

**DECISION No. 1221 of 29<sup>th</sup> of November 2000 of the approval of the Methodological norms on granting of the Governmental Guarantee Certificate**

On the basis of the stipulations of article no 107 of the Constitution of Romania and article no.6 of the Governmental Decree no.44/2000 relative to some measures on the insurance of the temporary exported mobile cultural objects,

**The Government of Romania** passes the present decision.

Unique article

The present Decision approves the methodological norms regarding the accordance of the governmental guarantee certificate, stipulated in the appendix here included.

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**Annex: METHODOLOGICAL NORMS regarding the granting of the Governmental Guarantee Certificate from 29<sup>th</sup> of November 2000**

**Art. 1**

The temporary export of the mobile cultural objects classified as National Treasure is permitted in the absence of an insurance certificate only if the Ministry of Culture obtained a Governmental Guarantee Certificate issued by the State on whose territory the Romanian mobile cultural goods are going to be exported.

**Art. 2**

The foreign mobile cultural goods classified in a category similar to the Romanian category of "National Treasure" by the owning State legislation can be temporarily imported on the background of a cultural exchange in the absence of the insurance for the mentioned goods.

**Art. 3**

**(1)** In the situation stipulated by the article no. 2 The Ministry of Culture will issue, on behalf of the Government, with a previous approval from the Ministry of Public

Finances, a Governmental Guarantee Certificate for the foreign mobile cultural goods, temporary present on the territory of the Romanian State.

**(2)** The Governmental Guarantee Certificate is the legal document that attests the responsibility assumed by the Romanian Government for the damages undergone by the foreign cultural objects, temporary present on the territory of Romania, issued according to the present Methodological Norms.

#### **Art. 4**

The Governmental Guarantee Certificate will be issued only when the cultural exchange takes place within the frame of a cultural event organized by a legal entity with the headquarters on the Romanian territory.

#### **Art. 5**

The Cultural event requiring an exchange of mobile cultural objects must have been approved by the Ministry of Culture.

#### **Art. 6**

**(1)** The Governmental Guarantee Certificate will be applied for by the legal owner of the mobile cultural objects.

**(2)** The application shall be conceived in Romanian and shall enclose:

- a) The proof of the legal status of property or custody of the object, issued by the authority designated by the legislation of the foreign state, in the original language and legalized translation.
- b) Documents regarding the preservation state of the mobile cultural objects, in original and legalized translation. The preservation state of the mobile cultural objects is certified on the basis of an expertise undertaken by an expert agreed both by the foreign party and the Romanian party, and on the grounds of the direct verification undertaken by specialists of both parts, according to the official report;
- c) The evaluation of the mobile cultural object, in the original language and legalized translation;
- d) Documents relevant for the professional training of the person authorized should accompany the mobile cultural good;
- e) The license for the temporary exportation of the mobile cultural object issued according to the foreign state legislation – original document and legalized translation;

**(3)** The application shall contain:

- a) Complete identification data of the applicant;
- b) Description of the mobile cultural object
- c) Period for which the Governmental Guarantee Certificate is requested
- d) Value for which the Governmental Guarantee Certificate is requested,

according to the evaluation stipulated by article no. 6, paragraph (2), letter c)

- e) The route covered by the foreign mobile cultural object on the Romanian territory.

**(4)** The Governmental Guarantee Certificate will be issued only on the condition of permanent surveillance by a person authorized by the legal owner of the good.

#### **Art. 7**

The Governmental Guarantee Certificate shall be issued on the condition that the Romanian organizer of the cultural event proves that the space in which the cultural object is going to be exhibited or stored complies with the standard conditions of preservation and security.

#### **Art. 8**

When the Governmental Guarantee Certificate is requested on the terms of the stipulations of article no. 4, paragraph (4), of the Government Ordinance no 44/2000 regarding some measures of insurance of the temporary exported mobile cultural objects, besides the documents stipulated by article no. 6, paragraph (2), the applicant shall also provide the proof of the reciprocity for the Romanian mobile cultural objects, issued by the competent authority of the state on whose territory the mobile cultural object for which the Governmental Guarantee Certificate is requested is legally owned.

#### **Art. 9**

**(1)** In all situations, the Governmental Guarantee Certificate shall be issued for a period between the date of the entrance on the Romanian State territory and the date of exit from the Romanian State territory of the mobile cultural good.

**(2)** The period stipulated in paragraph (1) can be extended by the Ministry of Culture only in exceptional situations, highly motivated, at the request of the applicant for the Governmental Guarantee Certificate.

**(3)** The validity of the Governmental Guarantee Certificate is limited to the period for which it was issued.

#### **Art. 10**

The Governmental Guarantee Certificate for the transit of the Romanian territory shall be issued only under the terms of the article 8.

#### **Art. 11**

**(1)** The Governmental Guarantee Certificate shall be issued by the Governmental Guarantees Office subordinated to the Ministry of Culture, mandatory approved by the National Commission of the Museums and Collections.

**(2)** Governmental Guarantees Office together with the specialist designated by the Manager of the Museums and Collections Direction shall analyse the accuracy of the

insured value, for which the request of the Governmental Guarantee Certificate was made, and shall decide on the actual value for which the Governmental Guarantee Certificate shall be granted.

#### **Art. 12**

**(1)** The Governmental Guarantee Certificate shall be applied for at least 60 days before the date of the entrance of the mobile cultural object on the Romanian territory.

**(2)** The Governmental Guarantee Certificate shall be issued at least 5 days before the date of entrance of the mobile cultural good on the Romanian territory.

#### **Art. 13**

**(1)** The Governmental Guarantee Certificate shall mention at least the following:

- a) Identification data of the applicant;
- b) Identification data of the mobile cultural object;
- c) The period for which it was granted;
- d) The value for which it was granted;
- e) The risks covered.

**(2)** The Governmental Guarantee Certificate shall bear the signatures of the ministry of culture and of the president of the National Commission of the Collections and Museums.

#### **Art. 14**

The Governmental Guarantee Certificate will accompany the mobile cultural object all along the period of its presence on the Romanian territory.

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