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Museums Act

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15.12.2015	RT I, 06.01.2016, 1	16.01.2016
12.12.2018	RT I, 21.12.2018, 5	01.01.2019

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the definition of a museum, the bases for the organisation of the museum collection and activities of the museum and the insurance of a museum object and conditions for compensation by the state for the damage caused to the owner of the international exhibition.

(2) This Act shall apply to a state agency administered by the ministry operating as a museum and a structural unit thereof and to a governmental authority operating as a museum in the area of government of the ministry and the structural unit thereof (hereinafter a state museum) and a foundation founded by the state and a structural unit thereof (hereinafter a museum of a state foundation).

(3) This Act shall apply to a museum operating as a structural unit of a legal person in public law (hereinafter a museum of a legal person in public law), a museum operating as an agency administered by a rural municipality or city and a structural unit thereof (hereinafter a municipal museum), a museum operating as a legal person in private law or a structural unit thereof, which is not a museum of a state foundation, and a museum owned by a sole proprietor (hereinafter a private museum) insofar as it is provided for in this Act.

(4) This Act shall not apply with regard to a research collection administered by a research and development institution if its data have been entered into the Estonian Research Information System established on the basis of the Organisation of Research and Development Act.

(5) The Intra-Community Transport, Export and Import of Cultural Objects Act shall apply to the transport and export of a museum object.

(6) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Definitions

(1) A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, preserves, researches and communicates the tangible and intangible cultural heritage of

humanity and its environment for the purposes of education, research and enjoyment. Upon the performance of its functions a museum shall, among other, take account of the needs of children and disabled persons.

(2) A museum object is a thing of cultural value registered in a museum, for which records are maintained pursuant to the international principles of museum documentation.

(3) A museum collection is a collection of museum objects, which may be divided into subcollections according to the groups or types of museum objects.

(4) The collecting policy is the guidelines, forming the basis for purposeful replenishment of a museum collection, which provide clear selection criteria for the replenishment of the museum collection. The collecting policy shall be devised in accordance with the overview of the current museum collection and the analysis of the opportunities for the increase and preservation conditions, taking account of, among other, the activities of the related museums.

(5) An auxiliary collection is a collection formed for the purpose of supporting the functions of a museum, the things included in which are not museum objects.

(6) A thing admitted for deposit in the museum is an object of cultural value admitted for deposit from an institution, legal or natural person, which is not included in the museum collection.

§ 3. Counselling of museum

(1) A state museum and a museum using a state-owned museum collection on the basis of a contract under public law concluded on the basis of § 9 of this Act (hereinafter a museum using a state-owned museum collection) shall counsel persons, if possible, on the matters of the intangible and tangible cultural heritage.

(2) A state museum, a museum using a state-owned museum collection and a museum of a legal person in public law that has voluntarily joined the database of museums established on the basis of § 15 of this Act, a municipal museum and a private museum (hereinafter together a museum that has joined the database of museums) shall be entitled to receive counselling from the Ministry of Culture upon organisation of the museum collection and the performance of the functions of a museum.

§ 4. Property in possession of museum, use and disposal thereof

(1) Property in the possession of a museum consists of museum objects and other monetarily appraisable things and rights necessary for the performance of the functions of a museum.

(2) Property in the possession of a state museum shall be possessed, used and disposed of pursuant to the procedure provided for in the State Assets Act, taking account of the specifications of this Act.

(3) Property in the possession of a museum of a state foundation, a museum of a legal person in public law, a municipal museum and a private museum shall be possessed, used and disposed of pursuant to the procedure provided for by the founder of the museum, taking account of the specifications of this Act.

Chapter 2 Organisation of museum collection

§ 5. Principles of replenishment of museum collection and procedure for replenishment of museum collection and acceptance on deposit of thing of cultural value

(1) A museum collection of a museum that has joined the database of museums shall be replenished purposefully pursuant to the collecting policy established by the museum.

(2) The collecting policy of a museum that has joined the database of museums shall be approved by the head of the museum, a person appointed by the founder of a museum of a legal person in public law or the decision-making body thereof, taking account, among other, of the position of the Museums Board specified in § 19 of this Act. The museum shall publish the collecting policy on its web page.

(3) A museum that has joined the database of museums shall not register a thing of cultural value as a museum object if:

- 1) a thing does not comply with the collecting policy of a museum;
- 2) the transferor of the thing sets special conditions that are in conflict with the long-term interests of the museum and its visitors;
- 3) the conditions or budgetary means for keeping record of, preservation or exhibiting a thing are missing.

(4) Upon replenishment of a museum collection a museum that has joined the database of museums shall:

- 1) within available means, ascertain the origin of a thing of cultural value to prevent registration of a thing that has gone out of the possession of the owner against his or her will or taken out of another state;
- 2) take into account the collecting policy of other museums in the same region or with the similar subject area.

(5) The procedure for replenishment of a museum collection and acceptance of a thing of cultural value on deposit with the museum shall be established by a regulation of the minister responsible for the area.. The regulation shall prescribe the requirements applied to making decisions on the registration of a thing as a museum object and to taking account of the principles specified in subsections (3) and (4) of this section, the requirements for formalisation of the acts performed upon registration of a thing as a museum object and acceptance on deposit with the museum, and the requirements for the formalisation of the acts performed upon the grant for use of a museum object and a thing accepted on deposit with the museum, upon deaccessioning from the museum collection and return to the entitled person thereof.

§ 6. Marking and preservation of museum object and thing accepted on deposit

(1) A museum that has joined the database of museums shall mark each museum object and thing accepted on deposit with the museum for longer than a year and shall ensure the preservation thereof.

(2) To check the presence and condition of a museum object and a thing accepted on deposit with the museum for longer than a year, a state-owned museum and a museum using the state-owned museum collection shall conduct inventories considering that all the museum objects and things accepted on deposit for longer than one year would be checked at least once every five years. Upon a reasoned request of a museum the minister responsible for the area. may extend this term by a directive.

(3) The procedure for marking and preservation of a museum object and a thing accepted on deposit with the museum for longer than a year shall be established by a regulation of the minister responsible for the area..

§ 7. Transfer of museum object to another museum, library and National Archives of Estonia

(1) A museum object of a museum that has joined the database of museums may be transferred to another museum that has joined the database of museums unless the transfer damages the integrity of the museum collection, and if the museum object is needed for the replenishment of the museum collection of another museum.

(2) A museum object may be transferred to a library unless the transfer damages the integrity of the museum collection, and if the museum object is needed for the replenishment of the collection of items of the library.

(3) A museum object may be transferred to the National Archives of Estonia unless the transfer damages the integrity of the museum collection, and if the museum object is at the same time an archival record for the purposes of the Archives Act.

(4) The transfer of a museum object shall be decided by the founder with the consent of the transferring museum.

(5) The condition of the museum object shall be valued and described upon the transfer of the museum object.

§ 8. Grant for use of museum object

A museum object included in a state-owned museum collection may be granted for use to another museum, agency, legal and natural person for research, exhibition and other purposes if the museum is convinced that the museum object is preserved as required.

§ 9. Use of state owned museum collection

(1) A state-owned museum collection or subcollection thereof (hereinafter in this section collection) may be granted for use to a museum of a state foundation, a museum of a legal person in public law, a municipal museum and a privately-owned museum free of charge on the basis of a contract under public law if its activities correspond to the purposes provided for in subsection 2 (1) of this Act.

(2) The contract under public law shall be concluded by the minister who directs the ministry being the administrator of state assets for the purposes of the State Assets Act.

(3) The contract under public law shall prescribe the duties for the preservation and use of the collection, the obligation and conditions for replenishment of the museum collection, the amount of budgetary support prescribed for the specified activities, the intended purpose of such use and the procedure for submitting the report on using the support, the term of use of the museum collection if the collection is granted for use for a specified term, and the bases for termination of the contract under public law and for the claim of recovery. The conditions for charging a fee for the services related to the communication of the collection to the general public may be prescribed in the contract under public law, taking account of the provisions of subsection 20 (3) of this Act.

(4) Upon the grant of the collection for use for a specified term the term may exceed ten years.

(5) A list of museum objects in which the condition of each museum object is noted and a list of records shall be appended to the contract under public law.

(6) If a museum that uses a state-owned collection terminates activities, the minister who concluded the contract under public law shall decide the transfer of the collection to another museum specified in subsection (1) of this section.

§ 10. Transfer of museum collection upon termination of activities of state museum

Upon termination of activities of a state museum the museum collection together with the records shall be transferred to another museum that has joined the database of museums, a library or the National Archives of Estonia in the procedure provided for in § 7 of this Act or for use to a museum of a state foundation, a museum of a legal person in public law, a municipal museum or a private museum in the procedure provided for in § 9 of this Act, retaining, if possible, the integrity of the museum collection without subcollections or of the subcollection.

§ 11. Deaccessioning of museum object from museum collection

(1) A museum object of a museum that has joined the database of museums shall be deaccessioned from a museum collection if the museum object:

- 1) has been damaged and cannot be restored;
- 2) has been destroyed or lost and has not been found in the course of at least two consecutive regular inventories;
- 3) is transferred to another museum that has joined the database of museums, library or the National Archives of Estonia on the basis of § 7 of this Act;
- 4) has gone out of the possession of the owner against his or her will before the registration in the museum collection or has been taken out of another state and it shall be transferred to the owner or returned to another state.

(2) A museum object may be deaccessioned from the museum collection if:

- 1) the belonging of a museum object to the museum collection is not in accordance with the collecting policy of the museum;
- 2) there are museum objects which are, to a significant extent, similar to a museum object in the museum collection of the same museum or another state-owned museum collection, which are in a better condition or the data of cultural value with regard thereto is more complete.

(3) The deaccessioning of a museum object from the museum collection on the basis provided for in subsections (1) and (2) of this section and the selection of the manner of disposal of the museum object shall be conducted on the decision of the founder of the museum, taking account of the reasoned proposal of the head of the museum, a person appointed by the founder of a museum of a person in public law or a decision making body thereof, to which the opinion of an independent expert is appended.

(4) A damaged and irrecoverable thing deaccessioned from a state-owned museum shall be written off and destructed on the basis of subsection 55 (2) of the State Assets Act pursuant to the procedure established by the administrator of state assets for declaring state assets unserviceable, writing off and destructing state assets.

(5) A thing deaccessioned from the museum collection of a state museum on the basis of subsection (2) of this section shall be taken into use in the same or another museum that has joined the database of museums for the purpose of supporting the functions of the museum, transferred to a library or archives or returned to the person who has donated or sold the thing to the museum.

(6) If the activities provided for in subsection (5) of this section are impossible, the thing shall be transferred for a consideration at a public auction, regardless of the usual value of the museum object.

(7) The public auction shall be held electronically and the auctioneer for the purposes of the State Assets Act shall be the Ministry of Culture.

(8) If, on the assessment of the administrator of the state assets, the expenses of the transfer were over the profit to be gained or if it is impossible to transfer a thing at a public auction, it shall be written off and destructed pursuant to the procedure for declaring the state assets unserviceable, writing off and destructing thereof, established by the administrator of state assets on the basis of subsection 55 (2) of the State Assets Act.

§ 12. Restrictions on use of museum object

(1) A museum object may not be transferred or encumbered with a pledge unless otherwise provided for by this Act.

(2) The transfer of a museum object to a museum, library or the National Archives under the conditions and pursuant to the procedure provided for in § 7 of this Act shall not be considered a transfer.

(3) A museum object included in the museum collection of a state-owned museum may be granted for use and deaccessioned from the museum collection only on the bases provided for in this Act.

(4) Upon the termination of a museum of a person in public law, municipal museum or private museum, in the case of the transfer of a museum object free of charge the owner of the museum collection is required to offer the museum object first to the state and after the state has surrendered may transfer thereof to another person. Upon the transfer of a museum object for a consideration the state shall have the right of pre-emption. The provisions of the Law of Obligations Act with regard to the right of pre-emption shall be applied to the transfer of a museum object.

§ 13. Claim for payment on museum collection and museum object

The restrictions provided for in the Code of Enforcement Procedure shall be applied upon making a claim for payment on a museum collection and a museum object included in the museum collection.

§ 14. Return of movable monument accepted on deposit

A museum that has joined the database of museums shall notify the National Heritage Board of the returning of a movable monument accepted on deposit with the museum to the entitled person.

§ 15. Database of museums

(1) The database of museums shall be established by the Ministry of Culture for registration of a thing of cultural value as a museum object, preservation of the data collected with regard to a museum object and a thing accepted on deposit with the museum for longer than a year and for registration of acts performed with a museum object and a thing accepted on deposit with the museum for longer than a year, as well as for introduction, free of charge, of a museum object and a thing accepted on deposit with the museum for longer than a year. The statutes of the database of museums shall be established by a regulation of the minister responsible for the area..

(2) The database of museums may keep record of the acts performed with regard to a thing included in the auxiliary collection, the data collected thereof and acts performed with a thing included in the auxiliary collection.

(3) The controller of the database of museums is the Ministry of Culture.

(4) The duties of the controller of the database of museums may be performed by a legal person in private law on the basis of a contract under public law to the extent prescribed by the controller.

(5) Joining the database of museums shall be compulsory for a state museum and a museum with which a contract under public law is concluded for the use of the state-owned museum collection pursuant to § 9 of this Act, except for the museum collection in the field of nature for which data shall be available to the public in another manner.

(6) A museum of a legal person in public law, a municipal museum and a private museum shall have the right to join the database of museums submitting an application to the minister responsible for the area. in this respect. The minister responsible for the area shall decide on the joining with the museum on condition that the activities of the museum correspond to the functions of the museum provided for in subsection 2 (1) of this Act. The joining with the database of museums shall be enacted by concluding a contract between the museum and the minister responsible for the area..

(7) The joining with the database of museums and the using thereof shall be free of charge for the museums.

(8) A museum shall have the right to process personal data which are included in the museum object or in the data describing thereof in the database of museums.

§ 16. Specifications for processing of copyright and personal data

(1) The digital image of a museum object, a digital museum object and data describing a museum object and digital image shall be made available to the public without restriction on access through the database of museums, taking account of the Copyright Act and the conditions of the Personal Data Protection Act.

(2) A museum shall process personal data in the procedure provided for in the Personal Data Protection Act taking account of the specifications provided for in this section.

(3) A digital museum object, the digital image of a museum object and data describing a museum object, a digital museum object and the digital image of a museum object, whose copyright or related rights belong to the museum on the basis of the law or transaction, are reusable under the terms and pursuant to the procedure provided for in the Public Information Act, taking account of the specifications laid down by this Act and the Copyright Act and with reference to the museum object and museum into the museum collection of which the used digital museum object or the digital image of the museum object is included.

[RT I, 06.01.2016, 1 – entry into force 16.01.2016]

(4) The making available to the public of personal data included in the museum object or data describing thereof shall be terminated in the database of museums at the request of the data subject.

(5) If a court decision or administrative act prohibiting the distribution of a museum object or making it available to the public enters into force, a person may request access for research and teaching purposes through the museum that owns the museum collection including the museum object. The grant of the right for access shall be decided by the head of the museum, a person appointed by the founder of the museum or a legal person in public law or the decision making body thereof that shall assess, upon making the decision, the justification of the request, need for access and the reason for prohibiting the distribution to the public.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

Chapter 3

Organisation of activities of museum

§ 17. Statutes of state museum

The statutes of a state museum shall be established by a regulation of the minister if the state museum is a state agency administered by the ministry and by a directive of the head of agency administered by the ministry or governmental authority if the state museum is a structural unit of that agency.

§ 18. Filling post of head of state museum

(1) A public competition shall be organised to fill a post of the head of a state museum.

(2) The requirements for an applicant for the post of the head of a state museum and the procedure for the conduct of the public competition shall be established by a regulation of the minister if the state museum is a state agency administered by the ministry, and by a directive of the head of the state agency administered by the ministry or of the governmental authority if the state museum is a structural unit of that agency.

(3) The minister or the head of a state agency administered by the ministry or governmental authority shall conclude a contract of employment for a specified term with the head of the state museum for up to five years.

§ 19. Museums Board

(1) The Museums Board is an advisory body of the minister responsible for the area, consisting of representatives of the museums and founders thereof and other experts in the field of museums.

(2) The Museums Board shall make proposals and express opinions concerning the issues arising from this Act. The Museums Board shall have the right to examine the activities of a museum and the condition of museum collections on site.

(3) A member of the Museums Board may be paid remuneration for the participation in the work of the Museums Board. The amount of remuneration and the procedure for the payment thereof shall be established by a directive of the minister responsible for the area.

§ 20. Financing of state museum

(1) The activities of a state museum shall be financed from the state budget.

(2) A state museum may receive funds from grants, donations and fee-charging services related to the main activity of the museum, which may be provided on condition that they do not preclude the performance of the functions of the museum provided for in subsection 2(1) of this Act.

(3) Upon establishing a fee for the provision of services by a state museum it shall be taken into account that:

1) visiting a museum is free of charge for a child of eight years of age and younger, a disabled person under 16 years of age and his or her escort and a person of 16 years of age and older who has a profound disability and his or her escort;

2) upon determining the price of a museum ticket a separate price shall be established for a ticket that enables more favourable entering into the museum for up to two adults together with minor children;

3) the using of the digital image of a museum object, a digital museum object and the data describing the museum object and the digital image, made available in the database of museums on the basis of § 15 of this Act, shall be free of charge;

4) the grant for use of a museum object and the digital image thereof to a state museum or a museum of a state foundation shall be free of charge;

5) in the case of a sale of the print files of digital images the charged fee shall be cost based, which may be added reasonable return on investment.

[RT I, 06.01.2016, 1 – entry into force 16.01.2016]

(4) A list of fee-charging services related to the main activities of a state museum shall be established by a regulation of the minister if the state museum is a state agency administered by the ministry, and by a directive of the head of state agency administered by the ministry or a governmental authority if the state museum is a structural unit of this agency. The rates of fees shall be established by the directive of the head of the state museum.

(5) The direct documented costs of replenishment of the state-owned museum collection may be covered on the decision of the administrator of state assets at the expense of the money received from the sale of things deaccessioned from the museum collection of the same museum and disposed of at a public auction on the basis of subsection 11 (6) of this Act.

§ 21. Procedure of application and determination of activity support from state budget

(1) A museum of state foundation, a museum of a legal person in public law, a municipal museum and a private museum may receive activity support from the state budget through the Ministry of Culture under the following conditions:

- 1) the activity of the museum is in accordance with the functions provided for in subsection 2 (1) of this Act;
- 2) the subject area of the museum is essential for the national culture;
- 3) the museum operates all year round and the museum collection shall be accessible to users on request;
- 4) a museum has a long-term development plan together with the financial plan for the planned year of use of the activity support and for three years following;
- 5) a museum replenishes the museum collection purposefully in accordance with the collecting policy of the museum.

(2) Upon applying for activity support an application shall be submitted in a standard format approved by the minister responsible for the area., and the development plan of the museum together with the financial plan for the year of use of the activity support and three years following, the budget of the planned year of use of the activity support and the action plan and the collecting policy of the museum shall be submitted or made available.

(3) On the basis of the submitted documents the minister responsible for the area. shall assess the compliance of the museum and its activities with the conditions specified in subsection (1) of this section.

(4) The procedure for application and allocation of funds for the activity support of the museums from the state budget to the Ministry of Culture shall be established by a regulation of the minister responsible for the area.

§ 22. State and administrative supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State and administrative supervision over the organisation of the museum collection that has joined the database of museums shall be conducted by the Ministry of Culture.

(2) The Ministry of Culture shall exercise supervision over:

- 1) the compliance of making decisions on the registration of things of cultural value as a museum object and acceptance on deposit with the procedure for replenishment of a museum collection and acceptance of a thing of cultural value on deposit with the museum established on the basis of subsection 5 (5) of this Act;
- 2) the compliance of acts and documents of the registration of things of cultural value as a museum object and acceptance on deposit with the museum, as well as of keeping record of the museum objects and things deposited in the museum, with the statutes of the database of museums established on the basis of subsection 15 (1) of this Act;
- 3) the compliance of the condition of the museum collection and things deposited in the museum for longer than a year and of the conditions of preservation and exhibition, marking and conducting inventories, as well as the principles of organisation of the museum collection, with the procedure for marking and preservation of a museum object and of a thing accepted on deposit with the museum for longer than a year, established on the basis of subsection 6 (3) of this Act.

(3) In addition to that specified in subsection (2) of this section in the case of a museum that is using the state-owned museum collection the Ministry of Culture shall check, in the course of the administrative supervision, the compliance of the using of the museum collection with the contract under public law concluded on the basis of subsection 9 (2) of this Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 23. Special measures of state supervision and rate of penalty payment

(1) The Ministry of Culture may apply special measures of state supervision, provided for in §§ 30, 49, 50 and 51 of the Law Enforcement Act, for supervision provided for in this Act on the basis of and in the procedure provided for in the Law Enforcement Act

(2) Upon failure to comply with the precept the maximum rate of penalty payment applied in the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 300 euros, upon a repeated failure to comply with the precept 600 euros.

[RT I, 13.03.2014, 4- entry into force 01.07.2014]

Chapter 4

Insurance of museum object and compensation by state for damage caused to owner of international exhibition

§ 24. Insurance of museum object

A culturally significant unique object included in the state-owned museum collection, which is temporarily sent to a foreign state and with regard to which the decision has not been made on guaranteeing the compensation for damage pursuant to subsection 27 (2) of this Act, shall be insured at its monetary value and to the extent of damage provided for in subsection 26 (1) of this Act.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

§ 25. International exhibition and damage caused to owner thereof

(1) Upon planning temporary exhibition of a thing of significant artistic or historical value or a set of exhibition consisting of such things (hereinafter exhibition) a state museum and a museum using a state-owned museum collection may apply to the state for the grant of guarantees for payment of compensation (hereinafter compensation for exhibition damages) to cover direct material damage (hereinafter damage) caused to the owner of the exhibition under the conditions provided for in this Chapter.

(2) Compensation for exhibition damage may cover the damage that is caused by damage, destruction or loss of the following exhibitions:

- 1) an exhibition of an agency or person of a foreign state that is exhibited in Estonia in a state museum or a museum founded by the state and operating as a foundation (hereinafter inbound exhibition);
- 2) an exhibition consisting of a museum object or museum objects included in the state-owned museum collection that is exhibited in a foreign state (hereinafter outbound exhibition).

§ 26. Damage covered by compensation for damage to exhibition

(1) The compensation for damage to the exhibition may cover the following damages:

- 1) the costs of restoration or replacement of the exhibition if it is possible to restore or replace the exhibition;
- 2) the amount by which the total value of the exhibition evaluated in monetary terms (hereinafter value of exhibition) has decreased if it is impossible to restore or replace the exhibition that has been damaged, destroyed or lost.

(2) The amount specified in clause (1) 2) of this section may reach up to the value of the exhibition.

(3) The compensation for damage to the exhibition shall not cover the risks recognised in the practice of exhibiting international exhibitions, which the exhibitor of the exhibition cannot influence and take account of while granting a guarantee.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

(3¹) A detailed list of risks which are not covered by the compensation for damage to the exhibition shall be established by a regulation of the Government of the Republic.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

(4) Only the damage that has arisen after the decision has been made on guaranteeing the compensation for damage to the exhibition shall be covered by the compensation for damage to the exhibition.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

§ 27. Application for and decision on guarantee of compensation for damage to exhibition

(1) The guarantee of compensation for damages to the exhibition may be applied for by a state museum and a museum using a state-owned museum collection that submits documents in proof of evidence that the organisation of work of the transporter and exhibitor of the exhibition and the exhibition space or building ensure the preservation of the exhibition and comply with the conditions set by the grantor of the exhibition for the purpose of exhibiting thereof, regardless of whether the exhibition is inbound or outbound.

(2) The decision on guaranteeing the compensation for damage to the exhibition or refusal thereof shall be made by the Government of the Republic or the minister responsible for the area on the basis of the authorisation by the Government of the Republic up to the upper limit specified in subsection 28 (3) of this Act.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

§ 28. Amount and upper limit of compensation for damage to exhibition and compensation for damage

(1) The compensation for damage to the exhibition may cover the damage that has been caused within the following period:

- 1) in the case of the outbound exhibition from the moment that the exhibition is transferred to the transporter in Estonia until the moment the transporter transfers the exhibition to be returned into Estonia to a state museum or a museum operating as a foundation established by the state that has granted the use thereof;
- 2) in the case of the inbound exhibition from the moment that the exhibition is transferred to the transporter in a foreign state up to the moment the transporter transfers the exhibition to be returned to a foreign state at the agency or person having granted the use thereof.

(2) Taking account of the cultural significance of the exhibition, an abnormally high price of the compensation for damage or the existence of an insurance contract entered into on the basis of the Law of Obligations Act or a guarantee granted pursuant to an equivalent law of a foreign state it may be determined in the decision on guaranteeing the compensation for damage that the guaranteed compensation for damage shall cover only part of the composition, value, the period of exhibiting or transportation or territory of the exhibition. If the unsecured part of the compensation for damage is not covered by a guarantee granted pursuant to the equivalent law of a foreign state, it shall be guaranteed with the insurance contract to be concluded on the basis of the Law of Obligations Act.

[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

(3) In the annual State Budget Act:

- 1) the upper limit of the total amount of compensation for damage to the exhibition guaranteed by the state shall be determined for the exhibitions to be exposed within the calendar year;
- 2) the amount of deductible valid in the calendar year shall be determined regardless of the value of the exhibition;
- 3) the titles of the planned exhibitions with the value exceeding ten million euros, the period of transportation and exhibition and the owner of the exhibition shall be presented;
- 4) other conditions and information relating to the guarantee shall be presented.

(4) If it is impossible to restore or replace the outbound exhibition, the compensation for damage to exhibition shall not be paid.

§ 29. Procedure for compensation for damage caused to owner of international exhibition

The procedure for compensation by the state of the damage caused to owner of international exhibition shall be established by a regulation of the Government of the Republic. The regulation sets out the principles of making a decision on the guarantee of the compensation for damage to exhibition and the procedure for submission and review of application, making a decision on the guarantee of the compensation for damage to exhibition, notification of the damage upon the event of damage, review and assessment of damage, payment of compensation for damage to exhibition and for reclaim of the compensation for damage to exhibition by the state.

Chapter 5 Implementation provisions

§ 30. Transition to financial accounting of museum object and thing assigned to auxiliary collection

Financial accounting shall be executed over museum objects and things to be acquired into the auxiliary collection from the entry into force of this Act.

§ 31. Validity of contract of employment for specified term of head of state museum

The current contract of employment concluded with the head of a state museum shall remain valid upon the entry into force of this Act.

§ 32. Specification of deaccessioning from museum collection

The provisions of § 11 and subsection 12 (3) of this Act shall not be applied to things that were accepted on deposit with the museum and later registered as a museum object before the entry into force of the Museums Act on 14 December in the year 1996, and the specified things shall be returned to an entitled person on the basis of a document providing evidence of the acceptance on deposit.

§ 32¹ Implementation of § 26 of this Act

The redaction of § 26 of this Act in force until 31 December 2018 shall be applied to the exhibition to which the guaranteeing of the compensation for damage has been decided before 1 January 2019.
[RT I, 21.12.2018, 5 - entry into force 01.01.2019]

§ 33.–§ 36.[Amendment provisions of other Acts are omitted from this text.]

§ 37. Repeal of Museums Act

The Museums Act (RT I, 21.03.2011, 20) shall be repealed.

§ 38. Entry into force of Act

(1) This Act shall enter into force on 15 July in the year 2013.

(2) Clauses 20 (3) 1), 2), 4) and 5) of this Act shall enter into force on 1 January in the year 2014.
[RT I, 22.12.2013, 1 – entry into force 01.01.2014]

(3) § 35 of this Act shall enter into force on 1 July in the year 2014.
[RT I, 22.12.2013, 1 – entry into force 01.01.2014]