

# Decree of the President of the Region of 20 August 2007

## No.0261/Pres.

Regulation on the conditions and criteria for the assignment to the Association “Friuli Venezia Giulia Film Commission” of the Film Fund appropriation to support the making of audiovisual works aimed at promoting the Friuli Venezia Giulia region and of funding to carry out its institutional activity in compliance with Article 10 of the Regional Law of 6 November 2006, No. 21.

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### Article 3

#### Film Fund destination

1. The support of the Film Fund referred to in Article 1 can be requested for:

- a) the implementation of initiatives aimed at promoting the region as a location for the making of a film; b) the funding of expenses concerning the supply of services to public and private subjects (hereinafter referred to as “Productions”) making films in the regional territory;
- c) taking part to promotion initiatives of films made in the region.

2. No support will be provided to commercial, pornographic, racist films, films supporting violence or programmes promoting an institution and its activities.

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### Article 6

#### Aid system

1. Should the beneficiaries be undertakings, the funding will be granted on the basis of the “de minimis” rule laid down in Regulation (EC) No.1998/2006 of the Commission of 15th December 2006 concerning the application of Articles 87 and 88 of the Treaty on de minimis aid, published in the Official Journal of the European Union L series No. 379 of 28 December 2006.

2. The Association will take care of the implementation of all tasks and arrangements laid down in the existing law on state aid concerning the granting of the contributions referred to in this Regulation.

3. The contributions cannot be combined with other public aids granted to the same initiatives and relating to the same expenses, if this combination leads to an aid intensity exceeding the intensity referred to in Article 2 (5) of Regulation (EC) No. 1998/200.

### Article 7

#### Financing applications of Productions

1. The Productions as referred to in Article 3 (1) (b) shall apply for a contribution using the specific form provided by the Association and they must be established in Italy, in EU Member countries or in countries outside the EU. Applications must be received by the Association at least 10 days before the date foreseen for the starting of shooting in the regional area.

2. Documents to attach to the application:

- a) summary report of audiovisual works carried out by the Production;
- b) film story;

- c) film script;
- d) professional CV of the film director and of main actors;
- e) distribution or broadcasting agreement of the film, if there is one.

3. In addition to the documents referred to in paragraph 2, undertakings must attach the registration certificate of the Chamber of Commerce, or in the case of foreign enterprises, an equivalent document containing all relevant data of the undertaking, the object of the undertaking, the name of its legal representative and a sworn statement released by the legal representative stating any other de minimis aid granted in the two previous financial years and in the current financial year and also stating the pledge to inform about any other subsequent relevant change.

4. In addition to the documents referred to in paragraph 2, subjects that are not undertakings must attach their deed of incorporation and their statutes, or any other appropriate document attesting the same date required from undertakings.

5. The Association is entitled to require additional documents from Productions.

6. Applications are assessed on the basis of the documents received and, if necessary, their truth can be checked.

7. Submitting an application does not give the right to the aid, even though the required objective and subjective criteria are met.

## Article 8

### Productions' obligations

1. In order to benefit from the aid granted through the specific Film Fund appropriation, Productions must meet the following conditions:

a) the shooting on the regional territory must start within the 31 December of the year in which the Productions have applied for the aid and the Association must be notified before the beginning of the shooting;

b) an expense equivalent to at least 150 per cent of the aid must be effected in the territory of Friuli Venezia Giulia, only fixed costs and staff costs are excluded. To this end, the beneficiary may include also VAT amount, which, according to the existing tax law is charged to the beneficiary and cannot be recovered. In such a case, proof must be shown to the Association;

c) at least 70 percent of the total of location shooting of the edited film and at least 50 per cent of the total shooting of the edited film must be made in the regional territory;

d) for Productions remaining on the regional territory for less than five weeks of shooting and for serial films consisting of more than two episodes, by way of derogation from letter c), shooting on the regional territory must amount to at least 10 per cent of the total location shooting of the edited film;

e) release in cinemas or broadcasting of the film within the peremptory time limit of 31 December of two years following the year of the granting of the aid. The penalty is the withdrawal of the funding granted in the percentage referred to in Article 10 (1) (b).

2. Productions shall also:

a) include the wording "in collaboration with the Friuli Venezia Giulia Film Commission" in the opening credits of film productions with more than three weeks of shooting on the regional territory;

- b) include their first thanks - and logo where required - to the “Autonomous Region Friuli Venezia Giulia” and to the “Friuli Venezia Giulia Film Commission” in the closing credits of all audiovisual works and of every episode of serial films;
- c) organize during the shooting period a press conference in the presence of the film director, the main actors, the regional Councillor for production activities and the president of the Association or their deputies, without selecting or excluding any media representative;
- d) grant free of charge to the Association the right of use of at least five stage pictures chosen by the Association and a permission to an operator appointed by the Association to make backstage pictures and shooting for at least one day of shooting;
- e) be obliged in accordance with Article 6 (4) of Regional Law 21/2006 to deposit a copy of the film - at least on digital support- made with the aid of the above-mentioned regional law in the Cineteca del Friuli within a year from public release together with a right of use for non- trading purposes;
- f) authorize the presence of a representative of the Association on set according to established conditions and timetable;
- g) for film productions only: organize the showing of the film on the regional territory in the presence of the director and at least one of the main actors and involve the Association in the press conference to present the film, even though the film has already been presented at national or international film festivals.
3. The Association will check that the conditions referred to in paragraphs 1 and 2 are met and upon the submission of Production reporting it will also testify to the regional Administration.

## Article 9

### Communication to Productions

1. The Association is charged with the preparation of requests for aid referred to in Article 3 (1) (b) and shall submit to the Region a proposal for the use of resources to earmark for Productions after analyzing and appraising the quality and the originality of the contents and of the feasibility of the projects submitted, keeping into account:
- a) the story, the script and any other feature of the film as elements promoting the image of Friuli Venezia Giulia region in Italy and abroad;
- b) the economic effects on the regional territory also with a view to enhance tourism;
2. The Association shall inform the Productions on the amount of the aid granted. The Association shall ask Productions to accept the aid and to fulfil all related obligations laid down in this Regulation;
3. The aid referred to in Article 3 (1) (b) which are not used or that have become available, may be used by the Association in compliance with paragraph 1 and 2 in the financial year following the year in which the aid will be granted.

## Article 10

### Allocation of funding to productions

1. The aid shall be granted to Productions which have submitted the documents referred to in Article 12 and in accordance with what may be possibly established in the communication referred to in Article 9 (2) as follows:
- a) 50 per cent after the Association has approved the reporting submitted by Productions;

b) 50 per cent after the film has been released or broadcast, if the deadline laid down in Article 8 (1) (e) has been met.

2. The legal representative of the Association will submit together with the report a sworn statement testifying that the work of the Productions which have been granted the aid has been fair and has complied with the laws regulating this matter, with this Regulation and any other additional condition which may be required and also testifying that the report as referred to in Article 12 has been approved.

3. The aid application referred to in paragraph 1 (b) shall be submitted together with a sworn statement testifying the release or the broadcast of the film as laid down in this Regulation.

4. The Association must prove to the Region with documents that the payments effected to the Productions have taken place in conformity with Article 43 of Regional Law of 20 March 2000, No. 7 and subsequent amendments and with any other additional provision.

5. The Association shall grant the aid to Productions as referred to in paragraph 1 after the crediting of the relevant regional funding.

6. If for any reason the Association is not able to grant the aid referred to in paragraph 1, it shall immediately inform the Region and return the amount to the Region as laid down in Article 47 and in the following articles of Regional Law 7/2000.

## Article 11

### Funding ceilings

1. The funding granted to Productions can reach a maximum of:

- a) EUR 140,000 for film shooting on the regional territory for longer than seven weeks;
- b) EUR 60,000 for film shooting on the regional territory for longer than five weeks;
- c) EUR 20,000 for film shooting on the regional territory for longer than three weeks;
- d) EUR 5,000 for film shooting on the regional territory for longer than a week.

## Art. 12

### Statement of expenses of Productions

1. In order to be granted the aid, Productions must submit to the Association a report on the expenses incurred consisting of the documents referred to in Articles from 41 to 43 of Regional Law 7/2000 together with a sworn statement of the legal representative within sixty days from the last day of shooting on the regional territory and on the basis of their legal status. The sworn statement will have to prove the relevance, the regularity, the adequacy and the payment of the expenses referred to in the report. However, the Association is entitled to require from productions the original documents or the certified copy of the original expense documents duly receipted and it is also entitled to demand clarifications. The reported expense amount incurred on the regional territory must be equal to at least 150 per cent of the aid; if it is not, the aid shall be reduced or even withdrawn in compliance with:

- a) the percentage referred to in Article 8 (1) (b);
- b) Article 11 (1) of this Regulation, if the Association - with the assent of the Region - holds valid the justifications advanced and its decision is unquestionable.

## Article 13

### Monitoring

1. As laid down in Article 44 of Regional Law 7/2000, the Region is entitled to carry out checks concerning the aid granted also on the Association.

## Article 14

### Transitional measure

1. The provisions of this Regulation shall apply to procedures under way on the date of entry into force of this Regulation concerning applications submitted for activities to carry out in 2007.

## Article 15

### Repeal

1. The Regulation referred to in the decree of the President of the Region of 19 November 2004 No. 0386/Pres. is repealed.

## Article 16

### Entry into force

1. This Regulation shall entry into force on the day following its publication in the Official Journal of the Friuli Venezia Giulia region.

Endorsed by the President of the Region: ILLY