

Flemish Government

Act on the organisation and funding of a cultural heritage policy

The Flemish Government ratifies the following:

CHAPTER I. – General provisions

Article 1. This Flemish Parliament Act governs a community and regional matter.

Art. 2. For the purposes of this Flemish Parliament Act the following is to be understood by:

1° cultural heritage: tangible and intangible features of historic interest that have become of common significance within a cultural reference framework;

2° safeguarding of cultural heritage: the preservation and study of cultural heritage to the benefit of society;

3° enhanced access to cultural heritage resources: rendering visible the cultural heritage features of interest for society and making them accessible to the broad public, while constantly updating the information on them;

4° cultural policy plan of a local authority: a policy plan as referred to in Article 4 of the Flemish Parliament Act of 13 July 2001 on the promotion of a high quality and integrated local cultural policy;

5° archives act: the Act of 19 July 2002 on private law cultural archives issues;

6° Flemish Parliament Act on inter- local authority co-operation: the Flemish Parliament Act of 6 July 2001 on inter-local authority co-operation;

7° operating grant: a grant allocated to help pay the personnel and operating costs arising from a structural activity that has a continuous and permanent nature;

8° project grant: a grant that is allocated to help pay the costs arising from an activity that can be defined in terms of purpose or objective as well as in time;

9° support centre: a facilitating body that acts an intermediary between field actors and the authorities and performs the following major tasks: practical support, practical development, conceptualisation and communication;

10° Flemish Community institution: a museum appointed as such by the Flemish Government.

Art. 3. §1. This Act intends to develop a cultural heritage policy built on an integrated approach with a view to promote high-quality and sustainable care and enhance access to cultural heritage resources. This implies enlarged societal support and the development of an expertise network.

§2. To this end, the Act provides for the accreditation and funding of museums, the allocation of grants for the implementation of heritage covenants, for cultural heritage publications and for cultural heritage projects.

This Act also governs the remit and funding of the support centre for museums, the archives offices, the conservation libraries, the documentation centres and the execution of cultural heritage covenants.

Title II. Organisation and funding of a cultural heritage policy

Chapter I. Museums

Section I. – Accreditation

Art. 4. §1. In order to become and stay recognised, a museum must meet the following accreditation standards:

1° be a non-profit making, permanent institution in the service of society and of its development, accessible to the public, which acquires, manages, conserves, researches, informs on and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment.

Institutions such as science centres, planetariums, botanical and zoological gardens, natural monuments and visitor's centres are not eligible;

2° house a collection of cultural heritage items that are of museological value;

3° adopt a museum concept that is adapted to the cultural heritage resources and aim to achieve cultural and scientific objectives;

4° fulfil the remit of collecting, maintaining and managing the cultural heritage features as well as the public-oriented remit, called the basic functions hereafter, and apply sound and dynamic work forms and methods that are adapted to cultural heritage resources.

5° be established or taken over and managed by a public or private law body, to be called the governing body hereafter;

6° ensure easy access, provide adequate premises and financial and personnel resources so that the basic functions can be accomplished within

the framework of the museum concept and the cultural and scientific objectives to be attained;

7° ensure adequate infrastructure and management capacity with a view to safeguarding the museum purpose of the cultural heritage in the future;

8° comply with the generally accepted code of ethics for the museum profession;

9° be established in the Dutch language area or the bilingual area of Brussels Capital and be considered to belong to the Flemish Community solely on the grounds of its activities.

The Flemish Government shall set out further accreditation standards.

§2. Two or more museums which have set up a structured co-operation initiative in every aspect of the museum operation, and share in addition the same museum concept with a demonstrable added value shall be considered to be a single museum for accreditation purposes.

Art. 5. §1. An application for accreditation of a museum shall be submitted by the governing body and shall contain a policy plan in which the vision, objectives and operation of the museum are set forth.

The museum shall indicate in which way it meets the accreditation standards.

This policy plan, the municipal or provincial cultural policy plan and, if applicable, the policy plan for the implementation of the cultural heritage covenant must be compatible with one another.

This policy plan shall cover a period of maximum six years, which expires on 31 December of the second year of a subsequent local authority or provincial government term.

§2. The Flemish Government shall decide on the accreditation of a museum, on the advice given by the competent evaluation committee, referred to in article 44, and by the province or local authority involved, if they are not the governing body.

§3. An accreditation as a museum shall be granted for an unlimited period.

§4. Upon the advice of the competent evaluation committee, referred to in Article 44, the Flemish Government may either suspend or cancel the accreditation of a museum if the terms of accreditation are no longer met.

§5. The Flemish Government shall lay down the terms and conditions of the application, the procedure including the appeal or recourse procedures, the control, the evaluation and the procedure relating to the suspension or cancellation of an accreditation as a museum.

Art. 6. Only an institution that is accredited on the grounds of Article 4 may carry the name "museum accredited by the Flemish Community".

The Flemish Government shall define the logo of 'accredited museum'.

Section II. Institutions of the Flemish Community

Art. 7. The institutions of the Flemish Community must meet the accreditation standards of a museum, referred to in Article 4, § 1.

These institutions shall be put on a par with accredited museums by the Flemish Government and may carry the logo as referred to in Article 6.

Art. 8. §1. The institutions that are run by the Flemish Community itself shall draw up a policy plan, as referred to in Article 5, § 1, first clause, for a period of five years, starting on 1 January of the second full calendar year of a term of the Flemish Parliament until 31 December of the first full calendar year of a subsequent term of the Flemish Parliament.

The Flemish Government shall decide, on the advice of the competent evaluation committee, as referred to in Article 44, on the approval of the policy plan.

The Flemish Government shall determine further provisions relating to the procedure for the submission and approval of the policy plan.

§2. The Flemish Government shall conclude a management agreement with the institutions that are not run by the Flemish Community itself.

This management agreement shall state the missions entrusted to the institutions by the Flemish Community, as well as their remit and objectives, performance outcomes, amount of operating grant and requirements in the field of operation, evaluation, control and application of penalties.

The management agreement shall cover a period of five years, starting on 1 January of the second full calendar year of a term of the Flemish Parliament until 31 December of the first full calendar year of the next term of the Flemish Parliament. It shall be concluded at least six months before its coming into effect and shall be notified to the Flemish Parliament by the Flemish Government.

In preparation of the management agreement, these institutions shall submit a policy plan as referred to in Article 5, § 1, first clause, for the duration of the management agreement.

The Flemish Government shall define the provisions of the procedure preparing the management agreement.

Section III. Funding

Art. 9. §1. The Flemish Government may allocate an annual operating grant to an accredited museum with a view to optimising the museum operation.

To this end, the Flemish Government shall classify, on the advice of the evaluation committee, as referred to in Article 44, the accredited museums into three levels: a national level, a regional level and a local level.

§2. In order to classify an accredited museum, the contents and operation shall be assessed against the following criteria:

1° the importance of the cultural heritage;

- 2° the cultural and societal responsibility assumed by the museum;
- 3° the quality of the accomplishment of the basic functions;
- 4° the quality of operational management;
- 5° the geographical scope.

The Flemish Government shall specify the criteria.

Art. 10. §1. In order to qualify for funding, as referred to in Article 9, § 1, the accredited museum shall submit a policy plan as referred to in Article 5, § 1.

This policy plan, the municipal or provincial cultural policy plan and, if applicable, the policy plan for the implementation of the cultural heritage covenant must be compatible with one another.

This policy plan shall cover a period of maximum six years, starting on 1 January of the third year of a municipal or provincial government term or on 1 January of the year following on the accreditation and expiring on 31 December of the second year of a subsequent municipal or provincial government term.

§2. This policy plan shall be halfway updated if a period of minimum three years is involved.

The Flemish Government shall approve this policy plan on the advice of the competent evaluation committee, as referred to in Article 44.

Art. 11. §1. The operating grant shall contain:

1° for accredited museums, classified in the national level, referred to in Article 9, the financial means for the support of the basic functions and amount for each museum to an equal lump sum of at least 250,000 euro per annum;

2° for accredited museums, classified into the regional level, referred to in Article 9, the financial means for the support of the development of expertise to the benefit of the cultural heritage in the region and shall amount for each museum to an equal lump sum of at least 50,000 euro per annum;

3° for accredited museums, classified into the local level, referred to in Article 9, the financial means for the support of the basic functions and shall amount for each museum to an equal lump sum of at least 12,500 euro per annum.

§2. The operating grant shall be granted for the period covered by the policy plan and may be increased at intervals.

§3. The Flemish Government shall lay down the terms and conditions of the application, the procedure including the appeal or recourse procedures, the allocation, the control and the evaluation of operating grants.

Art. 12. §1. The Flemish Government may allocate an annual operating grant to an umbrella partnership that has developed a nationally relevant special

expertise in one or more basic functions of the museum and fulfils a pilot function for the cultural heritage domain.

§2. In order to be eligible, the partnership shall meet the following conditions:

- 1° be a partnership of at least three accredited museums that provides an added value for the different partners;
- 2° be registered as a non profit legal body, under public or private law;
- 3° be established in the Dutch language area or the bilingual area of Brussels Capital and be considered to belong solely to the Flemish Community on the grounds of its activities;
- 4° submit a policy plan in which are detailed the vision, objectives and operation of the partnership. This policy plan shall cover a period of maximum five years, which expires on 31 December of the first full calendar year of a subsequent term of the Flemish Parliament.

This policy plan shall be halfway updated if a period of minimum three years is involved. The Flemish Government shall approve this policy plan on the advice of the competent evaluation committee, as referred to in Article 44.

§3. This partnership shall be assessed against the following criteria:

- 1° the nationally relevant special expertise in one or more basic functions of the museum operation;
- 2° the pilot function of the partnership for the cultural heritage domain;
- 3° the vision and objectives of the partnership;
- 4° the co-operation with other cultural heritage actors;
- 5° the geographical scope.

§4. On the advice of the competent evaluation committee, referred to in Article 44, the Flemish Government may decide each year, on the grounds of a fair ranking system, on the funding of three new umbrella partnerships as defined in §1.

§5. The operating grant shall amount to at least 50,000 euro per annum and contain the financial resources for the support of the partnership as referred to in §1.

The operating grant is awarded for the period covered by the policy plan and may be increased at intervals on the basis of the approved updated policy plan as referred to in §2, 4°.

§6. The Flemish Government shall lay down the terms and conditions of the application, the procedure including the appeal or recourse procedures, the allocation, the control and evaluation of the operation grants.

Art. 13. §1. The Flemish Government may award an annual operating grant to an umbrella partnership of at least three accredited museums whose collections supplement each other thematically, which has moreover

developed relevant expertise strengthening the international position and profile of the museums involved.

§2. In order to be eligible, the partnership shall meet the following conditions:

1° be a partnership of at least three accredited museums that provides an added value for the different partners;

2° be registered as a non profit legal body, under public or private law;

3° be established in the Dutch language area or the bilingual area of Brussels Capital and be considered to belong solely to the Flemish Community on the grounds of its activities;

4° submit a policy plan in which are detailed the vision, objectives and operation of the partnership, in particular with a view to enhance its international position and profile. This policy plan shall cover a period of maximum five years expiring on 31 December of the first full calendar year of a subsequent term of office of the Flemish Parliament.

This policy plan shall be halfway updated if a period of minimum three years is involved. The Flemish Government shall approve this policy plan on the advice of the competent evaluation committee, as referred to in Article 44.

An accredited museum may be part of only one umbrella partnership as referred to in §1.

§3. This partnership shall be assessed against the following criteria:

1° the international importance of the joint cultural heritage collections;

2° the internationally relevant special expertise in the whole or part of the operation of the partnership;

3° the vision and objectives of the partnership;

4° the co-operation with other cultural heritage actors;

5° the responsibility for the cultural heritage domain;

6° the international position and profile.

§4. On the advice of the competent evaluation committee, referred to in Article 44, the Flemish Government may decide each year, on the grounds of a fair ranking system, on the funding of one new umbrella partnership as defined in §1.

§5. The operating grant shall amount to at least 125,000 euro per annum and contain the financial resources for the support of the partnership as referred to in §1.

The operating grant shall be awarded for the period covered by the policy plan and may be increased at intervals on the basis of the approved updated policy plan as referred to in §2, 4°.

§6. The Flemish Government shall lay down the terms and conditions of the application, the procedure including the appeal or recourse procedures, the allocation, the control and the evaluation of the operating grants.

Art. 14. One and the same umbrella partnership shall be only taken into account once for one operating grant as referred to in Article 12 and 13.

Art. 15. §1. With a view to setting up a partnership as referred to in Article 4, §2, Article 12, §1 and Article 13, §1, two or more local authorities or two or more provinces may unite themselves, whether or not with other public or private law bodies. These associations shall be public law bodies. They shall have no commercial character. In derogation of the Act on inter-local authority co-operation, those associations shall take the corporate personality of a non-profit association. The 27 June 1921 Act on non-profit associations, international non-profit associations and foundations shall be applicable to those associations insofar as the articles of association do not derogate from it due to the special nature of the association. The associations shall not run industrial or commercial businesses or try to provide material advantages to their members.

§2. As for the accredited museums managed by the Flemish Community, referred to in Article 8, §1, the Flemish Government shall be empowered to collaborate in the establishment of an umbrella partnership as mentioned in Article 12, §1, and Article 13, §1, or to take part in it.

In accordance with Article XI 53 et seq. of the Flemish Government Act of 15 July 2002 setting out the organisation of the Ministry of the Flemish Community and the status of staff, the Flemish Government may put statutory staff attached to the museums mentioned in the first paragraph at the disposal of the umbrella partnership mentioned in the first paragraph.

The umbrella partnership referred to in the first paragraph may take over contract staff members of the Flemish Community who are attached to the museums referred to in the first paragraph.

Art. 16. §1. The Flemish Government may, upon the advice of the competent evaluation committee, referred to in Article 44, award a project grant to an accredited museum for initiatives supporting the basic functions of the museum operation, mentioned in Article 4, §1.

To this end, the Flemish Government shall annually provide a credit of at least 1,300,000 euro.

The Flemish Government may give priority to the support of one of the basic functions on the grounds of the policy priorities as set out in the Policy Memorandum on Culture.

§2. The Flemish Government shall lay down the terms and conditions of the application, the procedure, the allocation, the control and the evaluation of the project grants.

Chapter II. Heritage covenants

Section I. Heritage covenants with local authorities or partnerships of neighbouring local authorities

Art. 17. §1. A heritage covenant is a performance contract between the Flemish Community and a local authority or partnership of neighbouring local authorities, referred to in §2, with an eye to developing a sustainable and integrated policy on cultural heritage at the local level.

§2. The Flemish Government may conclude a heritage covenant with:

1° a local authority with more than 20,000 inhabitants;

2° a partnership of neighbouring local authorities with legal personality as mentioned in the Act on inter-local authority co-operation, the total number of its inhabitants amounting to at least 20,000.

§3. A local authority may only be part of one partnership as referred to in §2, 2°.

Art. 18. §1. A local authority or a partnership of neighbouring local authorities as referred to in Article 17, §2, 2°, may submit an application for concluding a first heritage covenant with the Flemish Government.

§2. The application shall include a 'note of intent for the heritage covenant' with:

1° an environmental analysis fitting in with the action plan on cultural policy of the local authority(ies) involved, in which the heritage actors describe the cultural heritage resources available and the cultural and societal responsibility with regard to the cultural heritage in the surrounding area.

2° the vision and aims of the cultural heritage policy in the local authority(ies) involved, and the added value, if any, for the partnership;

3° the location and planning of a heritage office that coordinates the expertise already available within the heritage covenant and achieves a broad social support for cultural heritage resources through an enhanced access of cultural heritage resources;

4° the effects to be achieved and the means that are used to this end.

§3. The application shall be assessed against the following criteria:

1° the significance of the cultural heritage available and the heritage actors in the local authority(ies) involved;

2° the vision and aims of an integrated policy on cultural heritage;

3° the regional distribution of the heritage covenants in Flanders;

4° the input of resources by the local authority or the partnership of neighbouring local authorities.

§4. The Flemish Government shall decide each year, upon the advice of the competent evaluation committee, referred to in Article 44, on the grounds of a fair ranking system, on the local authority or partnership of neighbouring local authorities with which a heritage covenant will be concluded.

The Flemish Government may decide each year to increase by three the number of heritage covenants.

§5. A first heritage covenant shall be concluded, upon consultation, for a period of maximum six years, starting on 1 January of the year following on the decision until 31 December of the second year of the next local government term.

§6. At the start of each new covenant period of six years, the number of heritage covenants of the preceding year shall be maintained, possibly increased by three heritage covenants in accordance with §4, second clause.

Art. 19. §1. The local authority or partnership of neighbouring local authorities with which the heritage covenant was concluded as mentioned in Article 18, §4, shall submit a policy plan during the first year of the first heritage covenant. This policy plan shall contain the vision, aims and implementation of the heritage covenant.

This policy plan, the local authority plan on cultural policy and, the policy plans, if applicable, of museums and archives, must be harmonised.

This policy plan shall cover a period of maximum six years expiring on 31 December of the second year of a subsequent local government term.

§2. This policy plan shall be halfway updated if a period of minimum three years is involved.

§3. The Flemish Government shall approve the policy plan or the updated policy plan, on the advice of the competent evaluation committee, as referred to in Article 44.

Art. 20. §1. After a first heritage covenant, the Flemish Government may conclude consecutive heritage covenants with a local authority or a partnership of neighbouring local authorities with legal personality, each time for a period of six years, after negotiation and on the basis of a new policy plan.

The policy plan shall cover a period of six years running from 1 January of the third year of a local government term up to and including 31 December of the second year of a subsequent local government term.

This policy plan, the local authority plan on cultural policy and, the policy plans, if applicable, of museums and archives, must be harmonised.

§2. Halfway through the period of this policy plan, the plan shall be updated.

§3. The Flemish Government shall approve the policy plan or the updated policy plan, on the advice of the competent evaluation committee, as referred to in Article 44.

Art. 21. §1. The Flemish Government shall provide an operating grant for the implementation of the heritage covenant that contains the financial resources for supporting the operation of the heritage office, as referred to in Article 18, §2, 3° and:

1° amount to 100,000 euro per annum for a local authority with more than 20,000 and maximum 35,000 inhabitants or for a partnership of neighbouring

local authorities with legal personality with a total number of inhabitants of more than 20,000 and maximum 35,000;

2° amount to 200,000 euro per annum for a local authority with more than 20,000 and maximum 35,000 inhabitants or for a partnership of neighbouring local authorities possessing legal personality with a total number of inhabitants of more than 20,000 and maximum 35,000;

3° amount to 300,000 euro per annum for a local authority with more than 100,000 inhabitants or for a partnership of neighbouring local authorities possessing legal personality with a total number of inhabitants of more than 100,000.

§2. The operating grant shall be awarded for the period covered by the policy plan and may be increased at intervals on the basis of the approved updated policy plan as referred to in Article 19, §3° and Article 20, §3.

Art. 22. §1. The Flemish Government shall lay down the terms of the application and the procedure for the conclusion of a heritage covenant and the evaluation of the covenant.

§2. The Flemish Government shall adopt further rules governing the drafting of the policy plan as well as the approval procedure for the policy plan.

§3. The Flemish Government shall lay down the terms of the application, the procedure including the appeal or recourse procedures, the allocation, the control and the evaluation of the operating grants.

Section II. Heritage covenant with the Flemish Community Commission

Art. 23. §1. The Flemish Government may conclude consecutive heritage covenants with the Flemish Community Commission with a view to developing a sustainable and integrated policy on cultural heritage in the bilingual area of Brussels Capital.

§2. The heritage covenant with the Flemish Community Commission shall be concluded, upon consultation, each time for a period of five years, on the grounds of the policy plan in which the vision, aims and implementation of the heritage covenant are specified.

This policy plan and the cultural policy plan of the Flemish Community Commission must be harmonised.

The policy plan shall cover a period of five years, starting on 1 January of the third full calendar year of a term of the Flemish Parliament until 31 December of the second full calendar year of the next term of the Flemish Parliament.

§3. Halfway through the policy plan period, the policy plan shall be updated.

§4. The Flemish Government shall approve the policy plan or the updated policy plan, on the advice of the competent evaluation committee, as referred to in Article 44.

Art. 24. §1. The Flemish Government shall provide an operating grant for the implementation of the heritage covenant with the Flemish Community

Commission that contains the financial resources for the support of the operation of the heritage office and amounts to at least 245,000 per annum.

§2. The operating grant is awarded for the period to which the policy plan applies and may be increased at intervals on the basis of the approved updated policy plan as referred to in §23, 4°.

Art. 25. §1. The Flemish Government shall lay down the terms of the application and the procedure for the conclusion of a heritage covenant and the evaluation of the covenant.

§2. The Flemish Government shall adopt further rules governing the drawing up of the policy plan as well as the approval procedure for the policy plan.

§ 3. The Flemish Government shall lay down the criteria, the terms of the application, the procedure including the appeal or recourse procedures, the allocation, the control and the evaluation of the operating grant.

Chapter III. Cultural heritage publications

Art. 26. §1. The Flemish Government may, upon the advice of the competent evaluation committee, referred to in Article 44, irrespective of the holder, allocate a grant to the publisher complying with the conditions laid down in Article 27, §1 for:

1° a periodical publication on cultural heritage that is published at least twice per calendar year in the same series;

2° a non-periodical or one-off publication on cultural heritage.

To this end, the Flemish Government shall annually provide a credit of at least 100,000 euro.

§2. The grants mentioned in §1, 1°, may be awarded quadrennially in the form of a four-year operating grant.

The grants mentioned in §1, 1°, may be awarded biennially in the form of a two-year operating grant.

The Flemish Government may allocate a two-year grant to public or private law bodies that apply for a four-year grant.

§3. The grants for non-periodical publications mentioned in §1, 2° are project grants.

Art. 27. §1. In order to be eligible for funding, as referred to in Article 26, §1, the publisher of a publication shall meet the following conditions:

1° be located in the Flemish language area or in the bilingual area of Brussels Capital. In the case of a non-periodical publication, this provision may be derogated from if a natural person is involved and the relevance of the publication for the cultural heritage domain can be proved;

2° have legal personality. In the case of a non-periodical publication, the publisher may be a natural person;

3° have sufficient expertise to publish and distribute publications or prove to be able to call on the expertise of others.

§2. In order to be eligible for funding, as referred to in Article 26, §1, the publication shall meet the following criteria:

- 1° have a content that is relevant to the cultural heritage domain in Flanders;
- 2° be able to prove a supraregional scope and possibly an international scope;
- 3° offer reliable quality in terms of content and language as well as in terms of outlay;
- 4° aim at a broad public appeal, ensure distribution and communication;
- 5° ensure a sound management and financial support.

Apart from the criteria referred to in the first paragraph, the Flemish Government may define additional criteria in relation to the priorities set by it.

The advisory committee under article 43 shall advise the Flemish Government on the definition of additional criteria relating to content quality of the funded activity. It may also submit itself additional criteria relating to content quality to the approval by the Flemish Government.

The list of additional criteria shall be made public, at the latest three months before the application for funding must be submitted. If it fails to do so, the additional criteria that were last applied shall be applicable.

§3. The following publications shall not be eligible for funding as provided for in article 26, § 1:

- 1° publications that may be funded on the grounds of another act;
- 2° scientific publications and inventories;
- 3° periodical publications of public or private law bodies that are subsidised on the grounds of Title II, chapters I and II.

Art. 28. The Flemish Government shall lay down the criteria, the terms of the application, the procedure including the appeal or recourse procedures, the allocation, the control and the evaluation of the grants.

Chapter IV. Cultural heritage projects

Section I. Cultural history exhibitions

Art. 29. The Flemish Government may, upon the advice of the competent evaluation committee as referred to in Article 44, give a project grant to a non-profit private or public law body for the setting up of a cultural history exhibition with a view to enhance access to cultural heritage resources.

To this end, the Flemish Government shall annually provide a credit of at least 400,000 euro.

Art. 30. In order to be eligible for funding, the project shall be assessed against the following criteria:

- 1° the importance of the theme for cultural history;
- 2° improved accessibility to the outcomes of scientific cultural history research;
- 3° the public-oriented concept of the exhibition;
- 4° the supraregional importance;
- 5° the co-operation with other cultural actors at home and abroad;
- 6° exemplary practices as regards enhanced accessibility to cultural heritage;
- 7° the geographical scope.

Projects that are funded in accordance with other acts, shall not be eligible for funding as referred to in Article 29, §1.

Art. 31. The Flemish Government shall lay down the criteria, the terms of the application, the procedure, the allocation, the control and the evaluation of the project grants.

Section II. Developmental projects targeting cultural heritage

Art. 32. The Flemish Government may, upon the advice of the competent evaluation committee as referred to in Article 44, give a project grant to a non-profit private or public law body for a developmental project with a view to the preservation of and enhanced access to cultural heritage resources.

To this end, the Flemish Government shall annually provide a credit of at least 1,500,000 euro.

Art. 33. §1. In order to be eligible for funding, the project shall be assessed against the following criteria:

- 1° exemplary role;
- 2° the co-operation with other cultural heritage actors;
- 3° a carefully identified target group;
- 4° the supraregional importance.

§2. The Flemish Government may lay down policy priorities on the basis of the Policy Memorandum on Culture.

§3. The following publications shall not be eligible for funding as provided for in article 32, first paragraph:

- 1° the projects that are funded in accordance with other Acts;
- 2° the projects that are funded under Title II, Chapters I, II and V.

Art. 34. The Flemish Government shall lay down the criteria, the terms of the application, the procedure, the allocation, the control and the evaluation of the project grants.

Section III. International projects

Art. 35. The Flemish Government may, upon the advice of the competent evaluation committee as referred to in Article 44, give a project grant to a non-profit private or public law body for an international project on cultural heritage.

To this end, the Flemish Government shall annually provide a credit of at least 200,000 euro.

Art. 36. §1. In order to be eligible for funding, the project shall be assessed against the following criteria:

- 1° the promotion of international co-operation, exchange and expertise;
- 2° the international scope of the project or of the partners within their field of activity;
- 3° the quality as regards content of the project;
- 4° the co-operation with other cultural actors at home and abroad;
- 5° the geographical scope.

§2. In addition to the criteria contained in §1, the Flemish Government may define priority countries or regions.

§3. Projects that are funded on the grounds of the provisions in other chapters or sections of this Act or in application of other Acts shall not be eligible for funding as set forth in Article 35, first paragraph.

Art. 37. The Flemish Government shall lay down the criteria, the terms of the application, the procedure, the allocation, the control and the evaluation of the project grants.

Chapter V. The support centre for museums, archives offices, conservation libraries, documentation centres and the implementation of cultural heritage covenants

Art. 38. §1. The support centre shall aim at supporting museums, archives offices, conservation libraries, documentation centres and the implementation of cultural heritage covenants as well as at co-ordinating and promoting the development of the cultural heritage field with a view to make cultural heritage resources visible to the public.

§2. The support centre shall achieve this objective by means of its key tasks:

1° practical support: this means coordinating, informing, advising and monitoring with a view to the promotion of expertise;

2° practical development: coordinating, initiating and developing a vision and methods in the field of and to the benefit of cultural heritage;

3° image and communication: organising and coordinating initiatives that promote the knowledge about and the approach of cultural heritage.

Art. 39. The Flemish Government shall recognise and subsidise the non-profit association 'Culturele Biografie Vlaanderen' as the support centre for the museums, archives offices, conservation libraries, documentation centres and the implementation of the cultural heritage covenant, hereinafter referred to as support centre.

The support centre shall fulfil its key tasks in conjunction with other support centres, notably the 'Vlaams Centrum voor Volkscultuur VZW', and within a network of other cultural heritage actors.

The Flemish Government may charge the support centre with additional tasks.

Art. 40. §1. The Flemish Government shall conclude a management agreement with the support centre that relates to:

1° implementation of the key tasks;

2° the co-operation with other cultural heritage actors;

3° the evaluation and control of the management agreement.

This management agreement shall cover a period of five years, starting on 1 January of the second full calendar year of a term of the Flemish Parliament until 31 December of the first full calendar year of the next term of office of the Flemish Parliament.

§2. Additional tasks as referred to in Article 39, third paragraph, shall be subject to a separate agreement.

Art. 41. §1. The support centre shall incorporate the management agreement into a policy plan in which the vision, objectives and activities of the support centre are formulated.

The policy plan shall cover the period of validity of the management agreement allowing for an update halfway through the period of the policy plan.

The Flemish Government shall approve the policy plan and the updated policy plan.

§2. The procedure for the introduction of the policy plan, the conditions to be met by the plan and the way in which the evaluation shall take place, shall be laid down in the management agreement.

Art. 42. §1. The Flemish Government shall provide an operating grant that contains the financial means for the support of the key tasks of the support centre and amounts to at least 800,000 euro per year.

The operating grant shall be awarded for the period of validity of the policy plan and may be adjusted at intervals in the third year of this period.

§2. The application procedure and control of the use of the operating grant shall be included in the management agreement.

TITLE III. Planning of advice provision

Art. 43. §1. The Flemish Government shall establish an advisory committee for quality assessment in field of the cultural heritage.

§2. The key tasks of the advisory committee shall be:

1° ensure a high quality internal operation of the evaluation committees and develop to this end the vision, methodology and evaluation of quality assessment;

2° formulate policy-oriented advice on the basis of quality assessment in the evaluation committees of the policy field;

3° quality assessment of transversal files insofar as they are not dealt with by an evaluation committee.

§3. The members of the advisory committee shall have a total vision of the policy field. The advisory committee shall be composed of experts from the different sectors of the policy field.

The members of the evaluation committees may be member of the advisory committee.

Art. 44. §1. The Flemish Government shall establish evaluation committees to provide qualitative advice on the contents of the applications for accreditation and funding as contained in Title III, Chapter II and Chapter III of the Archives Act and as contained in Title II of the present Act, with the exception of the recognition and funding of the support centre, as referred to in Chapter V. These evaluation committees shall be composed for the sectors of the heritage policy domain as well as for transversal policy aspects.

§2. For the evaluation of the institutions of the Flemish Community, as defined in Articles 7 and 8, the Flemish Government may establish separate evaluation committees. These committees shall be composed of three members of the regular evaluation committee involved and three foreign experts. The president of the advisory committee is also president of these separate evaluation committees.

§3. The members of the evaluation committees are appointed because of their expertise on or involvement in the sector of the policy domain to be evaluated. The evaluation committees shall be composed in a balanced way with a view to ensure that experts of the different partial aspects of the policy domain to be evaluated sit on the committees.

Art. 45. Membership of an advisory committee or an evaluation committee shall be incompatible with a mandate in the European Parliament, the House of Representatives, the Senate, the Flemish Parliament and the Council of

the Brussels Capital Region, with the office of minister, of secretary of state and of their office members, with the job of staff member employed by the Flemish Community or by institutions of the Flemish Government who are involved within the context of their profession in the implementation of the present Act, with the job of staff member of the Flemish Parliament, and of staff member and member of the board of directors of support centres and of actors of the sector involved. At the invitation of the body involved, they may participate in the body's meetings and cast an advisory vote.

Art. 46. §1. The evaluation committees and the advisory committee shall submit each year a report containing the evaluation of their operations to the Flemish Government.

§2. The Flemish Government shall determine the general procedure for the assessment of the files.

§3. The Flemish Government shall provide, within the limits of the credits approved by the Flemish Parliament, monies covering the operations of the advisory committee and the evaluation committees.

§4. The Flemish Government shall determine the detailed provisions governing the composition, the appointment and dismissal of the members as well as their fees.

TITLE IV. General funding provisions

Art. 47. The operational and project grants set out in the present Act are allocated within the credits approved by the Flemish Parliament.

Art. 48. §1. The operating and project grants provided for in the present Act shall be made available in the form of advances. The Flemish Government shall define the manner in which the advances are calculated and paid out.

§2. Without prejudice to Articles 41 and 50 of the laws on State accounting, co-ordinated on 17 July 1991, advances to the amount of maximum 90% of the allocated grants are exempted from the prior approval of the Court of Audit.

Art. 49. The grant amounts contained in Article 11, §1, Article 12, §5, Article 13, §5, Article 21, §1, Article 24, §1, Article 26, §1, 1°, and Article 42, §1, shall be linked each year to the price index figure that is calculated and measured in application of the Royal Decree of 24 December 1993 implementing the law of 6 January 1989 on safeguarding Competitiveness.

Art. 50. §1. In derogation of Article 55, §2, of the Flemish Parliament Act of 7 May 2004 governing the budgets, accounting, control of subsidies and control by the Belgian Court of Audit, a public or private law body receiving operating grants as contained in Article 11, §1, Article 12, §5, Article 13, §5, Article 21, §1, Article 24, §1, and Article 42, §1, may build a reserve with its own revenues and grants. This reserve shall meet the applicable accounting rules and be used for the realisation of the heritage covenant, as referred to in Article 10, Article 12, Article 13 and Article 41.

§2. If the public or private law body still has a reserve at its disposal at the end of its policy period, which is built in accordance with §1, this reserve may be carried forward to a next policy period if this reserve does not exceed 10% of the average annual staff and operational expenditure, calculated over the expired policy period. The staff and operational expenditure shall contain all costs made for the implementation and realisation of the heritage covenant, as referred to in Article 17 and 23, and the policy plan, as referred to in Article 10, 12, 13 and 41, and incurred during the previous policy period. When calculating the transferable reserve, one-off exceptional receipts shall not be taken into account. The Flemish Government shall determine the one-off exceptional receipts that are eligible.

The Flemish Government may approve derogation from the percentage as defined in the first paragraph on the condition that the public or private law body submits a well-considered spending plan to this end.

The reserve carried forward as specified in the first paragraph shall be used for the realisation of the heritage covenant, as laid down in Article 17 and Article 23, and the policy plan, as laid down in Article 10, Article 12, Article 13 and Article 41.

§3. If, in preparing the statement of accounts of the last operating year of the policy period, as referred to in §1, the accumulated reserve, specified in §2, first clause, exceeds the provisions of §2, the surplus shall be deducted from the balance of the operating grant still to be paid, allocated to the private or public law body, and the amount still remaining after this operation shall be paid back to the Flemish Community up to a maximum of the operating grants allocated by the Flemish Community in the last year of the policy period.

If operating grants are no longer awarded to a public or private law body, as referred to in §1, at the end of the policy period to which relates the heritage covenant referred to in Article 17 and Article 23 as well as the policy plan referred to in Articles 10, 12, 13 and 41, the public or private law body shall be obliged to submit a spending plan for the accumulated reserve built in accordance with §1 to a service appointed by the Flemish Government. If applicable, the reserve shall be used in the first place to fulfil obligations pertaining to labour law.

Title V. Final provisions

Chapter I. Amending provisions

Art. 51. §1. In article 10 of the Archives Act, § 6 and § 7 are substituted by the following:

"§6. The Flemish Government shall determine the grant, upon the proposal of the administration and taking into account the quality assessment of the evaluation committee as referred to in Article 44 of the Heritage Act.

§7. The Flemish Government shall determine the detailed provisions governing the application and procedure for allocating the grants."

§2. In article 14 of the Archives Act, §2 is substituted by the following:

"§ 2. The Flemish Government shall determine the grant, upon the proposal of the administration and taking into account the quality assessment of the evaluation committee as referred to in Article 44 of the Heritage Act."

§3. Article 15 of the Archives Act is substituted by the following:

"The Flemish Government shall determine the detailed provisions governing the application and procedure for allocating the grants."

Chapter II. Repealing provisions

Art. 52. The Act of 20 December 1996 on the accreditation and funding of museums is abolished.

Art. 53. Article 10 of the Act of 19 December 1997 constituting a Council for Culture, a Council for the Arts, a Council for Adult Development and Diffusion of Culture and an advisory expert committee on cultural affairs is hereby repealed.

Art. 54. Articles 10, §5, 14, §1, 16 and 17 of the Archives Act are hereby repealed.

Chapter III. Transitional provisions

Art. 55. In derogation of Article 5, the museums that were accredited on 31 December 2004 in application of the Act of 20 December 1996 on the accreditation and funding of museums shall be accredited on the basis of Article 4.

Until 31 December 2005, the classification and funding of these museums shall continue to be in application of Article 5 and Article 6, first and second paragraphs, 2° and 3, of the Act of 20 December 1996 on the accreditation and funding of museums.

As for the application of Article 11, in derogation of Article 10, the museums accredited on 31 December 2005 in accordance with the first paragraph, shall, in application of the 20 December 1996 Act on the accreditation and funding of museums, be equally treated to the museums classified as set out in Article 9, until 31 December 2008.

The museums identified in the preceding paragraph, shall submit their next policy plan as referred to in Article 10 in 2008.

Art. 56. §1. In derogation of Article 18, §4, a heritage covenant shall be concluded with Antwerp, Ghent, Bruges, Tongres, Ypres and Courtrai for the period from 1 January 2005 to 31 December 2008 inclusive.

§2. In derogation of Article 20, §1, the local authorities identified in §1 shall submit a policy plan for the period from 1 January 2005 to 31 December 2008 inclusive.

§3. In derogation of Article 21, §1, Antwerp, Ghent and Tongres shall keep until 2008 inclusive, a minimum operation grant of respectively 500,000 euro, 400,000 euro and 200,000 euro per year.

§4. In derogation of Article 23, §2, a heritage covenant shall be concluded with the Flemish Community Commission for the period from 1 January 2005 to 31 December 2006 inclusive, on the grounds of a policy plan for that period.

Art. 57. In derogation of Article 40, § 1, the Flemish Government shall conclude a first management agreement with the support centre for a period expiring on 31 December 2005.

Chapter IV. Final provisions

Art. 58. The present Act shall be called: Heritage Act.

Art. 59. Articles 4 up to and including 8, Article 16, Article 21, Article 24, Article 26 up to and including 37 and Article 52, shall enter into force on 1 January 2005.

Article 9 up to and including 14 shall enter into force on 1 January 2006.