

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Education and Culture, Finland**

### **Museums Act**

*(314/2019)*

By decision of Parliament, the following is enacted:

## **Chapter 1**

### **General provisions**

#### **Section 1**

The objective of this Act is to:

- 1) maintain and strengthen individuals' and communities' understanding of and participation in culture, history and the environment;
- 2) promote the preservation of cultural and natural heritage and art for future generations;
- 3) promote a sense of community, continuity and cultural diversity;
- 4) promote education, wellbeing, equality and democracy.

#### **Section 2**

The purpose of museum activities is to:

- 1) record and preserve cultural and natural heritage and art;
- 2) promote and make use of research on artefacts, data and other material;
- 3) promote the availability, accessibility and use of artefacts, data and information;
- 4) exhibit cultural and natural heritage and art and provide experiences;

5) work and interact with the public and promote education and teaching.

### **Section 3**

For the purposes of this Act, a professional museum means an operating unit with collections and permanent professional staff, which carries out museum activities on the basis of rules and procedures, and is open to the public, and which is maintained by the state, municipality or joint municipal authority or by another corporation or foundation.

## **Chapter 2**

### **Central government transfer for the operating costs of professional museums**

#### **Section 4**

The Ministry of Education and Culture allocates central government transfers for the operating costs of professional museums as provided in the Act on the Financing of Education and Culture (1705/2009) and this Act.

The objective of allocating central government transfers for the operating costs of professional museums is to promote the comprehensive recording of cultural heritage and the availability of diverse museum services that are regionally comprehensive and significant to the community in which the museum operates.

#### **Section 5**

The criteria for approval as a professional museum eligible for central government transfers are that:

- 1) the museum is maintained by a municipality or a joint municipal authority or by a private corporation or foundation whose duties, carried out according to rules and procedures, include the operation of a museum or the maintenance of a museum;
- 2) the operation of the museum is financially viable;
- 3) the museum is not maintained for the purposes of achieving financial gain;

- 4) the museum has operational rules in which its area of responsibility is defined;
- 5) the museum has a collection, and a collection management policy;
- 6) the preservation of the collection as a museum collection is also guaranteed even if the museum ceases to operate;
- 7) the museum is open to the public on a regular basis, its activities take place throughout the year and its collections are accessible to the users of the museum;
- 8) the museum has appropriate premises;
- 9) the museum has a full-time director who has a relevant master's degree for the post or position, managerial skills and sufficient familiarity with the field of activity and duties of the museum;
- 10) the museum has at least two museum sector experts working in full-time employment, one of whom may be the museum director, and who have both obtained a relevant degree and completed core studies in museology;
- 11) the museum has a sufficient number of other staff;
- 12) the museum has a multi-annual plan for objectives, activities and finances.

## **Section 6**

In response to an application from the museum operator, the Ministry of Education and Culture may decide, within the limits of the Budget, to approve the eligibility of the museum for central government transfers. When making the decision, the Ministry shall take into account the necessity of the central government transfer from the perspective of the objective laid down in section 4, subsection 2.

## **Chapter 3**

### **Museums with a specific responsibility**

## **Section 7**

A museum with regional responsibility shall, in its field of activity:

1) act as an expert in cultural heritage, and develop and promote museum activities, cooperation within the museum's field of activity, and the preservation and digital accessibility of cultural heritage;

2) act as an expert on the cultural environment, in particular on the built environment and archaeological cultural heritage, which issues opinions, participates as an expert in public officials' negotiations and provides advice, and develops and promotes the preservation of the cultural environment, cooperation within its field of activity and the digital recording and availability of information on the cultural environment;

3) act as an expert in the arts and visual cultural heritage, and develop and promote cooperation in its field of activity, as well as the preservation and digital accessibility of arts and visual cultural heritage.

Provisions on criminal liability for acts in office shall apply to persons employed by a museum with regional responsibility while performing the duties referred to in subsection 1, paragraph 2.

Provisions on tort liability are laid down in the Tort Liability Act (412/1974).

## **Section 8**

In response to an application from the museum operator, the Ministry of Education and Culture may designate a museum entitled to central government transfers as a museum with regional responsibility if:

1) the designation as a museum with regional responsibility is necessary in view of the conditions in the museum's field of activity and the performance of its duties laid down in section 7;

2) the museum has a regional plan for activities and services;

3) the museum has sufficient expertise, the necessary competence to perform its duties, and knowledge of the field of activity;

4) the museum's collections, artefacts, data and material are of sufficient scope for its field of activity; and

5) the museum is in a position to perform the duties laid down in section 7 for a museum with regional responsibility.

The Ministry of Education and Culture designates the field of activity of a museum with regional responsibility on the basis of an application from the museum operator. The field of activity may comprise the territory of one or more regions, subject to justifiable reasons relating to the regional conditions. The regional responsibility assigned to the museum may comprise one or more of the sets of duties laid down in section 7.

## **Section 9**

A museum with national responsibility shall:

- 1) carry out national museum activities in its field of expertise;
- 2) develop and promote cultural heritage work and cooperation between museums in its field of expertise;
- 3) act as a national expert in cultural heritage in its field of expertise;
- 4) maintain and promote international contacts in its field of expertise;
- 5) promote the recording and digital accessibility of cultural heritage in its field of expertise.

## **Section 10**

In response to an application from the museum operator, the Ministry of Education and Culture may designate a museum as a museum with national responsibility if:

- 1) the museum acts as a special museum in a field of national importance;
- 2) the designation of a museum with national responsibility is necessary in view of the field of activity and for the purpose of the museum activities laid down in section 2.
- 2) the museum has a national plan for activities and services;
- 4) the museum has a collection of national significance in its field of activity; and
- 5) the museum is in a position to perform the duties laid down in section 9 for a museum with national responsibility.

## **Chapter 4**

## **Miscellaneous provisions**

### **Section 11**

When confirming, in accordance with section 49, subsection 1 of the Act on the Financing of Education and Culture, the number of person-years used as the basis for the core financing of the central government transfer to the museum and for any additional transfers on account of the museum's regional responsibility, the Ministry of Education and Culture shall take into account the museum's actual number of person-years during the preceding four budget years and the necessity of the central government transfer in view of the objective laid down in section 4, subsection 2 of this Act. The number of person-years to be confirmed as the basis for core financing shall be at least two.

Every four years, the Ministry of Education and Culture adopts a plan for the financing of museums. The plan includes an estimate of the number of person-years to be confirmed as the basis for government transfers to the museums eligible for a central government transfer and the amounts of additional discretionary transfers owing to the museum's national responsibility for the following four budget years. The plan shall be the starting point for confirming the number of person-years on which the government transfer to the museum is based and for granting an additional discretionary transfer for the purpose of the museum's responsibilities, subject to the Budget, or to a substantial reduction in the museum's actual number of person-years, or to a change in circumstances after the plan was confirmed.

### **Section 12**

A museum can apply for eligibility to receive a central government transfer and for designation as a museum with regional or national responsibility every four years, during the application period announced by the Ministry of Education and Culture.

Every four years, the Ministry of Education and Culture assesses whether a museum approved as eligible for a central government transfer continues to meet the conditions laid down in section 5. If the museum no longer fulfils the criteria laid down in section 5, the Ministry of Education and Culture may withdraw the approval of the museum's eligibility for a central government transfer.

Every four years, the Ministry of Education and Culture assesses whether a museum designated as a museum with regional or national responsibility continues to meet the criteria for designation

and whether the museum has carried out the duties laid down for a museum with such responsibility. After consulting the museum operator, the Ministry of Education and Culture may revoke the designation of a museum with regional responsibility or national responsibility, if the museum no longer meets the criteria for designation or if there have been material deficiencies in the performance of the duties laid down for a museum with such responsibility. A museum operator may relinquish its duty as a museum with regional or national responsibility from the beginning of the next four-year period by notifying the Ministry of Education and Culture in writing one year in advance of this at the latest.

Every four years, a museum with specific responsibility shall submit a report on the implementation of the plan referred to in section 8, subsection 1, paragraph 2 or section 10, subsection 3 to the Ministry of Education and Culture. Every four years, a museum with specific responsibility and the Finnish Heritage Agency shall negotiate a plan for the next four-year period.

## **Chapter 5**

### **Entry into force**

#### **Section 13**

This Act enters into force on 1 January 2020.

This Act repeals the Museums Act (729/1992).

#### **Section 14**

If the number of person-years confirmed in accordance with section 11, subsection 1 of this Act and section 49, subsection 1 of the Act on the Financing of Education and Culture as the basis for the central government transfer for the budget year following the entry into force of this Act materially differs from the number of person-years confirmed for the year preceding the entry into force of this Act, the Ministry of Education and Culture may accrue the difference over a maximum period of three budget years. The accrual is implemented by gradually increasing or decreasing the number of person-years confirmed as the basis for the central government transfer in such a way that by the third budget year after the entry into force of this Act at the latest the number of person-years is in conformity with the provisions of section 11, subsection 1.

A person who before the entry into force of this Act has been appointed to a post referred to in section 5, subsection 9 or 10 in an operating unit entitled to a central government transfer upon the entry into force of this Act and who fulfils the criteria laid down in the provisions in force at the time of the entry into force of this Act for that post continues to fulfil the criteria for that post.

A museum which has been designated as a national special museum within the meaning of section 3a of the Museums Act repealed by this Act and which has, in accordance with the transitional provision of the Act Amending the Museums Act (138/2015), demonstrated to the Ministry of Education and Culture by 31 December 2018 that it fulfils the criteria laid down in section 3a of the repealed Museums Act is deemed to have fulfilled the criteria laid down in section 10 of this Act for the designation of a museum with national responsibility.

By way of derogation from section 11, subsection 2, in respect of the number of person-years of museums with regional responsibility, the financing plan referred to in that subsection is confirmed for three budget years the first time it is confirmed. By way of derogation from section 12, subsections 3 and 4, in respect of museums with regional responsibility, the assessment referred to in subsection 3 and the report referred to in subsection 4 are carried out for the first time within three years of the entry into force of this Act. By way of derogation from section 12, subsection 4, the negotiations between museums with national responsibility and the Finnish Heritage Agency are conducted for the first time within one year of the entry into force of this Act.