

General terms and conditions for support for the production of audiovisual works - 2024

The terms and conditions shall apply unless otherwise stated in the Ordinance (2022:1386) on state aid for the production of audiovisual works, or the call for proposals. The terms and conditions apply to support granted during 2024.

In the event of a conflict between the Swedish version of the terms and conditions and this English version, the Swedish version shall take precedence.

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1. Definitions

Support

The Swedish Agency for Economic and Regional Growth's financing of eligible *production* costs.

The *support* consists of a specified *support level* (%) of the eligible costs, up to a maximum of the amount of *support* specified in the decision.

State aid

Public *support* to organizations engaged in economic activities that fall under Article 107(1) of the EU Treaty¹.

Production

The *production* of an audiovisual work from start to final product.

Description of the production

The *description of the production* and its execution, including *production* schedules and synopsis, which has been attached to the application.

The beneficiary

The organization that is granted *support* according to the decision on *support*.

Confirmation of commitments

The *beneficiary's* confirmation of its commitments to execute the *production* in accordance with the decision on *support*.

Support level

The percentage of the eligible costs that constitutes the *support*, which is specified in the decision. However, the *support* will not exceed the maximum amount specified in the decision.

2. Executing the production

The *beneficiary* must execute the *production* in accordance with the decision on *support* including the *description of the production*.

2.1. Laws and regulations

When executing the *production*, the *beneficiary* must comply with applicable regulations, laws and rules.

¹ Treaty on the Functioning of the European Union, see also Commission Notice on the concept of State aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01).

It is the *beneficiary's* obligation to apply for the necessary permits to execute the *production* and to ensure that these are granted.

2.2. Confirmation of commitments

The *beneficiary* must sign the form "*Confirmation of commitments*", which is provided by the Swedish Agency for Economic and Regional Growth. The *beneficiary* must send the signed confirmation to the Swedish Agency for Economic and Regional Growth within 14 days of the decision on *support*.

2.3. Purchasing

The *beneficiary* must make purchases in a commercially reasonable manner.

Purchasing in a commercially reasonable manner means:

- ▀ exploiting competitive opportunities and
- ▀ that tenders and tenderers must be considered objectively so that they can compete on equal terms.

A supplier's organization number or equivalent must be stated on the purchase contract or invoice.

3. Changes in the production

3.1. Change of beneficiary

The right to the *support* may not be transferred without the Swedish Agency for Economic and Regional Growth's written approval. The same applies if the *beneficiary's* business is wholly or partly sold, or otherwise transferred to another legal or natural person.

The *beneficiary* shall immediately inform the Swedish Agency for Economic and Regional Growth about

- ▀ direct or indirect changes in the ownership of the *beneficiary's* operation
- ▀ change of the *beneficiary's* company name, authorised signatory or address
- ▀ change of plusgiro, bankgiro or other payment account
- ▀ change of contact person.

3.2. Changes and additions to the production

The *beneficiary* must immediately notify the Swedish Agency for Economic and Regional Growth of any significant changes to the *description of the production* or the *production* budget. Such changes require approval by amending the decision on *support*.

The *beneficiary* must also notify the Swedish Agency for Economic and Regional Growth of other changes in the *description of the production* in connection with the implementation of the change.

3.3. Changed conditions for executing the production

The *beneficiary* must immediately inform the Swedish Agency for Economic and Regional Growth if technical, financial or other circumstances arise that have a significant impact on the execution of the *production*, such as

- ▶ if the *production* is delayed or risks being delayed
- ▶ things that may affect the financing of the *production*
- ▶ in case of insolvency².

If the *beneficiary's* financial, administrative or operational capacity to execute the *production* has deteriorated, the *beneficiary* may not continue to execute the *production* without a written approval from the Swedish Agency for Economic and Regional Growth.

4. Financial provisions

4.1. Support granted

The *beneficiary* is responsible for ensuring that the *support* is used only to cover costs for the *production*.

4.2. Eligible costs

The eligible costs are the costs which the calculation of the *support* is based on. The decision on *support* states the *support level* applicable to the *beneficiary*, i.e. the percentage of eligible costs to which the *beneficiary* is entitled.

For a cost to be eligible, it must, unless otherwise stated in the Swedish Agency for Economic and Regional Growth's decision on *support*

- ▶ have been incurred by the *beneficiary*
- ▶ have been incurred during the *production* period specified in the decision on *support*
- ▶ be compatible with EU and national regulations, as well as with the conditions of the decision on *support*

² Insolvency means that an organization is unable to pay its debts as they fall due and that it is not just a temporary difficulty.

- be reasonable
- be necessary to execute the *production* in Sweden
- have been incurred solely to execute the *production* in Sweden.
- be paid
- be substantiated by the *beneficiary* by means of copies of invoices, accounting records or other documents that have been recorded in accordance with generally accepted accounting principles.

Production costs must be accounted for separately from other costs of the *beneficiary*. Eligible costs must be accounted for separately from other *production* costs.

A cost is not allowed to be covered twice by public *support*.

The types of costs that are eligible are stated in the call for proposals.

The following costs are not eligible unless otherwise stated in the decision on *support*

- interest payments
- fines, sanction fees or court costs
- costs for registration of title or title deed costs
- floating charges
- advertising and marketing costs
- entertainment and representation expenses
- operational costs not related to the *production*
- investments in film infrastructure
- depreciation costs.

VAT is normally not a cost and is therefore not an eligible cost.

An assessment of whether a cost is fully or partially eligible is made in connection with the Swedish Agency for Economic and Regional Growth's review of the application for payment.

4.3. Payment of support

For the *support* to be paid, the *beneficiary* must apply for payment. The application must be made via www.minansokan.se and be signed by an authorized representative of the *beneficiary*.

The decision on *support* states when the application for payment is to be made.

Requirements for the content of the application for payment of *support* are set out in the application form at www.minansokan.se and in the handbook for support for the production of audiovisual works on the website of the Swedish Agency for Economic and Regional Growth.

For the *support* to be paid

- ▶ the application for payment must be submitted to the Swedish Agency for Economic and Regional Growth in time.
- ▶ the *production* must have been carried out in accordance with the decision on *support*, including its conditions and the *description of the production*.
- ▶ the costs reported in the application for payment must be eligible.
- ▶ the Swedish Agency for Economic and Regional Growth must have received all documents and supplements that have been requested.

The Swedish Agency for Economic and Regional Growth can decide that a granted *support* should not be paid in whole or in part

- ▶ if, by providing false, misleading or incomplete information, or by any other means, the *beneficiary* has caused an incorrect decision or an excessive amount of *support* to be decided
- ▶ if for other reasons the *support* was wrongly decided or overestimated, and the *beneficiary* should have realized this
- ▶ if the *support* has not been used or there is reason to believe that the *support* will not be used for the purpose for which it was granted.
- ▶ If the *beneficiary* has not complied with the conditions of the *support*.

5. Information about the Swedish Agency for Economic and Regional Growth as a financier

The *beneficiary* must state that the *production* has been financed with the help of *support* from the Swedish Agency for Economic and Regional Growth in the opening and/or closing credits of the *production*. See the Swedish Agency for Economic and Regional Growth's handbook for Support for the production of audiovisual works for further instructions.

6. Audit, monitoring and evaluation

6.1. Availability of documents and on-the-spot checks

During the execution of the *production* and for a period of ten (10) years after the final payment decision, the following bodies are entitled to audit, monitor and evaluate the *production*

- The Swedish Agency for Economic and Regional Growth
- national audit bodies
- national control bodies
- The European Court of Auditors
- The European Commission
- a person designated by these bodies.

The above-mentioned have the right to obtain all documents that can provide information on the conditions of the *production*, such as financial conditions. The *beneficiary* should therefore keep all documents relating to the *production*.

The *beneficiary* shall also give the Swedish Agency for Economic and Regional Growth or a person appointed by the Agency the opportunity to inspect the *production* on site.

The *beneficiary* shall, at its own expense, provide all material and other information in accordance with the Swedish Agency for Economic and Regional Growth's instructions and requests.

6.2. Auditor's certificate

If the Swedish Agency for Economic and Regional Growth so requests, an auditor's certificate shall be submitted to the Agency. In the certificate, the auditor shall certify that the information submitted is correct. The certificate shall otherwise be drawn up in accordance with the Agency's instructions.

The certificate must be issued by an approved or authorized auditor.

7. Repayment and recovery

The *beneficiary* is wholly or partly liable for repayment if any of the grounds set out in the fifth paragraph of 4.3 above is present. In addition, the *beneficiary* is liable for recovery if it has received more money than it is entitled to according to the Swedish Agency for Economic and Regional Growth's decision on *support*. In that case, the *beneficiary* is obliged to repay the excess amount.

If a repayment obligation exists, the Swedish Agency for Economic and Regional Growth will make a decision on recovery. Interest will be levied from 30 days after the recovery decision at an interest rate corresponding to the state's lending rate plus two percentage points, unless otherwise stated in the Agency's recovery decision.

If the *support* is found to constitute illegal *state aid*, the Swedish Agency for Economic and Regional Growth will recover the amount plus interest in accordance with the Act (2013:388) on the application of the European Union's *state aid* rules.