



Guidelines for Applicants

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INTRODUCTION

The Malta Film Commission under the auspices of the Ministry for Tourism is responsible for the management and administration of the Malta Film Fund. In accordance with Budgetary Measures 5641 the Malta Film Fund has a total allocation of €350,000.

The objective of the Malta Film Fund is to nurture and back the development, production and distribution of Maltese qualifying productions in all genres from new and established filmmakers for local and international distribution. It also aims to promote Maltese storytelling, Maltese stories and Maltese cinema and by doing so, improve the structure of the Maltese indigenous film industry.

The Film Fund has the following main objectives:

- 1) To encourage the creation of quality productions;
- 2) To support Maltese filmmaking talent that demonstrates long-term potential;
- 3) To preserve and promote Maltese cultural and linguistic diversity through qualifying productions;
- 4) To develop the artistic scope, quality and dissemination of Maltese qualifying productions;
- 5) To strengthen films as a cultural product and Malta as a production location.

For all grants, the applicant must be the originator of the treatment/script or have majority rights (unless a minority co-producer) relating to the project for which support is being requested. The applicant is required to provide a complete chain of title (i.e. signed agreement/s covering all the rights necessary to make the film e.g. producer's agreement, writer's agreement, director's agreement, agreement with publisher etc.).

The application must come from the producer on behalf of a team including a writer and director, or a writer/director. In the case of more than one producer, the application must be represented by one company. The producers participating in the co-production must reach an agreement on this point and include a joint declaration in the application. VAT registration is obligatory for applicants applying for any grant scheme.

Projects submitted by teams with varying experience are encouraged, in particular more experienced producers working with new directors and/or scriptwriters.

The applicant is to specify if other public support has been received or has been applied for other than through this Film Fund.

The period of eligibility of costs begins from the date of the result notification and ends 12 months after the signing of contract (subject to any conditions imposed on the result notification; does not apply for Action 3 - International Film Festival Fees Grant).

Beneficiaries awarded Grants over €20,000 will be expected to set up a Company with established standard accounting procedures.

The Fund Administrator reserves the right to grant a recipient a smaller amount of funding than applied for; subject to the number of projects recommended for support and the quality of the applications received, prospects for the film and the budget provided. Eligibility and compliance with award criteria alone does not guarantee receipt of funding if demand for funding exceeds available resources or if the proposed projects do not reach the required level in terms of the fund criteria. The Fund Administrator is not required to make any minimum number of awards. Awarding of previous funds does not bind the fund administrators to support further funding of the project.

There are seven (7) schemes, which aim to provide support for eligible productions:

ACTION 1: Development Support

Development support is to foster a culture of script writing and proper development of Maltese productions which can eventually be taken to the Market to raise finance, support and move into production. The following schemes aim to provide development support to qualifying productions:

- 1. Writers' Grant (maximum grant €5,000)
- 2. Development Grant (maximum grant €30,000, not exceeding 80% of the budget).

ACTION 2: Production Support

Production grants awarded are intended to stimulate the realisation of projects. Support for production may only be awarded to applicants for projects which are fully developed. The following schemes aim to provide production support to qualifying productions:

- 3. Short Film Production - New Talent (maximum grant €2,500)
- 4. Short Film Production (maximum grant €20,000)
- 5. Production (maximum grant €120,000, not exceeding 50% of the budget)

ACTION 3: Film Distribution Marketing Support

Distribution support is essential to raise the international profile and to advance and foster a wider international distribution of Maltese Films. Only productions in receipt of Malta Film Fund production funding are eligible to apply for these grants.

- 6. Film Distribution Marketing Grant
This grant is designed to assist local film makers who intend to self-distribute and/or seek sales agents or distributors to distribute and reach out to international audiences with their feature film. The match funding grant shall not exceed 50% of the total projected costs, up to a maximum contribution of €10,000.
- 7. International Film Festival Fees Grant
This grant is a 50-50 match funding for entry fees paid to put Maltese productions into International Film Festivals, not exceeding maximum grant of up to €300 (in total) per short film and €500 (in total) for feature films and documentaries. Filmmakers can apply for financial assistance to cover the costs of entry fees for International Film Festivals for completed projects during a particular year (see grant guidelines for specific eligibility period).

ELIGIBLE QUALIFYING PRODUCTIONS

We welcome applications for the following eligible qualifying productions aimed for local and international distribution:

Action 1 & 2:

- Feature Films of a total duration of minimum 80 minutes.
- Short Films (*production only* - live action, documentary, animation, virtual reality) having a screening time of less than 25 minutes (if applying for Short Film Production – New Talent

screening time must be of minimum 8 minutes and not exceeding 10 minutes including credits; for ANIMATION projects, the film must be longer than three minutes and not exceed 10 minutes including credits).

- Creative Documentaries of a total duration of minimum 60 minutes.
- High Quality International TV Series aimed for an international market.

Action 3:

- Film Distribution Marketing Grant: Feature Films (fiction or animation) of a total duration of minimum 80 minutes that are already in receipt of Malta Film Fund production funding.
- International Film Festival Fee Grant: Productions in receipt of Malta Film Fund production funding.

PROCESSING THE APPLICATION

Applications will be reviewed by the Fund Administrators for completeness and eligibility. Applications which pass this initial review will be sent to an independent panel of evaluators (unless otherwise indicated). A due diligence exercise will be conducted on all eligible applicants. The Fund Administrators will select evaluators on the basis of their independent and professional experience. The evaluators shall examine all eligible applications and rate them according to the specified award criteria. The evaluators will present an assessment on each of the proposed projects indicating the relevant rating awarded.

A number of projects will be shortlisted, and shortlisted applicants may be requested to attend a meeting to discuss their project further (if you are invited for a meeting all members of the creative team making the application should attend). Industry standard professional behaviour will be expected at all times from all applicants.

If successful the Malta Film Commission as administrators will issue a Letter of Intent. You will then be required to enter into an agreement with the Malta Film Fund which will set out the terms and conditions of your funding.

Eligibility and compliance with award criteria alone does not guarantee receipt of funding if demand for funding exceeds available resources.

The selection of a particular project for assistance does not signify agreement to the level of financial support requested and therefore the amount awarded may be less than the amount requested.

Successful and unsuccessful applications will be informed in writing as soon as possible. The Malta Film Fund's decision on whether support is given or not given to your project is final. Costs incurred by you prior to any award being made will not be supported by the Malta Film Fund.

SIGNING OF CONTRACT

The Beneficiary following receipt of notification award will be provided with sufficient time to assess their production and identify how they will be able to comply with the Film Fund requirements. **Notification letter is valid for 3 months. If no agreement has been signed without prior agreement of the fund administrators, the Beneficiary will no longer be eligible for the grant.**

CANCELLATION PENALTY

If the Beneficiary at any point during the duration of the contract should decide to terminate their contract before the full term; a termination liability fee amounting to **10%** of the grant awarded will be imposed and is to be paid by the beneficiary in addition to refunding any initial funds awarded.

MAXIMUM AND MINIMUM AMOUNTS GRANTED

Type of support available from the Malta Film Fund:

Type of Support	Maximum Grant	The fund may cover up to the following % of the total project costs not exceeding the maximum grant:
Writers' Grant	€5,000	Up to 100%
Development Grant	€30,000	Up to 80%
Short Film Production - New Talent Grant	€2,500	Up to 100%
Short Film Production Grant	€20,000	Up to 100%
Production Grant	€120,000	Up to 50%
Film Distribution Marketing Grant	€10,000	50% match-funding
International Film Festival Fees Grant	€300 (Short Films) €500 (Feature Films and Documentaries)	50% match-funding

WHO CAN APPLY

According to the relevant Grant, applications may be made by an individual or through a Independent Audiovisual Company that has audiovisual production as its main purpose and activity and a company that is duly registered as an audiovisual production company in Malta/Europe, having at least one director or a major shareholder of the company who is a Maltese/European citizen.

Applicants must satisfy at least **ONE** of the following eligible criteria:

- 1) Producer/s is a Maltese citizen or holds a permanent residence status in Malta;
- 2) Writer/s is a Maltese citizen or holds a permanent residence status in Malta;
- 3) Director/s is a Maltese citizen or holds a permanent residence status in Malta;

And **ONE** of the following criteria:

- 1) Content and location of story is based completely or partially in Malta;
- 2) Language to be used is Maltese;
- 3) Likely location of the development, production and/or post production is Malta.

INELIGIBLE PROJECTS

Ineligible Activities means the following types of funding are not eligible for any support:

- **NO TELEVISION PROGRAMS OR SERIES** including reality shows, magazine and lifestyle programmes, discussion programmes, quizzes and game shows, serials/soap operas, advertorials, light entertainment.

NOTE FOLLOWING EXCEPTION: High Quality International television series aimed for an International market are eligible.

- Corporate communications, training and/or promotional films.

- Projects promoting violence, racism and pornographic content. The contents of the proposed audiovisual work may not violate the Maltese Constitution.

TRAINEE/APPRENTICESHIP PROGRAMME

Beneficiaries may be asked to comply with certain requests in relation to interns or trainees and participate in any apprenticeship schemes run by the Film Fund administrators during a production.

MENTORING

Successful applicants may benefit from a mentor as an integral part of the project to provide the right support every step of the way.

TRAVEL ASSISTANCE

Travel Assistance for international markets/festivals/pitching forums/script workshops may be included in the application for the development grant (where appropriate – Writers' Grants may only include travel assistance for Script Workshop/s).

The Malta Film Fund does not provide grants for travel assistance, training, mentoring or other bursary support unless attached to the appropriate funding strand and for the awarded project only.

Grants including Travel Assistance must liaise with the Malta Film Fund administrators if there are any changes or cancellations to proposed attendance to international markets/festivals/pitching forums/script workshops which differ from those included/presented in the proposal. The beneficiary will need to explain change/cancellation and seek approval in advance for alternative replacements.

CO-DEVELOPMENT/CO-PRODUCTIONS

Applicants are encouraged to seek possible co-production agreements. Co-productions may be made between local production companies, local TV stations and international production companies/TV stations.

Applications with a **co-development agreement** in place will only be considered if the applicant can provide a duly signed co-development agreement. The agreement should include clauses as is standard practice in the film industry including amongst other things clauses which regulate the sharing of rights, the creative input of each producer. Application for the Malta Film Fund must be made by the Maltese producer. Further assurances may be requested at the discretion of the Evaluators and Administrators

Applications with **co-productions** will only be considered if a confirmed co-production agreement is in place; the applicant should provide proof of attachment with a clear plan to resource the cost of producing the project between the parties; include a clause dealing with an equitable share of rights; and include the creative remit of each co-producer.

In the case of more than one producer, the application must be represented by one company. The producers participating in the co-production must reach an agreement on this point and include a joint declaration in the application. Application for the Malta Film Fund must be made by the Maltese producer.

RIGHTS

The applicant must hold the rights to the project for which funding is being applied for. This may take the form of ownership of or a valid option over a treatment, script or underlying novel or stage play. Writer agreements and chain of title documentation are expected to be in place.

SUBSTANTIAL CHANGES TO PROJECT

Substantial changes to the Project (relating to the script, artistic, economic or technical related area) as described in the Proposal is not allowed unless such changes are, in exceptional circumstances, previously and explicitly consented to in writing.

BUDGET

Financial support will be granted on the basis of a budget that reflects realistic costs. The budget estimates provided must present the most comprehensive representation of expected costs, in line with market prices. Costs incurred must be fair, reasonable and represent value for money. The budget presented must be as detailed as possible to enable the Evaluators to understand and assess the underlying calculations.

The evaluation panel reserves the right to check the feasibility of the budget presented and may ask the applicant for additional documents or require financial securities.

The Malta Film Fund reserves the right to negotiate amendments to the budget as a condition of funding.

Approved budgets on projects awarded grants cannot be changed. Any changes to the budget prior to signing of the contract, and after signature, will only be considered in exceptional circumstances, and have to be fully substantiated and justified. Approval of such changes is at the discretion of the evaluation panel and the Film Fund administrators.

PAYMENT PROCEDURES

The Malta Film Fund grant will be advanced at the following stages and on the receipt of all the required documents specified in the agreement (does not apply to International Film Festival Fees Grant):

- 30% on execution of the Malta Film Fund agreement.
- 30% on proof of 50% of deliverables (in accordance with schedule and implementation plan) and/or on receipt of the mentors progress report.
- 40% on delivery and evidence of acceptance of the final deliverables by the Malta Film Fund; receipt of the final reports; and on receipt and acceptance of the final costs which will be sent for verification and audited by the Malta Film Fund.

The Fund Administrators may require a successful applicant to provide a guarantee of the match-funding beforehand in order to limit financial risks linked to pre-financing payment. If the eligible costs actually incurred by the beneficiary during the action are lower than anticipated in the provisional budget, the amount given shall reflect this decrease.

PROFIT – REIMBURSEMENT CONDITION

In the case of any profits generated towards the project the beneficiary is to present gross revenue statements and on verification by the Ministry or its representatives and/or its auditors the beneficiary may be requested to:

- i) Reinvest the equivalent of the total grant awarded into a new production project of the beneficiary themselves; or
- ii) refund 35% of the net profit not exceeding the grant awarded.

FEEDBACK

The Malta Film Fund decision is final. Formal appeals against the final decision will not be considered. We aim to make the application process as transparent as possible; feedback on unsuccessful projects will be provided at the discretion of the fund administrators.

RESUBMISSIONS

If you have applied with a project previously and were unsuccessful in securing funding, you can only reapply if the project has significant and substantial changes or new elements have been developed since the last application. You will be expected to present a report/statement on where these changes have been effected.

REPORTING OBLIGATIONS

Once the agreement on support has been made, the beneficiary may not make substantial changes to the project related to the script, artistic, economic or technical related areas, unless these are presented in writing and accepted by the Fund Administrators.

The beneficiary is obliged to provide detailed updates and periodical summary reports throughout the project. Reports must be submitted in a format which clearly sets out and includes the following information (adapted depending on relevant strand):

- Clearly identified timelines including specific dates.
- Updated budgets
- Work completed to date
- Work yet to be completed
- Festivals/markets identified and/or attended and why
- Steps taken to source financing

Failure to include any or all of the above information in the periodical reports may result in a reduction of the support granted.

MONITORING

The Fund Administrators are responsible for the review of the project. The Fund Administrators and/or the Auditors on its behalf may carry out checks to establish whether public support has been used in accordance to established conditions.

The Fund Administrators, through its auditors, may demand access to the company's financial record and/or annual report of the applicant company as part of its beneficiary screening, review or control procedure. Upon the presentation of the final accounts, The Fund Administrators may perform spot checks.

The beneficiary's accountant shall, without regard to prevailing confidentiality restrictions, at any time communicate to the fund administrators or their auditors any information the fund Administrators demand.

Relevant invoices/receipts are to be submitted to the Fund Administrators, in original, for every eligible item approved for the grant. In all cases, all submitted invoices and receipts are to be presented with the VAT element separated. The Fund Administrators cannot issue certification for the payment of items for which no such original receipts are submitted.

COMBINING THE GRANT WITH OTHER FUNDING

Grants awarded under the Malta Film Fund cannot be accumulated with any other government funded scheme for same costs. Should it become apparent that any project has been awarded separate funds for same costs, i.e. double dipping, this will result in funds having to be reimbursed.

STATE AID REGULATIONS CONDITIONS & LIMITS (CUMULATIVE AID AND DOUBLE FINANCING)

DE MINIMIS REGULATION

The Malta Film Fund will be implemented in line with the rules on cumulation in article 5 of the Commission Regulation (EU) No 1407/2013 and any funds granted as de minimis aid will be in line with the parameters and criteria of Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Function of the European Union to de minimis aid (Official Journal of the European Union L352/1, 24/12/2013) (the De Minimis Regulation).

In line with the provisions of the de minimis regulations (The total *de minimis* aid granted to any single undertaking shall not exceed **€200,000** over any period of three fiscal years). The applicant will be requested to provide a signed declaration confirming the amount of de minimis aid received during the current and two previous fiscal years.

In line with the de minimis State Aid regulation regarding de minimis aid reports shall be maintained for 10 years from the date on which the last individual aid was granted under the scheme.

The Applicant is required to complete and sign the De Minimis Declaration that they (and/or their shareholders) have not received or has not applied for any De Minimis aid which would result in the de minimis ceiling established by the De Minimis Regulation being exceeded, during the current fiscal year and the two previous fiscal years in terms of the De Minimis Regulation, and warrants and represents that it has fully disclosed any de minimis aid received and/or applied for.

STATE AID FOR FILMS AND OTHER AUDIOVISUAL WORKS (2013/C 332/01).

In line with the new rules established under the Communication from the Commission on State aid for films and other audiovisual works (2013/C 332/01). Productions that intend to apply for the **Financial Incentives for the Audiovisual Industry** need to be aware of any possible accumulation of several subsidies from different sources.

If any aid is received under the **Malta Film Fund** which falls under the de minimis aid Regulation, this will not be cumulated with any state aid approved scheme unless awarded under a scheme that is regulated under 'de minimis aid' and provided any such de minimis aid is not awarded towards the same eligible costs as those supported via that approved state aid scheme. De minimis aid cannot be used to top up awards made under approved State aid schemes, resulting in a circumvention of the aid intensities set out in the rules attached to such schemes. In these cases it can only be awarded towards separate eligible costs.

In line with State Aid regulations, in order to determine whether the maximum aid intensity has been respected, the total amount of public support measures of Member States for the aided activity shall be taken into account, regardless of whether that support is financed from local, regional, national or Union sources. However, funds awarded directly by EU programmes (e.g. CREATIVE EUROPE), without the involvement of Member States in the award decision, are not State resources. Therefore, their assistance does not count for the purposes of respecting the aid ceilings. Any unlawful aid or double dipping considered as being incompatible by a Commission Decision will not be permitted and will result in funds having to be reimbursed with the corresponding recovery interest (this principle applies to Co-Productions). In an international co-production, the amount of state aid in a project is the aggregate of all such funding provided by all the co-producing countries.

The applicant is under obligation to present a full and accurate disclosure of any relevant information relating to state aid received from any party and in any form (i.e. grant, loan, rebate, tax relief) in relation to this production, while the MFC will verify that the said threshold is not exceeded both at the stage of receiving the application for funding and prior to making a recommendation on the amount of finance to be granted.

SCREENING RIGHTS AND PUBLICITY OBLIGATIONS

The Ministry and The Malta Film Commission will hold the rights to non-commercial screenings of any production receiving support from the fund at overseas cultural events. Such screenings shall not conflict with any commercial opportunities of the production.

All material, print and communication by the beneficiary with regards to the project, including its website, articles, references, publications, catalogues and end credits, are to indicate that funding was received from the Malta Film Fund. Where applicable, the beneficiary is to use the Malta Film Fund logo as supplied by the Fund Administrators.

Beneficiaries will be asked to supply stills, photographs, brochures and other material related to the production to be used exclusively for non commercial purposes for the promotion of the Malta Film Fund and/or similar funding schemes.

THE APPLICATION

It is in your interest that when you apply for funds that you only do so when you are thoroughly prepared. **Emphasis will be on quality rather than quantity.** Applications that do not include all the requested material as specified in the guidelines (including signed documentation/declarations) will be considered as ineligible and will not be processed further. Only completed applications will be accepted.

If you have doubts about the eligibility or completeness of your application, it is strongly recommended that you contact us before putting in your application. If you are not thoroughly prepared it is strongly recommended that you wait until the next call for Malta Film Fund applications.

The Malta Film Fund decisions are final. The Fund Administrators reserves the right to alter time frames and the guidelines with general public notice to all potential applicants duly given via the MFC website or Malta Film Fund facebook page. The Malta Film Fund is not required to make any minimum number of awards.

All inquiries pertaining to the Malta Film Fund are to be directed to the Malta Film Commission. Applicants are not to direct any questions or comments to the evaluation panel in advance of deadlines or following the evaluation panel's decisions.

Applicants are strongly encouraged to begin the application process early to allow for ample time to complete the necessary information.

Key dates and deadline for calls for applications are to be found on the website. Applications can only be submitted online via the dedicated eforms. Eforms can only be accessed when call is open and will close **no later than 12.00 noon by the given deadline** (as outlined under key dates found on the website). Visit website: www.maltafilmfund.com for more information. If in doubt please do not hesitate to contact us by sending an email to info@mfc.com.mt

PLEASE READ SPECIFIC GUIDELINES FOR RELEVANT ACTION AND FUNDING GRANT.

DEFINITIONS

For the scope of this call for proposals the following terms are defined as follows:

Beneficiary means the individual or company legally responsible for the implementation of the action for the selected project and the recipient of the grant.

A **Creative Documentary** refers to 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. A creative documentary should contain a certain 'timeless' element and should contain significant original filming and does not merely report information. A creative documentary is understood as having a screening time of a minimum length of 60 minutes. This includes docudramas that make use of literary and narrative techniques to render story-like the bare facts of an event. A Creative Documentary refers to a one-off.

Development Grant is defined as the period during which the Producer is arranging copyrights, finalising the script, seeking locations for filming and other associated practical work and research as well as sourcing, securing and packaging the required financing, including a distribution plan - necessary to finalise and bring the project to the stage where it can be taken into Production.

Eligibility Criteria means the minimum conditions that a proposal must meet if it is to be evaluated. The eligibility criteria relate to submission before the deadline, minimum participation, and completeness of the application form, scope of the company and the type and duration of the eligible qualifying production.

Electronic Press Kit (EPK), which includes official publicity photos, poster/s, press kit, official trailer and any interviews.

A **Feature Film** is a non-documentary, of a total duration of minimum 80 minutes that is intended for local and international distribution; aims to promote Maltese storytelling, Maltese stories, Maltese cinema and by doing so improve the structure of the Maltese Indigenous Film Industry.

Fund Administrator: Malta Film Commission

Fund Evaluators: Eligible applications will be assessed by an evaluation team. The Fund Administrator will select evaluators on the basis of their independent and professional experience. The evaluators shall examine all eligible applications and rate them according to the specified award criteria. The evaluators will present an assessment on each of the proposed projects indicating the relevant rating awarded.

A **High Quality International TV series** refers to a pilot series intended primarily for the purpose of an International market.

International Film Festival Fees Grant provides financial assistance to filmmakers to cover the costs of entry fees for theatrical release of Maltese productions (in receipt of a Malta Film Fund production grant) at International Film Festivals.

Maltese/European Independent Audiovisual Company means a production company that has audiovisual production as its main purpose and activity and a company that is duly registered as an audiovisual production company in Malta/Europe, having at least one director or a major shareholder of the company who is a Maltese/European citizen.

A **Short Film** (live action, documentary, animation, virtual reality) is to have a screening time of less than 25 minutes; however for Short Film Production – New Talent screening time must be of minimum 8 minutes and not exceeding 10 minutes including credits; for ANIMATION projects, the film must be longer than three minutes and not exceed 10 minutes including credits.

Writers' Grant is defined as the period during which the Writer is developing a script approaching market-readiness.