

Events Assurance Scheme

Guidelines and Regulations 2021/2022



ISSUED: 19th November 2021



ALLOCATIONS

MAXIMUM ELIGIBLE AMOUNT PER PROJECT	CO-FUNDING	DISBURSEMENT
EUR 45,000*	The fund may cover up to 100% of eligible costs	100% following approval of final report

*The session budget is disbursed on a first-come-first-served basis

TIMEFRAMES

OPEN CALL	DEADLINE	RESULTS	SESSION BUDGET	ELIGIBLE TIMEFRAME	
19/11/2021	31/12/2021*	Within 10 working days from the submission of the complete application	€250,000	01/12/2021 – 28/02/2021	
01/01/2022	01/02/2022*		€250,000	01/03/2022 – 30/04/2022	
01/02/2022	01/04/2022*		€250,000	01/05/2022 – 30/06/2022	
01/04/2022	01/06/2022*		€250,000	01/07/2022 – 31/08/2022	
01/06/2022	01/08/2022*		To be confirmed		01/09/2022 – 31/10/2022
01/08/2022	03/10/2022*				01/11/2022 – 31/12/2022

* or when session budget is disbursed.

1. Introduction

As the culture and creative sectors (CCSs) rely heavily on planning, any potential re-introduction of restrictive measures can have a devastating effect on the whole industry. Cultural and artistic professionals, often invest heavily in terms of time and equity in the preparation for the organisation of such activities for which any revenues are generated much closer to the activity.

In 2021, the Government throughout the pandemic has supported the CCSs heavily through the RESTART programme and other general initiatives such as the wage supplement. As these initiatives were targeted to actually sustain and support the resilience of the CCSs in a short to medium term, through this assurance facility, economic operators will gather the necessary momentum to actually plan for a longer term hence providing the necessary comfort to start planning and operating in a more sustainable manner.

Even though more and more professionals are being encouraged to start preparing for such productions, in view of the current global pandemic situation, even though, there is still a high level of uncertainty which is precluding them to move ahead, as the circumstances remain volatile and unprecedented changes may occur instantaneously.

In normal circumstances such uncertainties and risks are catered for through an insurance policy. However, as the situation is so volatile and the associated risks are significantly high, such professionals are not able to get an insurance cover for the eventuality that the activity has to be cancelled due to changes in restrictions.

The objective of the financial instrument is to setup an assurance facility specifically supporting the cultural and artistic activities which are directly impacted by the introduction of further restrictive measures due to COVID-19 pandemic.

2. Definitions

Applicant

- An applicant may be an individual, a group, or an organisation. Applicants cannot be employees of Arts Council Malta and Public Cultural Organisation or involved in the management of the Events Assurance Scheme.

Application

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

Beneficiary

- The beneficiary is the recipient of the grant. The grant will be disbursed if further restrictive measures due to COVID-19 pandemic are introduced by the Health Authorities. The beneficiary is responsible for the assurance process of the project supported by the Scheme.

Controlled Grouping

- A number of persons within a bubble in an enclosed area as specified by the Health Authorities.

Cooperatives

- Cooperatives must be registered with the Kooperattivi Board.

Creative Professionals

- All artistic and creative individuals professionally active in the cultural and creative sectors.

Cultural Operators

- All individuals or organisations operating within the cultural and creative sectors.

Eligibility

- Applicants are screened in terms of eligibility. Applications are screened to determine eligibility in terms of section 3 of these scheme guidelines. Applications that are not eligible shall not be processed further.

Event

- A controlled cultural or artistic activity in an enclosed area on specific day/s and time/s with a pre-booked audience.

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 event and the grant. This person must be a Maltese citizen or 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 the Events Assurance Scheme. All official correspondence, including the submission of applications, must be sent to the address indicated in these scheme guidelines.

Mandatory documentation

- Any document(s) needed to support the applicant's proposal and aids the evaluation of the event.

Maximum Funding

- There is a maximum ceiling of €45,000 per applicant to be allocated. This will be decided on a case-by-case basis depending on the event.

Public Cultural Organisations

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

Registered Entities

- Entities legally established and registered in Malta. Registered entities must be registered with the 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.

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.

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 which is legally established and/or publicly registered in Malta, having a statute. Voluntary organisations must be enrolled 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.

3.1 Who can apply?

The Grant is open to undertakings (for which assistance will be granted in line with the *de minimis* Regulation), [kindly refer to Section 7 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 enrolled with the Commissioner for 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.

Furthermore, applicants must hold a registered VAT number showing the main trade classification applicable to cultural or artistic activities, which features the NACE code.

3.2 Who cannot apply?

- Applicants cannot be employees of Arts Council Malta and Public Cultural Organisations or involved in the management of the Events Assurance Scheme.
- 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 side) or your Maltese residence permit or your Maltese citizenship certificate or your Maltese passport.
 - A signed statute in the case of a Voluntary Organisation.
- Applicants who do not meet all applicable standards issued by the Health Authorities.
- Beneficiaries who have not honoured previous funding commitments.
- In the case of registered entities, entities who have not presented the required annual documentation to the Malta Business Registry and are not in possession of a Good Standing Certificate of registration.
- Events receiving local public funds through established government line-votes.
- Organisations who do not have a registered address in the Maltese Islands.
- Organisations whose main trade classification is not applicable to cultural or artistic activities.
- In the case of Voluntary Organisations, Voluntary Organisations which are:
 - not enrolled with the Commissioner for Voluntary Organisations;
 - who have not presented their updated accounts to the Commissioner for Voluntary Organisations;
 - which do not have a registered address in the Maltese Islands.

3.3 What amounts can be covered?

This grant may cover up to 100% of the following irrecoverable costs (up to a maximum of €45,000 per applicant, whichever is the lowest).

- Artistic fees
- Consultation from professionals for example, risk management and health & safety
- Deposits on hire/rental of equipment
- Health and Safety measures
- Insurance
- Marketing, PR and communications
- Management fees (including but not limited to: administration, coordination, development)
- Non-Refundable standard accommodation, excluding long-term accommodation or part of
- Non-Refundable travel (economy class) including but not limited to: public transport, air travel, car/vehicle rental)
- Operational costs
- Other fees directly related to project implementation (including but not limited to: service providers, participation fees, etc...)
- Production costs
- Rental of spaces
- Travel VISA.

3.4 What cannot be covered?

- 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
- Recoverable VAT, where applicable
- Reimbursement of salaries or part of
- Retroactive costs
- Subsistence, catering and hospitality.

3.5 Non-eligible applications

- Applications submitted after the deadline or when session budget is distributed.
- Applications submitted by public entities with or without a line vote.
- Applications that are in receipt of any other public funding through other Government supported schemes or initiatives.
- Events that are not related to culture and arts.
- Events whose duration does not fall within the eligible timeframe.
- Events whose objective is fundraising or political propaganda.
- Incomplete applications (refer to application checklist in section 4.1).
- Organisers will be deemed automatically ineligible for funding if it is established that protocols and risk assessment requirements were not followed.
- Proposed events/events that are not scheduled to take place during the eligible timeframe.

Any other events which may be developed outside the scope of the *Events Assurance Scheme* are not eligible for support.

Applicants can submit only one application under the same call.

Applicants can submit an application under multiple calls; however, the total amount awarded throughout the scheme (between 1st December 2021 to 31st December 2022) shall not exceed the total amount of €45,000.

4. 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.

In case of difficulty, you can call us on 2334 7230 Monday to Friday between 09:00 and 16:00, or email us on 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.

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 event title and the amount awarded can be published by Arts Council Malta.

4.1 Checklist

- A copy of the VAT certificate of Registration and the accompanying document featuring the main trade classification - NACE code.
- A copy of the identity verification document.
- A most recent Good Standing certificate of Registration, in the case of a registered entity – This document is renewed annually by the Malta Business Registry and is proof of compliance.
- Budget breakdown
- Documentation including remuneration terms and cancellation terms and/or policies to support the irrecoverable costs requiring assurance.

5. Funding process

This scheme is administered on a first come first served basis. Applications will be considered eligible only if they meet the requirements as stated in sections three and four of these guidelines.

Arts Council Malta reserves the right to refuse any application that is deemed not to be congruent with the principles and eligibility criteria outlined in this document.

5.1 Communication of results

The result notification from Arts Council Malta will indicate the decision, according to the eligibility criteria.

The supported events will be published online. Only the names of the successful events will be published.

No information on the process will be released before the official result notification. Any form of soliciting will automatically disqualify an application.

All information received will be considered confidential, both during and after the process. Provisions on data protection and confidentiality for successful events will be included in the Grant agreement.

6. Event implementation and monitoring

The assurance may only be approved upon completion of the above process within the established timeframe.

In the eventuality that further restrictions are announced by the Health Authorities a contract specifying the conditions of the scheme will be signed.

The disbursement equivalent to 100% of the amount allocated will be processed after the signing of the contract and the submission of a report by the beneficiary following approval by Arts Council Malta.

The beneficiaries must use Arts Council Malta's logo on all related material and specify that the event was supported by the grant 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 event take place during implementation. Changes cannot be implemented unless approval is received. Arts Council Malta reserves the right to revise or withhold the payment if the change in the event 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 event 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.

6.1 Report

Following the announcements of the restriction measures affecting your event you will be required to submit a report (within) six (6) weeks. Arts Council Malta will provide a template for your report. Together with this report, beneficiaries must submit communication with suppliers showing that a refund or a postponement of the service was not accepted, together with the relevant VAT invoices. Copies of any relevant marketing, publicity or information material developed for the event needs to be submitted with the report.

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

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

7. State Aid rules

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.

Need advice?

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

Guidelines updated on 19th November 2021