

**ACT CXL OF 1997**  
**ON THE PROTECTION OF CULTURAL GOODS, MUSEUM INSTITUTIONS,**  
**PUBLIC LIBRARY SERVICES AND COMMUNITY CULTURE**  
**APPROVED DECEMBER 15, 1997**

*Preambulum*

*Part I. General Provisions*

*Part IV. Community Culture*

*Part V. Resources*

WHEREAS goods belonging to our cultural heritage are irreplaceable resources for learning about our past and present and are integral parts of national and universal cultural heritage; whereas gaining knowledge of these goods is a fundamental right of all human beings; whereas society has the continuous obligation to provide for special protection, storage and preservation of such goods, as well as to make them broadly and equally accessible to the public;

WHEREAS a fundamental element in the operation of an information society and a democratic State is the library system, which makes information freely accessible to all persons; whereas support and development of library services is a necessity from the perspective of citizens and society as a whole and State support of information and library services is of strategic importance; whereas the library system must serve the needs of citizens;

WHEREAS promotion of the preservation and practice of national cultural traditions and those of national and ethnic minorities, the improvement of the personnel, intellectual and economic basis for individual and community cultural activities, and activities which improve the quality of life of citizens and transmit values as well as the operation of the institutions and organizations created to achieve these goals is in the common interest of society;

the Parliament hereby enacts the following Act to achieve these goals.

**PART I.**

**GENERAL PROVISIONS**

**Object of the Act**

**Section 1.**

The object of this Act is to:

- a) provide regulations for the registration, preservation and protection of cultural goods which have been developed and retained in the course national and world history, and for declaring such goods as public treasures,
- b) regulate the duties and activities of institutions related to these goods, in the interest of preserving national and universal cultural heritage,
- c) ensure the right of all persons to use libraries and regulate the operation and development of public library services,
- d) regulate the basic conditions for community cultural activities,
- e) establish the duties and the professional and financial principles of the State, the local government authorities and other supporting parties.

## Basic Principles

### Section 2.

In the course of exercising the rights set forth in this Act any form of negative discrimination is forbidden; all persons shall enjoy these rights, without discrimination on the basis of gender, age, religion, political or other opinion, national or social origins, financial situation, birth or other grounds.

### Section 3.

The system of museums, libraries and community cultural institutions supported by the State and local governments may not be committed to any single religion, ideology or political conviction.

### Section 4.

All persons shall have the right

- a) to become familiar with goods of cultural heritage and learn of their significance in history, the formation of national identity and the identity of national and ethnic minorities, and information about the protection of such goods by way of the activities of museum institutions, the services of libraries, education, community culture, the dissemination of knowledge, the press and mass media,
- b) to use the services of the public library system, museum and community cultural institutions,
- c) to increase and expand their education and knowledge during all phases of their life, to establish groups in the interest of exercising their rights to community culture and to found and operate organizations in accordance with the provisions of other laws,
- d) to receive a community space for the implementation of community culture goals (hereinafter referred to as “community space”), and organizing, organizational, and material assistance, in accordance with the provisions of this Act.

## Scope of the Act

### Section 5.

(1) This Act shall apply to:

- a) goods considered a part of cultural heritage, including lands of archeological significance and movable property associated with historic monuments, as well as to all activities, persons and organization associated with such goods,
- b) library documents, library users, public libraries, the bodies responsible for such, and their employees, as well as to bodies providing mandatory copies of media products,
- c) participants in the implementation of community cultural activities, community spaces, bodies supporting and managing institutions of community culture, and their employees.

(2) In respect of the protection and registration of library documents, this Act shall apply to non-public libraries, whose the stocks represent a part of national and universal cultural heritage.

(3) The provisions of this Act on the activities and employees of libraries shall also apply to non-public libraries.

(4) With the exception of the provisions of Sections 92-96 and Section 99, this Act shall not apply to documents, organizations and persons which are subject to the provisions of Act LXVI of 1995 on Public Documents, Public Archives and the Protection of Private Archives (hereinafter referred to as the “Archives Act”). Furthermore, this Act shall not apply to cultural goods owned and imported into the country by foreign citizens enjoying diplomatic immunity.

(5) This Act shall not apply to issues regulated in Act LIV of 1997 on the Protection of Historic monuments, Act LIII of 1996 on Environmental Protection and Act LXXVIII of 1997 on the Formation and Protection of the Built Environment.

(6) The protection of cultural goods pursuant to this Act shall not affect the protected status of such goods existing on the basis of other legal regulations.

## PART IV.

### COMMUNITY CULTURE

#### Chapter I.

##### General Rules on Community Culture

###### Section 73.

- (1) Exercise of the right to community cultural activities is an issue of public interest and the support of community cultural activities is a public objective.
- (2) Ensuring the conditions for community culture is essentially a duty of the State and of the local government authorities.

###### Section 74.

In the event that the conditions specified in Paragraph o) of Schedule No. 1 are met, the function of a cultural institution may be fulfilled by:

- a) a community cultural center or house, a recreational center, community house, youth center or children's center, village house,
- b) a general cultural center, which serves educational, cultural and other purposes at the same time,
- c) independent, or multi-functional, jointly-managed cultural or sport centers which serve community culture purposes in relation to their basic activities,
- d) any other institution, which serves community culture purposes for the citizens, irrespective of its proprietor or operator.

###### Section 75.

The operator of a community space or a community cultural institution may be the local government, associated local government authorities or, within the framework of a community cultural agreement, any organization (association, foundation, etc.) or private individual.

#### Chapter II.

##### Local Community Culture

##### Community Cultural Duties of Local Government Authorities

###### Section 76.

- (1) Support of community cultural activities is a mandatory duty of the community's local government authority.
- (2) In particular, the forms of such support are:

- a) the establishment of voluntary self-education and training courses outside of the framework of the school system, adult educational opportunities for the improvement of quality of life and career chances, and folk high schools,
- b) research and presentation of the community's natural, spiritual and artistic values and traditions, maintaining and promoting local cultural traditions,
- c) presentation of universal and national culture, of the cultural values of national groups and other minorities, supporting general understanding and acceptance, and the preservation of the culture of holiday cults,
- d) support of learning activities and the activities of amateur creative and study groups,
- e) facilitating the development of local society, community life and the safeguarding of interests,
- f) promoting the development and maintenance of relations between different cultures,
- g) ensuring the conditions for cultural recreation activities,
- h) ensuring other opportunities which support community culture.

#### Section 77.

With due consideration of the cultural values and needs of the local population, the local community government shall set forth in a decree, based on this Act and the local opportunities available, the form, method and extent of the forms of support listed under Section 76 which are to be undertaken.

#### Section 78.

(1) In the interests of making community cultural activities possible on an on-going basis, the local community government shall ensure the function of community space or community cultural institution.

(2) In the course of fulfilling the duty set forth under Subsection (1), the local government authority of a city with county-level rights, a city or of a district of Budapest shall ensure the function of a community cultural institution. In villages the local government authority shall ensure the function of a community space or community cultural institution.

(3) As the responsible body of the community space or community cultural institution, or in the community cultural agreement on the operation of such, the local government authority shall ensure that the community's self-organized groups have regular access for sufficient periods of time to the services of the space or institution, and that the minimum conditions for operation are met during the period when the space or institution is being used.

(4) In justified cases the local community government may authorize temporary use of the community space or community cultural institution for other purposes, or the suspension of its activities for a maximum period of 2 months annually. If the local community government ensures function of the community space or community cultural institution on the basis of an agreement on its operation, in the event of suspension in excess of 2 months, it shall conclude a new community cultural agreement to ensure the community cultural services for the community.

- (5) A local government authority which, on the basis of the provisions of this Act, supports community space or community cultural institution shall:
- a) establish the rules of use of the community space or community cultural institution, the method of use and the duties of the community cultural institution,
  - b) issue the founding document, the operation permit of the community cultural institution which it supports and shall approve its organizational and operational regulations, annual working plan and budget,
  - c) ensure the organizational, personnel, professional training and material conditions necessary for the duties to be attended to and for the support of the community space or community cultural institution,
  - d) designate the party responsible for exercising the operator's rights, in the case of jointly created community space or community cultural institution, or such which are jointly supported by an association of local government authorities.

#### Section 79.

- (1) The local government may conclude a community cultural agreement with a legal entity or private individual, who fulfills the requirements set forth in this Act, for the fulfillment of the duties specified in the local government decree.
- (2) The community cultural agreement shall contain:
- a) the community cultural services to be provided and the fees for such,
  - b) the sphere of persons affected by the community cultural activities,
  - c) services which may be used free of charge or for which fees must be paid,
  - d) the minimum period of time and frequency for using community cultural services, the minimum opening hours of the community space or community cultural institution for community culture purposes,
  - e) the personnel, material and financial terms of the agreement,
  - f) the level of training desired of parties participating in the provision of community cultural duties.
- (3) The community cultural agreement shall be made public in the usual manner at the location.

#### Section 80.

For the fulfillment of the duties forth in the decree or other duties, the local community government may provide financial assistance to parties conducting community cultural activities. Such assistance shall not endanger the fulfillment of the duties set forth in the community cultural decree.

#### Section 81.

- (1) In the event that a community cultural institution subject to the local government decree is to be established, reorganized, terminated or its activities are to be suspended for a period of more than 60 days, the opinion of the Ministry shall be obtained at least 30 days prior to such resolution being passed by the body and such opinion shall be made known to the body.
- (2) The Ministry may present an opinion within 30 days of receiving a request for such.

## Representation of the Local Population in Community Culture

### Section 82.

In the interests of representing the local population in the field of community culture, each community or each district of Budapest may form a Community Cultural Council (hereinafter referred to as “Council”) for a maximum period of three years. The Council shall primarily function as a regular and continual forum for expression of local needs, a representation of cultural interests and voluntary coordination of cultural activities.

### Section 83.

- (1) The Council may be formed by social organizations dedicated for community culture, whose registered offices are located in the community and whose supreme bodies express such intention in a written resolution.
- (2) The resolutions on the formation of a Council shall be submitted to the government clerk of the community, who shall make such resolutions public in the locally usual manner. Within 30 days of such announcement, other organizations can submit resolutions expressing their intention to join, in accordance with Subsection (1).
- (3) Following expiration of the 30 days, the government clerk shall request the organizations, which have submitted resolutions pursuant to Subsection (2) to form the Council.
- (4) Within 90 days of such request, the organizations, which have submitted resolutions shall, as founding members, establish the Council, adopt its organizational and operational regulations and elect its representatives. The resolution of the founding members to this effect, with the original signatures of their representatives shall be submitted to the clerk.
- (5) The clerk shall announce the expiration of the Council’s operation 30 days prior to such event, in the locally usual manner.
- (6) Any registered social organization dedicated for community culture, which operates in the community, and any business undertakings supporting local community culture may be members of the Council.
- (7) Admission of organizations, which comply with the provisions of Subsection (1) may not be refused. Founding members and members joining shall have equal rights.
- (8) The Council shall:
  - a) express an opinion or make recommendations in any issues related to the community cultural activities of the community,
  - b) monitor and make statements on the local government authority’s decisions on the use of the financial support targeted for community culture and the efficient use of assets, as well as on the local government authority’s budget plans and final budget statement concerning community culture,
  - c) promote the cooperation of the various community cultural organizations.

(9) Sitzings of the Council shall be open to the public and the documents drawn up in the course of its operation may be inspected by the public, and copies of such documents may be made in exchange for a fee.

(10) The members of the Council shall ensure the conditions for its operation.

(11) Documents pertaining to the Council's members, its organizational and operational regulations and its termination shall be:

a) made public in the locally usual manner within 15 days of announcement of a change,

b) made accessible and available to the community's residents during official hours by the government clerk.

### Chapter III.

#### Professional Consultation and Services in Community Culture

#### Professional Consultation and Services of the Counties and Budapest

##### Section 84.

(1) In the interests of promoting and developing community cultural activities, the county (Budapest) government authorities shall ensure professional consultation and services in the field of community culture, for the local government authorities of the communities of the county (districts of Budapest), the community cultural institutions, organizations and groups. They may operate a county cultural center for the fulfillment of this duty.

(2) Ensuring the operational conditions for the professional consultation and services in the field of community culture pursuant to this Act is a mandatory duty of the county (Budapest) government authorities.

##### Section 85.

Within the sphere of its professional community cultural consultation and services duties, the county (Budapest) government authorities shall:

a) promote the implementation of the community cultural goals of the county's local governments, of the self-government bodies of national and ethnic minorities and of the county's community cultural organizations,

b) co-operate with the Hungarian Institute for Culture and the national professional interest representation organizations,

c) prepare and utilize studies and development programs related to community cultural activities,

d) participate in the organization of international, national, county-level community cultural events in the area, attend to micro-regional, county-level, regional, national and international cultural relations,

e) collect and summarize community cultural information, maintain a county-level (Budapest) databank,



- f) promote the presentation of the natural, artistic and cultural values and unique characteristics of the county (Budapest),
- g) conduct professional training and advanced training of organizers and directors of community cultural activities.

#### Section 86.

On the basis of Section 85, the county (Budapest) local government authority shall decide in a resolution:

- a) on the duties of professional consultation and services in the field of community culture, the institutional and organizational framework and form and the budgetary support,
- b) the range of consulting activities and services which are subject to fees and those which are free of charge.

### National Community Cultural Professional Consultation and Services

#### Section 87.

In the interests of assisting local activities and fulfillment of county-level (Budapest) tasks, the Hungarian Institute for Culture shall be an independently managed organ of the Central Budget supported by the Ministry for the purpose of ensuring professional consultation and services in the field of community culture at the national level.

### Chapter IV.

### Scope of Authority of the Minister in the Direction of Community Culture

#### Section 88.

Within his/her sphere of competence and duties in directing the activities of the branch, the Minister shall:

- a) participate in ensuring the right to community culture in accordance with the provisions of this Act,
- b) issue the professional guidelines and positions necessary for ensuring the fulfillment of community cultural duties,
- c) issue the requirements for secondary and higher professional training and for qualified advanced professional training,
- d) establish in a Decree the educational and training requirements for holding positions in the field of community culture,
- e) exercise the right of consultation in respect of the establishment, reorganization, suspension and termination of community cultural institutions of local government authorities,
- f) regulate the issue of licenses for national community cultural experts,
- g) establish the contents and order of statistical data supply in relation to community culture,

- h) act within his/her sphere of competence to ensure the support and management of Central Budget organizations serving community culture purposes which are under his/her supervision,
- i) within his/her sphere of professional supervision monitor compliance with the provisions of this Act, with other legal regulations pertaining to the activities of community cultural institutions and the professional requirements, as well as the use of central budget funds.

## Chapter V.

### Basic Principles of Financing and Central Budget Funding Community Culture

#### Section 89.

Central budget funding and the support of local government authorities shall play a decisive role in establishing the conditions permitting and serving the purposes of community culture, in addition to the contributions of participants in the activities, the operating revenues of institutions and other resources.

#### Section 90.

Local governments and the local government of counties and Budapest shall receive normative State grants for fulfillment of community cultural duties in accordance with the provisions of the Budget Act.

#### Section 91.

(1) In its Budget Chapter the Ministry shall ensure:

- a) financing of national-level community cultural duties,
- b) development of the telematics and information technological duties of community cultural institutions,
- c) operational support of the Scientific Learning Association and the Association of Trade Union and Employment-Site Community Cultural Institutions,
- d) support of the folk high school movement and other national community cultural social organizations.

(2) The budget of the Ministry of the Interior shall contain a matching fund amount awarded on a tender basis, which shall serve for the technical development of fulfillment of the community cultural duties of local government authorities.

## PART V.

### Central Budget Resources Related to the Protection of Cultural Goods, Museum Institutions, Archives, Public Library Services and Community Culture

#### Section 92.

(1) For the performance of the obligations stipulated by this Act and the Archives Act, contributions from the central budget are necessary for the fulfillment of the duties in the fields of community culture and public collections, such duties arising

from the public-interest nature of the responsibility of the State and local government authorities. Such contributions shall contain the normative grants and centralized appropriations presented in the Budget Chapter of the Ministry of the Interior and the funds presented in the Budget Chapter of the Ministry of Culture and Education.

(2) Local government authorities shall receive normative budget grants for the fulfillment of duties related to community culture, library services, the protection of cultural goods and archive activities in accordance with the Budget Act. The legal grounds and amount of such grants shall be established in the Budget Act. The consolidated amount of the normative grants earmarked for local government authorities may not amount to less than 60% of the entire operational expenses used for the above activities by local government authorities at a national level for the year two years prior to the fiscal year in question, less the operational revenues of the institutions, and shall be at least equal to the amount appropriated for local government authorities in the normative grant for community culture and public collections for the year prior to the fiscal year in question.

(3) Central Budget funds are set forth in the Budget Act within the Budget Chapter of the Ministry of the Interior, under the title Grants and Contributions to Local Government Authorities, under the subtitle Normative Grants. Separately in accordance with the following provisions,

a) local community governments shall receive a total of two-thirds of the amount of normative grants pursuant to Subsection (2) for the fulfillment of community culture and public collection duties, which shall be distributed on the basis of permanent population figures;

b) county (Budapest) local government authorities shall receive a total of one-third of the amount of normative grants pursuant to Subsection (2) for the fulfillment of county-level (Budapest) community culture and public collection duties. Of this amount, 33% shall be distributed equally and the remaining 67% shall be distributed on the basis of permanent population figures.

(4) In its Budget Chapter, under the title of Grants and Contributions to Local Government Authorities, under the subtitle Centralized Appropriations separate Matching funds shall be ensured by the Ministry of the Interior, such funds to be used for the expansion of the stocks of local government libraries and the development of the infrastructure for community culture. These funds shall be equal to at least 5% of the amount of normative grants pursuant to Subsection (2).

(5) Within its Budget Chapter the Ministry of Culture and Education shall:

a) ensure an amount equal to 22.5% of the amount of normative grants pursuant to Subsection (2) for the fulfillment of direct State duties as set forth in this Act and the Archives Act, for the financing of community culture and public collection duties and for the fulfillment of telematics and informatics duties of community cultural institution and public collections,

b) ensure an amount equal to 4% of the normative grants pursuant to Subsection (2) for the support of the training specified under Subsection (4) of Section 94.

(6) The appropriations for community culture and public collection institutions supported by the Parliament, the Ministries, organs with national scope of

competence and the national-level self-government bodies of minorities shall be set forth in the annual Budget Act under the Chapter according to the responsible body.

(7) Churches shall receive an amount of support as specified in the annual Budget Act for the preservation, renovation and expansion of elements of the cultural heritage they own, as well as for the operation of their archives, libraries, museums and community cultural institutions.