

Pursuant to Article 82, paragraph 1, item 2 and Article 91, paragraph 1, of the Constitution of Montenegro, the 24th Convocation of the Assembly of Montenegro, at its 10th session of the first regular session in 2010, passed on July 27, 2010 the following

MUSEUM SERVICE ACT

I. BASIC PROVISIONS

Scope of Act

Article 1

This Act regulates the goals and scope of museum service, types of museums, conditions for performing museum service, methods of performing museum work, coordination of work of museums, museum staff and other issues of significance for performing museum service.

Museum service

Article 2

(1) Museum service includes the following tasks: collecting, keeping, protecting, researching, expert and scientific treatment, documenting, systematization into collections, presentation and valorization of museum materials and museum localities.

(2) By performing museum service, preconditions are created to preserve natural, civilizational and cultural tangible and non-tangible property, as a part of national and universal heritage for the purpose of meeting cultural, scientific and educational needs of an individual and a society.

(3) Museum service is performed by museums under conditions and in such a way as prescribed by this Act.

Public interest

Article 3

(1) Museum service is the service of public interest.

(2) Public interest in museum service is achieved by:

- 1) researching, collecting and studying museum materials;
- 2) organizing permanent and occasional exhibitions;
- 3) informing the public about the work of a museum;
- 4) making data on museum materials and museum documentation public.

Special protection of museum materials and museum documentation

Article 4

(1) Museum materials and museum documentation shall be protected in accordance with this Act, regardless of the type of ownership.

(2) Provisions of the Act regulating cultural property apply to museum materials and museum documentation, which have the status of cultural property.

Definitions

Article 5

The terms used in this Act shall have the following meaning:

- 1) “**parent museum**” means a public museum which is authorized to perform the affairs parent museum service;
- 2) “**museum material**” means all kinds of items which are collected, described and presented as a part of cultural and natural heritage;
- 3) “**museum item**” means a heritage item which is expertly and scientifically treated, classified by museum categories and stored in a museum;
- 4) “**museum collection**” means a basic form of organization of museum items in a museum;
- 5) “**museum documentation**” means a form of an expert and scientific description of a museum item, made for the purpose of its identification, origin determination, valorization and presentation;
- 6) “**information system**” means the electronic processing of museum documentation database;
- 7) “**museum category**” means a degree of cultural and historical value of a museum item determined based on its expert-analytical treatment in the procedure of producing museum documentation;
- 8) “**revision**” means an expert verification of existence, condition, protection degree and conditions of keeping of museum materials and museum documentation;
- 9) “**verification of origin**” means determining historical background of an item from its discovery or creation to date;
- 10) “**locality**” means a joint creation by man and nature, or in other words, the area which is partly built but still special and homogenous enough for a topographic definition.

II. MUSEUMS

Definition and type of museum

Article 6

- (1) A museum is a non-profit institution in service of society and its development open to the public, which collects, conserves, researches and exhibits material evidence on mankind, its environment and nature, for the purpose of studying, valorization, education and aesthetic experience.
- (2) By the type of museum collection, museums can be classified as complex and specialized as well as by founder, as public, private and religious museums.

Complex and specialized museums

Article 7

- (1) A complex museum shall have at least two different collections of museum items which represent historical, ethnographic, archaeological, artistic, technical, naturalistic or other features of the field it is established for.
- (2) A specialized museum shall have at least one collection of museum items of interest for one or more scientific disciplines, that is one or more specific social and economic activities.
- (3) A specialized museum shall also be the one set in the open air (natural, historical, ethnographic, archaeological, etc.).

Public and private museums

Article 8

- (1) A public museum may be established by the State or municipality.

(2) A private museum may be established by a domestic or foreign legal or physical person in accordance with law.

(3) Multiple founders referred to in paragraph 2 of this Article may co-establish a museum, and the mutual rights and obligations of the parties shall be determined by contract.

Establishment and work of a museum

Article 9

(1) A museum shall be established as a cultural institution (independent museum) or contained within larger institution, that is as a part of other legal person (a museum as subsidiary).

(2) A public museum shall be established as an independent museum.

Application of other regulations

Article 10

Provisions of the Act regulating the cultural institutions apply to establishing, status, administering, managing, financing, status changes, cession of work and other issues of significance for the work of an independent museum, unless otherwise provided by this Act.

Conditions for performing the work

Article 11

(1) A museum may work if it possesses the following:

- 1) adequate museum materials;
- 2) space and equipment for housing, keeping, usage and exhibiting of museum materials;
- 3) means for a continued operation;
- 4) expert staff.

(2) Detailed conditions referred to in paragraph 1 of this Article, depending on the type of a museum, shall be prescribed by the state administrative body in charge of cultural affairs (hereinafter "Ministry").

(3) The Ministry shall determine whether requirements for commencement of the work of a museum are met and shall subsequently issue a work permit.

(4) Approval referred to in paragraph 3 of this Article shall be submitted to the competent parent museum.

Verification of fulfillment of requirements

Article 12

The Ministry is obligated to verify regularly, at least once in three years, whether the prescribed requirements for the work of a museum are fulfilled.

Termination of work of a museum

Article 13

(1) In case of cessation of work of a museum, the museum founder shall provide for housing and protection of available museum materials and museum documentation.

(2) Decision on housing of museum materials and museum documentation referred to in paragraph 1 of this Article shall be made following a previously obtained opinion from the parent museum.

Registry of museums

Article 14

- (1) Museums shall be entered in the Registry of museums (hereinafter “Registry”).
- (2) The Registry shall be kept by Ministry.
- (3) A museum is obligated to provide the Ministry with the data required for keeping the Registry.
- (4) The Ministry shall prescribe the contents of the Registry and the method of keeping it.

III. PERFORMING MUSEUM SERVICE

Collection of museum materials

Article 15

- (1) Museum materials shall be collected through field research, redemption, donation, exchange or in some other way, in accordance with law.
- (2) A museum is obligated to establish a museum material collection program for a 5-year period.
- (3) Museums are obligated to cooperate and harmonize their collection programs as well as to agree on areas and borders of museum material collection.
- (4) The managing body of a museum shall make the museum material collection program.
- (5) While collecting materials, museums shall verify the origin of each and every item.

Conservation of museum materials and museum documentation

Article 16

- (1) Museums shall provide for preventive and permanent conservation of museum materials, museum items and museum documentation.
- (2) Preventive conservation activities includes: providing for optimum microclimate and light, conducting pest control, staff and visitors’ access control, pollutants’ control and other preventive procedures.
- (3) Preventive conservation of museum materials shall be conducted in storage and exhibition space, workshops, libraries, archives and during transport.
- (4) Permanent conservation of museum materials shall be conducted by the implementation of conservation and restoration measures in accordance with the rules of the conservation profession.
- (5) Photographing every five years of each and every museum item and microfilming of inventory books is a compulsory protection measure.
- (6) The Ministry shall prescribe detailed requirements for the conservation of museum materials and museum documentation.

Research in museum service

Article 17

- (1) Research in museum service shall be systematic, expert and scientific and it shall be carried out for the purpose of collection, valorization and exhibiting museum materials.
- (2) Research shall be carried out in such a way that in item and data collection all participants act in accordance with standards of their profession and prevent any unethical and illegal action.
- (3) Research and collection of museum materials shall be conducted in accordance with Acts regulating cultural property and environment protection.

Expert handling of museum materials

Article 18

Expert handling of museum materials includes:

- 1) identification, determination, classification and categorization;
- 2) analysis and description;
- 3) assessment and interpretation;
- 4) studying;
- 5) documenting.

Museum documentation

Article 19

- (1) A museum shall keep records on museum materials.
- (2) A museum shall keep an inventory book, entry and exit records for museum materials, museum collections' catalogues, and electronic database as well as other prescribed records.
- (3) The Ministry shall prescribe a museum material documentation-keeping method, as well as the type and contents of documentation on museum materials.

Keeping museum materials

Article 20

Museum shall house on a temporary basis the museum materials which are not provided for adequate museum conservation by another museum, provided that is in accordance with the nature of its service and that it fulfills prescribed requirements for such kind of material.

Revision of museum materials

Article 21

- (1) Revision of museum materials determines the number and condition of museum items, the level of documentation coverage and conservation measures.
- (2) A museum shall conduct a revision of museum materials, depending on type and scope, periodically, no less than once in five years.
- (3) During revision, a write-off of destroyed museum items shall be carried out.
- (4) The ministry shall prescribe a museum material revision method, its procedure and deadlines.

Exhibiting museum materials

Article 22

- (1) A museum shall organize permanent and occasional exhibitions of museum materials.

- (2) A permanent museum exhibition catalogue shall be published no later than two years following staging of an exhibition and occasional museum exhibition catalogue, prior to the opening of an exhibition.
- (3) A museum may establish an entrance fee.

Public character of the work of a museum

Article 23

- (1) A museum shall determine and appropriately announce its opening hours, in accordance with the needs of citizens and other service users.
- (2) A museum shall enable individual and group insight into museum collection, the item and museum documentation.
- (3) A museum shall provide the adequate access for visitors with special needs and it shall enable their inclusion into museum services in accordance with their abilities.

Taking museum items out of the country and their return

Article 24

- (1) Museum material may not be taken out of the country on permanent basis except in case of exchange.
- (2) Museum material may be taken out of the country on temporary basis for expertise, conservation, restoration, and exhibition, in accordance with Act determining cultural property.
- (3) Following the obtained opinion from the parent museum, the Ministry shall issue a permit to take the museum material out of country.
- (4) The return of museum material which was illegally taken out and taken in shall be carried out in accordance with the Act determining cultural property.

Insurance of exhibitions from abroad

Article 25

- (1) The Government of Montenegro (hereinafter the "Government") may, upon the proposal of the Ministry, give a guarantee of compensation for damage for museum items and exhibitions from abroad organized on the territory of Montenegro by public museums if:
 - 1) museum items, that is exhibitions from abroad have special scientific, cultural, naturalistic, artistic or historical value, if their entry (into the country) is conditioned upon a previous provision of insurance;
 - 2) the insurance costs with insurance companies are extremely high, due to declared value of museum items, and the owner agrees with such type of insurance.
- (2) Guarantee may not be provided for museum items and exhibitions organized for business purposes.

Requirements for provision of guarantee

Article 26

- (1) The guarantee referred to in Article 25, paragraph 1 of this Act may be given if the exhibition organizer ensured the following:
 - 1) continued physical protection of museum items from the moment of taking until the moment of their handing over;
 - 2) maintained adequate climate and other conditions, dependant on type of museum items;

- 3) buildings and premises of all types of risks that can endanger the safety of museum items.
- (2) The Ministry shall determine fulfillment of requirements referred to in paragraph 1 of this Article.

Performing other activities

Article 27

A museum may perform other activity which is of significance for museum service and the exercising of rights of users.

IV. REPLICAS OF MUSEUM ITEMS

Making replicas of museum items

Article 28

Museum replicas and replicas for sale may be modeled after museum items, in accordance with this Act.

Museum replica

Article 29

- (1) A museum replica is a newly-made item which, with its essential features, visually reconstructs a museum item.
- (2) A museum replica shall be made when:
 - 1) it is necessary for security reasons;
 - 2) a museum item deteriorates due to its constantly being exhibited;
 - 3) there is a need to exhibit a museum item out of a museum exhibition space;
 - 4) a museum item disappeared but its accompanying museum documentation still exists.
- (3) A museum replica shall be made only for the needs of a museum which is in possession of a museum item.
- (4) A museum replica may not be used for profit-making purposes.
- (5) A museum is obligated to:
 - 1) put a label on every museum replica which reads “museum replica“;
 - 2) produce a certificate for every museum replica;
 - 3) keep a register of museum replicas.
- (6) The Ministry shall prescribe the contents and method of keeping the register of museum replicas as well as the form of a certificate for a museum replica model.

Replica for sale

Article 30

- (1) A replica for sale is an item modeled after a particular museum item at a scale different from that of a museum item, for sale or other way of economic use.
- (2) A replica referred to in paragraph 1 of this Article may be made by physical or legal persons, under conditions and in such a way as determined by a museum which is in possession of a museum item.
- (3) Persons referred to in paragraph 2 of this Article are obligated to put a label on each replica for sale which reads “replica“, the title of a museum item, the period and locality of its origin, the name of its author and the name of a museum which possesses the museum item.

V. COORDINATION OF WORK OF A MUSEUM

Coordination of work

Article 31

Coordination of the work of a museum shall be done by means of conducting an parent museum service and museum information system.

Parent museum service

Article 32

(1) Original museum service includes provision of permanent, systematic, organized continued work on development and improvement of museum service.

(2) Original museum service involves:

- 1) providing expert assistance;
- 2) advancing of expert work;
- 3) collecting, keeping and analyzing museum statistics;
- 4) training museum staff;
- 5) organizing expert and scientific work with the application of international and national standards for the purpose of advancement and general museology development;
- 6) and other duties as prescribed by law.

(3) Depending on the type of museum collection, parent museum service shall be performed by public museums determined by the Government upon the proposal from the Ministry.

Museum information systems

Article 33

For the purpose of providing for more rational and efficient use of museum materials, museums shall be linked into a single museum information system.

Expert basis for functioning of museum information system

Article 34

Expert basis for establishment and functioning of museum information system shall be:

- 1) standardized processing of museum materials and balanced keeping of the electronic database;
- 2) adequately qualified museum staff to keep the database;
- 3) computer and communication equipment needed for connecting museums.

Museum information center

Article 35

(1) Tasks of museum information centre include the following:

- 1) coordinating of work on the establishment of an information system and its services;
- 2) planning, installing, and maintaining of computer and communication equipment for the needs of an information system;

- 3) developing and maintaining program equipment for the needs of a museum information system and its services;
 - 4) keeping the central catalogue of the museum materials;
 - 5) managing the database of the museum information system;
 - 6) arranging access to an electronic database;
 - 7) expert assistance to museums during conversion and data transmission from other systems;
 - 8) research, development and advisory work in museum service.
- (2) Tasks falling within the competence of a museum information centre shall be performed by a public museum determined by the Government, at the proposal of Ministry.

Duties of museum information centre members

Article 36

- (1) For the purpose of inclusion into the work of museum information centre, a museum is obligated to:
- 1) respect the professional work standards for museums;
 - 2) conclude a contract with a museum information center.
- (2) A museum shall be considered as included into a museum information system should its database be accessible through this system.

VI. MUSEUM STAFF

Museum staff

Article 37

- (1) Museum service tasks may be performed by persons with adequate type and level of qualification and the licensing exam for museum service passed.
- (2) Persons referred to in paragraph 1 of this Article performing museum service shall have the requested professional titles.
- (3) The type and level of qualification needed to perform museum service tasks, as well as requirements, program and method of taking of a licensing exam shall be prescribed by the Ministry.
- (4) Certain professional duties in museum service may also be performed by persons with professional and scientific titles in the field of conservation, archival and library service, in accordance with general legal acts of a museum.

Professional titles

Article 38

- (1) Professional titles in museum service include the following:
- 1) preparator, museum technician and photographer, with secondary education;
 - 2) senior preparator, senior museum technician and senior photographer, with two-year degree;
 - 3) curator, documentalist, informatician, museum pedagogue, with university education;
 - 4) senior curator, senior documentalist, senior informatician and senior museum pedagogue, museum adviser, documentalist advisor, informatician advisor, pedagogue

advisor, with university education and special professional references to perform museum service.

(2) Professional titles referred to in paragraph 1, items 1, 2 and 3 of this Article shall be obtained upon passing a licensing exam for performing museum service.

(3) Professional titles from paragraph 1, item 4 of this Article shall be given by the Ministry, at the proposal of an expert commission, based on professional references and results in museum service.

(4) Detailed requirements and method of acquiring professional titles referred to in paragraph 1 of this Article, duties performed by a holder of a specific professional title and a form of certificate on professional title shall be prescribed by the Ministry.

Volunteering

Article 39

Volunteering in museums by persons with required qualifications and full working hours shall be recognized as professional practical training to obtain professional title in museum service.

VII. SUPERVISION

Inspection supervision

Article 40

Inspection supervision over application of this Act and application of regulations passed on the basis of this Act shall be carried out by the Ministry through an inspector for cultural heritage, in accordance with the Act regulating inspection supervision.

VIII. PENALTY PROVISIONS

Article 41

(1) A monetary fine from twenty-fold to one hundred-fold of the amount of the minimum earnings in Montenegro shall be imposed for an offense on a legal entity if:

1) it commences performing museum service prior to obtaining a permit to work from the Ministry (Article 11, paragraph 3);

2) in the case of the cessation of work, a museum fails to provide for housing and conservation of available museum holdings and museum documentation (Article 13, paragraph 1);

3) it fails to submit to the Ministry the required information for keeping the Registry, (Article 14, paragraph 3);

4) it fails to develop a museum material collection program for a period of five years. (Article 15, paragraph 2);

5) it fails to conduct preventive and permanent conservation of museum materials, museum items and museum documentation (Article 16, paragraph 1);

6) it fails to keep records on museum materials (Article 19, paragraph 1);

7) it fails to take museum materials on temporary storage, if it is in accordance with the nature of its activity and if it fulfills requirements for that type of material (Article 20);

- 8) it fails to conduct a revision of museum collection at least once in a five-year period (Article 21, paragraph 2);
 - 9) it fails to publish a catalogue of permanent museum exhibition within two years from the day of staging the exhibition, that is a catalogue of temporary exhibition prior to its opening (Article 22, paragraph 2);
 - 10) it fails to determine and adequately announce its opening hours in accordance with the needs of citizens and other users (Article 23, paragraph 1);
 - 11) it uses a museum replica for a profit-making purpose (Article 29, paragraph 4);
 - 12) it fails to put on each museum replica a label "museum replica" or fails to make a certificate for a museum replica or if it fails to keep the register of museum (Article 29, paragraph 5);
 - 13) it makes a replica of a museum item for a profit-making purpose failing to comply with requirements and methods determined by a museum disposing of the said museum item (Article 30, paragraph 2);
 - 14) it fails to put on each profit-making replica of a museum item a label "a replica" or the title of a museum item, that is the period and locality of its origin, the name of its author or the name of a museum which owns the museum item (Article 30, paragraph 3).
- (2) A monetary fine from double to twenty-fold of the amount of the minimum earnings in Montenegro shall be imposed for an offense by the physical person and the responsible person in a legal person referred to in paragraph 1 of this Article.

IX. TRANSITIONAL AND FINAL PROVISIONS

By-laws

Article 42

- (1) In accordance with this Act, by-laws shall be passed within six months after the day of entry into force of this Act.
- (2) Until by-laws referred to in paragraph 1 of this Article are passed, acts in force until entry into force of this Act apply, unless they contravene this Act.

Establishment of Registry of museum(s)

Article 43

Registry of museums shall be established within 90 days after passing the by-law referred to in Article 14 of this Act.

Harmonization of organization

Article 44

The existing museums are obligated to harmonize their organization with this Act, within a year after a day of entry into force of this Act.

Acquired rights

Article 45

- (1) Adequate professional titles prescribed by this Act shall be acknowledged for persons who, by previous regulations, acquired professional titles to perform museum service.
- (2) Persons who on the day of entry into force of this Act have more than 15 years of work experience in performing museum service with a particular level of qualifications or who have

a Masters degree or Ph.D. in museum service are not obligated to pass a licensing exam for performing museum service.

Termination of validity of previous regulations

Article 46

On the date of the entry into force of this Act, the Act on Museum Service (“Official Gazette of Socialist Republic of Montenegro” 26/77 and 33/89) shall cease to have effect.

Entry into force

Article 47

This Act shall enter into force on the eighth day after the day of its publication in the “Official Gazette of Montenegro.”

SU-SK File No. 01-356/7

Podgorica, July 27, 2010

24th CONVOCATION OF THE ASSEMBLY OF MONTENEGRO

PRESIDENT

Ranko Krivokapić

- THE END OF TRANSLATION –

I hereby confirm that this translation complies with it's original text.

Book No. 1 for 2010, Item No. 65.

Place and date: Mostar, October 25, 2010

Signature: Sanja Ćemalović, Translator and Certified Court Interpreter