

KulturaTV

Guidelines and Regulations



| Deadline in 2020 | Result notification | Project implementation | Project duration |
|--|----------------------------|-------------------------------|-------------------------|
| 11 th May 2020 at 12:00hrs noon | 8 th July 2020 | October 2021 onwards | Up till 36 months |

| Maximum grant | Session budget |
|---|-----------------------|
| <p>Drama</p> <p>€70,000 or 60% of eligible costs</p> <p>Creative TV documentaries</p> <p>€40,000 or 60% of eligible costs</p> <p>Culture programmes</p> <p>€25,000 or 60% of eligible costs</p> | <p>€240,000</p> |

1. Objectives

The aim of the KulturaTV Fund is to incentivise the development of cultural and creative content on private broadcasting stations in order to enhance the quality of television programming in Malta on arts and culture. Through this funding scheme, Arts Council Malta aims to support the creation of innovative and culturally significant storytelling relevant to contemporary media audiences with a specific focus on the creative sector in the Maltese islands.

The scheme targets eligible productions on private television stations that require investment to develop works that often lack access to private funding. The scheme provides an incentive to independent audiovisual companies to produce quality-driven television programmes through international co-productions with a potential for **international distribution**.

The scheme aims to support ambitious audiovisual creations and to encourage the production of original drama, innovative creative documentaries and culture programmes that include coverage of live music and theatre performances, in-depth coverage of the culture and arts scene and behind the scene interviews. Due consideration will be given to proposals focusing on relevant developments in the national cultural landscape, such as the Public Cultural Organisations, national festivals and Arts Council Malta partners.

2. Definitions

Applicant

The company indicated as the proponent of a project as indicated on the application form. The applicant must be the majority producer of the work, in terms of rights. In case of co-production, the applicant must be the majority co-producer.

Audiovisual company

A registered company whose main activity is audiovisual and film production.

Beneficiary

The company legally responsible for the implementation of the action for the selected project and the recipient of the grant.

Broadcast

The initial transmission of television programmes or of any audiovisual material intended for reception by the public on any electronic communications network and any electronic communications service as defined in article 2 of the Electronic Communications (Regulation) Act, but does not include retransmissions and communication services providing items of information or other messages on individual demand such as tele copying, electronic data banks and other similar services;

Broadcaster

Any person providing television broadcasting services as provided for in the Broadcasting Act, and also includes any person, body or authority providing such services under licence from or under arrangements with, the Government; "television broadcasting service" means all the items within a single television service provided by a given broadcaster;

Culture programmes

Original audiovisual works that promote culture and the arts presenting specific or various aspects of cultural and artistic works/projects. These include coverage of live music and theatre performances, coverage of arts events, discussion programmes on culture and creativity and behind the scene interviews.

Documentary

A production that takes a real-life subject as its starting point but requires substantial original writing and sets out an author's and/or director's point of view from a historical and/or contemporary perspective. A documentary should contain a certain 'timeless' element and should contain significant original filming and does not merely report information.

Drama

Original, fictional audiovisual works that can be a one-off, two-part, three-part drama or a series intended primarily for the purposes of television and also digital platform exploitation.

Producer

The individual/organisation managing the production and post-production budget.

Undertaking in difficulty means an undertaking in respect of which at least one of the following circumstances occurs:

(a) In the case of a limited liability company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial

intermediary), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, "limited liability company" refers in particular to the types of company mentioned in Annex I of Directive 2013/34/EU³⁴ and "share capital" includes, where relevant, any share premium.

(b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses. For the purposes of this provision, "a company where at least some members have unlimited liability for the debt of the company" refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.

(c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.

(d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.

(e) In the case of an undertaking that is not an SME, where, for the past two years:

- (1) the undertaking's book debt to equity ratio has been greater than 7.5 and
- (2) the undertaking's EBITDA interest coverage ratio has been below 1.0.

3. Budget

The average annual budget available for the co-financing of the KulturaTV fund projects is estimated at EUR 240, 000.

Grants will be allocated as follows:

- 1) Drama not exceeding EUR70,000 or 60% of eligible costs whichever is the lower.
- 2) Creative TV documentaries not exceeding EUR 40,000 or 60% of eligible costs whichever is the lower.
- 3) Culture programmes not exceeding EUR 25,000 or 60% of eligible costs whichever is the lower.

Arts Council Malta reserves the right not to distribute all the funds available.

4. Timeframes

| | |
|----------------------|--------------------------|
| Application Deadline | 11th May 2020 (noon) |
| Evaluation | 8th, 9th, 11th June 2020 |
| Result Notification | 8th July 2020 |

Programmes supported through the 2020 session may be broadcast as from October 2021 to allow enough time for development and production. The period of eligibility of costs begins from the date of the result notification and ends 36 months after the result notification date.

All programmes need to start being broadcast by April 2022.

5. Eligibility Criteria

5.1 Eligible Projects

The scheme will support the production of TV programmes produced or commissioned by private broadcasting stations licensed to operate in Malta or produced by independent audiovisual production companies and aired on private broadcasting stations licensed to operate in Malta. Eligible works can be one-off or serialised in case of creative TV documentaries and culture programmes. In the case of drama, priority is given to one-off, two-part or three-part drama.

For projects to be eligible, a private television broadcaster must be attached to the project, and the proposed content must be made available to Maltese audiences. To be considered eligible, projects must have commitment from a private broadcaster in place and a copy of the relevant agreement, contracts and/or deal-memos must be included in the application. Apart from TV broadcast, innovative audience reach strategies through related content, platforms and transmedia are encouraged.

5.2 Ineligible Projects

- Advertising, corporate and/or promotional films;
- Projects including and/or promoting political propaganda;
- Projects promoting violence, racism and pornographic content and content violating the Maltese Constitution;
- Projects commencing before the submission of application.

5.3 Eligible Applicants

This funding is aimed at private stations licensed by the Malta Broadcasting Authority and audiovisual companies that are registered in Malta under the Malta Financial Services Authority Act, Chapter 330 of the Laws of Malta and/or as a Partnership and/or Cooperative. Applicants must be registered as an audiovisual/media/TV company at the time of submission of their applications. VAT registration is obligatory for all applicants. The applicant company and/or director/s of the applicant company must provide proof of having produced or co-produced audiovisual works that were distributed in the last five years.

The applicant company must be the originator of the script or treatment or have majority rights relating to the project for which support is being requested. The original language of the audio-visual work needs to be Maltese. The applicant is required to provide a signed contract covering the rights for artistic material. A company may submit more than one project but must provide detailed information showing that it has the necessary resources to carry out projects within the stipulated time-frames.

In the case of more than one producer, the application must be filled by one company. The producers participating in the co-production must reach an agreement on this point and include a joint declaration which should be included in the application.

5.4 Eligible Costs

The eligible direct costs are identifiable as specific costs directly linked to the production of the work such as:

- costs of personnel and talent working under an employment contract with the applicant and assigned to the project, comprising actual salaries plus social security contributions and other statutory costs included in their remuneration, provided that these costs are in line with the applicant's usual policy on remuneration or, where applicable, its partners. Production services provided by the broadcaster, excluding rental of equipment, may either be charged to the project or considered as a contribution towards co-funding;
- rental costs of equipment supplied by external contractors, required for the production of the project, provided that they are identifiable and assigned to the project; costs of consumables and supplies, provided that they are identifiable and assigned to the project;
- subsistence allowances;
- costs of travel;
- costs related to the marketing and promotion of the project;

- contributions in kind (not exceeding 5%);
- non-deductible value added tax ("VAT").

5.5 Ineligible Costs

- return on capital;
- debt and debt service charges;
- provisions for losses or debts;
- interest owed;
- doubtful debts;
- exchange losses;
- costs declared by the beneficiary and covered by another grant of the Government of Malta or the European Union;
- contributions in kind (exceeding 5%);
- excessive or reckless expenditure;
- costs incurred before the start of the eligibility period;
- costs incurred by a co-producer who will not be a co-beneficiary of an agreement in case of selection;
- indirect producers' fees and contingencies;
- costs incurred before submission of application.

All costs eligible for funding under this scheme must be necessary and reasonable for the completion of the project and consistent with the principles of sound financial management and accounting practices.

6. Award Criteria

This fund is competitive and eligible projects will be evaluated by an independent Board appointed by Arts Council Malta.

The award criteria are as follows:

Criterion 1: Portfolio

1. The quality of the applicant's portfolio/showreel. **Applicant should prepare and present a 2/3 minute showreel.* (5 points)
2. The relevance of the portfolio to the proposed work. (5points)

Total: 10 points

Criterion 2: Concept

1. The concept of the work focusing on relevant, compelling and original audiovisual content about Maltese culture and/or Maltese creative expression and/or cultural events (10 points)
2. The treatment of the work and the level of audiovisual aesthetic proposed (10 points)
3. The quality and clarity of the presentation during the pitching session (10 points)

Total: 30 points

Criterion 3: Development

1. The level and quality of pre-production development already executed. (10 points)

Total: 10 points

Criterion 4: Production

1. The production capacity and readiness of the applicant to successfully produce the proposed work (10 points)
2. The quality of the creative talent and team involved in the production of the work. (10 points)

Total: 20 points

Criterion 5: Budget

1. The effectiveness of the proposed budget to produce the work and achieve the quality proposed in the concept of the work (10 points)
2. The extent of other sources of income and investments (5 points)

Total: 15 points

Criterion 6: Broadcasting and Distribution

1. The commitment and priority given by the broadcaster in the programming schedule (5 points)
2. The audience design strategy and focus on making culture accessible (5 points)

3. The level of distribution in different territories beyond the first run.

Total: 15 points

7. Procedure for the Selection of Proposals

Complete applications must be submitted by 11th May 2020 (noon). Mandatory material cannot be accepted after the deadlines, although Arts Council Malta may ask for additional material during the assessment process.

Applicants will receive a written acknowledgement of receipt. Applications that do not include all the requested material as specified in the guidelines will be considered ineligible and will not be processed further. Only completed applications will be examined in the next phase and rated according to the specified award criteria of these Guidelines, with a final score calculated.

Eligible applications will be assessed by an evaluation team made up of independent, expert evaluators. 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 rating awarded and a pitching session will be organised for all candidates. The number of projects recommended for support will depend on the available budget *vis a vis* the requests made as well as the quality of the submitted proposals. Eligibility and compliance with award criteria alone does not guarantee receipt of funding if demand for funding exceeds available resources.

All information received through the KulturaTV Fund applications shall be kept confidential and will not be disclosed to any third party. Evaluators are obliged to withdraw from the evaluation process if they have personal or professional association with any of the submitted projects or key personnel that might compromise their ability to make objective and reasonable judgements and/or might provide grounds for conflict of interest.

8. Submission of Application

Proposals will first be screened in terms of eligibility. Proposals which are not eligible in terms of the procedure stipulated by these guidelines will not be processed further and will not undergo evaluation.

After you submit your online application form, an independent evaluation board will evaluate your project. On the day indicated above, you will receive your result notification from Arts Council Malta.

Fill in your application form step by step and answer all the questions in the form. It is essential that before you initiate the application process, you create a profile with Arts Council Malta. The documents

requested throughout the registration and application process are mandatory – the system will not allow you to proceed to the next screen if these are not uploaded. Omission to present any of these documents will render the application ineligible:

1. A complete online application form together with relevant supporting documents
2. Front and back copies of the applicant's Maltese ID card or your Maltese residence permit or your Maltese citizenship certificate or your Maltese passport (required at registration stage). This document must be included in the Artist profile on the Arts Council Malta website.

Kindly note that it is your responsibility to submit all the necessary documentation, as outlined above, before the indicated deadline.

A decision on funding will be made on the strength of the submitted information.

Applications that reach the Council after the deadline will not be accepted.

N.B. Applicants can submit more than one application under the same call, however only one of the applications submitted can be funded per session. In such cases, the application with the highest mark, will be granted the fund.

9. Mandatory Documentation

The application package should include the following material:

- If the application is submitted by an independent production company, broadcaster letters of commitment as well as a deal memo etc.
- Mood Board
- Treatment
- Bio notes of key contributors to the project
- Evidence of ownership of rights for proposed project or contract of acquisition /transfer of right

Additional documentation (if available):

- Letter(s) of intent from financing partners
- Letter(s) of interest of co-development, co-production, pre-sale/distribution or other, agreement(s)

10. Evaluation Procedure

This fund is competitive and will be evaluated according to established criteria.

As specified above, each criterion is allocated a number of specific marks. In order to be considered for funding, projects have to obtain an average of at least **50 marks**. Nevertheless, the evaluation session and funding decisions depend on the quality of the submitted proposals and on the availability of the funds. Therefore obtaining 50 marks or more does not automatically mean that you will be awarded the funds. 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 made up of independent evaluators. 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; a pitching session will also be organised for all candidates.

The aim of the in person pitching session is to create an opportunity for applicants to further introduce their projects to the expert evaluators. The project applications will have already been reviewed by the evaluators before the pitching session.

During the session, the project team should expand on the already submitted project description with comments, latest insights and additions. **The writer, director and producer need to be present for the pitching session.**

During the session, applicants will have the opportunity to present visual material which further supports the application submitted.

11. Communication of Results

The results will be communicated on the day indicated in these Guidelines. Together with the covering letter, the applicant will also receive a copy of the evaluation form indicating the reasons leading to the Evaluators' 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 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.

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

12. Payment Procedures

In the event of approval, a Grant Agreement, detailing the conditions and level of funding, will be entered into between Arts Council Malta and the beneficiary. Selected projects will receive a pre-financing payment of 70% of the approved grant at the start of the project. Another 20% will be granted after submission of the production report (including receipts) after the last day of shoot and the approval of the report by Arts Council Malta. The final 10% will be granted following the submission of the final report as requested by Arts Council Malta.

13. State Aid

The KulturaTV Fund will be implemented in line with the provisions of Commission Regulation (EU) No 651/2014 of June 2014, declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (particularly Section 11, Article 54, Aid Schemes for Audiovisual Works).

In conformity with Article 1 of the said Regulation, no aid will be granted to those undertakings expressly excluded from receiving such aid, including in particular undertakings in difficulty and undertakings which are subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

The scheme will respect the rules on accumulation as defined in Article 8 of the above mentioned Regulation.

14. Reporting Obligations

Once the Grant Agreement has been signed, the beneficiary may not make substantial changes to the project related to the artistic, economic or technical aspects of the project, unless these are presented in writing and accepted by Arts Council Malta. The beneficiary is under the obligation to provide updates and summary reports as requested at different stages throughout the project.

Arts Council Malta may alter or withdraw a grant if the change in the project is not considered in line with the initial proposal, or if the Council is not informed of the changes within a reasonable time.

15. Monitoring

Arts Council Malta is responsible for the review of the Project. The Council may carry out checks to establish whether public support has been used in accordance to established conditions. The Council may demand access to the company's financial record and/or annual report of the applicant company as part of its beneficiary screening, review or control procedure. Upon the presentation of the final accounts, the Council may perform spot checks. The beneficiary's accountant shall, without regard to prevailing confidentiality restrictions, at any time communicate to the Council and/or its auditors any information requested.

Relevant invoices/receipts are to be submitted to the Council, in copy or original, for every eligible item approved for the grant. In all applicable cases, all submitted invoices and receipts are to be presented with the VAT element separated. The Council reserves the right to request the original copies should there be doubts on the authenticity of the documents provided and will not issue payments if these are not provided.

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

16. Conditions

All material, print and communication by the beneficiary on the project, including its website, articles, references, publications, catalogues, interviews and credits, are to indicate that funding was received from the KulturaTV Fund. The beneficiaries must use the fund's logo on all related material and specify that the project was supported by KulturaTV Fund.

17. Complaints

Filing a complaint will not affect your chances of receiving support from the fund in the future. All complaints will be treated confidentially.

Grounds for complaints

Applicants can make a complaint regarding:

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.

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 and 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 Funding & Strategy, Arts Council Malta within five (5) working days of receipt of your funding decision. You will normally receive a reply to your complaint within ten (10) working days from Director Funding & Strategy of Arts Council Malta.

In case you are not satisfied with the reply, Arts Council Malta will convene a Board made up of members from Arts Council Malta and the Culture Directorate who will discuss your complaint further.

If you approach our complaint procedure, then you are accepting that we can use information about your project to address the complaint.

The decision of the Board is final.

By using our complaints procedure, you agree that we may use and disclose such information for purposes strictly connected to your complaint.

Contact us

For more information you may contact us on 2334 7230 or fundinfo@artscouncilmalta.org.

Guidelines updated on the 19th November 2019.