

DEVELOPED LEGAL AND REGULATORY FRAMEWORK FOR PROTECTION OF MEDIEVAL RUINS

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COMPILED BY:

Sergio Calò

Maurizio Malè

Eugenio Tamburrino



VENETIAN HERITAGE CLUSTER

Tel: +39. 0445 607742

info@venetiancluster.eu

segreteria@venetiancluster.eu

Sede Legale: Sestiere San Marco 2065 – 30124 Venezia (VE)

Sede operativa: Viale del Lavoro, 6 – 36030 Monte di Malo (VI)

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LEGAL AND REGULATORY FRAMEWORK FOR PROTECTION OF MEDIEVAL RUINS AT THE EU AND MEMBER STATES LEVEL

1. Introduction – Some remarks for a comparative approach to the legislative frameworks on the Cultural Heritage

Laws and legislation concerning Cultural Heritage protection and valorisation, in particular that referring to Medieval ruins, differ a lot among the European Nations, and it distinguishes the approach to the national Cultural Heritage in each Country. In this perspective, realising a survey dealing with the laws about the Cultural goods and the monuments in the countries that are partners of the Interreg Central Europe project “Ruins” seemed useful and considerable in order to focus differences and points of contact in the legislative codes. Thus, some focuses of attention have been selected in order to be brought to the attention of all the partners of the project and to have an uniform document.

The first point of attention that can be selected in order to deal with the relationship between Cultural Heritage and Ruins and Law, is about ownership and consistency of the Cultural Heritage in each country. In fact, the most important things are how and what define the Cultural Heritage, and the criteria used to select what is part of Cultural Heritage and what is not. Clearly, including or not some kind of items into the Cultural Heritage has heavy consequences on their preservation and, at the same time, it reveals the concept of Culture and Cultural Heritage that is commonly shared in a certain Nation. This fact, involves the obvious necessity to arrange lists or databases in order to monitoring the consistency and the localization of Cultural items (OOMEN, AROYO 2011; MEYER *et*

alii 2007; MOEN 1998). Another issue to deal with is the ownership of the Heritage, that theoretically could be reserved to private owners, to the State, and to some secondary peripheral Public Bodies (SERRA 1999; LIU XIAO-CHUN 2008; HANAPPI-EGGER 2004; HODDER 2010).

Another important area of focus is that concerning the Authorities entitled to manage and preserve the Medieval Ruins and Monuments. In particular, it seems of much interest to know whether the Authorities have some local and peripheral offices or not and whether they manage directly the Public Heritage or they have the possibility to delegate this administration to third parties (AAS C., LADKIN A., FLETCHER J. 2005; CHIRIKURE S., PWITI G. 2008; HONE P. 1997). At the same time, this Bodies are usually entitled to authorize any intervention on the Cultural Heritage, be it for a restoration, or for an enhancing activity, or for a purchase by a new owner. In any case, this is a factor that, in practice, could affect and condition a lot all the activities related to the Medieval monuments, so that it is important to take into account which kind of authorisations are needed in each Country where the partners of the project operate in order to take action in the Cultural Heritage field (SCIULLO 2007). Another important legislative issue concerns the requirements requested in order to be habilitated to restore Medieval monuments and, in general, operate on Cultural Heritage. The quality and appropriateness of the restoring interventions depends, in fact, also by the level of experience and of ability of the personnel involved in the restoration. Thus, seemed important to obtain a comprehensive framework of the requirements needed to operate on the Medieval remains in the different Country participating in the RUINS project (MARTELLI CASTALDI *et alii* 2014; CORR 2017; VAN BALEN, VANDESANDE 2018).

Clearly, any project focused on Cultural Heritage could function without adequate funds and often a proper fundraising activity. Obviously, the legislative and practical framework related to this issue is greatly multifaceted within the Countries of the RUINS project (CHOIA *et alii* 2010). The main source of funds is often the public commitments, but in many Countries are being adopted laws in order to encourage industries and privates to donate money to Cultural institutions in change of some tax advantages (MATTILA 1999; RIZZO, THROSBY 2006). Another important source of funding, that is contemplated by some legislative codes in the Countries partners of the RUINS project, is the possibility of some cooperation between public and private institutions in order to manage indirectly the Medieval ruins and monuments.

Besides the requirements needed to be defined as a restorer or another professional figure involved in the Cultural Heritage, there are several regulations and guidelines that define the proper procedures of intervention on the Cultural monuments. It is indeed important to acquire data on the guidelines stated in the several countries involved in RUINS, as well as on the duties that shall be borne by the owner of a Cultural good. Moreover, another important issue is how to guarantee the safety of the visitors to Medieval sites or Medieval ruins (SHACKLEY 2006; BUDRUK, PHILLIPS 2011; TIMOTHY 2011). Since they are often located in difficult geographical and topographical contexts, in many cases could be not easy to project and design safe pathways and routes of visit. This issue is being faced in many Countries in the world, and it could be of some interest to know whether the Countries involved in the RUINS project are taking into account these questions (PAPI 2016; BRUNI – PAPI 2017; GARZIA – PAPI 2017). In order to regulate this aspect and also many others, Countries have adopted several standards that settle a minimal qualitative level of the interventions on Cultural Heritage, that are nevertheless not uniform among different Countries (FORREST 2012).



Figure 1: Plenary session of UNESCO.

Moreover, besides the National legislations, there are several supranational legislative frameworks that can be adopted by the single Countries, such as the European legislation or the UNESCO agreements that must be ratified by each Nation that would like to adopt those rules. This factor obviously influences a lot the consistency and uniformity of the Cultural Heritage legislation even within the EU itself and among the RUINS partners themselves (TELLER, BOND 2002). These issues obviously condition a lot the strategies that each Country draw up to shape the future cultural policies within its own territories.

These important issues obviously had to be faced not only in the Countries member of the RUINS project, but also in other EU and non-EU Countries. In most cases, legal protection provided by States for their cultural heritage aims essentially at safeguarding the properties that are materially present on the territory and controlling their transfer outside the territory. It is considered worthy of protection not only the material integrity of properties but also the possibility for the public to have access to them and the safeguarding of the complete historic or archeological information to be gleaned from the discovery of an element of the cultural heritage. The most immediate and simple way to attain this goal is to control exports to prevent properties from leaving the territory, where the link between the property and its context can fully reveal its cultural significance.

The need for international protection of the cultural heritage was first revealed in relation to the particular situation of danger occurring in the case of armed conflict. It was later to assume a broader scope, by referring directly to the normal situation in peacetime. The peaceful scenarios dramatically changed in the Mediterranean basin, in the 1990s during the armed conflict in ex-Yugoslavia. International law could not prevent or stop the destruction, but intervened at the stage of the assessment of responsibility (jurisprudence of the International Criminal Tribunal for ex-Yugoslavia – ICTY – referring to the massive destruction of mosques, Christian churches, the old city of Dubrovnik and the old bridge of Mostar), or took the opportunity to reaffirm, thus strengthening them for the future, prohibitions under general international law that had maybe not been so clearly stated until that moment.

Also recent massive intentional destruction of cultural heritage by ISIS is a very serious attack against the core values of peace and human rights be it associated with an armed conflict or not. Several acts of intentional destruction have recently occurred in a number of situations of general and serious violation of human rights. Two interesting trends can be observed in the latest international practice: on one hand the development of mechanisms for the rapid mobilization of UNESCO “task forces”, composed of cultural heritage experts, for the protection of culture and the promotion of cultural pluralism in the event of armed conflict (the so-called “blue helmets of culture”);

on the other hand, the revival of the old debate on “cultural genocide”, and, possibly, the first international criminal case completely dedicated to acts of intentional destruction of cultural heritage.

Let’s see very briefly what is the attitude of three countries regarding the protection of cultural heritage.

As an evident proof of how nowadays the international standards and criteria of protection effectively cause the national legislations to modify, we can see Tunisian basic law, in which we find that the existence of an international obligation for the protection of a property represents a distinct and autonomous title for the recognition of its protection at the national level.

Algerian and Portuguese basic regulations, too, are formally dedicated to the protection of the “cultural heritage”, but they are mainly characterized by their field of application being extended to include immaterial cultural properties, following a trend which is now more relevant in the international field as well. This category of properties covers not only the products of “immaterial arts” in the true sense of the word such as the theatre, choreography and the oral literary tradition, but also, for example, the culinary arts, legends, proverbs and traditional games, which are linked to the modern, non-elitist notion of culture.

2. Country summaries

2.1 Italy

2.1.1 Property and consistency of the Medieval monumental Cultural Heritage

Mainly due to the high concentration of Cultural Heritage items, the legal frame concerning its conservation, preservation and valorisation have been developed in Italy since the very first years of existence of an unique National State, even if important laws were enacted by Italy’s pre-unification states. Nevertheless, it took a long time to come to the present definition of Cultural Heritage. The law enacted during the fascist regime, signed by Giuseppe Bottai (Law n. 1089/1939, enacted the 1st June 1939), generically defined the Cultural Heritage as “cose d’arte”, that sounds like “artistic items”. Clearly, this law underlined the aesthetic value of the Cultural Heritage and mainly focused on artefacts, and to a lesser extent to monuments, monumental evidences or ruins. Moreover, it seems important to highlight how the medieval ruins and archaeological finds gained importance only in more recent years, precisely since the Sixties of 20th century. After the fall of the Fascist dictatorship, Culture, cultural activities and Cultural Heritage gained a relevant position in the Italian legislative scenery, thanks to the article number 9 of the Republican Constitution, that was enacted in 1948. That article states that «*Italian Republic promotes the development of Culture and of scientific and technical research. Italian Republic preserves and enhance historical and artistic Heritage of the Nation*». The concept of Cultural Good had evolved during the second half of the 20th Century, and this modification process was brought in 1998 into a new law concerning Cultural Heritage, through the law no. 59 stated in 1997 (the so-called “legge Bassanini”) and the subsequent Legislative Decree no. 112 stated in 1998. In this laws, in the chapter V, entitled “Cultural Heritage and Activities”, for the first time the notion Cultural Heritage was precisely defined as «those goods that are part of the Historical, Artistic, Monumental, Ethnological, Archaeological, Archival, Book-

related and any other that are evidences of civilisation and culture». This law enlarged, thus, the concept of “Cultural Good”, including items previously excluded, such as photographs, audiovisual items, sheet music, scientific and technical instruments. In the same law were precisely defined also terms like “Environmental Heritage”, “Preservation”, “Management”, “Cultural Good”, “Enhancing Activities”. This definition survived also in the following laws concerning these issues.

A monument or ruin or archaeological remain can be owned by individuals as well as by public Authorities and by the State. In any case, it has to undergone two processes (the so-called “verifica” and “dichiarazione” of the cultural interest) by means of which an item is recognised as a Cultural Good. This administrative procedure can be undertaken by the peripheral bodies of the Ministry of Culture, the so-called *Soprintendenze*, but also at the initiative of Local authorities or by the owner of the Cultural good. Through this process, the *Soprintendenza* includes the Cultural Good in the public inventory of the Cultural Heritage, and the owner is made subjected to some obligations that can even limit the rights connected to the private property. For example, the owner is obliged to assure a proper conservation and maintenance of the Cultural Good, following the statements issued by the *Soprintendenza*. If the owner does not agree with the evaluation of one of his goods as part of the Cultural Heritage, he is entitled to appeal within 30 days since the moment he has been informed of the end of the administrative procedure which leads to the *dichiarazione*. The main laws concerning this issue are part of the Legislative Decree n. 42, issued 22nd January 2004, called “Codice dei beni culturali e del paesaggio”, an unique law that recollects all the laws issued before. In particular, the articles concerning the ownership of Cultural Heritage by Local Public Authorities is regulated by the articles n. 5 and 8, while the administrative procedure by the articles 12, 13, 14, 15 and 16.

The same code of law envisages the necessity to provide, by the Ministry of the Cultural Heritage, a complete list of the whole Italian Cultural Heritage, through the its peripheral offices, with the cooperation of the public territorial entities. The catalogue of the Cultural Heritage is coordinated through the rules stated by the *Istituto Centrale per il Catalogo e la Documentazione*, a department created by the Ministry in order to promote the unified and standardised realisation of the complete list. In recent years, the catalogue has undergone a process of digitalisation, that has led to the creation of some websites¹, which facilitate the access of the common public to data concerning the Cultural Heritage. Another online database² is focused on the existing bonds that oblige the owners of a Cultural Good to be subjected to the protection statements issued by the Code Law of the Cultural Heritage (Legislative Decree n. 42, issued 22nd January 2004).

2.1.2 Cultural Heritage Authorities

In Italy the power to manage and operate on the Cultural Heritage is detained by the State, that administrates it through its Ministry of the Cultural Heritage. The Ministry, through its peripheral offices, called *Soprintendenze*, assures the surveillance and the inspecting operations on the Cultural Heritage³. Moreover, the *Soprintendenze* are in charge to authorize, coordinate and control all the interventions on Cultural Items and Monuments, including those connected with the research

¹ www.sigecweb.beniculturali.it; www.catalogo.beniculturali.it .

² <http://vincoliinrete.beniculturali.it/VincoliInRete/vir/utente/login> .

³ Code Law of the Cultural Heritage (Legislative Decree n. 42, issued 22nd January 2004), articles nn. 18 and 19.

of archaeological items⁴. Recently, the Ministry re-organised its peripheral offices through the so-called "Riforma Franceschini"⁵, named after the Minister of the Cultural Heritage Dario Franceschini. Thanks to this reform, the Local Offices of the Ministry (previously, one per Region for each branch of the Cultural Heritage: Archaeological Goods, Architectural Goods, Artistic and Landscape-related Goods), were unified in unique offices that have in charge competences on all the kinds of goods that form the Cultural Heritage but are more disseminated on the territory. The same reform has split the preservation offices of the *Soprintendenze* with those entitled to manage and enhance museums and archaeological areas, now forming part of the *Polo Museale*, an office established in every Region that controls and coordinates all the state museums in that territory. In any case, the Ministry can delegate the operations on the Cultural Heritage and the management of Monuments and Museums to other Public Bodies or to private associations or individuals, providing that they assure to follow the guidelines and prescriptions issued by the local competent *Soprintendenza*. Thus, one is in any case obliged to obtain the permission of this office in order to promote an intervention on the Cultural Heritage, and to follow the prescription received by the *Soprintendenza*.

In Italy the training for restorers of cultural heritage is structured in a five-year single-cycle course (LMR / 02 Conservation and Restoration of Cultural Heritage D.I. 2.03.2011) divided into 300 course credits.

The universities issue the master's degree, the Academies of Fine Arts grant a second-level academic diploma, the Higher Education Schools grant a diploma equivalent to the master's degree.

In the field of university education, with Ministerial Decree 02.03.2011 article 1 paragraph 2 the single cycle degree program in "Conservation and Restoration of Cultural Heritage" has been established, aimed at training graduates with the profile corresponding to the professional qualification of Restorer of Cultural Heritage, as stated in the Code of the Cultural and Landscape Heritage (Legislative Decree no. 42 of 22 January 2004)

The training courses related to the restoration of the ruins are identified in:

1. Stone materials and derivatives; decorated surfaces of architecture;
2. Painted articles on wooden support and textiles Hand-carved wooden objects Wooden furniture and structures Products made of synthetic materials, assembled and / or painted;
3. Textile and leather materials and articles;
4. Ceramic and glass materials and products;
5. Materials and products in metal and alloys.

The Higher Education Schools of the Ministry of Cultural Heritage linked to the above mentioned training courses are two: one works at the *Istituto Superiore per la Conservazione e il Restauro* (ISCR), the technical body of the Ministry of Cultural Heritage and Activities and tourism specialized in the field of restoration and conservation of works based in Rome and Matera; one works at *Opificio delle Pietre Dure* in Florence.

Regarding the restoration project of monuments and ruins, as well as the work execution phase, the key figure is that of the **Architect**, whose qualification is obtained through a first level degree of 3 years and a subsequent one of second level or two-year master's degree (LM-4 Class of master's degrees in Architecture and Building Engineering). The training path is activated both at the

⁴ Code Law of the Cultural Heritage (Legislative Decree n. 42, issued 22nd January 2004), articles nn. 20 – 45.

⁵ Law Decree n.83 31/05/2014, conveyed into law 29/07/2014 n.106

Universities and at the Polytechnics Universities of Technologies), present throughout Italy. In particular, the Conservator Architect is an architect specialized on the conservation of both environmental and architectural assets. The current training program for this figure foresees the achievement of a three-year degree in history and conservation of architectural and environmental heritage and the subsequent two-year period in restoration, conservation and enhancement of architectural and environmental heritage.

The qualification of **Archaeologist**, a professional figure who often works in the field of restoration of the ruins, is acquired through the degree in Archaeological Sciences (class L-1) and master's degree in Archeology (class LM 2 of master's degrees in Archeology). The archaeologist is trained in the university field. This training can be supplemented by a two-year specialization school or by obtaining the PhD degree in Ancient Science.

2.1.3 Funding

The principal source of funds for preserve, enhance and enrich the public Cultural Heritage is mainly funds coming from the Ministry of Cultural Heritage and, if the Cultural goods or Monument belong to a peripheral Public Authority, also from the owner of the good. The funds at the disposal of the Ministry of Cultural Heritage has grown from the 1,6 billions of Euro in 2014 to 2,4 billions in 2018, thus representing the 0,28% of the total Public balance. The main part of these funds are devoted to the payments of the functioning expenses of the Ministry itself, mainly the salaries of the employees. The remaining amount of money (about 20% of 2,4 billions) is devoted to finance interventions on Cultural Heritage. The Code Law of the Cultural Heritage envisages also the possibility of funding the interventions by individuals on private cultural Heritage⁶. These financial aids could be a total refund of the expenses by the Ministry, a partial contribution to the expenses or a financial aid finalised to waive the interest rate on a bank loan undersigned by the owner in order to intervene on a cultural good or monument. In any case, the contribution by the Ministry is granted just after the end of the works and the attestation execution in accordance with the best practices. As a counterpart for the financial aid, is envisaged the allowance by the owner of a public fruition of his good in some days of the year. In 2014 has been stated a law⁷ which encourages private individuals or holdings to finance interventions on Cultural Heritage in return for a waiving on the tax fees that have to be normally paid to the State. The intervention have to be agreed with the Ministry and the *Soprintendenza* and have to be executed under their control. The interventions accepted are mainly of three kinds: a) restauration, protection and maintenance of public buildings or Monuments; b) funding of Research groups related with the Cultural Heritage or Cultural Institutions; c) building, restaurations and enhancing of structures related with performances and showcases.

2.1.4 Good practices and Guidelines

⁶ Code Law of the Cultural Heritage (Legislative Decree n. 42, issued 22nd January 2004), articles nn. 35 – 37.

⁷ <http://artbonus.gov.it/la-normativa.html>; Law n. 106 stated 29th July 2014 and its subsequent modifications.

The Code of the Cultural and Landscape Heritage (Legislative Decree no. 42 of 22 January 2004) through the article 9bis "Professionals competent to perform interventions on cultural heritage", states that "the operational interventions for the protection, protection and conservation of cultural heritage as well as those related to the enhancement and use of the assets [...] are entrusted to the responsibility and implementation, according to the respective competences, of archaeologists, archivists, librarians, demotnoanthropologists, physical anthropologists, restorers of cultural heritage and collaborators restorers of cultural heritage, experts in diagnostics and science and technology applied to cultural heritage and art history, with adequate training and professional experience.

The professional group of the **restorers of cultural heritage** is clearly defined by the current legislation, both by the Code of the Cultural and Landscape Heritage (Legislative Decree no. 42 of 22 January 2004) and by the Regulations issued by Decree of the Ministry for Cultural Heritage and Activities n. 86 of May 26, 2009. The restorer of cultural heritage is the professional who defines the state of conservation and implements a set of direct and indirect actions to limit the processes of degradation of the materials constituting the assets and ensure their conservation, safeguarding their cultural value.

In the framework of a coherent and coordinated conservation planning, the restorer:

- analyzes the data relating to the constituent materials, the execution technique and the state of conservation of the assets and interprets them;
- plans and directs, for his part of competence, the interventions;
- directly carries out conservative and restoration treatments;
- directs and coordinates the other operators who perform activities complementary to the restoration;
- carries out research, experimentation and didactic activities in the field of conservation.

Other professional groups linked to the restoration of the ruins are the **architects**, who possess a specific professional order. The architects develop the overall restoration project and direct the works on site.

Finally, the **archaeologists** are engaged too in the recovery, conservation and enhancement of sites and artefacts from the historical and artistic point of view. This figure therefore operates in the field of excavations, cataloging, teaching, research, protection and enhancement of areas and objects with historical and artistic value.

As regards the execution of the restoration works, the **firms** must obtain the SOA certification, that is a necessary and sufficient document to prove, during a tender, the ability of the company to execute, directly or subcontracted, public works and ensures that the company in the construction sector is in possession of all the requisites envisaged by current legislation in the context of Public Works Contracts.

In particular, OG 2 certification refers to the restoration and maintenance of immovable property subject to protection within the meaning of cultural and environmental provisions. It concerns the carrying out of a coordinated set of specialized works necessary to recover, preserve, consolidate, transform, restore, restructure, and submit to maintenance the properties of historical interest subject to protection under the provisions on cultural and environmental heritage. It also concerns the construction of electromechanical, electrical, telephone and electronic systems and finishes of any type as well as of any connected, complementary and ancillary works.

In Italy there is no real professional register for restorers, but the Code of the Cultural and Landscape Heritage provides for the establishment of a national list. According to the legislative decree, "the status of restorer of cultural heritage is attributed, after verification of the possession of the requirements or after passing the proof of suitability, [...] with provisions of the Ministry that give rise to inclusion in a special list, made accessible to all those interested. The Ministry is responsible for keeping the list, within the human, instrumental and financial resources available under current legislation, without new or greater charges for public finance, having felt a representation of the members. The list is promptly updated, also by inserting the names of those who achieve the qualification".

Even though the procedure for acquiring the status of restorer of cultural heritage was started, nowadays a public list of the restorers has not been published yet, but the Ministry is working on it and hopefully by 2018 the official list of the qualified restorers will be published.

Regarding the architects there is a professional order, which is accessed after obtaining the degree in Architecture and the specific qualification, passing a state certification exam. The Order of Architects - which also includes urban planners, landscape architects and conservators of historical and architectural heritage - is the supreme body of professional protection, and is organized on a provincial basis. Within the order there are currently several classes and categories, depending on the specific qualification.

The first law about the concept of protection and preservation is the Constitution of the Italian Republic that states that:

- ✓ Art. 9: The Republic promotes the development of culture and scientific and technical research. Protects the landscape and the historical and artistic heritage of the nation.
- ✓ Article 33, paragraph 1: Art and science are free and teaching is free. It sanctions the active role of public authorities and the value of the freedom of culture.
- ✓ Article 117, paragraph 2, letter s: The Constitutional Court, with the Sentence of 13 January 2004, n. 9, has established the exclusive competence of the State in matters of environmental protection, the ecosystem and cultural heritage. As foreseen by the 117, 2 comma, letter s, cost. Article 117 of the Constitution was therefore split into two functional clusters, attributing the protection of cultural heritage to the exclusive competence of the State and the enhancement to the concurrent competence of the State and Regions.

The overall legislation on cultural heritage is contained in the **Code of the Cultural and Landscape Heritage (Legislative Decree 42/04)**, composed of 184 articles.

The protection of cultural heritage is constitutionally entrusted to the Republic and therefore first of all to the State that exercises it through the Ministry.

In accordance with Article 9 of the Constitution, the Code of Cultural and Landscape Heritage has established the guiding concepts related to thought and activities on Italian cultural heritage.

In particular:

Article 1 (Principles)

1. [...]

2. The protection and enhancement of the cultural heritage shall concur to preserve the memory of the national community and its territory and to promote the development of culture.

3. The State, the Regions, the Metropolitan Areas, the Provinces and Municipalities shall ensure and sustain the conservation of the cultural heritage and foster its public enjoyment and enhancement.
4. Other public bodies shall, in carrying out their activities, ensure the conservation and the public enjoyment of their cultural heritage.
5. Private owners, possessors or holders of property belonging to the cultural heritage must ensure its conservation.
6. The activities concerning the conservation, public enjoyment and enhancement of the cultural heritage indicated in paragraphs 3, 4 and 5 shall be carried out in accordance with the laws on protection.

Article 3 (Protection of the Cultural Heritage)

1. Protection consists in the exercise of the functions and in the regulation of the activities aimed at identifying, on the basis of adequate investigative procedures, the properties constituting the cultural heritage and at ensuring the protection and conservation of the aforesaid heritage for purposes of public enjoyment.
2. Protection functions are also carried out by means of provisions aimed at conforming or regulating rights and behaviour inherent to the cultural heritage.

Article 6 (Enhancement of the Cultural Heritage)

1. Enhancement consists in the exercise of the functions and in the regulation of the activities aimed at promoting knowledge of the cultural heritage and at ensuring the best conditions for the utilization and public enjoyment of the same heritage. Enhancement also includes the promotion and the support of conservation work on the cultural heritage.
2. Enhancement is carried out in forms which are compatible with protection and which are such as not to prejudice its exigencies.
3. The Republic shall foster and sustain the participation of private subjects, be they single individuals or associations, in the enhancement of the cultural heritage.

Article 29 (Conservation)

1. The conservation of the cultural heritage is ensured by means of a consistent, co-ordinated and programmed activity of study, prevention, maintenance and restoration.
2. Prevention is defined as the set of activities capable of limiting situations of risk connected to the cultural property within its context.
3. Maintenance is defined as all the activities and work carried out for the purpose of controlling the conditions of the cultural property and maintaining the integrity, functional efficiency and identity of the property and its parts.
4. Restoration is defined as direct intervention on a property by means of a set of operations aimed at the material integrity and the recovery of the aforesaid property, the protection and the transmission of its cultural values. In the case of immovable property situated in areas declared to

be at risk of earthquake on the basis of the laws and regulations in effect, restoration shall include work for structural upgrading.

5. The Ministry shall define guidelines, technical regulations, criteria and models for the conservation of cultural properties, and in doing so may avail itself of the participation of the Regions and the collaboration of universities and competent research institutes.

The latest law on the safety of the visitors to cultural assets is the **Decree 30 June 2016 "Criteria for public opening, supervision and security of museums and cultural sites of the State"**.

This decree states that the supervision of institutions and cultural sites of the State, including the supervision of exhibited assets and those stored in deposits, is carried out according to the procedures established, within the resources available under current legislation, by a special plan security, including the security and emergency plan, the supervisory plan and the public reception plan.

The plan is drawn up by the director of the institute, in compliance with current legislation and the additional provisions issued by the Ministry on matters of emergency and security of cultural heritage, in accordance with the standards of the International Council of Museums (ICOM). The plan is adopted by the director, after hearing the director of the regional museum pole and the representative of the workers for security and, for institutions with special autonomy, also heard the board of directors, within sixty days from the issuing of this decree and subsequently updated at least every three years.

In order to assure the service, the director prepares the museum or cultural place safety plan, based on the facilities related to the structures, security, human and financial resources and ensuring the involvement of the personnel.

The Plan consists of:

- the Safety and Emergency Plan, which, based on the analysis of risks (environmental, structural, usage, and crime), identifies measures and activities aimed at ensuring the safety of the assets and people present in the museum and the actions to be implemented in the event of an emergency and the responsibilities and duties of the personnel in relation to the duties assigned, also indicating the minimum number of personnel needed to ensure the safe opening of cultural sites;
- the Supervisory Plan, which identifies the responsibilities and duties of personnel in relation to the duties assigned, custody, supervision, control and intervention to protect the structures, assets and persons present in the museum or in the cultural site ;
- the Public Reception Plan, which, elaborated on the basis of the Security and Emergency Plan and the Supervisory Plan, identifies the responsibilities and duties of the personnel in relation to the tasks assigned, in the welcome and in the assistance of the public.

The plans are drawn up taking into account certain parameters, defined in accordance with the standards of the International Council of Museums (ICOM), on the basis of the size and type of museum or cultural sites and spaces accessible to the public, the characteristics of exhibited assets and those stored in the deposits, physical and physical protection devices, even remote, of the envisaged visit procedures, as well as risks connected to the characteristics of the structure and the environmental context.

Moreover, at the national level, there are several manuals and guidelines developed at the regional level or for a single cultural site (archaeological park, museum, etc.) specifically dedicated to the theme of visitor safety. No specific regulation is provided for ruined sites.

Italy has been the first Country, not only in Europe but in the world, to have a specific regulation for the conservation of cultural heritage.

Basically in Italy there are the following types of standards:

- UNI is the acronym of the Italian National Association of Unification, a private association that develops and publishes technical standards for all industrial, commercial and tertiary sectors. It represents Italy in the European standardization organizations (CEN) and worldwide (ISO). It characterizes all the Italian national standards and, if it is the only abbreviation to precede the norm number, it means that it has been elaborated by the UNI Commissions, or by the Federated Bodies.
- EN is the acronym that identifies the standards developed by the CEN (Comité Européen de Normalization), the European Standardization Body. The CEN member countries must necessarily implement the EN standards (in the case of Italy they become UNI EN). These standards are used to standardize technical legislation throughout Europe, so the existence at national level of rules that are not in harmony with their content is not allowed.
- ISO is the acronym that identifies the standards developed by the ISO, the international organization for standardization. These rules are therefore applicable worldwide. Each country can decide whether to adopt them as national standards: in Italy, for example, the acronym becomes UNI ISO (or UNI EN ISO if the standard has also been adopted at European level).

In the specific field of restoration of monuments, the NorMaL Commission (NORmalizzazione MAteriali Lapidei) was founded in 1977, on the initiative of a group of scholars from the National Research Council and the Central Institute for Restoration in order to identify unified and unified study methodologies. specific for the conservation of stone materials, within the Cultural Heritage. Thus, within the framework of the UNI, a Commission was born whose standardization activity will affect only the cultural heritage sector, completing the field of interests of the body already active in many technical sectors.

The purpose of the NorMaL Commission was to establish unified methods for the study of alterations of stone materials and for the control of the effectiveness of conservative treatments of artefacts of historical and artistic interest.

The standardization activity (in the form of recommendations not having the authority to propose standards) of the Commission participated, since its establishment, specialists of different membership: experts and researchers of the CNR and the Ministry for Cultural Heritage but also university professors, freelancers (designers, conservation scientists and restorers), representatives of the industries involved in the sector, for a total of about 200 members, divided into Groups and Subgroups, each specialized in the various scientific disciplines that belong to the conservation sector (chemistry, biology , physics, geology, etc.) or in particular classes of materials (mortars, ceramic products, etc.) or, finally, in particular problems (graphic documentation, hygrometric state of the structures, etc.).

Initially, the standardization work of the UNI NorMaL Cultural Heritage Commission is entrusted to 19 Working Groups (those already existing in the NorMaL Commission). Within the NorMaL Groups were joined the members of the UNI interested, according to specific skills, to the conservation of cultural heritage.

The activation of the new Commission by the UNI allows the Italian participation in the work of the committees of the European Standardization Committee (CEN) thus ensuring the dissemination of NorMaL documents at European level and preventing them from becoming mandatory, also in Italy, regulations proposed by other countries, sometimes in contrast with the philosophies that guide the conservation interventions on the Italian historical and artistic heritage.

In February 1997 the activity of the Groups was re-started, each of which proposed their own work program both for the drafting of new methodological documents and for the revision of the NorMaL documents published until 1995 in view of an update and / or completion and, exceeded the procedure envisaged by the institution, with the aim of publication as UNI standards.

In recent times the commission structure has been revised and rationalized, further reducing the number of sub-groups. This is the list of those active in 2012:

- ✓ GL Guidelines and terminology;
- ✓ GL Characterization and analysis of porous inorganic materials that make up cultural heritage (with sub-groups Natural stone materials, Artificial stone materials and Moisture of masonry);
- ✓ GL Evaluation of methods and products used in conservation interventions on porous inorganic materials that make up cultural heritage (with the Stone materials sub-group);
- ✓ GL Environment;
- ✓ GL Shipping and packaging methods;
- ✓ GL Wood;
- ✓ GL Structures;

The first reference document in Italy concerning the correct practices of conservation and restoration of monuments is the **Italian Charter of Restoration** (1972), that was never translated into law.

The charter defines the concepts of safeguarding and restoring, establishes the planning of the interventions and the presentation of the projects accompanied by a technical report, methods of intervention and authorizations.

The annexes contain specific restoration methods, divided into:

- ✓ Instructions for architectural restorations;
- ✓ Instructions for pictorial and sculptural restorations;
- ✓ Instructions for the protection of historic centers;
- ✓ Instructions for the protection and restoration of antiquities.

The **Code of the Cultural and Landscape Heritage** (Legislative Decree 42/04), in Article 29 states that "Restoration is defined as direct intervention on a property by means of a set of operations aimed at the material integrity and the recovery of the aforesaid property, the protection and the transmission of its cultural values. In the case of immovable property situated in areas declared to be at risk of earthquake on the basis of the laws and regulations in effect, restoration shall include work for structural upgrading"

The **Public Procurement Code** (Legislative Decree 205/2017) has a part dedicated to the cultural heritage sector. For the works concerning cultural heritage, it is required, during the feasibility project, the drafting of a technical sheet aimed at identifying the characteristics of the asset object of intervention, drawn up by professionals in possession of specific technical competence in relation to the object intervention. For the monitoring, maintenance or restoration of movable cultural heritage, surfaces decorated with architectural heritage and historical materials of historical and artistic heritage, the feasibility project includes, in addition to the technical data sheet, preliminary research, illustrative reports and the calculation of the summary of expenditure. The final project deepens the studies carried out with the feasibility project, identifying, also through multidisciplinary diagnostic and cognitive investigations, the factors of deterioration and the methods of intervention. The executive project indicates, in detail, the exact operating methodologies, the materials to be used and the technical-executive procedures of the interventions and is elaborated on the basis of direct

surveys and adequate intervention samples, justified by the uniqueness of the conservation intervention. The executive project also contains a monitoring and maintenance plan. The management of the works, the technical support for the activities of the sole responsible of the procedure and the manager responsible for the three-year program formation, as well as the testing body, include a cultural heritage restorer qualified according to the current legislation, or according to the type of the work, other professionals referred to in Article 9-bis of the Code of Cultural Heritage and Landscape with at least five-year experience and in possession of specific skills consistent with the intervention.

In relation to specific restoration techniques, there are several technical publications.

2.1.5 Other regulations

Italy is the country with the highest number of Culture World Heritage sites with 48 sites out of the 832 culture sites of the UNESCO's World Heritage List. Only this data is representative of the widespread richness and diversity of the cultural heritage in Italy. The relevance of the Italian cultural heritage and its role in the country's foreign policy is underlined by the significant data of 440 international multilateral or bilateral Treaties signed and ratified by the Italian MFA. The list and the text of the 440 above-mentioned international Treaties are available in the MFA's website tool "ATRIO – Archivio Trattati Internazionali Online" (Online Archive International Treaties) available at the following link:

http://itra.esteri.it/Ricerca_Documenti/wfrmRicerca_Documenti.aspx

Italy has signed and ratified the following international multilateral Conventions/Agreements/Treaties:

- 1) **European Cultural Convention**, Council of Europe, Paris 19 December 1954, ratified by Italy on 16 May 1957;
- 2) Agreement between the Government of the Republic of Italy and the United Nations on the **Importation of Educational, Scientific and Cultural Materials, with annexes A to E and Protocol Annexed 1950** (ratified by Italy with law 9 March 1961 n. 345);
- 3) The UNESCO's **Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 (Two Protocols)** (ratified by Italy with law 7 February 1958, n. 279);
- 4) Approval of the Statute of the **International Centre for the Study of the Preservation and Restoration of Cultural Property -ICCROM** proposed by UNESCO and located in Rome, with law 11 June 1960 n. 723;
- 5) The UNESCO's **Convention of Paris of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property**. (ratified by Italy with law 30 October 1975 n. 873);
- 6) The **Convention of Paris of 16 November 1972 concerning the Protection of the World Cultural and Natural Heritage**. (ratified by Italy with law 6 April 1977, n. 184);

- 7) **The International Covenant on Economic, Social and Cultural Rights**, United Nations, New York – 16 December 1966, ratified with law 25 October 1977 n. 881;
- 8) **The European Convention on Offences relating to Cultural Property**, Delphi 23 June 1985, ratified by Italy in 1985, but it did never enter into force for the lack of the number of necessary ratifications;
- 9) **The European Convention on the Protection of the Archaeological Heritage** (London 6 May 1969) and **revised version** (La Valletta 16 January 1992) – Council of Europe , ratified by Italy respectively with law 12 April 1973 n. 202 and law 29 April 2015 n. 58;
- 10) **Convention for the Protection of the Architectural Heritage of Europe**, Council of Europe, Granada 3 October 1985, was ratified by Italy on 31 May 1989;
- 11) Exchange of Letters between the Government of the Republic of Italy and World Bank, concluding a Treaty, in the **Field of the Safeguard and Enhancement of the Cultural Heritage in the Developing Countries** – Washington 28 June 1999;
- 12) **The European Landscape Convention**, Council of Europe, Florence 20 October 2000, ratified by Italy on 4 May 2006;
- 13) Agreement between the Government of the Republic of Italy and the Inter-American Development Bank concerning the establishment of the **Italian Trust Fund for Cultural Heritage and Sustainable Development**, Washington 17 April 2002;
- 14) Joint Declaration of Cooperation between the Government of Italy and UNESCO on **Joint Emergency Actions in Countries Affected by Conflicts or Natural Disasters for the Safeguarding, Rehabilitation and Protection of Cultural and Natural Heritage**, Paris 26 October 2004;
- 15) The **Convention of Paris of 2 November 2001 on the Protection of the Underwater Cultural Heritage** (ratified by Italy with law 23 October 2009, n. 157);
- 16) The **Convention of Paris of 17 October 2003 for the Safeguarding of the Intangible Cultural Heritage** (ratified by Italy with law 27 September 2007, n. 167);
- 17) Agreement between UNESCO and the Government of the Italian Republic concerning the **Third World Academy of Sciences (TWAS)**, Paris 8 December 1998, ratified by Italy with law 10 January 2004 n. 17;
- 18) The **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions**, Paris 20 October 2005, ratified by Italy with law 19 February 2007 n. 19
- 19) **The Faro Framework Convention on the Value of Cultural Heritage for Society** , Council of Europe, 27 October 2005 Faro, it has been signed by Italy on 27 February 2013, but its ratification it is still pending.

20) United Nations Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights**, New York 10 December 2008, ratified by Italy with law 3 October 2014 n. 152;

21) Memorandum of Understanding between the Government of the Italian Republic and the UNESCO on the Italian National “**Task Force in the Framework of UNESCO’s Global Coalition UNITED4HERITAGE**”, signed on 16 February 2016.

The Italian MFA, facing the globalized challenges of preserving and managing the cultural heritage sites also in the widest scenario of climate changes and asymmetric terrorism threats and war and post-conflict scenarios, as well as also in the medium and long term perspective of promoting of the “Sistema Paese” (Country System), meant also in the cultural heritage multidisciplinary valence, has re-organized its internal structure with the set up of a General Directorate for the Promotion of the Country System (Direzione Generale per la Promozione del Sistema Paese) for the promotion of its three interlinked components of economy, culture and science. The key-elements of the new Italian cultural foreign policies are led by the increasing tight relations between economy and culture and by the specific features of the Italian “cultural arena” that is grounded on three elements: 1) Intellectual resources and cultural heritage; 2) creativity and innovation; 3) research.

With regards to the relevant issue of the intentional destruction of cultural heritage by ISIS the Italian Government was the first to seize the need to step up UNESCO’s response capacity in front of similar emergency situations and to propose the establishment of ad-hoc shared instruments for the Organization and its Member States (the so-called “blue helmets of culture”). Italy was also the first country to inscribe the safeguarding cultural heritage in crisis and conflict zones on the agenda of the Executive Board (196th session, April 2015). By doing so, Italy underlined the latter’s connection with the fight against illicit trafficking; the close link between the destruction of cultural heritage and the threats against global peace and security, and culture’s unique role as an instrument for dialogue.

The Italian economic and cultural diplomacy is carried out abroad with a capillary network of 127 Embassies, 92 Consulates, 388 Honorary Consulates, 9 Permanent Delegations to International Organizations. A key role is also performed by the 90 Italian Institutes of Culture, that are the ideal location of meeting, dialogue and exchange for intellectuals and artists and for the Italian and foreign citizens.

Italy hosts the UNESCO proposed International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome and the UNESCO Regional Bureau for Science and Culture in Europe in Venice.

2.2 Republic of Croatia

2.2.1 Property and consistency of the Medieval monumental Cultural Heritage

Cultural goods are of interest for the Republic of Croatia and enjoy its special protection. According to the Law on Protection and Conservation of Cultural Goods (Art. 2) these are:

- movable and immovable objects of artistic, historical, paleontological, archaeological, anthropological and scientific significance,
- archaeological finds and archeological zones, landscapes and their parts testify human presence in space and have an artistic, historical and anthropological value,
- the non-material forms and phenomena of man's spiritual creativity in the past as well as documentation and bibliographical heritage and
- buildings or spaces where cultural goods and documentation are permanently preserved or exhibited.

Cultural heritage is defined in our country as a legacy of physical artifacts and intangible attributes, a common wealth of mankind in its diversity and peculiarity, and its protection is one of the important factors for the identification, definition and affirmation of cultural identity. Cultural heritage is a movable and immovable cultural asset of artistic, historical, palaeontological, archaeological, anthropological and scientific significance; Archaeological sites and archeological zones, landscapes and their parts that testify to human presence in space; Immaterial forms of cultural heritage and the appearance of human spiritual creativity in the past as well as documentation and bibliographic heritage and buildings, spaces where cultural goods and documentation are permanently preserved or exhibited.

There is a whole array of laws and legislative acts that regulate the field of culture in Croatia but there are not many policy documents that summarize and clearly expose policy goals, objectives, interests, planning projections and development directions:

Law on the Protection and Preservation of Cultural Property (Official Gazette 69/99, 151/03, 157/03, amendments 87/09, 88/10, 61/11, 25/12); Ordinance on archaeological research (Official Gazette 102/10); Ordinance on the determination of cultural objects considered as national treasures of EU Member States (Official Gazette 38/04); Ordinance on the criteria for establishing the value of movable goods of cultural, artistic or historical value (Official Gazette 77/04)

In order to improve management of cultural heritage policy, the Ministry of Culture adopted the Strategy for the Protection, Preservation and Sustainable Economic Use of Cultural Heritage in the Republic of Croatia in 2011. This document provides guidelines and recommendations for future integrated approach to heritage policy and management. Completion and revision of existing registries (built as well as moveable heritage including archaeology) is one of the most important prerequisites for the effective and efficient implementation of the main goals of the Strategy.

The main law in the field of heritage is the Law on Protection of Cultural Assets from 1999 which was amended in 2003, 2009, 2010, 2011 and 2012.

Ownership of cultural goods can be private and public, but according to Art. 4 of the Law on the Protection and Conservation of Cultural Property, the owners and holders of cultural property rights and other cultural property holders are responsible for the protection and preservation of cultural goods under the provisions of this Act.

Obligations of the owner of the cultural property are mentioned in the above mentioned Act, Art. 20:

The owner of a cultural asset is obliged to:

- handle the cultural good with due diligence, and in particular keep it and maintain it regularly;
- implement the protection measures established by this Law and other regulations,

- on any changes in cultural property, damage or destruction, and on the disappearance or theft of a cultural asset, the competent authority shall notify the competent authority immediately and no later than the following day,
- allow professional and scientific research, technical and other surveys, as well as the implementation of technical protection measures,
- to make the cultural good available to the public,
- to preserve the integrity of protected collections of movable cultural goods,
- perform all other obligations prescribed by this Law and other regulations.

When it comes to a Public Owned Cultural Property, the owner may be a state or a unit of local and regional self-government.

Protection and preservation of cultural objects, as well as the related protective measures and the control of their implementation are within the scope of work and responsibility of state administration bodies, the bodies of local self-government and administration and the bodies of local self-government in the area of culture, spatial planning and landscaping, environmental protection, construction, housing and municipal economy, tourism, finance, internal affairs and justice according to the law and other regulations.

The possession of cultural goods may be limited for the needs of: documenting and researching the cultural heritage, the implementation of the protection and preservation of the cultural good, and the availability of the cultural good for the public

Cultural goods, regardless of ownership, preventive protection or registration, enjoys protection under the provisions of the Croatian heritage law. Owners and holders of cultural goods rights and other cultural property holders are responsible for the protection and preservation of cultural goods under the provisions of the Law.

The Act of protection and preservation of the Cultural objects, 1999, 2000, 2008; the Law on Protection of Cultural Assets.

The owner and the Body that ensures the protection of Cultural Heritage is the State by the presence of the Ministry of Culture. It ensures the good practice of protection on Cultural goods. The owner can also be a local government body or private entity but the supervision is ensured by the state.

Generally, active public participation in matters of interest for public benefit (which also entails revitalization and heritage conservation) is regulated by the Code of Practice on Consultation with the Interested Public in Procedures of Adopting and Implementing Laws, Other Regulations and Acts (Official Gazette 77/09).

The Code establishes general principles, standards and measures for conducting consultations with the interested public, in the procedures of enacting laws and adopting other regulations and acts of state bodies which regulate matters and take positions of interest for public benefit. According to this Code, participation of the interested public (citizens, civil society organizations, representatives of the academic community, chambers, public institutions and other legal entities performing a public service or who might be affected by the law, other regulation or act which is being adopted, or who are to be included in its implementation) comprises four levels: informing, consultation, involvement and partnership.

In Croatia there is a list of castles and fortresses in Croatia - Old towns, forts, castles and medieval culture.

Stari gradovi, utvrde, dvorci i srednjovjekovna kultura

Obilje, postojer



Početna stranica Istraživači utvrda Popis utvrda Literatura Terminologija Karte Autori Kontakt

O blogu



Stari grad Somober © Darko Antoković

Dobrodošli!

Dobrodošli na moj blog na kojem možete pronaći mnogo tekstova i fotografija vezanih za

Novije objave

- Značajstvo arhiv - Park Ribnjak
- Istražili smo lokalitet bronzne utvrde Borob
- Istarski mlazovi
- Madrac
- Rekonstrukcija pretpostavljenog izgleda Castrum de Pavaea - srednjovjekovna Pavaea

Najnoviji komentari

- Rekonstrukcija pretp... on Stari grad Pavaea (castrum de...)
- Goran Jurković on Legenda o Crnom Tomi Lobo...
- Pavlinski samostan... on Ima li ime seljačka kuća prije...
- Pavlinski samostan... on Pavlinski samostan u Gornj...
- dr.konstantinovic on Dvigrad

Arhiva

- Travanj 2016

Republic of Croatia
Ministry of Culture

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PRETRAŽIVANJE KULTURNIH DOBARA

<p>Opći podaci o kulturnom dobru</p> <p>Naziv: <input type="text"/></p> <p>Pravni status: <input type="text"/></p> <p>Vrsta: <input type="text"/></p> <p>Klasifikacija: <input type="text"/></p> <p>UNESCO zaštita: <input type="text"/></p>	<p>Smještaj kulturnog dobra</p> <p>Mjesto: <input type="text"/></p> <p>Općina/grad: <input type="text"/></p> <p>Županija: <input type="text"/></p> <p>Katastarska općina: <input type="text"/></p> <p>Katastarska čestica: <input type="text"/></p>
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Slobodna pretraga:

Figura 2: Screenshots of the website that lists all the Medieval fortresses in Croatia.

In addition to that website, there is a Database of Cultural Heritage of the Republic of Croatia that is determined by the Ordinance on the form, content and manner of keeping the Croatian Cultural Heritage Register. The register of cultural goods of the Republic of Croatia is a public book of cultural goods run by the Ministry of Culture. It consists of three lists: List of protected cultural goods, List of cultural goods of national significance and List of preventively protected goods.

By 28 October 2016, a total of 9221 cultural goods have been entered into the Register of cultural goods of the Republic of Croatia.

2.2.2 Cultural Heritage Authorities

The Ministry of Culture develops mechanisms and establishes measures to protect cultural heritage in order to ensure its sustainability, which implies identifying, documenting, researching, maintaining, protecting, using and promoting its values.

The Ministry of Culture regularly co-operates with other ministries to bring general and related laws into harmony with cultural legislation. They also co-operate in fields in which the competencies of various ministries are involved, such as the protection of cultural heritage (with the Ministry of the Interior) and conservation and protection of historical town centers (with the Ministry of Construction and Physical Planning) among others. Regarding the issues of cultural heritage, the Ministry of Culture fosters cooperation, primarily with the Ministry of Tourism, Ministry of Construction and Spatial Planning (dealing with issues of land use planning, construction), Ministry of Environmental and Natural Protection (dealing with environmental and issues of sustainable development) and the Ministry for Regional Development and EU funds.

The Ministry of Culture performs administrative and other tasks in the field of culture, including those related to heritage. The Directorate for the Protection of Cultural Heritage in the Ministry of Culture is the competent body for performing administrative and expert duties connected with the protection and preservation of cultural property.

In its structure, the Ministry also has the Department for the Protection of the Cultural Heritage and the Conservation Department at the local level. Conservation activities and the protection and preservation of cultural heritage are carried out through the Directorate together with its 21 conservation departments (organized according to regional principles) as well as through the City Institute for the Conservation of Cultural and Natural Heritage in Zagreb, which is part of the local/regional government structure rather than the Ministry of Culture.

The conservation service within the Ministry of Culture is a hybrid solution; the service is actually designed as a state administration instead of being set up as archives, museums, restoration services – decentralized in the field of operations, centralized in the register of monuments, and standardized in the methods of action.

Conservation and restoration work in Croatia is carried out by the Croatian Conservation Institute as a central public institution, individual institutions such as museums, archives and libraries, restoration departments of higher education institutions, and legal and natural persons who are licensed for works on cultural heritage. The Institute's work is decentralized through eight restoration departments. The conservation and restoration activities imply professional and scientific activities without administrative jurisdiction, implementing protective works on cultural heritage with the aim of preserving its monumental character. Apart from the Croatian Conservation Institute, the Institute for the Restoration of Dubrovnik is a public institution specifically founded for restoration, conservation and renovation.

Regional and local administrations may also assume authority in decision-making concerning cultural heritage since, in most cases in Croatia, they are legal owners of heritage buildings, sites and locations, hence most actions related to cultural heritage necessarily include the direct involvement of the local administration in the capacity of investor or administrative/managing authority.

Supervision of the application of legal regulations in practice is a matter for the Inspectorate Section of the Directorate for the Protection of Cultural Heritage. The Croatian Council for Cultural Heritage is a counseling body established as to monitor and promote the status of cultural property. The Council has nine members and deliberates on general issues in the area of the protection and preservation of cultural heritage and gives recommendations and opinions for the advancement of activities for the protection and preservation of cultural goods. Generally, the main actors addressing the issues of cultural heritage are the state, church and academic community besides the estimated 1.000 civil society organizations active in the field of cultural heritage. When it comes to general revitalization policy, the main responsible public body is the Ministry of Construction and Physical Planning. The revitalization system is organized according to the same principle as heritage

conservation, implementing the revitalization policy through its 21 regional conservation departments.

Every intervention in space is implemented in accordance with the spatial planning documents, special regulations and land use permits. The land use permit establishes, among other things, special conditions stipulated by laws that bodies and persons must comply with, and which have to be obtained prior to initiating the procedure for issuing land use permits. In addition, the procedure for issuing the detailed design has to establish that the detailed design has been drawn up in compliance with the land use permit and the provisions of the Law on Physical Planning and Construction. If an individual building inscribed in the Register of Cultural Properties of the Republic of Croatia is being reconstructed, essential requirements regarding the building can be deviated from if they disrupt its fundamental monumental features in line with the obtained consent of the Ministry of Construction. The consent of the Ministry of Construction is issued upon the previously obtained opinion of the Ministry of Culture. In general terms this system works in practice. Still, the special conditions and protection measures pertaining to cultural properties are mandatory and mostly restrictive so that potential investors consider them as an additional burden.

When it comes to public participation concerning revitalization and heritage conservation, the tasks of research, analysis, record-keeping, restoration, conservation and preservation of cultural property may be performed by specialized legal or physical entities.

The Minister of Culture prescribes conditions which must be fulfilled by legal or physical entities to acquire permission for the performance of these tasks and the Ministry of Culture keeps a register of such legal and physical entities. The initiator of the elaboration of the physical plan is obliged to inform the public on the drawing up of the physical plan. In accordance with the Physical Planning Act (Article 14, Official Gazette 153/13) the public shall have the right to participate in the procedures for the development and adoption of spatial plans. With a view to obtaining opinions, guidelines and recommendations for the drawing up of the plans, there is one or more previous deliberations upon which the draft physical plan is submitted for public discussion during which the competent state bodies and legal entities with public authority, local and regional self-government units, citizens, associations and property owners can give their proposals, views and opinions.

The Draft Spatial Development Strategy of the Republic of Croatia (implemented in 2016) sets out long-term tasks of spatial development until 2030 focusing also on the importance of public participation (development of the participatory model) and access to information and documents important for physical planning.

The "Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015" is the basic document that sets long-term goals and guidelines for the conservation, protection and use of cultural heritage and ways of their implementation in accordance with the sustainable development of Croatia. One of the goals include strengthening partnerships (public participation) and informing the professional and general public about the importance of cultural heritage as a development resource and about capabilities of its commercial use in accordance with the principles and practices of sustainable development.

It is estimated that there are around 1.000 civil society organizations active in the field of cultural heritage, but most of them are related to intangible cultural heritage.

The annual Croatian award called 'Vicko Andrić Award', among other, rewards individuals and civil society organizations for outstanding achievements in the field of protection and restoration of cultural heritage in Croatia. Thus, the Society of Friends of Dubrovnik Antiques was awarded for 2015 as the best example of civil society organization in the field of protection and restoration of Croatian cultural heritage.

Every natural and legal person must apply for permission to carry out conservation and preservation of cultural goods from the competent Conservation Office according to the Ordinance on the conditions for natural and legal persons for obtaining permission to perform work on the protection and preservation of cultural goods. According to the Rulebook, permission to carry out activities in the protection and preservation of cultural goods may be issued if the conditions relating to:

professional qualification, technical equipment and taking necessary security measures are met.

Professional conservation and restoration work on the protection and preservation of cultural goods may be performed by natural persons having the appropriate basic or professional qualifications prescribed by the Ordinance on professional titles in conservation and restoration activities and the conditions and manner of their acquisition.

The basic vocational qualifications are:

- a *Restoration Technician and a Conservator Technician*; - appropriate secondary vocational education, two years of professional work experience, a professional exam for the restoration technician or conservator technician passed.

- a *Senior Restoration Technician and a Senior Conservator Technician*; completed a corresponding undergraduate university study or professional study for at least three years, two years of professional work experience, a professional exam for a senior restoration technician / senior conservator passed or secondary education taken, seven years of professional working experience in, gained a professional title of restoration technician and a special part of the professional exam for a senior restorer / conservation technician taken.

- a *Conservator and a Conservator-Restorer*. - completed the appropriate undergraduate and graduate study, two years of professional work experience and a professional exam for the conservator / restorer-conservator passed.

Senior professional qualifications are:

- a *Senior Conservator and a Senior Conservator-Restorer*. - a person who has obtained a conservation or conservator-restorer profession for at least seven years, has performed conservation or conservator-restorer jobs for at least seven years, and in that period has given a valuable professional contribution and published remarkable professional works in the field of conservation and restoration which can be expressed by at least 150 points.

- a *Master Restorer and a Senior Conservation Technician II. Degree*: - a person who, after obtaining the professional title, a senior restorer technician or senior conservation technician, has been performing professional conservation and restoration work for at least five years, and in that period has given a very valuable professional contribution and was noted by expert works that can be expressed by at least 200 points.

- a *Conservation Advisor and a Conservator-Restorer Advisor*. - may acquire a person whose expertise guarantees that he can perform the most complex work on the protection and preservation of cultural goods provided that after obtaining the professional title of senior conservator or senior conservator-restorer he has worked in the profession for at least five years and that during this period was noted by completed scientific and professional papers that can be expressed by at least 250 points.

Restoration and conservation works also practise the Croatian Restoration Institute, founded by the Government of Croatia, whose main activity is conservation and restoration of immovable cultural goods (architectural heritage, wall paintings and mosaics, stone plastics, stuccoing), movable cultural goods (peasant painting, wooden polychromed sculptures, art on paper and leather, furniture, textiles and metal), archaeological heritage and other objects of cultural, historical or technical importance.

Graduate (integrated 5 year) study of conservation and restoration of art: masonry and wall paintings, and polychromed wooden sculptures, stone and architectural plastics at the Department of Restoration and Conservation of Art at the Academy of Fine Arts in Zagreb (since 1997).

Graduate study of conservation and restoration of stone, mosaic painting and polychromatic plastics, masonry and mosaics, archaeological heritage and metal at Art Academy of the University of Split (since 1997) - UMAS.

Bachelors degree and graduate study in conservation and restoration of objects of paper, textiles, wood, metals and ceramics, University of Dubrovnik (since 2005).

Here it is necessary to emphasize that before the establishment of the Split and Zagreb conservation/restoration studies, the only way to educate restaurateurs/conservators working in museums and/or the Croatian restoration institute was through the internship. This is still the case in museums and probably in the Croatian Restoration Institute, despite the well-known deficiencies of this kind of education.

It should be noted that one part of today's working conservators/restaurateurs has graduated at a two-year postgraduate specialist study in Ljubljana; several have completed a two-year postgraduate study in Krakow and Budapest, while the number of those who have studied and graduated from a Western European University is relatively small.

It is interesting that in Croatia, despite the above, it is not possible to obtain the Master of Conservation/Restoration through a 2 year postgraduate study but exclusively as a five year study, and the same is surprisingly in most European countries.

We also point out that in Croatia, after 20 years of existence of the Zagreb and Split studies (and 12 years of Dubrovnik study) for Conservation and restorations, it is currently not possible to obtain PHD in the field of preservation – conservation and restoration.

There are several Professional Associations in Croatia: Section for Restoration at the Association of Fine Art and Artists of Croatia; Croatian Restoration Society; Section of the restorer and preparation experts at the Croatian Museum Society; Croatian section at The International Institute for the Conservation of Historic and Artistic Works.

Concerning the legislative works, several laws and regulations for the restorations and conservation shall be listed. Except for the general acts of law, the work of conservation and restoration services in Croatia today are primarily determined by the following regulations: Museum Act / 21.10.2015.; Regulations on conditions and methods for acquiring professional skills in museum sector / 22.07.2010.; Regulations on Professional Qualifications in Conservation Restoration Activity, Conditions and Methods of Acquisition /11.05.2009./; Regulations on Conditions for Natural and Legal Persons to Obtain Licenses for Performing Activities on the Protection and Conservation of Cultural Property /24.04.2003./.

Guidelines for heritage protection and presentation of cultural assets are a necessary part of conservation studies carried out when conservation work is being performed on a certain heritage building/site/location. They are carried out by licensed conservators. Also, Guidelines for the Renovation of Traditional Housing (stone, wood and Slavonic structures made of bricks and mud) have been issued by the Ministry of Tourism. They contain general guidelines and are intended for the heritage owners willing to transform their houses into tourism infrastructure. Besides these general guidelines, the responsible conservation institute experts issue their approval together with the specific guidelines for renovation of the historic building with the tourism purpose.

2.2.3 Funding

Public financing of culture in Croatia is organized at national, regional and local level. Therefore, sources for public expenditures include the local level, provinces/regions, towns/cities and municipalities. At national level, on a yearly basis, an invitation for the Proposal of Programmes for the Public Needs of Culture in the Republic of Croatia is published. Pursuant to the applications received, a Programme for the Protection and Preservation of Cultural Goods is drawn up, for the implementation of which funds are assured from the State Budget which represents the main source of finance for protection, conservation, restoration, presentation and maintenance projects concerned with cultural goods. Local administration, civil society organizations as well as Regional development agencies also fund and invest in cultural heritage. Greater amounts donated to cultural heritage are noted only in Zagreb, Rijeka, Dubrovnik, Zadar and Split.

European Union funds are also available for the sustainable restoration of cultural heritage through the Grant Allocation Programme for Sustainable Restoration of Cultural Heritage which is operated by the Ministry of Regional Development and European Union Funds. The Programme is operated within the framework of the OP Competitiveness and Cohesion 2014-2020, PA 6 Environment Protection and Sustainability of Resources, specific objective 6c1. Enhancing protection and management of cultural heritage for development of tourism and other economic activities.

A specific way in which funds for cultural heritage are assured in Croatia is through the monument annuity. The provisions in the Law on the Protection and Preservation of Cultural Property regulating the distribution of funds collected through the monument annuity fund ensure that a certain percentage of funds is distributed by the local government in the city/municipality where the annuity has been collected. Physical and legal persons that carry out commercial activities in immovable cultural goods, or in designated protected urban zones, pay an annuity which amounts to 2% of revenues. The monument annuity is also paid in case a cultural asset is used in a printed work, for promotion, or when an income or profit is, as said, made from an economic activity performed in an immovable cultural asset. Of this amount, 60% goes to the town or municipal budget, and 40% to the state budget, at the disposal of the Ministry of Culture which uses the funds to promote the preservation of cultural heritage in less developed environments. Budget revenues from the monument annuity are disbursed exclusively for the protection and preservation of cultural goods. In general, it is used for cultural goods in public ownership, but can also be used for works on privately owned property – for example to improve the condition of facades for the purpose of improving the image of a place.

Additional financing for the restoration of heritage is offered through some measures by the Ministry of Tourism (projects mainly for tourism purposes). The former Heritage in Tourism Programme has now been splintered into several financing programmes which open the door for heritage subsidies. Thus, the Competitiveness of Tourism Economy Programme offers possibilities for some types of heritage assets' renovation but for tourism purposes only while Development of Tourism Infrastructure Programme finances visitor and/or interpretation centres.

When it comes to international financing for the rehabilitation of cultural heritage, donations, preaccession funds, and loans are common. They were especially significant in the renovation of architectural heritage damaged during the Homeland War or for new purposes of cultural heritage.

One of the measures to stimulate economic development and job creation is a public-private partnership (PPP). This measure, in addition to the growth of the economy, encourages investments in the development of infrastructure projects and enables the citizens to provide better public services. Public-private partnership is a long-term contractual relationship between the public and private partners, whose subject is the construction and/or reconstruction and maintenance of public buildings, in order to provide public services in the scope of the competence of the public partner (the Public-Private Partnership Act, Official Gazette 152/14).

In 2008, the Public-Private Partnership Act (OG 129/08) was passed, which had given legal and institutional framework of public-private partnership in the Republic of Croatia. The Act stipulates the same and clear rules for all participants in the process and all kinds of public-private partnerships, provides greater protection of the project during the whole process, security of public bodies and private sector representatives. A public body is the only body authorized to propose PPP project, while a decision on the justifiability of using the PPP model is adopted by the Agency, with the prior approval of the Ministry of Finance, if it decides that a positive value for money is expressed, applying the basic criteria and based on the results of the preliminary analysis and display business justification, i.e. factors of comparison with the cost of the public sector (PSC - Public Sector Comparator). Other criteria for the assessment and approval of PPP projects are prescribed by a decree of the Croatian Government (Agency for Public Private Partnerships of the Republic of Croatia (2009): A Guide for Public-Private Partnership (PPP) - Step by step, p. 15.)

In the context of European investment policy, it is possible to combine PPP and EU funds, and in the process of approving these types of projects a key role, in addition to the Agency and the Ministry of Finance, has the Ministry of Regional Development and EU Funds.

10 years ago, the public-private partnership model has been introduced for different projects. Still, in the cultural heritage sector, such projects are extremely rare. This is due to difficulties present in other sectors as well as due to the specific character of this sector.

2.2.4 Good practices and Guidelines

Cultural heritage revitalization is treated in the hierarchy of documents related to spatial planning. Thus, special attention is given to it in the Draft Spatial Planning Strategy of the Republic of Croatia, as the first level document, which is hoped to be passed with the establishment of new Government. The Spatial Planning Strategy of the Republic of Croatia from 1997 also dedicates attention to the protection of cultural and historic values in spatial planning: it determines principles, aims and guidelines of built heritage protection. The Spatial Planning Programme of the Republic of Croatia from 1999, as the second level document, complements the previously mentioned Strategy and determines measures and activities to be done in the field, including built heritage protection. Individual Spatial Plans represent the third level documents and determine protection and preservation of cultural/historic values measures of built heritage. Urban development plans and detailed development plans are implementing documents. Spatial plans for areas with special characteristics in force are those related to the built heritage protection in national and nature parks while there is an array of decentralized spatial plans made according to regional/local criteria. ApolitikA: the Architectural Policies of the Republic of Croatia sets the national guidelines for the quality and culture of construction. Also, cultural heritage is included in the following national strategic documents: Strategy of the Government Programmes 2014-2016; Strategic Plan of the

Ministry of Culture 2015-2017; Strategy of Protection, Conservation and Sustainable Economic Use of Cultural Heritage of the Republic of Croatia 2011- 2015; Strategy for the Development of Archives' Services in the Republic of Croatia; Strategy of the Croatian Tourism Development up to 2020; Strategy of the Regional Development of the Republic of Croatia and Operational Programme for Regional Competitiveness. The recently completed Strategy of Tourism Development of the Republic of Croatia 2020 includes a chapter on cultural tourism which is seen as one of the main Croatian tourism products. The Strategy properly sets the needed activities as to boost tourism development based on culture. Still, time will show if the implementation phase will really include what has been set by the document. Also, the Cultural Tourism Development Action Plan has been completed in 2015. Cultural heritage tourism is an important sub-product of cultural tourism; these documents, however, offer just a general directions of tourism development and not specific operational guidelines for heritage protection.

In order to improve the concept of protection and preservation of monuments management the Ministry of Culture adopted the Strategy for the Protection, Preservation and Sustainable Economic Use of Cultural Heritage in the Republic of Croatia in 2011. This document provides guidelines and recommendations for integrated approach to heritage policy and protection. Completion and revision of existing registries (built as well as moveable heritage including archaeology) is one of the most important prerequisites for the effective and efficient implementation of the main goals of the Strategy. This is necessary in order to finalize the connection of the registry with the cadastre which will facilitate investment in and restoration of cultural heritage.

The law that determines how to properly treat the cultural heritage and the obligations of cultural good owners is the Law on the Protection and Conservation of Cultural Property, and there is also a Rulebook on Conditions for Natural and Legal Persons to Obtain Licenses for Performing Activities to Protect and Preserve Cultural Items , Ordinance on Documentation for Prior Authorization for Works on Cultural Property. On the website of the Ministry of Culture of Croatia, a list of restaurateurs and conservators in the Republic of Croatia is available.

There are no special guidelines regarding the protection and security of visitors to the ruins and medieval monuments.

Protected and preserved heritage is one of the main goals of the Strategic Plan of the Ministry of Culture 2015-2017. Specific objectives for cultural heritage include development of the information system for cultural heritage of the Republic of Croatia; securing an optimum model for protection and management of cultural heritage assets; development of museums' and galleries' activities and development of archives' activities including securing conditions for regular underwriting of archival records

Moreover, in Croatia, on the national level, the Technical Committee of the Croatian Standards Institute (HZN / TO 546) is established. Preservation of Cultural Heritage, which covers the work of the European Committee CEN / TC 346, Conservation of Cultural Property and its subcommittees

The cultural heritage is also standardized by the Technical Committee HZN / TO 46 Bibliography, documentation and information accompanying the work of the international committee ISO / TC 46 Information und Dokumentation.

Within the framework of this committee, the standard HRN ISO 21127: 2007 is published, which presents a form for the exchange of cultural heritage data.

2.2.5 Other regulations

Ministry of Culture carries national programmes and participation in international cultural cooperation projects. As such, the Ministry of Culture, namely The Directorate for the Protection of Cultural Heritage has taken part in the Ljubljana Process since its inception. The key priority in the process was to introduce the methodology proposed by the Ljubljana Process and integrate it in regular conservation activities with the aim to achieve successful rehabilitation of heritage. Participation in the Process did not have an effect on the existing regulation concerning heritage, nor in the legal text that regulates international cultural cooperation given that Croatian laws follow the principles of the international conventions in the field of cultural heritage. Croatian regulations are aligned with the main European legal texts, Council of Europe conventions, recommendations and resolutions. The Republic of Croatia has been an active participant in the adoption of the Convention on the Protection of Underwater Heritage and was the third country in the world to ratify it. Following the ratification of the Convention on European Landscapes in 2002, Croatia did not prescribe a unified methodology at the expert level for identifying, making an inventory, evaluating, classifying and protecting landscapes, which has made it difficult to implement the Convention in practice. Also, Croatia is a party to the Convention on the Protection of Cultural Goods in the Event of Armed Conflict and the Protocol relating to the prohibition on the export of cultural goods from occupied territories of 8 October 1991, pursuant to notification of succession. Some principles of international conventions are embedded in the legal system and some are not but are all the same implemented (such as with the Centre for Underwater Archaeology in Zadar for example).

When it comes to policy making in the field of cultural heritage, one of the greatest problems is an inadequate organizational structure of conservation activities due to the intertwining of administrative and professional functions. Besides, the Strategy for Protection, Preservation and Sustainable Economic Use of Croatian Cultural Heritage 2011-2015 detected different problems concerning cultural heritage exploitation for social and economic development. Most of the issues arising in this field originate from the inconsistent and unsystematic policy development that is reflected in somewhat maladjusted situation in the heritage sector. Generally, efficiency of protection, preservation and sustainable use of cultural heritage should be increased along with the increase of awareness of individuals and the community regarding the importance of cultural heritage and its sustainable use. A lot has to be done to solve a number of problems, especially in the lines of improvement of the legal framework for the protection, preservation and sustainable use of cultural heritage with the emphasis on the increasing knowledge, skills and motivation of all participants in the protection and preservation of cultural heritage for its sustainable use. The sustainable use of cultural heritage is, in the Croatian context, the fundamental prerequisite for the development of cultural tourism along with the encouragement of the development of entrepreneurship based on cultural heritage, which includes cultural industries.

Although Croatia is extremely rich in heritage, its conservation and revitalization is not adequately provided for all its assets. No exact data exist on the revitalization projects since the Registry of cultural goods is still incomplete. This has a huge impact on future PPP projects since the Registry is a prerequisite for investments in terms of the selection of potential heritage candidates for PPP schemes. Neither has an organized system of long-term concessions come to life nor there is a systematic rehabilitation priority list. Unresolved cultural heritage property ownerships often make it even more difficult. Generally, the private sector financing of cultural heritage is extremely low.

Besides, there is no coordination of different sources of finance for protecting and preserving cultural heritage which often results in the lack of management plans

In spite of such richness, so far Croatia has not succeeded to assess its cultural heritage to its maximum potential. On the other hand, the uncontrollable use of cultural heritage as an attraction or mass-tourism market, where cultural decisions are swiftly transformed into economic decisions, steers away the whole issue of heritage management from favourable direction of sustainable development.

2.2.6 Annex: List of relevant laws and regulations:

Law on the Protection and Preservation of Cultural Property (Official Gazette 69/99, 151/03, 157/03, amendments 87/09, 88/10, 61/11, 25/12)

Law on the Rehabilitation of the Threatened Monumental Complex of Dubrovnik (Official Gazette 21/86, 26/93, 33/89, 128/99)

Ordinance on the identity card of inspectors for the protection of cultural property and on the form and manner of keeping records on implemented supervisions (official Gazette 129/99)

Ordinance on conditions under which physical and legal persons obtain permits for work on the protection and preservation of cultural property (Official Gazette 74/03, 44/10)

Ordinance on the procedure and manner of issuing permits for undertaking underwater activities in interior waters and territorial sea waters of the Republic of Croatia that are protected as cultural property (Official Gazette 22/09, 36/11)

Ordinance on archaeological research (Official Gazette 102/10)

Ordinance on the form, content and method of keeping the Register of the Cultural Property of the Republic of Croatia (Official Gazette 89/11)

Ordinance on professional titles in conservation-restoration activities and conditions and manner of their attainment (Official Gazette 59/09)

Ordinance on the determination of cultural objects considered as national treasures of EU Member States (Official Gazette 38/04)

Ordinance on the content, form and manner of issuing official identity cards to employees of the Directorate for the Protection of Cultural Heritage of the Ministry of Culture and official identity cards of the City Institute for the Protection of Cultural and Natural Monuments in Zagreb (Official Gazette 110/04)

Ordinance on the criteria for establishing the value of movable goods of cultural, artistic or historical value (Official Gazette 77/04)

Ordinance on marking immovable cultural heritage property and structures in which collections of cultural property objects are kept (Official Gazette 12/06)

Ordinance on conditions under which permits are issued for exporting and removing cultural property from the Republic of Croatia (Official Gazette 141/06)

Regulation on the establishment of the Agency for the Renovation of the Osijek Citadel (Official Gazette 28/99)

Regulation on the merging of public institutions engaged in restoration activities (Official Gazette 2/97, 119/01)

Regulation on the establishment of the International Centre for Underwater Archaeology in Zadar (Official Gazette 33/08)

International legal provisions Law on the Ratification of the Convention on the Protection of Underwater Cultural Heritage (Official Gazette, International Conventions 10/04)

Convention for the Protection of the Architectural Heritage of Europe, Granada, 1985 (Official Gazette 6/94)

Convention on the protection of cultural goods in the event of armed conflict and its Protocol relating to the prohibition on exports of cultural goods from occupied territories (Official Gazette, International Conventions 6/94)

Law on the Ratification on the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, drawn up in Rome, 24 June 1995 (Official Gazette, International Conventions, 5/00, 6/02, promulgation)

Law on the Ratification of the European Convention on the Protection of Archaeological Heritage (revised), 1992, drawn up in Valetta, 16 January 1992, (Official Gazette, International Conventions, 4/04 and 9/04 promulgation)

Law on the Ratification of the Convention on the Protection of Intangible Cultural Heritage (Official Gazette, International Conventions 5/05, 5/07 promulgations)

UNESCO Convention on Measures to Protect and Prevent Unauthorized Imports, Exports and Transfer of cultural goods (Official Gazette, International Conventions, 12/93)

Convention on the Protection of World Cultural and Natural Heritage (Official Gazette, International Conventions, 12/93, adopted in Paris, 1972). The Republic of Croatia became a party to the Convention pursuant to notification of succession of 8 October 1991 (Entered into force on 8 October 1991)

Regulation on the promulgation of the Agreement between the Government of the Republic of Croatia and the Government of the United States of America on the protection and preservation of certain cultural goods (Official Gazette, International Conventions 11/05)

Law on the Ratification of the Second Protocol to the Convention on the Protection of Cultural Goods in the Event of Armed Conflict (Official Gazette, International Convention 11/05)

Law on the Ratification of the Framework Convention of the Council of Europe on the value of cultural heritage to society (Official Gazette, International Conventions 5/07)

Regulation on the Ratification of the Treaty between UNESCO and the Government of the Republic of Croatia on the Establishment of the Regional Centre for Underwater Archaeology in Zadar, Croatia, as a category II Centre under the auspices of UNESCO (Official Gazette 1/09)

Law on the Ratification of the Convention of European Landscapes (Official Gazette 12/02)

2.3 Republic of Slovenia

2.3.1 Property and consistency of the Medieval monumental Cultural Heritage

The term 'heritage' describes resources inherited from the past, which Slovenes, members of the Italian and Hungarian ethnic communities, and of the Romani community, as well as other nationals of the Republic of Slovenia, are defining as reflection and expression of their values, identities, religious and other beliefs, knowledge and traditions. Heritage includes perception by the environment originating from interaction between people and living environment. Heritage can be tangible and intangible (living) heritage. Tangible heritage is consisted of movable and immovable heritage. The most recent Cultural Heritage Protection Act (*Zakon o varstvu kulturne dediščine*, *Uradni list RS*, št. 7/99, 110/02 – ZGO-1, 126/03 – ZVPOPKD in 16/08 – ZVKD-1) recognizes three legal protection statuses: a) cultural heritage (registered), b) cultural monuments of local importance (statutorily protected) and c) cultural monuments of national importance (statutorily protected).

Cultural heritage sites, including a medieval monument, can be owned by an individual, private owners, a state, municipalities or other entities. The main laws concerning this issue are: Cultural Heritage Protection Act (*Zakon o varstvu kulturne dediščine*, *Uradni list RS*, št. 7/99, 110/02 – ZGO-1, 126/03 – ZVPOPKD in 16/08 – ZVKD-1).

An archaeological find or archaeological remain which is movable and is found by any person on the surface of the earth, underneath the surface of the earth, or in water, shall be the property of the State.

The ownership or other rights regarding to heritage are restricted to the minimum possible extent necessary to effect protection. The State, regions, municipalities, and other protection bodies can select measures that are the least restrictive for the owners and actual possessors of the heritage. The owner must have information on matters of protection concerning his property.

Decisions on the removal of monuments of national significance must be adopted by the Government of the Republic of Slovenia based on the proposal of the responsible Minister. Competent Regional authority or Municipality must adopt any decision regarding removal of monuments of local significance on that territory.

Based on this Act, the subject of public interest for protection are individual items or values that can be:

- registered heritage,
- national treasure,
- monuments,
- heritage protection areas and
- archaeological remains.

Identification of the subject of public interest shall constitute the basis for establishing protection.

Cultural Heritage Protection Act (*Zakon o varstvu kulturne dediščine*, *Uradni list RS*, št. 7/99, 110/02 – ZGO-1, 126/03 – ZVPOPKD in 16/08 – ZVKD-1).

There is a Register of Immovable Cultural Heritage (RKD) in a form of a central repository of data on heritage, managed by the Ministry of culture. All immovable cultural heritage irrespective of the type, type, scope, ownership or protection status of the unit register can be registered in this Register.

The basic data on the heritage contain identification, description, date, location, author, characteristic, photography or record of the heritage, protection guidelines and the relation of the unit of heritage to other units. Protection data for monuments contain documents on protection, description of carried protection, the protection constraints enforced, and data on the owner of the monument.

The data included in the register is publicly accessible, with the exception of data on the owners of the heritage, or on the location of archaeological sites where a danger of unauthorized searches for archaeological remains exists, and other data the public accessibility of which might threaten the existence of the heritage in question.

A building, facility or other immovable heritage which is constructed, composed, or designed with natural elements according to the principles of landscape design, or which is an archaeological site, shall be entered in the register as individual immovable heritage. In addition, a part of immovable heritage are elements and fixtures intended for its use or its embellishment, or which are indispensable for its operation or understanding.

2.3.2 Cultural Heritage Authorities

Slovenia established the Institute for the Protection of Cultural Heritage to protect immovable cultural heritage as a public service. The first such institute dates back to the second half of the 19th century; since then it has gone through a series of statutory and organizational changes, mainly due to the changes to state frameworks and territorial jurisdiction that occurred in the 20th century. Today, the ZVKDS has the status of expert organization at the Ministry of Culture not directly managed by the Minister of culture. The Ministry itself has a Directorate for Cultural Heritage, a purely administrative body responsible for dealing with legislative and administrative heritage protection issues, while all expert work is the domain of the ZVKDS.

The IPCHS/ZVKDS is consisted of two main organizational units:

- The Cultural Heritage Service responsible for developing and implementing protection strategies, and for issuing protection recommendations and protection conditions. The main duties of the Cultural Heritage Service are to identify, document, study, evaluate, interpret and promote immovable heritage and its corresponding movable and intangible heritage. Cultural Heritage Service comprises of seven Regional Offices operating throughout the country.
- The Conservation Centre brings together the direct implementation and research assignments in the field of restoration and preventive archaeology. Furthermore, it manages the scientific research development of the conservation and restoration discipline with focus on preventive research in cases where such research is funded by the state budget and preventive research (estimation of archaeological potential) within spatial planning procedures, most frequently in cases of large (mostly publicly funded) infrastructural projects, e.g. motorways, pipelines, power plants, etc.

Under the auspices of the Centre for Preventive Archaeology operate the Restoration Centre, Centre for Preventive Archaeology and the Research Institute, all of them offering expert services with no executive or administrative powers.

The owner or possessor shall ensure the management of the monument pursuant to the preservation decree directly, or through committing it to the care of a manager.

All protected monuments based on international treaties signed by the Republic of Slovenia, as well as all sites, shall have a manager. The preservation decree may recommend a manager also for other monuments.

The authority which has issued the preservation decree may, pursuant to this act directly manage the site by its own management unit, establish a public Agency for such a purpose, commit the management to the public entity which is established with the purpose of managing monuments and sites or commit the management to a natural or legal person on the basis of laws governing public-private partnership.

A monument or site is managed according to a management plan.

If the manager invests his own funds in the restoration and maintenance of the monument, and takes on other burdens and risks, the authority that has issued preservation decree may conclude a concession contract on management with that manager, for a period proportionate to the financial contribution and risks of the manager.

A management plan is document laying down strategic and implementing guidelines for the overall conservation of a monument or site, and the method of implementing the protection. The management plan is adopted for all monuments and sites with a manager.

Each manager should prepare a management plan, with the technical assistance by the Agency. The authority that has adopted the preservation decree shall approve the management plan.

The management plan must contain at least:

- a review of the cultural values which should be particularly conserved and developed,
- a vision of protection and development,
- the strategic and implementing objectives of management,
- provisions which refer to the managing structure and measures for protection against natural and other disasters,
- a plan of activities, including the financial framework, in particular for ensuring accessibility and management of visits,
- indicators and the method of monitoring the implementation
- a time limit for the validity of the plan, along with a method of supplementing and amending the plan.

In the case of the joint management of more than one territorially or contextually connected monument, a uniform management plan should be adopted for all such monuments.

If a site and an area protected on the basis of laws from the field of nature conservation overlap, the management plan shall be adopted in agreement with the Ministry competent for nature conservation.

Before initiating any undertakings to cultural heritage or to plots of land within registered archaeological sites, it is necessary to submit an application to the competent IPCHS/ZVKDS Regional Office to obtain the cultural protection conditions or consent. In the application for cultural

protection conditions it is necessary to state the purpose of the undertaking and enclose the project documentation required to obtain the conditions for construction. If the undertaking does require a building permit, a sketch or outline, they must be part of the application together with a description of the undertaking. The application can be submitted directly or by post to the competent regional unit.

After receiving the cultural protection conditions for carrying out an undertaking to an archaeological heritage, it is necessary to perform a preliminary archaeological survey prior to obtaining cultural protection consent for the purpose of obtaining a building permit.

If an investor is building an apartment for its own needs or non-profit apartments on a building plot in a registered archaeological site within a settlement, for the archaeological survey can request finances from the state budget at the Ministry of Culture. In all other cases, the investor in the undertaking is the one to bear the costs of the archaeological protective excavations and post-excavation work done to the site.

During the excavation and renovation of buildings, the IPCHS/ZVKDS is obliged to undertake inspection visits to check whether the works comply with the protection conditions and in accordance with the standards.

Regulated professions in the field of heritage protection are:

- conservator,
- conservator-restorer,
- curator,
- conservation and restoration worker
- conservation and restoration techniques.

An individual practicing the profession referred to in the preceding paragraph must fulfill the following conditions:

- for curator and conservator: achieved publicly valid higher education at least the other stages of museological or conservation course or achieved publicly valid higher education at least a second degree in the appropriate direction and a one-year eligibility period in an organization in the field of care;
- for a profession conservator-restorer: achieved publicly valid higher education education of at least first class of appropriate restoration courses or appropriate higher education at least first level of the appropriate course and at least two years of refinement in the restoration of the selected type. For conservation-restoration of artistic heritage, it must have a publicly recognized higher education education of at least first class of appropriate restoration;
- for a profession conservation and restoration associate: attains a publicly valid higher education of the appropriate restoration directions or attains a publicly valid higher education in the appropriate direction and at least two years of refinement in the restoration of selected species;
- for a profession conservation and restoration technique: achieved publicly recognized vocational or secondary education degree of restoration or achieved publicly recognized vocational or secondary education and national vocational qualification in the field of restoration or achieved

publicly recognized vocational or secondary education and at least two years of refurbishment in restoration selected genres.

- successfully completed a professional examination.

An individual who is preparing to carry out professional work in the field of protection which requires a secondary, higher or higher professional qualification, or wishes to carry out such work, shall undergo a traineeship and pass an examination for obtaining their professional title. An individual who has not yet obtained a professional title may carry out work only under the mentorship of a person who possesses the professional title.

The Minister shall prescribe the types of professional titles, vocational training for traineeship and for obtaining professional titles, requirements as to education, work experience and the establishment of professional competencies, as well as the method of passing examinations for obtaining professional titles.

An individual who works in the field of protection shall have the right and obligation to in-service training. The in-service training and examination shall be carried out under a programme laid down by the Ministry.

In order to enable the owners of heritage access to authentic data on natural and legal persons who are professionally qualified for works carried out on heritage, or for performing other works in relation to the heritage, an information system shall be established on those persons who are professionally qualified for carrying out specialised protection works.

Slovenia established the Institute for the Protection of Cultural Heritage (IPCHS/ZVKDS) to protect immovable cultural heritage as a public service. The State shall provide for the work of the national public museum service by establishing national museums and by authorising and financing other museums for carrying out the tasks of protecting movable and living heritage of wider interest (authorised museums).

At the same time, a region or municipality may establish an organisation to provide an optional local public service

for the protection of immovable heritage to carry out one or more of the following tasks:

- documenting the heritage within the territory of the region or municipality,
- carrying out other preliminary researches,
- performing individual conservation-restoration works,
- cooperating with the owners of immovable monuments and with others showing interest in relation to a certain monument, and communicating explanations, advice and instructions,
- cooperating on heritage protection in the event of an armed conflict, and natural and other disasters
- managing local monuments, and
- implementing programmes for fostering awareness of heritage.

The provider of the local public service shall submit to the IPCHS/ZVKDS at least once a year data on the documentation referred to in the first indent of the first paragraph, along with an activity report.

The public service for protection may engage people, appropriately educated or qualified to act as volunteers. Upon conclusion of the volunteer work, the provider of public service shall issue a certificate of the work experience obtained, or qualifications, unless they are otherwise provided for by law.

2.3.3 Funding

In the budget of the Republic of Slovenia funds shall be provided for covering the costs of preliminary research on the basis of Article 34, costs for co-financing the restoration programme of monuments on the basis of Article 35, costs for compensation on the basis of Article 39, the investment of public funds on the basis of Article 40, and costs for exercising the pre-emptive right on the basis of Article 62 of this Act.

Article 34:

- The developer in a construction project or other works shall cover the cost of the preliminary research which is necessary on account of the construction project or other works
 - which encroach on a registered archaeological site, or
 - which require a change to the purpose of the heritage or monument, or which encroach on structural elements of the heritage or monument.
- Within the limits of the public service budget, the following costs shall be met by the State:
 - preliminary archaeological research on the area covered by the plan as specified in Article 80 of this Act,
 - preliminary research on the monument if the works to be carried out upon it do not effect a change to its designated purpose and do not encroach on any of its structural elements, in cases where such research is necessary in order to determine what protection measures should be taken to aid in preparing the monument for maintenance, restoration, or revitalization.
- The State budget shall also meet the costs of any preliminary archaeological research which is necessary for:
 - enabling construction or other works to continue on building land not previously registered as being an archaeological site when archaeological remains are discovered during construction or other works carried out upon it, even in the event of preliminary research as referred to in Article 80 of this Act having been already conducted,
 - enabling construction or other works to continue on building land which is a registered archaeological site if the developer, in this case being a natural person, wishes builds a dwelling for his own needs on the building land inside the settlement, or in cases where non-profit rental housing is to be built on the building land inside the settlement

Article 35:

The Ministry may allocate additional funds to a region or municipality from the State budget to co-finance a programme of maintenance and restoration of monuments (hereinafter referred to as: restoration programme of monuments) which is to be adopted by the given region or municipality.

The region or municipality shall allocate funds from its budget for the restoration programme of monuments, at least to a level matching the portion provided by the State budget.

Article 39:

The owner of a monument shall have the right to compensation if the protection regime results in deterioration in conditions for the commercial exploitation of the monument and if these cannot be compensated for by other activities within the protection regime.

The compensation may be determined as a single amount or as annual amounts. The compensation for monuments of national significance shall be determined by a contract between the Ministry and the owner. The compensation for monuments of local significance shall be determined by a contract between the competent authority of the region or municipality which proclaimed the monument, and the owner.

Article 40:

If the protection and revitalisation of the monument, or implementation of other protection measures require extraordinary costs which exceed the normal costs, the advantages and benefits incurring from the monument status, and such costs are not proportionate to the abilities of the owner, the State, region, or municipality may, to such extent as is possible, allocate public funds for these purposes.

A contract on the investment of public funds shall be concluded between the State, region or municipality as an investor, and the owner, or a developer who has the right to implement measures on the monument which are the subject of the contract, as a beneficiary. In the contract providers of works shall be laid down who possess the technical competence for carrying out such works, as well as conditions for the public accessibility of such monument, and any eventual special protection measures. The conclusion of the contract shall be subject to laws governing the realisation of the public interest in culture.

As part of the funds which shall be ensured by the owner or developer, the value of those works shall also be considered which are carried out by the owner or developer on the basis of instructions by the competent organisation if so provided for by the contract, and if the value of the works is proved upon the appraisal of a certified assessor.

Public funds shall be paid after completion of the works laid down by the contract referred to in the third paragraph of this Article. If the carrying out of the works does not comply with the contract, the beneficiary shall be liable to reimburse the funds acquired.

2.3.4 Good practices and Guidelines

The Ministry shall keep a registry of persons professionally qualified to perform specialized protection works. The registry of qualified providers shall be published on the World Wide Web. Personal data from the registry shall be published upon approval from the person who submitted such data.

The Minister shall lay down in detail the manner in which qualified providers are to be entered in the registry, the manner of demonstrating their professional competence, and managing the registry of qualified providers.

In any case, some important rules regulate the relationship between the public interest and the Cultural Good itself:

- Everyone shall have the right to use heritage as a source of information and knowledge, to benefit from its values, and contribute to its enrichment.
- Everyone shall be responsible for respecting the heritage of other persons as he does his own.
- The right to heritage may be restricted merely to the public interest and by rights of other persons.
- Everyone shall be liable to the conservation of heritage pursuant to this Act and other regulations.
- Everyone shall inform the competent organisation of the existence of items assumed to possess heritage value.
- The ownership or other rights in rem to heritage shall be restricted to the minimum possible extent necessary to effect protection. The State, regions, municipalities, and other protection bodies shall select those measures which, when achieving the same effects, are the least restrictive for the owners and actual possessors of the heritage.
- The owner shall be kept informed on matters of protection concerning his property.

Article 55 (access to archaeological remains and heritage for protection needs):

When carrying out terrestrial excavations, the owner or possessor of immovable heritage shall, with the aim of protecting archaeological remains, allow access to an authorised person of the Agency to unfenced land, upon prior notification to the owner or possessor, as well as to fenced land and into all facilities except private dwellings, with no respect to whether archaeological finds have been discovered or not.

The owner or possessor of the monument shall allow the authorised person to document and research the monument.

If the owner or possessor or another person does not allow access referred to in the first paragraph, or documenting and researching the monument under the preceding paragraph, the authorised person shall have the right to carry out the activities with the assistance of the police.

In such cases where immovable heritage undergoes a deterioration in the conditions for its commercial exploitation, as a result of the protection measures referred to in the first paragraph above, the owner or possessor thereof shall be entitled to compensation as referred to in Article 39 of this Act.

The owner or possessor shall have the right to compensation for the damages caused by the activities referred to in the first to third paragraphs above.

There are no specific guidelines on ensuring the safety of visitors to cultural monuments in Slovenia. If the monuments endanger the safety of visitors, they are marked with boards that allow access at their own risk.

Immovable monuments shall be marked with a goal to improving public access. The marking shall be executed when this is not in conflict with the benefits of protection and other public interests. The marking shall also be executed as a form of protection in the event of an armed conflict on the basis of international treaties to which the Republic of Slovenia is a signatory.

2.3.5 Other regulations

It's remarkable to notice that there are also some International and European agreements that have been signed and accepted by Slovenia in the field of Cultural Heritage management and protection, such as:

- Convention on the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention), Rules on its Implementation and Protocol (Official Gazette of the FLRJ - International Treaties, No. 4/56, Official Slovene Version of the Convention and Protocol)
- The Act Ratifying the Second Protocol to the Hague Convention of 1954 on the Protection of Cultural Property in the Event of Armed Conflict (Official Gazette of the Republic of Slovenia - International Treaties, No. 22/03)
- Convention on measures to ban and prevent unauthorized imports into the export of cultural goods and the transfer of property rights thereon (Official Gazette of the SFRY - International Treaties, No. 50/73)
- Convention on the Protection of the World Cultural and Natural Heritage (Official Gazette of SFRY, No. 56/74)
- Convention on the Protection of European Architectural Heritage (Official Gazette of the SFRY - International Treaties, No. 4/91)
- The Act Ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the United States on the Protection and Conservation of Certain Cultural Goods in Goods (Official Gazette of the Republic of Slovenia - International Agreement, No. 15/96)
- Decree on the ratification of the Statute of the International Center for the Study of the Protection and Restoration of Cultural Property (ICCROM) (Official Gazette of the Republic of Slovenia - International Treaties, No. 2/96)
- The Law on the Ratification of the European Convention for the Protection of the Archaeological Heritage (revised) (Official Gazette of the Republic of Slovenia - International Treaties, No. 7/99)
- Law on Ratification of the European Landscape Convention (Official Gazette of the Republic of Slovenia - International Treaties, No. 19/03)
- Law on the ratification of the Unidroit Convention on stolen or illegally exported cultural objects (Official Gazette of the Republic of Slovenia - International Treaties, No. 6/04)
- Law on Ratification of the Convention on the Protection of Intangible Cultural Heritage (Official Gazette of the Republic of Slovenia - International Treaties, No. 1/08)
- Law on Ratification of the Convention on the Protection of the Underwater Cultural Heritage (Official Gazette of the Republic of Slovenia - International Treaties, No. 1/08)

- Law on Ratification of the Council of Europe Framework Convention on the Values of Cultural Heritage for Society (Official Gazette of the Republic of Slovenia - International Treaties, No. 5/08)

2.3.6 Cultural Strategies in Slovenia for the next future

Some important strategies have been developed in order to guarantee the best management and protection of the Cultural Heritage in Slovenia.

The National Programme for Culture 2014 – 2017, adopted in 2013 by the National Assembly at the proposal of the Government, contains development goals and measures to unlock development potential in different areas, and establish culture as an essential factor of development of both the individual and society. This is why some of the goals (architecture, creative industries, cultural industries, cultural tourism, etc.) whose basis and key constituents are art and cultural creativity are explicitly development oriented and extended across sector perimeters. In the coming period, the cultural sector will have the initiative in the realisation of these goals and will oversee their implementation. Cultural policy will become an important element of Government policy and will contribute to the development of the country as a whole and to the well-being of every individual.

The main goals of the National Programme for Culture 2014-2017 (NPC) address three levels: 1. individual cultural areas, where adequate measures responding to key challenges in the area are being defined; 2. areas with a spill-over effect, which enrich and add value to individual areas; 3. distinct structural areas, concerning in particular reform of the labour market reform regarding the cultural industry.

Architecture: this must and will be considered as an autonomous field; its past consideration within the field of fine arts (as the representation of artistic surplus in the creation of everyday life and living environment) is too restrictive. Slovenian territory is, of course, limited; therefore, public interest in the field of architecture must be focused not only on "extraordinary achievements"; on the contrary, there is an imminent need for a general rise in our spatial culture (nature and architecture). Active inter-sectoral mechanisms will be established that will create conditions for responding to the contemporary challenges of Slovenian space with projects for the sustainable development of Slovenian cities: projects offering an integrated and creative approach in which culture, economy, social aspects and the environment play equal roles. The goal is to create a comprehensive architectural policy at governmental level by 2016 under the auspices of the Ministry of culture.

Cultural heritage: the envisaged measures are part of the advanced interdisciplinary approach, which places the individual and his/her free participation in the cultural life at the heart of its activities. These measures are part of the extended concept of protection, which has advanced from the protection of individual monuments, organised within the framework of professional institutions in view of protecting such monuments from degradation and change, to the idea of protecting larger areas, conveyors of cultural and spatial identity, in order to substantiate the idea of cultural heritage as a source of economic, social and local development; which must extend beyond the limits of individual ministries' policies and become part of larger strategies, and be able to actively create opportunities for investments from different sources and establish partnerships with local

communities. Key goals comprise the establishment of an active and attractive network of Slovenia's museums, galleries and institutes, a definition of tourist destinations, products and services in view of greater visibility of cultural heritage and greater contribution of this heritage to the development of the country, and increased international visibility of Slovenian cultural heritage sites.

Cultural industry labour market: the measures elaborated concern all participants (selfemployed, non-governmental organisations, public and private sectors). These participants are demanding that this sector be organised, and that an agency or a similar institution be created to provide information and support, and to act as an intermediary (counselling and providing other support concerning tax and legal issues, copyright, training and placement, information among culture industry stakeholders). Such institutional support is a prerequisite for implementing planned goals and measures, which will enable the creation of partnerships among the four productive pillars in the cultural industry. A labour market in the cultural industry that is reliable, dynamic, quick to react is crucial for enabling top-quality production in all cultural areas, and a prerequisite for increasing the accessibility of cultural goods and product.

2.4 Czech Republic

2.4.1 Property and consistency of the Medieval monumental Cultural Heritage

The system of State monument care in the Czech Republic, as provided for in Act No. 20/1987 Coll., on State monument care, as amended by Acts No. 242/1992 Coll., No. 361/1999 Coll., No. 122/2000 Coll., No. 132/2000 Coll., No. 61/2001 Coll., No. 146/2001 Coll., No. 320/2002 Coll., No. 18/2004 Coll. and No. 186/2004 Coll., compasses a sum of numerous mutually interlinked specialised methodological, organisational, economic and regulatory legal measures. The effectiveness of these laws depends to a certain degree on how successfully broader favourable preconditions are preventively created for the position of the sector in the existing conditions of overall social development and for understanding the meaning and goals of monument care by the public. This is one of the aspects where the Strategy of Improved Care for the Monument Fund in the Czech Republic until 2005, approved by virtue of Government Resolution No. 278 of 22 April 1998, should play a supporting role. The legislative framework that modified the administration of the Monument Fund in the monitored period underwent a very dynamic development. A crucial moment in the development of the legislative framework became the establishment of new administrative orders and application of new building act. The highly dynamic legislative process significantly influenced also the Act no. 20/1987 Coll. Czech National Council of 30 March 1987, on state monument care (as amended by the Act of the Czech National Council no. 425/1990 Coll.) which has undergone seventeen changes during the time of its existence and in the monitored period there were ten modifications in total. Most of these changes were caused by application of other legislative norms and they did not bring any essential change in the state monument care system. An exemption is the Act no. 307/2008 of 17 July 2008 amending the Act no. 20/1987 Coll. on state monument care. It brought the following two important innovations into Czech monument care: firstly, it legalized an increase in the upper limit of sanctions set by regional offices and municipalities with extended leeway. Secondly, it introduced a new instrument in the monument care protection plans of monument preserves and zones, such as the Charter of Fundamental Rights and Freedoms, Convention for the Protection of the Architectural Heritage of Europe (communication of the Ministry

of Foreign Affairs No. 73/2000 Coll) and the European Convention on the Protection of the Archaeological Heritage (Revised) (communication of the Ministry of Foreign Affairs No. 99/2000 Coll).

In the Czech Republic, the private ownership is allowed and regulated through the Act No. 2/1993 Coll. "Possibility of private ownership of cultural monuments" and mentioned in No. 20/1987 Coll. § 2 Concerning the public. The same law rules also the public ownership of Cultural Heritage, stating that the property right of all owners have the same substance and law protection. Also public bodies are entitled to detain the ownership of Cultural Goods, regardless of being State or local Authorities.

There is also an official list of all the monuments, not only medieval, that are situated in the Czech territory. The State Archaeological List of Czech Republic and the Heritage catalogue is compiled and managed by the Department of Archaeology of the General Directorate of National Heritage Institute.

2.4.2 Cultural Heritage Authorities

A hierarchical system of the executive part of the state administration represented by the Ministry of Culture as the central administrative office, 14 regional offices and 205 municipal offices with enlarged scope of action has an expert partner in the field of state monument care, represented by the National Monument Institute with 14 regional expert offices and covering body, the Central office. Regional offices and municipal offices with enlarged scope of action deepened their competence for state administration execution despite the existence of large differences in sense of implementing the state monument care into the organizational structure of regional and municipal offices as well as in sense of personal equipment. The existence of regional expert offices of the National Monument Institute in all the regions guarantees not only a symmetry of conditions of state monument care operation but also a more intense cooperation between the public administration and expert part in the framework of their activities.

Cultural Heritage Authorities have also local offices responsible for control all the operations on the Cultural Heritage. In case a monument or a monumental area is owned by the State, it is in charge of directly manage the area. On the contrary, if the Cultural Good is privately owned, no particular permission is required in order to operate on a Medieval Ruin or Monument, with the exception of that issued by the owner of the Good.

However, any intervention on the Cultural Heritage must be carried on by recognized and authorized Entities and workers. Permission to restore cultural heritage may be granted only to a natural person at its request. Act No. 20/1987 Coll., On state monument care, as amended, it stipulates the criteria upon which the applicant is granted a restoration permit (§ 14a). The applicant shall send to the Ministry of Culture a written request stating clearly the extent of the restoration specialization according to Annex No. 1 to Act No. 20/1987 Coll.

Organizations entitled to archeological research (Institute of archeology of the CAS, Prague, v. v. i., Institute of archeology of CAS, Brno, v. v. i., museums, archeological institutes of universities, public archeological institutions, National Heritage Institute and others), for repairs and reconstruction of ruins (cultural monuments) are requested to obtain consultation from National Heritage Institute.

2.4.3 Funding

The principal source of funds for preserve, enhance and enrich the public Cultural Heritage is mainly funds coming from the Ministry of Cultural Heritage and, if the Cultural goods or Monument belong to a peripheral Public Authority, also from the owner of the good. The funds are given by the Ministry through the application to three different financial schemes: the *Programme of Support of Rescue Archaeological Surveying*, the *Programme of Research and Scientific Evaluation of Cultural Values of the Environment and Monument Fund Identification, Protection, Preservation and Presentation*, and the *Support of Civic Associations in the Monument Care Programme*. In particular, the third of them is a significant sign of how the State is currently trying to develop and encourage the participation of its community to the management and preservation of the Cultural Heritage. In this sense, the most widespread form of partnership is, instead with private companies, cooperation of public owners with no profit organizations. More financial support could be granted to the Local and Municipal Authorities that have the possibility to grant allowances for the conservation and restoration of their own Heritage.

Since 1992, the laws has allowed and encouraged the participation of private companies and individuals to the expenses in the Cultural fields. In particular, there are some tax advantages to those who give an amount of money to Cultural Institutions or in order to promote cultural activities. The law that regulate this issue is the Act No. 338/1992 Coll., Act No. 357/1992 Coll., Act No. 586/1992 Coll.

2.4.4 Good practices and Guidelines

In Czech Republic, the best practices in the field of conservation and restoration of Cultural Heritage have been pointed out and defined by law, issuing some own laws or adopting European Conventions. In particular, the main laws dealing with these issues are: Act No. 20/1987 Coll.; Convention for the Protection of the Architectural Heritage of Europe (communication of the Ministry of Foreign Affairs No. 73/2000 Coll.), European Convention on the Protection of the Archaeological Heritage (Revised) (communication of the Ministry of Foreign Affairs No. 99/2000 Coll.), Charter of Fundamental Rights and Freedoms. In addition, the Ministry of Culture manages and publishes a public register containing the names and the data of all the restores that have been habilitated to operate on a Cultural Good.

The law defines also the duties of the owners of parts of Cultural Heritage⁸. In particular, the owner of a cultural monument shall be obliged to care for its conservation, to keep it in good condition and to protect it against danger, damage, destruction or theft, all the above at his own expense. He shall be obliged to use the cultural monument only in a manner consistent with its cultural and political importance, its monument value and its technical condition. If the cultural monument is owned by the State, the organization that administers the cultural monument or uses it or has it in its ownership, and its superior body shall be obliged to create all the necessary preconditions for fulfilling the mentioned duties. The obligation to care for conservation of a cultural monument, to maintain the cultural monument in good condition and to protect it against danger, damage, destruction or theft shall also be borne by a person who uses the cultural monument or has it in his possession; however, he shall be obliged to bear the expenses connected with this care for the cultural monument only if

⁸ https://www.mkcr.cz/assets/ministerstvo/zakon-o-statni-pamatkove-pe-egrave_i_eng_final.pdf

this follows from the legal relationship between him and the owner of the cultural monument. Organizations and citizens, even if they are not the owners of cultural monuments, shall be obliged to act so that they do not cause any adverse changes in the condition of cultural monuments or their environment and that they do not endanger the conservation and appropriate social use of cultural monuments. An owner who transfers a cultural monument to another person, or leaves it to someone for temporary use or hands it over it for renewal (Section 14) or for another purpose shall be obliged to notify the person to whom he transfers it or to whom he leaves it or hands it over that the object is a cultural monument. If the owner of a cultural monument fails to fulfil the duties set forth in Section 9, the municipal authority of a municipality with extended competence shall, after having received a statement of the professional organization of State monument care, issue a decision on measures that the owner of the cultural monument shall be obliged to implement and shall simultaneously set a deadline within which the owner shall be obliged to implement these measures. If a national cultural monument is involved, this decision shall be issued, after having received a statement of the professional organization of State monument care, by the body of the region within delegated competence in accordance with the conditions stipulated by the Government of the Czech Republic for provision for the protection of national cultural monuments. The decision on measures that the owner of a cultural monument is obliged to implement shall be issued by the municipal authority of a municipality with extended competence and, if a national cultural monument is involved, by the regional authority, also at the request of its owner. A generally binding legal regulation shall stipulate the details of the obligations of the owners of cultural monuments in their protection and use. The owner of a cultural monument shall be obliged, without undue delay, to notify the municipal authority of a municipality with extended competence of any danger or damage to the cultural monument and to request a decision thereof on how the defect should be remedied. With respect to an immovable cultural monument that is a structure, the owner shall also notify the construction authority. The owner of a cultural monument shall be obliged to notify, in advance, the municipal authority of a municipality with extended competence of each intended change in. If the owner of a cultural monument intends to perform maintenance, repair, reconstruction, restoration or any other modification of the cultural monument or its environment (hereinafter “renewal”), he shall be obliged to first request a binding opinion from the municipal authority of the municipality with extended competence and, for a national cultural monument, the binding opinion of the regional authority.

On the contrary, concerning the measures to be adopted concerning the safety of the visitors to a Medieval Ruin or site, no particular law have been stated yet. On monuments and ruins with regular operation for fee exist visitor’s regulations issued by its operator or owner. Generally owner of building has obligation to preserve it and care for its safety Act No. 63/2006 Coll § 154.

2.4.5 Annex: List of relevant laws and regulations

Domestic Legislation:

- Act No. 183/2006 Coll., on town and country planning and building code (Building Act)
- Regulation No. 499/2006 Coll., on building documentation
- Regulation No. 500/2006 Coll., on planning analytical materials, planning documentation, and planning activity evidence
- Regulation No. 501/2006 Coll., on general land use requirements
- Regulation No. 503/2006 Coll., on more detailed arrangement of planning proceedings, public law contract and planning measure
- Regulation No. 268/2009 Coll., on technical requirements applicable to buildings

- Regulation No. 398/2009 Coll., on general technical requirements for barrier-free use of buildings
- Act No. 360/1992 Coll., on execution of duties for authorized architects and authorized engineers and technicians active in construction sector
- Act No. 500/2004 Coll., Rules of Administrative Procedure
- Act No. 137/2006 Coll., on Public Procurement
- Regulation No. 230/2012 Coll., defining subject matter of public tenders for construction work and the extent of a list of construction works, supplies and services with bill of quantities.
- Regulation No. 231/2012 Coll., defining business terms and conditions for public tenders for construction works
- Regulation No. 232/2012 Coll., on details and extent of justification of purposefulness for a public tender
- Act No. 20/1987 Coll., on national heritage preservation
- Act No. 114/1992 Coll., on protection of landscape and nature
- Act No. 406/2000 Coll., on energy management
- Regulation No. 78/2013 Coll., on energy efficiency of buildings
- **Zákonná opatření na národní úrovni (National law):**
- Zákon č. 20/1987 Sb., o státní památkové péči (Act No. 20/1987 Coll., on State monument care)
- Vyhláška Ministerstva kultury č. 66/1988 Sb., kterou se provádí zákon č. 20/1987 Sb., o státní památkové péči (Decree No. 66/1988 Coll., on execution of Act No. 20/1987 Coll., on State monument care)
- Zákon č. 2/1993 Sb. Listina základních práv a svobod (Act No 2/1993 Coll., Charter of Fundamental Rights and Freedoms)
- Vyhláška Ministerstva kultury č. 420/2008 Sb., kterou se stanoví náležitosti a obsah plánu ochrany památkových rezervací a památkových zón (Decree of No. 420/2008 Coll. on execution of Act No. 20/1987 Coll., on State monument care about requirements and content of plans of protection of heritage reservation and heritage zones)
- Zákon č. 183/2006 Sb., o územním plánování a stavebním řádu (stavební zákon) (Act 183/2006 Coll., on town and country planning and building code (Building Act)).
- Vyhláška Ministerstva pro místní rozvoj č. 500/2006 Sb., o územně analytických podkladech, územně plánovací dokumentaci a způsobu evidence územně plánovací činnosti (Decree No. 500/2006 of Ministry for Regional Development No. 500/2006 Sb., on planning analytical materials, planning documentation, and planning activity evidence)
- Vyhláška č. 501/2006 Sb., o obecných požadavcích na využívání území – prováděcí vyhláška ke stavebnímu zákonu (Decree No. 501/2006 Coll., on general land use requirements – execution degree to Building Act)
- Vyhláška Ministerstva kultury č. 187/2007 Sb., kterou se stanoví obsah a náležitosti plánu území s archeologickými nálezy (Decree No. 187/2007 Coll. of Ministry of culture, on content and requirements of plan of archaeological reservations)

Mezinárodní úmluvy (International Legislation):

- International Legislation ratified by parliament of Czech Republic is parts of its legislation according of Constitution of the Czech Republic, Act No. 1/1993, Coll.
- Úmluva o ochraně světového kulturního a přírodního dědictví, č. 159/1991 Sb. (Convention concerning the Protection of the World Cultural and Natural Heritage, No 159/1991 Coll.)
- Úmluva o ochraně architektonického dědictví Evropy, č. 73/2000 Sb. (European Convention for the Protection of the Architectural Heritage, No 73/2000 Coll.)
- Úmluva o ochraně archeologického dědictví Evropy, č. 99/2000 Sb. (European Convention for the Protection of the Archaeological Heritage, No 99/2000 Coll.)
- Sdělení ministerstva zahraničních věcí České republiky č. 99/2000 Sb. m. s., o přijetí
- Úmluvy o ochraně archeologického dědictví Evropy (Announcement of Ministry of Foreign Affairs about acceptaion of European Convention for the Protection of the Archaeological Heritage)
- Sdělení ministerstva zahraničních věcí České republiky č. 73/2000 Sb. m. s., o přijetí
- Úmluvy o ochraně architektonického dědictví Evropy (Announcement of Ministry of Foreign Affairs on acceptation of European Convention for the Protection of the Architectural Heritage)

- Sdělení federálního Ministerstva zahraničních věcí České republiky č. 159/1991 Sb. m. s., o sjednání Úmluvy o ochraně světového kulturního a přírodního dědictví (Announcement of Federal Ministry of Foreign Affairs No 159/1991 Coll., on acceptance of European Convention concerning the Protection of the World Cultural and Natural Heritage)
- Sdělení ministerstva zahraničních věcí České republiky č. 13/2005 Sb. m. s., o sjednání
- Evropské úmluvy o krajině (Announcement of Ministry of Foreign Affairs No 13/2005 Coll., on acceptance of European Landscape Convention)

Ostatní související mezinárodní úmluvy (other International conventions):

- Vyhláška ministerstva zahraničních věcí č. 15/1980 Sb., o Úmluvě o opatřeních k zákazu a zamezení nedovoleného dovozu, vývozu a převodu vlastnictví
- kulturních statků (Decree of Ministry of Foreign Affairs No. 15/1980 Coll., on Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property)
- Vyhláška ministra zahraničních věcí č. 94/1958 Sb., o Úmluvě na ochranu kulturních statků za ozbrojeného konfliktu a Protokolu k ní (Decree of Ministry of Foreign Affairs No. 94/1958 Coll., on Convention for Protection of Cultural Property in the Event of Armed Conflict and about its Protocol)

Mezinárodní charty (International charts):

- Sdělení ministerstva zahraničních věcí České republiky č. 99/2000 Sb. m. s., o přijetí
- Úmluvy o ochraně archeologického dědictví Evropy (Announcement of Ministry of Foreign Affairs No 99/2000 Coll., on acceptance of European Convention on the Protection of the Archeological Heritage)
- Sdělení ministerstva zahraničních věcí České republiky č. 73/2000 Sb. m. s., o přijetí Úmluvy o ochraně architektonického dědictví Evropy (Announcement of Ministry of Foreign Affairs No 73/2000 Coll., on acceptance of European Convention for the Protection of the Architectural Heritage)
- Sdělení ministerstva zahraničních věcí České republiky č. 159/1991 Sb., o sjednání Úmluvy o ochraně světového kulturního a přírodního dědictví (Announcement of Ministry of Foreign Affairs No 159/1991 Coll., on Convention concerning the Protection of the World Cultural and Natural Heritage)
- Mezinárodní charta ICOMOS o zachování a restaurování památek a sídlišť - Benátská charta - ze dne 25. a 31. května 1964, II. mezinárodní kongres architektů a techniků, Benátky 1964 (International Charter for the Conservation and Restoration of Monuments and Sites – The Venice Charter 1964)
- Mezinárodní charta ICOMOS kulturního turismu z roku 1976 – Bruselská charta (International Cultural Tourism Charter – Brussels Charter 1999)
- Mezinárodní charta ICOMOS o historických zahradách z roku 1982 – Florentská Charta (Historic Gardens – Florence Charter 1981)
- Mezinárodní charta ICOMOS pro záchranu historických měst z roku 1987 – Washingtonská charta (Charter for the conservation of Historic towns and Urban Areas – Washington Charter 1987)
- Mezinárodní charta ICOMOS o řízení archeologického dědictví z roku 1990 – charta z Lausanne (Charter for the Protection and Management of the Archaeological Heritage – 1990)
- Mezinárodní charta ICOMOS o kulturním turismu z roku 1999 – Mexická charta (International Cultural Tourism Charter – Chart of Mexico – 1999)
- Dokument o autenticitě z roku 1994 – Nara (Nara Document on Authenticity – 1994) Budapešťská deklarace o světovém dědictví ze dne 28. června 2002 (Budapest Declaration – Convention concerning the protection of the World Cultural and Natural Heritage – 2002)

Haagské instrumenty (Hague instruments):

- Haagská úmluva na ochranu kulturních statků za ozbrojeného konfliktu z roku 1954 a protokol k ní, publikovaná pod č. 94/1958 Sb. (1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and Protocol for the Protection of Cultural Property in the Event of Armed Conflict, No 94/1958 Coll.)

- Druhý protokol k Haagské úmluvě na ochranu kulturních statků za ozbrojeného konfliktu z roku 1954, publikovaný pod č. 71/2007 Sb. mezinárodních smluv (Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, No 71/2007 Coll.)

2.5 Republic of Slovakia

2.5.1 Property and consistency of the Medieval monumental Cultural Heritage

Republic of Slovakia's legally defines Culture Heritage as «*a set of tangible and intangible things, documents, creative activity of man and the development of human society, from the oldest to the present, having regard to their historical, cultural and social value. It is in the interest of each society to protect and preserve the cultural heritage for future generations*».

The laws stated in Slovakia differentiates between tangible and intangible Cultural Heritage:

Tangible cultural heritage

Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

Sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Intangible cultural heritage means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

“Intangible cultural heritage” is manifested *inter alia* in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.

It is in the interest of each society to protect and preserve the cultural heritage for future generations. In accordance with the international treaties on cultural and world heritage, to which the Slovak Republic is bound, the conditions for the protection of cultural heritage monuments, historic reserves

or historic zones, archaeological finds and properties are declared by the Act on the Protection of the Monument Fund no. 49/2002 (monument fund is considered as the set of movable and immovable objects declared as national cultural monuments).

Ownership of cultural monuments is individual in the sense of valid Slovak legislation. It can be a private person, a regional or local government, an entrepreneur, a state, or other authorities.

The Slovak Republic maintains a list of "Central list of monuments", which is a database of various types of cultural monuments, of which the specific group is also medieval architecture in different building conditions.

2.5.2 Cultural Heritage Authorities

The main Authority in the field of Conservation and Preservation of the Cultural Heritage is the Monuments Board of the Slovak Republic, that is also organized in local offices and bureaus, known as Regional Monuments Board.

The Monuments Board of the Slovak Republic and the Regional Monuments Board are established for the performance of special state administration in the field of the protection of monuments and historic sites. The Monuments Board is a legal entity having its seat in Bratislava. The Monuments Board is a state budgetary organisation linked financially to the budget of the Ministry. Under its competence shall ensure wage funds and material means for the Regional Monuments Boards and shall be the employer for the employees working in the Regional Monuments Boards. The Monuments Board shall perform state administration with competency throughout the territory of Slovakia in issues entrusted to the Board by its Establishment Act.

The Regional Monuments Boards shall perform state administration within their respective territorial units, which are the same as the territories of the regions. The Monuments Board and Regional Monuments Boards shall exercise state supervision over compliance with the provisions of this Act and the regulations of general application adopted for its implementation, supervision over compliance with valid decisions taken by them and, within their scope of competence, they shall take decisions for remedying deficiencies. The Monuments Board and the Regional Monuments Board can establish temporary advisory bodies and permanent advisory bodies to advise in the assessment of issues relating to the protection of monuments and historic sites, archaeological finds and archaeological sites.

The Regional Monuments Board (along the lines of the self-governing administrative division of the Slovak Republic) Regional Monuments Boards are the competent administrative authorities to take first instance decisions on the rights and duties of legal entities and natural persons in the field of the protection of monuments and historic sites in all cases where a law does not stipulate otherwise. The Regional Monuments Boards shall act and take decisions on administrative legal matters independently.

2.5.3 Funding

Cultural funding in Slovakia is possible on different levels, and actually the most important source for cultural projects and for civic initiatives is the state money, which is the Ministry of Culture. Unfortunately Slovakia does not have developed system of cultural strategies on city levels and on regional levels, which means cities and regional governments usually just are taking care of their own institutions. And compared to the independent sector the funding proportion is approximately 95% to 5%, which means that an independent operator could not easily get support for his activities,

especially whether he is doing long-term projects and all year long activities . At the moment, the most generous public funding scheme is the one called “Renew your house”, which could encourage also the restauration operation on Historical and Medieval monuments or ruins. On the contrary, at the moment any tax advantage is provided for those who decide to privately fund Cultural operations, while some partnership between public Authorities and private enterprises or individuals can be envisaged.

2.5.4 Good practices and Guidelines

The renovation of cultural heritage monuments (hereinafter referred to as "renovation") shall mean the set of specialised craft activities and other professional activities for the maintenance, conservation, repair, adaptation or reconstruction of a cultural heritage monument or a part thereof for the conservation of its cultural heritage value.

Renovation is envisaged to have several phases (depending on the scale of construction interventions):

reparation (elaboration of expert opinions, realization of research) - Cultural heritage research pursuant to this Act other than archaeological research can be carried out by a natural person who has a certificate of special professional competence for the performance of cultural heritage research (hereinafter referred to as a "certificate of professional competence") and by the Monuments Board through natural persons with a certificate of professional competence. The Ministry shall issue a certificate of professional competence with a validity period of five years; an extension of the validity period of a certificate of professional competence can be granted for an additional five-year period, also repeatedly, based on an application.

The restauration process has to follow many steps, according to the guidelines issued by the Monuments Board:

- Project documentation for renovation (Project documentation for renovation can be drawn up only by a person so authorised pursuant to the relevant legislation.)
- Implementation – realization should have been conducted by construction company with sufficient experience
- Restauration - The final part of the restauration process can be focused on the whole monument or just on a part of it, according to the restauration project.

Restauration can be carried out only by a natural person who has professional competence for it pursuant to relevant legislation: a) The Monument Board of the Slovak Republic; b) member of the Restorers Committee; c) Universities, Department of Restoration.

As it was mentioned above, the correct practices and some guidelines concerning the operation on the Slovak Cultural Heritage are given both by the National and Regional Monument Bodies, as well as by the law, in particular through the rules contained in the Act No. 49/2002 Z. z. on the protection of monuments and historic sites. The same law defines the concept of protection and preservation in Slovak Republic and states the requirement to recruit a restore whose name is contained in a public list managed by the Ministry of Culture certifying the habilitation of professional restorers. In addition, it envisages the duties and the rights of an owner of an item that is part of the National Cultural Heritage.

The owner of a cultural heritage monument has the right

- a) to request professional and methodological assistance from the Regional Monuments Board free of charge in matters relating to the protection of the cultural heritage monument.
- b) to apply for a grant or state aid from the municipality and the Ministry for the conservation of the cultural heritage value of the monument,

c) to adequate compensation for any demonstrable loss incurred as a result of the application of this Act or a decision pursuant to this Act.

The owner of a cultural heritage monument shall be obliged

- a) to provide for the basic protection of the cultural heritage monument at their own expense
- b) to use the cultural heritage monument in accordance with its cultural heritage value,
- c) to notify the counterparty, in the event of a transfer of ownership, that the cultural heritage monument is subject to protection as defined in this Act,
- d) to allow employees of a body for the protection of monuments and historic sites or other authorised persons, upon presentation of their service cards, to enter the premises of an immovable cultural heritage monument provided it is not a residence, or to present a movable cultural heritage monument for documentation or research purposes or for the purpose of preventing damage or destruction of the cultural heritage monument,
- e) to permit labelling of the cultural heritage monument where the Regional Monuments Board so decides,
- f) to permit public access to a cultural heritage monument that is not a residence subject to conditions specified in advance, and subject to compensation, if the Regional Monuments Board so decides.
- g) to ensure special protection of the cultural heritage monument and to place a movable cultural heritage monument in custody at a location agreed in advance in the event of an extraordinary situation,¹¹⁾
- h) to ensure special protection of the cultural heritage monument and place a movable cultural heritage monument in custody at a location agreed in advance for a necessary period during a state of crisis and during wartime or a state of war²⁶⁾ to secure the cultural heritage monument in accordance with international law.²⁷⁾

The owner of a cultural heritage property shall notify the Regional Monuments Board and the municipality of

- a) every threat, damage, theft or destruction of a cultural heritage monument without delay,
- b) every intended change in the use of a cultural heritage monument, including in the case of an immovable cultural heritage monument, its vacation,
- c) any change in the ownership a cultural heritage monument, within 30 days of execution.

The Slovak Republic, through its Ministry of Culture and the Monumental Boards, has dealt with the issue of the safety of the visitors to a monument or to visitable ruin. In particular, a complete checklist concerning these aspects has been produced.

The complexed process consists of the following phases:

1. Risk identification
2. Risk assessment (Disaster Scenario)
3. Risk management (Main task of managers)
4. Monitoring and control

2.5.5 Strategies for the development of cultural policies in Slovakia

The Republic of Slovakia has issued a strategic plan for the development of Cultural policies for the years since 2014 to 2020, which follows the European plans of funding. Some of the main issues that have been faced in the strategic plan are:

- Strategy Action Plan for 2015-2017;
- Strategy for the Protection of the Monument Fund for 2017-2022, Annex no. 1 Annex no. 2 ;
- Concept of research focus and support in the cultural sector for the years 2016 to 2020;

- Creative industry;
- Concept of care for local and regional cultures, Concept of care for traditional folk culture, Strategy for the development of local and regional culture, Strategy for the development of educational activities;
- The concept of conservation of the monument fund and cultural heritage in crisis situations;
- The Strategy for the Development of Museums and Galleries in the Slovak Republic;
- The Strategy of Development of Slovak Library;
- Concept of focus and support of research and development in the Ministry of Culture of the Slovak Republic;
- Concept of media education in the Slovak Republic in the context of lifelong learning;
- Project of Systematic Restoration of the Audiovisual Heritage of the Slovak Republic;
- Update of the System for the Systematic Recovery of the Audiovisual Heritage of the Slovak Republic;
- Sectoral Concept of Vocational Education and Training of Pupils for Professional and Professional Activities in the Culture Sector;
- Concept of developing cultural and reading competencies of children through cultural education with the aim of establishing a Center for Literature for Children and Youth and Reading Support;

2.6 Republic of Poland

2.6.1 Legal basis for protection and care of historical ruins in Poland

In protecting and managing historical ruin, it is important to know the law in force. The legal basis of monument protection are regulated in Poland by the following legal acts and documents:

- Constitution of the Republic of Poland of April 2, 2007 (Articles 5, 6, and 73, and its preamble);
- *Act of 23 July 2003 on the protection and care of monuments*, together with regulations issued to this act;
- Ratified international conventions for the protection of cultural heritage (UNESCO Conventions, Council of Europe Conventions);
- Regulations from other legal acts, related to the protection of monuments (including *the Act of 27 March 2003 on spatial planning and development*, *the Act of 7 July 1994 Construction Law*, *Act of 27 April 2001 Environmental protection law*, *Act of 21 August 1997 on real estate management*, *Act of 24 April 2015 on the amendment of certain acts in connection with the enhancement of landscape protection tools*).

In the context of the management of historic objects and areas (including a historical ruin), legal conditions resulting from other areas should also be taken into account, including the following acts: *the Act of 21 November 1996 on museums*, *the Act on municipal government*, *the Act of 8 March 1990 on poviát government*, *the Act of 25 October 1991 on the organization and conduction of cultural activities* that have relationship with the tasks, rights, and duties of owners and managers of the historic ruin.

The most important legal act in the field of monument protection is *the Act of 23 July 2003 on the protection and care of monuments* which, inter alia, defines the concept of a monument, regulates the principles of protection and care of monuments; it defines: forms of protection, competence of monuments protection authorities (including government and local government administration), responsibilities of the owner or monument holder, forms of financing of monuments care, rules for conducting research on monuments, their registration etc.

The Act of 23 July 2003 on the protection and care of monuments defines basic concepts relevant to the protection and management of a monument. These include the following definitions:

- *the monument – a real estate or movable property, its parts or assemblies, being a work of a human or related to its activity and constituting a testimony of a bygone era or event, which protection is in the public interest due to its historical, artistic or scientific value;*
- *the archaeological monument – an immovable monument, being a surface, underground or underwater remnant of human existence and activity, composed of cultural layering and the products or traces found therein, or a movable monument that is this product;*
- *conservation works – activities aimed at protecting and preserving the monument's material, stopping the processes of its destruction and documenting these activities;*
- *restoration works – activities aimed at exposing the artistic and aesthetic values of the monument, including, if necessary, supplementing or reconstructing its parts and documenting these activities;*
- *construction works – construction works within the meaning of the Construction Law, taken at the monument or in the surroundings of the monument;*
- *conservation studies – activities aimed at recognizing the history and function of the monument, determining the materials and technologies used to erect it, determining the condition of this monument and developing a diagnosis, project and conservation program, and if necessary, also a restoration program;*
- *architectural research – activities interfering with the monument's material, aimed at identifying and documenting the original form of the construction object and determining the scope of its subsequent transformations;*
- *archaeological research – activities aimed at discovering, recognizing, documenting and securing an archaeological monument;*
- *cultural landscape – space perceived by people, which contain natural elements and products of civilization, historically shaped as a result of natural factors and human activity;*
- *surroundings – the area around or next to the monument, designated in the decision associated with the entry of this area into the register of monuments in order to protect the sights of the monument, and its protection against the harmful effects of external factors.*

These definitions are important in order to precisely determine the actions taken at a historical ruin.

2.6.2 Property and consistency of the Medieval monumental Cultural Heritage

The concept of cultural heritage in the Polish legal system does not have a definition functioning under the right of protection of monuments. There are different definitions of cultural heritage. One of them (quite often used) is formulated by Jan Pruszyński as (...) *the stock of immovable and movable things with related spiritual values, historical and moral phenomena, recognized as worthy of legal protection for the good of society and its development and forwarding to next generations due to the understandable and accepted historical, patriotic, religious, scientific and artistic values of significance for the identity and continuity of political, social and cultural development, proof of*

*truths and commemoration of historical events, cultivating the sense of beauty and the civilization community*⁹.

Cultural heritage, according to the definition contained in the Polish Dictionary, are the goods of culture, science and art left by previous generations.

The Act of 23 July 2003 on the protection and care of monuments defines basic concepts relevant to the protection and management of a monument. These include, among others, the concept "monument": *the monument – a real estate or movable property, its parts or assemblies, being a work of a human or related to its activity and constituting a testimony of a bygone era or event, which protection is in the public interest due to its historical, artistic or scientific value.*

Monuments (including medieval ones) are owned by various entities in Poland. Private ownership of medieval monuments is allowed. Medieval ruins are most often owned by: state and local governments. There are also medieval ruins that belong to private owners, associations, foundations ... The right to property is defined by the Constitution of the Republic of Poland: *Everyone has the right to property, other property rights and the right of inheritance. Ownership, other property rights and the right of inheritance are subject to equal legal protection for all. Ownership may be limited only by law and only to the extent that it does not infringe the essence of the right of property* (Article 64)

There are certain restrictions associated with the sale of historic objects. In the contract for the sale, exchange, gift or lease of immovable monument entered in the register, owned by the State Treasury or a local government unit, in determining the use of this monument should be imposed, if the condition of the monument requires it, the obligation to carry out the purchase within a specified period necessary conservation work on this monument.

In order to facilitate the monitoring of the Cultural Heritage, a database of all historic buildings entered in the register of monuments was established. It also includes all the medieval ruins entered into the register of monuments. It is run by the National Heritage Board of Poland and available at the Internet address: www.zabytek.pl. In addition, on the website of the National Heritage Board of Poland there is a list (quarterly updated) of all immovable monuments entered in the register of monuments: https://www.nid.pl/pl/Informacje_ogolne/Zabytki_w_Polsce/rejestr-zabytkow/zestawienia-zabytkow-nieruchomych/

Historical ruins of mediaeval castles in Poland are barely a small percentage of the resources of protected historical monuments. As far as we consider only the objects registered as immovable historical monuments, there are hardly a hundred and several dozen objects counted against the overall number of 70000 objects registered as immovable monuments. There are no precise figures concerning this resource. According to the analyses carried out in 2012 the number of ruins of mediaeval castles registered as monuments was 1365. The number was then verified on the basis of a documentation analysis and a partial area verification and determined as 124 objects. On the other hand, according to the data accessible on the official internet site of the National Heritage Institute there are less than 1007 mediaeval castles registered as immovable monuments. According to other data (taking into account not only the objects registered as monuments) their number is about 2008. The reason for the lack of precise identification of mediaeval castle ruins are among

⁹ PRUSZYŃSKI 2001, p. 50.

others: the problems related to determining the time spans as well as the approximate estimation of dating back of numerous objects, not very precise and manifold determination of this type of monuments in the decisions concerning their registration (e.g. a certain number of historical castle ruins is determined in the decisions as a castle, a fortified manor-house, relics or remnants of a castle), the lack of systemic monitoring (and information) concerning the state of the ruins (the state of some part of the resource is very bad, whereas some ruins of the castles have been reconstructed and have lost the character of ruins). Talking about the resources (and their number) of the castle ruins it should be noticed that the former specifications did not comprise the objects which were not registered as immovable monuments, however, they were mentioned in the, so-called communal record of monuments, i.e. the list of monumental objects whose carrying out falls within the competence of town or commune municipality.

2.6.3 Cultural Heritage Authorities

The bodies for the protection of monuments in Poland are:

- the Minister of Culture and National Heritage, on whose behalf the tasks and competences, are performed by the General Conservator of Monuments;
- The Voivode, on whose behalf the tasks and competences, is performed by the voivodship conservator.

The Voivode, at the request of the General Conservator of Monuments, appoints the Voivodship Inspector of Monuments. The Voivodship Inspector of Monuments may be a person who: is a Polish citizen; at least holds a masters degree in one of the fields related to the protection of monuments and at least five years of work experience in this field; has knowledge of the functioning of public administration and regulations on the protection of monuments and care of monuments.

The state conservation services, functioning under the name of the Voivodship Office for the Protection of Monuments, are responsible for the protection of monuments. Such offices operate in each of the 16 provinces. They are subject to the General Conservator of Monuments and to the Voivode appropriate for a given province. The work of each of these voivodship offices is managed by the Voivodship Inspector of Monuments. In each province, the Office has one or several delegations, headed by the Head.

The tasks performed by the Voivodship Inspector of Monuments include in particular: execution of tasks resulting from the national program of the protection and care of monuments; drawing up, as part of the budget allocations, plans for financing the protection of monuments and for care of monuments; maintaining the register of the monuments and collecting documentation in this respect; issuing, in accordance with the competence, decisions, provisions and certificates in matters specified in the Act and in separate regulations; supervising the correctness of conservation, architectural research, restoration, construction works and other activities related to monuments and archaeological research; organizing and conducting inspections in the field of monument protection and care of monuments; development of voivodship plans for the protection of monuments in the event of armed conflict and crisis situations, and coordination of activities in the implementation of

these plans; dissemination of knowledge about monuments; cooperation in matters of protection of monuments with other public administration bodies and entities conducting public benefit activities.

In addition, in many cities there are local government inspectors of monuments. Sometimes it is a single-person position (in smaller cities), most of them are offices employing several or a dozen employees (in larger cities). In some poviats (county) cities also poviats conservators operate. Self-government inspectors operate under an agreement that is concluded between the voivode and the local government (president, mayor). The agreement includes handing over to the self-government inspector some of the competences in the field of monument protection, which belong to the voivodeship inspector.

Local self-governments are not obliged to appoint local self-government inspectors.

In addition, local self-governments, even if no self-governing conservator has been appointed, are obliged to perform a number of tasks and activities for the protection of monuments. The *Act on the Protection and Care of Monuments* defines the responsibilities and competences of territorial self-government in the area of monument protection and care of monuments. The municipality's responsibilities include in particular:

- keeping municipal register of monuments in the form of a collection of address cards of immovable monuments from the commune's area
- preparing (for a period of 4 years) a communal program of care of monuments
- taking into account protection of monuments and care of monuments while preparing and updating development strategies for communes, studies of conditions and directions of spatial development of communes and local spatial development plans, or decision on location of public purpose investment, decision on development conditions, decision on permitting road investments
- drawing up a municipal plan for the protection of monuments in the event of armed conflict and crisis situations

The state cultural institution operating in the area of monument protection is the National Heritage Board. There are also Regional Offices of National Heritage Board - one in each of the sixteenth provinces (voivodeship).

The National Heritage Board of Poland is a state agency that gathers and disseminates information on heritage, sets standards for its protection and conservation, and aims to raise the social awareness on cultural heritage of Poland in order to save it for future generations in accordance with the strategy for sustainable development.

The National Heritage Board of Poland is a cultural institution established by the Minister of Culture and National Heritage. Its present structure was formed in 2007.

The main objective of the National Heritage Board of Poland is to implement the State's policy concerning the protection of cultural heritage and its supervision through assuring the best and most comprehensive conditions for preserving it for future generations. The Board's activities encompass in particular:

documentation of the cultural heritage through registering the historical monuments – their values and condition they are in; archiving documental resources that relate to the protection of historical monuments;

formation of the rules for the protection of historical monuments through recognizing the threats and elaborating the standards of conduct as well as the implementation of standards for conservation works;

education and promotion of heritage, which means popularization of knowledge about historical monuments and formation of social conditions enabling the effective protection of them.

The Board – in executing the goals listed above – keeps the National Inventory of Historical Monuments, forms digital information resources about material heritage of the cultural kind and establishes new techniques for scientific documentation and research on monuments. The Board's professionals also conduct verification of the register of monuments in order to make the documentation fully correspond with reality.

The Board's experts prepare conservation guidelines for the most valuable historical monuments that are endangered as well as expert's statements and opinions concerning the protection of historical objects required by the General Inspector of Monuments. They also supervise the process of removing from the register of monuments those which lost their value or no longer exist as well as dealing with an appeals procedures concerning the protection of archaeological monuments. Besides, the Board supports the local inspectors of monuments in supervising the process of archaeological rescue research undertaken where motorways and express roads are built. The Board also develops a close cooperation with police and similar services in order to prevent crime against historical monuments.

The Board creates the bases for conservatory doctrine, works out and implements a homogeneous system of cultural heritage protection and documentation as well as methodological standards of research, documentation and conservation of monuments. It monitors the state of preservation of cultural heritage and estimates the threats to monuments. It supervises the preparation of periodic reports on Polish sites and objects placed on the UNESCO World Heritage List. It coordinates the procedure of submitting applications for nomination by the President of Poland particular sites and objects as the Monuments of History.

The Board is concerned about widely comprehended social education and conducts trainings for institutions and individuals engaged in the protection of cultural heritage; a programme of training covers research, protection, conservation and administration of monuments. It also co-conducts the postgraduate study in the archaeological heritage management and plans to launch another.

The important domain of the Board's activities is the coordination of the European Heritage Days and organisation of the International Day for Monuments and Sites. Being concerned about the cultural education of the youngest, the Board organises, as part of the EHD programme, contests in the fields of tradition and history for children and young people. The Board also promotes volunteer works for salvaging monuments.

The Board prepares exhibitions and publishes a number of periodicals. The following regularly come out: a quarterly "Ochrona Zabytków", an annual "Muzealnictwo", a newsletter "Kurier Konserwatorski" and soon, a series "Studia i Materiały Krajowego Ośrodka Badań i Dokumentacji Zabytków – Monument". Besides the mentioned titles, the Board also prepares other publications about national heritage.

The access to the specialist resources of the Board – the library, the conservatory documentation archive and the photographic archive – is open for everyone interested.

The Board also runs a telephone and address directory of Polish museums, which is accessible online, and gathers information about good practice in these institutions.

Moreover, the Board manages the programme of the Minister of Culture and National Heritage which supports projects of digitalisation of monuments and museum objects.

The Board's aims and assignments are realized both in its headquarters in Warsaw and in the Regional Boards which are located in all the voivodeships. The Board cooperates with the state administration, local government units, non-government organisations, national, foreign and international cultural institutions, research centres, churches and religious unions, and the owners

and users of historical monuments. The Board is also present at an international forum by cooperating with similar institutions in other European countries as well as international organisations and networks whose aims are to propagate the highest standards of cultural management¹⁰.

2.6.4 Funding

The system of monument protection financing in Poland is shaped by the legal solutions comprised by several legal acts. The broadest range of the rules of budgeting the protection of a registered monument is regulated by the Act of July 23rd, 2003, of monument protection and preservation. In Polish legal system it is the monument owner who is responsible for maintaining the monument in a good state. Bearing the expense of conservation, restoration and construction works at the monument site is also the duty of a unit with a legal title deed of property (independent of the type of unit; whether it is a private person, a denominational unit, a local government one or a state one). The kind of support in accomplishing this kind of tasks may be public means, given in the form of a purposeful donation granted at the application of the monument owner, a tenant or people authorized by them (physical person, local government unit, or another organizational unit which is the owner or proprietor of the registered monument or is a permanent manager of a monument may apply for a purposeful donation from the state budget for covering the cost of conservation, restoration or construction works at the registered monument site.

The potential sources of finance from the state budget in case of a registered monument is:

No	Source of funding	Objectives and subject of financing
I. State budget		
1.	Ministry of Culture and National Heritage¹¹ as part of annually announced Programs	In 2018, the following Programs were announced Selected Programs announced in 2018, – <i>Protection of monuments</i> The program is financed from funds granted on the basis of the Regulation of the Minister of Culture of 16 August 2017 on the purpose subsidy for conservation or restoration works on a monument inscribed on the Heritage List of Treasures, and conservation, restoration, and construction works on a monument entered into the register of monuments (Journal of Laws, item 1674). The strategic goal of the program is to preserve the material cultural heritage, implemented through the

¹⁰ <https://www.nid.pl/en/>

¹¹ The Minister of Culture and National Heritage has instruments to finance activities related to the protection of cultural heritage based on the solutions adopted resulting from the "National Strategy for Culture Development for 2004-2020". Every year, the Minister of Culture and National Heritage announces the call for proposals for the programs he runs. On 1 October 2017, a new regulation of the Minister of Culture and National Heritage of 27 September 2017 entered into force on the detailed conditions for obtaining funding for the implementation of tasks in the field of culture, the procedure for submitting applications and transferring funds from the Culture Promotion Fund (Journal of Laws, item 1808)

		<p>conservation and revalorization of immovable and movable monuments and their sharing for public purposes.</p> <p>The tasks leading to securing, preservation, and consolidation of the monument's matter are the key to accomplishing the objectives of the program. As part of the program, projects that assume the adaptation or reconstruction of historic buildings are not eligible. Great emphasis will be placed on co-financing works at the most endangered objects and the most valuable monuments – inscribed on the UNESCO World Heritage List of Cultural and Natural Heritage, recognized as Monuments of History and those with outstanding historical, artistic or scientific value. An important goal of the program is also to pay attention to objects that are of particular importance for cultural heritage – both in the global and local context, where they play an important role as a carrier of the history and tradition. In the coming years, among the co-financed projects, particular significance will be played by those that currently or in the future will have cultural functions. An important goal of the program is to improve the condition of cultural institutions located in historic premises, which repairs are particularly needed due to the intensity of use. The modest means available to territorial government units as well as government cultural institutions often do not allow to conduct a comprehensive work, which in turn means progressive degradation of the historic matter and requires more support than before from the Minister of Culture and National Heritage. Polish entities, natural persons, local government units or other organizational units, being the owner or a manager of a monument entered into the register or having such a monument in a permanent management, may apply for co-financing under the program. The state cultural institutions, public schools, universities, art academies, and other entities mentioned in the Article No. 72 of the Act of 23 July 2003 on the protection of monuments and care of monuments (Journal of Laws of 2014, item 1446, as amended), they can not apply for funding under the program¹².</p> <p>– <u>Protection of archaeological monuments</u></p> <p>The strategic goal of the program is to protect the archaeological heritage by supporting key tasks in this area, including the recognition and documentation of archaeological heritage resources as well as the development and publication of archaeological research results. The task of the program is to support and promote research conducted using non-destructive</p>
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¹² http://www.mkidn.gov.pl/media/po2018/dokumenty/20170929_ochrona_zabytkow_2018_regulamin.pdf
(condition as of December 27, 2017).

		<p>methods, using traditional techniques and modern technical achievements, as well as the development and publication of this results. In both groups of tasks, support may primarily be provided for projects that assume research in areas (or fields) insufficiently identified or disseminated, which promote new research directions, as well as the development and publication of archaeological research results, especially those completed before 2010.</p> <p>The following entities of the Polish law may apply for co-financing under the priority: local government cultural institutions, state cultural institutions, non-governmental organizations, public universities, private academic institutions, and entities conducting business activity¹³.</p> <p>– <u>Culture available</u></p> <p>The aim of the program is to support tasks aimed at facilitating access to the culture, aimed at a wide audience and fostering social integration. These actions should be aimed at achieving real, systemic, and long-term effects in eliminating barriers to access to culture in the spatial, economic, socio-mental, and competence issues, with particular emphasis on the needs of people deprived of direct access to national resources of the cultural goods, cultural institutions, and art institutions. The following entities of Polish law may apply for co-financing under the program: state cultural institutions; local government cultural institutions; local government units only as organs running public art schools, in the case of schools that do not conduct independent accounting; non-governmental organizations; churches and religious associations and their legal persons, and entities conducting business activity¹⁴.</p>
2.	Provincial Monument Conservators	<p>Financial resources from the state budget, from the part of which is supervised by the voivode, intended for conservation, restoration, and construction works on monuments entered into the register of monuments located in a given province, according to the criteria set by individual provincial monument conservators. The subsidy may be granted for co-financing:</p> <p>– expenditures necessary for the implementation of the above work that will be carried out in the year of submitting the application for subsidy by the applicant or in the year following</p>

¹³http://www.mkidn.gov.pl/media/po2018/dokumenty/20171219_Regulamin_Ochrona_zabytkow_archeologicznych_2018.pdf (condition as of December 27, 2017).

¹⁴http://www.mkidn.gov.pl/media/po2018/dokumenty/20171219_Regulamin_Kultura_dostepna_2018.pdf (condition as of December 27, 2017).

		<p>the year of submitting the application – subsidy for the works planned,</p> <p>– expenditures necessary for the implementation of the above works that were carried out during the three years preceding the year in which the applicant submits the application for subsidy – refund.</p>
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The law determines the rules of granting donations by the minister and the voivodship monument conservators. Apart from specifying the works at the monument for which the donation may be granted, a certain rule has been accepted, that the donation may cover up to 50% of the necessary expenditure for the works. Higher budgeting even up to 100% of the necessary expenditure is possible in the following situations: if the monument has an exceptional historical, artistic or scientific value, or there is a need to carry out complex technological operations, or else, if the state of preservation of the monument requires taking up conservation, restoration or construction works immediately.

Subsidies granted by the Minister and Provincial Monument Conservators may be granted for a series of activities on the historic ruin necessary for the preservation and improvement of the technical condition and the historic matter of the object. The most important works and activities include: technical and conservational expertise, conservation or architectural research and documentation, development of the conservation and restoration program, construction projects, protection, preservation and consolidation of the monument's matter, structural stabilization of the monument's components or their partial reconstruction, reconstruction of the destroyed part of the monument, if this reproduction does not exceed 50% of the original matter of this affiliation; replenishment of earth scratches of defensive architecture, purchase and assembly of anti-burglar, fire protection, and lightning protection installations.

Besides the programs of MCandNH and the donations granted by the VMC the so called help funds from the state budget assigned for the works at monuments may come from the Church Fund, the State Fund of the Disabled People Rehabilitation or the Citizen Initiative Fund.

Moreover the donations for the works at the registered monuments are granted by the constituting offices of the local government units (communes, districts, voivodships) and the rules of the donations are determined in the resolution taken by a given unit.

A significant source of financing the works concerning monuments are the European funds. They come from the following programs:

- The Operational Program Infrastructure and the Environment 2014-2020
- Regional Operational Programs for particular voivodship
- The Rural Areas Development Program
- The Operational Program Fishing and the Sea
- INTERREG
- MCand NH – European funds.

From January 1st, 2018, the provisions of the Act of 22nd June 2017 amending the *Act of 23 July 2003 on the protection of monuments and the care of monuments*, on the basis of which the National Monument Protection Fund was established as the state special purpose fund, entered into force. The main influences of the National Monuments Protection Fund are administrative fines imposed in cases which have so far been offenses. These are funds from administrative penalties that may be imposed in strictly defined cases. Fines may be imposed on persons, who without the permission of the Provincial Monument Conservator (or in contravention of the scope or conditions specified in the permit of the Provincial Monument Conservator), perform e.g., conservatory, restoration or construction works at the monument entered into the register, and construction works in the monument's surroundings; conduct archaeological or architectural conservational research on a monument entered into the register. Cash penalty may also be imposed for non-compliance with the

post-audit recommendations. Financial penalties are imposed by the monuments protection authorities. The proceeds to the Fund may also be the amount of money awarded by the court in cases of crimes of damage or destruction to the monument. Before the amendment of the Act, fines for committing the offense went to the general state budget. Currently, the Ministry of Culture and National Heritage is the administrator of the newly created Fund. Funds collected on the account of the National Monument Protection Fund are to be primarily allocated for the rescue of monuments at risk, destroyed or damaged.

As far as the range of the tax policy in Poland, the following instruments should be mentioned that support the maintenance of monuments:

- Exemption from the property tax of the buildings and areas registered as monuments, on condition that they are preserved in a good state. The exemption from the tax cannot be applied to the parts of the property where any economic activity is carried out.
- Exemption from the land tax of the areas registered as monuments on condition of their preservation and management according to the suitable legal rules.
- Exemption from the forest tax of the forests registered as monuments.
- Exemption from the capital transfer tax concerning movable property on condition that the purchaser protects them and preserves according to the legal rules.
- A 50% discount of the annual lease payment of the property registered as monument with a possibility of raising or lowering of the discount.

The public-private partnership in Poland is governed by *the Act of 19 December 2008 on public-private partnerships*. The Ministry of Development is responsible for the dissemination and promotion of public-private partnerships. References to the use of public-private partnerships are included in all major development strategies of the nation. Public-private partnership is indicated as an effective way to develop Polish regions, improve infrastructure, and make an important investment tool. PPP became popular among others, in areas such as transport, utilities, social infrastructure, public administration buildings. The PPP market is so present in Poland, but so far little has been done in the field of cultural heritage. Among the flagship projects realized under the PPP are the Museum of the History of Polish Jews POLIN as the first public-private institution in Poland (created jointly by the Ministry of Culture and National Heritage, the Jewish Historical Institute in Poland) and the National Art Gallery in Haffner Center in Sopot.

The public-private partnership formula is considered to be beneficial in the implementation of projects related to revitalization of degraded urban areas - eg degraded brownfields, neglected city centers, former military units, etc. Currently, attempts are being made to use PPP for revitalization projects of degraded urban areas.

In the opinion of experts, self-government units are still reluctant to refer to public-private partnership. The Public-Private Partnership Act contains a number of provisions that make it difficult to apply the PPP formula as an alternative method of performing public tasks.

2.6.5 Good practices and Guidelines

2.6.5.1 Protection and care of monuments

Some concepts important for understanding the principles on which the functioning of responsibility for the preservation of monuments is based are *the protection of monuments and the care of monuments*. These terms and the scope of their respective statutory activities are set out in the *Act of 23 July 2003 on the protection and care of monuments*.

Protection of monuments consists, in particular, in actions taken by the public administration bodies aimed at:

- ensuring legal, organizational, and financial conditions enabling permanent preservation of monuments, and their development and maintenance;
- prevention of threats that could damage the value of monuments;
- thwart destruction and improper use of monuments;
- counteracting theft, disappearance or illegal export of monuments abroad;
- control of the state of preservation and function of monuments;
- taking into account conservation tasks in planning and spatial development as well as in shaping the environment.

Protection of monuments is therefore a set of activities that fall within the responsibilities and competences of public administration, in which the conservation services (governmental and local government) established for these tasks play a fundamental role. Their activities are primarily to ensure the survival of monuments and the values they represent (including the prevention of threats and thwarting destruction), taking into account issues related to the contemporary use and management of monuments (maintenance, management, use, and function). Such activities concern a wide range of issues that relate to organizational, legal, and financial issues, as well as control issues.

At the same time the owner of the monuments is also responsible for their maintenance. The basic tasks and duties resulting from the fact of “managing “ the monument are determined as monument protection, which consists, particularly, in creating the conditions:

- the scientific research and documentation of the monument; carrying out preservation,
- restoration and construction works at the monument site;
- securing and maintaining the monument in the best possible state;
- using the monument in the way ensuring the permanent preservation of its value;
- promoting and spreading knowledge concerning the monument as well as its significance for history and culture.

Lawyers – specialists in the field of rights to protect cultural heritage – pay attention to differences in relation to the nature, goals, and type of actions undertaken by entities responsible for protection of monuments (the public administration bodies) and by owners, obliged to care for monuments. And so, as the essence of protection of monuments, it is indicated *the implementation of the social interest, which consists in preserving monuments*, while the essence of care is to *define the duties related to the ownership of the monument*. The aim of care is permanent preservation of monuments, while the protection – along with permanent preservation – also improves the implementation of care. Regarding the type of actions undertaken, the conservation services carry out, above all, *control and supervision of activities of an entity obliged to care for the monument*, the owner's actions should focus on: *performing at their own expense specific factual actions, serving to preserve the monument in the best condition*¹⁵.

Regardless of the above-mentioned duties resulting from the care of monuments, the owner of the monument entered in the register or located in the provincial monuments register has to inform the voivodeship¹⁶ conservator about: damage, destruction, disappearance or theft of the monument, danger to the monument, change of the monument's storage movable, changes in legal status. It should also be remembered that according to the law, monuments are protected regardless of their state of preservation.

¹⁵ J. Brudnicki among others, presentation of trainings for local governments: *Rights and duties of the commune in the area of monument protection and care of monuments*.

¹⁶ A voivodeship is the area administered by a voivode (Governor) in several countries of central and eastern Europe.

Considering protection and preservation of the historical castle ruins we should also pay attention to the important role of the local government units concerning this range of issues. The role of the local government has two basic reasons – firstly, the relatively large amount of castle ruins is the property of local government units; secondly, the local governments have at their disposal the specific legal instruments that could affect the improvement of the state and the proper management of the historical castle ruins if they are efficiently used. The activities of the l.g.u. accomplished within the range of monument protection tasks are counted among the specific tasks of the local governments defined in the appropriate laws¹⁷. The l.g.u. at various levels have to accomplish their tasks of monument protection with respect to monumental objects, whose owners they are. Moreover, the local government is also obliged to carry out the commune monument record, to elaborate the commune program of monument protection and also to take into account the monument protection and preservation in the strategy of community development and the research of the conditions and directions of area development plan. At the same time the communes are entitled to use the instruments of protecting monuments at the local level – by taking protection into account in the local area development plan – as well as to organize and develop culture parks.

2.6.5.2 Forms of protection

The forms of monument protection in the Polish legal system is defined by the *Act of 23 July 2003 on the protection and care of monuments*. These are:

- Registration as a monument on the basis of a decision issued by the voivodship monument conservator in his official capacity or at an application of the owner of the immovable monument. The premises of the registered monument may also be registered. The monument register is divided into: register A comprising immovable monuments, register B – movable monuments and register C – archeological monuments.
- Regarding as a registered immovable monument of history or a registered part of a culture park of a specific cultural value by the President of the Polish Republic.
- Establishing a culture park in order to protect the cultural landscape and preserving the outstanding landscape areas with immovable monuments.
- The statement concerning protection in the local area development plan or in the decision of establishing the location of public goal investment, or the land development decision the latest two forms of protection fall within the competence of the local municipality (town or community).

In the legal system of monument protection in Poland – with reference to the immovable objects such as the historical castle ruins – the basic form of their protection is their registration as immovable monuments. Such a registration causes a series of consequences both for the owner of the monumental object and for the organs of government (and municipal) administration, whose duties comprise protection, preservation and handing down to posterity the monumental resource protected by law. The preserved historical ruins of mediaeval castles are for their most part formally regarded as legally protected monumental objects as a result of their registration as immovable monuments (register A). It should also be stated that some part of the monumental resource of historical ruins – most often it is applied to the archeological localities whose form has been discovered during the archeological research or whose part-visible on the surface of the ground was preserved as a relic and is protected as a resource of archeological monuments, registered as an archeological monument (Register C). Hence, there is a certain lack of consequence – the objects of comparable form and state of preservation are registered under A or C.

Registration as a monument in the Polish legal system is concerned as the basic tool of developing the conservation policy and an efficient protection tool which implies some executable laws and

¹⁷ Primarily: The Act on the Protection of Monuments and Care of Monuments, The Act on Spatial Planning and Development, Construction Law, The Act on Municipal Government.

duties. The problem which recurs in the in the dispute concerning the quality of monument protection in Poland (not only with respect to castles) is, among others, the essential content and the correct form of the decision concerning registration. The essential content should be understood here as various aspects of the decision concerning the registration: the precise designation of the object of registration and the protection range, the proper justification of the decision containing the detailed description of the protected values, using explicit, legally defined concepts and, last but not least, the representativeness of the whole set from the point of view of the cultural heritage of the country¹⁸. The monument register which has been created for several dozens of years in the changing legal and political conditions and based upon varied criteria presently does not have a uniform character. Decisions concerning registration are often seriously faulty, most often the object is not well designated and the protection range not properly defined. In many cases it is not possible to define precisely the limits of the protected monument. The faults and transgressions also occur in the decisions of the people who register castle ruins¹⁹.

From the point of view of the owner of the historic ruin, it is very important to check whether the decision on entering the register of monuments is not subjected to errors, or whether the object of protection has been precisely defined. Is the so-called the resolution of the decision is formulated in an unambiguous way – is it known what is protected and within what limits. The boundaries of protection should be precisely defined by providing parcel numbers and mapping them on a graphical attachment. In case of any doubts as to the subject and scope of protection, the owner may apply to the territorially competent provincial monument conservator for clarification of the decision (on the basis of Article 113, paragraph 2 of the KPA).

Historical castle ruins and their surroundings can also be protected under the so-called area (spatial) entries. These are decisions on the entry into the register of historical monuments, urban layouts, rural layouts, and historical construction groups. It should be noted that an entry into the register of historical urban layout, rural or historical construction groups does not exclude the possibility of issuing a decision on an individual entry into the register of historic objects included in these systems or a set of immovable monuments. Entry into the register of the urban/rural layout, in which the historic ruin is located, may be important to protect not only the immediate surroundings of the historical ruin (protected by an individual entry), but also a wider spatial context, including viewpoints on the site, a panoramic and landscape protection.

A separate issue concerning the protection of castle ruins by entering into the register of monuments – important due to the specificity of their location and values that are the expression of characteristic elements, landscape, and cultural features – is the protection of the monument's surroundings. The subject of an entry into the register of monuments may be not only a historic ruin, but also its surroundings. The surrounding is the area around or next to the monument designated in the decision on the entry this area into the register of monuments in order to protect the sights of the monument and its protection against the harmful effects of external factors (the Oozionz Act, article 3, point 15). An entry into the register the monument's surroundings may be made in a separate decision.

Monument of History

The monument of history may be considered as an immovable monument entered into the register or a cultural park of special value and importance for culture. The high rank of the monument of history is evidenced by the fact that it is established by the President of the Republic of Poland through a separate regulation for each historical monument, at the request of the Minister of Culture and National Heritage (after obtaining the opinion of the Council for Protection of Monuments). The content of the presidential ordinance specifies the reason for recognition of the monument as a historical monument, defines its limits (along with a schematic map of the object and its boundaries), formulates the purpose of protection and synthesically depicts the characteristics of the monument,

¹⁸ BRUDNICKI 2011, p. 40.

¹⁹ The problem was analyzed by I. Malawska. with respect to the castle ruin (MALASKA 2012, pp. 75 – 81).

demonstrating its highest value. The history monuments can be presented as a candidate for inclusion in the UNESCO World Heritage List. The status of the history monument is prestigious, ennobling, as it is awarded to historic objects, urban layouts or cultural landscapes with the highest values in Poland. Recognition as a historical monument does not, however, create additional (apart from the entry into the register of monuments) legal consequences. It does not impose on the owner additional obligations or disciplines related to the renovation and conservation works over those specified for the object entered into the register of monuments. The status of a monument of history, on the other hand, gives greater opportunities to obtain co-financing from public (budgetary and local government) and EU funds. The owner of the monument being a monument of history has the guarantee of receiving an additional score in the procedure of considering the application for subsidies from the funds at the disposal of the Minister of Culture and National Heritage.

Recognition as a historical monument is undoubtedly a distinction, splendor, and increasing recognition, which can be used in promotional activities. The managers of the monuments of history can use logos identifying this status of the monument freely. In addition, every year the National Heritage Institute organizes the so-called meetings of the guardians of the monuments of history, being for the managers of these places an opportunity to deepen knowledge about protection and management, presentation of good practices, exchange of experience, and problems solving.

The owner or manager may apply for recognition as the monument of history. The criteria that must be met by an object distinguished as the monument of history, a model documentation of the application, procedures, rights and obligations of the owners, and other important information are available on the website of the National Heritage Institute²⁰.

At present, this form of protection in the case of the ruins of medieval castles does not in principle exist as a separate object of protection, although the high values that many historical ruins present claim to grant them this prestigious status. No castle ruins in Poland have been individually regarded as a Monument of History. It is only in two cases that the castle ruins are within the confines of monumental town complexes regarded as Monuments of History. It applies to the castle ruins in Kazimierz Dolny (The Monument of History called "Kazimierz Dolny", comprising the monumental complex of the city) and the ruins of a castle of the Teutonic Knights in Toruń (The Monument of History called "Toruń – The Old Town and the New Town").

In addition, in 2012, an application for recognition as the monument of history of the ruins of the Tenczyn castle in Rudno (Lesser Poland province) was developed; however, the application processing procedure has not been completed.

Cultural park

A cultural park is a form of a monument protection, introduced to protect the cultural landscape, understood in accordance with the Oozionz Act as *a space perceived by people, containing natural elements and products of civilization, historically shaped as a result of natural factors and human activity*. The creation of a cultural park aims to preserve the cultural landscape and preserve landscaping areas with immovable monuments, which are characteristic of the local building and settlement tradition (Article 16, Paragraphs 1 and 16, Paragraph 5).

The legislator has defined the method of establishing a cultural park and the rules of proceeding in its creation (Article 16 of the *Act on the Protection of Monuments...*). A cultural park can be created through a resolution of the commune council, after consulting the PMC. Undertaking actions on the creation of a cultural park should be announced in the local press and through the announcement, as well as in the usual manner. The form, place and date of submitting proposals regarding the draft resolution on the creation of a cultural park should be specified. In the resolution establishing a cultural park, its name, boundaries, means of protection as well as prohibitions and restrictions should be specified. The restrictions and limitations laid down may refer in particular to the execution of construction works and commercial, service, industrial, and agricultural activities, changes in the use of immovable monuments, storage of waste, placement of boards, inscriptions and

²⁰ https://www.nid.pl/pl/Dla_wlascicieli_i_zarzadcow/opieka-nad-zabytkami/pomniki-historii.

advertisements, as well as forms of small architecture. The mayor of the commune (president, mayor of the city) is also obliged to draw up, in agreement with the PMC, a cultural park protection plan, which should be approved by the commune council. In addition, within three months of the adoption of the resolution on the establishment of a cultural park, the commune council is required to adopt a resolution to proceed with the drawing up of a local spatial plan. In the event of limitation of the manner of using the real estate, at the request of the sufferer, the proper mayor shall determine, by way of a decision, the amount of compensation. The commune council may also create an organizational unit for the management of a cultural park.

Analyzing yet another legal protection form, namely the culture park one can state that the form, functioning in the Polish system of monument protection since 2003 and falling within the competence of local municipalities has not gained any real understanding or acceptance. The right to organize culture parks has not been taken up by the local municipalities, although it seems that in case of the specific character of castle ruins that form dominants of the landscape and have great exposition values, a culture park would have been a perfect instrument to reinforce the area protection, so important in case of castle ruins. Probably the only culture park whose protection object is the complex: archaeological relics of the castle, the stronghold chapel, the walls and the fortifications (along with the wider cultural-landscape context) is the Castle Hill Culture Park in Sieradz, created by the resolution of the Town Council in Sieradz in 2009.

Determination of protection in the local spatial development plan or in the decision on determining the location of public purpose investment, decision on building conditions, decision on the permission to carry out the road investment, decision on determining the location of the railway line or the decision on the permit to carry out the investment in the public airport is another the statutory form of protection of monuments belonging to the competence of a local government. This form of protection results from the obligations of local governments to take into account in the decisions and in the local zoning plan (as well as in planning documents) the principles of protection of monuments and cultural landscape.

2.6.5.3 Threats to historical ruins and legal conditions

In the case of a specific type of monument which is a historical ruin – an object defined as *shaped in a centuries-old destruction process*²¹, hazard analysis, system monitoring, rapid response to negative factors that already affect the object, and counteraction potential threats is an extremely important element of management. The specificity of a historic ruin as a certain type of a historic object generates a number of threats that do not occur in other typological groups of monuments. *A historic ruin is a form of preservation of a historical object which is characterized by a significant incompleteness, ongoing destruction process, very limited functionality, and considerable illegibility. This set of features constitutes the ruin as a separate group of monuments*²². This set of features also causes historical ruins to be exposed to additional negative factors that threaten their values, which are not the case with other groups of monuments.

With reference to the historical ruins of castles, identification of threats and monitoring of these objects is therefore a particularly important issue. The specificity of these monuments (primarily the direct exposure of walls to atmospheric factors), the climatic conditions prevailing in Poland, the relatively unstable material of a significant amount of ruins (sandstones, limestones, bricks) is the cause of rapidly progressing negative changes in their technical condition. With regard to unused and unprotected ruins, this process is extremely fast. Lack of conducting periodic, repeatable

²¹ «Karta Ochrony Historycznych Ruin» adopted by the Resolution of the General Assembly of Members of PKN ICOMOS on December 4, 2012.

²² SZMYGIN 2018.

assessments of the state of this collection of monuments makes the knowledge about this resource and its condition to be incomplete. Another important problem and threat to the value of this resource is the development of ruins for new functions, which is most often associated with the aspirations (and implementations) of managers for the partial reconstruction of facilities.

In Polish system of monument protection the problem of dangers threatening the monuments - their identification, prevention and elimination may be solved mainly by the accomplishment of the statements of the *Act of 23 July 2003 on the protection and care of monuments*, which was intended by the legislator to provide suitable tools in order to prevent the unfavorable activities threatening legally protected monumental objects. The issues of preventing various threats that endanger the protected objects and monumental areas are legally defined, among others by determining the forbidden activities and specification of the activities that require permission of the voivodship monument conservator. The protection of monuments carried out by the public administration unit consists, among others in preventing threats that could affect the value of a monument in a negative way, and in counteracting the damage and the and the improper exploitation of the monument. Besides, the conservatory services are endowed with the prerogatives to control the monument and its threats. The threats should also be identified by the monument owner who is obliged to inform the conservatory services immediately about any danger. Practically, however, (and for many reasons) those activities are not often accomplished or executed. There is also a need for systemic activities within this realm, both with regard to the identification and counteracting threats (monitoring threats) as well as carrying the monitoring of the management activities.

In the context of threats to the stock of historical ruins, a large part of which is owned by local governments, it should be emphasized that the necessity to determine *solutions necessary to prevent threats to monuments, provide protection during the investment process, and restore monuments to the best possible condition* belongs to legally constituted duties of local governments. Such solutions and activities that are supposed to ensure the preservation of heritage in a good condition, the local governments should include in strategies for the development of communes, studies of conditions and directions of spatial development of communes, local zoning plan, decisions on determining the location of public investment, or decision on building conditions.

In addition, in accordance with *the Act of 23 March 2003 on spatial planning and development*, the study of conditions and directions of spatial development of the commune considers conditions related to cultural heritage and monuments, resulting, among others, from the spatial order and requirements of its protection and the state of cultural heritage and monuments, which is important to protect a historical ruin as a significant element of the cultural landscape.

The most important threats to historical ruins in relation to the national protection and management system

Doctrine and conservation pragmatics:

– deviations from the principles of conservation, consolidating a ruin in the existing form and shape in favor of tendencies to various types and scope of investment activities, consisting in the reconstruction (most often partial) or reconstruction or conservation creation. Permission of a part of the conservation environment to rebuild, contrary to the assumptions made in the theory.

– lack of standards developed in the field of:

- methodologies to assess the technical condition and methods of a conservation intervention;
- technical testing methods;
- methods for securing and preserving the historic ruins;
- acceptable forms of use and management;
- good management patterns.

Threats resulting from legal regulations:

- lack of precise specification of the subject and scope of protection in the decisions on entry into the register;
- lack of protection of the historic surroundings of the ruins or inclusion of too small areas within the protection limits;
- lack of regulations preventing the complete reconstruction of a permanent ruin;
- lack of rigorous law enforcement by the conservation services;
- threats related to leaving the ruin unattended and stopping any actions – first of all, the security works. Permission to destruction or lack of activities at the monument, leading to the degradation of its value, materials, and form – judgments of courts without penalty, due to low social harmfulness;
- difficulties in maintaining standards and regulations resulting from the construction law, while handling the matter of the monument in a way that ensures the minimum necessary interference in order to preserve the authenticity of form and materials.

Risks related to financing:

- difficulties with maintaining the monument due to the specificity of the ruin and the lack of the possibility of introducing many commercial functions;
- threats related to the financing (and settlement) of large investment and conservation projects – the need for too fast pace of works, which implies sometimes the implementation of works without full research and analysis that facilitate the making of optimal conservation decisions regarding the manner and scope of work;
- subsidies for renovation and conservation work are too low in relation to the needs;
- not using or limited use of external sources of financing by the owners of historical ruins;

Threats related to functioning and policy implemented by the conservation services:

- way of implementing the conservation policy:
 - issuing decisions on taking up renovation and conservation activities, omitting the pre-emptive (in relation to the activities) carrying out a wide range of necessary research (primarily archaeological and architectural);
 - accepting the conduction of restoration and reconstruction works without scientific research foundations (including iconography), leading to the blurring of the fixed silhouette of the historical ruin;
 - failure to enforce the absolute pre-requisite (in relation to the activities) conducting comprehensive research (mainly archaeological, architectural, landscape, and historical);
 - permission to carry out renovation and restoration work, omitting professional conservation supervision;
 - undertaking investment activities (renovation and conservation) without a targeted vision of the way of use, development and modern use of the historical ruin, its surroundings and cultural landscape;
 - undertaking renovation and conservation works in an ad hoc manner, omitting a deliberate, long-term strategy of protective measures;
 - non-use of integrated protection – protection of the matter and historical form of the ruin, and protection of landscape and scenic values – silhouettes, views "on and from the ruin", panoramas, perspectives, points and viewlines;
 - lack or insufficient cooperation with nature conservation services in order to combine protective activities – protection of historical ruins and cultural landscape in connection with nature conservation.
- personal and professional issues, work organization etc.:
 - insufficient human resources – too few posts in relation to the number of cases, sometimes resulting in "short cuts";

- not always satisfactory competence of employees of the conservation services;
- lack of negotiating skills (soft skills) – excessive submission to the vision of ruin managers;
- lack of additional education, participation in scientific conferences, knowledge of the current theory and practice recommended by the community;
- operation under pressure of execution time and formal reception of works carried out.

Threats associated with the implementation of construction, renovation, and conservation works at historical ruins:

- incorrect technical solutions during renovation works, resulting in inefficiency or too much interference and destruction of value;
- lack (or insufficient in relation to the needs) number of specialized, competent companies, which carry out renovation and conservation works;
- replacing conservation activities on the historical matter of historic ruins with strictly construction-oriented activities;
- lack of professional conservation supervision.

2.6.5.4 Conservation supervision

The policy of protective activities in the Polish legal system is carried out by the owners of monuments as well as institutions and services responsible for the protection of cultural heritage. As noted above, the owner of the monument, as taking care of it, should guarantee that the building is in good condition. Conservation services, on the other hand, have the duty to provide professional supervision, should initiate the necessary security measures and support the financing of protection, renovation, and conservation works.

Tasks and competences of the conservation services defined as the conservation supervision are specified in the Oozionz Act (Articles 38-50). The conservation supervision consists primarily of:

- conducting control of observance and application of the Act regulations (by the provincial monument conservator or authorized employees of the voivodship office for the protection of monuments);
- assessment of the monument's conservation status and verification of compliance of activities undertaken at monuments entered into the register, and archaeological research carried out with the scope or conditions specified in the permit and approved documentation;
- in the event of an inadequate state of preservation of the monument or violation of the provisions of the Act, the conservation administration is equipped with various means to remove violations and safeguard the value of the monument (e.g., issuing post-control recommendations, decisions to suspend conservation, restoration, conservation and architectural research, construction works, and archaeological research at the monument entered into the register executed without the PMC permission or in a way that differs from the scope and conditions specified in the permit, decision ordering restoration of the monument to the previous state, decision ordering conservation or construction works on the monument, if their implementation is necessary due to the risk of destruction or significant damage to the monument, so-called the substitute conservation works or construction works, expropriation of the monument for the benefit of the Treasury or commune, in the mode and on the principles provided for in the regulations on real estate management – at the request of the PMC by the local foreman.

In accordance with the Oozionz Act, the conduction at the site entered into the monuments register of works (conservation, restoration or construction works), surveys (conservation, architectural, and archaeological), alteration of the destination of a monument entered into the register or the use of this monument requires permission of the provisional monument conservator.

2.6.6 Other regulations

The most important the International and European agreements that have been signed and accepted by Poland are:

- Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention The Hague 1954
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property Paris 1970
- Convention concerning the Protection of the World Cultural and Natural Heritage, Paris 1972
- Convention for the Protection of the Architectural Heritage of Europe, Granada 1985
- European Convention on the Protection of the Archeological Heritage, Valetta 1992
- European Landscape Convention, Florence 2000
- Convention on the Protection of the Underwater Cultural Heritage, Paris 2001
- Convention for the Safeguarding of the Intangible Cultural Heritage, Paris 2003
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Paris 2005

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