

Official Gazettes Management

Decree No. 93-163 dated 2 February 1993

Decree referring to the Rodin Museum

NOR:MENB9200456D

The Prime Minister,

On recommendations issued by the State Secretary, National Education and Culture Minister, and of the Treasury Minister,

Having regard to the State Domain code ;

Having regard to the Law dated 22 December 1916 relevant to the final acceptance of donations made to the State by Auguste Rodin;

Having regard to the Law dated 28 June 1918 relevant to the allocation of credits in addition to the temporary credits granted by the ordinary budget of the civil services for the 1918 financial year, notably its article 10;

Having regard to the ordinance No. 45-1546 dated 13 July 1945 temporarily organising the Fine Art museums, all the amendment or additional texts:

Having regard to the ordinance No. 58-1374 dated 30 December 1958 referring to the budget legislation for 1959, notably its article 128 amended by article 7 of the Law No. 62-1529 referring to the budget legislation for 1963 ;

Having regard to the Law No. 83-481 dated 11 June 1983 stating the provisions under which must be filled the State permanent civil service positions, and allowing for the integration of non-permanent agents filling such positions;

Having regard to the decree dated 25 October 1935 organising the financial monitoring of the autonomous State public departments and establishments;

Having regard to the decree No. 45-2075 dated 31 August 1945

Having regard to the decree No. 45-2075 dated 31 August 1945 modified, referring to the enforcement of the ordinance on the temporary organisation of Fine Arts museums;

Having regard to the decree No. 53-1227 dated 10 December 1953 referring to the accounting regulations applicable to administrative type national establishments;

Having regard to the decree No. 62-1587 dated 29 December 1962 modified referring to general rules applying to public accounting;

Having regard to the decree No. 81-169 dated 20 February 1981 referring to the tariffs in force in State owned museums, monuments and collections;

Having regard to the decree No. 86-1129 dated 17 October 1986 completing the decree No. 84-38 dated 18 January 1984 listing the State public establishments in relation with the second paragraph of article 3 of the Law No. 84-16 11 January 1984;

Having regard to the decree No. 90-1027 dated 14 November 1990 modified, and referring to the National Museums Council as well as the consultative committee for National Museums;

Having regard to the decree No. 92-681 dated 20 July 1992 referring to the public organisations takes and advances;

Having regard to the advice from the Rodin museum equally representative technical committee dated 21 June 1990;

The State Council (interior section) having been heard,

Article 1

The Rodin Museum is a national administrative public establishment placed under the supervision of the Minister in charge of Culture.

It is in Paris, at the Hotel Biron, in the adjoining chapel and garden, as well as in its annex in Meudon.

Article 2

Its mission is to promote the awareness of Rodin's work and to protect the moral right attached to it.

For this purpose:

1. It displays for the public the collections consisting of artwork given or bequeathed by Auguste Rodin as well as the works acquired later, keeps all under its custody, ensures all is well kept and enhanced;
2. It organises exhibitions, colloquiums and all educational and cultural activities likely to work towards the development of influence of Rodin's work and of sculpture;
3. It has the power to purchase any artwork or document beneficial to the knowledge of Rodin's work and of sculpture;
4. It carries out or has carried out all refurbishment or extension of the premises of the museum or of its annex;
5. It produces original numbered bronze masters from plaster moulds existing in the collections;
6. It produces and markets reproductions of works by Rodin, publications and audio-visual products.

For the purpose of its mission, the Rodin museum may sign agreements with public or private organisations, take financial stakes and create subsidiaries.

The collections and artwork from Auguste Rodin's donation, as well as those purchased by the museum, whether at a cost or free of charge, are the inalienable property of the State.

The buildings mentioned in Article 1, second paragraph of the present decree, are transferred to the museum body as a grant by joint decree issued by the Culture Minister and the Public Domain Minister; the public body bears their costs.

Article 3

The museum is managed by a board of directors, which consists of:

1° Eight ex-officio members:

- The Director of French Museums or his representative;
- The Heritage Director or his representative;
- The Director of general administration at the Culture Department or his representative;
- The Treasury Director or his representative;
- The Head Curator for Medieval, Renaissance and Modern Times Sculptures (Louvre museum) or his representative;
- The Director of the Orsay museum or his representative;
- The General Administrator of the Reunion of the National Museums or his representative;
- The Director of the Rodin museum.

2° Five members appointed by decree by the Culture Minister, chosen for their competence, one of them being compulsorily a sculptor. Their mandate is for three years, and renewable twice.

Should a seat become vacant, another member will be appointed following the same procedure, and for the rest of the duration of the mandate.

3° Two staff representatives elected for three years in accordance with rules fixed by decree by the Culture Minister.

The Financial Controller, the Accounts Agent and the Secretary attend the sessions with a consultative voice; the same applies to any

individual the board would like to take advice from.

Article 4

The Board of Directors elects its Chairman for three years among the appointed members; he/she can be re-elected.

Article 5

The Chairman and the members of the Board cannot take or maintain any interest in nor hold any position in the Companies dealing with the establishment for works contracts, supplies and services, nor provide services to these Companies.

The functions of member of the Board bear no remuneration. However, they open right to travel, accommodation and subsistence as defined by the rules in force.

Article 6

The Board meets at least twice yearly on summons from the Chairman, who determines the agenda.

In addition, it must meet every time the Culture Minister or half of its members require it.

The Board can only deliberate if half of its members are present; when this quorum is not reached on a fixed agenda item, the Board then deliberates validly without any quorum condition following a new summon over the same agenda and stating that no quorum will be required.

Deliberations require the majority of attending members; in the event of a tie in votes, the vote of the President prevails.

In the event of extreme emergency, for the purchase of artwork, advice from members of the Board can be sought by any appropriate mean.

Decisions are confirmed by the Board during its following session.

Article 7

The Board of Directors rules on the business of the museum subject to the provisions of article 9 hereunder; in particular, it discusses:

1° The general orientations and the organisation of the establishment, as well as its activities and investment programmes;

2° The budget, amended decisions and the financial account, as well as any issue about its competence according to articles 14 to 25 of the above-mentioned decree dated 10 December 1953, and to articles 151 to 189 of the above-mentioned decree dated 29 December 1962;

3° The recruitment and remuneration conditions applicable to non-civil servant status agents;

4° The acquisition, sale or exchange of buildings;

5° The purchase of artwork for the collections;

6° The borrowing;

7° The donations and legacies;

8° The tariffs of access, and services or items marketed by the museum;

9° The court cases and transactions;

10° The annual activity report;

11° The conventions, projects of subsidiary creations, the taking of participations, extensions or transfer of stakes defined in the third paragraph of article 2 of the present decree;

12° All issues requiring its intervention by Law or in compliance with regulations.

It defines its own internal rules.

Article 8

Deliberations of the Board other than those referred to in the three last paragraphs of the present article can only be implemented after submission to the Culture Minister, who can oppose them within fifteen days of their notification.

In addition, projects to purchase artwork for the collections of the museum must be submitted to both the consultation and artistic committees of the national museums.

Both recommendations are brought to the attention of the Board by the director of the museum.

Deliberations of the Board concerning the budget and amendment decisions can be implemented twenty one days after reception by the Culture and the Treasury Ministers if they have not raised remarks within that delay. The budget, amendment decisions and financial account are subject to approval decrees jointly issued by the Culture and the Treasury Ministers.

However, amendment decisions that do not involve variations affecting the amount of the budget, the transfer of credits between the functioning sector and the capital operations sector or between the staff and equipment chapters can be made by the curator in charge of running the establishment. These decisions can be implemented after endorsement by the financial controller. They are submitted for endorsement to the board at its next meeting.

Deliberations of the Board concerning borrowing, purchase, extensions or transfers of stakes, as well as creation of subsidiaries must, to be implemented, be approved by joint decree issued by the Culture and Finances & Economy Ministers.

Article 9

The director is appointed by decree issued by the Culture Minister, after formal agreement by the Board of Directors, and chosen among the members of the appropriate heritage bodies.

He is responsible for the scientific, administrative and financial management of the establishment. His competences are notably the following:

1° He prepares and implements the deliberations of the Board;

2° He manages income and expenses;

3° He has authority over all the staff. He recruits and manages the staff;

4° He represents the museum in the Courts and for all civil life actions;

5° He submits yearly to the Board a report on the activity of the establishment.

He may delegate his signature to the Secretary and Heads of Departments.

Article 10

The financial and accountancy operations of the establishment are run in compliance with the provisions of the decrees dated 10 December 1953 and 29 December 1962 mentioned earlier.

The Rodin museum is subjected to the financial control defined in the decree dated 25 October 1935. Modalities of this control are defined by decree jointly issued by the Culture and the Treasury Ministers.

Article 11

The accountancy agent for the museum is appointed by decree jointly issued by the Culture and the Treasury Ministers.

Article 12

The income of the establishment notably include:

1. The turnover from entrance fees and conference visits;
2. The turnover from the sale of original bronze castings, plastic or graphic reproductions, publications and photographs;
3. The turnover from heritage management;
4. The subsidies, advances, competition funds or contributions it may be allocated by the State and any public or private person;
5. Donations and legacies;
6. Benefits from loans;
7. any other resource authorised by the legislation.

Article 13

Expenses made by the establishment notably include:

1. the staff costs for the establishment;
2. the equipment and operational costs;
3. the purchase of artwork for the collections;
4. generally, all expenses required by the establishment to fulfil its assignments.

Article 14

State advances and income can be created with the establishment under the conditions defined by the above-mentioned decree dated 20 July 1992.

Article 15

The decree dated 12 March 1919 modified defining the organisation of the Rodin museum is invalidated.

Article 16

Until the first polling operations for the staff representatives have been completed, the Board can sit validly with only the ex-officio and appointed members. Elected members join in as soon as they are elected.

Article 17

The Board and the curator of the Rodin museum as they stand on the date of publication of the present decree are maintained with the competences previously granted until the installation of the new Board and the appointment of the Director as defined in the present decree.

Article 18

The State Secretary, National Education and Culture Minister, the Finance and Economy Minister and the Treasury Minister are, each within his competence, in charge of the implementation of the present decree, which will published in the Official Gazette of the French Republic.

By the Prime Minister,
PIERRE BÉRÉGOVOY

The State Secretary,
National Education and Culture Minister
JACK LANG

The Finance and Economy Minister,
MICHEL SAPIN
The Treasury Minister,
MARTIN MALVY

