



Guidelines on financial assistance to the benefit of maintaining moveable cultural heritage

Applications to:

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Table of contents

1. CHAPTER: PRINCIPLES (Guidelines)	1
1.1 Purpose	1
1.2 Scope / Area of application	1
1.3 Types of financial assistance	1
1.4 Criteria for the priority allocation of financial assistance	1
1.5 Eligible expenses	1
1.6 Top rate / Payout of financial assistance	2
2. CHAPTER: SPECIAL (Types of projects)	2
2.1 Financial assistance for fiduciary custody of especially at-risk cultural property “Type A” (Temporary custody).....	2
2.2 Financial assistance for projects to maintain the cultural heritage “Type B (Projects)	3
2.3 Financial assistance to ease restitution of cultural heritage “Type C” (Restitution).....	3
3. CHAPTER: PROCEDURE	4
3.1 Submission of application.....	4
3.2 Competing submissions at other federal offices	4
3.3 Formal application review.....	4
3.4 Processing deadlines	4
3.5 Authority to grant financial assistance.....	5
3.6 Decision.....	5
3.7 Reports	5
Appendix: Directives	6



1. CHAPTER: PRINCIPLES (Guidelines)

1.1 Purpose

With financial assistance, the Confederation wants to

- make a contribution to maintaining the movable cultural heritage of mankind, and/or
- prevent theft, looting, and the illicit import and export of cultural property.

The financial assistance is implemented according to the Federal Act on the International Transfer of Cultural Property (CPTA; SR 444.1) and the affiliated Ordinance (CPTO; SR 444.11).

1.2 Scope / Area of application

- Financial assistance relates to moveable cultural property as a matter of principle.
- Partial amounts may be awarded to projects relating to both moveable as well as immovable cultural property.
- Moveable cultural property is not permanently fixed to the ground, or can be easily removed from the fixed position through easy measures.
(cf. www.bak.admin.ch/kgt > Cultural Property > Examples of cultural property).

1.3 Types of financial assistance

Below is a description of the three cases for which financial assistance may be granted:

- **Type A** (Temporary custody): To museums or similar institutions in Switzerland for the temporary fiduciary custody and conservatory care of cultural property that is part of the cultural heritage of another state and is in jeopardy in that state due to exceptional events (Art. 14 para. 1 let. a CPTA);
- **Type B** (Projects): For projects to maintain the cultural heritage of other contracting states (countries that have ratified the 1970 UNESCO Convention) (Art. 14 para. 1 let. b CPTA);
- **Type C** (Restitution): Under exceptional circumstances to state authorities and international organizations to ease the restitution of the cultural heritage of contracting states (Art. 14 para. 1 let. c CPTA).

1.4 Criteria for the priority allocation of financial assistance

The Federal Office of Culture FOC decides about the applications in consultation with the Political Office and the Office for Development and Cooperation SDC (both belonging to the Federal Department of Foreign Affairs, FDFA). Its decision is based on the authoritative list "Criteria for the priority allocation of financial assistance". The list is published on the FOC Internet site:

(see **Appendix**; www.bak.admin.ch/kgt > Financial assistance movable cultural heritage).

1.5 Eligible expenses

As a rule, financial assistance can be asked for the following expenses:

- The salaries of scientific and technical staff on the project;
- Material expenses directly relating to the execution of the project, specifically material of lasting value, expendable items, field expenses, travel and third-party expenses;
- Submissions to publications dealing with the topic of maintaining and/or protecting cultural heritage;
- Contributions to conduct events.

1.6 Top rate / Payout of financial assistance

- Financial assistance may amount to a maximum of 50 percent of asserted costs (Art. 10 para. 1 CPTO).
- Financial assistance amounts to a maximum of:
 - o For type A (Temporary custody) CHF 100,000 per year;
 - o For type B (Projects) CHF 100,000 in the form of a one-time flat-rate contribution per project;
 - o For Type C (Restitution) CHF 50,000.
- There is no legal right to financial assistance.
- The Specialised Body for the International Transfer of Cultural Property FOC (Specialised Body TCP) may pay out financial assistance in instalments.

2. CHAPTER: SPECIAL (Types of projects)

2.1 Financial assistance for fiduciary custody of especially at-risk cultural property “Type A” (Temporary custody)

• Submission

- Museums and similar institutions headquartered in Switzerland are permitted to submit an application.
- Applicants must comply with the “Code of Ethics for Museums” from the International Council of Museums ICOM.
- The applicants must be active in a significant and recognized manner in the corresponding specialty.
- The following documents must be submitted as part of the application:
 - o A declaration of consent for the project from the official agency responsible for culture in the other country; or
 - o A confirmation that fiduciary custody occurs under the auspices of UNESCO or another international organization for the protection of cultural property.
 - o Information on the acquisition and exhibition policies of the applicant;
 - o A confirmation that a person trained in this specialty conducts the conservation.

• Fiduciary custody

- Whoever exercises fiduciary custody of cultural property must undertake all suitable measures to protect the cultural property under the rules of the specialized art. This includes in particular:
 - o Securing transportation adequate to the cultural property;
 - o Custody of cultural property in premises suitable to the property.
- Whoever exercises fiduciary custody of cultural property must ensure that the cultural property is repatriated to the country of origin once the exceptional events normalize.

2.2 Financial assistance for projects to maintain the cultural heritage “Type B (Projects)”

- **Submission**

- All persons and legal entities may submit an application.
- Applicants that are museums or similar institutions must comply with the “Code of Ethics for Museums” from the International Council of Museums ICOM.
- A confirmation must be included in the submission that the cultural property received or restored with the help of financial assistance will not be sold.

- **Project and activity location**

- The project and/or activity location for projects to maintain cultural heritage “Type B” (Projects) must at a minimum take place in at least one contracting state to the 1970 UNESCO Convention.

- **Project types**

Possible project types include:

- Projects to secure moveable cultural property from destruction and/or theft, etc., for example, archaeological sites;
- Cooperative projects among institutions in Switzerland and abroad to maintain moveable cultural heritage;
- Projects to compile inventories and indices of at-risk cultural property;
- Conferences, symposiums and workshops and other measures to raise public awareness serving to protect and maintain cultural heritage;
- Others.

2.3 Financial assistance to ease restitution of cultural heritage “Type C” (Restitution)”

- **Submission**

- Only state authorities in contracting states to the 1970 UNESCO Convention and international organizations are permitted to submit an application.
- The following documents must be submitted as part of the application:
 - A written declaration of consent by the state authorities of the state from which the cultural property is to be repatriated;
 - A confirmation that the contracting state performs commensurate with its financial abilities;
 - A confirmation that the repatriated cultural property will not be sold;
 - A scientific opinion by an independent expert on the provenance of the cultural property.

3. CHAPTER: PROCEDURE

3.1 Submission of application

- Applications for financial assistance must be submitted to the Specialised Body TCP prior to the start of the project.
- The following must be appended to the application in addition to the special documents for the three types of financial assistance (cf. Sec. 2.1, 2.2 and 2.3):
 - o The completed and signed application form for financial assistance;
 - o A written description of the project:
- A precise description of the project, documented as needed;
- Information on the location and date of implementation;
- Information on the persons participating in the project;
- Information on the motives, strategy, goals and desired impact, target audience and criteria for success.
 - o Budget including:
 - A detailed listing of planned expenses (including bids);
 - Financial plan for anticipated contributions by other institutions or companies;
 - Awarded contribution;
 - Applicants' personal contribution;
 - Requested contribution from the FOC.

3.2 Competing submissions at other federal offices

- The Specialised Body TCP must be informed on the application form if an application for financial support was submitted to other Swiss federal offices for the same project.
- The Specialised Body TCP must be notified immediately in the event an application for financial assistance is subsequently submitted to other Swiss federal offices.

3.3 Formal application review

- The Specialised Body TCP reviews whether an application fulfills the requirements for financial assistance pursuant to Sec. 1.1 and whether the documentation is complete.
- Applications for projects that obviously do not fulfill the purpose of financial assistance will not be considered.
- After a formal review the Specialised Body TCP may set a deadline for the applicant to revise their application if the documentation is incomplete or information are incorrect. After the expiration of the given deadline or if the application has not been corrected/completed with the necessary information, the Specialised Body TCP will not consider the application for any further evaluation of financial assistance.

3.4 Processing deadlines

In general, the applicant receives the following from the Specialised Body TCP:

- Confirmation of receipt within ten days after receipt of the complete application;
- A binding decision on the application by decree after coordination among the Specialised Body TCP, the Political Office and the SCD.

3.5 Authority to grant financial assistance

- The Specialised Body TCP is authorized to decide on applications for financial assistance Type A (Temporary custody). The Political Office and SDC must be notified.
- The FOC decides on applications for financial assistance Type B (Projects) and Type C (Repatriation) in consultation with the Political Office and SDC.
- The decision is made pursuant to the awarding conference or at the conclusion of a written consultation among the Political Office and SDC.

3.6 Decision

- The Specialised Body TCP informs the applicant on the decision by decree.
- The FOC decree may be appealed within 30 days of opening before the Federal Administrative Court, P.O. Box, 9023 St Gallen, Switzerland (Art. 44 et seq. APA¹).
- If significant changes to the conditions occur that were decisive to the original grant, the applicant must inform the Specialised Body TCP immediately and it can revoke the decree or adapt it to the changed conditions following a hearing involving both parties.
- The Specialised Body TCP revokes a decree if financial assistance was improperly granted based on incorrect or incomplete facts.
- If the beneficiary fails to fulfill its duty in spite of a reminder, the FOC shall not pay the financial assistance or shall demand reimbursement thereof at an interest rate of 5 percent per annum from the date of payment.

3.7 Reports

- On completion of the project, the Specialised Body TCP must be presented with a final statement of account and accountability report by the deadline set in the official decision of the FOC.
 - o The accountability report must contain the following (**maximum 25 pages**):
 - Executive Summary (1 page);
 - Were the expected goals/results achieved? If not, for what reason?
 - Was the project timeframe adhered to? If not, for what reason?
 - How would you evaluate the collaboration with the other institutions?
 - Did any unforeseen/major problems/obstacles arise during the project?
 - If applicable, coverage of the project in the media;
 - Photographs of the project
- If the financial assistance is paid in several instalments, the applicant must submit a status report for each completed stage of the project to the Specialised Body TCP. The status reports are due on the submission dates given in the official decision (see information sheet "Status report on financial assistance for maintenance of moveable cultural heritage").
- The reports must be submitted in English, French, German or Italian.
- The reports must be submitted as a PDF **and** WORD file.

¹ Administrative Procedure Act.

Appendix: Directives

Weisungen über die Prioritäten zur Vergabe von Finanzhilfen zu Gunsten der Erhaltung des beweglichen kulturellen Erbes

vom 15. Dezember 2015

Das Eidgenössische Departement des Innern,
gestützt auf Artikel 31 des Kulturgütertransfergesetzes vom 20. Juni 2003² (KGTG),

erlässt:

1. Kapitel: Allgemeine Bestimmungen

1 Art. 1

Diese Weisungen regeln die Verwendung der bewilligten Kredite zu Gunsten der Erhaltung des kulturellen Erbes gemäss Artikel 14 KGTG.

2. Kapitel: Priorisierung der Finanzhilfen

2 Art. 2

Bei Finanzhilfen für die vorübergehende treuhänderische Aufbewahrung und konservatorische Betreuung von Kulturgütern nach Artikel 14 Absatz 1 Buchstabe a KGTG berücksichtigt der Bund vorrangig Projekte, die

- a. ohne Gefährdung des Bestandes des beweglichen kulturellen Erbes zeitlich nicht aufschiebbar sind; und
- b. unter der Schirmherrschaft der UNESCO oder einer anderen internationalen Organisation zum Schutz von Kulturgut stehen.

3 Art. 3

Bei Finanzhilfen für Projekte zur Erhaltung des kulturellen Erbes nach Artikel 14 Absatz 1 Buchstabe b KGTG berücksichtigt der Bund vorrangig Projekte, die

- a. Vertragsstaaten betreffen, mit denen eine Vereinbarung gemäss Artikel 7 KGTG in Kraft ist; oder
- b. Staaten betreffen, für die der Bundesrat eine befristete Massnahme gemäss Artikel 8 KGTG ergriffen hat; oder
- c. im Rahmen von gemeinsamen internationalen Aktionen im Sinne von Artikel 9 der UNESCO-Konvention vom 14. November 1970³ über Massnahmen zum Verbot und zur Verhütung der rechtswidrigen Einfuhr, Ausfuhr und Über-eignung von Kulturgut stattfinden; oder
- d. von und in Zusammenarbeit mit internationalen Organisationen durchgeführt werden und dem Erhalt von Kulturgü-tern dienen, die durch Kriege, Konflikte oder Naturkatastrophen unmittelbar gefährdet sind; oder
- e. ohne Gefährdung des Bestandes des beweglichen kulturellen Erbes zeitlich nicht aufschiebbar sind; oder
- f. in Zusammenarbeit mit Institutionen mit Sitz in der Schweiz durchgeführt werden.

² SR 444.1

³ SR 0.444.1

4 Art. 4

Bei Finanzhilfen zur Erleichterung der Wiedererlangung des kulturellen Erbes nach Artikel 14 Absatz 1 Buchstabe c KGTG berücksichtigt der Bund vorrangig Projekte, die

- a. Vertragsstaaten betreffen, mit denen eine Vereinbarung gemäss Artikel 7 KGTG in Kraft ist; oder
- b. Staaten betreffen, für die der Bundesrat eine befristete Massnahme gemäss Artikel 8 KGTG ergriffen hat.

3. Kapitel: Schlussbestimmungen

5 Art. 5

Diese Weisungen treten am 1. Januar 2016 in Kraft.

... Eidgenössisches Departement des Innern
Bundesrat Alain Berset