

Certified Polish to English translation

Act of 21 November 1996 on Museums

Chapter 1 General Provisions

Article 1

A museum is a non-profit organizational entity which collects and preserves natural and cultural heritage of mankind, both tangible and intangible, informs about the values and contents of its collections, diffuses the fundamental values of Polish and world history, science and culture, fosters cognitive and aesthetic sensitivity and provides access to the collected holdings.

Article 2

A museum shall implement the goals specified under Article 1 through, in particular:

- 1) collecting art works within the scope determined by statute,
- 2) cataloguing and scientific classification of collections,
- 3) maintaining collections in conditions that safeguard their proper and safe preservation, and storing them in a manner that ensures access for scientific purposes,
- 4) securing and maintenance of collections and, as far as practicable, securing archeological movable art works and other immovable tangible cultural and natural assets,
- 5) arranging permanent and temporary exhibitions,
- 6) organizing research and scientific expeditions, including archeological,
- 7) conducting educational activities,
- 7a) encouraging and conducting artistic and culture-promoting activities,
- 8) providing access to collections for educational and scientific purposes,
- 9) ensuring proper environment for visitors and access to exhibits and collected information,
- 10) conducting publishing activity.

Article 3

Museums may be created for one or many areas of human activity and natural assets.

Article 4

In matters not provided for in this Act, provisions of the Act on Organizing and Conducting Cultural Activities shall apply (Journal of Laws, No. 114, Item 493; 1994, No. 121, Item 591; 1996, No. 90, Item 407).

Chapter 2 Museums organization

Article 5

1. Museums may be created by ministers and heads of central offices, local government entities, natural persons, legal persons and entities without legal personality.
2. National museums shall be museums created by central administration bodies.
3. Local government museums shall be museums created or taken over by entities of local government.

4. Entities referred to under 1 that undertake to create museums shall:
 - 1) provide funds necessary for the museum's maintenance and development.
 - 2) ensure security of museum collections,
 - 3) supervise the museum.
5. In agreement with the minister responsible for internal affairs, the minister responsible for matters of culture and national heritage protection shall define, by way of a regulation:
 - 1) detailed scope and procedures for securing collections against fire, theft and other hazards that might result in destruction or loss of collections,
 - 2) procedures for the preparation of collections to evacuation in case of emergency - bearing in mind the inadmissibility of collection loss, damage or destruction and the provision of security in the premises where collections are stored and displayed and their protection during transportation.
6. National museums and registered museums run by local governments shall be entitled to use a round seal featuring the National Emblem of the Republic of Poland and the circumscription featuring the name of the museum.

Article 5a

Museums which are cultural institutions may only be merged with other museums.

Article 6

1. Museums operate in pursuance with the charter issued by the entity referred to under Article 5 Section 1, in agreement with the minister responsible for matters of culture and national heritage protection, subject to Section 5.
2. The Charter shall set out the following:
 - 1) name, areas of activity and seat of the museum,
 - 2) scope of activity,
 - 3) type and scope of collections,
 - 4) administering and supervising bodies, as well as advisory bodies and procedures for the appointment thereof,
 - 5) forms of acquisition of financial resources,
 - 6) procedures for amending the Charter,
 - 7) rules for the conduct of activities referred to under Article 9, if the museum intends to conduct such activities.
3. The first charter of a museum, the Charter of a museum under organization, includes provisions that regulate the process of organizing the museum, which shall remain in force until the process is complete. The day of completion of the process of museum organization shall be the day on which a permanent exhibition is open.
4. After the day on which the process of museum organization is complete, the museum shall be given a Charter referred to under Section 2 and concordant with the requirements thereunder.
5. The arrangements referred to under Section 1 shall also be carried out, within the scope of its competence, by the Council for the Commemoration of the Struggle and Martyrdom.
6. Museums that have no legal personality, including the museums operating within the structure of an organizational entity, shall operate in pursuance with the regulations issued by the entity referred to under Article 5, Section 1. The provisions under Sections 1-4 shall apply to the regulations, respectively.
7. The minister responsible for matters of culture and national heritage protection shall maintain a record of agreed regulations referred to under Section 6.

Article 7

1. The Council for Museums shall operate at the Ministry responsible for matters of culture and national heritage protection as an advisory and consultative body for management, financing and cultural policies pertaining to museology.
2. The Council for Museums shall consist of 21 members, out of whom 10 shall be appointed by the minister responsible for matters of culture and national heritage protection and 11 shall be selected at the convention of registered museums.
3. The Council for Museums' term of office shall be 3 years.
4. Members of the Council for Museums shall be appointed and removed by the minister responsible for matters of culture and national heritage protection. The Council shall select the President from among its members.
5. The minister responsible for matters of culture and national heritage protection shall define, by way of a regulation, a detailed scope of operation of the Council for Museums, method of appointment of its members and the President, with regard to their substantive knowledge, necessary to perform this function.

Article 8

1. The minister responsible for matters of culture and national heritage protection shall supervise the museums. He/she may employ controlling measures necessary to this end.
2. In case of a severe breach of the statute and the museum charter, and if the recommendations regarding the redress of confirmed instances of violations in the activity of a museum have not been effective, the minister responsible for matters of culture and national heritage protection, having heard the entity referred to under Article 5, Section 1 and the museum council or the board of trustees, having considered the opinion of the Council for Museums, may, by way of an administrative decision, prohibit any further activity. The public shall be informed of such a decision in a manner that is customary for such situations.
3. The decision referred to under Section 2 above shall include the indication by the minister responsible for matters of culture and national heritage protection of the manner in which the museum collections shall be secured.

Article 9

As an additional activity, a museum may conduct business operations for the purposes of financing the activities specified under Article 2.

Article 10

1. Admission to museums shall be subject to a fee, unless the entity in question, referred to under Article 5, Section 1, decides that admission to this particular museum shall be free of charge.
2. On one day of the week entry to the permanent exhibitions of museums shall be free of charge.
3. Director of a museum shall decide and inform the public in a manner that is customary about the price of entry to the museum and the day referred to under Section 2. The Director may release visitors from the entry fee.
4. The Council of Ministers shall define, by way of a regulation, the groups of visitors entitled to a reduced entry fee or an exemption from the entry fee to the state museums, as well as the types of documents used for the verification of this entitlement, duly bearing in mind also the regulations of other European Union member states, the Swiss Confederation and the member states of the European Free Trade Association, which are parties to the European Economic Zone Agreement.

5. The minister responsible for matters of culture and national heritage protection, having consulted the Council for the Commemoration of the Struggle and Martyrdom, shall define, by way of a regulation, a list of national museums of martyrdom, entry to which shall be free of charge due to the special historic and educational character of such museums.

Article 11

1. Museum councils shall operate at national and local government museums, whose members shall be appointed by a competent entity referred to under Article 5, Sections 2 and 3.

2. Museum council shall:

1) supervise the performance of museum's responsibilities in respect of the collections held and the general public, and in particular the implementation of goals defined under Article 1;

2) evaluate, on the basis of the annual activity report submitted by the director, the museum's activity and issue opinion on the museum annual activity report submitted by the director.

3. Museum council members' term of office shall be four years, subject to Article 18, Section 1.

4. Museum council shall consist of 5 to 15 members. The members of the museum council shall be appointed and removed by the competent entity referred to under Article 5, Sections 2 and 3. The museum council shall select a president from among its members.

5. The members of the museum council shall be appointed from among the candidates proposed by:

1) the competent entity referred to under Article 5, Sections 2 and 3,

2) locally competent local government bodies, except the local government entity referred to under Article 5, Section 3,

3) scientific and artistic associations,

4) foundations and other institutions that support the museum's activities,

5) the Council for the Commemoration of the Struggle and Martyrdom in museums that function within its scope of competence,

6) director of the museum,

7) the museum council.

6. The members of the museum council indicated by the entity referred to under Article 5, Sections 2 and 3, shall constitute no more than one third of the composition of the museum council.

7. The museum director and the secretary of the museum council shall participate in the meetings of the museum council. The museum council secretariat shall provide the museum premises.

7a. The members of the museum council shall be entitled to a per diem and a refund of travel and accommodation costs, in pursuance with the regulations pertaining to the allowances for employees of state or local government entities of the public sector due to business travels within the territory of the Republic of Poland, unless they benefit from a different per diem or allowance entitlement. These costs shall be borne by the museum

7b. The museum director shall grant the refunds referred to under Section 7a provided that funds for this purpose have been included in the financial plan of the museum for a given year.

8. Detailed procedures for the museum council operations shall be set out in the regulations adopted by the museum council.

9. The museum council, upon the announcement of the competition for the position of the director, shall select two additional members for the competition commission defined under

Article 16, Section 4 of the Law on Organizing and Conducting Cultural Activities of 25 October 1991 (Journal of Laws of 2001, No. 13, Item 23, as amended¹).
10. (deleted).

Article 12

1. An advisory committee may be appointed by the director to operate at a museum, upon his/her own initiative or a motion issued by no less than half of the museum workers employed at a museum.
2. The procedures for the operation of advisory committees, their organization and composition shall be set out in the museum charter.

Chapter 3

Registered museums

Article 13

1. In order to validate the high substantive level of the museum activities and the significance of the collections held as well as to register museums that are characterized by the above, the minister responsible for matters of culture and national heritage protection shall maintain a State Register of Museums, hereinafter referred to as “the Register”.
2. The minister responsible for matters of culture and national heritage protection shall enter a museum in the Register subject to several requirements, which include, in particular, the significance of the collections held by a museum, a team of qualified personnel, the premises and stable sources of funding which warrant the implementation of the statutory goals of the museum.
3. The minister responsible for matters of culture and national heritage protection shall define, by way of a regulation:
 - 1) the manner of keeping the Register,
 - 2) a template application for entry in the Register,
 - 3) requirements for and procedure of entry in the Register,
 - 4) circumstances in which a museum shall be subject to an audit to determine if it still meets the requirements for entry in the Register,
 - bearing in mind the supervisory authority over museums performed by the minister.
4. From the day of its entry in the Register, a museum shall have a right to use the name of a “registered museum”.
5. A registered museum shall benefit from a special protection and financial assistance of the state.
6. The minister responsible for matters of culture and national heritage protection shall announce the list of registered museums in the Public Information Bulletin.

Article 14

1. Should a registered museum cease to meet the requirements for entry in the Register, the minister responsible for matters of culture and national heritage protection shall set out the deadline by which the requirements must be met; should the deadline pass without the museum successfully redressing the situation, the museum shall be crossed out from the Register.

¹ Amendments to the consolidated text of the said Act have been published in the Journals of Laws of 2002, No. 41, Item 364; of 2003, No 96, Item 874, No. 162, Item 1568 and No. 213, Item 2081; of 2004, No.11, Item 96 and No. 261, Item 2598; of 2005, No. 131, Item 1091 and No. 132, Item 1111 and of 2006, No. 227, Item 1658.

2. The launch of the procedure to cross out a museum from the Register and its completion shall be communicated by the minister responsible for matters of culture and national heritage protection to the entity referred to under Article 5, Section 1 and the general public in a manner that is customary.

Article 15

The resolution in respect of the entry and removal of a museum from the Register shall be adopted by way of an administrative decision.

Article 16

In registered museums directly subordinated to him/her, the minister responsible for matters of culture and national heritage protection, upon consultation with the Council for Museums, may delegate his/her authorities to the board of trustees as regards the following matters:

- 1) supervision over the implementation of the museum's responsibilities towards the collections held and the general public,
- 2) direct supervision over the implementation of goals defined under Article 1,
- 3) appointment and dismissal of the museum director.

Article 17

Subject to the consent of the minister responsible for matters of culture and national heritage protection and upon consultation with the Council for Museums, competent local administration bodies and local self-government entities may in registered museums directly subordinated to them delegate their authority to a board of trustees, as defined under Article 16.

Article 18

1. In museums for which a board of trustees has been constituted, no museum council shall be appointed and the council that operated hitherto shall be dissolved.
2. Transfer of authority referred to under Articles 16 and 17 shall be subject to the consultation of the Council for the Commemoration of the Struggle and Martyrdom in cases within its scope of competence.

Article 19

1. The board of trustees shall be composed of 9 to 15 members. The works of the board of trustees shall be presided over by a president. The members of the board and the president shall be appointed and dismissed by the entity referred to under Articles 16 and 17.
2. Detailed procedures for the operation of the board of trustees shall be set out in regulations adopted by the board and approved by the entity referred to under Articles 16 and 17.
3. The term of office of the board of trustees shall be 5 years.
4. Membership in the board of trustees is subject to termination prior to the end of term in the following cases:
 - 1) death,
 - 2) renouncement of membership,
 - 3) loss of civil rights following a legally binding court sentence,
 - 4) legal incapacitation,
 - 5) dismissal due to failure to perform the responsibilities of a board member resulting from statute or relevant regulations.

Article 19a

1. Members of the board of trustees may be entitled to a refund of travel costs, in pursuance with the regulations pertaining to the allowances for employees of state or local government

entities of the public sector due to business travels within the territory of the Republic of Poland, and a remuneration for their participation in the meetings of the board of trustees. These costs shall be borne by the museum.

2. The museum director shall grant the refunds referred to under Section 1 provided that funds for this purpose have been included in the financial plan of the museum for a given year.

3. The entity referred to under Article 16 or 17 shall grant the remuneration referred to under Section 1 and shall determine its amount.

4. If the remuneration referred to under Section 1 has been granted, it shall not exceed:

1) for the president of the board of trustees – 50 %,

2) for other members of the board of trustees – 45%

- of the minimum pay provided for in the regulations on the minimum remuneration for work..

Article 20

On acquisition of artwork items registered museums shall be entitled to:

1) preemptive right to purchase from entities whose activity is based on offering artwork items for sale – within 14 days of the date on which the museum declares the intention to buy;

2) preemptive right to buy directly at auctions, at the bid out price.

Chapter 4

Museum objects

Article 21

1. Museum objects are movable and immovable items that constitute the property of a museum and have been recorded in the inventory of museum objects. Museum objects constitute national assets.

1a. For museums which have no legal personality, museum objects shall mean the movable and immovable items that constitute the property of the entity that created the museum and have been recorded in the inventory of museum objects.

2. The minister responsible for matters of culture and national heritage protection shall define, by way of a regulation, the scope, forms and method of stock-taking of museum items, indicating in particular the type of stock-taking documentation, the requirements that the documentation should meet, ways of labeling and marking museum objects and the procedures for documentation of museum objects which are transferred from the museum or removed from the inventory of museum objects.

Article 22

(deleted)

Article 23

1. State museums and local government museums may exchange, sell or donate museum objects subject to the consent of the minister responsible for matters of culture and national heritage protection. The consent to exchange, sell or donate a museum object may only be granted in exceptional and justified cases. Funds gained from the sales of museum objects may only be used to complement the collections held by the museum.

2. (deleted)

3. The minister responsible for matters of culture and national heritage protection may grant consent to exchange, sell or donate museum objects upon the motion of the museum director

consulted with the museum council and submitted, via the competent entity referred to under Article 5 Sections 2 or 3 – upon consultation with the Council for Museums.

4. The Council for the Commemoration of the Struggle and Martyrdom must be consulted in relation to all actions referred to under Sections 1-3 which remain within its scope of competence.

Article 24

1. The minister responsible for matters of culture and national heritage protection, upon the motion of a director of a state or local government museum, shall grant permission to remove an item from the inventory in cases of changes in the museum's legal status or erroneous entries in the inventory.

2. If an erroneous entry is found in the inventory, removal of this entry may be ordered by way of decision issued by the minister responsible for matters of culture and national heritage protection, upon consultation with the Council for Museums.

Article 25

1. A museum shall charge fees for the preparation and provision of access to collections for purposes other than exhibiting, in particular for copying, reproducing, photographing as well as for the preparation of collections to be lent and their lending.

2. The fees referred to under Section 1 shall be determined by the museum director. In justified cases the director may establish a discounted fee or grant the fee exemption.

3. No fees shall be charged for lending museum objects between national museums and, subject to the principle of reciprocity, between museums seated in European Union member states, Swiss Confederation and the member states of the European Free Trade Association, which are parties to the European Economic Zone agreement.

Article 25a

1. Images of museum objects may be captured and preserved on electronic data carriers, as provided for by the Law on Informatization of Operations of the Entities Performing Public Tasks (Journal of Laws, No. 64, Item 565; 2006, No. 12, Item 65; No. 73, Item 501).

2. Museums shall charge fees for providing access to the images of museum objects by means of electronic data carriers. Direct electronic access to the museum objects shall be free of charge.

3. The fees referred to under Section 2 shall be determined by the museum director. In justified cases, the museum director may establish a discounted fee or grant a fee exemption.

Article 26

1. In case of liquidation of a local government museum, the competent entity referred to under Article 5, Section 3 shall ensure proper conditions for the preservation of the museum objects.

2. In the case referred to under Section 1, an executive body of a gmina, powiat or a voivodship, respectively, shall have the preemptive right to purchase the museum objects. If the museum under liquidation was created by way of communalization of the state property, the acquisition of this property shall be free of charge.

3. If the executive body of a gmina, powiat or a voivodship has not exercised the preemptive right to purchase the museum objects, the entity referred to under Article 5, Section 3, upon consultation with the voivode, shall decide the further steps to be taken in relation to the museum objects.

Article 27

Detailed procedures for the handling of museum objects in case a state museum goes under liquidation shall be defined, on a case-by-case basis, by the minister responsible for matters of culture and national heritage protection, by way of a regulation, upon consultation with the Council for Museums.

Article 28

Upon liquidation of a museum, the museum objects which constitute real estate items shall be entered immediately in the Register of Historic Monuments, unless they are incorporated into a collection of another museum.

Article 29

1. Museum objects may be moved, subject to the museum director's consent, outside the premises of the museum, in whose inventory they are registered, in the following cases:
 - 1) if they are lent out to other museums,
 - 2) for the purposes of conservation, research or security,
 - 3) to be exhibited at exhibitions,
 - 4) in other justified situations,- subject to the consent of the entity referred to under Article 5, Section 1.
2. The minister responsible for matters of culture and national heritage protection shall define, by way of a regulation, the conditions, manner and procedures for the transfer of museum objects, with regard in particular to the conditions and manner of transfer and storage at the new location and the development of relevant scientific and conservation documentation.

Article 30

Museum objects entered in the inventories of state museums or local government museums shall not be subject to enforcement resulting from a writ of execution in court or administrative enforcement proceedings.

Article 31

Provisions enshrined under chapter 4 do not violate the regulations pertaining to the protection of the national archival resources and the regulations pertaining to the principles for communal property disposal.

Chapter 5

Museum personnel

Article 32

1. Personnel employed at positions related with the fundamental activities of museums constitute a professional group of museum personnel, which includes assistants, adjunct curators, curators and certified curators.
2. Personnel referred to under Section 1 shall be in possession of museum qualifications.
3. Museums may employ personnel specialized in other fields related with museum activities.
4. Minister responsible for matters of culture and national heritage protection, with a view to ensuring professional standards in the implementation of museum personnel responsibilities, shall define, by way of a regulation, the qualification requirements for specific museum positions referred to under Section 1, and the procedures for verification of competences of candidates.

Article 33

Museums which carry out or coordinate research activities may employ academic and scientific-technical personnel in pursuance with the Act of 25 July 1985 on Research and Development Units (Journal of Laws of 1991, No. 44, Item 194; No. 107, Item 464; 1992, No. 52, Item 254; 1994, No. 1, Item 3; No. 43, Item 163; 1996, No. 41, Item 175; No. 89, Item 402). The provision enshrined under Article 43 shall apply to these employees respectively.

Article 34

In the course of their employment, museum employees shall observe the generally accepted norms of professional ethics, and in particular shall not trade in objects that remain within the scope of interest of the museum and shall not undertake any activities such as collecting, issuing expert opinions or valuation of objects, which may give rise to a conflict of interest with the museum at which the person has undertaken employment.

Chapter 6

Amendments to the regulations in force, transitional and final provisions

Article 35

In the act of 15 February 1962 on the Protection of Cultural Assets and Museums (Journal of Laws, No. 10, Item 48; of 1983, No. 38, Item 173; of 1989, No. 35, Item 192; of 1990, No. 34, Item 198, No. 56, Item 322, of 1996, No. 106, Item 496) the following changes are hereby made:

- 1) in the name of the act the word “and museums” shall be deleted;
- 2) Article 4, Section 2 shall read:

“2) entered in the museums in the inventory and incorporated in the library collections, except for materials incorporated in the national archival resource, which shall be protected by separate regulations.”;

- 3) in the title of Chapter 3 the words “and supervision over museums” shall be deleted;
- 4) in Article 7 the words “and all museums” shall be deleted;
- 5) Article 9 shall read:

“Article 9. Direct supervision over state collections and the collections no longer held by museums shall be performed by the Minister of Culture and Arts, other ministers (heads of central offices), legal persons and organizational entities without legal personality, in concordance with their scope of operation.”

- 6) Articles 45 – 54 and the heading of Chapter VIII shall be deleted;
- 7) Articles 61 – 66 and the heading of Chapter X shall be deleted;
- 8) in the title of Chapter XI the words “and museum collections” shall be deleted;
- 9) in Article 67 the words “Museums and immovable monuments” shall be replaced with “Immovable monuments”;
- 10) Article 69 shall be deleted.

Article 36

In the Act of 29 April 1985 on Land Management and Expropriation of Realty (Journal of Laws of 1991, No. 30, Item 127, No. 103, Item 446, No. 107, Item 464; of 1993, No. 47, Item

212, No. 131, Item 629; of 1994, No. 27, Item 96, No. 31, Item 118, No. 84, Item 384, No. 85, Item 388, No. 89, Item 415, No. 123, Item 601; of 1995, No. 99, Item 486; of 1996, No. 5, Item 33, No. 90, Item 405, No. 106, Item 496, No. 156, Item 775) in Article 40 after Section 4, Section 4a shall be added and shall read:

“4a. Registered museums shall be exempted from fees for perpetual usufruct, usufruct and management of lands and buildings which constitute the property of the State Treasury.”

Article 37

In the Act of 12 January 1991 on Local Fees and Taxes (Journal of Laws, No. 9, Item 31, No. 101, Item 444; of 1992, No. 21, Item 86; of 1994, No. 123, Item 600; of 1996, No. 91, Item 409, No. 149, Item 704) in Article 7, Section 1, after paragraph (10), (10a) shall be added and shall read:

“10a) buildings and lands held by registered museums.”

Article 38

In the Act of 25 October 1991 on Organizing and Conducting Cultural Activities (Journal of Laws, No. 114, Item 493; of 1994, No. 121, Item 591; of 1996, No. 90, Item 407), Article 40 shall read:

“Article 40. The provisions of this act do not violate the provisions of the act of 15 February 1962 on the Protection of Cultural Assets (Journal of Laws, No. 10, Item 48; of 1983, No. 38, Item 173; of 1989, No. 35, Item 192; of 1990, No. 34, Item 198, No. 56, Item 322; of 1996, No. 106, Item 496; of 1997, No. 5, item 24), the provisions of the Act of 9 April 1968 on Libraries (Journal of Laws, No. 12, Item 63; of 1984, No. 26, Item 129; of 1989, No. 29, Item 155, No. 35, Item 192; of 1990, No. 34, Item 198; of 1996, No. 152, Item 722) and the Act of 12 November 1996 on Museums (Journal of Laws of 1997, No. 5, Item 21) with regard to performance of cultural activities in forms provided for by these acts.”

Article 39

Until the enabling regulations provided for in this Act are adopted, not longer, however, than for 6 months from the date of its entry into force, the existing regulations shall retain their force, unless they are in contradiction with this Act.

Article 40

This Act shall enter into force 14 days of the date of its publication.

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I, Dorota Bartz, a court-accredited translator (TP/205/07), hereby certify that this translation is a true and faithful representation of the document in Polish presented to me on 26 November 2007.

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Poznań, 26 November 2007.