

## EUROPEAN INDEMNITY SCHEMES – COMPARATIVE CHART – VERSION 04.01.2017

	regulation	works covered	nail to nail	risks excluded	waiver of subrogation	beneficiaries	limit	own risk / limitation of liability	maximum aggregate value	to whom state indemnity is granted	formal declaration (acceptance) of lender needed
<b>AUSTRIA</b>	YES	incoming loans	YES	<ul style="list-style-type: none"> <li>• all types of armed conflict – civil wars, revolutions, revolts, riots, insurrections, uprisings, strikes, lock-outs or any military or official action related to such incidents;</li> <li>• terrorist acts</li> <li>• nuclear disaster</li> <li>• wear and tear or deterioration of works, and damage resulting from improper use</li> <li>• malicious intent and negligence on the part of the lender</li> <li>• any damage that has occurred irrespective of the exhibition</li> <li>• any damage covered by a private insurance contract</li> <li>• any damage arising as a result of inexpert restoration work</li> <li>• any damage arising as a result of improper cleaning and care of the objects</li> <li>• any damage which would have occurred even if the exhibition had not been held</li> </ul>	NO	only national museums	minimum limit: not stipulated by law, but defined by the Min. of Fin.: EUR 2500/object and EUR 5000/lender maximum limit: no max limit per work/lender	YES (no liability for insignificant loss) the State Indemnity has to be supplemented by a subsidiary commercial insurance, which covers the insignificant loss and is covered by the lending museum - so no costs occur for the lender. In this subsidiary commercial insurance all requested risk which are excluded in the State Indemnity can be added such as terror in transit and on site or difference in limit.	1 billion EUR at any one time this amount is given to all State Museums together (e.g. KHM, Belvedere, Albertina, MUMOK, MAK). The total granted amount per museum varies according to the volume which is needed per exhibition and the availability of coverage in relation to the other museums	to the lender	NO

<b>BELGIUM</b>	NO										
<b>BULGARIA</b>	YES	outgoing loans long-term loans national collections	YES	NO	NO	all (Min. of Cult., national, regional, municipal and private museums)	NO	NO	NO	to the lender (outgoing loan!)	NO
<b>CZECH REP.</b>	YES	incoming loans long-term loans	YES	<ul style="list-style-type: none"> <li>acts of war</li> <li>nuclear threats</li> <li>result of the loaned item's aging</li> <li>borrower's negligence</li> </ul>	NO	only national museums	minimum limit: 100.000 CZK (appr. EUR 4000) /object	NO	NO	to the borrower	YES
<b>DENMARK</b>	YES	incoming loans national collections	YES	<ul style="list-style-type: none"> <li>acts of war</li> <li>nuclear accidents</li> <li>any damage resulting from previous restorations</li> </ul>	YES	all	minimum limit: DKK 10 million (appr. EUR 1.350.000)/project	YES (three levels)	DKK 6 billion at any one time (appr. EUR 805.764.000)	to the lender	NO
<b>ESTONIA</b>	NO										
<b>FINLAND</b>	YES	incoming loans outgoing loans long-term loans national collections	YES	NO	YES/NO (decision )	all (national public corporation nat. foundation with public-interest status)	NO	YES (varies according to the total insurance value)	1 billion EUR at any one time	to the Finnish organizer (lender or borrower)	YES
<b>FRANCE</b>	YES	incoming loans (works belonging French and foreign public and private collections)	YES	<ul style="list-style-type: none"> <li>foreign or civil war</li> <li>previous damage to a work of art, inherent vice</li> <li>the risk of radioactivity and damage resulting from radiation</li> <li>confiscation, forced receivership, seizure or destruction by order of any government</li> </ul>	YES	national museums	minimum limit 46 million EUR (in practice: 250 million EUR)/project	YES	NO	to the borrower	YES
<b>GERMANY</b>	YES	incoming loans	YES	NO	NO	state museums of the Federal Republic	NO	NO	YES (adopted in the budget)	to the borrower	NO
<b>Remark:</b> The Federal Republic of Germany is organized federally. That means that arts and culture are a matter of the federal states. The governmental indemnity only comes to bear in state museums and institutions of the Federal Republic of Germany - as "German Historical Museum" Berlin, "Stiftung Haus der Geschichte of the Federal Republic of Germany" Bonn, "Art and Exhibition Hall of the Federal Republic of Germany" Bonn, "Foundation Flight, Expulsion, Reconciliation" Berlin, and a few smaller institutions. The federal states have their own government guarantees - differ in part by the state liability of Bundesrepublik significantly.											
<b>GREECE</b>	NO										
<b>HUNGARY</b>	YES	incoming loans	YES	<ul style="list-style-type: none"> <li>any wilful conduct or negligence on the part of the beneficiary or its employees or representatives,</li> <li>normal wear and tear stemming from the characteristics of the exhibited article,</li> <li>restoration works approved by the Beneficiary</li> </ul>	NO	lender – all (public institutions, private art galleries etc.)	NO	NO	YES (adopted each year in the Act of Public Finances)	to national museums and publicly funded museums	YES
<b>IRELAND</b>	YES	incoming loans (national collections are covered by separate state indemnity)	YES	<ul style="list-style-type: none"> <li>acts of negligence on the part of the borrower</li> </ul>	NO	strict list of 9 nat. or publicly funded inst. (private museums are excluded)	minimum limit EUR 1 270 000 /project	NO	190 million EUR at anyone time	to the borrower	YES

<b>ICELAND</b>	NO										
<b>ITALY</b>	YES	incoming loans national collections	NO (valid only on the Italian territory)	<ul style="list-style-type: none"> <li>• war, invasions, act of war from foreign enemies, hostility (with or without declaration of war), civil wars, rebellions, revolutions, insurrections, military or usurped power,</li> <li>• natural disasters</li> <li>• ionic radiations or radioactive contamination developed from nuclear combustible or from nuclear slag derived from phenomenon of transformations of the nucleus of atom or from radioactive, toxic, explosive properties or from other dangerous features of nuclear equipment.</li> <li>• normal utilization or gradual deterioration; moth, vermin or harmful animals; intrinsic defect,</li> <li>• damages caused by defective or insufficient packing, except revenge towards the responsible persons,</li> <li>• damages noticed during the inventory</li> </ul>	YES	national museums and public funded museums (private museums are excluded)	NO	NO	NO	to the lender	yes
<b>LITHUANIA</b>	YES	incoming loans	NO (coverage only on the territory of Lithuania)	NO	NO	national museums and publicly funded museums (private museums are excluded)	minimum limit EUR 300 000/project	YES (1% of the value of the object)	NO	to the borrower	NO
<b>LUXEMBURG</b>	NO	incoming loans outgoing loans long-term loans national collections	YES	NO	NO	all	NO	NO	NO	to the lender	NO
<b>MALTA</b>	NO		YES	<ul style="list-style-type: none"> <li>• terrorism</li> <li>• acts of war</li> <li>• nuclear threats</li> </ul>	YES	national museums and publicly funded museums (private museums are excluded)	NO	NO	NO	to the lender	YES
<b>PORTUGAL</b>	NO										
<b>THE NETHERLANDS</b>	YES	incoming loans long-term loans	YES	• the Dutch Indemnity Scheme is based on a combination of a commercial insurance and a state guarantee. The conditions of the commercial insurance apply to the state indemnity.	NO	all	NO	YES (varies according to the total insurance value; over max 30%; max.: EUR 37.500)	EUR 300 million at any one time	to the borrower	NO
<b>NORWAY</b>	YES	incoming loans	YES	<ul style="list-style-type: none"> <li>• war or war-like conditions. However, terrorist activity unconnected to war or war-like conditions is covered.</li> <li>• natural aging and deterioration</li> </ul>	YES	all	minimum limit: NOK 10 million	YES 400.000 NOK at any time	YES, adopted in a yearly budget from Ministry of Finance	to the organizer/applicant	YES

<b>POLAND</b>	YES	incoming loans	NO (no longer than 12 months from the date of its import into the territory of the Republic of Poland)	<ul style="list-style-type: none"> <li>• acts of war</li> <li>• nuclear threats</li> </ul> (the exclusions are not mentioned in the state indemnity legislation, but the general Polish law on insurance excludes coverage of these risks) The scope of the legal protection of a movable article is indicated in art. 31a, passage 5 of the law on museums according to which the protected article is not subject to: <ul style="list-style-type: none"> <li>• seizure in order to secure it during civil and administrative proceedings;</li> <li>• execution in judicial and administrative enforcement proceedings;</li> <li>• seizure in order to secure penalties regarding property, criminal measures involving property as well as claims for damages in criminal proceedings.</li> </ul>	NO	national museums and publicly funded museums (private museums are excluded)	minimum limit: EUR 500.000/project	NO	NO	to the lender	YES
<b>ROMANIA</b>	YES	incoming loans long-term loans	NO (coverage only on the territory of Romania)	NO	NO	all foreign demanders (where state indemnity scheme exists)	NO	NO	NO	to the lender	YES
<b>SLOVAKIA</b>	YES	incoming loans long-term loans	NO (coverage only on the territory of Slovakia)	<ul style="list-style-type: none"> <li>• acts of war</li> <li>• terrorism</li> <li>• extraordinary incidents</li> <li>• acts of negligence during the exhibition and transportation</li> </ul>	NO	national museums and publicly funded museums (private museums are excluded)	minimum limit EUR 40.000/project; maximum limit: EUR 10.000.000 /applicant	?	?	to the borrower	NO
<b>SLOVENIA</b>	YES	incoming loans outgoing loans	?	?	?	national museums and publicly funded museums (private museums are excluded)			?	?	?
<b>SPAIN</b>	YES	incoming loans long-term loans national collections (if they are exhibited in state museums or state building)	YES	<ul style="list-style-type: none"> <li>• damage resulting from wear and tear,</li> <li>• misdeeds on the part of the owner, nuclear accidents and</li> <li>• the seizure of a work of art by a third party what is not covered by the state indemnity should be covered by a private insurance</li> </ul>	YES	museums, libraries or archives of state ownership, under the jurisdiction of the Ministry of Culture and the affiliated public bodies (Prado Museum, Reina Sofia Museum, etc.)	the amount is determined by the general state budget every year. For 2016: <ul style="list-style-type: none"> <li>• maximum limit of 2.250.000 € in total</li> <li>• maximum limit of 231.000 € (this amount may be increased, prior approval of the Council of Ministries) per exhibit</li> <li>• maximum limit of 100.000 € per work</li> </ul>	YES (varies according to the total insurance value)	EUR 1.680 million per year (can be increased up to EUR 2.500 million) in the budget of 2016, the maximum amount is not specified.	to the lender	YES

<b>SWEDEN</b>	YES	incoming loans long-term loans	YES	<ul style="list-style-type: none"> <li>• loss or damage caused by acts of war</li> <li>• normal wear and tear and gradual deterioration</li> <li>• damage resulting from previous repair or restoration</li> <li>• in the event of extenuating circumstances, the guarantee will not cover loss or damage caused by natural disasters or similar circumstances</li> </ul>	NO	all	minimum limit: SEK 20.000 (EUR 1.850) for a single exhibition and SEK 200.000 (EUR 18.500) for touring exhibitions	YES (11 levels)	NO	to the borrower	NO
<b>SWITZERLAND</b>	NO										
<b>U.K.</b>	YES	incoming loans long-term loans	YES	<ul style="list-style-type: none"> <li>• war, hostilities or war-like operations;</li> <li>• the negligence or other wrongful act of the owner, his servants or agent;</li> <li>• the condition (including inherent vice or a pre-existing flaw) of the object at the time of its loan;</li> <li>• restoration or conservation work undertaken to the object by the borrower, his servants or agents with the agreement of the owner;</li> <li>• a third party claiming to be entitled to the object.</li> </ul>	NO	all	NO (but no object worth less than GBP 1,001 (approx. EUR 1.266) can be indemnified)	YES (varies in case of national and non national museums)	NO (agreed levels can be exceeded)	to the lender	NO