

		
EUROPEAN UNION	REPUBLIC OF ITALY	CALABRIA REGION

Piano Sviluppo e Coesione (PSC) (Development and Cohesion Plan) - REGION OF CALABRIA

Thematic Area 03 - BUSINESS COMPETITIVENESS Policy Area 03.02

TOURISM AND HOSPITALITY PUBLIC NOTICE

INVESTMENTS ATTRACTION IN THE TOURISM SECTOR IN THE REGIONAL  
TERRITORY ("CALABRIA SCOUTING")

September 2022

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## 1. PURPOSES AND RESOURCES

### 1.1 PURPOSES AND OBJECTIVES

The Region of Calabria intends to implement measures to support investments for the business competitiveness in the tourism sector through this Notice. The intervention is aimed at implementing the guidelines for the re-programming of the resources of the PSC (Piano di Sviluppo e Coesione ) (Development and Cohesion Plan) - Ordinary Section - Thematic Area 03.02 - Tourism and Accommodation mentioned in D.G.R. (Resolution of the Regional Council) no. 187 dated 3 May 2022 and the implementation of the resolution mentioned in D.G. R. (Resolution of the Regional Council) No 241 of 14/06/2022, through the activation of the aid programme **for the attraction of investments in tourism** (accommodation and related services) in the region. The intervention is also **consistent with the Piano Regionale di Sviluppo Turistico Sostenibile (PRSTS) (Regional Sustainable Tourism Development Plan) 2019-2021** with specific reference to the Marketing Plan and the tools included therein.

1. The purpose of the notice is to gather **proposals for the implementation of strategic investments in the tourism sector with a high employment impact and to select investment programmes of high strategic relevance**, able to meet the following objectives of regional interest:
  - Increase the competitiveness of the tourism supply chains and the entire regional production system
  - Produce significant direct and indirect employment effects both quantitatively and qualitatively and positive spill-over effects on the territory in terms of economic impact, environmental and social sustainability.

2. With reference to the purposes mentioned in paragraphs 1 and 2 above, this Notice supports the implementation of **strategic investments in tourism** with a high employment impact for **'initial investments'** as defined in Article 2 point 49 of Regulation No. 651/2014, i.e.

**1. investments in tangible and intangible assets related to:**

- a. Creation of a **new establishment** (e.g., the creation ex-novo of a new hotel, restaurant, etc.);
  - b. **Expansion** of the accommodation capacity of an already-existing establishment (by way of example, the set of investments, functional to the objectives and purposes of the Notice, aimed at creating new premises or new functional spaces within the existing accommodation facility (i.e., by way of example only: annexes, appurtenances, courtyards, dependences and similar, common rooms, additional rooms, wellness area, etc.);
  - c. **diversification** of the production of an establishment in order to obtain products (services), which are never previously manufactured or a fundamental change in the overall production process of an existing establishment;
2. **acquisition of assets belonging to an establishment**, which has been closed down or which would have been closed down without such acquisition, and has been acquired by an investor, who has no relationship with the seller. The definition does not cover the mere acquisition of shares in an enterprise.

Proposals must be consistent with the general *objective B "The tourism economic system is competitive"* and with the specific objectives *B.1 Promote the qualitative-quantitative growth of the accommodation system - B.3 Qualify and innovate the tourism and cultural production system - B.4 Encourage emergence (accommodation, turnover and employment) for the spread of free and fair competition practices* of the PRSTS (Regional Sustainable Tourism Development Plan) 2019/2021.

The start of the investments referred to in the above points must be subsequent to the date of submission of the application.

## **1.2. LEGAL BASIS AND AID MEASURES**

1. This Notice provides for the contribution of **aid in the form of a capital grant**, on the basis of a ranking **evaluation procedure pursuant to Article 5.2 of Legislative Decree No. 123/1998**.
2. Aid is granted in accordance with the provisions of **Art. 14 of Reg. 651/2014**.
3. This notice excludes the payment of aid to a company, which is subject to an outstanding recovery order as a result of a previous Commission decision declaring an aid illegal and incompatible with the internal market.

## **1.3. BUDGET ALLOCATION**

1. This Notice is financed with resources from the Piano Sviluppo e Coesione (PSC) (Development and Cohesion Plan of the Region of Calabria) - Thematic Area 03 - Business Competitiveness - Policy Sector 03.02 Tourism and Hospitality.
2. The financial allocation is € 9,000,000.00.

3. The financial resources may be supplemented by additional allocations in compliance with the characteristics and the amount of aid mentioned in this notice in order to increase the effectiveness of the financial intervention through a specific provision.

#### **1.4. LEGAL AND ADMINISTRATIVE REFERENCES OF THE NOTICE**

1. The notice is issued in implementation of the following European Community, national and regional legislation and relative implementing administrative measures, which the beneficiaries will have to comply with:
  - a. Regulation (EU) No 1303/2013 of the European Parliament and of the 17 December 2013 Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, repealing Council Regulation (EC) No 1083/2006;
  - b. Regulation (EU) No 651/2014 of the 17 June 2014 Commission declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union;
  - c. European Commission Decision C (2021) 8655 - State aid SA.100380 (2021/N) - Italy Regional aid map for Italy (1 January 2022-31 December 2027);
  - d. Commission Recommendation No. 361 of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises;
  - e. Law No 241 of 7 August 1990, containing new rules on administrative procedure and right of access;
  - f. Legislative Decree No 123 of 31 March 1998 'Provisions for the rationalisation of public support measures for enterprises, pursuant to Article 4, paragraph 4, letter C, of Law No 59 of 15 March 1997'.
  - g. Decree of the Minister of Productive Activities of 18 April 2005 on the Adaptation to the Community Framework of the Criteria for the Identification of SMEs (Small Medium-sized Enterprises);
  - h. Presidential Decree No. 445 of 28 December 2000 'Legislative provisions on administrative documentation' (published in the Gazzetta Ufficiale (Official Journal) No. 42 of 20 February 2001);
  - i. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data as well as the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation);
  - j. Legislative Decree No 196 of 30 June 2003, "Personal Data Protection Code", published in the Gazzetta Ufficiale (Official Journal) no. 174 of 29 July 2003 - Ordinary Supplement no. 123;
  - k. Legislative Decree No 159 of 6 September 2011, entitled "Code of anti-mafia laws and prevention measures as well as new provisions on anti-mafia documentation, pursuant to of Articles 1 and 2 of Law No 136 of 13 August 2010";

- l. Decree-Law No. 1 of 24 January 2012 converted by Law No. 27 of 24 March 2012 'Urgent provisions for competition, infrastructure development and competitiveness';
- m. Law No 81 of 22 May 2017 'Measures for the protection of non-entrepreneurial self-employment and measures to encourage flexibility in time and place of employment';
- n. Decree of the President of the Republic of 5 February 2018 No. 22 on the criteria on the eligibility of expenditure for programmes that are co-financed by the European Structural Investment Funds (ESIF) for the 2014/2020 planning period;
- o. CIPESS (Interministerial Committee for Economic Planning and Sustainable Development) Resolution No. 2 of 29 April Framework provisions for the Development and Cohesion Plan, published in GURI (Official Journal of the Italian Republic) on 16 June 2021;
- p. CIPESS (Interministerial Committee for Economic Planning and Sustainable Development) Resolution No 14 of 29 April 2021 'Approval of the Development and Cohesion Plan for the Region of Calabria, published in GURI (Official Journal of the Italian Republic) No 190 of 10 August 2021;
- q. D.G.R. (Resolution of the Regional Council) no. 279 of 09 June 2021 - Update Guidelines for the application of State aid rules;
- r. Resolution No. 187 of the session of 03 May 2022. PIANO DI SVILUPPO E COESIONE (PSC) (DEVELOPMENT AND COHESION PLAN) OF THE REGION OF CALABRIA Approved by Resolution Cipess (Interministerial Committee for Economic Planning and Sustainable Development No. 14 of 29 April 2021 - Published in the Gazzetta Ufficiale (Official Journal) General Series No. 190 of 10.08.2021. Addresses Relative to the Reprogramming of Resources Ordinary Section;
- s. Resolution No. 241 of the session of 14 June 2022. PIANO DI SVILUPPO E COESIONE (PSC) (DEVELOPMENT AND COHESION PLAN) OF THE REGION OF CALABRIA Variation of the Financial Plan of the Ordinary Section. Acknowledgement of the determinations of the CdS (Council of State);
- t. Regional Council Resolution n. 84 of the session of 5 March 2019 "FSC 2014/2020 – Patto per lo Sviluppo Regione Calabria (Development Agreement of the Region of Calabria). Approval of the document 'Description of the Management and Control System ('Si.Ge.Co' - Control and Management System).

## 1.5 DEFINITIONS

- 1. "Production unit" or "Operating unit" mean the structure - even if spread over several buildings, which are physically separate, but contiguous - designed to carry out the activity that is eligible for financial assistance and is endowed with productive, technical, organisational, managerial and functional autonomy.
- 2. Tangible assets': assets consisting of land, buildings and plant, machinery and equipment;
- 3. 'Intangible assets': assets, other than tangible or financial assets, consisting of patent rights licences, know-how or other forms of intellectual property;
- 4. 'Brand new goods': never-used goods, directly invoiced by the manufacturer (or his authorised representative or retailer); where there are further justified interim invoices, it being understood that the goods must never have been used, these invoices must not show any increase in the cost of the goods in relation to that invoiced by the manufacturer or his retailer;

5. Initial investment' means (a) an investment in tangible and intangible assets related to the setting-up of a new establishment, the extension of the capacity of an existing establishment, diversification of the output of an establishment into products, not previously manufactured, or a fundamental change in the overall production process of an existing establishment; (b) the acquisition of assets belonging to an establishment that has been closed or would have been closed without such acquisition and has been purchased by an investor, who has no relationship with the seller. The mere acquisition of shares in an enterprise does not fall within the definition.
6. 'A.W.U.': Annual Work Units, i.e. the average number of employees working full-time during the reporting year (see below), with part-time and seasonal workers representing fractions of A.W.U.s; employed workers are defined as those with a fixed-term or open-ended contract, registered in the company's employee register; part-time employees are considered as a fraction of AWU in proportion to the ratio of the working hours under the part-time contract to those fixed by the relevant collective agreement. With reference to any increase in employment, the period for recording the number of employees (against which to determine the AWUs created by the intervention) is the business year related to the last approved balance sheet or, for companies exempt from keeping ordinary accounting records and/or drawing up balance sheets, the business year related to the last income tax statement filed.
7. "Start of work": the definition set out in Art. 2 point 23 of Reg. 651/2014 applies as follows: "start of work": "the date of commencement of construction work relating to the investment or the date of the first legally binding commitment to order equipment or any other commitment that makes the investment irreversible, whichever is sooner. The acquisition of land and preparatory work such as applying for permits or carrying out feasibility studies are not considered to be the commencement of work. In the case of acquisitions, "commencement of work" means the time of acquisition of the assets directly related to the establishment acquired.

## **2. RECIPIENTS/BENEFICIARIES AND ELIGIBILITY REQUIREMENTS**

### **2.1. BENEFICIARIES**

1. Consistent with the aim of attracting investments, the following may apply under this notice, which, on 1 January 2022 and up to the time of publication of this notice in the BURC (Official Bulletin of the Region of Calabria), fall into one of the following types of enterprises:
  - A. - Companies registered in the Italian Register of Undertakings that have neither registered office nor local unit in the region of Calabria;
  - B. - Companies (*in the case of foreign companies*) that have neither a registered office in the relevant Italian Companies Register nor the relevant VAT number;
  - C. - Companies registered in the Italian Register of Undertakings that have their registered office or local unit in the region of Calabria and intend to set up a new operational unit in Calabria.

As at 1 January 2022 and up to the time of publication of this notice in the BURC (Official Bulletin of the Region of Calabria), proposing companies must:



a) have already commenced and be engaged in an activity falling under one of the international/national classifications indicated:

- (ISIC - International Standard Industrial Classification of all Economic Activities 55) – NACE - Nomenclature of Economic Activities 55) – ATECO (Economic Activities) 2007 DIVISION 55: Accommodation services;

- (ISIC - International Standard Industrial Classification of all Economic Activities 56 – NACE - Nomenclature of Economic Activities 56) – ATECO (Economic Activities) 2007 DIVISION 56: Food and beverage service activities;

- (ISIC - International Standard Industrial Classification of all Economic Activities 79 – NACE - Nomenclature of Economic Activities 79) - ATECO (Economic Activities) 2007 DIVISION 79: Travel agency, tour operator and other reservation service and related activities;

- (ISIC - International Standard Industrial Classification of all Economic Activities 9329 – NACE - Nomenclature of Economic Activities 9329 – ‘*initiatives of discotheques and dance floors*’) - ATECO (Economic Activities) CODE 2007 93.29.10: discotheques, nightclubs, dance halls and the like;

b) also commit themselves, when submitting the application:

1- (*in the case of foreign enterprises*) to open a VAT number and to register their head office with the competent Italian Register of Undertakings, for primary activities falling under one of the Ateco (Economic Activities) code 2007 listed in point a) above, within 15 days from the date of publication on the institutional website of the Region of Calabria of the lists referred to in paragraph 4.8 subparagraph 1;

and

2- (*in all cases*) to open a local unit in Calabria, registered with the competent Business Register, for primary activities falling under one of the Ateco (Economic Activities) code 2007 listed in point a) above within 90 days from the date of completion of the financed project. In the case of participating enterprises of type C of point 2.1.1 above, they undertake to open a local unit in addition to those they already have operating in Calabria.

## **2.2. ELIGIBILITY REQUIREMENTS**

1. The applicants must meet the following eligibility requirements at the date of application:

- a) have not committed serious violations, definitively ascertained<sup>1</sup>, with regard to the payment of taxes and duties or of social security and welfare contributions in favour of

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<sup>1</sup> Serious breaches are those involving the non-payment of taxes and duties in excess of the amount set out in Article 48 bis, paragraphs 1 and 2 bis of Presidential Decree 602/1973. In social security and contribution matters they are those that prevent the issuance of the DURC (Certificate of Single Insurance Contribution Compliance) or certificates, issued by the relevant social security bodies that do not adhere to the one-stop social security system. Definitively established infringements are those contained in judgments or administrative acts that are no longer subject to appeal. It is understood that the provision under a) does not apply when the applicant has fulfilled its obligations by paying or



workers or be in possession of the certification certifying the existence of claims, which are certain, of a fixed amount and due against the Region of Calabria for an amount equal to the contribution charges ascertained and not yet paid by the same entity (DURC – Certificate of Single Insurance Contribution Compliance);

- b) be in compliance with anti-mafia regulations, and, therefore, the non-existence of grounds for forfeiture, suspension or prohibition provided for in Article 67 of Legislative Decree 159/2011, as amended or attempted mafia infiltration referred to in Article 84, paragraph 4, of the same decree;
- c) possess economic and financial capacity in relation to the project to be implemented, which must be proven by producing Annex A to the Application Form set out in Annex 1 to this Notice;
- d) possess the operational and administrative capacity in relation to the proposed project, proven by producing Annex B to the Application Form set out in Annex 1 to this Notice;
- e) possess the capacity to contract with the public administration, in the sense that the Beneficiary has not been subject to the disqualification sanction pursuant to Article 9, paragraph 2, letter c), of Legislative Decree no. 231 of 8 June 2001, as amended and supplemented, or any other sanction that entails the prohibition to contract with the public administration, including the disqualification measures pursuant to Article 14 of Legislative Decree 81/2008, as amended and supplemented;
- f) undertake (*in the case of foreign enterprises*) to open a VAT number and to register the head office with the competent Italian Business Register; (*in all cases*) to open the local unit for which the assistance is intended in the Region of Calabria within the time limits and for the activities (Ateco 2007) indicated in points 2.1.1.a and 2.1.1.b. In the case of participating enterprises of type C in point 2.1.1 above, they undertake to open a local unit in addition to those they already have operating in Calabria;
- g) be duly registered [*i.e.*, undertake to register by the deadline and for the activities indicated in 2.1.1]:
  - i. in the cases provided for by law, in the commercial register of the territorially competent Chamber of Commerce;
  - ii. in the case of operators of all economic and professional activities, whose registration with the Chamber of Commerce is required by the regulations in force (provided that they are not obliged to be registered in registers kept by professional orders or colleges), with the REA - Economic and Administrative Index Number at the CCIAA (Chamber of Commerce);
  - iii. in the case of co-operative companies or consortia of co-operatives, to the Register of Co-operative Companies referred to in the Ministerial Decree of 23 June 2004;
- h) have already started and exercise an activity falling within one of those listed in point 2.1.1.a on 1 January 2022 and up to the time of publication of the notice in the BURC (Official Bulletin of the Region of Calabria);
- i) not to be in one of the difficulties as defined in Article point 18 letters (a) to (e) of Reg. 651/2014;

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undertaking to pay the taxes or social security contributions owed, including any fines and interest, provided that the payment or its undertaking has been formalised before the deadline for submitting the application

- j) not to have been the recipient of administrative proceedings in the 3 years prior to the date of publication of the Notice, related to acts of withdrawal for infringement of the prohibition on the diversion of assets; not to have been the recipient of maintenance of the production unit located in Calabria, for ascertained serious negligence in the implementation of the investment and/or failure to achieve the objectives set by the initiative for lack of essential requirements, for irregularities in the documents produced, in any case attributable to the beneficiary, and which cannot be remedied as well as in the case of undue receipt, ascertained by a court order, and, in the case of repayable aid, for failure to comply with the repayment plan;
- k) observe the obligations of collective labour agreements and comply with the legislation on:
  - i. prevention of accidents at work and occupational diseases;
  - ii. workplace health and safety;
  - iii. inclusion of the disabled;
  - iv. equal opportunities;
  - v. fight against irregular work and daily and weekly rest;
  - vi. environmental protection.
- l) not to have previously benefited from other public funding for the implementation, even partial, of the same expenses envisaged in the project;
- m) fall within the size parameters of Small and Medium-sized Enterprises as defined in Annex 1 to Reg. 651/2014 or Large-sized Enterprise and comply with the conditions set out in section 2.1 of this Notice;
- n) undertake to have full availability of the property, where the project will be carried out by the date of the first payment of aid;
- o) undertake to carry out the project in accordance with building and town planning regulations;
- p) submit an aid application for which the total amount of eligible expenditure, calculated on the basis of appropriate estimates, is determined in accordance with the provisions of paragraph 3.3 of this Notice;
- q) submit a proposal consistent with the Piano Regionale Sviluppo Turistico Sostenibile (PRSTS) (Regional Sustainable Tourism Development Plan) 2019/2021;
- r) submit only one application under this notice;
- s) correspondence of the proposed investment to the definition of initial investment as same is defined in Article 2(49) of Commission Regulation (EU) No 651/2014 of 17 June 2014;
- t) not to have relocated<sup>2</sup>to the establishment, where the initial investment - for which aid is requested - is to be carried out in the two years preceding the aid application and to commit

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<sup>2</sup> As defined in Article 2, point 61bis of Regulation (EU) No 651/2014: '61bis relocation' means the transfer of the same or similar activity or part thereof from an establishment located in a Contracting Party of the EEA Agreement (initial establishment) to the establishment located in another Contracting Party of the EEA Agreement, where the aided investment is made (aided establishment). There is relocation if the product or service in the original establishment and in the aided establishment serves the same purposes at least partly and satisfies the demands or needs of the same

not to do so in the two years following the completion of the initial investment for which aid is requested;

u) compliance with the provisions of Article 14, para. 13 of Reg. 651/2014 in relation to the contribution rate applied for;

2. In the case of companies that do not meet the requirements, set out in points (f) and (g) of subsection 1 above at the time of their application submission, the same requirements shall be declared in the form of a commitment and must be demonstrated within the time limits set out in point 2.1.b.
3. Applicants with a registered office abroad and without a registered office or operational unit in Calabria must declare that they meet the requirements set out in the Notice or equivalent requirements, at the time of submitting their application, in accordance with the rules of their country of origin, and produce the relevant documents proving that they have a legal personality recognised in the country of origin as resulting from the equivalent business register; in the case of documentation in a foreign language other than English, a sworn translation of the same in Italian must be produced.
4. Possession of the requirements referred to in paragraph 1 above shall be attested by the applicant by means of a declaration made pursuant to Presidential Decree No. 445/2000 in conjunction with the submission of the Application Form set out in Annex 1 to this Notice.

### **3. ELIGIBLE INTERVENTIONS AND EXPENSES**

#### **3.1. ELIGIBLE PROJECTS**

1. The entities referred to in par. 2.1 shall submit a specific project proposal together with the application referred to in par. 4.2, in accordance with the aims and objectives referred to in par. 1.1, accompanied by all the documentation referred to in par. 4.4.
2. The project proposal refers exclusively to the realisation of an initial investment as defined in para. 1.1 subsection 3 and para. 1.5 subsection 5.

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type of customers and there is a loss of employment in the same or similar activity in one of the beneficiary's original establishments in the EEA.

SEE = EEA – European Economic Area

### 3.2. PROJECT DURATION AND DEADLINE

1. The commencement of work (as defined in section 1.5 subsection 7) for the implementation of the project may not take place before the application of the contribution is submitted.
2. Expenditure is eligible from the day following the date of submission of the aid application.
3. The activities envisaged for the proposed project must be completed **within 24 months from the date the aid is granted**. All eligible expenses must be invoiced and paid by the Beneficiary within that period. Only one **time extension may be granted up to a maximum of further 3 months** upon request for proven reasons. The Regional Administration may grant further time extensions for all beneficiaries or for categories of the same for objective and general reasons, such as states of emergency decided by the Council of Ministers.

### 3.3. ELIGIBLE COSTS

1. **Eligible costs** are as follows:
  - a) **Company land**, not exceeding 10% of the total eligible costs;
  - b) **Purchase or construction of buildings including building works** (as defined in Article 3 of Presidential Decree No. 380 of 6 June 2001), to an extent not exceeding 60% of the total eligible costs. For SMEs only, design costs and studies are eligible within the limit of 4% of the eligible investment. Any real estate, subject to possible subsidies, must be subject to the 'intended use restriction' for a minimum period of 10 years from the completion of the investment.
  - c) **Brand new machinery, plant and various equipment**, including those necessary for the management activities of the applicant as well as movable assets, individually identifiable and serving exclusively the production unit that is the subject of the subsidies. It should be noted that brand new goods are those that have never been used and are invoiced directly by the manufacturer (or its representative or retailer); if there are further justified interim invoices, it being understood that the goods must never have been used, these invoices must not show any increase in the cost of the good compared to that invoiced by the manufacturer or its retailer. With regard to mobile means, it is specified that only those strictly connected to the production cycle, individually identifiable and serving exclusively the production unit being subsidised are eligible;
  - d) **Intangible investment costs**: licences, know-how or other forms of intellectual property. For large companies, the costs of intangible assets are eligible up to a maximum of 50 % of the total eligible investment costs for initial investment.
2. The total eligible costs **are not lower than € 1,000,000.00 and not higher than € 5,000,000.00**
3. Except for the acquisition of an establishment, the assets acquired must be new;
4. In the case of aid granted to large companies for fundamental changes in the production process, the eligible costs must exceed the depreciation of assets related to the activity to be modernised during the previous three financial years;
5. Where the intervention concerns the diversification of an existing establishment, an investment must be proposed with eligible costs exceeding by at least 200 % the book value of the assets being re-used and which has been recorded in the financial year preceding the start of the work.

6. In the case of large-sized enterprises, the costs of intangible assets are eligible up to 50 % of the total eligible investment costs for the initial investment.
7. In order to be eligible, the expenses referred to in subparagraph d) of paragraph 1 above refer to goods that meet the following cumulative conditions:
  - a) are used exclusively in the establishment receiving the aid;
  - b) are depreciable;
  - c) are purchased on market terms from third parties, who have no relationship with the purchaser; and
  - d) are included in the assets of the undertaking, receiving the aid and remain associated with the project for which aid is granted for at least five years or three years in the case of SMEs.
8. However, the following expenses are not eligible<sup>3</sup>:
  - i. expenditure on stocks of raw and auxiliary materials, machinery, plant and equipment used or not sold directly by the producer or its representative or retailer, operating expenses in general and all expenses not capitalised;
  - ii. costs relating to taxes and duties, with the exception of customs charges relating to those goods eligible as ancillary costs of the goods themselves and, as such, capitalised;
  - iii. expenses relating to assets acquired under financial lease system or under the turnkey contract;
  - iv. expenses for the supply of goods or the acquisition of consultancy services by directors, partners, employees of the applicant or their relatives within the third degree, as well as any partners, both domestic and foreign; companies in the setup of which the partners or directors of the beneficiary or their relatives within the third degree are present, even indirectly, i.e., as partners in other companies;
  - v. payments made using payment methods other than those permitted under the provisions of this Notice;
  - vi. expenditure certificates for an amount below €500.00, excluding VAT;
  - vii. expenditure on smartphones and other goods which, by their nature, lend themselves to ordinary use outside the economic activity, where the subsidised project is to be carried out;
  - viii. contributions in kind;
  - ix. personnel costs for in-house work, self-billing;
  - x. VAT.
9. For the purposes of determining the eligibility of expenditure, the following rules shall also be applied, insofar as relevant:
  - Reg. 1303/2013 Art. 67 - 70;
  - Reg. 1301/2013 Art. 3;
  - Decree of the President of the Republic of 5 February 2018 No. 22 laying down the criteria on the eligibility of expenditure for programmes co-financed by the European Structural Investment Funds (ESI) for the 2014/2020 planning period.
10. For the purposes of reporting and disbursement of the contribution, all expenses must:

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<sup>3</sup> The list given is not exhaustive

- a) fall within one of the eligible expenditure items;
- b) be carried out within the deadlines established by this Notice;
- c) be effectively and strictly related to the eligible project;
- d) relate to goods and services that have been delivered or fully delivered/performed;
- e) derive from legally binding acts (contracts, agreements, letters of assignment, etc.), in which the subject matter of the service and the reference to the initiative, for which the aid was granted, are clearly indicated;
- f) be actually incurred and supported by receipted invoices or accounting documents of equivalent probative value;
- g) be clearly attributed to the relevant beneficiary;
- h) it must have given rise to an actual cash outflow by the beneficiary, evidenced by documents certifying the payment that enable the expenditure to be unequivocally traced back to the subsidised project. In this regard, the following is specified:
  - i. **all expenses must be paid exclusively by bank transfer. Payments made by methods other than those described above and not uniquely related to expenditure under the funded programme are treated as cash payments and therefore considered as ineligible.** All payments made by bank transfer must include a reference to the project in the reason for payment, otherwise the relevant amount will not be accepted;
  - ii. invoices or accounting documents of equivalent probative value must be **'receipted'**, i.e., be accompanied by a document proving that payment has been made: in order to be deemed to exist, and thus valid, and effective, as evidence of the actual payment made in performance of the operation eligible for aid, the receipt of the payment must expressly and unequivocally refer to the claim mentioned in the documentary evidence. **The methods of receipt** may alternatively be the following: a declaration in the original and on the issuer's headed paper stating that the invoice, or other accounting document (the details of which must be indicated), has been duly paid (a single declaration by the same issuer may refer to several invoices) indicating the method of payment and identification references, ii) a copy of the invoice, or other accounting document, accompanied by a copy of the bank transfer with the relevant statement of account, certifying the payment and the financial outflow;
  - iii. in the case of payments in foreign currency, the corresponding countervalue in euros is obtained on the basis of the exchange rate used for the transaction on the day of actual payment;
  - iv. for the purpose of proving the payment, the beneficiary must submit the statement of account showing the debit (specifying the amount, date of payment and the reason for payment);
  - v. all expenditure must be recorded and clearly identifiable in the beneficiary's accounts (separate project accounts).

### 3.4. FORM AND INTENSITY OF THE CONTRIBUTION

1. Aid under this Notice is granted in the form of a capital grant.
2. In relation to the eligible expenses and in accordance with Articles 13 and 14 of Reg. 651/2014, the aid intensity that may be granted is equal to:
  - **60%** in the case of **small-sized enterprises**;
  - **50%** in the case of **medium-sized enterprises**;
  - **40%** in the case of **large-sized enterprises**.
3. The aid recipient must make a financial contribution of at least 25 % of the eligible costs, either through its own resources or through external financing, in a form free of any public support.

### **3.5. CUMULATION**

1. The Contribution may not be combined with other public, national, regional or Community funding for the same eligible expenses.

## **4. PROCEDURES**

### **4.1. GENERAL INDICATIONS ON THE PROCEDURE**

1. The activities related to receiving and assessing of applications, to granting and withdrawing contributions, as well as the activities related to financial management, including payments to beneficiaries, administrative, physical/technical and economic/financial controls are carried out by the Hotel and Extra-Hotel Accommodation Sector of the Tourism, Territorial Marketing and Mobility Department (hereinafter referred to as the Sector), which will rely on Fincalabra S.p.A., an in-house company wholly owned by the Region of Calabria, as Managing Authority, to carry out these activities.
2. **Application forms will be examined on a ranked basis.** Applications will be funded until the available resources set out in section 1.3 of this notice are exhausted.
3. The Regional Administration and the Managing Authority shall not be held responsible for any misunderstandings and/or malfunctioning of the telematic network attributable to third parties, unforeseeable circumstances or force majeure.

### **4.2. HOW TO SUBMIT AN APPLICATION**

1. Applications, completed in the Application Form Attachment 1 to this Notice and available on the institutional website of the Region of Calabria, together with the documents referred to in Section 4.4, **must be submitted using the computer platform** that will be made available for the purposes of this notice and in accordance with the technical procedures that will be provided for that purpose and published therein.



2. Each part of the application form must be completed<sup>4</sup> and digitally signed by the applicant requesting the contribution.
3. The application shall be made in the form of self-certification, pursuant to Presidential Decree no. 445/2000 and with the responsibilities set forth in articles 75 and 76 of the same Decree.
4. The application for aid is subject to payment of stamp duty. To this end, applicants shall declare in their application that they have duly fulfilled this obligation and shall keep the relevant documentation at their premises or at the different place indicated for the documents' storage.

#### **4.3. DEADLINES FOR SUBMITTING THE APPLICATION**

1. Applications may be submitted from 10 a.m. on 15 September 2022 until 10 a.m. on 30 September 2022.
2. Applications sent outside the deadlines, mentioned in paragraph 1 or lacking even of one of the documents required by the Notice and/or not correctly filled in, shall be considered **inadmissible**.

#### **4.4. DOCUMENTS TO BE ENCLOSED WITH THE APPLICATION**

1. Together with the application and the annexes forming an integral part thereof and in the manner set out in paragraphs 4.2 and 4.3 of this Notice, applicants shall submit the following documents:
  - a) Form in Annex 2 to this notice, complete in each of its parts and digitally signed by the proposing party;
  - b) Expenditure estimates or, in any case, documentation certifying the planned expenditure (i.e. registered preliminary purchase of building/land, etc.).
  - c) In the event the programme envisages the implementation of building works (as per Article 3 of Presidential Decree no. 380 of 6 June 2001):
    - i. General planimetry, on an appropriate scale, showing the size and configuration of the company's land, the covered areas, those intended for internal roads, green areas, available areas, etc. This plan must be accompanied by an appropriate legend and summary table of the individual surfaces. In case of expansions and/or renovations of buildings, the new surfaces must be appropriately highlighted in relation to the existing ones on both the plan and the summary tables;
    - ii. Main graphic drawings of each building, on an appropriate scale and duly dimensioned, signed by the designer and countersigned by the legal representative of the proposing entity or its special attorney in accordance with the law;
    - iii. Metric calculations relating to the building works to be carried out.
  - d) In the case of the purchase of land or real estate a sworn expert's report by a qualified technician is required to certify the market value of the land and/or real estate as well as the compliance with regulations or the points of non-compliance to be regularised, the value of the land with respect to the value of the real estate purchased in whole.

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<sup>4</sup> Therefore, including the Annexes to the application form, which form an integral part of it.

- e) Appropriate documentation (certificate from the municipality or sworn expert's report) attesting compliance with building, urban planning and zoning restrictions in the area, where the intervention is to take place.
2. **Aid applications lacking of even one of the documents required by the Notice and/or not correctly completed will be considered inadmissible and will therefore not be accepted.**

#### 4.5. METHOD OF ASSESSMENT OF THE APPLICATION

1. The process of evaluating applications will take place according to the steps described below.
2. The evaluation process will be concluded with the approval of the results of the evaluation based on the provisions of paragraph 3 below.
3. Applications submitted will be examined in chronological order of receipt on the basis of the following elements:
  - a. Admissibility:
    - submission of the application by the deadline and in the form provided for in this Notice;
    - completeness and regularity of the application and annexes.
  - b. Eligibility and pre-selection:
    - Compliance with the conditions set out in point 2.1 and the eligibility requirements set out in point 2.2, verified up to a number of applications, whose total sum of the requested contributions is equal to four times the financial allocation, applying the method set out in paragraph 4;
  - c. Evaluation of merit:
    - Based on the evaluation criteria set out in section 4.6 below.
4. The Management Authority will carry out **the check on the admissibility and eligibility of the applications for the contribution** in accordance with subparagraph 3, letters (a) and (b) above, within 12 days from the last date of submission of the contribution's applications. After this check and within 3 days from the completion of the check, it transmits the applications eligible for merit evaluation to the Evaluation Commission, which will be appointed by Decree of the Director General within 15 days from the last date of submission of the applications. The eligibility check is carried out until a number of applications, whose total sum of the requested contributions is equal to four times the financial allocation, are being accepted by identifying a priority given by the adoption of the following methods:
  - a. applications that meet the conditions and eligibility requirements set out in paragraphs 2.1 and 2.2 are identified in the following order:
    - applications falling under the case of letter B of paragraph 1 of section 2.1 (foreign companies), in descending order of contributions requested;
    - applications falling under the case of letter A of paragraph 1 of section 2.1 (without registered office or local unit in Calabria), in descending order of contributions requested;
    - applications falling under the case of letter C of paragraph 1 of section 2.1 (with registered office or local unit in Calabria), in descending order of contributions requested;

- b. the identification referred to in point a. shall be carried out until the sum of the requested contributions of the identified applications is equal to or exceeds four times the budget of the notice;
  - c. if there are no further applications for the requested contribution equal to that of the last one identified pursuant to letter b., the applications identified as above are those admitted to the Commission's assessment of merit;
  - d. On the contrary, if there are further applications for the contribution requested equal to that of the last one identified pursuant to letter b., among these (including the one selected pursuant to letter b.), the application with the highest increase in permanent labour units is selected (see paragraph 4.6, evaluation criterion iv.2) and, in the event of further parity, the "ex-equo" applications are admitted. Such last selected application(s), together with those of higher eligible cost identified under a. and b. above, will also be admitted to the Commission's merit assessment.
5. The Evaluation Committee shall carry out the merit evaluation of the contribution's applications referred to in subsection 3, letter c) on the basis of the criteria described in section 4.6 below. The Commission will complete its work within 12 days after receiving the documentation of the applications deemed eligible for assessment.

#### 4.6. EVALUATION CRITERIA AND SCORE

1. Scores for merit evaluation purposes will be awarded to eligible applications on the basis of the following criteria.

<i>Evaluation criteria</i>	<i>Indicators</i>	<i>Scores</i>	
		<i>Up to</i>	<i>Max</i>
i. Quality of the proposal in terms of defining the objectives, methodologies and procedures for implementing the intervention	Level of clarity and detail of the proposal in terms of objectives, methodologies and implementation procedures (up to a maximum of 8 points)	8	8
	ii.1) Checking technical-administrative feasibility with particular reference to the implementation timetable and the timeframe for issuing the necessary administrative acts (licences, opinions, authorisations, etc.) (up to a maximum of 8 points)	8	
	(ii.2) Share of private co-financing. Percentage of contribution requested that is less than the maximum	10	

<p>ii. Technical-administrative feasibility and economic and financial sustainability of the proposal</p>	<p>allowable: one point is awarded for each percentage point of capital grant requested that is less than the maximum allowable (up to a maximum of 10 points)</p>		26
<p>(iii) Capacity of the interventions to improve the regional business competitiveness</p>	<p>ii.3) Economic and financial sustainability of the project with particular reference to the expected productive and economic results in relation to the planned investment, as described in the project form in Annex 2 (up to a maximum of 8 points)</p> <p>iii.1) Capacity of the project to foster the development of networks and partnerships aimed at increasing/improving tourist flows and/or tourist services through (max. 10 points):</p> <ul style="list-style-type: none"> <li>- agreements formally signed with companies and/or entities located in Calabria and/or with foreign companies as well as residual ownership titles of land and buildings subject to investment, for applications falling under the case of letter A of paragraph 1 of section 2.1 (with neither registered office nor local unit in Calabria).</li> <li>- agreements formally signed with companies and/or entities located in the territory of Calabria as well as residual ownership titles of land and real estate subject to investment, for applications falling under the case of letter B of paragraph 1 of section 2.1 (foreign companies).</li> <li>- agreements formally signed with companies not operating in Calabria and, among these, preferably with foreign companies, for applications falling within the case of letter C of paragraph 1 of section 2.1 (registered office or local unit in Calabria).</li> </ul> <p>Agreements and property titles are assessed overall with respect to their contribution to the project's capacity to foster the development of networks and partnerships aimed at</p>	8	36
		10	

	increasing/improving tourist flows and/or services.		
	<p>iii.2) Capacity of the enterprise to foster the development of networks and partnerships aimed at increasing/improving tourist flows and/or tourist services on the basis of activities/initiatives developed by the proposers in the same tourist areas (ISIC-NACE-ATECO 55- 56-79 - 93.29.10):</p> <ul style="list-style-type: none"> <li>- up to a maximum of 10 points for initiatives limited to national territory</li> <li>- up to a maximum of 20 points for initiatives at international level.</li> </ul> <p>Depending on the above cases, the maximum score shall be multiplied by the coefficient resulting from the summary judgment referred to in paragraph 4.</p>	20	
	iii.3) Capacity of the project to favour the qualification and deseasonalisation of the tourist offer (max. 6 points).	6	
(iv) Capacity of the project to increase the level of technological, productive and organisational innovation of companies	<p>iv.1.) Capacity of the project to promote the introduction of process and product innovations, compared to the existing state of the art (up to a maximum of 16 points). The content of the project will be assessed with regard to:</p> <ul style="list-style-type: none"> <li>- the introduction of new production/service processes characterised by originality and innovativeness</li> <li>- the significant improvement of existing products/services or consolidated production processes and technologies</li> <li>- the introduction of innovative marketing solutions involving significant changes in the promotion of services or pricing policies, excluding advertising expenses</li> <li>- the introduction of innovative work organisation solutions and/or service delivery processes that increase productivity and/or reduce management</li> </ul>	16	30

	costs, the introduction of eco-innovative solutions for the rational use of resources		
	iv.2) Capacity of the project to create new employment: - increase employment (8 points). The employment indicator is satisfied in the case of an increase in the number of permanent AWU for the local unit that is the subject of the project, within the deadline for the presentation of the balance referred to in section 4.12 paragraph 1 letter c) of this Notice. 0.25 points shall be awarded for each additional AWU envisaged with respect to the value registered on the date of submission of the application, up to a maximum of 8 points.	8	
	v.3.) Capacity of the project to reduce environmental impacts and promote energy saving (up to a maximum of 6 points). The content of the project will be assessed in particular with regard to:  - limiting soil consumption; - construction materials used, with particular reference to recycled and/or recyclable materials; - characteristics, quality levels, construction and production processes and methods; - energy production from renewable sources; - energy saving through thermal insulation techniques and the use of low-consumption devices.	6	
		<b>TOTAL</b>	<b>100</b>

2. The maximum score that may be awarded is 100 points. Applications shall be considered eligible for funding if they have obtained a score equal to or greater than 60 points, following the merit evaluation and which have obtained an average summary judgement not exceeding "Insufficient" (1/6), for no criterion in which paragraph 4 below is applicable. On the basis of the marks obtained, the order of applications will be defined in descending order.
3. In the event of a tie in the last position, the remaining resources for that last position will be allocated in proportion to the total value of eligible expenditure, in compliance with the maximum aid intensity applicable to the size of the enterprise.

4. For the purposes of the selection of operations, where the determination of the score is not in relation to objective elements identified with the description of the criteria referred to in the preceding paragraph, each of the indicators of the evaluation grid above will be attributed a synthetic judgement, given by the average of the judgements expressed by the individual members of the Commission, chosen from 7 predetermined judgements according to the following table:

<b>Evaluation</b>	<b>Coefficient</b>
Totally inadequate or not assessable	0/6
Insufficient	1/6
Mediocre	2/6
Sufficient	3/6
Good	4/6
Discreet	5/6
Excellent	6/6

5. Once the Commission has concluded its work, it transmits to the Sector the minutes of the meetings, the ranking lists of the beneficiaries eligible for funding and those not financed due to lack of funds and the list of those not admitted with the reasons for their exclusion, within 3 days from the conclusion of the work.

#### **4.7. PROVISIONAL APPROVAL OF THE EVALUATION RESULTS**

1. The Regional Administration publishes the lists of applications financed and not financed due to lack of funds or insufficient merit points as well as of unsuccessful applications, indicating the reasons for exclusion.
2. Beneficiaries have the opportunity to exercise their right of access within 7 days of the publication of the provisional lists; the requested documents will be delivered within 5 days of the request for access and beneficiaries may submit a request for reconsideration within 7 days of delivery of the documents or, in absence of a request for access, within 7 days of publication of the provisional lists. The procedures for access and review will be defined in the decree of provisional approval of the assessment results. The Sector will amend the lists in the event of justified and well-founded requests following an investigation by the Management Authority.
3. The assessment of requests for reconsideration shall be carried out within a time frame proportionate to the number of requests received and, in any event, shall be concluded within 7 days of the submission of the request for reconsideration.

#### **4.8. PUBLICATION OF THE EVALUATION RESULTS AND FINANCING OF THE OPERATION**

1. The applications will be financed until the available resources mentioned in par. 1.3 are exhausted. Particularly, the funding decree of the Director General of the Department, published in the Official Bulletin of the Region of Calabria and on the institutional websites, approves:
  - Final ranking lists of beneficiaries of operations eligible for funding, with identification of beneficiaries of operations not eligible for funding due to lack of resources;



- the final list of subjects, whose operations are ineligible for funding, due to a score below the minimum threshold provided for in section 4.6 paragraph 2;
  - the list of projects not admitted to the merit evaluation with the reasons for exclusion.
2. In the case of a company that does not have its registered office and VAT number in Italy, the eligible applicant shall communicate the details of its registration to the competent register of companies and VAT registration number, enclosing the supporting documentation referred to in point 4.10.1 by PEC (Certified email address), **within 15 days from the date of publication on the institutional website of the Region of Calabria of the ranking list referred to in paragraph 1 above.**
  3. Following the acquisition of the documents mentioned in section 4.10.1, the following will also be carried out:
    - grant the funding in favour of the eligible beneficiaries within the limits of the available resources, subject to the checking of the documentation mentioned in paragraph 4.10 below
    - make the overall accounting commitment in favour of each funded beneficiary.

#### **4.9. COMMUNICATION OF THE RESULTS OF THE SELECTION TO THE APPLICANTS AND CONSEQUENT FULFILMENTS**

1. The publication **on the institutional website of the Region of Calabria** of the acts mentioned in paragraph 4.8 above constitutes notification of the results of the evaluation for all purposes.
2. The Beneficiary's obligations, as defined in section 5.1 of this Notice, shall take effect from the time of publication of the results of the assessment referred to in section 4.8 above.
3. All communications between the Sector and the Beneficiary shall take place exclusively via PEC (Certified email address).

#### **4.10. SUBMISSION OF REQUIRED DOCUMENTATION**

1. Under penalty of forfeiture, the beneficiary must submit the following documents within 15 days from the date of publication on the institutional website of the Region of Calabria of the lists mentioned in paragraph 4.8 subparagraph 1:
  - a) Documents certifying the opening of a VAT number and registration with the competent Company Registry as provided for in point 2.2.1 letters f and g of the notice (*in the case of companies not having their registered office in Italy at the time the application is submitted*)
  - b) where a contribution equal to or higher than €150,000.00 is to be awarded, the complete documentation required for the acquisition of the anti-mafia notice pursuant to Article 90 et seq. of Legislative Decree 159/2011.
2. In the event of non-transmission within the deadline set forth in paragraph 1 above, the beneficiary shall lose the right to the contribution and the Department shall start the procedures for the forfeiture of the contribution.

3. Unless the beneficiary requests a time extension, stating the reasons thereof within the same deadline set forth in paragraph 1 above. Such extension shall not exceed 10 days and may be allowed only once.
4. The Department verifies the documentation produced by the beneficiary. The duration of the verification process of the documentation submitted by the beneficiary shall not exceed 15 days from its submission, which may be interrupted for requests for clarification.

#### **4.11. MANAGEMENT OF BUDGETS**

1. Eligible applications that cannot be financed due to a lack of resources, without wholly or partially financial coverage, may be financed from the income subsequently occurring by starting from the first eligible project in the chronological order of application submission.
2. For the financing and implementation of operations financed with the budgets the relevant provisions of this Notice shall be applied.

#### **4.12. PROCEDURES FOR THE PAYMENT OF THE FINANCIAL CONTRIBUTION AND RELATED SUPPORTING DOCUMENTATION**

1. The disbursement of the contribution by the management authority will take place as follows:
  - a) **payment of an advance of up to 40% of the amount of the contribution awarded** upon request signed by the legal representative of the Beneficiary. Alternatively, such request shall be digitally signed by the special attorney of the legal representative of the company and accompanied by the special power of attorney or an authentic copy thereof with the necessary declarations made by the legal representative and attorney pursuant to Presidential Decree No. 445/2000, with the simultaneous submission of the special guarantee (in accordance with the form provided by the regional administration) and the further documentation set forth in paragraph 3 below. **The request for advance shall be produced by the beneficiary within 90 days of the communication mentioned in paragraph 4.9 paragraph 1 above;**
  - b) **payment of an advance of up to 50% of the contribution** in respect of expenses incurred and paid for at least 40% of the eligible investment, upon presentation of the documents referred to in paragraph;
  - c) **final disbursement of the 10% balance** against expenses incurred and paid in full upon receipt of the documents referred to in paragraph 5 below. **The request for disbursement of the balance shall be produced by the beneficiary within a maximum period of 90 calendar days from the deadline referred to in paragraph 3.2 subparagraph 3 of this notice; 4 below;**
  - d) as an alternative to the preceding points, the beneficiary may request the disbursement of 100% of the admitted contribution in a single instalment upon presentation of all the documents required under points 3.c and 5 below.
2. In detail, the contribution disbursement scheme is as follows:

**Tab.1a: Disbursement methods of the contribution**

Advance of the contribution (value %)	1st advance payment		Balance	
	(Value of the contribution %)	Progress of expenditure <sup>5</sup>	Value of the contribution	Progress of expenditure
Up to 40%	Up to 50%	Up to 40%	10%*	100%

\*Or different percentage for the difference between the total recognised contribution and the sum of the advance plus the first advance requested

**Tab. 1b: Single payment mode (as an alternative to Tab. 1a):**

Balance	
Value of the contribution %	Progress of expenditure
100%	100%

3. The documents to be submitted for the application for an advance are as follows:
  - a) Application for an advance in accordance with the format set out in Annex 3 to this notice, signed by the legal representative of the company;
  - b) Guarantee, pursuant to point 4.13 and in accordance with the model in Annex 5 to this Notice;
  - c) Title to the property (deed of ownership, lease agreement, etc.) together with a declaration in lieu of affidavit, made pursuant to Articles 47 and 76 of Presidential Decree No. 445 of 28 December 2000, by the owner of the property certifying his/her consent to the implementation of the investment programme (*to be produced only if the owner of the property, where the project is to be carried out, is different from the applicant*);
  - d) Appropriate documentation of the building in the context of which the project is to be realised, certifying compliance with the building and town planning regulations (e.g., certificate from

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<sup>5</sup> Amount, expressed as a percentage of the progress of the expenses incurred by the beneficiary in relation to the total amount of the operation admitted to the contribution for the disbursement of the portion of the contribution concerned.

the municipality, sworn expert's report, certificate of practicability or certified practicability report);

4. The documents to be submitted for the application for the 1st advance payment referred to in paragraph 1 letter b) above are the following:
  - a) request for the 1st advance payment, according to the format in Annex 3 to this Notice, signed by the legal representative of the company;
  - b) a copy of the cancelled invoices bearing the following endorsement [insert the words: "*Accounting document financed under the \_\_\_\_\_ accepted in the amount of Euro \_\_\_\_\_*"]
  - c) copy of bank (or postal) transfers and copy of bank (or postal) current account showing the debits of the payments made to the various suppliers;
  - d) in the case of building works, certification by a qualified technician on the consistency and congruity of the expenses reported in relation to the eligible expenses.
5. The documentation to be submitted for the request for payment of the 10% balance is as follows:
  - a) **request for payment of the balance**, according to the format in Annex 4 to this Notice, signed by the legal representative of the company;
  - b) Copy of the cancelled invoices with the following caption [insert the caption: "*Accounting \_\_\_\_\_ document \_\_\_\_\_ financed \_\_\_\_\_ under \_\_\_\_\_ admitted for the amount of Euro \_\_\_\_\_*";
  - c) copy of bank (or postal) transfers and copy of bank (or postal) current account showing charges for payments made to the various suppliers;
  - d) documentation on the real estate realised (where applicable) such as, for example, certificate of habitability, registration for use in accordance with the activity, etc.;
  - e) in the case of building works, certification by a qualified technician on the consistency and congruity of the expenses reported in relation to the eligible expenses;
  - f) (if applicable) documentation proving the increase in AWUs in relation to evaluation criterion iv.2);
  - g) documentation proving the opening of the local unit in Calabria, related to the investment;
  - h) final report on the activities carried out (in the case of a feasibility study);
  - i) documentation proving the financial contribution of at least 25 % of the eligible costs, either through own resources or through external financing without any public support;
  - j) unilateral notarial deed of obligation and relative transcription note in the land registers of the same, which must contain an explicit obligation not to remove the property that is the subject of the contribution awarded from its intended use for a period of at least 10 years from the request for payment of the balance.

#### **4.13. GUARANTEE FOR THE ADVANCE PAYMENT**

1. The advance payment mentioned in paragraph 3 of Section 4.12 is subject to the simultaneous submission of a guarantee, which must cover principal, interest and default interest, if any, as well as the costs of the reimbursement procedure.
2. The guarantee may be granted by banks, insurance companies pursuant to Law No. 348/1982 as amended, or financial intermediaries, registered in the special list pursuant to Art. 106 of Legislative Decree No. 385/1993 as amended (TUB) (Consolidated Banking Act) - including Confidi (Consortium of Collective Credit Guarantee) registered in the list referred to in Art. 106 - exclusively or predominantly issuing guarantees that are authorised and supervised by the Bank of Italy and listed in its databases.
3. The guarantee must be issued using the form in Annex 5 to this notice. The guarantee must be issued in the name of the Region of Calabria.
4. The guarantee is valid regardless of whether or not the Beneficiary is subject to judicial liquidation or other insolvency proceedings (pursuant to Law No. 155 of 19 October 2017 containing the "Delegated Law for the reform of the disciplines of business crisis and insolvency" and subsequent implementing decrees).
5. The guarantee must expressly include:
  - a) payment on first demand within 15 days;
  - b) the waiver of the benefit of prior enforcement measure of the principal debtor;
  - c) the waiver of the exception as per Art. 1957(2) of the Civil Code, i.e. the duration of the surety must be related not to the maturity of the principal obligation, but to its full performance;
  - d) the condition that the non-payment of the premium may in no case be invoked against to the Region of Calabria, notwithstanding the provisions of Article 1901 of the Civil Code;
  - e) the Court of Catanzaro as the competent court for the resolution of disputes on the merits;
  - f) the enforcement of the policy for the protection of the regional credit in the event of its non-renewal within a deadline prior to the expiry date (1-2 months);
  - g) the automatic renewal clause in the event the Beneficiary is unable to comply with all the obligations, commitments and conditions provided for by the rules governing the aid.

## **5. OBLIGATIONS OF THE BENEFICIARY, CHECKS AND WITHDRAWALS**

### **5.1 OBLIGATIONS OF THE BENEFICIARY**

1. The Beneficiary is obliged to:
  - a) carry out the intervention according to the terms set out in the approved project and, in any case, to the minimum extent of 75% of the admitted investment. This measure is determined with reference to the costs actually reported and admitted in relation to the approved financial plan;
  - b) carry out the intervention in compliance with all the rules, even if not expressly mentioned, relating to the European Structural and Investment Funds (hereinafter, the ESI Funds);

- c) in the case of subsidised real estate, maintain the use of the property for a minimum period of 10 years;
- d) maintain the employment indicator (subject of evaluation criterion iv.2) for a at least 24 months after project completion;
- e) implement the intervention within the deadlines set out in the approved project;
- f) ensure the implementation of the activities envisaged by the intervention as identified in the acts of the procedures for granting the aid;
- g) report the expenses actually incurred for the implementation of the intervention, supported by receipted invoices or accounting documents of equivalent probative value in the period between the day after the date of submission of the application and the deadline for the conclusion of the project as identified in par. 3.3 paragraph 3 of this Notice;
- h) formalise the requests for payment of the contribution within the terms and according to the procedures set out in the Notice;
- i) comply with the provisions of Article 125 (b) of (EU) Regulation 1303/2013 (separate accounting) in the management of the sums transferred by the Region of Calabria as funding from the resources of the Programme by ensuring a separate accounting system or an adequate accounting codification for all transactions related to the operation;
- j) ensure the storage of all the technical, administrative and accounting documentation of the intervention separately - or that can be separated by appropriate coding - from the other general administrative documents. Such filing must be accessible without limitation for control purposes to the entitled people and entities and must be kept for a period corresponding to the time limits provided for in Article 140(1) of Regulation 1303/2013;
- k) keep all documents relating to the project in the form of originals or certified copies on commonly accepted media, which provide evidence of the actual expenditure incurred;
- l) keep the originals of the expenditure documents and of those, certifying the payment, available for checks and controls within the time limits provided for by Art. 140 par. 1 of Reg. 1303/2013;
- m) communicate the location of the documents mentioned above as well as the identity of the person in charge of such storage at the time of the contribution's application. Any change and/or update of the above information must be promptly communicated in accordance with the provisions applicable to the contribution awarded;
- n) in accordance with the terms and timeframes defined by the Region of Calabria, provide the data and information on financial, economic, physical and procedural monitoring in compliance with the provisions applicable to the ESI funds and in accordance with the procedures indicated by the Regional Administration;
- o) allow on-the-spot checks to be carried out by the regional, national and Community control authorities within the time limits set out in Art. 140(1) of Reg. 1303/2013;
- p) undertake to ensure access to the documents mentioned above in the event of an inspection. On such occasions, it is also required to provide extracts or copies of the aforementioned documents to the entitled persons or bodies, including, at least, the

authorised staff of the Managing Authority, the Certifying Authority, the Audit Authority, and/or the Concessionary Manager/Intermediate Body, if any, as well as the authorised officials of the European Community and their authorised representatives, in the case of a contribution awarded in the framework of Community or National Regional Programming.

- q) guarantee the administrative and operational capacity of its organisational structure for the implementation of the intervention;
- r) apply to the Region of Calabria for prior authorisation for any changes to the intervention in the manner prescribed in Section 5.3 of this notice;
- s) comply with the requirements set out in this notice and in any instructions issued by the Region of Calabria for this purpose;
- t) provide the financial, technical and administrative information and documentation on the intervention as requested by the Region of Calabria and/or the entities appointed by the Region, as well as the necessary certificates to verify the possession and maintenance of the requirements referred to in par. 2.1, within a maximum period of 15 (fifteen) days from the request, unless otherwise established;
- u) guarantee the application of the legislation in force concerning safety in the workplace (Legislative Decree no. 81 of 9 April 2008 as amended and supplemented);
- v) ensure compliance with the applicable rules on information and advertising of the funding of the operation, in accordance with the relevant provisions of point 2.2 of Annex XII of Regulation 1303/2013<sup>6</sup> and with the provisions of Chapter II of Implementing Regulation (EU) 821/2014 (Articles 3, 4 and 5);

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<sup>6</sup> The text of the quoted point reads as follows: '2.2. **Responsibilities of beneficiaries**

1. All information and communication measures by the beneficiary shall acknowledge the support of the funds for the operation by stating:
  - a. the emblem of the Union in accordance with the technical characteristics laid down in the implementing act adopted by the Commission pursuant to Article 115(4), together with a reference to the Union;
  - b. a reference to the fund(s) supporting the operation.
  - c. In the case of any information or communication measure linked to an operation or several operations co-financed by more than one fund, the reference in point (b) may be replaced by a reference to ESI funds.
2. During the **implementation** of an operation, the beneficiary informs the public about the support obtained from the funds:
  - a. by providing a brief description of the operation on the beneficiary's website, if any, in proportion to the level of support, including its purpose and results, and highlighting the financial support received from the Union;
  - b. for operations not covered by points 4 and 5, by placing at least one poster with information about the project (minimum size A3), indicating the Union's financial support, in a place easily visible to the public, such as the entrance area of a building.
3. **For operations supported by the ESF, and in appropriate cases for operations supported by the ERDF or Cohesion Fund**, the beneficiary shall ensure that the participants have been informed about such funding. Any document, whether relating to the implementation of an operation used for the public or for participants, including attendance certificates or otherwise, shall contain a statement demonstrating that the operational programme has been financed by the Fund or Funds.



- w) have a current account dedicated, even if not exclusively, to the credits and debits connected with the implementation of the operation;
- x) ensure to be in compliance with obligations relating to the payment of social security and welfare contributions;
- y) comply with the cumulation provisions set out in para. 3.5;
- z) comply with the provisions on relocation set out in para. 16 of Art. 14 of Reg. 651/2014;
- aa) maintain the requirements for access to the Contribution referred to in paragraph 1 of Section 2.2 throughout the period of completion and until the request for payment of the balance;
- bb) comply with the constraint of stability of the operation as per Art. 71 of Reg. 1303/2013. The constraint mentioned in Art. 71 par. 1 first paragraph is reduced to three years;
- cc) ensure compliance with the provisions of the State aid rule applicable to the aid granted;
- dd) where requested by the Region of Calabria, provide it with a summary of the results achieved once the operation has been completed. This information will be disseminated via the web or other communication tools;
- ee) comply with specific rules on the visibility and image of the project, to be provided by the Region of Calabria;
- ff) where applicable, give immediate notice of the intention to renounce the contribution by certified email;
- gg) where applicable, give timely notice of the initiation of any administrative or legal proceedings concerning the co-funded project.

## 5.2 CHECKS

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4. During the **implementation** of an operation supported by the ERDF or the Cohesion Fund, the beneficiary shall exhibit a temporary billboard of a significant size for each operation in a place readily visible to the public consisting in the funding of infrastructure or construction operations, whose total public support exceeds €500,000.
  5. Within three months of the completion of a transaction, the beneficiary shall display a permanent plate or large billboard in an easily visible place to the public for each operation that meets the following criteria:
    - a. the total public support for the operation exceeds EUR 500,000;
    - b. the operation consists of the purchase of a tangible object or the funding of an infrastructure or building operation. The plaque or billboard shall state the name and main objective of the operation. It shall be prepared in accordance with the technical characteristics adopted by the Commission in accordance with Article 115(4).
  6. The responsibilities specified in this subsection shall be applicable from the moment the document is provided to the beneficiary specifying the conditions for the operation support referred to in Article 125(3) C.

1. The Region of Calabria, also through the Management Authority, reserves the right to carry out checks and controls, in the manner it deems appropriate and at any time, on the financial, procedural and physical progress of the Intervention as well as on the compliance with the obligations under current legislation and on this Notice and the truthfulness of the declarations and information produced by the Beneficiary.
2. In any case such checks do not relieve the Beneficiary from full and exclusive responsibility for the regular and perfect execution of the project.
3. The Region of Calabria remains uninvolved in any relationship with third parties arising from the implementation of the project. The checks carried out relate exclusively to relations with the Beneficiary.
4. The Beneficiary must keep and make the documentation concerning the intervention available, as per paragraph 5.1, and allow on-the-spot checks to the control authorities for a period of five years from the date of disbursement of the balance of the aid granted.
5. In the event of verification during the audit of non-compliance with EU national and regional rules, even if not criminally relevant, the Region of Calabria will proceed **with the total withdrawal of the Contribution and the recovery of any amounts already paid.**

### 5.3 CHANGES IN THE FINANCED TRANSACTION

1. During the implementation, the Beneficiary may submit a single, duly justified request for a variation of the Intervention, which may concern:
  - a. the chronogram of the Intervention, according to the procedures set out in paragraph 5 below;
  - b. the eligible expenditure to an extent that does not alter the nature, objectives and conditions of implementation of the operation, notwithstanding the provisions of paragraph 3.4 and the impossibility of increasing the total cost of the operation and the amount of the contribution granted;
  - c. other changes, not including substantial changes, that alter the nature, objectives or conditions of implementation of the operation, which have the effect of jeopardising its original objectives.
2. The Beneficiary shall submit a duly motivated variation request to the Department before carrying out the changes.
3. The Sector shall assess the variation requested and verify that it does not substantially change the project for which the contribution was awarded. "Substantial" amendments are those that are likely to alter the assessment made by the Commission. No authorisation is required in the case of "ordinary and non-substantial" changes to the spending plan. "Ordinary and non-substantial" changes, which therefore do not require express authorisation, are deemed to be: a. variations in expenditure within the limit of 20% for each type of expenditure as per paragraph 3.3. This is without prejudice to compliance with the percentages admissible for each type of expenditure

- under the same article; b. the replacement of any of the assets envisaged in the subsidised project with other similar and/or functionally and instrumentally equivalent assets; c. a change of supplier.
4. The duration of the verification process will be proportionate to the complexity of the operation and the outcome, approval or rejection, will be communicated via PEC (Certified email address) to the Beneficiary.
  5. If the variation includes or concerns the deadline for the realisation of the intervention, the Regional Administration may grant a single time extension of 3 months maximum. In this specific case, the application for the variation referred to in paragraph 2 shall be submitted by the beneficiary 60 days before the deadline for the implementation of the intervention at the latest. The extension of the deadline for implementation of the intervention may be granted only once.
  6. It is understood that where the variation entails changes to the project costs, their eligibility starts from the date of receipt of the variation request by the Department, if it is approved in the manner indicated in paragraph 4 above.
  7. In the event of absence of prior request for variation or lack of approval, the Regional Administration reserves the right to decide to withdraw the Contribution.
  8. Without prejudice to the provisions set out in the preceding paragraphs, total or partial non-conformity with the original project, partial implementation or incorrect final reporting of the Intervention shall be considered as non-conformity and/or partial implementation of the Intervention.
  9. In the cases mentioned in the preceding paragraph, the Regional Authority shall partially or totally revoke the Contribution after discussions with the Beneficiary
  10. The withdrawal shall in any case be total in the event that, as a result of the partial or non-conforming implementation, the minimum 75% completion rate of the project is breached as set out in paragraph 5.1 letter a).
  11. If there has been a disbursement by the Region, the sums disbursed shall be refunded through the partial revocation measure, plus interest accrued at the official discount rate in force on the date of the payment order.
  12. If disbursements are still outstanding at the date of partial revocation, the amount to be recovered shall be deducted from the disbursement still to be made. In the event the outstanding disbursements turn out to be less than the amount to be recovered, or in the event the balance has already been disbursed, a recovery procedure shall be commenced against the Beneficiary.
  13. The provisions of paragraphs 10 and 11 above shall also be applied to cases of re-determination of the contribution, including the case of irregularities found as a result of checks carried out for any reason whatsoever, for which there shall be no total withdrawal on the basis of the provisions set out in paragraph 5.5 below.

#### **5.4 GROUNDS FOR FORFEITURE**

1. The Beneficiary loses the benefit of the Contribution awarded, with consequent revocation of the Contribution, in the following cases:
  - a) aid granted on the basis of false, inaccurate or reticent data, information or declarations, which are not in accordance with the terms of Presidential Decree

- 445/2000 and subsequent amendments and additions, without prejudice to the consequences provided for by the applicable criminal law;
- b) lack or supervening loss of even one of the eligibility requirements requested by the Notice under penalty of forfeiture at the time the application is submitted;
  - c) failure to produce the documents mentioned in paragraph 1 of Section 4.10;
  - d) negative outcome of the checks referred to in paragraph 4.10;
  - e) submission of more than one application under this Notice.

## **5.5 WITHDRAWAL OF THE CONTRIBUTION**

1. Grounds for total withdrawal of the contribution are the following:
  - a) loss of the eligibility requirements;
  - b) inertia, understood as failure to carry out the intervention, and/or realisation that differs from that authorised and/or partial realisation, except in the case referred to in point d) below;
  - c) the non-implementation of at least 75% of the intervention admitted to the contribution within the scheduled timeframe. The percentage of realisation is determined by reference to the costs of the intervention actually reported, in relation to those envisaged in the approved financial plan;
  - d) being subject to judicial liquidation or other insolvency proceedings (pursuant to Law No. 155 of 19 October 2017 containing the "Proxy Law for the reform of the disciplines of business crisis and insolvency" and subsequent implementing decrees), as a result of the beneficiary's fraudulent conduct;
  - e) breach of obligations under the relevant legislation, including the provisions on advertising;
  - f) the violation, definitively ascertained by the competent authorities, of the applicable obligations with regard to workplace safety, compliance with collective labour agreements and social security and insurance matters;
  - g) proven cause for forfeiture, for undue payment of the contribution, due to lack of essential requirements or for irregularities in the documentation produced that cannot be remedied and attributable to the beneficiary, or confirmed by a final decision (for fraud or gross negligence);
  - h) all cases of breach of the obligations set out in Section 5., not expressly referred to herein and in the applicable regulations.
2. The decree of withdrawal gives the Region of Calabria the right to demand the immediate reimbursement of the contribution disbursed and provides for the recovery of any sums already disbursed and not due, increased by interest equal to the official ECB reference rate in force, increased by five percentage points, calculated from the time of disbursement.
3. After acquiring acts, events or circumstances that could give rise to withdrawal, transposing Articles 7 and 8 of Law No. 241/90 as amended and supplemented, the Regional Administration shall notify the interested parties of the commencement of the contestation procedure (with indications concerning: the subject of the promoted proceedings , the person in charge of the

proceedings, the office, where the acts may be inspected) and shall assign the addressees of the communication a term of thirty days, starting from the receipt of the communication itself to submit any counter-deductions.

4. The interested parties may submit writs of defence, drawn up on plain paper, to the Regional Administration as well as other documentation, deemed appropriate, by certified e-mail within the aforementioned thirty days from the date of the communication of the start of the dispute procedure.
5. The Regional Administration examines any defensive writings and, if appropriate, acquires further elements of judgement, formulating conclusive observations on the matter.
6. If the Regional Administration does not consider the reasons for the contestation to be well founded, it adopts the measure of archiving, informing the beneficiary.
7. On the contrary, if the Regional Administration deems the reasons that led to the initiation of the aforesaid procedure to be well-founded, it shall proceed with the preparation and issuance of the withdrawal measure and the related recovery of the sums.
8. After sixty days from the receipt of the notification of the measure, should the recipients not have paid the amount due, the Regional Administration shall inform the competent regional structure in charge of debt collection about the failure to repay the amounts, in order to initiate the compulsory recovery procedures.
9. In the event of undue receipt of the contribution for fraud or serious misconduct, as ascertained by a court of law, the sums granted shall be refunded when the contribution is revoked. A pecuniary administrative sanction will be applied, consisting in the payment of a sum ranging from two to four times the amount of the unduly used aid, as set forth in Article 9 of Legislative Decree No. 123 of 31 March 1998 (Provisions for the rationalisation of public support to enterprises, pursuant to Article 4, paragraph 4, letter c) of Law No. 59 of 15 March 1997).

## **5.6 WAIVER OF THE CONTRIBUTION**

1. Beneficiaries may renounce the subsidy by sending a communication to the Management Authority, Fincalabra S.p.A., which will communicate the necessary data to the competent Sector, within the framework of the monitoring activities foreseen by the Managing Authority.

## **5.7 EXCLUSION FROM THE GROUNDS FOR WITHDRAWAL AND/OR FORFEITURE**

1. Without prejudice to specific regulatory provisions, the following reasons do not in themselves constitute grounds for revocation and/or for forfeiture of the subsidy, should they subsequently arise:
  - the contribution irregularity certified by the Certificate of Single Insurance Contribution Compliance (DURC);
  - the non-fulfilment resulting from the audit pursuant to Article 48-bis of Presidential Decree no. 602/1973.

2. In such cases, substitute measures as governed by the provisions in force pro tempore shall be applied.
3. This paragraph shall prevail over conflicting provisions contained in this notice.

## **6. FINAL PROVISIONS**

### **6.1. INFORMATION, ADVERTISING AND COMMUNICATION OF RESULTS**

1. Beneficiary is obliged to comply with the applicable rules on information and advertising of the financing of the intervention, as indicated in this regard by the Region of Calabria.
2. For each operation benefiting from the aid under this notice, the beneficiary must clearly inform third parties that the operation being carried out has been selected under the Notice 'Attracting investments in tourism to the region' and that the operation is being carried out with resources from the Piano Sviluppo e Coesione (PSC) (Development and Cohesion Plan) of the Region of Calabria - Thematic Area 03.02 Tourism and Hospitality. In particular, the beneficiaries of the resources of this Notice must compulsorily include website, communication (of external value), concerning the financed project, an indication that the operation is financed under the Piano Sviluppo e Coesione (PSC) (Development and Cohesion Plan) of the Region of Calabria - Thematic Area 03.02 Tourism and Hospitality in any document.
3. The results of the activities carried out under this notice will be advertised in the manner agreed with the Region of Calabria, subject to any legal constraints that may arise in particular in the interaction with the specific knowledge and know-how of the authorities and enterprises involved.

### **6.2. PROCESSING OF PERSONAL DATA**

1. The data provided to the Region of Calabria and to the Management Authority will be processed exclusively for the purposes of this notice and for institutional purposes and will be treated in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and with Legislative Decree No. 196/2003 "Personal Data Protection Code" and subsequent amendments and additions.
2. Information pursuant to Article 13 of EU Regulation 2016/679 concerning the processing of personal data is attached.

### **6.3. PERSON IN CHARGE OF THE PROCEDURE**

1. The person in charge of the procedure, pursuant to Law no. 241/90 is Ms. Maria Grazia Guaragna, official of the Hotel and Extra-Hotel Accommodation Sector of the Department of Tourism, Territorial Marketing, Mobility.

2. The right of access to the acts and documents of the proceedings covered by this Notice may be exercised by means of a reasoned written request to the person in charge of the proceedings at the certified email address of the Sector. Access in the cases referred to in paragraph 4.7 shall be governed exclusively by the procedures set out in the same paragraph.

#### **6.4. FORMS OF JUDICIAL PROTECTION**

1. Interested parties may lodge a judicial appeal against the notice and the implementation measures relating to the contribution award procedure in accordance with the law.

#### **6.5. SAFEGUARD CLAUSE**

1. The submission of an application under this notice implies acceptance of all the rules contained therein. The Region of Calabria reserves the right to revoke, amend or cancel this notice, at its sole discretion, should it deem it appropriate for reasons of public interest without the applicant having any claim against the Management Authority. The Region of Calabria reserves the right not to conclude the procedure with the granting of the contributions for any reason whatsoever, including the possible exceeding of the time limits, envisaged by the funding source used. In such cases, there is no compensation for the applicants, even if usefully placed in the ranking list.

#### **6.6. INFORMATION AND CONTACTS**

1. For information and clarifications on the Notice and related procedures, please contact:
  - the manager of the Hotel and Extra-Hotel Accommodation Sector of the Department of Tourism, Territorial Marketing, Mobility, Eng. Giuseppe Pavone, email: [g.pavone@regione.calabria.it](mailto:g.pavone@regione.calabria.it)
  - the person in charge of the procedure, Dr Maria Grazia Guaragna, email: [mgrazia.guaragna@regione.calabria.it](mailto:mgrazia.guaragna@regione.calabria.it)
2. Information and clarifications may be requested up to three days before the expiry date of the notice.

#### **6.7 REFERENCE**

1. For matters not explicitly set out in this notice, reference is made to the regulations and administrative acts mentioned in section 1.4, which constitute provisions in force for the participants in this notice.

