

287. Cultural Heritage Protection Act (CHPA)

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue the

ORDER on the promulgation of the Cultural Heritage Protection Act (CHPA)

I hereby promulgate the Cultural Heritage Protection Act (CHPA), adopted by the National Assembly of the Republic of Slovenia at its session of 20 January 1999.

No.: 001-22-7/99

Ljubljana, 28 January 1999

Signed by:
President of
the Republic of Slovenia
Milan Kučan

CULTURAL HERITAGE PROTECTION ACT

I. GENERAL PROVISIONS

Article 1 (Contents of the Act)

This Act shall define immovable and movable cultural heritage and govern its protection by determining the responsibilities of the state and of self-governing local communities (hereinafter: local communities); public service tasks and other activities involving protection; the obligations and rights of owners of cultural heritage; professional supervision and inspection in this area; and sanctions in the event of violations of the provisions of this Act.

Article 2 (Concept of cultural heritage)

Cultural heritage (hereinafter: heritage) shall be deemed to be all regions and groups of regions, constructed and otherwise designed facilities, items or groups of items, and other conserved material creations resulting from human creativity and other human activities, and from social development and events characteristic of individual historical periods in Slovenia and the wider area whose protection is in the public interest due to their historical, cultural and civilisational value.

Heritage shall, in particular, be deemed to be archaeological sites and items; settlement areas (in particular, old town and village cores); designed natural and cultural landscape areas; buildings, parts of buildings and groups of buildings which are a testimony to artistic, historical and technical development; buildings and other items associated with important people and events in the political, economic and cultural history of Slovenia; archived material; library material; and items and groups of items of historical, artistic, anthropological, art-historical, archaeological, ethnological and natural-scientific value which are testimony to historical developments in Slovenia.

In accordance with this Act, heritage shall be deemed to be immovable heritage and its individual parts; groups of immovable heritage and the areas in which they are located

(hereinafter: immovable heritage); and movable heritage and related collections (hereinafter: movable heritage).

Article 3 (Definition of cultural function of heritage)

The cultural function of heritage shall mean the direct inclusion of heritage in society and social activities, in particular in the areas of education and the handing-down of knowledge and experience from past periods for the purpose of raising national awareness and consolidating cultural identity.

Article 4 (Definition and basic objectives of heritage protection)

Heritage protection shall mean the preservation of the material and constituent properties of items, collections of items, and facilities and areas defined as heritage by Article 2 of this Act, and efforts to preserve them whole and intact, and to emphasise and consolidate the significance which these items have as a constituent part of contemporary life.

The basic content and objectives of heritage protection shall be as follows:

- the maintenance and restoration of heritage, and the prevention of threats to heritage;
- the provision of material and other conditions for the realisation of the cultural function of heritage, irrespective of its purpose;
- the provision of public access to heritage, and the facilitation of the examination of and research into heritage;
- the prevention of encroachments on heritage which would alter the properties, content, form and therefore the value of heritage;
- responsibility for the introduction and development of a heritage protection system.

The preservation and protection of heritage shall be deemed to be the duty of each and every individual.

Heritage must be preserved and protected in all circumstances.

Article 5 (Definition and types of monuments)

If individual items of heritage referred to in Article 2 of this Act have elements which serve as evidence of the continuity or individual levels of cultural and civilisational development, or which represent a substantial achievement of human creativity, they may be granted the status of a cultural monument (hereinafter: monument).

The items of heritage referred to in the preceding paragraph which represent an exceptional achievement of human creativity, or which are crucial or rare testimony to a specific historical period, may, because of their special or exceptional importance, be granted the status of monuments of national importance.

The items of heritage referred to in the first paragraph of this Article whose properties have been determined, in accordance with professional criteria, to be of special importance for their narrower or wider environments may be granted the status of monuments of local importance.

Article 6 (Groups of protected monuments)

Monuments shall be deemed to be individual movable and immovable items, their collections, buildings, settlements, or the parts and areas in which they are located. With respect to their properties, they shall mainly be: archaeological monuments, historical monuments, art-historical monuments, artistic and architectural monuments, settlement monuments, ethnological monuments, and designed natural and cultural landscape monuments.

Archaeological monuments shall be deemed to be plots of land and layers of earth which contain significant evidence of human activity over different historical periods and evidence of human connection with the natural environment, as well as particularly significant items that can be found in these layers and from these periods.

Historical monuments shall be deemed to be areas, buildings, items and collections of items which distinctively testify to or illustrate political history, the history of wars and hostilities, social history, the development of transport, transport and trade routes and links, the development of the legal system, education and culture, religions, science and technology, and economic history in Slovenia.

Art-historical or artistic and architectural monuments shall be deemed to be individual buildings and groups of buildings, environmental and public monuments, artistically important elements of architecture, architecturally and artistically important details, painted, sculptured, graphic and other artistic and designed items, and applied-craft items which are considered to be exceptional achievements in art, design and architecture in Slovenia.

Settlement monuments shall be deemed to be town and village settlements, and parts of settlements, which are the most distinctive and important achievements in spatial planning and design.

Ethnological monuments shall be deemed to be areas, buildings, groups of items, items for everyday use and designed products which testify to the way of life and work of Slovenes, of members of the Italian and Hungarian minorities, and of other peoples located in the territory of Slovenia.

Technological monuments shall be deemed to be areas, buildings, groups of buildings, tools, apparatuses and machines which testify to the development of means of production, technology, and technological culture in Slovenia.

Designed natural monuments shall be deemed to be areas or items of horticultural and park design which are normally associated with other cultural monuments, and which have an aesthetic and cultural purpose.

Cultural landscape shall be deemed to be monument areas whose structure, development and functions are chiefly controlled by human operations and activities in physical space.

Library material which in accordance with professional criteria and international recommendations is deemed to be library heritage, and archived material shall be deemed to be monuments in accordance with a special act.

Article 7
(Uniform system of heritage protection)

The system of heritage protection shall be uniform and shall comprise legal and professional protection, as well as the public funding of heritage protection under the conditions set out by this Act.

II. RESPONSIBILITIES OF THE STATE AND LOCAL COMMUNITIES

Article 8
(Responsibilities of the state)

In the field of heritage protection, the state shall:

- set up, organise and fund the public heritage protection service, and ensure professional supervision of the provision of this public service;
- provide funding for other forms of heritage protection in accordance with the law;
- set up public heritage protection institutions;
- issue permits for performing the activity of heritage protection to private-law natural and legal persons;
- grant concessions for performing public heritage protection services to private-law natural and legal persons;
- grant professional titles;
- ensure the development of a heritage information system and database management;
- carry out inspection;
- proclaim monuments of national importance;
- issue decisions within administrative procedures in relation to proclamation acts, operations, the transport, import and export of heritage, and heritage protection research;
- ensure the restoration and presentation of monuments of national importance.

The state may, in accordance with the law, also allocate public funds for the necessary purchase of movable heritage items of national importance for the purpose of completing national collections.

Article 9
(Responsibilities of local communities)

In the field of heritage protection, local communities shall ensure:

- the proclamation of monuments of local importance;
- the issuing of decisions in relation to the proclamation acts they adopt;
- the means for the preservation and maintenance of monuments of local importance and other heritage.

Local communities may set up public institutions for the management of heritage and of monuments of local importance.

III. HERITAGE PROTECTION

Article 10
(Legal status of heritage)

Under this Act, heritage shall be protected on the basis of its entry in the heritage register referred to in Article 11, or on the basis of the granting of monument status pursuant to Articles 12, 14 and 17 of this Act.

Article 11 (Heritage register)

The heritage register shall be deemed to be a collection of documents and data kept by the ministry responsible for cultural heritage (hereinafter: ministry). The data included in the register shall be publicly accessible, with the exception of the personal data on owners.

The purpose of the register shall be the realisation of the public interest in the area of heritage protection.

The heritage register shall contain the following data: the identification, description, location and regime of protection of the heritage unit, and its relation to other units. For monuments, it shall also contain the owner's personal data.

An initiative for entry in the heritage register may be submitted by any natural or legal person. On the basis of an opinion by the public institution referred to in Article 20 of this Act, the ministry shall send its reply to the person who submits an initiative for entry in the heritage register.

A proposal for entry in the heritage register shall be submitted by the responsible public institution referred to in Article 20 of this Act.

Procedures for entry in and the keeping of the register shall be set out in more detail by the minister responsible for cultural heritage (hereinafter: minister) by issuing suitable regulations.

The minister shall issue a decision on entry in the register, which shall include the data specified in the third paragraph of this Article.

Whenever they use data from the heritage register, users must make reference to the register as the source of data.

Article 12 (Proclamation of monuments)

A monument shall be granted its legal status on the basis of a proclamation act.

An initiative for proclamation may be submitted by the body responsible for heritage protection, and by any natural or legal person.

The professional bases for proclamation shall be prepared by the responsible public institution referred to in Article 20 of this Act.

A proclamation act shall comprise the identification of the monument, the properties on which the proclamation is based, the regime of protection of the monument and the area on which it has an impact, where the historical, functional and visual properties and the significance of the monument must all be taken into account.

An act on the proclamation of a monument of national importance shall be adopted by the Government of the Republic of Slovenia, and shall be published in the Official Gazette of the Republic of Slovenia.

An act on the proclamation of a monument of local importance shall be adopted by the responsible body of the local community, and shall be published in the official gazette of this local community.

Article 13

(Decision on monument protection)

On the basis of the act on the proclamation of a monument referred to in the preceding Article, the minister shall be responsible for issuing decisions to owners relating to the protection of monuments of national importance, while the responsible local community body shall be responsible for issuing to owners decisions relating to the protection of monuments of local importance.

The decisions referred to in the preceding paragraph shall set out the conditions for research, methods of maintenance, encroachments, legal transactions, physical insurance, and methods of management and use of monuments, public access to monuments and, in particular, public opening hours, other individual restrictions and prohibitions, and measures for the protection of monuments.

The decisions referred to in the first paragraph of this Article may determine:

- permission to film, research and explore monuments, if these are necessary for scientific or cultural purposes, or are required by public services or professional organisations or persons authorised by them, but for no longer than one month in a single year and up to six months in five years;
- the obligation to submit movable heritage items on a temporary basis, subject to the same time limits;
- the prohibition of the removal or transfer of monuments.

The protection regime set out in the decisions referred to in the first paragraph of this Article may restrict the ownership right to a monument only to the extent necessary for implementing protection.

Article 14

(Act on temporary proclamation of a monument)

When heritage which is assumed to have the properties of a monument is endangered, the minister or the responsible local community body shall adopt an act on the temporary proclamation of a monument.

The provisions of this Act governing the proclamation of a monument shall duly apply to the temporary proclamation of a monument.

Acts on the temporary proclamation of a monument shall be valid for a period not exceeding 12 months; they may exceptionally be extended by a period of up to one year.

Article 15

(Issuing of acts in agreement with the minister responsible for nature conservation)

If the content of the acts specified in Articles 11, 12 and 14 of this Act refers to the designed natural monuments or cultural landscape described in Article 6 of this Act, the regime of their protection, with the exception of acts adopted by the Government of the Republic of Slovenia, shall be set out in agreement with the minister responsible for nature conservation.

Article 16

(Note in the land register)

On the basis of the proclamation act referred to in Article 12 of this Act, the ministry or the responsible local community body shall propose that a note designating an immovable heritage monument be entered in the land register within 30 days of the day the act enters into force.

Article 17

(Acquisition of monument status under this Act)

Collections of items and individual movable heritage items managed by the public institutions referred to in Article 20 of this Act shall be deemed to be monuments under this Act.

Article 18
(Labelling of immovable monuments)

Immovable monuments shall be clearly labelled as such.

The minister shall issue regulations on the content, form and use of labels.

IV. PUBLIC SERVICE

Article 19
(Public service tasks)

The provision of public services in the field of heritage protection shall comprise the following tasks:

- the registration of heritage and the provision of data to be entered in the heritage register;
- the preparation of professional bases for proclamation acts and the preparation of approvals for administrative procedures;
- inclusion in the heritage protection system in the event of an armed conflict, and inclusion in the system of protection against natural and other disasters;
- the implementation of research projects using methods which signify an encroachment on heritage;
- monitoring of maintenance, encroachments, use and transactions related to heritage;
- monitoring of the management of heritage owned by the state or by local communities;
- the preparation of guidelines in the field of heritage within procedures for adopting spatial and physical planning acts;
- direction and monitoring of the work of contractors carrying out heritage protection activities on the basis of the permit specified in Article 27 of this Act, or on the basis of the concession specified in Article 29 of this Act;
- the preparation of restoration and conservation programmes;
- the issuing of instructions to owners of monuments and owners of heritage.

Article 20
(Public institutions for heritage protection)

For the purpose of providing public services in the area of the protection of immovable heritage and its constituent movable heritage, the state shall set up a public institution responsible for heritage protection whose organisational units shall cover the entire territory of the Republic of Slovenia.

For the purpose of providing public services in the area of the protection of movable heritage, the state shall set up national museums, and in conjunction with local communities shall determine a network of regional and town museums which shall cover all types of movable heritage in the entire territory of the Republic of Slovenia.

The minister shall be responsible for settling disputes involving the distribution of responsibilities among providers of public services.

Article 21
(Institution for heritage protection and its responsibilities)

In addition to the tasks specified in Article 19 of this Act, the institution for heritage protection referred to in the first paragraph of Article 20 shall carry out the following tasks:

- examine, research, keep a record of and document immovable heritage and monuments;
- ensure the revaluation of immovable heritage;
- prepare expert reports for the protection, restoration and revival of heritage;
- design methods and standards for the tasks referred to in Article 19 of this Act, and direct, coordinate and monitor their implementation;
- direct the education and training of staff in the area of heritage protection;
- participate in administrative procedures relating to the protection and use of heritage, and prepare professional bases for the administrative procedures conducted by the ministry;
- cooperate with owners of immovable monuments and other entities with an interest in individual monuments, and provide explanations, advice and instructions;
- popularise heritage and its protection;
- plan and manage individual conservation works of an extremely demanding nature.

The institution referred to in the first paragraph shall carry out the following tasks in the area of restoration activities:

- coordinate restoration activities, and see to and direct the development of the restoration profession;
- organise preparations for restoration projects, direct and monitor restoration operations, and ensure that restoration activities are documented;
- participate in the assessment and care of the material state of heritage and monuments;
- carry out the more demanding operations relating to monument restoration;
- participate in the regular and advanced training of staff in the area of restoration;
- cooperate with other public institutions in the area of heritage protection, in particular with those carrying out restoration tasks.

Article 22
(Museums)

In addition to, and as part of, the activity specified in Article 19 of this Act, museums shall:

- collect, regulate and store movable heritage;
- document movable monuments, examine and research them, and prepare studies and expert reports for their protection; in addition, they shall carry out other professional tasks in the area of the protection of movable heritage and in other areas for which they were set up;
- prepare exhibitions, publications and other forms of heritage presentation in Slovenia and abroad;
- provide or prepare exhibitions and other forms of presentation of the heritage of other nations;
- cooperate with interested organisations and communities which, as part of their activities or in relation to their activities, prepare collections, exhibitions and other forms of heritage presentation, and provide professional assistance for them;
- cooperate professionally with private-law natural and legal persons which are in possession of collections of movable heritage (private museum collections) in the regulation and presentation of collections;
- develop specific technical activities and carry out protection work on individual movable monuments.

Article 23
(Types of museum)

Museums shall be classified into national, regional, town, municipal and private museums.

A special museum may be set up for the protection of a specific type of heritage.

A gallery which keeps movable fine-art heritage shall have the status of a museum.

Article 24
(National and special museums)

National museums shall carry out tasks of the protection of movable heritage of national importance; this shall comprise research into movable heritage which is located outside the Republic of Slovenia but which is of importance to the Republic of Slovenia.

Special museums shall carry out tasks of the protection of those parts of heritage for which they were established.

Article 25
(Conditions for providing public services)

Providers of public services must have suitably qualified workers in all areas of the activity which they perform as a public service, fulfil all spatial and technical requirements, and be in possession of the required equipment for performing professional activities in these areas.

The minister shall issue regulations setting out the requirements and more detailed conditions referred to in the preceding paragraph.

Article 26
(Representation of protection interests)

The institution referred to in Article 21 of this Act shall have the right and obligation to represent heritage protection interests in all administrative and court procedures whose subject is heritage or a monument.

V. IMPLEMENTATION OF HERITAGE PROTECTION ACTIVITIES ON THE BASIS
OF PERMITS AND CONCESSIONS

Article 27
(Tasks carried out on the basis of permits)

Private-law natural and legal persons may carry out the following tasks in the area of heritage protection only after they have obtained a permit from the minister:

- the collection of data on heritage and monuments;
- encroachments on heritage;
- the storage and protection of movable heritage;
- the public exhibition and presentation of heritage.

The public institutions for heritage protection referred to in the second paragraph of Article 9 may carry out the tasks specified in the preceding paragraph only after they have obtained a permit from the minister, and may formulate initiatives and programmes for reviving monuments in local community areas and for their inclusion in economic and other activities.

Article 28
(Conditions and procedures for issuing permits)

A permit for carrying out the tasks referred to in the preceding Article may be obtained by private-law natural and legal persons and the public institutions referred to in the second paragraph of Article 9 of this Act on condition that they fulfil the professional, personnel and technical requirements for the specific types of task referred to in the preceding Article.

The fulfilment of requirements referred to in the preceding paragraph shall be decided upon by the minister after he has obtained the prior opinion of the institution referred to in Article 20 of this Act.

The minister shall issue regulations setting out the conditions for performing the individual types of task specified in the preceding Article.

Article 29
(Conditions and procedures for issuing and revoking concessions)

With respect to public service tasks, a concession may be granted for performing the tasks specified in the fourth and ninth indents of Article 19. Concessions shall be granted by the minister to those private-law natural and legal persons which have obtained from the minister the permit referred to in the preceding Article on the basis of a public tender.

The concession-granter and the concessionaire shall regulate their mutual relations in relation to the provision of public services with a written contract.

The minister who has granted a concession shall issue a decision revoking the concession if:

1. it is established that the concessionaire does not fulfil the requirements specified in the preceding Article;
2. the concessionaire does not carry out heritage protection in accordance with regulations, the concession decision and the concession contract, and he has failed to rectify the insufficiencies by a specified deadline;
3. the concessionaire cancels the concession.

VI. SPECIAL PROVISIONS APPLYING TO THE PROTECTION OF MOVABLE
HERITAGE

Article 30
(Conditions for storing collections)

If a collection has monument status, natural or legal persons may store this collection only if they fulfil the spatial and technical requirements for its storage.

The minister shall issue regulations setting out in detail the requirements referred to in the preceding paragraph.

Article 31
(Export of movable heritage and monuments)

The permanent export of monuments shall be prohibited. The minister may, however, exceptionally permit such export of a monument if this involves the exchange of museum material.

The minister shall issue permits for the temporary export of monuments and for the export of heritage items.

The minister shall keep a record of the issued permits referred to in the preceding paragraph and of exports carried out on the basis thereof.

The minister shall issue regulations setting out the procedure for issuing export permits and keeping records.

Article 32 (Import)

The import of heritage items shall be permitted. If the country of origin stipulates an export permit, this permit must be produced upon import.

Article 33 (Central body for the coordination of heritage recovery)

In accordance with the international agreements to which the Republic of Slovenia is a signatory, the Ministry of Culture shall coordinate the recovery of heritage items which were illegally taken from or brought into the Republic of Slovenia.

Article 34 (Deadline for submitting requests for heritage recovery)

If there is a justified suspicion that a heritage item is located in the Republic of Slovenia which was illegally taken from another country with which the Republic of Slovenia has signed an agreement on heritage recovery, the persons entitled to this item may submit a request for heritage recovery within one year of the day they were notified of the item's presence in the Republic of Slovenia.

The request for heritage recovery referred to in the preceding paragraph may be submitted within thirty years of the day the heritage item was illegally taken from another country, or within seventy-five years if the item belongs to a public or church collection, or if it enjoys special protection in the country of origin.

Article 35 (Payment of compensation to those owning illegally exported items in good faith)

Owners who obtained a heritage item in good faith after this item was illegally exported from the Republic of Slovenia shall be entitled to fair compensation on the basis of a decision issued by the competent court after they return the item to the Republic of Slovenia. The state shall cover the costs of compensation until the procedures for the payment of compensation by the person who illegally exported the item from the Republic of Slovenia are completed.

Article 36 (Heritage transactions)

Sole traders or legal persons who trade in heritage must keep a record of sales and other transactions in relation to heritage. The record must contain data on the origin of heritage items, the description and sale price of items, and data on the buyer. The seller must inform the buyer that restrictions may apply to the export of the item.

The minister shall issue regulations setting out the method of keeping and supervising the record referred to in the preceding paragraph.

Article 37
(List of types of heritage item)

For supervision of the export and transfer from the country, import into and trade in movable heritage, the minister shall compile a list of types of heritage item.

The list shall be published in the Official Gazette of the Republic of Slovenia.

Article 38
(Removal of museum material)

The removal of museum material owned by the state or by local communities and stored in museums shall be prohibited, unless this removal involves an exchange which would result in a significant addition to the collection of monuments, where this shall be decided upon by the minister or the competent body of the local community, at the proposal of the museum.

Article 39
(Checking the origin of museum material)

When acquiring museum material, museums must check the origin of this material.

VII. SPECIAL PROVISIONS APPLYING TO THE PROTECTION OF IMMOVABLE
HERITAGE

Article 40
(Assessment of impact on immovable heritage)

In the adoption of acts in the area of spatial planning, the drafters must observe the professional plans for heritage protection (hereinafter: professional plans) by including them as an obligatory element of the assessment of the expected impact on immovable heritage in the realisation of these plans.

Article 41
(Professional plans)

The professional plans referred to in the preceding Article shall contain the following elements in particular:

- a review of the areas, facilities, settlements and their parts and items deemed by this Act to be immovable heritage;
- a description and assessment of the current state of immovable heritage, and the conditions and possibilities for its development;
- a description of those parts of heritage which are protected as monuments or are planned to be protected as monuments, and the areas of their impact;
- a revaluation of immovable heritage, including a list of their elements, contents and properties which are to be given particular protection;
- proposed solutions, measures, protection regimes and development guidelines for the protection of immovable heritage, including an assessment of their effects and other means required;
- a risk assessment for immovable heritage in the event of a natural disaster or in other extraordinary circumstances.

The professional plans shall also set out the special features of the protection, conservation and maintenance of immovable heritage in individual regions.

The minister shall issue regulations setting out more detailed contents of the professional plans.

Article 42
(Adoption of professional plans)

Professional plans shall be prepared by the institution referred to in Article 21 of this Act by the deadlines, in the method and under the conditions specified by the minister.

Article 43
(Obligation to observe professional plans and cultural protection opinions)

Professional plans shall constitute an obligatory element of the professional bases for the national spatial plan and for the draft site plans of infrastructural facilities of national importance, and an obligatory basis or point of departure in the design of professional bases for municipal spatial plans and other urban planning documentation of local communities (hereinafter: municipal spatial plans).

In the procedure of preparing and adopting municipal spatial plans, or changes and additions to these plans, the drafters must obtain an opinion from the institution referred to in Article 21 of this Act (hereinafter: cultural protection opinion) on the solutions relating to the protection, conservation and maintenance of immovable heritage. It shall not be possible to confirm or adopt municipal spatial plans without obtaining this opinion.

A cultural protection opinion must also be obtained in the procedures of adopting spatial implementing acts.

Article 44
(Cultural protection acts)

For the purpose of ensuring a uniform system of protection of immovable heritage and in accordance with the provisions of this Act which govern the construction of new and the reconstruction of existing facilities, the construction and assembly of technological and technological-production facilities (hereinafter: facilities), and the implementation of works which are not deemed to be facilities or plants but which may permanently, temporarily or occasionally affect the regime of protection, conservation and maintenance of immovable heritage (hereinafter: other encroachments in physical space), suitable administrative acts (hereinafter: cultural protection acts) shall be issued.

Cultural protection acts may not contravene the professional plans referred to in Article 41 of this Act.

Cultural protection acts shall consist of:

1. cultural protection conditions;
2. cultural protection approvals.

Article 45
(Cultural protection conditions)

Cultural protection conditions shall determine the requirements that must be met by the project documentation set out by the regulations which govern the construction of facilities with respect to the construction of new and the reconstruction of existing facilities, and by the documentation required for the implementation of other encroachments in physical space.

Under this Act, other encroachments in physical space shall also comprise, in particular, those changes in the purpose of existing facilities and changes in technology used by facilities which affect or which are justifiably expected to affect the protection, conservation and maintenance of immovable heritage, its appearance and area of impact, as well as the research deemed to encroach on immovable heritage or a monument.

If facilities are intended to be reconstructed, or if facilities for which cultural protection opinions have been issued are intended to be redesigned or their technology changed, or if any other changes are planned to be made which could affect the regime of protection, conservation and maintenance of immovable heritage, a request must be filed for a change in cultural protection conditions or for the issuing of new conditions.

Article 46
(Cultural protection approval)

Legal or natural persons which have been issued cultural protection conditions shall be obliged to obtain a cultural protection approval prior to the issuing of a permit for construction or prior to the registration of the commencement of works (if these conditions have been issued for the construction of a new or the reconstruction of an existing plant or facility), or prior to the commencement of works (if these conditions were issued for other encroachments in physical space).

The cultural protection approval shall confirm that the project for obtaining the permit referred to in the preceding paragraph or the documentation for the implementation of works referred to in the second paragraph of the preceding Article are designed in compliance with the issued cultural protection conditions. The cultural protection approval shall be issued in the form of a clause concerning the cultural protection conditions.

If the project or documentation referred to in the preceding paragraph are not designed in compliance with the cultural protection conditions, the responsible body shall be obliged to adopt an appropriate decision rejecting the issuing of a cultural protection approval.

The responsible body shall be obliged to issue the cultural protection approval and the decision referred to in the preceding paragraph within 30 days of the day an appropriate submission of the request is made.

An appeal may be filed at the ministry against an issued cultural protection approval or against a decision.

Article 47
(Responsibility for issuing the acts referred to in Articles 44 to 46)

Cultural protection conditions and approvals shall be issued by the institution referred to in Article 21 of this Act.

VIII. RIGHTS AND OBLIGATIONS OF NATURAL AND LEGAL PERSONS IN THE
AREA OF HERITAGE PROTECTION

Article 48
(General prohibition of harmful handling of heritage and monuments)

No person may handle heritage or monuments in such a way as to threaten their cultural significance.

The use of monuments using a specific method or for individual purposes which may threaten the existence or affect the integrity of a monument shall be prohibited. The removal and transfer of monuments shall be prohibited for the same reasons.

Article 49
(Prohibition of the use of the image or name of a monument without the owner's consent)

No person may use the image or name of a monument without the owner's consent.

Article 50
(Obligation to conserve and maintain monuments)

Owners must protect and conserve their monuments at their expense, enable the examination of and access to their monuments in accordance with their purpose and in accordance with the protection regime specified in Article 13 of this Act, and consistently observe the cultural functions of the monuments when using them.

Article 51
(Right to free instructions)

Owners of heritage shall have the right to free explanations, advice and instructions from the appropriate public institution referred to in Article 20 of this Act in relation to the properties, significance, conservation and maintenance of the heritage in their possession.

Article 52
(Right to compensation)

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

Compensation may be determined in the form of a one-off payment or of annual payments.

If the state or the local community which proclaimed a monument cannot agree with the owner on the amount of compensation referred to in the preceding paragraph, this amount shall be determined by the competent court within a civil procedure.

Article 53
(Investment of public funds)

If the maintenance of or encroachments on monuments for the purpose of their protection or restoration incur extraordinary costs which exceed the commercial benefit or the normal costs of maintenance, the state or local community may allocate public funds for these purposes.

A contract shall be concluded on this investment, specifying the terms and conditions under which the monument shall be publicly accessible and the possible special protection requirements.

Article 54
(Reasons for expropriation of immovable monuments)

At the proposal of the state or a local community, the court may expropriate an immovable monument if this involves a public interest which cannot be achieved otherwise for the purpose of conserving an endangered monument, or for the purpose of including a monument in the restoration process and providing it with a new function within an urban or landscape whole.

Article 55
(Decision-making on the public interest and on expropriation)

Decisions on establishing the public interest shall be adopted by the competent body of a local community or by the Government of the Republic of Slovenia.

A decision on establishing the public interest shall be submitted to the holder of the land register rights to the monument.

Article 56
(Compensation or damages for expropriation)

The entity entitled to expropriation must ensure for the owner another equivalent immovable item, or pay compensation for a dispossessed immovable item which has monument status. The compensation shall cover its value and the costs incurred by the expropriation.

Article 57
(Expropriation procedure)

Expropriation of an immovable monument shall be carried out in accordance with the act which governs expropriation.

Article 58
(Found heritage)

An item assumed to be a heritage item which is found on the surface of the earth, underneath the surface of the earth or in underwater shall be the property of the state.

Persons who find a heritage item must ensure that this item remains undamaged, and in the site and position it was found, and must immediately inform the public institution referred to in Article 20 of their find.

The public institution referred to in the preceding paragraph must, within 15 days, fix the period during which all encroachments on the site where the heritage item was found shall be prohibited, where this period may not exceed six months.

Article 59
(Archaeological sites as building land)

In the event that building land extends over an archaeological site, work on this land shall be permitted only after protected archaeological research of the land has been completed. The research shall be provided by the investor as part of the infrastructural equipping of the land.

Individual emergency works may exceptionally be carried out on this land, but only after a permit from the institution referred to in Article 21 of this Act has been obtained.

Article 60
(Archaeological research)

Protected archaeological research into land, which may only be carried out by the authorised institutions referred to in Article 20 of this Act, shall comprise, in particular, protected excavation, including the design of suitable documentation which ensures the scientific processing of the site and suitable protection of archaeological findings. The purpose of the site shall be determined on the basis of research into the site.

A permit from the minister must be obtained for archaeological excavation and research, and for the use of metal detectors and equipment which may damage the archaeological site. The

permit shall set out the contractors, the borders of the site, the conditions for and methods of research, and the prohibitions and restrictions which shall apply to the owner of the site and to other persons during the research.

The minister shall issue regulations setting out the procedure for issuing the permit referred to in the preceding paragraph.

Article 61 (Research permits)

Natural or legal persons must obtain a permit from the institution referred to in Article 20 of this Act for every instance of research which represents encroachment on heritage or a monument.

An appeal may be filed at the ministry.

Article 62 (Impermissibility of removal of monuments of national importance)

The removal of monuments of national importance owned by the state shall not be permitted.

Article 63 (Pre-emptive right to purchase)

The state and the local community in whose area a monument is located shall have a pre-emptive right to purchase the monument.

Owners of monuments must, within 60 days, notify the entities entitled to a pre-emptive right to purchase referred to in the preceding paragraph of their intended sale, and of the terms and conditions of the sale.

In the case of the sale of a monument of national importance, the state shall, within 60 days, notify the owner as to whether it accepts the sale offer. If the state does not accept the sale offer, the local community referred to in the first paragraph of this Article shall be given a further 30 days to make a decision with respect to the sale offer.

In the case of the sale of a monument of local importance, the local community shall, within 30 days, notify the owner as to whether it accepts the sale offer.

Article 64 (Nullity of a contract of sale concluded in contravention to the provisions on the pre-emptive right to purchase)

A contract of sale concluded in contravention to the previous Article shall be deemed to be null and void.

IX. INSPECTION AND SUPERVISION

Article 65 (Inspectorate)

The inspection and supervision of the implementation of the provisions of this Act, of the general and special acts issued on the basis thereof, and of other regulations and acts applying to heritage protection shall be exercised by the inspectorate responsible for cultural heritage (hereinafter: inspectorate) via its inspectors. If this involves acts applying to the designed natural or cultural landscape monuments referred to in Article 6 of this Act,

inspection and supervision shall also be exercised by the inspectorate responsible for nature conservation.

Article 66
(Conditions applying to inspectors)

In order to be appointed as an inspector, a candidate must, in addition to the fulfilment of general conditions, have suitable higher education and a minimum of ten years' work experience in the area of heritage protection.

Article 67
(Authorisations of inspectors)

In addition to the authorisations arising from the regulations which govern inspection and supervision, inspectors shall have the following authorisations:

- examine facilities and heritage items, books and documents relating to heritage transactions, encroachments on heritage, and the protected environment of monuments;
- supervise the legal aspects of the operation of the public institutions for heritage protection referred to in Article 20 of this Act, and the operation of other persons carrying out the heritage protection activity referred to in Article 29 of this Act;
- demand written explanations and statements from responsible persons of the entities involved in relation to supervision;
- examine and demand access to documentation relating to proclamations of monuments, the issuing of administrative decisions to owners of monuments, the export of heritage, and trade in heritage.

Article 68
(Inspection and supervision measures)

Inspection and supervision shall, in addition to general measures, comprise the special measures envisaged by this Act.

Article 69
(Re-establishment of previous conditions)

If an inspector determines that research is or has been carried out which represents an encroachment on heritage, or if other procedures harmful to heritage under certain conditions are taking place in contravention to the permit granted by the institution referred to in Article 20 of this Act, he may pronounce the measure of the re-establishment of the previous conditions at the expense of the owner or investor.

If re-establishment of the previous conditions is not possible, the inspector shall order the rehabilitation of the current conditions.

The inspector shall set the deadline by which the re-establishment of the previous conditions or the rehabilitation of the current conditions must be completed.

If an inspector determines that encroachments on heritage are or have been carried out which are in contravention to the cultural protection approval referred to in Article 46 of this Act, or that they are or have been carried out without this approval, he must immediately notify the inspector responsible for construction, who in turn must immediately issue a decision for the established irregularities to be eliminated by a deadline set by him, or for the further construction or implementation of other works to be halted. He may also pronounce the measure of the re-establishment of the previous conditions at the expense of the owner or investor.

Article 70

(Obligation to comply)

In the event that an inspector determines that there is an immediate danger of damage to a monument, or that damage has already been done to a monument, he shall set the deadline by which this danger must be eliminated, or adopt measures for eliminating the damage done or for adequately reducing the damage.

If the owner fails to comply with the suitable measures or to ensure the necessary works by the deadline specified in the preceding paragraph, the inspector may order that the state or the local community which proclaimed the monument implement the works at the expense of the owner.

The implementation of works referred to in the preceding paragraph shall be based on a conservation programme and shall be conducted under the leadership of the responsible public service provider referred to in Article 20 of this Act.

Article 71

(Prohibition of harmful handling and temporary seizure of the possession of a movable monument)

If an inspector determines that, as the result of the incorrect handling or use of a monument or of a failure to carry out the handling of a monument in an obligatory manner, there is an immediate danger of damage to the monument, he may prohibit such handling or use, and order the measures necessary for ensuring its protection.

If, as a result of the incorrect handling or use of a monument or of the failure of the owner to carry out the handling of a monument in an obligatory manner, a movable monument is endangered, the inspector may issue a decision on the temporary seizure of possession of a monument, and submit the monument for storage to the public institution referred to in Article 22 of this Act.

Article 72

(Measure in the event of the use of the image or name of a monument without the owner's consent)

If an inspector determines that a natural or legal person is using the image or name of a monument without the owner's consent (Article 49), he may prohibit this use.

Article 73

(Prohibition of the performance of an activity without a permit, or of an activity carried out in contravention to the regulations or to a decision issued by the minister)

If, in performing inspection and supervision, an inspector determines that the individual heritage protection tasks referred to in Article 27 of this Act are being carried out by natural and legal persons without the permit from the minister referred to in Article 28 or without the concession referred to in Article 29, that a natural or legal person is storing a collection in contravention to the regulations issued by the minister referred to in Article 30, that trade in movable heritage is being conducted in contravention to the regulations referred to in Article 36 of this Act, or that archaeological excavations are being carried out without a permit or in contravention to the regulations issued by the minister as specified in Article 60 of this Act, the inspector may prohibit the performance of such activities, storage of collections, trade in heritage, or excavations, and set out the measures necessary for ensuring heritage protection, as well as the deadlines by which specific types of work must be completed and specific measures implemented.

Article 74

(Appeal)

An appeal against the decisions referred to in Articles 69 to 73 of this Act shall not suspend the execution of the decision or resolution.

Article 75
(Police assistance)

If there is a justifiable suspicion of the impermissible export of and trade in movable heritage referred to in Articles 31 and 36, of failure to fulfil the obligation of notification on found heritage items referred to in Article 58, of the impermissible archaeological excavations referred to in Article 60 or of the impermissible research into a monument referred to in Article 61 of this Act, the inspector may request police assistance.

X. PENAL PROVISIONS

Article 76

Individuals shall be liable to a fine of between SIT 10,000 and SIT 100,000 for committing an offence if they:

1. use data from the heritage register (Article 11) without making reference to the source;
2. carry out the tasks referred to in Article 27 of this Act without obtaining a permit from the minister;
3. attempt to export heritage items without obtaining the permit referred to in Article 31 of this Act;
4. use the image or name of a monument without the owner's consent (Article 49);
5. fail to allow research into a monument (Article 50).

In the event that the offences specified in the preceding paragraph are committed by a legal person or individual in connection with their independent performance of an activity, this person or individual shall be liable to a fine of between SIT 150,000 and SIT 3,000,000.

In the event that the offences under the first paragraph are committed by a responsible person of a legal person, this person shall be liable to a fine of between SIT 50,000 and SIT 300,000.

Article 77

Individuals shall be liable to a fine of between SIT 20,000 and SIT 120,000 for committing an offence if they:

1. fail to store a collection which is a monument in accordance with the provision of Article 30;
2. trade in heritage in contravention to the regulations referred to in Article 36;
3. fail to handle their monuments in accordance with the provisions of Article 48;
4. fail to inform the responsible public institution referred to in Article 20 of a found heritage item, or fail to take care of the found heritage item referred to in Article 58 of this Act in such a way as to keep it undamaged and the circumstances of the find unchanged;
5. research heritage or a monument using a method which represents encroachment without obtaining the permit referred to in Article 61.

In the event that the offences specified in the preceding paragraph are committed by a legal person or individual in connection with their independent performance of an activity, this person or individual shall be liable to a fine of between SIT 150,000 and SIT 3,000,000.

In the event that the offences under the first paragraph are committed by a responsible person of a legal person, this person shall be liable to a fine of between SIT 50,000 and SIT 300,000.

Article 78

Individuals shall be liable to a fine of between SIT 50,000 and SIT 150,000 for committing an offence if they:

1. encroach on heritage or a monument in contravention to the professional plans referred to in Article 41, the cultural protection conditions referred to in Article 45, and the cultural protection approval referred to in Article 46;
2. handle a monument in such a way as to threaten its cultural function (Article 50);
3. fail to re-establish the previous conditions by the specified deadline in accordance with Article 69.

In the event that the offences specified in the preceding paragraph are committed by a legal person or individual in connection with their independent performance of an activity, this person or individual shall be liable to a fine of between SIT 100,000 and SIT 5,000,000.

In the event that the offences under the first paragraph are committed by a responsible person of a legal person, this person shall be liable to a fine of between SIT 70,000 and SIT 500,000.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 79

(Validity of current proclamation acts)

Acts on the proclamation of cultural monuments and the entry of cultural monuments in the register of monuments issued or made 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) shall remain in force and shall be coordinated with the provisions of this Act and, in accordance with requirements, amended within two years of the day this Act enters into force.

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.

Sites of natural interest, especially rare sites, and sites of environmental interest which have acquired protection status on the basis of the acts referred to in the first paragraph of this Article and on the basis of the Nature Conservation Act (Official Gazette of the Socialist Republic of Slovenia, No. 7/70), shall become cultural monuments in accordance with this Act if the conditions for acquiring the status of a cultural monument are fulfilled, which shall be determined jointly by the ministry responsible for culture and the ministry responsible for the environment and physical planning. The list of these cultural monuments shall be published in the Official Gazette of the Republic of Slovenia.

The acts on the proclamation of cultural monuments referred to in the preceding paragraph shall remain in force and shall be coordinated with the provisions of this Act within two years of the day of publication of the list of cultural monuments referred to in the preceding paragraph. If the content of the acts referred to in the first and second paragraphs of this Article applies to the designed natural and cultural landscape monuments referred to in Article 6 of this Act, their coordination with the provisions of this Act and possible

amendments to the protection regime shall be carried out after prior consent has been obtained from the minister responsible for the environment and physical planning.

Article 80

(Deadline for entering monuments in the heritage register)

The Republic of Slovenia Cultural Heritage Administration shall enter the cultural heritage referred to in the preceding Article in the heritage register referred to in Article 11 of this Act at the proposal of the institution referred to in Article 21 of this Act within three years of the day this Act enters into force.

Article 81

(Founding and organisation of the Republic of Slovenia Public Institute for Cultural Heritage Protection)

On the day this Act enters into force, the Republic of Slovenia shall become a co-founder of the following institutions for the protection of natural and cultural heritage: the Ljubljana Regional Institute for the Protection of Natural and Cultural Heritage; the Inter-Municipal Institute for the Protection of Natural and Cultural Heritage based in Piran; and the institutes for the protection of natural and cultural heritage in Celje, Kranj, Maribor, Nova Gorica and Novo Mesto.

The implementation of the tasks specified in Article 21 of this Act shall be taken charge of by the Centre for the Protection of Cultural Heritage, which operates within the Republic of Slovenia Cultural Heritage Administration and which shall be transformed into the Republic of Slovenia Public Institute for Cultural Heritage Protection.

The founding act of the public institute shall be adopted by the Government of the Republic of Slovenia within one month of the day this Act enters into force.

On the day the Republic of Slovenia Public Institute for Cultural Heritage Protection is founded, the public institutions referred to in the first paragraph and the Restoration Centre referred to in Article 83 of this Act shall become units within this institutions.

On the day the public institute referred to in the second paragraph of this Article is founded, the workers at the Ljubljana Regional Institute for the Protection of Natural and Cultural Heritage, the Inter-Municipal Institute for the Protection of Natural and Cultural Heritage based in Piran, and the institutes for the protection of natural and cultural heritage in Celje, Kranj, Maribor, Nova Gorica and Novo Mesto who perform cultural heritage protection tasks shall become workers of this public institute.

The Republic of Slovenia Public Institute for Cultural Heritage Protection shall also take over the work resources, inventory and equipment used by the workers referred to in the preceding paragraph, as well as the documentation, archives and unfinished tasks relating to cultural heritage protection. The take-over of the workers, resources, archives and tasks referred to in the two preceding paragraphs shall be implemented by agreement between the Ministry of Culture and the Ministry of the Environment and Physical Planning.

Article 82

(Temporary exercise of founding rights and obligations to museums)

The Government of the Republic of Slovenia shall, within six months of the day this Act enters into force, determine which museums shall have the status of national museums and which shall be established by the Republic of Slovenia jointly with local communities.

Article 83

(Republic of Slovenia Restoration Centre)

The Republic of Slovenia Restoration Centre, which was established on the basis of the Founding Act of the Socialist Republic of Slovenia Restoration Centre Labour Organisation (Official Gazette of the Socialist Republic of Slovenia, No. 39/82), shall continue its work in the area of work set out by this Act as an organisational unit within the Republic of Slovenia Public Institute for Cultural Heritage Protection.

Article 84
(Executive regulations)

The minister shall issue executive regulations under this Act within one year of the day this Act enters into force.

Until the regulations under this Act enter into force, the following executive regulations, adopted on the basis of 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, No. 19/95), shall remain in force: Regulations on the Procedure for Issuing Permits for the Export of Cultural Heritage (Official Gazette of the Republic of Slovenia, No. 19/95); Regulations on Keeping the Collective Register of Cultural and Natural Heritage (Official Gazette of the Republic of Slovenia, No. 26/95); 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); and Regulations on the Form and Labelling of Immovable Monuments and Sites of Interest (Official Gazette of the Socialist Republic of Slovenia, No. 33/85).

Article 85
(Termination of validity)

On the day this Act enters into force, the provisions of 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, No. 26/92), with the exception of the provisions applying to natural heritage and sites of natural interest, shall cease to be valid.

Article 86
(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.: 612-04/98-5/3
Ljubljana, 20 January 1999

Signed by:
President of the National Assembly
of the Republic of Slovenia
Dr. Janez Podobnik