

English translation of the official wording of the '[Subsidieregeling indemniteit bruiklenen 2016](#)', the Loan indemnity subsidy scheme 2016, from the Ministry of Education Culture and Science in the Netherlands.

## Loan indemnity subsidy scheme 2016

[Scheme ends on 1 January 2025]  
Valid from 1 January 2020 to date

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By order of the Minister of Education, Culture and Science of 24 October 2015, no. WJZ/787439 (10436), containing replacement of the Loan indemnity subsidy scheme 2008 in connection with a more efficient use of the available guarantee limit to increase the number of exhibitions that may qualify for indemnity (Loan indemnity subsidy scheme 2016).

The Minister of Education, Culture and Science,

In view of Article 4 of the Cultural Policy (Special-Purpose Funding) Decree ([Besluit op het specifiek cultuurbeleid](#));

Decrees:

### Section 1. Definition of terms

In this scheme the following terms have the following meanings:

- a. *minister*: The Minister of Education, Culture and Science, (OCW)
- b. *institution*: publicly accessible institution specialized in managing museum collections or organizing exhibitions;
- c. *object*: cultural resource as referred to in Section 1.1. of the Heritage Act ([Dutch Erfgoedwet](#)) including various types of frames, pedestals, etc. originating from a foreign collection or from a private collection that is not publicly accessible;
- d. *exhibition*: temporary exhibition in the Netherlands that provides a compilation of important objects, possibly in combination with other cultural resources, in a context that is generally not available in the Netherlands, offering an understanding of periods, issues, persons or products of cultural-historical significance;
- e. *indemnity certificate*: decision by virtue of which a conditional right to subsidy as referred to in Section 2(1) is granted;
- f. *indemnity percentage*: part of the total insured value of the objects that qualify for an indemnity certificate, expressed in percentages, with the total insured value being 100.

### Section 2. Indemnity certificate

1. The minister may grant an institution a subsidy for an exhibition, subject to the suspensive condition of loss of or damage to the objects given on loan by third parties.
2. The suspensive condition applies during the period for which the subsidy recipient has taken out insurance for the loans.

### **Section 3. Subsidy limit**

1. The total of rights to financial resources in a fiscal year pursuant to indemnity certificates will never exceed a sum of €300 million.
2. An indemnity certificate is charged to the available amount for a period of two weeks before the start of the exhibition up to two weeks after the end of the exhibition.
3. In derogation from subsection 2, a different period may be requested per exhibition to which the indemnity certificate relates, if this period commences and concludes with an assessment drawn up by the institution of the condition of the objects and if it concerns a consecutive period.

### **Section 4. Conditions**

1. An indemnity certificate is granted only if:
  - a. in the opinion of the minister, an institution has demonstrated that this indemnity certificate:
    - 1° - will result in a saving on the insurance premium for the loan or loans in question, of at least 20 percent; *or*
    - 2° - will, if the indemnity percentage is lower than 30 percent, result in a saving on the insurance premium for the loan or loans in question, of at least 66 percent; and
  - b. in the opinion of the minister, an acceptable balance between the significance of the exhibition, referred to in subsection a, on the one hand, and the risk to be accepted by the Minister of Education, Culture and Science on the other.
2. The conditions that apply to the insurance for which the indemnity is granted apply to the indemnity certificate by analogy.

### **Section 5. Application**

1. An application for an indemnity certificate is submitted no more than one year and no less than eight weeks before the start of the period referred to in Section 3(2).
2. An application form stipulated by the minister must be used for the application.
3. The application must be accompanied by:
  - a. an insurance proposal;
  - b. insofar as the application relates to various objects, a list of the objects to be received on loan, as well as the insured value of each object; and
  - c. insofar as the application relates to an exhibition, an exhibition schedule.
4. The insurance proposal must in any case set out the insurance premium without discount, as well as a specification of the discount given for an indemnity percentage of no more than 30 percent, with the subsidy applied for amounting to no more than €70 million.
5. When submitting an application, the institution declares its compliance with the requirements regarding the security of the objects and the security of the institution, referred to in Section 8. At the minister's request, the institution will submit the documents referred to in Section 8 and it will demonstrate the on-site security measures.

## **Section 6. Subsidy provision**

1. Decisions about applications are made in the order in which they are received by the minister.
2. The minister makes a decision within eight weeks of receiving the application.
3. When issuing an indemnity certificate, the minister stipulates the extent of the right. The right does not exceed a sum of €70 million and the indemnity percentage is no more than 30 percent.
4. The indemnity certificate is subject to a policy excess stipulated by the minister in accordance with the tables in the annex. This amount is deducted from the subsidy in the case of any loss or damage to which the indemnity certificate applies.

## **Section 7. General obligations**

1. In the event of loss or damage to which the indemnity certificate applies, the subsidy recipient ensures that the work is carried out in such a way that the subsidy is used effectively for the purposes for which it is granted.
2. The subsidy recipient will immediately notify the minister of any facts and circumstances that may be relevant to the subsidy provision. Such a notification is accompanied by the documents that relate to the facts and circumstances given and by an explanation of the cause of the facts and circumstances given.
3. The subsidy recipient cooperates in any investigations instigated by or on behalf of the minister, aimed at providing the minister with information to develop her policy.

## **Section 8. Security-related obligations**

During the period to which the indemnity certificate relates:

- a. The institution will have a current risk inventory and analysis in place for all cultural resources within the meaning of Section 1.1 of the Heritage Act managed by the institution;
- b. The institution will take sufficient measures for the objects to which the indemnity certificate relates on the basis of the risk analysis referred to in subsection a;
- c. The institution will have an up-to-date emergency plan in place;
- d. The institution will provide the minister, at the latter's request, with information about the safety, security and surveillance of the objects to which the indemnity certificate relates; and
- e. The institution will show the minister, at the latter's request, its on-site organisational, structural and electronic security facilities.

## **Section 9. Reporting damage**

1. In the event of loss of or damage to objects to which the indemnity certificate relates, the institution will send the minister a description of the nature, scope and cause of the loss or damage, as well as an overview with a calculation of the damage, drawn up by the insurer. At the request of the minister, the institution will provide a detailed breakdown of the calculation of the damage.
2. Loss of or damage to objects is reported to the minister as soon as possible.

## **Section 10. Establishing the amount of the subsidy**

1. After having received the documents referred to in Section 9, the minister will establish the amount of the subsidy within thirteen weeks.
2. The amount of the subsidy is established on the basis of the amount of the claim to which the indemnity certificate relates, subject to a maximum of the amount given therein, less the policy excess referred to in Section 6(4).

## **Section 11. Notification of changed costs and amendment of established amount**

1. If, after the amount of the subsidy has been established as referred to in Section 9, the costs prove to be lower than the subsidy granted, the institution will notify the minister.
2. In cases as referred to in subsection 1, the minister may amend the decision about the subsidy amount established.

## **Section 12. Withdrawal of Loan Indemnity Subsidy Scheme 2008**

The Loan Indemnity Subsidy Scheme 2008 ([Subsidieregeling indemniteit bruiklenen 2008](#)) is withdrawn.

## **Section 13. Transitional provisions**

[Lapsed on 1 January 2020].

## **Section 14. Entry into force and sunset provision**

This scheme comes into effect on 1 January 2016 and lapses on 1 January 2025.

## **Section 15. Short (reference) title**

This scheme shall be cited as: Loan indemnity subsidy scheme 2016.  
This scheme will be published in the Government Gazette.

The Minister of Education, Culture and Science,  
M. Bussemaker

## **Annex to Loan indemnity subsidy scheme 2016**

### **Policy Excess Amounts**

#### **Exhibition**

Insured value in €	Policy excess per event in €	Maximum policy excess in €
≤ 20 million	1,000	2,500
> 20 – ≤ 50 million	2,500	7,500
> 50 – ≤ 150 million	5,000	15,000
> 150 million	7,500	25,000