



# General Subsidy Regulations for Creative Industries Fund NL (Creative Industries Subsidy Regulations)

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The Creative Industries Subsidy Regulations covers applications for, assessment, honouring and approval of subsidies from the Creative Industries Fund NL. Grant Programmes have been drawn up to complement these Regulations.

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 DATE (DAY/MONTH/YEAR) by the Minister for  
Education, Culture and Science;

Decreases:

## Article 1. Aim

1. The Creative Industries Fund NL awards, in accordance with its statutes and in keeping with the provisions set down in the law and the present Regulations, grants for the implementation of projects that: promote the quality of the disciplines of architecture, design and e-culture, and enhance their social and economic value from a cultural perspective. Further, the Regulations aim to strengthen a cross-sector approach and collaboration between private parties, private individuals and the government, both in the Netherlands and abroad.
2. Supplementary to these Subsidy Regulations, the Board specifies in one or more subsidiary Grant Programmes further formal, financial, qualitative and quantitative requirements as well as exceptions with respect to content.

## Article 2. Definitions

The following definitions apply in these Regulation and subsidiary 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 and producers aim to achieve the greatest possible return, in artistic-cultural, business or social terms, from the planned activities.
- Discipline: field of study within art or science.
- E-culture: the field of activity aimed at cultural innovation that operates on the interface between creativity, information and communication technology and science, including related disciplines aimed at analysis of and reflection on this field of activity.
- 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: field of activity what falls within the sphere of action of the Creative Industries Fund NL and that can form part of the domains of culture, technology, science and economy.
- Start 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 subsidy 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 field of activity that includes fashion, jewellery, industrial design, product design, furniture design, graphic design, autonomous design, illustrations and cartoons, animation and set design, including related activities aimed at analysis of and reflection on these disciplines.

### **Article 3. Applicability of Subsidy Regulations**

1. The provisions in these regulations apply to applications for, assessment of, honouring of and specifying the sums of money projects. These regulations apply in addition to the statutes, the regulations determined by the Board and the Supervisory Council and the General Administrative Law Act and, where applicable, the Grant Programmes.
2. A subsidy is always awarded on condition that sufficient financial resources are at the disposal of the Fund.
3. The Board can, with respect to the sequencing of the assessment 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.
4. The awarding of a grant will be refused if the awarding of the subsidy means that the financial ceiling of the Regulations or Grant Programmes is exceeded.

### **Article 4. Grant**

1. To be eligible for a grant from the Fund, the applicant must be registered with the Chamber of Commerce.
2. A grant can only be awarded:
  - a. if there is a budget deficit and a need for a subsidy, 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 aims defined by the applicant;

- c. if the applicant has not failed in his duty to meet the subsidy obligations of a project for which the Fund has previously awarded a grant;
  - d. if the Board of the Fund is convinced that the project meets the aims specified in Article 1 of these regulations;
  - e. 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;
  - f. if the results are made public.
3. Grants are not awarded to:
- a. institutions that have a structural subsidy relation 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 form of co-funding with respect to the organisation of the project.
4. No subsidy may be awarded for:
- a. projects that do not fall within the scope of a Grant Programme;
  - b. education programmes and related activities by institutes of education;
  - c. research carried out by agencies within or related to colleges of higher education or universities;
  - d. study tours;
  - e. education;
  - f. operating deficits;
  - g. feasibility studies;
  - h. labour costs of personnel within governmental, provincial or municipal agencies;
  - i. the acquisition of possessions;
  - j. construction and renovation costs;
  - k. interior design, restoration or conversion plans;
  - l. projects extending over a period longer than 24 months.

#### **Article 5. Application procedure**

1. Each year the Board draws up an Activity Plan containing information about the possibilities for applying for grants. The plan always includes the period for submissions and the requirements that applications for grants must meet.
2. The Activity Plan requires the approval of the Supervisory Council and is then made public on the website.
3. The Board makes a decision within 10 weeks after the period for submissions, unless another period is determined in a Grant Programme. In the event that the period indicated is not achieved, the applicant is informed of this in writing.
4. The implementation of a proposal may not commence before the date on which the Board makes its decision.
5. 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.

#### **Article 6. Special application procedure: Open Call**

For the development of an elaborated project proposal, the application procedure can take the form of a so-called Open Call. In such a case, the Board issues a public invitation that indicates the aim of the call, the amount of subsidy 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.

#### **Article 7. Grounds for refusal**

1. An application will not be considered if the implementation of the intended activities – according to the application – does not commence within twelve months after the decision of the Board.
2. Applications must be written in the Dutch or English languages.
3. If, within six months of a full or partial refusal to award a grant from the Board, the same applicant submits a new application for the same project, this new application will be refused without further study or advice, unless altered circumstances or new facts are specified.
4. The Board can decide to refuse an application without further study or advice if the same applicant has failed to submit the required reports to the satisfaction of the Board concerning an earlier project for which the Fund has provided a subsidy.

#### **Article 8. Content of application**

The application must be signed by a lawful representative of the applicant and contain at least the following information:

- a. Date of application; name, address and place of residence of the applicant; his bank account details and, in the case of a legal entity, a specification of the legal form;
- b. A description of the importance of the project, which enables an assessment of whether it meets the criteria and objectives of the Fund as formulated in Article 1 and 9 of these regulations and in the relevant Article in the Grant Programme;
- c. A statement of the amount of subsidy requested;
- d. 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;
- e. A communications strategy that specifies the audience targeted by the project, and the way in which this will be achieved.
- f. A realistic cost estimate of the project, consisting of a clear overview of estimated revenue and expenses;
- g. A statement of applications for grants, funding, sponsoring or expenses made to third parties for the same project. The statement must indicate the status with regard to the assessment and/or decisions concerning such applications;
- h. A copy of the statutes that apply to the applicant and a summary from the commercial register not older than twelve months;
- i. The documentation and information specified in the explanation that accompanies this form, to enable an assessment of whether the application meets the criteria formulated in the Subsidy Regulations and the relevant Grant Programme.

#### **Article 9. Assessment criteria**

1. A grant will only be awarded if the project sufficiently meets one or more of the following objectives:
  - a. innovation: the project adds to existing practice or theory, or can be expected to stimulate new developments on account of its exceptional, exemplary artistic quality or character in the areas that fall within the scope of the Fund;
  - b. deepening of knowledge: the project contributes to the development of knowledge in the areas that fall within the scope of the Fund, or raises discussion about prevailing insights and ways of working;
  - c. talent development: the project stimulates the further artistic or professional development of talented individuals;
  - d. promotion of cross-sector collaboration: the project establishes connections between creative disciplines, academic research and technological developments aimed at promoting innovation and a deepening of knowledge;
  - e. cultural entrepreneurship, as defined in Article 2 of these regulations.
  - f. promotion of good patronage: the project contributes to an exemplary manner in which designers/makers who fall within the area covered by the Fund work together with clients and/or producers; or it stimulates excellent patronage by

connecting supply and demand more successfully and improves the market opportunities for designers;

g. strengthening the international profile of the design sector: the project contributes to international activities through:

- innovation, deepening of knowledge, or talent development, or
- broadening of the international market for designers/makers, or
- stimulating public interest;

h. promoting public interest: the project aims to reach the widest possible audience, or an audience that is in keeping with the nature and structure of the project, and therefore increases the cultural and social significance of contemporary (Dutch) architecture, design and e-culture.

2. The Board always takes the following into consideration in deciding to award a grant:

- a. The requirements and criteria in these Regulations and the relevant Grant Programmes;
- 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;
- c. Priorities as referred to in Article 3, Clause 3;
- d. The necessity and amount of grant;
- e. The statutory objectives of the applicant;
- f. The recommendations made to the Board on the basis of the application.

#### **Article IO: 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 and the relevant Grant Programme, in particular the criteria concerning content as referred to in Article 8 Clause 1 and in the relevant Grant Programme.

4. A positive recommendation can be accompanied by a advice concerning the amount of grant to be awarded and by advice concerning the implementation of the project.

5. The Board can request that the advisory panel take into consideration priorities determined by the Board.

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 II. Awarding of the grant**

1. The decision to award a grant contains a description of the recommendations, if any, the conditions under which the funding is made available, the obligations that the recipient must observe, the maximum amount of subsidy 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 ten weeks, 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 twelve months of the decision to award a subsidy. 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. The applicant may derive no rights from the awarding of a grant with respect to the honouring of a following application for funding.

**Article 12. Advance payment**

The Board can provide advance payment of funding. The amount and rate 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 13. Obligations of recipient of grant**

1. The applicant must mention the Fund as the subsidising 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.

**Article 14. Reporting on grants 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. The way in which this must be demonstrated will be indicated by a Grant Programme or by a decree.

**Article 15. Report requirements for grants of € 25,000 or more**

1. In the event that the grant amounts to € 25,000 or more, the 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 recipient demonstrate in another way that the activities for which the grant was awarded have taken place and that the obligations attached to the grant have been met.

**Article 16. Actual statement of costs for grants 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 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 subsidy,
- d. the amount of the equalisation 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 17. Report requirements for grants of € 125,000 or more**

In the event that the grant amounts to € 125,000 or more, the recipient, without prejudice to Article 15, gives account by means of a financial report. Article 4:76 of the General Administrative Law is applicable with the necessary modifications.

**Article 18. Audit certificate for grants of € 125,000 or more**

1. The financial report, referred to in Article 17, 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 recipient of the instructions contained in the control protocol.

**Article 19. Approval of grant amount**

1. The application for the approval of the grant amount 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 control of the observance of the conditions attached to the awarding of the grant.

**Article 20. 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 21. 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 22. Period of time**

These regulations apply to all applications submitted to the Fund on or after 1 January 2013. On that date all regulations and Grant Programmes, no matter what their designation, that applied within the Fund on 31 December 2012 cease to apply, on the understanding that they continue to apply to all applications submitted before 1 January 2013.

**Article 22. Official title**

This Programme will be referred to as the Subsidy Regulations for the Creative Industries.

**Article 23. Final provision**

In cases not covered by the law, the statutes, these General Subsidy Regulations or the subsidiary Grant Programmes, the Board will make a final ruling.

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

The Creative Industries Fund NL,

J. Rodermond (director)