



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

Applications to:

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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.

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;
- **Type B** (Projects): For projects to maintain the cultural heritage of other contracting states (countries that have ratified the 1970 UNESCO Convention);
- **Type C** (Restitution): Under exceptional circumstances to state authorities and international organizations to ease the restitution of the cultural heritage of contracting states.

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.
- 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 Specialized Body for the International Transfer of Cultural Property FOC (Specialized Body FOC) may payout financial assistance in installments.

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;
- 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;
- Cooperative projects among institutions in Switzerland and abroad to maintain moveable 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 Specialized Body FOC 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;
 - Desired contribution by the FOC.

3.2 Competing submissions at other federal offices

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

3.3 Formal application review

- The Specialized Body FOC reviews whether an application fulfills the intent of 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.
- The Specialized Body FOC may set a deadline for the applicant to correct a formal defect that can be easily corrected or in the event an application is incomplete. As a rule, the Specialized Body FOC will not consider an application after the expiration of the deadline or if the defect is not sufficiently corrected.

3.4 Processing deadlines

As a rule, the applicant receives the following from the Specialized Body FOC:

- Confirmation of receipt within ten days after receipt of the complete application;
- A binding decision on the application by decree after coordination among the Specialized Body FOC, the Political Office and the SCD.(sessions between the FOC, the Political Office and the SDC generally take place biannually).

3.5 Authority to grant financial assistance

- The Specialized Body FOC 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 Specialized Body FOC informs the applicant on the decision by decree.
- The Specialized Body FOC may rescind the decree or adapt it to reflect changed conditions if significant changes to the conditions occur that were decisive to the original grant.
- 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. APA).
- The Specialized Body FOC revokes a decree if financial assistance was improperly granted based on incorrect or incomplete facts.

Appendix

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 2003¹ (KGTG),

erlässt:

1. Kapitel: Allgemeine Bestimmungen

a. 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

b. 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.

c. 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 1970² 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.

d. 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.

¹ SR 444.1

² SR 0.444.1

3. Kapitel: Schlussbestimmungen

e. Art. 5

Diese Weisungen treten am 1. Januar 2016 in Kraft.

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Eidgenössisches Departement des Innern
Bundesrat Alain Berset