

# **GUIDELINES GOVERNING THE AWARDING OF NON-COMPETITIVE AND IN-KIND GRANTS FOR INTERNATIONAL RESIDENCIES AT CENTRES WHERE INSTITUT RAMON LLULL HAS A COLLABORATION AGREEMENT**

## **1. Purpose**

1.1 The purpose of these guidelines is to govern the awarding of in-kind grants for creators in the Catalan artistic culture arena who have been selected to take part in an international residency at a centre where Institut Ramon Llull has a collaboration agreement. The residencies will last 1 to 12 weeks.

For the purposes of these guidelines, international residencies are temporary stays outside of Spain by an artist at a facility, festival, creation centre or other institution in order to carry out one or more stages of a project related to artistic research, creation and/or production, without the end purpose necessarily being a finished product.

1.2 Institut Ramon Llull has contracts with and pays the centres organising international residencies it has collaboration agreements with directly. The expenditure is for services provided by the centre to the grant recipients during the residency, which are described in point 5.

The international residency programmes are in charge of holding calls and choosing residents. They will be chosen in an open call using criteria related to ability, objectivity, publicity and transparency.

The international residencies hosted by the centres Institut Ramon Llull has collaboration agreements with must be listed on the call.

1.3 The grant-funded activities must be carried out within the period established in the call.

1.4 The grants awarded in accordance with these guidelines are considered de minimis aid, governed by Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L2023/2831, 15.12.2023).

## **2. Recipients**

Individuals who are creators in the Catalan artistic culture arena and have been selected to take part in an international residency hosted by a centre where Institut Ramon Llull has a collaboration agreement are eligible for these grants.

## **3. Requirements and conflicts**

### **3.1 Requirements**

To qualify as a grant recipient, applicants must meet the following requirements and conditions. The requirements in each case will be determined based on the specific circumstances and must be accredited under the terms specified in point 6.

- a) Have been chosen to take part in the international residency the grant application pertains to.
- b) Comply with the requirements and general conditions set out in article 13 of Law 38/2003 of 17 November (General Subsidies Act).
- c) Submit an affidavit listing any other public or private grants the applicant has applied for and/or received for the same activity, indicating the awarding entities and the amount requested and/or received.

d) If any elements eligible for intellectual property protection are used in the pursuit of the grant-funded activity, applicants must comply with any applicable regulations.

e) Submit an affidavit listing any other de minimis grants received and/or applied for over the course of the three years prior to awarding. This must include any de minimis grants awarded for the activity to which the application pertains, or other activities, by any public administration in Spain and/or that receives funding from the European Union. (pendent confirmació DGAE)

f) Grant applicants must adhere to the Code of ethics provided as an annex.

g) The grant-funded activity must respect personal dignity and equality throughout, avoiding discrimination on any of the bases laid out in Spanish Comprehensive Law 15/2022, of 12 July, on equal treatment and non-discrimination.

h) Applicants must not have received a final administrative sanction for any of the very serious infractions as per the conditions and terms laid out in title IV of said Law. Grants may not be used to fund an activity or achievement of a purpose that infringes on, encourages or tolerates practices considered to infringe on title IV of said Law.

j) Not commit, incite or promote LGBTI-phobia, including encouraging or conducting conversion therapy, as per article 82 of Law 4/2023, of 28 February, for the real and effective equality of trans people and guaranteeing the rights of LGTBI people.

### 3.2 Conflicts

These grants are in conflict with other grants, aid, income or resources provided for the same purposes by the Government of Catalonia, associated entities, participated entities, other administrations, public or private entities.

In any case, the amount awarded can never be more than the cost of the grant-funded activity, on its own or in combination with other grants, subsidies, income or resources.

## **4. Amount**

4.1 The grant awarded is the amount Institut Ramon Llull pays to the host centre for the services provided to the grant recipient during the international residency, which are described in point 5.

4.2 In any case, the total grant awarded plus any other de minimis aid from the public administration awarded, for this purpose or any other, over the course of the three years prior to awarding may not exceed €300,000.00.

## **5. Eligible expenses**

Only expenditures arising from the services the host centre provides the grant recipient during the residency are eligible expenses, including the following:

-Accommodations for the international residency.

-Living expenses during the residency.

-Cost of organising the international residency, meaning those related to the activities programmed specifically for the resident, including activities like networking events, tours, meet-ups or public readings.

## **6. Applications**

6.1 Applications and other formalities associated with the procedure for awarding grants and submitting justification documents will preferably be submitted electronically through the Institut Ramon Llull Virtual Office.

6.2 Applications may be submitted in person at the registry of the Barcelona office (Avinguda Diagonal 373, 08008 Barcelona) or at any of the registries and offices laid out in Article 16.4 of Law 39/2015, of 1 October, on Common Administrative procedure of public administrations. For applicants wishing to submit a hard copy, the form is available at the Institut Ramon Llull registry or website (<https://www.llull.cat>).

6.3 Spanish citizens and foreign residents of Spain who submit applications online must provide authentication using e-signature systems, as per article 58 of Decree 76/2020 of 4 August, on digital administration, and in line with any criteria established by competent authorities in the Government of Catalonia.

The call will specify the system available for applicants to identify themselves and provide e-signatures when submitting applications and other official procedures online.

Non-resident foreigners who submit applications online must identify themselves in the Virtual Office with a username and password, as per the Institut Ramon Llull e-signature and identification policy, with the idCAT Mòbil certificate or, for residents of the European Union, a digital certificate. Institut Ramon Llull will securely provide a username and password to anyone interested after verifying the documents accrediting their identity.

6.4 If the Virtual Office is inoperative due to unforeseeable circumstances, users will be shown a message notifying them of said circumstances whenever technically possible. If the system is inoperable on the last day to submit any paperwork, a further three working days will be added to the deadline once the system is fully operational.

6.4. Any grant application submitted entails full acceptance of the guidelines governing the call.

## **7. Documents to submit with the application**

7.1 To apply for a grant from Institut Ramon Llull, candidates must submit the application form provided, attaching the project for the activity and the following documents:

A. Administrative documents:

For Spanish and foreign applicants:

- If the person signing the application is acting on behalf of the applicant, a copy of the document granting them this power, unless it has been filed with a public registry or the Representa online registry of powers of attorney. If the power of attorney is registered as laid out above, this document is not required because the examining body can verify it officially.

It is not necessary to provide proof of power of attorney when the accredited e-signature also proves that the signatory is legally empowered to act on behalf of the person they represent.

For foreign applicants who don't have a NIE:

- Applicant's passport.

It is not necessary to provide the documents in this point if they have been provided previously within the past five years and have not changed. If that is the case, please clearly note the date they were provided and procedure they were submitted for. If the examining body, for causes beyond its control,

cannot obtain the documents submitted previously, the applicant must re-submit them within 10 working days.

The examining body will, with authorisation from the applicant on the application, check the ID of the signatory for Spanish applicants and applicants with a NIE.

If the examining body, for causes beyond its control, cannot obtain official proof of the data above and compliance with the requirements above, the applicant must submit them within 10 working days.

The examining body may ask applicants to provide any additional documents deemed necessary to accredit the data in their application.

B. Specific documents:

-Proof of having been selected by the host centre to take part in the international residency the grant application pertains to.

-Work plan for the residency.

7.2 The requirements laid out in point 3.1 letters b and following must be accredited with an affidavit submitted with the application form.

By submitting a grant application, applicants are providing consent for the competent entity to check the information provided on the application or attached affidavits.

Any essential inaccuracies, falsities or omissions in any data or documents submitted with the grant application will void the application procedure from the time they are discovered and the party concerned has been notified, and, as a result, the grant application will be rejected. Said circumstances may also constitute grounds for revoking a grant awarded if they are discovered afterwards.

The examining body may ask applicants to provide any additional documents deemed necessary to accredit the data in their application.

## **8. Deadline for applications**

The deadline for application forms and documents is established in the call for proposals.

## **9. Awarding procedure**

9.1 Grants are awarded according to non-competitive tendering procedure.

9.2 The examining body is the individual serving as the head of the Institut Ramon Llull management.

9.3 After the applications have been evaluated according to the requirements in point 3 and the required documents to submit with the application laid out in point 7, the examining body will draft a provisional resolution for awarding the grants and take it to the decision-making body.

9.4 The awarding of these grants may be subject to a partial or total reduction in the amount awarded, prior to the final resolution awarding grants, as a result of restrictions arising from the need to meet budget stability and financial sustainability goals.

## **10. Rejection and withdrawal**

10.1. Any applications that do not meet the unrectifiable requirements or deadline will be rejected.

10.2. Failure to submit any of the documents listed in point 7 or to meet any of the rectifiable requirements within 10 working days of notification to do so, will be grounds for rejecting the application.

10.3. Prior to awarding the grants, the examining body will rule on the rejection or withdrawal of applications and applicants will be notified of said rulings via the Institut Ramon Llull Virtual Office noticeboard and the physical noticeboard at its headquarters in Barcelona (Avinguda Diagonal 373, 08008 Barcelona). This publication is in lieu of individual notification and has the same effects.

10.4. The publication of the resolution to withdraw or reject will state that it does not exhaust the administrative channels and may be appealed with the Director of the Institut Ramon Llull within one month of the day following publication of this resolution.

10.5. Any applicant may withdraw their grant application in writing before the grants are awarded and the examining body must accept it.

## **11. Resolution and publication**

11.1. The individual serving as Director of Institut Ramon Llull will issue a resolution within six months of the date of the grant call. The parties concerned will be notified of the resolution with the same conditions and effects as laid out in point 10.3 regarding rejection and withdrawal.

11.2. The resolution will expressly state that the award is a de minimis grant.

11.3. The publication or notification of the final resolution will state that it does not exhaust the administrative channels and may be appealed and any that such appeals must be lodged with the President of the Institut Ramon Llull Board of Directors within one month of the day following publication of this resolution.

11.4. If no final resolution has been handed down and notified by the time this period has elapsed, applicants are to interpret this administrative silence as a rejection of their applications.

## **12. Publication**

12.1 Institut Ramon Llull must post a list of the grants awarded, available to the general public, on the noticeboards established in point 11.3 and for grants in excess of €3,000, notification must also be included in the Official Gazette of the Government of Catalonia, including the call, programme, budget line item the grants fall under, recipients, amount awarded and the purpose or purposes the grant will be used to fulfil.

12.2 Institut Ramon Llull must post information on its grant-awarding activity on the Transparency Portal, as per article 15 of Law 19/2014, of 29 December, on transparency, access to public information and good governance.

12.3 It must also post information in the National Grants Database on the calls and resolutions to award grants, as per article 18 of Law 38/2003, of 17 November (General Subsidies Act), amended by Law 15/2014, of 16 September.

## **13. Payment**

Grant applicants will not receive payment, as the grants awarded will be paid directly to the centres/institutions/organisations hosting the international residencies.

#### **14. Justification**

14.1 The grant recipients must submit a justification account with the following: a report explaining achievement of the purpose of the grant-funded activity, listing the activities carried out and the results achieved.

14.2 Contracts between Institut Ramon Llull and the international residency programmes may be submitted in lieu of a financial report on the cost of the activities carried out for this purpose.

14.3. The justification documents must be submitted within one month of completing the grant-funded activity. If the grant-funded activity is finished and the awarding resolution hasn't yet been published, the justification documents must be submitted within one month of the day after it is published.

Grant applicants, regardless of whether the awarding resolution has been published, may submit justification documents as soon as they have them, always respecting the deadlines established in the paragraph above.

14.4 If the supporting documents have not all been submitted by the deadline, the grant recipient will be notified and required to submit the missing documents within 15 working days, with no option for extension. Recipients are notified individually of said requirements. Failure to submit the justification by the deadline established in this section will lead to revocation of the grant awarded and other liabilities established in applicable law on subsidies. Submitting the justification within the additional time given, as per this section, does not exempt the recipient from any applicable fines, as per Law 38/2003, of 17 November (General Subsidies Act).

14.5 Institut Ramon Llull may extend the deadline for the supporting documents of its own accord or at the behest of the recipients. Both the request from the interested party and the decision reached regarding the extension must occur before said deadline has been reached. The extension may not exceed half the original period or be prejudicial to third parties.

#### **15. Recipients' obligations**

Recipients must meet the following obligations:

- a) Achieve the purpose of the grant-funded activity by the deadline established in these guidelines.
- b) Carry out the grant-funded activity as per the project submitted. The examining body must be notified of any changes to the project or schedule submitted before the end of the fulfilment period and, if the requested modification does not result in a substantial change or constitute non-compliance with the requirements and conditions laid out in these guidelines, said body will have one month to accept or reject it. Grants may be revoked in full or part if any changes are made and not notified or expressly accepted.
- c) Take part in the events that make up the residency, whether for networking purposes or with the general public.
- d) If requested by the residency centre, take part in a public event about participation in the residency programme.

- e) Provide any information requested at any time concerning the grant awarded and submit to checks and controls by the examining body, the Government of Catalonia Comptroller-General, the Public Audit Office for Catalonia and any other competent authorities, as per applicable regulations.
- f) Notify the examining body of any aid, income or resources used to pay for the grant-funded activity that has been received or applied for from other national or international authorities or public or private entities after the grant application was submitted. This information must be provided as soon as it is known and always prior to submitting the supporting documents justifying how the funds were spent.
- g) Comply with the obligations laid out in articles 90 bis and 92 bis of Royal Legislative Decree 3/2002, of 24 December, approving the revised text of Public Finance Act of Catalonia.
- h) Keep and make available to the awarding body and supervisory bodies any books, registers or documents that may be required to justify the grant, including electronic documents, so they can be checked and verified.
- i) Comply with the Code of ethics and conduct for grant recipients, as established in the annex.
- j) Include the Institut Ramon Llull logo and/or the statement “with support from Institut Ramon Llull” on the website or other communication media, if applicable.
- k) Comply with any other obligations laid out in current regulations on grants and these grant guidelines.

## **16. Modification of the resolution**

The awarding body has the right to revise the grants awarded and modify the awarding resolution if the conditions taken into account in awarding the grant change or if other aid or grants are obtained concurrently.

If the procedure shows that the aim and purpose of the grant have not been achieved due to a pandemic or other cause of force majeure, the awarding body may:

- a) Cover the expenses incurred by recipients even though the aim and purpose of the grant have not been achieved, in full or part.
- b) Extend the deadline to provide justification for the grant-funded activities. For the purposes of these guidelines, force majeure means an extraordinary occurrence beyond the control of the recipients that is unforeseeable and unavoidable, or even if it can be foreseen is unavoidable despite the recipients acting diligently, and that directly impedes them from fulfilling the aim and purpose of the grant.

## **17. Revocation**

The awarding body, following legally established procedure, must revoke the grants awarded in full or in part and oblige the recipient to return the amount received and pay interest due, as per the provisions of the Royal Legislative Decree 3/2002, of 24 December, approving the revised text of Public Finance Act of Catalonia, and Law 38/2003, of 17 November (General Subsidies Act).

## **18. Sanctions**

Failure to comply with the obligations set out in the guidelines, if considered an offence under the applicable laws, will trigger the sanctions process established in Law 38/2003, of 17 November (General Subsidies Act); and Royal Legislative Decree 3/2002, of 24 December, approving the revised text of Public Finance Act of Catalonia, regardless of whether the grant is returned in full or part.

## **19. Data protection**

The data controller for information provided by applicants is Institut Ramon Llull. Data will be processed for the purposes of assessing the applications and carrying out the grant-awarding process. The legal grounds for this processing is in the name of public interest based on the inherent functions of Institut Ramon Llull. The data will be added to the database “Base de Datos Nacional de Subvenciones”. The results of the application assessment will be posted on the Institut Ramon Llull online system, complying with the obligations on notification and transparency in Law 38/2003 (General Subsidies Act) and 19/2013 and 19/2014 on transparency, access to public information and good governance. Subjects may exercise their rights to access, rectification, erasure, opposition and limitation of processing by contacting Institut Ramon Llull. More detailed information regarding the protection of personal data is available at [https://www.llull.cat/catala/quisom/politica\\_privacitat.cfm](https://www.llull.cat/catala/quisom/politica_privacitat.cfm).

If the grant includes processing of personal data, the grant recipients must comply with corresponding regulations, adopting and implementing the security measures laid out in Regulation (EU) 2016/679 European Parliament and Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and Organic Law 3/2018 of 5 December 2018 on the protection of personal data and guarantee of digital rights.



## Annex

Code of ethics and conduct that grant recipients must follow in their activity and the consequences of any failure to do so.

As per article 55.2 of Law 19/2014, of 29 December, on transparency, access to public information and good governance, administrations and bodies to which this law applies must include in any grant call a code of ethics and conduct the recipients must follow and the consequences of any failure to do so.

In compliance with this legal provision, the Code of ethics and conduct that grant recipients must follow in their activity and the consequences of any failure to do so are laid out below.

### Code of ethics and conduct

1. Grant recipients must show respect for fundamental human rights and freedoms.
2. Grant recipients must demonstrate exemplary ethics in their behaviour, abstain from participating in, fostering, proposing or promoting any sort of corrupt practices and notify the competent authorities of any such practices that, in their mind, are part of or could affect the procedure. In particular, they will abstain from any sort of action that would infringe on the principles of equal opportunities and free competition.
3. In general, in the course of their activity, grant recipients are subject to the following obligations:
  - a) To comply with the principles, rules and code of ethics inherent in the activities, trades or professions of the grant-funded activity.
  - b) To not do anything that constitutes a threat to public interest.
  - c) To report any abnormal circumstances that may arise during the grant call or processes resulting from these calls.
4. Specifically, grant recipients are subject to the following obligations:
  - a) To notify the examining body of any possible conflict of interest.
  - b) To not directly or indirectly ask a public employee or figure to influence the grant awarding process.
  - c) To not offer or give public employees or figures personal or material perks, for themselves or third parties, in order to influence the grant awarding process.
  - d) To cooperate with any competent authorities following up on or assessing compliance with the obligations laid out in these guidelines, specifically providing any information they request for this purpose related to receiving public funds.
  - e) To comply with the obligations to provide information required of grant recipients under laws on transparency with regard to the administrations in question, as well as complying with the transparency obligations that apply directly under applicable law, as per article 3.4 of Law 19/2014, of 29 December, on transparency, access to public information and good governance. Consequences of any failure to comply with the Code of ethics and conduct Any breach of this Code of ethics and conduct will trigger the sanctions process established in Law 19/2014, of 29 December, and the fines laid out in article 84 regarding grant recipients, notwithstanding any other consequences that may apply under current laws on grants.