



Regione Siciliana
Assessorato Turismo
Sport e Spettacolo

DEVELOPMENT AND COHESION PLAN OF THE SICILIAN REGION



siciliafilm
commission

**PUBLIC NOTICE
FOR THE GRANTING OF CONTRIBUTIONS
IN SUPPORT OF FILM AND AUDIOVISUAL PRODUCTION
YEARS 2022-2023**

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ARTICLE 1 REFERENCE

The Sicilian Region recognises the cinema and audiovisual sector as a fundamental means of artistic expression, cultural education, communication and a relevant instrument of social and economic growth, promoting its development and related activities.

Therefore, within the powers 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 the purpose of tourism promotion.

In this context, by means of this public notice the Regional Department 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 the regional territory of** audiovisual products falling within the classification set out in art. 4. below, through the instrument of aids to enterprises provided for by art. 54 ("*Aid schemes in favour of audiovisual works*") of the EU Regulation No. 651/2014 (General Block Exemption Regulation) as amended, declaring 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 through a 'counter' procedure within the framework of the interventions of the Sicilian Region's Development and Cohesion Plan (PSC).

ARTICLE 2 LEGAL BASIS

- 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 and, in particular, paragraph 2(b) of the aforementioned Article 107, concerning aid to make good the damage caused by natural disasters or exceptional occurrences;
- 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;
- 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*';
- Italian Law No. 220 of 14/11/2016, as amended and supplemented, concerning the '*Discipline of the cinema and audiovisual sector*';
- 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;

- Sicilian 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;
- Italian 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';
- Sicilian Regional Law No. 21 of 12/08/2014, art. 68 "Rules on transparency and publicity of administrative activity" as amended;
- Italian Decree-Law No. 78/2010, setting forth '*Urgent measures on financial stabilisation and economic competitiveness*' converted, with amendments, by Law No. 122/2010, and in particular Article 7, paragraphs 26 and 27, which attributes to the Prime Minister, or to the delegated Minister, the functions on cohesion policies referred to in Article 24, paragraph 1, letter c), of Legislative Decree no. 300/1999, including the management of the Fund for underutilised areas referred to in Article 61 of Law No. 289/2002, as amended;
- Italian Legislative Decree No. 88/2011, setting forth 'Provisions on additional resources and special interventions for the removal of economic and social imbalances pursuant to Law No. 42/2009', and in particular Article 4, which provides that the aforementioned Fund for Underutilised Areas shall be called Fund for Development and Cohesion;
- Italian Decree-Law No. 101/2013, containing '*Urgent provisions for the pursuit of rationalisation objectives in public administrations*', converted with amendments by Law No. 125/2013, and in particular Article 10;
- Law No. 190/2014, setting forth '*Dispositions for the formation of the annual and multi-year budget of the State (2015 Stability Law)*' and in particular Article 1, paragraph 703, which, without prejudice to the existing provisions on the use of the FSC, lays down further provisions for the use of the resources allocated for the 2014-2020 programming period;
- Italian Decree-Law No. 34/2019, setting forth "*Urgent measures for economic growth and for the resolution of specific crisis situations*" converted with amendments by Law No. 58/2019, as amended by paragraph 309 of Law No. 160/2019, and, most recently, by Article 41, paragraph 3, of Italian Decree-Law No. 76/2020, converted by Italian Law No. 120/2020, and in particular Article 44;
- Italian Decree-Law No. 34/2020, converted with amendments by Italian Law No. 77/2020, on '*Urgent measures on health, work and economic support, as well as social policies related to the epidemiological emergency from COVID-19*' and, in particular, Articles 241 and 242;
- CIPE (Italian Interministerial Committee for Economic Planning) Resolution No. 8/2015, acknowledging - pursuant to point 2 of its Resolution No. 18/2014 - the Italy 2014-2020 Partnership Agreement adopted by executive decision on 29/10/2014 by the European Commission and concerning the programming of the EIS Funds for the period 2014-2020;
- CIPE Resolution No. 10/2015 on '*Definition of the criteria for national public co-financing of European Programmes for the 2014/2020 programming period and their monitoring*';
- CIPE Resolution No. 25/2016 on "*Development and Cohesion Fund 2014-2020. National Thematic Areas and Strategic Objectives - allocation pursuant to Article 1, paragraph 703, letters b) and c) of Italian Law No. 190/2014*";

- CIPE Resolution No. 26/2016 on '*Development and Cohesion Fund 2014-2020: Plan for the Mezzogiorno. Assignment of resources*';
- CIPE Resolution No. 79/2020 on '*Rules of Procedure of the Interministerial Committee for Economic Planning and Sustainable Development (CIPESS)*';
- CIPESS (Italian Interministerial Committee for Economic Planning and Sustainable Development) Resolution No. 2/2021 '*Development and Cohesion Fund - Framework Provisions for the Development and Cohesion Plan*';
- CIPESS Resolution No. 32/2021 '*Development and Cohesion Fund - Approval of the Development and Cohesion Plan for the Region of Sicily*';
- CIPESS Resolution No. 86/2021 '*Development and Cohesion Fund - Development and Cohesion Plan. Unitary arrangements for the transfer of resources. CIPESS Resolution No 2/2021, point c*';
- Sicilian Regional Government Resolution No. 504 of 25/11/2021 on '*Implementation of unitary cohesion policies. Attribution of the function of Authority responsible for the coordination and management of the Development and Cohesion Plan*';
- Sicilian Regional Government Resolution No. 68 del 12/02/2022 concerning '*Development and Cohesion Plan. CIPESS Resolution No. 2 of 29/04/2021. Establishment of the Monitoring Committee. Document 'Management and Control System (SI.GE.CO.)'. Approval*';
- Sicilian Regional Government Resolution No. 85 del 24/02/2022 concerning '*Development and Cohesion Plan (PSC) Regione Siciliana. Document 'Management and Control System (SI.GE.CO.)' approved by Resolution of the Regional Government no. 68 of 12/02/2022. Modification and integration*'.
- Report of the Monitoring Committee meeting of 03/03/2022, approved following the closure of written procedure no. 1/2022, by which the Rules of Procedure of the same Committee were approved, together with the Report of the meeting of 03/03/2022 and the overall financial plan of the Sicilian Region PSC, with the breakdown by Thematic Areas and Sectors of Intervention;
- Sicilian Regional Government Resolution No. 205 of 14/04/2022 acknowledging the closure of the above-mentioned written procedure no. 1/2022 of the Monitoring Committee of the Sicilian Region CSP.

ARTICLE 3 DEFINITIONS

This Public Notice generally uses the definitions set out in Art. 2 and Annex I of EU Regulation No. 651/2014 "General Exemption Regulation", as well as those set out in Art. 2 of Italian 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*": an audiovisual work of fictional content, including 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 broadcast 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"*: an audiovisual work of fictional content with a minimum total duration of 52 minutes and consisting 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 broadcaster, including SVOD;
- *"Animated TV series"*: a work consisting of images either graphically realised or animated by means of any type of technique and medium, with narrative fiction 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, the creative emphasis of which is placed primarily on real events, places 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"*: an audiovisual work with narrative fiction content, including 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 phases, 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, marketing of the audiovisual work in Italy and abroad);
- *"Realisation"* 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"*: 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 public enjoyment, 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 copy was made;
- *"Production cost"*: the costs gross of any tax or other 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 or 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."*: *Responsible Person* in charge of the Procedure pursuant to Article 5 of Law No. 241/1990;

ARTICLE 4 SUBJECT, AIMS AND OBJECTIVES

By means of this public notice, the Department of Tourism, Sport and Entertainment of the Sicilian Region intends to grant non-repayable subsidies, by means of a "counter" procedure within time windows for the submission of applications, in the form of aid to enterprises under Article 54 of EU Regulation No. 651/2014, for the production of the audiovisual works hereinafter specified, according to the definitions set out in Article 3 above.

In particular, the Administration intends to act on the audiovisual sector 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 valorise its topicality, history, culture, landscape, traditions, food and wine 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;
- Aid granted under this Notice is intended to support:
 - a) 'Film/TV production', 'TV series, also in animation';*
 - b) "Documentaries' and 'Documentary TV series, also in animation';*
 - c) "Short films.*
- Pursuant to Article 6(5)(f) of EU Regulation 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 Region after the publication of this Notice shall be eligible for the aforementioned facilitations;
- 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 the Decree provisionally granting the aid under this notice, a deadline that may be extended once for a period not exceeding three months, on the basis of a duly substantiated request by the Beneficiary.
- Film/TV production Films and TV Series must 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, applicants who meet the following requirements at the time of submitting their application may apply:

a) Companies based in the territory of the Italian State and of the European Union: film companies as defined in Article 2(1)(o) of Italian Law no. 220/2016 (for non-EU, for the purposes of this Notice, a permanent establishment in Italy is not mandatory):

- with primary or predominant activity in film, video, television programme and film production (ATECO 2007 Code '59.11', or NACE Rev.2 Code '59.11' or equivalent);
- registered for at least 24 months, on the date of publication of this notice, in the Companies Register at the Chamber of Commerce competent for their own territory, or at the equivalent body in the Companies Register of the country of origin;
- sole producers of the submitted project, co-producers or associated producers with a share of no less than 20%;

b) Companies based in a non-EU country:

- with primary or predominant activity in the production of motion pictures, videos, television programmes and films (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 Companies' Register in their country;
- sole producers of the submitted project, co-producers or associated producers with a share of no less than 20%;

c) Non-profit-making cultural associations established in the territory of the Italian State and the European Union (only for the realisation of the works referred to in points b) and c) of Article 4 above, i.e. Documentaries, Documentary TV Series, also in animation and Short Films):

- with primary or predominant activity in film, video, television programme and film production (ATECO 2007 Code '59.11', or NACE Rev.2 Code '59.11' or equivalent);
- with an express provision in the statute of association for the performance of audiovisual production activities;
- registered for at least 24 months, on the date of publication of this notice, in the REA (Economic Administrative Register), or in the similar register of the Member State of residence;
- with documented production activity in the audiovisual field over the last 24 months;

Economic operators having their registered office outside the territory of the EU, 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 enforceable production agreement with an operator having its tax residence in the EU, 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 the 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 Italian 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 (*Commission Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty*);
- 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 not, in the three years preceding the date of publication of the Notice, been the subject of administrative proceedings 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;
- have the capacity to contract, i.e. not be subject - or not have been in the last three years - to sanctions or disqualification measures, or any other sanction involving the prohibition to contract with the Public Administration, or measures suspending business activity;
- 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 Italian Criminal Procedure Code, 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 Italian Presidential Decree no. 309/1990, Art. 291-quater of Presidential Decree no. 43/1973 and Art. 260 of Italian 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 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;
 - the offences referred to in Articles 648-bis, 648-ter and 648-ter.1 of the Italian Criminal Code, money laundering or terrorist financing, as defined in Article 1 of Italian Legislative Decree No. 109/2007 as amended;
 - Exploitation of child labour and other forms of human trafficking as defined by Italian 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 Italian 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 Italian 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 sole proprietor, the owner or technical director
- for the general partnership, a partner or the technical director
- in the case of a limited partnership, 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 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 complete and effective dissociation from the criminally sanctioned 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.

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

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

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 regional territory began after the publication of this notice;
- whose production envisages 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;
- 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;
- which, on the date of publication of this public notice, have not participated in full in festivals or other events, or have not been the subject of full public viewing by any means, including via the web.

ARTICLE 6

MEASURE AND 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 2022 and 2023 of the resources referred to in this Public Notice for the interventions of the Development and Cohesion Plan (PSC) of the Sicilian Region and financed with resources from the 2014-2020 Development and Cohesion Fund is **€ 10,800,000.00**, without prejudice to the Administration's right to implement the financial endowment of this Public Notice with any additional resources from regional, national or EU funds, for the co-financing of projects that are usefully placed in the lists referred to in Paragraph 11.1 below.

The above-mentioned total amount of **€ 10,800,000.00** is broken down as follows:

- **€ 8,800,000.00** for film/television production films, TV series, TV series in animation, with narrative fiction content;
- **€ 1,800,000.00** for documentaries, documentary TV series, TV series in animation, with documentary content;
- **€ 200,000.00** for short films.

The amount of co-financing for each subsidised project, corresponding to the aid intensity, may not exceed the threshold of 20% of the production cost (the latter as defined in Article 3 above) with the following ceilings

- € 1,000,000.00 for audiovisual works related to cinema/television production films, TV series, TV series in animation, with narrative fiction content;
- € 200,000.00 for audiovisual works related to documentaries, documentary TV series, animated TV series with documentary content;
- € 40,000.00 for short films.

The aid consists, within the limits of the intensity of the aid granted, in a capital contribution **towards the expenses incurred in the period between the date of submission of the application and the date of submission of the statement of accounts**, aimed at the production of the audiovisual work and referable to the items of expenditure eligible for the statement of accounts declared in advance when submitting the application.

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 eligible production expenses, 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

Eligible cost for reporting purposes means 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) personnel costs;
- c) costs of renting space and/or premises;
- d) travel expenses, hotel, catering;
- e) costs of purchasing or hiring equipment, technical means and props;
- f) transport costs, including the costs of hiring vehicles without drivers for the transport of persons and goods;
- g) insurance charges;
- h) VAT (or, for foreign companies, similar indirect consumption tax) if not recoverable by the Beneficiary, pursuant to the relevant national legislation;
- i) 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;
- j) expenses - not financed by other grants - aimed at implementing the project and relating to the eligible items of expenditure declared when submitting the application, provided that they were incurred between the date of submission of the application and the date of submission of the grant report, with the exception of cases of extension, as governed by Article 14 below.

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 Italian Law No. 136/2010, as amended by Italian Law No. 217/2010, and attested by valid tax documentation (invoices, tax receipts, receipts for occasional services, etc.).

Moreover, in order to avoid any possibility of double financing, the above-mentioned expenses may not be accounted for if the applicant has applied for and/or benefited from public grants

covering the same costs of the same audiovisual work before or after the submission of the application under this Notice.

On the contrary, ineligible are all expenses, even if incurred in Sicily, the transaction of which is in cash, as well as costs relating to

- 1) debit interest, concessions, notary fees, 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 SUBMITTING PROJECTS - APPLICATION FILE

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

8.1 Deadlines and submission modalities

Applications will be processed through a 'counter' procedure, until the budget is exhausted.

Applications may only be validly submitted by certified electronic mail (PEC) to dipartimento.turismo@certmail.regione.sicilia.it within the following time windows:

- 01/06/2022 - 30/06/2022
- 01/09/2022 - 30/09/2022

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

SICILIA FILM COMMISSION - APPLICATION FOR GRANTS TO SUPPORT FILM AND AUDIOVISUAL PRODUCTION 2022-2023.

The aforesaid forwarding via PEC shall take place from the certified email box indicated by the applicant in its application and, specifically, in the Application Dossier referred to in Section 8.2 below. **For applicants based outside the Italian national territory, the aforesaid forwarding may be made 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) were received before the date of publication of this notice or outside the above-mentioned windows;
- 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.

The files for each application, including the entire application file and its annexes, must be received in a single submission.

8.2 Application file

Proposing entities may formalise their application **exclusively by using the *application 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**:
 - 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) curriculum vitae of the economic applicant;
 - e) curriculum vitae director(s);
 - f) screenwriter(s) CV;
 - g) scientific advisor CV (in the case of documentaries and documentary TV series)
 - h) processing plan (if available).
- 2) **FORM II - Production sheet**, to be completed **and submitted in .pdf** format;
- 3) **FORM III - Production Data** (consisting of cover page and four sections), to be completed and submitted in **.xls** format.

For operators based in the territory of the Italian State, Form I of the Application Dossier must be reproduced in **.pdf** format and 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 for participation, in its separate components, must be produced in Italian, under penalty of inadmissibility.**

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 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 Community funding;

3. in 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 case of agreements with an executive producer:

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

5. in 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 similar to that of "Letters of Intent" (so-called "LOI") cannot be subject to specific evaluation. 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 be entitled 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

APPOINTMENT OF THE R.P. AND EVALUATION COMMITTEE

VERIFICATION OF THE ADMISSIBILITY OF APPLICATIONS – PRELIMINAR ASSISTANCE

9.1 Appointment of the R.P. and Evaluation Committee

Upon approval of this notice, the Director General of the Regional Department of Tourism, Sport and Entertainment appoints:

- the Person in Charge of the Procedure (R.P.), to be identified from among the Managers or Executive Officers serving in the same Administration;
- the Evaluation Committee, consisting of five members, in the composition 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 Nucleo di Valutazione e Verifica degli Investimenti Pubblici della Regione Siciliana;
- 2 members chosen from among proven experts in the film and audiovisual sector.

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

9.2 Verification of the admissibility of applications

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

At the same time, 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. 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, by the R.P., to the Commission for the subsequent determinations of competence.

9.3 Preliminary assistance

During the preliminary investigation phase aimed at verifying the admissibility of the applications to the subsequent evaluation phase, the P.R. may have recourse to the preliminary assistance procedure pursuant to Article 6 of Italian Law no. 241/1990, in order to request the applicants to rectify erroneous/incomplete declarations or applications.

With reference to the scope of the aforesaid institution, reference is made here to the consolidated case law (see Italian 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 remedied 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 preliminary enquiry procedure may not 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 procedures

The Commission, on the occasion of its inauguration, establishes the operational modalities for carrying out its activities. 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 mean of the scores awarded to the same project by the individual members.

For the remaining activities, resolutions at each meeting are adopted by the Commission by majority vote.

The Commission, on the basis of all the information acquired, then proceeds to award 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.

Within the limits of the financial endowment of this Notice for each of the categories referred to in Article 6. above, according to the chronological order in which the applications are submitted, projects obtaining a score of at least 65/100 shall be subsidised, it being understood that the attainment of the aforesaid minimum threshold does not guarantee the granting of co-financing in the event of the financial resources allocated to the Notice being insufficient.

This is without prejudice to the right of the Commission - until the conclusion of the activities entrusted to it in relation to the drawing up of the lists of projects admitted to co-funding - to notify the RFP of the identification of causes of exclusion in relation to applications for which it may have emerged during the evaluation phase that some of the subjective and/or objective eligibility requirements set out in Article 5 above are not met.

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

Table A

**'Film/TV production', 'TV series',
'Animated TV series with narrative fiction content' and 'Short films'**

SPECIFIC OBJECTIVES		CRITERIA		DESCRIPTION OF CRITERIA	POINTS
A		PRODUCT QUALITY			UP TO 26
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	Quality of the script	Quality of writing, capacity for dramaturgical elaboration, character development and depth, degree of linguistic innovation in relation to the proposed audiovisual.	up to 13
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 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 with a view to encouraging film tourism.	6
B		PROPOSERS AND STAKEHOLDERS			UP TO 16
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: <u>for cinema production films and short films:</u> number of productions realised, participation in Festivals, awards and acknowledgements obtained, national and international co-productions realised; <u>for TV production films and TV series:</u> number of productions realised, distribution channels, national and international co-productions realised.	up to 4
		3.2	Artistic cast	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
		3.3	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 34
4	Promoting economic and employment impacts on the Sicilian territory	4.1	Incidence of processing in Sicily	Days of processing in Sicily (pre-production, filming) compared to total days of processing	up to 10
		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 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 6
		4.4	Incidence of post-production in Sicily	Processing days in Sicily (post production) compared to total processing days	up to 3
		4.5	Expenditure in Sicily	Percentage of expenditure in the territory compared to the contribution requested	up to 10
D	ECONOMIC/FINANCIAL SOUNDNESS OF PRODUCTIONS				UP TO 24
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 respect to the presence of deal memos and/or signed contracts: in terms of pre-sales, co-productions, associated productions, distribution, sales, or with possible external financiers (external tax credit and product placement).	up to 15
		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

In relation to the allocation of scores referring to quantitative variables in Table A (criteria 4.1, 4.2, 4.3, 4.4 and 4.5), the sub-criteria and reference ranges are explained below.

CRITERION CODE	EVALUATION CRITERION	CRITERION DESCRIPTION	REFERENCE RANGE	SCORE	WEIGHTS	SCORE AWARDED
4.1	Incidence of processing in Sicily	Days of processing in Sicily (pre-production, filming) compared to total days of processing	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 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	0,6	5
			FROM 51% TO 75%	8		4,8
			UP TO 50%	6		3,6
			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	0,3	3
			FROM 31% TO 50%	8		2,4
			FROM 11% TO 30	6		1,8
			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	PRODUCT QUALITY				UP TO 32
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 14
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 14
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	Artistic cast	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
		3.3	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 31
4	Promoting economic and employment impacts on the Sicilian territory	4.1	Incidence of processing in Sicily	Days of processing in Sicily (pre-production, filming) compared to total days of processing	up to 10
		4.2	Number of Sicilian professionals between artistic component and 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 in Sicily (post production) compared to total processing days	up to 4
		4.4	Spending in Sicily	Percentage of expenditure in the territory compared to the contribution requested	up to 10
D		ECONOMIC/FINANCIAL SOUNDNESS OF PRODUCTIONS			UP TO 23
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 respect 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 15
		5.2	Robustness of the distribution plan	Soundness of the distribution plan with respect to: - presence of distribution contracts; - presence of deal memos	6 3
		5.3	Internationalisation	Presence of a co-producer and/or international distribution contracts.	2
MAXIMUM SCORE					100

In relation to the allocation of scores referring to quantitative variables in Table B (criteria 4.1, 4.2, 4.3 and 4.4), the sub-criteria and reference ranges are explained below.

CRITERION 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	0,4	4
			FROM 31% TO 50%	8		3,2
			FROM 11% TO 30	6		2,4
			UP TO 10%	0		0
4.4	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

ARTICLE 11 EVALUATION AND PROVISIONAL GRANTING OF THE CONTRIBUTION

11.1 Evaluation

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

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

The aforementioned Director General, 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 above measure is published on the institutional website of the same Department and is also communicated via 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 Commission, were not eligible for co-financing.

In accordance with the most recent case law, the rule of prior notice set forth in Article *10-bis* of the aforementioned Law No. 241/1990 does not apply to this public funding procedure, in consideration of the fact that the establishment of an adversarial procedure with the Administration in this case is incompatible with the need for speed that underlies the disbursement of the aid provided for by this public notice.

The amount of the grant that may be awarded will be calculated on the basis of the parameters set out in Article 6 above.

As specified above, projects scoring less than 65/100 shall not be considered eligible for co-financing under the over-the-counter procedure and, in any case, the possible attainment of the aforementioned minimum threshold of 65/100 does not guarantee the granting of co-financing in the event that the budget for each category of this notice is exhausted.

Within the following 15 days from the notification via PEC of the measure approving the lists of projects eligible for co-funding, the Beneficiaries are required to formalise their unconditional acceptance of the contribution to be granted to them, by means of appropriate 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 signed declaration (also by any production partners) of adherence to the "Integrity Pact", as provided for in Article 1, paragraph 17 of Italian Law No. 190/2012, according to the format that will be provided for this purpose.

In the event of co-funding exceeding €150,000.00, pursuant to Article 92 of Italian 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 granting of the contribution

Within 30 days of receipt of the aforementioned 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 Italian 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 (Visura "Degendorf");
- b) the verification of the regularity of contributions (DURC);
- c) any sample request to individual beneficiaries, pursuant to Article 74 of Italian 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 40%);**
- **Bank/insurance guarantee for the application for the above advance payment;**
- **Request for disbursement of the second instalment of the grant (up to 90%);**
- **Request for disbursement of the balance (up to 10%);**
- **General Accounts;**
- **Reporting matrix.**

The adoption of the accounting commitments, alternatively in the financial years 2022 or 2023, shall be established unilaterally by the Granting Authority for each of the subsidised works on the basis of the information contained in the respective Application Dossiers, taking into account the start date of filming, the inferable production schedule and the presumed end date of the co-financed works.

ARTICLE 12 OBLIGATIONS OF THE BENEFICIARY

The grantee, **under penalty of revocation of the grant awarded**, must:

- 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 Union, which meets all the requirements set out in this notice;
- c)** notify the Sicilian Region's Department of Tourism, Sport and Entertainment 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)** not cede the production of the audiovisual work for which co-funding was received to third parties during the production;
- f)** authorise the Sicilian Region - 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 processing of the audiovisual product within and no later than **18 months** from the date on which the Administration issues the Decree provisionally granting the subsidies, it being specified that this obligation binds both the Beneficiaries of the resources who have already started filming and those who have yet to start processing the product on the date on which the co-funding is granted;
- i)** submit the report no later than 6 months after the end of the processing (i.e. after the sample copy has been made);
- 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, 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)** deliver free of charge to the Administration, also during the above-mentioned reporting phase, five scene photographs, in electronic format, chosen by the Sicilian Film Commission, for which the exploitation rights for non-commercial communication and promotional purposes (also via web) will be transferred, guaranteeing their full and free availability, and relieving the Sicilian Region's Department of Tourism, Sport and Entertainment from any liability towards third parties;
- 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 collateral press conferences for the presentation of the work;
- n)** ensure that the following logos appear in the **headlines**, where they exist, with the same duration and size as those of the producers/associated producers/distributors:



- o)** ensure that the logos referred to in point **n)** above appear in the **first credits**, with the same duration and size as those of the producers/associated producers/distributors.

This obligation is to be considered extended, in string format and even if realised after project closure, on the following promotional-advertising material: posters, playbills, 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, as well as 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, to the approval of the Sicilian Region's Department of Tourism, Sport and Entertainment to verify the correct use of the logos;
- q)** make itself available, upon request of the Administration, to the identification of 60 seconds of audio-video promotional material of the audio-visual work, to be used exclusively for communication and promotional purposes of an 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, also undertaking to indemnify and hold harmless the Department of Tourism, Sport and Entertainment of the Sicilian Region from any claim, even from third parties;
- r)** document, for the co-funded work, the theatrical release in the case of feature films, or the broadcasting in the case of feature films of TV production, TV series/documentary TV series also in animation, or the fruition, also SVOD, in the 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, within the above-mentioned deadlines, 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 aforementioned reshaping 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 notify the Beneficiary of the admissibility of the proposed project changes.

No variant will be allowed if verification of the changes would result in a decrease in the score awarded at the assessment stage such that the project would be awarded a score lower than the minimum threshold for eligibility for co-financing set out in section 11.1. In this case, the Administration will proceed to exclude the project from the list of eligible projects, with the consequent revocation of the subsidies.

Despite the above, variants resulting in a reduction in production costs of more than 15% with respect to the project accepted for support will not be allowed in any case. 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 case of exceptional events and force majeure, which must in any case be adequately proven and documented, the granting administration - for reasons of protection of the public interest - reserves the right to accept any project variants that exceed the above-mentioned limits and assumptions.

ARTICLE 14 EXTENSIONS

With reference to Paragraph h) of Article 12 above, the Grantee may in any case apply to the Granting Authority for a single extension for the completion of the processing of the audiovisual product.

The request for the above-mentioned extension, **which may not exceed a period of 3 months with respect to the original project completion date indicated in the provisional concession decree**, must be sent to the Administration at least 30 days before the same date.

The request must give evidence that the failure to meet the deadline is not attributable to the Beneficiary of the subsidies, giving adequate reasons for the time slippage.

ARTICLE 15 PROJECT CONCLUSION, REPORTING AND FINAL GRANT AWARD

The funded 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-length films of film production, or the broadcasting in the case of feature-length films of television production, TV series/documentary TV series also in animation, or the fruition, also SVOD, in the case of documentaries and short films.

Within 6 months from the completion of the work, the Beneficiary has to 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 accounts, 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 General Final Account, whose consistency with the financial plan submitted at the time of the grant application will be verified by the Administration;

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 incurred for the implementation of the interventions financed with public resources, the simplification tools provided for the reporting of the facilitations from Community 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 Ledger Account 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 expenditure during the project's eligibility period and its consistency and congruity 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.

Only for the projects in the categories, also in animation, of "*Film/TV Production Films*" and "*TV Series*", the affidavit in question shall be provided by the Auditor in the form of a sworn expert's report pursuant to Article 5 of Italian Royal Decree no. 1366/1922. This appraisal shall replace, for all purposes, the management verifications by the Administration aimed at the disbursement of the final balance and the subsequent adoption of the final grant decree, in accordance with the procedures set forth in Article 16 below.

- b) Reporting Matrix**, in which the expenses eligible for co-funding (pursuant to Art. 6, directly referable to a minimum percentage of 150% of the grant awarded) must be reported in detail and individually, with attached copies of the expenditure and payment documents (receipted invoices, receipts of travel tickets, tax receipts, transfers, etc.). The Reporting Matrix must indicate the *Unique Public Investment Project Code* assigned to the grant (**CUP**) and reported in the provisional grant award decision.

All expenditure documentation submitted to the Administration must bear a description that allows its immediate traceability to the financing granted, through the explicit indication of the wording "*Expenditure incurred under the resources of the Development and Cohesion Plan (PSC) of the Sicilian Region*".

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

The final burden of documentation for the co-financed work remains with the Beneficiary:

- in the case of feature-length film/television productions, TV films, TV series/documentary TV series also in animation, the theatrical release, i.e. the airing;
- in the case of documentaries and short films, also SVOD fruition.

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

In any case, given the current deadline for closing the financial circuits of projects co-financed with 2014-2020 Development and Cohesion Fund resources, the Administration will have to proceed:

- the adoption of the provisional concession measure by 31/12/2022;
- the payment of the final balance of 10% no later than 31/12/2025

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

ARTICLE 16 DISBURSEMENT

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 40% of the grant):** Beneficiaries may request an advance payment of up to 40% of the grant provisionally awarded following notification of the relevant Decree.

The advance payment is subject to the simultaneous submission of a surety guarantee, suitable to cover the requested 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 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 Italian 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) - including the Confidi registered in the list pursuant to Article 107 - 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 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, i.e. a notarised private deed, in order to pre-establish the title for compulsory recovery through a collection agent. The above-mentioned guarantee documents shall be deemed valid even if they are digitally signed by both parties.

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 Italian 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 provision according to which the non-payment of the premium may in no case be invoked against the Sicilian Region, notwithstanding Article 1901 of the Italian Civil Code;

- 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.

2) second disbursement (up to 90% of the contribution): to be requested within 6 months from the completion of the production, together with the submission of the final cost statement for the entire production, with the simultaneous delivery to the Department of Tourism, Sport and Entertainment of the Sicilian Region of the **sample copy** of the audiovisual work realised.

The Beneficiaries shall also attach to the aforementioned application the duly completed "*reporting matrix*", complete with all the expenses incurred for the realisation of the work, i.e. corresponding to the production cost 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 bear a description that allows the immediate traceability to the financed project, through the explicit indication of the wording "*Expenditure incurred under the resources of the Development and Cohesion Plan (PSC) of the Sicilian Region*".

At the same time as the payment of the second disbursement, the Administration shall provide the release of the surety bond submitted by the Beneficiary at the time of the request for the advance payment referred to in point 1) above.

3) final balance (up to 10% of the grant): Within 6 months from the disbursement 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 Decree granting the final subsidy, the Grantee shall document, for the co-funded work the eventual theatrical release in the case of feature films, or the eventual broadcasting in the case of feature films of TV production, TV series/documentary TV series also in animation, or the eventual fruition, also SVOD, in the case of documentaries and short films.

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

It is reiterated that, given the current deadline for closing the financial circuits of projects co-financed with 2014-2020 Development and Cohesion Fund resources, the Administration must proceed:

- the adoption of the provisional concession measure by **31/12/2022**;
- the payment of the final balance of **10%** no later than **31/12/2025**

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

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 THE CONTRIBUTION

18.1 Cases of withdrawal

The co-financing granted will be 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 produced and/or checks carried out by the Administration reveal that the Beneficiary has produced false, inaccurate or incomplete declarations;
- in cases where the eligibility requirements set out in Article 5 of this notice are no longer met;
- in cases where, after the provisional grant of the subsidy 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 complete, within the deadlines set out in this Notice, the individual project phases (completion of the physical realisation, production of the sample copy, incurring of all production costs and the theatrical release/broadcasting/use of the audiovisual product);
- being subject to bankruptcy or other insolvency proceedings (composition with creditors, arrangement with creditors, compulsory liquidation, extraordinary administration);
- breach of the obligations laid down in the relevant legislation concerning the publicity of public co-financing;
- a definitive finding by the competent bodies of a breach of applicable obligations regarding safety in the workplace, compliance with collective labour agreements and social security and insurance matters;

- the established cause of forfeiture of the grant due to the failure to meet the essential requirements or due to irregularities in the documentation produced, in any case attributable to the Beneficiary and not correctable;
- the undue receipt of the Contribution by a final decision (intentional or gross negligence);
- in all 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 Withdrawal procedures

The Decree of revocation gives the Region of Sicily 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, pursuant to Arts. 7 and 8 of Italian Law No. 241/1990 as amended and supplemented, notifies the persons concerned of the commencement 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;
- to 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 PERSONAL DATA PROCESSING

Pursuant to Article 13 of Italian 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 termination 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* Director General of the Department of Tourism, Sport and Entertainment;
- f)** the Data Sub-Processor is the Manager in charge of Service 9 of the Sicilian Regional Department of Tourism, Sport and Entertainment;
- 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

INFORMATIONS - 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 same Administration may be contacted by telephone during normal reception hours (Sicilia Film Commission) on 091/7078133 - 091/7078264.

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 by interested economic entities, in the event that, for reasons not attributable to the Granting Authority, the resources allocated in the financial years 2022 and 2023 for the specific Thematic Area and/or Sector of Intervention of the Sicilian Region's CSP 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.

This is without prejudice to the Granting Authority's right to extend, reduce and/or amend, during the course of the procedure, the number and time span of the windows provided for in Paragraph 8.1 of this Notice, also in relation to the full allocation of the financial resources indicated in Article 6 above.

At the same time, in order to ensure the full use of the available resources, in the event that the projects admitted for funding with a score of at least 65/100 do not absorb the entire financial endowment made available by this Notice, the Granting Authority reserves the right to approve a separate merit ranking of the applications, submitted in both windows referred to in Paragraph 8.1, which have obtained a score between 60/100 and 64.9/100 (in the event of a tie, the project submitted chronologically first will prevail).

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 Sicilian regional territory, this public notice (without the documentation attached to it) will also be published in English on the website <http://www.siciliafilmcommission.org>.

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.