



EUROPEAN COMMISSION
Directorate-General for Education, Youth, Sport and Culture
Culture, creativity and sport
Director

PRIZE DECISION

On the award of the Melina Mercouri Prize to Timișoara European Capital of Culture 2023

Reference No EAC-2021-0220

THE EUROPEAN COMMISSION (hereafter referred to as "the Commission"),

Having regard to the Treaty on the functioning of the European Union (hereafter referred to as "the Union"),

Having regard to Decision No 445/2014/EU of the European Parliament and of the Council of 16 April 2014¹ establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC,

Having regard to Regulation n° 1295/2013² of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014-2020),

Having regard to Commission Implementing Decision n° C(2019)6151 of 23 August 2019, adopting the annual work programme on grants and contracts concerning the Creative Europe programme in 2020,

Having regard to Decision (EU) 2020/2229³ of the European Parliament and of the Council of 23 December 2020 amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033,

Whereas:

- (1) Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union⁴ (hereinafter the «Financial Regulation») provides the framework for the award of prizes;

¹ OJ L 132, 3.5.2014, p. 1-12

² OJ L 347, 20.12.2013, p. 221-237

³ OJ L 437, 28.12.2020, p. 116-119

⁴ OJ L193, 30.07.2018, p.1-222

- (2) Timișoara was formally designated European Capital of Culture 2021 in Romania in November 2016⁵;
- (3) The year of the title of European Capital of Culture 2021 was modified to European Capital of Culture 2023 in December 2020⁶;
- (4) Pursuant to Article 14 paragraph 1 of Decision No 445/2014/EU, the Commission may award the Melina Mercouri Prize (“the Prize”) to a designated city;
- (5) Article 14 paragraph 2 of Decision No 445/2014/EU specifies the conditions for the payment of the Prize;
- (6) Article 13 of Decision No 445/2014/EU establishes a procedure to monitor the preparation of the designated cities for the year of the title and provide them with support and guidance from the time of their designation to the beginning of the year of the title;
- (7) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁷ and Regulation (EU, EURATOM) No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁸ provide for measures for the effective protection of the Union's financial interests.

⁵ Letter by the Romanian Minister of Culture of 26/11/2016 (Ref. Ares(2016)7113614 - 21/12/2016). Commission Communication of 01.02.2017, OJ C 32/01

⁶ Decision (EU) 2020/2229 of the European Parliament and of the Council of 23 December 2020 amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2023 to 2033, designating formally now the city of Timișoara as European Capital of Culture 2023. OJ L 437, 28.12.2020, p. 116-119.

⁷ OJ L 292, 15.11.1996, p. 2-5

⁸ OJ L 136, 31.5.1999, p. 1-7

HAS DECIDED AS FOLLOWS:

Article 1

Purpose of the Prize

The Prize in honour of Melina Mercouri is awarded to:

Municipiul Timișoara – Municipality of Timișoara
Main Registration number 14756536
blv. C. D. Loga Nr 1
300030 Timișoara
Romania

referred to as "the Prize winner"

represented for the purposes of this Decision by Mr Dominic Fritz, Mayor of Timișoara

for the prize entitled "European Capital of Culture 2023", under the terms and conditions set out in the present Decision and its Annex.

The Prize winner shall undertake everything in its power to carry out the event on its own responsibility.

Article 2

Amount

The Prize in honour of Ms Melina Mercouri for the European Capital of Culture 2023 amounts to EUR 1 500 000,00.

Article 3

Payment arrangements

The Prize money shall be paid in full by the end of March 2023, provided that Timișoara continues to honor the commitments it made at the application stage, complies with the criteria and takes into account the recommendations contained in the selection and monitoring reports.

The commitments made at the application stage shall be deemed to have been honored where no substantial change has been made to the programme and the strategy between the application stage and the year of the title, in particular where:

- (a) the budget has been maintained at a level capable of delivering a high-quality cultural programme in line with the application and the criteria;
- (b) the independence of the artistic team has been appropriately respected;
- (c) the European dimension has remained sufficiently strong in the final version of the cultural programme;

- (d) the marketing and communication strategy and the communication material used by the designated city clearly reflects the fact that the action is a Union action;
- (e) the plans for the monitoring and evaluation of the impact of the title on the designated city are in place.

Article 4

Bank account

The payment shall be made to the Prize winner's bank account or sub-account denominated in euro, as indicated below:

Name of bank: BRD - Groupe Societe Generale Sucursala Timișoara
Address of branch: Str. Socrates nr. I, 300551 Timișoara, Romania
Precise denomination of the account holder: Municipiul Timișoara
IBAN ACCOUNT NUMBER: RO73BRDE360SV66866203600

Article 5

General and Administrative provisions

- 5.1. Any communication addressed to the Commission in connection with the present Decision shall be addressed under the following address in writing, indicating the reference number of the Decision:

European Commission

Directorate-General Education, Youth, Sport and Culture
Directorate Culture, Creativity and Sport
Unit "Creative Europe "
J-70 – 2/019
BE-1049 Brussels
E-mail address: eac-ecoc@ec.europa.eu

- 5.2. Ordinary mail shall be considered to have been received by the Commission on the date on which it is formally registered by the Commission unit responsible referred to above. E-mail shall be considered as received on the date it is received. However, if the Prize winner receives a reply asking him to re-direct the e-mail, it shall not be considered as received until the correctly re-directed e-mail is received.

- 5.3 This Decision is addressed to the Prize winner under the following address:

Municipiul Timișoara
Mr Dominic Fritz
Mayor of Timișoara
blv. C. D. Loga Nr 1
300030 Timișoara
Romania
E-mail address: cabinetprimar@primariatm.ro

Article 6

Data Protection

- 6.1. The entity acting as a data controller shall be the Unit D2 – Creative Europe, DG EAC.
- 6.2. All personal data contained in the Decision and its annex shall be processed in accordance with Regulation (EC) Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data:
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>
Such data shall be processed solely in connection with the implementation of the decision by the Directorate-General Education and Culture, without prejudice to the possibility of passing the data to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF) for the purposes of safeguarding the financial interests of the Community.
- 6.3. Prize winners may, on written request, gain access to their personal data and correct any information that is inaccurate or incomplete. They should address any questions regarding the processing of their personal data to the Directorate-General Education and Culture. Prize winners may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time.

Article 7

Order of precedence and annexes

The General Conditions annexed to the present Decision, constitute an integral part of the present Decision. The terms set out in this Decision shall take precedence over those in the General Conditions.

Done at Brussels,

For the Commission

Tamás Szűcs
Director

Annex: General Conditions

ANNEX – GENERAL CONDITIONS

The General Conditions bind the Prize winner to whom the prize is awarded and shall constitute an annex to the Decision on the award of the Melina Mercouri Prize for the European Capital of Culture.

General Condition n° 1 – Ownership/Use of the results

1. Unless otherwise stipulated in the basic act, ownership of the results of the European Capital of Culture event, including industrial and intellectual property rights, and of the reports and other documents relating to it shall be vested in the Prize winner.
2. The Prize winner grants the Commission the right to make free use of the results of the European Capital of Culture event as it deems fit, provided it does not thereby breach its confidentiality obligations or existing industrial and intellectual property rights.

General Condition n° 2 – Confidentiality

Unless otherwise stipulated in the Decision, the Commission and the Prize winner undertake to preserve the confidentiality of any document, information or other material directly related to the subject of the event that is duly classed as confidential, if disclosure could cause prejudice to either the Commission or the Prize winner.

General Condition n° 3 – Publicity

1. Unless the Commission requests otherwise, any communication or publication by the Prize winner about the event, including at a conference or seminar, shall indicate that the event has received funding from the European Union.

In publications, the mention and graphic logos of the European Capital of Culture shall appear on the cover page.

Authorisation to use the logos implies no right of exclusive use and is limited to this Decision.

2. Any communication or publication by the Prize winner, in any form and medium, shall indicate that sole responsibility lies with the author and that the Commission is not responsible for any use that may be made of the information contained therein.
3. The Prize winner authorises the Commission to publish the following information in any form and medium, including via the Internet:
 - the Prize winner's name and the address,
 - the subject of the Prize, and
 - the amount of the Prize.
4. Upon a reasoned and duly substantiated request by the Prize winner, the Commission may agree to forego such publicity, if disclosure of the information indicated above would risk compromising the Prize winner's security or prejudicing his commercial interests.

General Condition n° 4 - General Provisions on Payments

1. Payments due by the Commission shall be made in euro.
2. Payments by the Commission shall be deemed to be effected on the date when they are debited to the Commission's account.
3. The Commission may suspend its payment at any time, if the Prize winner is found or presumed to have infringed the provisions of the Decision.

General Condition n° 5 – Liability

1. The Prize winner shall have sole responsibility for complying with any legal obligations incumbent on him.
2. The Commission shall not, in any circumstances or on any grounds, be held liable in the event of a claim under the Decision relating to any damage caused while the Culture of Capital event is being carried out. Consequently, the Commission will not entertain any request for indemnity or reimbursement accompanying any such claim.
3. The Prize winner shall bear sole liability vis-à-vis third parties, including for damage of any kind sustained by them while the event is taking place.

General Condition n° 6 – Evaluation

1. The Prize winner shall be responsible for the evaluation of the results of its year as a European Capital of Culture. It shall draw up its evaluation report and transmit it to the Commission by 31 December of the year following the year of the title. The Commission shall publish the evaluation report on its website.
2. In addition to the city's evaluation, the Commission shall ensure that external and independent evaluations of the results of the action are produced on a regular basis. Therefore, the Prize winner undertake to make available to the Commission and/or persons authorised by it, all such documents or information as will allow the evaluation to be successfully completed and give them the rights of access required.