

CALL FOR APPLICATIONS FOR THE FUNDING OF PRODUCTION OF AUDIO-VISUAL AND FILM WORKS MADE BY ITALIAN AND INTERNATIONAL COMPANIES – 2016

Method and criteria for the submission of applications, the awarding of grants and the implementation of projects

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1. OBJECTIVES, PURPOSE AND OBJECT OF THE INITIATIVE

The Emilia-Romagna Region recognises the audiovisual and film production sector as strategic for the development of the economy, culture and tourism in its territory, capable of generating economic benefits for the region, stimulating employment and promoting the territory by attracting tourists. An Audiovisual Fund has therefore been established, pursuant to art. 10 of Regional Law no. 20 dated 23 July 2014, in order to support the production of cultural audiovisual works and films, made in Emilia Romagna, that contribute to developing the regional value chain and the professionalism of the various operators concerned.

This call for applicants governs the award of grants to support the production of audiovisual works and films made in the region by Italian and international undertakings, in application of the Regional programme for audiovisual and cinematic matters covering the three-year period 2015-17, which was approved by Legislative Assembly resolution no. 14/2015.

The grants available pursuant to this call for applicants represent aid to the production of audiovisual works, pursuant to art. 54 of Commission Regulation (EU) no. 651/2014.

2. PARTIES ELIGIBLE TO APPLY

The parties eligible to submit projects and, consequently, to benefit from the regional grant comprise the Italian, European or extra-European audiovisual, film and television production undertakings that meet one of the following criteria:

- a) they are the sole producer or majority co-producer of the project submitted or, in the case of co-productions with equal shares, they are the producer designated by the partner(s);
- b) they hold a contract, a deal memo or a draft contract with the producer of the project to carry out the executive production work. In the case of a draft contract or deal memo, the contract must be sent to the Region within 40 days of the application submission date, otherwise the project will not be eligible for funding, even if approved.

In particular, individual undertakings are eligible for grants if, at the time of submitting the application, they possess the following characteristics:

1. have primary ATECO code "59.11.00", if Italian, or the equivalent NACE classification Rev. 2 "59.11", if domiciled in a European Union country;
2. not be an undertaking in difficulties pursuant to art. 2, para. 1, point 18, of Commission Regulation (EU) no. 651/2014;
3. be properly formed and recorded on the Companies Register maintained by the Chamber of Commerce competent for the territory or, for foreign undertakings, by the registration body in their country of domicile;
4. be active and not currently subject to procedures involving liquidation (including voluntary liquidation), bankruptcy, creditors' arrangements, receivership or other court-supervised measures;
5. have a clear contributions status in terms of the payments made to INPS and INAIL and the related pension, social security and insurance requirements (clear DURC certification).

Interested undertakings are strongly advised to check that they meet the eligibility requirements before applying for a grant. The Region will take direct action to check possession of the above requirements for Italian undertakings. Foreign undertakings, on the other hand, must produce the related documentary evidence.

The absence or non-compliance with any one of the eligibility requirements indicated in this section will result in exclusion of the application.

Following submission of the application, all amendments or changes regarding the eligibility requirements indicated in this section of the call for applicants must be communicated to the Region on a timely basis, for the necessary checks and assessments.

Each undertaking may submit a maximum of two projects in relation to this call for applicants. It is not possible to submit two grant applications in relation to the same series to be shown on TV or the web. Each project must be submitted separately, otherwise neither will be eligible.

Undertakings cannot submit applications if they have had a grant revoked in full during the past 24 months, or if they have been awarded more than one regional grant in support of their production activities, pursuant to Regional Law no. 20/2014, for which the final report has not yet been prepared.

3. ELIGIBLE PROJECTS

The Region's initiative, pursuant to art. 10 of Regional Law no. 20/2014, is intended to award grants for the production (preparation, filming, post-production) of the following types of project in Emilia-Romagna:

- feature films (min. 75 minutes);
- films for TV (min. 75 minutes) or TV series – including individual episodes (min. 100 minutes);
- documentaries/docu-fictions; web series (min. 50 minutes).

Any of the above types can be made, in whole or in part, using animation techniques.

Projects are not excluded if their content represents advertising or is pornographic or racist, defends a crime or promotes, directly or indirectly, an institution, a political party or movement, its leaders or its activities. Projects carried out exclusively for educational and training purposes are also excluded.

To be eligible, projects must include at least 6 days' work in the region of Emilia Romagna, and meet at least one of the following criteria:

at least 30% of the total shooting days must be shot in the region of Emilia Romagna;
at least 30% of the estimated "below the line" costs must be incurred in the region of Emilia Romagna.

For projects mainly carried out using animation techniques or archive materials to be eligible, at least 50% of their total production cost (threshold specified in art. 54, para. 4, of Commission Regulation (EU) no. 1407/2013 of 18 December 2013) must be incurred in the region. This parameter can be checked by dividing the costs incurred in Emilia Romagna by the total production cost.

Projects are not eligible if their eligible costs, as defined in point 5.2 below, total less than Euro 15,000.00.

Work in the region must commence after the application for a grant has been submitted, within a maximum period of 120 days. Development and screenplay costs are not eligible for grant purposes and, as such, they may be incurred prior to submission of the application.

The deadline for completing the project is 31 December 2017, unless justified extensions are allowed pursuant to point 17 below.

The projects for feature films, films for TV and TV series submitted for a grant must necessarily be included in a distribution contract signed with a film distributor and/or broadcaster. This contract is not required in the case of projects submitted by an executive producer on the basis of contract, a draft contract or a deal memo signed with a broadcaster.

3.1 Available finance

Projects are deemed eligible if, at the time of submitting the application, they present a financial plan confirming the following minimum percentage coverage of the total project cost:

- 50% for feature films, films for TV and TV series;**
- 30% for documentaries/docu-fictions and web series.**

The following costs may be considered when determining if the available finance provides the minimum coverage:

- project development and copywriting costs already incurred, if documented;
- the producer's fee and general expenses (maximum of 15%);
- contributions made in kind, both in the form of voluntary unpaid work (e.g. by technical and artistic personnel) and for the use of fixed and fungible assets (e.g. audiovisual archive materials). These contributions must be formalised and quantified on the basis of reasonable and transparent calculations.

If the available finance reaches the minimum coverage as a result of contributions from the applicant undertaking or co-producers, bank documentation must be produced confirming that the amount declared is actually available. **Alternatively** and up to a maximum of 20% of the total budget for the project (reduced to 15% for documentaries/docu-fictions and web series), this availability may be self-certified by the producer pursuant to art. 46 of Pres. Decree no. 445/2000.

In the case of projects presented by executive producers working for a broadcaster, the minimum financial availability requirement is met by presentation of the contract, deal memo or draft contract between the parties. If only the deal memo or draft contract is presented together with the application, the signed contract between the parties must be produced within 40 days of the application submission date, otherwise the project will not be eligible for funding, even if approved.

All financial contributions from third parties, including the "external investor tax credit", must be supported by bank documentation confirming the actual availability of the amount, as well as by contract signed with the producer. If the contribution is made by a public administration, a copy of the award deed must be attached.

If the available finance reaches the minimum coverage as a result of a "production tax credit", a copy of the application presented to MiBACT - Directorate General for Cinema must be attached.

4. FINANCIAL RESOURCES

The financial resources available for implementing this initiative are allocated to budget headings U70578 "Audiovisual Fund. Grants to undertakings in support of and to promote audiovisual work and film production in Emilia-Romagna (arts. 10 and 11, Regional Law no. 20 dated 23 July 2014)" and U70583 "Audiovisual Fund. Grants to private non-profit institutions and associations in support of and to promote audiovisual work and film production in Emilia Romagna (arts. 10 and 11, Regional Law no. 20 dated 23 July 2014)" in the operating budget for 2016-2018 up to a **maximum of Euro 1,200,000.00.**

5. FINANCIAL CONDITIONS

5.1 *Grant intensity*

The assistance envisaged in this call for applicants consists of a grant made towards the cost of eligible expenses. The grant is made on the basis of points allocated using the assessment criteria described in point 9 below, up to the following maximums:

- **35%** for projects allocated between 60 and 75 points;
- **40%** for projects allocated between 76 and 90 points;
- **50%** for projects allocated more than 90 points.

The maximum grant is fixed at:

- Euro 150,000.00 for feature films, films for TV and TV series;
- Euro 50,000.00 for documentaries/docu-fictions;
- Euro 25,000.00 for web series.

5.2 *Eligible costs*

The eligibility period for expenses begins on the start date of activities, which may be prior to the application submission date.

On the basis and to the extent indicated in point 5.1 "Grant intensity", the production costs listed in attachment e) are deemed eligible for the purpose of calculating the grant, if **actually incurred in Emilia Romagna**. This includes any costs incurred by co-producers or executive producers (on condition that the documentation valid for tax purposes shows that they relate to the project concerned).

Value-added tax (VAT) only represents an eligible cost if actually and definitively incurred by the undertaking. VAT that may be recovered in some way is not deemed eligible, even if it is not actually recovered.

Eligible costs must always be evidenced by clear, specific and up-to-date documentary proof, and must be incurred within the time frame established for implementation of the project.

Costs incurred in Emilia Romagna are defined to comprise:

- the remuneration of persons resident in Emilia Romagna;
- non-durable consumable goods purchased or rented from suppliers with registered and operational offices in Emilia Romagna;
- durable goods rented from suppliers with registered and operational offices in Emilia Romagna;
- the cost of services provided by the owner, partners and directors and officers of the applicant undertaking, if resident in Emilia Romagna, on condition that the accounting documentation shows that these services relate to a specific project activity;
- the cost of permits and authorisations.

The costs incurred to certify the final statement of account for the project are also eligible, if the registered offices of the professional concerned are located in the region.

The following are not eligible costs:

- costs incurred in favour of suppliers with operational offices in Emilia Romagna whose registered offices are located elsewhere;
- the cost of services provided by the owner, partners and directors and officers of the applicant undertaking, if these services related to routine operations;
- contributions in kind (including professional credits);
- the purchase of durable operating assets;
- the cost of damages and indemnities;
- general expenses and the producer's fee.

With regard to any invoices from travel agents or tour operators with registered offices in Emilia Romagna, solely the related agency fees are deemed to be eligible.

6. AID STATUS

The grant pursuant to this call for applicants is made in compliance with Commission Regulation (EU) no. 651/2014 of 17 June 2014 (Commission Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty), published in OJEU L187 of 26 June 2014.

7. ACCUMULATION OF AID

The grant pursuant to this call for applicants may be accumulated together with other State aid, on condition that the measures cover different eligible costs. State aid may be accumulated in relation to the same eligible costs on condition that, in total, it does not exceed the aid intensity identified in Commission Regulation (EU) no. 651/2014.

Similarly, the grant pursuant to this call for applicants may be accumulated together with other "de minimis" aid, if the latter makes reference to eligible costs that are not identified. If the costs are identified, accumulation is possible up to the maximum intensity identified in Commission Regulation (EU) no. 651/2014.

Note that the maximum aid intensity for the production of audiovisual works, as defined in art. 54 of Commission Regulation (EU) no. 651/2014, is fixed at 50% of the eligible costs. The maximum intensity may be increased as follows:

- a) to 60% of the eligible costs for cross-border productions funded by more than one Member State and involving producers from more than one Member State;
- b) to 100% of the eligible costs for difficult audiovisual works and co-productions involving countries from the Development Assistance Committee (DAC) List of the OECD.

8. PROCEDURES AND DEADLINES FOR SUBMITTING APPLICATIONS

This is a **call for applicants on a "first come, first served" basis, open from 2 March to 31 July 2016.**

By deed of the competent Responsible Executive, the Emilia-Romagna Region reserves the right to reopen the deadline for the submission of applications if the available resources have not been used in full. The Region also reserves the right to suspend the procedure for the submission of applications, or close it early, if the allocated funds are used or become unavailable, as well as to

reactivate the procedure should additional resources become available. These communications will be published in the BURERT and on the website ["http://cultura.regione.emilia-romagna.it/cinema"](http://cultura.regione.emilia-romagna.it/cinema).

The submission of an application represents a self-executed affidavit pursuant to articles 46 and 47 of Presidential Decree no. 445 dated 28 December 2000 and subsequent amendments. If misleading, the statements contained in the application are subject to the criminal penalties and other consequences envisaged in that decree.

Subject otherwise to exclusion, grant applications must be submitted solely by completing the template form presented as *Attachment a)*, which may be downloaded together with all other necessary forms from the following website address <http://cultura.regione.emilia-romagna.it/entra-in-regione/patrocini-e-contributi/bandi>.

Applications must be accompanied by the following documentation, using the relevant forms where specified:

- a) copy of the valid **identity document** of the owner or legal representative;
- b) **financial plan**, prepared using the template form presented as *attachment b)*, certifying that at least 50% of the project costs are covered for feature films, films for TV and TV series, and at least 30% are covered for documentaries/docu-fictions and web series, and attaching all useful documentary evidence of the achievement of such financial coverage (see point 3.1);
- c) any **co-production contracts**;
- d) any **executive production** contracts, draft contracts or deal memos;
- e) self-executed affidavit, pursuant to art. 47 of Pres. Decree no. 445/2000 and subsequent amendments, stating that the applicant is **not an undertaking in difficulties** pursuant to Commission Regulation (EU) no. 651/2014, using the template form presented as *attachment c)*;
- f) **curriculum of the applicant undertaking** and all parties involved in the production (any co-productions or executive productions);
- g) **contract with a film distributor and/or a broadcaster** (required for feature films, films for TV and TV series);
- h) **detailed budget for project costs**, using the template form presented as *attachment d)*;
- i) **detailed budget for the production expenses to be incurred in Emilia Romagna**, using the template form presented as *attachment e)*;
- j) **subject, treatment and screenplay** for the work;
- k) **filmography of the director and the screenwriter**;
- l) **project marketing and distribution plan** (essential in order to assess the project on the basis of criterion no. 1 in point 10 below);
- m) **list of cast and crew** to be used during all filming carried out in Emilia Romagna, with detailed information about the professionals who are resident in Emilia Romagna, excluding extras and background actors, using the template form presented as *attachment f)*;
- n) copy of the Companies Register search or equivalent document issued by the Chamber of Commerce or equivalent body in the territory concerned (solely for foreign

undertakings);

- o) original certification evidencing a clear contributions status in terms of payments made and fulfilment of the related pension, social security and insurance requirements (solely for foreign undertakings that pay contributions exclusively to bodies in their country of origin);
- p) copy of the Form F23 used to pay the stamp duty (solely for those undertakings that submit their applications electronically);
- q) all other materials deemed useful to describe the project.

The use of forms that are not the same as those prepared by the Region will result in the application being ineligible. Forms in editable .pdf format must be completed first, then printed.

Subject otherwise to exclusion, applications for grants must necessarily be submitted in one of the following ways:

- by **registered post** to the following address: Emilia-Romagna Region – Youth, Sport and Culture Office - Viale Aldo Moro 38 – 40127 Bologna, indicating the wording “*Bando nazionale*” (national call for applicants) on the envelope. Subject otherwise to exclusion, the application must be signed by hand and accompanied by a photocopy of the identity document of the legal representative. Those choosing this method of submission must also attach a copy of all printed documentation in electronic form, on CD, DVD or USB flash drive;
- **electronically** to the following certified e-mail address (PEC) of the Emilia-Romagna Region: servcult@postacert.regione.emilia-romagna.it. Applications (with the related attachments) will be excluded if they are not sent from a certified e-mail address in unmodifiable ".pdf" format, bearing an electronic signature (whose certificate was issued by an accredited certification body). The subject line of the electronic submission must state: “*Bando nazionale*” (national call for applicants).

The despatch date for submissions sent by registered post is certified by the postmark.

The application must comply with the regulations governing stamp duty. Exempt undertakings must state the specific regulations justifying exemption in their application.

The stamp duty, if due, for applications sent by certified e-mail (PEC) must be paid using Form F23, which must be scanned and attached to the application. Those using this method must specify levy code "456T" and Territorial Office "TGD Bologna 1".

In the event of irregularities in the application of stamp duty pursuant to Pres. Decree no. 642/72, the Region will report the omitted tax payment to the competent office of the Tax Authorities.

9. INVESTIGATION OF APPLICATIONS

The selection procedure will address the projects proposed on a "first come, first served" basis, pursuant to art. 5, para. 3, of Decree no. 123/98.

Applications will be examined in chronological order of receipt by the Region.

Eligible projects will be funded in the order that the related applications are examined and approved, if applicable, until the available resources have been used in full. If supplementary information is required for an application, reference will be made to its arrival date for the purpose of determining order of receipt. If the available resources are insufficient in relation to applications with the same receipt date, priority will be given to the project that obtains the highest number of points at the assessment stage.

The procedure comprises two consecutive phases, the second of which is activated solely and exclusively if the first is passed:

1. formal investigation by the Culture Office to check compliance with the requirements and eligibility conditions specified in the call for applicants;
2. assessment of merit.

The formal acceptance of applications by the Culture Office is subject to the following conditions:

- presentation by the final deadlines established for the submission of applications in point 8 above, in the manner specified in this call for applicants;
- completeness of the required documents (the Region may request supplements to the information provided, which must be supplied within a maximum of 10 days, subject otherwise to exclusion);
- conformity of the forms used with those prepared by the Region;
- positive outcome of the check that the applicant and the project meet the eligibility requirements envisaged in points 2 and 3 of this call for applicants.

The assessment of merit will be carried out, within 60 days of submitting each project, by a specific assessment panel appointed by decision of the competent Director General, as envisaged in point 3.4 of the Regional programme for audiovisual and cinematic matters covering the three-year period 2015-17.

The assessment panel will determine:

- the list of projects eligible for grants, applying the "first come, first served" criterion;
- the amount of the costs eligible for a regional grant (the assessment panel will consider the reasonableness and consistency of the expense captions and, providing explanations, may decide to reduce them if necessary);
- the points awarded for the purpose of calculating the maximum percentage grant allowable, based on the assessment criteria defined in point 10 below;
- the list of projects that are not eligible for a regional grant, stating the reasons for exclusion.

The activities of the assessment panel will continue after approval of the list of eligible projects, in order to examine and assess any amendments or changes relating to the parties and projects funded by the Region.

10. ASSESSMENT CRITERIA

In order to assess the projects presented, the assessment panel will consider the following criteria and the related scores:

1) Quality of marketing and distribution strategies (max 15 points):

- a) consistency of the marketing strategy (40%);
- b) ability to highlight key elements and aspects (20%);
- c) involvement of the distributor, including financial participation (25%);
- d) use of technology to support access by blind and/or deaf individuals (15%).

2) Project feasibility (max 15 points):

- a) consistency of the financing strategy with the estimated production costs (40%);
- b) ability to implement the financing plan successfully (60%).

3) Benefits to the local community (max 30 points):

- a) ability to generate economic benefits for the territory concerned (30%);
- b) degree of involvement of regional artistic resources (30%);
- c) degree of involvement of regional productive value chain (40%).

4) Cultural and artistic merit of the project (max 40 points):

- a) ability to draw out the culture, history, landscape and socio-economic conditions of Emilia Romagna (50%);
- b) originality of the idea (20%);
- c) quality of the subject (30%).

Projects submitted by undertakings not based in the region will be automatically assigned 3 points if the registered offices of their minority co-producer(s), if applicable, are located in Emilia Romagna.

The minimum score for access to a grant is 60 points.

11. AWARDING GRANTS AND COMMUNICATING THE RESULTS OF THE INVESTIGATION

Based on the investigation referred to in point 9, the Regional Government will adopt a resolution:

- a) approving the list of projects eligible for a grant and, if applicable, those investigated with a positive outcome that cannot be funded following full allocation of the available resources;
- b) approving the list of projects that are not eligible for a grant, together with the reasons for exclusion;
- c) identifying the amount of the grant for each eligible project and awarding and making the grant, based on the amount of the costs deemed eligible and the score obtained, taking account of the requirement specified in letter b) of point 2) of this call for applicants;
- d) committing the related expense, to the extent of the resources allocated for this call for applicants;
- e) approving the format of the framework agreement.

Within 90 days of receipt of their applications, each applicant undertaking will be informed about the outcome of the investigation carried out by the Region.

The lists of eligible projects, specifying the grants awarded, will be published on the regional website "<http://cultura.regione.emilia-romagna.it/cinema>".

12. PAYMENT OF GRANTS

The grant awarded will be paid out by the Region, upon express request from the beneficiary undertaking, in one of the following ways:

- in two tranches:
 - 1) an advance of up to 50% of the grant, depending on the initial progress of work achieved by 31/12/2016, as supported by a specific report and certification of the costs incurred that must be presented by 10/02/2017;
 - 2) the balance on completion of the project and on presentation of a specific final statement of account, as referred to in point 13 below, that must be received within 40 days of completing the project;
- in three tranches:
 - 1) an advance of up to 30% of the grant, depending on the initial progress of work achieved by 31/12/2016, as supported by a specific report and certification of the costs incurred that must be presented by 10/02/2017;
 - 2) a second payment of up to 50% of the grant, depending on the progress of work achieved by 30/09/2017, as supported by a specific report and certification of the costs incurred that must be presented by 31/10/2017;
 - 3) the balance on completion of the project and on presentation of a specific final statement of account, as referred to in point 13 below, that must be received within 40 days of completing the project;
- in a lump sum upon completion of the project, on the basis described above in relation to the final balance.

In the case of reductions in the costs incurred under project expense headings included in the regional grant calculation, the competent Regional Executive will recalculate the regional grant on a proportional basis.

Payment of the grants referred to in point 5 is subject to obtaining a declaration from the beneficiary that it is not the recipient of a pending recovery order following an earlier European Commission decision declaring aid received to be illegal or incompatible with the internal market, except for relief schemes intended to compensate for the losses caused by certain natural disasters. This declaration, made pursuant to art. 47 of Pres. Decree no. 445/2000 and subsequent amendments, must be attached to each payment request.

13. FINAL STATEMENT OF ACCOUNT

Prior to payment of the balance of the grant awarded, beneficiary applicants must produce the following statement of account documentation within 40 days of completing the project:

- a) statement summarising all the production costs actually incurred, with evidence of the expenses incurred in Emilia Romagna; this statement must be certified at the producer's expense by a registered auditor or a professional member of a recognised accounting, bookkeeping, commercial appraisal or payroll consultancy body;

- b) copy in digital format of the accounting documentation for the eligible expenses incurred in the territory, with proper receipts. This documentation must include a description that allows immediate traceability to the funded project;
- c) statement of project cash flows;
- d) detailed lists of the cast and crew employed in the region, highlighting clearly those resident in Emilia Romagna, and the suppliers of goods and services with registered offices in Emilia-Romagna, prepared in the form of a self-executed affidavit;
- e) actual plan of shooting;
- f) three (3) copies of the finished work on DVD or Blu-ray and one (1) copy of the backstage shots (or special promotions), as well as one (1) copy on CD of at least 20 film stills;
- g) report explaining the completed project and an updated marketing and distribution plan.

14. OBLIGATIONS OF BENEFICIARIES

Activities in the region must necessarily start within 120 days of submitting the grant application.

Beneficiaries that, at the time the grant is awarded, have already carried out some or all of the activities must sign an agreement with the Emilia-Romagna Region, within 20 days of the date of the communication notifying the outcome of this call for applicants, governing in detail the obligations of both parties. In particular, the beneficiary undertaking must agree to:

- a) complete the project by 31 December 2017 and deliver the final statement of account, referred to in point 13, to the Region within 40 days of completing the production;
- b) comply with Law no. 136 dated 13 August 2010 "Special anti-mafia plan and mandate to the government on anti-mafia regulation" (Italian Official Gazette no. 196 dated 23 August 2010);
- c) notify the Region by e-mail about any and all changes that occur with respect to the situation envisaged at the time of the application;
- d) organise, in the case of feature films, films for TV and TV series, a press conference in Emilia Romagna attended by the director and/or by the leading actors and representatives of the Region;
- e) include the logo of the Emilia-Romagna Film Commission and the wording "with support from the Emilia-Romagna Region" in the opening credits or, alternatively, as the first card in the closing credits, and in all information, advertising and promotional documents about the work (pressbook etc.);
- f) grant the Region a free right to use the cinematographic work and the scene and backstage photographs solely for institutional purposes and for the institutional promotion of the Emilia-Romagna Region and the activities of the Emilia-Romagna Film Commission;
- g) organise, in the case of feature films or documentaries/docu-fictions, the projection of the work in the region with the presence of the director and at least one of the leading actors;

- h) deliver to the Region, without any additional charge, three (3) copies of the finished work on DVD or Blu-ray and one (1) copy of the backstage shots (or special promotions), as well as one (1) copy on CD of at least 20 film stills;
- i) deliver a copy of the finished work for conservation purposes to Fondazione Cineteca di Bologna, being the body identified by the Region as the legal repository of cinematographic works;
- j) if the work participates in domestic or international festivals, arrange for a representative of the Region to attend the presentation press conference.

Beneficiaries that, at the time the grant is awarded, have not yet started the project activities must, before starting them, sign an agreement with the Emilia-Romagna Region governing in detail the obligations of both parties. In particular, in addition to the points envisaged in letters a), b), c), d), e), f), g), h), i) and j) of the previous paragraph, the beneficiary undertaking must agree to:

- allow a representative of the Region to be present at any time during filming;
- allow the Region to make video recordings and take photographs during filming, solely for documentation purposes;
- allow the presence of students studying at the Region's Universities for work experience as part of their curriculum, without cost for the beneficiaries (solely for feature films, films for TV and TV series).

15. CHECKS, REVOCATIONS AND REPAYMENT OF GRANTS

15.1 Checks

The Region reserves the right to carry out all checks and on-location inspections, both before and for 5 years after completion of the project, in order to verify and determine the following:

- compliance with the conditions envisaged for obtaining the grant and consistency of the work performed with the project for which the grant was awarded;
- that the expenses declared are true, were actually incurred and agree with the accounting and supporting documents retained by the beneficiary.

Beneficiaries of awards must allow, facilitate and not hinder, in any way, the checking activities carried out the Region and must keep available all supporting documents for the eligible costs incurred.

15.2 Revocations

The grants will be revoked in full by the Region and any amounts already paid will be recovered in the following cases:

- if the beneficiary undertaking does not start work in the region within 120 days of submitting the application;
- if the checks or on-location inspections carried out by the Region have an adverse outcome;
- if the content and results delivered by the project are not consistent with the project for which the grant application was submitted, if this was

- due to changes made during production that were not notified to and approved by the Region;
- if the beneficiary does not comply with the deadline specified in this call for applicants for completing the project and presenting the final statement of account, having regard for any extensions allowed;
- if the changes arising subsequent to awarding the grant affect the assessment criteria and reduce the score below the minimum threshold of 60 points for access to the grant, as stated in point 10;
- if the beneficiary notifies its decision to forego the grant.

In addition, failure to comply with the obligations stated in letters b) to j) of point 14 "Obligations of the beneficiary" will result in total revocation of the grant if the beneficiary still fails to comply after 20 days have elapsed following the receipt of a reminder from the Region.

15.3 Repayment of grants

Grants paid that are found not to be payable will be revoked and the undertaking must repay them to the Region, uplifted by interest at the legal rate that accrued in the period between the grant receipt date and the grant repayment date. Legal interest is calculated at the rate envisaged in art. 1284 of the Italian Civil Code in force at the adoption date of the resolution revoking the grant.

The Region will make direct arrangements to recover the above amounts.

16. FORGOING THE GRANT

In the event of impediments of any kind that prevent completion of the activities, the grant beneficiary is required to notify the Region about their onset on a timely basis and to present a formal declaration forgoing the grant.

If the beneficiary forgoes the grant, the Region will revoke the entire amount of the grant awarded and activate recovery procedures for any amounts already received by the beneficiary, as uplifted by the legal interest accrued in the meantime.

17. EXTENSIONS

Requests for an extension of the project completion deadline envisaged in this call for applicants may be presented by submitting a specific written request, accompanied by suitable reasoning and explanations, signed by the legal representative of the beneficiary undertaking.

Usually, if deemed appropriate, an extension may be granted for a maximum period of 6 months.

Extension requests must be presented to the Region before expiry of the above-mentioned deadline. Extension requests presented to the Region after expiry of the above-mentioned deadline will be ignored.

18. CHANGES REGARDING THE BENEFICIARY

Grant beneficiaries are required to notify the Region on a timely basis about any cessation of activities, as well as about any other facts arising after submission of the application with regard to the subjective requirements met by the undertaking that might result in the loss of a requirement for grant eligibility.

19. MONITORING AND ASSESSMENT

The Region carries out monitoring activities to check on the actual implementation of the funded projects and on the achievement of the established objectives.

For this purpose, beneficiary undertakings are required to provide full collaboration and information, on the basis and timing to be indicated by the Region, regarding the implementation status of their projects and the resulting effects.

20. NOTIFICATION OF THE START OF THE PROCEDURE - PERSON RESPONSIBLE FOR THE PROCEDURE

The elements and contents of the notification of the start of the procedure pursuant to articles 7 and 8 of Law no. 241/1990 are indicated below:

Competent administration: Emilia-Romagna Region - Directorate General - Culture, training and labour;

- Object of the procedure: Call for applicants for grants to fund audiovisual productions and films made by Italian and international undertakings - 2016. Method and criteria for the submission of applications, the awarding of grants and the implementation of projects;
- The Person responsible for the procedure is Claudia Belluzzi – O.P. manager for the “Promotion of cinematographic and audiovisual activities”;
- The investigation procedure will start on the day after the application submission date and the procedure will usually be completed within 90 days (unless the deadline is suspended pursuant to art. 17, para. 3, of Regional Law no. 32/1993). The above usual deadline may however be extended if there are many applications or if the investigative requirements are found to be detailed and complex;
- Office where the deeds can be examined: Culture Office.

This section of the call for applicants represents for all effects "notification of the start of the procedure" pursuant to articles 7 and 8 of Law no. 241/1990.

21. INFORMATION ABOUT THE PROCESSING OF PERSONAL DATA

1) Introduction

Pursuant to art. 13 of Decree no. 196/2003 - "Code for the protection of personal data" (hereinafter, the "Code"), the Emilia-Romagna Region as the "Data Controller" of processing is required to give you information about the use of your personal data.

The processing of your data in order to carry out the institutional functions of the Emilia-Romagna Region, as a non-economic public entity, does not require your consent.

2) Source of personal data

Your personal data is collected by recording the information provided by you, as the data subject, upon receipt of the forms for participation in the call for applicants.

3) Purpose of processing

Personal data is processed for the following purposes:

- a. awarding of grants pursuant to the "Call for applicants for grants to fund audiovisual productions and films made by Italian and international undertakings - 2016. Method and criteria for the submission of applications, the awarding of grants and the implementation of projects", in accordance with Regional Law no. 20/2014;
- b. statistical processing;
- c. monitoring activities, research and studies of sector performance.

4) Methods of processing data

The processing of personal data for the purposes described is carried out manually and using computers and data transmission equipment, applying logic that is closely correlated with the purposes described above and, in all cases, in a manner that guarantees the security and confidentiality of the data concerned. Having achieved the established objectives, the data is deleted or transformed into an anonymous form.

5) Optional provision of data

The provision of data is optional, however in its absence it will not be possible to achieve the objectives described in point 3 ("Purpose of processing").

6) Categories of parties to which data may be communicated or that may become aware of it in their positions as Data Processors or Persons tasked with processing

Your personal data may become known solely to those operators within the Sport, Culture Office of the Directorate General Culture, training and labour of the Emilia-Romagna Region who are designated as Persons tasked with processing.

Exclusively for the purposes envisaged in paragraph 3 (Purpose of processing), your personal data may become known to third-party companies that supply services to the Emilia-Romagna Region, following their designation as Data Processors, and that guarantee the same level of protection.

Pursuant to art. 18 of Decree no. 83 dated 22 June 2012 (as converted into Law no. 134 dated 7 August 2012), some of the personal data communicated by you to the Emilia-Romagna Region may be published on the Region's institutional website. Specifically, in accordance with the above legislation, the following information is published if awards or economic advantages are granted:

- a) the name of the undertaking or other beneficiary and its tax reference details;
- b) the amount;
- c) the regulation or reason for which the grant was made;
- d) the office and the official or executive responsible for the related administrative procedure;
- e) the method adopted to identify the beneficiary;
- f) the link to the selected project, to your curriculum (if you are award beneficiary) and to the contract and specifications for the work, supply or service.

7) *Rights of the Data Subject*

Lastly, you are informed that the regulations governing the protection of personal data allow Data Subjects to exercise specific rights in accordance with art. 7 of the "Code", which is stated below:

1. Data subjects are entitled to obtain confirmation of the existence or otherwise of their personal data, even if not yet recorded, and to receive that information in an intelligible form.
2. Data subjects are entitled to obtain information about:
 - a) the origin of the personal data;
 - b) the purposes and methods of processing;
 - c) the logic applied in the case of processing carried out with the use of electronic equipment;
 - d) the identification details of the data controller, the data processors and the representative designated pursuant to art. 5, para. 2;
 - e) the parties or categories of party to which personal data may be communicated or that may become aware of it in their positions as designated representative in the territory of the State, data processors or persons tasked with processing.
3. Data subjects are entitled to obtain:
 - a) the update and the correction of their data and, if of interest, to add further information;
 - b) the deletion, the transformation into an anonymous form or the blocking of data processed in violation of the law, including that which need not be retained having regard for the purposes for which the data was collected or subsequently processed;
 - c) confirmation that the operations referred to in letters a) and b), together with their content, have been drawn to the attention of the persons to which the data was communicated or disseminated, except if fulfilment of this requirement is impossible or would require the employment of resources that are manifestly disproportionate to the right safeguarded.
4. Data subjects are entitled to object, in whole or in part:
 - a) for legitimate reasons, to the processing of their personal data, even if relevant to the purpose for which it was collected;
 - b) to the processing of their personal data for the sending of advertising or direct marketing materials or for carrying out market research or making commercial communications.
 - c)

8) *Data Controller and Data Processors*

- d) The Data Controller for the processing of the personal data addressed by this information is the Emilia-Romagna Region with registered offices at Viale Aldo Moro 52, 40127 Bologna.
- e) The Emilia-Romagna Region has designated the Director General of Culture, training and labour as the Data Processor. This is the contact person if the rights described above are exercised.
- f) In order to simplify the process of sending requests and reduce the time taken for replies, you are invited to present the requests referred to in the previous paragraph to the Emilia-Romagna Region, Public Relations Office (Urp), either in writing or by visiting the Urp desk directly.
- g) The Urp is open from Monday to Friday from 9 am to 1 pm at Viale Aldo Moro 52, 40127 Bologna (Italy): telephone 800-662200, fax 051-527.5360, e-mail urp@regione.emilia-romagna.it.
- h) Requests pursuant to art. 7, paras. 1 and 2, of the Code made be expressed verbally.

22. PUBLICATION OF DATA PURSUANT TO DECREE No. 33/2013

The distinctive elements of the beneficiary undertakings and the projects are subject to publication pursuant to Decree no. 33 dated 14 March 2013 and in accordance with the interpretative guidelines and instructions contained in the Regional Government resolution no. 66/2016.

23. INFORMATION

Telephone information may be obtained from 9 am to 12 noon by calling: Claudia Belluzzi, tel. 051 5273646 - Roberto Bosi, tel. 051 5273318 - Davide Zanza, tel. 051 5273581. It is also possible to send requests by e-mail to: filmcom@regione.emilia-romagna.it