

Act No. 238/2014 Z. z.

**THE SPEAKER  
OF THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC**

promulgates

the full text of Act No. 49/2002 Z. z. on the protection of monuments and historic sites reflecting the amendments made by Act No. 479/2005 Z. z., Act No. 208/2009 Z. z., Act No. 262/2011 Z. z., Act No. 180/2013 Z. z., Act No. 38/2014 Z. z. and Act No. 104/2014 Z. z.

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

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

**PART ONE  
FUNDAMENTAL PROVISIONS**

§ 1

**Scope of this Act**

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

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

§ 2

**Basic terms**

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

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

(3) For the purposes of this Act, the term "cultural heritage monument" shall mean a movable object or immovable property of cultural heritage value which has been declared a cultural heritage monument for reason of its protection.

(4) The term "historic site" shall mean a residential territorial unit or rural territorial unit having a concentration of cultural heritage value or archaeological finds and archaeological sites, which has been declared as a historic reserve or historic zone pursuant to this Act for reason of the protection of its cultural heritage value or archaeological finds and archaeological sites.

(5) The term "archaeological find" shall mean any movable object that provides evidence of human life and activities from the earliest times until 1918 and which was or is situated in the earth, on the earth's surface or under water. Weapons, munitions, ammunition, parts of uniforms, military equipment and other military material found in the earth, on the earth's surface or under water and dating from before 1946 shall also be considered archaeological finds.

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

<sup>2</sup> ) Article 44(2) and (3) of the Constitution of the Slovak Republic.

(6) The term "archaeological site" shall mean immovable property on a topographically defined territory with uncovered or non-uncovered archaeological finds in their original archaeological settings.

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

## PART TWO

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

#### § 3

##### State administration authorities for the protection of monuments and historic sites

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

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

#### § 4

##### The Ministry

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

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

In carrying out its tasks, the Ministry shall

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

#### § 5

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

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

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

(2) In carrying out its tasks, the Inspection of Monuments and Historic Sites shall cooperate mainly with the Monuments Board, Regional Monuments Boards, municipalities, other control authorities<sup>4)</sup>, authorities involved in criminal proceedings<sup>5)</sup> and other authorities and legal entities.

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

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

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

## § 6

### **Monuments Council**

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

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

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

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

(5) Membership of the Monuments Council shall be voluntary and non-transferrable. Members of the Monuments Council shall be entitled to reimbursement for all expenditures related to their membership in accordance with the relevant legislation.<sup>7)</sup>

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

## § 7

### **Archaeological Council**

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

(2) The Archaeological Council shall in particular

- a) consider applications from legal entities for the issue of authorisations to carry out archaeological research;
- b) evaluate conditions and the quality of the research carried out;

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

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

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

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

## § 8

### **Committee for the verification of special professional competence for cultural heritage research**

(1) The Committee for the verification of special professional competence for cultural heritage research (hereinafter referred to as "the Committee") is a professional advisory body of the Ministry for verification of the special professional competence of natural persons authorised to carry out the cultural heritage research.

(2) The Committee shall mainly

- a) consider applications by natural persons for recognition of special professional competence pursuant to section 35a,
- b) submit proposals to the Ministry for issuing certificates of special professional competence for cultural heritage research.

(3) Members of the Committee shall be appointed and recalled by the Minister, who shall appoint them from among professionals in individual types of cultural heritage research, the field of the protection of monuments and historic sites and the field of law. The term of office for members of the Committee shall be three years.

(4) Details of the Committee's activities shall be laid down in an act of general application issued by the Ministry.

## § 9

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

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<sup>7)</sup> Act No. 283/2002 Z. z. on travel expenses, as amended.

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

(2) The Monuments Board is a legal entity having its seat in Bratislava. The Monuments Board is a state budgetary organisation<sup>8)</sup> linked financially to the budget of the Ministry, and which under its competence shall ensure wage funds and material means for the Regional Monuments Boards and shall be the employer for the employees working in the Regional Monuments Boards.

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

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

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

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

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

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

(9) The Monuments Board and the Regional Monuments Board can establish temporary advisory bodies and permanent advisory bodies to advise in the assessment of issues relating to the protection of monuments and historic sites, archaeological finds and archaeological sites.

## § 10

### Monuments Board

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

(2) The Monuments Board shall

- a) govern and control state administration activities in the field of monument protection carried out by the Regional Monuments Boards,
- b) resolve and co-ordinate professional and research tasks and develop theories and methodologies for the protection of monuments and historic sites,
- c) monitor the status of monuments and historic sites and the conditions for their protection,
- d) approve rules for the protection of historic sites prepared pursuant to § 11(2)(b)
- e) take first instance decisions in administrative proceedings<sup>9)</sup> in matters entrusted to the Board by this Act in the field of the protection of monuments and historic sites,
- f) review the binding opinions of Regional Monuments Boards,
- g) take decisions on appeals against decisions by the Regional Monuments Boards and review their decisions outside appellate procedures,
- h) act as the administrator of the respective part of the state information system,
- i) keep an archive<sup>10)</sup> on the protection of monuments and historic sites,
- j) provide for the development of the theory and methodology of restoration and establish workplaces and laboratories for study, development, restoration and technological analysis,
- k) provide for cultural heritage research and the restoration of monuments and historic sites,
- l) carry out and coordinate documentation, educational, editorial and promotional activities,
- m) provide professional and methodological assistance to the Regional Monuments Boards,
- n) co-operate with civic associations and foundations established for the protection, use and presentation of monuments and historic sites,
- o) take part in international projects for the protection and renovation of cultural heritage monuments and historic sites and co-operate with international organisations and partner institutions abroad,
- p) provide extracts and electronic copies<sup>10a)</sup> from the Central Register of Monuments and Historic Sites (hereinafter the "Central Register"),
- q) issue professional appraisals and professional opinions on issues related to the protection of monuments and historic sites, archaeological finds and archaeological sites for the purposes of public administration authorities, the authorities involved in criminal proceedings and the courts,
- r) represent the state as injured party in criminal proceedings in the scope of this Act.

## § 11

### Regional Monuments Boards

<sup>8)</sup> § 21(1) of Act of the National Council of the Slovak Republic No. 303/1995 Z. z. on budgetary rules as amend by Act No. 348/1999 Z. z.

<sup>9)</sup> § 5(1) of Act No. 71/1967 Zb. on administrative proceedings (the Code of Administrative Procedure).

<sup>10)</sup> § 4(2)(b) of Act No. 395/2002 Z. z. on archives and registries and amending certain acts.

<sup>10a)</sup> § 7 of Act No. 275/2006 Z. z. on information systems in public administration and amending certain acts, as amended.

(1) Regional Monuments Boards are the competent administrative authorities to take first instance decisions on the rights and duties of legal entities and natural persons in the field of the protection of monuments and historic sites in all cases where this Act does not stipulate otherwise.

(2) Regional Monuments Boards shall

- a) carry out state supervision of the condition and use of monuments, historic sites, archaeological finds and archaeological sites and of the provision made for their protection.
- b) prepare and issue rules for the protection of historic sites, prepare documents connected with the preparation of urban and regional planning documentation for competent state administration authorities and territorial self-government and co-operate with them on preparatory, project and restoration documentation for the conservation, renovation and use of cultural heritage monuments, historic sites, archaeological finds and archaeological sites,
- c) direct the activities of legal entities and natural persons for the conservation, renovation and use of cultural heritage monuments, historic sites, archaeological finds and archaeological sites and provide them with professional and methodological assistance,
- d) issue decisions pursuant to § 24, 30 to 33, 35, 36, 39, 42 and 43 and issue binding opinions pursuant to § 30 and 32 and opinions pursuant to § 29,
- e) co-operate with state administration authorities and territorial self-government authorities in provision for special protection of cultural heritage monuments during emergencies<sup>10b)</sup> or extraordinary situations<sup>11)</sup> and in the preparation of measures for the above-mentioned situations,
- f) provide for temporary professional custody of movable cultural heritage monuments during states of emergency,<sup>10b)</sup> in extraordinary situations<sup>11)</sup> and pursuant to § 31(4),
- g) provide municipalities with methodological and professional assistance in keeping a local heritage list,
- h) monitor compliance with this Act and take measures to remedy deficiencies in the protection of monuments, historic sites, archaeological finds and archaeological sites,
- i) impose fines pursuant to § 42 and 43.

## § 12

### State supervision in the field of monuments and historic sites

(1) Persons performing state administration functions relating to the protection of monuments and historic sites pursuant to § 5, 10 and 11 shall be entitled to

- a) have access to archaeological sites, to the premises of immovable cultural heritage monuments, to immovable property in a historic site and to territory where construction or other economic activity specified in § 32 and 36 is planned or in progress; where the above-mentioned are residential premises, access is possible only with the consent of those who reside there,<sup>12)</sup>
- b) have access to premises in which entitled legal persons pursuant to § 36(4) provide for the custody and protection of architectural finds that are under the administration of the Monuments Board pursuant to § 40(6).
- c) order those that carry out unauthorised renovation of a cultural heritage monument or unauthorised modification of immovable property in a historic site to immediately suspend unauthorised work,
- d) require submission of movable cultural heritage monuments and archaeological finds for documentary purposes or for reason of the risk of their damage or destruction,
- e) require legal entities and natural persons to provide necessary co-operation, in particular statements and information on the implementation of this Act, submission of documents and other written material,
- f) use technical means for the production of documentation and make written records of their findings

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

- a) produce their service cards and written credentials from the Ministry, Monuments Board or Regional Monuments Board on whose instructions they are authorised to perform state supervision of monuments and historic sites,
- b) not disclose matters that they become aware of in the performance of state supervision of monuments and historic sites.

(3) Public administration authorities, owners of cultural heritage monuments and other natural persons and legal entities whose activities affect interests protected by this Act shall provide necessary co-operation to the authorities performing state supervision of monuments and historic sites.

## § 13

### Self-governing Regions

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

<sup>10b)</sup> § 1(4) of Constitutional Act No. 227/2002 Z. z. on national security in wartime, a state of war, a state of emergency and a state of crisis.

§ 2(a) of Act No. 387/2002 Z. z. on management of the state during states of emergency outside of wartime and states of war.

<sup>11)</sup> § 3 of Act of the National Council of the Slovak Republic No. 42/1994 Z. z. on civil defence of the population, as amended.

<sup>12)</sup> Article 21(1) of the Constitution of the Slovak Republic.

<sup>13)</sup> § 7 of Act No. 302/2001 Z. z.

## § 14

### **Municipalities**

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

(2) The municipality shall:

- a) check that the owners of cultural heritage monuments act in accordance with this Act,
- b) co-ordinate the construction of technical infrastructure in settlements with historic sites,
- c) co-operate in ensuring that the placement of street fixtures and street furnishings, small sized architectural elements, protected historical green areas, street lighting and advertising facilities conforms to plans for conserving and realising the cultural heritage value of the site concerned
- d) support initiatives by citizens and civic associations for the protection of monuments and historic sites,
- e) keep records of monuments and historic sites in the territory of the municipality<sup>14)</sup> based on extracts from the Central Register.

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

(4) The municipality may decide to create and professionally maintain a local heritage list for the municipality. The local heritage list may include not only movable items and immovable property but also combined human and natural works, historic events, street names and geographical and cadastral names associated with the history and personalities of the municipality. The municipality shall submit its local heritage list to the Regional Monuments Board for professional and documentation purposes; records pertaining to immovable property shall also be submitted to the competent building authority.

## **PART THREE**

### **MONUMENTS AND HISTORIC SITES AND PROTECTIVE ZONES**

## § 15

### **Declaration of Cultural Heritage Monuments**

(1) The Monuments Board shall declare a movable object or immovable property that is of cultural heritage value to be a cultural heritage monument. A group of such objects or properties may be declared a cultural heritage monument.

(2) The Regional Monuments Board or the Monuments Board shall prepare background material for the declaration of an object or property as a cultural heritage monument at its own initiative or at the initiative of a legal entity or natural person; where there are reasons to do so, it shall co-operate with the research institutes of the Slovak Academy of Sciences and other professional and research institutions.<sup>15)</sup>

(3) The owner of a movable object or immovable property that is declared a cultural heritage monument shall be a party to proceedings. If it is proposed to declare an immovable property a cultural heritage monument, the municipality shall be a party to proceedings.

(4) From the moment of delivery of notification of proceedings on the declaration of an object or property a cultural heritage monument, the owner of the object or property concerned shall

- a) protect the object or property from any damage, destruction or theft and notify the Monument Board of every proposed or implemented change in ownership.
- b) provide, at the written request of the Regional Monuments Board or the Monuments Board, any necessary information on the object or property, or permit entitled persons to inspect the object or property.

(5) The Monuments Board shall send a decision declaring an object or property as a cultural heritage monument or refusal to declare an object or property as a cultural heritage monument without delay to the owner of the object or property, the Regional Monuments Board and, if an immovable property is declared a cultural heritage monument, to the municipality as well. The Monuments Board shall also send a decision on the declaration of an immovable property a cultural heritage monument to the competent district office.<sup>16)</sup>

## § 16

### **Declaration of Historic Reserves**

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<sup>14)</sup> § 2(1) of Act of the Slovak National Council No. 369/1990 Zb. on municipalities.

<sup>15)</sup> Act No. 206/2009 Z. z. on museums and galleries and on the protection of items of cultural value and amending Act of the Slovak National Council No. 372/1990 Zb. on offences, as amended.

<sup>16)</sup> § 6(1)(e) of Act of the National Council of the Slovak Republic No. 162/1995 Z. z. on the real estate cadastre and on registration of ownership and other rights over real estate (the Cadastral Act).

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

(2) A historic reserve shall be declared by a government regulation defining its territory, based on a proposal of the Ministry. The proposal for the declaration of a historic reserve shall be prepared by the Monuments Board in co-operation with competent territorial self-government authorities.

#### § 17

##### **Declaration of Historic Zones**

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

(2) A historic zone shall be declared by a decision of the Ministry defining its territory, based on a proposal of the Monuments Board. Parties to proceedings shall be informed of the decision through a public notice.

#### § 18

##### **Declaration of Protective Zones**

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

(2) A protective zone shall be declared by a decision of the Monuments Board defining its territory and conditions of protection based on the opinion of the municipality concerned. Parties to proceedings on the declaration of a protective zone shall be notified of the start of proceedings through a public notice. A decision on the declaration of a protective zone shall be delivered through a public notice.

#### § 19

The Monuments Board shall send necessary information to the district office<sup>16)</sup> within 30 days of the entry into force of a decision declaring a territory a historic reserve, a historic zone or a protective zone.

#### § 20

##### **Amendment or Repeal of Declarations of Cultural Heritage Monuments Historic Reserves, Historic Zones or Protective Zones**

(1) If new circumstances arise, a declaration can be amended in the public interest or repealed, if the cultural heritage values have ceased to exist, by the Monuments Board in the case of a cultural heritage monument, or the government in the case of a historic reserve or the Ministry in the case of a historic zone. A declaration of a protective zone pursuant to § 18(2) can be amended or repealed in the public interest by a decision of the Monuments Board based on the opinion of the municipality concerned. If the declaration of a cultural heritage monument, historic reserve or historic zone is repealed, the Monuments Board shall also repeal the declaration of a protective zone through a decision.

(2) The competent authority may stipulate justifiable conditions in their decision amending or repealing a declaration pursuant to § 15 or 17; the costs of fulfilment shall be borne by the applicant or person in whose interest the declaration is to be changed or repealed.

(3) The Regional Monuments Board or the Monuments Board shall draw up a proposal to amend or repeal a declaration at the initiative of a legal entity, natural person or at its own initiative. If the declaration of an immovable cultural heritage monument, a historic reserve or a historic zone is to be amended or repealed, the Regional Monuments Board or the Monuments Board shall obtain a statement of the affected municipality on the proposal.

(4) The competent authority for the protection of monuments and historic sites shall send a decision pursuant to paragraph (1) to the authorities to which the decision on the declaration was sent.

#### § 21

##### **Inscription in the World Heritage List**

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

(2) The Ministry shall publish a notice of inscription in the World Heritage List in the Collection of Legislative Acts of the Slovak Republic.

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

## § 22

### Central Register

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

(2) The Central Register shall consist of

- a) the register of movable cultural heritage monuments,
- b) the register of immovable cultural heritage monuments,
- c) the register of historic reserves,
- d) the register of historic zones,

(3) The Monuments Board shall create an entry in the Central Register no later than 30 days from the declaration of an object or property as a cultural heritage monument or the declaration of a historic site as a historic reserve or historic zone. The owner of a cultural heritage monument shall be notified of its registration without delay.

(4) The Monuments Board shall record in the corresponding register

- a) whether an immovable cultural heritage monument is situated in a historic reserve, historic zone or protective zone,
- b) whether a protective zone has been declared an immovable cultural heritage monument, historic reserve or historic zone
- c) whether a cultural heritage monument, historic reserve or historic zone is inscribed in the World Heritage List,
- d) the relocation of a cultural heritage monument to the collection of a museum or gallery.

(5) If the declaration of a movable object or immovable property as a cultural heritage monument, historic reserve or historic zone is repealed, the Monument Board shall delete its entry and archive the original documentation separately.<sup>10)</sup>

(6) The Regional Monuments Board shall keep a heritage list for its territory based on an extract from the Central Register.

## § 23

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

(1) In cases where the owner intends to sell a cultural heritage monument or a part thereof, they must submit a written offer of sale to the state, represented by the Ministry. An offer is made by declaring all conditions.

(2) If the state accepts the offer, a state organisation appointed by the Ministry shall conclude a purchase agreement with the owner of the cultural heritage monument within 90 days, unless other terms and conditions are agreed.

(3) The state must meet the price offered for the cultural heritage monument by another bidder, unless other terms and conditions are agreed. If the state is unable to meet the offered terms and conditions besides the price, and they cannot be compensated by an appraised price, the pre-emption right shall cease.<sup>20)</sup>

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

## § 24

### Relocation of Cultural Heritage Monuments

(1) A movable cultural heritage monument can be permanently relocated only on the basis of a decision of the competent Regional Monuments Board. The owner shall also apply for a decision of the Regional Monuments Board in the event of a temporary relocation that requires professional disassembly of the cultural heritage monument. If a cultural heritage monument is relocated from a space available to the public, the Regional Monuments Board can issue a decision only after consultation with the municipality.

(2) A movable cultural heritage monument can be relocated without the decision of the competent Regional Monuments Board where it is in imminent danger of damage or destruction or in the event of a situation falling under § 28(2)(g) and (h). The owner or the person who carried out the relocation shall inform the Regional Monuments Board without delay.

(3) An immovable cultural heritage monument or a part thereof can be permanently relocated only on the basis of a decision of the competent Regional Monuments Board. In case of the permanent relocation of an immovable cultural heritage monument or a part thereof, the Regional Monuments Board shall issue a decision after a statement is made by the municipality. This shall apply without prejudice to other legislation governing the issue<sup>21)</sup>.

(4) If the Regional Monuments Board does not permit the owner to relocate a movable cultural heritage monument, the owner shall be entitled to adequate compensation for the restriction of their ownership rights, which shall be determined by the Regional Monuments Board in the decision under paragraph (1). (4) If the Regional Monuments Board does not permit the owner to relocate an immovable cultural heritage monument, the owner shall be entitled to adequate compensation for the restriction of their ownership rights, which shall be determined by the Regional Monuments Board in the decision under paragraph (3).

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

<sup>21)</sup> Act No. 50/1976 Zb. on land-use planning and the building code (the Building Act) as amended.



## § 25

### Cultural Heritage Monuments in Relation to Foreign Countries

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

(2) A cultural heritage monument or a part thereof may be temporarily exported from the territory of the Slovak Republic for up to three years, only on the basis of a permit issued by the Ministry setting the terms and conditions of the temporary export. The Ministry can amend the conditions for the temporary export of a cultural heritage monument at the applicant's justifiable request. A cultural heritage monument or a part thereof cannot be temporarily exported from the territory of the Slovak Republic if there are grounds to believe that the cultural heritage monument or part thereof may be subject to enforcement of a decision or distraint procedure, or a court in the country of destination could impose an injunction or issue a decision or measure preventing the return of the cultural heritage monument or a part thereof to the territory of the Slovak Republic.

(3) An application for a permit for the temporary export of a cultural heritage monument or a part thereof shall include the identification data of the applicant, the identification data of the recipient of the cultural heritage monument or its part, the identifying marks of the cultural heritage monument or its part, the purpose of export, the duration of export and a statement of the competent Regional Monuments Board. The application shall be submitted to the Ministry using the form published by the Ministry on its website.

(4) The Ministry may require as conditions for issuing a permit for the temporary export of a cultural heritage monument the conclusion of an insurance contract, the submission of the loan agreement or also a guarantee based on the price of the cultural heritage monument determined by expert appraisal,<sup>23)</sup> or other conditions. Costs related to the issuing of permit for the temporary export of a cultural heritage monument or its part shall be borne by the applicant or the person in whose interest the permit is issued.

(5) The applicant shall notify the competent Regional Monuments Board without delay of the return of the cultural heritage monument or its part to the territory of the Slovak Republic. The Regional Monuments Board shall, within 30 days of notification, verify that the returned cultural heritage monument or its part is the same as that which was exported and assess its overall condition.

(6) An item of cultural heritage value that is in the territory of the Slovak Republic as a loan from a foreign state, which has declared ownership of the item, shall not be subject to exercise of a decision or distraint<sup>23a)</sup> and no injunction shall prevent the disposal of such an item; nor is it possible to issue a decision preventing the return of such an object to a foreign state.

(7) The temporary export of a cultural heritage monument or a part thereof outside the customs territory of the European Union shall be conducted in accordance with the relevant regulation.<sup>23b)</sup> An application for the temporary export of a cultural heritage monument or a part thereof from the customs territory of the European Union shall be submitted to the Ministry using the form given in the annexes to the relevant regulation;<sup>23b)</sup> the Ministry shall provide the form for a temporary export permit on request. Export outside the customs territory of the European Union shall be governed by the provisions of paragraphs (1), (2) and (4) to (6) *mutatis mutandis*.

## § 26

### Return proceedings

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

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

## PART FOUR

### PROTECTION OF MONUMENTS AND HISTORIC SITES

## § 27

### Basic Protection of Cultural Heritage Monuments

(1) Basic protection of a cultural heritage monument shall mean the set of activities and measures implemented in order to prevent the endangering, damage, destruction or theft of a cultural heritage monument, and in order to permanently keep the

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

<sup>23)</sup> § 17 of Act No. 382/2004 Z. z. on experts, interpreters and translators and amending certain acts.

<sup>23a)</sup> ) For example the Code of Civil Procedure, as amended, § 114 of Act of the National Council of the Slovak Republic No. 233/1995 Z. z. on court enforcement officers (executors) and enforcement procedure (the Code of Enforcement Procedure) and amending certain acts.

<sup>23b)</sup> Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods (codified version), (OJ L 39, 10.2.2009).  
Commission Implementing Regulation (EU) No 1081/2012 of 9 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods (OJ L 324, 22.11.2012).

cultural heritage monument including its surroundings in a good condition and for means of use and presentation appropriate to its cultural heritage value and to its technical condition.

(2) It is prohibited, in the immediate vicinity of an immovable cultural heritage monument, to carry out building activities or other activities that could endanger the cultural heritage value of the cultural heritage monument. The phrase "immediate vicinity of a cultural heritage monument" shall mean the space within a distance of ten metres from the immovable cultural heritage monument; the distance of ten metres is measured from the outer wall of the building, if the immovable cultural heritage monument is a building, or from the edge of the land, if the immovable cultural heritage monument includes a plot of land.

## § 28

### **Rights and duties of the Owner**

(1) The owner of a cultural heritage monument has the right

- a) to request professional and methodological assistance from the Regional Monuments Board free of charge in matters relating to the protection of the cultural heritage monument.
- b) to apply for a grant or state aid<sup>24)</sup> from the municipality and the Ministry for the conservation of the cultural heritage value of the monument,
- c) to adequate compensation for any demonstrable loss incurred as a result of the application of this Act or a decision pursuant to this Act.

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

- a) to provide for the basic protection of the cultural heritage monument at their own expense
- b) to use the cultural heritage monument in accordance with its cultural heritage value,
- c) to notify the counterparty, in the event of a transfer of ownership, that the cultural heritage monument is subject to protection as defined in this Act,
- d) to allow employees of a body for the protection of monuments and historic sites or other authorised persons, upon presentation of their service cards, to enter the premises of an immovable cultural heritage monument provided it is not a residence, or to present a movable cultural heritage monument for documentation or research purposes or for the purpose of preventing damage or destruction of the cultural heritage monument,
- e) to permit labelling of the cultural heritage monument where the Regional Monuments Board so decides,
- f) to permit public access to a cultural heritage monument that is not a residence subject to conditions specified in advance, and subject to compensation, if the Regional Monuments Board so decides.
- g) to ensure special protection of the cultural heritage monument and to place a movable cultural heritage monument in custody at a location agreed in advance in the event of an extraordinary situation,<sup>11)</sup>
- h) to ensure special protection of the cultural heritage monument and place a movable cultural heritage monument in custody at a location agreed in advance for a necessary period during a state of crisis and during wartime or a state of war<sup>26)</sup> to secure the cultural heritage monument in accordance with international law.<sup>27)</sup>

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

- a) every threat, damage, theft or destruction of a cultural heritage monument without delay,
- b) every intended change in the use of a cultural heritage monument, including in the case of an immovable cultural heritage monument, its vacation,
- c) any change in the ownership of a cultural heritage monument, within 30 days of execution.<sup>28)</sup>

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

- a) has the right to request professional and methodological assistance from the Regional Monuments Board free of charge,
- b) is obliged to dispose of and use the immovable property in a manner that does not endanger the cultural heritage value of an immovable cultural heritage monument, the historic reserve or the historic zone.

## § 29

### **Basic protection of historic sites**

(1) Basic protection of historic sites shall mean the set of activities and measures through which the state administration authorities and territorial self-governing authorities in co-operation with the owners of immovable property ensure the conservation of the cultural heritage value of such sites, their good technical and operational condition, aesthetic value and the appropriate use of individual buildings, groups of building, areas or urban arrangements and the provision of appropriate infrastructure for historic sites.

(2) the Regional Monuments Board shall draw up principles for the protection of the historic site, which shall be the document for the implementation of basic protection pursuant to paragraph (1) and shall be taken into account in the land-use

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

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

<sup>27)</sup> Decree of the minister of foreign affairs no. 94/1958 Zb. on the Convention for the Protection of Cultural Property in Armed Conflict and its protocol.

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

plan. The principles are a part of the territorial plan for the protection of the cultural values of the territory, which is one of the materials used in the preparation of land-use planning documentation pursuant to the relevant legislation.<sup>21)</sup>

(3) The principles for the protection of a historic reserve or a historic zone shall include requirements for the appropriate functional use of the site, for the conservation, maintenance and regeneration of its historic pattern and subdivision, the material and designs used in buildings, the height and spatial arrangement of objects, the architectural style, elements of street fixtures and street furnishings, historic green areas, typical views, silhouettes and panoramas, archaeological sites, and other cultural and natural values of the historic site.

(4) The competent local Regional Monuments Board is an interested state administration authority for the purposes of consultations on the relevant regional, municipal and zonal land-use plans.<sup>28a)</sup>

## § 30

### General Conditions for the Protection of Monuments and Historic Sites

(1) Everyone is obliged to behave in such a way that their actions do not endanger basic protection of cultural heritage monuments pursuant to § 27 and basic protection of historic sites pursuant to § 29 and do not cause any adverse changes in the condition of cultural heritage monuments and the condition of archaeological sites.

(2) The provisions of paragraph (1) shall apply without prejudice to liability for damages pursuant to other relevant legislation.<sup>29)</sup>

(3) No advertisement and no advertising, information, promotional or technical equipment that is not a building can be installed on an immovable cultural heritage monument or in a historic site without a decision of the Regional Monuments Board. In its decision the Regional Monuments Board shall determine whether a submitted proposal is acceptable with reference to the interests protected by this Act and determine conditions for the installation and its location. If the installation of an advertisement, or advertising, information, promotional or technical equipment is subject to approval by the building office, the Regional Monuments Board shall issue a binding opinion concerning the interests protected by this Act and shall have the standing of an interested authority in proceedings of the building office;<sup>29a)</sup> the Regional Monuments Board shall also issue a binding standpoint in proceedings of the building office concerning a protective zone.

(4) A binding standpoint of the Regional Monuments Board is required for all decisions of other state administration authorities and territorial self-governing authorities that may affect interests protected by this Act. A state administration authority or territorial self-governing authority that is conducting proceedings that could affect the interest of protection of monuments and historic sites can decide in matters itself only after receiving the final decision or binding opinion of the state administration body for the protection of monuments and historic sites.

## § 31

### Corrective measures

(1) If the Regional Monuments Board finds that the owner is not providing basic protection of a cultural heritage monument pursuant to § 27 or an immovable property in a historic site pursuant to § 29, it shall commence proceedings requiring the owner to take corrective action within a set period, subject to set conditions and at the owner's expense; corrective action shall mean restoring conditions in which the conservation of the cultural heritage value of the object or property is not endangered.

(2) If corrective action requires preparatory documentation, project documentation or other background material, the Regional Monuments Board shall require, during proceedings under paragraph (1) that the owner submits such documentation in a set scope by a set deadline.

(3) If a cultural heritage monument, an immovable property in a historic site or a historic site is in imminent danger, the regional Monuments Board shall submit a proposal to the competent authority for the prohibition or restriction of the unauthorised activity and any authorised activity threatening the conservation of cultural heritage value or which could result in the damage, destruction or theft of a cultural heritage monument. In the case of a serious and imminent threat to a cultural heritage monument, an immovable property in a historic site or a historic site the Regional Monuments Board can decide immediately. An appeal against a decision pursuant to the previous sentence shall not suspend its effect.

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

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<sup>28a)</sup> § 22 of Act No. 50/1976 Zb. as amended.

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

<sup>29a)</sup> § 140a(1)(a) of Act No. 50/1976 Zb. as amended by Act No. 479/2005 Z. z.

## PART FIVE

### RENOVATION AND RESTORATION OF CULTURAL HERITAGE MONUMENTS AND MODIFICATION OF IMMOVABLE PROPERTY

#### § 32

##### Renovation of Cultural Heritage Monuments and Modification of Immovable Property

(1) For the purposes of this Act, the renovation of cultural heritage monuments (hereinafter referred to as "renovation") shall mean the set of specialised craft activities<sup>29b)</sup> and other professional activities for the maintenance, conservation, repair, adaptation or reconstruction of a cultural heritage monument or a part thereof for the conservation of its cultural heritage value. For the purposes of this Act, renovation shall also include activities that are not subject to reporting duty and do not require a permit under the relevant legislation.<sup>21)</sup>

(2) Before commencing renovation, the owner of a cultural heritage monument must submit an application to the Regional Monuments Board for a decision on the renovation plan. If the owner commences restoration work without a final decision on the renovation plan, the Regional Monuments Board shall commence proceedings on renovation by issuing a notice of the commencement of proceedings on renovation, which shall be delivered to the owner of the cultural heritage monument, ordering the immediate suspension of work until a decision is issued.

(3) The owner shall enclose the renovation plan with the application for a decision on the renovation plan; it shall include the identification data of the cultural heritage monument, information on the ownership of the cultural heritage monument, the planned future use of the cultural heritage monument and a specification of the changes foreseen in the cultural heritage monument.

(4) In the decision on the renovation plan pursuant to paragraph (2) the Regional Monuments Board shall specify whether the proposed plan is acceptable in relation to the interests protected by this Act and specify conditions in which the anticipated renovation plan can be prepared and implemented so as not to endanger, damage or destroy the cultural heritage monument, stating in particular whether the renovation plan requires research and other preparatory documentation and project documentation. In the decision on the renovation plan pursuant to paragraph (2), the Regional Monuments Board shall also set the owner of the cultural heritage monument the duty to notify the regional monuments board in advance of the start of restoration and the forecast end of renovation.

(5) Before commencing a new building or the modification of land or a building that is not a cultural heritage monument (hereinafter referred to as "modification of immovable property") but is situated in a historic site, the owner of such immovable property must request a decision of the Regional Monuments Board by submitting an application for a decision on a plan for modification of immovable property in a historic site. If an owner commences modification of immovable property in a historic site without a final decision on the modification plan, the Regional Monuments Board shall commence administrative proceedings by issuing a notice of the commencement of modification of immovable property in a historic site, which shall be delivered to the owner of the immovable property, ordering the immediate suspension of work until a decision is issued. The demolition of an immovable property in a historic site shall not be modification of immovable property.

(6) The owner shall enclose the plan for modification of immovable property with the application for a decision on the plan; the plan shall include information on the immovable property, basic ownership information on the immovable property, the planned use of the immovable property and specification of the foreseen changes to surfaces and spaces.

(7) In a decision pursuant to paragraph (5) the Regional Monuments Board shall determine whether the proposed plan is acceptable with regard to the interests protected by this Act, and set conditions for the implementation of modifications to the immovable property in a historic site, in particular principles of spatial organisation, height and architectural solutions for the exterior of the immovable property. The Regional Monuments Board shall also determine whether the modifications require research and other preparatory documentation and project documentation and require the owner to notify the board in advance of the commencement of modification of the immovable property and the forecast end of work.

(8) Project documentation for renovation and project documentation for modification of immovable property in a historic site can be drawn up only by a person so authorised pursuant to the relevant legislation.<sup>31)</sup>

(9) The owner must consult with the Regional Monuments Board during the preparation of the project documentation pursuant to paragraph (8) and any subsequent change to it in order regarding the preservation of the cultural heritage value of the monument or historic site.

(10) The owner shall submit the preparatory documentation pursuant to paragraphs (4) and (7) to (9) to the Regional Monuments Board before commencing renovation work or modification of immovable property in a historic zone. The Regional Monuments Board shall issue separate binding opinions on the preparatory documentation and project documentation for each renovation and each modification of immovable property in a historic site.

(11) Before commencing the modification of immovable property that is not a cultural heritage monument but is situated in a protective zone, the owner of such immovable property must apply to the Regional Monuments Board for a binding opinion. The owner shall attach to the application for a binding standpoint the plan for modification of the immovable property containing

<sup>29b)</sup> § 7 of Act of the Slovak National Council No. 4/1958 Zb. on folk manufacture and crafts.

<sup>31)</sup> Act of the Slovak National Council No. 138/1992 Zb. on authorised architects and authorised civil engineers, as amended by Act No. 236/2000 Z. z.

information on the ownership of the property and specification of the foreseen changes to surfaces and spaces. The Regional Monuments Board shall issue a binding opinion on the plan to modify immovable property in the protective zone specifying whether the proposed plan is acceptable with reference to the interests protected by this Act and set conditions for the implementation of the modification of the immovable property, in particular principles of spatial organisation, height and architectural solutions for the exterior of the immovable property.

(12) In land-use proceedings, building proceedings, proceedings on the permission of changes to a building, proceedings on retrospective approval of a building, proceedings on the declaration of maintenance work, final approval proceedings, proceedings on the change of use of a building, proceedings on permission of land modification, work and equipment, proceedings on urgent safety work,<sup>31aa)</sup> in proceedings on the ordering of essential modifications<sup>31ab)</sup> or proceedings on the demolition of an immovable cultural heritage monument or a building in a historic site or a protective zone, the decision of the building office<sup>31a)</sup> shall be based on the binding standpoint<sup>31b)</sup> of the Regional Monuments Board. The building office shall proceed in the same way even in the event that work can be carried out based on a notice.

(13) During the renovation of a cultural heritage monument and the modification of immovable property in a historic site or a protective zone, the Regional Monuments Board shall perform state supervision in the field of monuments and historic sites. It shall notify the building office<sup>32)</sup> and the owner of any deficiencies that it identifies. If the Regional Monuments Board finds deficiencies that could result in the endangering, damage or destruction of the cultural value of the cultural heritage monument or the historic zone, or detects activities of the owner that are contrary to its decision or binding standpoint, it shall stop the work by means of a decision on the suspension of work. An appeal against a decision pursuant to the previous sentence shall not suspend its effect.

(14) If an unexpected find is uncovered during renovation or modification of immovable property, the person performing the work shall report the find to the Regional Monuments Board and stop work that endangers the find or the find site until the Regional Monuments Board issues a decision. The Regional Monuments Board shall issue a decision on further action within three working days of the reporting of the find.

(15) The owner shall submit to the Regional Monuments Board one copy of complete documentation of actual renovation work performed free of charge within 15 days of ending work.

## § 33

### Restoration of Cultural Heritage Monuments

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

(2) An owner can prepare a restoration only based on a prior decision of the Regional Monuments Board on the restoration plan.

(3) The owner shall enclose the restoration plan with the application for a decision on it; the restoration plan shall include information on the cultural heritage monument, information on the owner and a specification of the restoration and the reasons for it.

(4) The Regional Monuments Board shall determine the type of restoration documentation, the extent of restoration research and the type, extent and conditions of the performance of restoration work in the decision on the restoration plan and in the case of an immovable cultural heritage monument, no later than in the decision on the preparatory documentation for renovation of the cultural heritage monument.

(5) Restoration documentation shall form an integral part of the restoration and shall be drawn up in two stages:  
a) the report on restoration research and the restoration proposal,  
b) documentation of restoration work carried out.

(6) The Regional Monuments Board shall issue separate decisions for each stage of restoration of documentation; a separate decision can be issued on the report on restoration research.

(7) Restoration can be carried out only by a natural person who has professional competence for it pursuant to relevant legislation.<sup>34)</sup>

(8) During restoration the Regional Monuments Board shall carry out state supervision of monuments and historic sites. If new facts or deficiencies are identified that could result in the endangerment, damage or destruction of the cultural heritage value of the monument, the Regional Monuments Board shall suspend the work concerned by means of a decision.

(9) If new circumstances are discovered or an unexpected find is uncovered, the responsible restoration worker shall stop work until a decision is issued by the Regional Monuments Board. The Regional Monuments Board shall issue a decision on further action within three working days of the stopping of work.

<sup>31aa)</sup> § 94 of Act No. 50/1976 Zb. as amended.

<sup>31ab)</sup> § 87 of Act No. 50/1976 Zb. as amended by Act No. 237/2000 Z. z.

<sup>31a)</sup> Part five of Act No. 50/1976 Zb. as amended.

<sup>31b)</sup> § 140b of Act No. 50/1976 Zb. as amended by Act No. 479/2005 Z. z.

<sup>32)</sup> § 102 of Act No. 50/1976 Zb. as amended.

<sup>33)</sup> Act of the National Council of the Slovak Republic No. 200/1994 Z. z. on the Chamber of Restorers and on the performance of restoration activities by its members.

<sup>34)</sup> § 5(2)(a) to (d) of Act of the National Council of the Slovak Republic No. 200/1994 Z. z.

(10) After issuing its decision, the Regional Monuments Board shall retain one copy of the restoration proposal for use in the performance of state supervision of monuments and historic sites. After the completion of restoration, the owner shall deliver one copy of documentation of restoration work carried out to the Regional Monuments Board free of charge within 60 days.

(11) The particulars of the performance of restoration work and of restoration documentation shall be laid down in an act of general application issued by the Ministry.

#### § 34

##### **State Aid and Municipal Aid for the Renovation and Restoration of Cultural Heritage Monuments**

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

(2) The owner shall enclose with their application for a financial contribution a decision of the Regional Monuments Board pursuant to § 32(4) or on a restoration plan pursuant to § 33(4). An application for a financial contribution from the Ministry shall also include a statement of the municipality stating the amount of any municipal contribution or reasons why the municipality has not provided a financial contribution.

(3) The Ministry may require the return of a contribution provided for renovation if the whole or part of the cultural heritage monument whose value was increased by the work performed is transferred for payment within ten years of provision of the contribution.

(4) A contribution pursuant to paragraph (1) shall not be provided if essential costs can be covered under other legislation.<sup>35)</sup>

(5) The state may also provide the owner of a cultural heritage monument with indirect assistance in accordance with the relevant legislation.<sup>36)</sup>

## **PART SIX**

### **CULTURAL HERITAGE RESEARCH AND FINDS**

#### § 35

##### **Cultural Heritage Research**

(1) "Cultural heritage research" shall mean professional activity aimed at acquiring knowledge on cultural heritage monuments, historic sites, archaeological finds and archaeological sites.

(2) Cultural heritage research shall be carried out for

- a) the preparation of renovation and restoration of cultural heritage monuments,
- b) the preparation of modifications of immovable property in historic sites,
- c) the protection of archaeological finds,
- d) the preparation of principles for the protection of historic sites
- e) scientific purposes and documentation purposes

(3) Cultural heritage research shall be classified by orientation as:

- a) art historical research
- b) architectural historical research
- c) urban historical research
- d) archaeological research.

(4) Cultural heritage research shall be classified by time of performance as:

- a) advance research, which is carried out before the start of renovation, building activity or other economic activity with the objective of identifying and investigating cultural heritage values, the occurrence of objects of cultural heritage value or archaeological finds,
- b) rescue research, which is carried out during building activities or other economic activities, in the event of landslides, erosion and other natural phenomena in order to rescue identified items of cultural heritage value.

(5) For the purposes of this act, cultural heritage research for scientific purposes and documentation purposes shall mean cultural heritage research not carried out in connection with construction activity or other economic activity.

(6) Before the start of cultural heritage research for scientific purposes and documentation purposes, an application for a decision on the research must be submitted to the Regional Monuments Board. The application shall include written consent of

<sup>35)</sup> § 95 of Act No. 50/1976 Zb. as amended by Act No. 229/1997 Z. z.

<sup>36)</sup> § 4(1)(d) and § 5(2)(c) and (d) of Act No. 231/1999 Z. z.

the owner or administrator of the object on which research is to be carried out and a research proposal setting out the research methodology, the location, the proposed scope of research methods and techniques to be used and the method for ensuring conservation of finds. The Regional Monuments Board shall decide whether the proposed research is acceptable and set conditions for the performance of research.

(7) The Regional Monuments Board shall decide on the need for cultural heritage research at the proposal of the building office, the Monuments Board, on its own initiative or at the request of the owner or administrator. The Regional Monuments Board shall send a decision on the performance of cultural heritage research to the building office without delay.

#### § 35a

##### **Special professional competence for cultural heritage research**

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

(2) A certificate of professional competence can be obtained in the following areas of cultural heritage research.

- a) art historical research
- b) architectural-historical research
- c) urban historical research
- d) archaeological research.

(3) A certificate of professional competence can be obtained by a natural person who

- a) has completed the second level of higher education in a relevant field of study,
- b) has passed an examination of his/her theoretical knowledge and professional skills in the area of cultural heritage monuments and historic sites,
- c) has at least three years of professional experience in cultural heritage research.
- d) has irreproachable character; a person is deemed to have irreproachable character if they have not been convicted with final effect of a deliberate crime.

(4) When submitting an application for issuing of a certificate of professional competence, the applicant shall enclose a copy of documentation of completed education, documentation of professional experience, a professional assessment by the Monuments Board or the Archaeological Institute of completion of professional experience and an extract from the criminal register no more than three months old. An application for extension of a certificate of professional competence shall be accompanied by an extract from the criminal register no more than three months old. The Ministry shall retain the submitted documents.

(5) The Ministry shall cancel the certificate of professional competence of a natural person if they do not comply with this Act in the performance of cultural heritage research or if they cause serious damage to cultural heritage value. The Ministry shall also cancel the certificate of professional competence of a person convicted of a deliberate crime with final effect.

(6) The Ministry shall publish a list of natural persons who have valid certificates of professional competence in a specific area of cultural heritage research on its website. The list shall include their names, surnames, academic titles and contact data.

(7) The particulars of acquiring and extending a certificate of professional competence shall be laid down in an act of general application issued by the Ministry.

#### § 36

##### **Archaeological Research and Authorisation to Conduct Archaeological Research**

(1) For the purposes of this Act, "archaeological research" shall mean the set of professional non-destructive and destructive methods and techniques intended to detect, identify, evaluate, document and record archaeological sites, archaeological finds and archaeological situations for the purposes of conservation, and to identify and collect archaeological finds on the Earth's surface, underground and underwater.

(2) Before the start of building activities or other economic activities on an archaeological site registered pursuant to § 41(1), the owner, administrator or builder must apply for a statement on the plan from the Regional Monuments Board. The application shall include information on ownership and a specification of the intended changes to the site.

(3) the Regional Monuments Board can may issue a decision requiring archaeological research at the site of building work or other economic activity that is not an archaeological site registered pursuant to § 41(1) if there are grounds to believe that there are archaeological finds located there. The Regional Monuments Board shall also send a decision on the obligation to carry out archaeological research to the competent building office.

(4) The Monuments Board and the Archaeological Institute are entitled to carry out archaeological research through persons with professional competence; another legal entity can carry out archaeological research only with authorisation issued by the Ministry.

(5) The Ministry shall issue authorisation for archaeological research to a legal entity that

- a) ensures that archaeological research is performed by natural persons with professional competence recognised pursuant to § 35a, of whom at least one is a full-time employee of the legal entity and
- b) proves that it has the personnel, material resources and space necessary for research, protection, conservation and temporary storage of movable finds.

(6) The natural person referred to in paragraph (5)(a) who is a full-time employee of the legal entity shall have the status of the head of archaeological research. If there are more such persons, the head of archaeological research shall be selected by the statutory body of the legal entity. The head of archaeological research is authorised to carry out at most five archaeological research projects for the legal entity at one time. For the purposes of this provision, archaeological research shall last from the start of field work to the submission of research documentation pursuant to § 39(10).

(7) The Ministry shall withdraw a legal entity's authorisation for archaeological research if it is terminated or if it breaches the conditions under which the authorisation was issued or if the actions of the legal entity cause serious damage or destruction of an archaeological find or archaeological site.

(8) The Ministry shall publish on its website a list of legal entities authorised for archaeological research

#### § 37

Repealed with effect from 01/07/2014

#### § 38

### Financing for Cultural Heritage Research

(1) The costs of cultural heritage research shall be borne by the owner of the cultural heritage monument, the owner of the immovable property in a historic zone or the builder.

(2) If research of monuments and historic sites is carried out for a building or in the course of activities in the public interest, the central state administration body with responsibility for the building or activity in the public interest may decide that the costs or a part thereof will be covered from the state budget.

(3) Cultural heritage research carried out exclusively for scientific and documentation purposes shall be paid for by the party in whose interest they are carried out.

#### § 39

### Conditions for cultural heritage research

(1) The type, scope and method of research of monuments and historic sites, and the procedure for handling finds shall be laid down in the decision of the Regional Monuments Board. In the case of cultural heritage research for scientific and documentation purposes the Regional Monuments Board shall set conditions for research pursuant to the first sentence based on the research proposal submitted by a person referred to in § 35a(1) or § 36(4).

(2) In performing research of monuments and historic sites a person referred to in § 35a(1) or § 36(4) shall have regard for interests protected by relevant legislation,<sup>36a</sup>) co-operate with the authorities responsible for the protection of such interests and protect the rights and protected interests of the owners of immovable property and other property.

(3) Before commencing cultural heritage research, the person referred to in § 35a(1) or § 36(4) shall conclude an agreement on the performance of cultural heritage research with the owner of the immovable property where the research is to be carried out; if the owner is not known, the agreement shall be concluded with the administrator of the cultural heritage monument or the administrator of the immovable property where research is to be carried out. If an agreement is not reached, the Monuments Board shall issue a decision on the duty of the owner or administrator to permit cultural heritage research. The decision of the Monuments Board shall not affect the owner's right to compensation for material damage.

(4) Research of monuments and historic sites can be carried out only in accordance with the international conventions governing such activity<sup>17)</sup> in accordance with current scientific knowledge and with the use of suitable, especially non-destructive methods.

(5) The person referred to in § 35a(1) or § 36(4) must notify the Regional Monuments Board of the commencement of research of monuments and historic sites at least five days in advance, and notify it of the end of research activities at the site without delay.

(6) It shall be prohibited to carry out unauthorised cultural heritage research or excavations at a cultural heritage monument, historic site, archaeological find or archaeological site, and to collect and relocate a movable find, to hold such a find

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<sup>36a</sup>) For example Act No. 44/1988 Zb. on the protection and use of mineral wealth (the Mines Act), as amended, Act No. 543/2002 Z. z. on nature and landscape protection, as amended, Act No. 364/2004 Z. z. on waters and amending Act of the Slovak National Council No. 372/1990 Zb. on infractions, as amended (the Water Act), as amended.



or to search for finds using detection equipment without authorisation. Surface collection and non-destructive prospecting by persons falling under § 36(4) shall not be considered prohibited cultural heritage research.

(7) Whoever carries out cultural heritage research under an agreement pursuant to paragraph (3) must take measures to protect cultural heritage value by preventing the damage, devaluation, destruction or theft of any find. Cultural heritage research cannot be carried out if provision has not been made for follow-up protection of finds or the remedying of the adverse effects of cultural heritage research.

(8) if the builder or the person who should implement the decision pursuant to paragraph (1) is unable, for objective reasons, to provide a person meeting the criteria in § 35a(1) or § 36(4) to carry out research, such a person shall be appointed by the Ministry at the proposal of the Monuments Board.

(9) The person meeting the criteria of § 35a(1) or § 36(4) that carries out cultural heritage research shall set out knowledge acquired through the research in the research documentation, which shall form the basis for the preparation of preparatory documentation or project documentation for the renovation of a cultural heritage monument or the modification of an immovable property in a historic site, or the basis for the territorial plan for the protection of the cultural value of the territory and record-keeping pursuant to § 40(8). Details of research documentation shall be laid down in an act of general application issued by the Ministry.

(10) The person meeting the criteria of § 35a(1) or § 36(4) that carries out cultural heritage research shall submit the research documentation to the Monuments Board for appraisal. The Monuments board shall issue an opinion on submitted research documentation within 30 days. The opinion shall state whether the research documentation satisfies formal and professional requirements. If the research documentation does not satisfy the requirements, the Monuments Board shall return it for revision and resubmission. If the research documentation satisfies all requirements, the Monuments Board shall send it to the person that carried out the research together with the opinion. The Monuments Board shall also send its opinion to the person for whom the research was ordered or permitted.

(11) The owner, the builder or the person that carried out cultural heritage research for scientific purposes or documentation purposes shall submit one copy of the research documentation to the Regional Monuments Board free of charge together with the opinion of the Monuments Board; the period for its submission shall be set by the Regional Monuments Board. In the case of archaeological research, the owner or the person that carried out archaeological research for scientific purposes or documentation purposes shall submit one copy of the research documentation to the Archaeological Institute free of charge for the purposes of keeping records pursuant to § 41(1).

(12) A person meeting the criteria of § 36(4) shall retain and protect an archaeological find until its submission, transfer of ownership rights transfer of administration pursuant to § 40(9). A person meeting the criteria of § 36(4) must not transfer or otherwise dispose of a find to a third party, nor allow it to be used by a third party.

## § 40

### Finds

(1) For the purposes of this Act, the term "find" shall mean an object of cultural heritage value that is found in the course of cultural heritage research in connection with construction activities or other activities in the earth, under water or in the fabric of a historic building.

(2) If a find is found outside permitted cultural heritage research, the finder must notify the Regional Monuments Board directly or through their municipality. A find must be reported by the finder no later than the second working day after it is found.

(3) A find must be left without changes until it has been inspected by the Regional Monuments Board or an authorised professionally qualified person, and at least three working days after the reporting of the find. Until inspection by the Regional Monuments Board the finder must take all measures necessary to protect the find, in particular to prevent its theft, devaluation, destruction or theft. An archaeological find can be removed and relocated from its original location and setting only by an authorised person under the first sentence using the methods of archaeological research. If an archaeological find is removed by an authorised person under the first sentence, they must submit a report on the chance archaeological find to the Regional Monuments Board no later than ten working days from the find's removal; the report on a chance archaeological find shall include information on the localisation of the find, the method used to uncover it, an approximate dating and photographic documentation of the find situation.

(4) If a find is munitions or ammunition from before 1946, it can be removed only by a pyrotechnic specialist from the Police Force, who shall submit a notice to the Regional Monuments Board within 30 days of removing the find; the notice shall contain basic information on the location of the find, the type of find and photographic documentation of the find.

(5) Finds that are found during construction work are governed by special legislation.<sup>37)</sup>

(6) An archaeological find shall be property of the Slovak Republic. The administrator of an archaeological find from its finding shall be the Archaeological Institute or a museum established by a central state administration authority, if the archaeological find was found during archaeological research that it conducted. In other cases the administrator of the archaeological find is the Monuments Board, with effect from the receipt of research documentation pursuant to § 39(10), the receipt of notification of a chance archaeological find pursuant to paragraph (2) by the Regional Monuments Board or receipt of

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<sup>37)</sup> § 127 of Act No. 50/1976 Zb. as amended by Act No. 229/1997 Z. z.

an illegally acquired archaeological find recovered by authorities involved in criminal proceedings, a court or an administrative authority.

(7) An archaeological find shall be protected in accordance with the relevant legislation.<sup>15)</sup> Depending on its cultural heritage value, an archaeological site can be declared a cultural heritage monument, historic reserve or historic zone.

(8) If the administrator of an archaeological find is the Archaeological Institute or a museum established by a central state administration authority, it shall keep records of the archaeological find in accordance with the relevant legislation.<sup>15)</sup> If the administrator of an archaeological find is the Monuments Board, it shall keep a special record of the archaeological find which shall always include a list of items specifying identifying information and the method of disposal of this property by the state. The Monuments Board may loan an archaeological find to a museum established by another legal entity if the archaeological find was found during archaeological research that they carried out or financed; the Monuments Board shall conclude an agreement for such a loan for at most ten years.

(9) The administrator of an archaeological find may transfer ownership of the archaeological find only to a municipality or self-governing region for administration by a museum that it has established or to the National Bank of Slovakia,<sup>37a)</sup> such transfers shall be free of charge. The administrator of an archaeological find may transfer administration of an archaeological find only to a museum established by a central state administration authority or the Slovak Academy of Sciences. The archaeological find shall continue to be protected in accordance with the relevant legislation.<sup>15)</sup> If the administration or ownership of an archaeological find is to be transferred, an entitled person pursuant to § 36(4) shall attach to it research documentation assessed by the Monuments Board in accordance with § 39(10). The administrator shall receive archaeological finds appropriately treated and professionally described. The copyright of the entitled person pursuant to § 36(4) shall not be affected.

(10) Except in case of cultural heritage research pursuant to § 35 and 36 or a non-permitted activity, the finder shall be entitled to compensation for costs incurred in connection with the reporting and protection of the find pursuant to paragraphs (2) and (3).

(11) The Monuments Board shall decide on the provision of a finder's fee and provide the finder with a finder's fee up to 100% of the value of the find. The value of the find shall be determined by expert appraisal.<sup>23)</sup>

(12) The administrator's disposal of an archaeological find pursuant to paragraphs (8) and (9) shall not be governed by special legislation.<sup>37b)</sup>

## § 41

### Records and Use of Archaeological Sites

(1) Records of archaeological sites are kept by the Archaeological Institute in the Central Register of Archaeological Sites of the Slovak Republic (hereinafter referred to as the "Register of Archaeological Sites"). In the Register of Archaeological Sites the Archaeological Institute shall record archaeological sites declared as cultural heritage monuments or historic sites pursuant to this Act.

(2) The Archaeological Institute shall provide up-to-date records and topographical data of archaeological sites to the Monuments Board for their record-keeping purposes and for incorporation in the territorial plan for the protection of the territory's cultural heritage value.

(3) The records of archaeological sites kept by the Monuments Board pursuant to paragraph (2) shall be a basic document for the performance of state administration pursuant to this Act. The Regional Monuments Board shall keep a records of archaeological sites in its territory based on an extract from these records.

(4) The Regional Monuments Board in co-operation with the competent building office shall ensure conditions for the protection of archaeological sites in land-use and building proceedings.

(5) The Regional Monuments Board in co-operation with competent territorial self-government authorities shall ensure the professional conservation and the appropriate use and presentation of archaeological finds and archaeological sites, where possible in the original find setting. Provision of public access to sites must not lead to their damaging or excessive wear.

## PART SEVEN

### INFRACTIONS AND OTHER ADMINISTRATIVE OFFENCES

## § 42

### Infractions

(1) In the field of protection of monuments and historic sites, an infraction shall be committed by any person who:

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<sup>37a)</sup> § 3(3) of Act No. 206/2009 Z. z.

<sup>37b)</sup> Act of the National Council of the Slovak Republic No. 278/1993 Z. z. on the administration of state property, as amended.

- a) fails to protect a movable object or immovable property against danger, damage, devaluation, theft or export from the territory of the Slovak Republic during the period from the delivery of notice on the commencement of proceedings on the declaration of the movable object or immovable property as a cultural heritage monument to the entry into force of the decision,
- b) fails to comply with notice duties pursuant to this Act,
- c) fails to ensure conditions for the performance of state supervision of monuments and historic sites pursuant to § 12, or prevents its performance,
- d) fails to comply with the instructions or requirements of a person performing state supervision of monuments and historic sites pursuant to § 12(1)(c), (d) or (e) and continues unauthorised works
- e) fails to prepare or submit documentation pursuant to § 31 to 33 and 39.
- f) relocates a cultural heritage monument without the prior consent of the Regional Monuments Board pursuant to § 24.
- g) installs an advertisement or advertising, information, promotional or technical equipment on a cultural heritage monument, in a historic site or a protective zone without a decision or without the binding opinion of the Regional Monuments Board or fails to comply with the conditions laid down in the relevant decision or binding opinion.
- h) constructs a building, makes a change to a building or carries out maintenance work on immovable property that is not a cultural heritage monument but is situated in a historic site or protective zone without a prior decision or without the binding opinion of the Regional Monuments Board or fails to comply with the conditions laid down in the relevant decision or binding opinion.
- i) causes through their actions adverse changes in the condition of a cultural heritage monument, historic site or their protective zone, an archaeological find or an archaeological site, or endangers their protection,
- j) fails to handle a find in accordance with this Act,
- k) fails to comply with the conditions for the performance of cultural heritage research laid down in the relevant decision of the Regional Monuments Board,
- l) fails to ensure the performance of cultural heritage research in accordance with the decision or binding standpoint of the Regional Monuments Board,
- m) carries out, without a decision of the Regional Monuments Board, cultural heritage research on a cultural heritage monument, a historic site or an archaeological site, or an unauthorised search for archaeological finds, their unauthorised excavation and removal from their setting or their unauthorised relocation or concealment.
- n) fails to ensure basic protection of a cultural heritage monument pursuant to § 27, fails to keep it in a good condition and uses it in a manner that endangers, damages, devalues or destroys it, or fails to protect it against theft or otherwise violates the duties laid down in § 28(2).
- o) fails to implement remedies imposed by the Regional Monuments Board pursuant to § 31.
- p) carries out renovation or restoration of a cultural heritage monument without a decision or binding opinion of the Regional Monuments Board or fails to comply with the conditions laid down in the relevant decision or binding opinion,
- q) loans abroad, attempts to export abroad or exports a cultural heritage monument or a part thereof without a permit from the Ministry.

(2) The competent Regional Monuments Board may impose a fine on a natural person amounting to

- a) up to EUR 10,000 for infractions falling under paragraph (1)(a) to (g),
- b) up to EUR 100,000 for infractions falling under paragraph (1)(h) to (k),
- up to EUR 200,000 for infractions falling under paragraph (1)(l) to (q),

(3) The competent Regional Monuments Board may impose a fine of up to double the fine specified in paragraph (2) in a case involving a cultural heritage monument, historic territory, protective zone or archaeological site inscribed in the World Heritage List. The imposition of a fine shall not affect the duty to implement measures imposed by the Regional Monuments Board. If a remedy is not applied, a fine can be imposed repeatedly.

(4) The Regional Monuments Board that imposed the fine may permit delayed payment of a fine or the payment of a fine in instalments if circumstances arise preventing the payment of the fine, or there are grounds justifying the payment of the fine in instalments.

(5) Infractions and proceedings on them shall be governed by the general regulation on infractions.<sup>38)</sup>

(6) The proceeds of fines imposed for infractions shall be income of the state budget.

## § 43

### Other Administrative Offences

(1) Another administrative offence in the field of protection of monuments and historic sites is committed by a natural person - entrepreneur or a legal entity that commits an action listed in § 42(1).

(2) The Regional Monuments Board shall impose a fine on a legal entity or natural person - entrepreneur amounting to

- a) from EUR 100 to EUR 200,000, for offences falling under § 42(1)(a) to (g).
- b) from EUR 200 to EUR 400,000, for offences falling under § 42(1)(h) to (k).
- c) from EUR 300 to EUR 1,000,000, for offences falling under § 42(1)(l) to (q).

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<sup>38)</sup> Act of the Slovak National Council No. 372/1990 Zb. on infractions, as amended.

(3) The competent Regional Monuments Board shall impose a fine of up to double the fine specified in paragraph (2) in a case involving a cultural heritage monument, historic territory, protective zone or archaeological site inscribed in the World Heritage List.

(4) A fine can be imposed up to three years from the date when the Regional Monuments Board learned of the unlawful act, but no later than five years from the date when the unlawful action pursuant to paragraph (1) was committed. The imposition of a fine shall not affect the duty to implement measures imposed by the Regional Monuments Board. If a remedy is not applied, a fine can be imposed repeatedly.

(5) When setting the amount of a fine, the Regional Monuments Board shall take into account the severity of the action, the severity of the adverse effects on the cultural heritage monument or historic site, the archaeological find or archaeological site and the extent of the risk of damage and damage caused. The Monuments Board shall assess the amount of damage to a cultural heritage monument at an amount at least equal to the well-founded costs for restoring it to its original condition through reconstruction or restoration using original materials and technological procedures. In the event of the damage or destruction of an archaeological site, the amount of damage shall be assessed based on the cost of implementing archaeological research.

(6) The payment period for the fine shall be 30 days from the date of entry into force of the decision imposing.

(7) The Regional Monuments Board that imposed the fine may permit delayed payment of a fine or the payment of a fine in instalments if circumstances arise preventing the payment of the fine, or there are grounds justifying the payment of the fine in instalments.

(8) The proceeds of fines shall be income of the state budget.

#### § 43a

(1) If the conservation and proper use of an immovable cultural heritage monument is endangered, the Regional Monuments Board may propose that the competent building office expropriate it in the public interest. Expropriation proceedings shall be governed by the relevant legislation.<sup>38a)</sup>

(2) In the event of unauthorised tampering with the fabric of a cultural heritage monument resulting in permanent damage to its cultural heritage value or the destruction of the item itself, or in the event of damage to an archaeological find or archaeological site, the authorities for state supervision of monuments and historic sites shall transfer the case to the authorities involved in criminal proceedings.

## PART EIGHT

### COMMON, TRANSITIONAL AND FINAL PROVISIONS

#### § 44

##### Common provisions

(1) The duties of an owner laid down by this Act shall also apply to the administrator or other holder of a cultural heritage monument. They shall bear costs associated with basic protection if this duty follows from the legal relationship.

(2) Eligible person shall claim the right to adequate compensation for costs pursuant to § 40(10) and the right compensation for material losses pursuant to § 28(1)(c) and § 39(3) from the Monuments Board within six months of the acquisition of the right in the scope established by the relevant legislation,<sup>29)</sup> otherwise the right shall expire.

(3) Collection items and collections registered pursuant to special legislation<sup>15)</sup> shall not be subject to the provisions of this Act other than § 22.

(4) Proceedings in cases concerning the protection of monuments and historic sites shall be governed by the general regulations on administrative proceedings,<sup>40)</sup> insofar as paragraph (5) does not stipulate otherwise. If the number of parties in administrative proceedings is larger than ten, the administrative authority may deliver documents to the parties by means of a public notice.

(5) The issuing of binding opinions and opinions pursuant to this Act shall not be governed by the general regulation on administrative proceedings.

#### § 44a

Decisions issued after the effective date of this Act pursuant to § 24 (1) and (3), § 25(2), § 30(3), § 32(2) and (5), § 33(2) and § 39(1) and (3) shall cease to be valid three years from the date of their entry into force if the action to which they relate is

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<sup>38a)</sup> § 108 to 116 of Act No. 50/1976 Zb. as amended.

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

not carried out within that period. Binding opinions pursuant to § 30(3) and (4) and § 32(10) to (12) shall cease to be valid three years from the date of their issuing if they are not used for the purpose for which they are intended.

#### § 45

##### **Transitional Provisions**

(1) Cultural heritage monuments and national cultural heritage monuments registered in the Central Register of Cultural Heritage Monuments under previous legislation shall be considered national cultural heritage monuments under this Act.

(2) Historic reserves, historic zones and protective zones protected under previous legislation shall be considered historic reserves, historic zones and protective zones under this Act.

(3) Rights and obligations arising from the employment relationships of employees of the Monuments Institute shall be transferred to the Monuments Board with effect from 01 April 2002.

(4) Rights and duties arising from the employment relationships of employees of district offices and regional offices carrying out activities related to state care for monuments and historic sites shall be transferred to the Monuments Board with effect from 01 April 2002.

(5) State property<sup>41)</sup> in the administration of the Monuments Institute shall be transferred to the administration of the Monuments Board with effect from 01 April 2002. The rights and duties resulting from ownership relations and other relations shall be transferred from the Monuments Institute to the Monuments Board.

#### § 45a

##### **Transitional Provisions Effective from 01 June 2009**

Proceedings begun before the entry into effect of this Act shall be completed according to previous legislation.

#### § 46

##### **Final provisions**

The following acts are repealed:

1. Act of the Slovak National Council. 27/1987 Zb. on state care for monuments and historic sites as amended by Act No. 183/2000 Z. z.,

2. Items 204 to 213 of the Annex to Act of the National Council of the Slovak Republic No. 222/1996 Z. z. on the organisation of local state administration and amending certain acts, as amended,

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

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

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

6. Regulation of the Government of the Slovak Republic No. 288/1994 Zb. on the declaration of national cultural heritage monuments,

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

8. Decree of the Ministry of Culture of the Slovak Socialist Republic No. 21/1988 Zb., implementing certain provisions of Act of the Slovak National Council No. 27/1987 Zb.,

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

#### § 47

##### **Effect**

This Act entered into effect on 01 April 2002 except § 35(3), which entered into effect on 01 January 2004.

Act No. 479/2005 Z. z. amending Act No. 50/1976 Zb. on land-use planning and the building code (the Building Act), as amended, and amending certain acts, entered into effect on 01 November 2005.

Act No. 208/2009 Z. z. amending Act No. 49/2002 Z. z. on the protection of monuments and historic sites, as amended by Act No. 479/2005 Z. z. entered into effect on 01 June 2009.

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<sup>41)</sup> Act of the National Council of the Slovak Republic No. 278/1993 Z. z. on the administration of state property, as amended.

Act No. 262/2011 Z. z. amending Act No. 301/2005 Zb. the Code of Criminal Procedure, as amended, and amending certain acts, entered into effect on 01 September 2011.

Act No. 180/2013 Z. z. on the organisation of the local state administration and amending certain acts entered into effect on 01 October 2013 except Part XXIX, which entered into effect on 30 June 2013.

Act No. 38/2014 Z. z. amending Act No. 206/2009 Z. z. on museums and galleries and the protection of items of cultural value and amending Act of the Slovak National Council No. 372/1990 Zb. on infractions, as amended, and amending certain acts, entered into effect on 01 May 2014.

Act No. 104/2014 Z. z. amending Act No. 49/2002 Z. z. on the protection of monuments and historic sites, as amended, entered into effect on 01 July 2014.

**Pavol Paška**