

DECISION no. 216 of the 20th of February 2004 on the approval of the Norms regarding the restoration and conservation workshops and laboratories licensing procedure

On the basis of article 108 of the Romanian Constitution, codified, and of the article III of the Governmental Emergency Decree no. 16/2003 for the modification and completion of Law no. 182/2000 on the protection of the movable national cultural heritage,

The Romanian Government passes the present decision.

Unique article

The Norms regarding the restoration and conservation workshops and laboratories licensing procedure, as stipulated in the appendix here included, are approved.

PRIME-MINISTER

ADRIAN NĂSTASE

Countersigns

The Minister of Culture and Cults,

Răzvan Teodorescu

The Minister of Public Finances,

Mihai Nicolae Tănăsescu

APPENDIX:

Published in the Romanian Official Journal no. 196 of the 5th of March 2004.

NORMS of the 20th of February 2004 regarding the restoration and conservation workshops and laboratories licensing procedure

CHAPTER I: General Dispositions

Art. 1

The present norms regulate the procedure of issuing the functioning license by the Ministry of Culture and Cults in view of the functioning of restoration and conservation workshops and laboratories, the ways they can be renewed, as well as rules concerning the restoration and conservation works performed in restoration workshops and laboratories, in conformity with the stipulations of art. III of the Emergency Decree no. 16/2003 of the Government for the modification and completion of Law no. 182/2000 on the protection of the movable national cultural heritage.

CHAPTER II: The restoration and conservation workshops and laboratories licensing procedure

Art. 2

The restoration and conservation workshops and laboratories, further referred to as laboratories and workshops, can only function on the basis of the functioning license, further referred to as license, issued by the Ministry of Culture and Cults and endorsed by the National Commission of Museums and Collections.

Art. 3

In order to obtain the functioning license of their laboratories and workshops, the concerned legal body will submit to the Museums and Historical Monuments Department of the Ministry of Culture and Cults, the following papers:

- a) the application for the functioning license, filled in according to the model included in appendix no. 1;
- b) statement at his/her own risk, drew up according to the model included in appendix no. 2;
- c) copy of the registration certificate of the dealer, with the VAT registration number, for private legal bodies;
- d) the copy of the closure concerning the registration of the dealer, pronounced by the judge assigned by the Registry of Commerce, for private legal bodies;

- e) the copy of the articles of incorporation testifying for the nature of the company's activity, for private legal bodies;
- f) copy of the legislative instrument that specifies the restoration and conservation attributions of the public institution, for public institutions;
- g) copy of the ownership rights over the headquarters;
- h) copies of the studies certificates of the restorers and conservators licensed in compliance with the law in the fields for which they solicit the license.
- i) the copies of the individual work contracts of the conservators and restorers licensed in compliance with the law, registered with the territorial work inspectorates, only if they are others than the partners of the incorporated companies, for private legal bodies;
- j) synthetic documentary regarding the activity of the laboratory or workshop, filled in according to the model included in appendix no. 1A;
- k) criminal record for the manager of the laboratory or workshop, for private legal bodies.

Art. 4

Within 30 days after the documents stipulated under article 3 are submitted, the Ministry of Culture and Cults, through the Museums and Historical Monuments Department, conveys the functioning license to the concerned legal body, drew up according to the model included in appendix no. 3, or, if the case is, the refusal to issue the functioning license, together with the motivation of the refusal.

Art. 5

- (1) The refusal to issue the functioning license can be appealed to the Museums and Historical Monuments Department of the Ministry of Culture and Cults, within 10 days after it was conveyed. The result of the appeal will be conveyed within 15 days after it was submitted.
- (2) If the applicant is not satisfied with the response, he / she can appeal to the Administrative Contentious Court in compliance with the law.

Art. 6

If the headquarters of the laboratory or workshop is changed, the private or public legal body will submit the following papers:

- a) application for the functioning license, drew up according to the model included in appendix no. 1;
- b) the copy of the ownership right over the headquarters;
- c) statement at his/her own risk, drew up according to the appendix no. 2, updated;
- d) the functioning license, previously issued, in order to mention on it the new address and to apply the Ministry of Culture and Cults stamp.

Art. 7

The functioning license will be visibly displayed in the laboratory or workshop.

Art. 8

- (1) The functioning license may be suspended by the specialized personnel of the Ministry of Culture and Cults and of the county or Bucharest offices for culture, cults and national cultural heritage, assigned to this purpose, if the manager of the laboratory or, if the case may be, of the workshop, is permanently convicted for one or more of the following infractions: theft, robbery, false pretences', fraud, forgery in management, destruction, larceny, forgery, abuse of office, impersonation, embezzlement, concealment, abetment of a crime or bribe-taking and -giving. The suspension ceases the moment the manager of the laboratory or, if the case may be, of the workshop is replaced.
- (2) The functioning license may be annulled by the specialized personnel of the Ministry of Culture and Cults and of the county or Bucharest offices for culture, cults and national cultural heritage, assigned to this purpose, in the following situations:
 - a) Serious infringements of the professional deontology and of the restoration and conservation norms of the movable cultural goods, issued in compliance with the law;
 - b) Professional errors that triggered the destruction or partial loss of movable cultural goods.

Art. 9

The Museums and Historical Monuments Department of the Ministry of Culture and Cults is in charge with the registry of the functioning licenses issued and of those suspended or annulled.

CHAPTER III: Rules concerning the restoration and conservation works performed in the restoration and conservation laboratories and workshops

Art. 10

The restoration and conservation works may be performed in licensed restoration and conservation laboratories and workshops, on the basis of a contract concluded in conformity with the common law dispositions, only by conservators and restorers accredited in compliance with the law.

Art. 11

The restoration and conservation laboratories functioning within public museum institutions may perform works, at a cost, for:

- a) other public museum institutions;
- b) private or public legal and natural bodies.

Art. 12

The restoration of the classified objects that fall under the scope of restoration priorities can only be performed with the prior endorsement of the National Commission of Museums and Collections, and only by restorers accredited according

to the law and in licensed laboratories and workshops.

Art. 13

The protection and security of the goods over the restoration period falls to the laboratory or workshop.

Art. 14

The goods shall not be removed from the laboratory or workshop without the written agreement of the owner.

CHAPTER IV: Transitory and final dispositions

Art. 15

The laboratories and workshops already functioning when the present norms come into force shall apply for the functioning license within 60 days after the present decision is published.

Art. 16

The appendixes no. 1, 2 and 3 are part and parcel of the present norms.

APPENDIX no. 1 APPLICATION FORM for the conservation and restoration laboratory/workshop functioning license

To the Minister,

..... (the name of the company), headquarters in (location), (street), (no), represented by, acting as (administrator, president, manager), I request the functioning license for the conservation laboratory situated in (location), (full address), in view of performing activities of conservation and restoration of movable cultural goods in the following fields (mention the fields for which the license is requested):

We attach the following documents:

1. copy of the registration certificate of the dealer, with the VAT registration number, for private legal bodies;
2. the copy of the closure concerning the registration of the dealer, pronounced by the judge assigned by the Registry of Commerce, for private legal bodies;
3. the copy of the articles of incorporation testifying for the nature of the company's activity, for private legal bodies;
4. copy of the legislative instrument that specifies the restoration and conservation attributions of the public institution, for public institutions;
5. copy of the ownership rights over the headquarters;
6. copies of the studies certificates of the restorers and conservators licensed in compliance with the law in the fields for which they solicits the license.
7. the copies of the individual work contracts of the conservators and restorers licensed in compliance with the law, registered at the territorial work inspectorates, only if they are others than the partners of the incorporated companies, for private legal bodies;
8. synthetic documentary regarding the activity of the laboratory or workshop;
9. the criminal record of the manager (administrator) of the laboratory or workshop, for private legal bodies.

Authorized signature and stamp

.....

Appendix no. 1^A: SYNTHETIC DOCUMENTARY

The institution title

1. Field of activity:

2. Functioning status:

Without partner.....with partners.....no. of partners.....

No.	Name and surname of the holder and of his/her partners	Studies	Workplace and position, for the persons employed in other companies	Observations

3. Number of employees....., of which employees of other state-owned or private institutions

4. The holder is specialised in the field.....

Studies.....

He/she provides other professional services for other state owned company (the company/companies).....

The position/positions.....

Provides services for private companies (the company/companies), status....., he/she is retired.....

5. The person/persons in charge with the probity of the company (the holder shall communicate in writing to the Ministry of Culture and Cults any change of the persons in charge of ensuring the professional probity of the services provided by the company)

No.	Name and surname	Type of responsibility	Studies	Workplace and position is he/she is employed

6. He/she acknowledged the legal dispositions regulating the activity of the private companies, including the legal regulations directly concerning the company's field of activity.....

7. Data regarding the headquarters:

- a) it is the holder's / partner's property.....
- b) it is state-owned property.....
- c) it is rented from a private body.....
- d) address: locality....., zip code....., street
....., no., phone no., fax.
.....

8. Functioning license no., issued (date).....

Date

Holder's signature

.....

Appendix no. 2: STATEMENT at one's own risk to comply with the legislation on the protection of the movable national cultural heritage

The undersigned, as owner (administrator, manager) of, (name of the legal body), aware that false statements are punished by the penal law, I declare at my own risk that the activities of conservation and restoration of movable cultural goods performed at(full address of the legal body) will comply with the stipulations of Law no. 182/2000 on the protection of the movable national cultural heritage, with the subsequent modifications and completions, of the norms of conservation and restoration of the movable cultural goods, and of other regulations in force, specific to the activity performed.

In order to support the above mentioned, we declare that:

1. The number of persons employed at the laboratory is.....
2. The laboratory is structured as follows (specify the use of the rooms and their surface; for the rooms larger than 100 m² enclose a plan at a 1/1000 scale signed by the declarant):
3. I own the following facilities and specific equipments (a list of the facilities and the specific equipments may be attached, signed by the declarant):
4. The laboratory is equipped with warning system and it concluded a service provider contract with a security guard company/is permanently guarded by specialized staff.
5. The laboratory is able to ensure the security of cultural goods of very high value (secure rooms, safes, etc.)
6. The laboratory is insured against theft, fire and any type of calamities at an authorized insurance company (the name of the insurance company)
7. The manager (administrator, head) and the employees of the laboratory do not have criminal record.
8. The specialists in the fields for which the laboratory license was solicited have the documents testifying for their qualification.

Date

Signature and stamp of the authorized person

.....

APPENDIX no. 3: THE FUNCTIONING LICENSE

ROMANIA

MINISTRY OF CULTURE AND CULTS

FUNCTIONING LICENSE

No.

Date

Laboratory, situated in
(full address), zip code....., telephone/fax....., part of
..... (name of the company), registration no.,
disposes of the material and professional resources to perform conservation -
restoration activities in the following domains:

The present license was issued in conformity with the stipulations of Law no.
182/2000 on the protection of the movable national cultural heritage, with the
subsequent modifications and completions, and the documentation registered at the
Ministry of Culture and Cults, no.

Ministry of Culture and Cults

National Commission of Museums and Collections

President,

.....

Holder of the license

.....

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DECISION no. 1023 of the 8th of September 2005 for the modification of appendix no. 3 of the Norms on licensing the conservation and restoration laboratories and workshops, approved by the Decision no. 216/2004 of the Government

On the basis of art. 108 of the Romanian Constitution, codified,
The Government of Romania passes the present decision.

Unique article

Appendix no. 3 of the Norms on licensing the conservation and restoration laboratories and workshops, approved by Governmental Decision no. 216/2004, published in the Romanian Official Journal, Part. I, no. 196 of the 5th of March 2004, is modified and replaces the present decision.

PRIME MINISTER,

CĂLIN POPESCU TĂRICEANU

Countersigns:

The Minister of Culture and Cults,

Adrian Iorgulescu

APPENDIX: THE FUNCTIONING LICENSE

(Appendix no. 3 of Norms)

ROMANIA

MINISTRY OF CULTURE AND CULTS

FUNCTIONING LICENSE

No.

Date

Laboratory, situated in
..... (full address), zip code.....,
telephone/fax....., part of (name of the
company), registration no., disposes of the material and professional
resources to perform conservation - restoration activities in the following domains:
.....

The present license was issued in conformity with the stipulations of Law no.
182/2000 on the protection of the movable national cultural heritage, with the
subsequent modifications and completions, and the documentation registered at the
Ministry of Culture and Cults, no.

The Minister of Culture and Cults

Endorsed by N.C.M.C

Secretary,

.....

.....

(fill in with the Minister's name)

(fill in the Secretary's name)

Published in the Romanian Official Journal no. 825 of the 13th of September 2005.