

115/1998 Coll. of Laws.

ACT

of 1 April 1998

on museums and art galleries and on the protection of valuable objects for museums and art galleries (objects of museum value and art gallery value)

The National Council of the Slovak Republic has adopted this Act:

**Article 1
Scope of Act**

The scope of this Act is to regulate legal relationships in order to ensure the preservation of valuable objects for museums and art galleries as part of cultural heritage, to create conditions for their protection, use and accessibility in such a way that they contribute to the dissemination of knowledge, scientific research and provide familiarity with Slovak history, culture and natural realm.

**Article 2
Definition of terms**

- (1) A valuable object for museums and art galleries shall mean any indigenous material or ecclesiastical document capable of directly or indirectly providing evidence of the development of natural realm or society and being of permanent historical, cultural, artistic or scientific value.
- (2) A valuable object for museums and art galleries specially recorded and professionally maintained in a museum or art gallery shall mean any museum collection object or art gallery collection object (hereinafter referred to as "the collection object").
- (3) A museum or art gallery shall mean any specialised legal entity or any specialised organisational unit of a legal entity who on the basis of studies and scientific research, evaluates, using scientific methods and professionally administers collection objects, making them accessible to the public and using them in the public interest.

**Article 3
Professional administration of collection objects**

- (1) Professional administration of collection objects shall mean:
 - a) the acquisition of collection objects;
 - b) special record keeping and the exclusion of collection objects;
 - c) protection of collection objects.
- (2) Professional administration shall ensure the expertise, scientific evaluation, complex protection and adequate accessibility of collection objects in a museum or art gallery.

**Article 4
Acquisition of collection objects**

- (1) A museum or art gallery shall acquire collection objects in compliance with its professional orientation and specialisation.

(2) The acquisition of collection objects under the professional administration of a museum or art gallery shall be judged by the Collection Committee. Members of the Collection Committee shall be appointed and recalled by the director of the respective museum or art gallery.

(3) The Collection Committee shall determine the value of collection objects at the time of their acquisition.

(4) The acquisition of collection objects from abroad is covered by special regulations.¹⁾

Article 5

Special record keeping and the exclusion of collection objects

(1) Collection objects that are an integral part of cultural heritage shall be recorded in special records.

(2) Special records for collection objects shall be kept by museums or art galleries on the basis of an expert processing and scientific evaluation of the collection object concerned in order to obtain its unique identification or to assign its cultural, artistic, historical or scientific value.

(3) Special records shall be:

- a) kept in chronological order – stage 1;
- b) catalogued – stage 2.

(4) Collection objects may be excluded from special records if:

- a) they have been devalued or damaged;
- b) they have been stolen;
- c) they have been permanently exported (Art. 16);
- d) they have been exchanged; or
- e) their administration has been transferred.²⁾

(5) The founder shall approve a proposal to exclude a collection object from the special records of a museum or art gallery (Art. 8).

Article 6

Protection of collection objects

(1) In order to ensure the protection of collection objects, museums and art galleries shall:

- a) undertake all-purpose protection and security of the buildings and premises where the collection objects are located;³⁾
- b) undertake special protection for collection objects in the form of basic treatment, conservation, preservation and restoration;
- c) ensure the preventive protection and special deposition of collection objects;
- d) undertake the protection of collection objects during transportation, exhibition and utilisation;
- e) perform categorisation and valuation of collection objects.

(2) The categorisation of collection objects shall mean classification on the basis of their cultural, historical, artistic and scientific value into the following categories:

- a) category I – collection objects with exceptional cultural, historical, artistic and scientific value of international and nation-wide importance;
- b) category II - collection objects with high cultural, historical, artistic and scientific value of supra-

regional and regional importance;
c) category III - collection objects of regional and local importance.

(3) In order to ensure the protection of collection objects, the State shall provide guarantees in accordance with international agreements and conventions in relation to the import and export of collection objects with the aim of displaying them and making them accessible to the public.

Article 7 **Use of and access to collection objects**

Museums and art galleries shall use collection objects and make them accessible in the form of:

- a) permanent exhibitions;
- b) long-term, short-term and travelling exhibitions,
- c) publication and editorial activities;
- d) cultural and educational activities;
- e) scientific and research activities.

Article 8 **Establishment of museums and art galleries**

A museum or art gallery may be established by:

- a) central authority of state administration;
- b) regional office,
- c) municipality;
- d) another legal entity;
- e) natural person.

Article 9 **Rights and duties of founder**

(1) The founder of a museum or art gallery shall be entitled:

- a) to determine the special orientation and specialisation of the museum or art gallery concerned;
- b) to request the national methodological centre for professional directions.

(2) The founder of a museum or an art gallery shall be obliged:

- a) to issue a foundation charter or statutes specifying the mission and scope of activities according to the specific orientation and specialisation of the museum or art gallery concerned;
- b) to register the museum or art gallery concerned with the Ministry of Culture of the Slovak Republic (hereinafter referred to as "the Ministry") within 60 days of its establishment;
- c) to ensure acquisition, special record-keeping, protection, utilisation and presentation of collection objects;
- d) to ensure the museum or art gallery concerned from professional, personnel and financial points of view;
- e) to verify the activities of the museum or art gallery concerned;
- f) to ask the Ministry for deletion from the Register of Museums and Art Galleries within 60 days of dissolution of the museum or art gallery concerned, except for museums and art galleries referred to in Art. 12 par. 5
- g) to ask the Ministry for the approval of any exchange of collection objects with foreign entities, except for museums and art galleries referred to in Art. 12 par. 5.

Article 10
The Ministry

The Ministry shall in particular:

- a) create the legal and organisational conditions for the support and development of museums and art galleries;
- b) keep the Register of Museums and Art Galleries and on the dissolution of any museum or art gallery ensure its deletion from the Register of Museums and Art Galleries within 30 days of delivery of the application;
- c) ensure the execution of inspection and special state supervision of the application of this Act in relation to the preservation of collection objects as an integral part of the cultural heritage of the State;
- d) keep the Register of Valuable Objects for Museums and Art Galleries (Art. 15).

Article 11
System of museums and art galleries

(1) From the establishment point of view, museums and art galleries are:

- a) state;
- b) municipal;
- c) other non-state.

(2) From the point of view of professional orientation and specialisation, museums and art galleries are:

- a) regional museums with comprehensive museum documentation on the region of operation;
- b) regional art galleries with comprehensive art gallery documentation on the region of operation;
- c) specialised museums with museum documentation from selected areas and scientific disciplines;
- d) specialised art galleries with art gallery documentation from selected areas.

Article 12
State museums and state art galleries

(1) A state museum or state art gallery shall be established as a legal entity⁵⁾ or as an organisational unit of a state entity established by the State;

(2) Before the establishment or closure of any state museum or state art gallery, the founder shall ask for the approval of the Ministry, except for those museums and art galleries referred to in paragraph 5.

(3) A regional office shall appoint, within its competence, a selected state museum and state art gallery with regional scope of action to perform specialised advisory, methodological and supervisory activity in relation to other museums and art galleries in the region and for owners of valuable objects for museums and art galleries.

(4) A founder of a state museum or state art gallery shall notify the Ministry of the manner of disposal of the collection objects at least three months before dissolution of the state museum or art gallery concerned, and the Ministry shall express its opinion concerning the manner of their disposal within 30 days of delivery of the notification, except for those museums and art galleries referred to in paragraph 5.

(5) The Slovak National Museum and Slovak National Art gallery are national methodological centres in the field of museum and art gallery activities. As a result of their society-wide status and importance, they are established by the Ministry.

(6) State specialised museums with a nation-wide scope of action established by central state administration authorities other than the Ministry shall perform the function of methodological centres in their fields of specialisation.

Article 13

Municipal museums and municipal art galleries

(1) A municipal museum or municipal art gallery shall be established as a legal entity⁵⁾ of the municipality or as an organisational unit of a legal entity established by a municipality.

(2) A municipality shall notify the Ministry of the manner of disposal of collection objects at least three months before the dissolution of any municipal museum or municipal art gallery, and the Ministry shall express its opinion concerning the manner of disposal within 30 days of delivery of the notification.

Article 14

Other non-state museums and other non-state art galleries

(1) Other non-state museums or other non-state art galleries shall be established as legal entities⁶⁾ or as organisational units of already established legal entities.

(2) A founder of an other non-state museum or other non-state art gallery shall notify the Ministry of the manner of disposal of collection objects at least three months before the dissolution of an other non-state museum or other non-state art gallery, and the Ministry shall express its opinion concerning the manner of disposal within 30 days of delivery of the notification.

Article 15

Protection of valuable objects for museums and art galleries not kept in museums or art galleries

(1) The owner of a valuable object for museums or art galleries not kept in a museum or art gallery may register it in the Register of Valuable Objects for Museums and Art Galleries.

(2) An owner of a valuable object for museums or art galleries registered in the Register of Valuable Objects for Museums and Art Galleries shall be entitled to:

- a) request a museum or art gallery with regional scope of action for an expert or scientific evaluation of the valuable object for museums or art galleries;
- b) deposit, free of charge, the valuable object for museums or art galleries in a state museum or state art gallery;
- c) request a state museum or state art gallery for specialised guidelines on the professional maintenance of the valuable object for museums or art galleries;
- d) request the Ministry for a financial contribution to preserve or restore the valuable object for museums and art galleries;
- e) make the valuable object for museums or art galleries available to the public;
- f) request deletion of the valuable object for museums or art galleries from the Register of Valuable Objects for Museums and Art Galleries.

(3) An owner of a valuable object for museums or art galleries registered in the Register of Valuable Objects for Museums or Art Galleries shall be obliged to protect this valuable object for museums or art galleries against damage, devaluation and theft.

Article 16

Export of collection objects and valuable objects to museums and art galleries

(1) The permanent export of collection objects⁷⁾ including their exchange⁸⁾ ensuring reciprocity shall not be allowed without the approval of the appropriate authority. The approval of permanent exchange shall be given by the Ministry, the approval of the permanent export shall only be given in exceptional cases by the Government of the Slovak Republic on the proposal from Ministry.

(2) The temporary export of collection objects⁷⁾ and their exchange⁸⁾ shall only be allowed with the prior approval of the founder and notification to the Ministry. The temporary export of a collection object shall mean the export of a collection object for a period no longer than three years.

(3) The permanent export of valuable objects for museums or art galleries which are not kept in a museum or a art gallery⁷⁾ shall only be allowed with approval of the Ministry.

(4) The approval of the Ministry according to paragraph 1 to 3 does not replace any approval required according to special regulations.⁹⁾

Article 17

Return proceedings

(1) The return of collection objects and valuable objects for museums or art galleries unlawfully removed from the territory of the Slovak Republic shall be supervised by the Ministry or, in exceptional cases, by the Government of the Slovak Republic on the proposal from the Ministry.

(2) Return proceedings may be initiated at the request of the Ministry within one year of being aware of the location of the unlawfully exported object and the identity of its holder; however, this can be no later than 30 years after the valuable object for museums or art galleries was unlawfully exported or 75 years after the collection object concerned was unlawfully exported unless international agreements state otherwise.

Article 18

Accounting

Museums and art galleries shall keep accounts in accordance with special regulations.¹⁰⁾

Article 19

Checks and state specialised supervision

(1) Ministry and regional offices shall check enforcement of the provisions of this Act under the framework of their respective competencies.

(2) The Ministry shall ensure state specialised supervision over adherence to the provisions of this Act.

Article 20

Fines

(1) A regional office may impose a fine on a museum or art gallery:

1. not exceeding Sk 1,000,000 for the attempted unlawful export or export of a collection object;
2. not exceeding Sk 750,000 for a serious violation of the provisions on the professional administration of collection objects;
3. not exceeding Sk 100,000 for failing to register or failing to apply for deletion from the Register of Museums and Art Galleries.

(2) A regional office may impose a fine not exceeding Sk 300,000 on an owner of a valuable object for museums or art galleries for the attempted unlawful export or export of a valuable object for museums or art galleries.

Article 21 Imposition of fines

(1) The fine may be imposed within one year of the date when the regional office concerned became aware of the breach of an obligation; however, this can be no later than three years after the breach of the obligation.

(2) A fine may be imposed repeatedly. The further fine may be imposed within one year of the date when the obligation provided in the decision concerned was to be fulfilled.

(3) A fine imposed pursuant to this Act shall be due within 30 days of the date when the decision imposing the fine became valid. The procedure on imposing a fine is covered by special regulations on administrative proceedings.

(4) The fine is income for the state budget.

Article 22 Transitional provisions

(1) A museum or art gallery established before the entry into force of this Act shall be considered as a museum or art gallery established pursuant to this Act.

(2) The founder shall ensure the registration of any already existing museums and art galleries within three months of the date of entry into force of this Act.

Article 23 Authorisation provisions

The Ministry shall issue generally binding legal regulations establishing details concerning:

- a) the professional administration of collection objects;
- b) the protection of collection objects in the case of extraordinary events and during a state of emergency;
- c) the export of collection objects and valuable objects for museums and art galleries.

Article 24 Repealing provisions

The following legislation is hereby repealed:

1. Act of the Slovak National Council No. 109/1961 Coll. on museums and art galleries as amended by Art. XXVI of Act of the National Council of the Slovak Republic No. 222/1996 Coll. of Law;

2. Regulation of the Presidency of the Slovak National Council No. 11/1964 Coll. on the export of cultural goods and objects of museum value as amended by Regulation of the Ministry of Culture of the Slovak Socialist Republic No. 21/1988 Coll.

Article 25
Entry into force

This Act shall enter into force on 1 May 1998.

Ivan Gašparovič signed in his own hand
Vladimír Mečiar signed in his own hand

Date of last completion of information: on September 19th, 2001