



::: Guidelines :::

PRODUCTION FUNDING

for the complementary programme WCF ACP-EU CULTURE

::: 1. World Cinema Fund - Responsible Body :::::::::::::::::::::::::::::::::::::::

The World Cinema Fund (hereafter 'WCF') is an initiative of the German Federal Cultural Foundation (*Kulturstiftung des Bundes*) and the Berlin International Film Festival. The *Kulturveranstaltungen des Bundes in Berlin GmbH/division Internationale Filmfestspiele Berlin* (hereafter 'IFB') is the legal entity of this initiative.

These guidelines only apply to the complementary programme *WCF ACP-EU CULTURE (WCF ACP)*, which is organised with the financial contribution of the European Union and the support of the Organisation of ACP States.

::: 2. Funding Aims :::::::::::::::::::::::::::::::::::::::

The World Cinema Fund aims to support films from regions/countries in which film production is threatened by political and/or economic instability. The aim is to support cinematographic and audiovisual works. WCF ACP is focused on further supporting also local cooperation between producers and filmmakers from the WCF ACP countries and regions. WCF ACP is a complementary support given to projects already considered for funding in the framework of WCF and WCF Africa.

With a view to producing quality works, the objective is to strengthen the production and co-production capacity of the local audiovisual ecosystem in the targeted countries (ACP).

The support shall be provided for projects involving, from the submission stage, collaboration between a director from an ACP country and local/international producers. The projects have to present a co-production partnership, after a positive funding recommendation, of at least three entities. The number of ACP entities part of the

partnership shall always be equal to or higher than the number of entities of other nationalities.

Projects eligible for support should deal with the cultural identity of their regions and contribute to developing their local film industry.

The main selection criterion is the project's artistic quality. Preference is given to projects that tell strong stories, that are creatively and visually innovative, that have the potential to enjoy international success or be a driver for developing film culture in their home region/s. Consideration is also given to projects of particular cultural and political relevance.

:: 3. WCF entitled Regions/Countries :::::::::::::::::::::::::::::::::::::::::::::::::::::::

Grants shall be awarded to works whose director is from one of the ACP countries and it is primarily shot there, listed in Annex I.

:: 4. Funding :::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

Production funding for full-length fiction films and creative documentaries (both at least 70 minutes) for theatrical release.

Funding is granted to films with a budget between € 200.000 and € 1,4 million. The support is a complementary contribution to the previously granted funds of the WCF or WCF Africa funding programs which allow to double or triple the amount granted up to a maximum of € 120.000.

The contracting partner of WCF ACP for the complementary contribution to the previously granted funds of WCF/WCF Africa funding programs must be one of the producers included in a co-production partnership comprising at least 3 entities. The number of ACP entities within the partnership shall always be greater than or equal to the number of entities of other nationalities.

Up-to-date information about WCF funding can be found on the website www.berlinale-worldcinemafund.de, including application deadlines and application form.

4.1 Entities eligible for financial support:

Any third party eligible for financial support shall:

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- be a legal or a natural person **and**
- be profit-making or non-profit **and**
- be established in one of the countries listed in Annex I **and**
- can confirm their collaboration with a director from an ACP country and present a co-production partnership comprising at least 3 entities. The number of ACP entities within the partnership shall always be greater than or equal to the number of entities of other nationalities.

The support shall be provided for projects involving, from the submission stage, collaboration between a director from an ACP country and local / international producers. The projects have to present a co-production partnership, after a positive funding recommendation, of at least three entities.

4.2 Conditions

- A submission form shall be submitted before the start of filming;
- The WCF ACP Production Funding is a supplement for the financing of projects that are recommended for WCF or WCF AFRICA funding measures in the course of a jury meeting;
- The contracting partner of WCF ACP for the complementary contribution to the previously granted funds of WCF/WCF Africa funding programs must be one of the producers included in a co-production partnership comprising almost 3 entities. The number of ACP entities within the partnership shall always be greater than or equal to the number of entities of other nationalities.
- The WCF ACP contracting partner shall be directly responsible for the preparation and management of the action with its partners and not confine itself to a role as intermediary **and**;
- the contracting partner shall demonstrate the ability to carry out successfully the activities provided for by the financial support;
- The contracting partner shall prove that it holds the necessary rights to produce and operate the project.

4.2.1 The WCF funding counts first and foremost as part of the financing from the WCF's contracting partner, unless the partners involved in the co-production partnership jointly agree on a pro-rata distribution of the WCF ACP funding between the partners of the ACP countries and other nationalities.

4.2.2 Should the application through a film production company from one of the countries listed in Annex I be successful, the **cooperation** between at least three entities can be established after the application process, provided a co-production contract can be presented within maximum **three months after funding has been approved** and

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definitively prior to closing on a funding agreement. If not, the recipient is no longer entitled to the funding. The number of ACP entities part of the co-production contract shall always be equal to or higher than the number of entities of other nationalities.

- 4.2.3 At least 92,5% of WCF ACP funding must be spent on production for the supported film in the WCF ACP countries, Otherwise, the funding must be paid back.
- 4.2.4 Up to 7,5% of the funding can be allocated to partially covering own expenses and/or overhead of the contractor of the WCF ACP programme.
- 4.2.5 The funding recommendation expires if the project's complete **financing** is not proven within **six months after the funding recommendation**.
- 4.2.6 **Principal photography/film shooting** must begin timely following the payment of the first instalment.

:: 4.3 Payment of funding

The WCF ACP funding recipient is the contracting partner. The grant recipient is responsible for ensuring that the WCF ACP funding support is spent for costs incurred in the production of the project in an ACP country.

First instalment:

50% advance payment upon signing the funding agreement, after positive verification of the co-production contract between the partners (the number of ACP entities shall always be equal to or higher than the number of entities of other nationalities) and the total film financing. The funds must be spent timely for the production of the film.

Second instalment:

42,5% upon submission of the rough cut, which must be delivered at the latest 12 months after the first day of principal photography, and a certified audit report (Interim Report) in the amount of the advance payment (50%) of the WCF ACP support.

Please see point 4.5 for further details.

Third instalment:

7,5% once the Final Report has been submitted to and approved by WCF. The Final Report must be submitted to the WCF at the latest 18 months after signing the funding agreement. It includes a certified audit report in the amount of the total costs of the WCF ACP support.

Please see point 4.5 for further details.

The audit has to be done by **an auditor selected by the WCF ACP funding recipient (in English)**.

With the exception of the third instalment, the costs of at least 92,5% of the WCF ACP support must have been incurred in the ACP countries for the production of the film. As eligible costs count all budget items approved by the WCF at the time of the conclusion of the WCF ACP funding contract.

To receive the respective instalment, the WCF ACP funding recipient must send a letter of call for funds (in English).

The cost of each audit report must be paid by the WCF ACP funding recipient. They can be part of the list of expenses for the respective instalment.

The WCF ACP funding recipient partner has to sign the “**Declaration on honour on exclusion criteria and selection criteria**” form which can be found in [Annex II](#).

:: 4.4 Repayment of funding/WCF recoupment

The action does not include the repayment/recoupment of funding.

:: 4.5 Interim and Final Report of WCF ACP

Both, Interim and Final Report must include:

- An expenditure report detailed and summary (with Euro column, Excel format, including exchange rate). It should be based on the approved, updated production budget and specify between the estimated cost and the real cost
- A financing report (with Euro column, Excel format, including exchange rate): identifying the (co)producer(s) of the film (as officially credited) and their share in the (co)production; distinguishing between the different co-production countries; has to set out the planned and real financing; the financing plan shall use the same conversion rates as used in the cost report.
- Expenditure declaration, that the expenditure was necessary, economical and has been used sparingly and corresponds with the accounting books and the statements of accounts
- A separate external audit report certifying the correctness of the report of expenditure.

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The *Final Report* must additionally include:

- List of receipts and bank account statements referring to the receipt of each WCF ACP instalment and its transfer to the co-production partner in the WCF ACP country (in case the WCF contracting partner is not from an ACP country)
- Narrative report on the production and completion of the film project
- 9 DVD copies of the completed Film with English and/or French subtitles and with the full opening and closing credits including WCF and WCF ACP logo set

:: 4.6 Non-commercial Rights

By virtue of their contribution, the WCF, the Organisation of ACP States and the European Commission will have the following rights for a duration of 10 years starting on the date of submission of the final report to the Organisation of ACP States:

- a) non exclusive worldwide rights for the WCF, the European Commission and the Organisation of ACP States of non-commercial distribution/screening of the entire or part of the original work on any medium (film, magnetic, digital);
- b) rights for the WCF, the European Commission and the Organisation of ACP States to print, at their own expense and in the laboratory of their choice, copies of the original work and, for this purpose, make available for them the authorisation to print images and sound masters of the original work;
- c) rights for the WCF, the European Commission and the Organisation of ACP States to print, at their own expenses and in the laboratory of their choice, positives and dupes, based on images not included in the final editing, as well as the corresponding sounds, for the exclusive purpose of using them as archives in a Community production;
- d) rights for the WCF, the European Commission and the Organisation of ACP States to use if required the film promo and/or three minutes maximum extracts in any production dedicated to the involvement of the European Union or the ACP Secretariat, in the area of ACP cinema;
- e) rights for the WCF, the European Commission and the Organisation of ACP States to use photos from the shoot and/or photos from excerpts of the film for all documents and publications (whether printed or electronic format) linked to the EU or ACP Secretariat support of ACP cinema.

:: 5.5

Utilisation of the funds received from the WCF will be audited according to the laws of the Federal Republic of Germany. This includes the *ANBest-P* (General Incidental Provisions for Project Promotion Grants), the *Bundesreisekostengesetz* (Federal Travel Expenses Act), the *Auslandsreisekostenverordnung* (Ordinance Governing the Reimbursement of Costs Associated with Foreign Travel), public procurement law and, if required, the *BNBest-AA* (Special Auxiliary Conditions for Allocations Provided by the Federal Foreign Office). The *ANBest-P* provisions are included in the production funding agreement appendix, and the *BNBest-AA* is also included in the production funding agreement appendix for the WCF Africa special programme.

The WCF can only make funding payments upon the signature of a funding agreement it has drawn up. The funding agreement contains conditions relating to the utilisation of funds, the execution of the project, and proof that the funding is used for its intended purpose. In general, the funding cannot account for more than 50% of the total production costs.

:: 5.6

Monitoring: The WCF is requested by the ACP-EU Culture programme to monitor the supported projects on a regular basis. This may include site visits, in-depth interviews on the projects process, including questions on the management, accounting, the cooperation partner, stakeholders, gender fairness and sustainability. The third parties/beneficiaries must adopt a result-based management approach, including the accounting systems, internal control, performance planning and evaluation etc.; in other words, a strategy and management methods through which the organisation should be able to achieve the expected result.

:: 6. WCF ACP and Other Funds

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WCF funding can be matched with funding from other funding bodies. German or European law that sets the maximum limit for accumulation of state funding must be adhered to, as this also applies to WCF funding. However, funding from the German Federal Cultural Foundation, the Representative for Cultural and Media Affairs (BKM), or other organisations regularly funded by the BKM (for ex. Capital Cultural Fund) cannot be accumulated due to the double funding exclusion rule. The total amount of ACP support from other institutions cannot exceed € 200.000.

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The *World Cinema Fund* is an initiative of the [German Federal Cultural Foundation](#) and the Berlin International Film Festival, in cooperation with the [German Federal Foreign Office](#) and with further support by the [Goethe-Institut](#).

The special *WCF Europe* programme was launched with the support of the European Union's Creative Europe MEDIA programme. Thanks to additional funding from the German Federal Foreign Office, the special programme *WCF Africa* was started in 2016. The complementary programme *WCF ACP* is funded with the financial contribution of the [ACP-EU Culture Programme](#), an initiative funded by the European Union and implemented by the Organisation of Africa, Caribbean and Pacific States.



Annex I: The list of eligible countries is part of the guidelines for grant applicants of the ACP-EU programme: 'Towards a viable cultural industry' (ACP-EU Culture) / 'Support for ACP audiovisual co-production'

LIST OF ELIGIBLE COUNTRIES

In reference to section 2.1.1. "Eligibility of applicants" Guidelines

PART I

African, Caribbean and Pacific Countries

Africa :

Angola, Benin, Botswana, Burkina-Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Chad, Congo, Democratic Republic of the Congo, Djibouti, Erythrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Ivory Cost, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Maurice, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Rwanda, Sao Tome et Principe, Senegal, Seychelles, Sierra Leone, Somalia, Soudan, South Africa¹, Swaziland, Tanzania, Togo, Zambia et Zimbabwe.

Caribbean :

Antigua et Barbuda, Bahamas, Barbade, Belize, Dominique, Grenade, Guyana, Haïti, Jamaïque, République Dominicaine, Saint Kitts and Nevis, Sainte Lucie, Saint Vincent et les Grenadines, Suriname, Trinidad et Tobago.

Pacific :

Fiji, Iles Cook, Iles Marshall, Iles Salomon, Kiribati, Micronésie, Nauru, Niue, Palaos, Papouasie-Nouvelle-Guinée, Samoa, Timor-Leste, Tonga, Tuvalu, Vanuatu.

Member States of the European Union

Austria, Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

¹ While natural and legal persons established in South Africa are eligible to participate in procedures financed by the 10th/11th EDF, South Africa cannot be a beneficiary of contracts financed by the 10th/11th EDF.

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For British applicants: Please be aware that eligibility criteria must be fulfilled for the entire duration of the grant. Unless sector-specific eligibility rules provide otherwise, if the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that UK applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or will be required to leave the project on the basis of Article 12.2. of the grant contract.

Beneficiaries of the Instrument for pre-accession assistance:

Albania, Bosnia and Herzegovina, Kosovo², Montenegro, Serbia, Turkey, the former Yugoslav Republic of Macedonia.

Non-EU Member States of the European Economic Area:

Iceland, Lichtenstein, Norway

Overseas Countries and Territories

Anguilla (UK), Aruba (NL), Bermuda (UK), British Indian Ocean Territory (UK), British Virgin Islands (UK), Cayman Islands (UK), Curaçao (NL), Falkland Islands (UK), French Polynesia (FR), French Southern and Antarctic Territories (FR), Greenland (DK), Montserrat (UK), New Caledonia and Dependencies (FR), Pitcairn (UK), Saba (NL), Saint Barthelemy (FR), Saint Helena Ascension Island Tristan da Cunha (UK), Sint Eustatius (NL), Sint Maarten (NL), South Georgia and South Sandwich Islands (UK), St. Pierre and Miquelon (FR), Turks and Caicos (UK), Wallis and Futuna Islands (FR).

For British applicants: Please be aware that eligibility criteria must be fulfilled for the entire duration of the grant. Unless sector-specific eligibility rules provide otherwise, if the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that UK applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or will be required to leave the project on the basis of Article 12.2. of the grant contract.

Member State of the OECD³

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

³ In the case of contracts implemented **only** in ACP Least Developed Countries (LDC) or ACP Highly Indebted Poor Countries (HIPC) only

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Australia, Canada, Chile, Iceland, Israel, Japan, Korea, Mexico, New Zealand, Norway, Switzerland, Turkey, United States of America.

Developing countries and territories⁴

- Least Developed Countries (LDCs)

Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Sao Tome & Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, South Sudan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia.

- Other low income countries:

Democratic People's Republic of Korea, Zimbabwe.

- Lower middle income countries and territories

Armenia, Bolivia, Cabo Verde, Cameroon, Congo, Côte d'Ivoire, Egypt, El Salvador, Georgia, Ghana, Guatemala, Honduras, India, Indonesia, Jordan, Kenya, Kosovo, Kyrgyzstan, Micronesia, Moldova, Mongolia, Morocco, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Philippines, Sri Lanka, Swaziland, Syrian Arab Republic, Tajikistan, Tokelau, Tunisia, Ukraine, Uzbekistan, Vietnam, West Bank and Gaza Strip.

- Upper middle income countries and territories

Albania, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Belarus, Belize, Bosnia and Herzegovina, Botswana, Brazil, China (People's Republic of), Colombia, Cook Islands, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Former Yugoslav Republic of Macedonia, Gabon, Grenada, Guyana, Iran, Iraq, Jamaica, Kazakhstan, Lebanon, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Mexico, Montenegro, Montserrat, Namibia, Nauru, Niue, Palau, Panama, Paraguay, Peru, Saint Helena, Saint Lucia, Saint Vincent & the Grenadines, Samoa, Serbia, South-Africa, Suriname, Thailand, Tonga, Turkey, Turkmenistan, Venezuela, Wallis and Futuna.

PART II

⁴ As included in the OECD-DAC list of ODA Recipients, which are not members of the G20 group, without prejudice to the status of the Republic of South Africa, as governed by Protocol 3 of the partnership Agreement.

LIST OF ELIGIBLE COUNTRIES

In reference to section 2.1.3. « Eligibility of actions » of the Guidelines

African, Caribbean and Pacific Countries

Africa :

Angola, Benin, Botswana, Burkina-Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Chad, Congo, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Ivory Cost, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Maurice, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Rwanda, Sao Tome et Principe, Senegal, Seychelles, Sierra Leone, Somalia, Soudan, Swaziland, Tanzania, Togo, Zambia et Zimbabwe.

Caribbean :

Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Santa-Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago

Pacific :

Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palaos, Papua New-Guinea, Samoa, Solomon Islands, East Timor, Tonga, Tuvalu, Vanuatu.

EU Members States (only for limited number of activities if clearly justified and if the action benefits ACP countries)

Austria, Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

Annex II

**Declaration on honour on
exclusion criteria and selection criteria**

The undersigned [*insert name of the signatory of this form*], representing the following legal person:

Full official name:
Official legal form:
Statutory registration number:
Full official address:
VAT registration number:
(‘the person’)

which has been authorised to sign the present declaration on behalf of the following other persons⁵:

[*insert names of other entities on behalf of which the declaration is being signed, i.e. coapplicants or affiliated entities*]

declares that the person:

- | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) is eligible in accordance with the criteria set out in the specific call for proposals; |
| (2) has the required financial and operational capacity as set out in the specific call for proposals ⁶ ; |
| (3) has not received any other Union funding to carry out the work programme subject of this grant application and commits to declare immediately to the Commission any other such Union funding it would receive until the end of the work programme. |

IF ANY OF THE ABOVE REQUIREMENTS IS NOT SATISFIED, PLEASE INDICATE in annex to this declaration which and THE NAME OF THE CONCERNED PERSON WITH A BRIEF EXPLANATION.

⁵ Please also consult the call for proposals in case specific options are defined to sign the declaration

⁶ This does not apply to affiliated entities except if their financial capacity and operational capacity is necessary due to the fact that the beneficiary composed of these affiliated entities does not have the required capacity itself.

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

(4) declares that the above-mentioned person is in one of the following situations: <i>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person with a brief explanation.</i>	YES	NO
(a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law.	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>

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<p>(iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an contracting authority, OLAF or the Court of Auditors;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(h) it has been established by a final judgment or final administrative decision that an entity has been created with the intent provided for in point (g).</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(i) for the situations under points (c) to (h) the person is subject to:</p> <ul style="list-style-type: none"> i.facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii.non final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii.facts referred to in decisions of entities and persons being entrusted with EU budget implementation tasks; iv.information transmitted by Member States implementing Union Funds; v.decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or vi.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. 	<input type="checkbox"/>	<input type="checkbox"/>

II: SITUATIONS OF EXCLUSION CONCERNING A NATURAL PERSON WHO IS ESSENTIAL FOR THE AWARD OR THE IMPLEMENTATION OF THE ACTION OR WORK PROGRAMME SUBJECT TO THE GRANT APPLICATION

(5) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares) or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) N°2015/849) is in one of the following situations: <u>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation.</u>	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

This section applies only to declarations that include a person for which a natural or legal person assumes unlimited liability for debts]

(6) declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations <u>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation</u>	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE

(7) declares that the person:

was **not** previously involved in the preparation of documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.

If yes, please indicate in annex to this declaration the name(s) of the concerned person(s) with a brief explanation .

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – EVIDENCE UPON REQUEST

Upon request and within the time limit set by the contracting authority, the person must provide information on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners. It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or the subcontractor, and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (a), (c), (d) (f), (g) and (h) production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority⁷. The documents must have been issued no more than

⁷ The same institution or agency.

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one year before the date of their request by the contracting authority and must still be valid at that date.

If selected to be awarded a grant, the person subject to this declaration accept(s) the terms and conditions laid down in the grant contract.

The person subject to this declaration may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature