

# AFK amsterdams fonds voor de kunst

(The Amsterdam Fund for the Arts)

This Professional Arts Scheme is available in both Dutch and English. The Dutch text shall prevail in the event of any differences (of interpretation).

## AMSTERDAM FUND FOR THE ARTS – PROFESSIONAL ARTS SCHEME 2013- 2016

### Article 1: Objects

1. The Amsterdam Fund for the Arts (AFK) invests in art that enriches life in the city. The AFK strives for the development, enrichment, and diversity of the arts in Amsterdam. The AFK achieves this by providing occasional financial contributions to artists, institutions, and other initiators. Its guiding principles are (artistic and commercial) quality and an increasing of public awareness and appreciation of art in Amsterdam.
2. The Professional Arts Scheme aims to achieve the AFK's objects as mentioned above, and is meant for the application, evaluation, determination and awarding of financial contributions to projects, programmes, or development plans. This scheme focuses on creating and presenting art, cultural projects, and programmes covering all artistic disciplines as well as all of the links between these various disciplines.

### Article 2 Definitions

In these regulations, the following definitions shall apply:

|                |   |
|----------------|---|
| applicant      | The person requesting a financial contribution  |
| AFK            | The civil-law foundation Amsterdam Fund for the Arts (Amsterdams Fonds voor de Kunst)                               |
| advisor        | An external expert, appointed by the AFK, who evaluates an application according to criteria set out in the Scheme. |
| budget deficit | The balance between estimated costs and revenues in cases where the costs are higher than the revenues.             |

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| own income        | All income arising from private sources such as income from audiences, sponsorship and hospitality revenues, private contributions, and financial contributions from private funds. Financial contributions from public sources, including government funds, the City of Amsterdam, or its various districts, are not covered here. |
| financial ceiling | The maximum amount available via the scheme, or via a certain section of the scheme as designated by the AFK.   |
| arts              | All arts disciplines and all links between these various disciplines.   |

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| recipient                         | The person who, based on a decision to award a financial contribution, is entitled to a financial contribution under this scheme.  |
| development budget                | The total financial resources that an applicant uses for the implementation of a development plan.   |
| development plan                  | A coherent and complete set of activities that the applicant will carry out, using the development budget, to achieve an artistic "quality boost."   |
| overhead                          | All costs incurred by the applicant that are not directly related to the primary process of the project, programme, or development plan, such as office space, administration, IT, and general and business management.  |
| programme                         | A coherent set of activities that the applicant will carry out during a maximum period of twelve months, to enable the applicant to spend a long period focusing on improving the quality of his/her artistic offerings, and on increasing his/her audience.                           |
| project                           | A stand-alone activity in the field of the arts, carried out by one or more professional artists.  |
| scheme                            | This Professional Arts Scheme 2013-2016.   |
| balanced budget                   | A budget in which the total costs are at least fully covered by revenues (including the financial contribution requested from the AFK).  |
| determination of the contribution | A decision made by the AFK concerning the definitive awarding of a financial contribution, as shall be determined after the completion of the project, programme, or development plan for which the financial contribution was granted, based on the applicant's submitted accounting. |

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| awarding of a contribution | A decision by the AFK to award a financial contribution. This decision precedes the execution of the project, programme, or development plan for which the financial contribution has been requested. |
| total income               | The total income, in the sense that this term is used by the Dutch Tax and Customs Administration.  |
| website                    | The website <a href="http://www.amsterdamsfondsvoordekunst.nl">www.amsterdamsfondsvoordekunst.nl</a>  |

### **Article 3      Applicability of the scheme and support options**

1. The AFK can, subject to its Articles, with this scheme, and with its policies, decide to provide financial contributions to projects, programmes, or development plans.
2. The provisions of this scheme shall apply to the application, evaluation, awarding and determination of a financial contribution to a project, programme, or development budget for the professional arts.
3. A financial contribution is always granted under the condition that the City of Amsterdam make sufficient funds available to the AFK.
4. The AFK may make a financial contribution to:
  - a. Artists or institutions for the creation and presentation of projects;
  - b. Institutions for the creation and presentation of programmes;
  - c. Artists within every artistic discipline for the realization of a development plan.
5. In special cases, the AFK may support other projects or programmes, if they contribute to the realization of the goal of this scheme, and if they conform to the published policy objects of the AFK.
6. The AFK can set financial ceilings, which it will also publish.
7. The AFK can, in consideration of the timing of the decisions and the awarding of financial sums, give precedence to an application in consideration of the AFK's adopted and published policy.

### **Article 4                      Applicant**

1. The following may be considered for a financial contribution to a project:
  - a. Not-for-profit legal entities (institutions) (associations or civil-law foundations): an application must conform to this legal entity's own objects under its Charter or Articles;
  - b. Private individuals: an application for a financial contribution from a private individual cannot exceed €25,000;
  - c. Organizers of arts in public space: the amount of the financial contribution requested by the applicant cannot exceed the contribution that is made available by the applicant;

2. For a financial contribution to a programme, only not-for-profit legal entities (associations or civil-law foundations) can be considered, and the application must conform to the objects of that legal entity under its Charter or Articles.
3. Individuals based in the City of Amsterdam are eligible for a development budget. The maximum amount of a grant for a development budget is €15,000.

**Article 5: Conditions and contribution amounts**

1. Grant applications should be at least € 2,500. But if the applicant's application or accounting so requires, the AFK may still decide to award a lower amount.
2. The following projects, programmes, and development plans are excluded from support:
  - a. Those that do not fit within the objectives of the scheme and/or do not meet the conditions laid out in the scheme;
  - b. Cases where the applicant receives a subsidy directly under the "Subsidy Scheme for Basic Cultural Infrastructure 2013-2016" ("Subsidieregeling culturele basisinfrastructuur 2013-2016 (BIS)");
  - c. Cases where the applicant receives a subsidy under the Amsterdam "Arts Scheme" (Kunstenplan) 2013-2016, with the exception of the provisions of Article 5, paragraph 3;
  - d. Cases where the plans involve study or education;
  - e. Those that will begin, according to the application, within thirteen weeks of receipt of the application. In cases where an application is made via a consultation session (Article 6.4), the AFK may set a shorter period between the receipt of the application and the starting date;
  - f. Those that have not begun within twelve months of the decision to award a grant;
  - g. Those that have not been completed within twenty-four months of the decision to award a grant;
  - h. Those that already have received a contribution from the AFK;
  - i. Those that, in the opinion of the AFK, fall within the objectives of the AFK's Cultural Participation Scheme (for more information on this Cultural Participation Scheme, see the website).
3. Notwithstanding the provisions of Article 5, paragraph 2, subparagraph b, institutions that receive grants under the Kunstenplan 2013-2016 can make an application for a project if:

- a. the applicant receives subsidies of €100,000 or less;
  - b. the applicant does not receive a structural grant – directly or indirectly – from the national government, the province, or a district of Amsterdam that would bring its total structural funding above €100,000, and
  - c. the application concerns a special project that falls outside of the activities that are honoured under the framework of the Kunstenplan 2013-2016.
4. No financial contribution will be granted for overhead costs if they exceed 5% of the total costs (excluding overhead) of the budget.
5. The budget of the project, programme, or development plan should not include any provisions for unforeseen contingencies. If the budget contains unforeseen contingencies, then the requested amount will be reduced by the amount budgeted for those contingencies.
6. A financial contribution for a project or programme may only be granted:
  - a. if there is a budget deficit and, in the opinion of the AFK and in compliance with the relevant criteria and policies, a need has been demonstrated for a financial contribution;
  - b. if the applicant's own income amounts to at least 25% of the total budget;
  - c. if the applicant has plausibly demonstrated that the available financial resources for the project or programme, including the financial contribution of the AFK and his/her own or other income, are sufficient to carry out the project or programme in accordance with the application and the conditions of the scheme;
  - d. if the result of the project or programme will in some way be publicly available or accessible to the public;
  - e. if the project or programme wholly or partly takes place in Amsterdam.
7. A financial contribution for a development plan can only be granted to an artist who:
  - a. has demonstrably been working professionally for at least four years in one or more fields of the arts;
  - b. is not a student or participant in a postgraduate art education or an art education programme that is funded according to the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek);
  - c. contributes at least 25% own income to cover the total development budget;
  - d. has a total income in the year preceding the application that does not

exceed €35,000;

- e. has not within the preceding four years received a development budget from the AFK, to be calculated from the date of the decision on the awarding of the previous financial contribution.
8. A condition for awarding a financial contribution is that the recipient carry out the project, programme, or development plan in an efficient and financially responsible way, and utilizes the contribution for the purpose for which it has been granted.
  9. The AFK shall exercise restraint in supporting:
    - a. projects and programmes that are already directly or indirectly (partly) funded by the City of Amsterdam in some other way;
    - b. institutions that are multi-annually subsidized by or on behalf of the government, other than through the BIS or the Amsterdam Kunstenplan 2013-2016.
  10. A financial contribution shall not be granted in cases where providing the financial contribution would exceed the financial ceiling set by the AFK.

#### **Article 6: Application Procedure**

1. The application is to be submitted to the AFK using the digital application form that is available on the website.
2. In principle, applications can be submitted throughout the year, unless a final submission date has been set via publication on the website. Applications shall be considered “received” when they have been submitted in full, which date the AFK shall confirm to the applicant.
3. Applications are only processed after they have been completed in full and with the required attachments.
4. In addition to the system of continuous submission, the AFK also organizes consultation sessions for applications. The conditions, procedures, dates, and times of these consultations are published on the website. A consultation session has a limited number of available spaces. When making appointments for a consultation, the priority goes to applicants who have not yet received a financial contribution from the AFK.
5. After the digital submission of the application, the AFK can request the applicant to submit additional information relating to his/her competence and identity.
6. If an applicant who has received a fully or partly negative decision regarding a grant from the AFK makes a new application for the same project, programme, or

development plan within six months of the date of that decision, the application will be dismissed without any further investigation or advice by the AFK, unless the applicant explicitly reports new circumstances or new facts that justify a new assessment of the application.

7. The AFK may decide not to consider an application if the same applicant did not render account in respect of a previous project or programme for which the AFK granted a financial contribution in accordance with the AFK's conditions.
8. The AFK may impose additional requirements for making applications, which will be published on the website.

#### **Article 7: Content of the application**

1. The application for a project or programme must meet the following requirements. The application shall include:
  - a. A description of the project or programme for which the grant is being requested. The description must state the artistic principles; the objective of the project or programme; where, when, and how the project or programme will be implemented; for whom the project or programme is intended; and what means of communication will be used to reach the intended audience and/or the intended participants;
  - b. A realistic, balanced budget for the project or programme, comprising a summary of the estimated revenues and expenditures, with a written explanation of each budget item;
  - c. A statement to indicate having also applied to third parties for a financial contribution, sponsorship, or compensation for the same project or programme. This statement should describe the state of affairs with regard to the assessment and/or decision on such applications.
2. The application for a development budget must meet the following requirements:
  - a. The application contains a development plan that focuses on creating an artistic boost in quality for the artist, and which plan also provides insight into how the proposed development will contribute to improving the positioning of the artist in Amsterdam. The development plan has to be realized within one year;
  - b. The application describes, in stages, how the development plan will be implemented, and how its results will be made public. The application shall include:
    - An explanation of the development issue, the initial situation, the goal, and the steps to be taken to achieve that goal;
    - A budget in which costs are worked out by category (materials, research,

training, marketing, honorariums, travel and accommodation costs, and other costs) and that is considered plausible. A maximum honorarium of € 7,500 for the applicant can be included;

- A relevant digital portfolio, with an emphasis on the four years prior to the application; this portfolio should also include a curriculum vitae, which clearly shows at least four years of professional practice;

- Income tax returns and tax assessments for the preceding calendar year which indicate the level of total income, or the income tax return for the most recent year in which the artist has filed an income tax return or received an income tax assessment, provided that these do not date from more than two years prior to the application.

3. An application shall contain, in addition to the information requested in the application, any other information that might reasonably be considered important in making a decision.
4. If an application gives rise thereto, the AFK can decide to invite the applicant for an explanatory meeting before making a decision on the application.

## **Article 8: Evaluation criteria**

1. Applications will be evaluated on the basis of the following criteria:
  - a. Quality: the project, programme or development plan shows (artistic and commercial) quality in all respects. This is the case if:
    - It demonstrates craftsmanship, expression, and originality;
    - It adds to the existing offerings;
    - The application is financially realistic;
    - The amount requested is in proportion to the expected result;
    - There is balanced funding;
    - In cases of a programme, there is a clear link between the different projects and/or activities;
    - In cases of a programme, there is a clear relationship between the programme, the profile, and the object of the applying institution under its Charter or Articles;
    - In cases of a development plan, there can plausibly be expected a improvement in terms of the artist's positioning in Amsterdam.
  - b. Audience reach, including for example:
    - that the project or programme will generate as large and diverse a number of visitors as possible, within the framework of its objectives;
    - that there is broad support for the project or programme, as evidenced by the expected public interest and by collaboration with and/or financial contributions from third parties.
2. In each case, the AFK considers its adopted and published policy when making decisions to make a financial contribution.

## **Article 9: Consultation**

1. The AFK may submit a request for advice to one or more advisors. The advisors(s) will be asked to judge the extent to which an application meets the criteria set out in Article 8. The decision to award a contribution, as referred to in Article 10, is the decision of the board of the AFK.

## **Article 10: Awarding a financial contribution**

1. Before a financial contribution amount is definitively determined (Article 14), the AFK will make a decision concerning the awarding of the requested financial contribution.
2. A decision to award a financial contribution is made under the condition that the recipient of the financial contribution enter into an "Implementation Agreement" with the AFK within the period prescribed by the AFK. The AFK can add further rules to the Implementation Agreement in terms of, for example, changes in the project plan, the final budget and advances, the substantive and financial accountability, submission of claims in respect of the financial contribution, and the audit certificate.
3. Decisions on applications will be made within thirteen weeks of the receipt of the application. The AFK may decide to extend this decision period by eight weeks. In this case, the applicant will be notified before the expiry of the aforementioned period of thirteen weeks.
4. For decisions on applications that were submitted via the consultation sessions, other time periods may be determined. These will be published on the website.
5. In the decision to award a financial contribution, the AFK can impose further conditions in each case, regarding:
  - The preparation and/or implementation of the project, programme, or development plan;
  - The provision of a signature and/or document, such valid proof of identification, the Charter or Articles, or an extract from the commercial register (Chamber of Commerce);
  - The presentation of the results, validation of expenditures, the accounting, and the manner of financial and substantive accountability.
6. The applicant cannot derive any rights from the awarding of a financial contribution with respect to honouring a subsequent application for financial support.

**Article 11: Withdrawal of, or amendments to, the financial contribution**

1. Before the financial contribution has been finalized, the AFK can withdraw or reduce the amount of the financial contribution, if:
  - a. all or part of the project, programme, or development plan for which the contribution has been awarded has not been, or will not be, implemented in accordance with the application, the law, the scheme, or the rules and conditions listed in the Implementation Agreement;
  - b. the recipient of the financial contribution has acted in breach of the conditions that are connected to the decision;

- c. the project, programme, or development plan has not commenced within twelve months after the awarding of the grant;
  - d. the accountability has not been completed within the prescribed period of time;
  - e. changes in the activities, as referred to in Article 13 of the scheme, have taken place, from which the AFK has withheld its approval or which, according to the AFK warrant an adjustment to the financial contribution.
2. The withdrawal or amendment to the contribution is retroactive to the date on which the financial contribution was granted, unless the decision to withdraw or amend provides otherwise.
3. If the decision to grant a financial contribution has been withdrawn or amended because the recipient has failed to fulfil one or more commitments, the AFK can, through an extrajudicial declaration, dissolve the Implementation Agreement in whole or in part.

#### **Article 12: Advances**

1. Based on the decision to award a financial contribution, the AFK may decide to award an advance payment, if the applicant so requests.
2. The AFK must have received a signed Implementation Agreement and a definitive balanced budget from the applicant before making an advance payment. With regard to an advance payment, the AFK can set further rules in the Implementation Agreement.
3. The AFK can set off any claim that the recipient of a financial contribution may have against the AFK against any monetary claims incurred by the application of the scheme.
4. In case of a withdrawal, amendment, or adoption of a lower financial contribution, the recipient will repay the overpayment and/or unjustified payments within fourteen days of the date of notification by the AFK, without prejudice to other legal rights that the AFK may have in that respect, unless the AFK has decided to settle this in another way.

#### **Article 13: Changes in the activities**

1. The recipient of a financial contribution will immediately inform the AFK in writing regarding any proposed essential artistic, substantive, or administrative changes relevant to the application on which a decision for a financial contribution has been made.
2. In the case of proposed essential changes, the AFK must grant approval to these

changes.

#### **Article 14: Determining the contribution**

1. For the purpose of (the application for) the determining of the financial contribution, the recipient must provide an activity report as well as a substantive and financial accounting, within three months of the end of the project, programme, or development plan. The financial report provides insight into how the applicant has allocated and spent the financial contribution. The financial report follows the format of the budget that is attached to the application. Significant differences between the accounting and the budget are to be explained. In this accounting, the recipient is to show that the project, programme, or development plan has been carried out in accordance with the application, or according to changes that have been permitted by the AFK.
2. If the AFK's total financial contribution to a project or programme exceeds €25,000, or if the project or programme has a minimum project size of €100,000, then financial statements are to be provided with an audit certificate from an authorized auditor in accordance with the provisions contained in the Implementation Agreement. For other financial contributions, the applicant must produce proof of expenditures and income. In individual cases, the AFK may waive one or more of the obligations arising from the first sentence.
3. The AFK will make a decision about the determination of the financial contribution to an application within thirteen weeks of receiving it. The AFK can decide, once only, to delay this decision for a maximum of eight weeks, and will give the applicant notice of this decision before the aforementioned period of thirteen weeks has expired.
4. If, in the opinion of the AFK, the performance of the recipient is less than was determined in the decision to award the financial contribution, or if the quality of the completed project or programme does not meet the requirements included in the Agreement, this will be taken into account during the determination of the AFK's financial contribution. The financial contribution will then be determined in a proportionally lower amount in view of the inferior performance compared to the level of performance for which the financial contribution had been awarded. Unjustified and/or overpaid financial contributions and advances can be reclaimed by the AFK immediately.
5. If the financial report shows that a positive balance remains, the AFK can reclaim this balance.

#### **Article 15: Objections**

1. Those whose direct interests are affected may, in accordance with the provisions of Article 7:1 of the General Administrative Law Act ("Algemene wet

bestuursrecht”), object to an AFK decision by submitting an objection to the board of the AFK within six weeks of the date of the decision.

2. The AFK can ask an “objection commission” for advice on an objection, and the composition of this commission is to be further determined by the AFK.

#### **Article 16: Final provisions**

1. The AFK may in individual cases waive one or more obligations of the scheme, or otherwise deviate from the scheme.
2. In cases that the law, the Articles, rules, or the Implementation Agreement do not cover, the matter will be decided by the board of the AFK.
3. The AFK reserves the right to make interim additions or changes to the scheme. Changes will be posted on the website.
4. The scheme comes into force on 1 January 2013, and may be cited as "Professional Arts Scheme 2013-2016". On this same date, the following Schemes will be revoked: the Contribution Regulations (“Bijdragereglement”), the Basic Scheme (“Basisregeling”) 2009-2012, the Development Budget for Visual Artists Subscheme (“Deelregeling Ontwikkeldbudget voor Beeldend Kunstenaars”) 2012, and the Visual Arts Matching Fund (“Matchingsfonds beeldende kunst”) 2009-2012 (together known as “the old Schemes”). Applications for a financial contribution submitted before the new scheme has gone into effect, and which are still undecided, will still be subject to the provisions of “the old Schemes”.

## **NOTES ON THE PROFESSIONAL ARTS SCHEME:**

### **Article 6 paragraph 3: Consultation sessions**

The AFK holds consultation sessions to consider applications for contributions to projects and programmes, which contain a capped contribution within a capped budget. These applications are considered via an accelerated consideration procedure, and the applicant will receive a decision about his/her application within a very short time.

In the context of Article 7, paragraph 1, subparagraph b; Article 7, paragraph 2, subparagraph b; and Article 8, paragraph 2 of the scheme, the applicant must consider, among other things, the following:

### **Article 8, paragraph 1 subparagraph a: artistic and commercial quality**

By “quality criterion”, the AFK is referring both to the artistic and the commercial quality of the project, programme, or development budget. The AFK assesses the quality according to a number of key aspects.

Artistic quality is assessed according to the following points:

- **Craftsmanship:** the application must show that the applicant has the ability to deliver a high quality of work. The applicant must demonstrate the proper use of resources and, if applicable, knowledge of materials;
- **Originality:** the project, programme, or development plan must be original and innovative in relation to those of others working in the same genre or discipline. The plan must communicate an individual view on the subject. For the application of a development budget, the extent to which the artist will achieve a boost in artistic quality during the period of the development budget’s implementation is of great importance;
- **Expression:** the content and implementation of the project, programme, or development plan must sufficiently speak to the intended audience, and properly convey what the applicant has indicated as the objective of the project, programme, or development plan;
- **Positioning:** this relates to the positioning relative to other offerings and initiatives in the City of Amsterdam. The application clarifies which position the project or programme will take relative to other projects or programmes, and which will make the proposed project or programme distinct and of added value to the City of Amsterdam. The applicant is also to demonstrate the importance of his/her project or programme in this context. In an application for a development budget, the applicant should demonstrate that the development budget will contribute to an improvement in his/her positioning as an artist in Amsterdam;

- Track record: in the assessment of an application, the quality of previous projects/programmes executed by the applicant will, where applicable, also be considered, based on the AFK's own observations (visits to the projects/programmes) and by evaluations submitted by the applicant;
- In the context of the development budget, the quality of previous works by the artist will also be taken into account. The AFK assesses the extent to which the artist's artistic achievements are of value to contemporary art. This will be indicated by the quality and development of the work in the four years prior to the application.

The commercial quality of the project or programme is assessed according to the following points:

- The AFK expects a viable, realistic plan with a balanced budget that includes justification of the presented figures;
- Notes accompanying the budget should explicitly consider the cost per visitor (total costs divided by the expected number of visitors) and the determination of the income from ticket sales. If the cost per visitor is over €40, or if the financial contribution requested per visitor is higher than the income from ticket sales per visitor, the applicant must then in his/her plan provide convincing arguments in favour of this;
- The requested financial contribution must be in proportion to the applicant's overall operations;
- The applicant must have sufficient organizational capacity to properly execute the project or programme;
- When assessing the need for and scope of the financial contribution, AFK considers whether the applicant also collaborates with other institutions in Amsterdam, for example in terms of audience reach, communication, and/or procurement programmes;
- Expenses for publicity and communications must be in reasonable proportion to the income from ticket sales and the total costs. If these costs exceed the income from ticket sales and/or amount to more than 15% of the total expenditures, then these costs should be convincingly argued for;
- The AFK assesses whether the institution is transparent and respects the cultural governance code;
- In the assessment, the AFK may also consider cases where the applicant has demonstrably and culpably failed to fulfil the agreements of an earlier Implementation Agreement.