

IMPLEMENTING DECREE
of the Ministry of Culture of the Slovak Republic
No. 253/2010 Z. z. implementing Act No. 49/2002 Z. z. on the protection of monuments
and historic sites, as amended by implementing decree of the Ministry of Culture of the
Slovak Republic No. 231/2014 Z. z

The full text

Pursuant to § 8(4), § 33(11), § 35a(7) and § 39(9) of Act No. 49/2002 Z. z. on the protection of monuments and historic sites as amended by Act No. 104/2014 Z. z. (hereinafter referred to as the "Act"), the Ministry of Culture of the Slovak Republic has adopted the following Implementing Decree:

§ 1
Fundamental Provisions

- (1) This decree governs particulars of
 - a) the activities of the Committee for the verification of special professional competence for cultural heritage research (hereinafter referred to as "the Committee"),
 - b) the implementation of restoration work and restoration documentation
 - c) the conditions for acquisition of a certificate of special professional competence for cultural heritage research (hereinafter only "special professional competence") and the extension of validity of a certificate of special professional competence,
 - d) research documentation

- (2) For the purposes of this Decree the phrase
 - a) "photographic documentation" shall mean colour photographs of the subject-matter of research, its parts, details and broader context,
 - b) "format preventing data modification" shall mean a format that ensures the inviolability of the content of the electronic form of research documentation or a part thereof in accordance with the relevant legislation,¹⁾
 - c) "applicant" shall mean a natural person who has submitted an application for the issuing of a certificate of special professional competence or an application for the extension of a certificate of special professional competence.

- (3) Photographs for the purposes of paragraph (2)(a) shall have a resolution of at least 5 megapixels in digital form and shall have dimensions at least 9 x 13 cm in printed form. The photograph must include a description of the documented object or situation.

§ 2
Details of the activity of the Committee for the verification of special professional
competence for cultural heritage research

- (1) The Committee shall perform its activities in the following areas of cultural heritage research:

¹ Implementing Decision of the Ministry of Finance of the Slovak Republic No. 55/2004 Z. z. on standards for information systems in public administration

- a) art history,
- b) architectural history,
- c) urban history,
- d) archaeology.

(2) The Committee shall verify special professional competence in accordance with § 8(2) of the Act.

(3) The Committee shall adopt a resolution on an application for the issuing of a certificate of special professional competence that satisfies the conditions laid down in § 35a(3) of the Act and an application for the extension of a certificate of special professional competence from an applicant meeting the criteria of § 35a(4) of the Act.

(4) In its resolution on the application for the issuing of a certificate of special professional competence it shall state whether it agrees with the results of the professional test in the report on the professional test. When deliberating on the extension of the validity of a certificate of special professional competence, the Committee shall assess the applicant's results in cultural heritage research and their research methods during the validity of the certificate of special professional competence as set out in the opinion of the Monuments Board of the Slovak Republic (hereinafter referred to as the "Monuments Board").

(5) The Committee shall meet at least twice a year, always after the deadline for the submission of applications for the issuing of certificates of special professional competence and applications for the extension of validity of certificates of special professional competence, which are 31 March and 30 September.

(6) The Committee shall be chaired by the chairperson of the Committee; in his/her absence he/she shall be deputised by the vice-chairperson of the Committee.

(7) The chairperson of the Committee and the vice-chairperson of the Committee shall be elected by the members of the Committee. Election shall require the votes of an absolute majority of all members of the Committee.

(8) The Committee shall have a quorum of half its members plus one member. A resolution of the Committee shall be valid if it is approved by an absolute majority of the Committee members present. In the event of a tied vote, the person chairing the Committee has the casting vote.

(9) Committee members shall perform their duties in person by participating in the voting of the Committee.

§ 3

Details of the conditions for recognition of special professional competence

(1) An applicant may submit an application for verification of special professional competence in multiple areas of cultural heritage research; the application shall include a proposal for limiting the scope of activities performed in a selected area of cultural heritage research.

(2) Special professional competence shall be verified

- a) by assessment of satisfaction of the conditions laid down in § 35a(3) of the Act,

- b) by assessment of the completeness of documents enclosed with the application pursuant to § 35a(4) of the Act and
 - c) an examination.
- (3) Education in a relevant field shall mean completion of the second stage of higher education in the field of
- a) art history,
 - b) architecture,
 - c) urban studies,
 - d) archaeology or classical archaeology.
- (4) The Committee may also recognise education in another field with a completed state final exam as education in a relevant field.
- (5) The requirement of at least three years of professional experience in the field of cultural heritage research shall be considered satisfied if the applicant proves that he/she had a significant share in professional work in a specific area of cultural heritage research over three years after completing the second stage of higher education.
- (6) The applicant shall be informed of the date, time and form of the examination at least 30 days before the date of the examination.
- (7) The examination shall consist of written and oral parts. The written part of the examination shall test the applicant's knowledge of the legislation on issues concerning the protection of cultural heritage monuments and historic sites, archaeological finds and archaeological sites. The oral part of the examination shall test theoretical knowledge and professional skills related to the protection of monuments and historic sites, archaeological finds and archaeological sites and the methods of cultural heritage research. The oral part of the examination shall include the presentation of at least two works of research documentation or similar works to which the applicant made a demonstrable major contribution.
- (8) The examination shall be classified as a "pass" or a "fail". A report shall be made on the result of the examination for each applicant. The course and results of the examination shall be recorded in the minutes of the Committee and the course and results of examination. The Committee shall notify the applicant of the results of the examination orally immediately after the signing of the minutes.

§ 4

Details of the extension of validity of a certificate of special professional competence

- (1) The validity of a certificate of special professional competence can be extended pursuant to § 35a(1) of the Act after the Committee has issued its statement.
- (2) The Committee shall request the opinion of the Monuments Board on the application for extension of validity of a certificate of special professional competence.

§ 5

Details concerning the performance of restoration work and restoration documentation

(1) The natural person with competence for restoration pursuant to relevant legislation (hereinafter referred to as the "restorer") who carried out restoration research shall draw up the proposal for restoration of a national cultural heritage monument (hereinafter referred to as a "cultural heritage monument") and shall be responsible for its content in accordance with the conditions laid down in the decision on the plan pursuant to § 33(2) of the Act.

(2) The proposal for restoration shall include

- a) the name and surname of the author of the proposal and basic identification data and technical information on the monument to be restored,
- b) an art-historical description and evaluation of the cultural heritage monument taking into account the results of cultural heritage research, if such research has been carried out,
- c) a characterisation of restoration research and an account of the research including an inventory, reasoning and evaluation of any explorations and a detailed evaluation of the restoration research,
- d) an assessment of the technical condition and the character of the cultural heritage value of the cultural heritage monument based on the results of research,
- e) the basic objective, characteristics and scope of restoration of the cultural heritage monument
- f) the proposed procedure and technology for restoration of the cultural heritage monument, with reasoning,
- g) photographic documentation of the monument to be restored and, if necessary, also graphical documentation of the cultural heritage monument and the restoration research,
- h) the restoration plan for the cultural heritage monument and the decision of the Regional Monuments Board forming the basis for restoration research and the implementation of restoration
- i) the opinion of the Monuments Board on the restoration proposal for the cultural heritage monument, if the Regional Monuments Board decides this is necessary.

(3) The restoration proposal shall be delivered as a complete authorised document in hard covers with numbered pages. The restoration proposal for a cultural heritage monument must be accompanied by an electronic version with identical content to the printed version.

§ 6

Details concerning the documentation of performed restoration work

(1) Documentation of performed restoration work shall document all work carried out in the restoration of a cultural heritage monument or part thereof.

(2) The documentation of performed restoration work shall be delivered as a complete authorised document in hard covers with numbered pages. The documentation of performed restoration work must be accompanied by an electronic version with identical content to the printed version.

(3) The restorer who carried out restoration of a cultural heritage monument shall draw up documentation of the performed restoration work and shall be responsible for its content being in accordance with the facts.

(4) documentation of restoration work carried out shall include

- a) the name and surname of the author of implementation and basic identification data and technical information on the monument restored,
 - b) a detailed report on the course of restoration including the procedures, technologies and materials used,
 - c) specification and reasoning of any changes from the restoration proposal,
 - d) evaluation of new knowledge acquired during restoration concerning the technical, technological and art historical characteristics of the cultural heritage monument, if acquired,
 - e) the benefit of restoration and the achieved objective,
 - f) specification of the regime for further use of the restored cultural heritage monument or part thereof having regard for its protection and including necessary operational and climatic conditions,
 - g) photographic documentation and if necessary also graphical documentation of the course and results of restoration of the cultural heritage monument.
- (5) The restoration log shall be included in an annex to the documentation of restoration work carried out, if the Regional Monuments Board decides that it should be kept. The restoration log shall contain entries on the course of restoration concerning the sequence of individual interventions and actions, and entries on compliance with the technological procedure and on actual climatic conditions.

§ 7

Details concerning research documentation

- (1) Research documentation documents the procedure and method of work actually carried out in one area of cultural heritage research or in multiple areas of cultural heritage research.
- (2) Research documentation can be classified by type as documentation of
- a) art historical research,
 - b) architectural historical research,
 - c) urban historical research,
 - d) archaeological research.
- (3) Research documentation may include results from multiple areas of cultural heritage research. Such research documentation must satisfy all requirements for research documentation in each of the covered areas of cultural heritage research.
- (4) The research documentation shall be delivered as a complete authorised document in hard covers with numbered pages including the opinion of the Monuments Board. The research documentation must be accompanied by an electronic version with identical content to the printed version. The electronic version shall be submitted to the institutions specified in § 39(10) and (11) in a format preventing data modification.
- (5) Research documentation prepared by multiple natural persons shall identify each person's contribution to each part of the research documentation in order to permit the unmistakable identification of the character and results of the professional activity of each natural person contributing to the preparation of the research documentation.

§ 8

Documentation of art historical research and documentation of architectural historical research

- (1) Documentation of art historical research and documentation of architectural historical research shall include in particular
- a) basic data on the cultural heritage monument or immovable property in a historic site including cadastral data for an immovable cultural heritage monument or an immovable property in a historic site,
 - b) information on the assignment including the decision forming the basis for research, the method, the procedure and the organisation of the cultural heritage research,
 - c) in the case of immovable property, its detailed measurement,
 - d) a description of the cultural heritage monument or immovable property in a historic site including its technical condition,
 - e) an inventory of details and elements of value,
 - f) an inventory of finds, find situations and any explorations, including reasoning and evaluation,
 - g) research and analysis of sources and literature relating to the object of research,
 - h) an analysis of the cultural heritage monument's development,
 - i) an evaluation of research in written and in graphical form,
 - j) specification of the cultural heritage value of the cultural heritage monument or immovable property in a historic site,
 - k) a proposal for the protection, renovation and presentation of the cultural heritage monument or immovable property in a historic site (hereinafter referred to as the "proposal"),
 - l) requirements for the performance of any other specialised research including specification of scope and reasoning,
 - m) photographic documentation and graphical documentation of the current and, where possible, also historic condition of the cultural heritage monument, and documentation of the course of research,
 - n) information on background information, sources and literature used,
 - o) other information that the author considers relevant.
- (2) The proposal under paragraph (1)(k) shall include in particular
- a) a summary of the results of art historical and architectural historical research,
 - b) the requirements for
 1. the conservation, renovation and presentation of the value of the cultural heritage monument, its material fabric and the elements and details that it includes,
 2. remedying earlier adverse interventions and modifications,
 - c) the proposal of specific measures for the conservation and renovation of the cultural heritage monument and its suitable functional use,
 - d) graphical presentation of the proposed method for renovating the cultural heritage monument.
- (3) If specialised research under paragraph 1(l) results in new and substantial knowledge and facts, their evaluation together with any relevant amendments to the proposal pursuant to paragraph (1)(k) shall be incorporated into an addendum to the research documentation.

§ 9

Documentation of urban historical research

Documentation of urban historical research shall be based on knowledge from individual architectural historical, art historical and archaeological research activities and shall include in particular

- a) basic information on the site,
- b) the borders of the site on the cadastral map according to the decision on the declaration of a historic site,
- c) information on the assignment and implementation of research including the decision on which it is based,
- d) information on land-use planning documentation, background information, sources, literature used and previous research,
- e) the historic and urban architectural development of the site,
- f) characteristics of the cultural heritage value of the site with an emphasis on specification of the individual types of structures and elements of the site, the ground plan, the development and current cadastral situation in the historic site, characteristics of the method of development of the built environment, the palette of materials, urban planning and the extent of conservation of its historic structure, dominant features and height zoning of individual building groups, the silhouette, the panorama of the site, an evaluation of the cultural heritage value of the historic site and the reasoning for its protection,
- g) photographic documentation of the studied site, in particular historic and contemporary photographs and important interior and distance views,
- h) graphical documentation of the studied historic site, in particular a map of its broader context, specification of the historic site and its protective zone, analysis of the cultural heritage values of the buildings and spaces in the historic site, a historic cadastral map or aerial photographic map.

§ 10

Documentation of archaeological research

Documentation of archaeological research shall include in particular

- a) basic information on the archaeological site,
- b) information on the assignment, the method, the implementation and organisation of research,
- c) a topographic, geological and pedological description of the archaeological site,
- d) the history and knowledge from previous research of the archaeological site
- e) altimetric and planimetric measurement of the site of archaeological research in a standardised system, localisation of the archaeological site on the current cadastral map and an extract from the map in 1:10,000 scale.
- f) description of research work, find contexts and selected finds and studied objects in the journal of the archaeological research and in find sheets or in a professional journal,
- g) photographic documentation and graphical documentation of the course of research with a list making unmistakably clear the spatial context and the archaeological situation,
- h) photographic documentation and graphical documentation of selected archaeological finds,
- i) an inventory of all archaeological finds in the form of a sequentially numbered incremental catalogue giving a brief, expert description of finds,
- j) professional appraisals, where required by the character of finds,
- k) information on background information, sources and literature used,
- l) a description of the course of basic conservation and restoration of find, including the preparations and methods used, with photographic or graphical documentation,

- m) administrative documentation for archaeological research in particular the decision, binding opinion or opinion of the Regional Monuments Board, committee minutes and inspection reports, notification of the start and end of research,
- n) an evaluation of the results of the archaeological research in written and in graphical form,
- o) a proposed regime for the protection and potential presentation of the archaeological site.

§ 11
Transitional Provisions

Certificates issued before the entry into effect of this Implementing Decree shall remain valid until the end of their validity period.

§ 12
Repeal Provisions

Implementing Decree of the Ministry of Culture of the Slovak Republic No. 16/2003 implementing the act on the protection of monuments and historic sites is hereby repealed.

§ 13
Effect

Implementing Decree entered into effect on 15 June 2010.

Implementing Decree of the Ministry of Culture of the Slovak Republic No. 231/2014 Z. z. amending Implementing Decree of the Ministry of Culture of the Slovak Republic No. 253/2010 Z. z. entered into effect on 01 September 2014.

Marek Mad'arič in his own hand