



Regione Siciliana
Assessorato Turismo
Sport e Spettacolo

REGIONAL FILM AND AUDIOVISUAL FUND

**NON-REPAYABLE GRANTS FOR THE PRODUCTION OF
FILMS AND AUDIOVISUAL PROJECTS**

**CALL FOR PROPOSAL
YEARS 2023-2024**



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ARTICLE 1 REFERENCE CONTEXT

The Sicilian Region recognises cinema and audiovisual media as a fundamental means of artistic and cultural expression, as well as an essential tool for the social and economic growth of its territory.

Therefore, within its jurisdiction, the Sicilian Region pursues the objective of supporting the production of cinematographic and audiovisual works, in order to strengthen and qualify local companies, attract national and international production companies, foster the professional growth of regional operators in the sector and disseminate the knowledge of the historical, artistic, cultural and landscape-environmental contexts of the Island, also for tourism promotion purposes.

In this context, through this Public Notice the Regional Department of Tourism, Sport and Entertainment (hereinafter also referred to as "*Administration*" or "*Granting Administration*") intends to grant non-repayable contributions for the implementation **in the sicilian regional territory** of audiovisual projects within the classification set forth in Article 4. below, to be carried out in the two-year period 2023-2024.

These facilities will be granted:

- by means of a selective procedure using the resources of the "*Regional Fund for Cinema and Audiovisual Media*" allocated by the "*Budget of the Sicilian Region for the three-year period 2023-2025*", approved by Regional Law no. 3 of 22/02/2023, published in the Official Journal of Sicilian Region no. 9 of 01/03/2023, S.O. no. 4.
- in the form of State aid according to Article 54 ("*Aid schemes for audiovisual works*") of Regulation (EU) No. 651/2014 as amended (General Block Exemption Regulation), 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).

Due to the fact that the Sicilian Region wants to reconcile the economic development on its territory with the adoption of good business practices, aimed at an eco-sustainable approach by audiovisual productions, Sicilia Film Commission joined the 'Green Film' protocol and, therefore, encourages the achievement of the environmental certification mark by production companies, in order to reduce the environmental impact in the realisation of cinematographic and documentary projects in Sicily with the resources of the aforementioned '*Regional Fund for Cinema and Audiovisual*'.

ARTICLE 2 LEGAL BASIS AND LEGISLATION

- Commission Regulation (EU) No 651/2014 of 17/06/2014 (and, in particular, Article 54 - "*Aid schemes for audiovisual works*"), published in the Official Journal of the European Union on 26/06/2014, declaring certain categories of aid compatible with the internal market, in application of Articles 107 and 108 of the Treaty;
- Commission Regulation (EU) No 1084/2017 of 14/06/2017 amending the aforementioned Regulation (EU) No 651/2014 as regards, inter alia, the notification thresholds applicable to aid for culture and heritage conservation and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs;

- Reg. (EU) No 972/2020 amending the same Reg. (EU) No 651/2014 as regards its extension and relevant adjustments;
- Communication from the European Commission published in OJEU C332/1 of 15/11/2013 concerning the '*Communication from the Commission on State aid to cinematographic and other audiovisual works*';
- Law No. 220 of 14/11/2016, as amended and supplemented, concerning the '*Discipline of cinema and audiovisual media*';
- MiBACT Decree No. 63 of 25/01/2018 published in the OJ General Series No. 55 of 07/03/2018 concerning application provisions on Film Commissions and general addresses and parameters for the management of economic support funds for the audiovisual sector, allocated through the Regions or Autonomous Provinces;
- Regional Law no. 16 of 21/08/2007, concerning '*Interventions in favour of the cinema and audiovisual sector*', 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 14/03/2013 and no. 97 of 25/05/2016 concerning 'Reorganisation of the regulations on the right of civic access and the obligations of publicity, transparency and dissemination of information by Public Administrations';
- L.R. no. 21 of 12/08/2014, art. 68 "Rules on transparency and publicity of administrative activity" as amended;

ARTICLE 3 DEFINITIONS

This Public Notice generally uses the definitions set out in Art. 2 and Annex I of Regulation (EU) No. 651/2014 "General Exemption Regulation", as well as those set out in Art. 2 of Law No. 220/2016 "*Discipline of Cinema and Audiovisual*" as amended.

In any case, for the purposes of this notice, the following definitions shall prevail:

- "*Film/TV production*": a feature film, also in animation, with a minimum running time of 52 minutes, produced on any medium and by any technique, intended for the public to be viewed in cinemas and/or by a television broadcaster, including by means of a web-based audiovisual media service provider via so-called "SVOD" platforms. SVOD ("Subscription Video On Demand") platforms;
- "*TV Series*": a feature TV film with a minimum total duration of 52 minutes and consisting of more than two episodes, produced on any medium and using any technique, intended for broadcasting to the public through a television broadcaster, including SVOD;
- "*Animated TV series*": the work consisting of images either graphically realised or animated by means of any type of technique and support, with feature or documentary content, with a minimum total duration of 24 minutes and consisting of more than two episodes, intended for public broadcasting through a television broadcaster, including SVOD;
- "*Documentary*": an audiovisual work, also in animation, with a minimum duration of 50 minutes, primarily placed on real events or activities, also by means of archive images, and in which any inventive or fantastic elements are instrumental in the representation and documentation of situations and facts, for cinematographic and/or television fruition, also SVOD;

- *"Documentary TV series"*: the audiovisual work with a documentary content with a minimum overall duration of 52 minutes and composed of more than two episodes, produced on any medium and using any technique, articulated in narrative segments (episodes and/or episodes), intended for public broadcasting through a television broadcaster, including SVOD;
- *"Short film"*: a feature film, also in animation, lasting less than 52 minutes, intended for public viewing;
- *"Producer"*: an economic entity with a primary or predominant activity falling under the ATECO 2007 code "59.11" (or NACE Rev.2 code "59.11" or equivalent) that is a producer, co-producer or associated producer with a share of no less than 20% of the audiovisual work proposed for the purposes of this Notice;
- *"Production"*: the set of development, pre-production, executive realisation or filming or technical realisation of the project, post-production, the outcome of which is the realisation of the sample copy or the *master* copy (where the producer himself is involved, this includes the activity of preparing the audiovisual materials necessary for the communication, promotion, marketing of the audiovisual work in Italy and abroad);
- *"Realisation"* means the phase of filming or execution;
- *"Post-production"*: the phase following the shooting, which includes audio-video editing and mixing, the addition of special effects;
- *"Distribution"*: the set of activities, of a commercial, promotional, legal, executive and financial nature, related to the negotiation of rights for the economic exploitation of audiovisual works on the various channels in one or more geographical areas of reference and the subsequent making available for the enjoyment of the public, through the various platforms of use;
- *"Start of production"*: the date of the start of production;
- *"End of processing"*: the date on which the sample or the *master* copy was made;
- *"Production cost"*: the gross costs including any charge relating to the development, pre-production, executive realisation, filming or technical realisation of the work, post-production phases, 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, with specification of the unit cost per episode);
- *"Administration" or "Granting Administration"*: Regione Siciliana - Assessorato del Turismo, dello Sport e dello Spettacolo - Dipartimento del Turismo, dello Sport e dello Spettacolo;
- *"R.P."*: Person in charge of the Procedure pursuant to Article 5 of Law No. 241/1990;

ARTICLE 4 PURPOSE AND OBJECTIVES

By means of this public notice, the Sicilian Region's Department of Tourism, Sport and Entertainment intends to grant non-repayable contributions, through a selective procedure in the form of State aid referred to in Article 54 of Regulation (EU) No 651/2014, for the production of the audiovisual projects specified below, in accordance with the definitions set out in Article 3 above:

- a) *"Film/TV production", "TV series, also in animation"*;
- b) *"Documentaries" and "Documentary TV series, also in animation"*;
- c) *"Short films."*

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

- promote and support original and quality audiovisual productions;
- enhance the image of Sicily by strengthening public commissioning, aimed at supporting audiovisual works related to the Sicilian territory in order to valorise its topicality, history, culture, landscape, traditions, and identity;
- promote and support audiovisual professionals operating in the region;
- support audiovisual works made in Sicily even if not expressly linked to identity features of the island territory, but 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;
- disseminate the values of eco-sustainability and respect for the environment at all stages of audiovisual production in Sicily.

Pursuant to the combined provisions of Article 6(5)(f) of the aforementioned Regulation (EU) No. 651/2014 and Article 107(2)(b) of the TFEU, audiovisual productions which have started filming (or, in the case of animation products, processing) in the Sicilian regional territory after the date of the Decree approving this Notice shall be eligible for the grants.

Under penalty of revocation of any aid granted, the aforesaid filming (or processing, in the case of animation products) must be completed no later than 18 months from the date of notification of the Decree provisionally granting aid under this Notice, a deadline which may be extended only once for a period not exceeding 6 months for the completion of the filming/processing, on the basis of a duly motivated request by the Beneficiary.

Film/TV production Films and TV Series will have to compulsorily make **the version accessible for the sensory disabled (subtitles for the deaf and audio description for the blind)** consistent 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 Subjective requirements

Under penalty of ineligibility, in accordance with the provisions of Article 4 of Regional Law no. 16/2007, applications may be submitted by applicants who, at the time of submitting the application, meet the following requirements:

- a) Audiovisual production companies, with registered office in the territory of the Italian State or of the European Union:** companies in any form established as long as they are legally constituted, also in the form of ATI, which carry out the activity of film business according to the definition of Article 2, paragraph 1, letter o), of Law no. 220/2016 (for companies established in one of the EU countries, for the purposes of this Notice, is not mandatory to have a permanent establishment in Italy):
 - registered in the Register of Companies at the Chamber of Commerce with territorial jurisdiction (or, for EU companies, at the equivalent Register of Companies in the country of residence) with primary or predominant activity for at least 24 months in film, video,

television programme and film production (ATECO 2007 Code "59.11", or NACE Rev.2 Code "59.11" or equivalent);

- producers of the submitted project, co-producers or associated producers with a share of no less than 20%;

b) Audiovisual production companies based in a non-EU country:

- registered with the equivalent Business Register of the foreign country of residence, with primary or predominant activity for at least 24 months in film, video, television programme and film production (Code equivalent to NACE Rev. 2 '59.11');
- producers of the submitted project, co-producers or associated producers with a share of no less than 20%;

Production companies having their registered office outside the EU territory, in the event of acceptance of the grant application and prior to the issuance of the relevant provisional grant decree, will be required to enter into an executive production agreement with an operator having its tax residence in the European Union, which meets the requirements set out in this Notice and which, to all intents and purposes, will become the Beneficiary of the grant awarded.

This prerequisite, under penalty of forfeiture, will be verified at the time of issuance of the aforementioned provisional concession act.

Furthermore, all operators wishing to participate in this public notice, when submitting their application, must certify, by means of a declaration in lieu of affidavit made pursuant to Presidential Decree No. 445/2000, that they

- be in business for at least two years in the field of audiovisual production and not be undergoing 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 in compliance with tax, social security, welfare and insurance obligations, as provided for by the relevant national legislation in force;
- not be companies in difficulty as defined in Article 2 - *Definitions* - point 18 of Regulation (EU) 651/2014;
- comply with legislation on the environment, health and safety in the workplace, prevention of accidents and occupational diseases, equal opportunities between men and women, and the provisions of national collective bargaining agreements;
- have the capacity to contract, i.e. not be subject - or not have been in the last three years - to sanctions or prohibitory measures, or any other sanction involving the prohibition to contract with the Public Administration, or measures suspending business activity;
- have not been, in the three years preceding the date of publication of the Notice, connected with acts of revocation of public funding for breach of the prohibition on misappropriation of assets, for proven serious negligence in the implementation of the investment and/or failure to achieve the objectives set by the initiative, for failure to meet the essential requirements, for irregularities in the documentation produced;

- not having been convicted by a final judgment, a criminal decree of conviction that has become irrevocable or a judgment of application of the penalty on request, pursuant to Article 444 of the Code of Criminal Procedure, for one of the following offences
 - the offences, committed or attempted, referred to in Articles 416, 416-bis of the Criminal Code or offences committed by availing oneself of the conditions provided for by the aforementioned Article 416-bis or in order to facilitate the activities of the associations provided for by the same Article, as well as the offences, committed or attempted, provided for by 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 Council Framework Decision 2008/841/JHA;
 - 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 Criminal Code and Article 2635 of the 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;
 - the 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 as amended;
 - exploitation of child labour and other forms of human trafficking as defined by Legislative Decree No. 24/2014;
 - any other offence from which the inability to contract with the P.A. derives as an accessory penalty.

The existence of grounds for disqualification, suspension or prohibition provided for in Article 67 of Legislative Decree No. 159/2011 or of an attempt of mafia infiltration 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 addressees of the final judgment or criminal decree of conviction are:

- for the general partnership (or similar foreign company name), a partner or the technical director;
- in the case of a limited company (or similar foreign company name), the general partners or the technical director;
- in the case of 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 natural person shareholder, or the majority shareholder (in the case of companies with fewer than five shareholders).

In any event, the exclusion and prohibition shall also apply in respect of persons who have ceased to hold office in the year preceding the date of publication of this notice, if the company does not prove that there has been a complete and effective dissociation from the criminally sanctioned conduct. Exclusion should not be ordered and the prohibition does 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.

All the aforementioned subjective requirements must be met by each Beneficiary until the conclusion of the project and the relative 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 verifications and assessments, as specified later in this Notice.

In addition, without prejudice to points a) and b) above, each applicant, either as a producer or as a co-producer/associated producer (either with a majority or minority share), may submit:

- a single application for the category '*Film/TV production*' and '*TV series, including animated films*';
- a single application for the category '*Documentaries and documentary TV series, also in animation*';
- a single application for the '*Short Films*' category.

Applications received from production companies that have been granted co-funding by the Sicilia Film Commission in the three-year period 2020-2022 for the same category for which they are competing, will not be considered admissible:

- have been the recipients of a revocation order, even if the subsidies have been renounced;
- prior to the submission of the application concerning this Public Notice, they have not notified the start of filming of the previously co-funded project.

5.2 Objective requirements

Under penalty of inadmissibility, the application may only concern audiovisual products:

- falling within the types of works exhaustively referred to in Article 4 (Object, *Aims and Objectives*), according to the characteristics defined in Article 3 (*Definitions*);
- that do not disseminate, directly or indirectly, messages that are 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, security of persons, freedom of expression and the like);
- that do not incite violence, discrimination and racism and/or contain pornographic content;
- for which filming (or processing, in the case of animation products) on the regional territory began after the date of the decree approving this notice;
- the production of which involves an expense in Sicily at least of 150% of the grant applied for;
- whose shooting ends within 18 months of the date of notification of the provisional concession decree;
- that do not have a promotional or advertising nature, or that relate to television entertainment (e.g. reality TV, quiz shows, etc.);
- which do not fall into the category of institutional productions, intended to promote a particular organisation or its activities;

ARTICLE 6 INTENSITY OF AID

The aid under this public notice is granted in compliance with the provisions of Regulation (EU) No 651/2014 as amended. The measure in support of audiovisual productions referred to in this Notice will be notified to the European Commission within the time limits set out in the applicable legislation.

The total amount for the years 2023 and 2024 of the resources set forth in this Public Notice, based on the appropriation of the "*Budget of the Sicilian Region for the three-year period 2023-2025*" approved by Regional Law no. 3/2023, is **€ 6,634,800.00**, without prejudice to the Administration's right to implement the aforesaid budget with any additional resources from regional, national or EU funds, for the co-financing of projects that have been successfully ranked in the lists set forth in Paragraph 11.1 below.

The above-mentioned total amount of **€ 6,634,800.00** is split as follows:

- **€ 6,000,000.00** for feature film, TV films/series, also in animation, with fiction content;
- **€ 600,000.00** for documentaries and documentary TV series, also in animation;
- **€ 34,800.00** for short films.

The above-mentioned allocation may be subject to reshuffling in the event of non-absorption of resources in one of the above-mentioned categories and, at the same time, the possibility of shifting the rankings in other categories, if there are projects eligible for co-financing that are not covered by the initial allocation.

The amount of co-financing for each subsidised project, corresponding to the aid intensity, may not exceed the following ceilings in relation to the production cost, as defined in Article 3 above:

- 20% of the production cost up to a maximum of € 1,000,000 for feature film, TV films/series;
- 30% of the production cost up to a maximum of € 100,000 for documentaries and documentary TV series, also in animation:
- 30% of the production cost up to a maximum of € 10,000 for short films, also in animation.

In compliance with the limits set out in Article 54 of the aforementioned Regulation (EU) 651/2014 as amended and supplemented, under penalty of revocation of the grant, the production expenses eligible for reimbursement, as set out in Article 7 below, must be incurred in the Sicilian regional territory to the extent of at least 150% of the grant awarded.

ARTICLE 7 ELIGIBLE COSTS AND EXPENSES

Eligible cost for reporting purposes shall mean the amount of the items of expenditure indicated in Form III (which constitutes one of the annexes to this Notice), in Section 3, "*Estimated audiovisual budget*", concerning the production phase of the work, **excluding** expenses accompanied by the wording "*ineligible*".

With regard to the realisation phase of the work, **the following costs relating to the subsidised work are specifically to be considered eligible for co-financing, only if incurred in Sicily by the producer, co-producer, associated producer or executive producer between the date of submission of the application and the date of submission of the final accounts**

- a) expenses incurred in combating the spread of COVID-19;
- b) expenses for obtaining the 'Green Film' environmental certification;
- c) personnel costs (persons born and/or resident in Sicily for at least 6 months);
- d) space and/or premises rental costs;
- e) travel expenses, hotel, catering;
- f) costs of purchasing or hiring equipment, technical means and stage materials;
- (g) transport costs, including the cost of hiring vehicles without drivers for the transport of persons and goods;
- h) insurance charges;
- (i) VAT (or, for foreign companies, a similar indirect consumption tax) if not recoverable by the Beneficiary under the relevant national legislation;
- (l) expenditure on aids to ensure the enjoyment 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;

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

Conversely, ineligible are all expenses, **even if incurred in Sicily**, the transaction of which was **in cash**, as well as costs relating to

- 1) debit interest, concessions, notary fees, interest payable, testing, etc;
- 2) exchange rate losses;
- 3) fines, penalties and litigation costs;
- 4) taxi and fuel costs;
- 5) purchase of durable goods (purchase of mobile phones, cameras, hardware and software - PCs and tablets - any other expenditure that is not deemed eligible);
- 6) postage and telephone charges (including telephone charges also rechargeable and courier postage);
- 7) consumables (stationery, CDs, pendrives, inkjet cartridges; etc.);
- 8) used goods;
- 9) damages and compensation;
- 10) services carried out by the owner, partners, director and those holding social offices in the applicant company or association, if they relate to the ordinary running of the company and are not directly attributable to the production costs of the subsidised project;
- 11) costs incurred in favour of enterprises controlled by and linked to the beneficiary enterprise, as defined in Annex I to Reg. 651/2014;
- 12) VAT (or, for foreign companies, similar indirect consumption tax) if recoverable under the relevant national legislation.

ARTICLE 8

TERMS AND CONDITIONS FOR THE APPLICATION

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

8.1 Deadlines and procedures for submitting the application

Applications will be processed through a selective procedure until the budget is exhausted.

Applications may only be validly submitted by certified electronic mail (PEC) to the address **dipartimento.turismo@certmail.regione.sicilia.it** by **11:59 p.m. on the thirtieth calendar day following the publication of this Public Notice, in extract, in the Official Journal of the Sicilian Region.**

The proposing party is obliged to include as the subject of the same PEC:

“SICILIA FILM COMMISSION – ISTANZA PER LA CONCESSIONE DI CONTRIBUTI A SOSTEGNO DELLA PRODUZIONE CINEMATOGRAFICA E AUDIOVISIVA 2023-2024”

The aforesaid forwarding via PEC shall take place from the certified e-mail box that the applicant will have indicated in its application form and, specifically, in the Application Dossier referred to in Section 8.2 below.

For applicants having their registered office outside Italy, the above-mentioned forwarding may take place by sending the same PEC address from an ordinary e-mail box.

Each party, in the role of producer, co-producer or associated producer, as indicated in paragraph 5.1 above, may submit only one application for each of the audiovisual categories. In the event that the same party submits more than one application in the same category, only the one received first by the Administration will be considered admissible.

Applications will be deemed inadmissible in any event if they

- a) they are received before the date of publication of this notice or outside the deadline indicated above **(the thirtieth calendar day following the publication of this Public Notice, in extract form, in the Official Journal of the Sicilian Region);**
- b) do not comply, even partially, with the submission methods/procedures set out in this notice;
- c) are submitted using forms other than those annexed to this notice and expressly indicated in Section 8.2 below (*Application file*), complete with all the mandatory documents referred to therein;
- d) are not accompanied by **all** the required documentation, correctly completed.

8.2 Application Dossier

Proposing entities may formalise their application **exclusively by using the *application form (Dossier)*** according to the models attached to this notice, which can 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 Sicilia Film Commission website, through the link: <http://www.siciliafilmcommission.org/it/bandi-e-loghi>.

The aforementioned ***Application Dossier consists of Modules I, II, III and constitutes an integral and substantial part of the funding application, together with the following documents:***

- 1) **FORM I**, consisting of the Application and the following Annexes, to be completed and submitted in **.pdf** format, ***by sending individual files:***

- a) declaration on the cumulation of aid on the same work (*according to the model provided*);
- b) copy of the valid identity document of the legal representative;
- c) screenplay (or treatment of the work in the case of documentaries and documentary TV series);
- d) company CV;
- e) director(s) CV;
- f) screenwriter(s) CV;
- g) scientific advisor CV (in the case of documentaries and documentary TV series)
- h) production schedule (if available).

2) FORM II - Production sheet, to be completed **and submitted in .pdf format in a single file**;

3) FORM III - Production budget (consisting of cover page and four sections), to be completed and submitted **in .xls as a single file**.

For operators resident in the territory of the Italian State, Form I of the Application Dossier must be reproduced in **.pdf** format digitally signed.

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

It is specified that, regardless of the nationality of the applicant, the **application form, in its separate components, must be produced in Italian, under penalty of inadmissibility.**

The entire Application Dossier, in the form described above, must be transmitted in a single submission (PEC/ Ordinary Electronic Mail)

It should also be noted that in the presence of commercial agreements relating to the project in question and signed with third parties, these must be declared in the application file, which must be complete with the following documents

1. in the case of co-production and/or associated production:

- CVs of those involved in the production;
- copies of deal *memos* or contracts;

2. in case of national and international funding (applied for and/or obtained):

- documents proving the application submitted and/or the granting of other national and/or EU funding;

3. in the case of distribution agreements:

- copies of *deal memos* or contracts with one or more film/television distributors and/or broadcasters and/or SVOD or VOD platforms;

4. in the case of agreements with an executive producer:

- executive producer's CV;
- copy of *deal memo* or contract with the executive production company;

5. in the case of agreements with external financiers (external tax credit and product placement):

- copies of *deal memos* or signed contracts.

It is specified that documents whose content is effectively assimilated to "Letters of Intent" (so-called "LOI") will not be subject to evaluation and attribution of the relative scores. Should certain documents attached to the application (e.g. subject, screenplay, contracts, deal *memo*, etc.) be

drafted in a language other than Italian, the Administration shall have the right to request their translation at the expense of the applicant.

Failure to comply with even one of the above deadlines and/or submission methods constitutes grounds for inadmissibility/ineligibility and, therefore, for the exclusion of the application from the subsequent selection phases envisaged by this notice.

ARTICLE 9

EVALUATION COMMITTEE - VERIFICATION OF THE ADMISSIBILITY OF APPLICATIONS - PROCEDURE FOR REMEDYING DEFICIENCIES

9.1 Evaluation Committee

Once the deadline for the submission of applications indicated in Paragraph 8.1 has expired, the Director General of the Regional Department of Tourism, Sport and Entertainment appoints the Evaluation Committee, composed of 5 members, as indicated below:

- the President, chosen from among the Managers or Executive Officers of the Regional Administration;
- 2 members, chosen from among the Experts of the “Public Investment Assessment and Verification Board” of Sicilian Region ;
- 2 members chosen from among proven experts in the film and audiovisual sector.

This Commission remains in office for the period necessary to assess all the applications considered eligible under the requirements of this notice.

9.2 Verification of admissibility of applications

Within 30 days from the deadline referred to in Paragraph 8.1 above, upon the proposal of the R.P., the General Director of the Regional Department of Tourism, Sport and Entertainment shall approve the list of the applications admitted to the next stage of evaluation for each of the categories referred to in Article 4.

At the same time, the same decree approved the lists of applications declared 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. Beneficiaries will be guaranteed the exercise of their right of access within 15 days from the aforesaid publication, also in order to formulate reasoned requests for the review of the lists.

After the aforementioned 15-day period has elapsed, each list of applications eligible for the next evaluation phase (approved as above) is considered consolidated and the documentation of each project proposal is forwarded to the Committee by the R.P.

9.3 Procedure for remedying deficiencies

During the preliminary investigation phase aimed at verifying the admissibility of the applications to the subsequent evaluation phase, the person in charge of the procedure may resort to the procedure for remedying deficiencies pursuant to Article 6 of Law no. 241/1990, in order to request the applicants to rectify erroneous/incomplete declarations or documents.

With reference to the breadth of the aforesaid institution, procedure is made herein to the well-established case law (see Council of State Sez. IV, Sent. no. 5698 of 04/10/2018) that has clarified how the opportunities for regularisation, clarification or documental integration cannot be translated into opportunities for posthumous adjustments, i.e. into expedients to evade the consequences associated with the law or the tender notice or to remedy irregularities that cannot be rectified as a result of the negligent non-compliance with mandatory prescriptions imposed on all bidders, under penalty of violating the principle of equal participation.

In accordance with the aforementioned case law, therefore, in the context of the present comparative procedure, the procedure for remedying deficiencies cannot be invoked whenever the individual participant is under an obligation of fairness, which requires the latter to comply with minimum obligations of cooperation, such as the duty to provide complete and non-reticent information, to fill in forms and to submit documents.

ARTICLE 10

EVALUATION PROCEDURES AND SELECTION CRITERIA

10.1 Evaluation procedure

The Committee, on the occasion of its settlement, establishes the operational modalities for carrying out its activities. The meetings of the Committee may also be held in telematic mode, by means of remote connections.

With regard to each project proposal, the Committee will assign a score equal to the arithmetic mean of those assigned by the individual members for each item on the evaluation grid. For the remaining activities, the deliberations of each meeting are adopted by the Commission by majority vote.

The Committee, on the basis of all the information acquired, shall then proceed to allocate the merit score for each project evaluated (rounded to the first decimal place), up to a maximum of 100/100, according to the scales set out in Section 10.2. below, determining the final rankings for each category as per Article 4.

The overall score for access to the facilities must be at least 65/100. Audiovisual projects which have not attained the minimum scores for each of Sections A, B, C and D of the scoring grids, as set out in Section 10.2 below, will in any case be considered ineligible for co-funding.

The Committee - until the conclusion of its activities – can notify the R.P. the identification of causes of exclusion emerged during the assessment phase concerning the subjective and/or objective eligibility requirements set out in Article 5 above.

10.2 Selection criteria

The specific elements on which the evaluation by the Evaluation Committee will be based are set out in the following grids:

- **TABLE A: 'Feature Film/TV Film', 'TV series', 'Animated TV series' and 'Short films';**
- **TABLE B: 'Documentaries' and 'Documentary TV series, also in animation'.**

Table A
'Feature Film/TV Film', 'TV series', 'Animated TV series' and 'Short films'

SPECIFIC OBJECTIVES		CRITERIA		DESCRIPTION OF CRITERIA	POINTS
A	PROJECT QUALITY				UP TO 25
1	Promoting and supporting original and quality audiovisual works	1.1	Screenplay originality	Originality of the writing, characters and their representation, solidity, tone and rhythm of the narrative structure.	up to 7
		1.2	Screenplay quality	Quality of writing, capacity for dramaturgical elaboration, character development and depth, degree of linguistic innovation in relation to the proposed audiovisual.	up to 12
2	Enhancing the image of Sicily by supporting audiovisual works that highlight the history, current events, culture, landscape, traditions, food and wine and identity of the Sicilian territory	2.1	Capacity of the script to emphasise elements linked to the history, landscape, culture and identity traits of Sicily	Capacity of the screenplay to offer a new 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 events and/or food and wine and/or Sicilian identity), also with a view to encouraging film induced tourism.	6
B	PROPOSERS AND STAKEHOLDERS				UP TO 20
3	Promoting and supporting audiovisual professionals	3.1	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: feature films and short films: number of productions realised, participation in Festivals, Awards and acknowledgements obtained, national and international co-productions realised; TV films and TV series: number of productions realised, distribution channels, national and international co-productions realised.	up to 6
		3.2	Eco-sustainability of the production organisation	Existence of agreements with entities on the List of <i>Green Film Verification Bodies</i>	2
		3.3	Artistic component	CVs of the individual professionals involved, including director and scriptwriter, in relation to the number and quality of audiovisual works in which they have participated and the awards and prizes they have won.	up to 8
		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 4

C		AUDIOVISUAL PRODUCTION - ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY			UP TO 30
4	Promoting economic and employment impacts on the Sicilian territory	4.1	Incidence of production in Sicily	Working days in Sicily (pre-production, shooting) compared to total working days	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	up to 5
		4.3	Number of Sicilian professionals in the technical cast (crew)	Number of professionals born and/or resident in Sicily for at least six months, involved in the technical cast (crew)	up to 5
		4.4	Impact of post production in Sicily	Days of post-production in Sicily compared to the total	up to 2
		4.5	Expenditure in Sicily	Percentage of expenditure in Sicily compared to the grant requested	up to 10
D		ECONOMIC/FINANCIAL SOUNDNESS OF THE PROJECT			UP TO 25
5	Supporting audiovisual works with a high degree of feasibility and distribution potential	5.1	Soundness of the financial plan in relation to the concrete feasibility of the work	Soundness of the financial plan with regard to the presence of <i>deal memos</i> and/or signed contracts: in terms of pre-sales, co-productions, associated productions, distribution, sales, or with possible external financiers (external <i>tax credit</i> and <i>product placement</i>)	up to 16
		5.2	Soundness of the distribution plan	Soundness of the distribution plan with respect to <u>for feature films and short films:</u> - presence of distribution contracts; - presence of distribution deal memos; <u>for TV production films, TV series and animated TV series:</u> - presence of distribution deals with a Broadcaster; - presence of distribution deal memo with a Broadcast	5 2 5 2
		5.3	Internationalisation	Presence of a co-producer and/or international distribution contracts.	4
MAXIMUM SCORE					100

**Regarding the variable scores in Table A
(criteria 4.1, 4.2, 4.3, 4.4 and 4.5)
the sub-criteria and reference ranges are explained below**

CODE	EVALUATION CRITERION	CRITERION DESCRIPTION	REFERENCE RANGE	SCORE	WEIGHTS	SCORE AWARDED
4.1	Incidence of processing in Sicily	Working days in Sicily (pre-production, filming) compared to total working days	OVER 75%	10	0,8	8
			FROM 51% TO 74%	9		7,2
			FROM 31% TO 50%	7		5,6
			FROM 0% TO 30%	5		4
4.2	Number of Sicilian professionals in the artistic component (excluding figurants and extras)	Number of professionals born and/or resident in Sicily for at least six months, involved: artistic cast (excluding figurants and extras)	OVER 51%	10	0,5	5
			FROM 31% TO 50%	8		4
			UP TO 30%	6		3
			NONE	0		0
4.3	Number of Sicilian professionals in the technical cast (crew)	Number of professionals born and/or resident in Sicily for at least 6 months involved in the technical cast	OVER 76%	10	0,5	5
			FROM 51% TO 75%	8		4
			UP TO 50%	6		3
			NONE	0		0
4.4	Incidence of post-production in Sicily	Processing days in Sicily (post-production) compared to total processing days	OVER 51%	10	0,2	2
			FROM 31% TO 50%	8		1,6
			FROM 11% TO 30	6		1,2
			UP TO 10%	0		0
4.5	Spending in Sicily	Percentage of expenditure in the territory compared to the contribution requested	OVER 300%	10	1	10
			251% TO 300%.	9		9
			151% TO 250%	7		7
			150%	0		0

Table B

'Documentaries', 'Documentary TV series' and 'Animated TV series with documentary content'

SPECIFIC OBJECTIVES		CRITERIA		DESCRIPTION OF CRITERIA	POINTS
A	PROJECT QUALITY				UP TO 30
1	Promoting and supporting original and quality audiovisual works	1.1	Originality of the subject/process	Originality of the writing, of the characters and their representation, solidity, tone and rhythm of the narrative structure also in relation to the landscape, naturalistic and historical context, as well as to the identified theme.	up to 9
		1.2	Quality of the subject/treatment	Quality of writing, capacity for dramaturgical elaboration and character restitution, degree of linguistic innovation in relation to the proposed audiovisual, potential to find interest in the international market.	up to 12
2	Enhancing the image of Sicily by supporting audiovisual works that highlight the history, current events, culture, landscape, traditions, food and wine and 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	Capacity of the subject/theme 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 events and/or food and wine and/or Sicilian identity), also with a view to encouraging film tourism.	up to 9
B	PROPONENTS AND STAKEHOLDERS				UP TO 15
3	Promoting and supporting audiovisual professionals	3.1	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: number of productions realised, participation in festivals, prizes and awards obtained, national and international co-productions realised;	up to 4
		3.2	Eco-sustainability of the production organisation	Existence of contractual agreements with entities on the List of <i>Green Film Verification Bodies</i>	2
		3.3	Artistic component	CVs of the individual professionals involved, including director, author/subject author and/or scientific advisor in relation to the number and quality of audiovisual works in which they have participated and the awards and prizes won.	up to 6
		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

C		AUDIOVISUAL PRODUCTION - ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY			UP TO 30
4	Promoting economic and employment impacts on the sicilian territory	4.1	Incidence of processing in Sicily	Working days in Sicily (pre-production, filming) compared to total working days	up to 10
		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 artistic component and the technical cast	up to 7
		4.3	Incidence of post-production in Sicily	Days of processing in Sicily (post-production) compared to total processing days	up to 3
		4.4	Expenditure in Sicily	Percentage of expenditure in Sicily compared to the grant requested	up to 10
D		ECONOMIC/FINANCIAL SOUNDNESS OF THE PROJECT			UP TO 25
5	Supporting audiovisual works with a high degree of feasibility and distribution potential	5.1	Soundness of the financial plan in relation to the concrete feasibility of the work	Soundness of the financial plan with regard to the presence of <i>deal memos</i> and/or signed contracts: in terms of pre-sales, co-productions, associated productions, distribution, sales, or with possible external financiers (external <i>tax credit</i> and <i>product placement</i>)	up to 16
		5.2	Robustness of the distribution plan	Soundness of the distribution plan with respect to: <ul style="list-style-type: none"> • presence of distribution contracts; • presence of deal memos 	6
					3
		5.3	Internationalisation	Presence of a co-producer and/or international distribution contracts.	3
MAXIMUM SCORE					100

**Regarding the variable scores in Table B
(criteria 4.1, 4.2, 4.3 and 4.4)
the sub-criteria and reference ranges are explained below**

CODE	EVALUATION CRITERION	CRITERION DESCRIPTION	REFERENCE RANGE	SCORE	WEIGHTS	SCORE AWARDED
4.1	Incidence of processing in Sicily	Working days in Sicily (pre-production, filming) compared to total working days.	OVER 75%	10	1	10
			FROM 51% TO 74%	9		9
			FROM 31% TO 50%	7		7
			FROM 0% TO 30%	5		5
4.2	Number of Sicilian professionals between artistic component and technical cast	Number of professionals born and/or resident in Sicily for at least 6 months, involved in the artistic component and the technical cast.	OVER 51%	10	0,7	7
			FROM 31% TO 50%	8		5,6
			UP TO 30%	6		4,2
			NONE	0		0
4.3	Incidence of post-production in Sicily	Processing days in Sicily (post-production) compared to total processing days	OVER 51%	10	0,3	3
			FROM 31% TO 50%	8		2,4
			FROM 11% TO 30	6		1,8
			UP TO 10%	0		0
4.4	Spending in Sicily	Percentage of expenditure in the territory compared to the requested contribution	OVER 300%	10	1	10
			251% TO 300%.	9		9
			151% TO 250%	7		7
			150%	0		0

As already indicated above, the overall evaluation to be eligible for support must be at least 65/100. Projects that do not achieve the following minimum scores, for each of the sections of the previous evaluation grids, will in any case be considered ineligible for co-funding.

FILMS - TV FILMS - TV SERIES - SHORT FILMS	MINIMUM SCORE
Section A - 'PROJECT QUALITY'	16
Section B - 'PROponents AND STAKEHOLDERS'	13
Section C - 'ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY'	20
Section D - 'ECONOMIC/FINANCIAL SOUNDNESS OF THE PROJECT'	16

DOCUMENTARIES - DOCUMENTARY SERIES	MINIMUM SCORE
Section A - 'PROJECT QUALITY'	20
Section B - 'PROponents AND STAKEHOLDERS'	10
Section C - 'ECONOMIC AND EMPLOYMENT IMPACTS IN SICILY'	20
Section D - 'ECONOMIC/FINANCIAL SOUNDNESS OF THE PROJECT'	15

It is understood that the attainment of the minimum evaluation parameters as set out above will not guarantee the granting of co-funding in the event that the budget for each category of this notice is exhausted.

ARTICLE 11 OUTCOME OF THE EVALUATION AND PROVISIONAL GRANT

11.1 Outcome of the evaluation

Once the evaluation activities have been completed, the Committee communicates the outcome to the R.P., who - within the following 15 days - submits to the General Director of the Sicilian Region's Department of Tourism, Sport and Entertainment the proposal concerning the lists of projects eligible for co-financing, split according to the following categories:

- a) *"Film/TV production", "TV series, also in animation";*
- b) *"Documentaries" and "Documentary TV series, also in animation";*
- c) *"Short films."*

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

The quantification of the contribution for each category of audiovisual product will take place according to the following criteria:

- **The project with the highest score in each category will receive co-funding equal to 100% of the amount requested in the application;**
- **each of the projects ranked in the following positions in the same category, within the limits of the financial availability of this Notice, will be awarded a percentage of the grant requested equal to the ratio between the score attributed to the project and the score achieved by the first ranked project.**

The measure approving the aforesaid lists is published on the institutional website of the same Department and is also communicated by PEC to the individual Beneficiaries included in the list of projects eligible for co-financing.

The same Decree also approved the lists of projects that, on the basis of the points awarded by the Committee, are not eligible for co-financing.

Within the following 15 days from the notification via PEC of the decree approving the lists of projects eligible for co-funding, the Beneficiaries are required to formalise their unconditional acceptance of the grant, by means of appropriate correspondence to be forwarded 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 signed declaration (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 event of co-funding exceeding € 150,000, pursuant to Article 92 of Legislative Decree No. 159/2011, anti-mafia information will be requested from the competent Prefectures in respect of the beneficiary of the subsidies.

11.2 Provisional grant

Within 30 days of receipt of the acceptance, the Administration, having carried out all verifications, adopts the provisional grant decrees for the individual projects.

They include, among others:

- a) consultation of the National Register of State Aid, in order to verify that the Beneficiary is not among the entities that have received and not reimbursed aid declared illegal or incompatible by the European Commission ("Deggendorf");
- b) the verification of the regularity of previdential contributions (DURC);
- c) any sample request to individual beneficiaries, pursuant to Article 74 of Presidential Decree 445/2000, of documentation proving the content of the substitute declarations produced.

The provisional award decision sets out, inter alia, the obligations of the Beneficiary.

At the same time as the Provisional Grant Decrees, the Administration will notify the Beneficiaries of the following forms, which must be used in a mandatory manner when requesting the disbursement of the financing, as set out in Article 16 below:

- **Request for advance payment (up to 25%);**
- **Bank/insurance guarantee for the application for the above advance payment;**
- **Request for disbursement of the second grant tranche (up to 90%);**

- Request for disbursement of the balance (up to 10%);
- General Accounts;
- Reporting matrix.

The adoption of the accounting commitments in the financial years 2023 and 2024 for the subsidised initiatives will be related to the respective allocations of the "Budget of the Sicilian Region for the Three-Year Period 2023-2025".

ARTICLE 12 OBLIGATIONS OF THE BENEFICIARY

The grantee, **under penalty of revocation of the grant awarded**, shall

- a) ensure that the investment in the region is at least 150% of the granted funding;
- b) enter - in the case of selection of companies having their registered office in countries outside the territory of the European Union - into a co-production agreement, an associated production agreement or an executive production contract with a company having its tax domicile in the European Union, which meets all the requirements set out in this notice;
- c) inform the Department of Tourism, Sport and Entertainment of the Sicilian Region - Sicilia Film Commission of any change or variation concerning the eligibility requirements set out in Article 5 of this notice that occurred after the submission of the application;
- d) notify the same Administration - by the means set out in Article 13 below of this Notice - of any changes to the production project submitted at the time of application that may have occurred following the evaluation and up to the final statement of expenses;
- e) maintain the minimum co-financing share of 20% in the production of the audiovisual work for which co-financing was received;
- f) authorise the Sicilian Region's Department of Tourism, Sport and Entertainment, as well as other institutional entities indicated by the latter, to use the audiovisual work for which the grant is received for film archive purposes;
- g) notify the granting administration of the start date of filming in the region;
- h) complete the end of shooting (processing for animation projects) no later than **18 months** from the date of notification of the provisional grant award decree ;
- i) submit final reports no later than 6 months after the end of shooting (or processing, in the case of animation projects);
- j) deliver to the Administration, at the above-mentioned reporting stage, all the required accounting documents;
- k) deliver to the same Administration, in the same reporting phase, two high resolution copies of the audiovisual product realised (Blu-ray and/or high definition files on pen drive or hard disk), one for the archives of the Sicilian Regional Filmoteca and one for the archives of the Regional Department of Tourism, Sport and Entertainment. For Film/TV *production Films* and TV *Series* only, please note that, as indicated in art. 4 of this Public Notice, they must be usable by people with sensory disabilities, with particular reference to audiodescription and subtitling, consistently with the provisions of Art. 3, paragraph 1, letter g) and Art. 12, paragraph 4, letter a) of Law no. 220/2016;

- l) deliver free of charge to the Administration, also during the above-mentioned reporting phase, five stage photographs in electronic format, for which the institutional exploitation rights will be assigned for non-commercial communication and promotional purposes (including via web), guaranteeing their full and free availability;
- m) inform the granting Administration in the event that the co-funded work is selected for participation in national and international festivals and/or exhibitions and/or reviews, in order to allow the same Administration to attend the event, including press conferences for the presentation of the work;
- n) ensure that the following logos appear in the opening credits in analogy with those of the associated producers/co-producers/producers in terms of duration and size:



This obligation, subject to the authorisation of the Administration, may be limited to the textual mention of the aforementioned regional institutions in the event that, by mere artistic choice, the logos of the producers/coproducers/associated producers do not appear in the opening credits ;

- o) ensure that the logos referred to in point **n)** above appear in the closing credits, with a duration and size similar to those of the producers/co-producers/associated producers (in the case of TV series and Documentary TV series, the visibility of the aforesaid logos shall not be inhibited by the choice of continuity between episodes left to the viewer). This obligation shall be extended, in string format and even if produced after the end of the project, on promotional-advertising materials such as posters, playbills, brochures, press kits and banners for websites and social media;
- p) document the environmental certification of the production of the work, in accordance with the implementing rules available at <https://www.green.film/it/>, if this commitment was made when the application was submitted;
- q) in the case of point p) above, ensure that the logo appears in the opening and closing credits, as well as in all promotional/advertising material referred to above:



- r) submit in advance both the opening and closing credits, as well as the draft of the promotional materials, to the approval of the Sicilian Region's Department of Tourism, Sport and Entertainment to verify the correct use of the logos;
- s) make available, upon request of the Administration, to the transfer of a trailer (at least 60 seconds) to be used exclusively for institutional communication and promotion of the Sicilia Film Commission, excluding any commercial use. To this end, the Beneficiary shall guarantee that the images are at its full and free disposal;
- t) prove the theatrical release in the case of feature films, or the broadcasting in the case of TV films, TV series/documentary, also in animation (just the broadcasting in case of documentaries and short films).

ARTICLE 13 PROJECT VARIANTS

The project provisionally accepted for support may only be modified under the conditions specified below.

Variations must be communicated **strictly before the submission of the final cost statement**, by sending the updated version of the original Application Form (Forms I, II and III) to the Granting Authority by certified email (or traditional email, in the case of foreign Beneficiaries) to the following address: ***dipartimento.turismo@certmail.regione.sicilia.it***.

The remodelling of the Application Dossier must be accompanied by a report describing the changes made to the project originally submitted, together with any supporting documentation (contracts, deal memos, etc.).

Within 30 days of receipt, the Administration will inform the Beneficiary of the admissibility of the proposed project changes.

No variant will be allowed if, upon verification of the changes made, there is a decrease in the score awarded at the evaluation stage such as to result in the project failing to reach the minimum eligibility threshold for co-financing of 65/100. In such a case, the Administration will proceed to exclude the project from the list of projects eligible for financing, with the consequent withdrawal of the subsidies.

Only variants resulting in a reduction in production costs of no more than 15% compared to the budget in the Application Dossier will be considered eligible.

Should the project variation, within the above-mentioned limits, only affect the reduction of the expenses eligible for co-financing, the Granting Authority will proceed to the corresponding reduction of the grant provisionally awarded.

In the event of exceptional events, which must in any case be adequately proven and documented, the Granting Administration reserves the right to accept any project variants that exceed the above-mentioned limits and assumptions.

ARTICLE 14 EXTENSIONS

With reference to point **h)** of Article 12 above, the Beneficiary may apply to the Granting Authority for a single extension for the completion of the filming/working of the audiovisual product.

The request for the aforementioned extension, **which may not exceed 6 months**, must be sent to the Administration at least 30 days before **the original deadline indicated in the provisional concession decree**.

The request must provide evidence that the failure to meet the deadline for completion of the filming/work is not attributable to the Beneficiary of the facilities, giving adequate reasons for the time slippage.

ARTICLE 15
CONCLUSION OF THE PROJECT, REPORTING AND
FINAL AWARDING OF THE GRANT

The co-financed project is considered completed when

- the physical realisation of the work has been completed, i.e. each stage of "production" as defined in Article 3 of this Notice has been completed;
- any further activities foreseen in the funded project proposal have been fully implemented;
- production costs were fully incurred;
- the project achieved the objective for which it was awarded funding;
- the theatrical release has taken place in the case of feature films, or the broadcasting in the case of TV films, TV series/documentary, documentaries and short films.

Within 6 months from the end of shooting (finalisation of the work for animation projects), the Beneficiary must submit to the Granting Authority the sample copy of the audiovisual work realised and the final cost statement for the whole production, including:

a) General Final Account, covering the entire production cost (highlighting the expenses incurred in Sicily) with specific indication of any further financing and/or sponsoring 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 General Financial Statement, which the Administration will verify for consistency with the financial plan submitted at the same time as the application for funding.

b) Reporting Matrix, in which the expenses incurred in Sicily, eligible for co-financing (pursuant to Art. 7, directly referable to a minimum percentage of 150% of the granted contribution), are to be reported in detail and individually.

The Reporting Matrix must show the *Unique Public Investment Project Code* assigned to the grant (**CUP**) and stated in the provisional award decision.

In consideration of the fact that the strategies of the Sicilian Regional Administration are strongly oriented to accelerate the procedures for the control of the expenses co-financed with public resources, the simplification tools provided for the reporting of the facilitations from EU resources, as per point 1.10 of *Document EGESIF 140012_02 final*, adopted by the European Commission on 17/09/2015, will be applied by analogy.

For this purpose, at the Grantee's expense, the aforesaid General Final Account and the related Reporting Matrix shall be certified by a person entered in the Register of Auditors kept at the 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 Statutory Auditor shall certify in a special report:

- 1) the absence of any cause of incompatibility/conflict of interest in relation to the assignment;

- 2) the correspondence of the expenditure with the listed supporting documents and payment titles;
- 3) the incurrence of the expenditure in the period of eligibility of the project and its relevance and consistency with the grant awarded;
- 4) 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 involved in the production;
- 5) that the reported documents relating to eligible expenditure have not been used as proof of expenditure against further contributions granted by other public bodies.

This asseveration shall replace, to all intents and purposes, the management verifications by the Administration aimed at the disbursement of the final balance and the subsequent adoption of the final grant decree, without prejudice to any control prerogative as set forth in Article 17 below.

In the case of grants of € 30,000 or more, the affidavit in question shall be provided by the Statutory Auditor in the form of a sworn report pursuant to Article 5 of Royal Decree No. 1366/1922.

The Granting Authority shall notify the Beneficiary the amount of the grant that will be definitively awarded on the basis of the affidavits of the General Final Account and the Reporting Matrix.

The Beneficiary's final burden is to prove the theatrical release or broadcasting of the audiovisual product.

The Administration, having ascertained this last circumstance, adopts the Decree of final grant, at the same time settling the final balance due to the Beneficiary.

ARTICLE 16 **PAYMENTS**

The grant awarded will be disbursed, at the request of the Beneficiary and upon verification of the Beneficiary's compliance with all obligations, as follows:

- 1) first advance payment (up to 25% of the grant):** each Beneficiary may request an advance payment within the limits of the accounting commitments for the two-year period 2023-2024 set not exceeding 25% of the grant.

The advance payment is subject to the simultaneous submission of a bank/insurance guarantee, suitable to cover the requested advance payment, legal 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 disbursement of the grant, in accordance with the procedures specified in point 2) below.

The above guarantee may be provided:

- a)** by banks, insurance companies pursuant to Law no. 348/1982 and ss.mm.ii., or financial intermediaries registered in the special list pursuant to Article 106 (previously 107) of Legislative Decree no. 385/1993 and ss.mm.ii. (TUB), which carry out guarantee issuance activities on an exclusive or predominant basis, which are authorised and supervised by the Bank of Italy and listed in the latter's databases;

b) by banks, insurance companies established in another EU Member State and allowed to operate in Italy .

The guarantee must be made out in the name of the Regione Siciliana - Dipartimento del Turismo, dello Sport e dello Spettacolo 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 under Art. 1957(2) of the Civil Code, i.e. the duration of the surety must be related not to the maturity of the principal obligation but to its full performance;
- the Court of Palermo as the competent court for the resolution of disputes relating to issues of substance;
- the enforcement of the regional credit protection policy in the event of its non-renewal within a period prior to expiry (1-2 months);
- the clause of automatic renewal 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.

In the case of foreign beneficiaries, a guarantee may be issued as security for one of the Italian co-producers/associated producers, where the latter agrees to act as jointly and financially liable towards the granting administration in the event of default in the implementation of the project receiving the grant.

- 2) Second payment (up to 90% of the grant):** to be requested, within 6 months of the completion of shooting (processing in the case of animated projects), together with the submission of the General Final Account, the Reporting Matrix and the **sample copy of the audiovisual work produced.**
- 3) Final payment (up to 10% of the grant):** Within 6 months from the second payment, in order to allow the Administration to approve the final framework of the eligible expenses and the adoption of the Decree granting the final subsidy, the Beneficiary shall document, for the co-funded work the eventual theatrical release in the case of feature films, or broadcasting in the case of TV film/series and documentary TV series, documentaries and short films.

The Administration, having ascertained the latter circumstance, adopts the Decree granting the contribution definitively, at the same time settling the final balance due to the Beneficiary.

Under no circumstances will it be allowed to assign to third parties the credit due to the Administration in relation to the various grant payment stages (advance, second, final payment).

ARTICLE 17 CONTROLS

The granting authority reserves the right to carry out, at any time, in the manner it deems appropriate, checks and controls on the financial, procedural and physical progress of the subsidised project, as well as compliance with the obligations laid down in the legislation in force, in this notice and in the Decree granting the aid.

Such checks do not, in any event, relieve the Beneficiary from full and exclusive responsibility for the regular and perfect execution of the operation.

The administration remains extraneous to any relationship arising in any way with third parties in connection with the implementation of the project. The checks carried out relate exclusively to relations with the Beneficiary.

The Beneficiary must keep and make available all documentation relating to the subsidised project, including all receipts of expenditure.

In the event of verification that the Beneficiary has not fully complied with its obligations, even if not criminal, the Administration will withdraw the grant and recover any sums already paid.

ARTICLE 18 WITHDRAWAL OF FINANCING

18.1 Cases of revocation

All subsidies provisionally granted to projects that have not been completed by the deadlines set out in this Notice in relation to the individual stages (completion of filming/work, production of the sample copy, incurring of all production costs and the theatrical release/broadcasting/use of the audiovisual product) will be subject to revocation.

Co-financing granted will also be withdrawn in cases :

- express waiver by the Beneficiary;
- where the investment in the region is less than 150% of the amount granted;
- non-compliance with the obligations to use the logos referred to in points *n)* and *o)* of Article 12;
- where the documents produced and/or checks carried out by the Administration reveal that the Beneficiary has made false, inaccurate or incomplete declarations;
- if the eligibility requirements set out in Article 5 of this notice are no longer met;
- where, after the provisional grant of the subsidy and during production, the Beneficiary assigns the economic exploitation rights of the co-funded audiovisual product to third parties;
- of ascertained inertia, understood as failure to carry out the intervention, and/or realisation different from that authorised and/or partial realisation;
- being subject to bankruptcy or other insolvency proceedings (composition with creditors, arrangement with creditors, compulsory liquidation, extraordinary administration);
- infringement of the obligations laid down in the relevant legislation concerning the publicity of public co-financing;
- of ascertained violation, on a definitive basis, by the competent bodies, of the applicable obligations concerning safety in the workplace, compliance with collective labour agreements and social security and insurance matters;
- of ascertained grounds for forfeiture, for undue receipt of the grant due to lack of essential requirements or for irregularities in the documentation produced, in any case attributable to the Beneficiary and not correctable;
- of proven undue receipt of the Contribution by a final decision (fraud or gross negligence);
- other cases in which the Beneficiary does not comply with what is expressly indicated in the Notice and in the Decree provisionally granting the subsidy.

18.2 Revocation procedure

The Decree of revocation gives the Sicilian Region the right to demand immediate recovery, in whole or in part, of the grant awarded and provides for the recovery of any sums disbursed following the grant, plus interest at the rate provided for in this Notice, calculated from the time of disbursement.

After acquiring the documents, facts or circumstances that could give rise to revocation, the Administration, in implementation of Arts. 7 and 8 of Law No. 241/1990 as amended, notifies the interested parties of the beginning of the dispute procedure, with the relevant indications:

- to the subject matter of the proceedings instituted;
- the office and the person responsible for the proceedings;
- the office where access to documents can be requested,
- assigning the addressees of the notice a period of **30 days** from receipt of the notice to submit any counter-arguments.

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

ARTICLE 19

INFORMATION ON THE PROCESSING OF PERSONAL DATA

Pursuant to Article 13 of Legislative Decree No. 196/2013, supplemented 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:

- a) the personal data requested will be used exclusively in the context of the procedure set out in this notice;
- b) the provision of data by the applicant is compulsory, as it is necessary to carry out further activities;
- c) any failure to do so will result in the discontinuation of the procedures in respect of the person responsible for the omission;
- d) the Data Controller is the President of the Sicilian Region;
- e) the Data Processor is the *pro-tempore* General Director of the Department of Tourism, Sport and Entertainment;
- f) the Data Sub-Processor is the Director of the Sicilia Film Commission ;
- g) the persons in charge of processing personal data are the employees of the Sicilian Region responsible for carrying out the related activities.

ARTICLE 20

INFORMATION REQUEST - FAQ

Requests for information about 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 same Administration may be contacted by telephone during normal working hours (+39 091 7078008).

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

ARTICLE 21
SAFEGUARD CLAUSES

This public tender procedure may be unilaterally revoked at any time and without prior notice, even in the presence of applications already submitted, in case the resources allocated in the financial years 2023 and 2024 under the sicilian "*Regional Film and Audiovisual Fund*" should become unavailable.

Participation in the procedure entails the waiver of all claims of any kind and/or pre-contractual liability on the part of the Administration in the event that the latter, following a change in the underlying legal, administrative or financial framework, withdraws this notice before the grant of the subsidies.

The submission of an application for the grants referred to in this notice shall entail the unconditional acceptance by the economic operators concerned of the assumptions, conditions and procedures of the relevant selection procedure, as well as of the Administration's safeguard clauses set out in the current Article.

ARTICLE 22
PUBLICATION IN ENGLISH

For information purposes only and to encourage the internationalisation of productions in the Sicily, this public notice (without the documentation attached to it) is published in English.

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