

Introduction

The Netherlands Minister of Education, Culture and Science supports and encourages the mobility of collections, both nationally and within the European Union. After all, mobile collections make the Netherlands national heritage more visible and ensure a stimulating account, surprising combinations and a more detailed understanding. The mobility of collections is, however, restricted by the high cost of insurance against damage and loss. One possible way of removing that restriction is to reach agreement between borrower and lender on spreading the loan risk.

Existing Instruments

The State has for some time had two instruments which spread the risk to the collection. First, there is the 1989 *Framework Agreement on Loan Arrangements*. The Framework Agreement describes the conditions under which the State and the municipalities of Rotterdam, Amsterdam, The Hague and Gouda are prepared to enter into reciprocal loan arrangements. Second, there is the *Management Agreement* between the State and former national museums, which dates from 1993. The Management Agreement describes the conditions under which the autonomous national museums may lend objects owned by the State to third parties.

Minimal loan conditions

Under the Framework Agreement and the Management Agreement the offices of the Minister of Education, Culture and Science and all autonomous national museums may lend objects owned by the State to third parties under the following conditions:

- If the value of the object falls, it is not recovered from the borrower.
- The borrower is responsible for misplacing an object entirely (going missing, theft, total loss) only during its transportation to and from the lender. While the object is with the borrower the State bears the risk. The borrower naturally has to do all in its power to keep the object and, if it goes missing or is stolen, to recover it.
- The borrower is at all times responsible for any damage to an object which can be repaired.
- It should be determined in consultation with the borrower whether it should insure the residual risk.

Scope

The Minister of Education, Culture And Science has confidence in its collections managers and requires only that they comply with the minimal lending conditions when lending from the State-owned collections. Individual managers may, however, impose supplementary conditions. For that reason, lending conditions may vary between institutions.

In practice

Where management of the national collection is concerned, in practice there are three relationships between borrowers and lenders. How can they best spread the risk when borrowing or lending objects in these different relationships?

01.

The owner of the collection is the State, the manager is a government department and the borrower is another museum.

In order to impede loan arrangements as little as possible, the Minister of Education, Culture and Science – in this case the managing government department – does not require the borrower to insure against the risk of damage and loss. The minimal loan conditions form the lower limit. The government department may, however, impose supplementary conditions.

02.

The owner of the collection is the State, the manager is an autonomous national museum, and the borrower is another museum.

The Management Agreement offers museums opportunities to lend the collection on behalf of the State without compulsory insurance under the above-mentioned minimal loan conditions. This is specifically stated in Articles 6.2 and 8 of the Management Agreement.

03.

The owner of the collection is not a government department, a foundation or a private individual, but the collection is entrusted to the care of the State under an agreement, the manager is a national museum, and the borrower is another museum.

The owner is not obliged to lend an object under the same loan conditions as the State. Before lending an object in this category, managers (national museums) must 'negotiate' with the owner on the risk he as owner is prepared to accept and the conditions under which he is prepared to lend his object to third parties. These should preferably be the same minimal loan conditions as applied by the State. If the owner – in this category this is not the State – does not want to bear the total loss of the object himself, he may well be prepared to abandon the current market value as the starting point for compensation. In that case the borrower and the owner may agree a lower sum in compensation. The manager (the national museum) sets out the agreements on conditions and liability between owner and borrower in a written document, such as a power of attorney. The owner may also be another government, which allows the collection to be managed by a national museum. That government may grant the manager (the national museum) a power of attorney to lend objects to third parties under the same minimal loan conditions as applied by the State. Thus the Framework Agreement operates more widely.

Finally

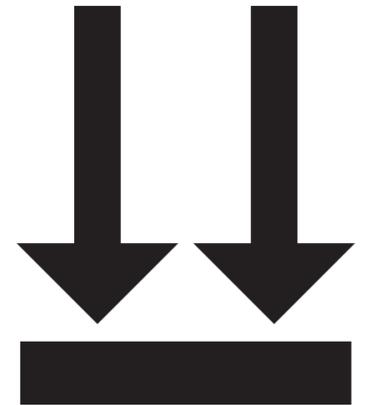
The public is entitled to get to know the many special collections owned by the State. Conversely, these collections merit being seen by a broad public. The Minister of Education, Culture and Science therefore wants institutions to make more use of the opportunities to lend collections. It is hoped that the policy of the Minister of Education, Culture and Science on spreading the risk of lending will contribute to this.

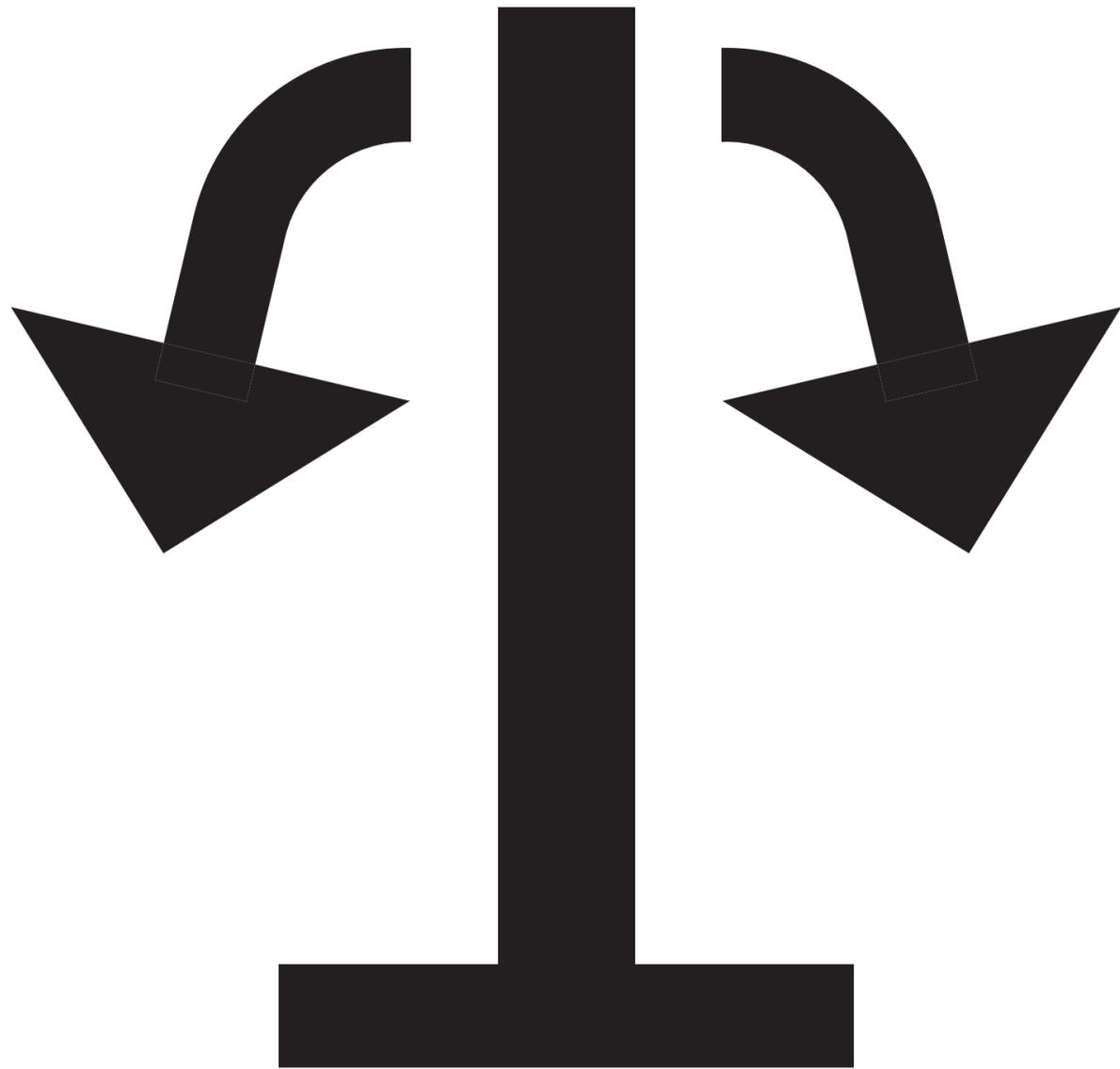
Questions?

If you have any questions contact:
Directie Cultureel Erfgoed
[Cultural Heritage Directorate]:
Marianne Rutters, 070 412 4342
Instituut Collectie Nederland
[Netherlands Institute for Cultural Heritage]:
Frank Bergevoet, 070 307 3802
Nationaal Archief [National Archive]:
Irene Gerrits, 070 331 5563
Rijksdienst voor Archeologie,
Cultuurlandschap en Monumenten
[State Service for Archaeology,
Cultural Landscape and Monuments]:
Peter Don, 030 698 3374

Spreading the risk of museum loans from the national collection

Lend more, worry less





Spreading the risk
of museum loans from
the national collection
Lend more,
worry less



Spreading the risk
of museum loans from
the national collection



Lend more, worry less