

26 Annex - Education and culture

194. LAW ON MUSEUM PRACTICE

LAW ON MUSEUM PRACTICE

I GENERAL PROVISIONS

Subject matter of the Law

Article 1

Museum practice shall be performed under the conditions and in the manner prescribed by this Law.

Museum practice

Article 2

Museum practice comprises: collecting, keeping, protecting, exploring, expert and scientific processing, documenting, systematizing into collections, and presenting museum material, museum locations and finds.

Museum practice enables the preservation of natural, civilized and cultural tangible and intangible property, as parts of national and human heritage, so that they can satisfy cultural, scientific and educational needs of the society, and be available to the public.

Museum practice is performed by museums.

Public interest

Article 3

Museum practice is of public interest.

Public interest in museum practice is fulfilled by:

1. organizing regular and occasional exhibitions;
2. giving information to the public about the work of the museums;
3. publishing data on museum material and museum documentation in expert and scientific publications.

Protection of museum material and museum documentation

Article 4

Museum material and museum documentation are protected in accordance with this Law, regardless of their form of possession.

The provisions of the Law that regulate cultural property are applied on museum material which is defined as cultural property.

The meaning of the expressions

Article 5

Some expressions used in this Law have the following meanings:

- **museum material** is considered to be all kinds of objects which are collected, described and presented as part of cultural and natural heritage;
- **a museum exhibit** is considered to be an object of the heritage, expertly and scientifically processed, classified according to museum categories, and kept in the museum;

- **museum collection** is the basic form of the organization of museum exhibits in a museum;
- **museum stock** comprises overall museum material of a museum;
- **museum documentation** is considered to be a form of expert and scientific description of a museum exhibit, for the purpose of its identification, origin and valorisation;
- **information system** is understood as electronic processing of the museum documentation database;
- **museum category** is considered to be a degree of the cultural historical value of a museum exhibit, which has been established on the basis of its expert and analytical processing in the procedure of creating museum documentation;
- **revision** is considered to be a professional examination of the condition, degree of protection and terms for keeping museum material and museum documentation;
- **checking of the origin** is considered to be the establishing of the history of an object from the time of its finding or creation, to the present time.

II MUSEUMS

The definition and types of museums

Article 6

A museum is an unprofitable institution in the service of the society and its development, and open to the public. It collects, conserves, explores and presents material evidence about people, environment and nature, for the purpose of studying, valorising, education and enjoyment.

According to the contents of museum material, museums can be divided into general and specialized ones, and according to the territorial organization they are divided into state and local ones.

General and specialized museums

Article 7

A general museum has at least two different collections of museum exhibits which represent historical, ethnographical archaeological, artistic, technical, natural and other characteristics of the location for which they are founded.

A specialized museum has at least one collection of museum exhibits which is of interest for one or more basic scientific disciplines, or for one or more specific social or commercial practices.

Open-air museums are considered to be specialized museums as well (a zoo, natural, ethnographical or archaeological monuments, settlements etc.).

State and local museums

Article 8

A state museum performs museum practice in the territory of Montenegro, and it has museum material and museum documentation of special significance for history, archaeology, ethnography, art, nature, technical and maritime affairs or other fields significant for Montenegro.

A local museum performs museum practice in the territory of a municipality, Capital or Royal City (hereinafter referred to as municipality), and it has museum material and museum documentation of special significance for that area.

Foundation and operation of a museum

Article 9

A museum shall be founded as an institution of culture (an independent museum), or as a part of other institution, or other legal entity in the area of culture (a museum as a constitutive part.).

A state museum is founded by the state as an independent museum.

If a municipality with more than 10,000 inhabitants founds a local museum, it shall found it as an independent museum.

Appliance of other regulations

Article 10

Appropriate provisions of the Law which regulate the institutions of culture, are applied on the foundation, status, management, administration, financing, changes of status, cessation of work and other issues of significance for the operation of an independent museum, unless otherwise provided by this Law.

Conditions for the commencement of work of a museum

Article 11

A museum can perform its practice provided that it has:

1. suitable museum material;
2. space and equipment for accommodation, keeping and utilisation of museum material;
3. means for performing continuous practice;
4. professional personnel.

More detailed conditions referred to in the item 1 of this paragraph, depending on the type of a museum, are prescribed by the public administration body competent for cultural affairs (hereinafter referred to as the Ministry).

The Ministry shall establish the fulfilment of the conditions referred to in the paragraph 1 of this Article, and issue work permit.

Checking condition fulfilment

Article 12

The Ministry shall regularly, and at least once in three years, check whether a museum fulfils the prescribed conditions for work.

Cessation of work of a museum

Article 13

In the event of the cessation of work of a museum, the founder shall provide accommodation and protection of the available museum stock and museum documentation.

The decision referred to in the paragraph 1 of this Article is passed following the previously obtained opinion of the museum which performs parental practice (a parent museum).

Register of museums

Article 14

Museums shall be registered in the Register of Museums (hereinafter referred to as the Register).

The Register shall be kept by the Ministry.

The contents and the manner of keeping the Register are prescribed by the Ministry.

Museums shall deliver the Ministry the data necessary for the keeping of the Register.

III PERFORMING OF MUSEUM PRACTICE

Museum material collecting programme

Article 15

Museum material is collected by exploration of the terrain, redemption, donation, exchange and in other ways, in accordance with the Law.

Museums shall establish material collecting programme for the period of five years.

Museums shall cooperate with each other, and harmonize their collecting programmes, and establish the areas and boundaries for collecting museum material by means of an agreement.

The administrative body of the museum shall adopt museum material collecting programme.

Whilst collecting the material, the museums shall examine the origin of every object.

Protection of museum material and museum documentation

Article 16

Museums shall carry out the preventive and durable protection of the museum exhibits and museum documentation.

The preventive protection comprises: providing optimal microclimate (temperature, relative humidity etc.) and light conditions, extermination of pests, control of access for the staff and users, protection from the influence of damaging material, and other preventive procedures.

Preventive protection of museum material is carried out in the room for its keeping and exhibiting, workshops, libraries, archives, and during transportation.

Taking photographs of every museum exhibit and microfilming of the inventory books every five years shall be obligatory measure of protection.

More detailed conditions for the protection of museum material and museum documentation is prescribed by the Ministry.

Exploration

Article 17

Systematic, expert and scientific exploration is employed in museum practice for the purpose of collection, valorisation and presentation of museum material.

Exploration shall be organized in the manner which enables all the involved subjects to operate in accordance with their field of expertise during the collection of objects and data, and which prevents every unethical and illegal deed.

The activities of exploring and collecting museum material is carried out in accordance with the law which regulates cultural properties.

Expert processing of museum material

Article 18

Expert processing of museum material comprises:

1. identification, determination, classification and categorization;
2. analysis and description;
3. valuation and interpretation;
4. professional exploration;
5. documenting.

Museum documentation

Article 19

Museums shall keep documentation about the museum material.

Museums shall keep an inventory book and a book of entry and exit of museum material, catalogues of museum collections, electronic database, as well as other prescribed records.

Types, contents and the way the documentation about museum material is made are prescribed by the Ministry.

Keeping of museum material

Article 20

A museum shall take, for temporary keeping, the museum material, for which the adequate museum protection has not been provided in another museum, if it is in accordance with the nature of its practice, and if it fulfils the conditions prescribed for keeping such kind of material.

Revision of museum stock

Article 21

The number and condition of museum exhibits, the degree of processing of their documentation and protective measures shall be established by the revision of the museum stock.

Museum is obliged to perform the revision of the museum stock periodically, depending on its type and quantity of stock, and at least once in five years.

The way, conditions and periods for revisions shall be prescribed by the Ministry.

Exhibition of the museum material

Article 22

A museum shall organize regular and occasional exhibitions of the museum material.

The catalogue of the regular exhibition shall be issued at least two years after the exhibition, and the catalogue of the occasional one shall be issued before its opening.

Museum's opening to the public

Article 23

A museum shall establish and properly announce its working hours in accordance with the needs of the citizens and other users.

A museum is obliged to make it possible for everyone to have the insight into the museum material and museum documentation, for the purpose of its scientific and expert valorisation and giving information concerning the museum material.

Museums shall enable the access to the users with special needs, and enable their involvement in the performance of museum operations, in the way that suits them best and in accordance with the nature of their profession.

Export of museum material abroad

Article 24

The museum material shall not be exported abroad for permanent retention.

The museum material can be taken abroad for temporary retention for the purposes of expertise, conservation and presentation.

The permission for taking the museum material abroad for temporary retention is given by the Ministry following the previously obtained opinion of the parent museum.

Insurance of the foreign exhibitions

Article 25

The Government of Montenegro (hereinafter referred to as Government) can, at the proposal of the Ministry, guarantee the reimbursement for damages on the museum exhibits and foreign exhibitions, organized in the territory of Montenegro by the state or local museums, whose founder is a municipality provided that:

1. the foreign museum exhibits or exhibitions have special scientific, cultural, natural, artistic or historical value, if their presentation is conditioned by the prior granting of insurance;
2. the insurance expenses at the insurance companies are very high, because of the established value of the museum exhibits, and that owner consented with this kind of insurance.

The guarantee shall not be given for the museum exhibits and exhibitions organized for commercial purposes.

Conditions for giving the guarantee

Article 26

The guarantee referred to in the Article 25, paragraph 1 of this Law may be given if the organizer of the exhibition has ensured:

1. continuous physical protection of the museum exhibits from the moment of them being taken over to the moment of their returning;
2. sustaining of suitable climate and other conditions according to the type of museum exhibits;
3. that objects and rooms are protected from all kinds of the risks which can jeopardize the safety of the museum exhibits;

The fulfilment of the conditions referred to in the paragraph 1 of this Article is established by the Ministry.

IV REPLICAS OF MUSEUM OBJECTS

Making replicas of museum objects

Article 27

Museum exhibits can be reproduced into the museum and commercial replicas, in accordance with this Law.

Museum replica

Article 28

A museum replica is considered to be a newly made object which reproduces the museum exhibit with maximum visual precision, retaining its essential characteristics.

A replica is made for the purpose of presentation of museum exhibits in cases when:

1. it is necessary for safety reasons;
2. there are no conditions for keeping the museum exhibit in the exhibited museum setting;
3. a museum exhibit has been given to another museum;
4. a museum exhibit needs to be displayed outside the museum.

It is not possible to make more than five museum replicas of one museum exhibit.

A museum replica shall not be used for commercial purposes.

A museum shall:

1. mark every replica with a label which reads 'museum replica';
2. make a certificate for every museum replica;
3. keep a register of the museum replicas.

The contents and the way of keeping the register of museum replicas, and the form of their certificate are prescribed by the Ministry.

Commercial replica of a museum exhibit

Article 29

A commercial replica is considered to be a newly made object which reproduces the museum exhibit in visual size which differs from the original museum exhibit, for the purpose of selling or some other way of its economical use.

The replicas referred to in the paragraph 1 of this Article may be made by natural persons and legal entities under the conditions and in the manner specified by the museum which accommodates the museum exhibit.

Persons referred to in the paragraph 2 of this Article shall put a label which reads 'replica', the name of the museum exhibit, period and location of its origin, the name of the author and the museum which houses the museum exhibit.

V COORDINATION OF MUSEUM OPERATION

Parental museum practice

Article 30

Parental practice ensures permanent, systematic, organized and continuous activities on the development and improvement of the museum practice.

Parental practice is performed by the state museums, depending on museum type, according to the contents of the museum material.

Parental practice comprises the following activities:

1. monitoring of the conditions and terms for accomplishing the museum practice;
2. providing expert assistance;
3. improving professional work in the museums;
4. coordination of the operation of the museums in the territory of Montenegro;
5. collecting, keeping and analysing museum statistics;
6. keeping the central catalogue of museum material;
7. education of museum staff;
8. organizing expert and scientific work with the application of international and national standards, for the purpose of improvement and general development of museology.

Museum information system

Article 31

In order to ensure rational and efficient use of museum material, the museums are connected in the unified museum information system.

Expert grounds for operation of museum information system

Article 32

The setting up and functioning of the museum information system is ensured through:

1. standardized processing of museum material and uniform keeping of the electronic database;
2. suitable qualifications of museum personnel for the keeping of the database;
3. computer and communication equipment necessary for museum networking.

Museum information centre

Article 33

The activities from the competence of the museum information centre are performed by the state museum, designated by the Government upon the proposal of the Ministry.

The jobs of the museum information centre are as follows:

1. coordination of the activity on the establishment of the museum information system and its services;
2. planning, installation and maintenance of the computer and communicational equipment for the needs of the museum information system;
3. development and maintenance of the programming equipment for the needs of the museum information system and its repairs;
4. museum information system database management;
5. organizing access to the electronic database;
6. expert assistance in museums during the conversion and transmission of the data from other systems;
7. jobs concerning exploration, development and advisory activities in the field of museum practice.

Obligations of members

Article 34

For the purpose of establishing connection with the museum information system a museum shall:

1. respect the common expert grounds for work;
2. enter into contract with the museum information centre.

A museum shall be deemed to be connected to the museum information system when its database is available through that system.

VI MUSEUM PERSONNEL

Museum personnel

Article 35

Museum jobs can be performed by the persons with an appropriate type and degree of school education and professional or scientific title.

Certain expert jobs in museums are also performed by persons having expert and scientific titles in the field of library, archival or other practices, in accordance with the general acts of the museum.

Professional exam

Article 36

The professional exam for the performance of museum activities is taken before the Commission established by the Ministry.

Specific conditions, the manner and the programme for taking the professional exam from the paragraph 1 above are prescribed by the Ministry.

Professional titles

Article 37

Depending on the level of qualifications, the persons who meet the requirements for the performance of museum activities, following the successful taking of the professional exam, acquire the following titles:

- 1) preparator, museum technician or photographer, with secondary education degree;
- 2) senior preparator, senior museum technician or senior photographer, with college degree;
- 3) curator, documentation expert, IT specialist, museum pedagogue or restorer, with university degree.

Senior job titles

Article 38

For special accomplishments and achievements in museum practice, the following expert job titles can be awarded:

1. a senior curator, senior documentation expert, senior IT specialist, senior museum pedagogue, or senior restorer;
2. a museum advisor, documentation advisor, IT specialist advisor, pedagogue advisor, or restorer advisor.

Expert job titles referred to in the paragraph 1 of this Article shall be awarded by the Ministry at the proposal of the expert commission.

A member of the commission referred to in the paragraph 2 of this Article can be a person having a scientific title in the field relevant for the museum practice or a person having the expert job title of a museum advisor.

An expert job title referred to in the paragraph 1, item 1 of this Article can be awarded to a person who has an expert job title referred to in the Article 37, paragraph 1, item 3 of this Law, if he/she fulfils the following conditions by having:

1. five years of work experience, at least four published expert works in the field of the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice; or
2. Master's degree in science, three years of work experience and at least three published expert works and one scientific work in the field of the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice; or
3. Doctoral degree, two years of work experience, and at least two published expert works and two scientific works in the field of significance for the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice.

An expert job title referred to in the paragraph 1, item 2 of this Article can be awarded to a person who has an expert job title referred to in the paragraph 1, item 1 of this Article if he/she fulfils the following conditions by having:

1. five years of work experience in the said title, at least six published expert works in the field of the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice; or
2. Master's degree in science, three years of work experience in the said title and at least three published expert works and two scientific works in the field of significance for the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice; or
3. Doctoral degree, two years of work experience in the said profession and at least three published scientific works in the field of significance for the protection of cultural property, and the recommendations about the practical contribution to the development of the museum practice.

Expert job title Certificate

Article 39

The Ministry issues a certificate to a person who has gained an expert job title, or has been awarded an expert job title.

The contents and the form of the certificate referred to in the paragraph 1 of this Article are prescribed by the Ministry.

Voluntary work

Article 40

Voluntary work in museums with suitable school education and full-time working hours is recognized as expert practical work necessary for gaining an expert job title in the museum practice.

VII SUPERVISION

Administrative supervision

Article 41

Administrative supervision over the operation of state museums is carried out by the Ministry, pursuant to the law which regulates the public administration, and over other museums by the founder.

Inspection supervision

Article 42

Inspection supervision over the implementation of this Law, and over the implementation of the regulations adopted on its grounds, is carried out by the Ministry via the cultural heritage inspector, pursuant to the law which regulates inspection supervision.

VII PENALTY PROVISIONS

Article 43

A twentyfold to hundredfold fine of the minimal wage in Montenegro shall be imposed on an independent museum and legal person that founded a museum as its constitutional part provided that it:

1. starts performing museum activity before the Ministry issues the approval for work (Article 11, paragraph 3);
2. does not provide accommodation and protection of the museum holdings and museum documentation in the event of the cessation of work of the museum (Article 13, paragraph 1);
3. does not submit to the Ministry the data necessary for the keeping of the Register (Article 14, paragraphs 3 and 4);
4. does not establish the programme for the collection of museum material (Article 15, paragraph 2);
5. does not carry out preventive protection of museum material and museum documentation (Article 16, paragraph 1);
6. does not keep museum material documentation (Article 19, paragraph 1);
7. does not admit museum material for temporary accommodation if this is in accordance with the nature of its activity and if it meets the requirements for that kind of material (Article 20);

8. does not carry out the revision of the museum stock at least once within the period of five years (Article 21, paragraph 2);
9. does not issue the catalogue of a museum exhibition within two years as of the day of its opening, or the catalogue of a temporary exhibition prior to the opening of the same (Article 22, paragraph 2);
10. does not establish and does not announce working hours of the museum in the proper manner (Article 23, paragraph 1);
11. makes more than five museum replicas of a museum exhibit (Article 28, paragraph 3);
12. uses a museum replica for commercial purposes (Article 28, paragraph 4);
13. does not mark every museum replica with the label which reads 'museum replica', or does not make the certificate of the museum replica, or does not keep the register of the museum replicas (Article 28, paragraph 5);
14. makes a commercial replica of a museum exhibit contrary to the conditions and the manner determined by the museum which houses the museum exhibit (Article 29, paragraph 2);
15. does not mark a commercial replica of a museum exhibit with the label "replica", or does not put the name of the museum exhibit, the period and the place of origin, the name of the author or the name of the museum which houses the museum exhibit (Article 29, paragraph 3).

A natural person and a responsible person in a legal entity shall be fined by twofold to twentyfold the minimum wage in Montenegro for the offence from the paragraph 1 above.

IX TRANSITIONAL AND FINAL PROVISIONS

Bylaws

Article 44

Pursuant to this law, the bylaws shall be adopted within a period of six months from the day of this Law coming into effect.

The existing bylaws shall apply until the adoption of the new ones, provided that they are not contrary to this Law.

Establishing of Museum Register

Article 45

The Museum Register shall be established within 90 days as of the day of adopting the bylaws referred to in the Article 14 of this Law.

Harmonization of organization

Article 46

The existing museums shall harmonize their organization with this Law within the period of one year as of the day of this Law entering into force.

Recognition of job titles

Article 47

Expert job titles gained according to the previous regulations shall be recognized the corresponding expert job titles prescribed by this Law.

Cessation of previous regulations

Article 48

As of the day the present Law entering into force, the Law on Museum Practice (Official Gazette of the Republic of Montenegro, No. 26/77 and 33/89) shall cease to be applicable.

Entering into force

Article 49

The present Law shall enter into force on the eighth day as of the day of its publication in the “Official Gazette of the Republic of Montenegro”.