

PROGRAMME OF THE MINISTER OF CULTURE AND NATIONAL
HERITAGE OF POLAND
COLLECTIONS

PRIORITY 3
COMPOSING COMMISSIONS



PROGRAMME GUIDELINES

Objectives

"Composing Commissions" is Poland's first systemic effort to stimulate the development of new pieces of music and promote them publicly.

Eligible entities may apply for grants to fund the **creation of one new piece of music** by a Polish or international composer.

The grant money is also used to cover the costs of the new work's premiere performance and first recording, of making the recording publicly available free of charge (at least in significant fragments), and of preparing materials enabling future performances of the work. All of this is necessary for the new works' promotion and making effective use of the public funds awarded.

Performance materials are published on the website of the Institute of Music and Dance in Warsaw www.imit.org.pl (<http://imit.org.pl/pl/materialy/do-wykonania.html>), and publicly available free of charge. The recording of the premiere performance is published on the website of the National Audiovisual Institute www.ninateka.pl (<http://ninateka.pl/filmy/zamowienia-kompozytorskie-mkidn>), and publicly available free of charge.

It should be emphasised that the programme welcomes all music genres and styles. We invite the participation of composers of classical, jazz, alternative, and pop music, as well as poets, choreographers, improvisers, and other artists outside of the musical profession who would like to collaborate with composers.

The previous three editions resulted in 280 new pieces of music being written by 192 composers (Polish and international).

What's new in the 4th edition

As a result of a survey conducted among the beneficiaries of the first edition of the programme, the format of the fourth edition has been changed to address issues raised by composers, performers, and publishers.

1) Publication of performance materials on the Internet

As of the fourth edition there is a choice of publishing:

- a) complete performance materials (score, orchestral parts, other) and a recording (option A); in this case the composer(s) shall provide complete performance materials to be that might be used by potential performers in the course of two years.

b) only a score and a recording (option B); in this case the composer(s) shall provide the score to be published on the Internet without assigning performance rights to any third parties. In option B, performance materials (orchestral parts, other) may be made available for renting (with or without a charge) exclusively from:

- the copyright holder (publisher, agency, etc.), based on an invoice,
- the composer(s), based on an appropriate contract (license).

The above applies to solo, chamber (up to four performers), and choral works which may be performed based on a score.

The making of parts cannot be charged to the beneficiary.

2) Grant allocation

The grant awarded by the ministry of culture must be allocated as follows:

a) When option A was chosen:

- at least 60% must be allocated for the remuneration of the composer(s) and other creators in the case of works for 44 performers maximally (**work category A–D**),
- at least 50% must be allocated for the remuneration of the composer(s) and other creators in the case of works for 45 performers and more (**work category E–G**),
- not more than 40% may be allocated to cover the costs of the premiere performance and administration of the project in the case of works for 44 performers maximally (**work category A–D**),
- not more than 50% may be allocated to cover the costs of the premiere performance and administration of the project in the case of works for 45 performers and more (**work category E–G**).

b) When option B was chosen:

- at least 50% must be allocated for the remuneration of the composer(s) and other creators in the case of works for 44 performers maximally (**work category A–D**),
- at least 40% must be allocated for the remuneration of the composer(s) and other creators in the case of works for 45 performers and more (**work category E–G**),
- not more than 50% may be allocated to cover the costs of the premiere performance and administration of the project in the case of works for 44 performers maximally (**work category A–D**),
- not more than 60% may be allocated to cover the costs of the premiere performance and administration of the project in the case of works for 45 performers and more (**work category E–G**).

The sum allocated for the remuneration of the composer(s) and other creators must be calculated as a percentage of the total costs of the commission and premiere performance.

3) Annual budget

In the case of one-year projects the funds awarded must be spent by the end of 2015.

In the case of two-year projects, the budget should be planned as follows:

- the 2015 allocation must amount to 50–80% of the whole grant requested,
- the 2016 allocation must amount to 20– 50% of the whole grant requested.

4) Subsequent performances of the work

As of 2014, costs related to the second and third performance of the new work may optionally be refunded on condition that the piece is performed in an unchanged form, by the same set of performers, and the repetitions take place each time in a different city, before the end of the whole project. The following are eligible costs as regards the repetitions: remunerations of producers and performers; rental of performance materials; rental, transport and tuning of instruments; costs of travel and accommodation of producers and performers. The change is meant to stimulate networking between beneficiaries and promote the exchange of projects.

It should be remembered that:

- the Applicant may maximally request an additional 100% of the total sum requested for the organisation of the premiere performance and project administration (the allocation for the beneficiary) for the organisation of the first repetition;
- the Applicant may maximally request an additional 50% of the total sum requested for the organisation of the premiere performance and project administration (allocation for the beneficiary) for the organisation of the second repetition.

Costs related to the first and second repetition need to be listed and precisely described in the Preliminary Budget. They should be marked as follows:

P1 – for the first repetition,

P2 – for the second repetition.

The change does not result in any change of the allocation for composer(s) and co-authors, which remains in proportion to the costs of commission and the premiere performance.

5) Maximum sums that may be requested

Because two repartitions may now be refunded as well, the maximum sum of grant that may be requested is:

- PLN 128.000 for the commission, premiere performance, and one repetition,
- PLN 152 000 for the commission, premiere performance, and two repetitions.

To calculate the exact maximum sum that may be requested, it is necessary to determine the work's category (A-G), according to the table in pt. 5 of Annex 1C to the programme's Regulations. The categories have remained unaltered.

The application procedure

"Composing commissions" is a priority project of "Collections", a programme of the Minister of Culture and National Heritage, implemented by the Institute of Music and Dance. This means it is a competitive grants programme. **Each new work requires a separate application.**

Eligible entities are Polish state and local culture institutions; non-governmental institutions; churches and religious communities; art universities and colleges; state and non-state schools providing art education at primary and secondary level; and businesses. Applications must be submitted via the ministry's website. To apply you have to register with the EBOI system (<https://esp.mkidn.gov.pl>). Registered users may save drafts, generate documents in pdf format, submit documents online, and correct them.

Persons who have an electronic signature can complete the application process online. Those who do not will need to **send a signed hardcopy of an online-generated application confirmation** to the ministry of culture by post.

Detailed guidelines on how to use the EBOI system are available on the ministry's website in the *Krok po kroku* (Step by Step) section, and on the website of the Institute of Music and Dance.

Legal status of Applicants

If the Applicant will also be the performer of the commissioned work (a philharmonic orchestra, an opera), the application should state that precisely. It is also possible for a culture institution or a non-governmental organisation to represent a performer who is not a legal person (soloists, chamber ensembles, choirs) and to submit an application in their name (as the commissioning party and performer).

Individual composers and ensembles without legal personality cannot submit applications for this programme.

Financial requirements to be met by Applicants

An Applicant may request the minimum of PLN 10.000 and the maximum of PLN 152.000. The grants are targeted subsidies and may be used solely to cover costs related to the creation, premiere performance, and dissemination of a specified work of music. A detailed list of eligible costs is included in **Annex 1A to the programme's Regulations "List of eligible costs related to the commission and premiere performance"** and in **Annex 1B "List of eligible costs related to the first and second repetition performance"**. Other costs related to the organisation of the event that includes the work's performance must be covered with funds obtained from other sources.

Own contribution

The grant cannot exceed **90% of the total budget of the project**. How can the Beneficiary's own contribution be calculated?

As it is the case with other programmes devised by the minister of culture, all costs must be **accounted for in records kept by the Beneficiary**. The Applicant must be able to prove (during an inspection from the Institute of Music and Dance, ministry of culture, the Supreme Audit Office, or tax authorities), for example, that part of an employee's remuneration was due for tasks related to the project. Overall, these sums must be listed in the budget summary filed after the conclusion of the project, but do not have to be listed in the record of bills and invoices.

The 10% own contribution may include potential proceeds from the project (e.g. ticket proceeds). All proceeds from the project must be used for its implementation: **the project cannot generate income**.

As the Beneficiary must be the organiser/co-organiser of the concert(s) featuring the premiere performance and repetition performances of the work, proceeds (e.g. from tickets) must be charged to the Beneficiary's account, not only listed in the accounting documents of co-organisers.

The amount of own contribution is also one of the scoring criteria. In extraordinary circumstances the Applicant may request that own contribution be reduced or even that the project be fully financed by the grant, providing a valid justification. The decision to allow such an application lies exclusively with the minister of culture. If the minister rejects the application, it is considered formally invalid and excluded from further proceedings.

Formal requirements to be met by the Applicant/Beneficiary

An important element of the project is recording the premiere performance in audio or audio and video format. This serves to secure the widest possible access to the works and performances financed with the use of public funds. The recording has only an archival function, and does preclude future recordings. To serve its function, the recording is published online on a non-exclusive licence. Considering different circumstances in which premiere performances take place, in specific situations, only fragments of the premiere performance may be published online.

Concert promoters must make sure that their contracts with performers include the latter's consent for the archival recording to be made and published online free of charge.

Another issue is the question of preparing orchestra materials and other representations of the work of music listed in the section Performers, sheet music, tape, etc. below.

It should be remembered that **each application may concern one project only**. The number of applications is not limited.

Composers' and co-authors' declarations confirming their participation in the project may be collected only directly before signing the Agreement. As of this year, the online application form includes a declaration confirming that the Applicant has obtained artists' consent for cooperation. The declaration will be featured in the automatically generated application confirmation.

Please mind that significant, justified changes to the project, i.e. regarding performers, date and place of the premiere performance and repetition performances, must be approved by the Institute of Music and Dance, and confirmed in an annex to the agreement. Please notify the changes in time for us to prepare all the documentation needed and, in complicated cases, refer the matter to the entity that evaluates applications.

Changes concerning composer(s) and/or co-author(s) are not possible in the course of the project's implementation. Far-reaching changes require the submission of a new application as they result in a work of music different to the one originally described.

Copyright protection

This important, yet still insufficiently appreciated, issue constitutes an obligation for all parties to respect one another's rights (Polish Act on Copyright and Neighbouring Rights of 4 February 1994). Composers should remember that if they are willing to use copyrighted

poetry or fragments of prose to create a vocal and instrumental work, they need to obtain consent of the author (even if they want to use the text only partially) and the translator if they want to use a translated version of the text. The new work is automatically protected by copyright if it exists in the form of manuscript or has been printed out at least in one copy, and does not have to be registered or published. Author's moral rights, such as the right to claim authorship or the right to the integrity of the work, cannot be assigned to third parties or waived. Author's economic rights may be licensed, and third parties may publish, record, or use the work, e.g. in a film.

Every ensemble that commissions a work or performs commissioned music must remember that any alternations (shortenings, changes in instrumentation) must be approved by the work's author. What is more, the fact that a work was commissioned, even if an appropriate agreement was signed, does not mean that any economic rights were assigned by the author to the commissioning party. Even if a composer made the original manuscript available for the purposes of the premiere performance, it remains the property of the author. If an ensemble prepared performance materials or a tape, paying all the related costs, the ensemble is only the owner of the carrier, not the rights to the work itself.

The main collective rights management company in Poland is the ZAiKS Authors' Association, but a composer does not have to be its member to be protected by the organisation. Apart from a remuneration for creating the work, the composer is entitled to royalties for its performances and use. An organisation representing performers automatically transfers appropriate fees to ZAIKS for every performance, while ZAIKS pays out royalties to the author. On ZAIKS website (www.zaiks.org.pl) you will find detailed information on licensing works, contract templates, and royalties calculation.

For your benefit we have prepared template license agreements (for authors and performers) in Polish and English, which you may freely use and adapt.

Performers, sheet music, tape, etc.

Composers may suggest that certain soloists or conductors participate in the premiere performance of the commissioned work, or that they perform the work themselves if they are conductors or performers, yet the final decision lies with the artistic director of the institution. If the work requires untypical musicians or set of instruments to be performed, the fact should be communicated to the institution's heads as soon as possible.

It is also important that orchestra materials and other representations of the work are prepared professionally (nothing is more disheartening for performers of a new piece than a performance material that is full of mistakes) and according to a schedule, to allow the conductor, soloists, and orchestra to get ready for the concert. It is also recommended that alternations are kept to the minimum, or that corrections are made after the premiere performance. Composers who decide to take part in the programme are obliged to provide a full set of performance materials without any extra remuneration. This includes hardcopy sheet music and digital files that must be provided to the Institute of Music and Dance. The materials will be used for the purposes of the premiere performance and published on the Internet on a non-exclusive licence for other performers to use for free in the course of two years of the publication date (without the right to record the work).

The performance materials (score, parts, tape, scenario, choreography) may be digitalised by the authors themselves or they can seek the help of professional copyists (or sound directors, for example), publishers, or producers, provided that they come to an agreement with the authors. Participation in the programme does not limit the author's right to make agreements e.g. with publishers, on condition that for the first two years the work is available publicly on a non-exclusive license.

If the new work requires extra "accessories", such as a tape, sound equipment, or computer equipment, the fact should be notified to the institution's head in advance.

Model application

For ease of reference, the websites of the ministry of culture and the Institute of Music and Dance contain a model grant application. Please contact Ms Małgorzata Kosińska (Institute of Music and Dance) for further queries (e-mail: malgorzata.kosinska@imit.org.pl, tel.: +48 22 829 20 17).