

Ministry of Culture of the Slovak Republic

Act No. 49/2002 Z.z. of 19 December 2001 on the protection of monuments and historic sites, as amended by Act No. 479/2005 Z.z. and Act No. 208/2009 Z.z.

The National Council of the Slovak Republic has adopted the following act:

PART ONE

FUNDAMENTAL PROVISIONS

§ 1

Scope of the act

(1) This act governs conditions for the protection of cultural heritage monuments and historic sites, archaeological finds and archaeological sites in accordance with scientific knowledge and in accordance with international conventions concerning European and world cultural heritage to which the Slovak Republic has acceded. 1)

(2) This act further regulates the organisation and competence of state administration authorities and territorial self-government authorities and the rights and duties of owners and other legal entities and natural persons, and the imposition of fines for unlawful conduct relating to the protection of monuments which form an important part of cultural heritage and whose conservation is in the public interest. 2)

§ 2

Basic terms

(1) The term "monuments and historic sites" shall mean the set of movable objects or immovable property declared as national cultural heritage monuments (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 of historic and social value, value in relation to landscapes and townscapes, architectural, scientific and technical value and value for the visual and applied arts meriting individual or territorial protection.

(3) For the purposes of this act, the term "cultural heritage monument" shall mean a movable object or immovable property possessing cultural heritage value, which has been declared a cultural heritage monument in order to ensure its protection. In the case of an archaeological find, a non-uncovered movable object or non-uncovered immovable property discovered using the methods and technology of archaeological research may also be considered a cultural heritage monument.

(4) The term "historic site" shall mean an urban territorial unit or rural territorial unit possessing concentrated cultural heritage value, archaeological finds and archaeological sites meriting protection under this act, declared a historic reserve or historic zone for its protection under this act.

(5) The term "archaeological find" shall mean any movable object or immovable property that provides evidence of the life of human beings and their activities from the earliest times and is usually found or located in the earth, on its surface or under 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 any and all activities and measures for the identification, research, documentation, conservation, renovation, restoration, regeneration, use and exhibition of cultural heritage monuments and historic sites.

PART TWO

COMPETENCE OF STATE ADMINISTRATION AUTHORITIES AND TERRITORIAL SELF-GOVERNMENT AUTHORITIES IN RELATION TO THE PROTECTION OF MONUMENTS AND HISTORIC SITES

§ 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 as follows:

- a) The Ministry of Culture of the Slovak Republic (the Ministry),
- b) The Monuments Board of the Slovak Republic (the Monuments Board),
- c) the Regional Monuments Boards.

§ 4

The Ministry

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

- a) draw up the strategy for the protection of the 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 (the Government) strategic proposals and recommendations for addressing fundamental issues relating to the conservation, renovation, use and exhibition of monuments and historic sites,
- c) guide the activity of the Monuments Board,
- d) direct and check the performance of state administration in relation to the protection of monuments,
- e) perform central state supervision of the protection of monuments through the Monuments Inspectorate,
- f) review decisions handed down by the Monuments Board in administrative proceedings,
- g) set conditions for a grant-based and multi-sourced system for financing the conservation and renovation of cultural heritage monuments.

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

- a) cooperate with other central state administration authorities participating in the performance of tasks for the protection of monuments and historic

sites, with territorial self-government authorities and with professional and research institutions,

b) coordinate international cooperation and the process of integration into international structures for the protection of monuments and historic sites.

§ 5

Monuments Inspectorate of the Ministry

(1) The Monuments Inspectorate of the Ministry (the Monuments Inspectorate) shall

a) supervise under central state supervision, whether the competent authorities for the protection of monuments and historic sites apply the provisions of this Act and its implementing regulations,

b) supervise compliance with this act and its implementing regulations by the owners of cultural heritage monuments, legal entities and natural persons and the implementation of decisions issued by authorities for the protection of monuments and historic sites,

c) supervise the condition of cultural heritage monuments and compliance with rules for the protection of cultural heritage monuments and historic sites and require authorities for the protection of cultural heritage monuments and historic sites to adopt measures to remedy deficiencies identified under supervision,

d) check the implementation of measures taken to remedy deficiencies.

(2) In performing its tasks the Monuments Inspectorate shall cooperate in particular with the Monuments Board, the regional monuments boards, other control authorities, 4) the criminal authorities 5) and other authorities and legal entities. All authorities and legal entities whose activities relate to the interests protected by this act must provide any information and necessary cooperation required by the Monuments Inspectorate.

§ 6

Monuments Council

(1) The Monuments Council is an expert consultative and initiative-making body of the Ministry for fundamental issues concerning the protection of monuments and historic sites.

(2) The Monuments council shall discuss and review in particular conceptual and strategic material on the protection of monuments and historical sites and fundamental issues in their conservation, renovation, restoration, regeneration, use and exhibition.

(3) The members of the Monuments Council shall be appointed and recalled by the Minister of Culture of the Slovak Republic (the Minister), who shall appoint them from professionals in the field of the protection of monuments and historic sites, nominated by professional organisations and research institutions, in particular universities and the research institutes of the Slovak Academy of Sciences.

(5) 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 expenditures related to their membership in accordance with the relevant regulations. 7)

(6) Detailed regulations for the activities of the Monuments Council shall be set out in its statutes, which shall be issued by the Ministry.

§ 7

Archaeological Council

(1) The Archaeological Council is an expert consultative and initiative-making 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 licences to undertake archaeological research,

b) evaluate the conditions and quality of research undertaken,

c) coordinate the performance of important archaeological research, over which it shall reserve the right of assessment.

(3) The members of the Archaeological Council shall be appointed and recalled by the Minister; they shall be appointed from among professionals in the field of archaeology proposed by the Archaeological Institute of the

Slovak Academy of Sciences (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.

(5) Membership of the Archaeological Council shall be voluntary and non-transferrable. Members of the Archaeological Council shall be entitled to reimbursement for expenditures related to their membership in accordance with the relevant regulations. 7)

(6) Detailed regulations for the activities of the Archaeological Council shall be set out in its statutes, which shall be issued by the Ministry.

§ 8

Commission for the verification of individual professional qualifications for carrying out research on monuments and historic sites

(1) The Commission for the verification of individual professional qualifications for carrying out research on monuments and historic sites (the Commission) is an expert consultative body of the Ministry for the verification of individual professional qualifications entitling natural persons to carry out research relating to monuments and historic sites.

(2) The Commission shall, in particular

- a) consider applications by natural persons for obtaining specialised professional qualifications for the purposes of section 35(3),
- b) submit recommendations to the Ministry for the granting of certification of individual professional qualification for the performance of research relating to monuments and historical sites.

(3) The members of the Commission shall be appointed and recalled by the Minister, who shall appoint them from professionals in the fields of research into monuments, the protection of monuments and historical sites, and law.

(4) Detailed rules for the activity of the Commission shall be set out in a generally binding regulation issued by the Ministry.

§ 9

The establishment, organisation and competence of the Monuments Board of the Slovak Republic and the regional monuments boards

(1) The Monuments Board of the Slovak Republic (section 3) and regional Monuments Boards shall perform specialised state administration activities for the protection of monuments and historic sites.

(2) The Monuments Board is a legal entity with its principal premises in Bratislava. The Monuments Board is a state budgetary organisation linked financially to the budget of the Ministry. It shall have the competence to set pay and material conditions for the regional Monuments Boards and shall be the employer of the employees in the regional Monuments Boards.

(3) The competence of the Monuments Board in the state administration activities set out in this act shall cover the whole territory of the Slovak Republic.

(4) The Monuments Board shall be directed by a director general, who shall be responsible for its activities. The director general shall be appointed and recalled by the Minister after consultation with the Monuments Council.

(5) The Regional Monuments Boards shall perform state administration activities within their territory, which are identical with the territory of the administrative region.

(6) The Regional Monuments Boards shall act and decide on matters of administration law independently.

(7) Each Regional Monuments Board shall be directed by a director, who shall be responsible for its activities. The director shall be appointed and recalled by the director general of the Monuments Board.

(8) The Monuments Board and the Regional Monuments Boards shall perform state supervision activities as set out in this act and its implementing regulations, supervision of compliance with decisions that have come into force in its area of competence and rulings on the remedying of deficiencies.

§ 10

Monuments Board

(1) The Monuments Board shall execute state administration as a second instance authority in matters relating to the protection of monuments and historic sites in which the Regional Monuments Boards have handed down first instance rulings.

(2) The Monuments Board shall

a) direct and check the performance of state administration in relation to the protection of monuments and historic sites by the Regional Monuments Boards,

b) direct and coordinate professional activity and research, including the development of theory and methodology, relating to the protection of monuments and historic sites,

c) identify the condition of monuments and historic sites and requirements for their protection,

d) hand down rulings in first-instance administrative proceedings 9) on the matters assigned to it by this act in relation to the protection of monuments and historic sites

e) review the binding opinions of the Regional Monuments Boards,

f) decide on appeals against rulings of the Regional Monuments Boards and review their decisions outside the appeals process,

g) act as the administrator for the relevant part of the state information system,

h) maintain archives 10) on the protection of monuments and historic sites,

i) secure the development of the theory and methodology of restoration, build laboratories and facilities for study, development and analysis,

secure research into monuments and historic sites and restoration work,

k) perform and coordinate documentation, education, editorial and promotional activity,

l) provide expertise and assistance in methodology to the Regional Monuments Boards,

m) cooperate with civic organisations and foundations established to conserve, use and present monuments and historic sites,

n) participate in international projects for the protection and renovation of cultural heritage monuments and historic sites and to cooperate with international organisations and partner institutions abroad.

§ 11

Regional Monuments Boards

(1) The Regional Monuments Boards are the state administration authority of first instance in matters relating to the rights and duties of legal entities and natural persons in relation to the protection of monuments and historic sites, archaeological finds and archaeological sites in all cases where this act does not stipulate otherwise.

(2) The Regional Monuments Boards shall

a) perform state supervision of the condition, use and provision of protection for monuments, historic sites and archaeological sites,

b) approve rules for the protection of a historic site developed by a person satisfying the qualifications requirements set out in section 35(3), prepare documentation for the preparation of land-use plans for the competent state authorities and territorial self-government authorities, cooperate with them in the drafting of preparatory, project and restoration documents for the conservation, renewal and use of cultural heritage monuments, historic sites and archaeological finds and sites,

c) provide local state administration offices, at their request, and also higher-tier territorial units and municipalities with extracts from the Central Register of Monuments and Historic Sites (the Central Register) according to their territorial coverage,

d) guide the activities of legal entities and natural persons in relation to the protection of monuments and historic sites, archaeological finds and archaeological sites and provide them with expertise and methodological assistance,

e) rule on matters under section 24, 31 to 33, 37, 39, 42 and 43, issue binding opinions in matters under sections 30 and 32 and opinions in matters under section 29 of this act.

f) cooperate with state administration authorities and territorial self-government authorities in ensuring special protection for cultural heritage monuments during a state of crisis and states of emergency 11) and when preparing measures for such situations,

g) secure temporary specialised custody for movable cultural heritage monuments in necessary cases,

h) provide municipalities with expertise and methodological assistance in documenting local features of cultural and historical interest,

i) supervise compliance with this act and take measures to remedy deficiencies in the protection of monuments and historic sites,

j) impose fines in cases under sections 42 and 43.

§ 12

Powers and duties of persons performing state supervision of the protection of monuments and historic sites

(1) Persons who perform state administration tasks relating to the protection of monuments and historic sites under sections 5, 10 and 11 have the following powers in performing state supervision:

a) to have access to archaeological finds and archaeological sites, to immovable cultural heritage monuments and to premises in historic sites; if such premises are inhabited, access shall require the consent of the residents, 12)

b) to require the presentation of a movable cultural heritage monument or archaeological find for research purposes or in order to prevent the damage or destruction of such a cultural heritage monument,

c) to require natural persons and legal entities to provide necessary cooperation, in particular to provide statements and information relating to the implementation of this act and to submit documentation and other written materials.

d) to use equipment to prepare documentation and make a written record of their findings.

- (2) When performing state supervision, persons under subsection 1 shall
- a) produce their service cards and written credentials from the Ministry, the Monuments Board or the Regional Monuments Board on whose instructions they are authorised to perform state supervision,
 - b) to preserve the confidentiality of matters they become aware of in the performance of state supervision.

§ 13

Self-governing Regions

Each Self-governing Region shall secure within its territory suitable conditions for the protection of monuments and historic sites, submit its opinion on proposals to create and cancel historic sites, and cooperate with state administration authorities for the protection of monuments and historic sites 13) in the conservation, renewal and use of cultural heritage monuments and historic sites.

§ 14

Municipalities

- (1) Each municipality shall secure the conditions necessary for the conservation, protection, renewal and use of monuments and historic sites within the territory of the municipality. 14)
- (2) Municipalities shall
- a) ensure that the owners of cultural heritage monuments act in accordance with this act,
 - b) coordinate the construction of technical infrastructure in inhabited areas with historic sites,
 - c) cooperate in ensuring that street fixtures and street furnishings, small architectural elements, historic greenery, street lighting and advertising displays are in harmony with objectives for conservation and the implementation of the values of the historic site,
 - d) support initiatives of citizens and civic associations for the protection of monuments and historic sites,

e) maintain records of monuments and historic sites in the territory of the municipality based on extracts from the Central Register. 14)

(3) A municipality may create resources for making grants to owners to conserve and renew cultural heritage monuments located in the territory of the municipality.

(4) A municipality may decide to establish and professionally maintain documentation of local features of cultural and historical interest. Such documentation may include not only movable objects and immovable property but also combined works of nature and human beings, historic events, street names, geographical and cadastral names pertaining to the history and personalities of the municipality. The municipality shall submit documentation on the local features of cultural and historical interest to the Regional Monuments Board for professional use and for documentation purposes; where documentation includes immovable property, a list shall also be submitted to the building authority.

PART THREE

MONUMENTS AND HISTORIC SITES AND PROTECTIVE ZONES

§ 15

Declaration of cultural heritage monuments

(1) The Monuments Board shall declare a movable object or immovable property a cultural heritage monument on the basis of its cultural heritage value. A set of such objects or properties may also be declared a cultural heritage monument.

(2) The Regional Monuments Board or the Monuments Board shall prepare a proposal for the declaration of the object or property as a cultural heritage monument on its own initiative or on the initiative of a legal entity or natural person, where justified in cooperation with the research institutes of the Slovak Academy of Sciences and other professional and academic institutions. 15)

(3) The owner of the object or property proposed for declaration as a cultural heritage monument shall be a party to proceedings. If an immovable property is to be declared a cultural heritage monument, the municipality shall also be a party in the proceedings.

(4) From the moment of delivery of notice of the initiation of proceedings for the declaration of an object or property as a cultural heritage monument, the owner of the object or property shall

a) protect the object against damage, destruction, loss, theft or export from the territory of the Slovak Republic and notify the Monuments Board of any planned or actual change of ownership,

b) provide, at the written request of the Regional Monuments Board or the Monuments Board, necessary information on the object or property or allow authorised persons to examine the object or property in order to prepare appropriate documentation.

(5) On the declaration of an object or property as a cultural heritage monument or in the event of the refusal of such a declaration, the Monuments Board shall immediately notify the owner of the object or property, the Regional Monuments Boards and, where an immovable property is declared a cultural heritage monument, the municipality. On the coming into force of the declaration of an immovable property as a cultural heritage monument, the Monuments Board shall also send notice to the competent Cadastral Office. 16)

§ 16

Declaration of Historic Reserves

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

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

§ 17

Declaration of a historic zone

(1) A historic zone is a territory with a historic residential arrangement, a landscape of cultural and historical significance, or a territory with

archaeological finds and archaeological sites which can be topographically delimited.

(2) A historic zone shall be declared by the Ministry on a proposal from the Monuments Board. The declaration shall take the form of a decision, which shall delimit the territory of the zone. The parties to the proceedings shall be informed of the decision by a public notice.

§ 18

Declaration of a protective zone

(1) A protective zone is a territory defined for the purposes of the protection and controlled development of the environment or surroundings of an immovable cultural heritage monument, historic reserve or historic zone.

(2) The protective zone shall be declared by the Monuments Board based on the opinion of the municipality. The declaration shall take the form of a decision, which shall define the territory and the rules of protection. Parties to proceedings on the declaration of a protective zone shall be informed of the start of proceedings by means of a public notice. The decision on the declaration of a protective zone shall be delivered by means of a public notice.

§ 19

The Monuments Board shall send all necessary information to the Cadastral Office within 30 days of the entry into force of a decision on the declaration of a territory as a historic reserve, historic zone or protective zone. 16)

§ 20

Amendment or repeal of declarations of cultural heritage monuments and historic sites

(1) If new circumstances arise, the Monuments Board may amend the declaration of a cultural heritage monument, the Government may repeal the declaration of a historic reserve or the Ministry may repeal the declaration of a historic zone in the public interest. If the cultural heritage value ceases to exist, such declarations may also be repealed by the competent authorities. The Monuments Board may amend or repeal a decision on the declaration of a protective zone under section 18(2) based on the opinion of the municipality in the public interest. If the declaration of a cultural heritage

monument, historic reserve or historic zone is repealed, the Monuments Board shall issue a decision repealing the declaration of the protective zone.

(2) The competent authority may stipulate reasonable conditions in relation to a decision to amend or repeal a declaration under section 15 and 17; the costs of fulfilment shall be borne by applicant or the person in whose interest the declaration is amended or repealed.

(3) The Regional Monuments Board or the Monuments Board shall draw up the proposal for the amendment or repeal of a declaration on the initiative of a legal entity or natural person, or on its own initiative. If the amendment or repeal concerns an immovable cultural heritage monument, historic reserve or historic zone, the Regional Monuments Board or Monuments Board shall request the opinion of the municipality.

(4) The competent authority for the protection of monuments and historic sites shall send any decision under subsection 1 to the authorities to which it sent the decision on the declaration.

§ 21

Inclusion in the World Heritage List

(1) The Ministry may, on its own initiative or the initiative of the Monuments Board or another legal entity or natural person, propose a cultural heritage monument or historic site for inclusion in the World Heritage List subject to the conditions set out in the international convention. 17)

(2) The Ministry shall publish notice of inclusion in the World Heritage List in the Law Digest of the Slovak Republic.

§ 22

Central Register

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

- (2) The Central Register comprises
- a) the register of movable cultural heritage monuments,
 - b) the register of immovable cultural monuments,
 - c) the register of historic reserves,

d) the register of historic zones.

(3) The Monuments Board shall enter a new record in the Central Register no later than 30 days after the declaration of the object or property as a cultural heritage monument or after the declaration of a historic site as a historic reserve or historic zone. The owner of the cultural heritage monument shall be informed of its registration without delay.

(4) The Monuments Board shall record in the applicable register
a) whether an immovable cultural heritage monument is situated in a historic reserve, a historic zone or a protective zone,

b) whether an immovable cultural heritage monument, historic reserve or historic zone has a protective zone,

c) whether the cultural heritage monument, historic reserve or historic zone is included in the World Heritage List,

d) relocation of a cultural heritage monument into a museum or gallery collection.

(5) If the declaration of a movable object or immovable property as a cultural heritage monument or the declaration of a territory as a historic reserve or historic zone is repealed, the Monuments Board shall delete the entry and archive the original documentation in accordance with the relevant regulations. 10)

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

§ 23

Pre-emption right of the state to purchase cultural heritage monuments

(1) If the owner of a cultural heritage monument wishes to sell it, they must offer it in writing to the state, represented by the Ministry, for purchase. Such an offer shall declare all conditions.

(2) If the state accepts the offer, the state organisation designated by the Ministry shall conclude a purchase agreement with the owner of the cultural heritage monument within 90 days of receipt of the offer, unless the parties agree otherwise.

(3) The state must pay the price for the cultural heritage monument offered by other parties, unless the parties agree otherwise. If the state cannot satisfy the conditions offered beside the price and these conditions cannot be compensated by an appraised price, the pre-emption right shall expire. 20)

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

§ 24

Relocation of cultural heritage monuments

(1) A movable cultural heritage monument may be permanently relocated only in accordance with a decision of the Regional Monuments Board. The owner must also obtain a ruling from the Regional Monuments Board for temporary relocation requiring professional disassembly of a cultural heritage monument. If a cultural heritage monument is relocated from a public place, the Regional Monuments Board must consult the municipality before issuing a ruling for this purpose.

(2) A movable cultural heritage monument can be relocated without a ruling from the Regional Monuments Board when it is in imminent danger of damage or destruction or in a situation under section 28(2)(g) and (h). The owner or the person carrying out the relocation shall notify the Regional Monuments Board of such relocation without delay.

(4) An immovable cultural heritage monument or part thereof may be relocated only on the basis of a decision of the Regional Monuments Board after the municipality has given its opinion, without prejudice to the provisions of other relevant regulations 21).

(4) In cases where the Regional Monuments Board does not allow the owner of a movable cultural heritage monument to relocate it, the owner shall be entitled to adequate compensation for this limitation of ownership rights. The Regional Monuments Board shall rule on the amount of such compensation in the ruling under subsection (1). If the Regional Monuments Board does not allow the owner of an immovable cultural heritage monument to relocate it, the owner shall be entitled to adequate compensation for this limitation of ownership rights. The Regional Monuments Board shall rule on the amount of such compensation in the ruling under subsection (3).

§ 25

Cultural heritage monuments in relation to foreign countries

(1) No cultural heritage monument or part thereof may be permanently exported from the territory of the Slovak Republic. 22)

(2) A cultural heritage monument or part thereof may be temporarily exported from the territory of the Slovak Republic to another country for a period of at most three years. Such a temporary export shall require a licence from the Ministry, which shall request the opinion of the Monuments Board.

(3) The applicant for a licence for the temporary export of a cultural heritage monument shall submit the application directly to the Ministry or via the Monuments Board.

(4) The application for a licence for the temporary export of a cultural heritage monument shall include the identification data of the recipient of the cultural heritage monument, the identifying marks of the cultural heritage monument and a statement of the Monuments Board. The application shall be submitted on the required form. The Ministry shall publish a sample form in its official journal.

(5) The ministry may make the granting of the licence for the temporary export conditional upon the conclusion of an insurance policy or the deposit of a bond corresponding to the value of the cultural heritage monument set by export opinion 23), or the satisfaction of other reasonable conditions. Costs relating to the licence for temporary export shall be paid by the applicant or the person in whose interest the licence is issued.

(6) The owner must notify the Monuments Board of the return the cultural heritage monument to the territory of the Slovak Republic without delay. The Monuments Board shall verify the identity of the returned cultural heritage monument within 30 days and evaluate its overall condition.

(7) An object of cultural and historical significance may not be imported into the territory of the Slovak Republic without the written consent of the competent authorities in the country of origin. 22)

§ 26

Return proceedings

(1) The Ministry shall bring proceedings for the return of an unlawfully exported cultural heritage monument immediately upon becoming aware of evidence that unlawful export has taken place.

(2) The Ministry shall bring proceedings on an object of cultural and historical significance unlawfully imported into the territory of the Slovak Republic 22) without delay in response to a reasonable written request from a competent authority in the state from which the object of cultural and historical significance was exported.

PART FOUR

PROTECTION OF MONUMENTS AND HISTORIC SITES

§ 27

Basic protection of cultural heritage monuments

The basic protection of a cultural heritage monument shall mean the set of activities and measures taken to prevent danger, damage, destruction or theft of the cultural heritage monument, to maintain good conditions, including the good condition of the surroundings of the cultural heritage monument and a method of use and exhibition appropriate to its cultural heritage value and technical condition.

§ 28

Rights and duties of the owner

- (1) The owner of a cultural heritage monument has the right
- a) to ask the Regional Monuments Board for free-of-charge provision of expertise and methodological assistance in the protection of the cultural heritage monument,
 - b) to ask the municipality and the Ministry for financial support or state aid 24) for the conservation of the cultural heritage value of the cultural heritage monument,

c) to receive reasonable compensation for demonstrable losses incurred as a result of the application of this act or a ruling pursuant to this act.

(2) The owner of a cultural heritage monument must

a) secure basic protection of the cultural heritage monument at their own expense

b) use the cultural heritage monument in accordance with its cultural heritage value,

c) notify the counterparty to any transfer of ownership that the cultural heritage monument is subject to a protection regime as set out in this act,

d) allow employees of an authority for the protection of monuments and historic sites and other authorised person who present their service cards to enter an immovable cultural heritage monument if it is not inhabited, or submit a movable cultural heritage monument for documentation, research or in order to prevent the damage or destruction of the cultural heritage monument,

e) allow a sign to be installed on the cultural heritage monument if the Regional Monuments Board so decides,

f) allow public access to the cultural heritage monument, if it is not inhabited, subject to conditions agreed in advance for a fixed period and with compensation, if the Regional Monuments Board so decides,

g) secure special protection for the cultural heritage monument and deposit the cultural heritage monument at a predetermined location for a necessary period in a state of emergency, 11)

h) secure special protection of the cultural heritage monument and deposit the cultural heritage monument at a predetermined location for a necessary period during a state of crisis, during wartime and in a state of war 26) secure the cultural heritage monument in accordance with international law. 27)

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

a) any danger, damage, theft or destruction of the cultural heritage monument without delay,

b) any intended change in the use of the cultural heritage monument, and in the case of an immovable cultural heritage monument, also its vacation,

c) any change of ownership of the cultural heritage monument within 30 days. 28)

(4) The owner of a property that is not a cultural heritage monument but is situated in a historic reserve, a historic zone or a protective zone
a) has the right to ask the Regional Monuments Board to provide expertise and methodological assistance free of charge.

b) must dispose of the property and use it in a manner that does not endanger the cultural heritage value of an immovable cultural heritage monument, historic reserve or historic zone.

§ 29

Basic protection of historic sites

(1) Basic protection of historic sites shall mean the set of activities and measures by means of which the state administration authorities and territorial self-government authorities in cooperation with the owners of immovable property secure the conservation of the cultural heritage value of such sites, their good technical, operational and aesthetic condition and the appropriate use of individual buildings, groups of buildings, spaces and urban settlements, and appropriate infrastructure for the historic site.

(2) The Regional Monuments Board or a person licensed in accordance with section 35(3) shall elaborate principles for the protection of a historic site, which shall be the guiding document for the performance of basic protection pursuant to subsection 1. The principles shall be an integral part of the territorial plan for the protection of the cultural heritage value of the site, which shall be incorporated into land use documentation in accordance with the relevant regulations. 21)

(3) The principles for the protection of a historic reserve or historic zone shall set out conditions for the reasonable functional use of the territory, for the conservation, maintenance and regeneration of the historic plan arrangement and subdivision, the composition of objects, the height and spatial arrangement of objects, internal and external furnishings, characteristic views, silhouettes and panoramas, archaeological finds and other aspects of the territory that are of cultural and natural importance.

(4) The competent authority for land-use planning documentation for the territory 28a) in which a historic reserve, historic zone, immovable cultural heritage monument, protective zone, archaeological find or an

archaeological site registered under section 41 shall request the opinion of the competent Regional Monuments Board before approving such documentation.

§ 30

General conditions for the protection of monuments and historic sites

(1) Each person must act in such a way so as not to endanger the basic protection of cultural heritage monuments under section 27 and the basic protection of historic sites under section 29 and not to cause any adverse changes in the condition of monuments and historic sites or the condition of archaeological sites.

(2) The provisions of subsection 1 shall apply without prejudice to liability for damage under other regulations. 29)

(3) Advertisements, notices, promotional signs or other technical equipment may not be placed on an immovable cultural heritage monument or historic site without a prior ruling of the Regional Monuments Board. If the placement is permitted by the building authority, the Regional Monuments Board shall issue a binding opinion and it shall be an interested authority for the purposes of proceedings of the Building Office; 29a) the Regional Monuments Board shall also issue a binding opinion in proceedings of the Building Office concerning a protective zone.

(4) A binding opinion of the Regional Monuments Board is required for every ruling of other state administration authorities and territorial self-government authorities that may affect the interests protected by this act.

§ 31

Correction proceedings

(1) If the Regional Monuments Board finds that an owner has not secured basic protection of a cultural heritage monument in accordance with section 27 or an immovable property in a historic site in accordance with section 29, they shall begin proceedings to ensure that the owner secures corrective measures subject to set conditions and within the set period at their own expense so that the object or property is restored to a condition in which the conservation of its cultural heritage value is not endangered.

(2) If corrective measures require preparatory documents, project documentation or other materials, the Regional Monuments Board shall

require the owner to submit them with the required scope and within a set period as part of the proceedings under subsection (1).

(3) If a cultural heritage monument, a historic site or an immovable property in a historic site is endangered, the Regional Monuments Board shall submit a motion to the competent body to prevent or limit unauthorised activities and authorised activities that endanger the conservation of the cultural heritage monument or could lead to its damage, destruction or theft. If a cultural heritage monument, a historic site or an immovable property in a historic site is in grave and immediate danger, the Regional Monuments Board may issue an immediate ruling. An appeal against a ruling under the previous sentence shall not suspend the effect.

(4) If the owner of a movable cultural heritage monument does not secure conditions for its conservation and protection against damage, destruction or theft, the Regional Monuments Board may issue a ruling for it to be deposited while the grounds for its relocation persist.

PART FIVE

RENOVATION AND RESTORATION OF CULTURAL HERITAGE MONUMENTS AND CONSTRUCTION WORK ON IMMOVABLE PROPERTY

§ 32

Renovation and restoration of cultural heritage monuments and construction work on immovable property

(1) For the purposes of this act, the renovation of a cultural heritage monument (renovation) shall mean the set of specialised professional activities carried out for the maintenance, conservation, repair, adaptation and reconstruction of a cultural heritage monument or part thereof.

(2) Before the start of renovation, the owner of the cultural heritage monument shall submit an application for a ruling on the renovation proposal to the Regional Monuments Board. If the owner begins renovation without a valid ruling on the renovation proposal, the Regional Monuments Board shall begin proceedings on the renovation by issuing a notice of the start of proceedings on the renovation, which shall be served to the owner of the cultural heritage monument, and instruct the owner to cease work until the issuing of a ruling.

(3) The application for a ruling on the renovation proposal shall be accompanied by the renovation proposal comprising identification data on

the cultural heritage monument, documentation of the ownership of the cultural heritage monument, the proposed future use of the cultural heritage monument and a specification of the proposed changes to the cultural heritage monument.

(4) In its ruling on the renovation proposal under subsection (2), the Regional Monuments Board shall state whether the proposal is admissible with regard to the interests protected by this act and set conditions under which the renovation proposal can be elaborated and implemented so that the cultural heritage monument is not endangered, damaged or destroyed, in particular whether the renovation proposal can be elaborated only on the basis of research and other preparatory and project documentation.

(5) Before the start of new construction or site preparation or the modification a building that is not a cultural heritage monument but is located in a historic site (construction work on an immovable property), the owner of such immovable property shall request a ruling of the Regional Monuments Board by submitting an application for a ruling on the modification proposal for immovable property in a historic site. If the owner begins construction work on immovable property in a historic site with a valid ruling on the modification proposal, the Regional Monuments Board shall begin proceedings by issuing a notice of the start of proceedings on construction work on the immovable property, which shall be served to the owner of the immovable property, and instruct the owner to cease work until the issuing of a ruling.

(6) The application for a ruling on the modification proposal for immovable property in a historic site shall be accompanied by the modification proposal for the immovable property containing information on the immovable property, documentation of the ownership of the immovable property, the proposed use of the immovable property and a specification of the proposed territorial and spatial changes.

(7) In its ruling under subsection (5) the Regional Monuments Board shall state whether the proposal is admissible with regard to interests protected by this act and set conditions under which construction work on the immovable property in the historic site can be carried out, in particular principles relating to the volumes, height and the architecture of the exterior of the immovable property. The Regional Monuments Board shall also determine whether the works can be carried out only on the basis of research and other preparatory and project documentation.

(8) Project documentation for renovation and project documentation for modification to immovable property in a historic site can be prepared only by a natural person licensed to do so under the relevant regulations. 31)

(9) The owner shall consult with the Regional Monuments Board on the project documentation prepared in accordance with subsection 8 and any amendments to it during its preparation with regard to the conservation of the cultural heritage value of the cultural heritage monument or historic site.

(10) Before the start of the renovation or construction work on immovable property in a historic site, the owner shall submit the preparatory and project documentation under subsections 4 and 7 to 9 to the Regional Monuments Board. The Regional Monuments Board shall issue a separate binding opinion on every set of preparatory documentation and every set of project documentation for renovation or construction work on immovable property in a historic site.

(11) Before the start of construction work on immovable property that is not a cultural heritage monument but is situated in a protective zone, the owner of the immovable property shall request a binding opinion of the Regional Monuments Board by submitting an application for the issuing of a binding opinion on the proposal for construction work on immovable property in a protective zone. The Regional Monuments Board shall issue a binding opinion on the proposal for construction work on immovable property in a protective zone stating whether the proposal is admissible with regard to the interests protected by this act, and setting conditions for the performance of construction work on the immovable property, in particular the principles of volumes, heights and the architecture of the exterior of the immovable property.

(12) In land-use proceedings, building proceedings, proceedings on modifications to buildings, proceedings on retrospective building permission, proceedings on notified maintenance work, final approval proceedings or proceedings on the removal of an immovable cultural heritage monument or a building in a historic site or a protective zone, the decision of the building authority 31a) shall be based on a binding opinion 31b) of the Regional Monuments Board. The building authority shall also follow this procedure if work can be carried out on the basis of a notification. The issuing of a binding opinion shall not be subject to the general regulations on administrative proceedings. 31c)

(13) The Regional Monuments Board shall perform state supervision during the restoration of the cultural heritage monument or the construction work on immovable property in a historic site or protective zone. It shall

notify the building authority of any deficiencies that it identifies. If the Regional Monuments Board identifies deficiencies that could lead to the endangerment, damage or destruction of the cultural heritage value of the cultural heritage monument or the historic site, or becomes aware of actions of the owner that contravene the ruling or binding opinion, it shall stop the works by means of a ruling on the suspension of works. An appeal against a ruling under the previous sentence shall not suspend the effect.

(14) In cases where an unforeseen find is uncovered during renovation or construction work on an immovable property, the contractor of the work shall refrain from work that endangers the find or the find site until the Regional Monuments Board decides otherwise. The Regional Monuments Board shall decide on further steps within three days of being notified of the find.

(15) The owner shall submit one copy of full documentation of restoration work actually carried out to the Regional Monuments Board within 15 days of the completion of works.

§ 33

Restoration of cultural heritage monuments

(1) The restoration of a cultural heritage monument or part thereof (33) (restoration) is a particular type of renovation.

(2) An owner may prepare restoration work only on the basis of a ruling of the Regional Monuments Board on the restoration proposal obtained in advance.

(3) In the application for a ruling on the restoration proposal, the owner shall include the restoration proposal comprising information on the cultural heritage monument, information on the owner and a specification of the restoration activity giving reasons.

(4) The type of restoration documentation, the extent of restoration research, the type, extent and conditions for the performance of restoration work shall be laid down by the Regional Monuments Board in the ruling on the restoration proposal. In the case of an immovable cultural heritage monument, the ruling shall be issued no later than the ruling on the preparatory documentation for the renovation of the cultural heritage monument.

(5) The restoration documentation is a part of the restoration work and shall be prepared in two stages:

- a) the plan of restoration work to be performed,
- b) documentation of restoration work performed.

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

(7) Restoration work may be performed only by a person with a professional qualification in accordance with the relevant regulations. 34)

(8) The Regional Monuments Board shall carry out supervision of cultural heritage matters during restoration. If new circumstances or deficiencies arise which could result in the endangerment, damage or destruction of the cultural heritage value of the cultural heritage monument, the Regional Monuments Board shall issue a ruling to stop the relevant works.

(9) If new circumstances arise in the course of restoration or an unforeseen find is uncovered, the person responsible for the restoration work must stop work until a ruling is given by the Regional Monuments Board. The Regional Monuments Board shall decide on further steps within three days of the stoppage of work.

(10) After issuing its ruling, the Regional Monuments Board shall retain one copy of the plan of restoration work to be performed for the purposes of supervision of cultural heritage matters. After the completion of restoration work, the owner shall deposit one copy of the documentation of the restoration work performed with the Regional Monuments Board free of charge within 60 days.

(11) Particulars relating to the performance of restoration work and restoration documentation shall be laid down in regulations issued by the Ministry.

§ 34

State and municipality aid for the renovation and restoration of cultural heritage monuments

(1) In cases where an owner cannot cover either a part or the whole of the costs of renovation or restoration, they may request a financial

contribution from the Ministry and the municipality. There is no legal title to such a contribution.

(2) The owner shall include in the application for a financial contribution the ruling of the Regional Monuments Board on the renovation proposal under section 32(4) or the restoration proposal under section 33(4). When applying for a financial contribution from the Ministry the owner shall enclose the opinion of the municipality, stating the amount of any contribution from the municipality or the reasons why the municipality has not provided a financial contribution.

(3) The Ministry may reserve the right to require the return of a contribution provided for renovation if the cultural heritage monument or part thereof is sold within ten years and the value of the cultural heritage monument was increased by the work performed.

(4) A contribution under subsection 1 shall not be provided if the necessary costs can be covered under other regulations. 35)

(5) The state may also provide indirect assistance to the owner in accordance with relevant regulations. 36)

PART FIVE

RESEARCH AND FINDS

§ 35

Research into monuments and historic sites

(1) For the purposes of this act, research into monuments and historical sites (research) shall mean any professional activity intended to increase knowledge of cultural heritage monuments, historic sites, archaeological finds and archaeological sites.

(2) Research shall be carried out as preparation for the renovation and restoration of cultural heritage monuments and construction work on immovable property in historic sites, for the preservation of archaeological finds, for the drawing up of principles for the protection of historic sites, and for scientific and documentation purposes.

(3) Research may be carried out only by a natural person with a specialised professional qualification in the relevant field certified by a licence

issued by the ministry for five years. The licence may be extended for a further five years.

(4) A specialised professional qualification may be acquired in the following fields of research into monuments and historic sites:

a) art history

b) architectural history

c) urban history,

d) archaeology

(5) A specialised professional qualification for the purposes of this act may be acquired by a natural person with a university qualification in the relevant field and who passes a test of theoretical and practical knowledge relating to cultural heritage monuments and historic sites and who has at least three years' professional experience in the field of historical research and is of good character.

(6) An application for a licence based on specialised professional qualification shall include proof of educational qualifications, proof of professional experience, a professional assessment of professional activity undertaken from the Monuments Board or the Archaeological Institute and an extract from the criminal register no more than three months old.

(7) On the basis of an opinion of the Monuments Board, the Ministry shall not issue or shall temporarily withdraw a licence to carry out research under subsection 3 from a natural person with a specialised professional qualification who is an employee of the Monuments Board and prepares rulings or decides on matters relating to the protection and renovation of monuments and historic sites.

(8) The Ministry shall publish a list of licensed natural persons in a ministerial publication.

(9) The Ministry shall withdraw the licence of any person who carries out research in a manner contrary to this act.

(10) Particulars of the conditions for acquiring a specialised professional qualification shall be laid down in regulations issued by the Ministry.

Archaeological research

(1) For the purposes of this act, archaeological research shall mean a set of professional activities whose purpose is to find, identify, evaluate, document and preserve archaeological finds and archaeological sites and to find and collect moveable archaeological finds on the surface of the earth, under the earth and under water.

(2) The Archaeological Institute shall be entitled to carry out archaeological research; other legal persons may carry out such research only under a licence issued by the Ministry.

(3) The Ministry shall grant a licence for archaeological research to a legal entity that secures the performance of research through natural persons with specialised professional qualifications in accordance with section 35(3), of whom at least one shall be a full-time employee of the legal entity.

(4) The Ministry shall withdraw the licence of a legal entity to perform archaeological research if the legal entity ceases to exist or if it breaches any of the conditions under which the licence was granted.

§ 37

Preservation research

(1) preservation research must be carried when preparing construction work and other economic activity on a site where there may be a risk to cultural heritage value and archaeological finds.

(2) Preservation research is an advance measure carried out to preserve archaeological and other historic finds presumed to be in the earth, under water or within the structure of a building.

(3) The Regional Monuments Board shall decide whether preservation research needs to be carried out in response to a query from the building authority, the Monuments Board or on its own initiative. The Regional Monuments Board shall send a ruling on the performance of preservation research to the building authority without delay.

(4) If the builder or the person responsible for compliance with the ruling under subsection (3) cannot secure a licensed person for objective reasons, the Ministry shall select a licensed person to perform preservation research.

§ 38

Financing of research

(1) Research costs shall be paid by the owner of the cultural heritage monument or the builder.

(2) If research is carried out during construction or other activities in the public interest, the central state administration authority with responsibility for the construction or other activities in the public interest shall decide whether the costs or a part thereof should be paid from the state budget.

(3) Research carried out exclusively for scientific and documentation purposes shall be financed by the beneficiary of the research.

§ 39

Conditions for the performance of research

(1) Before starting research, a person licensed to carry out research under section 35(3) and section 36(2) shall conclude an agreement defining the conditions for research with the owner of the immovable property where the research is to be carried out. If no agreement is concluded, the Monuments Board shall rule on the owner's duty to accept the performance of research in accordance with sections 36 to 38 and the conditions under which research may be carried out. The ruling of the Monuments Board shall apply without prejudice to the owner's right to compensation for any damage to the property.

(2) When performing research, licensed persons shall pay attention to the interests protected by particular regulations, cooperate with the authorities responsible for the protection of these interests and protect the rights and legitimate interests of the owners of immovable property and other property.

(3) The type, scope and method for the performance of research and the handling of finds shall be set in the ruling of the Regional Monuments Board under section 32(4) and (7) or under section 37(3).

(4) Research shall be carried out in accordance with the relevant international treaties 17) in accordance with current scientific knowledge and shall use appropriate, primarily non-destructive methods.

(5) In archaeological research and research carried out in a cultural heritage monument, historic site or protective zone, the persons licensed under section 35(3) and section 36(2) shall notify the Regional Monuments Board of the start and end of research within five days.

(6) Unauthorised research and excavations in the vicinity of cultural heritage monuments, historic sites, archaeological finds and archaeological sites and the unauthorised collection of collection and removal of movable finds, their unauthorised retention and search using detection equipment is prohibited. Collection on the surface and non-destructive prospecting by legal entities licensed in accordance with section 36(2) shall not be considered unauthorised research.

(7) Anyone carrying out research under an agreement in accordance with subsection 1 shall take measures to prevent the damage, devaluation, destruction or theft of any find. Research may not be carried out if subsequent protection for finds and corrective measures against the adverse effects of research have not been secured

(8) Specialised knowledge acquired through research shall be written up in research and preparation documentation, which shall be used in the drafting of project documentation for the renovation of a cultural heritage monument or the drafting of the territorial plan for the protection of a historic site. The particulars of research and preparation documentation shall be laid down in regulations issued by the Ministry.

(9) The owner or the subject performing research for scientific or documentation purposes shall provide one copy of the research documentation to the Regional Monuments Board free of charge; the Regional Monuments Board shall decide on the deadline for delivery. In the case of archaeological research, the owner or the subject performing research for scientific or documentation purposes shall also deposit one copy of the research documentation with the Archaeological Institute for the keeping of records under section 41(1).

(10) Subjects licensed under section 35(3) and section 36(2) shall retain and protect any archaeological find found during activities under sections 35 to 37 until the archaeological find is deposited in accordance with section 40(8) or until transfer of ownership or management rights in accordance with section 40(9). Subjects licensed under section 35(3) and section 36(2) may not transfer or otherwise dispose of an archaeological find or allow its use by other persons.

§ 40

Finds

(1) For the purposes of this act, a find is an object of cultural and historic significance found through research or during building work or other activities in the earth, underwater or in the structure of a historic building.

(2) If an object of cultural and historic significance is found outside approved research, the finder must report the find to the Regional Monuments Board directly or via the municipality. Finds shall be reported by the finder or the subject responsible for the performance of the work in the course of which the find was discovered no later than the second working day following the discovery.

(3) The find must be left undisturbed until it has been inspected by the Regional Monuments Board or a professionally competent person appointed by them and at least three days from the date of the report of the find. Until inspection by the Regional Monuments Board, the finder shall take all measures necessary to protect the find, in particular to protect it against damage, devaluation, destruction and theft. Only a licensed person using archaeological research methods may raise and relocate the archaeological find from its original place.

(4) Particular regulations 37) shall apply in respect of finds discovered during building work.

(5) Archaeological finds are the property of the Slovak Republic. Archaeological finds discovered during archaeological research carried out by the Archaeological Institute or a museum owned by a central state administration body shall be under the administration of the respective organisation from the moment of their discovery. In other cases archaeological finds shall be under the administration of the Monuments Board from the delivery of the research documentation to the Regional Monuments Board under section 39(9).

(6) Particular regulations 15) shall apply in respect of the protection of movable finds. Immovable finds, sets thereof and archaeological sites may be declared cultural heritage monuments, historic reserves or historic zones on the basis of their cultural heritage value.

(7) If the Archaeological Institute or a museum owned by a central state administration body is the administrator of the archaeological find, they shall keep records of the archaeological find in accordance with relevant

regulations. 15) If the Monuments Board is the administrator of the archaeological find, they shall keep a separate record of the archaeological find, which shall always include a list of items stating their identification data and the method by which the state property was acquired. The Monuments Board shall keep the separate record for five years following the year in which the archaeological find was acquired.

(8) The administrator of an archaeological find may transfer ownership of a movable archaeological find only to a municipality or self-governing region for administration by a museum owned by the municipality or region, or to the national Bank of Slovakia 37a). Such transfer shall be free of charge. The administrator of an archaeological find may transfer administration of a movable archaeological find only to a museum owned by a central state administration body or the Slovak Academy of Sciences. The particular regulations 15) shall continue to apply in respect of the protection of the movable archaeological find.

(9) The administrator of an archaeological find may transfer ownership of an immovable cultural heritage monument only to the owner of the land, the municipality or the self-governing region free of charge. The administrator of the archaeological find may transfer administration of the archaeological find to a state budgetary organisation or state allowance organisation.

(10) If the find was not discovered in research carried out under sections 35 to 37 or as a result of illegitimate activity, the finder shall be entitled to reimbursement of expenses relating to the report and the protection of the find under subsections (2) and (3).

(11) The Monuments Board shall pay the finder a finder's fee equal to 100% 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. 23)

(12) The procedure given in specific regulations 37b) shall not apply to the administrator's disposal of archaeological finds under subsections (7) to (9).

§ 41

Registration and use of archaeological sites

(1) The Archaeological Institute shall register archaeological sites in the Central Register of Archaeological Sites of the Slovak Republic (the Register of Sites). In the Register of Sites the Archaeological Institute shall

record archaeological sites declared as cultural heritage monuments or historic sites under this act.

(2) The Archaeological Institute shall make up-to-date records and topographical data on archaeological sites available to the Monuments Board for their records and for incorporation into the territorial plan for the protection of cultural heritage value in the territory.

(3) The Register of Sites kept by the Monuments Board under subsection 2 is a basic material for state administration activities under this act. Each Regional Monuments Board shall keep a register of archaeological sites in its territory based on an extract from the above register.

(4) The Regional Monuments Board, in cooperation with the competent building authority, shall secure conditions for the protection of archaeological sites in land-use and building proceedings.

(5) The Regional Monuments Board, in cooperation with territorial self-government authorities shall ensure professional conservation, appropriate use and presentation of immovable archaeological finds and archaeological sites, where possible in their original settings. Public access to sites must not lead to damage or excessive wear.

PART SEVEN

MISDEMEANOURS AND OTHER ADMINISTRATIVE OFFENCES

§ 42

Misdemeanours

(1) The following actions shall be misdemeanour in the field of protection of monuments and historic sites:

- a) not to protect a movable object or immovable property against danger, damage, devaluation, theft or export from the territory of the Slovak Republic during the period from the delivery of notice of the start of proceedings on the declaration of the object or property as a cultural heritage monument until the coming into force of a ruling,
- b) to fail to fulfil an obligation to give notice under this act,
- c) to fail to submit documentation under sections 32, 33 and 39,

d) to relocate a cultural heritage monument without the prior consent of the Regional Monuments Board in accordance with section 24,

e) to place advertisements, notices, promotional signs or other technical equipment on a cultural heritage monument, on a historic site, in a protective zone without a ruling or binding opinion of the Regional Monuments Board or to fail to comply with the conditions set in the ruling or the binding opinion,

f) to carry out construction, structural modifications or maintenance work on an immovable object that is not a cultural heritage monument but is situated in a historic site or protective zone without a prior ruling or binding opinion of the Regional Monuments Board or to fail to comply with the conditions set out in the ruling or binding opinion,

g) to cause through one's actions an adverse change in the condition of a cultural heritage monument or historic site, or its protective zone, or to endanger their protection,

h) to dispose of a find in a manner not permitted under this act,

i) to fail to comply with the conditions for the performance of research into monuments and historic sites,

j) not to secure the implementation of research into monuments and historic sites in accordance with a ruling or binding opinion of the Regional Monuments Board,

k) to perform excavations and research affecting cultural heritage monuments, historic sites or archaeological sites, to search for or to collect archaeological finds without a ruling,

l) not secure basic protection for a cultural heritage monument in accordance with section 27, to fail to maintain it in good condition, or to use it in a manner that endangers, damages, devalues or destroys it, or to fail to protect it against theft,

m) not to carry out corrective measures required by the Regional Monuments Board under section 31,

n) to carry out renovation or restoration of a cultural heritage monument without a ruling or binding opinion of the competent authority for the protection of monuments and historic sites or to fail to comply with the conditions set in the ruling or in the binding opinion,

o) to lend abroad, to attempt to export abroad or to export a cultural heritage monument without a licence from the Ministry.

(2) The Regional Monuments Board may impose a fine of up to EUR 200 000 for a misdemeanour under subsection 1. The Regional Monuments Board shall increase the fine to up to double the amount if the offence relates to a cultural heritage monument, historic site, protective zone or archaeological site included in the World Heritage List. If corrective measures have not been implemented, the fine may be imposed repeatedly.

(3) Misdemeanours and procedures relating to them shall be governed by the general regulation on misdemeanours. 38)

(4) Income from fines imposed for misdemeanours under subsection (1) shall be income of the state budget.

§ 43

Other administrative offences

(1) The Regional Monuments Board shall impose a fine on a legal entity or natural person engaging in business activity as follows:

a) from EUR 100 to EUR 200 000 for unlawful actions under section 42(1)(a) to (e),

b) from EUR 200 to EUR 400 000 for unlawful actions under section 42(1)(f) to (i),

a) from EUR 300 to EUR 1 000 000 for unlawful actions under section 42(1)(j) to (o),

(2) The fine shall be paid within 30 days from the date when the decision imposing the fine comes into force.

(3) A fine may be imposed only up to one year from the date when the Regional Monuments Board learnt of the unlawful act and no more than three years from the date when the unlawful act under subsection (1) was committed. If corrective measures have not been implemented, a fine may be imposed repeatedly.

(4) The Regional Monuments Board shall increase the fine under subsection (1) to up to double the amount if the offence relates to a cultural

heritage monument, historic site, protective zone or archaeological site included in the World Heritage List.

(5) When determining the amount of the fine under subsection (1), the Regional Monuments Board shall take into consideration the gravity and duration of the unlawful action, the importance of the cultural heritage monument or historic site, the extent of the risk of damage or the damage and loss of cultural heritage value caused. Damage to a cultural heritage monument shall be calculated primarily on the basis of reasonable costs for returning it to its original conditions through reconstruction or restoration using original materials and technological processes. In the event of the damage or destruction of an archaeological site, damage shall be calculated on the basis of the cost of performing archaeological research.

(6) Income from fines imposed for other administrative offences under subsection (1) shall be income of the state budget.

§ 43a

(1) If the conservation and proper use of an immovable cultural heritage monument is endangered, the Regional Monuments Board may propose its expropriation in the public interest to the competent building authority. Expropriation proceedings shall be governed by the relevant regulations. 38a)

(2) In the event of unauthorised changes to the material structure of a cultural heritage monument causing permanent damage to its cultural heritage value or the destruction of the object itself or damage to an architectural find or architectural site, the state supervision body shall transfer the matter to the criminal authorities.

PART EIGHT

COMMON, TRANSITIONAL AND FINAL PROVISIONS

§ 44

Common provisions

(1) The duties of an owner laid down by this act shall also apply to an administrator or other holder of a cultural heritage monument. The owner

shall cover costs relating to basic protection if this duty is applicable on the basis of a legal relation.

(2) Eligible persons shall exercise their right to an adequate refund and the right to compensation for the loss of property from the Monuments Board not later than six months from the date when the claim arose in the extent set by the relevant regulations 29), otherwise the right shall lapse.

(3) This act shall not apply to objects with the characteristics of a cultural heritage monument under section 2(3) which are protected under particular regulations. 39)

(4) Proceedings on matters relating to the protection of monuments and historic sites shall be governed by the general regulations on administrative proceedings 40), except where the act stipulates otherwise. If there are a larger number of parties in a case, the administrative authority shall serve a public statement to the parties to the proceedings.

§ 44a

Rulings handed down after the coming into effect of this Act under section 24(1) and (3), section 25(2), section 30(3), section 32(2) and (5), section 33(2) and section 39(1) and (3) shall become void three years from the date of coming into force, if the action for which they were handed down has not been performed in this time. Binding opinions under section 30(3) and (4) and section 32(11) and (12) shall become void three years from the date when they were issued if they have not been used for the purpose for which they were intended.

§ 45

Transitional provisions

(1) Cultural heritage monuments and national cultural heritage monuments registered in the Central Register of Cultural Heritage Monuments of the Slovak Republic under previous regulations shall be considered to be national cultural heritage monuments for the purposes of this act.

(2) Historic reserves, historic zones and protective zones protected under previous regulations shall be considered to be historic reserves, historic zones and protective zones under this act.

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

(4) Rights and duties arising from the employment relations of employees of district offices and regional offices performing activities relating to state care for monuments and historic sites shall be transferred to the Monuments Board with effect from 1 April 2002.

(5) State property (41) under the administration of the Monuments Institute shall be transferred to the Monuments Board with effect from 1 April 2002. Rights and duties arising from proprietary and other relations shall be transferred from the Monuments Institute to the Monuments Board.

§ 45a

Transitional provision for measures effective from 1 June 2009

Proceedings begun before this act came into effect shall be completed under the previous regulations.

§ 46

Final provisions

The following legislation is hereby repealed:

1. Act No. 27/1987 Zb. on state care for monuments and historic sites as amended by Act No. 183/2000 Z.z.

2. points 204 to 213 of the annex to Act No. 222/1996 Z.z. on the organisation of local state administration and the amendment of certain acts, as amended,

3. Government Regulation No. 478/1990 Zb. on the declaration of national cultural heritage monuments,

4. Government Regulation No. 299/1991 Zb. on the declaration and the repeal of the declaration of certain national cultural heritage monuments,

5. Government Regulation No. 289/1994 Z.z. on the declaration of a national cultural heritage monument in Ružomberok,

6. Government Regulation No. 288/1994 Z.z. on the declaration of national cultural heritage monuments,

7. Decree of the presidium of the Slovak National Council no. 78/1963 Zb. on historic reserves,

8. Decree of the Ministry of Culture No. 21/1988 Zb. implementing certain provisions of Act No. 27/1987 Zb.,

9. Decree of the Commissariat for Education and Culture No. 249/1959 The official journal of national cultural heritage monuments

§ 47

Effect

This shall take effect from 1 April 2002, except section 35(3), which shall take effect from 1 January 2004.

Act No. 479/2005 Z.z. took effect on 1 November 2005.

Act No. 208/2009 Z.z. took effect on 1 June 2009.

Rudolf Schuster, signed in his own hand

Jozef Migaš, signed in his own hand

Mikuláš Dzurinda, signed in his own hand

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

2) Article 44(2) and (3) of the Constitution of the Slovak Republic

4) Act No. 575/2001 Z.z. on the organisation of government activities and the organisation of central state administration

- 4) Act No. 10/1996 Z.z. on control in state administration.
- 5) The Code of Criminal Procedure.
- 7) Act No. 283/2002 Z.z. on travel expenses, as amended.
- 8) Section 21(1) of Act No. 303/1995 Z.z. on budgetary rules, as amended by Act No. 348/1999 Z.z.
- 9) Section 5(1) of Act No. 71/1967 on administrative proceedings (The Code of Administrative Procedure).
- 10) Section 4(2)(b) of Act No. 395/2002 Z.z. on archives and registries and the amendment of certain acts.
- 11) Section 3 of Act No. 42/1994 Z.z. on civil defence of the population, as amended.
- 12) Article 21(1) of the Constitution of the Slovak Republic.
- 13) Section 7 of Act No. 302/2001 Z.z.
- 14) Section 2(1) of Act No. 369/1990 Zb. on municipalities.
- 15) Act No. 206/2009 Z.z. on museums and galleries and the protection of objects of cultural heritage value and the amendment of Act No. 372/1990 on misdemeanours, as amended.
- 16) Section 6(1)(e) of Act No. 162/1995 Z.z. on the cadastre of immovable property and the registration of ownership and other rights over immovable property (the Cadastral Act).
- 17) Convention Concerning the Protection of World Cultural and Natural Heritage (Notice No. 159/1991 Zb.).
- 20) Section 606 of the Civil code.
- 21) Act No. 50/1976 Zb. on land-use planning and the building code (the Building Act), as amended.
- 22) Decree of the Minister of Foreign Affairs No. 15/1980 Zb. on the Convention on the means of prohibiting and preventing the illicit importation, export, and transfer of ownership of cultural property.

23) Section 17 of Act No. 382/2004 Z.z. on expert advisers, translators and interpreters and the amendment of certain acts, as amended.

24) Act No. 231/1999 Z.z. on state aid.

26) Articles 2 and 3 of Constitutional Act No. 227/2002 Z.z. on state security in wartime, a state of war, a state of emergency and a state of crisis, as amended.

27) Decree of the Minister of Foreign Affairs No. 94/1958 Zb. on the Convention for the protection of cultural property in the event of armed conflict and the Protocol to the Convention.

28) Section 133 of the Civil Code.

28a) Section 22 of Act No. 50/1976 Z.z. as amended.

29) Section 420a of the Civil Code.

29a) Section 140a(1)(a) to (c) of Act No. 50/1976 Z.z. as amended by Act No. 479/2005 Z.z.

31) Act No. 138/1992 Zb. on charter architects and chartered building engineers, as amended by Act No. 236/2000 Z.z.

31a) Part Five of Act No. 50/1976 Z.z. as amended.

31b) Section 140b of Act No. 50/1976 Zb. as amended by Act No. 479/2005 Z.z.

31c) Part Five of Act No. 71/1967 Z.z. as amended.

32) Section 102 of Act No. 50/1976 Z.z. as amended.

33) Act No. 200/1994 Z.z. on the Chamber of Restorers and the performance of restoration activity by its members.

34) Section 5(2)(a) to (d) of Act No. 200/1994 Z.z.

35) Section 95 of Act No. 50/1976 Zb. as amended by Act No. 229/1997 Z.z.

36) Section 4(1) (d) and section 5(2)(c) and (d) of Act No. 231/1999 Z.z.

37) Section 127 of Act No. 50/1976 Zb. as amended by Act No. 229/1997 Z.z.

37a) Section 3(3) of Act No. 206/2009 Z.z.

37b) Act No. 278/1993 Z.z. on the administration of state property, as amended.

38) Act No. 372/1990 Zb. on misdemeanours, as amended.

38a) Sections 108 to 116 of Act No. 50/1976 Z.z. as amended.

39) Section 2(2) of Act No. 206/2009 Z.z.

Section 2(2) of Act No. 395/2002 Z.z. as amended by Act No. 216/2007 Z.z.
Section 18(1) of Act No. 183/2000 Z.z. on libraries, the amendment of Act No. 27/1987 Zb. on state care for monuments and historic sites and the amendment of Act No. 68/1997 Z.z. on the Matica Slovenská organisation.

40) Act No. 71/1967 Zb.

41) Act No. 278/1993 Z.z. on the administration of state property, as amended.