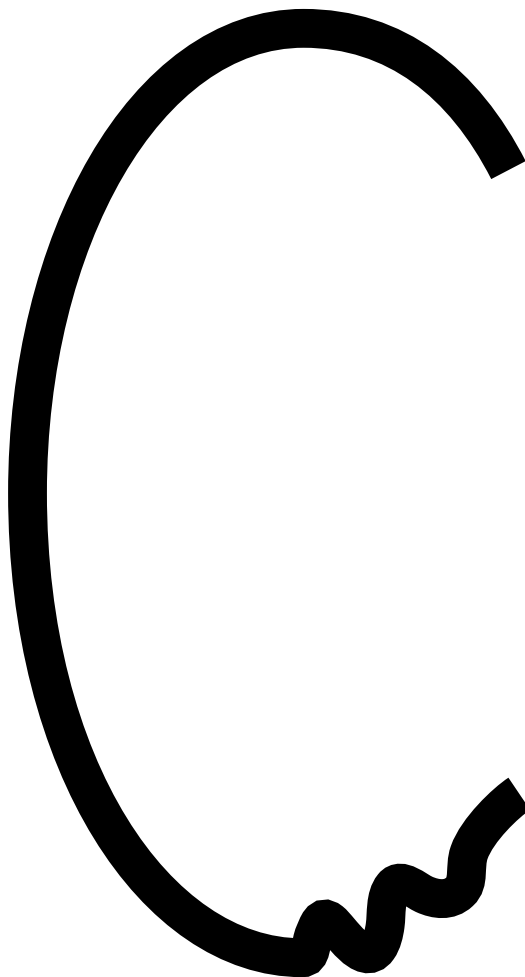


# Subsidy Regulations



## creative industries fund NL

architecture  
design  
digital culture

p.o. box 29066  
3001 gb rotterdam

groothandelsgebouw  
entrance c, 5<sup>th</sup> floor  
weena 723, rotterdam

+31 (0)10 436 16 00  
info@stimuleringsfonds.nl  
www.creativeindustriesfund.nl

# Subsidy Regulations

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**The Creative Industries Subsidy Regulations concern the application, evaluation, awarding and final approval of grants from the Creative Industries Fund NL. Grant programmes have been drawn up to supplement these Regulations. Here the Board specifies further formal, financial, qualitative and quantitative conditions in addition to exceptions.**

The Board of the Creative Industries Fund NL,  
having regard to Article 10, clause 4 of the Law on Specific Cultural Policy;  
in view of the approval granted on 1 December 2015 by the Minister for Education,  
Culture and Science;

## Decrees

### Article 1. Duties of the Fund

- 1 These Regulations concern applications for projects, programmes or other activities named in a grant programme in the fields of digital culture, gaming, product design, graphic design, fashion, architecture, urban design, garden and landscape architecture and interior architecture.
- 2 In accordance with its statutes and in keeping with the provisions set down in the law and the present Regulations, grant programmes and, where applicable, invitations to submit projects, the Creative Industries Fund NL awards grants for the implementation of projects that contribute to the promotion of high quality, development and professionalization of the contemporary creative industry in the Netherlands.

### Article 2. General objectives of the Fund

When awarding grants, the Fund observes the following objectives:

- a promoting experiments and crossovers;
- b stimulating research, analysis and reflection;
- c promoting talent development and artistic quality;
- d promoting social commitment and public activities;
- e strengthening the international position of the design sectors;
- f promoting the professionalization of the design practice and exemplary commissioning.

### Article 3. Definitions

The following definitions apply in these Regulations and grant programmes:

**Advisory Panel:** an advisory committee or advisor appointed by the Board as specified in Article 7 of the statutes.

**Architecture:** the fields of activity covering architecture, urban design, garden and landscape architecture, interior architecture, including related activities aimed at analysis of and reflection on these fields of activity.

**Board:** the Board of the Creative Industries Fund NL, as referred to in Article 5 of the statutes.

**Co-funding:** contributions from third parties, including contributions from private parties in the form, for example, of sponsoring and contributions from public bodies such as provinces, municipalities and public funds.

**Cultural entrepreneurship:** the degree to which designers, clients, producers and cultural institutions aim to achieve the greatest possible return from the planned activities, in artistic-cultural or social terms.

**Digital culture:** cultural and artistic productions or expressions related to digital technology, new media or games.

**Discipline:** field of study within art or science.

**Project:** all of the activities and directly related costs for the benefit of an incidental, precisely defined activity that takes place within a defined period of maximum 24 months.

**Project grant:** a one-off claim for financial support from the Fund, awarded to prepare or carry out a project.

**Sector:** sphere of activity which falls within the scope of the Creative Industries Fund NL.

**Starting grant:** a form of project grant that can be awarded for the development of an elaborated project proposal, on the basis of which an application can be submitted for a grant for a defined project.

**Talent:** exceptional professional ability with the potential and qualities to develop further into an inspiring example for professional colleagues and audiences with wider interests.

**Design:** the design of fashion, accessories and jewellery; the design of textiles, glass and ceramics; graphic design, typography, visual communication, interactive and information design, animation, illustrations, cartoons and graphic novels; products, furniture and industrial design, interior and spatial design, exhibition design, light design, scenography; social design.

## Article 4. Applicability of Subsidy Regulations Creative Industries Fund NL

The provisions in these regulations apply to the application, evaluation, awarding and final approval of a grant for a project. These regulations apply in addition to the statutes, the regulations determined by the Board and the Supervisory Board of Trustees and the General Administrative Law Act and, where applicable, the grant programmes.

## Article 5. Subsidy

- 1 In order to receive a grant from the Fund, the applicant must be registered in the Chamber of Commerce business register, or a foreign equivalent.
- 2 A grant can only be awarded:
  - a if there is a budget deficit and a need for a grant, which in the view of the Board has been demonstrated;
  - b if the applicant adopts a working method that one can reasonably assume will achieve the objectives defined by the applicant;
  - c if the applicant has not failed in his duty to meet the grant obligations of a project for which the Fund has previously awarded a grant;
  - d if the applicant has convincingly demonstrated that the funding available for the project, including the grant from the Fund and any other income from entrance fees, sponsoring or otherwise, is sufficient to carry out the project in accordance with the conditions specified in these regulations;
  - e if the results are made public.
- 3 Grants are not awarded to:
  - a institutions that have a structural subsidy relationship with the government;
  - b projects that serve no Dutch interests;
  - c projects that involve a repeat or a reprint;
  - d serial production;
  - e projects that take place within the framework of a study or course of education;

- f projects in which there is no reasonable co-funding with respect to the organization of the project.
- 4 No grant may be awarded for:
- a education programmes and related activities by institutes of education;
  - b agencies within or related to higher-education institutions, universities or organizations related to these institutions;
  - c study trips;
  - d education;
  - e operating deficits;
  - f feasibility studies;
  - g labour costs for employees of governmental, provincial or municipal agencies;
  - h the acquisition of possessions;
  - i building and restoration costs;
  - j interior design, restoration or conversion plans;
  - k projects extending over a period longer than 24 months;
  - l activities that do not go beyond the regular business activities;
  - m activities related to valorization.

## **Article 6. General framework for awarding subsidy**

- 1 Each year the Board draws up an Activity Plan containing information about the possibilities for applying for subsidy. The plan always includes the period for submissions and the requirements that applications for subsidy must meet.
- 2 The Activity Plan requires the approval of the Board of Trustees and is then made public on the website.

## **Article 7. Special application procedures**

- 1 The Open Call is a special application procedure that can be organized, particularly for the development of an elaborated project proposal. In such a case, the Board issues a public invitation that indicates the objective of the call, the amount of grant to be provided and the procedure to be followed. The Open Call is made public on the website at least four weeks before the specified closing date.
- 2 The Board may decide to organize a special application procedure to award a voucher. On the basis of an invitation to participate in an eminent manifestation or presentation activity, provided there is a good motivation and high artistic quality, an amount can be made available for support in the travel and accommodation costs. Information about the application procedure, the objective, the amount to be awarded and the procedure to be followed are made public on the website.

## **Article 8. Grounds for refusal**

- 1 An application will not be considered if the implementation of the intended activities – according to the application – do not commence within 12 months after the decision of the Board.
- 2 Applications must be written in the Dutch or English language.
- 3 If, within six months of a full or partial refusal from the Board to award a grant, the same applicant submits a new application for the same project, this new application will be refused without further investigation or advice, unless altered circumstances or new facts are specified.

- 4 The Board can decide to refuse an application without further investigation or advice if the same applicant has failed to submit the required reports to th

## **Article 9. Subsidy ceiling, priorities during evaluation**

- 1 A grant is always awarded on condition that sufficient financial resources are at the disposal of the Fund.
- 2 The Board can, with respect to the sequencing of the evaluation and the awarding of a grant, grant priority to a particular application on the basis of:
  - a the budget available to the Fund;
  - b priorities formulated by the Board;
  - c the earmarking of sums of money for the purpose of implementing the grant programmes.
- 3 The Board may decide that for the evaluation of applications a sequence is determined in the evaluation of these applications or the extent to which these comply with the criteria specified for the grant programme in question, the public round, the project or for the open call.

## **Article 10. Subsidy ceilings, special sequence for awarding**

- 1 The awarding of a grant is refused if by awarding the grant the publicized financial ceiling of the grant programme, the public round, the project or the invitation to the project or the open call would be exceeded, subject to the conditions specified in the second clause. Such a financial ceiling counts as subsidy ceiling as in Article 4:22 of the General Administrative Law Act.
- 2 The Board may decide, in the event that the total of the applications eligible for subsidy exceeds the subsidy ceiling, that:
  - a the available amount will be divided proportionally between the applicants eligible for subsidy;
  - b the available amount will be awarded to the applicants whose application is valued most highly, where the requested contribution can be awarded to the most highly valued applications, provided the total does not exceed the subsidy ceiling, and subsequently only the amount remaining up to the subsidy ceiling will be awarded to the applicant to whom awarding a grant would lead to the subsidy ceiling being exceeded;
  - c the available amount will be awarded to the applicants whose application is valued most highly up to and including the application to which awarding a grant would lead to the subsidy ceiling being exceeded, on the understanding that the available amount in that case will be divided between them proportionally;
  - d the applications to be approved will be divided into two groups, after which the contribution requested can be awarded to the most highly appreciated group, while the amount that in that case remains up to the subsidy ceiling will be divided proportionally between the applicants in the second group; or
  - e subsidy for an application where approval would lead to the subsidy ceiling being exceeded will not be approved, after which a positively evaluated, but lower-rated application can receive a grant if the subsidy ceiling is not exceeded as a result; in that case, the Board can attach further conditions to the realization of this application.
- 3 The intended application of one the options mentioned in the second clause will be publicized simultaneously with the opening of the possibility for submitting applications.

## Article 11. General conditions for support

- 1 The Board provides an application form for submitting applications and publishes this form on its website. This form must be completed fully in accordance with the guidelines specified in the explanation.
- 2 A grant can only be awarded when the project:
  - a sufficiently meets the objective or objectives of the grant programme in question;
  - b is sufficiently consistent in objective, planning, expertise involved, method and extent of co-funding, and size of audience.
  - c meets one or more of the general objectives, as formulated in Article 2.
- 3 The Board always takes the following into consideration in deciding to award a grant:
  - a the requirements and criteria in these Regulations and the grant programme in question;
  - b further requirements that relate to the implementation of the project and that are determined by the Board and contained in the application forms or in the announcement on the website. These will be determined at least four weeks before the specified closing date.
  - c priorities as referred to in Article 9, clause 2, under b;
  - d the necessity and amount of the grant;
  - e the statutory objectives of the applicant;
  - f the recommendations made to the Board on the basis of the application;
  - g the available budget for the subsidy round, in relation to the available budget for the grant programme.

## Article 12. Content of application: information about the applicant

- 1 The application contains at least the following information:
  - a date of application, name, address and place of residence of the applicant; the applicant's bank account details and, in the case of a legal entity, a specification of the legal form;
  - b a copy of the statutes that apply to the applicant and an extract from the Chamber of Commerce business register not older than 12 months;
- 2 The application must be signed by the applicant or a lawful representative of the applicant.

## Article 13. Content of application: information about the content of the project

The application contains at least the following information:

- a a description of the project for which the grant is requested. This description must indicate the objective of the project; where, when, by whom and how the project will be implemented and for whom the project is intended;
- b a description of the importance of the project, which enables an evaluation of whether it meets the criteria and objectives of the Fund as formulated in Articles 1, 2, 14 to 21 of these regulations and in the relevant grant programme.

## **Article 14. Content of application: financial information about the project**

The application contains at least the following information:

- a** a statement of the amount of grant requested;
- b** a realistic cost estimate of the project, consisting of a clear overview of estimated revenue and expenses;
- c** a description of the extent and manner of co-funding;
- d** a statement of applications for a grant, funding, sponsoring or expenses made to third parties for the same project. The statement must indicate the status with regard to the evaluation and/or decisions concerning such applications;
- e** a description of any contribution from the applicant towards implementation of the project.

## **Article 15. Content of application: information about the communications strategy of the project**

The application contains at least the following information:

- a** a description of the audience focused on in communication;
- b** a description of the objective to achieve with the communication;
- c** a description of the manner of communication, both at an intermediate stage and by publication of the results;
- d** a description of the medium or media to be used for communication.

## **Article 16. Evaluation criteria that apply to projects with the objective of promoting experiments and crossovers**

The project will be evaluated to gauge how far it complies with:

- a** promoting experiments: investigating new issues, working methods or approaches with the objective of acquiring new insight.
- b** promoting crossovers: establishing relevant connections between the creative industry, scientific research and social issues.

## **Article 17. Evaluation criteria that apply to projects with the objective of stimulating research, analysis and reflection**

The project will be evaluated to gauge how far it complies with promoting research, analysis or reflection, because:

- a** it supplements the existing practice or theory;
- b** it is expected to stimulate new developments due to its exceptional, exemplary artistic quality or character;
- c** it analyses and questions standard insights and working methods.

## **Article 18. Evaluation criteria that apply to projects with the objective of promoting talent development and artistic quality**

The project will be evaluated to gauge how far it complies with:

- a** promoting talent development: the project stimulates the further artistic or professional development of talented individuals;
- b** promoting artistic quality: the project focuses on the continuation, further development and profiling of its own exceptional professional ability, while the designer in question is seen as an inspiring example for professional colleagues and audiences with wider interests;
- c** where this development is accompanied by the strengthening of his or her



own cultural entrepreneurship.

### **Article 19. Evaluation criteria that apply to projects with the objective of promoting social commitment and public activities**

The project will be evaluated to gauge how far it complies with:

- a** promoting social commitment: the project makes a contribution to a social issue from a cultural perspective. It attracts an audience or partners that match the nature and organization of the project;
- b** promoting public activities: the project focuses on achieving the broadest possible audience, which matches the nature and organization of the project. In this way, the project increases interest in the contemporary creative industry.

### **Article 20. Evaluation criteria applicable to projects with the objective of strengthening the international position of the design sectors**

The project will be evaluated to gauge how far it complies with:

- a** strengthening the international reputation of the contemporary creative industry in the Netherlands;
- b** enlarging the field of activity of the creative industry;
- c** building and maintaining relevant international connections.

### **Article 21. Evaluation criteria applicable to projects with the objective of promoting the professionalization of the design practice and of exemplary commissioning**

The project will be evaluated to gauge how far it complies with:

- a** promoting the professionalization of the design practice: the project contributes to the organization or further development of the designer or maker's own professional practice, for instance by entering into new cross-sectoral collaborations or developing and realizing a long-term strategy that contributes to the substantive deepening of the professional practice
- b** promoting exemplary commissioning: the project contributes to an exemplary way for designers/makers to collaborate with commissioning clients and/or producers; or by stimulating excellent commissioning focused on artistic high-quality or socially relevant results.

### **Article 22. Advice**

- 1** The Board can refer an application to an advisor or advisory panel for advice.
- 2** In formulating its advice about whether to award a grant, the advisory panel will base its recommendations on the details, documentation, portfolio and, if necessary, additional information supplied by the applicant.
- 3** The advisory panel is requested to assess the extent to which an application meets the conditions specified by the Subsidy Regulations, in particular the criteria as referred to in Articles 12 to 21, and in the relevant grant programme.
- 4** A positive recommendation can be accompanied by an advice concerning the amount of grant to be awarded and advice concerning the implementation of the project.
- 5** The Board can request the advisory panel when evaluating applications to take into consideration the application of one of the modalities referred to in Articles 9 and 10, and to include this in their advice.

- 6 The working method, appointments, duration of appointments and further rules with respect to the functioning of an advisory panel are determined by the Board in the Advice on Applications Protocol.

### **Article 23. Awarding of grant**

- 1 The decision to award a grant contains a description of the recommendations, if any, the conditions under which the subsidy is made available, the obligations that the recipient must observe, the maximum amount of grant or the way in which this will be determined, information with respect to the payment of money and/or advance funding, and the date on which the activities must be completed.
- 2 Decisions with respect to applications are taken within 10 weeks after the last day of the submission period, unless another period for a decision is specified in a grant programme.
- 3 The decision and all resulting claims cease to apply in the event that the project has not commenced within 12 months of the decision to award a grant. No further notification from the Board is required. The Board can specify a different period in a grant programme.
- 4 In its decision to award a grant, the Board can impose restrictions and conditions with respect to the preparation and implementation of the project, the presentation of the results, the method of payment, the submission of statements, and the method of reporting on the financing and content of the project.
- 5 Implementation of a proposal will not commence earlier than the date on which the Board decrees.
- 6 The applicant may derive no rights from the granting of a grant with respect to the approval of a following application for funding.

### **Article 24. Advance payment**

The Board can provide advance payment of funding. The amount and speed of the advance payment are specified in the decision to award a grant. The decision to make an advance payment is taken at the same time as the decision to award a grant. The advance can amount to a maximum of 100 percent of the grant awarded. The Board can specify additional rules with respect to the advance payment in the grant programmes.

### **Article 25. Obligations of grant recipient**

- 1 The applicant must mention the Fund as the subsidizing body in all public statements. The logo of the Fund must be included in publications and reports, on invitations, announcements, websites and audio-visual productions. In the event that an applicant includes the logos of commercial sponsors, the logo of the Fund must also be included.
- 2 The recipient guarantees the Board that the project will be carried out in an efficient and financially responsible manner. In that context the recipient implements good policy and sound management, uses the grant in an efficient manner for the purpose for which it was awarded, and complies with all obligations that the Board attaches to the awarding of the grant.
- 3 The grant recipient must immediately inform the Board of facts and circumstances that could be of importance for the awarding of the grant. In informing the Board, the recipient must submit the documents that relate to the facts and circumstances, and explain the cause of the facts and circumstances. If there is any doubt, the recipient must contact the Board.

- 4 As part of the reporting, as referred to in Articles 25 to 30, the actual implementation of the project will be considered.

### **Article 26. Reporting on subsidy of less than € 25,000 if requested**

In the event that the grant amounts to less than € 25,000, the Board can request that the recipient demonstrate that the activities for which the grant was awarded have taken place and that the obligations attached to the grant have been met.

### **Article 27. Report requirements for subsidy of € 25,000 or more**

- 1 In the event that the grant amounts to € 25,000 or more, the grant recipient demonstrates with an activity report that the activities for which the grant was awarded have taken place and that the obligations attached to the grant have been met.
- 2 The activity report contains an overview of the work for which the grant was awarded and the results achieved by them.
- 3 The layout of the report corresponds with the layout of the description of the project.
- 4 The report contains, if applicable, an analysis of differences between planned activities and intended results, as indicated in the description of the project, and the actual results.
- 5 A grant programme or decree can determine that the grant recipient demonstrate in another way that the activities for which grant was awarded have taken place and that the obligations attached to the grant have been met.

### **Article 28. Actual statement of costs for subsidy of € 25,000 or more**

- 1 In the event that the grant amounts to € 25,000 or more, the recipient must demonstrate that the activities have taken place on the basis of a statement with regard to the actual costs and revenue.
- 2 In the statement the grant recipient indicates:
  - a that the activities for which the grant was awarded have taken place, accompanied by a short explanation,
  - b that the obligations attached to the grant have been met,
  - c the total amount of the costs incurred and eligible for grant,
  - d the amount of the equalization reserve if applicable,
  - e the total amount of revenue generated, including contributions from third parties, and
  - f the total amount of the contribution made by the recipient

### **Article 29. Report requirements for subsidy of € 125,000 or more**

In the event that the grant amounts to € 125,000 or more, the recipient, without prejudice to Article 25, gives account by means of a financial report. Article 4:76 of the General Administrative Law is applicable with the necessary modifications.

### **Article 30. Audit certificate for subsidy of € 125,000 or more**

- 1 The financial report, referred to in Article 27, is accompanied by an audit certificate with regard to its faithfulness and legality, issued by an accountant as referred to in Article 393, clause 1 of Book 2 of the Dutch Civil Code.
- 2 The recipient of the grant stipulates that the accountant carry out his examination in accordance with a control protocol in the event that this is requested by the Board.
- 3 In the certificate referred to in clause 1, the accountant will also assess the observance by the grant recipient of the instructions contained in the control protocol.

### **Article 31. Final approval of grant**

- 1 The application for the final approval of the grant must be submitted no later than 22 weeks after the project has taken place.
- 2 The Board can supply the recipient with further instructions concerning the verification of the observance of the conditions attached to the awarding of the grant.

### **Article 32. Objection**

An interested party can lodge an objection by submitting a notice of objection to the Board. The period of time for submitting an objection is six weeks. The period starts on the day after the decision is announced.

### **Article 33. Protection of personal information**

The Board will not provide confidential information about the application to third parties. Such information concerns company or production details supplied confidentially to the Fund, or personal details as referred to in Chapter 2, Section 2 of the Personal Data Protection Act, unless the provision of such information clearly does not constitute an infringement of privacy.

### **Article 34. Period of time**

- 1 These regulations apply to all applications submitted to the Fund on or after 1 January 2017.
- 2 The Board can determine that these Regulations take effect earlier with respect to a specific grant programme.
- 3 On 1 January 2017, all the Regulations and grant programmes, regardless of the name they carry, which were in operation within the Fund on 31 December 2016 expire, on the understanding that they remain applicable to every application submitted before 1 January 2017.
- 4 grant programmes relating to the subsidy period 2017-2020, but where implementation took place earlier, do not expire on 1 January 2017.

### **Article 35. Official title**

These regulations will be referred to as: Subsidy Regulations Creative Industries Fund NL.

### **Article 36. Final provision**

In cases not covered by the law, the statutes, these Subsidy Regulations or the grant programmes, the Board will make a final ruling.

This Programme will be published in the Staatscourant (official Dutch government publication).

Creative Industries Fund NL,

J. Rodermond (Executive Director and Chairman of the Board)