Muz., 2020(61): 137-144
Annualy, eISSN 2391-4815

received – 05.2020
reviewed – 06.2020
accepted – 07.2020
DOI: 10.5604/01.3001.0014.3321

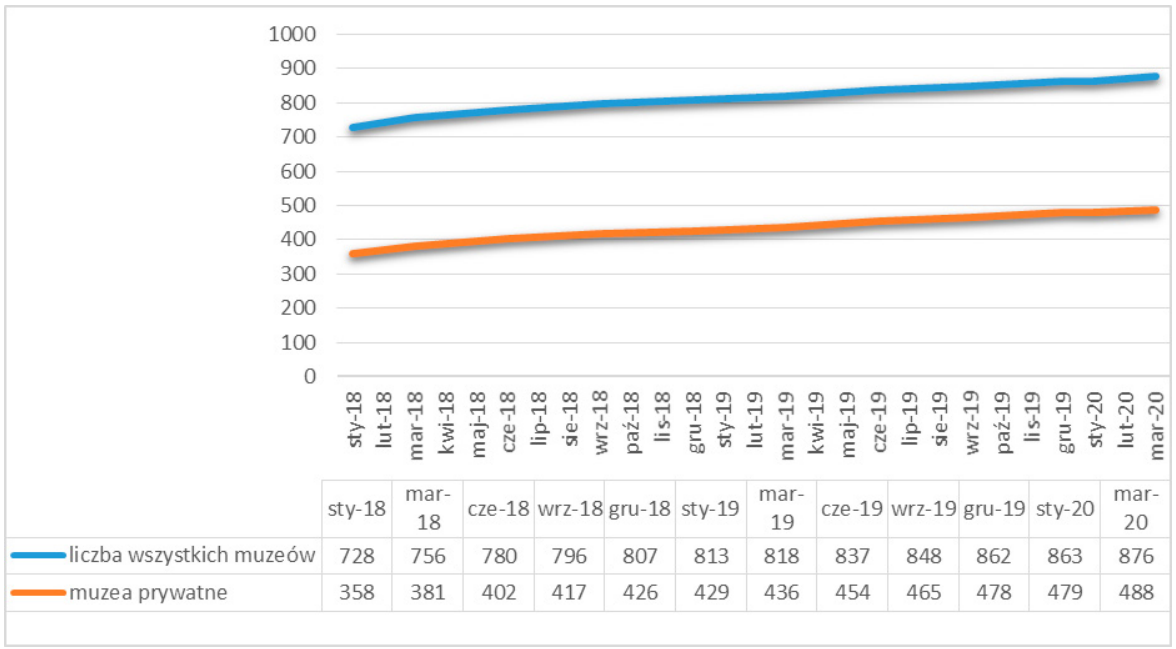
INCREASE IN THE NUMBER OF MOTORING MUSEUMS: IS THERE A NEED FOR A NEW DEFINITION OF A HISTORIC VEHICLE?

Żaneta Gwardzińska
UNESCO Chair of Cultural Property Law, University of Opole

From a collector to a museum curator

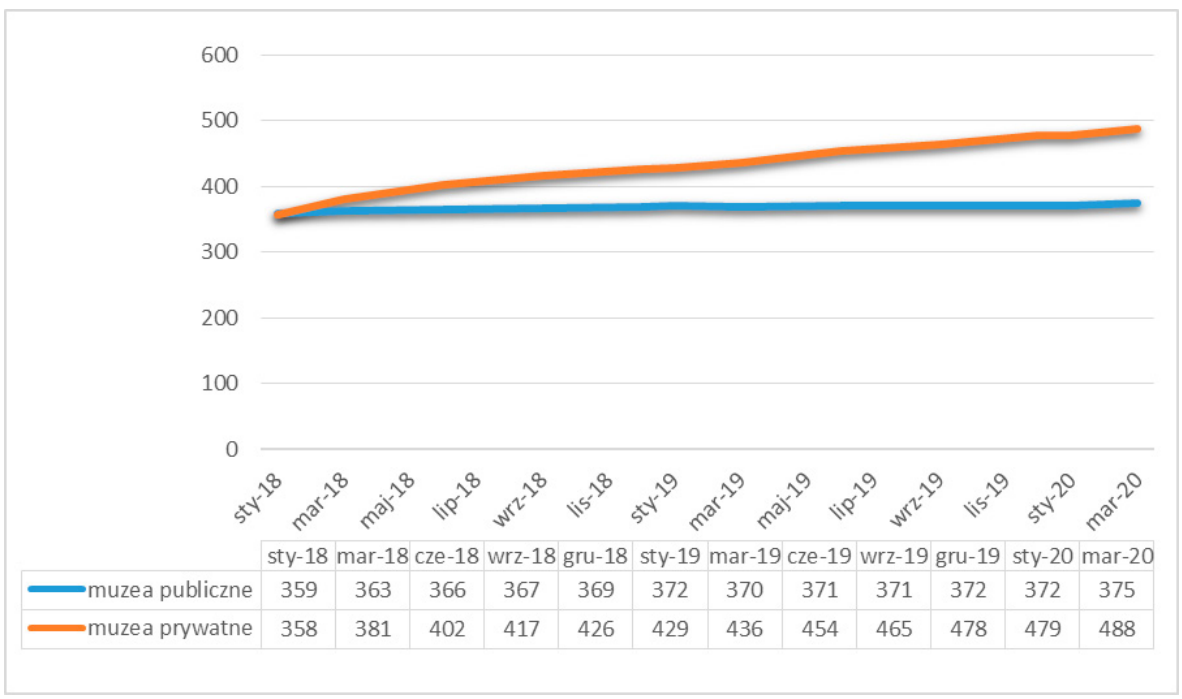
Collecting, namely the desire to own, is a natural human attribute, whose unequivocal causes are hard to find, since it stems from a number of interlocking factors.[1] In social sciences attempts have for long been made to define the psychosocial reasons for collecting. K. Malinowski[2] is one of the researchers into the problem; in his view, the major determinant for amassing objects by humans is the biological instinct of self-perpetuation of the species and self-preservation of an individual. However, it is hard to assume that such determinants apply in the case of collectors of cultural goods,[3] of works of art, and heritage items. From among the potential motivations for creating collections it is not possible to create a standardized model of the reasons for their creation, since they vary, at the same time depending on the environment of the future collector.[4] For some collectors amassing cultural goods is a kind of a hobby, for others it is one of the forms of investment, or an implementation of a personal mission of keeping the heritage for future generations.[5] It is often the case that when acquiring their first item, the future collectors are unaware that with time they will be developing their collection. Therefore, creating a universal psychosocial motivation model for collectors[6] is an abstract activity since it cannot be applicable in practice.

Psychosocial collector types have been forming themselves for centuries,[7] yet a breakthrough approach to collecting took place in the second half of the 20th century when the image of a collector transformed, this as a result of the WW II experience.[8] Currently one of the symptoms of the changes in Polish collecting is the visible over the past decade growth of the number of private museums. At the moment collectors are more willing to establish museums in which they display the collections they have been gathering for years. As much as there is no model of a legal protection of collections in Poland,[9] while the Act on the Protection of Monuments and Guardianship of Monuments of 23 July 2003[10] (AoPM) actually deals with collections exclusively in the aspects of regulations speaking of exporting collections outside Poland,[11] at the same time not defining collections as such,[12] the Act on Museums of 21 November 1996[13] provides a potential possibility for legal protection of collections by opening museums that do not have legal personality, however their founders are then obliged to



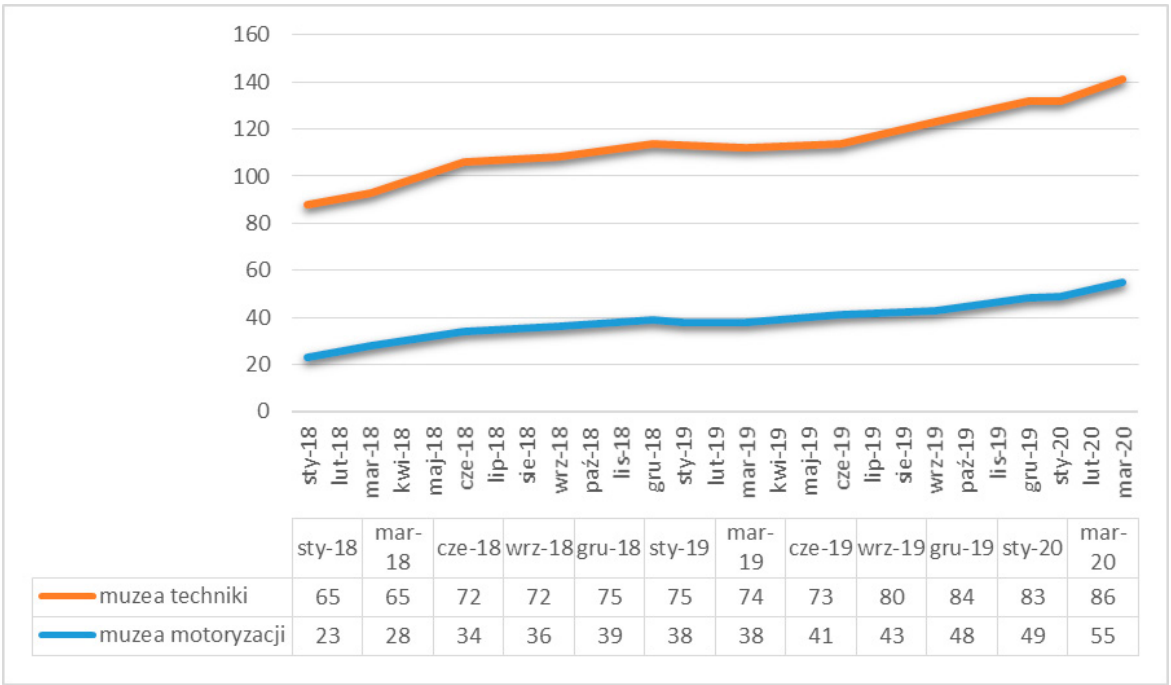
	sty-18	mar-18	cze-18	wrz-18	gru-18	sty-19	mar-19	cze-19	wrz-19	gru-19	sty-20	mar-20
liczba wszystkich muzeów	728	756	780	796	807	813	818	837	848	862	863	876
muzea prywatne	358	381	402	417	426	429	436	454	465	478	479	488

Diagram 1. Share of museums not having legal personality in the museum sector in Poland in 2018–2020.



	sty-18	mar-18	cze-18	wrz-18	gru-18	sty-19	mar-19	cze-19	wrz-19	gru-19	sty-20	mar-20
muzea publiczne	359	363	366	367	369	372	370	371	371	372	372	375
muzea prywatne	358	381	402	417	426	429	436	454	465	478	479	488

Diagram 2. Public museums v. private museums in 2018-2020Source: Bulletin of Public Information. Ministry of Culture and National Heritage.



	sty-18	mar-18	cze-18	wrz-18	gru-18	sty-19	mar-19	cze-19	wrz-19	gru-19	sty-20	mar-20
muzea techniki	65	65	72	72	75	75	74	73	80	84	83	86
muzea motoryzacji	23	28	34	36	39	38	38	41	43	48	49	55

Diagram 3. Development of motoring and technology museums in 2018–2020 Source: Bulletin of Public Information. Ministry of Culture and National Heritage.

implement basic goals and tasks of museums.[14] Nonetheless, in the assessment of W. Szafrański,[15] for many such collectors the applicable regulations as well as their rights and obligations in view of legal acts are of secondary importance, since they will continue extending their collections regardless of the valid legal regulations.

It can be seen from the data made available to the public by the Minister of Culture and National Heritage in the Bulletin of Public Information[16] in 2018–20 that as of January 2018 until 28 March 2020 the number of new opened museums amounted to 148 (see Diagram 1). Let us emphasize that in compliance with the Act on Museums (AoM) and the grounds that allow to consider an organizational unit a museum, it is not sufficient to meet all of provisions of a museum definition in Art. 1 AoM, but the institution additionally needs to have a Charter of a public museum (national or a local government one)[17] as agreed with the minister responsible for matters of culture and cultural heritage or regulations for museums that have no legal personality (Arts. 6.1 and 6.6 AoM).[18]

In 2018–20, (see Diagram 2) we also observed a substantial increase in the number of museums that have no legal personality versus public museums. In March 2020, there were 113 more museums that have no legal personality than public museums, and it needs to be emphasized that this disproportion will continue growing.

The analysis of the research material has also demonstrated that the majority of the currently operating museums that do not have legal personality are still under organization. In compliance with the provisions of Art. 6.3 AoM, museums should have a permanent display open, and until that day the museum shall have a Charter of a museum under organization. Meanwhile, the Act on Museums does not specify a time limit defining for the 'under organization' Charter, therefore there exist museums that remain 'under organization' *ad kalendas Graecas*.

In March 2020, there were 345 museums that had the Charter of a museum under organization, these including 24 public museums (three national ones and 21 of local government bodies), three Church museums, and 318 with no legal personality, out of which 241 were founded by natural persons, while 77 by legal persons. The reasons for such a situation can be found in the currently valid legal regulations, firstly in the Act on Firearms and Ammunition of 21 May 1999,[19] but also in the Law on Road Traffic of 20 June 1997[20] that introduced a number of benefits for the owners of historic vehicles.

Reasons for the development of private motoring museums

When writing the Act on Museums in the mid-1990s, the rational legislator did not anticipate that within two decades the museums that did not have legal personality would constitute the majority of museums in Poland. However, their quantitative domination does not imply the quality of the collections they gather, first of all their material value. The majority of museums without legal personality are home collections created over years by enthusiasts of given objects, e.g. post stamps, number plates, regional souvenirs, or mementoes of the life and oeuvre of a public person (minor collectors). There, however, exist also numerous arms' collections registered as museums, yet since they do not fall within the scope of interest of the present paper, they will not be analysed more thoroughly.

Table 1. Suggested amendment to the definition of a historic vehicle

LAW ON ROAD TRAFFIC	
Current phrasing of Art. 2. 39	**Suggested amendment**
historic vehicle: *a vehicle which abiding by separate regulations has been entered into the historic monument register or is listed in the Voivodeship record of historic monuments in compliance with separate regulations*	***historic vehicle****: a vehicle that must be 25 years of age or older, whose model's manufacturing was discontinued 15 years ago, as well as a vehicle listed in the register of historic monuments in compliance with separate regulations.*

Source: Author's own research

Apart from museums of firearms, collectors more and more frequently establish museums collecting historic technology pieces, these including historic vehicles, and call them 'technology museums' or 'motoring museums'. In 2018–20, twenty-one new technology museums and 32 motoring museums were founded (see Diagram 3). As result, in March 2020, 28.9 % of the museums that had no legal personality were technology and motoring museums. (Diagram 3)

The upward trend in the number of motoring and technology museums allows to agree with the thesis that the number of museums collecting historic vehicles will increase regardless of the current trends in private museology, since the curve for both technology and motoring museums has been showing the upward tendency.

One of the reasons for the growth in the number of motoring museums can be found in the legal regulations currently in force; it is the latter that boost their number. The development of the motoring and technology museology has been gradual, irrespective of the time of intensified social interest in opening museums collecting motor vehicles. Although the regulations on the compulsory Civil Liability Insurance for vehicle owners do have impact on creating new motoring museums founded by natural persons, as results from the analysis conducted for the present paper, it has been a sustainable growth.

One of the causes for the blooming of motoring museums can be found in the provisions of the Act on Compulsory Insurance, Insurance Guarantee Fund, and Polish Motor Insurance Bureau of 22 May 2003,[21] granting the owners of such vehicles exemption from the compulsory Civil Liability Insurance in the event when the historic vehicle has not been allowed into service, as well as the option of a short-term[22] Civil Liability Insurance. Additionally, some insurers offer a 70% discount on Civil Liability Insurance to the owners of vehicles boasting so-called yellow number plates, however also meeting the peculiar conditions as specified in the insurance. Furthermore, the Law on Road Traffic exempts owners of such vehicles from the compulsory annual roadworthiness inspection.[23] These are merely some of the benefits historic vehicle owners can enjoy, since their detailed analysis is the research material for a separate article.

Incoherence of legal regulations versus the development of private motoring museums

The lack of the definition of a heritage technology piece in the Act on the Protection of Monuments (AoPM) poses numerous interpretative challenges to administration bodies. The Act does not provide a definition of a 'historic vehicle', since it uses the concept of a 'means of transport', which results from the fact that the rational legislator assumed a broad definition of a movable historic monument. Pursuant to Art. 6.1.2 AoPM they are in particular *technology creations, particularly devices, means of transport, and machines and tools testifying to material culture, characteristic of old and new economy forms, documenting the level of science and civilizational development*. Thus the legal problems related to historic vehicles refer neither to AoPM nor AoM, since they result from the erroneous structure of the definition of a historic vehicle in the Law on Road Traffic which has an impact on the understanding of a vintage vehicle in the Act on Compulsory Insurance.

De lege lata implies a historic vehicle to be the *vehicle which abiding by separate regulations has been entered into the historic monument register or is listed in the Voivodeship record of historic monuments in compliance with separate regulations* (Art. 2.39 Lo RT). This means that assessing a vehicle to be historic can be conducted in compliance with the provisions of two legal acts, namely AoPM and AoM, which in fact do not define historic vehicles, neither do they in principle[24] provide any age criteria.[25] As much as AoPM contains a list of numerous premises required for an object to be regarded a historic monument,[26] AoM displays a liberal approach. Pursuant to Art. 21.1 AoM *for museums which have no legal personality, museum objects shall mean the movable and immovable items that constitute the property of the entity that created the museum and have been recorded in the inventory of museum objects*. In effect, in museums which have no legal personality any object being the property of the founder and recorded in the inventory of museum objects can become a museum object.

In real life it happens that founders of the museums that have no legal personality record in the inventory of museum objects the ones that are not their property in 100%

(e.g. the founder has a joint ownership of assets with the spouse). Interestingly, let us emphasise that pursuant to Art. 27.1 of the Act on Organizing and Running Cultural Activity of 25 October 1991[27] appropriately applicable to the museums which do not have legal personality a cultural institution manages the assigned and acquired part of its assets on its own, and also manages the means in its possession by itself, observing the rules of their effective use. This means that the assets of the museum with no legal personality constitute a separate part of the assets of its founder,[28] therefore the founder may transfer to the museum exclusively objects that are fully his/her property.

The register of museum objects of the museum that does not have legal personality can be added any objects as long as their kind and identity are in harmony with the profile of the museum or the range of the amassed collections that results from the regulations of the museum. Additionally, the Act on Museums does not impose the limit on the owned museum objects, which results in the establishment of museums of one museum object (e.g. the JP2 Papamobile Museum in Kielce). Museum objects should not be identified with historic monuments, although the Act on the Protection of Monuments in its Art.11.2 stipulates that objects recorded in the register of museum objects shall not be recorded in the register of historic monuments. However, such a legal structure does not provide grounds for identifying historic monuments with museum objects, since not all the museums objects are historic monuments in compliance with the provisions of AoPM (there is no value criterion to be met).

In compliance with the regulations in force, even the last year's automobile model can enter the register of museum objects, which leads to the abuse of legal regulations, hence a justified necessity to create a new definition of a historic vehicle.

De lege ferenda key to the solution of the challenge in question is to create a new definition of a historic vehicle in the Law on Road Traffic (see Table 1).

The structure of the new definition of a historic vehicle should not make the recording in the register of museum objects one of the premises to consider this vehicle as historic. Therefore, time qualification should be introduced, while the premise implying the listing in the register of historic monuments regulated by the Act on the Protection of Monuments should remain. In my opinion, it is justifiable to share the view of T. Skrzeliński[29] who claims that a historic vehicle must meet the criterion of age: 25 years since manufacturing the very vehicle, and 15 years since the ceasing of this brand model manufacturing.

A different time qualification was assumed by the International Federation of Historic Vehicles in the 2015 FIVA International Technical Code in which a historic vehicle has been defined *as a mechanically propelled road vehicle: which is at least 30 years old; which is preserved and maintained in a historically correct condition; which is not used as means of daily transport; and which is therefore a part of our technical and cultural heritage*.[30] Such wording eliminates the use of a historic vehicle as a means of transport, which would lead to the potential incapacity of running business activity consisting in providing transport services (e.g. rental of historic automobiles for weddings).

Moreover, when analysing the definition of a historic vehicle, EU regulations should be taken into account. According to the Preamble to the Directive 2000/53 /EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles[31] vintage vehicles are defined as historic vehicles or vehicles of value to collectors or intended for museums, kept in a proper and environmentally sound manner, either ready for use or stripped into parts, which are not covered by the definition of waste laid down by Directive 75/442/EEC, and which do not fall within the scope of this Directive, namely all the substances or objects that belong to the categories as defined in Annex I to the Directive in question which the owner treats, intends to treat, or is obliged to treat. Thus it has to be concluded that in the EU legislation the legislator focuses on the vehicle's use. and not its age, just like the Polish legislator and the International Federation of Historic Vehicles.

Bearing this in mind, let us emphasize that the suggested amendment to the definition of a historic vehicle in the Law on Road Traffic (see Table 1) will have an impact on the definition of a historic vehicle contained in the Act on Compulsory Insurance. Pursuant to Art. 2.1.11 of the Act in question, a historic vehicle is: a motor vehicle, agricultural tractor, motorbike, trailer, and a slow-moving vehicle that are referred to in the Law on Road Traffic, except for the slow-moving vehicles used by farmers owning farms in connection with these farms, which is:

- a historic vehicle in compliance with the provisions of the Law on Road Traffic;
- a vehicle of 40 years of age or older;
- a vehicle of 25 years of age or older which has been assessed by an automobile expert as a unique vehicle or of particular importance for testifying to the motoring history.

The above-formulated definition causes that any change of the definition of a historic vehicle in the Law on Road Traffic will have an impact on the definition of a historic vehicle in question, while the new definition of a historic vehicle as proposed above stipulates that the vehicles listed in the register of museum objects shall not acquire the status of a historic vehicle unless they meet the age criterion or the premises of being listed in the register of historic monuments, being one of the criteria allowing to regard a vehicle a historic vehicle (i.e. a historic monument in the understanding of the Act on the Protection of Monuments), which may potentially have an impact on the number of new motoring museums whose owners began running museums motivated economically.

Conclusions

In conclusion it has to be stated that the means to solving the problem of the abuse of regulations related to historic vehicles by natural persons wishing to benefit from the privileges granted to historic vehicles' owners will not be provided by the amendment to Art.3 of the

Act on the Protection of Monuments by adding the definition of a historic vehicle to the Act's glossary; instead, the solution will be provided by formulating a new definition of a historic vehicle in the Law on Road Traffic. In order to accomplish this, a legislative impulse is needed to be given by the minister responsible for matters of culture and national heritage whose recipient will be the minister of infrastructure. When inspiring the impulse, let us remember to seek the simplest legislative solutions possible, since legislative inflation leads to legislative chaos and widespread abuse, as well as to the creation of legal loopholes that result from hasty amendments to legal acts.

Abstract: The increase in number of museums not having legal personality and amassing motoring collections has inspired a review of the legal regulations related to historic vehicles, enriched with statistical data on the number of museums in Poland, and published in the Bulletin of Public Information of the Ministry of Culture and National Heritage in 2018–2020. The analysis of the statistical data became the foundations for theoretical and legal considerations on the definition of a historic vehicle, and of the classic vehicle. The whole analysis ends with the *de lege lata* and the *de lege ferenda* conclusions aiming to present legislative suggestions that a rational legislator should introduce in order to increase effectiveness of the regulations.

Keywords: private museum, motoring museum, historic vehicle, historic object, Highway Code, museum object.

Endnotes

[1] T. Kruszewski, *Kolekcjonerstwo – atawistyczne zbieractwo a poczucie społecznej użyteczności. Przyczynek do psychologii posiadania* [Collecting: Atavistic Amassing versus Feeling of Social Usefulness. Contribution to the Psychology of Possessing], 'Toruńskie Studia Bibliologiczne' 2017, No. 2 (19), p. 73.

[2] K. Malinowski, *Psychologiczne i socjologiczne przesłanki kolekcjonerstwa i opieki nad zabytkami* [Psychological and Sociological Premises for Collecting and Guardianship of Historic Monuments], Poznań 1973, pp. 19-22.

[3] More on the scopes of the concepts: cultural goods, historic monument, and a work of art, see Ż. Gwardzińska, *Czym jest zabytek? Słów kilka o różnych definicjach zabytku* [What is a Historic Monument? Several Remarks on Various Definitions of a Historic Monument], in: *Prawne wyzwania ochrony dóbr kultury we współczesnym świecie* [Legal Challenges to the Protection of Cultural Goods in Contemporary World], P. Dobosz, M. Adamus, D. Guzek, A. Mazur (academic ed.), Kraków 2015, pp. 25-42.

[4] More: W. Szafrański, *Publiczne aspekty prywatnych kolekcji* [Public Aspects of Private Collections], in: *Kultura w praktyce. Zagadnienia prawne* [Culture in Practice. Legal Issues], Vol. 1, A. Jagielska-Burduk, W. Szafrański (ed.), Poznań 2012, pp. 43-58.

[5] A. Jagielska-Burduk, P. Lasik, W. Szafrański, A. Szymańska-Palaczyk, Motywacje kolekcjonera [Collector's Motivations], in: *Zogniskowany wywiad grupowy jako metoda badania prawa ochrony dziedzictwa kultury* [Focus Group Interview as a Method of Research into Legal Regulations Protection of Cultural Heritage], A. Jagielska-Burduk, P. Lasik, W. Szafrański (ed.), Bydgoszcz 2016, pp. 24-7.

[6] It would be worthwhile making a remark at this point that in economics numerous models have been created re. consumers of luxury goods (see: e.g. S. Smyczek, I. Sowa, *Konsument na rynku. Zachowania, modele, aplikacje* [Consumer in the Market. Behaviour, Models, Applications], Warszawa 2008, pp. 121-9; T. Sikora, *Zachowania nabywców produktów luksusowych* [Behaviours of Luxury Goods' Consumers], Warszawa 2012, pp. 107-10), however they are not applicable to collectors of cultural goods for two reasons: firstly, not all cultural goods can be regarded as luxury goods, secondly, it is impossible to create a universal model for a collector of cultural goods.

[7] M. Gołka, *Rynek sztuki*, Poznań 1991, s. 121.

[8] M. Trzciński, *Przestępczość przeciwko zabytkom archeologicznym: Problematyka Prawno-kryminalna* [Crime against Archaeological Historic Monuments: Legal-Criminal Questions], Warszawa 2010, p. 88.

[9] At this point it should be emphasized that the Act on the Protection of Cultural Goods and Museums of 15 February 1962 (Journal of Laws of 1962, No. 10, Item 48 with later amendments) in Section 10, i.e. in Arts, 55-60 regulated the issues of a legal protection of a collection, at the same time defining a collection as *a set of movable cultural goods, kept in one place, and not constituting a museum*. Such a legal approach divided private collections into collections and museums operating in compliance with a systemic act. At present, when seeking a collection definition, one has to resort to the court judicature. What stands out is first of all the ruling of the Supreme Court of 26 January 1983, File Ref.: II CR 545/82 in which the Court applies the definition from W. Kopaliński's *Dictionary of Foreign Words*, this noted by M. Jankowska-Sabat; see M. Jankowska-Sabat, *Pojęcie kolekcji w orzecznictwie sądowym* [Collection Concept in Court Judicature], in: *Kolekcje i zbiory muzealne. Problematyka prawna* [Collections and Museum Collections. Legal Problems], P. Stec, P.P. Maniurka (ed.), Opole 2015, p. 43.

[10] Journal of Laws of 2020, Item 286.; thereafter: Act on the Protection of Monuments and Guardianship of Monuments (AoPM) and AoM.

[11] The collection concept appears three times in AoPM, i.e. in Arts. 6.1.2.b, 5.1.13 and 5.1.13.

[12] According to P. Gwoździewicz and W. Kowalski, a collection is a set of objects amassed according to some assumptions made beforehand that is a previously assumed key, i.e. qualities that the object boasts, e.g. artistic, historical, scientific, cultural. Furthermore, the objects that are collection components usually are characterized by a similar level and a leading value, and which form a coherent whole (P. Gwoździewicz, W. Kowalski, *Kolekcja* [Collection], in: *Leksykon prawa ochrony zabytków. 100 podstawowych pojęć* [Lexicon of the Law Re. to the Protection of Historic Monuments. A Hundred Basic Concepts], K. Zeidler (ed.), Warszawa 2010, pp. 115-17).

[13] Journal of Laws of 2020, Item 902; thereafter Act on Museums or AoM. For English: https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/National-Legislation/Poland/museumsact1996.pdf – transl. D. Bartz [Accessed: 10 Aug 2020].

[14] Such a view also expressed by K. Zalasińska; See K. Zalasińska, *Muzea publiczne. Studium administracyjnoprawne* [Public Museums. Legal and Administrative Study], Warszawa 2013, p. 159.

[15] W. Szafrański, *Upublicznienie kolekcji prywatnych w Polsce. Problemy prawne w praktyce* [Private Collections in Poland Made Public. Legal Issues in Practice], in: *Kolekcje i...*, p. 63.

[16] Source: http://bip.mkidn.gov.pl/pages/rejestry-ewidencje-archiwa-wykazy/rejestry-muzeow.php. Pursuant to Art. 5.1 AoM, the minister responsible for matters of culture and cultural heritage protection runs a list of museums in the Bulletin of Public Information. The register contains information on museums operating in compliance with AoM, namely such ones which have the Charter or regulations agreed with the Minister of Culture and National Heritage.

[17] Importantly, the status of a public museum results from the listing in the Register of Cultural Institutions run by its organizer. This is particularly important in the case when a museum pursuant to Art. 21.1.2. Act on Organizing and Running Cultural Activity is run as a common cultural institution by several organizers, e.g. Minister of Culture and National Heritage and a local government body.

[18] Pursuant to Arts. 6.1 and 6.6 AoM museums act following a Charter (this for museums that are cultural institutions in the understanding of the Act on Organizing and Running Cultural Activity of 25 October 1991, Journal of Laws of 2020, Item 194, thereafter AoORCA (for English: https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Poland/actorganizingrunningculturalactivities.pdf transl. D. Bartz, [Accessed: 10 August 2020]), namely museums that have legal personality (i.e. state and local government museums) or regulations (museums which have no legal personality, i.e. private museums).

[19] Journal of Laws of 2020, Item 955.

[20] Journal of Laws of 2020, Items 110 and 284; thereafter Law on Road Traffic and LRT.

[21] Journal of Laws of 2019, Item 2214.; thereafter Act on Compulsory Insurance and ACI.

[22] I.e. for less than 12 months.

[23] Art. 81. 10 LRT.

[24] The exception here is AoPM introducing in Art.52.1.14 the age criterion (50 years) and value criterion (PLN 32.000) for historic monuments that are means of transport requiring a single permit to be permanently exported out of Poland.

[25] Such view was also expressed: R.A. Stefański, *Prawo o ruchu drogowym. Komentarz* [Law on Road Traffic. Commentary], Warszawa 2005, Lex el., 28 March 2020; also Ż. Gwardzińska, *Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 14 stycznia 2011 r. (Sygn. Akt: I GSK 1169/09). Błędna wykładnia klasyfikacji towaru zabytkowego narusza zasady uczciwego obrotu towarowego dóbr kultury na jednolitym rynku europejskim* [Commentary on the Ruling of the Supreme Administrative Court of 14 Jan 2011 (File Ref.: I GSK 1169/09). Erroneous Interpretation of Historic Good Classification Undermines Fair Cultural Goods Trade in the European Single Market], 'Monitor Prawa Celnego i Podatkowego' 2015, No. 5 (238), p. 190.

[26] Pursuant to Art. 3.1 a historic monument is *a movable or immovable object, its parts or sets, created by man or related to man's activity and testifying to a passed era or an event, whose preservation is in social interest in view of their historical, artistic, or scientific value* [transl. M. Iwińska].

[27] Journal of Laws of 2020, Item 194; thereafter LRT. [For the English version: (https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Poland/actorganizingrunningculturalactivities.pdf, transl. D. Bartz [Accessed: 10 August 2020].

[28] This obligation is also included in the regulations of the museums that have no legal personality through the provision that museum assets constitute a separated part of the Founder's assets and are used exclusively for the purposes resulting from the range of the museum's operations.

[29] T. Skrzeliński, *Pojazdy zabytkowe* [Historic Vehicles], 'Rzeczoznawca Samochodowy' 2002, No. 1, p. 16.

[30] FIVA International Technical Code, https://fiva.org/wp-content/uploads/2019/10/FIVA-Technical-Code-2015-3.10.17.pdf [Accessed 5 July 2020].

[31] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0053, [Accessed: 10 Aug 2020].

[32] Journal of Laws L 194 of 25 July 1975, p. 47, with later amendments.

Bibliography

FFIVA International Technical Code, https://fiva.org/wp-content/uploads/2019/10/FIVA-Technical-Code-2015-3.10.17.pdf

Gołka M., *Rynek sztuki* [Art. Market], Poznań 1991.

Gwardzińska Ż., *Czym jest zabytek? Słów kilka o różnych definicjach zabytku* [What is a Historic Monument? Several Remarks on Various Definitions of a Historic Monument], in: *Prawne wyzwania ochrony dóbr kultury we współczesnym świecie* [Legal Challenges to the Protection of Cultural Goods in Contemporary World], P. Dobosz, M. Adamus, D. Guzek, A. Mazur (academic ed.), Kraków 2015.

Gwardzińska Ż., *Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 14 stycznia 2011 r. (Sygn. Akt: I GSK 1169/09). Błędna wykładnia klasyfikacji towaru zabytkowego narusza zasady uczciwego obrotu towarowego dóbr kultury na jednolitym rynku europejskim* [Commentary on the Ruling of the Supreme Administrative Court of 14 Jan 2011 (File Ref.: I GSK 1169/09). Erroneous Interpretation of Historic Good Classification Undermines Fair Cultural Goods Trade in the European Single Market], 'Monitor Prawa Celnego i Podatkowego' 2015, No. 5 (238).

Gwoździewicz P., Kowalski W., *Kolekcja* [Collection], in: Leksykon prawa ochrony zabytków. 100 podstawowych pojęć [Lexicon of the Law Re. to the Protection of Historic Monuments. A Hundred Basic Concepts], K. Zeidler (ed.), Warszawa 2010.

Jagielska-Burduk A., Lasik P., Szafrański W., Szymańska-Palaczyk A., *Motywacje kolekcjonera* [Collector's Motivations], in: *Zogniskowany wywiad grupowy jako metoda badania prawa ochrony dziedzictwa kultury* [Focus Group Interview as a Method of Research into Legal Regulations Re. Protection of Cultural Heritage], A. Jagielska-Burduk, P. Lasik, W. Szafrański (ed.), Bydgoszcz 2016.

Jankowska-Sabat M., *Pojęcie kolekcji w orzecznictwie sądowym* [Collection Concept in Court Judicature], in: *Kolekcje i zbiory muzealne. Problematyka prawna* [Collections and Museum Collections, Legal Problems], P. Stec, P.P. Maniurka (ed.), Opole 2015.

Kruszewski T., *Kolekcjonerstwo – atawistyczne zbieractwo a poczucie społecznej użyteczności. Przyczynek do psychologii posiadania* [Collecting: Atavistic Amassing versus Feeling of Social Usefulness. Contribution to the Psychology of Possessing], 'Toruńskie Studia Bibliologiczne' 2017, No, 2 (19).

Malinowski K., *Psychologiczne i socjologiczne przesłanki kolekcjonerstwa i opieki nad zabytkami* [Psychological and Sociological Premises for Collecting and Guardianship of Historic Monuments], Poznań 1973.

Sikora T., *Zachowania nabywców produktów luksusowych* [Behaviours of Luxury Goods' Consumers], Warszawa 2012.

Skrzeliński T., *Pojazdy zabytkowe* [Historic Vehicles], 'Rzeczoznawca Samochodowy' 2002, No.1.

Smyczek S., Sowa I., *Konsument na rynku. Zachowania, modele, aplikacje* [Consumer in the Market. Behaviours, Models, Applications], Warszawa 2008.

Stefański R.A., *Prawo o ruchu drogowym. Komentarz* [Law on Road Traffic. Commentary], Warszawa 2005.

Szafrański W., *Publiczne aspekty prywatnych kolekcji* [Public Aspects of Private Collections], in: *Kultura w praktyce. Zagadnienia prawne* [Culture in Practice.

Legal Issues], Vol. 1, A. Jagielska-Burduk, W. Szafrański (ed.), Poznań 2012.
Szafrański W., *Upublicznienie kolekcji prywatnych w Polsce. Problemy prawne w praktyce* [Private Collections in Poland Made Public. Legal Issues in Practice], in: *Kolekcje i zbiory muzealne. Problematyka prawna* [Collections and Museum Collections. Legal Problems], P. Stec, P.P. Maniurka (ed.), Opole 2015.
Trzciński M., *Przestępczość przeciwko zabytkom archeologicznym: Problematyka Prawno-kryminalna* [Crime against Archaeological Historic Monuments: Legal--Criminal Questions], Warszawa 2010.
Zalasińska K., *Muzea publiczne. Studium administracyjnoprawne* [Public Museums. Administrative and Legal Study], Warszawa 2013.

Żaneta Gwardzińska PhD
Doctoral degree in law; affiliated to the UNESCO Chair of Cultural Property Law, University of Opole, and University of Economics and Human Sciences in Warsaw, customs broker; author of numerous publications on museum law, including protection of personal data and information security in museums, laws related to heritage protection and international trade in cultural goods; member of ICOM, TIAMSA (The International Art Market Studies Association), and Society for the Preservation of Historical Monuments; e-mail: zanetagwardzinska@gmail.com

Word count: 4 029; **Tables:** 1; **Figures:** 3; **References:** 32
Received: 05.2020; **Reviewed:** 06.2020; **Accepted:** 07.2020; **Published:** 07.2020
DOI: 10.5604/01.3001.0014.3321

Competing interests: Authors have declared that no competing interest exits.
Cite this article as: Gwardzińska Ż.; INCREASE IN THE NUMBER OF MOTORING MUSEUMS: IS THERE A NEED FOR A NEW DEFINITION OF A HISTORIC VEHICLE? Muz., 2020(61): 137-144
Table of contents 2020: https://muzealnictworocznik.com/issue/12766