



## **Measure 1 – Guidance notes** ***Restoration of assets of artistic and cultural value***

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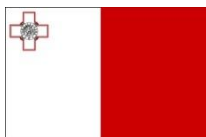
*(Latest version Issued on 09.08.2019)*

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*This measure falls under the **LEADER** Programme (Community Led Local Development) of the Rural Development Programme (RDP) 2014 – 2020, which is part financed by the European Agricultural Fund for Rural Development and falls under the responsibility of Funds and Programmes Division within the Ministry for European Affairs and Equality (MEAE).*

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### **Rural Development Programme for Malta 2014-2020**

Part financed by the European Union  
Co-financing Rate:  
75% European Union; 25% Government of Malta



***The European Agricultural Fund for Rural Development:  
Europe investing in rural areas***

In case of any conflicts between these guidance notes and the text of the Rural Development Programme (RDP) 2014-2020, GAL XLOKK Local Development Strategy and other legislative text, the interpretation given by the relevant legislation will be given overall priority.

The Foundation reserves the right to request additional information not included in the accompanying application form.

**Definitions:**

**Paying Agency:** The Agriculture and Rural Payments Agency (ARPA) within the Ministry for the Environment, Sustainable Development and Climate Change (MESDC) is the Paying Agency.

**Checks and controls:** Provide a means of verification that the investment operation complies with, and is in conformity to, the relevant rules and regulations.

**Decision Committee (DC):** The DC of the LAG is the decision-making body in relation to all activities.

**EAFRD:** European Agricultural Fund for Rural Development.

**Evaluation Committee (EC):** A committee appointed by the LAG and can be constituted by a least 2 members. Both are responsible for administratively checking the applications.

**Grant Agreement:** An agreement signed between the GAL XLOKK Foundation and the selected applicant (beneficiary) containing provisions and conditions related to the particular support.

**LEADER:** *Liason Entre Actions de Development de l'Economie Rurale*'. The LEADER programme refers to the implementation of the actions included in the Local Development strategies by the LAG to address specific local issues in line with the Rural Development programme for 2014-2020.

**Managing Authority (MA):** A national or regional body designated by a Member State to manage a rural development programme.

**Measure:** An aid scheme for implementing a policy. Each measure sets out specific rules to be complied with by the projects or actions that can be financed. There are two main types of measures: investment measures and area-related aid.

**Project Selection Appeals Board:** An independent Committee that assesses any submissions of appeals.

**Project Selection Committee (PSC):** The role of the Decision Committee includes the assessment and review of all recommendations made by the Evaluation committee. The PSC assesses and ranks applications.

**Project closure:** Closure takes place after the Agriculture and Rural Payments Agency has issued the final payment to the beneficiary, after it has carried out all the necessary checks and controls.

**Project completion:** A project can be deemed completed when the final request for payment has been submitted to the Agriculture and Rural Payments Agency

**Rural Development Programme (RDP):** A document prepared by a Member State or region, and approved by the European Commission, to plan and monitor the implementation of the rural development policy.

**Voluntary Organisations (VO):** Eligible VOs shall be those that are fully enrolled with the VO Commissioner and are compliant in their annual returns, as required by Subsidiary Legislation 492.01 of the Voluntary Organisations Act.

## 1. Introduction

These Guidance Notes are intended to assist Applicants in understanding the requirements for requesting and receiving funding support under **Measure 1 – Restoration of assets of artistic and cultural value** of the Xlokk Local Development Strategy (LDS).

Applicants are advised to familiarise themselves with these Guidance Notes prior to filling in and preparing the Application Form. The Guidance Notes, Application Form and all annexes and other documentation are available at [www.galxlokk.com](http://www.galxlokk.com)<sup>1</sup>.

Applicants are reminded to check that they referred to the latest guidance notes as available on the Foundations's website, and that they have filled in the latest available version of the application form that is available for download from the website. Only the latest version at the time of application will be accepted.

## 2. Rationale for Intervention

This measure, falls under *Objective 1 of the Xlokk LDS – Development of the cultural landscape, social heritage and tourism product of the rural territory.*

The analysis of the GXF territory and findings from the consultation exercise have shown that several stakeholders own, or have access to, items and artefacts with a clear historical and cultural link to the territory which would benefit from conservation and restoration practice. Given the cultural and historical value of these artefacts, their conservation and restoration and subsequent inclusion in educational programmes, heritage trails and other tourism activities is expected to provide opportunities for the promotion of local culture and identity, fostering job creation and facilitating the diversification of the economy of the rural areas making up the GXF territory. This measure supports the one-time restoration of these small-scale items, while also promoting the cultural and historical identity of the GXF territory by opening up opportunities for educational and tourism activities related to the artistic, cultural, historical and inspirational value of the restored items.

## 3. Scope and Objectives of the Measure

This action supports the restoration of small-scale objects of significant cultural and historical value to the territory with reasonable free access by the general public. Specifically, objects and artefacts that are not accessible for public viewing, such as items in private collections/ gardens, are excluded from the scope of this measure and do not qualify for support.

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<sup>1</sup> <http://galxlokk.com/category/documents/>

#### a) General description of the Action - Description of the type of operation

Based on the analysis of the territory and the findings of the consultation exercise, the following list presents best estimates of the type of operations that are likely to be supported through this measure:

- the conservation of paintings of significant artistic and historical value;
- the restoration of *objects d'art*, located within the territory and which have a religious or cultural significance to the community;
- the restoration of local statues or street niches;
- the restoration of historical archives found on the territory;
- the restoration of chapel facades and shrines, and the exhibition of sacred art and historical objects to the public;
- the conservation of features of historical importance within sites that are accessible to the general public e.g. public gardens;
- the restoration of artefacts found in the interior of Voluntary Organisations compliant with Office of the Commissioner for Voluntary Organisations, with premises that are accessible to the general public free of charge

#### 4. Eligible Actions

Support through this action shall be limited to Capital Expenditure undertaken by Local Councils, natural persons and Voluntary Organisations compliant with Office of the Commissioner for Voluntary Organisations that do not carry out an economic activity within the meaning of Article 107 of the Treaty of the Functioning of the European Union. The operations of such entities must be in compliance with national rules and regulations.

Projects must be physically undertaken in any of the rural localities that constitute the GAL Xlokk Foundation territory, listed in the following table.

Rural Localities within the Xlokk Action Group Foundation Territory		
Ħal-Qormi	Ħal-Luqa	Santa Luċija
Il-Gudja	Ħal-Kirkop	Mqabba
Il-Qrendi	Ħal-Safi	Iż-Żurrieq
Ħal-Għaxaq	Birzebbugia	Iż-Żejtun
Marsaxlokk	Marsaskala	Ħaż-Żabbar
Ix-Xgħajra	Il-Kalkara	

## 5. Eligibility Criteria

**The following general eligibility criteria shall apply for the evaluation of proposals for actions to be supported under this measure:**

- Submitted application (including a Contracting Schedule and Disbursement Schedule) is fully completed and duly filled-in with details required by the Decision Committee to evaluate the application for eligibility and selection;
- The applicant is able to demonstrate that he/she forms part of (or is the legal representative of) the beneficiary/applicant organisation;
- At application stage, the applicant is to include the certificate of compliance issued by the Commissioner for Voluntary Organisations till the year ending 2018 (applies to Voluntary Organisations only);
- The proposed project will be implemented within the GXF territory;
- The applicant is able to demonstrate evidence of sufficient financial capacity required to finance the project and to fund the private financial component (*refer to section 28 of these guidance notes - application requirements checklist*);
- The proposed project contributes to the general and specific objectives of the measure;
- The proposed project contributes to at least one indicator target;
- The item/artefact/site must be accessible to the general public and must be free of charge.

The GXF reserves the right to revise the eligibility criteria applicable to the Measure, subject to pre-notification.

## 6. Description of the requirements and targets

The applicant is required to demonstrate that the proposed investment shall result in the achievement of the following targets:

- The support of interventions aimed at fostering local development by adding value to the socio-economic and environmental aspects of the territory. Historical features and artefacts within the territory are seen as an asset with significant cultural value, and which provide an opportunity to promote local development. This measure will support one-off small-scale restoration projects to promote the cultural identity and subsequently, to continue to develop the tourism product of the GXF territory, whilst encouraging job creation, cooperation, diversification and capitalisation of rural assets.
- The restoration of objects of cultural value will promote confidence in the territory's rural and cultural identity and provide opportunities for capacity building, both of which are aspects associated with an improved rural economy and quality of life, as identified within the innovation cross-cutting objective of the RDP.

## 7. Eligible Investments

Where applicable, the investment in the restoration must be in line with all relevant planning, environmental and development permits, including permits from the competent authorities responsible for the restoration and heritage.

The following is an indicative list of eligible costs:

- a. Costs that are directly related to the restoration of the items or object or artefact or feature;
- b. General professional fees linked to expenditure in point (a) up to a maximum of 10% of the total eligible costs of the project;
- c. Costs linked to public relations.

***\*Only Projects covered by a valid Planning Authority permit and those which are in the process of a permit application are eligible under this Action.***

Investments must be in line with the Eligibility Actions outlined in Section 4 of the Guidance Notes.

The beneficiary can only claim EAFRD funds for eligible and approved expenditure that has been incurred after an application has been submitted to the GXF and an acknowledgement is issued by the Foundation, in line with EU Regulation 1305 of 2013 Article 60 (2).

## 8. Non-Eligible Investments under Measure 1

The following is an indicative list of non-eligible investment under Measure 1:

- Purchase of land and buildings;
- Currency exchange losses;
- Provisional installations that are not directly related to the investment (e.g. warehouses for keeping materials for the construction)
- Expenditures made before the launch of the call for application (the applicant should refer to Article 60 of Regulation 1305/2013 of the European Parliament and Council. The applicant may at his own risk initiate the implementation of the project as from the date of submission of application);
- Income Tax and/or other operational costs of the entity applying for the project, including provisions for possible future losses or debts;
- Bank Interest;
- Inputs which are the subject of a contribution in kind;
- Administration fees (salaries, insurance obligations and running costs);
- Second-hand equipment;
- Value Added Tax (except where it is non-recoverable under national VAT legislation). Refer to section 10 of these guidance notes.
- Work in kind
- Statutory fines and penalties
- Planning Authority Fees

In accordance with the Public Procurement Regulations, expenditure relating to economic operators convicted of a criminal offence are considered ineligible for funding and such expenditure will not be reimbursed by the Paying Agency.

## **9. Eligible applicants**

The beneficiaries eligible for funding under Measure 1 are **Local Councils, natural persons and Enrolled Voluntary Organisations (VOs) in line with the Voluntary Organisations Act 2007** (Chapter 492 of the Laws of Malta), and that do not carry out an economic activity within the meaning of Article 107 of the Treaty of the Functioning of the European Union.<sup>2</sup> Local Councils applying for funds must be **full-paid members of the GXF**.

Beneficiaries should be willing to invest within the GAL Xlokk Foundation territory, and provide **a service directly related to the cultural identity** within GXF's territory.

Voluntary organisations under the Second Register (generating a Gross Annual Income of less than €5,000) **cannot** apply for this scheme.

## **10. Aid Intensities**

A beneficiary will be granted the following financial assistance should the proposed investment be selected:

- 80% of the total eligible expenditure.

The other 20% of the total eligible expenditure must be borne by the applicant.

**The VAT element must to be borne by the applicant (except where it is non-recoverable under National VAT legislation). Grant assistance may be provided in respect of non-recoverable VAT. Written confirmation from the VAT Department that the project applicant is not-registered for VAT must be presented by the applicant.**

**The VAT Declaration Form (annex 1 of these guidance notes) should be duly filled by the applicant and endorsed by a representative from the VAT Department.**

## **11. Financing – Budget**

The total public funds allocated for this call is set at **€180,000** of which 75% will be financed through the EAFRD whilst the remaining 25% will be financed through Malta funds.

The maximum grant support for each project is capped as at €10,000.

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<sup>2</sup> These VOs must be compliant with the Commissioner for Voluntary Organisations



In the case of oversubscription of the call, the **GAL XLOKK Foundation MAY** reserve the right to allocate additional funds to this measure following approval by the Managing Authority.

## **12. The Application Process – General Provisions**

- Interested applicants need to submit the completed application form for Measure 1.
- All applications must be completed in full, signed and dated by the Project Leader.
- No parts of the application form are to be left blank – in cases where specific requested information in the application are not applicable to the applicant, the applicant must fill in the field with the note ‘Not applicable’.
- Although GXF representatives are available for meetings with interested applicants, it is the ultimate duty of the applicants to read thoroughly the guidance notes and application form. It is also the ultimate responsibility of the applicants to ensure that all documentation requested is correctly presented. Applicants must also ensure that the applicants themselves fall within the criteria of eligibility and that project proposed and any related investments are eligible for funding and that the application form and the requested supporting documentation **are presented by hand within the deadline of the call.**
- It is not the duty of GXF to verify the above matters irrespective of any meetings that may be held between GXF and the applicants.
- Applicants should submit two copies (1 original and 1 copy) of the Application Form and soft copies (in both Word and pdf format) of the Application Form on an electronic device. All copies must include all supporting documentation attached to the original Application Form.
- A checklist of attachments is attached to the Application Form. The applicants must ensure that ALL the mandatory supporting documentation as per *Section 7* of the application form are submitted.
- For the application to be considered complete, all attachments marked compulsory are to be submitted with the Application Form. The GAL XLOKK Foundation will undertake a validity check following receipt of the application. Any required documentation not submitted with the application form shall be requested within 5 working days from the date of a notification letter sent by GAL Xlokk. Only complete applications will be considered by the Project Selection Committee.

- The call for applications will open on the **21st June 2019** and shall remain open until the entire budgetary allocation under this Measure is allocated. The GXF will be adopting an **Open Block Calls Procedure**. This means that a batch of applications received within a respective time block will be assessed separately from applications received in subsequent batches. The call shall close either once the allocated budget has been committed or should the call be withdrawn through a notification by the GXF. The GXF may re-issue the call in a similar or different format. The GXF may also issue clarifications and amendments during the time period of the open call for applications without necessarily closing and re-opening the call. Such clarifications will be uploaded on our website: [www.galxlokk.com](http://www.galxlokk.com)
- The time blocks are defined by the GXF as per following table:

Open call Block	Opening of Call	Closure of call	Time
Block 1	21/06/2019	08/08/2019	12pm (noon)
Block 2	09/08/2019	26/09/2019	12pm (noon)
Block 3	27/09/2019	14/11/2019	12pm (noon)

- The Call for proposal will remain open until **14th November 2019, at noon**, subject to availability of funds. Applications received after this deadline **WILL NOT BE CONSIDERED**. Applicants are encouraged not to leave to the last day to submit their application.
- All applications are to be delivered **BY HAND** to the GAL XLOKK Foundation at the following address:

*GAL XLOKK Foundation  
269, Main Street  
Qormi. QRM 1107*

In case of queries or clarifications required applicants may contact GAL Xlokk on the following:

Email: [info@galxlokk.com](mailto:info@galxlokk.com)  
Tel: +356 2099 8008

***Disclaimer:*** *The issuance of the receipt letter does not imply that the applicant will be considered as a main beneficiary under this call. The application may be refused and returned to the applicant following the issuance of the receipt letter.*

### **13. Evaluation – Administrative Checks**

The GAL Xlokk Foundation will carry out administrative checks on submitted applications. It is important that the submitted application form is filled-in correctly and completely. In case an application is submitted with missing documentation/information, a notification letter will be sent to the applicant

allowing a period of 5 working days to submit the missing documentation and/or information from the date of such letter.

If the requested documentation is not submitted within this timeframe, the application will be automatically disqualified and a rejection letter will be sent by the GAL Xlokk administration to inform the applicant.

GAL Xlokk will then carry out verification of the eligibility of the supporting documentation submitted, as well as the screening of the application in terms of the eligibility criteria. It is important to note that it is within the responsibility of the applicant to ensure that the content of the application and the supporting documentation submitted is in full and in line with what is being requested.

With reference to the quotations to be submitted by the applicant, the Evaluation Committee reserves the right to ask for further clarifications or necessary adjustments even after the applicant submits the missing documentation/clarifications. The Evaluation Committee reserves the right to contact suppliers/service providers to validate the quotations provided.

No further additional information will be accepted after the closing date for applications unless it is requested by GAL Xlokk Foundation. In this regard, it is the applicant's sole responsibility to ensure that the application is complete in the best possible way before submission. Evaluation of the application will be carried out only on the information submitted at application stage or any other information as requested by GXF. **Any false or misleading information will lead to the immediate rejection of the application.**

#### **14. Selection Process**

A Project Selection Committee (PSC) made up from the Decision Committee members will be responsible for ranking and selecting applications for support after close liaison with the EC members. The PSC may request the services of a technical expert to assist the whole evaluation process. The PSC reserves the right to request additional information and further clarifications on the project as part of the selection process.

#### **15. Ranking of Projects and Selection Process**

The PSC will proceed to award marks to each proposal based on the information submitted in the applications and provided through clarifications (where applicable). In order to qualify for selection, the proposal needs to obtain a total of at least 50% of the total marks of the general and measure-specific selection criteria. For those eligible projects going through the assessment stage, the PSC will seek clearance from the State Aid Monitoring Board (SAMB).

A preliminary list of the proposals containing selected, on reserve and failed applicants together with their respective score shall be drawn up. Furthermore, the PSC reserves the right to request project re-dimensioning in special circumstances.

The preliminary result shall be published on the Foundation's official website<sup>3</sup>. In addition, a notification letter shall be sent to applicants informing them of their right of appeal in cases where applications fail to qualify.

## **16. Unsuccessful Project Proposals**

In the notification letter sent to the applicant, reasons why the project was not selected shall be provided. The applicant shall have the right to appeal in writing through a registered letter within 5 working days from receipt of the email/letter of notification of result sent by the LAG.

The appeal is to be addressed to the Chairperson of the Project Selection Appeals Board (PSAB). The PSAB is an independent Committee set up to review in an autonomous way any appeals lodged. The PSAB will be composed of a minimum of three (3) individuals with a Chairperson chairing the appeals process. The appellant is required to sustain the clarifications provided by including justified reasons backed by necessary supporting documentation/testimonials.

The applicants wishing to lodge an appeal must send a registered letter addressed to **"The Chairperson", Project Selection Appeals Board of GXF, 269, Main Street, Qormi, QRM 1107**, within 5 working days from when the applicant receives the notification letter.

### **The Appeals Board will not consider late appeals.**

The letter should include detailed reason/s of why the appeal is being made, supported by any relevant documentation/testimonials.

The Chairperson of PSAB shall review and assess the validity of all the appeals submitted within the stipulated timeframe. Valid appeals will be presented to the PSAB for assessment. No additional information other than that presented at application stage will be considered during the review. The relevant documentation shall be provided for the sole purpose of supporting the basis of the information provided in the appeal letter. An appeal that does not provide sufficient detailed reasons may be refused at the preliminary stage as unjustified.

Upon submission of the appeal, the Appeals Board shall be convened within no later than 5 working days to review the appeals presented. All necessary relevant documents will be made available to the Appeals Board by the LAG Manager.

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<sup>3</sup> <http://galxlokk.com/category/news-2/> and <http://galxlokk.com/category/documents/>

The Appeals Board must conclude the process of appeals by no later than 15 working days from the appeals closure date. Upon finalisation of the process, a detailed report articulating all decisions taken must be presented to the DC.

The decision of the Appeals Board **is final** and the applicant cannot contest this decision. The DC must notify in writing the decisions to each appellant. The appeals procedure shall be published on LAGs website.

### **17. Publication of Final Result**

Upon completion of the appeals process, GAL Xlokk shall publish the final result of the projects eligible for financial support on its website and notice board.

The successful applicants will receive a 'Letter of offer' following the publication of the Final list of results. The applicants will be required to send a 'Letter of acceptance' (a draft copy of the Acceptance letter will be sent with the letter of offer) and a Bank Payment Form within 10 working days from the receipt of the 'Letter of Offer'.

If, after 10 working days, the LAG does not receive the letter of acceptance, it will be considered that the applicant is no longer interested in undertaking the project and funds will be relocated according to the discretion of the LAG.

Should the beneficiary accept the offer, eligible period of expenditure should start from the date of submission of application (*Refer to Article 60 of EU Regulation 1305/2013*).

If the applicant accepts the offer, the bank payment form should be completed and referred to the Front Office of the ARPA. The form must be endorsed by a bank official and should show the IBAN of the applicant.

### **18. Procurement Procedures**

Given that the eligible applicants under this call comprise of Local Councils, the Procurement Guidelines issued by the Department for Local Government must be strictly adhered to. An architect's Bill of Quantities (BOQ) with details is to be presented. This has to be prepared by an architect appointed by the applicant and submitted as part of the application submitted.

In the case of natural persons and Voluntary Organisations (3) comparable quotations should be submitted for each line item.

If the cheapest quotation is not chosen by the applicant, a justification would need to be provided. The applicant is to note that in such cases, the amount of funding co-financed through the EAFRD (2014 – 2020) can only be based on the cheapest quotation obtained.

Should for some reason three (3) quotations cannot be obtained by the applicant, a justification why, should also be provided by the applicant and it would be the Paying Agency's prerogative, after consulting with the GXF, whether to accept such justification or not.

In the case of infrastructural works for Voluntary organisations a Bill of Quantities (BOQ), has to be presented at application stage. This has to be endorsed and dated by a warranted architect appointed by the applicant. Nonetheless, applicants submitting a BOQ are still obliged to present (3) comparable quotations for each line item prior to the project implementation.

*In accordance with the Public Procurement Regulations, expenditure relating to economic operators convicted of a criminal offence are considered ineligible for funding and such expenditure will not be reimbursed by the Agriculture and Rural Payments Agency.*

Applicants are guided to refer to the "Guidelines on the Submission of Payment Claims related to Investment Measures" issued by ARPA for details related to the required content and format of quotations and other procurement procedures; these guidelines may be downloaded at the below link:

<https://agriculture.gov.mt/en/arpa/Documents/guidelines/investmentMeasureSPaymentGuidelinesFinalEN-V3.0.pdf>

## **19. Contracting with Beneficiaries**

Contracting shall be undertaken by the GXF with the beneficiaries. Contracts are to be signed by the LAG's Chairperson (or any formally authorised delegate) and a legal representative of the beneficiary. In case where the signatory on behalf of the beneficiary is not a legal representative, a power of attorney must be presented showing delegation of signatories between the legal representative and the appointed signatory. The power of attorney is to be endorsed by a public notary.

The contract shall be given to the beneficiary for verification prior to it being signed. The contract shall be signed in two originals (one for the LAG and another for the beneficiary). Copies must be maintained in a secure location by the parties for a period of seven (7) years from the date of signing.

## **20. Payment**

- The facility of interim payments will be provided by the Agriculture and Rural Payments Agency (ARPA).
- Interim payments (of up to 80% of the total eligible value of the project) following the submission of a request for reimbursement and financial

documentation (including invoices and receipts).

- In case of infrastructural works a provisional certificate of works prepared by an engineer/architect must also be presented.
- The final payment of the remaining 20% of the total eligible cost of the project will be made following the completion of the works and submission of the request for reimbursement together with the necessary financial documentation (including invoices and receipts, and a provisional certificate of works prepared by a warranted architect).
- The final payment will be issued once all the necessary on-site verifications and on-the-spot-check are carried out by GXF and ARPA and adherence to the contract is confirmed.
- Claims are to be presented as outlined in ARPA's payment guidelines available at:

<https://agriculture.gov.mt/en/arpa/Documents/guidelines/investmentMeasurePaymentGuidelinesFinalEN-V3.0.pdf>

- In case of irregularities, penalties and sanctions may be applied by ARPA in line with the above-mentioned guidelines.
- Official certification by the architect appointed by the beneficiary is required for settlement of final payment (in case of infrastructural works).
- **The project is to be completed by not later than 1st September 2020 or as defined by the GXF in the respective grant agreement.**
- The final claim for reimbursement of funds allocated to the project must also be submitted within the deadline as defined in the grant agreement.

## **21. Extension to Contract Timeframes**

Should the beneficiary require an extension to the timeframe stipulated in the application form and contract, a written request is to be submitted to GXF, whilst notifying the Managing Authority. The form to be used in such case is the '*Change Request Form*' and the request should be made before the actual expiry of the original timeframe.

A request for approval of an extension of the time required in order to terminate the project is to be backed by written justified reasons. Cases related to poor project management will not be accepted. Following review of the request by the GXF, the final decision will be sent to the beneficiary in writing. Should an extension be approved, the period of extension shall be determined by GXF, after consultation

with the Managing Authority.

In cases where amendments to the contract are required, the beneficiary must submit a *Change Request Form* to GXF prior to the changes being actually implemented (a priori) and the beneficiary must wait for a reply from GXF.

If a request for changes to the contract is submitted after these changes have actually taken place (ex-post), the changes will not be eligible for funding and, depending on the extent of the changes, this may lead to the whole project being considered ineligible.

The written request for changes must indicate the changes required, the necessary justification and relevant supporting documentation.

If the applicant wishes to change the specification of the investments, a written request prior to such changes must be sent to GXF. For example, funding is approved for the purchase of Model X of a projector and following the contracting, the applicant wishes to purchase Model Y of this projector as the previous model is no longer produced/available, then a request for change must be submitted and the applicant must wait for a reply from the GAL XLOKK Foundation.

GXF will review the request and if the proposal does not affect the nature of the project and remains in line with the objectives of the Measure, the changes may be approved. A notification letter will be sent to the beneficiary in writing and an addendum to the contract shall be carried out and signed between all parties.

If the request for changes is not approved by GXF, the beneficiary will receive a notification and will be requested to confirm whether the project as stipulated in the contract will be completed or withdrawn.

### **Failure to comply with the contract**

Failure to meet the commitments stipulated in the contract shall result in sanctions applied to the amounts committed or paid. The Agriculture and Rural Payments Agency, Internal Audit and Investigations Department (IAID), the European Commission (EC), the European Court of Auditors (ECA), the European Anti-Fraud Office (DG OLAF) and/or the Managing Authority reserve the right to undertake further checks and controls.

## **22. Project Sustainability**

It is to be noted that in line with Article 71 of Regulation 1303/2013, in the case of an operation in infrastructure or productive investment, the applicant shall repay the contribution from the EAFRD Funds if within (5) years of the final payment to the beneficiary or within the period of time set out in State aid Rules, where applicable, it is subject to any of the following:



- a) A cessation or relocation of a productive activity outside the programme area;
- b) A change in ownership of an item of infrastructure which gives to a firm or a public body an undue advantage;
- c) A substantial change affecting its nature, objectives or implementation conditions which would result in undermine its original objectives.

### **23. Publicity**

In case of information and publicity, the main beneficiaries must abide by the provisions of Part 2 of Commission Implementing Regulation (EU) No. 808/2014, as well as any Publicity/Visibility Guidelines that may be provided by the GXF through MA.

In order to meet the requirements of the EAFRD Regulations, beneficiaries must ensure that adequate publicity is given to the project with a view to:

- a. making potential participants aware of the opportunities afforded by it;
- b. making the general public aware of the role of the Community in relation to the project;
- c. ensure transparency of the assistance concerned.
- d. As an example, materials used by the Beneficiary and major correspondence, including contracts signed with third parties must include any acknowledgement of EAFRD support.
- e. Any publicity material, such as advertisements, billboards and information leaflets about EAFRD co-financed projects must acknowledge this support.
- f. Publicity of individual projects must be incorporated into the project budget.
- g. Applicants are to be cautious when determining publicity actions for the project.
- h. Applicants should also ensure that the project benefits from any free publicity and that anything that will be proposed to be funded under the project is either obligatory or adds value to the results of the project, taking into account the value for money principle. In this regard, publicity measures of individual projects should take into account the nature of the project and must be relative to the size and objectives of the project.

- i. The Beneficiary should note that publicity may only be used to increase awareness of what EU funds are used for and to disseminate results. Publicity measures undertaken must be project specific.
- j. Publicity and information measures must not be used as a marketing tool to promote an organisation, its products, services or infrastructure. Where a project includes an element of marketing, this must be used to complement but not replace the project's obligatory information and publicity measures.
- k. Marketing efforts should be included as a separate activity in the project and as a separate budgetary allocation and justified accordingly. The Applicant may also make reference to the 'Visual Identity Guidelines 2014-2020' that may be downloaded from the following link:

<https://eufunds.gov.mt/en/EU%20Funds%20Programmes/European%20Agricultural%20Fund/Pages/Links%20and%20Downloads/Publicity.aspx>

#### **24. Data Protection**

GAL XLOKK has the duty to protect data provided in the Application Form. Any queries regarding Data Protection matters should be brought to the attention of the GAL XLOKK. The officer in charge can be contacted by e-mail on: [info@galxlokk.com](mailto:info@galxlokk.com)

#### **25. Retention of Documents**

The applicant is to retain all documentation in a project file (required to ensure any adequate audit trail) safely stored.

All documents pertaining to the implementation of the project must be retained by the applicant for at least five (5) years following the end of the programming period. This is to facilitate audits and the ex-post evaluation of the programme.

#### **26. Basic Terms and Conditions**

- If a project application is successful, EU Funds will be offered on rigorous terms and conditions, which will be stipulated in the Grant Agreement. In accepting the offer of EU Funds, the Applicant will take on responsibility for compliance with these terms and conditions. These include requirements to demonstrate satisfactory progress in delivering what the project has set out to achieve and adherence to an agreed pattern and time schedule of spending. Failure to meet these conditions and any false information given in the application may lead to the EU Funds being withdrawn and any EU Funds paid being recovered from the Applicant.

- All projects are subject to management verifications, audits carried out by auditors (including by the Internal Audit and Investigations Department (IAID), the European Court of Auditors and the European Commission (EC) auditors), evaluations (programme evaluators) and inquiries by DG OLAF. Officials from the GXF, ARPA and MA and other horizontal stakeholders would also have rights of access to the project and all relevant documentation. Such officials could carry out spot checks (physical and documentary) to establish that sufficient progress is being made in line with the Grant Agreement and that the Beneficiary has put in place systems of management and control that ensure the efficient implementation of the project in line with the relevant Regulations and Procedures.
- If the project is selected for funding, the Applicant would be bound by the principles of transparency, good governance, sound financial management and the relevant national regulations.
- By submitting the Application, the Organisation is giving its automatic consent to publishing (including on the internet) the details of the Organisation and the project (including budget and implementation period) in line with the obligations in the relevant Council and Commission Regulations.
- The applicant should also be aware of the durability clause enshrined in Article 71 of Regulation 1303/2013, which states that an operation retains the contribution from the EAFRD only if that operation does not, within five years from the final payment of the competent authorities, undergo a substantial modification.
- The applicant is to declare whether an application for part or all of the proposed project has been submitted for assistance under any other Community Source including European Regional Development Fund (ERDF), Cohesion Fund (CF), etc. If in the affirmative the applicant is required to indicate all relevant details.
- The applicant organisation should note that if the project is accepted, the applicant will be automatically giving his/her consent to have all the documents and data related to the project, (including name of project leader and other persons relevant to the project, invoices, receipts and documents related to contracts etc...) made available to all the relevant stakeholders including third party evaluators and auditors involved in the EAFRD fund system. The LAG reminds the Applicant that it is the responsibility of the Applicant to inform any third parties (including contractors) that all data and information relating to the project will be shared with other stakeholders, local and European.
- The chosen entity must ensure that all activities are carried out in compliance with applicable national and community rules and any other mandatory requirements as laid down in the Rural Development Programme for Malta

(2014-2020). Failure to do so will result in penalties with respect to the grant received plus interest accrued according to the law.

- Planning permit where relevant. In case where a Planning Authority (PA) permit is required, the valid PA permit and approved drawings or the application submitted to PA and related drawings have to be presented as part of the documentation with the application. GXF reserves the right to reject any project if the PA permit is not presented in time to allow the project to be completed by **1st September 2020**. Grant agreements for projects in need of such permits will only be signed once the valid PA permit is granted.
- Once the applicant endorses the contract with the LAG, the applicant will be automatically be giving its consent to the publication of data related to the payments that the ARPA will eventually be affecting. This will be in line with Regulation (EU) 1306/2013 of the European Parliament and of the Council. The regulation requires all Member States of the European Union to publish details of beneficiaries, who received payments under the CAP.

## 27. Selection criteria and Sub-criteria

An evaluation of the proposals will be carried out in accordance with the selection criteria set out in the Selection Criteria grid below:

	SELECTION CRITERIA	Maximum POINTS
<b>1. Relevance to the objective of the measure (max. 20 points)</b>		
1a	Evidence of cultural value of the asset in question	10
1b	Evidence of the tourism potential of the asset that is to be restored	10
<b>2. Link to the territory (max. 20 points)</b>		
2a	Evidence that the asset to be restored has a historical link to the area	10
2b	Evidence that the asset to be restored is linked to other sites/assets of cultural value in the same area	5
2c	Evidence that the asset to be restored is linked to other sites/assets of touristic value in the same area	5
<b>3. Type of project (max. 20 points)</b>		
3a	The project is an integrated project in that incorporates the achievement of more than one objective	5
3b	The project is area-based and targets more than one site/asset within the same area	10
3c	The project is a co-operative project; in that it involves more than one local actor	5
<b>4. Social impact on the Community (max. 15 points)</b>		
4a	The project has an element of information and education that is targeted to children	5

4b	The project has an element of information and education that is targeted to youths	5
4c	The project has an element of information and education that is targeted to persons with learning difficulties and/or disabilities	5
<b>5. Preparedness (max. 10 points)</b>		
5a	Evidence that the necessary consultation with stakeholders has taken place	10
5b	Evidence that the necessary consultation with regulatory entities (e.g. Superintendent of Heritage) has taken place	5
<b>6. Sustainability of the Project (max. 10 points)</b>		
6a	Evidence that the project has a neutral or positive impact on the environment and the climate	5
6b	Evidence that the project has a neutral or positive impact on gender and other forms of non-discrimination policies	5
<b>TOTAL:</b>		<b>100 points</b>

To be considered for funding or to be placed on the reserve list, a project must pass all the eligibility criteria (refer to Section 5 of these Guidance Notes) and must also obtain **50 marks** out of the total marks allocated to the selection criteria. Please note that in relation to the above, for every criteria there are sub-criteria which the Project Selection Committee will be using to mark the projects.

## **28. Application requirements checklist - *List of requirements and annexes Checklist***

1. Original signed project application form (1) together with one (1) copy of the signed project application forms	<i>Compulsory for all applicants in the original submission</i>
2. Soft copy of the application form saved both in PDF (.pdf) and WORD (.doc or .docx) format including also the supporting documentation	<i>Compulsory for all applicants in the original submission</i>
3. Copy of I.D. Card of Project Leader	<i>Compulsory for all applicants</i>
4. Letter of Intent signed by the entity's official representatives or by the majority of the committee appointing the Project Leader	<i>Compulsory for all applicants</i>
5. Title Deeds or Lease or other form of contract for Project Location (Contract) in cases of infrastructural interventions or any other interventions that are related to the building	<i>If applicable</i>
6. Signed Owner's consent in the case of a lease/management agreement/guardianship or any other form of contract for the works to be carried out	<i>If applicable</i>

7. Log/Timeline of activities (in case of investments that will result in delivery of specific services – (Section 6G of the application form)	<i>Compulsory for VOs and natural persons only in the original submission</i>
8. Section 6H of the application duly filled	<i>Applicable for Local Councils only in the original submission</i>
9. Copy of Voluntary Organisation (VO) Certificate issued by the Commissioner for Voluntary Organisations	<i>Applicable for VOs only</i>
10. A copy of the certificate/email of compliance issued by the Commissioner for Voluntary Organisations till the year ending 2017	<i>Applicable for VOs only</i>
11. The latest signed VO statute as approved by the Commissioner for Voluntary Organisations	<i>Applicable for VOs only</i>
12. Financial Accounts for year ending 2017 as submitted to the Commissioner for Voluntary Organisations	<i>Applicable for VOs only</i>
13. Audited financial statements of year n-1 and n2. If n1 year audited accounts are not available, the applicant is to submit management financial accounts.  <i>The GXF retains the right to consult with the Director of Local Government to check that the co-financing as declared by the Local Council is available/ likely to be met. This assessment by the Director of local Government will be made on the basis of the information provided by the applicant.</i>	<i>Applicable for Local Councils only</i>
14. The most recent site plans and approved drawings found in the PA website related to the proposed investment	<i>If applicable</i>
15. Income tax compliance certificate – a certificate issued not earlier than three months from the date of the application submission, by the Inland Revenue Department confirming that the applicant has no liabilities in respect of Income Tax or is otherwise honouring an agreement for settling any outstanding amounts.	<i>Applicable for natural persons only</i>
16. Copy of application with PA and proposed drawings and site plans related to the proposed investment	<i>If applicable</i>
17. Correspondence with the PA that the enhancement of the proposed premises/site or the proposed use does not require a PA permit or a DNO.	<i>If applicable</i>
18. The restoration method statement as submitted and approved by the PA. The method statement should meet the requirements of the Superintendence of Cultural Heritage	<i>Compulsory for all applicants</i>
19. Copy of VAT Certificate	<i>If applicable</i>
20. Copy of latest Jobsplus certificate	<i>Applicable for Local Councils only</i>
21. FSS / SSC Clearance Certificate from the Inland Revenue Department together with VAT Declaration from the VAT Department confirming there are no pending dues ( <i>the certificate should not be dated up to 3 months prior to the deadline of this batch/deadline</i> )	<i>Applicable for natural persons and Local Councils only</i>

22. Itemised comparable guaranteed quotations <sup>4</sup> or pro-forma invoices for all project costs which are not related to infrastructural investment ( <b>3 quotations</b> , including VAT number of supplier and beneficiary, reference number, original signature, details of supplier, address of beneficiary, amount excluding VAT, VAT rate, total including VAT and quantities.)	<i>If applicable (Compulsory in the original submission)</i>
23. Detailed, Signed and Dated Estimate by an architect in case of structural works (Bill of Quantities)	<i>If applicable (Compulsory in the original submission)</i>
24. In case of the submission of 3 quotations, a signed and dated adjudication report stating the chosen supplier/s – to be signed by the project leader and another legal representative of the entity	<i>Compulsory in the original submission for all applicants (in case of quotations)</i>
25. Original signed Bank, accountant or auditor’s declaration confirming availability of own resources if the co-financing of the project will be met through own resources – (An original signed declaration stating that the applicant is financially sound to cover the 20% co-financing). Declaration should clearly refer to the project being implemented.  <i>Declaration should be issued not earlier than 3 months from the deadline of the applicable cut-off date or not earlier than 3 months from the date of submission of application whichever is applicable</i>	<i>Compulsory for all applicants</i>
26. The latest photographic evidence of the proposed investment	<i>Compulsory for all applicants</i>
27. If private part is to be financed by a loan, a bank letter of intent or a bank sanction letter is to be provided. The letter shall be issued not earlier than 3 months from the date of the submission of the application ( <i>Refer to annex 3</i> ).	<i>If applicable</i>
28. Section 8 of the Application is duly signed – Declaration	<i>Compulsory for all applicants</i>
29. All sections of the application have been filled in	<i>Compulsory for all applicants in the original submission</i>
30. Annex 1 – VAT Declaration Form	<i>Compulsory for all applicants</i>
31. Annex 2 - Restoration Method Statement	<i>Compulsory for all applicants</i>
32. Annex 3 – Bank’s letter of intent	<i>If applicable</i>

<sup>4</sup> “Guaranteed quotations” means that the applicant must get a signed quotation from the supplier/s which must remain valid until completion of the project if the project is selected for funding. This quotation must be a formal one including the letterhead of the supplier, a reference number, details of both supplier and the applicant, VAT number of the supplier and beneficiary and original signature.

**Note to the applicant:**

Part or all of the information you provide will be held on a computer. This information will be used for the administration of applications and producing monitoring reports. The Foundation has the right to share information with government departments, agencies and implementing bodies to enable them to prevent fraudulent applications or for detecting crime and to co-ordinate processing of complementary applications.

The information on the Application Form along with any attached documents will be treated as confidential throughout and after the project appraisal process. If your project is selected for an award of grant, to meet EU requirements for transparency regarding the use of EAFRD assistance, the Ministry for European Affairs and Equality and GAL XLOKK Foundation (GXF) have the right to publish the name of the applicant, the amount of grant awarded and a brief summary of the project.



# Annex 1 - VAT Declaration Form

## Part I – Declaration by Beneficiary

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1. Project Title	<input type="text"/>
2. Beneficiary Organisation	<input type="text"/>
3. Beneficiary Organisation Address	<input type="text"/>
4. Name of Legal Representative	<input type="text"/>
5. VAT no. (if any)	<input type="text"/>
6. Brief Project Description	<input type="text"/>

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7. Does the organization have any sales on which VAT is charged or zero rated sales (exempt with credit)?

Yes

No

If **NO**, the organization has no right of recouping VAT from the VAT Department.

If **YES**, please provide a short description of the sales on which VAT is charged.

**8. Please identify whether project is directly related to the sales on which VAT is charged or to sales which are zero rated (exempt with credit).**

Yes                       No                       Partial

If **YES**, for this activity, the organisation would be considered as a taxable person with an obligation for article 10 registration and would have the right of full deduction of input VAT attributable to the project in terms of article 22 of the VAT Act (Cap. 406, Laws of Malta), provided that the project would be entirely used for the purpose of such supplies.

If **NO**, for this activity, the organisation would either be considered as a taxable person doing exempt without credit supplies or a non-taxable legal person with activities outside the scope of VAT and for which registration under article 10 is not required and whereby there would be no right of input VAT deduction under the VAT Act.

If **PARTIAL**, for this activity, the organisation would be considered as a taxable person requiring article 10 registration and would have a partial right of input VAT deduction in terms of article 22 of the VAT Act.

**I declare that the above mentioned information is correct.**

Signature and stamp of Beneficiary Organisation	Name of Legal Representative	Date
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For official use only:

**Part II – Declaration by VAT Division**

Based on the information reported by the Beneficiary in his declaration the VAT status of the beneficiary organisation vis-a-vis the activities envisaged under Technical Assistance is considered as:

Taxable person (right of full deduction)	<input type="checkbox"/>
Taxable person (partial right to deduct)	<input type="checkbox"/>
Taxable person (exempt with credit)	<input type="checkbox"/>
Taxable person (exempt without credit)	<input type="checkbox"/>
Non-taxable legal person (activities out of scope of VAT)	<input type="checkbox"/>

Signature and stamp of VAT Department Representative	Name of VAT Department Representative	Date
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## **Annex 2 – Restoration Method Statement**

In line with the provisions of the Cultural Heritage Act, to ensure the best diagnostic, restoration and documentation practice, as per normal practice, the applicant should provide the Superintendence of Cultural Heritage with a **Restoration Method Statement** for each artefact containing the following:

1. An art-historical appraisal of each painting;
2. A condition report, including any onsite and laboratory analysis, both non-intrusive as well as any intrusive methods;
3. The proposed methodology for the removal and transport of the artefact from the site to the restoration studio and back, as well as the location of the studio, if applicable;
4. The proposed methodology of restoration of all the elements of the cultural item (canvas, paint, lining, frame). The method statement must also include the Proposed Treatment of the artwork, processes and rationale for same; in the case of sampling and testing of materials at laboratories, adequate information about these should be indicated; an indication of whether artworks will be subject to scientific tools, such as X-rays, multispectral imaging, etc.;
5. The report should be illustrated as necessary;
6. Time-frames;
7. *Curriculum Vitae* of qualified and experienced persons working on the restoration of the artefact, as well as those of the supervisors;
8. Monitoring of restoration;
9. Post restoration report: Restorers are to submit a detailed before and after report of the conservation project. The report must mirror and complement the original project proposal. A date for the submission of this report must be indicated prior to initiation of works.

The **Temporary Export** of the works of art **requires a special consent** from the Superintendence of Cultural Heritage, for which a separate request with details must be made before commitment.

The details must include the following:

- Clear images of the works of art, back and front, including details of identifying features including but not limited to signatures, dates and signs of damage/deterioration;
- Scheduled date of export and proposed date of return;
- The necessary measures to be taken during transportation to and from the restoration studio to ensure safe transfer;
- Adequate insurance coverage or proof of government indemnity;
- Details of packer and shipping agency.

The permit covering the temporary export from national territory will be issued without prejudice to any other provisions, obligations and regulatory actions that may be

necessary as prescribed in the Cultural Heritage Act, 2002 (Chapter 445) or any other law of the Republic of Malta.

In the case of works of art belonging to the Catholic Church, the applicant must also submit a *Rikors* to **Catholic Cultural Heritage Commission (CCHC)**, a copy of which should be provided to the Superintendence of Cultural Heritage for record purposes. The Superintendence reserves the right to consult with the CCHC.

**Annex 3- Recommended text for Bank letter of intent**

Our Ref:

Date

The Manager  
GAL XLOKK Foundation  
269, Main Street  
Qormi. QRM 1107

Dear Sir

We are informed that \_\_\_\_\_ has applied for an EU funded call.

The Bank is interested and prepared to consider in terms of its credit policy, any application for financial support in connection with this project.

In particular, but without limiting the generality of the foregoing, our commitment to provide bank funding, as well as establishment of the conditions applicable to such funding, would only be possible after the following are carried out, to the Bank's satisfaction:

- i. a detailed assessment of the business and financial plans;
- ii. a viability study of the project; and
- iii. a situation analysis, at the time of the application

Kindly note that this letter does not constitute a binding obligation upon the Bank and any application for credit facilities would be subject to a full formal credit analysis, in line with the Bank's normal lending criteria.

Yours faithfully,

Relationship Manager