

**49****A C T**

of 19 December 2001

**on the protection of monuments and historic sites**

The National Council of the Slovak Republic has adopted this Act:

**PART ONE****FUNDAMENTAL PROVISIONS**

## Article 1

## Scope of this Act

(1) This Act governs conditions for the protection of cultural heritage monuments and historic sites in accordance with scientific knowledge and on the basis of international conventions in the field of European and world cultural heritage to which the Slovak Republic has acceded.<sup>1)</sup>

(2) This Act further regulates the organisation and competence of state administration authorities and territorial self-government authorities, as well as the rights and duties of owners and other legal entities and natural persons, and the imposition of fines for unlawful conduct in the field of the protection of monuments and historic sites which form an important part of cultural heritage and the conservation of which is in the public interest.<sup>2)</sup>

## Article 2

## Basic terms

(1) The term "monuments and historic sites" shall mean a set of movable and immovable property declared according to this Act as national cultural heritage monuments (hereinafter referred to as "cultural heritage monuments"), historic reserves and historic zones. Property or objects in relation to which proceedings have been initiated for their declaration as cultural heritage monuments, historic reserves and historic zones, shall also be considered as monuments and historic sites.

(2) The term "cultural heritage value" shall mean the aggregate value of important historic, social, rural, urban, architectonic, scientific, technical, visual art, artistic and craft values for which the property or objects are subject to individual or territorial protection.

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<sup>1)</sup> For example, the Convention Concerning the Protection of the World Cultural and Natural Heritage (Notification No. 159/1991 Coll.), Decree of the Minister of Foreign Affairs No. 15/1980 Coll. on the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the European Convention on the Protection of the Archaeological Heritage (Revised – Notification No. 344/2001 Coll. of Laws) and the Convention for the Protection of the Architectural Heritage of Europe (Notification No. 369/2001 Coll. of Laws).

<sup>2)</sup> Art. 44 paragraphs 2 and 3 of the Constitution of the Slovak Republic.

(3) Pursuant to this Act, the term "cultural heritage monument" shall mean a movable object or immovable property of cultural heritage value which has been declared a cultural heritage monument for reason of its protection. In cases of archaeological finds, a non-uncovered movable object or non-uncovered immovable property discovered using methods and technologies of archaeological research may also be considered a cultural heritage monument.

(4) The term "historic site" shall mean a residential territorial unit or rural territorial unit of concentrated historic monument values or archaeological finds and archaeological sites declared as a historic reserve or historic zone for reason of their protection according to this Act.

(5) The term "archaeological find" shall mean any movable object or immovable property which provides evidence of the life of mankind and related activities from the oldest era to modern times and is usually located in the earth, on the ground or under the water.

(6) The term "archaeological site" shall mean a topographically definable unit with uncovered or non-uncovered archaeological finds in their original archaeological settings.

(7) The term "protection of monuments and historic sites" shall mean the summary of activities and measures aimed at the identification, research, documentation, conservation, renovation, restoration, regeneration, use and presentation of cultural heritage monuments and historic sites.

## **PART TWO**

### **COMPETENCE OF STATE ADMINISTRATION AUTHORITIES AND TERRITORIAL SELF-GOVERNMENT AUTHORITIES IN THE FIELD OF THE PROTECTION OF MONUMENTS AND HISTORIC SITES**

#### Article 3

State administration authorities for the protection of monuments and historic sites

The state administration authorities for the protection of monuments and historic sites are:

- a) the Ministry of Culture of the Slovak Republic (hereinafter referred to as "the Ministry");
- b) the Monuments Board of the Slovak Republic (hereinafter referred to as "the Monuments Board");
- c) Regional Monuments Boards.

#### Article 4

The Ministry

(1) The Ministry, as the central authority of the state administration<sup>3)</sup> for the protection of monuments and historic sites, shall:

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<sup>3)</sup> Act No. 575/2001 Coll. of Laws on the organisation of Government activities and on the organisation of the central state administration.

- a) draw up the concept for the protection of monuments and historic sites and determine the main directions and strategy for the protection of cultural heritage monuments and historic sites;
- b) submit to the Government of the Slovak Republic (hereinafter referred to as the "Government") strategic proposals and recommendations for the solution of fundamental issues of the conservation, renovation, use and presentation of monuments and historic sites;
- c) control the activities of the Monuments Board;
- d) direct and control state administration activities in the field of protection of monuments;
- e) carry out central state supervision in the field of protection of monuments through its Inspection of Monuments and Historic Sites;
- f) review decisions of the Monuments Board issued under administrative proceedings;
- g) set conditions for a grant-based and multi-sourced system of financing for the conservation and renovation of cultural heritage monuments.

(2) In carrying out its tasks, the Ministry shall

- a) co-operate with the central authorities of the state administration that participate in fulfilling tasks in the field of the protection of monuments and historic sites, with territorial self-government authorities, and with professional and research institutions;
- b) co-ordinate international co-operation and the process of integration into international structures in the field of the protection of monuments and historic sites.

#### Article 5

##### Inspection of Monuments and Historic Sites of the Ministry

(1) The Inspection of Monuments and Historic Sites of the Ministry (hereinafter referred to as "the Inspection") shall

- a) supervise under central state supervision whether competent authorities in the field of the protection of monuments and historic sites apply the provisions of this Act and the generally binding regulations adopted for its implementation;
- b) supervise compliance by owners of cultural heritage monuments, legal entities and natural persons with this Act and the generally binding regulations adopted for its implementation and their adherence to decisions issued by authorities for the protection of monuments and historic sites;
- c) supervise the status of cultural heritage monuments and compliance with the conditions for the protection of cultural heritage monuments and historic sites and impose duties on the authorities for the protection of monuments and historic sites to remedy deficiencies found during supervision;
- d) control the fulfilment of measures taken for the remedy of deficiencies.

(2) In carrying out its tasks, the Inspection of Monuments and Historic Sites shall co-operate mainly with the Monuments Board, Regional Monuments Boards, municipalities, other control authorities<sup>4)</sup>, authorities involved in criminal proceedings<sup>5)</sup> and other authorities and legal entities. All authorities and legal entities whose activities concern the interests protected by this Act shall provide the Inspection of Monuments and Historic Sites with the required information and all necessary interaction.

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<sup>4)</sup> Act of the National Council of the Slovak Republic No. 10/1996 Coll. of Laws on the control of the state administration.

<sup>5)</sup> Code of Criminal Procedure.

## Article 6 Monuments Council

(1) The Monuments Council is a professional advisory and initiative body of the Ministry for fundamental issues concerning the protection of monuments and historic sites.

(2) The Monuments Council shall discuss and assess concepts and strategies for the protection of monuments and historic sites and fundamental issues of their conservation, renovation, restoration, regeneration, use and presentation.

(3) The members of the Monuments Council shall be appointed and recalled by the Minister of Culture of the Slovak Republic (hereinafter referred to as the "Minister"), who shall appoint them from among professionals engaged in the protection of monuments and historic sites who are designated by professional organisations and research institutions, in particular by universities and the research institutes of the Slovak Academy of Sciences.<sup>6)</sup>

(4) The term of office for members of the Monuments Council shall be three years.

(5) Membership of the Monuments Council shall be voluntary and non-transferrable. Members of the Monuments Council shall be entitled to reimbursement for all expenditures related to their membership according to special regulations.<sup>7)</sup>

(6) Details of the activities of the Monuments Council shall be governed by its Statutes issued by the Ministry.

## Article 7 Archaeological Council

(1) The Archaeological Council is a professional advisory and co-ordination body of the Ministry for archaeological research, archaeological finds and archaeological sites.

(2) The Archaeological Council shall in particular

- a) consider applications from legal entities for the issue of authorisations to engage in archaeological research;
- b) evaluate the conditions and the quality of the research carried out;
- c) co-ordinate the performance of important archaeological research for which it shall reserve the right of assessment.

(3) Members of the Archaeological Council shall be appointed and recalled by the Minister, who shall appoint them from among professionals in the field of archaeology designated by the Archaeological Institute of the Slovak Academy of Sciences (hereinafter referred to as "the Archaeological Institute"), universities, the Monuments Board, the Slovak National Museum and/or other museums.

(4) The term of office for members of the Archaeological Council shall be three years.

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<sup>6)</sup> Act of the Slovak National Council No. 74/1963 Coll. on the Slovak Academy of Sciences as amended by subsequent regulations.

<sup>7)</sup> Act No. 119/1992 Coll. on the refund of travel expenditures as amended by subsequent regulations.

(5) Membership of the Archaeological Council shall be voluntary and non-transferrable. Members of the Archaeological Council shall be entitled to reimbursement of all expenditures related to their membership according to special regulations.<sup>7)</sup>

(6) Details of activities of the Archaeological Council shall be governed by its Statutes issued by the Ministry.

#### Article 8

##### Committee for the verification of special professional qualifications for carrying out research on monuments and historic sites

(1) The Committee for the verification of special professional qualifications for carrying out research on monuments and historic sites (hereinafter referred to as "the Committee") is an advisory body of the Ministry for verification of the special professional qualifications of natural persons authorised to carry out the research of monuments and historic sites.

(2) The Committee shall mainly

- a) consider applications by natural persons for obtaining special professional qualifications according to Art. 35 par. 3;
- b) submit proposals to the Ministry for granting authorisations on special professional qualifications for carrying out research on monuments.

(3) Members of the Committee shall be appointed and recalled by the Minister, who shall appoint them from among professionals in the field of individual types of research of monuments and historic sites, the field of the protection of monuments and historic sites, or the field of law.

(4) Details of Committee activities shall be stipulated by a generally binding legal regulation adopted by the Ministry.

#### Article 9

##### Establishment, organisation and competence of the Monuments Board of the Slovak Republic and Regional Monuments Boards

(1) The Monuments Board of the Slovak Republic (Art. 3) and Regional Monuments Board are established for the performance of special state administration in the field of the protection of monuments and historic sites.

(2) The Monuments Board is a legal entity having its seat in Bratislava. The Monuments Board is a state budgetary organisation<sup>8)</sup> linked financially to the budget of the Ministry, and which 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.

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<sup>8)</sup> Art. 21 par. 1 of Act of the National Council of the Slovak Republic No. 303/1995 Coll. of Laws on budgetary rules as amended by Act No. 348/1999 Coll. of Laws.

(3) The Monuments Board shall perform state administration with competency throughout the territory of Slovakia in issues entrusted to the Board by this Act.

(4) The Monuments Board shall be governed by a Director General responsible for its activities, and who shall be appointed and recalled by the Minister after consulting the Monuments Board.

(5) The Regional Monuments Boards shall perform state administration within their respective territorial units, which are the same as the territories of the regions.

(6) The Regional Monuments Boards shall act and take decisions on administrative legal matters independently.

(7) The Regional Monuments Boards shall be governed by directors responsible for their activities, and who shall be appointed and recalled by the Director General of the Monuments Board.

(8) The Monuments Board and Regional Monuments Boards shall exercise state supervision over compliance with the provisions of this Act and the generally binding regulations adopted for its implementation, supervision over compliance with valid decisions taken by them and, under their scope of competence, they shall take decisions for remedying deficiencies.

#### Article 10 Monuments Board

(1) The Monuments Board shall execute state administration as the second instance authority in the field of the protection of monuments and historic sites concerning matters decided in the first instance by Regional Monuments Boards.

(2) The Monuments Board shall

- a) govern and control the performance of the state administration in the field of the protection of monuments and historic sites by Regional Monuments Boards;
- b) resolve and co-ordinate professional and research tasks and develop theories and methodologies for the protection of monuments and historic sites;
- c) monitor the status of monuments and historic sites and the conditions for their protection;
- d) take decisions in administrative proceedings<sup>9)</sup> as the first instance authority on matters entrusted to the Board by this Act in the field of the protection of monuments and historic sites;
- e) take decisions on appeals against decisions by Regional Monuments Boards and review their decisions outside appellate procedures;
- f) act as administrator for the respective part of the state information system;
- g) keep special records (an archive) in the field of the protection of monuments and historic sites;<sup>10)</sup>
- h) ensure the development of theories and methodologies for restoration, and establish educational, development, analytical and technological working places and laboratories;
- i) ensure research and restoration works as a special-purpose State aid for cultural heritage monuments in danger,

<sup>9)</sup> Art. 5 par. 1 of Act No. 71/1967 Coll. on Administrative Proceedings (Code of Administrative Proceedings)

<sup>10)</sup> Act of the Slovak National Council No. 149/1975 Coll. on archives as amended by subsequent regulations.

- j) carry out and co-ordinate documentation, educational, editorial and promotional activities;
- k) provide professional and methodological assistance to Regional Monuments Boards,
- l) co-operate with civic associations and foundations established in order to protect, use and present monuments and historic sites,
- m) take part in international projects for the protection and renovation of cultural heritage monuments and historic sites and co-operate with international organisations and partner institutions abroad.

#### Article 11 Regional Monuments Boards

(1) Regional Monuments Boards are the first instance competent administrative authorities to take 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 this Act does not stipulate otherwise.

(2) Regional Monuments Boards shall

- a) monitor the status and use of monuments and execute state supervision over the protection of monuments and historic sites;
- b) draw up documents connected with the preparation of urban and regional planning documentation for the competent state administration authorities, and co-operate with them on the preparations of project and restoration documentation for the conservation and renovation of monuments and historic sites;
- c) provide regional and district state administration offices, on their request, as well as self-governing regions and municipalities<sup>11)</sup> with extracts from the Central Register of Monuments and Historic Sites (hereinafter referred to as "the Central Register") according to their territorial districts;
- d) direct the activities of legal entities and natural persons aimed at the conservation, renovation and use of monuments and historic sites and provide them with professional and methodological assistance;
- e) ensure, in necessary cases, temporary professional custody of movable cultural heritage monuments;
- f) provide municipalities with methodological and professional assistance in keeping records on the local sights of these municipalities;
- g) monitor compliance with this Act and take measures to remedy deficiencies in the protection of monuments and historic sites;
- h) impose fines according to Arts. 42 and 43.

#### Article 12 Authorisations and duties of persons performing state supervision in the field of the protection of monuments and historic sites

(1) Persons who according to Articles 5, 10 and 11 fulfil tasks of the state administration in the field of the protection of monuments and historic sites, shall be entitled to

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<sup>11)</sup> Act No. 302/2001 Coll. of Laws on the self-government of higher territorial units (the so-called Act on Self-Governing Regions).

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- a) enter the premises of immovable cultural heritage monuments; this right is only with the consent of those who reside there<sup>12)</sup> in cases where these monuments are residential premises;
  - b) require the submission of a movable cultural heritage monument for research purposes or in order to prevent serious damage or the destruction of such a cultural heritage monument.

(2) When performing state supervision, the persons referred to in paragraph 1 shall

- a) produce their service cards and written credentials from the Ministry, Monuments Board or Regional Monuments Board on whose instructions they are authorised to perform the supervision;
- b) preserve confidentiality on matters learned when performing state supervision.

### Article 13 Self-Governing Regions

Each self-governing region shall ensure suitable conditions within its territory for the protection of monuments and historic sites, deliver opinions on proposals for the declaration and repealing of the declaration of historic sites, and co-operate with state administration authorities in the field of the protection of monuments and historic sites<sup>13)</sup> in the conservation, renovation and use of cultural heritage monuments and historic sites.

### Article 14 The Municipality

(1) Each municipality shall ensure the conditions necessary for the conservation, protection, renovation and use of monuments and historic sites situated on the territory of the municipality.<sup>14)</sup>

(2) The municipality shall

- a) ensure that owners of cultural heritage monuments act in compliance with this Act;
- b) co-ordinate the construction of technical infrastructure in settlements where historic sites are situated;
- c) co-operate in safeguarding the treatment of street fixtures and street furnishings, small sized architectural elements, protected historical green areas, street lighting and advertising facilities in such a way that they are in compliance with the intentions for the conservation and application of cultural heritage values of the site concerned;
- d) support initiatives by citizens and civic associations aimed at the protection of monuments and historic sites,
- e) keep records on monuments and historic sites situated on the territory of the municipality on the basis of extracts from the Central Register.

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<sup>12)</sup> Art. 21 par. 1 of the Constitution of the Slovak Republic.

<sup>13)</sup> Art. 7 of Act No. 302/2001 Coll. of Laws.

<sup>14)</sup> Art. 2 par. 1 of Act of the Slovak National Council No. 369/1990 Coll. on municipalities.

(3) The municipality may create resources for financial contributions to the owners for the conservation and renovation of cultural heritage monuments situated on the territory of the municipality.

(4) The municipality may decide on the establishment and professional keeping of records on local sights situated in the municipality. Besides movable objects and immovable property, records on sights can also include combined works of nature and man, historic events, street names, and geographical and cadastral names pertaining to the history and personalities of the municipality. The municipality shall submit the list of recorded sights to the respective Regional Monuments Board for professional and documentation purposes. In cases where the list contains also immovable property, it shall also be submitted to the competent building authority.

### **PART THREE**

#### **MONUMENTS AND HISTORIC SITES AND PROTECTIVE ZONE**

##### Article 15

##### Declaration of Cultural Heritage Monuments

(1) The Ministry shall declare a movable object or immovable property of cultural heritage value as a cultural heritage monument on a proposal from the Monuments Board.

(2) The Monuments Board shall prepare a proposal for the declaration of an object or property as a cultural heritage monument on its own initiative or on the initiative of a legal entity or physical person and, in justifiable cases, in co-operation with research institutes of the Slovak Academy of Sciences<sup>6)</sup> and other professional and scientific institutions.<sup>15)</sup>

(3) The owner of the movable object or immovable property proposed for declaration as a cultural heritage monument shall be a party to the procedure. In cases where the immovable property is to be declared a cultural heritage monument, the respective building authority and municipality concerned are also parties to the procedure.

(4) The owner of the object proposed for declaration as a cultural heritage monument shall

- a) from the moment of delivery of the notification of the initiation of the procedure, protect the object from any damage, destruction or theft, and notify the Ministry of each intended or realised change in its ownership;
- b) provide, on written demand from the Monuments Board, all necessary data on the object or enable authorised persons to survey the object with the aim of drawing up professional documentation.

(5) The Ministry shall without delay send a valid decision on the declaration or rejection of the declaration of the object as a cultural heritage monument to the owner of the object, the Monuments Board and, in cases where the immovable property is declared a

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<sup>15)</sup> Act No. 115/1998 Coll. of Laws on museums and art galleries and on the protection of valuable objects for museums and art galleries.

cultural heritage monument, also to the respective building authority and municipality concerned. The Ministry shall also send the notice on the entry into force of the decision on the declaration of immovable property as a cultural heritage monument to the Cadastral Office.<sup>16)</sup>

#### Article 16

##### Declaration of Protected Historic Reserves

(1) A historic reserve is a territory with a homogenous historic residential arrangement and a massive concentration of immovable cultural heritage monuments, or territory with groups of significant archaeological finds and archaeological sites which can be topographically definable.

(2) Each historic reserve shall be declared by the Government on a proposal from the Ministry in the form of a regulation which specifies its territory. The proposal for the declaration of a historic reserve shall be prepared by the Monuments Board in co-operation with competent territorial self-government authorities.

#### Article 17

##### Declaration of Protected Historic Zones

(1) A historic zone is a territory with a historical residential arrangement, a territory of cultural heritage landscape of cultural heritage values, or a territory with archaeological finds and archaeological sites which can be topographically definable.

(2) Each historic zone shall be declared by the Ministry on a proposal from the Monuments Board in the form of a decision which shall specify its territory. The parties to the procedure shall be informed of the decision through a public notice.

#### Article 18

##### Declaration of Protective zones

(1) The protective zone is the territory determined for the protection and controlled development of the area or surroundings of an immovable cultural heritage monument, historic reserve or historic zone.

(2) The protective zone shall be declared by the Monuments Board in agreement with the competent building authority in the form of a decision which specifies its territory. The parties to the procedure shall be informed of the decision by public notice.

#### Article 19

The Monuments Board shall send all necessary data to the Cadastral Office within 30 days of the entry into force of the decision on the declaration of the territory as a historic reserve, historic zone or protective zone.

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<sup>16)</sup> Art. 6 par. 1 point e) of Act of the National Council of the Slovak Republic No. 162/1995 Coll. of Laws on cadastre of real estates and on the incorporation of proprietary and other rights to real estates (the Cadastral Act).

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Article 20  
Amendment or Repeal of Declarations  
of Cultural Heritage Monuments and Historic Sites

(1) In cases where new circumstances occur, the authority that declared a cultural heritage monument according to Art. 15 par.1 or historic reserve according to Art. 16 par. 2 or historic zone according to Art. 17 par. 2 can change this decision on a proposal from the Monuments Board that is in the public interest, or repeal it in cases where cultural heritage values have ceased to exist.

(2) The competent authority may stipulate justifiable conditions in their decision to change or repeal the declaration according to Articles 15 and 17; the costs of fulfilment shall be born by the applicant or person in whose interest the declaration is to be changed or repealed.

(3) The Monuments Board shall draw up a proposal to change or repeal the declaration on a proposal by a legal entity, natural person or on its own initiative. In reasonable circumstances, the Monuments Board shall require the opinion of the Slovak Academy of Sciences on the proposal; if the change or repeal concerns the declaration of immovable cultural heritage monuments, historic reserve or historic zone, the opinion of the municipality shall also be required.

(4) The competent authority for the protection of monuments and historic sites shall also send the decision referred to in paragraph 1 to the authorities that were sent the decision on the declaration.

Article 21  
Inclusion in the World Heritage List

(1) The Ministry can, on its own initiative or on a proposal from the Monuments Board or other legal entity or natural person, make a proposal for the inclusion of a cultural heritage monument or historic site in the World Heritage List under the conditions stipulated in the international convention.<sup>17)</sup>

(2) The Ministry shall notify inclusion in the World Heritage List in the Collection of Laws of the Slovak Republic.

Article 22  
Central Register

(1) The Central Register shall be kept by the Monuments Board.

- (2) The Central Register shall consist of
- a) the register of movable cultural heritage monuments;
  - b) the register of immovable cultural heritage monuments;
  - c) the register of protected historic reserves;
  - d) the register of protected historic zones.

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<sup>17)</sup> Convention Concerning the Protection of World Cultural and Natural Heritage (Notification No. 159/1991 Coll.).

(3) The Monuments Board shall enter a new record in the central register no later than 30 days following the declaration of the object as a cultural heritage monument or following the declaration of a historic site as a protected historic reserve or protected historic zone. The registration of a cultural heritage monument shall be notified to its owner without delay.

(3) The Monuments Board shall record in the respective register whether:

- a) the immovable cultural heritage monument in question is situated in a protected historic reserve, in a protected historic zone or in a protective zone;
- b) a protective zone has been declared for this immovable cultural heritage monument, historic reserve or historic zone;
- c) this cultural heritage monument, historic reserve or historic zone has been included in the World Heritage List.

(5) The data included in the Central Register and which concerns the owners of cultural heritage monuments and places where movable cultural heritage monuments and archaeological finds are located shall remain confidential in accordance with special regulations<sup>18)</sup>.

(6) If the declaration of any movable object or immovable property as a cultural heritage monument, or declaration of a site as a historic reserve or historic zone is repealed, the Monuments Boards shall delete the entry, and the original documentation shall be filed in the archives.<sup>19)</sup>

(7) Regional Monuments Boards shall keep records on monuments and historic sites situated on their territory on the basis of extracts from the Central Register.

### Article 23

#### Pre-emption Right of State to Purchase Cultural Heritage Monuments

(1) In cases where the owner intends to sell the cultural heritage monument, the owner must offer it in writing to the State as represented by the Ministry for purchase. The offer so made shall state all the required conditions.

(2) In cases where the State accepts the offer, the organisation appointed by the Ministry shall conclude a purchase contract with the owner of the cultural heritage monument in question within 90 days of receipt of the offer if not otherwise agreed.

(3) The state must pay the price for the cultural heritage monument offered by other parties if not otherwise agreed. If the State fails to meet the other conditions offered besides the price and the owner cannot be compensated by the appraised price, the pre-emption right shall cease.<sup>20)</sup>

(4) If the State does not accept the offer within 30 days of its delivery, the pre-emption right shall cease.

### Article 24

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<sup>18)</sup> Art. 76 par. 3 of Act No. 241/2001 Coll. of Laws on the protection of confidential materials and on amendments to certain Acts.

<sup>19)</sup> Art. 26 of Act of the Slovak National Council No. 149/1975 Coll. as amended by Act of the Slovak National Council No. 571/1991 Coll.

<sup>20)</sup> Art. 606 of the Civil Code.

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### Relocation of Cultural Heritage Monuments

(1) A movable cultural heritage monument may only be permanently relocated on the basis of a decision taken by the competent Regional Monuments Board. The owner shall also ask for a decision from the competent Regional Monuments Board in the case of temporary relocation requiring professional dismantling of a cultural heritage monument. If such relocation concerns a monument located in a publicly available place, the Regional Monuments Board may only take a decision after consultation with the municipality.

(2) A movable cultural heritage monument can be relocated without a decision by the competent Regional Monuments Board in cases where it is in imminent danger that it would be damaged or destroyed, or if any situation referred to in Art. 28 par. 2 points g) and h) occurs. The owner or person who has relocated the cultural heritage monument shall notify this fact to the competent Regional Monuments Board without delay.

(3) An immovable cultural heritage monument or its part can only be relocated on the basis of a decision by the Monuments Board upon a previous opinion delivered by the municipality, without prejudice to the provisions of a special regulation<sup>21)</sup>.

(4) In case where the Regional Monuments Board does not allow the owner to relocate a movable cultural heritage monument, the owner shall be entitled to adequate compensation for such a restriction to her/his proprietary right; this shall be stipulated in the decision of the Regional Monuments Board referred to in paragraph 1. If the Regional Monuments Board does not allow the owner to relocate an immovable cultural heritage monument, the owner shall be entitled to adequate compensation for such a restriction on her/his proprietary right; this shall be stipulated in the decision of the Monuments Board referred to in paragraph 3.

### Article 25

#### Cultural Heritage Monuments in Relation to Foreign Countries

(1) A cultural heritage monument or its part may not be permanently exported from the territory of the Slovak Republic.<sup>22)</sup>

(2) A cultural heritage monument or its part may be temporarily exported from the territory of the Slovak Republic to the country of destination; however, this must not be for longer than a period of three years and must be based on an authorisation issued by the Ministry through a previous opinion delivered by the Monuments Board.

(3) An applicant shall submit an application for authorisation for the temporary export of a cultural heritage monument directly to the Ministry or through the Monuments Board.

(4) The application for authorisation for the temporary export of a cultural heritage monument shall contain the identification data of the applicant, identification data of the recipient of the cultural heritage monument, identification marks of the cultural heritage monument, and a statement from the Monuments Board. The application shall be submitted

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<sup>21)</sup> Act No. 50/1976 Coll. on territorial planning and building code (Building Act) as amended by subsequent regulations.

<sup>22)</sup> Decree of the Minister of Foreign Affairs No. 15/1980 Coll. on the Convention on the Means Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

on the prescribed form. The model of the form shall be published in the Official Journal of the Ministry.

(5) The Ministry may designate the granting of an authorisation for the temporary export conditional on the conclusion of an insurance contract or on the deposit of a security according to the price of the cultural heritage monument concerned determined by expert opinion,<sup>23)</sup> or on complying with other justifiable requirements. The cost related to the authorisation for temporary export shall be born by the applicant or by the person in whose interest the authorisation is issued.

(6) The owner shall notify the Monuments Board without delay of the return of the cultural heritage monuments to the territory of the Slovak Republic. The monuments Board shall check whether the object in question is the cultural heritage monument concerned and shall review its general status within 30 days of date of notification.

(7) No object of cultural heritage value can be imported to the territory of the Slovak Republic without the written authorisation of the exporting country.<sup>22)</sup>

#### Article 26 Return Proceedings

(1) The Ministry shall bring proceedings without delay for the return of an unlawfully exported cultural heritage monument as soon as it became aware of the facts evidencing the illicit export.

(2) The Ministry shall bring proceedings without delay on the return of an object of cultural heritage value unlawfully imported to the territory of the Slovak Republic<sup>22)</sup> on the basis of a well-founded written request from the competent authority of the country from which the object of cultural heritage value was imported.

### **PART FOUR**

#### **PROTECTION OF MONUMENTS AND HISTORIC SITES**

#### Article 27 Basic Protection of Cultural Heritage Monuments

The basic protection of a cultural heritage monument shall mean the set of activities and measures taken in order to prevent danger, damage, destruction or theft of a cultural heritage monument, and in order to permanently keep the cultural heritage monument including its surroundings in a good state and for such means of use and presentation which correspond to its cultural heritage value and to its technical status.

#### Article 28 Owner's Rights and Duties

(1) The owner of a cultural heritage monument shall be entitled to:

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<sup>23)</sup> Act No. 36/1967 Coll. on experts and interpreters as amended by Act No. 238/2000 Coll. of Laws.

- a) ask the Regional Monuments Board for the free-of-charge provision of professional and methodological assistance in matters concerning the protection of the cultural heritage monument;
- b) ask the municipality and the Ministry for a financial contribution or the provision of State aid<sup>24)</sup> for the conservation of the cultural heritage value of that monument;
- c) adequate refund of any demonstrable loss caused due to application of this Act or of a decision taken according to this Act.

(2) The owner of a cultural heritage monument shall be obliged to:

- a) protect the cultural heritage monument at his/her own expense;
- b) use the cultural heritage monument in compliance with its cultural heritage values;
- c) in cases of transfer of ownership, notify the contractual party of the fact that the cultural heritage monument is protected in accordance with this Act;
- d) allow employees of a body for the protection of monuments and historic sites or other authorised person, 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 with the aim of avoiding damage or destroying the cultural heritage monument;
- e) endure marking the cultural heritage monument in cases where the Regional Monuments Board has so decided;
- f) endure making the cultural heritage monument available to the public in cases where it is not a residence for certain time periods and for payment if the Regional Monuments Board has so decided;
- g) ensure special protection of the cultural heritage monument and deposit a movable cultural heritage monument in custody at a determined location for a necessary time period in the case of an emergency event;<sup>25)</sup>
- h) ensure special protection of the cultural heritage monument during the armed readiness of the country,<sup>26)</sup> and deposit the movable cultural heritage monument in custody at a determined location for a necessary period of time and safeguard immovable cultural heritage monuments in compliance with international legal instruments.<sup>27)</sup>

(3) The owner of a cultural heritage property shall notify the Regional Monuments Board and the municipality of:

- a) any danger, damage, theft or destruction to the cultural heritage monument without delay;
- b) any intended change in use of the cultural heritage monument; in cases where it is an immovable cultural heritage monument, also its fixtures and fittings;
- c) any change in ownership of the cultural heritage monument within 30 days.<sup>28)</sup>

(4) The owner of immovable property which is not a cultural heritage monument and which is situated in a historic reserve, historic zone or protective zone shall:

- a) be entitled to ask the Regional Monuments Board for free professional and methodological assistance;

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<sup>24)</sup> Act No. 231/1999 Coll. of Laws on the State Aid.

<sup>25)</sup> Art. 3 of Act of the National Council of the Slovak Republic No. 42/1994 Coll. of Laws on civil defence of the population as amended by Act No. 117/1998 Coll. of Laws.

<sup>26)</sup> Art. 5 of Act No. 40/1961 Coll. on the defence of the Czechoslovak Socialist Republic.

<sup>27)</sup> Decree of the Ministry of Foreign Affairs No. 94/1958 Coll. on the Convention for the Protection of Cultural Property in the Event of Armed Conflict and on its Protocol.

<sup>28)</sup> Art. 133 of the Civil Code.

- b) be obliged to treat and use the immovable property in such a way so as not to endanger the cultural heritage values of the immovable cultural heritage monument, historic reserve or historic zone.

#### Article 29

##### Basic Protection of Historic sites

(1) The basic protection of historic sites shall mean the set of activities and measures through which the state administration authorities and territorial self-governing authorities in co-operation with the owners of immovable property ensure the conservation of the cultural heritage values of these sites, their good technical, operational and aesthetic status, as well as the proper method of use of individual buildings, groups of building, areas or urban settlements and proper utilities of the historic sites.

(2) The Regional Monuments Board or person authorised according to Art. 35 par. 3 shall elaborate the principles of protection for a historic site that form the document for carrying out the basic protection according to paragraph 1. The principles shall form an integral part of the document called the territorial projection of the protection of cultural heritage values situated in the territory, which is the basis for the reparation of planning documents in compliance with a special regulation.<sup>21)</sup>

(3) The principles of protection for a historic reserve or a historic zone shall contain the requirements for the appropriate functional use of the site, for the conservation and regeneration of its historic plan arrangement and subdivision, the composition of objects, the height and spatial arrangements of the objects, elements of the interior and street furnishing, typical views, sky-line and panorama, archaeological finds, or other possible cultural and natural values of the historic site.

(4) The authority empowered to approve planning documents for the territory<sup>21)</sup> where a historic reserve, historic zone, protective zone or archaeological find registered according to Art. 41 is situated shall ask the competent Regional Monuments Board for its opinion before approval. Where an archaeological find is concerned, the Regional Monuments Board shall deliver its opinion after consulting the Archaeological Institute.

#### Article 30

##### General Conditions for the protection of monuments and historic sites

(1) Each person shall be obliged to act in such a way so as not to endanger the basic protection of cultural heritage monuments according to Art. 27 and the basic protection of historic sites according to Art. 29 and not to cause any adverse changes in the status of monuments and historic sites and the status of archaeological finds.

(2) The provision referred to in paragraph 1 shall apply without prejudice to the liability for damage referred to in a special regulation.<sup>29)</sup>

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<sup>29)</sup> Art. 420a of the Civil Code.

(3) No advertisement, notice or technical equipment can be fixed on an immovable cultural heritage monument or at a historic site without a permit issued by the Regional Monuments Board.

(4) The opinion of the Regional Monuments Board shall be required for all decisions taken by other state authority administration and territorial self-government authorities that could affect the interests protected by this Act.<sup>30)</sup>

### Article 31 Corrective Measures

(1) If an owner neglects the protection of a cultural heritage monument or immovable property located in a historic site, the Regional Monuments Board shall decide on the corrective measures.

(2) If a cultural heritage monument is in imminent danger, the regional Monuments Board shall submit a proposal to the competent authority for the prohibition or restriction of the unauthorised activity and any authorised activity threatening the preservation of the cultural heritage monument or which could result in its damage, destruction or theft. In the case of imminent danger to a cultural heritage monument, the Regional Monuments Board can decide immediately. An appeal against the decision referred to in the previous sentence shall not suspend the decision.

(3) If an owner of a movable cultural heritage monument fails to ensure the conditions for its conservation, protection against damage, destruction or theft, the Regional Monuments Board shall decide on its deposition with a professional institution while the reasons for its deposition exist.

## PART FIVE

### RENOVATION AND RESTORATION

#### Article 32 Renovation of Cultural Heritage Monuments

(1) According to this Act, the renovation of a cultural heritage monument (hereinafter referred to as "renovation") shall mean a set of specialised professional activities for the maintenance, conservation, repair, adaptation and reconstruction of a cultural heritage monument or its part.

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<sup>30)</sup> For example Act of the Slovak National Council No. 307/1992 Coll. on the protection of agricultural land as amended by Act No. 83/2000 Coll. of Laws; Act No. 61/1977 Col. on forests as amended by subsequent regulations; Act of the Slovak National Council No. 126/1985 Coll. on fire protection as amended by subsequent regulations; Act No. 50/1976 Coll. as amended by subsequent regulations; Act of the Slovak National Council No. 51/1988 Coll. on mining activities, explosives and state mining administration as amended by subsequent regulations; Act of the National Council of the Slovak Republic No. 287/1994 Coll. of Laws on nature and landscape protection as amended by subsequent regulations; Act of the National Council of the Slovak Republic No. 277/1994 Coll. of Laws on health care as amended by subsequent regulations.

(2) The owner of a cultural heritage monument shall submit an application for a decision concerning the renovation programme to the Regional Monuments Board before starting renovation.

(3) The owner shall attach to the application for a decision on the renovation programme the renovation programme containing identification data on the cultural heritage monument, data on proprietary rights to the cultural heritage monument, and a specification of the changes envisaged in the material and spatial composition of the cultural heritage monument.

(4) In its decision referred to in paragraph 2, the Regional Monuments Board shall indicate whether the envisaged works are admissible and shall specify the conditions under which these works can be prepared and carried out in a manner that does not endanger, damage or destroy the cultural heritage monument concerned, and in particular whether these works can be prepared only on the basis of research and other preparatory documentation.

(5) A decision from the Regional Monuments Board must also be obtained by the owner of immovable property which is not a cultural heritage monument but which is located in a historic site or protective zone, on the basis of an application for a decision concerning the programme of reconstruction of the immovable property in a historic site and in a protective zone.

(6) The owner shall attach to the application for a decision concerning renovation of immovable property located in a historic site or protective zone the programme of immovable property reconstruction containing data on the immovable property, data on proprietary rights to immovable property, envisaged use of the immovable property, and a specification of the envisaged territorial and spatial changes.

(7) In its decision referred to in paragraph 5, the Regional Monuments Board shall specify the conditions for carrying out the reconstruction of the immovable property or a construction situated on the immovable property in a historic site or in a protective zone, mainly the principles of spatial zoning, height arrangement, and the architectonic design of the immovable property exterior. The Regional Monuments Board shall specify at the same time whether reconstruction of the immovable property can be carried out only on the basis of preparatory documentation and project documentation.

(8) The project documentation for renovation and project documentation for reconstruction of immovable property or construction located on immovable property in a historic site or protective zone must be drawn up by a person authorised for design activities.<sup>31)</sup>

(9) The owner shall consult the project documentation drawn up according to paragraph 8 and any changes to it during its preparation with the Regional Monuments Board in light of the preservation of the cultural heritage value of the monument or immovable property situated in a historic site or in a protective zone.

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<sup>31)</sup> Act of the Slovak National Council No. 138/1992 on authorised designers and authorised civil engineers as amended by Act No. 236/2000 Coll. of Laws.

(10) The Regional Monuments Board shall issue a special decision on every preparatory documentation and on every project documentation for renovation and project documentation for reconstruction of immovable property or a construction located on the immovable property in a historic site and protective zone.

(11) Decisions on land use planning procedure, building permit procedure, approval procedure for construction adjustments, the procedure for retrospective approval of construction, the procedure on notification of maintenance works, or the procedure on the removal of an immovable cultural heritage monument or construction in a historic site or protective zone shall be taken by the competent building authority after prior approval by the Regional Monuments Board. The building authority shall also follow this procedure in cases where work can be done on the basis of notification.

(12) The Regional Monuments Board shall perform supervision during renovation. Where deficiencies are found which could expose the cultural heritage monument, historic site or protective zone to danger, damage or the destruction of cultural heritage values, the Regional Monuments Board shall take a decision on suspending renovation works.<sup>32)</sup>

(13) In cases where an unforeseen find is uncovered in the construction during renovation, the supplier of the work shall stop any work that could threaten the find or its setting until the Regional Monuments Board takes a decision. The Regional Monuments Board shall decide on the further course of reconstruction within three working days of notification of the find.

(14) The owner shall submit, free of charge, one set of complete documentation on the actual performed renovation of the cultural heritage monument to the Regional Monuments Board not later than 15 day after finishing the work.

### Article 33

#### Restoration of Cultural Heritage Monuments

(1) The restoration of a cultural heritage monument or its part<sup>33)</sup> (hereinafter referred to as "restoration") shall mean a special type of renovation.

(2) The owner may prepare the restoration on the basis of a prior decision taken by the Regional Monuments Board on the restoration programme.

(3) The owner shall attach to the application for a decision on the restoration programme the programme of restoration containing data on the cultural heritage monument, data on its owner, and a specification and reasons for the restoration.

(4) The type of restoration documentation, the extent of restoration research, type, and extent and conditions for carrying out restoration works shall be specified by the Regional Monuments Board in its decision on the restoration programme, and in the case of an immovable cultural heritage monument not later than in its decision on preparatory documentation for renovation of the cultural heritage monument.

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<sup>32)</sup> Art. 102 Act No. 50/1976 Coll.

<sup>33)</sup> Act of the National Council of the Slovak Republic No. 2000/1994 Coll. of Laws on the Chamber of restorers and on restoration activities performed by its members.

(5) The restoration documentation shall form part of the restoration and shall be elaborated in two stages:

- a) proposal for restoration;
- b) documentation on restoration works carried out.

(6) The Regional Monuments Board shall take a separate decision on each stage of the restoration documentation.

(7) The restoration may only be carried out only by a natural person with professional qualifications in accordance with a special regulation.<sup>34)</sup>

(8) The Regional Monuments Board shall carry out supervision of the restoration. If new circumstances or deficiencies are discovered that could result in a threat, damage or destruction of cultural heritage values of the cultural heritage monument, the Regional Monuments Board shall take a decision on termination of the work.

(9) If during the restoration new circumstances occur or an unforeseen find is discovered, the responsible restorer shall terminate all work until the Regional Monuments Board takes a decision. The Regional Monuments Board shall take the decision within three working days of termination of the work.

(10) After taking the decision, the Regional Monuments Board shall keep one copy of the proposal for restoration for the purpose of supervision of restoration works. After completing the restoration, the owner shall deliver, free of charge and within 60 days, one copy of documentation on the restoration works that were carried out.

(11) The details on carrying out restoration works and restoration documentation shall be specified in a generally binding legal regulation issued by the Ministry.

Article 34  
State and Municipality Aid  
for the Renovation and Restoration of Cultural Heritage Monuments

(1) In cases where an owner cannot cover, either partially or fully, the costs of renovation or restoration, he may ask the Ministry and municipality for a financial contribution. There is no legal title to this contribution.

(2) The owner shall attach the decision of the Regional Monuments Board on the renovation programme referred to in Art. 32 par. 4 or on the restoration programme referred to in Art. 33 par. 4 to the application for a financial contribution. The owner shall also attach to the application for a financial contribution from the Ministry the opinion of the municipality concerned containing the amount of the contribution provided by the municipality or reasons why the municipality had not provided any contribution .

(3) Within a period of ten years from the date when the contribution was provided, the Ministry may reserve the right to require the return of the contribution provided for

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<sup>34)</sup> Art. 5 par. 2 points a) to d) of Act of the National Council of the Slovak Republic No. 2000/1994 Coll. of Laws.

renovation in cases where the cultural heritage monument or its part, which was revaluated through the work carried out, is transferred against the payment.

(4) The contribution referred to in paragraph 1 shall not be provided when payment of the necessary cost can be ensured by other legal regulations.<sup>35)</sup>

(5) The State may provide the owner of a cultural heritage monument with indirect aid according to special regulations.<sup>36)</sup>

## **PART SIX**

### **RESEARCH AND FINDS**

#### Article 35

#### Research of Monuments and Historic Sites

(1) For the purpose of this Act the term "research of monuments and historic sites" (hereinafter referred to as "research") shall mean any professional activity aimed at gaining knowledge on cultural heritage monuments, historic sites, archaeological finds and archaeological sites.

(2) Research shall be carried out for the purpose of preparation for the renovation and restoration of cultural heritage monuments, for drawing up principles of protection of historic sites, and for scientific and documentation purposes.

(3) Research must be carried out by a natural person with special professional qualifications in the respective field on the basis of an authorisation issued by the Ministry for a five-year period. The validity of the authorisation may be extended for a further five-year period.

(4) Special professional qualifications can be obtained in the following fields of research:

- a) artistic-historical;
- b) architectonic-historical;
- c) urban-historical;
- d) archaeological.

(5) A special professional qualification for the purposes of this Act can be obtained by a natural person with a university education in the respective field and through passing specialised exams that demonstrate theoretical and special professional knowledge on cultural heritage monuments and historic sites and who has at least three-year practice in the field of historic research and is irreproachable.

(6) Applications for granting an authorisation on special professional qualifications shall be accompanied by documentation on accomplished education, documentation on professional practice, an expert opinion from the Monuments Board or the Archaeological

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<sup>35)</sup> Art. 95 of Act No. 50/1976 Coll. as amended by Act No. 229/1997 Coll. of Laws.

<sup>36)</sup> Art. 4 par. 1 point d) and Art. 5 par. 2 points c) and d) of Act No. 231/1999 Coll. of Laws.

Institute confirming professional practice, and a copy of their criminal record not more than three months old.

(7) On the basis of the opinion from the Monuments Board, the Ministry shall not issue or temporarily withdraw the authorisation for carrying out research referred to in paragraph 3 from a natural person with special professional qualifications who is an employee of the Monuments Board and prepares decisions or takes decisions on the matters of the protection and restoration of monuments and historic sites.

(8) The Ministry shall publish the list of authorised persons in the Official Journal of the Ministry.

(9) The Ministry shall withdraw authorisation from any person who carries out research contrary to this Act.

(10) Details on the requirements for obtaining professional qualifications shall be specified in a generally binding legal regulation issued by the Ministry.

#### Article 36 Archaeological Research

(1) For the purpose of this Act the term "archaeological research" shall mean a set of professional activities aimed at searching for, identifying, documenting, and preserving archaeological finds and archaeological sites, as well as searching for and collecting movable archaeological finds on the ground, in the earth or under the water.

(2) Archaeological research may be carried out by the Archaeological Institute; no other legal entity may carry out this research without an authorisation issued by the Ministry.

(3) The Ministry shall issue authorisation for archaeological research to a legal entity that ensures archaeological research through natural persons with special professional qualifications obtained in accordance with Art. 35 par. 3.

(4) The Ministry shall withdraw authorisation for archaeological research from a legal entity in cases where the conditions under which the authorisation was issued ceased to exist or were infringed.

#### Article 37 Preservation Research

(1) Preservation research must be carried out during the preparation of buildings and other economic activities in the territory where cultural heritage values and archaeological finds are likely to be endangered.

(2) Preservation research is an advanced measure carried out to preserve archaeological and other historic finds envisaged on the ground, in the earth and under the water.

(3) The Monuments Board shall decide on the necessity to carry out preservation research on a proposal by the building authority, the Regional Monuments Board or on its own initiative. In the case of preservation archaeological research, the Monuments Board shall issue a decision after the delivery of an opinion from the Archaeological Institute. The Monuments Board shall send the decision on carrying out archaeological research to the building authority without delay.

(4) In cases where the builder or entity that shall execute the decision referred to in paragraph 2 is unable from objective reasons to appoint an authorised person, the Ministry shall appoint the person authorised to carry out the preservation research on a proposal from the Monuments Board. If this concerns preservation archaeological research, the Monuments Board shall submit a proposal to the Ministry after receiving an opinion from the Archaeological Institute.

#### Article 38 Financing of Research

(1) The costs of research shall be covered by the owner of the cultural heritage monument or the builder.

(2) In cases where the research is carried out during construction or for activities which are in the public interest, the central state administrative authority responsible for ensuring construction activities or construction in the public interest can decide whether these costs or their part will be covered from the state budget.

(3) Research carried out exclusively for scientific or documentation purposes shall be financed by the entity in whose interest it is carried out.

#### Article 39 Conditions for Carrying out Research

(1) Before beginning research, a person authorised according to Art. 35 par. 3 or Art. 36 par. 2 shall conclude a contract with the owner of the cultural heritage monument or with the owner of the immovable property specifying the conditions for carrying out the research. In cases where no agreement is reached, the Monuments Board shall decide on the owner's duty to endure the research according to Art. 36 to 38 and on the conditions under which this research can be carried out. The decision by the Monuments Board shall apply without prejudice to the owner's right to compensation for any damage to the property.

(2) During research, the authorised persons shall take into account the interest protected by special regulations, co-operate with authorities ensuring the protection of these interests, and protect the rights and legitimate interests of the owners of immovable and other property.

(3) The type, extent, manner, intended date of the end of research, and disposal of finds shall be specified in a decision from the Regional Monuments Board. In cases of

archaeological research, the Regional Monuments Board shall take the decision after obtaining an opinion from the Archaeological Institute.

(4) Research must be carried out in accordance with respective international conventions<sup>17)</sup> in compliance with contemporary scientific knowledge and using suitable, mainly non-destructive methods of investigation.

(5) In cases of archaeological research on a cultural heritage monument or in a historic site or protective zone, the Archaeological Institute and persons authorised according to Art. 35 par. 3 shall notify the beginning of the research to the Regional Monuments Board within 15 day from the start of work.

(6) Clandestine research and excavations in cultural heritage monuments, historic sites and sites with archaeological finds, as well as the illicit collection and relocation of movable finds or their search using detectors shall be prohibited.

(7) Any person carrying out research on the basis of the agreement referred to in paragraph 1 shall take measures to prevent damage, devaluation, destruction or theft of the find. Research may not be carried out if the protection of the finds or a remedy for the adverse effects of the research cannot be ensured after completing the research.

(8) The professional knowledge gained through research shall be processed in research and preparatory documentation, which is the basis for the preparation of the project documentation for renovation of the cultural heritage monument or the basis for the preparation of the territorial projection of the protection of a historic site. Details on research and preparatory documentation shall be specified in a generally binding regulation issued by the Ministry.

(9) The owner or person carrying out the research for research or documentation purposes shall submit one free-of-charge copy of the research documentation to the Regional Monuments Board within 60 days of the end of research, in reasonable cases not later than within a time period determined by the Regional Monuments Board. In the case of archaeological research, the Regional Monuments Board shall provide the data necessary for keeping the records referred to in Art. 41 par. 1 to the Archaeological Institute, in reasonable cases also a copy of the research documentation.

#### Article 40

##### Finds

(1) For the purpose of this Act, the term "find" shall mean an object of cultural heritage value found during research works or building works or other activities in the earth, on the ground, under the water, or in the construction material of a historic building.

(2) If the object of cultural heritage value is found outside the approved research works, the finder must notify it directly or through the municipality concerned to the Regional Monuments Board. The finder or person responsible for carrying out the works during which the find was discovered shall notify it not later than the second working day following its discovery.

(3) The find must remain unchanged until inspection by the Regional Monuments Board or by a professionally qualified person authorised by the Regional Monuments Board, however, at least three working days after the date of the notification of the find. Until inspection by the Regional Monuments Board, the finder shall take all necessary measures in order to preserve the find and, in particular, to ensure it against damage, devaluation, destruction or theft. Only an authorised person using methods of archaeological research can collect and relocate an archaeological find from its original place of finding and its settings.

(4) Special regulations<sup>37)</sup> shall apply in respect of finds discovered during construction work.

(5) Archaeological finds are in the ownership of the Slovak Republic.

(6) Movable finds shall be protected in accordance with special regulations.<sup>15)</sup> Immovable finds, their groups and archaeological sites can be declared cultural heritage monuments, historic reserves or historic zones on the basis of their cultural heritage values.

(7) In cases other than research carried out according to Articles 35 to 35 and non-permitted activities, the finder shall be entitled to a refund of expenses incurred relating to the notification and protection of the find referred to in paragraphs 2 or 3.

(8) The Monuments Board shall provide a reward to the finder which shall be equal to the value of material in cases where the find is made of precious metals or other valuable materials; in other cases the reward shall be equal to 20% of the value of the find. The value of the material and the value of the find shall be determined on the basis of an expert report.<sup>23)</sup>

#### Article 41

##### Records On and the Use of Archaeological Sites

(1) Records on archaeological sites shall be kept by the Archaeological Institute in the Central Register of Archaeological Sites of the Slovak Republic (hereinafter referred to as "the register of archaeological sites"). The Archaeological Institute shall clearly mark all archaeological finds declared according to this Act as cultural heritage monuments or historic sites in the register of finds.

(2) The Archaeological Institute shall provide up-dated records and topographic data on archaeological finds to the Monuments Board for recording and incorporation into the territorial projection of the protection of cultural heritage values of the territory concerned.

(3) The records on finds shall be kept confidential in compliance with special regulations.<sup>18)</sup>

(4) The Regional Monuments Board, in co-operation with the competent building authorities, shall make conditions for the protection of archaeological sites during the planning and building permit proceedings.

(5) The Regional Monuments Board, in co-operation with the territorial self-government authorities, shall ensure professional conservation, suitable use and presentation

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<sup>37)</sup> Art. 127 of Act No. 50/1976 Coll. as amended by Act No. 229/1997 Coll. of Laws.

of immovable archaeological finds and archaeological sites in their original settings, if possible. However, making archaeological sites available to the public must not result in their damage or excessive wear.

## PART SEVEN

### OFFENCES AND OTHER ADMINISTRATIVE DELINQUENCIES

#### Article 42 Offences

- (1) In the field of the protection of monuments and historic sites, any person who:
- a) fails to protect a movable object or immovable property against danger, damage, devaluation, or a movable object against theft during the period from the delivery of notice on the initiation of the proceedings on the declaration of the movable object or immovable property as a cultural heritage monument to the entry into force of the decision;
  - b) failed to fulfil the obligation to notify stipulated in this Act;
  - c) failed to submit the documentation referred to in Articles 32, 33 and 39;
  - d) relocated a cultural heritage monument without the prior approval of the respective Monuments Board (Art. 24);
  - e) carries out construction, constructional change or maintenance work on immovable property which is not a cultural heritage monument but is located in a historic site or protective zone without asking the Regional Monuments Board for a decision, or fails to meet the requirements specifies in such a decision;
  - f) fails to ensure the basic protection of a cultural heritage monument, does not maintain it in good condition and uses it in a manner endangering, damaging, devaluating or destroying it, or fails to protect it against theft;
  - g) renovates a cultural heritage monument without asking for a decision from the Regional Monuments Board or fails to meet the requirements specified in such a decision;
  - h) acts in a way resulting in adverse changes to a cultural heritage monument and endangering its protection;
  - i) fails to meet the conditions stipulated by the Regional Monuments Board for carrying out further activities;
  - j) carries out, without permission, research on cultural heritage monuments, historic sites or archaeological sites, searches for movable archaeological finds and collects them;
  - k) devaluates, damages or destroys a cultural heritage monument;
  - l) despite a decision by the Regional Monuments Board, exposes a cultural heritage monument to danger, causes adverse changes to its condition;
  - m) lends abroad, attempts to export or exports a cultural heritage monument abroad without the prior authorisation of the Ministry;
- shall be considered a person committing an offence.

(2) The Regional Monuments Board may impose a fine up to SKK 100,000 for any offence referred to in paragraph 1.

(3) If not stipulated otherwise in this Act, offences and their hearing shall be covered by the general regulation on offences.<sup>38)</sup>

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<sup>38)</sup> Act of the Slovak National Council No. 372/1990 Coll. on offences as amended by subsequent regulations.

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Article 43  
Other Administrative Delinquencies

(1) The Regional Monuments Board may impose a fine on a legal entity or natural person – entrepreneur in the amount of:

- a) up to SKK 100,000 in cases referred to in Art. 42 par. 1 points a) to e);
- b) up to SKK 200,000 in cases referred to in Art. 42 par. 1 points f) to i);
- c) up to SKK 500,000 in cases referred to in Art. 42 par. 1 points j) to m).

(2) The fine is due within 30 days of the date when the decision imposing the fine enters into force.

(3) The fine may be imposed not later than one year from the date when the Regional Monuments Board learnt of the unlawful act; however, this cannot be later than three years from the date when the legal entity or natural person (referred to in paragraph 1) committed the unlawful act.

(4) The Regional Monuments Board may increase the fine referred to in paragraph 1 to double the value if the unlawful act was committed in relation to a cultural heritage monument or a historic site included in the World Heritage List (Art. 21).

(5) When determining the amount of fine, the severity and duration of the unlawful act, the importance of the cultural heritage monument or historic site concerned, and the extent of threatening or caused damage shall be taken into account.

**PART EIGHT**  
**COMMON, TRANSITIONAL AND FINAL PROVISIONS**

Article 44  
Common Provisions

(1) The owner's duties stipulated in this Act shall also apply to an administrator or other holder of a cultural heritage monument. The owner shall cover the costs relating to basic protection in cases arising from a legal relationship.

(2) Eligible persons shall exercise their right to an adequate refund and the right to compensation for the loss of property at the Monuments Board not later than six months from the date of occurrence of the event leading to the claim and in the extent according to the special regulation<sup>29)</sup>, otherwise this right ceases.

(3) This Act shall not apply to objects with values of cultural heritage monuments according to Art. 2 par. 3 which are protected in accordance with special regulations.<sup>39)</sup>

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<sup>39)</sup> Art. 5 of Act of the National Council of the Slovak Republic No. 115/1998 Coll. of Laws.  
Act Of the Slovak National Council No. 149/1975 Coll.

Act No. 183/2000 Coll. of Laws on libraries and on amendments to Act of the Slovak National Council No. 27/1987 Coll. on the state care of monuments and historic sites and on amendments to Act No. 68/1997 Coll. of Laws on Matica slovenská as amended by subsequent regulations.

(4) In cases where this Act does not stipulate otherwise, the generally binding regulations on administrative proceedings<sup>40)</sup> shall apply to the proceedings in matters of the protection of monuments and historic sites.

#### Article 45 Transitional Provisions

(1) Cultural heritage monuments and historic sites included in the Central Register of Cultural Heritage Monuments of the Slovak Republic according to the previous legal regulations shall be considered cultural heritage monuments included according to this Act.

(2) Historic reserves, historic zones and protective zones that were protected according to previous legal regulations shall be considered historic reserves, historic zones and protective zones protected according to this Act.

(3) Rights and duties arising from employment relationships of employees of the Monuments Institute shall be transferred to the Monuments Board as of 1 April 2002.

(4) Rights and duties arising from the employment relationships of employees of district offices and regional offices performing activities in relation to the state care of monuments and historic sites shall be transferred to the Monuments Board as of 1 April 2002.

(5) State property<sup>41)</sup> administered by the Monuments Institute shall be transferred to the Monuments Board as of 1 April 2002. Rights and duties arising from proprietary and other relationships shall be transferred to the Monuments Board.

#### Article 46 Final Provisions

The following legislation is hereby repealed:

1. Act of the National Council of the Slovak Republic No. 27/1987 Coll. on the state care of monuments and historic sites as amended by Act No. 183/2000 Col. of Laws;
2. Points 204 to 213 of the Annex to Act of the National Council of the Slovak Republic No. 222/1996 Coll. of Laws on the organisation of local state administration and on amendments to certain laws as amended by subsequent regulations;
3. Regulation of the Government of the Slovak Republic No. 478/1990 Coll. declaring national cultural heritage monuments;
4. Regulation of the Government of the Slovak Republic No. 299/1991 Coll. repealing the declaration of certain national cultural heritage monuments;
5. Regulation of the Government of the Slovak Republic No. 289/1994 Coll. of Laws declaring the National Cultural Heritage Monument in Ružomberok;
6. Regulation of the Government of the Slovak Republic No. 288/1994 Coll. of Laws declaring national cultural heritage monuments;
7. Decree of the Presidium of the Slovak National Council No. 78/1963 Coll. on historic reserves;
8. Decree of the Ministry of Culture of the Slovak Socialist Republic No. 21/1988 Coll. implementing certain provisions of Act of the Slovak National Council No. 27/1987 Coll.;

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<sup>40)</sup> Act No. 71/1967 Coll.

<sup>41)</sup> Act of the National Council of the Slovak Republic No. 278/1993 Coll. of Laws on the administration of the State property as amended by subsequent regulations.

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9. Decree of the Commissariat of Education and Culture No. 249/1959 Official Journal on national cultural heritage monuments.

Article 47  
Entry into Force

This Act shall enter into force on 1 April 2002, except Art. 35 par. 3 which shall enter into force on 1 January 2004.

**Rudolf Schuster**, signed in his own hand

**Jozef Migaš**, signed in his own hand

**Mikuláš Dzurinda**, signed in his own hand

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Bratislava, March 2002