

# Programme Support Scheme

**Guidelines and Regulations 2022**



ISSUED: APRIL 2022



## **ALLOCATIONS**

<b>SESSION BUDGET</b>	<b>MAXIMUM ELIGIBLE AMOUNT PER PROJECT</b>
EUR 333,333	EUR 55,000

<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>
31st May 2022	09th August 2022	09th September 2022 – 09th March 2024
13th October 2022	14th December 2022	14th January 2023 – 14th July 2024

## 1. Introduction

This scheme will help support and maintain Malta’s creative and cultural ecology by enabling artists and cultural operators (whether they are organisations, collectives or freelance collaborations) to:

1. Restart their programming and production activity however possible.
2. Operate in a sustainable manner even if circumstances require postponing the reopening of certain activities to the public.

Applicants will need to provide a **proposed programme of related activities with a common objective**, which may include events, productions, performances, exhibitions, festivals, community cultural initiatives, training and development initiatives in order to make the case for their costs. The scheme aims to facilitate more financial and strategic flexibility, security, collaborations, innovative audience engagement, skills development and logistical service acquisition while minimizing risk of unexpected losses that occur due to unexpected restrictions related to public health or related matters. Cultural operators – whether they operate on a small, medium or large scale – would be able to plan ahead in their programming while adapting to the new realities and taking into account the uncertainties in a strategic and financially feasible manner. Health and safety measures are to be given utmost importance, keeping in mind that these are contingent upon the situation in the respective periods. Therefore, applicants are encouraged to submit their proposed programme of activities whilst keeping in mind the current scenarios.

This scheme will also enable compensation for seated ticketed events which would have to operate below full seating capacity due to public health restrictions. The compensation will be equal to the difference between the projected ticket sales in circumstances without public health restrictions and the projected ticket sales with the current public health restrictions (which may vary over time). This will be calculated with a capping of fifteen euro (€15) per ticket for each seated ticketed event up to a maximum of 350 seats and three events ( $€15 \times 350 \text{ seats} \times 3 \text{ events} = €15,750$ ).

N.B. Applications including the seat compensation through this scheme are not eligible to apply for compensation through the Seat Utilisation Scheme. Conversely, applications who do not opt to include the seat compensation through this scheme may consider submitting a separate application through the Seat Utilisation Scheme.

## 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 Programme 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.

#### Beneficiary

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

#### Community

- A group of people who share values, customs, identities or practices.

#### Cooperatives

- Cooperatives must be registered with the Koperattivi Board. For more information visit <https://maltacooperativefederation.coop/coops/bord-tal-koperattivi>.

#### 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.

#### Diversity

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

#### Eligibility

- Applications will first be screened in terms of technical and artistic eligibility by the Fund administrators and managers. Proposals which are not considered eligible in terms of the set criteria 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.

#### Evaluation board

- Arts Council Malta appoints an Evaluation Board for each call under the Scheme. The appointed board may be composed of local or 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 or updates to awarded proposals, must be sent to the address indicated in these guidelines.

#### 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 €55,000 per project to be allocated. This will be decided on a case-by-case basis, depending on the project.

#### Programme

- The programme of activities for a specific period of time which may revolve around artistic programming (e.g. a festival, a series of events, productions, exhibitions etc.), capacity building and development programming, outreach programming as well as related Research & Development and start-up activities. The programme may constitute or include activities held on a regular basis, including annual projects, annual festivals, annual productions or regular training programmes.

#### 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, Malta International Contemporary Arts Space, Festivals Malta, Teatru 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

- This 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 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 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 technical and artistic 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 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.

The applicants and their programmes will also need to have a commitment towards:

- a. Work that inspires community cultural exchange and reaches a comprehensive range of people, engaging them as both audience and participants;
- b. The promotion and upholding of the rights of cultural and creative practitioners including artists to freedom of expression, intellectual property rights and favourable working conditions;
- c. Championing cultural rights, as recognised in Article 5 of the [2001 UNESCO Declaration on Cultural Diversity](#) and the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions which outlines a moral and legal obligation for countries to protect and promote cultural diversity. At its core is an understanding of the right to culture as a human right where “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”;
- d. Protection and promotion of cultural diversity and inclusive approaches;
- e. Environmentally sustainable practices and the championing of environmental justice through arts and culture;
- f. Contributing towards the [UN 2030 Sustainable Development Goals \(SDGs\)](#), defined by the United Nations Economic Commission for Europe (UNECE) Strategy for Education for Sustainable Development as “economic vitality, justice, social cohesion, environmental protection and the sustainable management of natural resources”, thus ensuring that the needs of present and future generations are met.

## 3.2 Who cannot apply?

- Applicants whose profile is not verified due to it being an incomplete profile 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.
- 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.
- 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.
- Organisations/activities receiving local public funds through established Government line-votes.

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

This grant may cover up to 80% of the following costs (up to a maximum of €55,000 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 any other Maltese State-funded programme dedicated to arts and culture.

- Artistic fees
- Compensation costs related to limitations in audience capacity
- 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
- Fees and salaries related to current or new team members (these need to be justified on the basis of the proposed programme)
- Fees related to training and development (these need to be justified based on the proposed programme)
- Fixed/operational costs
- Health and safety measures
- Hire/purchase of equipment (purchase of equipment will only be considered if deemed necessary to the project)
- Hire/rental of equipment (purchase of equipment will only be considered if deemed necessary to the project)
- Insurance
- Marketing, PR and communications

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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.

- Other fees directly related to project implementation (including but not limited to legal, mentors, service providers, participation fees, linguistic fees etc.)
- Project management (including but not limited to administration, coordination, development)
- Production costs
- Rental of spaces
- Standard accommodation, excluding long-term accommodation or part of
- Start-up costs
- Subscriptions to virtual platforms or other digital services where relevant
- Travel (economy class) including but not limited to public transport, air travel, car/vehicle rental)
- Travel VISA.

For more information about presenting your budget, refer to our General Budget Guidelines available on <https://www.artscouncilmalta.org/pages/funds-opportunities/schemes-2022/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 managed or co-managed by Arts Council Malta or other public agency, Government department or Ministry
- 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
- Retrospective costs
- Subsistence, catering and hospitality.

### 3.5 What applications are not eligible?

The following activities are **not** eligible under this Scheme:

- Activities that are not related to culture, 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
- Incomplete applications. Refer to application checklist in Section 5.1
- Individual modules credited as part of an education course or research as part of established academic programmes
- Initiatives eligible under Screen Malta, TV Production and Content Fund, Annual Cultural Activities Scheme, VOPS, Għaqda Każini tal-Banda, National Book Council, Valletta Cultural Agency, Malta Arts Scholarships or any other State-funded programme dedicated to Maltese arts and/or culture
- 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.

Any other activity which may be developed outside the scope of the *Programme Support Scheme* 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 artistic ideas of the proposed programme of activities as well as its strategic vision, aims and objectives in relation to the applicant. This may also include the collaborations being proposed, the nature of projects and/or productions and/or events etc., whether they are regular or new, relevant background information on the applicant/s and feasibility and envisaged impacts of the programme. 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 artistic rationale and specific objectives that inform your proposed programme of activities? How is the proposal relevant to Art Council Malta's overall strategic goals ? (15 marks)
- What are the anticipated and desired outcomes of your proposal? How will you determine whether these outcomes are likely to be achieved or not? (15 marks)
- How do you think this proposal is relevant and challenging to your artistic development and to that of your collaborators and/or the community being actively engaged with or addressed through the programme? (5 marks)
- How does your past work relate to the artistic concept of this programme? The applicant's track record and that of the collaborators is required. (5 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 your project and achieve the targeted objectives. Thus, the implementation timeline for deliverables and relevant timeframes need to be made evident and justified accordingly together with the relevant risk management. This is also applicable to applications focusing on activities that are primarily aimed towards the development and capacity building of the applicant/s. The following questions need to be addressed:

- How are you planning to deliver the proposed programme of activities? (e.g. timeframes, workplans, responsibilities, skills and track record of people managing projects, logistics plan) (10 marks)
- What is the degree of flexibility in the planning given the risks and uncertainties? What are the mitigation measures envisaged in view of the identified risks? What are the logistical measures in view of the COVID-19 public health authorities mitigation measures? (e.g.

contingency plans, risk assessments, health and safety measures, possible adjustments that may take place) (5 marks)

- Are there any necessary permits, copyright issues and other legal, ethical and administrative matters to be addressed? (5 marks)

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

This criterion considers the engagement and the development of established and/or new audiences. Engagement refers to the role, the nature of involvement in the programme of activities and the experience offered to the audience. Audiences may include internal and/or external stakeholder groups depending in the nature of the proposed programme of activities. For example, if the primary aim of the programme is towards capacity building, the audiences may include collaborators and any other participants who are involved in the process. If the programme includes a series of public events or productions, the audiences may include members from the general public. This criterion emphasis the level of engagement based on what is being proposed by the applicant/s in line with the following questions:

- Who are your target audiences (whether that is internal and/or external) and why? What approaches will be adopted to reach these audiences? Refer to the wider communities that are to be addressed through the proposed programme. (10 marks)
- Can you provide an outline of the marketing, PR and communications plan as deemed relevant to the proposed programme of activities? Why did you opt for your chosen methods? (Note: communications plan also include internal dissemination which may not be at a public level) (10 marks)

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

This criterion considers how well-planned and realistic the presented budget plan is. It also considers efforts to secure funds from other sources. The following questions will need to be addressed:

- What are the budgeted costs that are both directly and indirectly linked to the delivery of the proposed programme of activities? (e.g. fixed costs that are ongoing such as maintenance as well as artistic fees for specific productions)
- What is the budgeted income for the proposed programme of activities? If no income is envisaged, what is the justification?

## 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 application deadline, Arts Council Malta representatives will not be checking your application forms. It is solely at the Council'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 the Council.

A decision on funding will be made on the strength of the submitted information submitted, including documentation in support of the proposal.

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
- If applicable, a most recent Good Standing Certificate. This document is renewed annually by the Malta Business Registry and is proof of compliance
- A proposed programme of activities for the period being applied for. This may include any artistic and cultural events, productions, performances, exhibitions, festivals, training and development initiatives that are relevant to the objectives of the applicant
- If applicable, a sample of previous artistic programmes and related documentation, if the programme being applied for is, or is based upon, previously held activities as may be relevant to the application. If this is not applicable explain why
- If applicable, budgetary estimates from before 1st March 2020, for activities similar to the programme being applied for. If this is not applicable explain why
- The track record of the applicants and collaborators. This should include a CV, artistic portfolios and related documentation.

## 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 based on 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 in which all the 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. 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 in page 2 of this document.

## 6.2 Pitching

The aim of the pitching session is to create an opportunity for applicants to further present 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 of presenting comments, latest insights and possible additions to the already submitted project description.

The pitch can be presented in a variety of formats including but not limited to visual aids, PowerPoint presentation, audio etc. The presentation 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 evaluation panel.

## 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](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 Fund administrators, managers 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. Arts Council Malta 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 the Council.

The beneficiaries must use the Council's official 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 the Council immediately if changes affecting the nature of the project take place during implementation. Changes cannot be implemented unless approval is received. The Council 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 the Council representatives for monitoring purposes both during the implementation of the project as well as after its completion.

The Council 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.

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

The Council 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, the Council 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* Regulation 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* 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?

Arts Council Malta 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. To make the best of our services, plan ahead and get in touch with us at least two weeks before the submission deadline.

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](mailto:fundinfo@artscouncil.mt).

**Guidelines updated on 06th April 2022**