

# Creative Communities

## **Guidelines and Regulations 2021**



ISSUED: March 2021

## ALLOCATIONS

<b>SESSION BUDGET</b>	<b>MAXIMUM ELIGIBLE AMOUNT PER PROJECT</b>
<b>EUR 100,000</b>	<b>EUR 8,000</b>

<b>CO-FUNDING</b>	<b>DISBURSEMENT</b>
The fund may cover up to 80% of total project costs	70% upon signing of grant agreement 30% following approval of final report

## TIMEFRAMES

<b>DEADLINE</b>	<b>RESULTS</b>	<b>ELIGIBLE TIMEFRAME</b>
15th September 2021	15th November 2021	16th December 2021 – 16th June 2023

# 1. Introduction

Creative Communities support is built around three basic considerations:

- Culture and diversity are inherent strengths of our communities
- The right to culture is a right of every human being
- Engaged dialogical expression is a win-win opportunity for both seasoned artists and communities

In this regard, Creative Communities invests in sustainable community-building, the realisation of the right to culture, and fostering creative expression – with an emphasis on the Participatory Creative Process: embracing and actively involving wider communities.

Support is offered for:

- Training & Development in the fields of arts appreciation, creative expression, artistic development
- Community-based participatory research
- Innovation of cultural heritage (*Please refer to Definitions section*)
- Development of creative expression projects built with communities

The embedded priority is guided by the five features of the Right to Culture, pointed out by the UN Committee on Economic, Social and Cultural Rights (CESCR):

## 1. Availability

- Bringing creative expression and creative experience closer to people
- Actively engaging and representing diversity
- Linking up to Regional Cultural Strategies

## 2. Accessibility

- Opening up to communities and individuals
- Sharing knowledge, experience and opportunities
- Raising awareness of linguistic opportunities/barriers

## 3. Acceptability

- Acknowledging diverse expressions and needs
- Addressing intolerance: fear, awkwardness, stereotypes, bias, prejudice, ageism, sexism and sexualisation, double standards, harassment, elitism, condescending attitude
- Ensuring equitable opportunity to create and be represented
- Sustaining a consistent commitment towards holistic and continuing education and the development of critical thinking
- Catalysing sensitisation, and providing the necessary training

## 4. Adaptability

- Validating and challenging creativity and audiences, while consistently challenging them to continue developing
- Sustaining authenticity, while ensuring relevance, growth, innovation and sustainability
- Adapting to needs, backgrounds, ideas and preferences, and pushing boundaries
- Infusing our creativity with different perspectives and ideas



## 5. Appropriateness

- Ensuring radically inclusive programming
- Readiness to embrace diversity (including, but not limited to: families, people with autism/Tourette Syndrome)
- Ensuring appropriate expression and decentralisation
- Addressing patronising tendencies

The Programme will provide a stable support for individuals, groups and organisations to plan, grow, develop and deliver Arts Council Malta's strategic goals primarily addressing creative professionals and communities, namely:

1. Nurturing creative potential and supporting professional development
2. Investing in artistic excellence
3. Connecting Malta to the international artistic community
4. Providing more opportunities for people to engage in creativity

## 2. Definitions

Activities falling within the cultural and creative sector:

1. Arts (literature, visual arts, music, performing arts, interdisciplinary)
2. Creative Business Services (design, architecture, cultural tourism and cultural services)
3. Heritage (crafts, traditional festivals and celebrations, cultural sites, antiques)
4. Media (publishing and printed material, audiovisuals, including film and video production, film servicing, television, video games, radio, online media)

Applicant:

- An applicant may be an individual, a group, or an organisation. Applicants cannot be employees of Arts Council Malta or involved in the management of the Productions Support Scheme

Application:

- An application is a submission, inclusive of all mandatory documents and any annexes to the application form made by an eligible applicant

Artistic skills and potential:

- Skills and potential to create works of art, including, but not limited to: acting, creative writing, dancing, drawing, painting, musical composition, sculpting

Audience development:

- An audience development initiative aims to have audiences more engaged and participating more often, and to encourage new audiences

Beneficiary:

- The recipient of the grant. The beneficiary is responsible for the implementation of the proposal supported by the scheme

Budget:

- The financial plan for the project/programme. The Creative Communities scheme helps to kick-start initiatives and to make them sustainable



**Collaboration:**

- A collaborative process of planning, co-creating and executing – within art practices – involving creatives, civil society, private and public organisations and wider communities. Collaborations involve shared responsibilities, and may or may not involve shared financial resources.

**Community:**

- A group of people with commonality – such as values, customs or identity – that care about each other and feel they belong together

**Cooperatives:**

- Cooperatives must be registered with the Koperattivi Board and enlisted on the Cooperatives directory available at: <https://economy.gov.mt/en/coops/pages/coops.aspx>

**Diversity:**

- Individual differences in terms of age, gender, sexual orientation, ability, ethnicity, culture, belief, language and socioeconomic background – in communities, creatives, and audiences

**Eligibility:**

- Applicants are screened by the Senior Fund Executive in terms of eligibility. Applications are screened to determine eligibility in terms of section 3 of these guidelines. Applications that are not eligible shall not be processed further and shall not undergo evaluation

**Evaluation:**

- Applications deemed compliant and eligible are evaluated against the criteria established in these guidelines, by the appointed evaluators

**Evaluator:**

- Arts Council Malta appoints an evaluation team for each call under the Scheme. The Arts Council may appoint both local and foreign professionals in the sector of culture and the arts

**Group:**

- A number of persons, with or without legal personality, may form a group. One of the persons involved must take the leading role and have the main legal responsibility for managing the project and the grant. This person must be a Maltese citizen, or else be in possession of a Malta residence permit or of a Maltese citizenship certificate or of a Maltese passport

**Individual:**

- Individuals applying for a grant must be Maltese citizens; or be in possession of a Malta residence permit; or of a Maltese citizenship certificate; or of a Maltese passport

**Management and Administration:**

- Arts Council Malta is responsible for the management of this scheme. All official correspondence, including the submission of applications, must be sent to the address indicated in these guidelines

**Management plan:**

- Your plan needs to incorporate sustainability considerations and plans for continued development beyond the project end-date

**Mandatory Documentation:**

- Any document(s) needed to support your proposal and aids the evaluation of your project (eg. track records, portfolios, artistic CVs, official correspondence confirming rental of space, permits or other)

Maximum Funding:

- There is a ceiling amount of €8,000 per project to be allocated. This will be decided on a case-by-case basis depending on the project

Participatory creative process:

- The Creative Communities programme invests in community-building and the realisation of the Right to Culture, with an emphasis on the Participatory Creative Process – actively engaging with the wider community. The Programme supports organisations to develop and serve their communities better

Public Cultural Organisations:

- Public cultural entities falling under the remit of Arts Council Malta, which include Festivals Malta, Fondazzjoni Kreattività, Kor Malta, the Malta Philharmonic Orchestra, the Mediterranean Conference Centre, MICAS, Pjazza Teatru Rjal, Teatru Manoel, the Valletta Cultural Agency and ŻfinMalta

Registered Entities:

- An entity legally established and registered in Malta. Registered entities must be registered with Malta Business Registry, in accordance with the Companies Act requirements in the case of a company or a partnership, and in accordance with the Civil Code in the case of a Foundation and an Organisation/Association

Right to Culture:

- The right, of every human being, to express and enjoy the arts and the culture of their choice

Single undertaking:

- Includes all enterprises having at least one of the following relationships with each other:
  - a. One enterprise has a majority of the shareholders' or members' voting rights in another enterprise
  - b. One enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise
  - c. One enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association
  - d. One enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise

Enterprises having any of the relationships referred to in points (a) to (d) above through one or more other enterprises shall be considered as a single undertaking.

Strategic plan:

- A disciplined effort to produce fundamental decisions and actions that shape and guide what an organisation is, what it does, why it does it, and when

Undertaking:

- An undertaking is defined as an entity engaged in an economic activity within the meaning of Article 107 TFEU (i.e. any activity consisting in offering goods and services on a market), regardless of its legal status and the way in which it is financed. The classification of a particular entity as an undertaking depends entirely on the nature of its activities. The application of the State aid rules does not depend on whether the entity is set up to generate profits. Non-profit entities can also offer goods and services on a market. Where this is not the case, non-profit entities remain outside the scope of State aid. Furthermore, the classification of an entity as an undertaking is always relative to a specific activity. An entity that carries out both economic and non-economic activities is to be regarded as an undertaking only with regard to the former

#### Voluntary Organisation:

- An organisation legally established, and/or publicly registered in Malta, having a statute. Voluntary organisations must be registered with the Commissioner for Voluntary Organisations in accordance with the Voluntary Organisations Act requirements (<http://www.maltacvs.org>). The applicant must be a legally authorised representative of the organisation.

## 3. Eligibility

Applications will first be screened in terms of eligibility. Ineligible applications in terms of the points below shall not be processed further and shall not undergo evaluation.

**Maximum eligible timeframe to implement the project:** 18 months.

### 3.1 Who can apply?

The Grant is open to undertakings (for which assistance will be granted in line with the *de minimis* Regulation), as well as those applicants that do not carry out an economic activity within the meaning of Article 107 TFEU (kindly refer to Section 9 of these guidelines for additional information). Furthermore, applicants must qualify as one of the following:

- Creative professionals/individual artists
- Entities registered with the Malta Business Registry (including companies, partnerships, foundations and organisations/associations)
- Groups, Collectives and Consortia
- Registered Cooperatives
- Voluntary Organisations.

Applicants must be Maltese citizens; or be in possession of a Malta residence permit; or of a Maltese citizenship certificate; or of a Maltese passport.

### 3.2 Who cannot apply?

- Applicants whose profile is not verified due to it being incomplete for not having the below mandatory documents:
  - A copy of your Maltese ID card (including the front and back); or your Maltese residence permit; or your Maltese citizenship certificate; or your Maltese passport
  - A signed statute in the case of a Voluntary Organisation
- Beneficiaries who have not honoured previous funding commitments
- In the case of Voluntary Organisations, organisations which have not presented their updated accounts to the Commissioner for Voluntary Organisations
- In the case of registered entities, entities which have not presented the required annual documentation to the Malta Business Registry
- Organisations/Activities receiving local public funds through established government line-votes
- Organisations which do not have a registered address in the Maltese Islands and/or which are not registered with the Commissioner for Voluntary Organisations
- Organisations which do not have a registered address in the Maltese Islands.

### 3.3 What costs can be covered?<sup>1</sup>

The grant may cover up to 80% of the following costs (up to a maximum of €30,000 per project, whichever is the lowest). The remaining 20% of the total project cost cannot be covered through other funding programmes managed by Arts Council Malta or by any other Maltese state-funded programme dedicated to arts and culture.

- Artists' fees
- Arts therapy
- Assistance for minors, senior persons and persons with disabilities
- Childcare
- Contingency, not exceeding 10% of the total cost
- Cultural mediation
- Enrolment, participation, or subscriptions to virtual platforms or other digital services
- Health and safety measures
- Hire/purchase of equipment (purchase of equipment will be considered where necessary for the project)
- Indirect costs, not exceeding 5% of the total cost (Example – Servicing: electricity, water, insurance, cleaning; telephone / fax / Internet connections; postage and mailing; paper, ink / cartridge, stationery, etc)
- Insurance
- Legal
- Linguistic services: interpreting (including, but not limited to: sign language, speech-to-text conversion), translation (including, but not limited to: braille and surtitling), proofreading, editing
- Marketing, PR, communication (including production of feature clips, footage, dissemination, engagement with diverse communities)
- Other fees directly related to project implementation (including, but not limited to service provision)
- Production costs
- Project management (including, but not limited to: administration, coordination, development)
- Rental of space
- Research/other consultancy
- Standard accommodation
- Touring of production
- Training, development, mentoring
- Travel (economy class) including, but not limited to: public transport, air travel, car/vehicle rental) + EUR 1,000 allocation for travel support and assistance to disabled artists (as applicable)
- Travel Visa

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<sup>1</sup> All costs will be considered only if these resources are not already covered/cannot be covered by the applicants or supporting/partner organisations.



Any other element which may be developed outside the scope of the Creative Communities programme is not eligible for support.

Applicants can submit more than one application under the same call. Yet, only one of the applications can be funded at any given session.

For more information about presenting your budget, refer to our General Budget Guidelines available on: <https://www.artscouncilmalta.org/pages/funds-opportunities/restart-schemes-2021/general-budget-guidelines/>.

### 3.4 What costs cannot be covered?

- Budgets exceeding 80% of the project expenditure
- Costs already covered by Public Cultural Organisations, or another public funding programme/scheme managed or co-managed by Arts Council Malta or other public agency, Government department or Ministry
- Costs which are already covered through usual operational budgets (space which is owned by the applicant or the partner/supporting organisation/individual)
- Fees for services provided by Public Cultural Organisations or other public agency, Government department or Ministry
- Funding for the creation or upholding of bursaries, prizes or scholarships
- Reimbursement of salaries ,or part thereof
- Retroactive costs
- Subsistence, catering and hospitality.

### 3.5 What applications are not eligible?

The following are **not** eligible under this Fund:

- Activities of an intrinsically self-sustainable nature
- Activities which are not related to culture, the arts and the creative industries
- Activities whose objective is fundraising or political propaganda
- Applications submitted after noon (12:00) of the respective day of deadline.
- Applications submitted by public entities with or without a line vote
- Costs for traditional activities and festivities
- Events held on a regular basis, including annual projects, annual festivals, school/annual shows, regular training programmes
- Incomplete applications (refer to application check list in section 5.1)
- Individual modules credited as part of an educational course or research as part of established academic programmes
- Initiatives eligible under the Malta Film Fund, VOPS, Għaqda Kazini tal-Banda, National Book Council, Valletta Cultural Agency, Malta Arts Scholarships or any other state-funded programme dedicated to Maltese arts/culture
- Projects of an intrinsically self-sustainable nature
- Projects that would have already taken place before the result is notified to applicant(s)
- Projects whose duration does not fall within the eligible timeframe.

## 4. Evaluation

The Evaluation Board will base its decision upon the following criteria:

### 4.1 Criterion 1: Concept (40 marks)

The evaluators will consider the project concept, the collaborations involved, the contribution of the project towards the long term-capacity (skills & resources) of the beneficiary, collaborators, participants and the wider community, and to what extent the project addresses the Programme's objectives.

- What **community needs** does the project address (including cultural participation, solidarity, social justice, environmental responsibility, community development, increased holistic well-being)? What community/communities is the project actively and directly engaging as **core participants** and what is the **likely reach and impact** of the proposed community-based intervention? What **networking** and **collaborations with key players** are in place (including creatives, arts therapists, civil society, local government, private sector – as applicable)? How are **diversity of cultural practice** and **transectoral approaches, knowledge-sharing** and **transferability** encouraged? How are **due ethical considerations** being addressed and what safeguards are in place? To what extent does the project fit the **criteria of the fund?** (10 marks)
- How does the project create spaces for creativity, dialogue, sharing and radically inclusive programming? To what extent are **training and development opportunities / community-based participatory research / participatory creative expression projects** well-designed? (10 marks)

### 4.2 Criterion 2: Project Management (20 marks)

The evaluators will consider the level of commitment and preparation in place prior to the proposal, as well as the proposed strategic plan to deliver and achieve the aims of the project.

- How clear, detailed, and duly supported is the proposal in terms of **who** is doing **what, where, how, when, and why?** (Supporting materials include, among other things, community consultation reports, expressions of support, quotes from community questionnaires, interviews, expert testimonials, demographic/statistical data, government reports, CVs and profiles, Protection of Minors clearances, necessary permits and insurances, official quotations of estimated costs.) How **diverse and representative of the community** is your team? Do you have **the right expertise, skill-sets** and **commitment** on board? How strong and consistent are the project's **documentation and dissemination plans?** How strong are the **sustainability considerations** and plans for continued development beyond the project end-date being incorporated in the management plan? (Think sustainable programmes, continuation, consistency and cost-effectiveness – rather than random, one-off events.) What is the **level of readiness** to implement the project effectively and maximise on opportunities? What **strategies to evaluate the effectiveness of the project**, throughout the process and at the end of the project, are in place? What **internal monitoring** and **quality auditing mechanisms** are in place? (10 marks)

- How is the project likely to develop into a **good practice**, addressing each of the 5 features of the Right to Culture laid out in Section 1 of this guide – in terms of: **Availability, Accessibility, Acceptability, Adaptability, Appropriateness?** (10 marks)

#### 4.3 Criterion 3: Audience Engagement (20 marks)

The evaluators will consider the engagement and the development of established and new audiences. Engagement refers to the role, the nature of involvement, and the experience offered to the audience.

- **Who** is your target audience? **What are the lifestyle, interests, challenges and concerns** of these people? **Where** will you find these people? **How** do you plan to reach them? How will you make **the experience** wonderful for them? *Apart from relevance, excellence, originality and innovation of the cultural experience, consider things like language opportunities/barriers; timing; pricing; getting there; facilities, hygiene and comfort; fringe events (targeting different ages and interests). Do your best to make people's efforts worthwhile, and the experience memorable.* (10 marks)
- How do you aim to have audiences **more actively engaged** and participating **more often**, and how does the project encourage **new audiences**? (10 marks)

#### 4.4 Criterion 4: Budget (20 marks)

The evaluators will consider how well-planned and realistic the presented budget plan is.

- Is the application and budget presented well researched and planned? (10 marks)
- Are the objectives of the project clearly reflected throughout the application and financial plan? (10 marks)

## 5. Submitting the application

Follow these steps to apply:

1. Read these guidelines and regulations very carefully
2. Check whether your proposed idea can be addressed by this scheme
3. Press the link that will take you to the online application system
4. Create your profile with Arts Council Malta by clicking on Register and filling in the details
5. From the open calls section, select the online application for the scheme you intend to apply
6. Follow the instructions step by step. Fill in all the required information from the online application including the budget and attach the supporting documentation
7. Submit the application. You should be receiving an automatic acknowledgement by the system. If you do not receive such a notification, contact us on [applyforfunds@artscouncil.mt](mailto:applyforfunds@artscouncil.mt).

In case of difficulty, or if you would like to consult us regarding this fund, you can call us on 2334 7230 Monday to Friday between 09:00 and 16:00, or email us on [fundinfo@artscouncil.mt](mailto:fundinfo@artscouncil.mt).



It is your responsibility to present a complete application form as explained in these guidelines and regulations. If you do not present all the necessary information and documentation, your application will not be processed and evaluated.

Prior to the application deadline, Arts Council Malta representatives will not be checking your application forms. It is solely at the Arts Council Malta's discretion to request that applicants provide any missing mandatory documentation following the call deadline.

Upon the submission of the application, applicants accept that should the application be awarded funding, the name, the project title, short project description and the amount awarded can be published by Arts Council Malta.

A decision on funding will be made on the strength of the submitted information, and supporting documents.

Applications handed in after 12.00 (noon) of the respective deadline cannot be accepted.

## 5.1 Checklist

- A copy of the VAT Certificate of Registration
- A signed statute in the case of a Voluntary Organisation
- Applicant biography/Artist CV to be included in the applicant profile
- In the case of entities registered with Malta Business Registry, a most recent Good Standing Certificate of Registration – this document is renewed annually by the Malta Business Registry and is proof of compliance.
- Quotations and supporting material if available.

## 6. Evaluation process

This scheme is competitive and will be evaluated by a panel of three relevant experts, according to established criteria.

As specified above, each criterion is allocated specific marks. In order to be considered for funding, projects have to obtain an average of 60 marks or more.

Nevertheless, the evaluation session and funding decisions depend on the quality of the submitted proposals as well as the availability of the funds. Therefore, obtaining 60 marks or more does not automatically mean that your project proposal has been successful. The Evaluation Board may decide not to allocate the total funds available for a particular call if the proposed projects do not reach the required level in terms of the fund criteria.

Eligible applications will be assessed by an evaluation team selected by the Council on the basis of their professional experience. Arts Council Malta will select evaluators on the basis of their independent and professional experience. The evaluators will present an assessment on each of the proposed projects, indicating the relevant ratings awarded.

## 6.1 Shortlisting

The evaluation board will meet during an initial evaluation session in which all eligible applications will be discussed. All applications will be given a score, and those scoring 60 marks and higher will be shortlisted. The shortlisted applications will be invited to attend a pitching session.

The pitching session is not compulsory, and it is up to the applicant to accept to attend the pitching session, or not. Shortlisted applicants who opt out of attending a pitching session will not be penalised. It is solely at the evaluators' discretion to invite any applicant scoring less than 60 marks, to attend a pitching session.

All applications, including those that are not shortlisted, will receive the official result notification together with a copy of the feedback form on the result date as indicated on page 2 of this document.

## 6.2 Pitching

The aim of the pitching session is to create an opportunity for applicants to make a case for their projects to the evaluators. The project applications would already have been reviewed by the evaluators and the Fund Managers before the pitching session.

During the session, the applicant has the opportunity to present comments, latest insights and additions to the already submitted project description.

The pitch can be presented in a variety of formats, including but not limited to: visual aids, power point presentations, audio, etc, but should not be longer than five (5) minutes. During the pitch, applicants are expected to explain the project's artistic vision and communicate how the project will be implemented. This five-minute pitch will be followed by a Q&A session with the panel of evaluators.

## 6.3 Communication of results

On the day indicated on page 2, you will receive your result notification from Arts Council Malta. Together with the covering letter, we will also attach a copy of the feedback form, indicating the reasons and marks leading to the Evaluation Board's decision, according to the fund criteria.

The order of classification of the projects, according to the marks allocated by the evaluators, will be published online. Only the names and summaries of the successful projects will be published; in the case of projects which have not been awarded any funds, only their reference number will be published.

If you have any difficulties concerning your results, you should email us on [fundinfo@artscouncil.mt](mailto:fundinfo@artscouncil.mt) within five (5) days of receiving your funding decision.

No information on the evaluation process will be released before the official result notification.

Any form of soliciting will automatically disqualify an application.

All information received by the Senior Fund Executive, Fund Manager and Evaluators will be considered confidential, both during and after the evaluation process. Provisions on data protection and confidentiality for successful projects will be included in the Grant agreement.

## 7. Project implementation and monitoring

Beneficiaries must provide full documentation to support the application and budget plan within 30 days from receipt of the notification letter. The Council will accept a variation of up to 5% from the proposed total cost. The contingency indicated in the budget plan will support any variations from the proposed total cost. **Under no circumstances will the Council be in a position to increase the grant awarded.**

Upon provision and approval of the above mandatory documentation, a contract specifying the conditions of the fund will be signed. The grant may only be awarded upon completion of the above process within the established timeframe.

70% of the total amount allocated by the Evaluation Board will be processed after the signing of the contract. The remaining 30% will be disbursed after the submission of the final report by the beneficiary, following approval by Arts Council Malta.

The beneficiaries must use the Arts Council's logo on all related material and specify that the project was supported by Arts Council Malta, as follows: **Supported by Arts Council Malta**, in all marketing, PR and printed material. The grant received must be used solely for the purpose for which it was awarded, in line with the submitted proposal and the contract.

Beneficiaries must notify Arts Council Malta immediately if changes affecting the nature of the project take place during implementation. Changes cannot be implemented unless approval is received. Arts Council Malta reserves the right to revise or withhold the final payment if the change in the project is not considered to be in line with the initial proposal, or if the Council is not informed of the changes within a reasonable time.

Beneficiaries must make themselves available for visits and communication with Arts Council Malta representatives for monitoring purposes, both during the implementation of the project as well as after its completion.

Arts Council Malta also reserves the right to revise the final payment, if the total expenditure is less than that estimated in the application form.

### 7.1 Report

At the end of your project, you will be required to submit a detailed report highlighting the work carried out and the project achievements, by not later than six (6) weeks after your project has concluded. Arts Council Malta will provide a template for your report. If relevant, together with this report, beneficiaries must submit copies of any relevant marketing, publicity or information material developed for the funded project. Beneficiaries will also be requested to submit evidence of the research process, which includes visual documentation (a minimum of 5, high res images should be submitted), blogs and other documentation.

You will also be required to present a final updated budget together with all supporting documents.

Arts Council Malta retains the right to make use of submitted project material.

Arts Council Malta retains the right to recover funds in case these are not being used and/or are misused and/or are not used according to the submitted budget.

## 8. Complaints procedure

Filing a complaint will not affect your chances of receiving support from Arts Council Malta in the future. All complaints will be treated with confidentiality.

### 8.1 Grounds for complaints

Applicants can make a complaint regarding any procedural anomalies and irregularities during the submission and evaluation process, in terms of the procedures stipulated in these guidelines and regulations. Complaints cannot be made concerning:

- The Arts Council's or Government's policies and procedures
- The merits of the application, in terms of the criteria stipulated in these guidelines and regulations.

Only applicants may file complaints concerning their project.

### 8.2 Filing a complaint

Complaints must be made in writing and must be as clear as possible. The complaint must state the grounds and the reasons for the complaint, providing a detailed explanation and justification supported by relevant documentation or testimonials as to why the complainant deems that irregularities were committed in the procedure(s) stipulated in these guidelines and regulations or in standard good governance rules and regulations governing the public sector. The decision at the end of the complaint process shall be final. Complaints need to be made to the Director of Funding and Strategy, Arts Council Malta within five (5) working days of receipt of the Evaluators' funding decision. You will, normally, receive a reply to your complaint within ten (10) working days.

In case you are not satisfied with the reply, Arts Council Malta will convene a Board that will discuss your complaint further. By resorting to our complaints procedure, you will be accepting that we use information about your project to address the complaint. The decision of the Board is final.

## 9. Applicability of State Aid rules

### 9.1 State Aid rules applicable for undertakings that carry out an economic activity within the meaning of Article 107 TFEU

The State Aid scheme will be implemented in line with the provisions of Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352/1 of 24 December 2013, as amended by Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments, OJ L 215/3 of 7 July 2020.

This Regulation applies to aid granted to undertakings in all sectors, with the exception of:

- a) aid granted to undertakings active in the fishery and aquaculture sector, as covered by Council Regulation (EC) No 104/2000;
- b) aid granted to undertakings active in the primary production of agricultural products;
- c) aid granted to undertakings active in the sector of processing and marketing of agricultural products, in the following cases:
  - i. where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
  - ii. where the aid is conditional on being partly or entirely passed on to primary producers;
- d) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- e) aid contingent upon the use of domestic over imported goods.

The total amount of de minimis aid granted to a single undertaking shall not exceed the amount of €200,000 over any period of three consecutive fiscal years.

This period covers the fiscal year concerned as well as the previous two fiscal years. 'Fiscal year' means the fiscal year as used for tax purposes by the undertaking concerned.

This maximum threshold would include all State Aid granted under this aid scheme and any other State Aid measure granted under the de minimis rule including that received from any entity other than Arts Council Malta. Any de minimis aid received in excess of the established threshold will have to be recovered, with interest, from the undertaking receiving the aid.

The rules on cumulation of aid as outlined in Article 5 of the de minimis Regulation will be respected.

Applicants are to submit a de minimis declaration indicating any other de minimis aid received or applied for during the previous two fiscal years and the current fiscal year. This will ensure that the total amount of de minimis aid granted to a single undertaking under the de minimis rule will not exceed the applicable de minimis threshold over three fiscal years.





Should a successful applicant not be eligible to receive de minimis aid, the said applicant will be deemed ineligible and the next ranked applicant will be awarded.

In line with the de minimis State Aid Regulation, records regarding de minimis aid shall be maintained for 10 years from the date on which the last individual aid is granted under the Scheme.

## 9.2 Applicants and applications that do not carry out an economic activity within the meaning of Article 107 TFEU

Applicants and applications that do not carry out an economic activity within the meaning of Article 107 TFEU may also apply for the scheme. The rules outlined in section 9.1 are not applicable in the case of such applicants and applications.

### Need advice?

ACM offers pre-submission consultation services to help secure support for your project. We are there every step of the way. We can help you determine whether the core concept and profile of your project are in line with the targeted support mechanism, and provide feedback on the way you plan to present your project. Plan ahead and get in touch with us at least four weeks before the submission deadline, to make the best of our services.

You are welcome to call us on 2334 7230 on weekdays, between 09:00 and 16:00, or to send us an email on [fundinfo@artscouncil.mt](mailto:fundinfo@artscouncil.mt).

**Guidelines updated on 18th March 2021**