

Decision number: [...]

Model grant decision (mono beneficiary): March 2014



Education, Audiovisual and Culture Executive Agency

Creative Europe - MEDIA

**CREATIVE EUROPE
MEDIA Sub-programme**

Established by Regulation No 1295/2013 of the European Parliament and of the Council of 11 December 2013 (ref. Official Journal N° L 347 of 20 December 2013) and its corrigendum of the 27/06/2014 (OJ L189/260)

GRANT DECISION FOR AN ACTION

Financing exclusively by lump sum contribution(s) and/or unit contribution(s)

Decision Nr [...] of the

Education, Audiovisual and Culture Executive Agency

on the award of a grant to support SUPPORT FOR FILM FESTIVALS

within the Creative Europe - MEDIA

TITLE: [...]

The **Education, Audiovisual and Culture Executive Agency** (hereinafter referred to as "the Agency"), acting under powers delegated by the European Commission (hereinafter referred to as "the Commission"),

Having regard to the Treaty on the Functioning of the European Union;

Having regard to the Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020)¹ and its corrigendum of 27 June 2014²;

Whereas:

¹ OJ L 347 of 20.12.2013, p.221.

² OJ L 189/260 of 27.06.2014

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

- (1) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union³ (hereinafter the «Financial Regulation») and Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union⁴ provide the framework for the award of Union grants;
- (2) Commission Implementing Decision of 18 December 2013 establishing the "Education, Audiovisual and Culture Executive Agency"⁵ and repealing Decision CE(2009)336 of 20 April 2009⁶ setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003⁷ provides that the Agency is responsible for the management of grants to be awarded under the Union programmes delegated to it, including the Creative Europe – MEDIA Sub-programme;
- (3) Commission Decision C(2015)658 of 12 February 2015 amending Commission Decision C(2013)9189 of 18 December 2013 delegating powers to the Education, Audiovisual and Culture Executive Agency with a view to performance of tasks linked to implementation of Union Programmes in the fields of education, audiovisual and culture, comprising, in particular, implementation of appropriations entered in the general budget of the Union and the EDF allocations;
- (4) On XX.09.2016, the Agency has published the call for proposals EACEA 16/2016 Support for Film Festivals (the "call") in order to support European film festivals within the framework of the Creative Europe – MEDIA Sub-programme;
- (5) Whereas this Grant Decision is the result of a call for proposals by which applicants have been informed of the model Grant Decision of the Agency and of the General Conditions. Submission of a grant application implies acceptance of the General Conditions annexed to this Grant Decision;
- (6) The addressee of this Grant Decision presented a request for a grant under this call for proposals (application No [...]) wherein he declares that he has taken note of the conditions set out in the call, including the General Conditions of the model Grant Decision annexed to it, and accepts them;

³ OJ L 298 of 26.10.2012, p. 1.

⁴ OJ L 362 of 31.12.2012, p. 1.

⁵ OJ L 343 of 19.12.2013, p. 46

⁶ OJ L 101 of 21.04.2009, p. 26, as amended subsequently.

⁷ OJ L 11 of 16.01.2003, p. 1.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

- (7) The application fulfils the conditions set out in the abovementioned call for proposals and has been selected;
- (8) The Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁸ and Regulation (EU, EURATOM) No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁹ provide for measures for the effective protection of the Union's financial interests;
- (9) The Agency, the Commission and the European Court of Auditors may check the use made of the grant at any time during the implementation of the action and during a period of five years following the date of payment of the balance or of three years following the payment of the balance in the case the maximum amount of the grant is not more than EUR 60.000;
- (10) Whereas the Commission has taken a decision n° C(2013)9199 of 18 December 2013 authorizing the use of lump sum and reimbursement on the basis of unit costs to cover one or more different categories of eligible costs under the Creative Europe – MEDIA Sub-Programme.

HAS DECIDED AS FOLLOWS:

8 OJ L 292, 15.11.1996, p. 2–5.

9 OJ L 136, 31.5.1999, p. 1–7.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ARTICLE 1 – PURPOSE OF THE GRANT

A European Union grant is awarded to:

[full official name] [ACRONYM]

[official legal status or form]

[official registration No]

[official address in full]

hereinafter referred to as “the beneficiary”,

represented for the purposes of this Grant Decision by [...]

for the action entitled [...] (“the action”) as described in Annex I, under the terms and conditions set out in the present Grant Decision, the General Conditions and the other Annexes to this Grant Decision.

The action shall correspond to the statutory activities and objectives of the beneficiary.

As declared in the application submitted, the beneficiary has accepted the grant and agreed to implement the action acting on its own responsibility.

ARTICLE 2 – ENTRY INTO FORCE OF THE GRANT DECISION AND DURATION

2.1 The Grant Decision shall enter into force on the date of its notification to the beneficiary.

2.2 The action shall run as of [...] (“the starting date of the action”) and shall end on [...].

ARTICLE 3 - MAXIMUM AMOUNT AND FORM OF THE GRANT

The grant shall be of a **maximum amount of EUR [...]** and shall take the form of:

- (a) Reimbursement of eligible costs: not applicable.
- (b) Unit contribution: not applicable.
- (c) **A lump sum contribution of EUR [...]** (“lump sum contribution”) according to the grid of applicable formulas detailed in Annex VIII
- (d) Flat-rate contribution: not applicable.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ARTICLE 4 – ADDITIONAL PROVISIONS ON REPORTING, PAYMENTS AND PAYMENT ARRANGEMENTS

4.1 Reporting periods, payments and additional supporting documents

In addition to the provisions set out in the General Conditions n° 23 and 24, the following reporting and payment arrangements shall apply:

- Upon notification of this Grant Decision, a pre-financing payment of 50% of the maximum amount specified in Article 3 shall be paid to the beneficiary.

Payment of the balance

- Sole reporting period from [...] to the end of the period set out in Article 2.2: The balance shall be paid to the beneficiary, subject to the receipt of the documents in accordance with General Condition n° 23.2.(a) and all other accompanying documents mentioned under the section “Other supporting documents” of this Article.

Other supporting documents:

The request for payment of the balance shall be accompanied by the following documents justifying the final determination of the lump sum:

- The festival’s latest official, printed catalogue and programme, and any other additional evidence that the Agency might request in order to validate the final report and determine the final grant.

The verification of the implementation of the action will be focused on the number of European films in the programming.

In the event of non-execution or clearly inadequate execution of an activity planned in the application attached to the grant agreement, the final grant will be reduced according to the lump sums grids detailed in the Annex VIII, and where applicable, if the total of earlier payments is higher than the final grant amount, the beneficiary will be required to reimburse the amount paid in excess by the Agency.

In addition to the above mentioned documents, the beneficiary shall produce a public summary in English providing information about the results of its project. The summary must be included in the final report submitted to the Agency.

4.2 Time limit for payments

The time limit for the Agency to make payment of the balance is 60 days.

4.3 Language of requests for payments, technical reports and financial statements

All requests for payments, technical reports and financial statements shall be submitted in preferably in English, or otherwise in French or in German.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ARTICLE 5 – BANK ACCOUNT FOR PAYMENTS

All payments shall be made to the beneficiary's bank account, denominated in euro, as indicated below:

Name of bank:

Address of branch,

Precise denomination of the account holder

Full account number (including bank codes):

IBAN code:

ARTICLE 6 - DATA CONTROLLER AND COMMUNICATION DETAILS

6.1 Data controller

The entity acting as a data controller according to General Condition n° 6 shall be the person who is representing the Agency for the purposes of the signature of this Grant Decision.

6.2 Communication details of the Agency

Any communication addressed to the Agency shall be sent to the following address:

Education, Audiovisual and Culture Executive Agency
Ms.Soon-Mi Peten
Creative Europe - MEDIA Unit/B2
Avenue du Bourget, 1
1049 Brussels
BELGIUM
E-mail address: EACEA-MEDIA-FESTIVALS@ec.europa.eu

6.3 Communication details of the beneficiary

This Grant Decision is addressed to the beneficiary:

Full name]
[Function]
[Name of the entity]
[Full official address]
E-mail address: [complete]

Any communication from the Agency to the beneficiary shall be sent to the above mentioned address.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ARTICLE 7 – ADDITIONAL PROVISIONS ON USE OF THE RESULTS (INCLUDING INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS)

Not applicable

ARTICLE 8 – ORDER OF PRECEDENCE AND ANNEXES

The Annex II "General Conditions" (hereinafter referred to as the "General Conditions") and the other Annexes to the present Grant Decision form an integral part of the present Grant Decision. The terms set out in this Grant Decision shall take precedence over those in the General Conditions. The terms of the General Conditions shall take precedence over the other Annexes.

ARTICLE 9 – OTHER SPECIAL CONDITIONS

ARTICLE 9.1 – CONDITIONS FOR CALLS FOR PROPOSALS

The Agency shall consider as «substantial obligation» within the meaning of General Condition 16.2.1 (b), inter alia, the compliance by the beneficiary, during the duration of the grant decision, with the eligible criteria set out for the beneficiaries and the action in the Call for Proposals.

ARTICLE 9.2 - INAPPLICABILITY OF THE NO-PROFIT PRINCIPLE

By way of derogation from General Condition n° 25.3, the no-profit principle does not apply to the action.

ARTICLE 9.3 - SPECIAL PROVISIONS ON THE CONVERSION OF COSTS INCURRED IN ANOTHER CURRENCY INTO EURO

By way of derogation from General Condition N° 23.4, any conversion into euro of costs incurred in other currencies shall be made by the beneficiary at the monthly accounting rate established by the Commission and published on its website (http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm) applicable on the month when the financial statement is drafted.

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ARTICLE 9.4 - VISIBILITY OF THE EUROPEAN UNION SUPPORT

For the purpose of the application of General Condition N° 7.1 the beneficiary shall indicate in any communication or publication about the action, including its website, that the action has received funding from the European Union. Such acknowledgment shall be worded as follows: "*with the support of Creative Europe - MEDIA Programme of the European Union*" and be accompanied by the Creative Europe - MEDIA logo and the European flag. The partner shall use the logos, trademarks or items created by the Agency for these purposes and include in the publications/catalogue of the action covered by this Agreement the text provided by the Agency.

The obligation to comply with the publicity provision set out in General Condition n°7 constitutes a substantial obligation. Without prejudice to the right to terminate the grant, in case of failure to fulfil this obligation, the Agency may apply a 20% reduction of the grant initially provided for.

SIGNATURES

For the Agency

Soon-Mi Peten

Head of Sector
Authorising Officer by Sub-delegation.

[signature]

Done at Brussels, on
In duplicate in English

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

Annex I Description of the action

Annex II General Conditions (hereinafter referred to as “the General Conditions”)

Annex III Estimated budget of the action

Annex IV Model technical report

Annex V *Model financial statement: not applicable*

Annex VI *Model terms of reference for the certificate on the financial statements and underlying accounts: not applicable*

Annex VII *Model terms of reference for the operational verification report: not applicable*

Annex VIII Applicable formulas for lump sums

DRAFT

Decision number: [...]

Model grant decision (mono beneficiary): March 2014

ANNEX II

GENERAL CONDITIONS

Submission of a grant application implies the acceptance of these General Conditions. These General Conditions bind the beneficiary to whom the grant is awarded and shall constitute an annex to the Grant Decision.

The general conditions applicable to the decision (General Conditions II b) are available in the 'Documents register' of the Agency website:

http://eacea.ec.europa.eu/about/eacea_documents_register_en.php#call

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