

Flemish Government

Flemish Government Decree of 14 January 2005 implementing the Heritage Act of 7 May 2004, with regard to museums, cultural heritage publications and projects on cultural heritage

THE FLEMISH GOVERNMENT,

Having regard to the laws on State accounting, co-ordinated on 17 July 1991, in particular Articles 55 through 58;

Having regard to the Flemish Parliament Act of 7 May 2004 on the organisation and funding of a cultural heritage policy;

Having regard to the advice of the Council for the Arts, given on 18 October 2004;

Having regard to the advice of the Council for Culture, given on 22 October 2004;

Having regard to the approval of the Flemish Minister responsible for the Budget, given on 16 December 2004;

Having regard to the request for an urgent settlement, justified by the fact that in implementation of Article 59 of the 7 May 2004 Heritage Act, the Articles 4 through 8, 16, 21, 24, 26 through 37 and 52 of the same Act enter into force on 1 January 2005;

Having regard to the advice 37.955/3 of the Council of State, given on 23 December 2004, in application of Article 84, § 1, first clause, 2°, of the co-ordinated laws on the Council of State;

On the proposal of the Flemish Minister for Culture, Youth, Sport and Brussels Affairs;

After deliberation,

DECIDES:

Title I. Definitions

Article 1. For the purposes of this Decree, the following definitions shall apply:

1° Act: the Act of 7 May 2004 on the organisation and funding of a cultural heritage policy;

2° authorities: each official body at local, provincial, regional, community or federal level;

3° Minister: the Flemish Minister, responsible for cultural affairs;

4° administration: the administrative service, responsible for the tangible and intangible cultural heritage;

5° operating year: the period from 1 January up to and including 31 December;

6° project: an activity that may be limited in scope, purpose or time;

7° supporting organisation: a public or private law body, which supports the museum in carrying out its basic functions;

8° evaluation committee for museums: the evaluation committee as referred to in Article 21, §1, 1° of the Flemish Government Decree of 25 June 2004 implementing the Act of 7 May 2004 on the organisation and funding of a cultural heritage policy, with regard to heritage covenants and advice provision;

9° evaluation committee for Flemish Community institutions: the evaluation committee as referred to in Article 21, §1, 2° of the Flemish Government Decree of 25 June 2004 implementing the Act of 7 May 2004 on the organisation and funding of a cultural heritage policy, with regard to heritage covenants and advice provision;

10° evaluation committee for heritage covenants and projects on cultural heritage: the evaluation committee as referred to in Article 21, §1, 4° of the Flemish Government Decree of 25 June 2004 implementing the Act of 7 May 2004 on the organisation and funding of a cultural heritage policy, with regard to heritage covenants and advice provision;

11° advisory committee on cultural heritage: the advisory committee as defined in Article 43, §1, of the Heritage Act of 7 May 2004.

Title II. Museums

Chapter I. Accreditation

Section I. – Accreditation standards

Art. 2. §1. With a view to meet the accreditation standards as referred to in Article 4, §1, 2° of the Act, the museum shall clearly indicate that because of its coherence and profile, links and context, possible uniqueness or material value, its cultural heritage collection is sufficiently important to be housed in a museum as specified in Article 4, §1, 1°, of the Act to serve the public interest.

§2. With a view to meet the accreditation standards as referred to in Article 4, §1, 3° of the Act, the museum shall clearly indicate that it

shall engage in every aspect of the museum operation. This museum concept shall start from the cultural heritage collection and the museum's mission.

§3. With a view to meet the accreditation standards, specified in Article 4, §1, 4° of the Act, the museum shall prove that it:

- 1° has drawn up a collection plan;
- 2° has drawn up a description of the status of the cultural heritage collection and a description of the measures taken to preserve the cultural heritage collection;
- 3° has an inventory of the cultural heritage collection, drawn up in accordance with the international principles on registration, as laid down by "the International Documentation Committee of the International Council of Museums";
- 4° has a presentation of the cultural heritage collection;
- 5° conducts a policy favouring the public interest, including a communication policy, aimed at cultural experience and cultural development;
- 6° co-operates with actors from the cultural heritage field and from other relevant areas of society.

§4. With a view to meet the accreditation standards, specified in Article 4, §1, 6° of the Act, the museum shall prove that it:

- 1° is open to individual visitors for at least fifty days a year, of which at least one work day per week and one day per weekend. In exceptional cases and on the condition of stating the reasons for closure in the application, a limited closure period of the museum may be consented to the museum;
- 2° has sufficient infrastructure for all basic functions of the museum;
- 3° has a stable financial basis. The governing body shall incorporate the financing of the museum in a separate section of the budget;
- 4° has a staff that is composed of:
 - a) at least one half-time director or curator who is holder of a diploma of tertiary education and proves his expertise;
 - b) qualified personnel holding a diploma of tertiary education with a view to see to the basic functions, among whom at least one full-time equivalent senior assistant;
 - c) sufficient professional or volunteer staff who have gained the appropriate qualifications to fulfil their role in the operation of the museum in a quality way.

The museum staff shall get adequate opportunities for further training with a view to better perform their jobs and achieve an improved museum operation.

§5. With a view to meet the accreditation standards, specified in Article 4, §1, 7° of the Act, the museum shall prove that:

- 1° the governing body governs the museum in an effective and justified way, allocates the necessary means and skills to the museum and devises the procedures in order to implement the strategy developed and to meet the objectives set;
- 2° it has acquired the ownership of the core elements of the cultural heritage collection for a longer period or holds them in trust;
- 3° it has acquired the ownership or gained the use of a basic infrastructure for a longer period;
- 4° if a private law body is involved; it has drawn up articles of association in which are stated the inalienability and the museum purpose of the cultural heritage collection;
- 5° it has an organisational structure that ensures the museum operation or the basic functions of the museum;
- 6° takes care of the museum's own archives;
- 7° it conducts a coherent commercial policy.

§6. With a view to meet the accreditation standards, specified in Article 4, §1, 8° of the Act, the museum shall abide by the code of professional ethics for museums, as set out by "the International Council of Museums", and shall incorporate the code of ethics in the articles or rules of procedure of the museum.

§7. The museum may co-operate with other cultural heritage institutions to perform the basic functions. If the occasion arises, the museum shall co-operate in defining this functional co-operation.

Section II. Application and accreditation procedure for museums

Art. 3. §1. In order to become accredited as specified in Article 5 of the Act, the governing body of the museum shall submit an application for accreditation, by registered mail or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration at the latest by 1 October of the penultimate year before the year in which the accreditation shall be granted.

§2. The application for accreditation shall contain all information that is necessary and useful for evaluating whether the museum is meeting the accreditation standards, specified in Article 4, §1, of the Act and article 2.

§3. The application for accreditation shall contain a policy plan as referred to in Article 5, §1, of the Act.

The policy plan shall contain the following elements:

- 1° an environmental analysis taking into account the profile of the cultural heritage collection, the place of the museum in this environment and a strengths/weaknesses analysis;
- 2° the museum concept and the view on the implementation of the basic museum functions and operations, the current status and a strengths/weaknesses analysis. If there exist co-operation initiatives for certain aspects of the basic functions as contained in Article 2, §7, these shall be clearly indicated;
- 3° the strategic and operational objectives of the museum;
- 4° expected outcomes and outcome indicators;
- 5° a description of the tools and work methods contributing to the achievement of the objectives;
- 6° the vision of the management of the museum, a current status and a strengths/weaknesses analysis;
- 7° the available infrastructural, financial, personal and logistic means;
- 8° a multi-annual planning for all basic functions of the museum operation mentioning the priorities;
- 9° the way in which this policy plan and, if applicable, the cultural policy plan of the local authority, the cultural policy plan of the Flemish Community Commission, or the policy plan on the implementation of the heritage covenant shall be harmonised. If the governing authority is held by the province, it shall be indicated in which way this policy plan is harmonised with the provincial cultural policy plan;
- 10° a description of the process of policy planning.

Moreover, the following documents shall be attached to the policy plan:

- 1 if applicable, an extract of the cultural policy plans involved;
- 2° if applicable, the articles of association of the public or private law body and the composition of the board of directors;
- 3° if applicable, the articles of association of the supporting organisation and the composition of the board of directors of this organisation;

4° if applicable, an organisation chart of the governing body, the place of the museum in this and the relations with the supporting organisations;
5° the budget of the current operating year, and if applicable, also the budget of the supporting organisation. The administration may impose a budgetary model;
6° if applicable, a written agreement or a decision of the governing body in which the conditions of the functional co-operation, as referred to in the first paragraph, 2°, are described;
7° the certificate of ownership or the agreement on the usufruct of the building;
8° if applicable, the agreement on the usufruct of the core collection of cultural heritage items;
9° if applicable, a written agreement or a decision of the governing body in which the conditions of the structural co-operation, as referred to in Article 4, §2 of the Act are described with regard to the accomplishment of the basic functions of the museum operation as well as with regard to the management of the museum. It shall also determine who will act as the governing body of the partnership;
10° if applicable, other documents from which it will appear that the accreditation standards referred to in Article 4 of the Act, and in Article 2, have been met.

The administration may impose a model for the policy plan.

Art. 4. §1. The administration shall examine whether the application was fully submitted and whether it meets the formal requirements laid down in Article 3.

If the application was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the application shall not be eligible.

§2. At the latest fifteen days from the date of receipt of the accreditation application, the administration shall inform the governing body by registered mail whether the application is eligible or not. If applicable, the reason for the rejection of the application shall be mentioned.

Together with the notification of acceptance to the governing body, the administration shall send a copy of the eligible application for accreditation to the province involved, if it is the governing body, to the Flemish Community Commission, if the museum is located in the bilingual area of Brussels Capital, and also to the local authority involved, if the governing body of the museum is a legal body governed by private law.

§3. The administration shall examine the application for accreditation on records and on site and shall assess the policy plan against the accreditation standards as specified in Article 4, §1, of the Act and in Article 2.

With a view to an on-site visit, the administration may be supported by an external expert, a member of the evaluation committee for museums, the province involved, if it is not the governing body, the Flemish Community Commission, if the museum is located in the bilingual area of Brussels Capital and also the local authority involved if the governing body of the museum is a body governed by private law.

The administration shall draw up a report on its findings and join the report to the application for accreditation.

§4. If the province involved is not the governing body, it may, on the basis of the accreditation standards, as referred to in Article 4, §1, of the Act and in Article 2, provide reasoned advice on the application for accreditation. The province involved shall communicate its advice to the administration at the latest by 15 December of the penultimate year before the year in which the accreditation is granted.

If the museum is located in the bilingual area of Brussels Capital, the Flemish Community Commission may, on the basis of the accreditation standards, as referred to in Article 4, §1, of the Act and in Article 2, provide reasoned advice on the application for accreditation. The Flemish Community Commission involved shall communicate its advice to the administration at the latest by 15 December of the penultimate year before the year in which the accreditation is granted.

If the governing body is a body governed by private law, also the local authority involved may, on the basis of the accreditation standards, as referred to in Article 4, §1, of the Act and in Article 2, provide reasoned advice on the application for accreditation. The local authority involved shall communicate its advice to the administration at the latest by 15 December of the penultimate year before the year in which the accreditation is granted.

The administration shall add the pieces of advice to the application for accreditation.

§5. The evaluation committee for museums shall assess the application for accreditation against the accreditation standards, specified in Article 4, §1, of the Act and in Article 2, and shall provide reasoned advice on this.

The evaluation committee for museums may take all the initiatives it deems necessary in order to assess these accreditation standards in an appropriate way.

§6. The administration shall draw up a draft decision on all aspects of the application for accreditation, taking into account the reasoned advice of the evaluation committee for museums and, if applicable, the reasoned advice of the province, the Flemish Community Commission or the local authority. The advice of the evaluation committee shall be incorporated in an integrated way in this document.

§7. At the latest by 1 May of the year preceding the year in which the accreditation is granted, the Minister shall decide on the accreditation or formulate an intention to refuse the accreditation and shall communicate his decision to the administration. If applicable, the reason for the rejection of the application shall be mentioned.

The accreditation shall be granted from 1 January of the year that follows the year in which the Minister has taken the decision.

§8. The administration shall inform the governing body of the Minister's decision by registered letter within a period of thirty days from the Minister's decision. If applicable, the reason for the intention to refuse the accreditation shall be given and the possibilities of appeal and the criteria for the submission of a well-reasoned objection shall be indicated in the registered letter.

The administration shall inform the province, the Flemish Community Commission or the local authority involved, if they are not the governing body themselves, of the decision on the application for accreditation submitted by the museum.

Art. 5. §1. If the Minister expresses the intention to refuse the accreditation of the museum, the governing body may, on pain of being inadmissible, submit by registered mail a reasoned objection to the administration at the latest thirty days from the notification of the intention to refuse the accreditation.

This objection shall be dealt with in accordance with the procedure specified in chapter V 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.

§2. If the governing body does not submit an objection as specified in §1, the Minister's decision shall be considered to be a lawful and definitive decision on the non-eligibility of the museum.

§3. If the Minister decides not to accredit the museum, the governing body may only submit a new application for the accreditation of the same museum:
1° at the earliest in the year following the year of the definitive decision not to accredit the museum;
2° if proof is provided that the reason for the refusal no longer exists.

Art. 6. §1. An accredited museum shall annually submit an annual report with a view to assess the accreditation referred to in Article 5, §5, of the Act.

That annual report shall contain:

1° a report in terms of content on the degree to which the policy plan was implemented during the past operating year;
2° the statistical data deemed necessary by the administration;
3° the annual account, which consists of a balance sheet, a profit and loss account and the report by a company auditor or, if applicable, of the local or provincial treasurer. If a local authority or province is involved, the museum shall be asked to provide an extract from the annual account containing an overview of revenues and expenses associated with the operation of an accredited museum.

If applicable, the financial documents of the supporting organisation shall be attached.

§2. At the latest by 1 April of the following year, the governing body shall send the annual report, either by registered mail or on acknowledgement of receipt, in three copies and electronically, to the administration.

§3. The administration may at all times request additional information and documents from the governing body.

Art. 7. §1. At the end of a policy period, the governing body of an accredited museum shall submit a next policy plan to ensure a review of the accreditation, as specified in Article 5, §5, of the Act.

The next policy plan shall contain all information that is necessary and useful for evaluating whether the museum is meeting the accreditation standards, specified in Article 4, §1, of the Act and in article 2.

The next policy plan shall contain the elements, described in Article 3, §3, and an evaluation of the implementation of the current policy plan. The evaluation of the implementation of the current policy plan shall contain at least the following elements:

- 1° a report in terms of content on the degree to which the policy plan was implemented during the past policy period;
- 2° an evaluation of the accomplishment of the basic functions;
- 3° an evaluation of the tools and working methods used;
- 4° an evaluation of the management;
- 5° a description of the outcomes achieved.

§2. At the latest by 15 January of the last year of the current policy plan, the governing body shall send the next policy plan, either by registered mail or on acknowledgement of receipt, electronically and in three copies, to the administration.

§3. The administration may at all times request additional information and documents from the governing body.

Art. 8. If the operation of an accredited museum is granted a new accreditation on the basis of another application for accreditation, the preceding accreditation shall be lawfully ended on 1 January of the year following the year of the Minister's decision.

Art. 9. The logo of accredited museum, referred to in Article 6, second paragraph, of the Act, shall be as pictured in the Annex of the present Decree.

The logo of accredited museum shall be displayed in a prominent and highly visible place at the main entrance of the accredited museum.

Section III. Selection of and procedure for Flemish Community institutions

Subsection I. Selection of Flemish Community institutions

Art. 10. The following museums shall be selected as Flemish Community institutions as referred to in Article 2, 10°, of the Act:

- 1° the Koninklijk Museum voor Schone Kunsten (Royal Museum of Fine Arts) in Antwerp;
- 2° Kasteel van Gaasbeek (Gaasbeek Castle);
- 3° the Museum voor Hedendaagse Kunst (Museum of Modern Art) in Antwerp.

Subsection II. Institutions run by the Flemish Community itself

Art. 11. §1. At the latest by 1 February of the first full calendar year of a term of office of the Flemish Parliament, a Flemish Community institution, as referred to in Article 8, §1 of the Act, shall send a policy plan, either by registered mail or on acknowledgement of receipt, in fifteen copies and electronically, to the administration.

§2. The policy plan shall contain the following elements:

- 1° an environmental analysis taking into account the profile of the cultural heritage collection, the place of the museum in this environment and a strengths/weaknesses analysis;
- 2° the museum concept and the view on the implementation of the basic museum functions and operations, the current status and a strengths/weaknesses analysis. If co-operation initiatives exist for certain aspects of the basic functions, they shall be clearly indicated;
- 3° the strategic and operational objectives of the museum;
- 4° expected outcomes and outcome indicators;
- 5° a description of the tools and work methods contributing to the achievement of the objectives;

- 6° the vision of the management of the museum, a current status and a strengths/weaknesses analysis;
- 7° the available infrastructural, financial, personal and logistic means;
- 8° a multi-annual planning mentioning the priorities;
- 9° a description of the process of policy planning.

Moreover, the following documents shall be attached to the policy plan:

- 1° if applicable, the articles of association of the supporting organisation and the composition of the board of directors of this organisation;
- 2° the budget of the current operating year, and if applicable, also the budget of the supporting organisation. The administration may impose a budgetary model;
- 3° if applicable, an organisation chart of the governing body, the place of the museum in this and the relations with the supporting organisations;
- 4° if applicable, a written agreement or a decision of the governing body in which the conditions of the functional co-operation, as referred to in the first paragraph, 2°, are described;
- 5° if applicable, the agreement on the usufruct of the core collection of cultural heritage items;
- 6° if applicable, other documents from which it appears that the accreditation standards, as specified in Article 2, are being met.

The administration may impose a model for the policy plan.

Art. 12. §1. The administration shall examine the application for accreditation on records and on site and shall assess the policy plan against the accreditation standards as specified in Article 4, §1, of the Act and in Article 2.

In case of an on-site visit, the administration may be supported by an external expert or a member of the competent evaluation committee for Flemish Community institutions.

The administration shall draw up a report on its findings and attach the report to the policy plan.

§2. The competent evaluation committee for Flemish Community institutions shall assess the policy plan against the accreditation standards, as specified in Article 4, §1, of the Act, and in Article 2, and shall provide reasoned advice on this at the latest by 1 June of the first full calendar year of the term of office of the Flemish Parliament.

The evaluation committee may take all the initiatives it deems necessary in order to assess the policy plan.

§3. The administration shall draw up a draft decision on all aspects of the policy plan, taking into account the reasoned advice of the evaluation committee. The advice of the evaluation committee shall be incorporated in an integrated way in this document.

§4. At the latest by 31 December of the first full calendar year of the term of office of the Flemish Parliament, the Flemish Government shall approve or disapprove the policy plan and communicate its decision to the administration.

§5. The administration shall communicate the decision of the Flemish Government, by registered mail, to the Flemish Community institution, within a period of twenty days from the decision of the Flemish Government.

Art. 13. If the policy plan is disapproved, the Flemish Community institution shall adapt the policy plan and subsequently submit the adapted policy plan to the administration at the latest by 1 February of the following year.

The procedure and the periods, contained in Article 12, shall apply correspondingly to the approval or disapproval of that adapted policy plan.

Subsection III. Institutions that are not run by the Flemish Community
itself

Art. 14. §1. At the latest by 1 September of the year in which a term of office of the Flemish Parliament ends, a Flemish Community institution, as referred to in Article 8, §2 of the Act, shall send a draft policy plan, electronically and in fifteen copies, either by registered mail or on acknowledgement of receipt to the administration.

A Flemish Community institution that also introduces a policy plan in the context of the Arts Act, may introduce an overall policy plan for the Heritage Act and the Arts Act.

§2. The policy plan shall contain all information that is necessary and useful:

1° to be able to assess whether the Flemish Community institution as specified in Article 8, § 2 of the Act, meets the accreditation standards, as referred to in Article 4, § 1, of the Act, and in Article 2;

2° to prepare the management agreement, referred to in Article 8, § 2, of the Act.

§3. The draft policy plan shall contain the following elements:

1° an environmental analysis taking into account the profile of the cultural heritage collection, the place of the museum in this environment and a strengths/weaknesses analysis;

2° the museum concept and the view on the implementation of the basic museum functions and operations, the current status and a strengths/weaknesses analysis. If co-operation initiatives exist for certain aspects of the basic functions, they shall be clearly indicated;

3° the strategic and operational objectives of the museum;

4° expected outcomes and outcome indicators;

5° a description of the tools and work methods contributing to the achievement of the objectives;

6° the vision of the management of the museum, a current status and a strengths/weaknesses analysis;

7° the available infrastructural, financial, personal and logistic means;

8° a multi-annual planning mentioning the priorities;

9° a description of the process of policy planning.

Moreover, the following documents shall be attached to the policy plan:

1° if applicable, the articles of association of the private law body and the composition of the board of directors;

2° if applicable, the articles of association of the supporting organisation and the composition of the board of directors of this organisation;

3° if applicable, an organisation chart of the governing body, the place of the museum in this and the relations with the supporting organisations;

4° the budget of the current operating year, and if applicable, also the budget of the supporting organisation. The administration may impose a budgetary model;

5° if applicable, a written agreement or a decision of the governing body in which the conditions of the functional co-operation, as referred to in the first paragraph, 2°, are described;

6° the certificate of ownership or the agreement on the usufruct of the building;

7° if applicable, the agreement on the usufruct of the core collection of cultural heritage items;

8° if applicable, other documents from which it appears that the accreditation standards, as specified in Article 2, are being met.

The administration may impose a model for the policy plan.

Art. 15. §1. The administration shall examine the draft policy plan on records and on site and shall assess it against the accreditation standards as specified in Article 4, §1, of the Act and in Article 2.

In case of an on-site visit, the administration may be supported by an external expert or a member of the competent evaluation committee for Flemish Community institutions.

§2. The competent evaluation committee for Flemish Community institutions shall assess the draft policy plan against the accreditation standards, as specified in Article 4, §1, of the Act, and in Article 2, and shall evaluate the operation of the institution in terms of content and shall finally provide reasoned advice on this at the latest by 15 March of the year following on the submission of the policy plan.

The evaluation committee may take all the initiatives it deems necessary in order to assess the operation of the institution in an appropriate way.

Art. 16. §1. In implementation of Article 8, §2, second clause, of the Act, and taking into account the advice of the evaluation committee, the negotiations on the content of the management agreement shall be prepared by the administration and by representatives of the Flemish Community Institution.

The draft policy plan shall be attached to the draft management agreement.

§2. The draft management agreement shall be discussed at least one formal consultation meeting between the Minister and the Flemish Community Institution.

§3. With a Flemish Community institution, which also concludes a management agreement with the Flemish Community in the context of the Arts Act, an overall management agreement may be concluded for the Heritage Act and the Arts Act.

Chapter II. Funding of accredited museums

Section I. Operating grants to accredited museums

Subsection I. Conditions for classification as accredited museum

Art. 17. §1. In order to be classified into the national level, the accredited museum shall house, in implementation of Article 9, §2, 1° of the Act, a cultural heritage collection that is of national or international importance with regard to the content or theme of the collection.

This shall be evaluated on the basis of:

- 1° the description of the origins and the composition of the cultural heritage collection;
- 2° the museum concept;
- 3° the position of the cultural heritage collection at home and abroad.

§2. In order to be classified into the national level, the accredited museum shall assume, in implementation of Article 9, §2, 2° of the Act, cultural and societal responsibility in Flanders.

This shall be evaluated on the basis of:

- 1° the remit which the museum takes on with regard to cultural heritage resources in Flanders;
- 2° the role the museum plays in offering opportunities for the population to become involved in cultural heritage;
- 3° the leverage function the museum performs and the role it plays in local, regional and national networks, partnerships and projects;
- 4° the way in which the accredited museum is preserving cultural heritage in Flanders by means of its knowledge, expertise and resources in the field of the implementation of its basic functions;
- 5° the contribution the accredited museum makes to the national development of cultural heritage.

§3. In order to be classified into the national level, the quality of the implementation of the basic functions shall be evaluated, in implementation of Article 9, §2, 3° of the Act, on the basis of:

- 1° the relation to the national profiling of the museum operation;
- 2° the degree to which the various sub aspects of the museum operation add to the accomplishment of the mission and objectives of the museum;
- 3° the degree to which the various sub aspects of the museum operation are geared to one another;
- 4° the professional management of the cultural heritage collection while conducting a priority policy in the field of preservation and management;
- 5° the conservation measures that are applied in order to guarantee quality preservation and management;
- 6° the access to the cultural heritage collection;
- 7° scientific research;
- 8° the degree to which an active presentation policy is conducted;
- 9° the exhibition policy;
- 10° the active museum operation with respect to the public;
- 11° the reasoned spatial use of the museum buildings.

To this end, the accredited museum shall have:

- 1° a storage space and a space for conservation activities, a space for the permanent exhibition of its cultural heritage collection, a separate space for temporary exhibitions, a space for the library collection and the collection of documents as well as a space for activities for the public;
- 2° an automated registration and administration of collection items that make information available to different users;
- 3° an exhibition policy that is included in a multi-annual planning process and linked to scientific research;
- 4° opening hours of at least six days a week, the whole year through, for individual visitors, with the possibility of a fixed closure period of maximum two weeks;
- 5° a collection of documents and a library collection that is accessible to individual visitors at fixed times;
- 6° facilities that make it possible to consult cultural heritage items that are not on display;
- 7° a provision in the field of active and passive guidance of the public that is aimed at different target groups;
- 8° a communication and marketing policy;

9° a sufficient degree of knowledge and expertise in the care of the cultural heritage collections in order to implement the basic functions in a high-quality and balanced way;

10° a staff that is composed of:

- a) at least one full-time curator or director who is holder of a diploma of tertiary education and furnishes proof of his expertise;
- b) at least four full-time equivalent senior assistants holding a diploma of tertiary education who are in charge of the coordination and implementation of the basic functions;
- c) sufficient professional staff members to implement the basic functions of the museum operation.

The accredited museum may co-operate with other cultural heritage institutions to exercise the basic functions in a quality way. If the occasion arises, the accredited museum co-operates in defining the policy on this functional co-operation.

§4. In order to be classified into the national level, the quality of operational management shall be evaluated, in implementation of Article 9, §2, 4° of the Act, on the basis of:

- 1° staff policy;
- 2) financial policy;
- 3° the degree to which staff members attend in-service training;
- 4° decision procedures;
- 5° the way in which the policy plan is designed.

To this end:

- 1° the accredited museum shall conduct a staff policy that is based on a staffing plan and an organisation chart;
- 2° the accredited museum shall draw up job descriptions specifying the job content and skills necessary to adequately perform a job within the museum. It shall do this for all jobs done by professionals as well as those done by volunteers.
- 3° the curator or director shall attend at least twenty hours a year of in-service training focussing on museum operation or management;
- 4° the professional or volunteer staff members shall attend in-service training for the tasks they perform;
- 5° the accredited museum shall fully ensure access to social and civil rights protection to volunteers;
- 6° the accredited museum shall apply the principles of quality control to its operation;
- 7° the policy plan shall be prepared in consultation with the staff members and partners.

§5. In order to be classified into the national level, the geographical scope of the accredited museum shall be evaluated at national and international level, in implementation of Article 9, §2, 5° of the Act.

This shall be evaluated on the basis of:

- 1° the public outreach;
- 2° the communication policy;
- 3° the provision of services;
- 4° the public-oriented infrastructure.

To this end:

- 1° the accredited museum shall reach a local, regional, national and international public. The analysis of visitor numbers and the visitor survey shall be evaluated;
- 2° the accredited museum shall conduct a communication policy that is aimed at various target groups with an eye to attracting visitors from at home and abroad;

- 3° the museum shall have the necessary facilities for welcoming visitors;
- 4° the accredited museum shall be equipped with the necessary signs in the museum;
- 5° the museum shall provide multilingual information to visitors.

Art. 18. §1. In order to be classified into the regional level, the accredited museum shall house, in implementation of Article 9, §2, 1° of the Act, a cultural heritage collection that is of regional importance with regard to the content or theme of the collection.

This shall be evaluated on the basis of:

- 1° the description of the origins and the composition of the cultural heritage collection;
- 2° the museum concept;
- 3° the position of the cultural heritage collection in Flanders and in the region.

§2. In order to be classified into the regional level, the accredited museum shall assume, in implementation of Article 9, §2, 2° of the Act, cultural and societal responsibility at local and regional level.

This shall be evaluated on the basis of:

- 1° the remit which the museum takes on with regard to the cultural heritage resources in the region;
- 2° the role the museum plays in offering opportunities for the population to become involved in cultural heritage in the region;
- 3° the leverage function the museum performs and the role it plays in the local and regional networks, partnerships and projects with regard to one basic museum function;
- 4° the way in which the accredited museum is preserving cultural heritage in the region by means of its knowledge, expertise and resources in the field of the implementation of at least one of its basic functions.

§3. In order to be classified into the regional level, the quality of the implementation of the basic functions is evaluated, in implementation of Article 9, §2, 3° of the Act, on the basis of:

- 1° the relation to the regional profiling of the museum operation;
- 2° the degree to which the various sub aspects of the museum operation add to the accomplishment of the mission and objectives of the museum;
- 3° the degree to which the various sub aspects of the museum operation are geared to one another;
- 4° the conservation measures that are applied in order to guarantee quality preservation and management;
- 5° the access to the cultural heritage collection;
- 6° the museum operation with respect to the public.

To this end, the accredited museum shall have:

- 1° an automated system for the registration of collection items with a registration plan, a step-by-step plan and timing with a view to an automated administration of collection items making information available to different users ;
- 2° opening hours of at least four days a week, of which one day at the weekend, the whole year through, for individual visitors, with the possibility of a fixed closure ;
- 3° facilities enabling visitors to consult the collection of documents and the library collection;
- 4° a provision of public-oriented services;
- 5° sufficient degree of knowledge and expertise in the care of the cultural heritage collection in order to implement the basic functions in a high-quality way;
- 6° a staff that is composed of:

- a) at least one full-time curator or director who is holder of a diploma of tertiary education and furnishes proof of his expertise;
- b) at least one full-time equivalent senior assistant holding a diploma of tertiary education who is in charge of the coordination and implementation of the basic functions;
- c) sufficient professional staff members to implement the basic functions of the museum operation.

The accredited museum may co-operate with other cultural heritage institutions to exercise the basic functions in a quality way. If the occasion arises, the accredited museum shall co-operate in defining the policy on this functional co-operation.

§4. In order to be classified into the regional level, the quality of operational management shall be evaluated, in implementation of Article 9, §2, 4° of the Act, on the basis of:

- 1° staff policy;
- 2) financial policy;
- 3° the degree to which staff members attend in-service training.

To this end:

- 1° the accredited museum shall conduct a staff policy that is based on a staffing plan and an organisation chart;
- 2° the curator or director shall attend in-service training focussing on museum operation or management;
- 3° the professional or volunteer staff members who are recruited for the implementation of the museum operation and the basic functions shall attend in-service training for the tasks they perform;
- 4° the accredited museum shall fully ensure access to social and civil rights protection to volunteers.

§5. In order to be classified into the regional level, the geographical scope of the accredited museum shall be the regional level, in implementation of Article 9, §2, 5° of the Act.

This shall be evaluated on the basis of:

- 1° the public outreach;
- 2° the communication policy.

To this end:

- 1° the accredited museum shall reach a local and regional public;
- 2° the museum shall conduct a communication policy with a view to widen the audience reached in the region.

Art. 19. In order to be classified into the local level, the accredited museum shall meet the accreditation standards as prescribed in Article 4, § 1, of the Act and in Article 2.

Subsection II. Procedure for the allocation of an operating grant to an accredited museum

Art. 20. §1. An application for an operating grant as referred to in Article 11 of the Act, shall be entered as follows by the governing body:

- 1° in case of a first application, the policy plan submitted as an application for accreditation, as specified in Article 3, §3, is also considered to be a policy plan with a view to classification;
- 2° in case of an application for a next policy period, the policy plan submitted as an application for accreditation, as specified in Article 3, §3, is also considered to be a policy plan with a view to classification;

§2. The policy plan referred to in §1 shall contain all information necessary and useful for assessing whether the museum is meeting the criteria for classification, specified in Article 9, §2 of the Act.

Art. 21. §1. The administration shall examine whether the application was fully submitted and whether it meets the formal requirements laid down in Article 3, if a first application for an operating grant is involved, and whether it meets the formal requirements laid down in Article 7, if an operating grant for a subsequent policy period is involved.

If the application was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the application shall not be eligible.

§2. At the latest fifteen days from the date of receipt of the application, the administration shall inform the governing body by registered mail whether the application is eligible or not. If applicable, the reason for the rejection of the application shall be mentioned.

Art. 22. §1. The administration shall examine the application on records and shall assess it against the criteria referred to in Article 9, §2, of the Act and the conditions referred to in Articles 17, 18 or 19.

The administration may take all the initiatives it deems necessary in order to assess the criteria referred to in Article 9, §2, of the Act and the conditions referred to in Articles 17, 18 or 19 in an appropriate way. It may hear, among other things, the governing body, request additional documents and data and schedule an on-site visit.

In case of an on-site visit, the administration may be supported by an external expert and a member of evaluation committee for museums.

The administration shall draw up a report on its findings and attach the report to the application.

§2. The evaluation committee for museums shall assess the application against the criteria, specified in Article 9, §2, of the Act and the conditions referred to in Articles 17, 18 or 19, and shall provide reasoned advice on this.

The evaluation committee for museums may take all the initiatives it deems necessary in order to assess the criteria for classification referred to in Article 9, §2, of the Act and the conditions referred to in Articles 17, 18 or 19 in an appropriate way.

§3. If the evaluation committee for museums advises the Minister to classify the accredited museum into the regional level, the province involved, if is not the governing body itself, shall be informed about the advice of the evaluation committee.

§4. The administration shall draw up a draft decision on all aspects of the application with a view to the classification of the museum, taking into account the argued advice of the evaluation committee. The advice of the evaluation committee shall be incorporated in an integrated way in this document.

§5. In case of a first application for an operating grant, the Flemish Government shall decide on the annual operating grant for the policy period at the latest three months after the Minister's decision on the accreditation of the museum referred to in Article 4, §7.

In case of an application for an operating grant for a subsequent policy period, the Flemish Government shall decide on the annual operating grant for the policy period at the latest by 1 October of the last year of the current policy period.

§6. The administration shall inform the governing body of the Minister's decision by registered letter within a period of thirty days from the decision of the Flemish Government.

§7. The policy period for which an annual operating grant shall be awarded as referred to in Article 11, §§ 1 and 2, of the Act, shall start on 1 January of the year following on the decision of the Flemish Government and apply to the period to which the policy plan is applicable.

Art. 23. The procedure for a first classification shall run simultaneously with the accreditation procedure under Article 4.

Art. 24. §1. If the policy period for which the accredited museum receives an operating grant as referred to in Article 22, §8, runs for six years and if the evaluation referred to in Article 42, §1, 1° is positive, the governing body may apply on the grounds of the updated policy plan under Article 10, § 2, of the Act for another operating grant on the basis of a new classification.

An application for another operating grant on the grounds of a new classification shall be submitted by the governing body of the accredited museum, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration at the latest by 15 January of the fourth year of the current policy period.

§2. The procedure and periods for the treatment of the application for another operating grant on the grounds of a new classification referred to in §1, shall run in accordance with Article 22.

Section II. Operating grants to umbrella partnerships of at least three accredited museums

Subsection I. Criteria for an umbrella partnership

Art. 25. §1. In order to meet the criterion referred to in Article 12, § 3, 1° of the Act, the umbrella partnership shall have specialised expertise at its disposal for one or more basic functions of the museum operation that is relevant for Flanders.

This shall be evaluated on the basis of:

- 1° a needs analysis of the cultural heritage field in Flanders in relation to the expertise which is available within the umbrella partnership;
- 2° the quality of the actions of the different partners and of the expertise at their disposal;
- 3° the position of the umbrella partnership and the different partners in the cultural heritage field in Flanders.

§2. In order to meet the criterion referred to in Article 12, § 3, 2°, of the Act, the umbrella partnership shall put its own specialised expertise at the disposal of the entire cultural heritage field.

This shall be evaluated on the basis of:

- 1° the position of the umbrella partnership in the cultural heritage field in Flanders;

2° the programme and the financial, logistic and personal means deployed by the umbrella partnership to put the expertise at the disposal of the cultural heritage field in Flanders.

To this end:

1° the umbrella partnership shall conduct a communication policy focussing on the cultural heritage domain in Flanders;

2° the umbrella partnership shall take initiatives to set up working groups, research, study days and colloquiums in Flanders that are related to the expertise available within the umbrella partnership.

§3. In order to meet the criterion referred to in Article 12, § 3, 3°, of the Act, it shall appear from the vision and the objectives of the umbrella partnership that:

1° the expertise is of national relevance and sufficiently specialised;

2° the use and application of its knowledge and expertise for the cultural heritage field is one of its key tasks.

§4. In order to meet the criterion referred to in Article 12, § 3, 4°, of the Act, the umbrella partnership shall take part in permanent or temporary networks of other heritage institutions, education institutes, the academic world, business world, public services and experts.

§5. In order to meet the criterion referred to in Article 12, § 3, 5°, of the Act, the umbrella partnership shall provide for an operation focussing on the cultural heritage field in Flanders.

Art. 26. §1. In order to meet the criterion referred to in Article 13, § 3, 1°, of the Act, the umbrella partnership shall have a joint cultural heritage collection that is of international importance with regard to the content or theme of the cultural heritage collection.

This shall be evaluated on the basis of:

1° the description of the origins and the composition of the joint cultural heritage collection;

2° the position of the cultural heritage collection in comparison with cultural heritage collections abroad.

§2. In order to meet the criterion referred to in Article 13, § 3, 2°, of the Act, the umbrella partnership shall be a partner of international and thematically related cultural heritage institutions by sharing its knowledge and expertise on cultural heritage collections and by combining its services.

§3. In order to meet the criterion referred to in Article 13, § 3, 3°, of the Act, it shall appear from the vision and the objectives of the umbrella partnership that:

1° the umbrella partnership has established an international profile by sharing its knowledge and expertise on cultural heritage collections and by combining its services;

2° the international profile and position of the umbrella partnership and of the cultural heritage institutions that participate in the partnership are included in the objectives of the umbrella partnership.

§4. In order to meet the criterion referred to in Article 13, § 3, 4°, of the Act, the umbrella partnership shall take part in permanent or temporary networks of other heritage institutions, education institutes, the academic world, business world, public services and experts.

§5. In order to meet the criterion referred to in Article 13, § 3, 5°, of the Act, the umbrella partnership shall take cultural responsibility for

thematically related cultural heritage resources within an international perspective.

§6. In order to meet the criterion referred to in Article 13, § 3, 6°, of the Act, the umbrella partnership shall provide an added value for the partners at international level.

To this end:

1° the umbrella partnership shall conduct a collection policy that offers an added value to the partners of the partnership with a view to achieve a clearer profile of the individual cultural heritage collections.

2° the umbrella partnership shall strengthen the preservation and management function and ensure an enhanced knowledge and expertise in the field of preservation and management of the joint cultural heritage collection;

3° the umbrella partnership shall maintain a common automated inventory of the collection;

4° the umbrella partnership shall conduct a research policy that plays an active and innovating role in the international museum and academic world. Research shall be at the basis of the development of public-oriented activities;

5° the umbrella partnership shall conduct an exhibition policy based on its own research and on its co-operation with international related museums and academic expertise centres;

6° the umbrella partnership shall make a contribution to international developments in the field of cultural heritage.

Subsection II. Procedure for the allocation of an operating grant
to an umbrella partnership

Art. 27. §1. An application for an operating grant as referred to in Article 12, § 1, or in Article 13, § 1, of the Act shall be submitted by the umbrella partnership, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration, at the latest by 15 January of the year preceding the first year of the policy period.

§2. The application for an operating grant as referred to in Article 12, § 1, of the Act, shall contain a policy plan and all information that is necessary and useful for assessing whether the application meets the conditions under Article 12, 2 of the Act and the conditions under Article 25.

The application for an operating grant as referred to in Article 13, § 1, of the Act, shall contain a policy plan and all information that is necessary and useful for assessing whether the application meets the conditions under Article 13, 2 of the Act and the conditions under Article 26.

§3. The policy plan shall contain the following elements:

1° an environmental analysis taking into account the content-related tasks of the umbrella partnership, the place of the umbrella partnership in this environment and a strengths/weaknesses analysis;

2° the view on the performance of the content-related tasks of the umbrella partnership, the current status and a strengths/weaknesses analysis;

3° the strategic and operational objectives of the umbrella partnership;

4° expected outcomes and outcome indicators;

5° a description of the tools and work methods contributing to the achievement of the objectives;

- 6° the vision of the management of the umbrella partnership, a current status and a strengths/weaknesses analysis;
- 7° the available financial, personal and logistic means stating also the input of the different partners and the use of the operating grant;
- 8° a multi-annual planning mentioning the priorities;
- 9° the way in which the policy plan is geared to the policy plans of the partners;
- 10° a description of the process of policy planning.

In addition, the application shall comprise the following documents:

- 1° the articles of association of the umbrella partnership, the composition of the board of directors and all practical data on the partners;
- 2° the budget of the current operating year stating also the input of the different partners. The administration may impose a budgetary model.

The administration may impose a model for the policy plan.

§4. An application for an operating grant for the next policy period as referred to in Article 12, § 1, or in Article 13, § 1, of the Act shall be submitted by the umbrella partnership, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration, at the latest by 15 January of the last year of the policy period.

This application shall contain all elements, described in § 2, and an evaluation of the implementation of the current policy plan.

The evaluation of the implementation of the current policy plan shall contain at least the following elements:

- 1° a report in terms of content on the degree to which the policy plan was implemented during the past policy period;
- 2° an evaluation of the tools and methods used;
- 3° an evaluation of the partnership;
- 4° a description of the outcomes achieved.

The administration may impose a model for the policy plan.

Art. 28. §1. The administration shall examine whether the application was submitted timely and accurately and whether it meets the formal requirements laid down in Article 27, § 3, if a first application is involved, and whether it meets the formal requirements laid down in Article 27, §4, if a subsequent operating grant is involved.

If the application was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the application shall not be eligible.

At the latest fifteen days from the date of receipt of the application, the administration shall inform the umbrella partnership by registered mail whether the application is eligible or not. If applicable, the reason for the rejection of the application shall be mentioned.

§2. The administration shall examine the policy plan on records and on site.

In case of an on-site visit, the administration may be supported by an external expert and a member of advisory committee on cultural heritage.

The administration shall draw up a report on its findings and attach the report to the application.

§3. If an application for an operating grant as referred to in Article 12, § 1, of the Act is involved, the advisory committee on cultural heritage shall assess the application against the conditions under Article 12, § 2, of the Act, and against the conditions under Article 25. The advisory committee on cultural heritage shall provide advice on all applications and sort them, giving the reasons for the ranking.

If an application for an operating grant as referred to in Article 13, § 1, of the Act is involved, the advisory committee on cultural heritage shall assess the application against the conditions under Article 13, § 2, of the Act, and against the conditions under Article 26. The advisory committee on cultural heritage shall provide advice on all applications and sort them, giving the reasons for the ranking.

The advisory committee on cultural heritage may take all the initiatives it deems necessary to assess the applications against the conditions under Article 12, §2, of the Act and the conditions under Article 26 in an appropriate way.

§4. The administration shall draw up a draft decision on all aspects of the application, taking into account the reasoned advice based on the ranking system of the evaluation committee. The advice of the advisory committee on cultural heritage shall be incorporated in an integrated way in that document.

§5. The Flemish Government shall decide on the allocation of the annual operating grant at the latest by 1 October of the year prior to the first year of the policy period. If applicable, the reason for the rejection of the application shall be mentioned.

§6. The administration shall inform the umbrella partnership of the decision of the Flemish Government by registered letter within a period of twenty days from the decision of the Flemish Government.

§7. The policy period for which an annual operating grant shall be awarded as referred to in Articles 12, § 5 and 13, § 5 of the Act, shall start on 1 January of the year following on the decision of the Flemish Government and shall apply to the period to which the policy plan is applicable.

Art. 29. If the application for an operating grant as referred to in Article 12, § 1 of the Act is rejected on the grounds of Article 12, § 4, of the Act or due to budget limitations in the Flemish Community, the application shall continue to be valid for a period of three years.

If the application for an operating grant as referred to in Article 13, § 1 of the Act is rejected on the grounds of Article 13, § 4, of the Act or due to budget limitations in the Flemish Community, the application shall continue to be valid for a period of three years.

Section III. General provisions regarding payment and justification of an annual operating grant

Art. 30. §1. The Minister shall:

1° allocate an annual operating grant as referred to in Article 11, §§ 1 and 2, of the Act, to the governing body of an accredited museum whose application for an operating grant was approved by the Flemish Government as provided for in Article 22, § 5;

2° allocate an annual operating grant as referred to in Article 12, § 5 of the Act, to an umbrella partnership whose application for an operating

grant was approved by the Flemish Government as provided for in Article 28, § 5;

3° allocate an annual operating grant as referred to in Article 13, § 5 of the Act, to an umbrella partnership whose application for an operating grant was approved by the Flemish Government as provided for in Article 28, § 5;

The governing body specified in 1°, the umbrella partnership specified in 2°, as well as the umbrella partnership specified in 3°, shall be called the public or private law body hereafter.

§2. The public or private law body shall incorporate the activities for which it is funded by virtue of § 1 in a separate section of the budget.

If a public or private law body, engages, apart from the activities for which it is funded by virtue of §1, also in other similar main activities, the public or private law body shall make a clear and identifiable distinction between both sorts of activities in its entire accounting process.

§3. The accountancy of the private law body shall be kept in accordance with the provisions of the law of 17 July 1975 on the accountancy and annual account of companies and shall be organised in such a way that the financial audit of the use of the grants is made possible.

Art. 31. §1. The public or private law body, which is eligible for an operating grant as referred to in Article 30, § 1er, shall send annually an action plan and a budget for the following year, either by registered mail or on acknowledgement of receipt, in three copies and in electronic form, to the administration at the latest by 1 December of the preceding year.

For the first operating year for which the public or private law body is eligible for an operating grant as referred to in Article 30, §1, the public or private law body shall forward an action plan and a budget, either by registered mail or on acknowledgement of receipt, in three copies and in electronic form, to the administration by 1 February of the first operating year at the latest.

§2. In the action plan, the public or private law body shall describe the way in which it will implement the policy plan during the year involved and the personal, logistic and financial means which will be available to this end. It is also indicated whether and in which way the planning fixed in the policy plan may be deviated from.

Moreover, the action plan shall contain an extract from the budget of the governing body.

The administration may impose a model action plan and a model budget.

Art. 32. Under Article 48 of the Act, the annual operating grant referred to in Article 31 shall be made available as follows:

1° three advances of each time 25% of the grant amount that is allocated for that operating year are paid at the earliest by 1 January, 1 April and 1 July respectively of the operating year;

2° a fourth advance of 15% of the grant amount that is allocated for the operating year shall be paid at the earliest by 1 October of the operating year;

3° the balance of 10% of the grant amount that is allocated for the operating year shall be paid after evaluating compliance with grant conditions and after acceptance of substantiating documents by the administration.

Art. 33. §1. The operating grant shall be justified on the grounds of an annual report on the past operating year.

That annual report shall contain:

- 1° a detailed report on the degree to which the action plan was carried out and the policy plan was implemented during the past operating year;
- 2° the statistical data deemed necessary by the administration;
- 3° the annual account, which consists of a balance sheet, a profit and loss account and the report by a company auditor or, if applicable, of the local or provincial treasurer. If a local authority or province is involved, an extract from the annual account shall be asked in order to gain an overview of revenues and expenses associated with the operation of the accredited museum or the umbrella partnership;
- 4° an amortization table for the investments;
- 5° a form with a follow-up model devised by the administration.

If applicable, the financial documents of the supporting organisation shall be attached.

§2. At the latest by 1 April of the following year, the public or private law body shall send the annual report, in three copies and electronically, either by registered mail or on acknowledgement of receipt, to the administration.

§3. The administration may turn to the public or private law body for additional information and documents at all times.

§4. The public or private law body receiving operating grants on a multi-annual basis by virtue of the present Act and other Acts, shall annually submit a full annual account for all activities as well as a separate profit and loss account for each of the main activities for which it receives an operating grant.

Art. 34. The administration shall supervise the public or private law body which receives an operating grant as referred to in Articles 11, 12 and 13 of the Act, by means of:

- 1° an annual audit of the action plan and the budget, as referred to in Article 31;
- 2° an annual audit of the annual report as mentioned in article 33.

Art. 35. §1. A reserve built up by its own revenues and grants, as specified in Article 50, §1, of the Act, shall be entered in the balance sheet of a public or private law body as part of its own capital and shall consist of a balance sheet item "designated reserve" and a balance sheet item "profits/losses carried forward" of the annual account.

If a public law body is involved, the reserve shall be followed up by using the follow-up model of the administration as referred to in Article 33, §1, second clause, 5°.

§2. In implementation of Article 50, §2, first clause, of the Act, the following one-off exceptional revenues shall not be taken into account when calculating the transferable reserve:

- 1° gifts;
- 2° legacies;
- 3° prizes.

The reserve built up out of one-off exceptional revenues shall be included in the balance as a separate reserve, named "designated funds one-off exceptional revenues". This reserve may be carried forward infinitely.

§3. In implementation of Article 50, §2, second clause, of the Act, the Minister may, on the grounds of a reasoned request and a spending plan drawn up by the public or private law body, approve a derogation from the percentage of 10% of the average annual staffing and operating costs as referred to in Article 50, §2, first clause, of the Act, to be applied to the establishment of the transferable reserve.

The reasoned request and the spending plan shall be sent as an attachment to the annual report as referred to in Article 33 of the last year of the policy period.

§4. In implementation of Article 50, § 3, second clause, the reserve carried forward after the policy period, as defined in Article 50, § 2, first clause, of the Act, shall be used for the realisation of a spending plan approved by the Minister, the implementation of which is limited in time to two budgetary years following the past policy period.

The spending plan shall be sent as an attachment to the annual report as referred to in Article 31 of the last year of the policy period.

If this spending plan is not approved, is not implemented or is not implemented in time, the public or private law body shall be obliged to pay the unspent funds of the transferable reserve back into the account of the administration.

§5. The administration shall ensure the supervision of the implementation of the spending plan.

Section IV. Project grants to accredited museums

Art. 36. §1. At the latest by 1 July of the first full calendar year of the term of office of the Flemish Parliament, the Minister shall set out the policy priorities for the allocation of a project grant to an accredited museum as referred to in Article 16, § 1, of the Act, for a period of five years. The policy priorities may be updated at intervals.

The policy priorities shall be applicable to projects starting in the year following on their appropriation.

§2. The project shall be assessed against the following criteria:
1° the importance of the project for the strengthening of one or more basic functions of the accredited museum;
2° the quality with regard to content of the project and its implementation;
3° the co-operation with other partners;
4° the degree to which the project is geared to the policy plan;
5° the business management and financial support of the project.

§3. Projects that are funded in accordance with other Acts shall not be eligible for a project grant as referred to in Article 16, of the Act.

Art 37. §1. In order to qualify for a project grant under Article 16 of the Act, the governing body of an accredited museum, or, if applicable, the supporting organisation, shall submit an application for a project grant, in fifteen copies and in electronic form, either by registered mail or upon acknowledgement of receipt, to the administration:

1° for a project launched in the first half of the year: at the latest by 15 November of the year prior to the year in which the project is launched;

2° for a project launched in the second half of the year: at the latest by 1 March of the year in which the project is launched.

In derogation of the first paragraph, 1°, an accredited museum shall submit, for the first operating year of its accreditation, a project grant application for a project starting in the first half of the year by 1 February at the latest.

For exceptional projects, the Minister may derogate from the dates of submission laid down in the first paragraph if the application is justified.

§2. The application shall contain all information that is necessary and useful for assessing the project against the criteria as well as against the policy priorities of the Minister as set forth in Article 36.

§3. The application for a project grant shall contain at least:
1° an approval of the curator or director of the accredited museum;
2° a short overview in which the project is concretised and substantiated within the policy plan objectives and a description of the desired outcomes;
3° the timing and planning of the implementation of the project;
4° a budget including a financing plan.

§4. A project grant shall amount to maximum 80% of the expenses of the project.

The administration may impose a model project grant application and a model budget.

Art. 38. §1. The administration shall examine whether the application was submitted timely and accurately and whether it meets the formal requirements laid down in Article 37.

If the application was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the project grant application shall not be eligible.

§2. At the latest fifteen days from the date of receipt of the project grant application, the administration shall inform the governing body, or, if applicable, the supporting organisation by registered mail whether the application is eligible or not. If applicable, the reason for the rejection of the project grant application shall be mentioned.

§3. The evaluation committee for museums shall assess the project grant application against the conditions under Article 16 of the Act as well as against the criteria under Article 36, and shall provide well-reasoned advice on the application.

The evaluation committee for museums may take all the initiatives it deems necessary for assessing the project grant application in an appropriate way.

§4. The administration shall draw up a draft decision on all aspects of the application, taking into account the argued advice of the evaluation committee for museums. The advice of the evaluation committee for museums shall be incorporated in an integrated way in this document.

§5. The Minister shall decide, at the latest four months after the final submission date, on the project grant application if a project grant

application as referred to in Article 37, § 1, first and second clauses is concerned.

The Minister shall decide, at the latest four months after the date on which the eligibility of the application is determined, on the project grant application if a project grant application as referred to in Article 37, § 1, third clause is concerned.

§6. The administration shall inform the governing body of the Minister's decision by registered letter within a period of twenty days from the Minister's decision.

Art 39. The project grant as laid down in Article 16 of the Act shall be made available as follows:

- 1° an advance of 80% of the grant amount shall be paid after signature of the Decree in which the grant is allocated;
- 2° the balance of 20% of the grant amount shall be paid after it has been established by the administration that the conditions under which the grant was allocated, were respected and that the grant was applied to the objectives for which it was intended.

Art. 40. §1. The project grant under Article 16 of the Act is justified on the grounds of a project report.

The project report shall contain at least:

- 1° a report in terms of content on the project and the outcomes achieved;
- 2° the statistical data deemed necessary by the administration;
- 3° a financial report on the project and the supporting documents.

If applicable, the financial documents relating to the activities of the supporting organisation shall be attached.

§2. The governing body or the supporting organisation shall send the project report, either by registered mail or on acknowledgement of receipt, in three copies and electronically, to the administration at the latest by 1 October of the year following on the year in which the grant was awarded.

The administration may at all times request additional information and documents from the governing body or the supporting organisation.

Chapter III. Supervision and evaluation of the accreditation and classification of museums and umbrella partnerships

Art. 41. The supervision and evaluation of the accredited museum, as referred to in Article 5, § 5, of the Act, of the classification of an accredited museum, as referred to in Article 11, § 3 of the Act, of an umbrella partnership, as referred to in Article 13, § 6, shall be carried out by :

- 1° an audit of the annual reports referred to in Article 6;
- 2° an audit of the annual reports referred to in Article 34;
- 3° an evaluation of the policy plans as contained in Articles 5, 10, 12 and 13 of the Act, and in Article 7.

Art. 42. §1. The administration shall evaluate the implementation of the policy plan, referred to in Articles 5, 10, 12 and 13 of the Act, and in Article 7 at the most twice in each policy period:

- 1° an interim evaluation in the first half of the policy period and at the latest six months before submitting an updated policy plan, as referred to in Article 10, § 2, Article 12, § 2, 4°, second clause, and in Article 13, § 2, 4°, second clause, of the Act;

2° a final evaluation, in the second half of the policy period and at the latest six months before the submission of the next policy plan.

The administration may take all the initiatives it deems necessary to assess these policy plans in an appropriate way. It may hear, among other things, the governing body, request additional documents and data and schedule an on-site visit.

In case of an on-site visit, the administration may be supported by an external expert and a member of the evaluation committee for museums or the advisory committee on cultural heritage.

§2. The administration shall communicate its findings which are the result of §1, 1°, by registered post, within two months after the evaluation, to the public or private law body in the form of an evaluation report with recommendations.

§3. The findings of the administration which are the result of § 1, 1° shall be integrated in the updated policy plan.

In case of a negative interim evaluation as specified in § 1, 1°, the public or private law body shall prove in the updated policy plan that it deals in an appropriate way with the observations made by the administration.

§4. The findings of the administration which are the result of § 1, 2° shall be taken into account for the preparation of a next policy plan.

Art. 43. §1. The public or private law body shall send an updated policy plan as referred to in Articles 10, § 2, 12, § 2, 4°, second clause, and 13, § 2, 4°, second clause, of the Act, by registered mail or upon acknowledgement of receipt, in three copies and electronically, to the administration by halfway through the policy period.

This means:

1° at the latest by 15 July of the second year if the policy period covers three years;

2° at the latest by 15 January of the third year if the policy period covers four years;

3° at the latest by 15 July of the fourth year if the policy period covers five years;

4° at the latest by 15 January of the fourth year if the policy period covers six years;

§2. The administration shall examine whether the updated policy plan was submitted timely and accurately.

If the updated policy plan was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the policy plan shall not be eligible.

At the latest fifteen days from the date of receipt of the updated policy plan, the administration shall inform the public or private law body by registered mail whether the updated policy plan is eligible or not. If applicable, the reason for the rejection of the updated policy plan shall be mentioned.

§3. The evaluation committee for museums shall provide reasoned advice on the updated policy plan, as referred to in Article 10 of the Act.

The advisory committee on cultural heritage shall provide reasoned advice on the updated policy plan, as referred to in Articles 12 and 13 of the Act.

§4. The administration shall draw up a draft decision on all aspects of the policy plan, taking into account the reasoned advice of the evaluation committee for museums or of the advisory committee on cultural heritage. The advice of the evaluation committee for museums or of the advisory committee on cultural heritage shall be incorporated in an integrated way in that document.

§5. The Minister shall approve or disapprove the updated policy plan by at the latest four months after submitting the updated policy plan.

§6. The administration shall communicate the decision of the Minister, by registered mail, to the public or private law body, within a period of twenty days from the date of receipt of the decision of the Minister.

§7. In case of a negative decision, the Minister may express the intention to impose a sanction proportionally to the established violations.

The public or private law body may make an argued appeal against this intention with the administration, by registered mail and within twenty days of receipt of the decision.

The Minister shall decide, after examination of this appeal, whether he will reconfirm, adjust or abandon the intention expressed. If the public or private law body does not file a complaint or files a delayed complaint, the intention expressed shall be confirmed.

Art. 44. §1. If the audit under Articles 6, 7 and Article 34 or the evaluation under Article 42, reveals that the accredited museum does no longer meet the accreditation standards, referred to in Article 4, § 1, of the Act and in Article 2, or the conditions for classification, referred to in Articles 17, 18 or 19, the administration shall press the governing body, by registered letter, to take steps to try and meet the accreditation standards or conditions for classification within a period of six months.

§2. The governing body shall send a reasoned answer to the administration by at the latest thirty days after expiration of this period.

§3. If the governing body does not meet the accreditation standards after the periods defined in §§ 1 and 2, the Minister may decide to withdraw the accreditation upon the advice of the evaluation committee for museums and upon the advice of the province involved, if it is not the governing body, or of the Flemish Community Commission, if the museum is located in the bilingual area of Brussels Capital, or of the local authority involved if the governing body of the museum is a private law body.

If the governing body does not meet the conditions for classification after expiration of the periods defined in Articles 17, 18 or 19, the Minister may decide to change or withdraw the classification upon the advice of the evaluation committee for museums.

§4. Article 4 shall apply correspondingly to the procedure and the periods in which the withdrawal of an accreditation is treated.

Article 22 shall apply correspondingly to the procedure and the periods in which a change or withdrawal of classification is treated.

Art. 45. The administration shall be informed by registered letter of the governing body on the changed conditions that are fundamental to the accreditation or classification.

TITLE III. Cultural heritage publications

Art. 46. In order to be eligible for a project grant as referred to in Article 26, § 3, of the Act, the publisher of a non-periodical or one-off publication on cultural heritage referred to in Article 27, § 1, of the Act, shall submit a publication file containing at least the following data: a table of contents, a manuscript or a significant part of a manuscript, a biography of the author and a calculation model of the estimated revenues and expenditures.

Art. 47. Article 59 of the 2 April 2004 Act on the funding of art organisations, artists, organisations for art education and organisations for social and artistic activities, international initiatives, publications and support centres shall apply correspondingly to the details of the application, of the procedure including the appeal and recourse procedures, the accreditation, the supervision and the evaluation of the grants.

Title IV. Cultural heritage projects

Chapter I. Conditions of and application for a project grant for a cultural history exhibition

Art. 48. §1. In order to be eligible for a project grant as contained in Article 29 of the Act, a public or private law body shall submit an application for a project grant, by registered letter or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration:

- 1° for a project launched in the first half of the year: at the latest by 15 November of the year prior to the year in which the project is launched;
- 2° for a project launched in the second half of the year: at the latest by 1 March of the year in which the project is launched.

§2. The application shall contain all information that is necessary and useful for assessing the project against the criteria as set forth in Article 30 of the Act.

§3. The application for a project grant shall contain at least:

- 1° a short overview of the objectives and the desired outcomes of the cultural history research;
- 2° a description of the concept of the exhibition, the objectives and the intended effects and outcomes;
- 3° a description of the target group of the cultural history exhibition;
- 4° a communication plan that sheds a light on the geographical scope of the exhibition;
- 5° the different partners and their input in the project;
- 6° the timing and planning of the implementation of the project;
- 7° a budget including a financing plan.

§4. A project grant shall amount to maximum 80% of the expenses of the project.

The administration may impose a model project grant application and a model budget.

Chapter II. Conditions of and application for a project grant for a developmental project focusing on cultural heritage

Art. 49. At the latest by 1 July of the first full calendar year of the term of office of the Flemish Parliament, the Minister shall set out the policy priorities for the allocation of a project grant as referred to in Article 32 of the Act, for a period of five years. The policy priorities may be updated at intervals.

The policy priorities shall be applicable to projects starting in the year following on their appropriation.

Art. 50. §1. In order to be eligible for a project grant as contained in Article 32 of the Act, a public or private law body shall submit an application for a project grant, by registered letter or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration:

1° for a project launched in the first half of the year: at the latest by 15 November of the year prior to the year in which the project is launched;
2° for a project launched in the second half of the year: at the latest by 1 March of the year in which the project is launched.

§2. The application shall contain all information that is necessary and useful for assessing the project against the criteria as set forth in Article 33 of the Act, and in Article 49.

§3. The application for a project grant shall contain at least:

1° a description of the project, the objectives and the intended effects and outcomes;
2° a description of the target group;
3° a description of the way in which the outcomes will be made public and will be put at the service of the cultural heritage field in Flanders;
4° the different partners and their input in the project;
5° the timing and planning of the implementation of the project;
6° a budget including a financing plan.

§4. A project grant shall amount to maximum 80% of the expenses of the project.

The administration may impose a model project grant application and a model budget.

Chapter III. Conditions of and application for a project grant for an international project

Art. 51. §1. The project grants referred to in Article 35 of the Act shall be awarded to:

1° an international cultural heritage project;
2° the preparation of an international project on cultural heritage within a European funding programme.

§2. At the latest by 1 July of the first full calendar year of the term of office of the Flemish Parliament, the Minister shall set out the policy priorities for the allocation of a project grant for international projects as referred to in Article 36, § 2, of the Act, for a period of five years. The policy priorities may be updated at intervals.

The policy priorities shall be applicable to projects starting in the year following on their appropriation.

Art. 52. §1. In order to be eligible for a project grant as contained in Article 35 of the Act, a public or private law body shall submit an application for a project grant, by registered letter or upon

acknowledgement of receipt, in fifteen copies and digitally, to the administration:

- 1° for a project launched in the first half of the year: at the latest by 15 November of the year prior to the year in which the project is launched;
- 2° for a project launched in the second half of the year: at the latest by 1 March of the year in which the project is launched.

In derogation of the first paragraph, a single copy of the application for a project grant under Article 35 of the Act is sufficient if submitted by the public or private law body which is not located in the Dutch language area or in the bilingual area of Brussels Capital.

In derogation of the first paragraph, 1° and 2°, a public or private law body which is not located in the Dutch language area or in the bilingual area of Brussels Capital shall submit an application for a project grant at least two months before the launch of the project.

§2. The application shall contain all information that is necessary and useful for assessing the project against the criteria as set forth in Article 36 of the Act, and in Article 51.

§3. The application for a project grant shall contain at least:

- 1° a description of the project, the objectives and the intended effects and outcomes;
- 2° a description of the target group of the project;
- 3° the different partners abroad and at home and their input in the project;
- 4° the timing and planning of the implementation of the project;
- 5° a budget including a financing plan.

§4. A project grant shall amount to maximum 80% of the expenses of the project.

The administration may impose a model project grant application and a model budget.

Chapter IV. Procedure for cultural heritage projects

Art. 53. §1. The administration shall examine whether the application was submitted timely and accurately and whether it meets the formal requirements laid down in Articles 48, 49 and 52.

If the application was not submitted in time or was submitted in an incomplete manner or if it does not meet the formal requirements, the application for a project grant shall not be eligible.

§2. The administration shall inform the public or private law body by registered mail whether the application is eligible or not at the latest fifteen days from the date of receipt of the application for a project grant. If applicable, the reason for the rejection of the project grant application shall be mentioned.

§3. The evaluation committee for heritage covenants and cultural heritage projects shall assess the application for a project grant, as referred to in Articles 29 and 32 of the Act, to the criteria, as referred to in Article 30 and 33 of the Act, and in Article 49, and shall provide advice on this matter.

The advisory committee on cultural heritage shall assess the application for a project grant as referred to in Article 35 of the Act against the

criteria as referred to in Article 36 of the Act and in Article 51 and shall provide advice on this matter.

§4. The evaluation committee for heritage covenants and cultural heritage projects or the advisory committee on cultural heritage may take all the initiatives they deem necessary to assess the application for a project grant in an adequate way. They may hear among other things the public or private law body and request additional information.

§5. The administration shall draw up a draft decision on all aspects of the application, taking into account the reasoned advice of the evaluation committee for museums or of the advisory committee on cultural heritage. The advice of the evaluation committee for heritage covenants and cultural heritage projects or of the advisory committee on cultural heritage shall be incorporated in an integrated way in that document.

§6. The Minister shall decide on the project grant application referred to in Article 48, § 1, Article 50, § 1 or Article 52, § 1, first clause within four months from the final submission date.

The Minister shall decide on the project grant application as referred to in Article 52, § 1, third clause within four months from the date on which the admissibility of the application is determined.

§7. The administration shall communicate the decision of the Minister, by registered mail, to the public or private law body, within a period of twenty days from the date of receipt of the decision of the Minister.

Art. 54. The project grant as laid down in Articles 29, 32 or 35 of the Act shall be made available as follows:

- 1° an advance of 80% of the grant amount shall be paid after signature of the Decree in which the grant is allocated;
- 2° the balance of 20% of the grant amount shall be paid after it has been established by the administration that the conditions for the allocation of the grant were respected and that the grant was applied to the objectives for which it was intended.

Art. 55. §1. The project grant shall be substantiated by a project report. The project report shall contain at least:

- 1° a report in terms of content on the project and the outcomes achieved;
 - 2° the statistical data deemed necessary by the administration;
 - 3° a financial report on the project and the documents to substantiate it.
- The accounting process shall be organised in such a way that the financial audit of the use of the project grant is made possible.

§2. The public or private law body shall send the project report, either by registered mail or on acknowledgement of receipt, in three copies and electronically, to the administration at the latest by 1 October of the year following on the year in which the grant was awarded.

The administration may turn to the public or private law body for additional information and documents at all times.

Title V. Final provisions

Art. 56. §1. In derogation of Article 3, the governing body of a museum shall send in order to be accredited from 1 January 2006 onwards, an application for accreditation, by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration by 1 February 2005 at the latest.

§2. In derogation of Article 4, § 4, the province or the local authority involved shall provide reasoned advice, by 15 April 2005 at the latest, on the applications for accreditation that are submitted by 1 February at the latest.

§3. In derogation of Article 4, § 7, the Minister shall decide on the accreditation or express his intention to refuse the accreditation by 15 July 2005 at the latest and shall communicate his decision to the administration. If applicable, the reason for the rejection of the application shall be mentioned.

§4. In derogation of Article 22, § 6, the Flemish Government shall decide on the annual operating grant for the policy period by 30 September 2005 at the latest.

Art. 57. §1. In derogation of Article 11, § 1, the Flemish Community institution as referred to in Article 8, § 1, of the Act shall send a policy plan, by registered mail or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration by 1 February 2005 at the latest.

In derogation of Article 12, § 2, the competent evaluation committee for Flemish Government institutions shall render reasoned advice in 2005 within three months from the submission of the policy plan.

§2. In derogation of Article 14, § 1, the Flemish Community institution as referred to in Article 8, § 2, of the Act shall send a policy plan, by registered mail or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration by 1 February 2005 at the latest.

In derogation of Article 15, § 2, the competent evaluation committee for Flemish Government institutions shall render reasoned advice in 2005 within three months from the submission of the policy plan.

Art. 58. The governing body of a museum, which was accredited and classified by 31 December 2002 at the latest in application of the 20 December 1996 Act on the accreditation and funding of museums, may apply for an annual operating grant for the period from 1 January 2007 to 31 December 2008 inclusive, on the basis of a different classification. To this end the governing body shall submit an updated policy plan as specified in Article 24.

The application for an operating grant on the grounds of a new classification shall be submitted by the governing body of the accredited museum, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration by 15 January 2006 at the latest.

Art. 59. In derogation of Article 27, an umbrella partnership shall send in order to receive an operating grant from 1 January 2006 onwards, an application for accreditation, by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration by 1 February 2005 at the latest.

Art. 60. §1. In derogation of Article 37, § 1, 1°, the governing body of an accredited museum shall submit a project grant application for a project starting in the first half of 2005, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration by 1 February 2005 at the latest.

§2. In derogation of Article 37, § 1, 2°, the governing body of a museum shall submit a project grant application for a project starting in the second half of 2005, either by registered mail or on acknowledgement of receipt, in fifteen copies and digitally, to the administration by 01 May 2005 at the latest.

In derogation of Article 38, § 5, the Minister shall decide, by 1 October 2005 at the latest, on the project grant application if the project grant involved is intended for a project starting during the second half of 2005.

Art. 61. §1. In derogation of Article 48, 50 or 52, the public or private law body shall send a project grant application for a project on cultural heritage that starts in the first half of 2005, either by registered mail or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration, by 1 February 2005 at the latest.

§2. In derogation of Article 48, 50 or 52, the public or private law body shall send a project grant application for a project on cultural heritage that starts in the second half of 2005, either by registered mail or upon acknowledgement of receipt, in fifteen copies and digitally, to the administration, by 01 May 2005 at the latest.

§3. In derogation of Article 53, § 6, the Minister shall decide, by 1 October 2005 at the latest, on the project grant application if the project grant involved is intended for a project starting during the second half of 2005.

Art. 62. This Decree shall enter into force on the date of its signature.

Art. 63. The Flemish Minister responsible for cultural affairs is charged with the implementation of this Decree.

Brussels, (date)

The Minister-President of the Flemish Government,

Yves LETERME

The Flemish Minister for Culture, Youth, Sport and Brussels Affairs

Bert ANCIAUX

Annex. Logo of a museum accredited by the Flemish Community

Image in black and white of the logo of a museum, accredited by the Flemish Community:



Technical features:
dimensions 160mm x 160 mm,
colours: red: pantone 201 CVC
and blue: reflex blue CVC,
font : Optima Bold.

To be attached to the Flemish Government Decree of 14 January 2005 implementing the Heritage Act of 7 May 2004, with regard to museums, cultural heritage publications and projects on cultural heritage.

Brussels,

The Minister-President of the
Flemish Government,

Yves LETERME

The Flemish Minister for Culture, Youth, Sport and Brussels Affairs

Bert ANCIAUX