

○ Ordinance for Enforcement of the Act on the Indemnification of Damage to Works of Art in Exhibitions (Ordinance No.23 of the Ministry of Education, Culture, Sports, Science and Technology) (Temporary translation)

The Ordinance for Enforcement of the Act on the Indemnification of Damage to Works of Art in Exhibitions shall be established as follows pursuant to the Act on the Indemnification of Damage to Works of Art in Exhibitions (Act No. 17 of 2011) and the Order for Enforcement of the Act on the Indemnification of Damage to Works of Art in Exhibitions (Cabinet Order No. 156 of 2011).

(May 31, 2011)

Yoshiaki Takaki, Minister of Education, Culture, Sports, Science and Technology

(Definitions)

Article 1 The terms used in this Ordinance shall be in accordance with the terms used in the Act on the Indemnification of Damage to Works of Art in Exhibitions (hereinafter referred to as “Act”).

(Requirements for the Exhibition)

Article 2 The requirements prescribed in the Ordinance of the Ministry of Education, Culture, Sports, Science and Technology of Article 3, paragraph (2) of the Act shall be the requirements which come under all of the following items.

- (i) A large number of unspecified persons are to be given the opportunity to enjoy the works of art.
- (ii) The planned period for holding the exhibition is more than 20 days.
- (iii) The total amount of the agreed appraised value of the subject works of art is in excess of five billion (5,000,000,000) yen.
- (iv) The major exhibits of the works of art planned for display are on loan from abroad.
- (v) The main purpose of the exhibition is not for the distribution of profits, the sale of goods or for any other commercial gain.
- (vi) If profits do arise, such profits will be allocated to the promotion of culture or for other business for the purpose of public interest.

(Requirements for the Organizer of the Exhibition)

Article 3 The organizer of the exhibition pertaining to the indemnity contract, shall be a person who meets all of the requirements given in the following items.

- (i) It has prospects of being able to secure the funds necessary for the safe and proper implementation of the exhibition.
- (ii) A system is in place for the execution of business relating to the holding of the exhibition and the appropriate management of the accounts.
- (iii) It has a past record of actual achievements in hosting an exhibition whose scale and theme correspond to such exhibition.

(Requirements for the Host Establishment of the Exhibition)

Article 4 The establishment holding the exhibition (hereinafter referred to as “host establishment”) pertaining to the indemnity contract shall meet all of the requirements given in the following items.

- (i) The buildings of the host establishment are structures which possess the fire-resistance capability and seismic capacity necessary for the conditions of the place where it is located.
- (ii) The following facilities have been installed.
 - (a) Facilities which are able to maintain the proper temperature, humidity and lighting (hereinafter referred to as “temperature, etc.” in Article 7, item (i) (b)) for the nature of the works of art on loan for the exhibition.
 - (b) Facilities which are in continuous operation for fire safety and crime prevention.
- (iii) When an establishment other than the host establishment is installed within the buildings of the host establishment, the host establishment is sectioned off from the establishment other than the host establishment as a separate, exclusive establishment.

(Conclusion of a Casualty Insurance Contract)

Article 5 Where the organizer of the exhibition pertaining to the indemnity contract, concludes a casualty insurance contract (meaning the casualty insurance contract provided for in Article 2, item (6) of the Insurance Act (Act No. 56 of 2008)) in order to cover the amount deducted from the amount indemnified through the indemnity contract out of the amount of such damage covered by indemnity in cases of the occurrence of damage covered by indemnity to a subject work of art with regard to the subject works of art pertaining to such indemnity contract, the agreed insurance value for each subject work of art (meaning the agreed insurance value provided for in Article 9 of the Insurance Act) shall be provided for, and such agreed insurance amount shall be an amount which is the same as the agreed appraised value of such subject work of art.

(Procedures for Conclusion of an Indemnity Contract)

Article 6 (1) The organizer of the exhibition, who intends to enter into an indemnity contract, shall submit a written application for the indemnity contract to the Minister of Education, Culture, Sports, Science and Technology describing the following matters.

- (i) The name of the exhibition.
- (ii) The purpose and contents of the exhibition.
- (iii) The planned period of the exhibition.
- (iv) The name of the work of art to be on loan to the exhibition, its location, the name of its owner and its value (meaning the value calculated by the owner of such work of art as the value of the work of art).
- (v) The name and address of the organizer of the exhibition and if the organizer is a juridical person, the name of its

representative.

- (vi) Matters concerning the structure of business relating to the holding of the exhibition.
 - (vii) Matters concerning the record of actual achievements of the organizer of such exhibition in hosting past exhibitions.
 - (viii) The name, location and structure of the buildings of the host establishment and matters relating to the facilities given in Article 4, item (2) (a) and (b).
- (2) The documents listed in the following items shall be attached to the written application of the preceding paragraph.
- (i) A budget statement pertaining to such exhibition.
 - (ii) A document describing the matters given in the following sub-items with regard to the works of art on loan for the exhibition.
 - (a) Matters clarifying the basis for calculation of the value given in item (4) of the preceding paragraph.
 - (b) The type, size, weight, material, shape and any other characteristics.
 - (iii) A document from which it is possible to ascertain the recent status of the property of the organizer of the exhibition.
 - (iv) A document describing the status of securing a curator and other employees who possess knowledge and experience with regard to business relating to the holding of the exhibition.
 - (v) Drawings of the location and structure of the buildings of the host establishment and of the facilities given in Article 4, item 2 (a) and (b).
 - (vi) A document containing information relating to incidents pertaining to the works of art which occurred in the past in the host establishment.
 - (vii) A document describing the layout of the works of art on loan for the exhibition, the surveillance of the works of art and security of the host establishment, the operation of the facilities given in Article 4, item 2 (a) and (b) and any other implementation plans for business relating to the displaying of the works of art.
 - (viii) A document describing the route, method, commencement date and scheduled termination date of the transport of the works of art to be on loan for the exhibition and any other implementation plans for business relating to the transport of the works of art.
 - (ix) A document giving an estimate of the agreed insurance value of the works of art to be on loan for the exhibition in cases of concluding the casualty insurance contract under the preceding Article.
 - (x) A document describing other matters serving as reference.
- (3) The organizer of the exhibition, who intends to enter into an indemnity contract, in the event that all of the following conditions apply, may omit some part of the appended documents as indicated in the previous sections or the items described in item(1), regardless of the stipulations in item (2).
- (i) The scheduled duration for the corresponding exhibition at the corresponding exhibition facility concludes within five years of the day (hereafter in this section referred to as "special indemnity contract conclusion day") the most recent indemnity contract related to the exhibition facility was concluded, in accordance with the stipulations of section (2).
 - (ii) No accidents have occurred related to the works of art at the corresponding exhibition facility on or after the special indemnity

contract conclusion day.

- (iii) No changes have been made to the drawings indicated in sub-section (v) above, related to the corresponding exhibition facility on or after the special indemnity contract conclusion day.

(Standards for the Handling of the Subject Works of Art)

Article 7 (1) The standards provided for in the Ordinance of the Ministry of Education, Culture, Sports, Science and Technology of Article 6 of the Act shall be as follows:

- (i) The standards shall be as follows in the displaying of the subject works of art.
 - (a) A system shall be in place for the proper implementation of the surveillance of the works of art, the security for the host establishment and other measures to prevent damage to the subject works of art.
 - (b) The appropriate temperature, etc. shall be maintained in accordance with the nature of the subject works of art during the period of the exhibition pertaining to the indemnity contract, and records shall be prepared and stored on the temperature etc. readings.
 - (c) A supervisor shall be appointed for the maintenance and control of the facilities given in Article 4, item 2 (a) and (b) with inspection and maintenance (including calibration of the instruments) to be carried out on a regular basis under the supervision of the supervisor, and records shall be prepared and stored on the inspection and maintenance.
 - (d) A manual shall be prepared on the layout of the subject works of art, the surveillance of the subject works of art and security for the host establishment, the operation of the facilities given in Article 4, item 2 (a) and (b) and any other business relating to the displaying of the works of art, and the persons in charge of such business shall be familiarized with the contents of the manual.
- (ii) The standards shall be as follows for the transport of the subject works of art.
 - (a) The standards shall be as follows when conducting the work of carrying in or out the subject works of art.
 1. It shall have a curator or some other person, who possesses the knowledge and experience necessary for carrying in or out the subject works of art or other such matters, present during such work and such person shall supervise the person engaging in the work.
 2. It shall have a curator or some other person, who possesses the knowledge and experience necessary for the inspection or repair of the works of art, check the condition of the subject works of art, and it shall prepare and store records on such check.
 - (b) The works of art shall be transported separately two or more times in accordance with the total amount of the agreed appraised value of the subject works of art.
 - (c) An exclusive vehicle for transport of the works of art shall be used when travelling by road.
- (iii) In addition to the two preceding items, it shall take other measures deemed necessary by the Minister of Education, Culture, Sports, Science and Technology for the prevention of damage to the subject works of art.

(Entrustment of Duties)

Article 8 The duties provided for in the Ordinance of the

Ministry of Education, Culture, Sports, Science and Technology of Article 4, item (3) of the Order for Enforcement of the Act on the Indemnification of Damage to Works of Art in Exhibitions shall be as follows:

- (i) Checking and instructions for correction of the documents pertaining to claims for payment of indemnification.
- (ii) Calculation of the amount of indemnification.
- (iii) Remittance of indemnification to be paid by the Government.
- (iv) In addition to those matters given in the preceding items, the minor matters of necessary business relating to the payment of indemnification.

(Method of Calculating the Amount of Indemnification)

Article 9 The amount of indemnification for each subject work of art calculated in accordance with the provisions of the Ordinance of the Ministry of Education, Culture, Sports, Science and Technology of Article 4, paragraph (3) of the Act shall be the amount provided for in each respective item in accordance with the categories given in the following items:

- (i) The amount of indemnification for each subject work of art which incurred general damage (meaning damage other than the damage which comes under the specified damage out of the damage covered by indemnity; the same shall apply hereinafter in this item) in the cases given in Article 4, paragraph (1), item (i) of the Act (except for cases coming under the cases given in the below mentioned item (iii): the amount obtained by multiplying the amount prescribed in Article 4, paragraph (1), item (i) of the Act (the maximum amount of indemnification where such amount is in excess of the maximum amount of indemnification) by the ratio of the amount of general damage incurred with regard to the subject work of art to the sum total of the amount of general damage incurred with regard to such subject work of art pertaining to such indemnity contract.
- (ii) The amount of indemnification for each subject work of art which incurred specified damage in the cases given in Article 4, paragraph (1), item (ii) of the Act (except for cases coming under the cases of the below mentioned item (iii): the amount obtained by multiplying the amount prescribed in Article 4, paragraph (1), item (ii) of the Act (the maximum amount of indemnification where such amount is in excess of the maximum amount of indemnification) by the ratio of the amount of specified damage incurred with regard to such subject work of art to the sum total of the amount of specified damage incurred with regard to the subject work of art pertaining to such indemnity contract.
- (iii) The amount of indemnification for each subject work of art which incurred damage covered by indemnity in cases coming under all of the cases of Article 4, paragraph (1), item (i) and item (ii) of the Act: the amount obtained by multiplying the sum total of the amount prescribed in Article 4, paragraph (1), item (i) and item (ii) of the Act (the maximum amount of indemnification where such amount is in excess of the maximum amount of indemnification) by the ratio of the amount of damage covered by indemnity incurred with regard to such subject work of art to the sum total of the amount of damage covered by indemnity incurred with

regard to the subject works of art pertaining to such indemnity contract.

(Payment in a Foreign Currency)

- Article 10 (1) The payment of indemnification in cases where the agreed appraised value of the subject work of art is provided for in a foreign currency shall be made in such foreign currency.
- (2) The conversion between such foreign currency and the Japanese currency pertaining to the application of the provisions of Article 4 and Article 5 of the Act in cases of the preceding paragraph shall be conducted using the foreign currency exchange rate at the time of conclusion of the indemnity contract (the foreign currency exchange rate stipulated under the provisions of Article 11(2)(iv) of the Regulations of officials in charge of disbursements (Ordinance of the Ministry of Finance No. 94 of 1947)).

Supplementary Provisions

This Ordinance shall come into force as from the day of enforcement of the Act (June 2, 2011).

Supplementary Provisions (Ordinance of the Ministry of Education, Culture, Sports, Science and Technology No. 19 of April 10, 2014)

This Ordinance shall come into force as from the day of promulgation.

Supplementary Provisions (Ordinance of the Ministry of Education, Culture, Sports, Science and Technology No.7 of March 29, 2016)

This Ordinance shall come into force on the day of promulgation.