result in the project being placed outside the ranking of recipients of aid.

In this case, the Administration will exclude the project from the list of projects eligible for funding, with the consequent revocation of any subsidies granted and the reallocation of the relevant financial resources, by moving up the merit list.

Without prejudice to the foregoing on the impact of variations on the ranking of Beneficiaries, variations that result in a reduction in production costs of more than 15% with respect to the project accepted for funding will not be accepted.

If the project modification, within the above limits, only concerns the reduction of expenses eligible for co-financing, the granting authority will make a corresponding reduction in the grant provisionally awarded.

In case of exceptional and force majeure events, which must in any case be adequately proven and documented, the granting authority - for reasons of protection of the public interest - reserves the right to accept any project changes that exceed the above limits and assumptions.

ARTICLE 14 EXTENSIONS

With reference to paragraph h) of Article 12 above, the Beneficiary may request from the Grantor a single extension for the completion of the production of the audiovisual product.

The request for the above extension, **which may not exceed six months from the original project completion date indicated in the provisional concession decree**, must be sent to the Administration at least 30 days before the said date.

The request must show that the failure to comply with the deadline for completion of the work is not attributable to the Beneficiary of the facilities, giving adequate reasons for the delay.

ARTICLE 15 PROJECT COMPLETION, REPORTING AND FINAL GRANT OF AID

The funded project is considered completed when:

- the physical implementation of the work has been completed, i.e. each stage of "*production*" as defined in Article 3 of this notice;
- any further activities foreseen in the funded project proposal have been fully implemented;
- expenses have been fully incurred;
- the project achieved the objective for which it was awarded funding;

Within 6 months from the completion of the project, the Beneficiary shall submit to the Grantor the documentation certifying the completion of the project, together with a sample copy of the audiovisual work carried out and the final statement of expenditure for the entire production, including the following:

- **General final account**, covering the entire production cost (and, therefore, not only the part financed with the regional resources under this Notice), with a specific indication of any further financing and/or sponsorship for the realisation of the same audiovisual product.
A list of all the accounting documents (invoices, tax receipts, etc.), with a description of the services and amounts, and an indication of the suppliers, must be attached to the final financial statement, which the Administration will check for consistency with the financial plan submitted at the time of the grant application;
- **Reporting Matrix**, in which the expenses eligible for co-financing (pursuant to Art. 6, directly referable to a minimum percentage of 150% of the granted contribution) are to be reported in detail and individually, with attached copies of expense and payment documents (receipted invoices, receipts for travel tickets, tax receipts, bank transfers, etc.). The Financial Reporting Matrix must indicate the *Single Public Investment Project Code* assigned to the grant (**CUP**) and reported in the provisional grant award decision.

In view of the fact that, in response to the current economic and health emergency, the strategies of the Sicilian Regional Administration are strongly oriented towards speeding up the control procedures of the expenses incurred for the implementation of the interventions financed with public resources, the simplification tools provided for the reporting of the facilitations for the use of Community resources, as per point 1.10 of *EGESIF Document 140012_02 final*, adopted by the European Commission on 17/09/2015, will be applied by analogy.

To this end, the aforementioned General Final Account must be certified by a person enrolled in the Register of Auditors kept at the Italian Ministry of Economy and Finance, pursuant to Article 1, paragraph 1, letter g) of Legislative Decree no. 39/2010. This affidavit shall be drawn up in accordance with the ISRS 4400 standards developed by the IFAC (*International Federation of Accountants*) and shall certify that all expenses reported have been incurred in accordance with the rules set out in this notice.

In particular, the appointed Auditor shall certify by means of a specific report:

- the absence of grounds for incompatibility/conflict of interest in relation to the assignment;
- the correspondence of the expenditure with the listed supporting documents and payment orders;
- the expenditure incurred during the period of eligibility of the project and its consistency and congruity with the grant awarded;
- compliance with current tax regulations in incurring the aforementioned expenditure, as well as the regular fulfilment of all tax, insurance, social security and welfare obligations in relation to all persons taking part in the production;
- that the documents relating to the eligible expenses have not been used as proof of expenditure for other contributions granted by other public bodies.

In the case of projects in the '*Film/TV production*' and '*TV series*' categories only, the affidavit in question shall be provided by the Auditor in the form of a sworn report pursuant to Article 5 of Royal Decree No 1366/1922. This report shall replace, to all intents and purposes, the management checks carried out by the Administration for the purpose of disbursing the final

balance and the subsequent adoption of the final concession decree, in accordance with the procedures set out in Article 16 below.

The Beneficiaries shall also attach to the Final Account for all the project categories the **"impact matrix"** duly filled in and signed, in order to allow the Administration to measure the impact on the Sicilian regional territory resulting from the implementation of the subsidised projects.

All expenditure documentation submitted to the Administration must be described in such a way that it can be immediately linked to the funding granted, with the explicit indication of the wording *"Expenditure incurred within the framework of the resources of the Pact for the Development of the Region of Sicily (Pact for the South) FSC 2014-2020"*.

The Granting Authority, after examining the General Accounts (on the basis of the relevant affidavit, in the separate forms set out above) shall notify the Grantee of the amount of the grant to be definitively awarded.

The Grantee shall be responsible for documenting the theatrical release of the co-funded work, or its broadcasting in the case of TV films, TV series and documentary TV series.

After having verified the latter, the Administration shall issue the final grant decree and, at the same time, pay the final balance to the Beneficiary.

ARTICLE 16 DISBURSEMENT

The grant awarded will be disbursed, at the request of the Beneficiary and upon verification that the Beneficiary has fulfilled all obligations, as follows:

- **first advance payment (up to 40% of the grant):** Beneficiaries may request an advance payment of the total grant awarded on a provisional basis following notification of the relevant Decree.

The advance payment is subject to the simultaneous presentation of a guarantee, suitable to cover the amount requested in the advance payment, interest and default interest (where applicable), as well as the costs of the recovery procedure. This guarantee must be valid for a period of time covering the project phases up to the second payment of the grant, in accordance with the procedures specified in section 2) below.

This guarantee may be provided:

- banks, insurance companies under Law no. 348/1982 as amended, or financial intermediaries registered in the special list under Art. 106 (previously 107) of Legislative Decree no. 385/1993 as amended. (TUB) - including Confidi registered in the list pursuant to art. 107 - which carry out the activity of granting guarantees exclusively or prevalently, which are authorised and supervised by the Bank of Italy and listed in its databases;
- banks, insurance companies established in another EU Member State and allowed to operate in Italy under the freedom of establishment, i.e. the freedom to provide services.

The guarantee must be issued and signed in the form of a public deed or a notarised private deed in order to provide a pre-clearance for enforcement by a collection agent.

The guarantee must be made out in the name of the Sicilian Region - Department of Tourism, Sport and Entertainment and must expressly provide:

- payment on first demand within 15 (fifteen) days;

- validity regardless of whether the Beneficiary is subject to bankruptcy or other insolvency proceedings;
 - the waiver of the benefit of prior enforcement of the principal debtor;
 - the waiver of the exception provided for in Article 1957(2) of the Italian Civil Code, i.e. the duration of the surety must be linked not to the expiry of the principal obligation but to its full performance;
 - the provision that non-payment of the premium cannot in any event be invoked against the Sicilian Region, by way of derogation from Article 1901 of the Italian Civil Code;
 - the Court of Palermo as the competent court for the resolution of disputes relating to the merits;
 - the enforcement of the regional credit protection policy in the event of non-renewal of the policy before its expiry date (1-2 months);
 - the automatic renewal clause in the event that the Beneficiary is unable to comply with all the obligations, commitments and conditions laid down in the rules governing the aid.
- **second payment (up to 90% of the contribution):** to be requested, within 6 months from the completion of the project, together with the presentation of the final cost statement for the entire production, with simultaneous delivery to the Sicilian Regional Department of Tourism, Sport and Entertainment of the **sample copy of** the audiovisual work carried out.

The Beneficiaries shall also attach to the aforementioned request, duly completed and signed, the "*impact matrix*" and the "*reporting matrix*", complete with all the expenses incurred for the realisation of the work, i.e. corresponding to the industrial cost of the realisation of the audiovisual work realised, highlighting the eligible expenses incurred in Sicily.

All expenditure documentation submitted to the Department of Tourism, Sport and Entertainment of the Sicilian Region at the time of the request for the second disbursement must contain a description that allows immediate traceability to the funded project, through the explicit indication of the wording "*Expenditure incurred under the resources of the Pact for the Development of the Sicilian Region (Pact for the South) FSC 2014-2020*".

At the same time as the payment of the second instalment, the Administration shall provide the release of the guarantee submitted by the Beneficiary in connection with any request for an advance payment under item 1) above.

- **final balance (up to 10% of the grant):** following the payment of the second instalment by the Administration, in order to allow the Administration to approve the final framework of the eligible expenses and the adoption of the final grant decree, the Beneficiary shall be required to document the theatrical release of the work produced, or, in the case of TV films, TV series and documentary TV series only, the broadcasting of the work.

After having verified the latter, the Administration shall issue the aforementioned Decree granting the final grant, while paying the final balance to the Beneficiary.

ARTICLE 17 CHECKS

The granting authority reserves the right to carry out, at any time, checks and inspections on the financial, procedural and physical progress of the subsidised project, as well as compliance with the obligations laid down in current legislation, this notice and the aid award decree, as it sees fit.

Such checks shall not relieve the Beneficiary from full and exclusive responsibility for the proper and perfect execution of the project.

The Administration shall not enter into any relationship with third parties in connection with the implementation of the project. The checks carried out shall relate exclusively to relations with the Beneficiary.

The Grantee shall keep and make available all documents relating to the subsidised project, including all supporting documents for expenditure.

If the Grantee is found not to have fully complied with its obligations, even if not under criminal law, the Administration shall revoke the grant and recover any amounts already paid.

ARTICLE 18 REVOCATION OF GRANT

18.1 Cases of revocation

The co-financing granted is withdrawn:

- in cases of express waiver by the Beneficiary;
- in cases where the work is not completed on time;
- where the investment in the region is less than 150% of the amount granted
- in all cases in which the documents submitted and/or checks carried out by the Administration reveal that the Beneficiary has submitted false, inaccurate or incomplete statements;
- in cases where the eligibility requirements set out in Article 5 of this notice are no longer met;
- in cases where, after the provisional award of the grant and during production, the Beneficiary transfers the economic exploitation rights of the co-funded audiovisual product to third parties;
- inaction, in the sense of failure to carry out the intervention, and/or implementation that differs from that authorised and/or partial implementation;
- failure to carry out at least 90% of the eligible project within the planned timeframe (the percentage of completion is determined by reference to the costs of the project actually reported, in relation to those set out in the approved financial plan);
- being subject to bankruptcy or other insolvency procedures (arrangement with creditors, composition with creditors, compulsory administrative liquidation, extraordinary administration);
- breach of the obligations laid down in the relevant legislation concerning the publicity of public co-financing;
- a definitive finding of violation by the competent bodies of applicable obligations relating to workplace safety, compliance with collective labour agreements and social security and insurance matters;
- undue receipt of the grant due to lack of essential requirements or irregularities in the documentation submitted, which are attributable to the Beneficiary and cannot be remedied;
- the undue receipt of the Contribution has been established by a final decision (fraud or gross negligence);
- in all other cases in which the Beneficiary does not comply with the provisions expressly set out in the Notice and in the Decree provisionally granting the aid.

18.2 Revocation procedure

The revocation decree gives the Sicilian Region the right to demand immediate recovery of all or part of the aid granted and provides for the recovery of any sums obtained as a result of the grant and not due, plus interest at the rate laid down in this notice, calculated from the time of payment.

After having acquired the records, facts or circumstances that could give rise to revocation, the Administration, in implementation of Articles 7 and 8 of Law no. 241/1990 and subsequent amendments and additions, shall notify the interested parties of the start of the dispute procedure, with the relevant indications:

- the subject matter of the proceedings brought;
- the office and person responsible for the proceedings;
- to the office where access to documents may be requested,

giving the addressees of the communication a period of **30 days** from receipt of the communication to submit any counter-arguments.

Within the aforementioned period of 30 days, the interested parties may submit to the Administration written defences on plain paper, together with any other documentation they consider appropriate.

ARTICLE 19 INFORMATION ABOUT PERSONAL DATA PROCESSING

Pursuant to Article 13 of Legislative Decree No. 196/2013, integrated with the amendments introduced by Legislative Decree No. 101/2018, containing "*Provisions for the adaptation of national legislation to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27/04/2016*", we inform you that:

- The personal data requested will be used exclusively within the procedure aimed at the allocation and disbursement of aid to companies for the implementation of actions under the Intervention Lines B.1 "*Valorization through support to the development and production of feature films*" and B.2 "*Valorization through support to the development and production of documentaries*" of the III Integrative Act of the former *Sensi Contemporanei* FPA - *Development of the audiovisual industry in Southern Italy*;
- The provision of data by the applicant is compulsory, as it is necessary to carry out further activities;
- any failure to do so will result in the termination of the procedures in respect of the person responsible for the omission;
- The Data Controller is the President of the Sicilian Region;
- The person responsible for data processing is the *pro-tempore* General Director of the Department of Tourism, Sport and Entertainment;
- the Sub-processor of the data processing is the Manager in charge of Service 9 of the Sicilian Regional Department of Tourism, Sport and Entertainment;
- the persons in charge of the processing of personal data are the employees of the Sicilian Region responsible for carrying out the related activities.

ARTICLE 20
INFORMATION REQUEST - FAQ

Requests for information and clarification on this public notice may be addressed to the Department of Tourism, Sport and Entertainment at the following e-mail address: filmcommission@regione.sicilia.it

Alternatively, the Administration may be contacted by telephone during the normal reception hours (offices of the Sicilia Film Commission): +39 091 7078133 - +39 091 7078264.

FAQs (*Frequently Asked Questions*) concerning the application procedure for access to the benefits of this Notice will be published on the website <http://www.siciliafilmcommission.org>.

ARTICLE 21
PUBLICATION IN ENGLISH

For information purposes only and in order to encourage the internationalisation of production in Sicily, this public notice (without the documentation attached to it) is published also in English on the website <http://www.siciliafilmcommission.org>.

It should be noted that, in the event of conflict, the Italian language version prevails, as it is the only legal means of communication of the relevant contents.

Note that all dates are in the English format (mm/dd/yyyy).