



ITALIA: A User's Manual for Lending and Borrowing Art Works

ARCS Inaugural Conference - Chicago, IL - Oct. 31st Nov. 3rd 2013

ITALIA

Lending to & Borrowing from Italy

WHAT

To do & Not to do

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Cultural Heritage of Italy is wide, various and spread
on the whole territory

In Italy you can find 49 Unesco sites

⇒ **5.500 Museums, Monuments and Archeological areas**

⇒ **24 National Parks**

⇒ **3.274 Historical Gardens**

Source: PricewaterhouseCoopers



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Territorial extent of Italy: **302,070 Km²**

Number of inhabitants: **59,685,227** (Istat - 2012)

There are **8,092 comuni (municipalities)**

- Rome is the widest municipality
- Naples is the most inhabited municipality

There's no Municipality in Italy which doesn't own at least one cultural asset subject to law restriction



45% of the cultural assets are managed by the Municipalities



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- **46,025: Architectural Assets** subject to law restrictions
- **5,668: Archeological Assets** (real properties subject to law restrictions)
- **7,690 Declaration of cultural interest**
- **4,739 : Museums** and similar Institutions, public and private, open to the public
- **4,340 Institutes** run by other public and private subjects
- **111 Statal Archives**
 - 8,224** Archives of territorial public administrations
- **3,800** Private Archives Subject to Law control
- **50,000** Archives of non territorial administrations
- **12,389 Libraries**



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Top of the pyramid

A) Ministero dei beni e delle attività culturali e del turismo (MiBACT) (www.beniculturali.it)



The main law governing cultural activities is the Codice per i beni culturali e del paesaggio - art. 10 Legge 6 luglio 2002, n. 137. Decreto legislativo 22 gennaio 2004, n. 42

Art. 10 of the Code lists everything which must be considered a cultural asset bound to the Italian law

B) 17 Direzioni Regionali per i beni culturali e paesaggistici (Regional Directions for cultural and landscape assets)

C) 80 Soprintendenze (Beni archeologici, architettonici e paesaggistici, storici, artistici ed etnoantropologici)

- 19 Soprintendenze archivistiche
- 110 Public Archives
- 47 Public Libraries

D) Museums, Foundations, Churches, Institutions (They can be National, Municipal, Provincial, Regional, Private, Religious)



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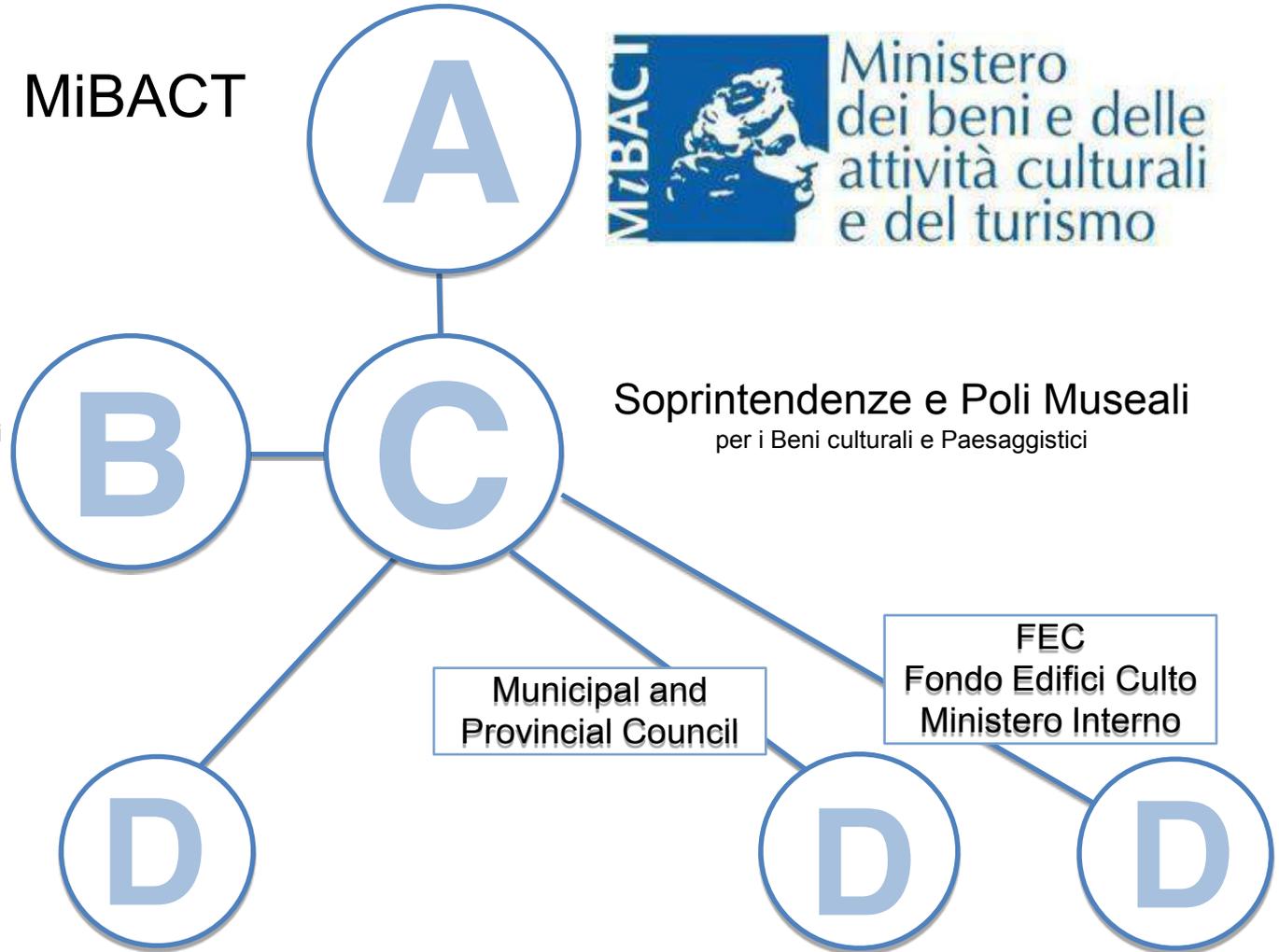
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MiBACT



Direzioni Regionali
per i Beni culturali e Paesaggistici

Soprintendenze e Poli Museali
per i Beni culturali e Paesaggistici



Museums	Foundations	Institutions	Private lenders if "Notificata"
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Municipal and Provincial Museums & Institutions

Churches and religious institutions



What to do when borrowing

You have to address your requests to the Director of the Museum (or the Priest, or the Bishop, if the work belongs to a Church)

Remember also that

Municipal or Provincial Museums must also obtain a formal authorization from their Councils before saying that the loan may be granted.

Our loan procedures are quite long because:

We need at least 1 month to decide if the Museum is willing to lend (Decision about the opportunity to lend, checking the request in detail, asking a **free lance conservator** to check the work, etc..)



What to do when borrowing

- Conservation treatment needed: the borrower is asked to cover the cost
- The borrower agrees: the lender must inform the Soprintendenza in charge for the area, to obtain their authorization before making anything.
- Then the lender need anyway to ask the Soprintendenza itself the authorization to lend



What to do when borrowing

The Soprintendenza has to send the lender request to the Ministry to obtain their authorization, with an advance of at least 4 months before the loan may leave the territory.

The request must be completed with:

- **the exhibition project**
- **the Standard Facilities Report of the hosting venue**
- the condition report and the image of the work
- The Soprintendenza report stating that the work is in good condition and can travel
- the declaration of the actual property of the work
- **the guarantee from the borrowing Museum that the work will be sent back to Italy at the end of the exhibition**



What to do when borrowing

- Then, if the Ministry authorizes the temporary exportation, the lender has to wait the authorization from the Soprintendenza before being able to grant the loan to the borrowing Institutions
- And sometimes not all the procedures are correctly respected so you have to wait more and more and more...



What to do when borrowing

Be also aware that

Very often private collectors do not want to lend their works outside Italy because they can be «**notified as being of particular interest**» according to the Law.

(Code of the cultural and landscape assets - D.Lgs. 42/04– **art. 13** – Declaration of the cultural interest)

This may happen when applying for the export license.

Once the works of art are «notified» the owner has to behave as if they were works of art belonging to the State



What to do when lending

When you are lending to Italy please consider that:

- our Museums have a few personnel
- there are many works to take care of
- very poor economical resources

so, sometimes (quite often) the exhibitions are organized by private service agencies

This is a way to:

- avoid some long procedures connected with bureaucracy
- obtain more economical resources
- to be much free in the planning/projecting of the exhibitions



What to do when lending

There are also a few cases in which the private society is constituted by public institutions (for example the Fondazione Ferrara Arte) where you can find a mixed system (public-private).

In this case you have both public and private personnel working together with joint responsibilities.



What to do when lending

- You all have probably experienced communication problems with some Italian state officials as they still do not know English or other foreign languages very well (another reason for having private agencies working on the organization of temporary exhibition above all if the aim is asking for international loans).
- When you come to Italy as a courier it would help a lot if you make an effort trying to understand a bit of Italian...keeping your Google translator ready on your smart phone!



What **not to do** when **lending**

- Please, **do not ask** to fill in your SFR version: our legislation is very different from yours about fire, electricity, security, etc.
- Just **ask** the SFR and check it. Ask more info if you do have any doubt.
- **Do not ask** to obtain an immunity from seizure declaration as we only could send you something which is not exactly what you would like to receive.



What not to do when lending

N.B.

- The Italian State has adhered to the United Nation Convention of 2004 with the **Law n. 5 dated 14 January 2013**, published on the Gazzetta Ufficiale (which is the official organ for gathering all the laws of our State) n. 24 of 29 January 2013.
- **BUT**, the Ministry for Fine Arts and any Museum or Organizer of exhibitions can only send you a “letter of comfort” as nobody can ever guarantee that the magistracy will not act against you in case there’s a third party who lays claim on a work of art you have lent; the Court can always confiscate the work of art if there’s a dispute.
- This letter of comfort /declaration from the Ministry of Fine Arts can only be issued if there’s a declaration of guarantee of return for the lent works at the end of the exhibition.



Remember that

- Before sending a loan request, if you have any doubt, you have better to contact the registrar office of that Museum and ask which kind of difficulties you may find.
- If you do prefer you may contact our association to ask for our help or advice.



associazione italiana registrar di opere d'arte

<http://www.registrarte.org>



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**THANK YOU FOR THE
ATTENTION PAID**



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