

Law no. 311 of the 8th of July 2003 regarding museums and public collections*) – Republished

CHAPTER I: General dispositions

Art. 1

The present law stipulates the general legal status, classification, organisation and functioning principles of museums, public and private collections accessible to the public.

Art. 2

For the purpose of this law, the following terms shall be taken to mean:

- a) museum – the public cultural institution, of non-profit character, in the service of society, held in public or private property, which acquires, safeguards, researches, restores, communicates and exhibits, for purposes of study, education, and enjoyment, material and spiritual evidence of the human communities existence and evolution, as well as of their environment;
- b) collection – the assembly of cultural and natural goods systematically and coherently constituted by natural or legal, private or public bodies.

Art. 3

- (1) For the purpose of the present law, public collections designate collections accessible to the public and specialists, regardless of the holder of the owners' right that include artistic, documentary, historical, scientific, cultural and memorial interest.
- (2) Private collections accessible to the public are collections held in private property by natural and legal bodies where the public and the specialists have access only with the permission of the holder.

Art. 4

The main functions of a museum are:

- a) acquisition, administration, conservation and restoration of the museum patrimony;
- b) scientific research, registry, documentation, protection and development of its own patrimony;
- c) enhancement of its own heritage;

Art. 5

The main functions of public collections are:

- a) acquisition, administration, conservation and restoration of their own patrimony;

- b) scientific research , registry, documentation, protection and development of its own patrimony;
- c) enhancement of its own patrimony;

Art. 6

The State, through its central public administration authorities as well as through its local public administration authorities protects the museums, public collections and private collections accessible to the public, guarantees their free functioning and development and may grant financial and logistic support to their owners or bearers of other real rights, in conformity with the legal provisions.

Art. 7

The cults support their own museums and public collections and to this purpose, they may benefit of financial and logistic support from the local and central public administration authorities, in conformity with the legal provisions in force.

CHAPTER II: The museum patrimony

Art. 8

- (1) The museum patrimony represents the totality of goods, rights and duties with patrimony value belonging to a museum or, if the case may be, of the public collections.
- (2) The goods that compose the museum patrimony may be subject to the public ownership right of the state and/or of the territorial-administrative entities, or, if the case may be, of the private property right.
- (3) The status of the legal public and/or private property over the goods included in the museum patrimony is regulated according to the dispositions in force.

Art. 9

According to the law, the following goods may be included in a museum patrimony:

- a) immovable goods of exceptional archaeological, historical, ethnographic, artistic, documentary, memorial, scientific and technical value;
- b) the sites and reservations of archaeological, historical, artistic, ethnographic, technical, architectural value including sites, natural parks, botanical and zoological gardens, as well as the afferent buildings;
- c) the goods classified as movable national cultural heritage, of exceptional archaeological, historical, ethnographic, artistic, documentary, scientific and technical, literary, memorial, cinematographic, numismatic, philatelic, heraldic, bibliographic, cartographic and epigraphic value, representing material and spiritual evidence of the evolution of human societies, of the environment and of the human creation potential;
- d) other goods of documentary, educational, enjoyment interest that can be used for exhibition or other museums purposes.

Art. 10

- (1) The registry of the goods that belong to the museum patrimony is performed through the Digital Register for the Analytical Registry of Cultural Goods, a permanent, mandatory document meant to draw up inventory registers and primary documents.
- (2) The digital Register for the Analytical Registry of Cultural Goods is drawn up on the basis of a unique pattern, approved by the minister of culture and cultural order and endorsed by the National Commission of Museums and Collections.

Art. 11

- (1) Owners and bearers of other real rights over museums and public collections have, according to the Civil Code and to the present law, the following obligations:
 - a) to ensure the integrity, the security, the conservation and the restoration of the goods classified as movable national cultural heritage belonging to the museum patrimony;
 - b) to provide the documentation, to draw up the registry and, if the case may be, to classify the goods belonging to the museum patrimony;
 - c) to enhance the museum patrimony;
 - d) to ensure and guarantee the access of the public and of specialists to the goods belonging to the museum patrimony;
 - e) to ensure the research or, if the case may be, to make available for research purposes the goods belonging to the museum patrimony;
 - f) to prevent using the museum patrimony for other purposes than those stipulated by the legal regulations in force;
 - g) to obtain the functioning authorisation, the licence of the museum or of the public collection, in conformity with the legal provisions in force;
 - h) to ensure the prevention, the location and extinguishing of any fire;
 - i) to ensure the museum and public collections guard and endow them with efficient protection systems;
 - j) to take measures in order to prevent and diminish the damage that can be done to the museum patrimony in case of natural calamity or armed conflict.
- (2) Owners and bearers of other real rights over museums and public collections of national importance are compelled to conclude partial or full loss insurance contracts, depending on the obligation they have according to the provisions of the Civil Code, for the movable and immovable goods belonging to the museum patrimony, in conformity with the legal regulations in force.
- (3) Owners and bearers of other real rights over museums and public collections of local, county or regional importance are compelled to conclude partial or full loss insurance contracts for the goods classified as national cultural heritage, Thesaurus category, namely for the historical monuments that fall under the A and B categories, belonging to the museum patrimony, according to the legal regulations in force.
- (4) The contracts stipulated under paragraphs (2) and (3) are to be gradually concluded and the goods classified as Thesaurus have priority, that is the

historical monuments that fall under the A and B category, as well as the ethnographic monuments transferred to open-air museums.

- (5) The central or local public administration authorities are compelled to include in their budgets the necessary funds for insuring the goods classified as Thesaurus, as well as the buildings that fall under the A and B category, according to the law.
- (6) The amounts granted by private bodies and individuals to insure the movable goods classified as Thesaurus are deductible from the profit or income tax.

Art. 12

The central or local public administration authorities and the specialised public institutions subordinated to them, as well as the owners and bearers of other real rights over museums and public collections may cooperate with non-governmental organisations, in view of the development, protection, conservation, restoration, research and enhancement of the museum patrimony for scientific or touristy-cultural purposes.

CHAPTER III: Classification, establishment and licensing museums and public collections

SECTION 1: Classification

Art. 13

- (1) Depending on the type of ownership, of acquiring means and administration principles of the museum patrimony, museums and public collections may be subject to private or public ownership.
- (2) The collections and museums held in public ownership subordinated to local or central public administration authorities, or other public institutions functioning according to their own regulations, approved by the tutelary authorities or institutions.
- (3) Public collections and museums held in private property are subordinated to private natural or legal bodies.
- (4) According to their type of organisation, public collections and museums are legal bodies; as an exception to the rule, public collections and museums without legal status can be established.

Art. 14

According to the covering area, size and importance of the patrimony, museums and public collections are classified as follows:

- a) museums and public collections of national importance;
- b) museums and public collections of regional importance;
- c) museums and public collections of county importance;
- d) museums and public collections of local importance.

Art. 15

- (1) Museums and public collections of national importance are museums and public collections held in public or private property that include in their patrimony goods of exceptionally value, of national archaeological, historical, ethnographic, artistic, documentary, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliographic, cartographic and epigraphic interest.
- (2) Museums and public collections of regional importance are museums and public collections held in public or private property that include in their patrimony the goods stipulated under paragraph (1), of regional interest.
- (3) Museums and public collections of county importance are museums and public collections held in public or private property that include in their patrimony the goods stipulated under paragraph (1), of county interest.
- (4) Museums and public collections of local importance are museums and public collections held in public or private property that include in their patrimony the goods stipulated under paragraph (1), of local interest.

Art. 16

- (1) The status of national, regional, county or local museum or public collection is granted by Government decision, initiated by the Ministry of Culture and Cults and endorsed by the National Commission of Museums and Collections.
- (2) The status of a museum or public collection may be changed by Government decision and endorsed by the National Commission of Museums and Collections, at the request of the authority to which the museum or the public collection is subordinated.
- (3) Museums and public collections, regardless of the type of ownership, of acquiring means and administration way of the museum patrimony, function in conformity with the methodological norms regarding museums and public collections, elaborated by the Ministry of Culture and Cults and endorsed by the National Commission of Museums and Collections, and approved by order of the minister of culture and cults.

SECTION 2: Establishment and licensing

Art. 17

- (1) The present law regulates the establishment of museums and public collections, regardless of the type of ownership, of acquiring means and administration way of the museum patrimony.
- (2) In order to establish museums and public collections the prior endorsement of the National Commission of Museums and Collections is mandatory.
- (3) The obligation to obtain the prior endorsement falls upon the legal or natural entity that solicits the establishment of a museum or public collection.

Art. 18

- (1) Museums and public collections, regardless of the type of ownership, of

acquiring means and administration way of the museum patrimony, can only function if they are licensed

- (2) The authorities stated under art. 13 paragraph (2), other than the Ministry of Culture and Cults, to which museums and public collections are subordinated, are compelled to solicit to the Ministry of Culture and Cults to licence them; the licensing application will be delivered at the specialised department of the Ministry of Culture and Cults.
- (4) Private legal and natural entities, having established or establishing museums and public collections on the basis of the prior endorsement stated under art. 17 paragraph (2), are compelled to apply for the functioning license to the Ministry of Culture and Cults; the licensing application will be delivered at the county or the Bucharest offices for culture and national culture heritage covering the headquarters of the museum or public collection.
- (5) Museums and public collections are licensed, at the proposal of the National Commission of Museums and Collections, by order of the minister of culture and cults.
- (6) Temporary license may imply conditions or recommendations in conformity with the legal dispositions in force.

Art. 19

- (1) The countermanding of the museum and public collections licence can be done if the legal stipulations or the licensing conditions are not complied with.
- (2) The countermanding of the museum and public collections licence can be done at the proposal of the National Commission of Museums and Collections by order of the minister of culture and cults, published in the Romanian Official Journal, Part I.
- (3) After the countermanding of the licence, the owner or the holder of other real rights are compelled to comply with the provisions regarding the museum patrimony.

Art. 20

- (1) The order of the minister of culture and cults to counter demand the museum and public collection licence may be disputed within 15 days after it was published; the appeal will be delivered at the Ministry of Culture and Cults.
- (2) Those who are not satisfied with the result of the appeal stated under paragraph (1) may appeal to the administrative-contentious, in conformity with the law.

Art. 21

- (1) Other establishments without legal personality, branches and subsidiaries, organised in the same locality or in other localities than where the headquarters of the museums and public collections is, can be subordinated to the museums and public collections.
- (2) The branches and subsidiaries of museums and public collections may be called museums or collections, but the museum or public collection to which they are subordinated must be specified and the prior endorsement stated under art. 17,

paragraph (2) and the licence stated under art. 18 are mandatory.

- (3) The organisation and functioning of the local branches and subsidiaries of museums and public collections will be regulated by the organisation and functioning regulation of the museum or public collection they are subordinated to.

CHAPTER IV: The financing of museums and public collections

Art. 22

- (1) The activity of museums and public collections held in public property is financed by owner's income and subsidies from the state or local budgets.
- (2) Owner's incomes derive from the tariffs for the services provided by museums and public collections, from donations, sponsorships or from other specific activities.
- (3) The incomes stated under paragraph (2) are administered in conformity with the legal dispositions in force.

Art. 23

- (1) The inheritances by which a museum patrimony or a collection is transferred are exempt of the stamp tax only if the natural or legal entities inheriting the goods conclude an agreement with the county and the Bucharest offices for culture and national culture heritage by which he / she undertakes the obligation of making available to the public, in order to be visited, the respective museum patrimony, in conformity with the dispositions of the present law.
- (2) If the heirs do not comply with the stipulations of the agreement stated under paragraph (1), the stamp tax will be collected on the basis of the report elaborated by the county and the Bucharest general offices for finances, upon referral by the county and the Bucharest offices for culture and national culture heritage.
- (3) It is considered that the stipulations undertaken according to paragraph (1) are not complied with if the access of the public is prohibited over a period longer than 60 days per year, except when the respective obligation became impossible to comply with for objective causes.

Art. 24

- (1) The prices and tariffs for the services offered by museums and public collections are set by their management.
- (2) According to the legal stipulations in force, the tariffs of the museums and public collections held in public property must be approved by the authority they are subordinated to.

CHAPTER V: The management, the organisation and the functioning of the museums and public collections held in public property

Art. 25

- (1) Museums and public collections held in public property are organised and function according to the provisions of the present law and of their own organising and functioning regulations, approved by the authority they are subordinated to, in conformity with the legal dispositions in force.
- (2) The specialised staff of museums and collections includes the following positions: scientific researcher, archaeologist, museum specialist, conservator, designer, topographer, IT engineer, documentalist, librarian, drawer, collection administration, curator, photographer, video operator, as well as other positions related to collections.
- (3) For the museum staff working under special conditions - storehouses, laboratories, and restoration and conservation workshops, as well as on archaeological sites, a toxicity pay representing 15% of the basic salary is granted.
- (4) For the specialised and technical museum staff working in storehouses and for the organisation of exhibitions with goods classified as Thesaurus, a confidentiality pay representing 15 % of the basic salary is granted.
- (5) The staff with an uninterrupted 10 years work experience in the field of museums or public collections held in public property benefits of a stability pay representing 10% of the basic salary.
- (6) The criteria and the employment methodology for the positions that imply special work conditions will be established by government decision, initiated by the Ministry of Culture and Cults, endorsed by the Ministry of Labour, Social Solidarity and Family.

Art. 26

- (1) Specialised staff of museums and public collections is employed after having passed an exam organised by the museum or public collection management, in conformity with the present law.
- (2) The museums and public collections staff' attributions are included in the job description, in conformity with the organization structure, the activity schedules, and the tasks.
- (3) The continuing professional education training of museums and public collections specialists is provided by accredited specialised institutions: long-term and short-term post-secondary and university education, distance learning, MA and PhD programs, as well as other forms of professional education.

Art. 27

- (1) Administration councils functioning as management decision-making organisms are organised within museums and public collections held in private property.
- (2) The organising and functioning regulation, approved by the authority to which the museums and public collections held in public property are subordinated, in

conformity with the legal dispositions in force, establishes the structure, the attributions and the functioning of the administration council.

Art. 28

- a) Scientific councils can function within museums and public collections as specialised organs formed of specialists in the field, with consulting role in the field of scientific research, organisation and structure of services, museum collections and cultural activities.
- b) The scientific councils that function within museums and public collections of national, regional and county interest are mandatory.
- c) The structure, the attributions, the organisation of the scientific council are established in conformity with the organisation and functioning regulation, approved by the authority the museums and the public collections are subordinated to, according to the legal dispositions in force.
- d) The members of the scientific council are assigned, by decision, by the general manager, or, if the case may be, by the museum or public collection manager.

Art. 29

- (1) Cultural goods evaluation and/or acquisition commissions function within museums and public collections.
- (2) The members of the commissions stated under paragraph (1) are assigned, by decision, by the general manager, or, if the case may be, by the museum or public collection manager.

Art. 30

- (1) The museums or public collections held in public property subordinated to the local public administration may be disestablished by decision of the tutelary local public administration, voted by two thirds of the counsellors, previously endorsed by the National Commission of Museums and Collections.

CHAPTER VI: Institutions and organisms with attributions in the field of museums and public collections

Art. 31

- (1) The Ministry of Culture and Cults elaborates and makes sure that the national strategy is applied that the legal stipulations, the methodological norms in the field of museums and public collections are complied with.
- (2) The Ministry of Culture and Cults represents the state in the international relations in the field of museums and public collections.

Art. 32

In the field of museums and public collections, the Ministry of Culture and Cults has the following attributions, which it exerts through its specialised department or

through its subordinated institutions:

- a) organises the national heritage research, registry, conservation, restoration, preservation, inspection, museums and public collections classification system, endorses the technical regulations applicable in the field.
- b) approves the methodological museum and public collection licensing norms.
- c) approves the museum and public collection licensing criteria.
- d) grants and annuls, in conformity with the present law, the museum and public collections functioning licence.
- e) proposes a the museum or public collection title of national importance;
- f) approves the museum and public collections classification;
- g) makes sure that the conditions for licensing the museums and public collections subordinated to the local and central administration are complied with;
- h) provides specialised scientific assistance to museums, public collections and the non-governmental organisations in the field;
- i) cooperates with the Ministry of Education and Research and the Ministry of Ministry of Labour, Social Solidarity and Family, in view of training specialists and auxiliary personnel in the museum and public collections field, in conformity with the stipulations of the Education Law no. 84/ 1995, republished, with the subsequent amendments and completions;
- j) cooperates with the Ministry of Defence, the Ministry of Administration and Interior and with the other public administration authorities with attributions in the field, in order to establish the special measures for the protection of the museum patrimony, in case of armed conflict, civil commotions, natural catastrophes;
- k) endorses the museum development programs;
- l) supports and initiates the cooperation with the foreign institutions and organisations in the field of museums and public collections;
- m) finances the editorial activity of the Museum Magazine, published by the Centre for Professional Training for Culture**).

Art. 33

The county or the Bucharest offices for culture and national culture heritage have the following attributions in the field of museums and public collections:

- a) propose to the Ministry of Culture and Cults the licensing of the public collections held in private property;
- b) makes sure that the conditions for licensing the museums and public collections subordinated to the local and central administration; as well as the public collections held in private property are complied with;
- c) ascertains contraventions and enforces sanctions in the field of museums and public collections they cover, in conformity with the legal dispositions in force.

Art. 34

- (1) The National Commission of Museums and Collections is, according to the law, the consulting and endorsing scientific organism of the Ministry of Culture and

Cults.

(2) In the field of museums and collections, The National Commission of Museums and Collections has the following attributions:

- a) proposes specialised regulations concerning museums and public collections; these regulations are mandatory for the whole network of museums and public collections, regardless of the ownership, administration and financing form;
- b) provides consulting endorsement for the approval of the national strategy of development and research in view of establishing museums and public collections;
- c) elaborates the criteria according to which prior endorsements are issued in view of establishing museums and public collections;
- d) issues prior endorsements in view of establishing museums and public collections;
- e) elaborates the museums and public collections classification norms;
- f) proposes to the Ministry of Culture and Cults the classification of museums and collections;
- g) proposes the counter demand of the museums and collections licence;
- h) endorses the museum or public collection of national interest title;
- i) endorses the development priorities of museums and public collections subordinated to the Ministry of Culture and Cults;
- j) endorses the training programs for museums and public collections specialists;
- k) proposes to the Ministry of Culture and Cults that the persons who substantially contributed to the development, research, registry, conservation, restoration and enhancement of the museum patrimony be rewarded or awarded distinctions.

CHAPTER VII: Contraventions and sanctions

Art. 35

Any infringement of the present law shall bear disciplinary, material, civil, contraventional or penal liability.

Art. 36

- (1) Deliberate destruction or degradation of the movable goods of the museum and public collection patrimony, classified or unclassified as national cultural heritage, as well as deliberate destruction or degradation of historical monuments represents offences and shall be punished in conformity with the legal provisions in force.
- (2) Counterfeiting cultural goods in order to be commercialised or with any other purpose represents offences and shall be punished in conformity with the legal provisions in force, regarding the cultural goods classified as national cultural

heritage.

Art. 37

(1) The following deeds are considered to be contraventions:

- a) infringe upon the conservation norms of museum patrimony;
- b) establish museums and public collections without prior endorsement and/or their functioning without being licensed;
- c) hinders, by any means the access of the public to the museum patrimony, except for force majeure cases.
- d) changes the museum or public collection title without complying with the procedure stipulated under article 16 paragraphs (1) and (2);
- e) does not conclude the insurance contracts stipulated under art. 11 paragraphs (2) and (3).

(2) The contraventions stated under paragraph (1) shall be fined with 1.000 to 10.000 lei.

(3) The fine quantum can be updated by government decision.

Art. 38

The specialists of the Ministry of Culture and Cults and of the county or the Bucharest offices for culture and national culture heritage, assigned by order of the minister of culture and cults, shall ascertain the contraventions and enforce the sanctions stated under art. 37.

Art. 39

The dispositions of the Governmental Decree no. 2/2001 regarding the judicial status of contraventions, approved with modifications and completions by Law no. 180/2002, with the subsequent modifications and completions shall be correspondingly applied to the contraventions stated in the present law.

CHAPTER VIII: Transitory and final dispositions

Art. 40

The owners and the holders of other real rights over museums and public collections of national importance, which concluded the contract stipulated under art. 11 paragraph (2), as well as the owners and the holders of other real rights over museums and public collections of regional, county and local importance which concluded the contract stipulated under art. 11 paragraph (3), are compelled to conclude these contracts within 60 days after this law comes into force.

Art. 41

- (1) Within 60 days after the present law comes into force, the National Commission of Museums and Collections will elaborate the criteria of granting the prior endorsement necessary for establishing museums and public collections, the methodological norms of licensing museums and public collections, as well as the museums and public collections classification norms, approved by order of the minister of culture and cults, to be published in the Official Journal of Romania, Part I.
- (2) Within 60 days after the present law comes into force, the Ministry of Culture and Cults, and endorsed by the National Commission of Museums and Collections, will elaborate the methodological norms regarding the museums and public collections functioning, as well as the norms of security and protection of the museum patrimony, each approved by order of the minister of culture and cults, to be published in the Official Journal of Romania, Part I.

NOTE:

Bellow are reproduced the provisions of art. II of Law no. 12/2006 for the amendment and completion of the Law of museums and public collections no. 311/2003, enclosed in the republished text of Law no. 311/2003:

“-Art. II

The order of the minister of culture and cults regarding the approval of the unique pattern of the Digital Register for the Analytical Registry of Cultural Goods shall be published in the Official Journal of Romania, Part I, within 60 days after the present law comes into force; the Governmental Decision stipulated under art. 24 paragraph (6)***) will be published within the same delay.

*) Republished on the basis of art. III of Law no. 12/2006 for the modification and completion of Law of museums and public collections no. 311/2003, published in the Official Journal of Romania, Part I, no. 39 of 17th of January 2006.

The law museums and public collections no. 311/2003 was published in the Official Journal of Romania, Part I, no. 528 of 23rd of July and amended by Law no 114/2006 for the approval of the Governmental Decree no. 26/2005 regarding the management of public institutions for culture, published in the Official Journal of Romania, Part I, no. 413 of 12th of May 2006.

**) The Professional Training Centre was established in conformity with art. 1 of the Governmental Decision no. 1.878/2005, published the Official Journal of Romania, Part I, no. 40 of 17th of January 2006, as a consequence of the reorganisation of the Continuing Professional Education and Management Training Centre in the Field of Culture, which was disestablished.

***) Art. 24 paragraph (6) of Law no 311/2003 became art. 25 paragraph (6) in the codified variant. Published in the Official Journal no 927 of 15th of November 2006.