

ASG

Application and Selection Procedure / Glossary

Note that **II.1** at the end of each heading refers to the relevant chapter in the official **Programme Guide**

1. Making an Application **II.1**

Proposals must be submitted by the set deadline for each *strand* of the Programme, using the official application form that may be downloaded from the website of the Executive Agency.¹

Application packages are not returned at the end of the selection procedure.

Proposals must be sent by post (date as postmark), by express courier service (as proved by the registered delivery receipt of the mail service), or delivered in person, by applicants themselves not later than 16.00 on the set deadline. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the central mail department who took delivery. This department is open from 08.00 to 17.00 from Monday to Thursday and from 08.00 to 16.00 on Friday; it is closed on Saturdays, Sundays and Commission holidays².

No changes to the dossier can be made after the application has been submitted. However, if there is a need to clarify certain aspects, the Executive Agency may contact the applicant for this purpose.

Address to which the proposals must be sent (or delivered in person):

Education, Audiovisual & Culture Executive Agency
Culture Programme (2007–2013)
Programme Strand _____ → [please indicate here strand number to which you are applying]
Avenue du Bourget 1
(BOUR 04/13)
B – 1140 Brussels
Belgium

2. Selection Procedure **II.2**

The award of EU grants is subject to the principles of transparency, equal treatment and non-discrimination. On this premise, specific sets of criteria have been defined with a view to ensuring a transparent selection procedure (i.e. *eligibility criteria, exclusion criteria, selection criteria, award criteria*).

Throughout the selection procedure, information about the outcome of individual applications may not be given.

Proposals are assessed according to a general procedure, which is completed through the following steps.

3. General Eligibility Criteria **II.2.1**

Proposals are first assessed to ensure that they fully comply with the general eligibility criteria of the Programme, as well as the specific eligibility criteria applicable to each *strand*.

A proposal is eligible if:

- it fulfils the eligibility criteria and the conditions of the specific Programme *strand* for which it is submitted
- it is sent by the deadline of submission of proposals set in the Calendar as per **Info-Sheet ALL** (date as postmark or courier service stamp); proposals sent by fax or e-mail are not eligible
- it is written in one of the official languages³ of the European Union.
NB. However, for the purpose of speeding up the assessment procedure (and with no prejudice whatsoever to the assessment itself), it is recommended that applications be submitted in one of the three working languages of the Commission (English, French or German).
- it is submitted using the official application form, duly completed and signed as required (original signatures of the person authorised to enter into legally binding commitment on behalf of the applicant organisations); handwritten proposals are not eligible;
- it contains an official cover letter, one copy of the application form, all annexes to the application form and requested supporting documents; proposals that are not complete and valid (i.e. original documents missing) by the set deadline of submission are not eligible;
- it is signed.

If any of the above conditions are not met by the set deadline of submission of proposals, the application is considered non eligible and is, thus, excluded from the selection process.

The Executive Agency reserves the right to reject any incomplete proposal.

4. Legal Status **II.2.1.1**

In order to demonstrate that their legal status is eligible, applicants must provide the following documents together with the application form:

For legal entities governed by public law

- the Legal Entity identification form* duly completed and signed
- a copy of the official document attesting to the establishment of the public-law entity, such as the legal resolution, law decree or decision

For legal entities governed by private law

- the Legal Entity identification form* duly completed and signed
- a copy of the official document attesting to the establishment of the private-law entity, such as official journal or trade register (this document must show the name, address and registration number of the private-law entity)
- a copy of the certificate of liability to VAT (in countries where the trade register number and the VAT number are identical, only one of these documents is required)
- articles of association (statute of entity)

EXTRA NOTE FROM EUCLID, UK CCP:

This is based on European definitions rather than UK ones:

- **Public:** this is **only** bodies such as local authorities, universities & government departments – i.e. clearly funded by public funds “as of right” (i.e. it is unlikely they would lose their government funds)
- **Private:** **this covers all organisations except those listed under public above (i.e. small subsidised companies are “private”)**

¹ The links relevant to each *strand* are indicated in Part Two of the Programme Guide.

² January 1 - New Year's Day, January 2 - day after New Year's day, Easter Monday, May 1 - Labour Day, May 9 - Europe Day, Ascension Day, Whit Monday, July 21 - Belgian National Holiday, August 15 - Assumption Day, November 1 - All Saints' Day, December 24pm – Christmas Eve, December 25 - Christmas Day, December 31 - New Year's Eve.

³ http://europa.eu/abc/european_countries/languages/index_en.htm

Therefore, the chances are that most applicants (including subsidised non-profit bodies) will be classified as "private".

* Legal Entity identification forms may be downloaded at the following address:
http://www.ec.europa.eu/budget/execution/legal_entities_en.htm

5. Exclusion Criteria **II.2.2**

Applicants must state that they are not in any of the situations described in Articles 93(1), 94 and 96(2)(a) of the Financial Regulation applicable to the EU general budget⁴ (hereafter "the Financial Regulation") set out below.

Applicants are excluded from participating in the Programme if they are in any of the following situations:

- they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the EU financial interests;
- they are subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation.

Applicants cannot be granted financial support if, on the date of the grant award procedure, they:

- are subject to a *conflict of interests*
- are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant award procedure, or fail to supply this information;
- find themselves in one of the situations of exclusion, referred to in Article 93(1) of the Financial Regulation, for this grant award procedure;
- and they are subject to the penalty consisting in the exclusion from contracts and grants financed by the budget for a maximum period of ten years.

In accordance with Articles from 93 to 96 of the Financial Regulation, administrative and financial penalties may be imposed on applicants who are guilty of misrepresentation or are found to have seriously failed to meet their contractual obligations under a previous contract award procedure.

By signing their application, applicants certify that they are not in any of the situations referred to in Articles 93(1), 94 and 96(2)(a) of the Financial Regulation.

6. Practical Selection Criteria

6.1 Operational and Financial Capacity **II.2.3.1**

Proposals which comply with the eligibility and exclusion criteria are subject to an in-depth evaluation on the basis of the *operational* and *financial capacity* of the applicant organisations.

This allows assessing whether:

- the applicant organisations have the professional competences and qualifications to complete the proposed activities (*operational capacity*).

⁴ Council Regulation (EC, Euratom) No 1605/2002 as amended.
http://ec.europa.eu/dqs/budget/index_en.htm

For that purpose, applicants must submit:

- a) an **activity report** covering the past two years (maximum ten pages per activity report)⁵;
- b) the **curriculum vitae** of the person(s) responsible for the overall coordination/implementation of the proposed action on behalf of each organisation involved or for the implementation of the work Programme of the organisation (maximum four pages per curriculum vitae).

- the applicant organisations have stable and sufficient financial resources to maintain the proposed activities throughout the duration of the project or the year for which the grant is awarded, and to participate in their funding (*financial capacity*).

For that purpose, applicants must submit:

- a) the **Financial Identification form** duly completed and certified by the bank (original signatures required).

This document can be downloaded at the following address:
http://ec.europa.eu/budget/execution/ftiers_en.htm

- b) the **Financial Capacity form** for their country.

This document can be downloaded at the following address:

http://eacea.ec.europa.eu/culture/index_en.htm

- c) **profit and loss accounts** together with the **balance sheets** for the last *financial year* for which the accounts have been closed (and not older than 18 months).

The last two requirements do not apply to *public organisations* and international organisations under public law established by inter-governmental agreements and specialist agencies created by such organisations.

6.2 External Audit Report **II.2.3.2**

Grant for projects

If the requested EU grant is more than EUR 500.000, the application must be accompanied by an audit report produced by a registered and independent external auditor, certifying the accounts for the last year available (and in any case not older than 18 months).

This applies to the applicant's (*coordinator*) accounts only.

Operating costs

All requests for an operating grant (*strand 2*) of more than EUR 100.000 have to be accompanied by an audit report produced by a registered independent external auditor, certifying the accounts for the last year available (and, in any case, not older than 18 months).

NB. This requirement does not apply to public organisations and international organisations under public law, as well as secondary or higher education establishments or beneficiaries with joint and several liability, in the case of agreements involving several beneficiaries.

7. Award Criteria **II.2.4**

The *award criteria* form the basis for assessing the artistic and cultural quality of the proposals in relation to the general and specific objectives of the Programme as well as the focus and characteristics of each *strand*. The *award criteria* are defined for each *strand* (see **Info-Sheets PROJ, LIT and ST2**).

Eligible proposals are assessed by an *Evaluation Committee*. The *Evaluation Committee* is composed of Executive Agency and Commission officials and is assisted by independent experts from the *eligible countries*⁶.

The *evaluation committee* makes a recommendation for the distribution of the grants. It proposes a list of organisations or projects meriting a grant based on the scoring received.

⁵ Applicants are recommended to submit a summary in English, French or German for the purpose of speeding up its assessment, in case the activity report is in another official language of the European Union.

⁶ The independent experts are selected on the basis of an open call for expression of interest.

8. Consultation of the Programme Committee / Euro Parliament **II.3**

For all selections, the list of proposals to co-finance is submitted to the *Programme Committee*, composed of representatives of the *eligible countries*, for their opinion and is, subsequently, transmitted to the European Parliament for its *right of scrutiny*.

This consultation process takes a minimum of six weeks.

9. Award of Grant **II.4**

Only after completion of the procedure mentioned above, is the selection process finalised and can the list of proposals selected for co-financing be published.

Up to the limits of funds available, eligible proposals with the highest score receive a grant.

Selected applicants receive a *Grant Agreement / Grant Decision* quoting the amount of the EU grant awarded and setting the conditions under which the grant is awarded.

10. Publication of Results **II.5**

The list of selected proposals is published on the website of the Executive Agency:
http://eacea.ec.europa.eu/culture/index_en.htm

Unsuccessful applicants receive a letter stating the score of their proposal and the reasons why their application was not selected.

Glossary of Key Words **VII**

NB. Entries are presented in alphabetical order.

ASSOCIATED PARTNER: A cultural operator from a country taking part in the Programme or from a *Third Country*, who participates in the implementation of the proposed activities of a project, but not to the extent and level of participation of a co-organiser. Costs incurred by associated partners are not eligible, unless they are directly paid or refunded by the coordinator and/or co-organisers.

AWARD CRITERIA: These criteria form the basis for assessing the quality of the proposals, with regard to the objectives and requirements set out for each Programme *strand*. They comprise both quality and quantity elements, each of which is assigned a specific weight.

BANK ACCOUNT: This is the beneficiary's bank account or sub-account, denominated in euro, through which any payments linked to the action, shall be made. The Executive Agency will create a file with details of this bank account or sub-account based on the *Financial Identification Form* supplied by the coordinator.

BENEFICIARY: The organisation legally responsible for the implementation of the action for projects related and recipient of the grant.

BUDGETARY AUTHORITY: The European Council and the European Parliament establish the EU budget on a proposal from the European Commission.

CALL FOR PROPOSALS: This is one of the means of implementing Community Programmes. A Call for Proposals is published annually and specifies a number of elements: the objectives pursued and the annual budget allocated to the type of action concerned; the *eligibility, exclusion, selection and award criteria*, as well as the relevant supporting documents to be submitted; conditions for EU financing; conditions for submission of proposals; possible start-up date for the actions co-financed and timetable for the award procedure. Calls for proposals are published on the website of the Institutions of the EU and in the Official Journal of the European Union. The Programme Guide replaces the individual calls for proposals for the strands mentioned in Part Two.

CERTIFICATE ON FINAL FINANCIAL STATEMENTS: For all projects (*strands 1.1, 1.2.1 and 1.3*) the final financial statements and underlying annual accounts have to be certified by a registered and independent external auditor. In case of an operating grant (*strand 2*), this is required if the awarded grant is more than EUR 100.000. In case of public organisations, this certification may be produced by a competent and independent public officer. The certificate shall be attached to the request of final payment made by the *beneficiary* certifying the following:

"The costs declared by the *beneficiary / co-beneficiary* in the financial statements on which the request for payment is based are real, accurately recorded and eligible in accordance with the terms of the *Grant Agreement / Grant Decision*."

CONFLICT OF INTERESTS: According to the Financial Regulation (Article 52):

"1. All financial actors and any other person involved in budget implementation, management, audit or control shall be prohibited from taking any action which may bring their own interests into conflict with those of the EU. Should such a case arise, the person in question must refrain from such actions and refer the matter to the competent authority."

"2. There is a conflict of interests where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with the *beneficiary*."

CONTRIBUTION IN KIND: Cooperation projects (*strands 1.1, 1.2.1 and 1.3*): A contribution in kind is any contribution made by a third party, which is not paid by the beneficiary and the co-beneficiaries. It may be contributions in the form of durable capital goods and equipment, raw materials, unpaid charity work by a private individual or corporate body, or staff seconded from another

organisation (other than the coordinator/co-organisers or the *beneficiary* organisation) receiving remuneration from the organisation of origin. Contributions in kind shall not constitute eligible costs. However, the Agency can accept, in duly substantiated exceptional cases, that the co-financing of the action should be made up in part of contributions in kind. In this case, the value calculated for such contributions must not exceed:

- the costs actually borne and duly supported by accounting documents of the third parties who made these contributions to the beneficiary or co-beneficiaries free of charge but bear the corresponding costs;
- the costs generally accepted by the market in question for the type of contribution concerned when no costs are borne.

Contributions involving buildings shall not be covered by this possibility. Operating grants (*strand 2*): Contributions in kind are not accepted. Not even as non-eligible income and non-eligible expenditure.

COOPERATION AGREEMENT: This refers to Multi-annual Cooperation projects (*strand 1.1*) and Cultural Cooperation with *Third Countries* projects (*strand 1.3*) only. These projects must be based on a cooperation agreement, i.e. a common document having a legal form valid in one of the countries taking part in the Programme and signed by coordinator and co-organisers involved. This document describes precisely the objectives of the project, the activities which will be implemented in order to achieve these objectives and the role of each co-organiser (including the coordinator) in the design and implementation of the project, as well as the amount of their financial contribution.

COORDINATOR (BENEFICIARY): A cultural operator from a country participating in the Programme, who undertakes a coordinating role during the implementation of the project. This role is translated into an overall responsibility for carrying out the activities in accordance with the *Grant Agreement/Grant Decision*, as well as a concrete and essential involvement in the design, implementation and financing of the project. The coordinator acts as the legal co-signatory of the *Grant Agreement*.

CO-BENEFICIARY: Co-organisers under strand 1.1 Multi-annual Cooperation projects, strand 1.2.1 Cooperation projects and strand 1.3 Cooperation projects with Third Countries, are co-beneficiaries. This means that their costs related to the project are also eligible. Conclusion of the agreement and payment of the grant will however always be solely to the *coordinator*.

CO-ORGANISER (CO-BENEFICIARY): A cultural operator from a country participating in the Programme with a concrete and essential involvement in the design, implementation and financing of the project. The involvement of each co-organiser must be clearly indicated in the application form. Sole delivery of either services or goods with respect to the project, whether on a contractual basis or not, is not considered in-line with the definition of co-organiser.

DIRECT COSTS: Eligible direct costs are those costs which can be identified as specific costs directly linked to the implementation of the project or the work programme and which can therefore be booked to it directly.

DEPRECIATION OF EQUIPMENT: In case of purchase of equipment used for the purposes of the project or the annual work programme co-financed, depreciation shall be applied. Only depreciation during the *eligibility period*, as defined in the *Grant Agreement*, is an eligible *direct cost*, to the extent that the equipment is specifically used for the project or in relation to the activities of the work programme co-financed. The depreciation rules to be applied are the national tax and accounting rules of the *beneficiary* organisation.

ELIGIBLE BUDGET: The budget of a proposal must be in EUR and consist of two parts: the estimated costs eligible for EU funding and the estimated income (including the requested grant). The budget must be always in balance (expenditure = income). It must be presented in accordance with the model attached to the application form for each *strand*.

ELIGIBLE COSTS: Necessary, specific and reasonable expenditure incurred by the *beneficiary/co-beneficiaries*, while implementing the co-financed action or the *beneficiary* organisation, while implementing the activities of its annual work programme. It must be recorded in the accounts in accordance with the

applicable accounting principles. The internal accounting and auditing procedures must permit direct reconciliation of the costs and revenue declared in respect of the action with the corresponding accounting statements and supporting documents.

ELIGIBLE COUNTRIES: The countries participating in the Programme (for more information see Chapter I.3.2)

ELIGIBILITY CRITERIA: The eligibility criteria are set out for each Programme *strand* and are verified during the first step of the selection process of submitted proposals. Only proposals which comply with the corresponding eligibility criteria will be subject to an in-depth assessment on the basis of *selection and award criteria*.

ELIGIBILITY PERIOD: The period during which *eligible costs* must be generated, that is costs which are necessary for the implementation of the action or the work programme co-financed and give rise to an obligation to pay. The period of eligibility is stipulated in the *Grant Agreement/Grant Decision*.

EXCLUSION CRITERIA: These criteria are of general nature and are pertinent to all applicants of grants granted by the Commission. Applicants must certify that they comply with the provisions set out in Articles 93(1), 94 and 96(2)(a) of the Financial Regulation.

EXTERNAL AUDIT: If the requested grant is more than EUR 500.000, in case of a project grant, or EUR 100.000, in case of an operating grant, the application must be accompanied by an external audit report produced by an approved auditor. This must include certified audited accounts of the last *financial year* available (not older than 18 months). The following are exempted from this obligation: public organisations in line with the definition of this Programme Guide; international organisations under public law; secondary or higher education establishments; beneficiaries with joint and several liability (*in case of Grant Agreements/Grant Decisions involving several beneficiaries*).

FINANCIAL CAPACITY OF THE APPLICANT: This is one of the *selection criteria*, which are assessed during the selection process of submitted proposals. Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out and to participate in its funding. In order to facilitate the verification of the *financial capacity*, the Financial Capacity Form must be submitted. In case the *financial capacity* is judged insufficient, the Executive Agency may reject the application, request additional information, require a guarantee or propose a *Grant Agreement/Grant Decision* without pre-financing.

FINANCIAL IDENTIFICATION FORM: The Executive Agency services cannot proceed to the award of a grant nor can they proceed to the authorisation of pre-financing of final payments, as long as the co-ordinates of beneficiaries are not recorded and centrally validated. For that purpose, applicants must submit a Financial Identification form which would allow the verification of the *bank account* linked to the *Grant Agreement/Grant Decision*. This form must be signed by the account holder and certified by the bank (i.e. official stamp of the bank and signature of a representative of the bank).

FINAL FINANCIAL YEAR: The period covered by the annual accounts of the organisation; in most cases from the 1st January until the 31st December.

FLAT RATES: This applies to the calculation of the entire amount of the grant in the case of operating grants (*strand 2*) and Literary Translation projects (*strand 1.2.2*). Under this system, the grant is calculated on the basis of a fixed amount: e.g. a fixed amount per page or a fixed amount per staff members of an organisation.

GRANT AGREEMENT: EU funding to successful proposals may take the form of a *Grant Agreement* between the Executive Agency and the *beneficiary*. The *Grant Agreement* sets out the terms and conditions governing the grant awarded and comes to effect upon signature of the last of the two parties, i.e. the Executive Agency. It may be amended during the *eligibility period* of the action.

GRANT CALCULATOR: This facility is available for Literary Translation projects (*strand 1.2.2*) and operating grants. It is included in the specific application forms and automatically calculates the relevant amounts.

GRANT DECISION: EU funding to successful proposals may take the form of a Grant Decision, which is signed unilaterally by the Executive Agency. The Grant Decision sets out the terms and conditions governing the grant awarded. It may be amended during the *Eligibility Period*.

INDIRECT COSTS (administrative/operating costs): They are *eligible costs* which are not identifiable as specific costs directly linked to the implementation of the action (i.e. cannot be booked to it directly), but which can be identified and justified as having been incurred in connection with the action. They may include rent, heating, electricity, gas, communication costs, postage, among other.

LEGAL ENTITY: To be eligible, applicants must be private or public law organisations with a legal personality. To make it possible to identify the legal entity of applicants, the *Legal Entity Form*, together with the appropriate supporting documents (i.e. statutes, law decree) must be submitted.

MANDATE: This is applicable for Multi-annual Cooperation projects (*strand 1.1*) and cooperation projects (1.2.1) only. Based on the *Grant Agreement/Grant Decision*, the *Coordinator* has full responsibility for the action vis-à-vis the Executive Agency. Each *Co-organiser* must sign this document by which the signatory grants power of attorney to the *Coordinator* to act in their name and for their account during the implementation of the

action. The mandate will be provided by the Executive Agency and will be annexed to the *Grant Agreement/Grant Decision*.

OPERATIONAL CAPACITY: This is one of the *selection criteria*, which are assessed during the selection process of submitted proposals. Applicants must have the professional competencies and qualifications required to complete the proposed action or work programme. To that effect, an *Activity Report* and the *Curricula Vitae* of the persons responsible for the implementation of the proposed work programme or action, on behalf of each applicant organisation, will be submitted as part of the application.

PARTNER IN THE THIRD COUNTRY (strand 1.3): To be considered as a partner in the selected *Third Country*, a cultural operator must have its legal registered seat in the selected *Third Country*, should participate in the design and implementation of the proposed activities and sign the *cooperation agreement*. Costs incurred by partner(s) in the *Third Country* are not eligible, unless they are directly paid or refunded by the *Coordinator* and/or the *Co-organisers*.

PROGRAMME COMMITTEE: Based on the decision establishing the Culture Programme, the Commission and the Executive Agency are assisted by a committee composed of representatives of the *eligible countries* when implementing the Programme (i.e. Programme Guide, calls for proposals, list of proposals selected for co-financing). This committee is kept informed or is invited to deliver its opinion on relevant proposals.

PUBLIC ORGANISATION: Any organisation, any part of whose costs are financed from the state budget as of right, either by central, regional or local government. That is, these costs are financed from public sector funds raised through taxation or fines or fees regulated by law, without going through an application process which might result in their being unsuccessful in obtaining funds. Organisations that depend on state funding for their existence and receive grants year after year, but for which there exists at least the theoretical possibility that they may fail to receive money one year are considered as private organisations.

RIGHT OF SCRUTINY: The European Parliament has a right of scrutiny over implementing measures falling under the co-decision procedure (i.e. decisions taken by the Council and the Parliament on a proposal by the Commission). For this role, the Parliament disposes of one month to examine a draft measure before the Commission takes the formal decision. The time limit starts as soon as the proposed implementing measure (i.e. list of proposals selected for co-financing) is transmitted to the Parliament after consultation of the *Programme Committee*.

SELECTION CRITERIA: These criteria serve as the basis to assess the *Operational Capacity* and the *Financial Capacity* of applicant organisations to complete the proposed action or work programme (see also *Operational Capacity* and *Financial Capacity*)

STRAND: Specific action for which EU co-financing is foreseen under the Culture Programme (2007-2013).

SUB-CONTRACTING (implementation contracts/award of procurement contracts): Any services and/or goods in connection with the proposed action or work programme, which is provided by a third party, other than the applicant organisations, and is paid for or reimbursed in full by the applicant organisations, irrespective of the form of legal agreement made between them and the third party. Sub-contracting parties must be listed in the application form and the direct costs linked to the activities implemented by these parties must be clearly indicated in the budget.

THIRD COUNTRIES: Any country other than the *Eligible Countries*.

LEAFLET PRODUCED BY

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UK CULTURAL CONTACT POINT

www.culturefund.eu

includes links to official EC / EACEA webpages

(to download full **Programme Guide** and **Application Forms**)

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By phone to 07000 EUCLID (382543)

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