

KulturaTV

Guidelines and Regulations 2021



ISSUED: May 2021

ALLOCATIONS

SESSION BUDGET	MAXIMUM ELIGIBLE AMOUNT PER PROJECT
EUR 240,000	<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 cost</p>

CO-FUNDING	DISBURSEMENT
The fund may cover up to 60% of total project costs	<p>70% upon signing of grant agreement</p> <p>30% following approval of final report</p>

TIMEFRAMES

DEADLINE	RESULTS	ELIGIBLE TIMEFRAME
30th June 2021	23rd August 2021	24th September 2021 – 24th September 2024 (Broadcasts starting from October 2022)

1. Introduction

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 audio-visual companies to produce quality-driven television programmes through international co-productions with a potential for international distribution.

The scheme aims to support ambitious audio-visual 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-scenes 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.

The scheme also aims to support the translation of original Maltese literature and scripts to any other language, including subtitling/surtitleing, transcription and captioning – for film, creative documentaries, plays, TV drama, animation, performance scripts, librettos and video art or to be presented at a festival, by Maltese/Malta-based creatives and operators in the field, as applicable.

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, audio-visuals, including film and video production, film servicing, televisions, video games, radio, online media)

Applicant:

- An applicant may be a private station licensed by the Malta Broadcasting Authority or an audio-visual company 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 cannot be employees of Arts Council Malta or involved in the management of the *KulturaTV*.

Application:

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

Audio-visual Company:

- A registered company whose main activity is audio-visual and film production

Beneficiary:

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

Broadcast:

- The initial transmission of television programmes or of any audio-visual material intended for reception by the public or 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 telecopying, 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

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>

Creative professionals:

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

Culture programmes:

- Original audio-visual 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 scenes 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 audio-visual 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

Eligibility:

- Applicants are screened by the Senior Fund Executive in terms of eligibility. Applications are screened to determine eligibility in terms of section three (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

Evaluators:

- 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 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.

Mandatory documentation:

- Any document(s) needed to support your proposal and aiding 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 €70,000 in the case of Drama, €40,000 in the case of Creative TV documentaries, €25,000 in the case of Culture programmes, per project to be allocated. This will be decided on a case-by-case basis depending on the project

Mood Board:

- A visual tool intended to communicate the filmic concepts of a particular project. It is a well thought out and planned arrangement of images, materials, pieces of text, etc. that is intended to evoke or project a particular style or tonality

Producer:

- The person responsible for finding and launching an audio-visual project; This includes being responsible for the creative, financial and managerial aspects of the making of a film or TV production. A producer oversees all elements of pre-production, production and post-production, right up to release

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, Kor Malta 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.

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 to be a single undertaking.

Treatment:

- A prose-based summary of a screenplay. It is the 'novelized' version, usually between 10-15 pages long

Undertaking:

- An undertaking is defined as an entity (including a self-employed) 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.

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:
 - i. the undertaking's book debt to equity ratio has been greater than 7.5 and
 - ii. the undertaking's EBITDA interest coverage ratio has been below 1.0

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. b

3. Eligibility

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

Maximum eligible timeframe to implement the project: 36 months from the result notification date. Projects supported through the 2021 session may be broadcast as from October 2022 to allow enough time for development and production. The period of eligibility of costs is between the 24th September 2021 and 24th September 2024.

3.1 Who can apply?

The Grant is open to undertakings (for which assistance will be granted in line with the de minimis Regulation), within the meaning of Article 107 TFEU [kindly refer to Section 9 of these guidelines for additional information].

Applicants must qualify as one of the following:

- Private stations licensed by the Malta Broadcasting Authority

- Audio-visual 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

Furthermore, applicants must be:

- Maltese citizens; or be in possession of a Malta residence permit; a Maltese citizenship certificate or a Maltese passport
- Registered as an audio-visual/media/TV company at the time of submission of their applications
- In possession of a VAT registration certificate
- In possession of proof of having produced or co-produced audiovisual works that were distributed in the last five years
- The originator of the script or treatment or have majority rights relating to the project for which support is being requested
- The applicant is required to provide a signed contract covering the rights for artistic material.

The original language of the audio-visual work needs to be Maltese.

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 timeframes.

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.

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 side); or your Maltese residence permit; or your Maltese citizenship certificate; or your Maltese passport
- 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
- Organisations/Activities receiving local public funds through established government line-votes
- Entities which do not have a registered address in the Maltese Islands.

3.3 What costs can be covered?¹

KulturaTV may cover up to 60% of the following costs (up to a maximum of €70,000 in the case of Drama; €40,000 in the case of Creative TV documentaries; €25,000 in the case of Culture programmes, whichever is the lowest).

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

- Consumables and supplies
- Consultation, research and advice from professionals regarding for example, digitalisation, applying new business models, ethical issues, risk management and health & safety
- Contingency, not exceeding 10% of the total cost
- Contributions in kind (not exceeding 5%)
- Health and Safety measures
- Hire / purchase of equipment (purchase of equipment will only be considered if deemed necessary to the project)
- Insurance
- Marketing, PR and communications
- non-recoverable value added tax (VAT), where applicable
- Other fees directly related to project implementation (including but not limited to legal, mentors, service providers, participation fees, linguistic fees etc...)
- 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
- Project Management (including but not limited to: administration, coordination, development)
- Rental of spaces
- Standard Accommodation, excluding long-term accommodation or part of
- Subscriptions to virtual platforms or other digital services where relevant (such as scriptwriting software etc...)
- Travel (economy class), including but not limited to, public transport, air travel, car / vehicle rental). An additional EUR 1,000 may be allocated for travel support and assistance to artists with a disability
- Travel VISA.

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

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 60% of the project expenditure
- Contributions in kind (exceeding 5%)
- Costs already covered by public cultural organisations, or another public funding programme managed or co-managed by Arts Council Malta or other public agency, Government department or Ministry
- Costs declared by the beneficiary and covered by another grant of the Government of Malta or the European Union
- Costs incurred before submission of application.
- 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
- Costs that are not directly linked to the project
- Debt and debt service charges
- Doubtful debts
- Excessive or reckless expenditure
- Exchange losses
- Fees for services provided by Public Cultural Organisations or other public agency, Government department or Ministry
- Indirect producers' fees and contingencies
- Interest owed
- Provisions for losses or debts
- Recoverable Vat, where applicable
- Retroactive costs
- Return on capital
- Subsistence, catering and hospitality.

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.

3.5 What applications are not eligible?

- Activities that are not related to culture, arts and the creative industries
- Activities whose objective is fundraising or political propaganda
- Advertising, corporate and/or promotional films
- Applications submitted after noon (12:00) of the respective day of deadline

- Applications submitted by public entities with or without a line vote
- Incomplete applications (refer to application checklist in section 5.1)
- Initiatives eligible under the Malta Film Fund, VOPS, Għaqda Każini tal-Banda, Malta Arts Scholarship, National Book Council, Valletta Cultural Agency or any other state-funded programme dedicated to Maltese arts/culture
- Projects including and/or promoting political propaganda
- Projects promoting violence, racism and pornographic content and content violating the Maltese Constitution
- Projects whose duration does not fall within the eligible timeframe.

Any other activity that may be developed outside the scope of Kultura TV is not eligible for support.

Applicants can submit more than one application under the same call, however only one of the applications can be funded per session.

4. Evaluation

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

4.1 Criterion 1: Concept (40 marks)

This criterion considers the concept idea(s) of the proposal, the collaborators involved, the relevance of the concept. The application will also need to refer to any plans for professional development and capacity building that form part of the proposal. Thus, the following questions are to be addressed:

- What is the concept of the work focusing on? Please provide relevant, compelling and original audio-visual content about Maltese culture and/or Maltese creative expression and /or cultural events. (20 marks)
- Explain in detail the treatment of the work and the level of audio-visual aesthetic proposed. (10 marks)
- Provide information about the applicant's portfolio/show reel. Applicant should prepare and present a 2/3-minute show reel. (10 marks)

4.2 Criterion 2: Project Management (20 marks)

This criterion considers the level of commitment and preparation prior to the proposal as well as the proposed plan to deliver and achieve the aims targeted.

- Explain in detail the level and quality of pre-production development executed. (10 marks)
- Clearly define the production capacity and willingness to successfully produce the proposed work (5 marks)

- Provide a detailed profile of the creative talent and team involved in the production of the work. (5 marks)

4.3 Criterion 3: Audience Engagement (20 marks)

This criterion considers 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 are your target audiences and how will these audiences be reached? Can you provide an outline of the marketing, PR and communications plan as deemed relevant to the proposed programme/s of activities? Why did you opt for your chosen methods? (10 marks)
- The level of distribution in different territories beyond the first run. (10 marks)

4.4 Criterion 4: Budget (20 marks)

This criterion considers how well planned and realistic the presented budget plan is.

- What are the budgeted costs that are both directly and indirectly linked to the delivery of the production? (15 marks)
- What are the budgeted sources of income and investments? (5 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 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, 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 send an email 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 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 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

In order to be complete, applications must be accompanied by:

- A copy of the VAT certificate of Registration
- A most recent Good Standing certificate of Registration – This document is renewed annually by the Malta Business Registry and is proof of compliance
- Bio notes or key contributors to the project
- Evidence of ownership of rights for proposed project or contract of acquisition/transfer of rights
- In the case of an application that is submitted by an independent production company, broadcaster letters of commitment as, a demo memo, and any other relevant documents must be included in the application.
- Mood Board
- Treatment.

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).

6. Evaluation process

This scheme is competitive and will be evaluated by a panel of three sectorial experts 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 60 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 60 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 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 from 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. The writer, director and producer may be present for the pitching session.

During the session, the applicant has the opportunity of presenting 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 to 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 evaluation 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 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 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 final payment of 30% 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 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 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 is 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, 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 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 your 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. If you approach our complaints procedure, then you are accepting that we can 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.

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

Guidelines updated on 10th May 2021.