

No.	Question	Answer
	質問	回答
1	<p>What is the purpose of the Japanese government indemnity for works of art?</p> <p>美術品補償制度の目的はなんですか。</p>	<p>The purpose of this system is to increase opportunities for members of the Japanese public to appreciate works of art through the compensation of damage by the government in cases where works of art on loan from abroad for the purpose of the exhibition have incurred damage.</p> <p>展覧会のために海外等から借り受けた美術品に損害が生じた場合に、その損害を政府が補償することにより、展覧会の開催を支援し、国民が美術品を鑑賞する機会を拡大することを目的としています。</p>
2	<p>What kind of system is the system of indemnity for works of art?</p> <p>美術品補償制度とは、どのような仕組みの制度ですか。</p>	<p>The Japanese government shall enter into a contract with the organizer of the exhibition to indemnify the owner of the work of art on loan for the exhibition for damage in cases where the work of art on loan for the purpose of the exhibition has incurred damage. However, a thorough review shall be conducted by the council to check whether the applicant (organizer) meets the requirements for conclusion of the contract based on its application documents.</p> <p>政府が、展覧会の主催者と、当該主催者が展覧会のための借り受けた美術品に損害が生じた場合に、その所有者に対して、当該損害を補償する契約を締結します。ただし、補償契約を締結するための一定の要件を満たしているかどうかを、主催者の申請資料に基づき、審議会において審査します。</p>
3	<p>What are the specifics of the indemnification covered by the system of indemnity for works of art?</p> <p>美術品補償制度の具体的な補償内容を教えてください。</p>	<p>The specifics of this system are as listed below:</p> <p>①All risks This system indemnifies against all risks of physical loss or damage from any external cause except normal wear and tear or inherent vice. War, terrorism and natural disasters such as earthquakes, tidal waves (tsunamis) and volcanic eruptions are all included in this indemnification.</p> <p>②Wall-to-wall This system indemnifies wall-to-wall coverage of the works of art. The whole process in-transit over the duration of the exhibition shall be covered by this indemnification. *Wall-to-wall: From the point when the work of art is removed from its ordinary repository until it is brought back to the appropriate place specified by the owner.</p> <p>③In cases of general damage, the government shall pay indemnification within the limits of 100 billion yen. Of that total, 5 billion yen shall be paid by the private insurer with whom the organizer has entered into a contract. (In cases of specified damage, which is caused by an earthquake or terrorism, the government shall pay indemnification within the limits of 95.1 billion yen. Of that total, 100 million yen shall be paid by the private insurer with whom the organizer has entered into a contract).</p> <p>本制度の補償内容は以下のとおりです。 ①オールリスク(通常の消耗、固有の瑕疵を除いて、全ての偶発の外來事故によって直接に生じた物理的損害を補償する。なお、戦争危険、テロリズム危険及び地震、津波、噴火危険もこの補償に含まれる。) ②ウォール・トゥ・ウォール(対象となる美術品が通常の保存場所を離れ、当該保存場所又は所有者が指定する場所に返却されるまでの館、展示中及び展覧会のための通常の輸送過程における全ての段階を補償の対象とする。) ③通常損害の場合、1,000億円を限度に政府により補償金が支払われる。しかし、そのうち50億円は主催者の負担となり、主催者が契約する民間保険により担保される(地震、テロなどの特定損害の場合は、951億円を限度に政府により補償金が支払われる。しかし、そのうち1億円は主催者の負担となり、主催者が契約する民間保険により担保される。)</p>
4	<p>To what kinds of exhibitions does this system apply?</p> <p>美術品補償制度が利用された事例を教えてください。</p>	<p>The indemnification system has been used in the exhibitions listed in the link given below. http://www.bunka.go.jp/bijutsukan_hakubutsukan/hosyoseido/tenrankai.html</p> <p>これまで、次の展覧会に美術品補償制度が適用されています。 http://www.bunka.go.jp/bijutsukan_hakubutsukan/hosyoseido/tenrankai.html</p>

No.	Questin	Answer
	質問	回答
5	Please give the method of calculating the indemnification.	<p>1. In cases of works of art owned by the same owner incurring damage.</p> <ul style="list-style-type: none"> • In cases of general damage, the government shall pay indemnification of up to 100 billion yen. Of that total, 5 billion yen shall be paid by the private insurer with whom the organizer has entered into a contract. • In cases of specified damage caused by earthquakes or terrorism, etc., the government shall pay indemnification of up to 95.1 billion yen. Of that total, 100 million yen shall be paid by the private insurer with whom the organizer has entered into a contract. <p>2. In cases of works of art owned by different owners incurring damage.</p> <p>【Case 1】 In cases where works of art (A) and (B), which are owned by different owners have incurred damage, and the amount of damage of (A) is 10 billion yen and the amount of damage of (B) is 20 billion yen (in cases where both come under general damage):</p> <p>① The amount of indemnification to be paid by the government shall be 25 billion yen which is the amount reached by subtracting 5 billion yen, the organizer's share from 30 billion yen, the total amount of damage.</p> <p>② Of such amount, the indemnification to be paid to (A) shall be calculated by multiplying 25 billion yen by the ratio of (A)'s amount of damage to the total amount of damage. That is, $25 \text{ billion yen} \times (10 \text{ billion yen} / 30 \text{ billion yen}) = 8.33 \text{ billion yen}$ In the same way, the indemnification to be paid to (B) shall be $25 \text{ billion yen} \times (20 \text{ billion yen} / 30 \text{ billion yen}) = 16.66 \text{ billion yen}$</p> <p>【Case 2】 In cases where works of art (A), (B) and (C) which are owned by different owners have incurred damage, and the amount of damage of (A) is 10 billion yen, the amount of damage of (B) is 20 billion yen and the amount of damage of (C) is 0.5 billion yen (in cases where (A) and (B) come under general damage, and (C) comes under specified damage):</p> <p>① The amount of indemnification to be paid by the government shall be 25.4 billion yen which is the amount reached by subtracting 5.1 billion yen, the organizer's share from 30.5 billion yen, the total amount of damage, and for the specified damage.</p> <p>② Of such amount, the indemnification to be paid to (A) shall be calculated by multiplying 25.4 billion yen by the ratio of (A)'s amount of damage to the total amount of damage. That is, $25.4 \text{ billion yen} \times (10 \text{ billion yen} / 30.5 \text{ billion yen}) = 8.32 \text{ billion yen}$ In the same way, the indemnification to be paid to (B) shall be $25.4 \text{ billion yen} \times (20 \text{ billion yen} / 30.5 \text{ billion yen}) = 16.65 \text{ billion yen}$</p> <p>③ In the same way, the indemnification to be paid to (C) shall be $25.4 \text{ billion yen} \times (0.5 \text{ billion yen} / 30.5 \text{ billion yen}) = 0.41 \text{ billion yen}$</p>
	補償金の額の算定方法について教えてください。	<p>1. 損害を受けた作品が同一の所有者に属する場合</p> <p>通常損害の場合、1,000億円を限度に、政府より補償金が支払われます。しかし、そのうち50億円は、主催者が契約する民間保険により支払われます。特別損害(地震、テロ等)の場合951億円を限度に政府により補償金が支払われます。しかし、そのうち1億円は、主催者が契約する民間保険により支払われます。</p> <p>2. 損害を受けた作品が複数の所有者に属する場合。</p> <p>【例1】 所有者の異なる美術品A、Bが損害を受け、Aの損害額が100億円、Bの損害額が200億円であった場合(いずれも通常損害の場合)</p> <p>①政府の支払う補償額は、損害総額300億円から主催者負担分の50億円を引いた250億円になります。</p> <p>②そのうち、美術品Aに支払われる補償額は、上記の金額に、損害総額に占める美術品Aの損害額の割合をかけたものになります。具体的には、 $250 \text{ 億円} \times (100 \text{ 億円} \div 300 \text{ 億円}) = 83.3 \text{ 億円}$ 美術品Bに支払われる補償額は、同様に、 $250 \text{ 億円} \times (200 \text{ 億円} \div 300 \text{ 億円}) = 166.6 \text{ 億円}$ となります。</p> <p>【例2】 所有者の異なる美術品A、B、Cが損害を受け、Aの損害額が100億円、Bの損害額が200億円、Cの損害額が5億円であった場合(A、Bは通常損害、Cは特定損害の場合)</p> <p>①政府の支払う補償額は、損害総額305億円から主催者負担分の51億円を引いた254億円になります。</p> <p>②そのうち、美術品Aに支払われる補償額は、上記の金額に、損害総額に占める美術品Aの損害額の割合をかけたものになります。具体的には、 $254 \text{ 億円} \times (100 \text{ 億円} \div 305 \text{ 億円}) = 83.2 \text{ 億円}$ 美術品Bに支払われる補償額は、同様に、 $254 \text{ 億円} \times (200 \text{ 億円} \div 305 \text{ 億円}) = 166.5 \text{ 億円}$ となります。</p> <p>③美術品Cに支払われる補償額は、同様に、 $254 \text{ 億円} \times (5 \text{ 億円} \div 305 \text{ 億円}) = 4.1 \text{ 億円}$ となります。</p>

No.	Question	Answer
	質問	回答
6	<p>In what currency will the indemnification be paid?</p> <p>補償金の支払通貨について教えてください。</p>	<p>If the appraised value is specified in a foreign currency, the indemnification will be paid in such foreign currency.</p> <p>評価額を外貨で定めた場合、補償金の支払いは外貨で行われます。</p>
7	<p>What kind of indemnification will be paid for loss or damage caused by radioactive contamination?</p> <p>放射能汚染による損害補償について教えてください。</p>	<p>Indemnification shall not be paid for damage caused by radioactive contamination. If nuclear damage is incurred, compensation for damage may be claimed based on the Act on Compensation of Nuclear Damage from the nuclear operators.</p> <p>放射能汚染による損害については、免責となりますが、仮に国内で原子力損害が発生した場合は、原子力損害の賠償に関する法律に基づき、原子力事業者に損害賠償を請求できます。</p>
8	<p>Do you automatically accept the appraised value of the work of art or reduced value in price caused through damage indicated by the owner of the work of art? If not, how do you discuss and come to an agreement over the value?</p> <p>美術品の評価額や、損害発生後の価値低減額は、所有者が提示した額を受け入れてもらえるのですか。また、受け入れてもらえない場合、どのように協議・合意されるのか、教えてください。</p>	<p>The appraised value indicated by the owner and given, through the organizer of the exhibition, in the application to the Ministry of Education, Culture, Sports, Science and Technology (hereafter referred as "MEXT") shall be finalized through being reviewed by the Council and agreed to by MEXT. The reduced value in price after the damage shall be assessed by the claim agent commissioned by MEXT. In such case, MEXT shall commission the same claim agent commissioned by the organizer in order to assess damage of less than 5 billion yen.</p> <p>美術品の評価額は、所有者が提示し、主催者を通して政府に申請された額について、審議会による審査を経て政府が同意することにより決定されます。 損害発生後の価値低減額は、文部科学省の委託する査定会社により査定されることとなります。その場合、50億円以下の損害の査定のため主催者が委託する査定会社と同じ査定会社に委託する予定です。</p>
9	<p>Is there a minimum amount of damages for each individual work of art? 個々の美術品の損害額に下限はありますか？</p>	<p>There is no minimum amount for each individual work of art when the total damage of the exhibition is in excess of 5 billion yen (in cases of specified damage, 100 million yen).</p> <p>展覧会の損害総額が50億円を超える(特定損害の場合1億円を超える)金額であれば、個々の美術品の損害額について、下限はありません。</p>
10	<p>If the need for a claim settlement arises: ① Will the primary risk holder and the Agency for Cultural Affairs appoint one mutual claim agent to conduct the assessment for each respective insurance (indemnity)? ② Will the same assessment report be used by the primary risk holder and the Agency for Cultural Affairs as the sole reference for finalization of the claim settlement?</p> <p>万が一、損害請求が発生した場合。 ①主権者負担分の保険契約者と文化庁が、それぞれの保険(補償)のために共通の査定会社を任命し、査定を行うのでしょうか。 ②査定報告書は、損害請求確定のための唯一の証拠材料として、主権者負担分の保険契約者と文化庁とで共有するのでしょうか。</p>	<p>① The primary risk holder and the Agency for Cultural Affairs shall appoint one claim agent to handle the claim settlements for both the primary risk holder and the Agency. ② The appointed claim agent will conduct the assessments and prepare the assessment report which will be shared by the primary risk holder and the Agency.</p> <p>①主権者負担分の保険契約者と文化庁は、それぞれの保険(補償)のために共通の査定会社を任命し、相互の査定を行うことを予定しています。 ②任命された査定会社は査定を行い、主権者負担分の保険契約者と文化庁の双方によって共有される査定報告書を作成することを予定しています。</p>

If you have any further questions, please feel free to contact us at hoshou@bunka.go.jp

不明点があれば、hoshou@bunka.go.jp までお問い合わせください。