

**CULTURAL HERITAGE PROTECTION ACT (ZVKD-1)****I. GENERAL PROVISIONS****Article 1**

(aims of the Act)

(1) This Act shall provide for the methods of cultural heritage protection (hereinafter referred to as: heritage) and the related competencies required for an integrated policy of heritage conservation.

(2) The term 'heritage' shall mean resources inherited from the past which Slovenes, members of the Italian and Hungarian ethnic communities, and of the Romani community, as well as other nationals of the Republic of Slovenia, determine to reflect and express their values, identities, religious and other beliefs, knowledge and traditions. The concept of heritage shall be taken to include those features of the environment which have been shaped over time by the interaction between people and place.

(3) The concept of heritage shall be divided into tangible and living heritage. Tangible heritage shall consist of movable and immovable heritage.

(4) An integrated approach to conserving heritage shall be implemented through development-planning and other measures taken by the State, the regions and the municipalities, so that due regard is paid to the special nature of heritage and its social significance, and the sustainable development of heritage is provided for.

(5) For the implementation of Council Regulation (EEC) No. 3911/92 of 9 December 1992 on the export of cultural goods (OJ L No. 39 of 31 December 1992, p. 1; hereinafter referred to as: Regulation 3911/92/EEC) this Act shall provide for a competent authority and penalties for violations of the Regulation.

**Article 2**

(public interest of heritage protection)

(1) Heritage protection shall be undertaken in the public interest. The level of public interest in heritage protection shall be determined in accordance with the cultural, educational, developmental and symbolic significance of the piece of heritage in question, and its relative uniqueness, to the State, the regions and municipalities

(2) In the public interest, heritage protection shall comprise:

- the identification of heritage, its values, its documentation, study and interpretation,
- the conservation of heritage and prevention of harmful effects upon it,
- ensuring access to heritage or relevant information about it is open to all, in particular young people, elderly and disabled persons,
- presenting heritage to the public and fostering awareness of its values,
- inclusion of knowledge relating to heritage in education and training,
- the integrated conservation of heritage,
- the promotion of cultural diversity, with due regard for the diversity of the heritage and its interpretations, and
- participation of the public in matters relating to protection.

(3) The State, regions and municipalities shall respect the public interest in protection by organising and supporting the activities and actions as referred to in the preceding paragraph, and shall implement measures on the basis of this Act.

(4) In respecting the public interest of heritage protection, the State, regions and municipalities shall cooperate with the owners of the heritage, business entities, non-governmental organisations, and civil society in the framework provided for by law and the strategy referred to in Article 73 of this Act.

**Article 3**

## (definitions)

(1) The terms used in this Act shall have the following meaning:

1. „accession“ shall mean a method employed by the museum to acquire movable heritage and include it in its collections;
2. „archaeological find“ shall mean a movable archaeological remain which has been under the soil or water for at least 100 years. Archaeological finds shall also be arms, munitions, other military material, military vehicles and vessels or their parts which have been under the soil or water for at least 50 years;
3. „archaeological remains“ shall mean all items and any evidence of human activity over different historical periods on the surface of the land or below the soil and water, the conservation and study of which would enhance existing knowledge of the historical development of humankind and its connection with the natural environment, the main sources of information of which are archaeological researches or discoveries, and which may be assumed to have been under the soil or water for at least 100 years, and to have the properties of heritage. Archaeological remains shall also be those items connected with burial sites that are determined as such on the basis of laws governing war cemeteries, and also those items connected with the more general archaeological and natural context of war, which have been under the soil or water for at least 50 years. Professionally identified and registered archaeological remains shall become heritage;
4. „archaeological site“ shall mean an original place of deposition or discovery of archaeological remains. Any professionally identified and registered archaeological site shall as such become heritage (hereinafter referred to as: registered archaeological site);
5. „integrated conservation“ shall mean a set of measures aimed at ensuring the continued existence and enrichment of heritage, as well as its maintenance, restoration, regeneration, use and revitalisation;
6. „documentation“ shall mean the collection, regulation and storage of data on heritage, its values, physical condition, location and other facts significant for carrying out protection;
7. „social interest“ shall mean the value of the heritage for society and individuals on the account of its cultural, educational, developmental, religious, symbolic and identification potential, or for scientific studies in fields such as anthropology, archaeology, architecture, ethnology, history of art and history;
8. „the recovery of archaeological remains“ shall mean actions on the land and in water carried out with a view to discovering new data on archaeological remains, and which may lead to discoveries of archaeological sites and finds;
9. „transfer“ shall mean the physical transfer of any movable heritage from the Republic of Slovenia to another Member State of the European Union, or to a Member State of the Agreement on the European Economic Area;
10. „export“ shall mean the physical transfer of any movable heritage from the Republic of Slovenia as a part of the customs territory of the Community into a third country which is not a Member State of the European Union or the Agreement on the European Economic Area;
11. „training for work in protection“ (hereinafter referred to as: training) shall mean the further or supplemental education of an individual who works in a protection activity, to improve the knowledge of new discoveries and methods in the profession, develop competences and make progress, after which he is granted a certificate which may be a condition for employment or continuation of the work;
12. „countervailing measure“ shall mean an activity, intervention or action which is aimed at replacing or mitigating the loss or damage of heritage;
13. „conservation plan“ shall mean an expert brief which is a part of the project documentation for obtaining project conditions, or a part of the project documentation for obtaining project approval, to determine the components of a monument that should be conserved, and the plan for executing the works necessary for such conservation;
14. „conservation plan for regeneration“ shall mean a part of the planning scheme prepared on the basis of laws governing spatial planning;
15. „landscape heritage“ shall mean a heritage site which is an open space with natural and created components the structure, development and use of which are chiefly determined by human operations and activities;

16. „cultural monument“ (hereinafter referred to as: monument) shall mean heritage which has been statutorily protected as a monument or entered in the inventory of an authorised museum;

17. „museum“ shall mean a permanent organisation in the service of society and its development, which is open to the public and collects, conserves, documents, examines, interprets, manages and exhibits the heritage and provides data thereof, with a view to fostering awareness of the heritage, disseminate knowledge of its values and enable people to benefit therefrom;

18. „national treasures“ shall mean movable heritage that belongs to one of the types of heritage provided for by the Annex of Regulation 3911/92/EEC which are, due to their significance, subject to limited transfer or export from the Republic of Slovenia, and provision of measures related to trade and storage;

19. „built-up heritage“ shall mean immovable heritage representing in nature a historic town, market or village centre, its part, or another historic built-up area;

20. „impermissible works“ shall mean any works on heritage carried out without, or in conflict with, a protection approval;

21. „immovable heritage“ shall mean immovable heritage or its parts with the value of heritage, entered in the heritage register;

22. „revitalisation“ shall mean activities which enable the integration of the heritage into contemporary life and creativity, the sustainable use of such heritage, and the benefit thereof;

23. „plan“ shall mean a scheme, programme, plan or another general act whose implementation affects the heritage or its protection;

24. „authorised person“ shall mean an official of the competent organisation, or another person authorised to carry out protection tasks under this Act;

25. „authorised museum“ shall mean a museum which is not founded by the State performing the national public service in the field of protection;

26. „development works on heritage“ (hereinafter referred to as: works) shall mean any work, activity and action that affects in any way the appearance, structure, internal relations, and function of the heritage, or that damages or decomposes the heritage, or changes its location, and in particular:

- any alteration of the heritage deemed to be a construction in accordance with laws governing building permits,

- works for the maintenance and use of the heritage,

- removal of the heritage or parts thereof,

- activities and actions carried out in relation to the heritage, or directly with the heritage, and

- searching for archaeological remains and research of the heritage;

27. „preliminary research“ shall mean research of the heritage which is to be carried out in order to:

- acquire information necessary for evaluation of the heritage prior to developments or prior to starting a construction,

- specify protection measures, or

- remove the heritage under control prior to development or prior to starting a construction.

Preliminary archaeological research shall also include the post-excavation processing of the archive of the archaeological site;

28. „movable heritage“ shall mean items of movable heritage or a collection of such items with the heritage value;

29. „regeneration“ shall mean a set of various activities in the economic, social and cultural fields which provide for, subject to appropriate spatial planning, the conservation and revitalisation of heritage;

30. „survey of evaluation of the heritage in its spatial context“ shall mean the upgrading of the heritage register with data on the actual physical condition of the heritage and its evaluation in a given area available to the planning authorities as a recommendatory expert survey;

31. „competent organisation“ shall mean an entity competent to carry out protection measures. Unless otherwise provided for, it shall be considered as follows:

- as the competent organisation for the protection of immovable heritage: Agency for the Protection of the Cultural Heritage of Slovenia hereinafter referred to as: Agency),

- as the competent organisation for the protection of movable heritage: the national or authorised museum,

– as the competent organisation for the protection of living heritage: the Agency performing public service of the protection of living heritage under this Act;

32. „research“ shall mean those works undertaken with respect to the heritage regarding the need for its protection, more specifically with the aim of examining its parts and obtaining data on its significance, physical condition and the existence of a threat or threats to its preservation;

33. „heritage register“ (hereinafter referred to as: register) shall mean a central repository of data on heritage kept by the ministry responsible for heritage (hereinafter referred to as: Ministry);

34. „registered heritage“ shall mean heritage which is entered in the register and is not a monument;

35. „site“ shall mean an area of immovable heritage statutorily protected as a monument on the basis of this Act on account of its social significance, distinctive layout and specified topography. These shall be in particular the areas of built-up heritage sites, parts of the urban or rural landscape, places of historic events, archaeological sites, or historic parks and gardens;

36. „use“ shall mean permanent or periodic activities carried out on heritage, beside heritage, or in any other connection with heritage, influencing heritage or using its cultural values and social significance;

37. „management“ shall mean carrying out the tasks necessary for meeting the purpose on the basis of which the item has been statutorily protected as a monument, and shall include in particular the management and organisation of maintenance, use, accessibility, public presentation, and monitoring of its physical condition;

38. „import“ shall mean a physical transfer of the movable heritage from a third country which is not a Member State of the European Union or of the Agreement on the European Economic Area, into the Republic of Slovenia;

39. „protection regime“ shall mean those rules which, considering the social significance of a monument and on the basis of its evaluation, place restrictions on ownership rights and other entitlements, and determine measures for implementing protection;

40. „heritage protection area“ shall mean an area with the uniform characteristics of immovable heritage which is, on account of its value and potential for development, an important part of the constructed environment;

41. „protection“ shall mean legal, administrative, organisational, financial and other measures available to the State, regions and municipalities, intended for the maintenance and enrichment of the heritage. Certain protection measures, other than legal and administrative, shall also be implemented by other protection entities;

42. „preservation“ shall mean such treatment of the heritage which, by regular maintenance and restoration, conserves its heritage value and permits its continued use at least to a minimum extent;

43. „entry“ shall mean a physical transfer of movable heritage from a Member State of the European Union or a Member State of the Agreement on the European Economic Area, into the Republic of Slovenia;

44. „area of impact“ shall mean the wider surroundings of the immovable monument or heritage as determined from its historical, functional, spatial, symbolic and social aspects, with respect to which developments and other activities shall be adapted to integrated conservation, or where impacts on the heritage are assessed;

45. „maintenance“ shall mean works which enable the physical preservation of heritage against destructive forces and its sustainment through appropriate use. The aim of maintenance shall be the conservation of heritage;

46. „collection“ shall mean a group of items of movable heritage with similar heritage value. The heritage within the collection may be related through a common historical or spatial context;

47. „living heritage“ shall mean intangible properties, such as practices, representations, expressions, knowledge, skills, and the related movable heritage and cultural spaces (where such heritage is presented or expressed) which are transmitted by communities, groups and in some cases individuals from generation to generation, by their continuous interpretation as a response to their environment and history;

48. „living masterpiece“ shall mean a living heritage which has been proclaimed a monument.

#### Article 4

(rights and obligations associated with heritage)

(1) Everyone shall have the right to use heritage as a source of information and knowledge, to benefit from its values, and contribute to its enrichment.

(2) Everyone shall be responsible for respecting the heritage of other persons as he does his own.

(3) The right to heritage may be restricted merely to the public interest and by rights of other persons.

(4) Everyone shall be liable to the conservation of heritage pursuant to this Act and other regulations.

(5) Everyone shall inform the competent organisation of the existence of items assumed to possess heritage value.

#### Article 5

(protection of rights of owners)

(1) The ownership or other rights in rem to heritage shall be restricted to the minimum possible extent necessary to effect protection. The State, regions, municipalities, and other protection bodies shall select those measures which, when achieving the same effects, are the least restrictive for the owners and actual possessors of the heritage.

(2) The owner shall be kept informed on matters of protection concerning his property.

#### Article 6

(ownership right to the heritage)

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

(2) The provision referred to in the preceding paragraph shall not hold for archaeological finds which originate from war cemeteries with pre-established ownership.

(3) A monument owned by the State, region or municipality which is an archaeological find or archaeological site, or is protected on the basis of special regulations or international treaties to which the Republic of Slovenia is a signatory, shall not be removed.

(4) Other monuments owned by the State, region or municipality may exceptionally be removed only if this provides for their improved conservation and public accessibility, and if such use accords with protecting the social significance of the monument.

(5) Decisions on the removal of monuments of national significance shall be adopted by the Government of the Republic of Slovenia (hereinafter referred to as: the Government) upon the proposal of the minister with responsibility for heritage (hereinafter referred to as: Minister), and any decision on the removal of monuments of local significance shall be adopted by the competent authority of the region or municipality which proclaimed the monument.

(6) The removal of movable heritage owned by the State, region, or municipality, and stored in a national or authorised museum shall be prohibited, unless the removal forms part of an exchange which would result in a significant addition to the museum collection, a question which shall be decided by the Minister, or the competent authority of the region or municipality which is the founder of the museum.

(7) Resources acquired through the sale of heritage or monuments owned by the State, a region or municipality may be allocated only for purposes of conservation, maintenance, revitalisation, or the purchase of heritage or monument.

#### Article 7

(heritage without owner)

If heritage has no owner, or the owner is unknown and can not be found, or if heritage remains without an owner, it shall be owned by the Republic of Slovenia.

## II. ESTABLISHMENT OF PROTECTION

### 1. Establishment of heritage protection

#### Article 8 (subject of public interest)

(1) On the basis of this Act, the subject of public interest for protection shall be individual items or values which are:

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

(2) Identification of the subject as being of public interest shall constitute the basis for establishing protection.

### 2. Registered heritage and national treasures

#### Article 9 (registered heritage)

(1) Immovable heritage, movable heritage, and values with the properties of heritage referred to in Article 1 of this Act shall be entered in the register.

(2) Immovable heritage shall be entered in the register as individual immovable heritage or as an area of the heritage.

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

(4), A uniform group of buildings, a settlement or its part, a larger archaeological site, or the area of landscape heritage, shall be entered in the register as an area of heritage if it has heritage value as a whole, and if the interconnection of its parts composes a topographically determinable entirety of immovable heritage.

(5) Movable heritage shall be entered in the register as an individual piece of movable heritage or as a collection.

(6) Living heritage shall be entered in the register together with the cultural environment which supports such heritage and provides for the realisation thereof.

(7) The Minister shall prescribe the registry of types of heritage referred to in preceding paragraphs and the registry of possible protection guidelines according to individual types of heritage.

#### Article 10 (national treasure)

(1) National treasure shall be movable heritage which belongs to one of the types of heritage provided for by the Annex of Regulation 3911/92/EEC, and which also meets one or more of the following requirements:

- it has a status as a monument,
- it is a more than 100-year old archaeological find which originates from excavations and sites on land or under water,
- it is a more than 100-year old integral part of an immovable monument which has been dismembered,

- it is inventoried as a part of a collection of a museum which has been registered in the register referred to in Article 87 of this Act, or it is inventoried as a part of a collection of a public archive or public library, or as a fixture or a part of a collection of a church or other religious community, or
- has cultural value for the Republic of Slovenia due to its importance.

(2) In the event of doubt as to whether a certain movable heritage constitutes a national treasure referred to in the second to fifth indents of the preceding paragraph, this shall be decided by the Minister.

(3) The Minister shall decide that movable heritage has cultural value for the Republic of Slovenia pursuant to the fifth indent of the first paragraph, and is therefore national treasure, if such movable heritage complies with one or more of the following criteria:

- it has been made by an artist, designer, or craftsman who is significant in a certain field of culture in Slovenia,
- it is a product of traditional creativity or knowledge,
- it is significant from the viewpoint of the heritage of the Republic of Slovenia or its regions,
- it is related to a person, occurrence or event significant in Slovenian history or history in the Republic of Slovenia,
- it is related to a monument or another important cultural environment,
- it is rare, threatened, or will become rare in the Republic of Slovenia.

### **3. Immovable monuments**

#### Article 11

##### (immovable monuments)

(1) Registered immovable heritage which

- constitutes an expressive achievement of creativity or a valuable contribution to cultural diversity,
- is a significant part of the space or heritage of the Republic of Slovenia or its regions, or
- represents a source for understanding historical processes, occurrences, and their connection with the present culture and environment,

may be proclaimed a monument on account of its extraordinary significance for the State (hereinafter referred to as: monument of national significance), or its special significance for the region or municipality (hereinafter referred to as: monument of local significance).

(2) An immovable monument may be proclaimed as an individual monument or as a site. An individual example of immovable heritage as referred to in the third paragraph of Article 9 of this Act shall be proclaimed an individual monument; an area of heritage as referred to in the fourth paragraph of Article 9 of this Act shall be proclaimed a site.

(3) A part of an immovable monument is also its immediate surroundings and fixtures which, together with the immovable monument, form a spatial, functional or contextual whole. Fixtures shall become monuments by proclamation of an immovable monument if they are entered in the inventory ledger of the monument under the standards referred to in Article 18 of this Act.

#### Article 12

##### (proclamation of immovable monuments)

(1) The Agency shall prepare a proposal for proclaiming a monument at its discretion or upon the initiative of another person. If the Agency refuses the initiative for proclamation, it shall inform the person who submitted the initiative of its decision and the reasons thereof.

(2) In preparing a proposal for proclamation, the Agency shall inform the owners of the heritage which is to be proclaimed a monument, providing them with the opportunity to give their opinion on the proclamation. The owners shall be informed by mail, or by public announcement if such a manner is more sufficient due to the high number of people concerned, because of difficulties contacting them, or if their addresses are simply unknown (e.g., in a case of immovable heritage made the subject of a proposed proclamation, in an official publication, in media, or in another appropriate manner). When a public consultation is carried out, informing the owners pursuant to this paragraph shall not be necessary.

(3) The Agency shall carry out a public consultation in the event of the proclamation of a site. The public shall be informed of the forthcoming public consultation through publication of the date of consultation, the means through which material can be accessed, time limits for delivering opinions, and details of the authority accepting opinions on the matter. The notification on the consultation shall be disseminated through at least one of the news media, ten days prior to the public consultation itself at the latest. During the time before the public consultation takes place, public access to the material subject to public consultation shall be ensured.

(4) At the public consultation, the reasons for the proclamation, a draft preservation decree, and cartographic documentation shall be presented. All shall have the opportunity of giving an oral or written opinion on the proclamation. The Agency shall take a position on the opinions.

(5) The procedure for proclaiming a monument of local significance shall be conducted by the competent authority of the region or municipality with the *mutatis mutandis* application of the provisions of the second to fourth paragraphs of this Article. A proposal for the proclamation of a monument of local significance shall be prepared by the Agency.

### Article 13 (preservation decree)

(1) An act on the proclamation of a monument of national significance shall be proclaimed by government act, and a monument of local significance by a decree by the representative body of the region or municipality (hereinafter referred to as: preservation decree).

(2) The preservation decree shall comprise in particular:

- the identification of the monument, setting the borders of the monument as accurately as possible to ensure that the borders may be specified at the place itself and in the cadastre;
- the values on which the proclamation is based,
- the protection regime of the monument,
- the area of impact, when this is necessary in order to ensure the spatial integrity of the monument, including determination of the borders of the monument as accurately as possible to ensure that the borders may be specified at the place itself and in the land and property register,
- the protection regime in the area of impact,
- means to ensuring eventual public access to the monument,
- requirements concerning management and an eventual obligation to adopt a management plan, and
- an inventory ledger of any movable heritage which is an integral part of the monument, when necessary.

(3) On the basis of the preservation decree, the legal status of the immovable monument and its area of impact, if so provided for by the preservation decree, shall be noted in the land register as an immovable monument. The proclaiming authority of the monument shall submit the preservation decree to the competent land register. The entry of an immovable monument in the land register shall be executed *ex officio*.

(4) The note designating the immovable monument in the land register shall not be made for sites, except in the parts thereof that encompass archaeological sites, or in parts where the note is provided for by the preservation decree.

### Article 14 (proclamation on the basis of an agreement)

(1) In the case an area of heritage of a wider territorial coverage with development problems and challenges, the government and the region or municipality in the territory in which the heritage lies may agree on the joint conservation of the area by agreement. Other entities with important development tasks or responsibilities in the area for implementing certain development policies may also accede to the agreement.

(2) The agreement shall include the obligations and rights of signatories in relation to the protection and revitalisation, development planning, spatial planning, and the implementation of international treaties to which the Republic of Slovenia is a signatory.



(3) On the basis of the agreement, the government shall proclaim the area a monument of national significance for the period of validity of the agreement. This period may last for five years at the longest with the possibility of extension. Such an extension is conditional upon it being established that the signatories to the agreement exercise the obligations provided for by the agreement.

(4) If the signatories fail to meet their obligations, the government shall decide upon an early termination of the object's status as a monument of national significance.

#### Article 15

(uniform protection of monuments and nature)

(1) An area which, beside its extraordinary cultural value for the State, also possesses characteristics which justify its suitability for being granted the status of a wider protected area on the basis of laws in the field of nature conservation may be, by the same Act, protected as a monument under this Act and as a wider protected area of nature.

(2) The order on initiating the procedure for the uniform protection of the area shall be adopted by the government upon the proposal by the minister responsible for nature conservation, in cases where the areas referred to in the first paragraph are overlapping, and the protection and development guidelines are supplementary and more effective if interconnected. The procedure of preparation and proclamation shall be executed with the *mutatis mutandis* application of the provisions on establishing a wider protected area under the act governing nature conservation.

(3) The government shall adopt the act on the protection of the area referred to in the first paragraph upon a proposal by the Minister and the minister responsible for nature conservation. The area of uniform protection shall be declared either a cultural monument or one of the wider protected areas of nature.

#### Article 16

(proclamation of a monument which affects nature conservation)

(1) When the proclamation of a monument of national significance refers to an area which is a natural site or a protected area under laws in the field of nature conservation, the borders of the monument and the protection regime in the preservation decree shall be determined on the basis of a coordinated proposal of the Minister and the minister responsible for nature conservation.

(2) When the proclamation of a monument of local significance refers to an area which is a natural site or a protected area under laws in the field of nature conservation, the borders of the monument and the protection regime in the preservation decree shall be determined on the basis of a coordinated proposal of the Minister and the minister responsible for nature conservation.

### 4. Movable monuments and living masterpieces

#### Article 17

(movable monuments)

(1) A movable monument shall be movable heritage or a collection which:

- represents an expressive achievement of creativity or a valuable contribution to cultural diversity,
- is a significant part of life within the territory of the Republic of Slovenia or its regions, or
- represents a significant source for understanding historical processes, occurrences, and their connection with the present culture.

(2) Movable heritage or a collection shall obtain the status of a movable monument by entry in the inventory ledger of the national or authorised museum, or by proclamation.

#### Article 18

(inventoried movable monuments)

Inventoried movable heritage shall be any movable heritage or collection, possessing properties as referred to in the preceding Article, which is entered in the inventory ledger of the national or authorised museum, or is managed thereby.

Article 19  
(proclamation of a movable monument)

(1) Movable heritage and their collections entered in the register which are not managed by a national or authorised museum, and are not entered in its inventory ledger, shall become monuments by proclamation.

(2) A proposal for proclamation shall be prepared by the national or authorised museum at its discretion, or upon a proposal by the person who submitted the initiative. If the museum rejects the initiative for proclamation, it shall inform the person who submitted the initiative of its decision.

(3) The museum shall inform the owner of movable heritage which is to be proclaimed a monument, of the preparation of the proposal for proclamation, and obtain approval from that owner. Movable heritage shall not be proclaimed a monument without the approval of its owner, unless the owner is unknown.

(4) A collection shall be proclaimed a monument collection only if all individual movable items are entered in the inventory ledger of the collection under the criteria referred to in Article 18 of this Act.

(5) If the proclamation procedure refers to geological collections which contain minerals or fossils, an approval by the minister responsible for nature conservation shall be obtained.

(6) A monument of national significance shall be proclaimed by government act, and a monument of local significance by a decree of a representative authority of the region or municipality.

(7) The preservation decree shall include the identification of the monument, the values on which the proclamation is based, and the protection regime of the monument.

Article 20  
(proclamation of a living masterpiece)

(1) Living heritage which has the properties described in the first paragraph of Article 17 of this Act and which is entered in the register shall be proclaimed a living masterpiece with the *mutatis mutandis* application of Article 12 of this Act, whereby the provisions on public consultation are carried out through inviting communities, groups and individuals, bearers of the living masterpiece which is the subject of the proclamation procedure, and other interested public.

(2) The preservation decree shall also include provisions concerning the integrated conservation of the living masterpiece, support to the groups and individuals who are its holders, and protection of related cultural sites.

(3) The preservation decree shall also define the method of exercising copyright and other rights related to the living masterpiece, by taking account of the laws governing copyright and related rights in a manner which would enable public access to the living masterpiece and its transmission from generation to generation.

**5. Common provisions concerning proclamation**

Article 21  
(temporary proclamation)

(1) When certain registered heritage has value as a monument, and there is a danger that it may be mutilated or destroyed, the Minister shall adopt a decree on the temporary proclamation of the monument.

(2) A decree on temporary proclamation shall comprise the reason for temporary proclamation, the protection regime, and the period of temporary proclamation. The temporary proclamation may last 12 months at the longest, and may be exceptionally extended by a further 12 months. The Minister shall revoke the temporary proclamation by decree if the reasons thereof cease to exist prior to the expiry of the relevant time limit.

(3) A decree on temporary proclamation or extension shall be published in the Official Gazette of the Republic of Slovenia. In the adoption procedure of the temporary proclamation the provisions on preparing the proposal for proclamation, on notifying the owners on the time of preparation, on the public consultation referred to in Article 12, and on the approval of the owner referred to in the third paragraph of Article 19 of this Act shall not apply.

(4) The competent organisation shall, at the same time as the proposal for temporary proclamation is made, begin the procedure of preparing the proposal for proclamation of the monument. No extension of the time for a temporary proclamation shall be granted on account of a late preparation of the proposal for proclamation. If temporary proclamation refers to the areas protected under the laws on nature conservation, the competent organisation shall inform the minister responsible for nature conservation of the proposal.

(5) The provisions of this Article shall apply *mutatis mutandis* to the temporary proclamation of a monument adopted by the region or municipality.

(6) The Minister may adopt the decree on temporary proclamation also in cases when the competent organisation has prepared the proposal for a proclamation of a monument of local significance, but the representative body of the region or municipality has not observed the proposal for proclamation in whole or in its substantial part.

(7) As the substantial part of the proposal for proclamation shall be deemed the following: the value on which the proclamation is based, the protection regime sufficient to provide at least a minimum level of protection, and the area of impact and its protection regime which safeguard the overall spatial integrity of the monument.

(8) When the temporary proclamation of a monument refers to an area which is a natural site or a protected area under laws in the field of nature conservation, the act on temporary proclamation shall be adopted upon approval by the minister responsible for nature conservation.

#### Article 22 (double proclamation)

If the same item is proclaimed both a monument of national significance and a monument of local significance, the protection regime provided for it and other protection measures under both acts shall not be in opposition. In the event of a conflict of provisions of both preservation decrees, the provisions of the preservation decree of the monument of national significance shall apply, and protection measures issued on the basis thereof.

#### Article 23 (termination of monument status)

(1) Termination of monument status shall be decided by the authority competent for proclaiming the monument under the procedure laid down in respect of proclaiming a monument. The authority shall submit the act on the proposed termination of the status of an immovable monument to the competent land register, which shall *ex officio* delete the note designating the immovable monument from the land register.

(2) A monument managed by a national or authorised museum shall have its status as a monument terminated upon its deletion from the inventory ledger on the basis of an order issued by the authority which, according to the museum's memorandum of association, addresses all such issues in that field of professional activity within the museum.

#### Article 24 (documents for acquiring monument status)

(1) The Minister shall prescribe the content of proposals for proclamation and the documents, necessary for acquiring monument status, the criteria and method for evaluating heritage which is to obtain monument status, the criteria and the method for inventorying such heritage, as well as directions for assessing proposals for protection constraints in respect of individual types of monument.

(2) The proposals for proclamation shall define first of all the following categories of protection regime:

- the requirements regarding protection of the monument, meaning its regular maintenance, restoration and use,
- requirements as to works [carried out on the monument],
- measures for protecting the monument against natural and other disasters, and in the event of an armed conflict,
- restrictions on legal transactions [regarding the monument],
- a method for managing the monument,
- requirements regarding research, examination and documenting,
- requirements regarding public access to the monument, in particular public opening hours,
- other individual restrictions and prohibitions, and measures for the protection of monuments, such as the obligation to submit a movable monument on a temporary basis, and the duration of such submission, the prohibition of the removal or transfer of the monument.

## **6. Heritage protection areas**

### Article 25

(act on heritage protection areas)

(1) Heritage protection areas shall be determined with a view to the integrated conservation of heritage, preventing its destruction and mutilation in the space at the national and local level .

(2) The measures for determining heritage protection areas shall be first of all:

- the common historical context of the immovable heritage,
- similar morphological characteristics and heritage values in the environment,
- topographical uniformity.

(3) The government shall determine the types of heritage protection areas and protection guidelines, and lay down more detailed criteria for their determination.

(4) The Agency shall prepare the proposal for determining the heritage protection areas on the basis of data in the register and on the basis of a survey of evaluation of the heritage in its spatial context.

(5) The Ministry shall provide the proposal referred to in the preceding paragraph to be open to consultation by the public, and ensure its public presentation.

(6) The Ministry shall by way of public announcement on the World Wide Web and in one of the daily newspapers which covers the whole area of the State, specify the place and time for the consultation by the public and the public presentation referred to in the preceding paragraph, and specify the manner in which opinions and remarks by the public may be made.

(7) The Ministry shall ensure consultation by the public and the possibility of asserting opinions and remarks by the public upon the proposal for a period of at least 30 days.

(8) The Ministry shall take a position on the opinions and remarks of the public referred to in the preceding paragraph.

(9) The Minister shall determine the heritage protection areas, the objectives of land development of the heritage protection areas, and lay down more detailed protection guidelines with regard to any individual property of the heritage within protection areas. The determination of a protection area shall include the data required for the register, and the type of protection area, as referred to in the third paragraph above. The heritage protection area shall be determined as accurately as possible to ensure that the borders may be specified in nature and in the land and property register.

(10) Prior to the determination referred to in the preceding paragraph, the Minister shall inform the region or municipality in which the territory of the envisaged heritage protection area lies. The region and the municipality may deliver an opinion on the envisaged determination of the heritage protection area.

(11) When the envisaged heritage protection area has a bearing on an area which is a natural site or is a protected area under laws in the field of nature conservation, the Minister shall determine the borders of the heritage protection area and protection guidelines, in agreement with the minister responsible for nature conservation.

## 7. Archaeological remains

### Article 26 (discovery of archaeological remains)

(1) A person who finds any archaeological remains on the surface of the earth, underneath the surface of the earth or in water shall ensure that it remains undamaged in the site and position in which it was found. He shall inform the Agency of the find on the next working day at the latest. Informing the Agency of the find shall be the obligation of the finder, the owner of the land, any other person entitled under the law of property to the land, and in the case of the construction work being carried out on the site of the find, the developer or manager responsible for the works.

(2) Only an authorised person attached to the Agency may carry out activities on the site of the find within seven days following the notification referred to in the preceding paragraph, except in the case of a prior different decision taken by an authorised person, or if a danger exists to human health and life, or to the existence of the archaeological remains.

(3) The authorised person shall establish, within the time limit set in the preceding paragraph, whether or not the find is a heritage. The authorised person shall have, for the purposes of research, the right to resituate the movable item. If it is established that the find is not heritage the Agency shall, once preliminary research is completed, return all taken movable items to the finder.

(4) The authorised person may extend the time limit referred to in the second paragraph by seven days further at most, if the necessary research cannot be carried out within the normal time limit.

### Article 27 (decision on archaeological site)

(1) When an authorised person attached to the Agency has grounds for believing that archaeological remains are situated at a certain location and that there is a danger of their being damaged or destroyed, the Agency may define that location as an archaeological site for as long as it takes for preliminary research into any archaeological remains there to be carried out. In the case of a find such as that referred to in the preceding Article of this Act a decision shall be issued within the time limit referred to in the second or fourth paragraphs of the stated Article.

(2) The decision issued on the identification of an archaeological site shall specify the area of the site, the nature and extent of the preliminary research required to investigate it. Moreover it shall be possible to restrict or prohibit any economic other uses of the site which may endanger archaeological remains.

(3) A decision determining a given location as an archaeological site shall remain in force for six months at the longest.

(4) In the event of an appeal against a decision on an archaeological site, the process of appeal shall not prevent the decision coming into force.

(5) In such cases where a developer has obtained a final building permit for preparatory work, or for the construction of a facility, or for otherwise developing a site believed to have archaeological significance, the time limit for preliminary research into the site shall be a maximum of 60 days following the issue of the decision, except in cases where the owner of the site in question asks or allows for an extension of that time limit. Should it prove impossible to conduct preliminary research effectively within the stipulated time limit, for reasons which are not the responsibility of the Agency, the Minister may upon request from the Agency extend this time limit to a maximum of 90 days.

## III. WORKS

### 1. Protection approval for works

#### Article 28 (protection approval for works)

(1) Protection approval shall be obtained in respect of:

- works on a monument,
- works in a monument's area of impact, if such obligation is provided for by the preservation decree,
- works in protection areas of the heritage,
- works on registered immovable heritage or on a related planning zone if such obligation is provided for by the spatial plan, and
- research on the heritage in question.

(2) Protection approval shall not be necessary in respect of:

- maintenance works which do not affect the protected values and serve for the conservation of a monument. Such works shall be notified to the Agency at least one month prior to the planned commencement of the maintenance works. If the Agency does not refuse permission for the subject of the notification within 20 days, the maintenance works shall be considered to have been permitted;
- emergency works on the monument or heritage, in cases where such works are unavoidably and immediately necessary in order to prevent an unforeseen danger of destruction or damage to the monument or heritage, or to prevent danger for humans and property. The Agency shall be informed of such emergency works immediately upon their being carried out, and a subsequent protection approval shall be applied for;
- carrying out research implemented by the Agency or which are implemented upon an order from the Agency;
- when a notice of environmental consent for the works protection approval has been issued or its issue is imminent on the basis of the laws regulating environmental protection.

(3) Protection approval for works subject to a building permit shall be issued as an approval of the project documentation pursuant to the laws governing construction.

(4) Protection approval shall be issued:

- for works on the monument and for works into the monument's area of impact: pursuant to the preservation decree of the monument,
- for works on protection heritage area: pursuant to the act on determination of the protection area of the heritage,
- for works on the registered immovable heritage or on a planning zone: pursuant to the spatial plan.

(5) When deciding on the issue of protection approval, the reasons for encroachment and the reasons for conservation of the heritage in its existing form shall be taken into consideration. When the proposed works provide for the establishment of a permanent economic basis for conserving the heritage in question, this shall be deemed to support the works going ahead.

#### Article 29 (protection conditions)

(1) Prior to the issue of protection approval, except for the approval for research or a search for archaeological remains, the protection conditions shall be obtained from the Agency.

(2) In the application for obtaining protection conditions, the purpose of the works shall be indicated, and the project documentation prescribed for obtaining the cultural protection conditions by laws governing construction shall be attached. In the case of the works which are not subject to a building permit, the application shall be attached by a corresponding draft and description of the works.

(3) With the protection conditions, the Agency shall lay down the requirements which are to be satisfied by the project in order to obtain a building permit, or by other project documentation necessary for implementing the works, as well as the requirements with regard to the technical competence of the performers of specialised works.

(4) Protection conditions shall be laid down in respect of:

- works on registered immovable heritage: pursuant to the provisions of the spatial plan, or the act on determination of the protection areas of the heritage,
- works on a monument or in its area of impact: pursuant to the preservation decree or the provisions of the spatial plan, or the act on the determination of the heritage protection area.

(5) Through protection conditions, the Agency may render the obtaining of protection approval conditional upon the acceptance of an obligation to carry out preliminary researches or to prepare a conservation plan.

(6) The obligation to carry out preliminary research may be laid down in the event of a grounded assumption that the immovable heritage which is the subject of prospective works contains or otherwise possesses undiscovered heritage, and that there is a danger of this heritage being damaged or destroyed.

(7) The preparation of a conservation plan may be required when:

- the intended works are complex,
- there is a danger of destruction or damage to protected heritage value, or
- the works involve a process of conservation or restoration works.

(8) The conservation plan shall be necessary on all occasions when works on the structural elements of a monument are involved.

(9) It shall be considered that conditions for the issue of protection approval are not necessary if the Agency has not issued the conditions within 30 days following the submission of the application for the issue of conditions. In such cases, as conditions for the preparation of project documentation for works on the registered heritage provisions of the spatial act shall be considered, for works on the protection area, the provisions of the act on the determination of the protection areas of the heritage, and for works on the monument provisions of the preservation decree shall be considered.

(10) The Minister shall prescribe the content, form and manner of preparation of the conservation plan.

#### Article 30 (issue of protection approval)

(1) In the case of works which are subject to a building permit, the project documentation prescribed for obtaining the protection approval by laws governing construction shall be attached to an application for issuing the protection approval. In the case of works which are not subject to the building permit under the laws governing construction, a draft concept shall be attached to the application. If so provided for by the cultural protection conditions, the application shall be attached also by evidence on the technical competence of the performers of specialised works.

(2) The protection approval may be refused only in a case where the works do not comply with the cultural protection conditions provided for on the basis of the fourth paragraph of Article 29 of this Act. It shall be considered that the approval has been issued if the cultural protection conditions have been obtained, and if the Agency has not decided otherwise within 15 days following submission of the application for issue of approval.

(3) In the protection approval the Agency may lay down the method of treatment in the case of heritage being discovered while the works are in progress, the method of carrying out the works, and the method of professionally supervising of the implementation thereof, including the certification method of individual stages of implementation.

(4) It shall be considered that a protection approval has been issued when a conservation plan is confirmed by an authorised person of the Agency, and when the authority competent for the issue of the building permit issues such a permit in which a conservation plan has been determined as a part of the project documentation.

#### Article 31 (protection approval for research and removal of heritage)

A protection approval which permits research into and the removal of archaeological remains may be issued only on the condition that such research and removal be supervised by the Agency and executed by a person with the technical competence to carry out archaeological research.

(2) The protection approval which permits research into and removal of a monument or other registered immovable heritage, work on which requires such protection approval, but which does not hold or constitute an archaeological remain, may be issued:

– if the monument or heritage is found to be worn or damaged in a way which can not be rectified by any regular means, or if the monument or the heritage endangers the safety of people or property,  
 – if the monument has been previously offered for sale at a price which takes account of its condition.

(3) The protection approval for research and removal shall be issued by the Minister. The research and removal referred to in the preceding paragraph shall be supervised by the competent organisation.

(4) Notwithstanding the provision of the first and the second paragraphs, removal on the basis of the approval referred to in the preceding paragraph may also be permitted if the protection approval orders the customer to implement a countervailing measure.

(5) The countervailing measure shall comprise:

– payment of a sum of money corresponding to the value of the damage caused as a result of removing the archaeological remains or monument,  
 – or financing or implementing measures for the conservation or revitalisation of another monument of comparable significance.

(6) The countervailing measure shall be, in terms of its effect, proportional to the significance of the archaeological remains or monument of which the removal is permitted.

## 2. Other provisions regarding works

### Article 32

(searching for archaeological remains)

(1) Searching for archaeological remains, and the use of metal detectors and other technical means for such purposes, shall be allowed only with the prior permission of the Agency, on the condition that such work is conducted by a person with the technical competence to carry out archaeological researches.

(2) Those selling metal detectors shall inform buyers that the use of such instruments for the purpose of acquiring archaeological remains is prohibited.

### Article 33

(research)

(1) An authorised person conducting research shall, upon conclusion of the works or at least annually before 31 March of each year, provide the Agency with a complete report on the course and results of his research.

(2) A record of research shall be kept by the Agency. The purpose of the record is to collect precise data on the results of research projects on the basis of the reports made on their progress. The record shall contain the personal names and addresses of residences of those conducting research.

(3) An authorised person who conducts research shall have the exclusive right to publish documentation relating to the project, or the archive of data from the archaeological site, within a time limit of five years after the research is completed.

(4) The time limit for delivering to the Agency all of the original documentation relating to the research carried out on a given piece of immovable heritage shall be six months after the research is completed. The time limit for delivering the entire original archive of the archaeological site to a national or authorised museum shall be five years after the research is completed. The competent organisation shall provide access to the documentation or the archive gathered from the site to the expert public.

(5) The Minister shall issue a decision on assigning the archive of archaeological site to the national or authorised museum on the basis of the opinion of the museum where the Service for movable heritage and museums (hereinafter referred to as: Service) is organised. The archive of the sites shall be kept as determined by the collection policy of the museum, its regional competence, and available storage facilities.

(6) The standards and requirements to carrying out researches and their supervisions, the standards to be met in preliminary researches, and the methods of preparation, storage, and organisation of documentation and archives of archaeological sites shall be prescribed by the Minister.



Article 34  
(the funding of preliminary research)

(1) The developer in a construction project or other works shall cover the cost of the preliminary research which is necessary on account of the construction project or other works

- which encroach on a registered archaeological site, or
- which require a change to the purpose of the heritage or monument, or which encroach on structural elements of the heritage or monument.

(2) Within the limits of the public service budget, the following costs shall be met by the State:

- preliminary archaeological research on the area covered by the plan as specified in Article 80 of this Act,
- preliminary research on the monument if the works to be carried out upon it do not effect a change to its designated purpose and do not encroach on any of its structural elements, in cases where such research is necessary in order to determine what protection measures should be taken to aid in preparing the monument for maintenance, restoration, or revitalisation.

(3) The State budget shall also meet the costs of any preliminary archaeological research which is necessary for:

- enabling construction or other works to continue on building land not previously registered as being an archaeological site when archaeological remains are discovered during construction or other works carried out upon it, even in the event of preliminary research as referred to in Article 80 of this Act having been already conducted,
- enabling construction or other works to continue on building land which is a registered archaeological site if the developer, in this case being a natural person, wishes builds a dwelling for his own needs on the building land inside the settlement, or in cases where non-profit rental housing is to be built on the building land inside the settlement.

(4) The costs referred to in the second indent of the preceding paragraph shall be covered from the State budget, in proportion to the net surface which is actually intended for the dwelling designed to meet a natural person's own needs or for non-profit housing.

(5) If in the case referred to in the first indent of the third paragraph the developer or co-developer is a direct or indirect user of the State budget, the costs of archaeological research shall be borne by such a budget user in a proportion ensured by the State budget to cover the whole investment.

Article 35  
(co-financing of regional or community programmes for the restoration of monuments)

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

(2) When fixing the amount of co-financing the restoration programme of monuments, the Ministry shall take account of the number of monuments within the territory of the region or municipality in question, along with any contracts already concluded on co-financing the restoration programme within the territory of the region or municipality, and the provisions of laws governing the financing of regions and municipalities.

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

(4) A contract shall be concluded between the Ministry and the region or municipality on co-financing the restoration programme of monuments from the State budget. A plan for the use of such funds shall be an integral part of the contract. If the region or municipality prepares a restoration programme of monuments for a period of up to four years, a corresponding multi-annual contract may be concluded, and the annual amount of funds shall be fixed by an Annex to the underlying contract.

IV. USE, MANAGEMENT AND OTHER HANDLING

## 1. General provisions on handling

### Article 36 (handling of heritage)

(1) Heritage shall be handled so as to ensure the maximum conservation of its cultural value for the future.

(2) A monument shall be handled so as to strictly observe and conserve its natural value and social significance.

(3) The owner or possessor shall handle the monument with due diligence.

### Article 37 (right to advice and instruction)

(1) The owner or possessor of heritage shall have the right to free explanations, advice and instructions from the competent organisation in relation to the properties, social significance, conservation, and maintenance of the heritage in his possession.

(2) In emergency cases, when there is a direct danger to the heritage of damage or destruction, the competent organisation shall be liable to provide the owner or possessor with immediate technical assistance as referred to in the preceding paragraph, within three days following the submission of the written request at the latest.

### Article 38 (obligation to protect a monument)

(1) The owner shall protect the monument in proportion to his abilities.

(2) The Institute shall issue a decision on ordering the owner partial or complete implementation of certain measures for carrying out protection measures in proportion to his abilities, taking account of advantages and benefits he accrues from the heritage. The abilities of the owner as well as advantages and benefits referred to in this Article shall be assessed within the framework of taxable property or taxable income.

(3) In the case of unjustified non-compliance with the provision referred to in the second paragraph above, thus endangering the value or use of the monument, the Agency may implement or provide for the implementation of protection measures of its own. In such cases, the Agency shall require compensation from the owner of the proportional part of the costs which should be borne by the owner. Compensation of the costs shall give the State, region or municipality which has financed the carrying out of the protection, the right to enforce a civil-law claim against the owner.

(4) When assessing the proportionality under the first and second paragraphs those advantages and benefits arising from the status of a monument shall also be taken into account. The owner may not refer to burdens resulting from the increased costs of protection which occur due to the failure to carry out protection and regular maintenance under this or another act.

(5) Data concerning the extent of taxable property and taxable income shall be communicated by the owner of the monument.

### Article 39 (right to compensation)

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

(2) The right to compensation shall only be obtained if the protection regime restricts the extent and method of commercial exploitation within the framework of the activity or use which the item ensured, or had, prior to proclamation, or if it determines a different commercial activity or use than that prior to the proclamation.

- (3) The criteria for determining the amount of compensation shall be the following:
- the difference between the amount of incomes which was ensured by the economic activity prior to the enforcement of the protection regime, and the amount of income which can actually be expected after the enforcement of the protection regime,
  - assessment of the economic advantages or benefits acquired on the basis of monument status,
  - the possibility of obtaining public funds for the implementation of measures which would mitigate the loss of income from the commercial exploitation of the monument.
- (4) The compensation may be determined as a single amount or as annual amounts. The compensation for monuments of national significance shall be determined by a contract between the Ministry and the owner. The compensation for monuments of local significance shall be determined by a contract between the competent authority of the region or municipality which proclaimed the monument, and the owner.
- (5) The time limit for the submission of compensation claims shall be one year at the longest of the entry into force of the preservation decree. A claim for damages for a monument of national significance shall be lodged with the Ministry, and for a monument of local significance with the competent authority of the region or municipality which proclaimed the monument. A decision on the claim shall be taken within 60 days.
- (6) If the State, region or municipality which proclaimed the monument cannot agree with the owner on the amount of compensation referred to in the fourth paragraph of this Article, this amount shall be determined by the competent court in a non-litigious civil procedure.
- (7) If the basis of a compensation claim is rejected, the claim may be pursued in a further civil action before a competent court after the final decision rejecting the prior claim has been made.

#### Article 40 (investment of public funds)

- (1) If the protection and revitalisation of the monument, or implementation of other protection measures require extraordinary costs which exceed the normal costs, the advantages and benefits incurring from the monument status, and such costs are not proportionate to the abilities of the owner, the State, region, or municipality may, to such extent as is possible, allocate public funds for these purposes.
- (2) Public funds may be invested also for co-financing the interest on bank loans intended for the maintenance, revitalisation, and implementation of other protection measures. At the annual level, co-financing shall not exceed a five-per cent interest rate on the loan.
- (3) A contract on the investment of public funds shall be concluded between the State, region or municipality as an investor, and the owner, or a developer who has the right to implement measures on the monument which are the subject of the contract, as a beneficiary. In the contract providers of works shall be laid down who possess the technical competence for carrying out such works, as well as conditions for the public accessibility of such monument, and any eventual special protection measures. The conclusion of the contract shall be subject to laws governing the realisation of the public interest in culture.
- (4) In the event of a sale or loss of ownership of a monument for other reasons, the owner shall reimburse the public funds invested in the monument. In the contract referred to in the preceding paragraph, the time limit shall be specified by which the obligation of returning public funds shall apply.
- (5) As part of the funds which shall be ensured by the owner or developer, the value of those works shall also be considered which are carried out by the owner or developer on the basis of instructions by the competent organisation if so provided for by the contract, and if the value of the works is proved upon the appraisal of a certified assessor..
- (6) Public funds shall be paid after completion of the works laid down by the contract referred to in the third paragraph of this Article. If the carrying out of the works does not comply with the contract, the beneficiary shall be liable to reimburse the funds acquired.

#### Article 41 (damages for devaluation)

(1) The developer of unauthorised works shall be liable to pay damages for devaluation of the heritage concerned. The damages for the devaluation of the heritage shall be determined with regard to the social significance and value of the devalued heritage, where its value is at least equal to the costs of re-establishing it to its former condition.

(2) The damages for the devaluation of an archaeological site shall be at least equal to the value of research which would be necessary in order to transfer the destroyed heritage in the archive of the archaeological site.

(3) The damages shall be required for:

– a registered archaeological site or monument of national significance: by a State defender acting on behalf of the Republic of Slovenia,

– for a monument of local significance: on behalf of a region or municipalities.

(4) The damages shall be decided by the court. The damages shall be paid into the income of the State budget or the budget of the region or municipality which originally proclaimed the monument.

#### Article 42

(financing the implementation of special inspection measures)

(1) A State, region or community which has proclaimed the monument shall implement the special inspection measure referred to in Articles 115 to 117 of this Act at the expense of the liable person involved.

(2) If the liable person does not ensure funds or does not reimburse the funds necessary for implementing the measure referred to in the preceding paragraph within the time limit set in the request for payment of costs by the liable person involved, the State, or the region or community which proclaimed the monument shall acquire a statutory mortgage on the immovable heritage which is the subject of the measure.

#### Article 43

(promoting mobility of collections)

(1) With a view to promoting the mobility of collections, the government may assume the guarantee for payment of compensation for damage to owners or managers of collections on account of damage, destruction, or loss of a museum, library, or archive material, (even also if it has been caused by third persons), for:

– exhibition abroad if the material is lent by an organisation which is financed from the State budget, and if the guarantee is not assumed by the organiser,

– lending foreign documents for exhibitions in the Republic of Slovenia, organised by an organisation financed from the State budget, but only for damage incurred in the Republic of Slovenia.

(2) The State may guarantee compensation for damage on the basis of the preceding paragraph, but only up to 80 per cent of the value of the damage.

(3) The total amount of guarantees referred to in this Article at the annual level shall be provided for by laws governing the implementation of the State budget.

(4) In the case of payment for the damage referred to in the first paragraph, the State shall have the right to require recovery of the paid amounts with the legally prescribed penalty interest from the entity which caused the damage.

## 2. Use

#### Article 44

(prohibition of the use of an image or name of a monument without the owner's consent)

No person may use an image and name of a monument without the owner's consent. The owner may, by means of the consent, also determine the amount of compensation for use.

#### Article 45

## (trade)

(1) Whoever trades in heritage (hereinafter referred to as: trader) which belongs to the types of heritage entered in the registry referred to in the seventh paragraph of Article 9 of this Act shall be entered in the registry of traders kept by the Ministry.

(2) The registry of traders is kept with the aim of acquiring precise data on the trade in heritage, so as to prevent unauthorised trade therein. When the trader is a legal entity, its firm, registration number and registered office shall be entered into the registry of traders; when a trader is a natural person, the following personal data are entered: personal name, unique personal identification number, and place of residence.

(3) The trader shall keep the records of purchases and sales and other transactions in relation to heritage. The aim of the records is to ensure traceability of the sale of heritage with a view to preventing unlawful actions in relation thereof.

(4) The records referred to in the preceding paragraph shall contain data on the origin of heritage, the description and the sale price, as well as data on the owner or possessor and buyer of the heritage. The seller shall inform the purchaser that restrictions may apply to the transfer or export of the item.

(5) The following shall be considered as data on the owner and buyer in the records of sale referred to in the preceding paragraph: the firm and registered office in the case of a legal entity, and personal name and place of residence in the case of a natural person.

(6) When trading in national treasure, the trader shall check the treasure's origin.

(7) The Minister shall lay down the method of keeping the registry referred to in the first paragraph, and the method of keeping and supervising the records referred to in the third paragraph.

## Article 46

## (transfer or export of heritage)

(1) The transfer or export of movable heritage referred to in the Annex of Regulation 3911/92/EEG shall be subject to the authorisation issued by the Minister.

(2) The permanent, namely without any time limit, transfer or export of national treasures referred to in the first, second and third indents of the first paragraph of Article 10 of this Act shall be prohibited.

(3) The permanent transfer or export of the national treasures referred to in the fourth indent of the first paragraph of Article 10 of this Act shall be permitted only in the case of the exchange of museum, archive, or library material.

(4) The permanent transfer or export of the national treasures referred to in the fifth indent of the first paragraph of Article 10 of this Act may be permitted when the movable object is not of such cultural value for the Republic of Slovenia that its permanent removal or export would represent the impoverishment of national treasures.

(5) A temporary transfer or export of national treasures shall be permitted for one year at the longest from the date of their crossing the State border, with the possibility of an extension of up to five years.

(6) In the case of a risk of a permit being misused, the Ministry may temporarily revoke the authorisation for transfer or export. The temporary revocation shall apply until the actual circumstances are established, but not for longer than three months. During the period of temporary revocation, the transfer or export shall not be possible, and the heritage already transferred from the State shall be returned to the Republic of Slovenia. When a misuse of the authorisation for the transfer or export is established, such authorisation shall be revoked.

(7) The Ministry shall keep records of issued authorisations for transfer and export and of transfers from the State and exports executed on the basis thereof.

(8) The method of issuing the authorisation for transfer and export, and keeping of the records shall be prescribed by the Minister.

## Article 47

## (introduction or import of heritage)

Heritage may be introduced or imported into the Republic of Slovenia. If the state of origin prescribes a permit for export or transfer, such a permit shall be presented upon the introduction or import of the heritage in question.

Article 48  
(recovery of unlawfully removed heritage)

(1) The State shall provide for the recovery of national treasures which are unlawfully removed from the Republic of Slovenia. The Ministry shall coordinate the recovery of national treasures which are unlawfully removed from the Republic of Slovenia, and the recovery of movable heritage which is unlawfully removed from another state and introduced into the Republic of Slovenia, pursuant to international treaties to which the Republic of Slovenia is a signatory.

(2) In deciding on what is to be considered as unlawfully removed national treasures, the provisions of the Return of Unlawfully Removed Cultural Heritage Objects Act (Official Gazette of the Republic of Slovenia, No. 126/03) shall apply.

Article 49  
(deadline for submitting requests for heritage recovery)

(1) If there is a justified suspicion that movable heritage is located in the Republic of Slovenia which was unlawfully taken from a state which is not a Member State of the European Union but with which the Republic of Slovenia has signed an agreement on heritage recovery, the persons entitled may submit a request for the recovery of the said heritage within one year of the day they were notified of the presence of the heritage in the Republic of Slovenia.

(2) The request for heritage recovery referred to in the preceding paragraph may be submitted prior to the expiry of 30 years from the day when the heritage was unlawfully taken from the state referred to in the preceding paragraph, or prior to the expiry of 75 years if it is movable heritage which belongs to a public or church collection, or collection of another religious community, or movable heritage which enjoys special protection in the state of origin.

Article 50  
(payment of damages to a bona fide possessor)

A bona fide possessor who obtained movable heritage after it has been unlawfully removed from the Republic of Slovenia shall be entitled to fair damages on the basis of a decision issued by the competent court after he has returned the movable heritage to the Republic of Slovenia. The costs of damages shall be covered from the budget of the Republic of Slovenia. The Republic of Slovenia may require reimbursement of the paid damages from the person who first unlawfully removed the movable heritage from its territory.

Article 51  
(heritage recovery procedures with the states of the European Union)

The recovery of unlawfully removed movable heritage from Member States of the European Union to the Republic of Slovenia and from the Republic of Slovenia to the Member States of the European Union shall be subject to a special act.

### 3. Storage

Article 52  
(storage of national treasures)

(1) The owner or possessor of national treasures shall be obliged to meet the minimum requirements for their storage.

(2) The national or an authorised museum shall check the suitability of storage conditions for national treasures, provide their owners or possessors with instructions and advice for protecting such treasures, and provide for their conservation.

(3) The owner or possessor shall ensure the safe transportation of national treasures. Such transportation shall be carried out only by a national or authorised museum, or by a person who meets the relevant conditions on the basis of laws governing the transportation of remittances.

(4) If the owner or possessor gives the national treasures to another person for exhibition or other purposes, he shall by a contract temporarily transfer to such person the obligation of meeting the requirements that apply for storage.

(5) The Minister shall determine the minimum professional, technical and spatial requirements to be met by owners or possessors when storing or transporting national treasures. He shall, by this Act, determine also standards for the protection and storage of museum material in national and authorised museums.

Article 53  
(storage of archaeological finds)

A person who keeps an archaeological find or a collection of such finds shall possess a certificate of origin thereof.

**4. Enabling access and documenting**

Article 54  
(public accessibility of monuments)

Monuments shall be, in proportion to the abilities of the owner or possessor, accessible to the public.

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

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

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

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

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

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

Article 56  
(obligation to inform)

(1) The owner or possessor shall be obliged to, upon a call by the competent organisation, provide such organisation with data on the heritage or item assumed to have the properties of heritage. The costs of collecting and processing such data shall be borne by the State.

(2) The owner or possessor shall immediately inform the competent organisation of any deficiency or damage to the monument.

(3) The owner or possessor of the monument shall inform the purchaser of that monument of its monument status and the restrictions arising therefrom.

#### Article 57

(documentation of movable items assumed to be heritage)

(1) The documentation of technical devices, equipment, tools, products, and technical plans and sketches older than 50 years shall be an obligatory part of the rehabilitation and restructuring programmes of companies which are financed by public funds.

(2) Prior to the demolition of machinery, plants and devices older than 50 years, such parts thereof shall be documented which may have heritage value.

(3) Documentation shall be carried out under the supervision of the competent organisation. The costs of documentation shall be borne by a natural or legal person for whom the rehabilitation or restructuring of the company, as referred to in the first paragraph, or activities referred to in the second paragraph, are carried out.

(4) A copy of the documentation referred to in the first and second paragraphs shall be delivered to the competent organisation within six months after completion of the documentation.

#### Article 58

(marking of monuments)

(1) Immovable monuments shall be marked with a goal to improving public access. The marking shall be executed when this is not in conflict with the benefits of protection and other public interests.

(2) The marking shall also be executed as a form of protection in the event of an armed conflict on the basis of international treaties to which the Republic of Slovenia is a signatory.

(3) The method of marking shall be laid down by the Minister. The marking of the areas protected under Article 15 of this Act shall be laid down in agreement with the minister responsible for nature conservation.

### 5. Management

#### Article 59

(management of monuments)

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

(2) All monuments which are protected on the basis of international treaties to which the Republic of Slovenia is a signatory, as well as all sites, shall have a manager. The preservation decree may provide for a manager also for other monuments.

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

(4) Management may be committed to a manager of a natural site if so provided for with the act on protection of a natural site, and if the manager possesses the technical competence for managing the site.

(5) Management of a monument or site shall be carried out on the basis of a management plan.

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

#### Article 60

(management plan)



(1) A management plan shall be a document which lays down strategic and implementing guidelines for the overall conservation of a monument or site, and the method of implementing the protection thereof. The management plan shall be adopted in respect of all monuments and sites with a manager.

(2) The management plan shall be prepared by the manager, with the technical assistance of the Agency. The management plan shall be adopted by the authority which has adopted the preservation decree.

(3) The management plan shall contain at least:

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

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

(5) If a site and an area protected on the basis of laws from the field of nature conservation overlap, the management plan shall be adopted in agreement with the ministry competent for nature conservation. The organisation competent for nature conservation shall participate in the preparation thereof.

#### Article 61

(management of an area of uniform protection or monuments and nature)

(1) The management plan of an area of uniform protection of monuments and nature referred to in Article 15 of this Act shall be adopted by the Government upon a proposal by the Minister and the minister responsible for nature conservation. Moreover, the Government shall appoint the manager of the area.

(2) The manager of the area shall possess the technical competence for carrying out the tasks of conservation of natural values and heritage protection within an area of uniform protection.

(3) The Minister may conclude a contract with the manager of an area of uniform protection in order to transfer a part of the national public service tasks referred to in Article 84 of this Act to the manager, with the exception of statutory authorisations.

## V. PRE-EMPTIVE RIGHT

### 1. Pre-emptive right

#### Article 62

(pre-emptive right)

(1) The State shall have the pre-emptive right to:

- a monument of national significance, and
- immovable heritage in the area of impact of an immovable monument of national significance if that is so provided for in the preservation decree.

(2) The region or municipality which has proclaimed the monument shall have the pre-emptive right to monuments of local significance and to the immovable heritage in the area of impact of the immovable monument of local significance if that is so provided for in the preservation decree, and in the case of the State having an unused pre-emptive right also to the immovable heritage referred to in the preceding paragraph which is situated in the area of such a region or municipality.

(3) The owner of the items referred to in the first or second paragraphs of this Article shall notify in writing the person entitled to exercise a pre-emptive right of any intended sale of that item, and of the terms and conditions of that sale. The Minister or the competent authority of the region or municipality shall, within 30 days, notify the owner as to whether the State or region or municipality will exercise their pre-emptive right. If the State does not exercise the pre-emptive right, the Minister shall send notice of that decision to the region within the territory of which the item referred to in the first paragraph of this Article lies, which may make use of its own pre-emptive right within the period of a further 30 days, or else transfer the matter to the municipality.

(4) The person entitled to exercise the pre-emptive right may transfer the pre-emptive right to a third person if this person offers an improvement in conservation and public access, and ensure a use compatible with the social significance of the monument. If the person entitled to exercise the pre-emptive right is the State, the transfer of the pre-emptive right to a third person shall be decided by the Government; if the pre-emptive beneficiary is a region or municipality, it shall be decided by the competent authority of the community in question.

(5) If the person entitled to exercise the pre-emptive right waives that right, the contractual price shall not be lower than the offer price.

(6) A public notary shall authenticate the signature of the vendor and purchaser on the purchase contract only if the seller submits a statement by means of which the person entitled to exercise the pre-emptive right waives the aforesaid right, or after the expiry of the time limit referred to in the third paragraph of this Article.

(7) A contract on the sale of items referred to in the first and second paragraphs which is concluded contrary to the third, fifth and sixth paragraphs of this Article shall be null and void, save in the case of an immovable monument a note of which is not entered in the land register.

(8) A person entitled to exercise the pre-emptive right under this Act shall take priority over any eventual persons entitled to exercise the pre-emptive right provided for by other acts, with the exception of the pre-emptive right of the State to immovable heritage in protected areas in respect of which the State has adopted an act on protection which is implemented pursuant to the laws in the field of nature conservation.

(9) The pre-emptive right shall be excluded if the owner sells the item referred to in the first or second paragraph of this Article to his spouse, to a relative in direct line, adopter, adoptee, or an entity of public law founded by the State, region or municipality.

## **2. Expropriation**

### Article 63

#### (expropriation of a monument)

(1) Ownership rights to an immovable monument may be removed against damages or compensation in kind (hereinafter referred to as: expropriation).

(2) Expropriation shall be permissible if the monument and its protected values are endangered or their conservation is not possible in any other way, or if the accessibility of the monument pursuant to the preservation decree may not be ensured in any other way. The encroachment on ownership rights shall be proportionate to the public interest which caused the expropriation.

(3) Expropriation of monuments of national significance shall be proposed by the Government and of monuments of local significance by the competent authority of the region or municipality which proclaimed the monument.

(4) The person liable to expropriation shall be a natural or legal person who owns the immovable heritage which is the subject of expropriation. The person liable to expropriation may also be a person of public law other than the State.

(5) Expropriation shall be carried out under the method and procedure provided for by the act governing the expropriation and restriction of ownership rights in spatial planning.

## VI. FINANCING OF SPECIAL PROTECTION MEASURES

Article 64  
(provision of funds for implementing special protection measures)

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

VII. REGISTER AND DOCUMENTING

Article 65  
(register)

- (1) The purpose of the register shall be information supporting the implementation of heritage protection.
- (2) The purpose of the register shall also be presentations, research, education, and fostering public awareness of heritage.

Article 66  
(content of the register)

- (1) The register shall comprise three interconnected parts which include basic data, protection data and presentation data on immovable, movable and living heritage.
- (2) The basic data on the heritage shall contain the identification, description, dating, location, author, characteristic photograph or record of the heritage, protection guidelines, and the relation of the unit of heritage to other units.
- (3) Protection data shall be kept for monuments and shall contain: documents on protection, description of protection carried, the protection constraints enforced, and data on the owner of the monument.
- (4) The presentation data shall include additional data which shall illustrate the heritage in textual and graphic form and in other appropriate media.
- (5) The data on the owner referred to in the third paragraph of this Article shall include: the name of the owner, date of birth, and data as to the address of residence in the case of a natural person, or the name, or the firm and registered office for a legal entity.

Article 67  
(management and use of register)

- (1) The register shall be kept by the Ministry.
- (2) The register shall be managed within the procedure for documenting or listing heritage units, or as an independent procedure.
- (3) The data included in the register shall be publicly accessible, with the exception of data on the owners of the heritage, or on the location of archaeological sites where a danger of unauthorised searches for archaeological remains exists, and other data the public accessibility of which might threaten the existence of the heritage in question.
- (4) The competent organisations shall be liable to provide the Ministry, regularly and in such a manner as determined by the Minister, data for maintaining the register to the Ministry.
- (5) The natural and legal persons from whom the contents which are important for the register originate shall be liable to provide the Ministry, regularly, free of charge, and in a form and manner determined by the Minister, such contents as the register requires, if the production of such contents is financed from public funds.
- (6) Whenever they use data from the register, users shall make reference to the register as the source of data.

Article 68  
(access to data)

(1) The Ministry and providers of public service shall have the following authorisations as to the accessibility of data:

- the right to access, acquire and use data from the records of immovable heritage, such as the land and property register, the cadastre of buildings, the land register, and the register of immovable items, including personal data on owners of immovable items, as well as data from tax records, including personal data on liable persons, and data on the assessment of the tax for renting the immovable items, for trade in immovable items, for the inheritance of immovable items, and for the assessment of the tax on property,
- the right to keep a database about the location of the heritage and the items assumed to be heritage, including personal data on owners and other entitled persons, whereby the database is permanently kept,
- the right to on-the-spot documentation and photographing, or reproducing in any other manner, a heritage unit.

(2) The personal data on the owner or the person liable to tax referred to in the first paragraph shall be the personal name, date of birth, and data on the address of residence in the case of a natural person. Data on the legal entity which is the owner or the person liable to tax shall be the name or the firm, and the registered office.

(3) The data referred to in the preceding paragraph may be used for:

- keeping the register and documenting the heritage,
- performing public services in relation to the use, management and other treatment of heritage,
- implementing provisions on the pre-emptive right, expropriation, compensation, and damages,
- supervision of the implementation of this Act.

Article 69  
(documenting heritage)

(1) Documenting the heritage shall be an integral part of the information support allowing protection to be carried out.

(2) Documenting the heritage shall include in particular: the recording of material, collection of data for the recording of a unit of heritage, recording the condition of and threat to such unit, and documenting works. In the event of movable heritage, it shall include also documenting the accession and transfer of units.

Article 70  
(joint use of data)

(1) Recording and documenting archive and library material which, according to professional criteria and international recommendations, represent an archive and library heritage shall be carried out pursuant to a special law.

(2) Providers shall keep a register of and document heritage, including library and archive material, in a form and manner so as to enable the uniform demonstration of public digital material on heritage.

Article 71  
( survey of the evaluation of heritage in its spatial context)

(1) An integral part of the information support allowing the protection of immovable heritage to be carried out shall be also be a survey of evaluation of the heritage in its spatial context.

(2) The survey of the evaluation of heritage in its spatial context shall comprise in particular:

- data on the immovable heritage from the register,
- archaeological sites, with determinations of their boundaries and of methods for delimiting their spatial boundaries more precisely if necessary,

- guidelines for the integrated conservation of heritage,
- the identification of areas of heritage in their spatial context, with a definition of their cultural value, restrictions in force, and proposals for developing the land on which the heritage is situated, and
- effects on the heritage and other restrictions outside the areas of heritage.

(3) The survey of the evaluation of heritage in its spatial context shall be compiled by the Ministry for the entire territory of the Republic of Slovenia on the basis of data from the register, data communicated by the Agency, and other practical forms of knowledge and procedures available for evaluating immovable heritage.

(4) The Ministry shall keep the surveyor evaluation of the heritage in its spatial context up to date and shall publish it on the World Wide Web, where it shall be accessible free of charge for use in procedures of physical and developmental planning, and public reference.

#### Article 72

(executive regulations on recording, documenting and survey of heritage)

(1) The Minister shall prescribe the more detailed uses and methods of keeping the register, of the survey of evaluation of the heritage in its spatial context, and the minimal level of content required for the documentation on heritage and the method of doing so.

(2) The Minister shall prescribe common rules and requirements as to the uniform presentation of public digital material on the heritage.

### VIII. HERITAGE PROTECTION IN DEVELOPMENT PLANS

#### Article 73

(heritage protection strategy)

(1) A heritage protection strategy (hereinafter referred to as: strategy) shall, on the basis of the estimation of a threat being posed to the heritage and its development opportunities, determine the objectives, directions and measures for the integrated conservation of heritage which is the subject of public interest. The strategy shall be prepared by the Ministry in cooperation with those departments whose tasks enter the field of heritage protection.

(2) The strategy may represent a part of the national cultural programme or an independent governmental development document. If it is an independent governmental development document, it shall be adopted for a period of four years, whereby longer-term policies exceeding that period shall also be included. (3) The strategy shall represent the basis for preparing development plans and that of policy-making in the fields of culture, spatial planning, environment protection, protection against natural and other disasters, construction, the residential and public utility sectors, tourism, research, along with those of the information society, education, training and lifelong learning.

#### Article 74

(protection in plans)

(1) In preparing the plan, the producer shall take account of protection and include protection measures therein.

(2) In the procedures for preparing and adopting the plan, protection shall be ensured:

- by respecting the acts on the proclamation of immovable monuments, adopted on the basis of Articles 13 to 15 and 21, registered archaeological sites, and acts on protection areas for heritage as adopted on the basis of Article 25 of this Act;

- by assessing the effects on heritage at least to the extent of the heritage referred to in the preceding indent within the framework of an environmental impact assessment on the basis of laws governing environment protection. An impact assessment from the point of view of protection shall be carried out also if no monuments or protection areas for heritage are located within the area of works, but where an indirect impact on heritage, or a direct or indirect impact on archaeological remains is expected (by works in the area of impact of the heritage in question);

– by observing guidelines and opinions in the preparatory procedures of spatial plans.

(3) The observation of protection measures shall be ensured in all the preparation phases of the plan, in particular of the parts thereof which represent a direct basis for issuing consents for works on the heritage in question.

(4) If there is no survey of evaluation of the heritage in spatial context in respect of the area subject to a certain plan, or if an existing survey is not sufficiently detailed, an expert report may be prepared to guide the aforesaid such plan. Such reports shall have the content prescribed for the surveys of evaluation of the heritage in spatial context.

(5) The expert plan referred to in the preceding paragraph shall be prepared by the Agency and adopted by the Ministry.

#### Article 75 (compulsory components of spatial plans)

(1) The conservation of immovable monuments, registered archaeological sites, and the heritage within heritage protection areas shall be an obligatory consideration in spatial plans which have an indirect impact on heritage and its protection, and in spatial-planning and development measures issued on the basis of laws governing spatial planning.

(2) The constructed environment and activity within it in a monument's area of impact shall be adapted so as to avoid despoiling the social significance of the monument to its spatial context.

#### Article 76 (guidelines)

(1) In the preparatory procedure for the spatial plan, the producer of the act shall obtain the guidelines adopted for such purposes by the Ministry. These guidelines shall aim at determining, on the basis of the heritage protection strategy, the acts on heritage protection areas, preservation decrees, and with application *mutatis mutandis* of the survey of evaluation of the heritage in spatial context, the guidelines, and basic grounds and conditions for protection and conservation in the spatial plan.

(2) The guidelines shall comprise in particular:

- guidelines for integrated conservation,
- proposed solutions and protection measures, and
- a proposal for implementing conditions for protection, when the act laying down the spatial implementing conditions is in preparation.

(3) Regarding planned works, the areas of impact of heritage may be determined in the guidelines, in respect of which protection is proposed on the basis of the spatial plan.

(4) If the spatial plan also requires an impact assessment to be carried out, the guidelines shall in addition comprise:

- a survey of the areas of impact,
- types and sources of data on heritage to inform the preparation of an environmental report made on the basis of the laws governing environmental protection and spatial planning.

(5) If the existing data are not sufficient for the preparation of the environmental report referred to in the preceding paragraph, guidelines shall provide for the determination of the necessary archaeological research to provide additional information for the execution of such a report.

(6) The guidelines which refer to heritage beyond the extent of the heritage referred to in the preceding Article shall be of a recommendatory nature.

#### Article 77 (proposal of zoning conditions)

(1) The proposed zoning conditions for protection shall be, as a part of the guidelines, determined by zoning units and by individual heritage units, in particular with regard to the position, land allotment, building lines, layout and altitude gauges, spatial dominants, intended use, accessibility to the public, and the design of public spaces.

(2) The proposal of zoning conditions shall lay out those cases when the protection approval for works on registered heritage should be obtained.

Article 78  
(conservation project for regeneration)

(1) A conservation project for regeneration shall be an obligatory and integral part of a detailed spatial plan which shall represent the basis for an overall regeneration of the area of built-up heritage in question, landscape heritage, or an area of other heritage which is a significant part of the surrounding environment and its constructed structures, a site, or a heritage protection area.

(2) If the conservation project for regeneration is prepared for the area of a landscape heritage, the nature conservation requirements shall be observed accordingly.

(3) The conservation project for regeneration shall lay down development conditions and restrictions in the light of protection within zoning units.

(4) If the conservation project for regeneration lays down zoning conditions in the area of regeneration, and these are approved by the Minister and the minister responsible for spatial planning, it shall be considered that cultural protection conditions have been issued in respect of the works specified in the conservation project.

Article 79  
(opinion)

(1) Prior to adopting the spatial plan, an opinion should be obtained by the Ministry on the acceptability of the proposed solutions from the viewpoint of protection.

(2) In the case of a negative opinion, the Ministry shall explain the reasons and instruct the producer of the spatial plan to make certain amendments.

(3) The request for an opinion shall be attached to the draft spatial plan and an explanation of how the guidelines have been considered in that plan.

(4) Failure to consider guidelines of a recommendatory nature shall not be a reason for the issue of a negative opinion.

Article 80  
(preliminary research of the area of a spatial plan)

(1) Within the areas of the spatial plans which represent the basis for the issue of permits for developments, and in respect of which no preliminary archaeological research has been carried out in the preparation phase of the spatial plan, preliminary archaeological research shall be carried out, if necessary, after enforcement of such acts and pursuant to the plan made by the Agency.

(2) The Institute shall prepare the plan supplied by preliminary archaeological research with the purpose of precisely determining the actual condition for the issue of the protection approval within the areas referred to in the preceding paragraph.

## IX. PUBLIC SERVICE FOR PROTECTION

### 1. General provisions regarding public service

Article 81  
(public service of protection)

(1) The activity of the public service for protection shall comprise identifying, documenting, evaluating, interpreting, and researching heritage; conserving heritage and preventing harmful effects thereon; the management of heritage; enabling access to heritage or relevant information about it; the public presentation of heritage and fostering awareness of its values, unless otherwise provided for by the law.

(2) The activities of the public service for protection shall be carried out by the Agency, national or authorised museums, providers of local public services for heritage protection, and heritage managers.

(3) The exact scope of the performance of the public service within a specified period shall be determined by an order or contract on financing pursuant to the act governing the realisation of the public interest in culture.

#### Article 82

(supervision of the public service for protection )

(1) Supervision of the public service for protection shall be conducted by the Ministry.

(2) When the Ministry discovers that a provider has failed to carry out the public service pursuant to the laws or a decision taken by the Ministry, it shall order the provider to eliminate the deficiencies or irregularities, and fix a time limit for the implementation of such actions.

(3) If after the expiry of the time limit, deficiencies or irregularities have not been eliminated, this may be a reason for dismissing the managing or administrative body of the provider of the public service, or for the expiry of the statutory authorisation of that body.

(4) The Minister shall decide when doubt exists as to whether a certain task is part of the required public service, and in competitive disputes between providers of the public service.

## 2. The public service for the protection immovable heritage

#### Article 83

(Institute for the Protection of Cultural Heritage of Slovenia)

(1) The Agency for the Protection of the Cultural Heritage of Slovenia shall be a public institute, established by the State for performing the public service of protecting immovable heritage pursuant to this Act.

(2) The Agency shall have regional units and a conservation centre.

(3) The Agency shall, with its regional units, cover the territory of the whole State.

#### Article 84

(tasks of the Agency)

(1) The Agency shall carry out the following tasks as a national public service:

1. identifying, documenting, studying, evaluating, and interpreting immovable, movable and living heritage, and presenting it to the public within the framework of immovable heritage protection,

2. cooperating in the preparation of the heritage protection strategy and proposing measures for the implementation thereof,

3. proposing the entry of immovable heritage to the register,

4. preparing proposals for proclamations of immovable monuments,

5. analysing and evaluating the space for surveys of evaluation of the heritage in its spatial context,

6. preparing the material for guidelines and opinions in the preparatory procedures for drawing up plans,

7. cooperating with State bodies, offering them technical assistance in procedures related to items assumed to be heritage,

8. adopting an implementation plan for preliminary research on areas subject to spatial plans,

9. cooperating in heritage protection in the event of an armed conflict, and in protection against natural and other disasters,

10. auditing conservation plans prepared by other persons,

11. cooperating with managers of monuments in the preparation of draft management plans,

12. issuing opinions on the payment and the amount of compensation for limits placed on the commercial exploitation of monuments,

13. preparing expert grounds for the administrative procedures managed by the Ministry,

14. proposing to the Minister the adoption of implementing regulations,



15. designing methods and standards for the conservation of immovable heritage, and directing, coordinating and monitoring their implementation,

16. providing for regular and advanced training and coordinating the educational needs of staff in the field of immovable heritage protection,

17. carrying out the expert supervision of preliminary researches,

18. cooperating with the owners or possessors of immovable monuments and with other users of heritage who have interests in relation to an individual monument, and providing them with information, advice and instructions,

19. implementing programmes for fostering awareness of heritage, traineeship and practical training for educational programmes at various levels in the field,

20. cooperating in carrying out professional examinations in the field of immovable heritage protection, and

21. carry out expert supervision of works on heritage.

(2) The Agency shall, on the basis of a statutory authorisation, carry out the following tasks:

1. issuing cultural protection conditions and approvals for works on heritage,

2. keeping a record of researches,

3. issuing decisions on archaeological sites,

4. ordering the owner of a monument to implement certain measures of monument protection.

(3) The Agency may, upon the consent of the founder, also carry out other tasks.

#### Article 85

##### (tasks of the conservation centre)

(1) The Agency shall, within its conservation centre, carry out the following tasks in the field of conservation-restoration as the national public service for that purpose:

1. providing for the development of the conservation-restoration profession and its direction,

2. managing and carry out preliminary research on monuments as referred to in the second indent of the second paragraph of Article 34 of this Act,

3. preparing conservation plans for monuments owned by the State,

4. drafting the conservation-restoration project documentation for demanding works,

5. planning, managing and carrying out demanding conservation-restoration works on monuments, and conservation-restoration works on monuments owned by the State which are financed from the State budget intended for culture,

6. participating in the assessment of and assuming responsibility for the material condition of heritage and monuments,

7. carrying out research projects in the field of protection upon the order of the Ministry,

8. cooperating with State bodies, offering them technical assistance in procedures related to the items assumed to be heritage,

9. providing documentation for conservation-restoration activities,

10. carrying out programmes of traineeship and advanced training,

11. conducting educational programmes on conservation-restoration,

12. assuming responsible for fostering awareness of the public concerning conservation-restoration activities, and

13. managing immovable monuments owned by the State.

(2) The Agency shall, within the centre, carry out also the following tasks in the field of conservation-restoration which are not financed from the State budget intended for culture:

1. preparing conservation plans for monuments which are not owned by the State,

2. managing and carrying out preliminary research on monuments as referred to in the second indent of the first paragraph of Article 34 of this Act,

3. producing conservation-restoration project documentation for less demanding works,

4. planning, conduct and carry out less demanding conservation-restoration works,

5. carrying out research and other projects in the field of protection financed under contracts,

6. implementing programmes of training and lifelong learning in the field of conservation-restoration activities, and

7. managing immovable monuments which are not owned by the State.

(3) The Agency shall, within the conservation centre, carry out the following tasks in the field of preventive archaeology as the national public service:

1. managing and carrying out preliminary archaeological research as referred to in the first indent of the second paragraph of Article 34 and the third paragraph of Article 34 of this Act,

2. providing for methodological and infrastructural development in the field of archaeological researches and post-excavation procedures,

3. managing and carrying out the preliminary archaeological researches and post-excavation procedures of monuments owned by the State which are financed from the State budget intended for culture,

4. carrying out research projects in the field of preventive archaeology on behalf of the Ministry,

5. carrying out programmes of traineeship and advanced training,

6. carrying out the practical work for educational programmes of preventive archaeology, and

7. taking responsible for fostering awareness of the public concerning preventive archaeology.

(4) The Agency shall, within the centre, also carry out the following tasks in the field of preventive archaeology which are not financed from the State budget intended for culture:

1. managing and carrying out preliminary and other archaeological researches and post-excavation procedures for the archives of archaeological sites, including publication, which do not fall under the second and third paragraphs of Article 34 of this Act,

2. carrying out training programmes, and

3. carrying out research and other projects in the field, financed under contracts.

(5) The organisation units of the Agency shall perform the public service according to the programme of the Agency or on the order of the Ministry.

(6) The Minister shall give consent for the tariff of the services of the Agency.

### **3. Public museum service**

#### Article 86

(general provisions regarding the public museum service)

(1) The State shall provide for the work of the national public museum service by establishing national museums and by authorising and financing other museums for carrying out the tasks of protecting movable and living heritage of wider interest (authorised museums).

(2) The museums that provide a national public service shall be entered in the registry of museums.

(3) The entrance fee and other incomes from the sale of goods and services related to heritage managed by a national or authorised museum shall be considered income from providing public service.

#### Article 87

(registry of museums)

(1) The registry of museums shall be a public document registering those museums which comply with the basic spatial, financial and staffing requirements for conserving and protecting heritage.

(2) The museums that perform the national public service shall be entered in the registry of museums. Museums which do not act in the national public museum service may also be entered in the registry of museums.

(3) The registry of museums shall be kept by the Ministry. The Ministry shall enter museums on the registry in an administrative procedure.

(4) The application for entry shall be submitted by the museum with the consent of its founder.

(5) A museum shall meet the requirements for entry in the registry of museums if:

– it provides public access to its collections,

– has elaborated a plan of physical and technical protection, and of damage insurance for collections within the museum which is confirmed by the founder, and

– meet other minimum professional, physical and technical requirements as provided for with the regulation referred to in Article 52 of this Act.

(6) A registered museum shall determine upon an entrance fee and opening times, which shall be announced in a visible place at the entrance to the museum.

Article 88  
(ownership of the heritage managed by museums)

The ownership of the heritage managed by registered museums shall be determined on the basis of the following criteria:

- the heritage shall be owned by the person who is entered as the owner in the inventory ledger of the museum;
- when the owner is not entered in the inventory ledger of the museum as the owner of the heritage, the heritage shall be owned by the person who has financed the purchase which resulted in the heritage's becoming managed by the museum. When there are more financers, the heritage shall be the subject of joint ownership by the financers in ideal shares proportionate to their contributions;
- in other cases, the heritage shall be owned by the founder of the museum, except for archaeological remains which are owned by the State on the basis of this Act.

Article 89  
(checking the origin of movable heritage)

When acquiring movable heritage, the registered museum shall check its origin. The museum shall notify the inspector competent for heritage of any suspicion that the heritage in question is of illegal origin.

Article 90  
(removal from the registry of museums)

A museum may be removed from the registry of museums upon its own proposal, upon a proposal by the founder, or ex officio if the museum closes, or if it is established that it has ceased to meet the requirements as provided for in the fifth paragraph of Article 87 of this Act.

Article 91  
(national museum)

(1) A national museum shall be a public institute established by the State in order to ensure protection of movable property of national significance.

(2) The field of activity and the mission of the museum shall be laid down in the memorandum of association adopted by the government.

(3) A national museum shall, as a national public service, carry out the following tasks:

1. identifying, documenting, studying, interpreting and evaluating movable and living heritage, and presenting it to the public,
2. collecting and carrying out the accession and keeping of records on movable heritage,
3. preparing proposals for the proclamation of movable monuments of national significance,
4. coordinating entries recording movable heritage in the register,
5. protecting and keeping collections of national significance,
6. preparing and carrying out conservation-restoration procedures on movable heritage within its field of operation,
7. supervising the protection of movable monuments and national treasures outside museums,
8. advising and giving instructions to owners of collections of movable heritage regarding the keeping of inventory ledgers in its field of operation,
9. exhibiting museum collections,
10. researching movable heritage and means of protecting it on behalf of the ministry in the field of operation to which it belongs, and
11. implementing programmes for fostering awareness of heritage, traineeship and training programmes, and practical training for educational programmes of various levels in the field.

(4) The national museum shall also implement programmes of training and lifelong learning in relation to heritage which are not financed from the State budget intended for culture.

#### Article 92

(The Service for movable heritage and museums)

(1) The Service shall be organised in one of the national museums. After offering the service to tender in accordance with the laws in the field of public administration, the Minister shall designate the national museum within the framework of which the Service shall be organised.

(2) The museum in which the Service is organised shall, in addition to the tasks referred to in the third paragraph of the preceding Article of this Act, also carry out the following tasks by statutory authorisation:

1. giving opinions to the Ministry on the procedure for entry to the registry of museums as referred to in Article 87 and on the procedure of granting authorisations as referred to in Article 95 of this Act,
2. giving opinions to the Ministry on the procedures for issuing approvals for research projects, on the allocation of archives of archaeological sites and the transfer to museums of movable items assumed to be heritage,
3. coordinating the preparation of expert opinions on the transfer or export of movable heritage,
4. giving opinions to aid the Minister in deciding on disputes involving the distribution of responsibilities between museums which perform a national public service,
5. preparing expert grounds for the administrative decisions to be issued by the Ministry,
6. analysing the activity of museums and making annual reports to the Minister thereof,
7. cooperating in preparing a heritage protection strategy and proposing measures for the implementation thereof,
8. cooperating with State bodies, offering them technical assistance in procedures related to movable items assumed to be heritage,
9. proposing criteria for co-financing museum programmes and projects,
10. establishing joint actions by museums, promoting and marketing their services,
11. preparing the standards of record-keeping to be observed and the procedures to be followed in documenting, interpreting and storing movable heritage, and proposing to the Minister the adoption of those standards and procedures,
12. carrying out other tasks on behalf of museums on the basis of a preliminary agreement,
13. cooperating in the protection of living heritage,
14. coordinating programmes of training and lifelong learning in the field of movable heritage to meet the educational needs of museum staff, and
15. coordinating programmes of traineeship and of advanced training for the award of professional titles.

(3) The tasks referred to in the preceding paragraph shall be carried out in cooperation with the national and authorised museums.

#### Article 93

(national public service in authorised museums)

(1) An authorised museum shall be a registered museum which has been granted authorisation for carrying out the national public museum service. In an authorised museum, the State shall support the carrying out of the following activities as a national public service:

1. identifying, documenting, studying, evaluating, and interpreting movable and living heritage,
2. the collection, accession, and keeping the record of the movable and living heritage,
3. protecting and storing museum collections of national significance,
4. cooperating in administrative procedures conducted by the Ministry,
5. giving advice to owners of collections of movable heritage regarding the keeping of inventories and ledgers,
6. preparing and carrying out conservation-restoration procedures on movable heritage of national significance, and
7. carrying out programmes of traineeship and advanced training.

(2) The State shall co-finance the national public service in an authorised museum to the extent referred to in the preceding paragraph, but up to a maximum of 80 per cent of the total costs of the operation of the museum.

(3) The Minister shall, by the regulation referred to in Article 52 of this Act, lay down standards for the protection and storage of museum material in national and authorised museums.

Article 94  
(requirements for obtaining authorisation)

A museum may obtain authorisation for providing the national public service if it complies with the following requirements:

- it is entered in the registry of museums,
- has permanent financial resources for operation,
- is competent to identify, document, evaluate, interpret, keep records of, protect, store, and research movable heritage, and present this heritage to the public,
- ensure accessibility to the heritage in its keeping, and to relevant data concerning it,
- provide for the exhibition of museum collections with a specified opening time, for not less than 40 hours per week,
- meet other minimum professional, technical, and physical requirements for the standards for protection and storage of museum material, as provided for in accordance with the provisions of this Article in the regulation referred to in the fifth paragraph of Article 52 of this Act.

Article 95  
(procedure of granting authorisation)

(1) The Ministry shall grant an authorisation to museums for providing the public service on the basis of a public tender.

(2) An application to tender shall be submitted by the museum with the consent of its founder.

(3) The application shall be attached by:

- the founding charter of the museum in which the mission of the museum as well as its collection policy are determined,
- the concept of arrangement and development of the museum and its collections, and
- corresponding evidence that the museum meets the requirements referred to in Article 94 of this Act.

(4) After receiving applications, the Ministry shall obtain the opinion of the museum in which the Service is organised, with regard to satisfying the requirements for obtaining authorisation. Upon deciding to grant the authorisation, priority shall be given to museums founded by municipalities, and which go beyond the municipal interest or which also serve the needs of the inhabitants of neighbouring municipalities.

(5) An order on granting authorisation shall be adopted by the government upon proposal by the Minister. The order shall determine the field of competence of the authorised museum, the date of commencement of the authorisation, and its duration.

(6) After the order on obtaining authorisation is issued, the Ministry, the authorised museum and its founders shall conclude a contract on meeting the conditions of the public service, which shall determine the extent and the method of performing the national public service, its financing, the proportion between the funds contributed by the State and the founder, specify the obligation assumed by the museum to report to the Ministry all facts and occurrences which might affect the performance of the public service, while stating also how the performance of the public service may be subjected to financial and expert supervision, defining contractual sanctions, and the method by which the contract may be changed.

(7) The Ministry shall, at least once in every three year period, ensure that such requirements are being met.

Article 96  
(termination of authorisation)

- (1) The authorisation of the museum to provide the national public service shall terminate:
- upon such termination being proposed by the museum or its founder,
  - upon the museum’s removal from the registry of museums, or
  - if the authorised museum fails to meet the requirements as referred to in Article 94, or the contract is breached as referred to in Article 95 of this Act.
- (2) A breach of the contract shall be a reason for termination if:
- the museum manages funds obtained for providing the national public service in breach of the terms of contract,
  - by its conduct the museum may impair the heritage it contains, and if after the issue of a relevant inspection measure the museum fails to eliminate the noted irregularities within the prescribed time limit,
  - the museum does not eliminate any other irregularity established by the Ministry while using its supervisory right.
- (3) The authorisation for providing the national public service shall be withdrawn from the museum by the government upon a proposal by the Ministry.
- (4) Upon its authorisation being terminated, the founder shall provide for the appropriate protection, storage, and accessibility of monuments and heritage which are managed by the museum.
- (5) When the authorised museum ceases to perform a national public service, it shall deliver the heritage acquired by carrying out such service to be managed by a national or other authorised museum.
- (6) Museum collections obtained on the basis of performance of such service shall not be divided.
- (7) The procedure for transferring and delivering the heritage referred to in the preceding paragraph shall be laid down by decision of the Minister.

#### Article 97

(co-financing programmes and projects in museums)

The State may, on the basis of a public call or tender, contribute funds for programmes and projects in authorised museums and in other registered museums as referred to in Article 87 of this Act which outside the scope of the national public service, including emergency purchases of movable heritage with a view to completing collections of national significance and issuing guarantees allowing museum collections to be borrowed for special exhibitions.

### 4. Public service of protection of living heritage

#### Article 98

(general provisions concerning public service of protection of living heritage)

- (1) The national public service for the protection of living heritage shall be provided by national and authorised museums, by the Agency and by legal entities which may obtain authorisation for performing national public service on the basis of a public tender (hereinafter referred to as: coordinator of measures to protect living heritage).
- (2) The coordinator of measures to protect living heritage shall, in the pursuit of national public service:
1. identify, document, study, evaluate, and interpret living heritage,
  2. coordinate and independently propose the entry of living heritage in the register,
  3. give advice to holders of living heritage regarding its integrated conservation,
  4. prepare proposals for the proclamation of living masterpieces,
  5. coordinate the work of museums and the Agency in relation to the conservation of living heritage and related cultural spaces,
  6. carry out other tasks associated with living heritage on behalf of the Ministry.
- (3) The provisions for authorised museums shall be *applied mutatis mutandis* in relation to the requirements for performing public service on the basis of their authorisation and in accordance with other requirements for operation.

(4) Upon the authorisation being terminated, the coordinator shall deliver to the national museum any databases and other material produced on the basis of the authorisation.

## 5. Local public protection service

### Article 99

(local public service of protection)

(1) The local public service for the protection of heritage shall encompass the protection of heritage of local significance, financing museums and other entities promoting the protection of heritage, and the management of sites of local significance.

(2) In the field of the protection of a region and/or municipality, in addition to other tasks, the following is provided for:

- the establishing, organising and financing of a local public service of protection, and providing supervision for its performance,
- financing other forms of protection pursuant to the law.

(3) Regions and municipalities may establish their own organisations for the performance of protection tasks. Protection organisations shall not interfere with such powers held by the State bodies in the field of protection.

### Article 100

(local public service of protection of immovable heritage)

(1) A region or municipality may establish an organisation to provide an optional local public service for the protection of immovable heritage to carry out one or more of the following tasks:

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

(2) Several municipalities may establish a joint local public service as referred to in the preceding paragraph.

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

### Article 101

(local public service for the protection of movable and living heritage)

(1) The region shall provide for a regional public service for the protection of movable and living heritage through the establishment of a museum.

(2) The municipality may, alone or with other municipalities, establish museums or other organisations for providing an optional municipal public service for the protection of movable and living heritage, or shall provide for the performance of the municipal public service of protection of movable and living heritage in any other way.

(3) The region or municipality shall be liable to meet physical, professional and technical requirements for the operation of a local public service for the protection of movable heritage, including emergency purchases.

(4) The provider of a local public service for the protection of movable and living heritage shall prepare proposals for the proclamation of the movable and living heritage as monuments of local significance.

(5) The museums referred to in the second paragraph of this Article may, upon meeting the conditions laid down in this Act, acquire the status of an authorised museum.

## 6. Volunteers in the public service

### Article 102 (volunteers)

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

(2) Volunteers may pass a traineeship at the provider of public service for protection as volunteer trainees, acquire work experience for the title referred to in Article 103 of this Act, or perform other tasks.

(3) In the public service for protection volunteer-advisers shall also operate. Their task shall be to foster public awareness of heritage and the informal supervision of the condition of protection in the field.

(4) The relationship between the volunteer and provider of public protection service shall be regulated by contract.

(5) Criteria for the remuneration of volunteers shall be regulated by the regulation referred to in Article 107 of this Act.

## X. PERFORMANCE OF PROTECTION ACTIVITY ON THE BASIS OF TITLES AND CONTRACTS, AND THE CARRYING OUT OF SPECIALISED PROTECTION ACTIVITIES

### Article 103 (professional titles)

(1) An individual who is preparing to carry out professional work in the field of protection which requires a secondary, higher or higher professional qualification, or wishes to carry out such work, shall undergo a traineeship and pass an examination for obtaining their professional title.

(2) An individual who has not yet obtained a professional title may carry out work only under the mentorship of a person who possesses the professional title.

(3) For obtaining professional titles, a specified education or qualification, work experience, professional competence, and a passed exam shall be required.

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

### Article 104 (advanced training)

(1) An individual who works in the field of protection shall have the right and obligation to in-service training.

(2) The in-service training and examination shall be carried out under a programme laid down by the Ministry.

### Article 105 (specialised protection works)

(1) In order to enable the owners of heritage access to authentic data on natural and legal persons who are professionally qualified for works carried out on heritage, or for performing other works in relation



to the heritage (hereinafter referred to as: specialised protection works), an information system shall be established on those persons who are professionally qualified for carrying out specialised protection works.

(2) Specialised protection works shall comprise the following:

- carrying out researches and preliminary researches, including archaeological researches,
- performing conservation-restoration works,
- carrying out construction and artisan works on heritage,
- transportation of movable heritage,
- preparation of conservation plans,
- preparation of management plans,
- preparation of project documentation for works on heritage,
- preparation of environmental reports on the impact on the environment from the viewpoint of heritage,
- preparation of expert opinions and appraisals,
- implementing programmes of in-service advanced training and learning,
- the storage and public presentation of collections of movable heritage.

(3) The Ministry shall keep a registry of persons professionally qualified to perform specialised protection works (hereinafter referred to as: registry of qualified providers). The registry shall include the following data on the persons qualified to perform the specialised works:

- the firm, registration number and registered office of the person, if the entity is a company or an independent entrepreneur,
- the personal name and residence of the responsible person or the person who carries out the activity as a self-employed person in the field of culture,
- the personal name and residence of the personnel who possess the appropriate education, a national vocational qualification, and a professional title, if such data are essential in proving technical competence, and the type and duration of the employment or working relationship.

(4) The registry of qualified providers shall be published on the World Wide Web. Personal data from the registry shall be published upon approval from the person who submitted such data.

(5) The Minister shall, with the regulation referred to in Article 103 of this Act, lay down in detail the manner in which qualified providers are to be entered in the registry, the manner of demonstrating their professional competence, and managing the registry of qualified providers.

#### Article 106

(contract with a major owner of heritage)

(1) A natural or legal person who owns a large number of immovable or movable monuments, such as a church or other religious community, an institute in the field of education, or a company, may internally organise an activity of keeping a record, storing, researching, and publicly representing the heritage.

(2) The government shall conclude a contract with such persons in order to lay down the requirements for executing such activity, and regulate other matters by application *mutatis mutandis* of the provisions of this Act which apply to the public service of protection, professional titles, the authorisations referred to in the second and third indents of the first paragraph of Article 68 of this Act, for authorised museums, and for carrying out specialised protection activities.

(3) The contract shall lay down in clear and concrete terms which purposes and objectives of the contract represent the public interest as it is generally defined in Article 2 of this Act, or in the national programme for culture.

(4) This contract shall settle all mutual relationships in relation to carrying out the activity referred to in the first paragraph, and in particular:

- the objectives to be realised during the period of conclusion of the contract, with a view to realising the purpose of the contract,
- criteria for monitoring the realisation thereof,
- the time limits within which the objectives are to be reached,
- the extent, time limits and the method of any eventual provision of national funds, and the relation between the funds invested in the activity by the State and the major owner of the heritage.

– other matters concerning mutual relationships.

(5) The Ministry shall ensure the terms of the contract are being met at least once every three years.

## XI. NON-GOVERNMENTAL ORGANISATIONS IN THE FIELD OF PROTECTION

### Article 107

(non-governmental organisation acting in the public interest)

(1) A non-governmental organisation whose activity significantly contributes to protection, fostering awareness of heritage, the spread of knowledge and skills associated with heritage, and training and lifelong learning, may obtain the status of a non-governmental organisation acting in the field of cultural heritage in the public interest. Such status shall be obtained on the basis of the act governing realisation of the public interest in culture, and with *mutatis mutandis* application *mutatis mutandis* of the laws governing the activities of societies.

(2) The status of a non-governmental organisation acting in the field of cultural heritage in the public interest may be obtained under the same conditions by a church or other religious community if it has its own legal personality.

### Article 108

(right of a non-governmental organisation)

(1) A person with the status of a non-governmental organisation acting in the field of cultural heritage in the public interest shall have the right to:

- give opinions and propose solutions in relation to individual matters concerning protection,
- participate in consultative bodies of the Ministry, regions and municipalities,
- cooperate in the drafting procedures of the strategy referred to in Article 73 of this Act and other strategic documents of the State, regions and municipalities, which concern protection and the conservation of heritage,
- carry out other tasks in the field of protection on the basis of public tenders.

(2) A person as referred to in the preceding paragraph who is at the same time the owner of the heritage shall have the right to participate in matters related to protection which concern such concrete heritage if this does not involve a conflict of interests between their role as the owner and the non-governmental organisation.

(3) If there are doubts as to whether there is a conflict of interests referred to in the preceding paragraph, this shall be decided by the Minister.

## XII. SUPERVISION

### 1. General provisions concerning supervision

#### Article 109

(inspection)

The supervision of the implementation of the provisions of this Act and the regulations issued on the basis thereof, as well as other acts which refer to protection, shall be carried out by an inspector competent for heritage.

#### Article 110

(authorisations of inspectors)

In addition to the authorisations laid down in the act governing inspection, an inspector shall have also the following authorisations:

- to review immovable and movable heritage, books and documents in relation to trade, works on heritage and monuments, and to the measures of protection in the event of an armed conflict, or natural and other disasters,
- to review, and require access to documentation which refers to the proclamation of monuments, the issue of administrative decisions to owners, and to the transfer of and trade in heritage.

Article 111  
(cooperation with public protection service)

In conducting the procedures, the inspector may require the cooperation of State, regional and municipal bodies, in particular in the event of carrying out an inspection and oral hearing, and it may require expert opinions from the providers of public service.

Article 112  
(persons liable to inspection)

Persons liable to inspection under this Act shall be:

- for works: the developer of the works and the person carrying out the works,
- for maintenance and the omission of maintenance: the owner or possessor, and the person carrying out the maintenance,
- for harmful treatment: the person who caused the damage.

Article 113  
(customs control)

The customs authorities shall carry out the control of the import and export of movable heritage as referred to in Articles 46 and 47 of this Act, whereby the competent organisation and inspector provide them with technical support.

(2) The support of the competent organisation referred to in the preceding paragraph shall be free of charge.

## 2. Inspection measures

Article 114  
(general inspection measures)

Inspection shall, besides the measures under the act governing inspection, also encompass special measures provided for by this Act.

Article 115  
(inspection measures in case of unauthorised works)

(1) If an inspector determines that an unauthorised works on heritage or a monument have been or are being carried out, he may issue a decision for all works to be halted. The halt of works shall apply until the person liable to inspection obtains protection approval for the intended works.

(2) The person liable to inspection shall, within one month of the imposed inspection measure on the halt of the carrying out of all works at the latest, make an application to the Agency to issue a cultural protection approval, or to change the cultural protection approval. If the person liable to inspection does not, within one month of the imposed inspection measure, apply for a cultural protection approval, or a change to an existing cultural-protection approval, or if the Agency finally refuses or rejects an application for the issue of or a change to an existing cultural protection approval, the inspector shall issue a decision on ordering the re-establishment of the previous conditions at the expense of the person liable to inspection.

(3) If the re-establishment of previous conditions is no longer possible, the inspector shall order the rehabilitation of the current condition or a substitute measure.

(4) In the decision, the inspector shall specify the time limit for implementing the measures referred to in the second and third paragraphs of this Article.

(5) If the cases referred to in the first paragraph of this Article involve works on a monument or immovable heritage for which a building permit should be obtained under the laws governing the construction of facilities, the inspector shall issue a decision ordering a halt to all works, and assign the case to the competent building inspector for resolution. The halt shall apply until the decision by the competent building inspector.

(6) The procedure for halting works as referred to in the first and preceding paragraphs shall be considered an emergency measure in the public interest pursuant to the provisions of the General Administrative Procedure Act, and may be ordered by the inspector in a shortened procedure without any examination of the parties. The decision may be issued orally.

#### Article 116

(inspection measures in the case of damage or direct danger of damage)

(1) If an inspector determines that there is an immediate danger of damage, or that damage has already been done to an immovable monument or national treasures, he shall set a time limit by which such danger is to be eliminated, or adopt measures for eliminating the damage done, or for adequately reducing the damage.

(2) If the person liable to inspection fails to comply with such measures or to ensure the necessary works by the deadline specified in the preceding paragraph, the inspector shall order that the works are carried out at the expense of the person liable to inspection.

(3) The implementation of works as referred to in the preceding paragraph shall be based on a conservation plan and shall be conducted under the leadership of an authorised person.

#### Article 117

(inspection measures in cases of harmful treatment)

(1) If an inspector determines that, as the result of incorrect maintenance, treatment or use of an immovable monument or national treasures, or of the omission of due maintenance or treatment, there is a danger of its being damaged, he may prohibit such treatment or use, and order any measures necessary for ensuring its protection.

(2) If national treasures are endangered as a result of incorrect maintenance, treatment, use or because of omission of due maintenance or treatment by the owner, possessor, or a person who performs the maintenance, the inspector may issue a decision on the temporary seizure of possession, and submit the movable heritage for storage to the national or authorised museum until the conditions for return are satisfied. The conditions for return are satisfied when the treatment and use of the national treasures in accordance with this Act are ensured.

#### Article 118

(inspection measures in the case of the use of the image or name of a monument without the owner's consent)

(1) If an inspector determines that a natural or legal person is using the image or name of a monument without the owner's consent, he may prohibit further use thereof.

(2) When deciding on such prohibition, the inspector shall observe the laws on copyright and neighbouring rights.

#### Article 119

(inspection measures in the case of carrying out activity in conflict with the law)

(1) If an inspector determines that a monument or other national treasure are being kept in a manner in conflict with the law, he may prohibit storage of the monument or other national treasure and set out measures necessary for ensuring heritage protection, along with time limits for the implementation of such measures.

(2) If an inspector determines that trade in a movable heritage is being carried out in conflict with the regulation referred to in Article 45 of this Acts, he shall prohibit such trade and set out the measures necessary for ensuring heritage protection, along with the time limits for implementing such measures.

Article 120  
(retention)

(1) If a customs authority carrying out supervision pursuant to this Act should harbour a well-grounded suspicion that the treated goods are movable heritage which is imported or exported contrary to the provisions of this Act, that authority may provide for the retention of such goods and shall immediately inform the competent organisation or inspector thereof.

(2) The competent organisation shall, within ten working days of receipt of the notification by the customs authority, submit an opinion as to whether the goods under retention constitute heritage which, under the provisions of this Act, requires an import or export permit, and shall immediately inform the customs authority thereof.

(3) If the competent organisation does not decide on the nature of the goods under retention within the time limit specified in the preceding paragraph, the customs authority shall submit the goods under retention to the selected authorised customs use.

(4) If the competent organisation determines that the goods under retention are heritage which, under the provisions of this Act, are required to have an export or import permit, the customs authority shall reject the submission of the goods to the selected authorised customs use.

Article 121  
(storage of goods under retention)

(1) The goods under retention shall be stored pursuant to the customs regulations which apply for the customs warehousing of goods.

(2) If the competent organisation determines that the goods under retention are heritage which, under the provisions of this Act, are required to have an import or export permit, the costs of storage and other costs which could arise in relation to the heritage shall be borne by the person who has imported or exported the respective heritage, or a person on behalf of whom the respective heritage has been imported or exported contrary to the provisions of this Act.

### 3. Carrying out inspections

Article 122  
(carrying out compulsory execution)

(1) Compulsory execution for inspection measures issued pursuant to the provisions of this Act shall be carried out under the provisions of the act governing administrative procedure, with the exceptions provided for by this Act.

(2) When an inspector determines the carrying out of compulsory execution, the penalty shall amount up to EUR 20 000 for a liable person who is a legal entity, and up to EUR 2 000 for a liable person who is an independent entrepreneur and for a liable entrepreneur who executes the activity independently.

Article 123  
(informing)

The authority which receives a proposal for initiating of criminal proceedings shall inform the inspector who filed the criminal complaint of the measures it has taken.

Article 124  
(seizure)

(1) An inspector or other authorised person shall have the right to seize such documentation or items which may be seized in the violation procedure, or whenever necessary for the protection of evidence.

(2) The seized documentation or items referred to in the preceding paragraph shall be, pending termination of the inspection procedure or violation procedure, kept by the Ministry.

### XIII. PENALTY PROVISIONS

#### Article 125 (violations)

(1) A fine from EUR 400 to 4 000 shall be imposed for an offence on a legal entity or an independent entrepreneur, and on an individual performing an activity independently:

– if he fails to give notice of any irregularity or damage to the monument pursuant to the second paragraph of Article 56 of this Act,

– if he fails to make reference to the register as the source of data pursuant to the sixth paragraph of Article 67 of this Act.

(2) A fine from EUR 200 to EUR 2 000 shall be imposed on the responsible person belonging to a legal entity, an independent entrepreneur, or a national, regional or municipal authority for the offence referred to in the preceding paragraph.

(3) A fine from EUR 100 to EUR 600 shall be imposed on an individual for the offence referred to in the first paragraph of this Article.

#### Article 126 (violations)

(1) A fine from EUR 1 000 to EUR 4 000 shall be imposed for an offence on a legal entity or independent entrepreneur and an individual performing an activity independently, who:

– fails to give notice of the find of an archaeological remain pursuant to the first paragraph of Article 26 of this Act,

– fails to send a report on the course and results of the research pursuant to the first paragraph of Article 33 of this Act,

– is not entered in the registry of traders in heritage pursuant to the first paragraph of Article 45 of this Act, or

– does not allow the documenting and investigation of the monument pursuant to the first paragraph of Article 55 of this Act.

(2) A fine from EUR 400 to EUR 4 000 shall be imposed on the responsible person of a legal entity, independent entrepreneur, a national, regional or municipal authority for the offence referred to in the preceding paragraph.

(3) A fine from EUR 200 to EUR 1 000 shall be imposed on an individual for the offence referred to in the first paragraph of this Article.

#### Article 127 (violations)

(1) A fine from EUR 2 000 to EUR 40 000 shall be imposed for an offence on a legal entity, an independent entrepreneur or an individual performing an activity independently who:

– encroaches on the place of the find contrary to the second paragraph of Article 26 of this Act,  
– implements works without the protection approval referred to in Article 28 of this Act or in conflict therewith,

– uses metal detectors or other technical means contrary to the first paragraph of Article 32 of this Act,

- fails to deliver the complete and original documentation on the research of immovable heritage, the whole and original archive of the archaeological site pursuant to the fourth paragraph of Article 33 of this Act,
- fails to handle the monument pursuant to the second paragraph of Article 36 of this Act,
- does not keep the record pursuant to the third paragraph of Article 45 of this Act,
- does not possess a permit for the transfer or export of the movable heritage pursuant to the first paragraph of Article 46 of this Act, or
- fails in the storage or transfer of the national treasures to comply with the minimum professional, technical and spatial requirements as referred to in Article 52 of this Act,
- at import or introduction, fails to present the permit pursuant to Article 47 of this Act,
- fails to possess evidence of origin pursuant to Article 53, or
- fails to implement appropriate measures or ensure appropriate works on the basis of a measure by the inspector as referred to in Article 116 of this Act,
- handles the monument or national treasures in a manner contrary to a measure taken by an inspector as referred to in Article 117 of this Act.

(2) A fine from EUR 800 to EUR 4 000 shall be imposed on the responsible person belonging a legal entity, an independent entrepreneur, a national, regional or municipal authority for the offences referred to in preceding paragraph.

(3) A fine from EUR 400 to EUR 1 200 shall be imposed on an individual for the offence referred to in the first paragraph of this Article.

(4) In the cases referred to in the third indent of the first paragraph of this Article, the secondary penalty may be imposed of the seizure of any metal detectors or other technical means, as well as all equipment used in searching for archaeological remains.

#### Article 128 (violations of public service)

(1) A fine from EUR 400 to EUR 4 000 shall be imposed for an offence on a provider of a public service, if:

- he fails to notify the initiator of the refusal pursuant to the first paragraph of Article 12 of this Act,
- he fails to offer technical assistance pursuant to the second paragraph of Article 37 of this Act, or technical support pursuant to Article 113 of this Act,
- he fails to announce the entrance fee and opening time pursuant to the sixth paragraph of Article 87 of this Act,
- he fails to notify the suspicion on an illegal origin pursuant to Article 89 of this Act, or
- he fails to communicate data pursuant to the third paragraph of Article 100 of this Act.

(2) A fine from EUR 200 to EUR 1 000 shall be imposed on the responsible person of the provider of public service for the offence referred to in preceding paragraph.

(3) Provisions of the fourth and fifth indents of the first paragraph shall apply also to registered museums or responsible persons of registered museums.

#### Article 129 (imposing fines in ranges)

The fines provided for by this Act shall be imposed within the limits laid down in this Chapter.

### XIV. TRANSITIONAL AND FINAL PROVISIONS

#### Article 130 (existing registered heritage)

(1) All heritages entered in the register of immovable cultural heritage on the day of this Act coming into force, or which shall be entered therein by the day of the establishment of the register under this Act, shall be protected under this Act as registered heritage.

(2) The register under this Act shall be established within 12 months following the coming into force of the regulation referred to in Article 72 of this Act. Pending the establishment of the register under this Act, the heritage shall be registered according to the existing procedures and on the basis of the Rules on the register of immovable cultural heritage (Official Gazette of the Republic of Slovenia, No. 25/02).

(3) Survey of evaluation of the heritage in spatial context shall be established within 12 months following the coming into force of the regulation referred to in Article 72 of this Act.

(4) A uniform survey of public digital material on heritage shall be established within 24 months following the coming into force of the implementing act referred to in Article 72 of this Act.

(5) The Minister shall determine the heritage protection areas in six months after the adoption of the government regulation referred to in the third paragraph of Article 25 of this Act.

#### Article 131 (protection in spatial plans)

(1) Until the determination of protection heritage areas referred to in Article 25 of this Act and the adoption of spatial plans prepared with respect to the provisions of this Act, the existing protection constraints and other criteria and conditions for the developments shall be taken in consideration for those units of heritage which have been included in the expert plans for protection prepared by the Agency for the area of the spatial plan on the basis of the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/9).

(2) Until the adoption of the strategy referred to in Article 73 of this Act, the national programme for culture, adopted on the basis of the act governing the realisation of the public interest in culture, shall be used as the basis for the preparation of development plans, , unless otherwise provided for by law.

#### Article 132 (protection guidelines of registered heritage)

(1) Unless otherwise provided for by the register in respect of the registered heritage which has been entered therein prior to the enforcement of this Act, the works on such heritage for which a building permit is necessary in accordance to laws governing construction shall be subject to the following protection guidelines for spatial planning and the related protection approvals:

- for individual immovable heritage: their gauges, exteriors, relations to neighbouring immovable items, and their use shall be conserved,
- for areas of built-up heritage: morphological plans of the settlement, public places, street facades, forms of roofs, gauges, boundaries, and silhouettes of the settlement shall be conserved,
- for areas of landscape heritage: the patterns of settlement in the landscape, relations between open spaces and settlements, the traditional use of land and patterns of land allotment, characteristic vegetation, spatial dominants and panoramic views, forms of the land, commemorative sites, burial sites, and the remains of structures shall be conserved,
- for garden-architectural heritage: design, designed elements and fixtures shall be conserved.

(2) The protection guidelines referred to in the preceding paragraph which refer to the registered heritage within the areas protected under laws in the field of nature conservation shall not be observed if such observance would result in a threat to natural values and biological diversity, as established by the organisation responsible for nature protection with the guidelines concerning nature protection.

(3) Notwithstanding the provisions referred to in the preceding two paragraphs, a protection approval may only be refused in cases when the works do not comply with this Act or spatial plans.

#### Article 133 (validity of existing preservation decrees)

(1) Acts on the proclamation of cultural monuments issued on the basis of the Protection of Cultural Monuments and Sites of Natural Interest in the People's Republic of Slovenia Act (Official Gazette of the People's Republic of Slovenia, No. 23/48), the Protection of Cultural Monuments and Sites of Natural Interest Act (Official Gazette of the People's Republic of Slovenia, No. 22/58), the Protection



of Cultural Monuments in the People's Republic of Slovenia Act (Official Gazette of the People's Republic of Slovenia, No. 26/61; Official Gazette of the Socialist Republic of Slovenia, No. 11/65), and the Natural and Cultural Heritage Act (Official Gazette of the Socialist Republic of Slovenia, Nos. 1/81 and 42/86; Official Gazette of the Republic of Slovenia, Nos. 8/90 and 26/92), and the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/99), and entries of cultural monuments into the registers of monuments on the basis of the stated acts, shall remain in force and shall be, if necessary, brought into line with the provisions of this Act.

(2) The cultural monuments proclaimed by the Škocjanska Jama Regional Park Act (Official Gazette of the Republic of Slovenia, No. 57/96) shall be deemed to be cultural monuments in accordance with this Act.

(3) The protection constraints of areas which have been protected under laws in the field of nature conservation prior to this Act coming into force and which contain in whole or in part the monuments or sites, and in which the protection constraints of nature conservation are in conflict with the protection constraints of the monument, shall be adjusted within a period of six months of the coming into force of this Act. The government shall adopt an order on adjustment on the basis of an adjusted proposal by the minister responsible for nature conservation.

#### Article 134

(protection regime of existing immovable monuments)

(1) If in the act on proclamation of an immovable monument which entered into force prior to the entry into force of this Act, the protection regime is determined in such a manner that its scope may not be identified, the following general protection regime shall apply pending the coming into force of preservation decrees on the basis of this Act in respect of individual types of immovable monuments:

- individual monuments: protection shall apply to all external characteristics, such as gauges, designs of house fronts, ground plan arrangements, significant natural and artificial materials and construction characteristics, adequate intended use, characteristic appearance in space, archaeological layers, and proportions of the monument, and, in particular its area of influence. If the subject of protection as a monument is a historical park or garden, the protection shall apply to the park and garden design, the planting method, designed natural elements, and facilities and fixtures intended for use and embellishment;
- built-up monuments: the subject of protection shall be the morphological design and land allotment of the settlement, public places and their equipment, street facades and roofs in their material appearance and colour harmony, gauges, boundaries and silhouettes of the settlement;
- archaeological sites: these shall be protected against works and uses which may cause actual damage or threaten damage to archaeological layers, change the archaeological context, or change the environmental factors significant for their conservation;
- protected landscape heritage: the subject of protection shall be the characteristic use of land, land allotment, characteristic vegetation, spatial dominants, relations between settlements and open spaces, commemorative sites, and characteristic topographical names.

(2) The protection constraints referred to in the preceding paragraph which refer to the monuments within the areas protected under laws in the field of nature conservation shall not be considered if such consideration would result in a threat to natural values and biological diversity. This shall be established by the organisation competent for nature protection within the nature protection guidelines.

(3) The preservation decrees referred to in the first paragraph of this Article shall be, considering the determination of protection constraints, brought into line with this Act within one year of the day of this Act coming into force.

#### Article 135

(reporting of an archaeological find)

(1) A person who on the day of this Act coming into force keeps an archaeological find without a certificate of origin shall, within one year of the day of this Act coming into force at the latest, notify a national or authorised museum thereof.

(2) If a person acts in accordance with the preceding paragraph such person shall not be sentenced for any of the previous criminal offences and violations in relation to such archaeological finds discovered in such a manner. The previous criminal acts or offences, which are not punishable in such a case, shall be: unauthorised research and searching for an archaeological remain from which the archaeological find originates, omission of the duty to inform the competent organisations of the archaeological find, unauthorised keeping of the archaeological find, and a theft which results from the possession of the archaeological find.

(3) The museum referred to in the first paragraph shall issue a certificate of origin including instructions for storage; and if it is a collection it shall prepare an inventory ledger of the collection.

(4) If the museum referred to in the first paragraph establishes that it is an archaeological find of local or national significance, it shall prepare a proposal for proclaiming a movable monument or monument collection of local or national significance.

(5) The person who has within the time limit referred to in the first paragraph notified the museum referred to in the first paragraph of having kept a archaeological find or a collection of archaeological finds, which the museum establishes to be an archaeological find or a collection of national significance, shall be entitled to reimbursement of the costs incurred in relation to the storage of the archaeological find or collection up to that time.

(6) The reimbursement shall be, upon the proposal of the person referred to in the fifth paragraph, decided by the Ministry.

#### Article 136

(The Agency for the Protection of Cultural Heritage of Slovenia)

(1) The tasks of the Agency shall be carried out by the Institute for the Protection of Cultural Heritage of the Republic of Slovenia, founded by the Decision on the Establishment of the Public Institute for the Protection of Cultural Heritage of the Republic of Slovenia (Official gazette of the Republic of Slovenia, No. 110/03).

(2) The decision referred to in the preceding paragraph shall be brought into line with this Act within three months of the entry into force of this Act.

#### Article 137

(national museums)

(1) Upon entry into force of this Act all museums shall be considered national museums which have the status of a national museum upon entry into force of this Act.

(2) The resolutions on the establishment of the museums referred to in the preceding paragraph shall be brought into line with this Act, if necessary, within one month of the entry into force of this Act.

#### Article 138

(Service for Movable Heritage and Museums)

The Minister shall within six months of the entry into force of this Act decide in which national museum the Service for Movable Heritage and Museums is to be organised. The public institutes in the field of heritage protection which are financed from the State budget shall provide personnel for the service from its own sources of personnel within the time limit of one year.

#### Article 139

(financing of museums and galleries of self-governing local communities)

(1) The museums and galleries referred to in the Annex of the Regulation Setting up a Network of Museums for Performing Public Service in the Field of the Protection of Movable Cultural Heritage and Determination of National Museums (Official Gazette of the Republic of Slovenia, No. 97/00 and 105/01), other than national museums, shall be financed from the State budget on the basis of Article 43 of the Financing of Municipalities Act (Official Gazette of the Republic of Slovenia, No. 123/06) until 1 January 2009.

(2) On 1 January 2009 the function of the financing of museums and galleries referred to in the preceding paragraph shall be taken over by the region or municipality which, pursuant to the law, provides the public service for the protection of movable heritage.

#### Article 140

(registry of museums and traders, and registry of qualified providers)

(1) The registry of museums referred to in Article 87 of this Act shall be established within three months following the establishment of the service referred to in Article 92 of this Act, and not later than by 31 December 2008.

(2) The museums and galleries referred to in the Annex of the Regulation Setting up a Network of Museums for Performing Public Service in the Field of the Protection of Movable Cultural Heritage and Determination of National Museums (Official Gazette of the Republic of Slovenia, No. 97/00 and 105/01) shall be entered in the registry ex officio on the basis of a order by the Minister within the time limit referred to in the preceding paragraph.

(3) The registry of traders referred to in Article 45 of this Act, and the registry of qualified providers of specialised activities referred to in Article 105 of this Act shall be established within three months following the adoption of the regulation referred to in the seventh paragraph of Article 45, or the regulation referred to in Article 103 of this Act.

#### Article 141

(conclusion of procedures)

Procedures for obtaining cultural protection conditions and protection approvals, as well as those inspection procedures which were started prior to the enforcement of this Act shall be concluded under provisions of the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/99).

#### Article 142

(transfer of employees)

Due to the new powers provided for by this Act, a reassignment of an adequate number of public officers shall be executed within six months of the entry into force of this Act, pursuant to the Civil Servants Act, from the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning to the Inspectorate of the Republic of Slovenia for Culture and Media.

#### Article 143

(transitional arrangements concerning the financing of preliminary researches)

Until 31 December 2008, the costs of preliminary research referred to in the second indent of the second paragraph and the third paragraph of Article 34 of this Act shall be covered by the developers of facilities and other developments.

#### Article 144

(implementing regulations)

The Minister shall issue the regulations on the basis of this Act within one year of its entry into force.

#### Article 145

(termination of validity of implementing regulations)

(1) On the day this Act enters into force the following regulations, adopted on the basis of the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/99), shall cease to be valid:

1. Regulations on the Procedure for Issuing Permits for Archaeological Research (Official Gazette of the Republic of Slovenia, No. 113/00),
  2. Regulation on the Professional, Spatial and Technical Conditions for the Performance of Public Service in the Field of Cultural Heritage Protection (Official Gazette of the Republic of Slovenia, No. 113/00),
  3. Regulation on the Register of Immovable Cultural Heritage (Official Gazette of the Republic of Slovenia, No. 25/02),
  4. Rules on the Procedure of Granting Authorisations for Export and Transfer of Cultural Heritage Objects (Official Gazette of the Republic of Slovenia, No. 48/04, 106/04),
  5. Rules on the Recording and Supervising the Trade in Cultural Heritage Objects (Official Gazette of the Republic of Slovenia, No. 140/04 and 15/07 – Constitutional Court Decision),
  6. Rules on keeping the inventory ledger of movable cultural heritage objects (Official Gazette of the Republic of Slovenia, No. 122/04),
  7. Regulation on the Establishment of the Network of Museums for the Performance of Public Service in the Field of Movable Cultural Heritage Protection and for the Determination of National Museums (Official Gazette of the Republic of Slovenia, No. 97/00 and 105/01).
- (2) The regulations referred to in the preceding paragraph shall apply until the enforcement of corresponding regulations on the basis of this Act, unless they contravene this Act.
- (3) Until corresponding regulations take effect on the basis of this Act, the following regulations shall apply as adopted on the basis of the Natural and Cultural Heritage Act (Official Gazette of the Republic of Slovenia, No. 1/81, 42/86 and Official Gazette of the Republic of Slovenia, No. 26/92), unless they contravene this Act:
1. Regulations on the Form and Labelling of Immovable Monuments and Sites of Interest (Official Gazette of the Republic of Slovenia, No. 33/85),
  2. Regulations on Traineeship, Professional Exams and the Acquisition of Titles for Employees in the Area of Cultural Heritage Protection Activities (Official Gazette of the Republic of Slovenia, No. 31/96).

Article 146  
(termination of validity)

On the day this Act enters into force the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/99) shall cease to be valid.

Article 147  
(termination of obligation to issue decisions on monument protection)

The provisions of the acts on the proclamation of cultural monuments which have been adopted on the basis of the Cultural Heritage Protection Act (Official Gazette of the Republic of Slovenia, No. 7/99), and which in relation to Article 13 of this Act regulate the issuing of decisions on monument protection, shall cease to be valid on the day this Act enters into force.

Article 148  
(final provision)

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

No. 612-04/98-5/9  
Ljubljana, 1 February 2008  
EPA 1605-IV

Vice-President  
of the National Assembly of the Republic of Slovenia  
Vasja Klavora