

Law no. 182 of 25th of October 2000 regarding the protection of the movable national heritage

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The Parliament of Romania adopts the present law.

Chapter I: General Provisions

Art. 1

- (1) The present law establishes the ownership rights of the goods belonging to the movable national cultural heritage, further referred to as national cultural heritage, no matter who the owner may be, by regulating the specific protection activities: registry, expertise, classification, research, storing, conservation, restoration and putting forward in order to obtain a democratic access to culture and transmit these values to the new generations.
- (2) The national cultural heritage includes:
 - a) goods of an exceptional valuable, historical, archaeological, documentary, ethnological, artistic, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliographic, cartographic and epigraphic, representing material evidence for the evolution of the natural environment and for the relation of humans with it., the potential creativity of man and of the Romanian contribution to the universal civilization;
 - b) cultural goods that belong to public collections that appear in the inventory of museums, archives and libraries;
 - c) cultural goods that are included in the inventory of religious cults and of ecclesiastical institutions.

(at 5th of April 2003, Chapter I, art. 1, paragraph (2), modified by art. I, paragraph 1 of the Emergency Ordinance 16/2003)

Art. 2

- (1) The state guarantees the ownership and provides, according to the law, the protection of the goods that belong to the national cultural heritage. It also

provides the material basis and the financial resources for the discovery, the registry, the expertise, the classification, research, the storing, the conservation, the restoration, the protection and the putting it forward.

- (2) The exercise of the ownership rights and the other real rights, such as the right to manage a good belonging to the national cultural heritage is subject to the stipulations of the present law.

Art. 3

The movable cultural heritage includes:

(at 16th of April 2004 Chapter I, art. 3, modified by art. 1, paragraph 1 of Law 105/2004)

1. Archaeological and historical-documentary goods of exceptional value, such as:

(at 2nd of July 2004 Chapter I, art. 3, paragraph 1, modified by art. 1, paragraph 1, of Law 314/2004)

- a) products of archaeological exploration and excavations conducted on land and under water, tools, pottery, inscriptions, coins, seals, , jewellery, items of cloths or harness, weapons, funerary remains;
- b) items resulting from the dismemberment of historical monuments;
- c) items relating to the political, economic, social, military, religious, scientific, artistic, sportive history;
- d) manuscripts, incunabula, rare books, old books, books of bibliographic value;
- e) documents and printed works of social significance: archives documents, maps and other cartographic materials;
- f) objects of memoirs value;
- g) items and documents of numismatic, philatelic, heraldic value: coins, medals, decorations, badges, registered designs, stamps, flags and banners;
- h) epigraphic items;
- i) photographs, photographic negatives, cinematographic films, sound recordings;
- j) musical instruments;
- k) military uniforms and accessories;
- l) items of technical value;
- m) other goods relating to this category.

2. Items of artistic interest, of exceptional value, such as:

(at 2nd of July 2004 Chapter I, art. 3, paragraph 3, modified by art. 1, paragraph 1 of Law 314/2004)

- a) works of plastic arts: paintings and drawings, sculptures, engravings, photographs and others;

- b) works of applied art in such materials as glass, ceramics, metal, wood, textile and other materials, adornments;
- c) cult objects: icons, embroideries, gold jewellery, items of furniture and others;
- d) projects and prototypes of design;
- e) original materials of animation, documentary and artistic movies;
- e¹) public monuments, outdoor exposed artistic items;

(at 16th of April 2004 Chapter I, art. 3, paragraph 2, letter E, completed by art. 1, paragraph 2 of Law 105/2004)

- f) other goods relating to this category.

3. Items at ethnographic interest, of exceptional value such as:

(at 2nd of July 2004 Chapter I, art. 3, paragraph 3, modified by art. 1, paragraph 1 of Law 314/2004)

- a) household and domestic appliances and tools;
- b) items of furniture;
- c) pottery;
- d) textile objects, clothing items, leather items;
- e) other items of metal, wood, bone, rock, glass;
- f) cult objects;
- g) adornments;
- h) ensembles of ethnographic items;
- h¹) traditional buildings that are not conserved in situ or items resulting from the dismemberment of this;

(at 16th of April 2004 Chapter I, art. 3, paragraph 2, letter H, completed by art. 1, paragraph 3 of Law 105/2004)

- i) other goods relating to this category.

4. Goods of scientific interest, of exceptional value, such as:

(at 2nd of July 2004 Chapter I, art. 3, paragraph 4, modified by art. 1, paragraph 1 of Law 314/2004)

- a) rare zoological, botanical, mineralogy and anatomy specimens and collections;
- b) game trophies;
- c) other goods relating to this category.

5. Goods of technical interest, of exceptional value, such as:

(at 2nd of July 2004 Chapter I, art. 3, paragraph 5, modified by art. 1, paragraph 1 of Law 314/2004)

- a) unique technical creations;

- b) rarities, irrespective of mark;
- c) prototypes of current machines, appliances and creation tools;
- d) technical creations of memorial value;
- e) realisations of popular art;
- f) stencils of compact-disk, of CD-ROM, of DVD and others;

(at 16th of April 2004 Chapter I, art. 3, paragraph 5, letter F, modified by art. 1, paragraph 4 of Law 105/2004)

- g) other goods relating to this category

(at 5th of April 2003 Chapter I, art. 3, modified by art. 1, paragraph 2 of Emergency Ordinance 314/2004)

Art. 4

- (1) The goods belonging to the movable national heritage are included, according to their historical, archaeological, documentary, ethnological, artistic, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliographic, cartographic and epigraphic importance, ancientness, uniqueness or rarity, in:

(at 16th of April 2004 Chapter I, art. 4, paragraph 1, modified by art. 1, paragraph 5 of Law 105/2004)

- a) thesaurus of national cultural heritage further referred to as thesaurus, formed of cultural items of exceptional value;
- b) public collections present in museums inventories, archives and libraries;
- c) collections of religious cult and ecclesiastic institutions.

(at 2nd of July 2004 Chapter I, art. 4, paragraph 1, letter C, modified by art. 1, paragraph 2 of Law 314/2004)

Art. 5

- (1) Movable cultural objects may be public or private property of the state or of territorial-administrative entities or private property of private bodies or individuals.
- (2) According to the property form and subject to the law, a management right or other rights can be established for the items provided in paragraph 1.

Art. 6

- (1) The Ministry of Culture and National Commission of Museums and Collections coordinates the specific activities in the domain of national cultural heritage.
- (2) The stipulations of paragraph 1 are not to be applied to the National Archive Fund of Romania administered by The National Archive as well as by the county departments of the National Archive, established according to the provisions of the Law of National Archive no 16/1996.
- (3) The Ministry of Culture stands for the Romanian State in the national and international relations that refer to the national cultural heritage.

Art. 7

- (1) Competent authorities have the obligation to intercede, according to the legal provisions in force and the international conventions to which Romania is part of, in order to recover the cultural objects that were illegally exported, stolen from museums or collections or unrightfully held abroad.
- (2) Competent authorities must participate in any international joint operation, on the basis of a cooperation agreement, in view of prohibiting and deterring illicit activities of import, export and property transfer of cultural objects.

(at 5th of April 2003 Chapter I, art. 7, modified by art. 1, paragraph 4 of Emergency Ordinance 16/2003)

Art. 8

Public authorities, owners, bearers of other rights, as well as bearers of the administration right of the goods belonging to the national cultural heritage have the obligation to protect them against any deliberate or perfunctory deed that can lead to the degradation, the damage, the loss, the evasion or to the illegal export of these.

Chapter II: Research, Classification and Registry

Art. 9

The research activity carried on by scientific researchers in public institutions that own goods belonging to the national cultural heritage has as object the research and scientific capitalization of the national cultural heritage, especially the one owned by the respective institution.

Art. 10

For the purposes of this law, "classification" shall be taken to mean the procedure of establishing which movable cultural goods belong to the thesaurus, according to art. 4 letter a).

(at 5th of April 2003 Chapter II, art. 10, modified by art. 1, paragraph 5 of Emergency Ordinance 16/2003)

Art. 11

The procedure of classifying movable cultural goods is triggered:

1. officially, in the following situations:

- a) for the movable cultural objects belonging to the State or to the territorial-administrative entities by the public institutions;
- b) for the movable cultural objects belonging to religious cults;
- c) for the movable cultural objects that are subject to public sale through auction or through an authorized agent;
- d) for the movable cultural objects for which the temporary or permanent export is solicited;

e) for the movable cultural objects accidentally discovered or in the context of a systematic research;

f) for the confiscated movable cultural objects;

g) for the movable cultural objects that were subject to attempts of illegal export;

g1) for the movable cultural goods that were illegally taken out of Romania;

(at 5th of April 2003 Chapter II, art. 11, paragraph 1, letter G, completed by art. 1, paragraph 6 of Emergency Ordinance 16/2003)

h) for the movable cultural objects that are in the custody of public institutions and are to be returned.

2. at the request of individuals and other private bodies, owning the respective object.

Art. 12

(1) Classification shall be performed on the basis of an expertise report elaborated by experts or specialists licensed by the National Commission of Museums and Collections.

(at 16th of April 2004 Chapter II, art. 3, paragraph 12, paragraph (1) modified by art. 1, paragraph 6 of Law 105/2004)

(2) The classification of an object must be completed within 3 months from the moment the procedure of classification began.

(3) The competent scientific organism proficient in deciding on the classification submitting is the National Commission of Museums and Collections.

(4) The classification decision will be signed by the president of the National Commission of Museums and Collections and will be approved by the Minister of Culture's order, within the term stipulated under paragraph (2).

(5) The conclusions of the expertise report identifying the respective movable cultural object, the standard datasheet of the object and a colour or black and white photograph will be attached to the classification decision.

(6) In the case of movable cultural objects that were not submitted for classification, the conclusions of the expertise report containing the identification data of the goods will be communicated to the bearers of other real rights within 30 days after the expertise is over.

(7) The expertise of the movable cultural objects that were not submitted to classification can be contested at the National Commission of Museums and Collections within 10 days after the handbill of the expert or specialist is received. The result of the contestation will be communicated within 20 days.

(at 16th of April 2004 Chapter II, art. 12, paragraph (7), modified by art. 1, paragraph 6 of Law 105/2004)

Art. 13

(1) Public institutions owning movable cultural goods belonging to the national cultural heritage must register these goods both analytically, by the standard datasheet, according to the norms issued by the Ministry of Culture, and synoptically, by the data bank that also contains the image archive.

- (2) The public authorities to which the institutions owning goods belonging to the national cultural heritage are subordinated have the obligation to provide the necessary financial resources in order to create the digital registry.

Art. 14

- (1) The Minister of Culture will communicate in writing the classification order to the owner, to the bearer of real rights or, if the case is, to the bearer of the administration right within 10 days after the approval.
- (2) The Ministry of Culture will issue, for every classified object, a classification certificate and the standard datasheet of the object.
- (3) The classification certificate and the standard datasheet of the object must accompany the classified object and do not represent a title deed themselves.

Art. 15

- (1) Classification triggers the registration of the movable cultural goods in the Thesaurus Inventory of the National Cultural Heritage.

(at 5th of April 2003 Chapter II, art. 15, paragraph (1) modified by art. 1, paragraph 7 of Emergency Ordinance 16/2003)

- (2) The inventory of the national cultural heritage is elaborated on the basis of orders regarding classified movable cultural goods, by the concerned department of the Ministry of Culture and Cults. Centralisation, digital registry and the administration of documents that underlined the inventories are carried out by the Cultural Memory Agency.

(at 5th of April 2003 Chapter II, art. 15, paragraph (2) modified by art. 1, paragraph 7 of Emergency Ordinance 16/2003)

- (3) The data regarding the national cultural heritage, except the list of the movable cultural goods and their image, are not intended for the public unless the owner agrees.
- (4) The data regarding the national cultural heritage can be provided, at request, by the Ministry of Culture, to the specialised institutions, to researchers and to other licensed specialists, with a view to conducting specific activities of identification and research. The data obtained this way can only be put forward if the owner consents. The data identifying the owner can only be made public only if he / she agrees.
- (5) Data included in these inventories can be provided to the police, to the organs of penal pursuit and to the instance courts only if they are necessary to resolve certain cases directly linked to the movable cultural goods in question and only if the legal provisions are complied with.

Art. 16

- (1) Owners, bearers of other real rights or of the administration right and any other type of possessors of the movable cultural goods for which the classification procedure was initiated have the obligation to allow the examination of the respective goods by experts or licensed specialists.

(at 16th of April 2004 Chapter II, art. 16, paragraph (1), modified by art. 1, paragraph 7 of Law 105/2004)

- (2) Movable cultural objects can only be taken for laboratory analyses in special cases and for determinate periods of time stipulated under classification norms of the movable cultural objects and only if the owners or the bearers of other real rights agree; these can be taken over on the basis of a delivery-receipt protocol signed by the private bodies and individuals, mentioned at paragraph (1), according to the norms of Ministry of Culture.

Art. 17

During the classification procedure officially initiated of a movable cultural object, this is protected according to the stipulations of the present law.

(at 5th of April 2003 Chapter II, art. 15, paragraph (2) modified by art. 1, paragraph 7 of Emergency Ordinance 16/2003)

Art. 18

- (1) The owner right to solicit the classification of the movable cultural object is imprescriptible.
- (2) If a movable cultural object was not classified, the procedure may be resumed, at request, after at least 3 years; where there are new proofs, this delay may be shortened by the National Commission of Museums and Collection.

Art. 19

- (1) Movable cultural objects can be unclassified as a result of the request of the ownership right bearer or officially, in the following cases:
- a) the expertise becomes null;
 - b) total loss;
 - c) serious damage which cannot be recovered through restoration work.
- (2) The unclassifying procedure is the same as the classifying procedure.
- (3) The unclassifying order is registered at the Thesaurus Inventory of the National Cultural Heritage and consequently the good is erased from the inventory.

(at 5th of April 2003 Chapter II, art. 19, paragraph (3) modified by art. 1, paragraph 9 of Emergency Ordinance 16/2003)

- (4) The unclassifying order is communicated in writing to the owner, to the bearer of other real rights, or to the bearer of the administration right.

(at 5th of April 2003 Chapter II, art. 20, repealed by art. 1, paragraph 10 of Emergency Ordinance 16/2003)

Art. 21

- (1) The owner or the bearer of the administration right can contest the classifying or unclassifying order at the Ministry of Culture and Cults within 30 days after it was communicated.

(at 5th of April 2003 Chapter II, art. 21, paragraph (1), modified by art. 1, paragraph 11 of Emergency Ordinance 16/2003)

- (2) The Ministry of Culture has the obligation to solve the contestation within 30 days after it was recorded.
- (3) If the owner or the bearer of the administration right is not satisfied by the result of the contestation appealed to the Ministry of Culture, he/she may appeal, according to the provisions of the law, to the competent instance courts.

Chapter III: Preserving, storing and providing security for the movable cultural goods

Art. 22

- (1) The owners, the bearers of other real rights or the bearers of the administration as well as other types of owners of classified movable cultural goods have the following obligations:
 - a) to provide the best preserving conservation conditions and, if the case is, storing conditions preventing any degradation, damage or total loss;
 - b) not to damage or destroy these goods and in the case of the metal ones not even to melt them;
 - c) to insure the security of these goods;
 - d) to notify within 5 days the county offices for culture and national culture heritage if an imminent danger of serious damage or total loss of these goods is discovered;
 - e) not to use or allow to use of these goods during shows, fashion parades or as movie or theatre props, as well as for other purposes that might endanger their integrity or expose the goods to lost, deterioration or theft.
 - f) to allow access to the specialists from the county offices for culture and national culture heritage to establish the conservation state of these goods; in the case of private bodies or individuals that own cultural objects, the access of the specialists of the county offices for culture and national culture heritage will be possible only with the written agreement of the owner regarding the access conditions.
- (2) Owners or bearers of the administration right of classified movable cultural goods have the following obligations:
 - a) to ensure the restoration goods;
 - b) to entrust the restoration works exclusively to the restoration specialists licensed by the National Commission of Museums and Collections.
- (3) Specialised and unspecialised public institutions, cults as well as economic agents who own with any title classified movable cultural goods have the obligation to finance the acquisition and instalment of anti theft, anti-fire and microclimate systems for the protection of the movable cultural goods.
- (4) Private bodies and individuals that can allow the use of the movable cultural goods classified as thesaurus during shows, fashion parades or as movie or theatre props, under contractual conditions, at the same time observing the conservation and restoration norms for the classified movable cultural goods are not subject to the provisions of paragraph (1) letter e).

Art. 23

Private bodies and individuals who own with any title classified movable cultural goods benefit of free consulting from specialised institutions with the purpose of preserving, conserving and putting forward these goods.

Art. 24

- (1) For studies and specialised works, public institutions have the obligation to make movable cultural goods, which they manage, available to licensed specialists and researchers under commonly agreed conditions.
- (2) For studies and specialised works on movable cultural goods held in private property, the owner's approval is necessary.

Art. 25

- (1) Copies, mouldings, posthumous editions and facsimiles made after the classified movable cultural goods must be visible marked in order not to be confused with the original; they will carry the mention copy, facsimile, posthumous edition, the name of the author and the year they were created as well as the specification of the collection where the good is.
- (2) The mentions under paragraph (1) are compulsory, regardless of the year the copies, mouldings, posthumous editions and facsimiles were created and every time these are made known to the public.

Art. 26

- (1) Copies, mouldings, posthumous editions and facsimiles made after the classified movable cultural goods held in public property, can only be done with the written approval of the bearer of the administration right, in conformity with the norms stipulated by the National Commission of Museums and Collections.
- (2) Copies, mouldings, posthumous editions and facsimiles made after the classified movable cultural goods held in private property, can only be done with the written approval of the owner in conformity with the norms stipulated by the National Commission of Museums and Collections.
- (3) The reproduction of the classified movable cultural goods through photographic, video or digital means can only be performed with the written approval of the bearer of the administration right or of the owner.
- (4) The persons that execute copies, mouldings, posthumous editions and facsimiles after the classified movable cultural goods had the obligation to use adequate techniques and to take the necessary measures in order not to damage, immediately or in time, the integrity or the quality of the original objects.

Chapter IV: The conservation and restoration of classified movable cultural goods

Art. 27

- (1) The conservation and restoration works of classified movable cultural goods can only be carried out by licensed experts, on the basis of a contract concluded in conformity with the common law.
- (2) Licensing experts who are in charge of conserving and restoring movable cultural goods is performed by the National Commission of Museums and Collections, according to the norms of licensing conservators and restorers, which will also include contestation procedures.
- (3) On the basis on the licence obtained, the Ministry of Culture issues free lance certificates to the experts, according to the norms of licensing conservers and restorers.
- (4) Laboratories and workshops, performing conservation and restoration works, function on the basis of a authorisation issued by the Ministry of Culture approved by National Commission of Museums and Collections, according to the norms regarding the authorisation of conservation and restoration laboratories and workshops.
- (5) When professional errors are committed, the National Commission of Museums and Collections will suspend for up to 2 years the licence stipulated under paragraph (2) or the approval stipulated under paragraph (4). The Ministry of Culture will take the necessary measures for fulfilling the decisions of the National Commission of Museums and Collections, and a counter expertise may be solicited at the request of the persons concerned.
- (6) Private bodies that own authorised laboratories or workshops had the obligation to display in a visible way the authorisation issued according to the provisions under paragraph (4).
- (7) The Ministry of Culture will authorise the existing conservation and restoration laboratories to function further on as specialised public institution, as well as the establishing of such new laboratories and the National Commission of Museums and Collections will approve.
- (8) Conservation and restoration laboratories, functioning within public museum institutions, can perform such works for other public museum institutions, for a private or public bodies or individuals, complying with the conditions stipulated under the present law; in such cases the solicitors will be charged for the expenses for these works, according to the contractual stipulations.

Art. 28

The restoration of the movable cultural goods classified as thesaurus can only be performed with the prior approval of the National Commission of Museums and Collections, which mentions the authorised laboratories and workshops.

Art. 29

- (1) The movable cultural goods classified as thesaurus, irrespective of the ownership form, which are in imminent danger of destruction or serious degradation, will be subject to conservation and restoration works in conformity

the order of the minister of culture on the basis of an expertise report endorsed by National Commission of Museums and Collections.

- (2) The owner will be charged for the conservation and restoration works.
- (3) The amount charged for the conservation and restoration works performed according to the stipulations of paragraph (1) and the stipulations of art. 22, paragraph (2) letter a) are deductible from the income taxes or the profit tax.
- (4) If the owner of a movable cultural good classified as thesaurus is a private person who declare at their own risk that they don't dispose of the financial resources for covering the expenses for restoration and conservation, these expenses will be covered, partially or fully, from the state budget or from the local budget, according to the stipulations of the present law. If the movable cultural goods are subsequently sold, the costs for the conservation and restoration works will be repaid by the owner-seller to the financing institution.

Art. 30

- (1) The provisions of the present law are to be applied accordingly to the goods of cultural value made of precious metals or containing precious or semi-precious stones owned, administered or possessed by any title by the National Bank of Romania, by the State Mint or by the other banks.
- (2) The private bodies listed at paragraph (1) have the obligation to allow the examination of the goods by experts namely designed by the Ministry of Culture, who will suggest, if the case is, the initiation of the classification procedure.

Art. 31

Melting or modifying, no matter how, the classified movable cultural objects, owned by any title by the National Bank of Romania, by the State Mint or by the other banks is strictly forbidden.

Chapter V: The Circulation of the movable cultural goods

Art. 32

The classified movable cultural goods, representing public assets of the State or of the territorial-administrative entities, are inalienable, imprescriptible and exempt from seizure.

Art. 33

- (1) With a view to organising expositions or realising cultural projects, public institutions can lend to public institutions or private legal entities from our country, in compliance with the common law, classified movable cultural objects which they manage, with the approval of the National Commission of Museums and Collections and the approval of the Ministry of Culture.
- (2) Private bodies and individuals can lend to public institutions or to private legal entities, in compliance with the common law and the present law, classified movable cultural objects.

- (3) The classified movable cultural objects, belonging to religious cults, can be lent to specialised public institutions, in compliance with the common law and the present law, with the approval of the cult head.
- (4) The organizer of the exposition or the initiator/author of the cultural project is legally responsible for the integrity of the objects exposed and must take all the necessary measures to remove any risk, in order to ensure the security and the preservation of the cultural goods.

Art. 34

- (1) The movable cultural goods held in public property, owned by trading companies where the State is the major or sole stockholder will be classified before they are privatised.
- (2) The commercial companies stipulates under paragraph (1) have the obligation to notify, in writing, the county offices for culture and national cultural heritage covering their headquarters about the signing up for privatisation within 5 days from the date of the signing up.
- (3) Within 10 days from the registration of the notification stipulated under paragraph (2), the county office for culture and national cultural heritage will verify the movable cultural goods liable to be classified at the privatising commercial company and will initiate the classification procedure.
- (4) A specialised public institution, designated by the National Commission of Museums and Collections, will administer the movable cultural goods thus classified.

Art. 35

- (1) Authorization is performed by the Ministry of Culture and endorsed by the National Commission of Museums and Collections in conformity with the norms regarding the movable cultural goods trade.
- (2) Public sale of classified movable cultural objects, held in private property, or the mediation of the commercial exchange is only performed through authorised economic agents, in compliance with the present law.
- (3) Economic agents authorised to commercialise movable cultural goods are compelled to display in a visible way the norms concerning the commerce with movable cultural goods.
- (4) The economic agents authorized to commercialise movable cultural objects have the obligation to write down in a register, correctly and completely, the name and the address of the bidder, the description and the price of each object. The information contained in the register is confidential.
- (5) The economic agents authorized to commercialise movable cultural objects have the obligation to notify in writing the county offices for culture and national culture heritage about the existence of goods susceptible of being classified within 5 days after the offer.
- (6) The economic agents authorized to commercialise movable cultural objects have the obligation to notify in writing the owner of the object about the possibility of initiating the classification procedure within 5 days.
- (7) The economic agents authorized to commercialise movable cultural objects have the obligation to notify, in writing, the county and the Bucharest offices

for culture and national culture heritage, where the headquarters is, about the putting up for sale, and, if the case is, to sent a copy of the printed catalogue in view of a public auction, no matter whether the concerned goods are or not classified in the movable national cultural heritage, within 3 days after the registration in their own register for the goods classified as thesaurus.

(at 16th of April 2004 Chapter V, art. 35, paragraph(7), modified by art. 1, paragraph 8 of Law 105/2004)

Art. 36

- (1) Movable cultural goods belonging to private legal bodies or individuals, classified as thesaurus, may be subject to public sale only if the Romanian State, represented by the Ministry of Culture, exerts its pre-emption right, while also complying with the provisions of art. 35, paragraph (7).
- (2) The county offices for culture and national culture heritage are compelled to forward to the Ministry of Culture, within 3 days after receiving the written communication of the authorized economic agents, the registration concerning the putting up for sale of a movable cultural object, classified as thesaurus.
- (3) The deadline for the exertion of the pre-emption right of the state is maximum 30 days, starting with the date of the communication stipulated under paragraph (2), and the acquisition value is the one negotiated with the seller or the authorised economic agent or the one resulted from the public auction.
- (4) The Ministry of Culture will stipulate in the budget the necessary sums for the exertion of the pre-emption right.
- (5) Not complying with the provisions of paragraph (1) makes the sale absolutely null.

Art. 37

- (1) Transferring abroad movable cultural objects constitutes an operation of export, which can be temporary or permanent.
- (2) Permanent or temporary export of classified or unclassified movable cultural goods can only be performed on the basis of an export certificate.
- (3) The export certificate will be issued by the county offices for culture and national culture heritage, in compliance with the present law.
- (4) The temporary export certificate for movable cultural objects classified as thesaurus can only be performed on the basis of the export certificate.
- (5) Transferring abroad, by any way, movable cultural objects for which the temporary or permanent export certificate, issued according to the law, represents illegal export.

Art. 38

- (1) Classified movable cultural goods, held in public property, are only temporary exported and only for organising expositions abroad, for laboratory investigations, restoration or expertise purposes.
- (2) Movable cultural goods classified as thesaurus, held in private property, can be exported only temporary.

(at 5th of April 2003, Chapter V, art. 39, repealed by art. I, paragraph 14 of the Emergency Ordinance 16/2003)

Art. 40

- (1) Derogating the provisions of art (38), paragraph (2), the classified movable cultural goods, owned by private legal bodies and individuals, may be permanently exported only in the context of an exchange of cultural goods of equal cultural interest and significance and only in totally exceptional cases, where the cultural, scientific and cultural purposes prevail.
- (2) The exchange stipulated under paragraph (1) is approved by the Government's decision, the local or county council and if this is the case, by the National Commission of Museums and Collections.
- (3) The cultural object obtained through the exchange stipulated under paragraph (1) is subject to the judicial regulations of the good offered in exchange.

(at 2nd of July 2004 Chapter V, art. 40, completed by art. 1, paragraph 3, of Law 314/2004)

Art. 41

- (1) For the applications for temporary or permanent export of an unclassified movable cultural object, the delay stipulated under article 12, paragraph (2) and article 14, paragraph (1), cumulated, is 30 days.
- (2) The National Commission of Museums and Collections must reach a decision within 30 days after the initiation of the classification procedure.

Art. 42

Donations of movable cultural goods to the specialised public institutions or to religious cults, in conformity with the law, are exempt of any taxes.

Art. 43

- (1) Private legal bodies and individuals owning classified movable cultural goods are compelled to inform in writing the county offices for culture and national culture heritage within 5 days immediately after the transfer of property of such a good to another person, as well as immediately after a establishing a real right over such a good.
- (2) If a classified movable object was lost or stolen, the owner, the bearer of other rights, bearer of the administration right as well as any other type of owner of these good, are compelled to inform, in writing, within 24 hours after noticing it, the police departments.
- (3) In the cases mentioned under paragraph (2), as well as in cases of total loss or damage of their classified movable cultural goods, bearers of other real rights, bearers of the administration right as well as any other type of owner have the obligation to inform in writing the county offices for culture and national culture heritage within 5 days after noticing it.
- (4) After registering the communication stipulated under paragraph (3), the county offices for culture and national culture heritage will immediately notify, in

writing, the police departments whose territorial jurisdiction covers their headquarters.

Art. 44

- (1) Forced heirs are exempt of stamp taxes for the classified movable goods that belong to the tracing assets.
- (2) For the other heirs, they can waive, in exchange for the stamp taxes, such goods, which will become public property and they will be administered, according to the law, by specialised public institutions, endorsed by the National Commission of Museums and Collections.
- (3) Donations or legacies concerning classified movable cultural goods, benefiting of the state, the territorial-administrative entities or religious cults, are exempt of any tax.

Chapter V: The General Legal Status of the Movable Archaeological Objects accidentally discovered or through archaeological research

*(at 16th of April 2004 Chapter VI, art. 1, paragraph 9, of **Law 105/2004**)*

Art. 45

- (1) Archaeological, epigraphic, numismatic, paleontological or geolitic objects, discovered in the context of systematic research for archaeological or geologic purposes, as well as those discovered accidentally, performed in public places, according to art 136 paragraph (3) of the Romanian Constitution, republished, represent public property, in conformity with the legal stipulations.

*(at 16th of April 2004 Chapter VI, art. 45, paragraph (1), modified by art. 1, paragraph 10, of **Law 105/2004**)*

- (2) After they are discovered, the objects mentioned under paragraph (1) are submitted to the classification procedure, in conformity with the present law, and are administered by the institution financing or coordinating the research; if the National Commission of Museums and Collections notes that the respective institution does not comply with the corresponding conditions of conservations and security, it will transfer the responsibility to the county offices for culture and national culture heritage or to other specialised public institutions satisfying the appropriate conditions and whose territorial jurisdiction covers the place where the objects were discovered. The county office for culture and national culture heritage will decide on the institution that will administer the respective archaeological goods.

Art. 46

- (1) Systematic archaeological research, as well as preventive or rescue ones, conducted by legal bodies, are authorised, coordinated and controlled by the National Commission of Archaeology and by the Ministry of Culture and Cults.

*(at 16th of April 2004 Chapter VI, art. 46, paragraph (1), modified by art. 1, paragraph 11, of **Law 105/2004**)*

- (2) Unauthorised legal bodies or individuals are not entitled to perform excavations and research activities or any other type of interventions that can damage those sites.

Art. 47

- (1) Archaeological research performed on private sites, belonging to private bodies and individuals or to religious cults can only be conducted with the owner's approval, and, if the case is, the head of the cult.
- (2) If the owner of the site does not approve with the archaeological research, these can be authorised by the competent law court, at the request of the public authorities or institutions to which the initiator of the archaeological research is subordinated.
- (3) The owner of the site is entitled to solicit the negotiation of a deadline for the completion of the works or to receive indemnity payments, prior to the works, by the public authorities or by the public institutions to which the initiator of the archaeological research is subordinated, for damaging the soil, the plantations or the buildings as well as for other prejudices resulting from the research works.
- (4) The amount of the indemnity payments is commonly agreed with the owner or, in cases of discords, by the competent law courts.
- (5) Indemnity payments will be charged to the public institutions the initiator of the archaeological research is subordinated to.
- (6) It is compulsory to discharge the archaeological certificate for a site, regardless of its property legal status before any works likely to damage the site, begins.

*(at 16th of April 2004 Chapter VI, art. 47, paragraph (6), modified by art. 1, paragraph 12, of **Law 105/2004**)*

- (7) The beneficiary of the project provides the researchers with the financial resources for issuing the certificate mentioned under paragraph (6), regarding the sites where archaeological objects can be found, identified through prior investigations.

Art. 48

- (1) Natural entities having accidentally discovered objects from the category mentioned under art 45, paragraph (1) must deliver them, within 72 hours after the discovery, to the mayor of the territorial-administrative entity that covers the discovery site.

*(at 16th of April 2004 Chapter VI, art. 48, paragraph (1), modified by art. 1, paragraph 13, of **Law 105/2004**)*

- (2) The mayor must inform the county offices for culture and national culture heritage about the objects discovered within 48 hours and must take protection and conservation measures.
- (3) The mayor must hand over the objects thus discovered, within 10 days, to the county office for culture and national culture heritage
- (4) The authors of the haphazard discovery, who handed over the objects discovered in compliance with the provisions stipulated under paragraph (1), are entitled to a pecuniary reward equivalent with 30% of the value of the

object, calculated at the moment the reward is granted; if the object discovered is of exceptional value, a supplementary bonus of up to 15 % of the value of the object may be granted.

- (5) The value of the objects thus discovered is established by licensed experts of the county offices for culture and national culture heritage or, if the case is, by other licensed experts.
- (6) The reward and the bonus, established in conformity with paragraphs (4) and (5), will be charged to the main credit accountant budget or to the local budgets, depending on the administrator of the cultural institutions to which the objects discovered are entrusted and they will be paid within 18 months after the object is handed over.
- (7) If the discoverer doesn't receive the reward in the delay stipulated under paragraph (6), he / she may appeal to the competent law court, the appeal being exempt from the stamp tax.

Chapter VI: Financing the discovery, research, expertise, classification, registry, storing, conservation, restoration, protection and putting forward activities related to movable cultural goods

Art. 49

- (1) The Ministry of Culture and Cults, the Ministry of Education and Research, local and central public administration authorities, the Romanian Academy and other public institutions are responsible of financing the discovery, research, expertise, classification, registry, storing, conservation, restoration, protection and putting forward activities related to movable cultural goods regardless of the owner, the bearer of other real rights and the bearer of the administration right, from extra budgetary incomes and budgetary allotments.

*(at 16th of April 2004 Chapter VII, art. 49, paragraph (1), modified by art. 1, paragraph 14, of **Law 105/2004**)*

- (2) Budgetary allotments intended for the activities mentioned under paragraph (1), will be directed for these purposes in the budgets of the Ministry of Culture, the Ministry of Education, the local and central public administration authorities as well as the budgets of other public institutions.
- (3) The acquisition of movable cultural goods for specialised public institutions, depending on their subordination, can be covered by the resources directed for this purpose to the local and central public administration authorities.

Art. 50

- (1) The extra budgetary incomes may have the following sources:
 - a) donations or legacies from legal bodies and individuals natives or foreigners;
 - b) the 5 % quota collected by the local public administration authority deduced from the selling price of the commercialised reproductions made after the movable cultural goods held in public property;
 - c) the 5% quota collected by the local public administration authority

- deduced from the price obtained from selling cultural goods in auction, antiquity shops, consignments, pawnshops;
- d) the fees collected by the county offices for culture and national culture heritage for solicited expertises.
- (2) The quota stipulated under paragraph (1) letters b) and c) is added to the selling price of the respective goods.

Chapter VIII: Specialised institutions and organisms

Art. 51

The discovery, research, expertise, classification, registry, storing, conservation, restoration, protection and putting forward of the movable cultural goods are conducted by competence specialised institutions and organisms and by legal bodies and natural persons, in compliance with this law.

Art. 52

- (1) The National Commission of Museums and Collections represents the consulting scientific and certifying organism in this field of the Ministry of Culture and is managed by a president appointed by the Minister of Culture; he must be a well-known specialist in the field.
- (2) The National Commission of Museums and Collections is formed of 21 specialists appointed by the order of the Minister of Culture for 4 years, nominated by:
- a) the president of the commission – 8 members;
 - b) specialised public institutions – 9 members;
 - c) the State Secretariat for Cults, The Romanian Academy and the representatives of the collectors of movable cultural goods – 3 members.
- (3) The National Commission of Museums and Collections pursues its activity according to the functioning regulation elaborated by the members of the commission and approved by the order of the Minister of Culture.
- (4) The National Commission of Museums and Collections appoints and coordinates sub commissions for the fields mentioned under article 3. The secretary of the commission and the secretaries of the sub commissions are selected among the members of the concerned department of the Ministry of Culture. The sub commissions pursue their activity in conformity with the regulations of the National Commission of Museums and Collections stipulated under paragraph (3).
- (5) The Ministry of Culture finances the National Commission of Museums and Collections. The monthly grant of each member of the commission represents 30% from the state secretary salary.

Art. 53

The National Commission of Museums and Collections have the following attributions:

- a) evaluates the expertise reports and decides on the classification of movable cultural goods, those being in libraries included;

(at 16th of April 2004 Chapter VIII, art. 53, letter A, modified by art. 1, paragraph 15, of **Law 105/2004**)

- b) receive contestations from legal entities and natural persons about the procedure of classification of movable cultural goods and suggest solutions;
- c) certifies the classification norms of movable cultural goods and the norms regarding the trade with movable cultural goods;
- d) certifies the norms regulating the realisation of mouldings, facsimiles, copies and posthumous editions, made after original engraving plates, for classified movable cultural goods;
- e) certifies the norms of conservation and restoration of classified movable cultural goods and establishes the restoration priorities.

(at 5th of April 2003 Chapter VIII, art. 53, letter E, modified by art. 1, paragraph 16 of Emergency Ordinance 16/2003)

- f) certifies the norms licensing experts, the norms licensing specialists, the norms licensing restorators and conservators as well as the norms licensing conservation and restoration laboratories and workshops;

(at 16th of April 2004 Chapter VIII, art. 53, letter F, modified by art. 1, paragraph 15, of **Law 105/2004**)

- g) certifies the functioning of laboratories and workshops in charge with restoration works;
- h) certifies the temporary export of classified movable cultural goods;
- i) certifies the methodological norms regarding temporary and permanent export of movable cultural goods;
- j) certifies the functioning of economic agents organising auctions or commercialising of movable cultural goods;
- k) certifies the functioning and organisation regulations of public museums and collections;
- l) licenses experts, specialists, conservators and restorators;

(at 16th of April 2004 Chapter VIII, art. 53, letter L, modified by art. 1, paragraph 15, of **Law 105/2004**)

- m) licenses specialists that can reach, according to the law, the information contained in the registers of economic agents authorised to commercialise movable cultural goods;
- n) any other attributions that fall under their competence, according to the law.

Art. 54

- (1) Within counties and the city of Bucharest, there are county offices for culture and national culture heritage and public decentralised offices of the Ministry of Culture.
- (2) Within 30 days after the present law comes into force through the government's decision, initiated by the Ministry of Culture, the county inspectorates for culture, merging with the county offices for culture and national culture heritage, become county departments for culture and national

culture heritage.

Art. 55

The country offices for culture and national culture heritage have the following attributions with the purpose of protecting the mobile cultural heritage:

- a) prepares data basis regarding the registration of classified movable goods they locally cover;
- b) registers the classification application for the movable cultural goods owned by unspecialised institutions, religious cults, other legal bodies as well as individuals;
- c) expertise the goods and elaborate the documentation stipulated by the present law in view of classifying movable cultural goods;
- d) forwards to the National Commission of Museums and Collections classification proposals;
- e) registers the notifications of transfer of property from one owner to another, in case of classified movable cultural goods;
- f) periodically controls the security and conservation state of the classified movable cultural goods, offering specialized consulting to the owners or bearers of other real rights that asked for it;
- g) make a list of the restoration priorities for the movable cultural goods classified as thesaurus, that are in the administration of unspecialised institutions, religious cults, other legal bodies than the specialised institutions, as well as individuals.
- h) verify whether the economic agents authorised to commercialise movable cultural goods comply with the obligations they have in conformity with the present law and the norms issued when applying it;
- i) approves, according to this law the permanent export of movable cultural goods, issuing, on the basis of an expertise, the export certificate drew up in conformity with the methodological norms regarding the temporary or permanent export of movable cultural goods;
- j) administers, as extra budgetary funds the revenues raised according to the provisions of article 50, paragraph (1) letters A and D, as well as the allotments from the state budget meant to finance the activities stipulated under article 49, paragraph (1);
- k) collaborates and establish, together with the appointed structures of the Ministry of Defence or the Ministry of the Interior, the protection measures of movable cultural goods, in cases of armed conflict and natural calamities;
- l) any other attributions that fall under their competence, according to the law.

Art. 55¹

The Ministry of Culture and Cults provides finances for publishing the museum Magazine, as well as other specialised publications in the field of movable national cultural heritage.

*(at 16th of April 2004 Chapter VIII, art. 55, completed by art. 1, paragraph 16, of **Law 105/2004**)*

Art. 56

(1) Within 150 days after the present law comes into force the National Laboratory for Research in the Filed of Conservation and Restoration of Movable National Cultural Heritage is established; this institution is subordinated to the Ministry of Culture and Cults.

(at 19th of January 2001 Chapter VIII, art. 56, paragraph (1), modified by art. 9, paragraph 1, of Emergency Ordinance 9/2001)

(2) Within 150 days after the present law comes into force, the Ministry of Culture and Cults will initiate the Government Decision regarding the organisation and the functioning of the National Laboratory for Research in the Filed of Conservation and Restoration of Movable National Cultural Heritage.

(at 19th of January 2001 Chapter VIII, art. 56, paragraph (2), modified by art. 9, paragraph 1, of Emergency Ordinance 9/2001)

(3) The National Laboratory for Research in the Filed of Conservation and Restoration of Movable National Cultural Heritage has the following main attributions:

- a) investigates using specific analysis means the constituent materials of the movable cultural goods, according to their composition, processing technology and provenience;
- b) tests the materials necessary for the conservation and restoration of the movable cultural goods, as well as for fighting against biological agents;
- c) cooperates with the specialists in the field to expertise the classified cultural goods or those that are being classified;
- d) trains specialists in the field of investigation, conservation and restoration of movable cultural goods;
- e) cooperates with specialised institutions from Romania and abroad.

Art. 57

(1) The Institute of Cultural Memory is subordinated to the Ministry of Culture, public institution that administers the data basis of movable cultural goods.

(2) The functioning regulation for the Institute of Cultural Memory is approved by order the Minister of Culture.

Art. 58

The Institute of Cultural Memory has the following main attributions:

- a) centralises and registers on national basis the datasheets recording the classified movable cultural goods sent by the specialised institutions and the county offices for culture and national culture heritage;
- b) administers the data basis regarding the digital registry and the circulation of the movable cultural goods;
- c) stocks the inventories regarding the classified the movable cultural goods

and the documents underling the classification procedures;

- d) enquires and puts forward, also by publishing, the information in the data base regarding the movable cultural goods and provide a specialised assistance, on a contractual basis, regarding the documentary-scientific valorification of the information, with the approval of the owners and of the National Commission of Museums and Collections;
- e) elaborates norms, informatics systems and tools for registering the movable cultural goods;
- f) cooperates with pair institutions for Romania and abroad.

Chapter VIII¹: Returning movable cultural goods illegally taken out of a member state of European Union

(at 2nd of July 2004 Chapter VIII¹, modified by art. 1, paragraph 4, of Law 314/2004)

Art. 58¹

The present chapter regulates the restitution by Romanian state of the cultural goods, illegally taken out of a state, member of the European Union, starting with the 1st of January 1993.

Art. 58²

For the purposes of this chapter, "cultural good" shall be taken to mean any good that belongs to:

- a) the thesaurus of the movable cultural heritage, according to article 4, letter a);

*(at 16th of April 2004 Chapter VIII¹, art. 58², letter A, modified by art. 1, paragraph 17, of **Law 105/2004**)*

- b) the thesaurus of a member state of the European Union in conformity with the legislation of the respective state;
- c) public collections included in the heritage and inventory of museums, archives and libraries of the respective state, member of the European Union;
- d) heritage and inventory of religious cults and of ecclesiastic institutions from the respective state, member of the European Union.

Art. 58³

For the purposes of this chapter, "illegally taken out of a member state of European Union" shall be taken to mean:

- a) taken out a cultural object of the territory of a member state of the European Union, infringing the laws regarding the protection of cultural goods of that state;
- b) if a cultural good is not returned after the temporary legal export expires or any other infringement of these temporary export.

Art. 58⁴

- (1) If as a result of penal pursuit conducted according to the law there are signs discovered that a cultural good found on the territory of the Romanian State was illegally taken out of the territory of a member state of the European Union, the Romanian State notifies the state concerned, in compliance with Law no. 704/2001 regarding international legal assistance on penal pursuit.
- (2) Organs of penal pursuit proceed to transferring the cultural good to specialised institutions to be conserved.

Art. 58⁵

- (1) Any member state of the European Union can require to the Romanian State, in compliance with Law no. 704/2001 regarding the international legal assistance on penal pursuit, to enquire as where the cultural good is and who the owner is. The application must provide data concerning the identification and the description of the cultural good subject to the request, as well as data regarding its actual or presumable localisation.

(at 2nd of July 2004 Chapter VIII¹, modified by art. 58⁵, paragraph 1 modified by art 1 paragraph 5 , of Law 314/2004)

- (2) If, according to paragraph (1), the cultural good is discovered, the Romanian state notifies this discovery to the member state of European Union, owner of the good, and the prosecutor appeals to the competent instance in order to decree measures regarding transferring the cultural good in question to a specialised institution, with a view to conserving it, in conformity with Law no. 704/2001.

Art. 58⁶

- (1) The member state of the European Union, rightfully owning the cultural good discovered is entitled to verify whether the respective object is a cultural good, within 2 month after the notification stipulated under art. 58⁴ is conveyed and, if the case is, under art 58⁵ paragraph (2).
- (2) The conservation measures stipulated under art. 58⁴ paragraph (2) cease if the member state of the European Union concerned does not appeal for the restitution within a year after it was notified about where the good is and about the identity of the owner in compliance with the provisions of the present chapter.

Art. 58⁷

- (1) The state concerned of the European Union will appeal for the restitution of the cultural good that was illegally taken out of the of the territory of a member state of the European Union at the Court of Appeal
- (2) The following documents must the restitution appeal stipulated under art. (1):
 - a) the description of the good subject to the restitution appeal;
 - b) declaration according to which the good subject to the restitution appeal in a cultural good;
 - c) declaration of the competent authorities of the claimant member state of the European Union; according to which the cultural good was illegally

taken out of its territory.

- (3) If at the date when the restitution appeal is forwarded taking the good out of the claimant member state of the European Union is no longer an illicit deed, the appeal is overruled as being inadmissible.

Art. 58⁸

- (1) the restitution appeal stipulated under art. 58⁷ paragraph (1) is prescribed within a year after the claimant member state of the European Union acknowledged the place where the cultural good is and the identity of the owner, but no later than 30 years after the cultural good was illegally taken out of the territory of the claimant member state of the European Union.
- (2) In the case of the cultural goods belonging to public collections stipulated under art. 58² letter c), as well as for ecclesiastic goods which, in the member states of the European Union, are subject to special protection, in conformity with the national laws, the restitution appeal is prescribed within 75 years, except the member states of the European Union where the appeal is imprescriptible or in the case of bilateral agreements between Romania and the member states of the European Union, which establish a higher delay than 75 years.

Art. 58⁹

- (1) The Appeal Court from Bucharest decides on the restitution of the cultural good if the good subject to the restitution appeal is proved to be a cultural good, according to the stipulations of art. 58² and to have been illegally taken out of the territory of a member state of the European Union, as stipulated under art. 58³.
- (2) In conformity with the stipulations of art. (1), the court decides to grant an equitable indemnity payment to the owner of the cultural good, as well as to the specialised institution that performed the conservation operations stated under art. 58⁴, paragraph (2) or art 58⁵, paragraph (2). Granting the indemnity payments stated under paragraph (2) can be approved solely if he / she made the best efforts when acquiring the respective cultural good.
- (3) The pronouncement of the Appeal Court for the restitution of the cultural good and granting the indemnity payments stated under paragraph (2) may be disputed at the High Court of Cassation and Justice within 15 days after it was passed. High Court of Cassation and Justice will judge the appeal as soon as possible.
- (4) If the appeal stated under paragraph (3), the High Court of Cassation and Justice, annulling the sentence, will retrial the litigation.
- (5) The claimant member state of the European Union has the responsibility to pay the indemnity sums stated under paragraph (2); the payment is to be done the moment the good subject to the restitution operation is remitted and must cover:
 - a) the expenses incurred by the good faith owner for the purchase and conservation of the cultural good;
 - b) the expenses incurred by the specialised institution for the conservation of the cultural good;
- (6) The expenses resulting from executing the final decision of the court on the

restitution of the cultural good are charged to the claimant member state of the European Union.

- (7) The right of the claimant member state of the European Union to come into the possession of the cultural good subject to restitution is to be prescribed within 3 years after the final decision of the court disposing of the restitution of the respective good is past, remains definitive and irrevocable if, in the mean while the claimant member state doesn't pay the compensations stipulated under paragraph (2).

Art. 58¹⁰

The claimant state of the European Union is entitled to appeal against the person that illegally took the cultural good out of its territory if the cultural good was returned in conformity with the stipulations of art. 58⁹, paragraph (1), as well as when the respective state paid the compensations stated under art. 58⁹, paragraph (2).

Art. 58¹¹

The exercise on the right to appeal for the restitution does not infringe upon the right of the claimed member state of the European Union and if the case is, to the owner of the cultural good that was illegally taken out of the territory of a member state of the European Union, to take other legal steps, civil or penal, according to the national legislation of the respective state.

(at 5th of April 2003 Chapter VIII, completed by art. 1, paragraph 17 of Emergency Ordinance 16/2003)

Chapter VIII: The restitution of movable cultural goods illegally taken out of Romanian territory

Art. 58¹²

- (1) The Romanian State has the obligation, in conformity with this law, to inquire in order to discover where the good is, as well as to identify the owner of the cultural good that was illegally taken out of the Romanian territory. The application must include the description of the cultural good as well as information regarding the presumable location of the cultural good in question.
- (2) The restitution of the cultural good thus identified according to the stipulations under paragraph (1) is performed in conformity with the procedures commonly agree upon.
- (3) The provisions of art. 58³ are to be applied to the Romanian movable cultural goods that fall under the stipulations of the present chapter.

(at 2nd of July 2004 Chapter VIII¹, completed by art. 1, paragraph 7, of Law 314/2004)

Chapter IX: Offences and infractions

Section I: Offences

Art. 59

Infringements upon the stipulations of the present law imply material, disciplinary, civil, contraventional or penal liability.

Art. 60

- (1) The following deeds fall under the category of offences if there are committed so that according to the Penal Law they do not constitute infractions:
- a) not complying with the terms and conditions stipulated under art. 43, paragraph (1) (private legal bodies and individuals);
 - b) not complying with the terms stipulated under art. 43, paragraph (2) regarding the notification of loss, theft, total or partial damage done to classified movable cultural goods (private legal bodies and individuals);
 - c) not complying with the obligation of displaying in a visible way the norms regarding the trade with movable cultural goods stated under art. 35, paragraph (3) (authorised economic agents);
 - d) not complying with the obligation to notify the competent authorities about the existence of movable cultural goods susceptible to be classified in conformity with the terms and conditions stipulated under art. 35, paragraph (5) (authorised economic agents);
 - e) not complying with the obligation of delivering movable cultural goods accidentally discovered in conformity with the stipulations under art. 48, paragraph (1) (natural entities);
 - f) not complying with the obligations stipulated under the art. 22, paragraph (1), letters a), c) – f) (owners, bearers of other real rights, bearers of administration rights, other types of owners of movable cultural goods);
 - g) not complying with the obligation stipulated under art. 34, paragraph (2) (trading companies where the State is the major or sole stockholder);
 - h) the foundation and functioning of specialised economic agents, commercialising movable cultural goods without being authorised by the Ministry of Culture, in compliance with art. 35, paragraph (1);
 - i) not complying with the obligation of drawing up the register stipulated under art. 35, paragraph (4) (specialised economic agents, commercialising movable cultural goods);
 - j) not complying with the terms and conditions stipulated under art. 35, paragraph (7) regarding the sale of movable cultural goods classified as thesaurus (specialised economic agents, commercialising movable cultural goods);
 - k) the execution of copies, mouldings, posthumous editions and facsimiles made after classified movable cultural goods without complying the stipulations of art. 25, paragraph (1) (legal or natural entities);

- l) the execution of reproductions through photographic, video or digital means after classified movable cultural goods without the written agreement of the bearer of the administration right or of the owner of the reproduced object according to art. 26, paragraph (3) (legal or natural entities);
- m) using inadequate techniques of reproductions likely to damage the integrity or quality of the classified moveable cultural goods according to art. 26, paragraph (4) (legal or natural entities);
- n) not complying with the obligations stipulated under art. 22, paragraph (2), letter b) (bearers of the administration right and owners of movable cultural goods);
- o) restoring movable cultural goods classified as thesaurus without the approval of the National Commission of Museums and Collections or outside authorized laboratories or workshops, according to art. 28;
- p) performing any works that can damage the archaeological site before obtaining the discharge the archaeological certificate according to art. 47, paragraph (6);
- r) hindering the research activities for discharging the archaeological site according to art. 47, paragraph (4);

(2) For the offences stipulated under paragraph (1), letters a) and b) the fines are from 500 RON to 2.500 RON.

(at 5th of April 2003 Chapter IX, section I, art. 60, paragraph (2), modified art. 1, paragraph 18 of Emergency Ordinance 16/2003)

(3) For the offences stipulated under paragraph (1), letters c) - f) the fines are from 1.000 RON to 5.000 RON.

(at 5th of April 2003 Chapter IX, section I, art. 60, paragraph (3), modified art. 1, paragraph 18 of Emergency Ordinance 16/2003)

(4) For the offences stipulated under paragraph (1), letters g) - r) the fines are from 1.500 RON to 7.500 RON.

(at 5th of April 2003 Chapter IX, section I, art. 60, paragraph (4), modified art. 1, paragraph 18 of Emergency Ordinance 16/2003)

(5) Legal bodies are liable the same fines.

(6) The mentioned fines are to be updating by the Government's decision.

Art. 61

Copies, mouldings, posthumous editions, facsimiles and the reproduction through photographic, video or digital means or through other means whose execution infringes upon the stipulations of art. 25 or art. 26, paragraph (3) are to be confiscated by the official examiner and are to be transferred to the administration of specialised public institutions with the approval of the National Commission of Museums and Collections.

Art. 62

The specialists of the county offices for culture and national culture heritage are in charge with examining the offences and enforcing the sanctions stipulated under art.

60 and they will be assisted by the police.

Art. 63

- (1) A complaint against the report on the offence and against the sanctions enforced may be handed in within 15 days.
- (2) The complaint against the report on the offence and against the sanctions enforced will be dealt with by the law court covering the area where the offence was committed.

Art. 64

- (1) The stipulations of the present law regarding the offences will be completed with the stipulations of the Governmental Decree no 2/2001 concerning the legal status of offences approved, modified and completed by Law no 180/2002, subsequently modified, except art. 28 and 29.

(at 5th of April 2003 Chapter IX, section I, art. 64, paragraph (1), modified art. 1, paragraph 19 of Emergency Ordinance 16/2003)

- (2) The fees will be directed to the state budget.

Section II: Infractions

Art. 65

- (1) The execution of copies, mouldings, posthumous editions and facsimiles made after classified movable cultural goods without the written approval of the bearer of the administration right or the owner according to art. 26, paragraph (1) or (2) is considered to be infraction and the doers will be punished with prison for up to 3 months to 3 years or fined 1.500 RON to 7.500 RON.

(at 5th of April 2003 Chapter IX, section II, art. 65, paragraph (1), modified art. 1, paragraph 20 of Emergency Ordinance 16/2003)

- (2) The copies, mouldings, posthumous editions and facsimiles, executed as stipulated under paragraph (1) will be confiscated and are to be transferred to the administration of specialised public institutions with the approval of the National Commission of Museums and Collections.

Art. 66

Counterfeiting classified movable goods for commercial purposes or with any other purposes represents infraction and will be punished with prison for 6 months up to 5 years.

Art. 67

- (1) Degrading, destroying or damaging a classified movable good as well as impeding any conservation measures intended to restore such a good are considered to be infractions and will be punished with prison for 2 to 7 years.
- (2) Any tentative will also be punished.

Art. 68

Degrading, destroying or damaging a classified movable good on the defendant's fault represents infraction and will be punished with prison for one month to one year or fined 1.500 RON to 7.500 RON.

(at 5th of April 2003 Chapter IX, section II, art. 68,), modified art. 1, paragraph 21 of Emergency Ordinance 16/2003)

Art. 69

- (1) Taking a good out of the territory of a state without an export certificate represents illegal export and will be punished with prison for 2 year to 7 years.
- (2) Movable cultural goods subject to illegal export will be confiscated and transferred to specialised public institutions, with the approval of the National Commission of Museums and Collections.
- (3) If the deed stated under paragraph (1) resulted in the total loss of a classified movable cultural good, the doer(s) will be punished with prison for 3 to 10 years.

Art. 70

Any permanent export of classified movable goods, regardless of bearer of the property right will be punished with prison for 3 to 10, and the goods will be confiscated and transferred to specialised public institutions, with the approval of the National Commission of Museums and Collections.

(at 5th of April 2003 Chapter IX, section II, art. (70,), modified by art. 1, paragraph 22 of the Emergency Ordinance 16/2003)

Art. 70¹

- (1) Bringing into Romanian's state territory, as well as holding, commercialising, organising shows or any operation regarding the circulation of movable cultural goods or goods resulted from dismemberment of immovable cultural goods, which are part of the cultural heritage of a foreign state, according to the legal dispositions of that state, and that were illegally exported, will be punished with prison from 3 to 10 years.
- (2) The goods stated under paragraph (1) are confiscated and will be transferred to specialised institutions, in order to be conserved and returned to the state whose national cultural heritage they belong to.
- (3) In the case of the infraction stated under paragraph (1), the penal pursue is done by the prosecutor.
- (4) Any attempt will be punished.

(at 5th of April 2003 Chapter IX, Section 2, art. 70, completed by art. 1, paragraph 23 of Emergency Ordinance 16/2003)

Art. 71

Supplying confidential data regarding the national movable cultural heritage to other

natural or legal entities than the ones mentioned in art. 15, paragraph (4) and (5) represents infractions and will be punished with prison from 6 months to 3 years.

Art. 72

Unclassifying a movable cultural good, without respecting the procedure presented in art.19, represents infraction and will be punished with prison from 3 months to 2 years or fined 2.500 RON to 7.500 RON.

(at 5th of April 2003 Chapter IX, Section 2, art. 72, modified by art. 1, paragraph 24 of Emergency Ordinance 16/2003)

Art.73

- (1) Any detection or digging in archaeological sites performed by unauthorised natural or legal entities according to art. 49 represents infraction and will be punished with prison from 5 months to 5 years.
- (2) Any attempt will be punished

Art. 74

Any works of conservation or restoration of classified movable cultural goods made by natural persons, without any authorisation or freelance practice licence, as stipulated under art. 27, paragraphs (2) and (3), represents infraction and will be punished with prison from 3 months to 2 years or fined 500 RON to 1.500 RON.

Art. 75

Laboratories or workshops executing works of restoration and conservation of classified movable cultural goods, functioning without authorisation, as stipulated under art. 27, paragraph (4) represents infraction and will be punished with prison from 3 months to 2 years or fined 500 RON to 1.500 RON.

Art. 76

Melting or modifying in any way classified movable cultural goods owned by any title by the National Bank of Romania, State's Mint or by other banks represents infraction and will be punished with prison from 6 months to 5 years.

Chapter X: Final and transitory provisions

Art. 77

- (1) Within 90 days after the publication of the present law in the Official Gazette of Romania, part I, the Ministry of Culture will issue, with the approval of Museums and Collections National Commission:
 - a) norms of classifying movable cultural goods;
 - b) norms for the conservation and restoration of the classified movable cultural goods;
 - b¹) norms of conservation and restoration of the classified movable cultural

goods included in public collections;

*(at 16th of April 2004 Chapter X, art. 77, paragraph (1), letter B, completed by art. 1, paragraph 19, of **Law 105/2004**)*

c) norms of licensing experts;

c¹) norms of licensing specialists;

*(at 16th of April 2004 Chapter X, art. 77, paragraph (1), letter C, completed by art. 1, paragraph 19, of **Law 105/2004**)*

d) norms of licensing conservators and restorators;

e) norms regarding the authorisation of laboratories and workshops of conservation and restoration;

f) methodological norms regarding the permanent or temporary export of movable cultural goods;

g) norms regarding commerce with movable cultural goods.

(2) The norms stated under paragraph (1), letter a) – f) will be approved by the order of the Minister of Culture and will be published in the Official Gazette of Romania, part I.

(3) The norms stated under paragraph (1) letter g) will be approved by the Government's decision.

Art. 78

Within 3 months after this law comes into force, the Ministry of Culture and Cults will establish the following registers:

c) Experts' register, in which all the persons licensed as experts will be registered for the fields stated under art. 3;

d) Specialists' register, in which all the persons licensed as specialists will be registered for fields stated under art. 3;

e) Conservators and restorations' register;

f) The register of destroyed, stolen, missing or illegally exported cultural goods.

*(at 16th of April 2004 Chapter X, art. 78, modified by art. 1, paragraph 20, of **Law 105/2004**)*

Art. 79

(1) Within 3 months after this law comes into force, the specialised public institutions are compelled to present to the National Commission of Museums and Collections suggestions regarding the classification into thesaurus of the movable cultural goods owned.

(2) Within 6 months after this law comes into force, the religious cults, as well as the unspecialised public institutions are compelled to lay down to the county offices for culture and national heritage covering their headquarters, the inventory of movable cultural goods held in their property, in order to proceed to their classification.

(3) The finalising deadline of the classification procedure is 6 months for the movable cultural goods stated under paragraphs (1) and (2) and for which the

classification request comes within the first 9 months after the present law comes into force.

Art. 80

- (1) Movable cultural goods entrusted to public institutions after the 31st of December 1947 will be restituted to the natural or legal entities that deposited them, in conformity with the common right, at their written request, with the approval National Commission of Museums and Collections.
- (2) The movable cultural goods taken over before the 6th of September 1940 by the authorities of the state cannot be claimed; the movable cultural goods taken over illegally by the authorities of the state after the 6th of September 1940 can be claimed by the rightful owners and will be restituted, on the basis of a final court's decision. The legal actions for claiming are legal stamp tax-free. The institutions holding archives regarding movable cultural goods are compelled to allow access to documents regarding the source and take them over.
- (3) Classified movable cultural goods, subject of restitution in conformity with the stipulations under paragraph (2) can be transferred to their rightful owners only after these have guaranteed in writing that they upload and respect the stipulations of the present law.

(at 2nd of July 2004 Chapter X, art. 80, modified by art. 1, paragraph 8, of Law 314/2004)

Art. 81

- (1) Plastic and photographic works of art, decorative or cult works of art, ethnographic works of art, the works of art of folklore artisan, as well as other works of art created by living authors cannot be made subject to classification.
- (2) The cultural goods stated under paragraph (1) can be freely permanently or temporally exported.

Art. 82

Within 6 months after the present law comes into force, the declarations of natural persons, as well as the alphabetical or domain card indexes, completed as a result of complying with the provisions of Law no 63/1974, regarding the protection of the national cultural heritage of the Socialist Republic of Romania, published in the Official Gazette, part I, no 137 of November 2nd 1974, abrogated by Decree no 90/1990, regarding the establishment and organization of the Commission of Museums and Collections, published in the Official Gazette of Romania, part I, no 20 of the 6th of February 1990, now kept by the county offices for culture and national heritage and by the Institute of Cultural Memory, are inventoried, sealed and delivered to the National Archives.

Art. 83

Within 90 days after the present law comes into force, the General Inspectorate of Police of the Internal Affairs Ministry organises specialised structures for preventing, discovering and following up illegal deeds against goods belonging to the movable national cultural heritage.

Art. 84

Within 90 days after the present law comes into force, the Ministry of Finance with the approval of the Ministry of Culture will create, within the General Direction of Customs, specialised structures for preventing and fighting illegal traffic of movable cultural goods.

Art. 85

The Ministry of Culture, the Ministry of Internal Affairs and the Ministry of National Defence will ensure, through a program of coordinated actions, the protection and integrity of classified movable cultural goods, found in specialised and unspecialised institutions, in cult institutions, as well as in private collections, against all risks that result from natural calamities, public riots or armed conflicts.

Art. 86

- (1) The present law comes into force 90 days after its publication in the Official Gazette of Romania, part I.
- (2) At the same date, the stipulations of art.2, paragraph (2), art. 3 – 5, art. 9, 11 and 12 of the Emergency Ordinance no 27/1992 regarding certain measures for the protection of the national cultural heritage, published in the Official Gazette of Romania, part I, no 215 of August 28th 1992, approved and modified by Law no 11/1998, published in the Official Gazette of Romania, part I, no 65 of March 14th 1994 and stipulations of art. 3, letter a) and b), art. 4, 6, art.8 paragraph (1), art. 28 and art. 30, paragraph (1) of the Emergency Ordinance no 68/1994 regarding the protection of the national cultural heritage, published in the Official Gazette of Romania, part I, no 247 of August 31st 1994, approved and modified by Law no 41/1995, published in the Official Gazette of Romania, part I, no 105 of May 30th 1995, with all the modifications and completions, as well as any contrary stipulations are abrogated.

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