
Regulations

Regulations concerning government grants and guaranteed income for artists

Stipulated by the Ministry of Cultural Affairs on September 16, 1998 in support of the Norwegian National Assembly's decision of June 19, 1997, case no. 12, as amended September 8, 1999, June 15, 2001, January 7, 2002, July 5, 2007, July 6, 2009.

Please note the following: In cases where the interpretation of the regulations is unclear or diverges from the Norwegian text, the Norwegian version of the regulations shall have precedence.

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REGULATIONS CONCERNING GOVERNMENT GRANTS AND GUARANTEED INCOME FOR ARTISTS

*Stipulated by the Ministry of Cultural Affairs on September 16, 1998, in support of
The Norwegian National Assembly's decision of June 19, 1997, case no. 12*

PART I GENERAL

1. GOVERNMENT GRANTS AND GUARANTEED INCOME FOR ARTISTS

The government grants and guaranteed income for artists program includes guaranteed income, work grants, work grants for younger/newly established artists, miscellaneous grants and grants for older deserving artists.

Grants for older deserving artists are awarded on the basis of proposals from a group, union or organization. Other grants and guaranteed income are awarded on the basis of the individual artist's application.

2. ALLOCATION AND DISTRIBUTION

The Norwegian National Assembly each year establishes funding to government grants and guaranteed income for artists. The Ministry stipulates, in accordance with Utvalget for statens stipend og garantiinntekter for kunstnere (Committee for government grant and guaranteed income for artists), hereafter called the Committee (Utvalget), and organizations with negotiating rights, the distribution of monetary resources amongst the various artist groups (distribution by quota).

The monetary amounts of work grants and grants for older deserving artists, as well as the maximum sum allotted for guaranteed income, is stipulated by the Norwegian National Assembly in its yearly budget resolution. In the case of other grants, the Ministry establishes a maximum sum for each of the grants. The grant committees nominate awardees for the various types of grants according to their judgment and within established maximum limits.

PART II JOINT PROVISIONS

3. THE PROGRAM'S OBJECTIVES

The grant and guaranteed income program contributes to realization of the objectives of the government's artist politics by ensuring that individual artists, by directly receiving funding from the government, will be able to contribute to a diverse and creative wealth of art in our society.

4. TARGET GROUP

The government's grants and guaranteed income for artists may be awarded artists who, primarily, reside and work in Norway. In special cases where it is considered reasonable to do so, exceptions can be made to the rule concerning residence and work in Norway.

The grants programs do not apply to artists in a basic education phase.

5. CRITERIA FOR ALLOTMENT

In the allotment of grants and guaranteed income emphasis is placed solely on artistic activity and quality.

Gender, membership in artist organizations, or religious or political opinion are not relevant factors in the allotment process. Age is relevant only in those cases where the Ministry has stipulated that age is or can be criteria for allotment.

As a rule, the same artist cannot receive more than one government grant in the same year. Artists who receive guaranteed income, work grants and work grants for younger/newly established artists can, however, be awarded miscellaneous grants and exhibition grants*.

*Exhibition grant is a governmental compensation arrangement designed to give visual artists, art-craftsmen/women and photographers better conditions in their work with exhibitions, while raising the quality and improving the professionalism of exhibition activities in cities and counties. The arrangement is administered by Norsk Kulturråd (Arts Council Norway).

6. ANNOUNCEMENT, APPLICATION DEADLINE

Grants and guaranteed income are announced in Norsk lysingsblad, with referring ads in the daily press.

Application deadline is October 15th in each year.

Applications postmarked or delivered after the application deadline, will not be considered and will be returned to the applicant.

7. REQUIREMENTS CONCERNING APPLICATIONS' CONTENTS AND FORM

All applications are to be submitted on standard application forms. The application must be signed and filled in completely, and reasons for applying must be clearly stated.

Standard documentation for personal identification number is the last year's declaration of income certificate which is to be enclosed with the application.

Visual artists, art-craftsmen/-women and photographers who apply for grants can be required to send their works of art to grant exhibitions, or to agree to other forms of public display of submitted material, as a condition of their application. This information should be included both in the announcement and on application forms.

8. APPLICATION PROCESSING, NOMINATIONS AND ALLOTMENT

The Committee (Utvalget) allots grants and guaranteed income based upon nomination recommendations from expert committees appointed by the artist organizations.

The Committee's secretariat receives and registers applications, prepares the case documents which will be discussed at the Committee's meetings, and implements the Committee's resolutions.

Applications from visual artists, art-craftsmen/women and photographers are respectively received and registered by Norske Billedkunstnere, Norske Kunsthåndverkere and Forbundet Frie Fotografer.

The work is to be carried out in accordance with the Public Administration Act regulations concerning procedural issues, including impartiality, pledge of confidentiality and duty to provide guidance. See the grant committees' own guidelines.

8.1 Utvalget for statens stipend og garantiinntekter for kunstnere

(Committee for government grants and guaranteed income for artists)

The Committee consists of five permanent members with alternates appointed by the Ministry of Culture and Church Affairs. The Ministry elects chairman and vice chairman. Two of the permanent members with alternates are appointed on the basis of a joint nomination from more than half of the artist organizations who recommend candidates for grants and guaranteed income to the Committee. If a joint proposal has not been made within two months before the end of the Committee's term of office, the Ministry may exercise its own discretion in appointing candidates.

The Committee's members and alternates are appointed for a 4-year period.

In order for resolutions to be valid, four of five members must be present -- including both artist representatives or their alternates. With regard to the government's representatives, either the chairman or the vice chairman must be present.

The chairman, eventually the vice chairman if the chairman is unavailable to be present, has a double-vote in cases of an equality of votes.

The Committee shall provide the grant committees with guidance regarding the principles of proper administrative procedures and, as far as possible, supervise that these principles are followed. The Committee may draw up supplementary guidelines concerning the grant committees' work.

The Committee shall allocate grants and guaranteed income based upon the nomination recommendations received from expert grant committees. The Committee shall ensure that the application of the law and the administrative procedures are correct.

All rejection notifications to applicants will be in standardized form.

The Committee shall keep minutes from its meetings. The minutes must address the following:

- a) when the meetings are held
- b) who was present
- c) impartiality
- d) which nomination recommendations are processed
- e) the result of the processing
- f) what other issues/items were addressed and/or taken action on

A copy of the minutes and a summary of the allocations is to be sent to the Ministry of Culture and Church Affairs as a matter of orientation.

8.2 Expert grant committees

8.2.1 General

The grant committees are special sources of expertise for the Committee. They recommend nominations for grants and guaranteed income as well as make recommendations to the Committee concerning the efficacy of continuation or eventual eradication of guaranteed income. The grant committees advise the Committee upon applications concerning redistribution of already allocated grants, and they also advise the Committee in appeal cases.

The grant committees are appointed for a time period of up to three years by the artist organizations' general assemblies, yearly meetings or other arrangement the organizations consider to be their highest functioning authority for such matters.

Where artist groups do not have a representative organization with the necessary expertise, a nominating committee can be appointed by the Ministry of Culture and Church Affairs or whoever the Ministry delegates this task to. The same would apply if an artist organization fails to appoint a competent committee within stipulated deadline, or if the nomination recommendations are not submitted in accordance with the resolutions and the guidelines which are applicable to the grant committee's work.

The grant committees shall be comprised of at least three members, eventually with alternates.

The grant committees have a quorum when at least three members or their alternates participate. Alternates have voting rights only when they are functioning as a replacement for one of the members.

8.2.2 Criteria for nomination recommendations

The grant committees shall nominate applicants on the basis of a discretionary evaluation of artistic quality and activity, and in accordance with the operative guidelines.

8.2.3 The administrative process

Applications judged by the grant committees to fall outside of their area of responsibility must be returned to the Committee's secretariat as soon as possible.

The grant committees submit written recommendations to the Committee. These recommendations shall briefly summarize the reasoning for the recommendations regarding each applicant, and include a specification of decisive factors.

The grant committees shall keep minutes from all meetings where nomination recommendations are considered. These minutes shall include the following elements:

- a) when the meetings are held
- b) who was present
- c) impartiality
- d) the number of applications received and processed
- e) nominated applicants in order of priority, including up to three reserve candidates
- f) applications that are refused processing, and on which grounds

A copy of the minutes is sent to the Committee, along with the recommendations.

The grant committees' recommendations are to be held in confidence until the Committee has reached a final determination, and that determination is made public. All recommendations regarding reserve candidates remain confidential.

9. RIGHT OF APPEAL

Decisions made by the Committee may be appealed to the Ministry of Culture and Church Affairs. The appeal is to be sent to the Committee.

Appeals pertaining to disagreement with the grant committee's artistic judgments are not recognized, as per the royal decree of November 20, 1987, no. 924.

The Committee will evaluate the appeal and can reverse its decision. Should the Committee sustain its original finding, the Committee's recommendation will be forwarded to the Ministry of Culture and Church Affairs.

Applicants whose applications are rejected, have the right to appeal the written decision, according to the Public Administration Act § 2, third paragraph and the Public Administration Act chapter VI.

10. REQUIREMENTS CONCERNING REPORTING AND FOLLOW-UP

Those persons who are allotted guaranteed income or artist grants are required to submit a report to the Committee, detailing usage of the grant/guaranteed income. All reporting shall be submitted on a standard form, and at a specific given point in time.

The secretariat for the Committee conducts a general monitorial check of the reports, which is a control procedure to confirm that the report forms received are completely filled out and signed by the grantee. The secretariat then examines the reports to determine whether the usage of the grant/guaranteed income is in agreement with the conditions for which the allotment was given. The secretariat's control function is based upon the information given by he/she who has received the grant/guaranteed income.

11. CONSEQUENCES OF MISLEADING INFORMATION OR INCOMPLETE OBSERVANCE OF CONDITIONS

Should the requirement to submit the report not be complied with, all payment of the grant/guaranteed income is terminated until the reporting requirement is fulfilled. Those who receive guaranteed income and grants and do not submit the required report may after a Committee decision lose the right to retain the grant or guaranteed income.

Likewise, should given information be found to be misleading or should the conditions for receiving the grant or guaranteed income not be complied with, then repayment of all or part of the grant/guaranteed income can be required. Such a situation would possibly affect future allocation(s) of any new grant(s).

Recipients of grants for older deserving artists are not bound by the same reporting requirement.

Pursuant to the Norwegian National Assembly's appropriation rules § 17, the Ministry and/or the Office of the Auditor General (Riksrevisjonen) may implement an audit to determine whether government funds in the form of subsidies, grants or contributions to public or private enterprise be used in accordance with the conditions under which they were given.

12. DEFERMENT/CHANGED USE OF GRANT

Grant recipients can, in special cases, apply for deferment/changed use of a grant. Such applications are to be sent to the Committee.

PART III SPECIAL DECISIONS CONCERNING THE INDIVIDUAL GRANTS AND GUARANTEED INCOME

13. WORK GRANTS

13.1 Purpose

The work grant is meant to provide artists with the opportunity to work with projects or in-depth artistic exploration to further develop their artistic work.

Work grants may also give ballet dancers, who no longer can actively continue as dancers, the possibility of re-education.

13.2 Duration

The work grant is awarded for a period of one to five years. In determining the length of the particular recipient's grant, emphasis is placed upon the arguments presented by the applicant in his/her application.

13.3 Grant renewal

Should special reasons be found for which the artist's grant need be renewed, the question can be considered after special explanation from the applicant and the grant committee. Such renewals are undertaken by the Committee.

13.4 Other work relationships

Artists who receive work grants, may not be more than 50% employed in a permanent position. An artist who is allotted a work grant may, if

necessary, continue in full employment for eight months beginning January 1st in the award year. Artists who are allotted work grants, and who at the time of allotment are permanently employed in more than a 50% position, must submit documentation from the employer verifying reduction in employment. Grant recipients are required to submit information showing that such employment situations are in conformity with the guidelines.

13.5 Reporting requirements

Work grant recipients are required to submit yearly reports which account for their artistic activity in the grant year. The information is submitted on a standard form within October 15th of each year. Should the artist fail to comply, the grant will be frozen until the situation is corrected. In the last year of the grant period, and for one-year work grants, the grant recipient must send a short summary report on how the grant has been used. This report -- to be submitted on a standard form -- must be submitted within three months after the grant period was terminated.

13.6 Leaves of absence due to childbirth/adoption

Work grant recipients have a right to a leave of absence in connection with pregnancy and childbirth in the course of their grant period. For further information concerning the length and duration of such leave of absence see the National Insurance Act (Folketrygdloven) § 14-7 first subparagraph, but please note that there is a limitation for such leaves of absence whereby a minimum period of 12 weeks and a maximum period of 52 weeks applies. The grant period is subsequently augmented with the equivalent time period corresponding to the leave of absence.

The same right to a leave of absence is given in case of adoption, as per the National Insurance Act § 14-16 first subparagraph, and with the same limitations as with leaves of absence due to childbirth.

Notification of impending leave of absence must be sent to the Committee for government grants and guaranteed income for artists in care of the secretariat, at the very latest seven weeks before the expected childbirth/realization of adoptee custody. Where special circumstances related to childbirth or adoption prohibit compliance with the notification deadline, exceptions may be made. In such cases, the secretariat must be notified of the length and duration of the leave of absence as soon as possible after childbirth/realization of adoptee custody has taken place (as per the abovementioned legal clause). Once

the choice concerning length and duration of the leave of absence has been made, it is then binding. This decision must be in accordance with the information given to the National Insurance Scheme (Folketrygden) or other employer. In special documented cases the original decision may be amended.

A father who is a work grant recipient may share the childbirth/adoption leave of absence with the mother. In order to defer payment of the grant, he must take a leave of absence for at least 12 weeks, but not for a longer period than stipulated in the National Insurance Act § 14-9 first and second subparagraph. See the preceding paragraph of this section (13.6) for details regarding notification.

13.7 Payment

The grant is considered taxable work income and is disbursed in monthly installments. The government pays employer's tax to the National Insurance Scheme.

14. WORK GRANTS FOR YOUNGER/NEWLY ESTABLISHED ARTISTS

14.1 Purpose

This work grant is meant to provide younger/newly established artists in an establishment phase the opportunity to develop themselves artistically and to better enable them to make a living as artists.

14.2 Duration

The work grants are allocated for a period varying from one to three years. Allocation is made on the basis of the applicant's artistic level and plans for how the grant is to be used.

14.3 Grant renewal

An artist who has received a one- or two-year grant, may apply for an extension. The total grant period (with eventual extension(s)) may not exceed a total of three years. All applications for grant renewal will be considered on the same basis as, and in direct competition with, all other applications.

14.4 Target group/conditions for award

The grant program is established for artists who are not over 35 years of age in the year they apply for the grant. Exceptions can be made in special circumstances.

Applicants must be able to document a high artistic level.

14.5 Other work relationships

See 13.4 above, the same applies.

14.6 Reporting requirements

See 13.5 above, the same applies.

14.7 Leaves of absence due to childbirth/adoption

See 13.6 above, the same applies.

14.8 Payment

See 13.7 above, the same applies.

15. MISCELLANEOUS GRANTS

15.1 Purpose/Target group

Miscellaneous grants are intended to be a contribution to the individual applicant's artistic work. Support may be given for establishment costs, courses, travel, studies and specialisation, materials, equipment, marketing, consultant assistance etc. The grants are not given to cover costs in conjunction with ordinary education, projects or to cover expenses from before the year of allotment.

15.2 Disbursement

The entire grant sum is disbursed directly to the artist as soon as possible once the grant has been approved. The grant is not taxable, but must be reported to the tax authorities.

- 16 *This section has been annulled in accordance with the Ministry of Culture and Church Affairs amendments of July 5, 2007.*
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- 18 *This section has been annulled in accordance with the Ministry of Culture and Church Affairs amendments of July 5, 2007.*
- 19 *This section has been annulled in accordance with the Ministry of Culture and Church Affairs amendments of July 5, 2007.*

GUARANTEED INCOME

20.1 Purpose

Guaranteed income is meant to provide artists with financial stability and the possibility of having artistic enterprise as their primary form of occupation.

20.2 Conditions for application/award

The government guaranteed income for artists grants are allotted professional artists who, through several years' activity, have made a contribution showing qualitative worth.

Allocation of guaranteed income is based upon the applicant's artistic endeavors, showing breadth and artistic quality, as described in the above Part II Joint Provisions, section 5.

20.3 The amount of guaranteed income awarded

The maximum amount of guaranteed income awarded will at any given point in time correspond to a sum on the government pay scale, and is stipulated each year in connection with the Norwegian National Assembly's budget approval process.

20.4 Calculation of guaranteed income to be disbursed

The maximum sum is disbursed to those artists who are awarded guaranteed income and who do not have other personal income that exceeds the free amount limit, see second paragraph. For artists who have other personal income, the disbursed guaranteed income is reduced by 65% of the amount of the other personal income that exceeds the free amount limit.

The free amount limit is set to an amount corresponding to half of the National Insurance Scheme's basic amount as of January 1, 2002, three quarters of the basic amount as of January 1, 2003, and the basic amount as of January 1, 2004.

Other personal income is established on the basis of personal income (income after taxes) two years before the guaranteed income award year. Other personal income is the artist's personal income (income after taxes) as reported to the tax authorities, including deductions of disbursed guaranteed income or government work grant in the current income year.

In the case of transition from permanent employment to guaranteed income or if personal income (income after taxes) in the guaranteed income award year is reduced by 40% or more in comparison to the income two years before the guaranteed income award year, then the other personal income can be accordingly adjusted. An adjustment will also occur if the artist becomes permanently employed in the course of the guaranteed income award year.

The artist is required to notify the Committee's secretariat immediately upon transition to permanent employment.

In the case of termination of employment or transition to a position of reduced (lower than the previous) percentage, documentation from the employer is required.

Should a change in income (40% or more) be expected, then a calculated adjustment of other personal income is made based upon what the artist himself/herself states the expected other personal income to be. The artist must give an explanation as to why the income was extraordinarily high in the income year. A final adjustment will be made when the official results from tax assessment become known (two years later). The rule concerning expected income may be employed (at a maximum) for

two consecutive years, and no later than the year one reaches 64 years of age.

Neither will disbursement take place if an artist takes on permanent salaried employment with a yearly salary in excess of two times the maximum amount allowed for guaranteed income.

20.5 Duration

An artist who is allotted government guaranteed income for artists retains the right to this income until he/she reaches the National Insurance Scheme's prescribed retirement age, unless the right to guaranteed income is forfeited as per the rules in subparagraphs 10 and 11. Guaranteed income is also disbursed in periods of illness, provided one is entitled to sickness benefits. The government, in return, is entitled to require social security authorities to disburse the sickness benefits directly to itself. Should the artist be entitled to other benefits from the National Insurance Scheme that are meant to either fully or partially replace guaranteed income, then the guaranteed income will be reduced (to the same extent) in the same benefit period. If it is decided that the guaranteed income program is to be terminated or curtailed, the artists who receive guaranteed income, and are so affected, will be otherwise given adequate economic support until they reach retirement age as prescribed by the National Insurance Scheme, providing that they otherwise would fulfill the requirements for retaining guaranteed income.

20.6 Condition for receiving guaranteed income. Reporting requirement

In order to retain the right to receive guaranteed income, the artist must be professionally active as an artist. Five years after guaranteed income is first awarded an artist, and every third year thereafter, an evaluation is undertaken to determine whether the artist can still be considered to be professionally active as an artist. Such evaluation can also take place at other intervals should there be found special grounds for doing so. This evaluation is undertaken by the Committee upon recommendation from expert committees, as described in 8.2.

Should the Committee determine that an artist is no longer professionally active as an artist, the artist then forfeits the right to guaranteed income. The same applies should a professionally active artist no longer have a so close connection to Norway that it is deemed natural

to receive guaranteed income. If the Committee finds sufficient grounds to do so, such a decision can be delayed for a maximum of two years.

An artist who is awarded guaranteed income is required by Committee request to submit a yearly report on a standard form within October 15th. Should an artist unduly not submit this information within the given deadline, will his/her guaranteed income be frozen until the situation is rectified. The information in the report constitutes the basis for calculation of guaranteed income in subsequent years and as an evaluation of professional activity. As per the above said, should an artist totally neglect or fail to submit a report the Committee may determine to rescind the right to guaranteed income without evaluating the level of artistic activity.

20.7 Disbursement

Guaranteed income is considered taxable income, and is disbursed in monthly installments. The government pays employer's tax to the National Insurance Scheme.

21. GRANTS FOR OLDER DESERVING ARTISTS

21.1 Purpose/target group

Grants for older deserving artists are given in appreciation of long-time and valuable contribution.

21.2 Duration

The grants for older deserving artists are given for a lifetime, unless the grantee himself/herself desires termination.

21.3 Procedure for nomination recommendation

There are no application announcements in the press for the grant for older deserving artists.

A group, union or organization with good knowledge of the artist's activity and circumstances, may send a proposal and information to the most relevant artist organization. An artist may also promote himself/herself as a candidate through an artist organization. Artist

organizations present their recommendations for such allocation (with reasons) to the grant committee for various other artist groups, which (within the parameters of available funds) distributes the grants amongst the artist designation groups and makes a roster of recommended candidates in order of priority. Upon the release of grant funds, a new continuous distribution is undertaken on the basis of the roster of reserve candidates recommended to the Committee's spring meeting.

21.4 Condition for nomination/awarding

The grant shall normally be awarded artists over 60 years of age. Exceptions can be made in special circumstances. The artist recommended for nomination may not have permanent salaried employment, or otherwise participate in a permanent, government grant program, hereby guaranteed income. The artistic professional criteria that concretize the purpose of the grants are stipulated by each individual artist organization.

21.5 Disbursement

The grant is disbursed in half-year installments. The grant is considered taxable income.

22. ON COMING INTO EFFECT

These regulations go into effect immediately.