

LAW No. 4487/2017

(GG A 116/09.08.2017)

Electronic system for the distribution of television advertising time, amendment of Law 3548/2007, creation of a regional and local press register, special labelling of barcodes in printed publications, creation of an institutional framework for the support of the production of audiovisual works in Greece and other provisions.

CHAPTER D

CREATION OF AN INSTITUTIONAL FRAMEWORKS FOR THE SUPPORT OF THE PRODUCTION OF AUDIOVISUAL WORKS IN GREECE

Article 19 Purpose

The purpose hereof is to create an institutional framework for enhancing the production of audiovisual works in Greece through the provision of an investment incentive.

Article 20 Definitions

1. Production of audiovisual work: the economic activity of the audiovisual sector on the basis of the decision of the Deputy Minister for the Economy and Finance (B 2149) Number 1100330/1954 / Logistics/ 2008: "Determination of a new National Nomenclature of Economic Activity Code Number 2008", which falls under the categories:

-59.11 Cinematographic, video and television production activities.

-59.12 Services accompanying the cinematographic, video and television programmes production.

-62.01.21 Production of computer game software prototypes.

2. Independent audiovisual work: the episode or episode section or episode season of a television series, the episode or episode section or episode season of a television mini-series, the television movie or film or section thereof, regardless of the running time, the digital game. The content of the above may be fictional, creative documentation (documentaries), animation, as well as cultural or educational digital games. The above, independent audiovisual works are produced for user experience in linear or non-linear form, with interactive or non-interactive applications and can be distributed to multiple platforms, such as free terrestrial television broadcasting, subscription television broadcasting, web TV, on-demand services, cinema screening rooms, television and cinema work distribution and screening websites, social media, in total or as part of applications and software for personal computers, tablets, video game consoles and mobile telephones.

3. Difficult audiovisual work: the independent audiovisual work, the unique prototype of which is in Greek, the first and the second work of a director or producer, the projects of a budget up to Euro five hundred thousand (500,000) and the projects with limited commercial exploitation opportunities on the international markets.

4. Investment plan: The production, also including post-production, of independent audiovisual works included: a) the economic activities 59.11 and 59.12 and concerning all or

individual stages of the production process, i.e, the stages of production and technical processing / post-production of an audiovisual work, irrespective of the way it is distributed and its means of transmission and projection to the final recipient; b) the economic activity 62.01.21 and refers to the whole process of software development, from the original planning to the creation of the final prototype for publication and commercial exploitation.

5. Start of an investment plan: the first time: a) of either the commencement of production and/or post-production operations relating to the investment and carried out in the Greek territory according to the case-by-case framework of the decision qualifying the work for the investment scheme, b) or of the first legally binding commitment to hire equipment or to undertake another liability in the Greek territory, which makes the investment irreversible. Any preparatory work, such as obtaining licenses, is not considered as commencement of works. The commencement of the works of an investment plan prior to the submission of the application for inclusion in this scheme results in the rejection of the application for the whole investment plan.

6. Completion of the investment plan: the completion of the physical and financial scope of the production, such as filming and software development, related to the investment, which according to the decision for qualification for the investment scheme takes place in the Greek territory.

7. For the purposes hereof, in addition to the definitions included herein, the definitions of Article 2 of the Commission Regulation (EC) No 651/2014 of the European Union (EU L 187/1 26.6.2014) (hereinafter referred to as “Regulation”) shall also apply.

Article 21 Applicable Law

The provisions of the Regulation shall apply to matters not dealt with herein.

Article 22 General rules for granting the aid

The following general rules shall apply to the aid scheme hereof:

1. a. Investment plans supported under the scheme hereof may also be subject to other State aid schemes. In particular, aid may be cumulated with the aid of certain other schemes, provided that the conditions laid down in Article 8 (3), (4), (5) of the Regulation are met.

b. In order to verify compliance with limits of the maximum aid intensities and the maximum aid amounts provided for in the Regulation for the scheme hereof, account shall be taken of the total amount of aid granted on a case-by-case basis to the aided investment plan and the undertaking and the possibility of artificial division is checked (Articles 4 (2) and 8 (1) of Regulation).

c. Where the aid hereof is combined with EU financing, which is centrally managed by the institutional bodies, organizations, joint undertakings or other bodies of the Union and is not under the direct or indirect control of the State, the provisions of paragraph 2 Article 8 of the Regulation shall apply.

2. Projects of operators that are subject to pending aid recovery proceedings, following a previous European Commission decision declaring such aid illegal and incompatible with the internal market (Article 1 (4) of the Regulation) shall not qualify for the aid scheme hereof. Any investor, when submitting the application for the scheme hereof, must declare that they

have not received any State aid in respect of which the procedure of the previous subparagraph has been initiated.

3. The aid of the scheme hereof acts as an incentive, in accordance with Article 6 of the Regulation. The aid acts as incentive only if the beneficiary has submitted a written application for inclusion in the aid scheme before the commencement of works of the investment plan.

Article 23 General conditions for inclusion in the investing scheme

1. As regards inclusion in the aid scheme for investment plans concerning the production, including post-production, of independent audiovisual works, the following are specifically provided:

a) for theatrical or television films, the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro one hundred thousand (100,000) for said expenses, regardless of the size of the operator,

b) for theatrical or television films, with the content of creative documentation (documentaries), the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro sixty thousand (60,000) for said expenses, regardless of the size of the operator,

c) for theatrical or television short films, the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro sixty thousand (60,000) for said expenses, regardless of the size of the operator,

d) for episodes or episode season of a television or mini television series, regardless of the number of episodes and duration:

d(i) of fictional content, the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro twenty-five thousand (25,000) per episode produced, regardless of the size of the operator,

d(ii) of creative documentation content (documentary) or animation content the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro twenty thousand (20,000) per episode produced, regardless of the size of the operator,

e) for episodes or episode season of a television or mini television series of a minimum number of seventy (70) episodes, regardless of content, the total of eligible expenses incurred in the Greek Territory shall amount to at least Euro fifteen thousand (15,000) per episode produced, regardless of the size of the operator,

f) for episode sections of a television or mini television series, regardless of the number of episodes and duration:

f(i) of fictional content, the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro one hundred thousand (100,000) for all sections comprising the investment plan for inclusion, regardless of the size of the operator,

f(ii) of creative documentation content (documentary) or animation content the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro sixty

thousand (60,000) for all sections comprising the investment plan for inclusion, regardless of the size of the operator,

g) for digital games, the total of eligible expenses incurred within the Greek Territory shall amount to at least Euro thirty thousand (30,000), regardless of the size of the operator.

2. Independent audiovisual works included in the aid scheme, as per the above distinctions, are works that can be distributed to multiple platforms, such as free terrestrial television broadcasting, subscription television broadcasting, web television, on-demand services, cinema screening rooms, television and cinema work distribution and screening websites, social media, in total or as part of applications and software for personal computers, tablets, video game consoles and mobile telephones.

Article 24 Included and exempted investment plans

1. The present scheme includes investment plans for the production of independent audiovisual works that meet the cultural criteria requirements of: Table A, in the case of fiction audiovisual works; Table B, in the case of documentary audiovisual works; Table C, in the case of animation and Table D, in the case of digital games.

2. This scheme includes investment plans for the production of difficult audiovisual works, provided that said works meet the cultural criteria of table A or B or C or D and table E.

3. Tables A, B, C, D and E, are attached to the present law forming an integral part thereof.

4. The following types of audiovisual works are not subject to the provisions hereof:

- a) recorded or filmed artistic performances and events (theatre, opera, dance, music etc.);
- b) any sports show, sports review and broadcast-coverage of a sports event;
- c) television or telephone games, on-line gambling and social betting games, lottery games and competitions, in particular with money as a prize, as well as digital gambling and betting programmes of indirect or direct economic benefit;
- d) news, review, and informative shows;
- e) various entertainment shows, talk shows and television interviews;
- f) advertising, tele-shopping shows and social messages;
- g) shows with a pornographic content;
- h) shows presenting and promoting various corporate, entertainment and cultural activities;
- i) purely educational programmes - tele-education and tele-information broadcasts;
- j) programmes showing lack of respect for human dignity and shows introducing or promoting discriminations based on sex, race or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.

Article 25 Beneficiaries of investment plans included in the scheme

1. The beneficiaries of the aid of the present scheme are:

a) undertakings that are established or have a branch in Greece and whose object of operation is:

aa) the production or executive production of audiovisual works;

bb) the production of audiovisual works in the context of cross-border production;

b) foreign producers of audiovisual works that are established or have their registered office in states that are not included in the non-cooperating states of Article 65 (3) of the Income Tax Code (Law No. 4172/2013, A 167), provided that for the purposes hereof, said producers cooperate under contract with a business established or with a branch in the Greek Territory and operating as Production Services Company of audiovisual works or part thereof.

2. Businesses that are established or have a branch within the Greek Territory, regardless of whether they are producers or Production Services Companies of audiovisual works, shall have one of the following forms at the time of start of the investment plan works and on the date the aid is granted: a) sole proprietorship, b) legal person or legal entity with commercial operation, c) co-operative, d) business operating in the form of a joint venture, on the condition that it has been registered in the General Commercial Registry (GEMI), it states the commercial activity it carries out in its Statutes and it has activity code number 59.11 or 59.12 or 62.01.21. For cases (a), (b) and (c), companies who are in the process of establishment or merger, are required to have completed the publicity formalities prior to the start of the investment plan works.

3. In the case of a cross-border production, i.e., a production financed by more than one Member States and involving producers from more than one Member States, the application for inclusion in this scheme shall be submitted by a producer established or having a branch in the Greek territory and the aid shall be granted wholly to it in accordance with the terms hereof. In any case, the same eligible expenses cannot be used to obtain similar benefits in the context of the cross-border production of the audiovisual work.

4. For domestic or foreign producers of audiovisual works, which, for the purposes hereof cooperate under contract with a business established or with a branch in the Greek Territory and operating as Production Services Company of audiovisual works or part thereof, the application for inclusion shall be submitted by the company that is established or has a branch in the Greek Territory and operating as producer or Production Services Company of audiovisual works, while aid shall be provided to the business that the contracting parties expressly specify as beneficiary thereof, in the application for inclusion.

5. The following are not considered beneficiaries of the aid scheme hereof:

a) undertakings in difficulty, as defined in Article 2 (18) of the Regulation;

b) undertakings that have closed down the same or a similar activity in the European Economic Area in the two years preceding its application for regional investment aid;

c) undertakings implementing investment plans carried out by initiative and on behalf of the state and the wider public sector and the television network of the Hellenic Parliament, under a project implementation, assignment or service contract, with the exception of the Hellenic Broadcasting Corporation - ERT. S.A.

Article 26 Eligible expenses

1. Eligible expenses are the production expenses of audiovisual works incurred in the Greek Territory and not exceeding 80% of the total production expenses of the audiovisual work (eligible production expenses).

In specific, eligible expenses shall be:

- a. costs concerning the fee of the screenwriter, the director and the music copyrights;
- b. costs for all kinds of services directly related to the production of the audiovisual work, such as accommodation and food, transportation, rental of equipment, studios, post-production services;
- c. wage costs for the jobs necessary for implementing the investment plan;
- d. materials supply costs;
- e. design, production and testing costs of the digital game software.

2. For the calculation of the total eligible production costs, the following restrictions apply:

- a) all premiums and guarantee costs shall be counted in total and the maximum eligible expenses shall be the respective 5% of the total eligible production expenses;
- b) the fee for screenplay and music, as well as the fee of the director, the screenwriter, the two leading actors and the producer for all its capacities in the production of the audiovisual work, shall be calculated up to the percentage of 35% of the total eligible expenses and shall not exceed said percentage.
- c) the cost for financial assets, fixed assets and depreciation thereof, such as technical equipment, plots and buildings, lending cost, bank expenses are not calculated in the total eligible production expenses;
- d) the cost for marketing, promotion and communication are not calculated in the total eligible production cost.

3. For audiovisual works involving eligible expenses over eight million euros (€8,000,000), as far as expenses of par. 1, concerning the fee of the screenwriter, the director and the music copyright fees or, for cultural and educational digital games are concerned, as far as expenses for rights to use images – voices , expenses for character design, source code and salaries of crew and cast excluding the executive producer/production service company are concerned, it shall be permitted to use invoices issued by natural persons or companies or other legal entities having their registered office or being permanently established in a foreign country, provided that the above mentioned foreign country in not a non-cooperating state based on par. 3 article 65 of the Income Tax Code [Law No. 4172/2013 (A 167)]. The value of foreign invoices mentioned in the previous point may not exceed 50% of the total eligible expenses involved in the investment plan (VAT excluded), whereas the total subsidy may not exceed the amount of twelve million euros (12,000,000 EUR).

Article 27 Type of aid

1. Investment plans included in this scheme are aided by the subsidy incentive, which is the free granting of an amount by the State for covering part of the eligible expenses of the investment plan and is determined as a rate thereof.

2. The amount of the subsidy is calculated, after the certified completion of the investment plan, as the fixed percentage of 40% on the value of the total eligible expenses of the production. The amount of the subsidy shall be paid in a lump sum to the beneficiary.
3. The aid paid to cover the specific expenses does not increase the income from business activity, but reduces the cost of the subsidised expense and is not taxed.
4. The aid hereof may also be combined with another state aid, with the restriction that the total state aids granted shall not cumulatively exceed 50% of the total production cost of the audiovisual work. This limit is extended to 60% of the total production cost of the audiovisual work in case of a cross-border production and to 80% of the total production cost of the audiovisual work for the production of a difficult audiovisual work. For the above cases of combined state aids, the percentage of the aid granted is the result of deducting the amount of state aids that have already been provided to the production from the above limits of the total production cost of the audiovisual work.
5. For the implementation hereof, the resources provided directly from EU programmes, without the participation of Member States in the decision for inclusion, do not constitute state resources and any aid arising from said resources is not taken into account for the purposes of compliance with the maximum aid limits hereof.

Article 28 Submission procedure for the application for inclusion

1. The National Centre of Audiovisual Media and Communication (EKOME) shall be the body accepting and processing the applications for the inclusion of investment plans for the production of audiovisual works. The procedures provided for in this aid scheme shall be carried out exclusively via the State Aid Information System (PSKE) of the Ministry of Development and Investment. The business has the right to apply for inclusion in the scheme hereof up to ten (10) days before the start date of the investment plan. The application for inclusion and the necessary supporting documents shall be submitted throughout the year, exclusively via the State Aid Information System, at EKOME and applicants shall be electronically notified of the receipt and recording thereof. All applications for inclusion, along with the documentation thereof, shall be electronically kept at EKOME.
2. Each application shall contain at least the following elements: (a) the name and size of the business, (b) a description of the work, also including the start and end dates, (c) the place or places of work execution, (d) the list of work costs, (e) the amount of the public funding required for the work and (f) a statement of the cultural criteria the investment plan is subject to.
3. The application for inclusion shall be accompanied by the following supporting documents:
 - a) indicative work planning for the audiovisual work, pointing out the filming days required in Greece,
 - b) a detailed budget, specifying the costs incurred in the Greek Territory,
 - c) a funding plan, indicating any other state aids and the percentage of said aids,
 - d) the screenplay or a synopsis thereof,
 - e) written statement - reference of the investment operator to the main artistic contributors, as well as the crew who will be employed during the works in Greece,
 - f) administrative fee.

Note: In accordance with Article 7 (2) of L. 4704/2020, Government Gazette A 133/14.7.2020

Applications for inclusion of article 28 of Law No. 4487/2017, for which no decision for inclusion has been issued up to the 14th of July 2020, shall be assessed in accordance with the provisions of Law No. 4487/2017, as in force before the publication of Law No. 4704/2020.

Article 29 Assessment procedure

1. The completeness of the submitted application and the relevant supporting documents shall be reviewed by EKOME, based on the standardised completeness control system, within a period of ten (10) business days after the application submission. During the same period, the lawfulness of supporting documents is also reviewed by EKOME. When, following a relevant review, it is found that supporting documents or information is missing, a detailed list of the missing supporting documents or information is sent to the e-mail of the applicant, as stated in their application, indicating the obligation to submit said documents or information to EKOME within an exclusive period of five (5) business days. In case the missing information or supporting documents are not submitted within the period of the above paragraph, the application shall be rejected due to incomplete file and applicants shall be notified at their above e-mail address, while the administration fee shall be forfeited in favour of the State.

2. Once the lawfulness and completeness of the application are established, the application shall be assessed as to its content, on the basis of time priority, by assessment committees established by decision of the President and Chief Executive Officer of EKOME, upon recommendation of the relevant competent body. The above committees consist of three members, who are employees either of EKOME or of the Ministry of Digital Governance or the Ministry of Culture and Sports or supervised bodies of the Ministry of Culture and Sports or the Ministry of Development and Investments or the Ministry of Tourism or the General Secretariat for Media and Communication, or by experienced individuals of the audiovisual production industry. In any case, one (1) member shall be an EKOME employee and another one (1) shall be experienced in the production of audiovisual work. If the investment plan for which the application is submitted refers to a theatrical film production, participation of one (1) employee of the Greek Film Centre is required in the above three-member assessment committees and said person shall be proposed by the management of the Greek Film Centre. The term of the assessment committees is set out as annual, while the composition, terms and operation regulations thereof shall be specified by decision of the Minister of Digital Governance. Assessment committee members shall be remunerated, in accordance with the provisions in force. The following conditions, which are further specified in the relevant tender decision, shall be met for each investment plan, under penalty of exclusion: (a) full correspondence of the application for inclusion with the investment plan under approval and (b) documentation of the solvency of the investment plan operator, by submission of the relevant certificates, mainly tax and social insurance good standing certificates. If clarifications are required regarding the content of the file, a period of five (5) business days is granted to the operator, in order to provide said clarifications to the relevant assessment committee. The assessment procedure for the content of the investment plan shall be completed within ten (10) business days after the completion of the review of par. 1.

3. Investment plans that meet the legal conditions, shall be included in the aid scheme hereof, by decision of the competent body of the Ministry of Digital Governance, in accordance with article 109 of Law No. 4622/2019 (A 133), upon recommendation of the assessment committees of par. 2.

4. Investment plans that do not meet the legal conditions, shall be rejected by a reasoned decision of the President and Chief Executive Officer of EKOME, upon recommendation of the assessment committees of par. 2, while the relevant administration fees shall be forfeited in favour of the State. The rejection decision shall be posted on PSKE and notified to the investment plan operation by e-mail.

5. Applicants may electronically submit an objection to the rejection decision of par. 4 via PSKE and within an exclusive period of five (5) business days from the notification of the relevant act. The objection shall be addressed to the competent body of the Ministry of Digital Governance according to article 109 of Law No. 4622/2019 and shall be reviewed by an objection committee, established for a term of one (1) year by decision of the Minister of Digital Governance and consisting of three (3) employees of EKOME or of the Ministry of Digital Governance. If the objection is submitted against a decision that rejects the investment plan for a theatrical film production, participation of one (1) employee of the Greek Film Centre is required in the above three-member assessment committees and said person shall be proposed by the management of the Greek Film Centre. The terms and operation regulations of the objection committee shall be specified in the relevant establishment decision. The objection committee shall decide within a period of ten (10) business days from the date the objection was submitted and shall make a recommendation to the competent body of the Ministry of Digital Governance, which shall issue the relevant decision. The decision rejecting the objection shall be posted on PSKE and notified to the investment plan operation by e-mail.

6. In case the applicant wishes to withdraw the application for inclusion of its investment plan, up to the issue of the decision of par. 4 and 5, it shall submit a relevant request to EKOME and the investment plan shall be therefore rejected on these grounds, by decision of the President and Chief Executive Officer of EKOME, while the management fee shall be forfeited in favour of the State.

Article 30 Auditing and completion certificates of submitted investment plans

1. Investment plans included in this aid scheme shall be inspected by a regular three-member auditing and certification body, established by decision of the President and Chief Executive Officer of EKOME. In cases of submission of large volumes of investment plans or investment plans of particular size, importance or complexity, by decision of the President and Chief Executive Officer of EKOME, extraordinary auditing and certification bodies, consisting of three (3), five (5) or seven (7) members depending on the size, importance or complexity of the investment plan, shall be established. The members of the aforementioned bodies derive from EKOME's staff, regardless of employment relationship, from the members of the Special Registry of Audiovisual Works Auditors as under Article 35A, as well as from employees of the societe anonyme "Greek Film Centre", especially for motion picture productions.

2. For each auditing and certification body, regular or extraordinary, the following shall apply: (a) in each auditing body, regardless of the number of members, participation of at least one (1) EKOME employee, with experience in the production of audiovisual work, is required (b) in case of investment plans concerning motion picture production, in the auditing and certification body, participation of (1) employee of the Greek Film Centre, who is proposed by the management of the Greek Film Centre. The members of the auditing and certification body shall be remunerated, in accordance with the provisions in force. In order to facilitate and expedite the work of the auditing and certification bodies, the President and Chief Executive Officer of EKOME may appoint rapporteurs - external associates, who are not members of the auditing and certification body and who may submit non-binding proposals to the body, to facilitate its work.

3. a. The investment plan operator, within a reasonable period of time which shall not exceed six (6) months after the completion of the investment, shall submit via the State Aid Information System (PSKE) an application for audit, accompanied by the supporting documents set out in point (c), so that it may be certified that, in accordance with par. 4, the investment plan has been completed on the date the application for audit was submitted and therefore activate the aid payment procedure. The completion period for investment plans shall not exceed three (3) years from the publication date of the decision for inclusion.

b. The investment plan operator is required, under penalty of revocation of the decision for inclusion or of non-certification of completion of the investment plan, to implement at least sixty percent (60%) of the investment plan that has been included in the aid scheme hereof, subject to the condition that the total eligible expenses incurred in the Greek Territory and corresponding to the above implementation percentage exceed the lower limits of eligible expenses, as specified in article 23.

c. The application for audit of the investment plan completion shall be accompanied by the following supporting documents: (cA) the evidence of compliance with the cultural criteria, (cB) the final list of production employees, (cC) the final schedule of filming days and the filming sites in the Greek Territory, (cD) the relevant invoices with evidence of payment, (cE) solemn declaration of the investment beneficiary, stating that the submitted items are true, (cF) auditor's final report, the cost of which shall be borne by the beneficiary, (cG) audiovisual content certifying the implementation of the physical scope, as approved in the inclusion stage, (cH) submission of solemn declarations certifying that the conditions on cumulation, as approved in the inclusion stage, have not changed.

4. After the submission of the application for audit by the investment plan operator, the competent EKOME services activate, on the following working day, the PSKE and, if necessary, the President and Chief Executive Officer establishes an extraordinary auditing and certification body for the evaluation of the application. The auditing and certification body shall initially inspect the documentation submitted, prepare a relevant report and take the following actions: (a) if it finds no serious omissions in the investment or the investment is complete, it shall propose, in writing to the President and Chief Executive Officer of EKOME to issue a decision for the completion of the investment plan, (b) if it finds serious omissions in the investment, it shall propose, in writing to the competent body of the Ministry of Digital Governance in accordance with article 109 of Law No. 4622/2019 (A 133), the revocation of the decision for inclusion. Within twenty (20) days from the activation of the PSKE, the above decision for revocation of the inclusion is issued or it is decided to further check the application. The audit procedure shall be completed within sixty (60) days after the activation of the PSKE. In case of omissions, the above period shall be extended by sixty (60) more days. The completion of the investment plan shall be certified by issue of the certification decision by the President and Chief Executive Officer of EKOME, upon written recommendation of the auditing body. At the end of the sixty (60) days from the activation of the PSKE, the President and Chief Executive Officer of EKOME shall issue a decision of partial certification if the auditing and the certification of the investment plan have not been completed and the auditing and certification body ascertains substantial compliance of the investment plan as to the completeness and legality of the supporting documents of point (c) of par. 3. This decision shall allow the disbursement of at least forty per cent (40%) of the requested aid amount. This amount relates, in particular, to the following cost categories: a) crew, cast and executive producer fees b) production design and implementation, c) technical equipment and d) editing-processing.

5. The operator of the investment plan may apply to EKOME, at any point in the period between the start of works and the completion of the investment plan, for the issue of a provisional certificate of correspondence between the incurred expenses and the provisions of the decision for inclusion. The application of the previous indent shall be accompanied, under penalty of rejection, the supporting documents of sub-points (cA), (cD) and (cE) of point (c) of par. 3, as well as the relevant report by the auditor of the investment plan operator. The auditing

body of par. 1 shall inspect the application and supporting documents within five (5) business days and shall recommend to the President and Chief Executive Officer of EKOME to either issue or not issue the provisional certificate, as appropriate. The provisional certificate shall be issued exclusively and solely on the basis of the application and supporting documents of the second indent and subject to the certification of completion of the investment plan in accordance with par. 1. If the operator of the investment plan uses the option provided to it herein, it shall not be allowed to apply for an amendment to the decision for inclusion. If the decision for inclusion is revoked, the effect of the provisional certificate is automatically terminated.”

Article 31 Revocation of the decision for inclusion.

The decision for inclusion shall be revoked, if the audiovisual work does not meet the cultural criteria of tables A, B, C, D and E, as appropriate, as well as the terms and conditions for inclusion in this scheme.

1. The operator of the investment scheme may apply for the withdrawal thereof at any implementation stage of the investment. In this case, the competent body of the Ministry of Digital Governance shall revoke the decision for inclusion, upon written recommendation of the President and Chief Executive Officer of EKOME.

2. If the decision for inclusion is revoked, the administration fee of article 28 hereof shall be forfeited in favour of the State.

Article 32 Amendments to the decision for inclusion

1. The terms of the decision for inclusion may be amended upon request of the investment operator via the PSKE, which may be submitted throughout the implementation duration of the investment plan and up to the completion of the investment plan works. After completion of the investment plan works no request may be submitted for amending the terms of the decision for inclusion. An administration fee is required for the submission of a request.

2. Amendment requests are submitted as regards the following:

- a) substantial deviations in the physical and financial scope,
- b) change of the terms of the decision for inclusion, which are specified in the joint ministerial decision of article 38.

Requests are accepted when the following conditions are cumulatively met:

- a) the general terms and conditions of the inclusion decision are still met;
- b) there is no differentiation in the eligibility and inclusion criteria.

3. The above requests shall be accompanied by a justification of their feasibility and by the supporting documents set out in the relevant joint ministerial decision of article 38.

The committee referred to in Article 29 (2) shall respond within a period of sixty (60) days from the date it received the request. If it accepts the amendment request in whole or in part, it recommends to the Minister of Digital Governance the amendment of the decision for inclusion.

Otherwise, it shall issue a reasoned rejection decision, which shall be notified to the operator at the e-mail address it has stated at its registration with the P.S.K.E. Any new request by the same operator regarding the amendment of the terms of the decision for inclusion with the

same content is not examined in substance and is archived.

4. The amendment of the decision for inclusion may also be effected ex officio by the Minister, upon recommendation of the committee of article 29 (2), when a change in the terms of the inclusion decision is found.

Note: In accordance with Article 8 (2) of L. 4704/2020, Government Gazette A 133/14.7.2020

The certificate of completion of article 30 of Law No. 4487/2017 and the amendment to the decision for inclusion of article 32 of Law No. 4487/2017 for investment plans that were included in the aid scheme up to the 14th of July 2020, shall be made in accordance with the provisions of Law No. 4487/2017, as in force before the publication of Law No. 4704/2020. Article 30 of Law No. 4487/2017, as in force, shall apply to the certification procedure for the completion of the investment plans.

Article 33 Payment of Aid

1. Once the completion of the investment plan is certified, the payment of the aid is made in a lump sum upon issue of the completion decision.

2. The subsidy is paid within two (2) months, directly, via electronic payment, at a bank account of the investment plan operator or the domestic or foreign producer that has been appointed beneficiary in the inclusion application, in accordance with Article 25 (4), at a bank account of a credit institution in Greece or in the country of the beneficiary's registered office or permanent establishment and may not be assigned to third parties.

By way of exception, the claim for the amount of the subsidy may be assigned to bank institutions of Greece for the provision of a short-term loan of an amount equal to the assigned subsidy used for the implementation of the investment plan.

In these cases, the payment of the subsidy shall be made directly to the bank with which the assignment agreement has been signed.

3. The subsidy is covered by the Public Investment Budget, where the relevant expenditure is budgeted for each financial year, and comes either from national resources or from European Structural and Investment Funds or/and from other financing organisations, in accordance with the provisions of national and EU legislation.

Article 34 Obligations of aided operators

1. Under penalty of revocation of the inclusion decision, the necessary forms of insurance coverage shall be applied for each investment plan and at least for the human resources, especially artistic and technical contributors.

2. Each producer and for each audiovisual work included in the aid scheme hereof is required to indicate in the opening credits "or" the closing credits that the audiovisual work has been implemented with the contribution of the investment incentive from EKOME in Greece.

Article 35 Sanctions

If, following the certified completion of the investment, it is found that false or misleading

information has been submitted to the service or that there has been concealment of information that, if known, would lead either to the exclusion of the investment plan from inclusion in the provisions hereof or to its inclusion under different terms or to non-certification of the completion, the Minister of Digital Governance shall revoke the completion decision, upon the relevant recommendation of the President and Chief Executive Officer of EKOME.

In this case, the entire aid granted shall be returned.

The respective receipts for the payment of the aid by the State constitute the debt confirmation document by the competent Tax Office.

Article 35A

Special Registry of Audiovisual Works Auditors and Works Audit Platform

1. A Special Registry of Audiovisual Works Auditors is established at EKOME, in which the persons who may participate as members in the auditing and certification bodies in accordance of Article 30 are registered. The registration takes place following a public call for expression of interest of the Minister of Digital Governance, which is posted on the websites of the Ministry of Digital Governance and EKOME, and the submission of a relevant request by the interested parties to the Works Audit Platform created for this purpose and kept at EKOME.

2. Individuals, civil servants that have a permanent employment relationship or are under a private law contract of indefinite duration in Public Sector Bodies or public officials shall be registered in the Registry. The necessary qualifications for registration are: (a) University Degree obtained in Greece or an equivalent degree obtained in a foreign country on the subject area related to the audit activities or (b) proven professional experience in the field of evaluation and auditing of investment plans or (c) proven professional experience in the field of audiovisual works production. The public call for expressions of interest may set forth additional competence and suitability qualifications and the method for their documentation. Individuals working in legal entities with economic operations in the audiovisual sector shall not be registered in the Registry, in accordance with the decision of the Deputy Minister for the Economy and Finance (B 2149) Number 1100330/1954/ΔΜ/2008 “Determination of a new National Nomenclature of Economic Activity Code Number 2008”, as in force, which falls under the categories: (a) 59.11 Motion picture, video and television programme production activities, (b) 59.12 Motion picture, video and television programme post-production services and (c) 62.01.21 Computer games software originals. The call for expressions of interest shall be published by 30.9.2021.

3. The conduct of the audits is supported by the Works Audit Platform, which is interconnected with the above Registry in order to draw members for the audit and certification of investment plans. In order to specify the obligations of auditors during the performance of their duties and the consequences in case of non-compliance, an Audit Guide and Audit Ethics, posted on EKOME’s website, is issued by EKOME. EKOME, as the competent body, ensures the training of auditors and the periodic certification of their skills.

4. The members of the Special Registry of Audiovisual Works Auditors are obliged to submit a Declaration of Assets and a Declaration of Financial Interests in accordance with Law No. 3213/2003 (A 309).”

Article 36 Evaluation of the impact of the aid

EKOME, in cooperation with the General Secretariat for Strategic and Private Investments of the Ministry of Economy and Development and the General Secretariat for Information and Communication of the Ministry of Digital Governance, shall process and analyse the qualitative and quantitative data of the aided investments and shall prepare annual reports which will include indicative information regarding the provided resources, the aided investments, the jobs created, the results of the aids in the undertakings that received them, their effect in development and the fiscal impact both on the Regular Budget and in the Public Investment Programme. In the first quarter of each year, the Minister of Digital Governance shall submit before the Hellenic Parliament a relevant report of the implementation hereof.

Article 37 Notification thresholds - monitoring - publication

1. The notification thresholds of article 4(1)(aa) of the Regulation shall apply for the inclusion of the investment plan in the scheme hereof.
2. The summaries of the decisions for inclusion, the amendments and the revocation decisions thereof, as well as the summaries of the completion decisions shall be posted on the website DIAVGEIA, without the obligation for publication in the Government Gazette.
3. The aided operators and the competent government agencies shall keep files of the investment plans in order to respond to controls carried out by the competent national authorities or departments of the European Union. The above files shall be kept for ten (10) years from the date the last aid was granted.
4. Any information in relation to the application of the scheme hereof shall be posted on the website of EKOME and the Ministry of Digital Governance.

The announcements, invitations and information posts by the EKOME services shall be published on its website.

5. The operators of the investment plans may monitor the progress of all their requests via the PSKE.

Article 38 Enabling clause

By Joint Decision of the Minister of Development and Investment and the Minister of Digital Governance the aid scheme hereof is announced and any matters pertaining to its application are further specified, such as the eligible expenses, the percentage of said expenses, the method of their control and calculation, especially for cases where the production is also executed in other countries, the conditions and criteria for acceptance of domestic and foreign receipts/invoices, the percentage rate of the expenses arising from the above receipts/invoices calculated on the eligible expenses total, the necessary supporting documents accompanying the application for inclusion and the application for control of the investment plan completion, the application submission procedure, the amount of the administration fees provided for herein, the relevant applicable start and end dates of the investment plans, the

composition and operation regulations of the committees and the controlling body provided for herein, the matters pertaining to the amendment of the decision for inclusion, as well as any other matter related to the application hereof.