

Annex IV(d)

Cultural and Creative Sectors Portfolio Guarantee Product

- Specific provisions -

(updated on 12 December 2023)

Background	The Cultural and Creative Sectors Portfolio Guarantee Product builds on the successful implementation and deployment by EIF of the Cultural and Creative Sectors Guarantee Facility (“CCS GF”) in the previous programming period, 2014-2020.
EU Policy Objective	The Cultural and Creative Sectors (“CCS”) represents a key sector for the EU in terms of size (above 4% of the GDP, 10% share in total companies in services), employment (approx. 7 million jobs) and value added (EUR 290 billion, yearly growth of 2% in 2008-2016). The Cultural and Creative Sectors Portfolio Guarantee Product aims to enhance access to finance to SMEs and other eligible enterprises operating in the CCS, therefore supporting this creative ecosystem, consolidating its resilience and allowing it to adapt to the challenges ahead.
Type of (Counter-) Guarantee	The Cultural and Creative Sectors Portfolio Guarantee Product shall be offered by EIF in the form of either a Capped (Counter-) Guarantee or an Uncapped (Counter-) Guarantee.
Applicable (Counter-) Guarantee Rate	The (Counter-) Guarantee Rate shall be: a) up to 70% with respect to each Guarantee Transaction, as applicable, b) notwithstanding point a) above, up to 80% with respect to a Final Recipient Transaction where the Final Recipient is established in Just Transition Regions or Cohesion Regions.
Applicable (Counter-) Guarantee Cap Rate	In case of Capped (Counter-) Guarantees, the (Counter-) Guarantee Cap Rate shall be set up to the level of expected loss and shall not exceed 25%.
Target Final Recipient	Is either an SME, a Small Mid-Cap or a Small Public Enterprise, which meets the Product Eligibility Criteria. In addition, with respect to a Final Recipient Transaction provided to a Final Recipient, which is an SME or a Small Mid-Cap or a Small Public Enterprise forming part of a group of linked or partner enterprises, such Final Recipient shall be deemed to comply with a Product Eligibility Criterion if it is met by another entity of such group. In such case, the entity that meets that Product Eligibility Criterion shall fully benefit from the Debt Financing provided under the Final Recipient Transaction.

CCS Project	Means a project which falls under one of the NACE Codes listed in Sub-Annex 1.
Product Eligibility Criteria	The Final Recipient shall meet at least one of the following criteria: a) the Final Recipient shall represent to use the Final Recipient Transaction to develop a CCS Project as evidenced by the business plan supporting the Debt Financing's purpose/investment plan, or b) the Final Recipient's activity NACE code at the four-digit statistical class level corresponds to one of the NACE codes listed in Sub-Annex 1, or c) The Final Recipient must have met, in the last 36 months, at least one of the following sub-criteria: (i) The Final Recipient has been operating in the field of the CCS¹; (ii) One or more CCS Project(s) developed by the Final Recipient has received Debt Financing from European or national CCS institution, or a CCS association including those of the EU's Creative Europe Programme (MEDIA and Culture); (iii) One or more CCS Project(s) developed by the Final Recipient has been awarded a CCS prize²; (iv) The Final Recipient has filed copyrights, trademarks, distribution rights or any other equivalent rights in the field of CCS; (v) The Final Recipient has benefited from tax credit or tax exemption related to development of intellectual property rights or CCS activities.
Enhanced Access to Finance Measures	For the purpose of Enhanced Access to Finance Measures, compliance with the requirements under Enhanced Access to Finance Measures Implementation described in Annex II or III of this Call, as the case may be, will be considered satisfied as follows: • if collateral is requested for the Final Recipient Transaction, it shall be limited, on a continuing basis, to³: 1) where the Final Recipient is an SME or a Small Mid-cap or a Small Public Enterprise, collateral can be the assets of the Final Recipient and/or personal guarantees from the owner(s) of the SME or Small Mid-cap or Small Public Enterprise⁴;

¹ The Final Recipient shall evidence that it had (and will continue having) a substantial focus in the field of the CCS; a Final Recipient will be deemed to have a substantial focus in the field of CCS if its operation in the field of CCS is ex-ante identified as being essential for the economic success of the Final Recipient. This assessment is based, for example, on the proportionate importance of the CCS activity / project in relation to the revenues, the turnover or the client base of the Final Recipient; and Financial (Sub-) Intermediaries shall check compliance with this eligibility criterion through a representation made by each Final Recipient.

² In relation to CCS Prizes with a validity longer than 36 months, the award date of the relevant prize can be prior to 36 months as long as the relevant prize has not expired at the date of the agreement evidencing the relevant Final Recipient Transaction.

³ In the case of Counter-Guarantees, the above requirement shall apply to both Intermediary Transactions and Final Recipient Transactions. In case the Financial Intermediary and the Financial Sub-Intermediary benefit from the same collateral, the above requirement shall be complied with at the level of the Final Recipient Transaction.

⁴ For the avoidance of doubt including intra-group guarantees.

	2) where the Final Recipient is a sole trader, collateral can be the assets used for its business activity and/or personal guarantee from the sole trader. except in the case where the Financial Intermediary's existing credit and collection policies already explicitly require such collateral limitation before the support provided by InvestEU. In such case, the Financial Intermediary shall propose and implement other Enhanced Access to Finance Measures, as described below. Compliance with the requirements under Enhanced Access to Finance Measures Implementation described in Annex II or III of this Call, as the case may be, may be satisfied through any of the following: 1. <u>Reduction of cost of financing:</u> a) <i>in the context of Uncapped (Counter-) Guarantee only:</i> Where the Financial Benefit is above zero. b) <i>in the context of Capped (Counter-) Guarantee only:</i> a reduction of the customary risk spread or risk premium charged by the Financial (Sub-) Intermediary (directly or indirectly), as applicable, under the Guarantee Transaction, as the case may be, at least in proportion to the level of the (Counter-) Guarantee Cap Rate for the part covered by the (Counter-) Guarantee. 2. <u>Reduction in down-payment in respect of Final Recipient Transactions, which are in the form of leases:</u> as result of the guarantee support, the Financial Intermediary will deviate from its standard lending practice and offer reduced down-payment requirements than those that would otherwise be typically offered; or 3. <u>Increase in financing volumes:</u> as result of the guarantee support, the Financial Intermediary will substantially increase the volume of financing offered to the Target Final Recipients by reference to its standard lending practice in the absence of guarantee support; or 4. <u>Support to excluded segments:</u> the launch of a new product aimed at Target Final Recipients, to the extent that such Target Final Recipients would not be considered for financing (or to the same extent) under its standard lending practice (e.g. targeting new market segments or geographical areas), in the absence of the guarantee support; or 5. <u>Financing at longer maturities:</u> the Financial Intermediary will deviate from its standard lending practice and offer longer maturities than those that would otherwise be typically offered in the absence of the guarantee support; or 6. <u>Bespoke financing arrangements:</u> providing bespoke repayment terms to Final Recipients Transactions, to the extent that such option would not typically be made available (or to the same extent) under its standard lending practice in the absence of the guarantee support; or 7. <u>Any Subordinated Debt Transactions, given that it supports the solvency of the Final Recipient.</u> For the avoidance of doubt, the above list is not exhaustive and the Financial Intermediary can propose further Enhanced Access to Finance Measures.
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Minimum Principal Amount of a Final Recipient Transaction	No minimum principal amount is applicable.
Maximum Principal Amount of a Final Recipient Transaction	Means: (i) EUR 7.5 million or EUR equivalent ;or (ii) EUR 2 million or EUR equivalent if the Final Recipient Transaction is entered into by a Financial (Sub-) Intermediary who is a National Promotional Bank or Institution.
Minimum Maturity of a Final Recipient Transaction	The scheduled minimum maturity of the Final Recipient Transactions shall be 12 months.
Maximum Maturity of a Final Recipient Transaction	No maximum scheduled maturity of the Final Recipient Transactions is required, provided that the coverage of the Final Recipient Transactions shall not extend beyond the Individual (Counter-) Guarantee Termination Date. The EIF may set a maximum scheduled maturity for the Final Recipient Transactions in the relevant Individual (Counter-) Guarantee Agreement.
Obligor Limit	The aggregate principal amounts outstanding under all Final Recipient Transactions entered into by a Financial (Sub-) Intermediary with the same Final Recipient shall not exceed EUR 7.5 million (or EUR equivalent). Final Recipients which are Small Mid-Caps shall provide, prior to the signature of the Final Recipient Transaction, a self-declaration stating, to the best of their knowledge, whether or not they benefit, at the date of such self-declaration, from an InvestEU Fund supported debt financing instrument (provided by any financial institution) as well as the outstanding principal amount of such instrument, if any. The Financial (Sub)-Intermediary shall exclusively rely on such declaration provided by such Final Recipients which are Small Mid-Caps and shall take into account such outstanding principal amount of the debt financing instrument supported by the InvestEU Fund when determining the Obligor Limit as if such debt financing instrument were a Final Recipient Transaction granted by the Financial (Sub-) Intermediary to such Final Recipients.

Sub-Annex 1

List of NACE Statistical Codes eligible

This list may be amended, restated, supplemented or substituted from time to time, not affecting the Individual (Counter-) Guarantee Agreements already signed between EIF and Financial Intermediaries.

Cultural domain	NACE 2008 Section	NACE 2008 Group	NACE Class, Label & Content
HERITAGE, ARCHIVES, LIBRARIES	R Arts, entertainment and recreation services	91	91.01 - Library and archives activities ➤ Documentation and information activities of libraries of all kinds, reading, listening and viewing rooms, public archives providing service to the general public or to a special clientele, such as students, scientists, staff, members as well as operation of government archives: • organisation of a collection, whether specialised or not • cataloguing collections • lending and storage of books, maps, periodicals, films, records, tapes, works of art etc. • retrieval activities in order to comply with information requests etc. ➤ Stock photo and movie libraries and services
			91.02 - Museums activities ➤ Operation of museums of all kinds: • art museums, museums of jewellery, furniture, • costumes, ceramics, silverware • natural history, science and technological museums, historical museums, including military museums • other specialised museums • open-air museums
			91.03 - Operation of historical sites and buildings and similar visitor attractions ➤ Operation and preservation of historical sites and buildings
BOOKS & PRESS	C Manufacturing	18.1	18.11 - Printing of newspapers ➤ This class also includes: • printing of other periodicals, appearing at least four times a week
			18.12 - Other printing ➤ Printing of magazines and other periodicals, appearing less than four times a week ➤ Printing of books and brochures, music and music manuscripts, maps, atlases, posters, advertising catalogues, prospectuses and other printed advertising, postage stamps, taxation stamps, documents of title, cheques and other security papers, smart cards, albums, diaries, calendars and other commercial printed matter, personal stationery and other printed matter by letterpress, offset, photogravure, flexographic, screen printing

			and other printing presses, duplication machines, computer printers, embossers etc., including quick printing ➤ Printing directly onto textiles, plastic, glass, metal, wood and ceramics ➤ The material printed is typically copyrighted. ➤ Printing on labels or tags (lithographic, gravure printing, flexographic printing, other)
			18.13 - Pre-press and pre-media services ➤ Composing, typesetting, phototypesetting, pre-press data input including scanning and optical character recognition, electronic make-up ➤ Preparation of data files for multi-media (printing on paper, CD-ROM, Internet) applications ➤ Plate-making services including image setting and plate setting (for the printing processes letterpress and offset) ➤ Cylinder preparation: engraving or etching of cylinders for gravure printing ➤ Plate processing: "computer to plate" CTP (also photopolymer plates) ➤ Preparation of plates and dies for relief stamping or printing ➤ Preparation of: • artistic works of technical character, such as preparation of lithographic stones and wood blocks • presentation media, e.g. overhead foils and other forms of presentation • sketches, layouts, dummies, etc. • production of proofs
			18.14 - Binding and related services ➤ Trade binding, sample mounting and post press services in support of printing activities, e.g. trade binding and finishing of books, brochures, magazines, catalogues, etc., by folding, cutting and trimming, assembling, stitching, thread sewing, adhesive binding, cutting and cover laying, gluing, collating, basting, gold stamping; spiral binding and plastic wire binding ➤ Binding and finishing of printed paper or printed cardboard, by folding, stamping, drilling, punching, perforating, embossing, sticking, gluing, laminating ➤ Finishing services for CD-ROMs ➤ Mailing finishing services such as customisation, envelope preparation ➤ Other finishing activities such as die, sinking or stamping, Braille copying
	J Information and Communication	58.1	58.11 - Book publishing ➤ Activities of publishing of books in print, electronic (CD, electronic displays etc.) or audio form or on the Internet. ➤ Included are: ➤ publishing of books, brochures, leaflets and similar publications, including publishing of dictionaries and encyclopaedias ➤ publishing of atlases, maps and charts ➤ publishing of audio books ➤ publishing of encyclopaedias etc. on CD-ROM
			58.13 - Publishing of newspapers

			➤ Publishing of newspapers, including advertising newspapers, appearing at least four times a week. Publishing can be done in print or electronic form, including on the Internet.
			58.14 - Publishing of journals and periodicals ➤ Publishing of periodicals and other journals, appearing less than four times a week. Publishing can be done in print or electronic form, including on the Internet. Publishing of radio and television schedules is included here.
			58.19 - Other publishing activities ➤ Publishing (including on-line) of: • catalogues • photos, engravings and postcards • greeting cards • forms • posters, reproduction of work of art • advertising material • other printed matter ➤ On-line publishing of statistics and other information
		63.9	63.91 - News agency activities ➤ News syndicate and news agency activities furnishing news, pictures and features to the media.
	G Wholesale and Retail trade	47.6	47.61 - Retail sale of books in specialised stores ➤ Retail sale of books of all kinds.
			47.62 - Retail sale of newspapers and stationery in specialised stores ➤ Retail trade services of newspapers and magazines, and also: retail sale of office supplies such as pens, pencils, paper etc.
	M Professional, Scientific and Technical activities	74.3	74.30 - Translation and interpretation activities ➤ Translation and interpretation activities
VISUAL ARTS	G Wholesale and Retail trade; Repair of motor vehicles and motorcycles	47.7	47.78 - Other retail sale of new goods in specialised stores ➤ Retail sale of craftwork ➤ Activities of commercial art galleries ➤ Retail trade services of commercial art galleries
	M Professional, Scientific and	74.1	74.10 - Specialised design activities ➤ Fashion design related to textiles, wearing apparel, shoes, jewellery, furniture and other interior decoration and other fashion goods as well as other personal or household goods ➤ Industrial design, i.e. creating and developing designs and specifications that optimise the use, value and appearance of

	Technical activities		products, including the determination of the materials, mechanism, shape, colour and surface finishes of the product, taking into consideration human characteristics and needs, safety, market appeal in distribution, use and maintenance ➤ Activities of graphic designers ➤ Activities of interior decorators
		74.2	74.20 - Photographic activities ➤ Commercial and consumer photograph production: • portrait photography for passports, schools, weddings etc. • photography for commercials, publishers, fashion, real estate or tourism purposes • aerial photography • videotaping of events: weddings, meetings etc. ➤ Film processing: • developing, printing and enlarging from client-taken negatives or cine-films • film developing and photo printing laboratories • one hour photo shops (not part of camera stores) • mounting of slides • copying and restoring or transparency retouching in connection with photographs ➤ Activities of photojournalists ➤ Microfilming of documents
	R Arts, entertainment and recreation services	90	90.03 - Artistic creation ➤ Activities of individual artists such as sculptors, painters, cartoonists, engravers, etchers etc. ➤ Activities of individual writers, for all subjects including fictional writing, technical writing etc. ➤ Activities of independent journalists ➤ Restoring of works of art such as paintings etc.
ARCHITECTURE	M Professional, Scientific and Technical activities	71.1	71.11 - Architectural activities ➤ Architectural consulting activities: • building design and drafting • town and city planning and landscape architecture
PERFORMING ARTS	M Professional, Scientific and Technical activities	74.9	74.90 - Other professional, scientific and technical activities ➤ Activities carried out by agents and agencies on behalf of individuals usually involving the obtaining of engagements in motion picture, theatrical production or other entertainment or sports attractions and the placement of books, plays, artworks, photographs etc., with publishers, producers etc.
	N Administrative and Support	78.1	78.10 - Activities of employment placement agencies ➤ Activities of casting agencies and bureaus, such as theatrical casting agencies

	Service Activities		
	R Arts, entertainment and recreation services	90	90.01 - Performing arts ➤ Production of live theatrical presentations, concerts and opera or dance productions and other stage productions: • activities of groups, circuses or companies, orchestras or bands • activities of individual artists such as actors, dancers, musicians, lecturers or speakers
			90.02 - Support activities to performing arts ➤ Support activities to performing arts for production of live theatrical presentations, concerts and opera or dance productions and other stage productions: • activities of directors, producers, stage-set designers and builders, scene shifters, lighting engineers etc. ➤ Activities of producers or entrepreneurs of arts live events, with or without facilities.
			90.04 - Operation of arts facilities ➤ Operation of concert and theatre halls and other arts facilities
AUDIO- VISUAL & MULTI-MEDIA	C Manufacturing	18.2	18.20 - Reproduction of recorded media ➤ Reproduction from master copies of gramophone records, compact discs and tapes with music or other sound recordings ➤ Reproduction from master copies of records, compact discs and tapes with motion pictures and other video recordings ➤ Reproduction from master copies of software and data on discs and tapes
		32.2	32.20 - Manufacture of musical instruments ➤ Manufacture of stringed instruments ➤ Manufacture of keyboard stringed instruments, including automatic pianos ➤ Manufacture of keyboard pipe organs, including harmoniums and similar keyboard instruments with free metal reeds ➤ Manufacture of accordions and similar instruments, including mouth organs ➤ Manufacture of wind instruments ➤ Manufacture of percussion musical instruments ➤ Manufacture of musical instruments, the sound of which is produced electronically ➤ Manufacture of musical boxes, fairground organs, calliopes etc. ➤ Manufacture of instrument parts and accessories: • metronomes, tuning forks, pitch pipes, cards, discs and rolls for automatic mechanical instruments etc. ➤ Manufacture of whistles, call horns and other mouth-blown sound signalling instruments
		33.1	33.19 - Repair of other equipment ➤ Restoring of organs and other historical musical instruments
	G	47.4	47.41 - Retail sale of computers, peripheral units and software in specialised stores

	Wholesale and Retail trade; Repair of motor vehicles and motorcycles		➤ Retail sale of video game consoles ➤ Retail sale of video games
		47.6	47.63 - Retail sale of music and video recordings in specialised stores ➤ Retail sale of musical records, audio tapes, compact discs and cassettes ➤ Retail sale of video tapes and DVDs ➤ Retail sale of blank tapes and discs
	J Information & communication	58.2	58.21 - Publishing of computer games ➤ Publishing of computer games for all platforms
		59.1	59.11 - Motion picture, video and television programme production activities ➤ Production of motion pictures, videos, television programmes (television series, documentaries etc.), or television advertisements.
			59.12 - Motion picture, video and television programme post-production activities ➤ Post-production activities such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, computer-produced graphics, animation and special effects, developing and processing motion picture film, as well as activities of motion picture film laboratories and activities of special laboratories for animated films. ➤ Activities of stock footage film libraries etc.
			59.13 - Motion picture, video and television programme distribution activities ➤ Distributing film, video tapes, DVDs and similar productions to motion picture theatres, television networks and stations, and exhibitors. ➤ Acquiring film, video tape and DVD distribution rights.
			59.14 - Motion picture projection activities ➤ Activities of motion picture or video tape projection in cinemas, in the open air or in other projection facilities ➤ Activities of cine-clubs.
		59.2	59.20 - Sound recording and music publishing activities ➤ Activities of production of original (sound) master recordings, such as tapes, CDs; releasing, promoting and distributing sound recordings to wholesalers, retailers or directly to the public. These activities might be integrated or not with the production of master recordings in the same unit. If not, the unit exercising these activities has to obtain the reproduction and distribution rights to master recordings. ➤ Sound recording service activities in a studio or elsewhere, including the production of taped (i.e. non-live) radio programming.

			➤ Activities of music publishing, i.e. activities of acquiring and registering copyrights for musical compositions, promoting, authorising and using these compositions in recordings, radio, television, motion pictures, live performances, print and other media. Units engaged in these activities may own the copyright or act as administrator of the music copyrights on behalf of the copyright owners. Publishing of music and sheet books is included here.
		60.1	60.10 - Radio broadcasting ➤ Activities of broadcasting audio signals through radio broadcasting studios and facilities for the transmission of aural programming to the public, to affiliates or to subscribers ➤ Activities of radio networks, i.e. assembling and transmitting aural programming to the affiliates or subscribers via over-the-air broadcasts, cable or satellite ➤ Radio broadcasting activities over the Internet (Internet radio stations) ➤ Data broadcasting integrated with radio broadcasting
		60.2	60.20 - Television programming and broadcasting activities ➤ Creation of a complete television channel programme, from purchased programme components (e.g. movies, documentaries etc.), self-produced programme components (e.g. local news, live reports) or a combination thereof. This complete television programme can be either broadcast by the producing unit or produced for transmission by a third party distributor, such as cable companies or satellite television providers. The programming may be of a general or specialised nature (e.g. limited formats such as news, sports, education or youth oriented programming). This class includes programming that is made freely available to users, as well as programming that is available only on a subscription basis. The programming of video-on-demand channels is also included here. ➤ Data broadcasting integrated with television broadcasting.
		62.0	62.01 - Computer programming services ➤ Computer games software originals
		63.1	63.11 - Data processing, hosting and related activities ➤ Streamed video content ➤ Streamed audio content
EDUCATION & MEMBERSHIPS	P Education	85.4	85.42 - Tertiary education ➤ performing arts schools providing tertiary education
		85.5	85.52 - Cultural education ➤ This class includes provision of instruction in the arts, drama and music. Units giving this type of instructions might be named “schools”, “studios”, “classes” etc. They provide formally organised instruction, mainly for hobby, recreational or self-development purposes, but such instruction does not lead to a professional diploma, baccalaureate or graduate degree.

			This class includes: • piano teachers and other music instruction • art instruction • dance instruction and dance studios • drama schools (except academic) • fine arts schools (except academic) • photography schools (except commercial)
	S Other Service Activities	94.1	94.12 - Activities of professional membership organisations ➤ Activities of organisations whose members' interests centre chiefly on a particular scholarly discipline or professional practice or technical field to the extent relevant to cultural and creative sectors, such as architects associations etc. ➤ Activities of associations of specialists engaged in cultural activities, such as associations of writers, painters, performers of various kinds, journalists etc.
		94.9	94.99 - Activities of other membership organisations ➤ Associations for the pursuit of a cultural or recreational activity or hobby (other than sports or games), e.g. poetry, literature and book clubs, historical clubs, gardening clubs, film and photo clubs, music and art clubs, craft and collectors' clubs, social clubs, carnival clubs etc.
OTHER CULTURAL AND CREATIVE SECTORS ACTIVITIES	G Wholesale and Retail trade; Repair of motor vehicles and motorcycles	46.4	46.49 - Wholesale of other household goods ➤ Wholesale of stationery, books, magazines and newspapers ➤ Wholesale of musical instruments
		47.7	47.79 - Retail sale of second-hand goods in stores ➤ Retail sale of second-hand books ➤ Retail sale of antiques ➤ Activities of auctioning houses (retail)
	N Administrative and Support Service Activities	77.2	77.29 - Renting and leasing of other personal and household goods ➤ Renting of: • jewellery, musical instruments, scenery and costumes • books, journals and magazines
	S Other Service Activities	95.2	95.29 - Repair of other personal and household goods ➤ This class includes repair of personal and household goods: • repair of books • repair of musical instruments (except organs and historical musical instruments) • piano-tuning