

ORDER no. 2057 of February 5th 2007 on the approval of the criteria and norms on licensing museums and public collections

In compliance with the provisions of art 11 paragraph (1) letter g), of art 18-20, of art 33 letters a) and b), of art 24 paragraph (2) letter g), of art. 37 paragraph (1) letter b), as well as of art 41 paragraph (1) of Law no. 311/2003 on museums and public collections, codified,

On the basis of the provisions of art 10 paragraph (4) of the Government decision no. 78/2005 on the organisation and functioning of the Ministry of Culture and Religious Affairs, with the subsequent amendments and completions,

The **minister of culture and religious affairs** issues the following order:

Art. 1

The criteria and norms for licensing museums and public collections, included in the appendix of this order, are approved.

Art. 2

The present order shall be published in the Romanian Official Journal, Part I.

The minister of culture and religious affairs

Adrian Iorgulescu

APPENDIX:

Published in the Romanian Official Journal, no 126 of February 21st 2007

CRITERIA AND NORMS of February 5th 2007 for licensing museums and public collections

CHAPTER I: General dispositions

Art. 1

The present criteria and norms for licensing museums and public collections, further referred to as norms, regulate the procedure for licensing museums and public collections.

Art. 2

For the purpose of the present norms, licensing represents the procedure certifying the fact that the museum or public collection for which the license is required, develops activities compatible with the main functions of a museum or public collection, as the case may be, at a minimal level at least, according to Law no. 311/2003 on museums and public collections, codified.

Art. 3

(1) It is compulsory for a museum or public collection to be licensed in order to function, regardless of its heritage establishment, ownership and administration status.

(2) The museums and public collections license shall be issued at the request of the public or private legal or natural bodies, establishing or having established museums and public collections.

CHAPTER II: Criteria for licensing museums and public collections

Art. 4.

Museums and public collections are licensed on the basis of the following criteria:

- a) To administer a cultural heritage established and developed on a scientific basis, in compliance with the legal stipulations in force;
- b) To dispose of enough qualified employees, according to the basic positions, for developing the specific activities, in compliance with Law no. 311/2003, codified, and of the Government Ordinance no. 24/2000 on setting basic wages for public-sector employees, with the subsequent amendments and completions;
- c) To develop scientific research activities concerning the administered museum heritage, according to the annual research plans;
- d) To provide information about the administered museum heritage and update its registry system, by using a digital registry, also;
- e) To ensure the conservation and, if the case may be, the restoration of the administered museum heritage;
- f) To dispose of scientifically organised and equipped storing places for ensuring the preservation of the cultural objects, in compliance with the legal stipulations in force;
- g) To enhance the museum or public collections heritage by organising public oriented temporary and permanent exhibitions, education programs and activities, as well as other cultural marketing activities (such as publishing promotional materials etc.)

CHAPTER III: The necessary documentation

Art. 5

(1) In order to obtain the functioning license for his / her museum or public collection, the applicant shall submit to the specialised directorate within the Ministry of Culture and Religious Affairs, for the museums and public collections subordinated to the Ministry of Culture and Religious Affairs, as well as to other central public authorities, or to the decentralised office of the Ministry of Culture and Religious Affairs covering the headquarters of the museum or public collection, for all the other cases, the following documents:

- a) the written application for licensing the museum or public collection, mentioning the name and type of organisation of the museum or public collection, the authority or its higher body or, if the case may be, the private or legal natural body owning or administering the museum or public collection;
- b) the description and the short historic of the museum or public collection;
- c) activity reports, centralised for the last three years or for the period since the last license, correlated through performance indicators within its activity field;
- d) the report on the conservation status of the museum heritage, drew up by an internal commission made up of specialists in the field of conservation and restoration, on the basis of the periodical ascertainment reports, of the updated conservation and restoration cards, as well as other relevant documents;
- e) the priority oriented restoration plan for the cultural objects for the next two years;

- f) the organisational structure, the function chart, other relevant documentations for the organisation and functioning of the museum or public collection and for the qualification of the specialised staff, as required by the position occupied;
 - g) the medium-term strategic planning for the activities of the museum or public collection;
 - h) the scientific research plan for the administered museum heritage, for the next calendar year
 - i) other relevant documents.
- (2) The written request for licensing the museum or public collection, stipulated at paragraph (1) letter a), except for the private legal and natural bodies, shall be submitted in one copy to the specialised directorate of the Ministry of Culture and Religious Affairs.
- (3) The activity reports stipulated at paragraph (1) letter c) shall necessarily include the following information:
- a) the status of the inventoried cultural objects, namely acquisitions, donations and archaeological items;
 - b) the status of the movable cultural objects, borrowed / lent at a national and international level, with a view to organising exhibitions;
 - c) the number of the analytical datasheet, conservation and restoration reports;
 - d) the number of registrations performed in the digital register as compared to the overall number of the inventoried objects;
 - e) the number of the classified cultural objects;
 - f) the number of the cultural objects for which the classification procedure was initiated as compared to the number of the objects registered in the museum or public collection inventory;
 - g) the number of the elaborated publications: guides, exhibition catalogues, scientific works and other types of publications;
 - h) the number of national and international temporary exhibitions, with the afferent performance indicators;
 - i) the cultural projects associated to the basic expositions;
 - j) the number of the education programs and activities;
 - k) the number of visitors;
 - l) the presentation of the cultural marketing activities: web page, printed promotional materials, advertising campaigns and other ways of promoting the museum or public collection;
 - m) the number of the annually restored objects, submitted as a detailed list of material props;
 - n) the list of the specific equipment for measuring and registering the microclimate parameters.

Art. 6

The documents stipulated at art 5 paragraph (1) shall be submitted by the applicant both on paper, with the signature of the applicant and of the museum or public collection manager, and on screen.

CHAPTER IV: The procedure for licensing museums and public collections

Art. 7

The procedure for licensing museums and public collections must not exceed 6 months after it was initiated.

Art. 8

(1) The specialised directorate of the Ministry of Culture and Religious Affairs or, as the case may be, the competent decentralised office of the Ministry of Culture and Religious Affairs shall verify the accuracy of the documentation within 30 days after the application for licensing the museum or public collection was registered.

(2) If the documentation is incomplete or erroneous, it shall be returned to the applicant, in order to complete and submit it again to the competent authority, within 35 days after it was returned.

Art. 9

After having ascertained the accuracy of the documentation, a representative of the specialised directorate of the Ministry of Culture and Religious Affairs or of the competent decentralised office of the Ministry of Culture and Religious Affairs shall verify, on the spot, if the licensing conditions are complied with.

Art. 10

The competent decentralised office of the Ministry of Culture and Religious Affairs shall forward to the specialised directorate of the Ministry of Culture and Religious Affairs, the documentation submitted by the applicant with a view obtaining the functioning licence, together with an ascertainment note on the way the licensing conditions and criteria are complied with, drafted after having verified them on spot, within 60 days after the licensing application was registered.

Art. 11

(1) In all cases, the specialised directorate of the Ministry of Culture and Religious Affairs shall draft an opportunity note on licensing the museum or public collection and forward the documentation submitted for licensing, for endorsement, to the National Commission for Museums and Collections.

(2) The National Commission for Museums and Collections shall analyse the licensing application, as well as the afferent documentation and shall propose to the minister of culture and religious affairs the licensing of the museum or public collection.

Art. 12

On the basis of the basis of the proposal of the National Commission for Museums and Collections, the museum institution shall be licensed on the basis of the order of the minister of culture and religious affairs, published in the Romanian Official Journal, Part. I.

Art. 13

(1) In certain thoroughly warranted cases, the National Commission for Museums and Collections may propose a temporary licence, under certain conditions and recommendations, in compliance with the legal provisions in force.

(2) Depending on these conditions, the temporary license may only be granted once, for a 6 months period, at most.

Art.14

The private or public natural or legal body having initiated the licensing procedure and having obtained a temporary license is compelled to apply for the license as soon as the temporary license expired, and to add to the file already submitted, all the elements certifying that the conditions and recommendations have been fulfilled.

Art. 15

The negative endorsement of the National Commission for Museums and Collections shall be communicated by the specialised commission of the Ministry of Culture and Religious Affairs, within 15 days after it was reached, to the competent decentralised office of the Ministry of Culture and Religious Affairs where the application for the museum or public collection functioning license was submitted or, if the case may be, to the private or public natural or legal body who initiated the licensing procedure.

Art. 16

(1) The applicant has the right to appeal against the negative endorsement of the National Commission for Museums and Collections within 30 days after it was communicated to the specialised commission of the Ministry of Culture and Religious Affairs.

(2) The appeals shall be submitted to the specialised commission of the Ministry of Culture and Religious Affairs.

Art. 17

(1) The appeals shall be analysed and solved by the minister, on the basis of a report drew up by the specialised commission of the Ministry of Culture and Religious Affairs, within 20 days after it was submitted and the resolution shall be communicated to the applicant within 5 days after the appeal was dealt with.

(2) If the applicant is not satisfied by the answer received, he / she may appeal to the administrative contentious court, in compliance with the law.

Art. 18

The licence must be renewed once in 5 years but the procedure cannot be resumed earlier than 3 years.

Art. 19

For the newly established museums and collections, the licensing procedure shall be initiated one year after they were established and the evaluation periods stated in the present norms shall be properly correlated with this term.

CHAPTER V: Final dispositions

Art. 20

The compliance with the museum and public collection licensing conditions shall be periodically verified by the specialised directorate of the Ministry of Culture and Religious Affairs, for the museums and public collections subordinated to the central public administration, and by the decentralised office of the Ministry of Culture and Religious Affairs covering the headquarters of the museum or public collection, for the museums and public collections subordinated to the local public administration, to private legal or natural bodies.

Art. 21

- (1) The abrogation of the licence or the refusal to license the museum or public collection is triggered by failure to comply with the legal provisions in force or, as the case may be, with the licensing conditions.
- (2) The abrogation of the museum or public collection licence shall be proposed by the National Commission of Museums and Public Collections, by order of the minister of culture and religious affairs and it shall be published in the Romanian Official Journal. Part I.
- (3) After the abrogation of the licence, the owner or the holders of other real rights shall comply with the legal stipulations on museum heritage protection.

Art. 22

- (1) The licensing abrogation order of the minister of culture and religious affairs may be appealed within 15 days after it was published; the appeal shall be submitted to the specialised directorate of the Ministry of Culture and Religious Affairs.
- (2) The appeal shall be analysed by a commission appointed by order of the minister of culture and religious affairs and it shall be solved within 30 days after it was registered.

Art. 23

- (1) For the museums and public collections that were not licensed or for which the licence was withdrawn, the authorities to which they are subordinated must rerun the licensing procedure within 6 months after the license was withdrawn, respectively after the negative endorsement was issued by the National Commission of Museums and Collections.

(2) In order to rerun the licensing procedure, the public authorities must adopt the necessary measures so that the museum or public collections comply with all the licensing criteria.

Art. 24

The dispositions of the present norms shall also be enforced, accordingly, for licensing the museum and public collections branches and subsidies.

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