

Investment in Cultural Organisations – Malta – Strand 1 – Investing in Organisational Development

Guidelines and Regulations



Issued: September 2022



ALLOCATIONS

SESSION BUDGET	MAXIMUM ELIGIBLE AMOUNT PER ORGANISATION
<p>EUR 120,000 per year</p>	<p>EUR 23,000 per year</p> <p>The amount will be granted for a period of three consecutive years.</p> <p>Subject to the availability of government funds.</p>

CO-FUNDING	DISBURSEMENT
<p>The fund may cover up to 80% of total project costs</p>	<p>100% of payment applicable to the 1st year as pre-financing and upon signing of contract.</p> <p>100% of the 2nd year payment upon approval of progress report 2023 and action plan for the year 2024.</p> <p>70% of the 3rd year payment upon approval of progress report 2024 and action plan for the year 2025.</p> <p>30% of the 3rd year payment upon approval of final report for the year 2025.</p>

TIMEFRAMES

APPLICATION DEADLINE	RESULTS	PROJECT DURATION	ELIGIBLE TIMEFRAME
18th October 2022	15th December 2022	36 months	1st January 2023 – 31 st December 2025

1 Introduction

Through this initiative, Arts Council Malta aims to create partnerships with a number of voluntary organisations in Malta focusing on—and active in—the cultural and creative sectors. The organisations will collaborate with Arts Council Malta to fulfil its vision, “we want the arts to be at the heart of Malta’s future” and to achieve its mission, “driven by our commitment to cultural rights, we invest in the arts to strengthen Malta’s creative and cultural ecology”.

The programme is intended to provide stable support for organisations to plan ahead, grow, develop, and deliver ACM’s strategic goals primarily addressing creative professionals and communities, particularly to:

1. Invest in and foster diverse artistic and cultural expression;
2. Support and promote the conditions in which Malta’s cultural and creative sectors can flourish;
3. Advocate and provide for community-led opportunities to engage in arts and culture;
4. Strengthen Malta’s international cultural relations to continue developing international artistic exchanges and collaborations;
5. Nurture cross-sectoral collaborations that contribute to Malta’s sustainable development;
6. Enable cultural partners, including Public Cultural Organisations, to build and strengthen organisational capacity.

Arts Council Malta will be receiving applications from voluntary organisations enrolled with the Commissioner for Voluntary Organisations that have the potential to make a significant contribution to the priorities and ambitions highlighted above.

The funds allocated to the selected organisations will be covering activities happening in 2023, 2024, and 2025.

The Programme is composed of two strands:

Strand 1 ‘Investing in Organisational Development’ that will address the professional development of new skills for cultural professionals and enhance conditions for such organisations to excel through sustainable models of management.

Strand 2 ‘Investing in Regular Festivals, Programmes, and Events’ that will address artists’ development and the quality of artistic work (kindly refer to the guidelines and regulations for Strand 2).

Applications for Strand 1 must be submitted through the correct application form.

1.1 Priority areas

- 1.1.1. ACM will be receiving proposals from voluntary organisations active in the cultural and creative sectors that have the potential to make a significant contribution to the goals and principles of ACM's Strategy 2025.
- 1.1.2. The organisations and their programmes are expected to be developed and implemented with a commitment towards:
 - a. Championing the advancement of the status of artists and cultural and creative practitioners. This entails the facilitation of artistic development as well as utmost consideration of the right to artistic freedom, right of association, right to access public investment, and fair working conditions to contribute towards sectoral sustainable growth (refer to [Malta's National Cultural Policy 2021](#) for further guidance).
 - b. Valuing and positioning the diversity of artistic and cultural expression, access and participation as integral to Malta's wider cultural and creative ecology. In view of the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions, the recognition of cultural rights is at the core of ACM's Strategy 2025 (refer to ['Right to Culture – Resource Pack'](#) for further guidance).
 - c. Embracing artistic and cultural practices and activities as contributors and pillars to sustainable development in terms of their sustainability and interlinkages with the social, economic and environmental dimensions of well-being. The 2030 Agenda UN Sustainable Development Goals are at the basis of ACM's Strategy 2025 guiding principles, entailing cross-sectoral, participatory and equitable approaches to artistic and cultural practices (refer to the [UN Sustainable Development Goals](#) for further guidance).
- 1.1.3. ACM reserves the right not to consider the submitted proposal if it does not match the priorities of this call.

2. Definitions

Applicant

- An applicant may be a voluntary organisation enrolled with the Office of the Commissioner for Voluntary Organisations.
The applicant's NACE code must be R 90 - Creative, arts and entertainment activities.
Applicants cannot be employees of Arts Council Malta or involved in the management of the *Investment in Cultural Organisations – Malta – Strand 1*.

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 Programme.

Creative professionals

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

Eligibility

- Applications are screened by the 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 will not be processed further and will 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 the Programme. The Arts Council may appoint both local and foreign professionals in the sector of culture and the arts.

Management and Administration

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

Mandatory documentation

- Any document(s) needed to support your proposal and aid the evaluation of your project (eg. track records, portfolios, artistic CVs, official correspondence confirming rental of space, permits or other); please refer to section 5.1 of these guidelines for a list of mandatory documents.

Maximum Funding

- There is a ceiling amount of €23,000 per organisation per year to be allocated. This will be decided on a case-by-case basis depending on the project.

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.

Self-sustainability

- Refers directly to those projects which may, in the short or long-term, prove to be financially sustainable, i.e. can be implemented without the need of public investment. Financial sustainability of the project may be the result of the contribution, participation or investment of third parties in the products or services being offered by the applicant(s) within the proposed project.

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 will 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 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. When this is not the case, non-profit entities remain outside the scope of State aid. Furthermore, the classification of an entity as an undertaking is always relative to a specific activity. An entity that carries out both economic and non-economic activities is to be regarded as an undertaking only with regard to the former.

Voluntary Organisation

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

3 Eligibility

The yearly grant may cover up to 80% of the total costs up to a maximum of EUR23,000 per organisation (whichever is the lowest), subject to the availability of government funds, depending on the voluntary organisation and the initiative proposed. Following the approval of proposals, Arts Council Malta will establish a financing programme for beneficiaries following negotiations on the proposed budgetary plans. The choice of funding allocation as well as the ceiling established lies at the discretion of Arts Council Malta.

Maximum eligible timeframe to implement the project: 36 months

3.1 Who can apply?

The Investment in Cultural Organisations - Malta is open for Voluntary Organisations enrolled with the Commissioner for Voluntary Organisations and that have a registered address in Malta.

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 of the voluntary organisation.
- Applicants who do not qualify under the definition of applicant for this specific scheme;
- Beneficiaries who have not honoured previous funding commitments;
- Organisations/activities receiving local public funds through established government line-votes;
- Organisations/activities who benefitted from three multi-annual programmes, during a total of nine years, including the Cultural Partnership Agreement and Investment in Cultural Organisations;

- Voluntary Organisations which are:
 - not enrolled with the Commissioner for Voluntary Organisations;
 - which have not presented their updated accounts to the Commissioner for Voluntary Organisations and are not compliant by the date of application;
 - which do not have a registered address in Malta.

3.3 What costs can be covered?

Arts Council Malta reserves the right to award grants to beneficiaries based on a fixed allocation every year, without exceeding the 80% co-funding threshold or the maximum allocation depending on the project.

The amount to be awarded is at the discretion of the Evaluation Board set up by Arts Council Malta.

Eligible costs will be the following:

- contingency, 10% of the total cost;
- fees or salaries related to the engagement of team members;
- indirect costs, not exceeding 5% of the total cost (examples — Servicing: electricity, water, cleaning; telephone / fax / Internet connections; postage and mailing; paper, ink / cartridge, stationery, etc.);
- marketing, PR and communication, not exceeding 10% of project total;
- operational costs;
- rental of spaces;
- training and development of active members in the organisations;

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.
- Contributions in kind exceeding 15% of the total expenditure.
- Costs already covered by public cultural organisations, or another public funding programme/scheme managed or co-managed by Arts Council Malta or other public agency, government department or ministry.
- Costs declared by the beneficiary and already covered by another grant of the Government of Malta.
- Costs which are already covered through usual operational budgets (space which is owned by the applicant or the partner/supporting organisation/individual).

- Debt and debt service charges.
- Doubtful debts.
- Exchange losses.
- Expenditure deemed excessive or reckless.
- Fees for services provided by other public entities, government department or ministry.
- Funding for the creation or upholding of contests, bursaries, prizes or scholarships.
- Interest owed.
- Provisions for losses or debts.
- Recoverable VAT, where applicable
- Retroactive costs.
- Return on capital.
- Subsistence, catering and hospitality.

3.5 What applications are not eligible?

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

- Activities of an intrinsically self-sustainable nature;
- Activities which are not related to culture, the arts and the creative industries;
- Activities whose objective is fundraising or political propaganda;
- Applications for funding the creation or upholding of contests, bursaries, prizes, or scholarships
- Applications submitted after noon (12:00) of the respective day of deadline;
- Applications submitted by public entities with or without a line vote;
- Costs for traditional activities and festivities;
- Events held on a regular basis, including school/annual shows, regular training programmes, and/or repeated events;
- Incomplete applications (refer to application check list in section 5.1);
- Individual modules credited as part of an educational course or research as part of established academic programmes;
- Initiatives eligible under Screen Malta, TV Production and Content Fund, Annual Cultural Activities Scheme, VOPS, Għaqda Kazini 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 of an intrinsically self-sustainable nature;
- Projects that would have already taken place before the result is notified to applicant(s);
- Projects whose duration does not fall within the eligible timeframe.

Any other activity which may be developed outside the scope of the *Investment in Cultural Organisations – Malta – Strand 1* 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(s) 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., relevant background information on the applicant/s and feasibility and envisaged impacts of the programme/s. 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 are the gaps that will be addressed through the programme? What methods will be adopted to enable the organisation to develop knowledge, skills and competencies needed to flourish in the cultural and creative sectors? Target specific objectives of your application and elaborate on how these match the objectives of the programme. (10 marks)
- How do you think this proposal is relevant and challenging to the organisation's artistic development and that of its main collaborators? The track records of the organisation and that of the collaborators are required. (5 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? Refer to the priorities in section 1.1. (5 marks)
- Provide a strategic plan for the years covered by the Programme. This should include the vision of the organisation, its goals and the artistic programme, and how the organisation intends to ensure high levels of excellence, the plan for innovative input (as highlighted above), showcasing opportunities. A detailed programme of activities for year 1 and a broader plan for years 2 and 3 are required. (20 marks).

4.2 Criterion 2: Project Management (20 marks)

This criterion considers the level of commitment and preparation prior to the funding application 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 that focus 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 / plan? (e.g. timeframes, workplans, responsibilities, skills and track record of people managing projects,

logistics plan) Are there any necessary permits, copyright issues and other legal, ethical and administrative matters to be addressed? (5 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? (e.g. contingency plans, risk assessments, health and safety measures, possible adjustments that may take place) (5 marks)
- What sustainable development practices will be adopted throughout the implementation of the programme? Refer to the priorities in section 1.1. (10 marks)

4.3 Criterion 3: Audience Engagement (20 marks)

This criterion considers the engagement of established and/or new audiences. Engagement refers to the role, the nature of involvement in the programme and the experience offered to the audience. Audiences may include internal and/or external stakeholder groups depending on the nature of the proposed programme. 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 emphasises 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 how will these audiences be reached? (5 marks)
- Can you provide an outline of the marketing, PR and communications plan as deemed relevant to the proposed programme? Why did you opt for your chosen methods? (Note: communications plan also includes internal dissemination which may not be at a public level) (5 marks)
- By making reference to the priorities in section 1.1, elaborate on how the audience engagement practices are fostering the organisation's commitment towards cultural rights (10 marks)

4.4 Criterion 4: Budget (20 marks)

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

- Provide a detailed income-expenditure budget for Year 1 and forecasts for the two consecutive years. (10 marks)
- What are the budgeted costs that are both directly and indirectly linked to the delivery of the proposed programme / plan? (e.g. fixed costs that are ongoing such as artistic fees for specific productions) What is the budgeted annual income for the proposed programme / plan? If no income is envisaged, what is the justification? (10 marks)

5. Submitting the application

Follow these steps to apply:

1. Read these guidelines and regulations very carefully.
2. Check whether your proposed idea can be addressed by this programme.
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 programme you intend to apply.
6. Follow the instructions step by step. Fill in all the required information from the online application including the budget, and attach the supporting documentation.
7. Submit the application. You should be receiving an automatic acknowledgement by the system. If you do not receive such a notification, contact us on applyforfunds@artscouncil.mt.

In case of difficulty, 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.

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 Arts Council Malta's discretion to request that applicants provide any missing mandatory documentation following the call deadline.

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

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

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

5.1 Checklist

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

- a copy of the VAT certificate of registration, where applicable;
- a detailed income-expenditure budget for year 1 and forecasts for the two consecutive years;

- 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 (detailed programme for year 1, and forecast programme for the two consecutive years);
- a proposed detailed budget for year 1 and a forecast budget for years 2 and 3;
- applicant biography/artistic CV to be included in the applicant profile;
- audiovisuals / portfolio showing the applicant's work, as relevant to the proposal (audiovisuals up to 5MB may be uploaded directly in the application form, in the case of larger files these may be provided as a link);
- letters of intent from collaborators;
- quotes to support the income-expenditure budget for year 1;
- strategic plan;
- the track record of the applicants and collaborators — this includes the CV, artistic portfolios and related documentation.

6 Evaluation process

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

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

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

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

6.1 Shortlisting

The evaluation board will meet during an initial evaluation 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 attend an online pitching session. The

pitching session is compulsory; a maximum of three participants may attend the pitching session.

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 online 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 Manager before the pitching session.

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

The pitch can be presented in a variety of formats, including, but not limited to, visual aids, power point presentations, audio, etc. that should not be longer than ten (10) minutes. During the pitch, applicants are expected to explain the project's artistic vision and communicate how the project will be implemented. This ten-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 3, you will receive your result notification from Arts Council Malta. Together with the covering letter, we will also attach a copy of the feedback form, indicating the reasons and marks leading to the Evaluation Board's decision, according to the fund criteria.

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

If you have any difficulties concerning your results, you should email us on fundinfo@artscouncil.mt 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 Funding unit, 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

A contract specifying the conditions of the programme will be signed. The pre-financing payment consisting of 100% of the amount allocated by the Evaluation Board for the year 2023 will be processed after the signing of the contract. The amount allocated for the year 2024 will be processed upon the submission and approval of the progress report for the year 2023, including certified accounts and VAT invoices and the year 2024 Action Plan. 70% of the amount awarded for the year 2025 will be processed upon the submission and approval of the progress report for the year 2024, including certified accounts and VAT invoices and the year 2025 Action Plan. The remaining 30% will be disbursed after the submission and approval of the final report for the year 2025 including certified accounts and VAT invoices.

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

(a minimum of 5 high-resolution images should be submitted), blogs and other documentation.

At the end of year 1 and year 2, you will be required to submit an action plan for the following year's programme. You will also be required to present an 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 the 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 will 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 Voluntary organisations that do not carry out an economic activity within the meaning of Article 107 TFEU

Voluntary organisations that do not carry out an economic activity within the meaning of Article 107 TFEU may also apply for the Programme. The rules outlined in section 9.2 below are not applicable in such case.

9.2 State aid rules applicable to voluntary organisations 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 will 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 will 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 1st September 2022