

**LAW  
ON PROTECTION OF CULTURAL HERITAGE**

**CHAPTER I  
GENERAL PROVISIONS**

*Subject of regulation*

Article 1

This Law shall specify the types, categories, identification, manners of settling under protection and other instruments of the cultural heritage protection, the regime of protection and use of cultural heritage, rights and obligations of holders and limitations of the property right on the cultural heritage of public interest, the organisation, co-ordination and supervision, professional titles and other issues significant for the unity and the functioning of the cultural heritage protection system in the Republic of Macedonia.

*Cultural Heritage*

Article 2

Cultural heritage, within the meaning of this Law, shall include the material and immaterial goods which, as an expression or testimony of the human creation in the past and in present or as common works of human and nature, due to their archaeological, ethnological, historical, artistic, architectonic, urban, ambiental, technical, sociological and other scientific or cultural values, characteristics, contents or functions, have cultural and historical significance and due to their protection and use are settled under legal regime according to this and other Law.

*Main classifications of the cultural heritage*

Article 3

(1) The cultural heritage, within the meaning of Article 2 of this Law, according to its characteristics, shall include: the immovable, movable and intangible cultural heritage.

(2) The cultural heritage, within the meaning of Article 2 of this Law, according to its significance, shall include: the cultural heritage of special and other cultural and historical significance. (hereinafter as: significant cultural heritage).

(3) The cultural heritage, within the meaning of Article 2 of this Law, according to the level of its endangerment, could include: the non-endangered and endangered (hereinafter as: endangered cultural heritage).

*Goals of protection*

Article 4

(1) The main goal of protection shall include:

1. Preservation of the cultural heritage in its genuine condition;
2. Creating more favourable conditions for survival of the cultural heritage and for maintenance of the integrity of all data which are included within as a testimony, source or type of document;
3. Enlarging the knowledge regarding the values and the significance of the cultural heritage and its role in the cultural identification and
4. Providing the means for the cultural heritage, due to its purpose and meaning, to serve to satisfy the cultural, scientific, educational, aesthetic, religious, economical, tourist and other needs of citizens and the society.

(2) The operational goal of protection shall be the carrying out activities to prevent activities, events and effects, which produce or may cause damage, destruction, disarrangement, vanishing, degradation and illegal seizure of the cultural heritage.

(3) The final goal of protection shall include the transfer of the cultural heritage to the future generations.

*Basis of protection*

Article 5

(1) The cultural heritage is the fundamental value of the Republic of Macedonia, which shall be protected in any circumstance.

(2) The protection of cultural heritage shall be of public interest and shall be compulsory attained at the whole territory of the Republic of Macedonia.

(3) The cultural heritage shall be protected due to its values, significance, and level of endanger, regardless of time, place and manner of creation or the creator and the ownership or possession, regardless of the character, material or religious, or the type of confession, and regardless if it was registered or not.

(4) The type of ownership or the owner should not be changed by listing, pronouncing or other manner of settling under protection, registering or marking the cultural heritage, according to the provisions of this Law.

(5) The goods which are by reason presumed as cultural heritage shall be protected in extent and manner specified by this Law.

(6) The immovable cultural heritage and immovable goods of paragraph (5) of this Article shall be protected together with their immediate environment, through marking contact zones under this Law.

(7) The movable cultural heritage shall be protected as a single good or as a collection.

(8) The cultural heritage shall be used due to its nature and purpose according to the goals of protection. The immovable cultural heritage shall be used for active living within, as well as a factor of the persistent development.

*Attainment of protection*

Article 6

(1) The protection of cultural heritage shall be attained especially by:

1. Carrying out activities in the field of culture which entirely or partially refer to the protection of certain type of cultural heritage (hereinafter as: protection activities);
2. Carrying out administrative, professional and other protection activities significant to the realising of state functions and the rights and obligations of citizens and legal entities related to the cultural heritage;
3. Organising the network of specialised services and permanent advisory and co-ordination bodies of protection, both at national and local level;
4. Specifying the national strategy for protection and its efficient implementation;
5. Developing the awareness for the significance of the cultural heritage and for the danger it is exposed under, as well as the necessity for its protection (protection awareness);
6. Creating and promoting a compatible information system for cultural heritage and its connecting to the specialised and general systems and networks at national and international level;
7. International assistance, co-operation and protection of the national cultural heritage and
8. Initiating the non-governmental organisations and private initiatives to protection and use of the cultural heritage;

(2) The protection of cultural heritage shall be attained also by its obligatory involvement both in the spatial and urban plans and the programs and plans for protection of the environment and nature, as well as by its treatment as a factor of the persistent economical and social development, especially in direction of development of the cultural tourism, housing, specific professions and education.

(3) The protection of the movable cultural heritage shall be administered also by efficient management with the risks it is exposed to, especially regarding the illegal excavations, smuggling, robberies, seizure and other unlawful activities, and regarding the conditions for preservation, handling, transport, exhibition etc.

(4) The protection of the intangible cultural heritage shall be administered also by making and keeping records of it, as well as by stimulating its transfer in the genuine and other areas.

*Subjects of protection*

Article 7

(1) The attaining of protection of the cultural heritage shall primary include the obligation and responsibility of the state and its bodies and public services.

(2) The local management units and their bodies and public services shall be responsible for attaining the protection in the framework of their competencies specified by this and other Law.

(3) The legal entities and natural persons, competent for fulfilment of the cultural heritage protection, according to this Law, shall be responsible for attaining the protection in the framework of the entrusted authorisations.

(4) The owners and other holders of cultural heritage responsible for the maintenance, preservation, respect and the regular use of the cultural heritage shall have the rights and duties specified by this and other Law.

(5) Each citizen shall be responsible for the care and respect of the cultural heritage.

*Administrative issues, activities and operations of protection*

Article 8

(1) The administrative and certain proficient issues of the cultural heritage protection shall be carried out by the Ministry of Culture, and by the Administration for protection of the cultural heritage, as a body within the Ministry of Culture (hereinafter as: The Administration).

(2) The protection of the archives material shall be carried out by the State Archives of the Republic of Macedonia (hereinafter as: The Archives).

(3) The proficient issues within the system of protection of the cultural heritage in the field of culture, except the issues of paragraph (1) and (2) of this article, shall be attained by carrying out the activities of the cultural heritage protection (hereinafter as: monumental activity) and the activities for protection the movable cultural heritage (museum, library and film archives activity).

(4) The protection activities as in paragraph (3) of this Article, due to the type of the cultural heritage shall be attained by public institutions for protection of cultural heritage (hereinafter as: public protection institutions), other institutions and other legal entities, according to this and other Law.

(5) The operations for protection of the phonogram archives goods and the intangible cultural heritage shall be attained by the entities authorised by the Minister of Culture.

*Application of other regulations in the field of culture*

Article 9

(1) The provisions of the Law on Culture shall be applied to the foundation, operation and termination of the public institutions for protection, management, administration, making decisions, financing and the administrative supervision, unless otherwise provided by this law.

(2) The accomplishment of the museum, library and the film archives activity, including the issues in the field of museum and library matters, which are not subject to the cultural heritage protection, shall be particularly regulated by Law.

*Right to ownership on cultural heritage*

Article 10

(1) The subject to the right to ownership could include the immovable or movable cultural heritage.

(2) The cultural heritage of Paragraph (1) of this Article could be a property of the Republic of Macedonia (state property), of the local management units and of other legal entities and natural persons.

(3) The cultural heritage and good which is commonly presumed as cultural heritage which shall be found under ground or underwater, regardless of whether or not was excavated, shall be treated as a state property. In other cases, regarding the right to ownership, the regulations for obtaining ownership on found goods shall be applied.

(4) As a cultural heritage as a state property shall be considered moreover:

1. The movable cultural heritage whose owner undoubted shall express the will not to hold it in possession any longer, i.e. to abandon it;
2. The immovable cultural heritage, whose right to ownership shall be erased on a base of a Statement to release the property, signed by the owner in a form of a document suitable to register the right in the Public book for registering the property rights, whereto, the property right of the Republic of Macedonia will be recorded on the basis of such statement, after the completion of the right of the previous owner and
3. The cultural heritage whose owner is unknown, within ten years, if it is a immovable property, i.e. within three years if it is a movable property, calculated from the enactment of the decision to determine a trustee of such good.

*Meaning of certain expressions in this Law (Glossary)*

Article 11

Certain expressions used in this Law shall have the following meaning:

1. "Protection of cultural heritage" within this Law shall include the research, identification, evaluation, re-evaluation, categorization, announcing, registration and designation of the cultural heritage, its preservation, respecting, concern, maintaining, conservation, restoration, reconstruction, dislocation and re-vitalization, as well as prevention, supervision, restitution, presentation, popularisation and any other form of immediate or indirect preservation of the cultural heritage which is attained in a public interest (hereinafter as: protection).
2. "Cultural - historical significance " shall include the common cultural and other meaning of public interest from the point of view of the common or the national history, culture, art, science and technique.
3. "National" shall mean the expression which is used within the meaning of the Law on Culture and the international conventions which are subject to the cultural heritage protection and shall the express the public, i.e. the state interest in culture.
4. "Evaluation" shall include the proficient and scientific assessment of the values and characteristics of goods according to specified criterions, in a function of their settling under protection and enrolment under appropriate protection regime.
5. "Re-evaluation" shall mean the proficient and scientific reassessment of values and characteristics of the cultural heritage, in function of confirmation, extension, reinforcement or reducing the protection effect, including its exclusion or termination.
6. "Categorization" shall mean specifying of the level of the cultural heritage significance in public interest in a function of prescribing an appropriate protection regime, determination of the protection priorities, defining the competencies and application of the ratified international agreements.
7. "Maintenance" shall include the preservation of the cultural heritage in a condition of best entirety and functionality, by prompt undertaking of operative measures and activities, which shall be repeated by the program.
- 8 "Preservation" shall mean the systematic supervision of the protected goods condition, their covering, locating, storing, packaging and other type of care, regular handling, physically and technical saving against unregistered access or unauthorized use and harmful activities of any type, and insurance against risks that they were exposed on or could be exposed.
9. "Respecting" shall include non-performing the activities which are directed against the protected goods, including their use for purposes that could expose them under danger to be damaged or destroyed, as well as caution during the selection and application of means and methods of protection;
10. "Conservation" shall mean the procedure and the method of preservation of the protected good in genuine condition, i.e. in a condition that it was found without adding the elements, which were destroyed, or missing.
11. "Restoration " shall mean the procedure and the method of an authentic renovation of the partially destroyed protected good, by adding the parts that are missing in a form and shape which they would have or by eliminating the inappropriate parts or additions.
12. "Reconstruction" shall mean the procedure and the method of renovation of the protected good which was in its larger part destroyed or whose constructive or other parts were amortized.
13. "Revitalization" shall mean the procedure and the method of recovery of the vitality of the monuments and old buildings within the monumental entireties, either by maintaining or returning the primary or one of the previous functions, either by providing a new function appropriate to their nature and meaning and to the character of their surrounding.
14. "The integrated protection" shall be the entirety of measures for preservation and active involvement of the immovable cultural heritage in the life of the community as a factor of the persistent societal development, especially in the field of spatial planning and arranging, the investments constructing, the protection of the environment and nature etc.
15. "Restitution" shall mean the returning of the movable goods of cultural and historical significance to the country of origin, i.e. to the country they belong to, or from which territory they have been seized by force.
16. "Requisition" shall mean the seizure of movable goods of cultural and historical significance by force, during armed conflict and occupation for the military needs.
17. "Antique" ("ancient artefact") shall mean the item with an artistic, historical, scientific, cultural and other similar value, at least hundred years old or less if it presents or becomes rare if it is no longer produced or created .
18. "Collection (miscellany)" shall mean a group of cognate or various items which, regardless of the individual characteristics and single purpose of each item separately, due to the specific characteristics of connection, as an entirety possess specific cultural, historical, artistic, scientific or other similarity, function or meaning and could be identified as an independent object of protection.

19. "Collector" shall mean the person who shall, on a non-professional basis and for personal needs, carry out the collecting of items of cultural, historical, artistic, scientific and other similar significance, which create one or more reasonable entireties of them with a status of a collection.

20. "Holder" shall mean the owner, the holder of the right to utilization, and any other legal entity or natural person who holds the protected good on any basis.

21. "Right to utilization" shall mean the material right derived out of the property right of the Republic of Macedonia i.e., of the local management unit on protected good given in possession to a legal entity or natural person, whereto its holder obtained the right to possession and utilization of such good, for the purpose of protection as a cultural heritage, i.e. for a legal protection against endeavours by third party.

22. "Recognition" shall mean the confirmation of the accuracy of the understanding for the archaeological heritage on the base of previous examination of certain locality.

23. "Protected good" shall mean the good which is a subject to protection in a manner specified by this Law.

24. "Protected area" shall mean the area in the framework of the specified boundaries of the protected good and its contact zone.

25. "Contact zone" shall mean the space around the real property which is important to preserve in its historical connote by a protection regime different from the protection regime of the property, which is a subject of protection and

26. "Protection act" shall mean the decision for temporary protection, decision for announcement of a significant cultural heritage, decision for announcement of a cultural heritage of a special significance and decision for determination of a reserved archaeological zone.

## CHAPTER 2

### TYPES AND CATEGORIES OF CULTURAL HERITAGE

#### Section 1

#### TYPES OF CULTURAL HERITAGE

##### 1.1. Immovable cultural heritage

##### *Monuments*

##### *Article 12*

(1) The monuments shall include the single buildings, i.e. works of architecture and civil engineering or their parts and residues, including the elements and structures of archaeological nature, sculpture, paintings, or works of applied art and of the technical culture, permanently connected to certain surrounding, titles, cave habitations, tomb monuments, memorial objects and designations related to important events and renowned persons, other particular immovable goods of cultural and historical significance together with the installations, ornamental elements and other movable items which are permanently attached to the building itself or permanently serve to its utilization.

(2) As monuments shall also be considered the buildings whose main and effective purpose shall be the preservation and exhibition of movable cultural property, as well as the special shelters determined for settling the movable cultural property in a case of armed conflict.

##### *Monumental entireties*

##### *Article 13*

(1) The monumental entireties shall mean the urban, rural and other settlements or their parts and residues, including the equipment of the settlements, the agricultural, industrial and other economic complexes and isolated or connected groups of buildings, which, due to their unity or incorporation in the landscape make topographic entirety.

(2) As monumental entireties shall be considered the centres which include significant number of monuments and movable cultural heritage, determined as objects of protection in a case of an armed conflict.

*Cultural landscapes*

*Article 14*

The cultural landscapes are special parts of the landscape, which are distinguished as areas of specific interaction of human and nature, i.e., as partially built and arranged areas, cult locations, locations related to combats or other significant events, city locations, necropolis and other archaeological sites or places which are a testimony for the existence of the human in the space and time, its activities, manner of living, habits, beliefs, or special traditions.

**1.2. Movable cultural heritage**

*Archaeological items*

*Article 15*

(1) As archaeological items shall be considered all movable findings of any type or material, excavated out of the ground or subtracted out of water, which originate from periods that are subject to the archaeology and its auxiliary sciences.

(2) As archaeological items shall be considered also the findings which were discovered as independent creations or as residues of typical parts of antecedent buildings, which permanent regulation of such under the regime of movable cultural heritage has a scientific basis, except if reasons exist for their preservation on the spot (in situ) shall be a public interest of priority. (sarcophagus, epigraph monuments, pillars, sculptures etc.).

(3) As archaeological items shall be considered also the parts, i.e., elements made by permanent separation (taking out the layers, subtracting, peeling) from the discovered construction, if it was carried out as a protective measure (bottom and wall mosaics, fresco, sacral and profane architectonic plastic etc.).

*Ethnological items*

*Article 16*

(1) Ethnological items are the movable goods which testify for the manner of living, activities, habits, rituals, beliefs, ideas and creations which are necessary to understand the ethnical characteristics and changes in the material and intangible culture of the Macedonian nation and the minorities in the Republic of Macedonia.

(2) As ethnological items shall be considered also the parts, i.e. the elements obtained by separation of the objects of ethnological significance (chests, rosettes, ceilings etc.)

*Historical items*

*Article 17*

(1) Historical items shall mean the movable goods related to significant historical events or activities of cultural, national liberation, revolutionary and other political movements and organizations, educational, cultural, scientific, religious, sport and other institutions and associations, state bodies, or to the living and work of distinguished persons, including antiques which do not belong to other types of movable cultural heritage older than 50 years, as well as the obligatory sample of state money.

(2) As historical items shall be considered also the parts obtained by separation from the objects of historical significance, different from such as in Article 15 paragraphs (2) and (3) of this Law.

*Items of art*

*Article 18*

(1) As items of art shall be considered the movable works of art in the field of fine arts such as: paintings and drawings made by hand on any basis and of any material, except the industrial design and industrial products ornamented by hand, original sculpture works, artistic compositions and assemblage on any material, original engravings, copperplates, lithographs and other prints, original posters and photographs as a manner of an original creation and the works of the applied art made of any material.

(2) As items of art shall be considered also the sculpture, paintings and the works of the applied art different than such in Article 15 paragraph (2) and (3) of this Law, which are permanently separated from the

immovable works, if it was carried out due to the public interest in a manner which should not confront the Law.

#### *Technical items*

##### *Article 19*

Technical items are the products of the technical culture, related to significant phases of the technical progress (machines, tools, instruments, equipment, transport means etc).

#### *Archives material*

##### *Article 20*

(1) The archives material is the entire selected, authentic and reproduced documentation material of permanent value and of importance for the state, science, culture and other needs.

(2) As an archives material, within the meaning of Paragraph 1 of this Article shall be considered also the registries, inventory and other public books about cultural heritage, as well as the documentation regarding the cultural heritage and its protection.

#### *Library goods*

##### *Article 21*

(1) The library goods shall include the old handwritings (mediaeval and Slavic or handwritings of other languages) which refer to Macedonia made up to the end of the XIX century, incunabula and post-incunabula printed not later than 1530, the first issues of books of the renaissance authors, printers or printing facilities in Macedonia, old maps and atlases of Macedonia up to 1913, special library entireties which originate from educational, cultural, scientific, religious, and other institutions in the Republic of Macedonia up to the end of 1946, or which were published up to that period and refer to significant historical events in Macedonia, rare books and other rare library material specified by Law, as well as family and personal libraries of scientific or cultural significance.

(2) As library goods shall be considered as well, the obligatory samples of publications submitted to the competent library institution, including the note, plotters, philatelic and other material with a status of publication, as well as the obligatory sample of completed masters' and doctors' works, except the goods as in Article 23 of this Law.

#### *Film archives goods*

##### *Article 22*

The film archives goods shall present the original material of cinematography work, i.e., a negative of a photograph or tone-negative of a movie, as well as a tone copy of a feature, animated, documentary, scientific-popular or other film of the national or foreign cinematography production, original and copy of videotape and other motion pictures, fixations, with or without a sound, regardless of the recording technique, together with the film documentation (scenario, recording book, costume and scenario material, film advertisement etc.) as well as the obligatory sample which is delivered to the competent film archives institution.

#### *Phonogram archives goods*

##### *Article 23*

Phonogram archives goods are the original material of recorded sounds i.e. original oral, music or other type of sound recordings or their copies, regardless of the form, technique of the sound fixation or the type of the media, including the obligatory sample of a phonogram as well, which will be delivered to the competent institution according to the law.

### 1.3. Intangible cultural heritage

#### *Folklore goods*

##### Article 24

As folklore goods shall be considered the habits, rituals, tales, mental creations, folklore songs, stories, legends, adages, riddles, dances, plays, old and rare crafts, traditional crafts and other expressions of the immaterial national creation.

#### *Language*

##### Article 25

The language is the literature, i.e. the standard language and its alphabet, as well as the local speeches of the same languages (dialects).

#### *Toponyms*

##### Article 26

The toponyms are the names of lakes, rivers, springs and other water objects (hydronyms), cities, villages and other settlements (oikonyms), natural or administrative areas (horonyms), roads (dromonyms), agricultural spatial facilities (agronyms), mountains and other objects of nature related to forests (dendronyms) and other genuine, local and official names which are subject to the toponymy of the Republic of Macedonia.

### 1.4. Distinguishing of the cultural heritage

#### *Special provisions*

##### Article 27

(1) The immovable cultural heritage of Article 12,13 and 14 of this Law shall not include the collections within the monuments, nor the collections which are preserved or exposed at the archaeological sites or other places within the monumental entireties and the cultural regions.

(2) The movable cultural heritage of Article 15, 16, 17,18 and 19 of this Law shall not include the items, which are constitutional part of the monuments as in Article 12 paragraph (1) of this Law.

(3) In a case of a dispute if some item belongs to a movable or immovable cultural heritage, as well as in a case of a dispute regarding the type of cultural heritage to which certain good belongs to, such dispute will be subject to decision by the Administration.

## Section 2

### CATEGORIES OF THE CULTURAL HERITAGE

#### *Cultural heritage of especial significance*

##### Article 28

(1) The part of the cultural heritage of article 2 of this Law with exceptional and other special values and characteristics is cultural heritage of especial significance.

(2) The cultural heritage of especial significance as in a paragraph (1) of this article could be of exceptional significance and of great significance.

(3) Cultural heritage of exceptional significance as in paragraph (2) of this article shall be any good of highest national significance and universal values for the humanity and its history, culture, art, science or technical progress, especially:

1. If it presents an unique artistic fulfilment, exceptionally rare sample or most characteristic example for certain type of creation from the period of its origin;
2. If it presents typical example for styles of art, architecture, constructions, forms of traditional settlements or urban conceptions;
3. If it had or has significant influence over the development of culture, art, science, technique or the societal development and



4. If it is related or presents a testimony of ideas, beliefs, important events or distinguished persons who had crucial importance in the transformation of the society.
- (4) Cultural heritage of great significance as in paragraph (2) of this article shall be considered any good of a great significance for the national history, culture, art, science or technical development, i.e.:
  1. If it presents testimony of wider interest to study the societal appearances;
  2. If it is distinguished by its authenticity, presentation in its kind, variety of contents, shape, appearance, function, age, preservation or other specifics, however due to its repetition (presence in a large number), is not included in the category of cultural heritage of especial significance;
  3. If it includes parts, i.e. details or other valuable elements of great cultural and historical significance and
  4. If it is related to important events and distinguished persons from the national history and culture.
- (5) Cultural heritage of especial significance is the good of public interest for the Republic of Macedonia and enjoys special protection.

#### *Significant cultural heritage*

##### Article 29

(1) The part of the cultural heritage of article 2 of this Law, which is not included in the category of cultural heritage of especial significance, as permanent value, shall be the significant cultural heritage.

(2) The Republic of Macedonia shall guarantee the protection of the cultural heritage of paragraph (1) of this article according to this and other Law.

### Section 3

#### SPECIAL CATEGORIES OF PROTECTED GOODS

##### *Goods under temporary protection*

##### Article 30

(1) The immovable and movable goods which are subject to reasonable presumption that present cultural heritage and which protection is established in a manner specified by articles 38 and 39 of this Law, shall have a status of temporary protective goods.

(2) The provisions of this Law which refer to cultural heritage of article 29 of this Law, shall be applied to the goods of paragraph (1) of this article.

##### *Reserved archaeological zone*

##### Article 31

(1) A reserved archaeological zone shall be considered the spatial limited area which presents any traces of human existence in the previous eras, including places without visible remainders on land or under water, whose excavation and exploration, due to the protection of such material residues was left to the future generation.

(2) As a reserved archaeological zone as in paragraph 1 of this article could be considered the area which includes one larger or more archaeological sites which present related and topographic determined entirety, whose archaeological contents were not sufficiently identified, to be settled under protection in other regular manner and whose excavation, scientific interpretation, presentation and use are intentionally reserved for the future generations of archaeologists, insofar:

1. It was not explored or its explored part includes less than one third of the subject area;
2. It is not a subject to initiated or approved systematic excavations and explorations;
3. The development of the archaeological science or the replenishment of the public archaeological collections shall not be impeded by its reservation and
4. The realization of the commenced developing programs and project of public interest established by the spatial and urban plan shall not be impeded by its reservation.

(3) The provisions of this Law which refer to the cultural heritage of especial significance shall be applied to the reserved archaeological zone.

### *Cultural heritage in danger*

#### Article 32

(1) The cultural heritage of article 2 of this Law which is endangered by damage, destroying or seriously disorder of its integrity, within the meaning of this Law and the ratified international agreements, shall be considered as cultural heritage in danger.

(2) As cultural heritage in danger within the meaning of paragraph (1) of this article shall be primary considered the goods which are under threat of a direct and precisely determined (proved) danger, due to:

1. Accelerated decay of the material which they are made of;
2. Serious changes of structure or decoration;
3. Serious change of the architectonic and urban relation, the urban and rural space or the natural surrounding;
4. Expressed loss of the historical authenticity;
5. Serious distortion of their cultural meaning;
6. Serious changes of unknown reasons and
7. Renaming of the toponyms.

(3) As cultural heritage in danger shall be considered the goods exposed on increased danger which could cause harmful consequences over their essential characteristics due to:

1. Outbreak or threat from outbreak of arm conflict;
2. Natural disasters, especially earthquakes, floods, sliding of the ground, fires or progressive changes caused by geological climate or other natural factors;
3. Dereliction of any reason and
4. Deficiency, inappropriate or insufficient application of plans and programs for protection or change of the protection regime which is not appropriate to the legal protection status of the cultural heritage.

(4) The cultural heritage in danger regardless of the type and category that belongs to, shall have the priority in the implementation of the protection measures.

## **CHAPTER III**

### **PROTECTION INSTRUMENTS**

#### **Section 1**

#### **IDENTIFICATION**

##### *Classification*

#### Article 33

(1) For the purpose of providing unique access to the identification the cultural heritage and building an information system for the cultural heritage with qualitative comparability and availability of data, the cultural heritage shall be classified according to the national classification of the cultural heritage (hereinafter as: National Classification), according to this Law.

(2) The National Classification is the standard of the typological classification used for identification of the cultural heritage for official purposes, in groups, subgroups, forms and types, with codes and official titles.

(3) The National Classification of paragraph (1) of this article shall be brought in by the Government of the Republic of Macedonia.

(4) The classification of the cultural heritage according to the National Classification shall be carried out by the administration.

*Protection records*

Article 34

(1) Protection record, according to the provisions of this Law shall be conducted for:

1. The cultural heritage and the goods, which shall by reason, be a subject to presumption that they present cultural heritage and
2. The movable goods whose country of origin is the Republic of Macedonia, and which are abroad by any basis regardless of the time they were taken out, if they present an interest from the point of view of their restitution in their country (hereinafter as: dispersed cultural heritage) and the movable goods which are part of the cultural heritage of other country, and are located in the territory of the Republic (hereinafter as: foreign cultural heritage).

(2) The goods of paragraph (1) of this article shall be evidenced in basic native and central records, as well as additional and special records specified by this and other Law and by international agreements.

(3) The basic records, according to the type of goods shall be conducted by the public institutions for protection, the Archives and the legal entities authorized by the Minister of Culture to carry out issues for protection of the phonogram archives goods and the intangible cultural heritage.

(4) The native records, according to the type of goods, in the protection activities were as is determined by this Law, shall be conducted by the competent registry institutions for protection.

(5) The central records and the special records according to the ratified international agreements shall be conducted by the Administration.

(6) The records of paragraphs (2), (3), (4) and (5) of this Law shall be a subject to revision. The revision shall be carried out by the entities of paragraphs (2), (3), (4) and (5) of this article.

(7) The Minister of culture shall prescribe the contents and the manner of conducting of the protection records of paragraph (2) of this article, as well as the manner of carrying out their revisions.

*Evaluation and re-evaluation*

Article 35

(1) As a subject of evaluation within the meaning of this Law shall be considered the goods which are subject to enactment of the protection act.

(2) As subject of re-evaluation within the meaning of this Law shall be considered the protected goods which are subject to the enactment of the act of modification and the act of termination of protection.

(3) For the cases of paragraphs (1) and (2) of this article shall be prepared an evaluation study, i.e. the re-evaluation study.

(4) The studies of paragraph (3) of this article, except the cases of article 37, item 2, article 39 and 42 of this Law, shall include, as well, the proposal for appropriate categorization of goods.

(5) The studies of paragraph (3) of this article, due to the types of goods, shall be prepared by:

1. The competent public institutions for protection;
2. The Archives;
3. The legal entities authorized for carrying out issues for protection of phonogram archives goods and the intangible cultural heritage.

(6) The studies of paragraph (3) of this article shall present a basis to submit a proposal to enact a protection act, i.e. act for modification and for termination of the protection.

(7) If a subject of evaluation or re-evaluation is the good of the category of cultural heritage of especial significance, the body which is competent to submit the proposal, shall be obligated to provide revision of the study as in paragraph (3) of this article.

(8) The Minister of culture shall prescribe the criterions, conditions and manner to carry out the evaluation, categorization and re-evaluation, the contents of studies and the manner to provide the revision.

*Documentation*

Article 36

(1) The documentation of the cultural heritage and of the goods which shall by reason be presumed to present the cultural heritage (condition, modifications, working processes) shall be carried out by the competent public institutions for protection, the Archives and other legal entities and natural persons determined by this Law.

(2) The Minister of culture shall prescribe the type, contents, standards, regulations and manner of documentation of the cultural heritage.

## Section 2

### ESTABLISHING THE PROTECTION

#### 2.1. Protection under this Law (ex lege)

##### *Cultural heritage protected under this Law*

##### Article 37

As a cultural heritage protected under this Law shall be considered:

1. The immovable goods of article 12, paragraph 2 and article 13, paragraph 2 of this Law, as a significant cultural heritage;
2. The obligatory sample specified by Law, regardless of its type and regardless if it was delivered to a competent protection institution, as a cultural heritage of great significance;
3. The archives material of article 20 of this Law regardless if it was delivered to the Archives, as a significant cultural heritage and
4. The movable cultural heritage which is a subject to conducting by the public institutions for protection (museums, libraries, film archives), registered in the inventory book, as a significant cultural heritage.

##### *Temporary protected goods under this Law*

##### Article 38

As temporary protected goods under this Law shall be considered:

1. The archaeological discoveries such as:
  - movable, until their delivery to the competent public institution for protection;
  - immovable, until the enactment of decision within the meaning of article 39 of this Law;
2. The movable goods provided by the competent public institution for protection, until their registering in the inventory book and
3. The goods which are subject to commencement of a procedure to establish the protection until the enactment of the protection act.

#### 2.2. Protection under the protection act

##### *Decision on temporary protection*

##### Article 39

(1) A decision on temporary protection shall be enacted for the goods which are by reason presumed as cultural heritage such as:

1. For the immovable, regardless of this type and
2. For the movable, which are preserve by the holders, i.e. which are out of the public institutions competent for such type of goods, except such that enjoy protection under article 38 item 1 line 1 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Administration, on the basis of a proposal of the competent public institution for protection, and for phonogram archives goods, on request of the authorized legal entity as in Article 154 of this Law.

(3) The period of duration of the temporary protection should not be longer than six months for a movable good, i.e. two years for archaeological site and one year for other immovable good, calculated from day of enactment of the decision.

(4) The validity of the decision on temporary protection shall terminate by the expiry of the determined period, i.e. by the day of enactment of the act to proclaim the good.

(5) The appeal against the decision on temporary protection shall not retain the execution of the decision.

*Decision to proclaim a significant cultural heritage*

## Article 40

(1) Decision to proclaim a significant cultural heritage shall be enacted for the temporary goods which were subject to enactment of a decision on temporary protection and for unprotected goods of all types, as well, if at least one of the criterions of article 2 was fulfilled, related to article 29 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Administration as follows:

1. Regarding the immovable and movable goods upon a proposal of a competent public institution for protection and
2. Regarding the intangible goods upon a proposal of the legal entities authorized to carry out protection issues of the related type of intangible goods.

(3) Together with the proposal of proclamation the immovable and movable goods the opinion by the holder shall be attached.

(4) If the subject of proclamation is immovable good, the proposal of paragraph 2 item 1 of this article and the draft of the protection act shall be submitted on opinion to:

1. The state administration body competent for the issues of arranging the space and the state administration body competent for the issues of protection of the environment, nature and spatial planning and
2. The local management unit in which area such good is located.

(5) The appeal lodged against the decision to proclaim significant cultural heritage shall not retain the execution of the decision.

*Decision to proclaim cultural heritage of especial significance*

## Article 41

(1) The decision to proclaim cultural heritage of especial significance shall be enacted for the cultural heritage of article 37 item 3 and 4 of this Law, for the temporary protected goods which were subject to enactment of a decision on temporary protection and for the unprotected goods which are by reason presumed as cultural heritage if they meet at least one of the criterions of article 28 paragraphs 3 and 4 related to article 2 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Culture and upon the opinion of the National Council for cultural heritage.

(3) As an exclusion of paragraph 2 of this article, upon a proposal by the Government of the Republic of Macedonia, certain intangible goods or immovable goods which present monumental entirety, i.e. cultural region,.

(4) Regarding the providing previous opinion by the holder, the local management and the competent bodies of the state administration the provisions of article 40 paragraphs 3 and 4 of this Law shall be applied.

(5) The decision to proclaim cultural heritage of especial significance shall be published in the "Official Gazette of the Republic of Macedonia".

*Decision to establish reserved archaeological zone*

## Article 42

(1) A decision to establish reserved archaeological zone shall be enacted if the criterions of article 31 paragraph 2 of this Law are fulfilled.

(2) The decision of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Culture and upon the opinion by:

1. The National Council of cultural heritage;
2. The ministries competent for the issues of protection of the environment, nature, the spatial and urban planning and
3. The local management unit within such region that the zone is located.

(3) The period of reservation of the archaeological zone should not be shorter than the period of validity of the Spatial Plan of the Republic of Macedonia.

(3) The decision to establish reserved archaeological zone shall be published in the "Official Gazette of the Republic of Macedonia".

### Section 3

#### PROCLAMATION OF A CULTURAL HERITAGE IN DANGER

##### *Urgent proclamation*

##### Article 43

(1) As a cultural heritage in danger may be proclaimed any protected good if at least one of the criterions of article 32 paragraphs 2 and 3 of this Law is fulfilled.

(2) The decision to proclaim cultural heritage in danger shall be enacted by the Administration, upon official duty and on request of the competent public institution for protection, i.e. the authorized legal entity for carrying out protection issues for the phonogram archives goods and for the related type of the intangible cultural heritage.

(3) The decision of paragraph 2 of this article for the archives material shall be enacted by the Archives.

(4) The decision to proclaim the cultural heritage in danger shall specify especially: future protection measures, special limitations, the term and financial means.

(5) The appeal lodged against the decision to proclaim cultural heritage in danger shall not retain the execution of the decision.

### Section 4

#### MODIFICATIONS AND TERMINATION OF PROTECTION

##### *The act for modifications and termination of protection*

##### Article 44

(1) The act for modifications shall be enacted if modifications or cure, which are relevant to the contents of the protection act.

(2) The act for termination of protection shall be permitted to be enacted for:

1. Movable cultural heritage which is subject to approved export;
2. Immovable an movable cultural heritage which was destroyed irrecoverable and
3. The cultural heritage that has lost the importance due to which was subject under protection.

(3) The act for modifications and termination of protection shall be enacted by the body, which has enacted the protection act, in the same procedure.

### Section 5

#### REGISTRATION

##### *National registry of cultural heritage*

##### Article 45

(1) The cultural heritage shall be registered in the National registry of cultural heritage (hereinafter: Registry).

(2) The Registry means public book and includes the main book and additional registries.

(3) The main book shall include special parts for immovable, movable, intangible and cultural heritage of especial significance.

(4) Additional registries shall mean:

1. Registry of goods under temporary protection;
2. Registry of cultural heritage in danger and
3. Registry of reserved archaeological zones;

(5) The Registry shall be conducted by the Administration.

(6) The registration and erasure in the Registry shall be carried out on the base of the protection act, i.e. the modification or termination of protection, the act to proclaim cultural heritage in danger and the registration act as in article 46 of this Law.

(7) The Minister of culture shall prescribe the contents, manner of conducting, the preservation, the use of data and other issues related to the Registry.

*Registration act*

## Article 46

- (1) The registration act shall be enacted for:
1. The protected goods within the meaning of articles 37 and 38 of this Law, on the base of a request lodged by competent protection institution and the Archives;
  2. The current changes of data regarding the protected goods which are subject to registration, due to the prescribed contents of the Registry.
- (2) The registration act includes the registration decision, decision of registration of modifications and the decision of erasing from the Registry.
- (3) The registration act shall be enacted by the Administration.
- (4) Extract from the Registry shall be obligatory delivered to competent public institution for protection, the Archives, the authorized legal entity to carry out protection works of the phonogram archives goods and the related type of intangible cultural heritage and to the holder, and regarding the protected immovable goods it shall be delivered also to the competent body of the state administration to register the right to ownership.

**Section 6****OBTAINING AN INTERNATIONAL STATUS***Nomination*

## Article 47

- (1) The cultural heritage of especial significance could be proposed for the purpose of obtaining an internationally accepted status or enrolment in the international registry according to ratified international agreements.
- (2) A decision of nomination within the meaning of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon proposal by the Ministry of culture and upon the opinion by the National Council of cultural heritage.

**Section 7****MARKING***Obligatory mark and international signs*

## Article 48

- (1) The protected immovable goods shall obligatory be marked with a protection mark.
- (2) The marking within the meaning of paragraph 1 of this article shall be carried out by the competent public institution for protection within 60 days from the enactment of the protection act.
- (3) The immovable cultural heritage and the special transportation of a movable cultural heritage, upon approval by the Administration, could be marked also by a mark specified by international agreement (hereinafter as: international mark).
- (4) The Minister of culture shall prescribe the contents of the protection mark and the manner of marking, the use of the international mark and applying other marks.

## Section 8

### NATIONAL STRATEGY OF PROTECTION AND USE OF THE CULTURAL HERITAGE

#### *National strategy*

#### Article 49

(1) The Government of the Republic of Macedonia upon a proposal by the National Council of cultural heritage, shall enact the national strategy of protection and use of the cultural heritage (hereinafter as: national strategy).

(2) The national strategy shall be enacted for a period of a 15 years and shall include long term basis of the policy for protection and use of cultural heritage.

(3) The national strategy shall be harmonized to the Spatial Plan of the Republic of Macedonia and to the strategies of protection and use of the common cultural heritage in Europe.

## CHAPTER IV

### REGIME OF PROTECTION AND USE OF CULTURAL HERITAGE

#### Section 1

#### GENERAL PROHIBITIONS

#### *Prohibition against damage, destroy, seize, conceal, dissimulate and usurpation of the cultural heritage*

#### Article 50

(1) It shall not be allowed to anybody to damage or destroy cultural heritage, a reserved archaeological zone and goods under temporary protection.

(2) It shall not be allowed to anybody to seize excavated item or other found item which presents cultural heritage or good under temporary protection.

(3) It shall not be allowed to anybody to buy, to receive as pledge or otherwise to provide, conceal or foist an item which presents cultural heritage or good under temporary protection which was upon his knowledge, provided by criminal act.

(4) It shall not be allowed to anybody illegally to seize somebody else's item which presents cultural heritage or good under temporary protection which he was entrusted to preserve.

(5) It shall not be allowed to anybody to usurp somebody else's immovable cultural heritage or other property, which is protected under the provisions of this Law.

#### *Prohibition against transfer state cultural heritage of especial significance*

#### Article 51

The cultural heritage of especial significance in a state property should not be transferred.

#### *Prohibition against export of cultural heritage of especial significance*

#### Article 52

The cultural heritage of especial significance should not be exported.

#### *Prohibition against import stolen cultural heritage*



## Article 53

The cultural heritage, which was stolen from museums, religious or other similar public facilities or institutions of other state territory should not be imported.

*Prohibition against requisition, repression, attack and use of the cultural heritage for military purposes*

## Article 54

(1) The cultural heritage and the goods under temporary protection should not be requisitioned, nor to be subject of undertaking any repression measures against it.

(2) The cultural heritage and the goods under temporary protection should not be used in military purposes, nor become an attack object.

## Section 2

## ARCHAEOLOGICAL RESEARCH AND OCCASIONAL DISCOVERIES

## 2.1. Archaeological research

*Archaeological research license*

## Article 55

(1) The archaeological excavations re-connoiters and similar researches, including under water (hereinafter as: archaeological researches), shall be carried out only on the basis of a license by the Administration.

(2) The license of paragraph 2 of this article shall include: the holder of the license, the area which is appropriate to carry out archaeological researches, the direction, the type and scope of works, the period of execution of works and the conditions under which the archaeological researches could be carried out.

(3) The license of paragraph 1 of this article shall be issued to one holder only.

(4) The Administration, by a decision, shall reject the request to issue a licence as in par.1 of this article, if the conditions of the Article58 of this Law are not fulfilled.

(5) The licence of par.1, i.e, the decision of the paragraph 4 of this article, could be subject to lodge an appeal.

*Holder of the archaeological research license and conducting the research*

## Article 56

(1) Holder of the archaeological research license could be legal entity or natural person with appropriate scientific or professional qualifications of such type of researches and shall fulfil the other conditions to obtain the license.

(2) The license holder within of paragraph 1 of this article could be:

1. A scientific institution registered to carry out works in the field of archaeology;

2. The public institution for protection in the field of museum or monumental activity;

3. Other legal entity which is in permanent employment relation or has at least one authorized explorer in its regular membership;

4. A scientist or independent explorer with a status of authorized explorer.

(3) The archaeological excavations and other potentially destructive research methods, as well as the under water archaeological researches, could be conducted only by a person with a status of authorized explorer.

(4) As authorized explorer within the meaning the paragraph 2 items 3 and 4 and paragraph 3 of this article shall be considered:

1. A scientist in the field of archaeology;

2. Archaeologist with selective professional title in the field of museum or monumental activity;

3. Archaeologist with archaeological research license.

(5) The archaeological research license shall be granted by the Ministry of culture upon the past examinations before the commission determine by the Ministry of culture.

(6) The Ministry of culture shall seize the license, if the holder of the licence:

1. Carried out the archaeological excavations in a contrary to the issued license;
2. Did not practice appropriate methodology during the archaeological researches;
3. The license holder made a damage or caused an immediate danger to damage or destroy the excavated items and
4. Proceeded contrary to the ethical regulations in the field of protection.

(7) The Minister of culture shall prescribe the form of the license, the manner and program to past the examination of paragraph 5 of this article.

### *Foreign explorers*

#### Article 57

(1) Foreign scientific institutions and certain foreign scientists in the field of archaeology shall be permitted to be holders of a license for archaeological research only if the works shall be carried out in cooperation with legal entities of article 56 paragraphs 2 items 1 and 2 of this Law, and under conditions specified by a mutual concluded contract.

(2) As an exclusion of paragraph 1 of this article, for especially justified events, foreign scientific institution in the field of archaeology or international organization in the field of protection, shall be permitted to be granted a license for archaeological researches which shall be carried out as an independent archaeological mission.

(3) In the cases of paragraph 3 of this article:

1. The mutual relations regarding the work of the foreign, i.e., international archaeological mission shall be regulated by special agreement between the Government of the Republic of Macedonia and the foreign legal entity;
2. The Government shall determine a national coordinator for the foreign, i.e., the international archaeological mission.

(4) The agreements of paragraphs 1 and 3, item 1 of this article should not be in a contrary to the provisions of this Law.

(5) Foreign archaeologists and other scientists and experts in the field of protection, shall be permitted to participate in archaeological explorations carried out by domestic legal entities and natural persons, under consent given by the head of the researches.

### *Conditions binding to issue the archaeological research license*

#### Article 58

(1) The archaeological research license shall be permitted to be issued only if the applicant of the request has submitted:

1. Evidence that the person is eligible as a holder of the license within the meaning of article 56 or article 57 of this Law.;
2. Basic design of the archaeological explorations, including protection measures for the site and the findings;
3. List of persons that form the expert team and their duties in the framework of the team, and basic data and evidence regarding their qualifications;
4. Specification of the technical means to carry out the researches;
5. Evidence regarding the provision of financial means for the researches and for the implementation of the protection measures.

(2) If the archaeological researches are carried out by the entity of Article 56 par.2 of this Law, which does not have a status of a public museum institution, together with the request, a contract with the public museum institution shall be attached, in the area where the researches shall be carried out.

(3) If the archaeological researches include excavations and other methods of research which restraint the regular use of the land or the facility which shall be a subject of research, the applicant of the request shall be obligated to submit a contract to arrange the mutual relations with the owner, i.e., a statement from the owner regarding the unlimited performance of the works.

(4) If the archaeological researches include the use of specific technical means which are subject to the need for special approval under this and other Law, evidence for authorized use of them should be attached to the request.

*Obligations for the holder of license*

Article 59

(1) The holder of the archaeological research license, during the performance of works shall be obligated as follows:

1. To keep methodical documentation and evidence for the archaeological researches regarding the protection measures which were undertaken;
2. To provide preservation and maintenance of the site and the findings;
3. Not to leave uncovered or exposed outside the archaeological findings, without previous provision of appropriate protective measures;
4. To carry out or organize the performance of conservation works at the site, i.e., the findings;
5. To provide seldom information to the public about the progress of the researches;
6. To provide prospect to sightseeing of the site and the findings by the authorized persons, upon consent given by the head of the researches and sightseeing by interested scientists and experts.

(2) The holder of the archaeological research license shall be obligated before leaving the terrain as follows:

1. To undertake the necessary measures for technical security of the site including the arrangement of its immediate surrounding;  
To reconstitute the previous condition in the terrain, as much as possible, if the site was not preserved, i.e., presented.

(3) The holder of the archaeological research license after the accomplishment the works, shall be obligated:

1. Within three months to submit a report to the Administration regarding the accomplished archaeological researches;
2. Within one year to submit to the Administration the final documentation of the archaeological researches;
3. Within three years to disclose the results of the archaeological researches and
4. To deliver the movable findings to the museum determined within the meaning of article 61 paragraphs 1, 3 and 6 of this Law.

*Temporary termination of the research  
and seizure of license*

Article 60

(1) If the license holder carried out the archaeological researches against the issued license, the Administration could temporary terminate the works by decision and determine a period to meet the conditions for their continuance.

(2) In a case of immediate danger for excavated items or if appropriate working methodology was not applied during the archaeological researches, the Administration could seize the issued license by decision.

(3) The appeal against the decision of paragraphs 1 and 2 of this article shall not retain the execution of the decision.

*Holder of the right to use the  
movable archaeological findings*

Article 61

(1) The Administration shall specify by a decision the person who shall be the holder of the right to use the movable archaeological findings, excavated or found during the archaeological researches.

(2) As an exclusion of paragraph 1 of this article, if the holder of the archaeological research license is the public museum institution, the right to use the movable archaeological findings shall belong to such institution.

(3) In the cases of paragraph 2 of this article, if the movable archaeological findings or part of them are of special significance for the Republic of Macedonia, and the license holder does not have the status of a national institution, for the purpose of completion of the national museum collections as a holder of the right to usage shall be determined the local or other national museum institution.

(4) If the movable archaeological findings or part of them are of especial significance for the Republic of Macedonia, and license holder has a status of a national museum institution, for the purpose of completion of the national museum collections as a holder of the right to usage shall be determined the local or other national museum institution.

(5) The decision of paragraphs 1, 3 and 4 of this article shall be enacted by the Administration upon previous opinion provided by the competent local museum.

(6) Until the decision of paragraph 1 of this article enters into force, except in the cases of paragraphs 3 and 4 of this article and the article 60 paragraph 2 of this Law, the movable archaeological findings shall be given to temporary preservation to the competent museum in which area the research was carried out, within 30 days of the day of completion the researches.

#### *Right to scientific ownership*

##### Article 62

(1) The holder of the archaeological research license and the persons that carried out the researches, have the right of priority to scientific processing of the findings and disclosure the research results (hereinafter as: right to scientific ownership), within 3 years after the completion the researches.

(2) Until the archaeological research results are disclosed, but no longer than 3 years:

1. The persons who carried out the researches shall have the right to unlimited access to the movable findings which they discovered and the documentation related to them;
2. The public institution which was entrusted the findings as in article 61 of this Law, should not assign to other person the entirety of the objects and the documentation thereof, for the purpose of more complete studies, nor to allow taking photographs or reproductions for the purpose of disclosure, without the consent of the head of the researches and
3. The documentation of the archaeological researches should not be admissible to other persons to make more complete studies and disclosure without the consent by the head of research.

(3) As an exclusion of Paragraph 2, items 2 and 3 of this Article, the Administration shall restrict the right on scientific ownership by a decision, if it is in public interest.

(4) The provisions of Paragraphs 1, 2, 3 and 4 of this Article shall be applied adequately for other types of researches in the field of the cultural heritage protection.

#### *Detection equipment usage*

##### Article 63

(1) Metal-detectors and other technical features appropriate for detection of the archaeological sites, i.e. items of archaeological significance, could be used during archaeological research only if the owner of such equipment received an approval by the Administration.

(2) The approval of paragraph 1 of this article shall be issued upon written request by the owner of the equipment.

(3) The detection equipment of paragraph 1 of this article should not be used to carry out nor to assist or stimulate illegal excavations, discoveries or removing elements of the archaeological heritage.

(4) The Administration shall keep special evidence for the issued approvals as in paragraph 1 of this article.

#### *General act for archaeological research*

##### Article 64

The Minister of culture shall prescribe the conditions to accomplish the archaeological researches, as well as the forms, type, contents and the manner of conducting the documentation for the research.

## 2.2. Occasional discoveries

### *Obligations of the finder*

#### Article 65

(1) If an archaeological site, or items of archaeological significance were found during the performance of civil works, agricultural or other works, the executant of the work shall be obligated:

1. To inform about the discovery within the meaning of Article 129 Paragraph 2 of this law;
2. To cease the operations and to secure the site against eventual damaging or destroying, as well as against unauthorized access and
3. To maintain the discovered items in the location and in condition they were found.

(2) As an exclusion of Paragraph 1 of this Article, if the items were excavated, i.e. taken out for the purpose of their better protection or regarding the circumstances, the executor of works shall be obligated:

1. To confer the discovered items during the time of providing the information, or to accomplish it during the identification within the meaning of Article 66 of this Law, and until their submission to undertake necessary measures to protect them against spoliation or against damage or sale and
2. To provide all necessary information regarding the location and position of the items in the time of their discovery and regarding the circumstances under which it was carried out.

### *Identification of the occasional discoveries*

#### Article 66

(1) In the cases of Article 65 of this Law, the competent public institution for protection shall be obligated immediately and not later than the following day after the reception of the information of Article 129 Paragraph 2 of this Law:

1. To carry out a commission inspection and to establish if it is a matter of a occasional discovery and if it is a good under temporary protection as in Article 38 item 1 of this Law;
2. To overtake the care for preservation of the site and of the findings in the condition they were discovered;
3. To deliver the received items to temporary preservation to the competent museum, together with the documentation for their identification;
4. To inform the Administration about the stated condition and to suggest measures within its competency.

(2) If the competent protection institution established that it was not a matter of occasional discovery or of discovered good under temporary protection as in Article 38 item 1 of this Law, the records for the accomplished professional inspection shall include the precise notification of it.

(3) A competent institution of paragraphs 1 and 2 of this Article shall be the national institution for protection of immovable cultural heritage in which area the occasionally discovered site is located.

### *Archaeological supervision and temporary cessation of works*

#### Article 67

(1) The Administration shall be permitted, regarding the character of the discovered site, the works which are performed, within three days after the receipt of the suggestion by the competent public protection institution:

1. To establish, by a decision, the performance of the works to continue under archaeological supervision of the competent public institution for protection or
2. To enact a decision to temporary cease the works and to determine a performance of a protective excavations and research, as well as undertaking other protective measures.

(2) A decision as in Paragraph 1 item 2 of this Article may be enacted also during the archaeological supervision, if it was necessary to be substituted with protection excavations and research.

(3) The temporary cessation of works within the meaning of Paragraph 1 item 2, i.e., Paragraph 2 of this Article shall proceed no longer than 30 days.

(4) Within the period of Paragraph 3 of this Article, the Administration shall be permitted to enact the decision as in Article 39 of this Law.

(5) If the Administration did not proceed within the meaning of Paragraph 4 of this Article, after the completion of the protective excavations and researches, the site shall be considered as a free area.

(6) The appeal against the decision of Paragraph 1 items 1 and 2, i.e. Paragraph 2 of this Article shall not retain the execution of the decision.

(7) The costs related to the archaeological supervision, the protection excavations and research, the conservation and other protection measures shall be carried out by the Administration.

*Effectuate  
Successful discovery award*

Article 68

(1) The person who shall occasionally discover an immovable or movable good under temporary protection shall have the right to award and to reimbursement of the discovery costs under conditions specified by Law.

(2) The amount of the award and the reimbursement costs of the occasional discovery shall be specified by the Ministry of Culture.

(3) The Ministry of Culture shall have the right to relinquish the discovered good if, due to the professional opinion of the competent registry institution, such good did not meet the criteria to obtain the status of cultural heritage.

**Section 3**

**INTEGRATED PROTECTION**

*Protection of the immovable cultural heritage, as one of the goals of the spatial and urban planning*

Article 69

(1) For the purpose of creating permanent economic and other societal conditions for preservation, revival and functional use of the immovable cultural heritage, its protection is one of the essential goals of the spatial and urban planning.

(2) The following shall be provided with regard to the achievement of the goal from paragraph 1 of this article, depending on the type and area of the scope of the plan:

1. Obligatory inclusion and respect for the immovable goods, protected in accordance with the provisions of this law;
2. Development of the regime of protection, significant to the planning, arrangement and use of space, according to the appropriate protection and conservation basis;
3. Estimate of the impacts on the protected goods, which may be expected from the realization of the plans;
4. Harmonization of the public interest for the protection of the cultural heritage with the one for sustainable economic and social development;
5. Modification to the plans, i.e. the planned solutions, which could have potentially adverse effects on the cultural heritage;
6. Stimulation of the development and application of traditional techniques and materials, necessary for the future of the cultural heritage;
7. Cooperation between the organs and public services, competent for the protection of the immovable cultural heritage, with the ones for spatial and urban planning, in all phases of preparation, construction and procedure for adopting or augmenting and changing the plans.

*Relationship between the plans and the acts for protection*

Article 70

(1) A spatial and urban plan may not change the protection legal status and the regime of protection, nor the boundaries of the protected good and its contact zone, specified in the act for protection.

(2) As an exception to paragraph 1 of this article, the spatial plan, passed by the Parliament of the Republic of Macedonia, may deviate from the specified boundaries and the regime of protection, of that is in the public interest for the arrangement and use of space.

(3) In the case from paragraph 2 of this article, the plan is the basis for harmonization of the protection act. The harmonization shall be done within three months after the passing of the spatial plan.

(4) An act for protection of an immovable good, which, according to the spatial and urban plan, is envisaged as a protected good, may be passed if the regime of protection and the boundaries of the contact zone do not contradict the plan. If the protection act is not passed within one year from the passing of the plan, the maker of the plan may modify the plan and establish a different regime of arrangement and use of the space, disregarding any such good.

(5) An act for the protection of an immovable good, which is not subject to inclusion in an spatial and urban plan, except for archaeological site, may be passed only if it does not interfere with the realization of the plan.

#### *Protection and conservation bases*

##### Article 71

(1) The incorporation of an appropriate regime of protection of the immovable cultural heritage, in a spatial and urban plan, shall be done according to the protection and conservation bases for cultural heritage.

(2) A protection and conservation base, within the meaning of this law, is the documentation base regarding the treatment of the immovable cultural heritage, in the spatial and urban plans.

(3) The protection and conservation bases contain textual, graphical and documentary presentation for the protected goods, and immovable goods subject to protection, within the scope of the plan, with data on the goods, the immediate surroundings, accesses and the wider area of influence, relevant to the planning and arrangement of the space and the contents of the plan.

(4) The protection and conservation bases, shall be prepared in accordance with the type of the plan, with the priority and financial means, specified with the annual and multi-year programmes for the preparation of protection and conservation bases, passed by the Minister of culture. The programme gives priority to the protection and conservation bases for plans which include significant immovable cultural heritage, reserved archaeological zone or endangered cultural heritage.

(5) The protection and conservation bases shall be prepared by the competent institutions for the protection of the immovable cultural heritage, except if, in certain justified case, the Administration specifies a different legal entity, in accordance with the law.

(6) The protection and conservation bases shall be approved by the Administration.

(7) Only approved protection and conservation bases, may be used for the preparation of the draft spatial and urban plan.

(8) The Minister of culture prescribes the content and methodology for the preparation of the protection and conservation bases, considering the opinion, obtained from the ministries, competent for the spatial planning and arrangement space.

#### *Harmonization of the planned solutions*

##### Article 72

(1) During the preparation of the draft spatial and urban plan, the contractor shall comply with the protection and conservation bases from article 71 of this law.

(2) If the draft of the plan contains solutions which deviate from the protection and conservation bases, the competent authority shall inform the developer of the plan thereof, through the participation in the expert discussion and consultation regarding the draft plan.

(3) An agreement for the proposal of the spatial and urban plan, in the cases where such an agreement is necessary in accordance with the law, shall be issued if the proposal of the plan incorporates an appropriate regime for protection, established in accordance with the submitted protection and conservation bases, in accordance with article 71 of this law.

#### *Special urban projects for the protected goods*

##### Article 73

(1) Special projects shall be prepared for the significant immovable cultural heritage, in accordance with the law.

(2) As an exception to paragraph 1 of this article, urban projects may be prepared also for other immovable good, protected with the provisions of this law, if specified in the plan of the protection and conservation conditions from article 74 of this law.

(3) An agreement for the urban projects from paragraphs 1 and 2 of this article, shall be given by the Ministry competent for the works related to the arrangement of space, after considering the opinion of the Administration.

*Protection and conservation conditions*

Article 74

(1) In the case when an urban plan or a general act is not passed, in accordance with the law, the construction conditions for the structure which directly or indirectly threaten the integrity of the protected good, shall contain protection and conservation conditions.

(2) The protection and conservation conditions, within the meaning of paragraph 1 of this article, may also specify the following:

1. Preparation of urban projects;
2. Protective archaeological excavations and investigations;
3. Conservation investigations;
4. Preparation of special studies and
5. Undertaking of other protection measures.

(3) The protection and conservation conditions are determined by the competent authority giving the conditions for construction, within a time frame specified by law, after considering the opinion of the Administration.

(4) The costs for carrying out the certain protective and conservation conditions, i.e. the protective measures, shall be on expense of the investor.

(5) The provisions as in the paragraphs 2 and 4 of this article shall be applied in the cases when the protection and conservation conditions are determined by the current urban plan.

*Protection and conservation agreement and opinion*

Article 75

(1) For the purpose of evaluating the compliance with the protection and conservation conditions, the Administration issues a protection and conservation agreement to the design and other technical documentation related to the significant immovable cultural heritage.

(2) For the purpose of evaluating the compliance with the protection and conservation conditions, the Administration issues a protection and conservation opinion to the design and other technical documentation related to protected immovable goods, having a status different than the one stipulated by paragraph 1 of this article.

(3) The Agreement from paragraph 1 and the opinion from paragraph 2 of this article, are issued upon request from the investor, within 15 days after the reception of the request.

(4) Within the time frame from paragraph 3 of this article, the Administration may issue a resolution rejecting the request for an agreement:

1. If the protection excavations, conservation investigations or the other measures for protection, stipulated in article 74, paragraph 2 of this law, have not been performed
2. If the submitted documentation is not made in accordance with the protection and conservation conditions.

*Transfer*

Article 76

(1) The immovable cultural heritage and other immovable goods, protected by the provisions of this law, as well as parts thereof, shall not be transferred to another location.

(2) As an exception to paragraph 1 of this article, the transfer may be performed as a salvation measure, only in the case when, due to the construction of a structure of public interest, the preservation of the endangered good, at its current location, is impossible.

(3) In the cases from paragraph 2 of this article, the endangered good shall be dismantled, transferred and re-erected in an environment reminding of the original location, i.e. within a similar natural, historical or artistic context.

(4) The decision regarding the transfer of an immovable cultural heritage of special significance, shall be passed by the government of the Republic of Macedonia, after considering the opinion of the National council on cultural heritage.



(5) The transfer of a different immovable protected good, according to the provisions of this law, shall be done only on the basis of a previously obtained approval of the Administration.

### *Abandonment*

#### Article 77

(1) The immovable cultural heritage and other cultural goods protected by the provisions of this law, shall be abandoned completely or partially, only in exceptional cases.

(2) The exceptional cases, within the meaning of paragraph 1 of this article, shall be abandonment due to construction of the structure of public interest, if the endangered good is not transferred as it is stipulated in article 76 of this law, and there does not exist any other way to preserve the location of the good or its integrity.

(3) In the cases from paragraph 2 of this article, the endangered good may be abandoned only after a complete investigation, documentation and undertaking the necessary salvation measures.

(4) The agreement for abandonment, in the cases of paragraph 2 of this law, shall be given by the authority which has passed the act for protection.

(5) The agreement from paragraph 4 of this article, represents a basis for passing an act for modification or termination of the protection.

### *Demolition*

#### Article 78

(1) If the immovable cultural heritage or other immovable good, protected with the provisions of this law, or parts thereof, are prone to falling due to deterioration or major damage, which directly threaten their stability and therefore render them dangerous to the neighbouring structures and the lives of people, and if that danger can not be removed in any other way, the authority that had passed the act for protection may give an agreement for demolition and removal of such a good or a part thereof.

(2) The agreement stipulated in paragraph 1 of this article, shall be issued upon request of the authority, competent for the passing of the resolution for demolition of structures prone to falling.

(3) In the cases from paragraph 1 of this article, the given agreement and the resolution for demolition of the protected good shall not represent a basis for passing an act for the termination of the protection.

### *Investigation and exploitation of mineral raw material*

#### Article 79

(1) The locations containing immovable goods, protected with the provisions of this law, shall not be subject to geological investigations and exploitation of mineral raw materials.

(2) As an exemption from paragraph 1 of this article, if the mineral raw material has special significant for the economic development of the country, and if it does not threaten the survival of the protected good or if its preservation, maintenance and use, are not disturbed:

1. Geologic investigations may be performed, only with an agreement from the Government of Republic of Macedonia;
2. The exploitation of the mineral raw material may be performed only after obtaining an agreement from the Administration.

(3) The administration shall also give its agreement regarding the following:

1. Construction of mining structures in the cases of paragraph 2 of this article;
2. Geologic investigations and exploitation of mineral raw materials, outside of the boundaries of the protected area, at a distance of 500 m, if the performance of the works involves use of explosives.

(4) An approval for geologic investigations, an approval for the construction of mining structures and an approval for the exploitation of mineral raw materials, shall not be issued without an appropriate agreement from paragraphs 2 and 3 of this article.

*Propounding of firms, advertisements, boards and other informative signs*

## Article 80

(1) The immovable cultural heritage and other immovable goods, protected by the provisions of this law, shall not contain firms, advertisements, boards, posters and other informative signs.

(2) In justified cases, the actions from paragraph 1 of this article may be performed only after obtaining an approval from the Administration.

*Emergency measures*

## Article 81

(1) If the investor performs the works contrary to the design and other technical documentation, for which a protection and conservation agreement has been issued, or, during the works, does abide by the specified protection and conservation conditions, the Administration may apply the following measures:

1. Inform the authority which issued the construction approval and to request from the construction inspection, a temporary suspension of the works until the time when the proper conditions have been fulfilled and
2. To pass a resolution for the revocation of the issued agreement, in case of endangerment of the protected good.

(2) The administration may also undertake the measures stipulated in paragraph 1 of this article, for the cases stipulated in article 79 of this law.

**Section 4****DIRECT PROTECTION***Conservation investigations*

## Article 82

(1) For the purposes of proper determination and execution of the measures for direct protection, the immovable and movable goods, protected with the provisions of this law, shall be subject to necessary conservation investigations.

(2) The conservation investigations, within the meaning of paragraph 1 of this article, shall be the investigation works related to the measures for direct protection and continued existence of the protected immovable and movable goods.

(3) The conservation investigations, involving actions which interfere with the integrity of the protected goods, with the exception of archiving, shall be performed only after an approval from the Administration.

(4) The approval from paragraph 3 of this article, may be issued if the request is accompanied by:

1. a programme for conservation investigation;
2. proof for the provision of financial and technical means;
3. statement of the owner or a contract regarding the regulation of mutual relations related to the undisturbed performance of the investigations and
4. a proof that the requestor fulfils all the requirements for the performance of the conservation investigations.

(5) The approval from paragraph 3 of this article, determines: the carrier, type, time frame and the special conditions for the performance of the conservation investigations.

(6) The conservation investigations shall be performed by the competent public institutions for protection, as well as by other legal entities or individuals, fulfilling the prescribed condition with regard to the qualification, working experience and technical equipment for the appropriate conservation investigations.

(7) The minister of culture shall prescribe the types of conservation investigations which are deemed necessary within the meaning of paragraph 1 of this article, the type and contents of the documentation for the conservation investigations and shall regulate the specific issues regarding the methodology of the investigations for certain types of immovable and movable cultural heritage.

*Legal measures related to the conservation investigations*

## Article 83

- (1) The administration may pass a resolution for the following:
1. Ban any activity that disables or impedes the performance of the approved conservation investigations;
  2. Suspend the performance of the conservation investigations, if the works have begun without an approval, or if they are being performed contrary to the issued approval, as well as specify a time frame for removal of the defects and
  3. Revoke the issued approval, if the conservation investigations damage the protected good, or the good is being endangered.
- (2) The appeal regarding the resolution from paragraph 1 of this article shall not interfere with the execution of the resolution.

*Reporting and submission of the documentation for the conservation investigations*

## Article 84

- (1) If the conservation investigations are performed within the frames of the conservation design, the carrier of the approval from article 82, paragraph 3 of this law, is obligated to submit a report to the Administration, together with the final documentation regarding the conservation investigations, within one month after the preparation of the design.
- (2) If the conservation investigations are not performed within the frames of a conservation design, the carrier of the approval from article 82, paragraph 3 of this law, is obligated to do the following:
1. Submit a report to the Administration, regarding the performed conservation investigations, within 3 months after the completion of the investigations and
  2. Submit to the Administration, the final documentation regarding the conservation investigations, within six months after the completion of the investigation works.
- (3) The report and the documentation from paragraph 2 of this article shall be used during the preparation of conservation designs.

*Conservation designs*

## Article 85

- (1) A conservation design, within the meaning of this law, shall be a design for conservation, restoration, reconstruction, repair, adaptation or other measures of direct protection of the immovable and movable cultural heritage or parts thereof.
- (2) During the preparation of a conservation design, the general rules for designing of structures apply also for the measures of direct protection which need a construction approval, except if this law or another rule specify otherwise.
- 3) The conservation designs shall be prepared in the form of detailed designs, except if this law or another rule specify otherwise.
- (4) The preparation of a preliminary design is obligatory if the renewal of the immovable good, protected by the provisions of this law, is based on analogies or other assumptions.
- (5) The ministry of culture may issue a public competition for the preparation of preliminary designs for measures of direct protection of the significant immovable cultural heritage.
- (6) The conservation designs shall be prepared by the competent public institutions for protection and the Archives, as well as other legal entities and individuals, if they fulfil the prescribed conditions for the respective type of cultural heritage.
- (7) The minister of culture shall prescribe the types and contents of conservation designs, including the allowed deviations, the conditions for preparation of conservation designs and expert control thereof, the special standards and norms for conservation designing and shall regulate the specific issues regarding the methodology for conservation designing.

*Expert control of the conservation designs*

## Article 86

- (1) Each conservation design shall be subject to an obligatory expert control.
- (2) The expert control from paragraph 1 of this article shall be performed by:

1. The competent national institution for protection, according to the type of cultural heritage, if the conservation design is prepared by someone else;
  2. The competent main institution for protection, if the conservation design is made by another public institution for protection and
  3. A scientific or expert commission, established by a resolution of the Administration, if the conservation design is made by the competent main institution, or the competent national institution in the field of protection where there does not exist any main institution.
- (3) As an exception of paragraph 2 of this article, the expert control of conservation designs for archives material, shall be performed by the Archives.
- (4) Regarding the performed expert control of the conservation designs, a report shall be prepared, including the evaluation of the design solutions and the completeness of the design.
- (5) The author of the conservation design is obligated to comply with the remarks contained within the report of paragraph 4 of this article.
- (6) The expenses for the expert control of the conservation design shall be born by the author of the design.

### *Conservation approval*

#### Article 87

- (1) The measures regarding the direct protection of the immovable and movable cultural heritage, with the exception of archives material, shall be performed only on the bases of a previously obtained approval from the Administration (hereinafter in the text: conservation approval), if this law does not specify otherwise.
- (2) The conservation approval shall be issued only if the request is accompanied by the following documents:
1. Conservation design;
  2. Report for the performed expert control of the conservation design;
  3. Proof for provision of financial means;
  4. Proof for authorization to perform works related to direct protection and Statement of the owner or a contract, regarding the regulation of mutual relations related to the undisturbed performance of the direct protection.
- (3) The conservation approval specifies the contractor, type, scope, time frame and the special conditions for the works related to direct protection.
- (4) The conservation approval shall be issued within 15 days after the reception of the request for the approval.
- (5) Within the time frame of paragraph 4 of this article, the Administration may reject the request for a conservation approval if:
1. The conservation design is not prepared according to the prescribed contents and norms for the specific type of cultural heritage;
  2. The author of the design did not comply with the remarks from the report regarding the performed expert control of the conservation design and
  3. The conditions for an authorized performance of works related to the direct protection, are not fulfilled.
- (6) If the works envisaged by the conservation design, require a construction approval, such an approval shall be issued only after a conservation approval has been issued.
- (7) In the cases from paragraph 6 of this article, the Administration shall be informed about each issued construction approval.

### *Execution and management of works of direct protection*

#### Article 88

- (1) The works of direct protection of immovable and movable goods, protected with the provisions of this law, shall be performed by the competent public institutions for protection and the Archive, as well as the following:
1. Any other legal entity of article 153 of this law and
  2. Any individual, possessing a status of an authorised conservator for the specific type of cultural heritage, i.e. speciality.
- (2) The works of direct protection shall be managed only by a person having the status of an authorised conservator for the specific type of cultural heritage, i.e. speciality.
- (3) The following shall be considered as authorised conservators, within the meaning of paragraph 1, item 2 and paragraph 2 of this article:

1. A person having at least university level education in a related field and having a licence for works related to direct protection in the field of architecture, fine arts techniques or the specific type of cultural heritage (hereinafter in the text: conservation licence and
  2. A person having a scientific or elective title, relevant to the works related to the direct protection of the specific cultural heritage, i.e. speciality.
- (4) The conservation licence from paragraph 3, item 1 of this article, shall be issued by the Ministry of culture, based on a passed examination before a committee formed the Ministry of culture.
- (5) The Ministry of culture shall revoke the conservation licence from paragraph 4 of this article if the license holder:
1. performed the works, contrary to the conservation approval;
  2. did not act according to the instructions from the authorised person for conservation supervision;
  3. inflicted damage or causes danger to the protected goods;
  4. performed the works contrary to the established methodology of work
  5. proceeded contrary to the ethical regulations in the field of protection.
- (6) The competent public institution for protection and the Archives, may completely or partially, transfer the works envisaged in the conservation design, to another authorised contractor, in a way prescribed by law.
- (7) Foreign legal entities and individuals may participate in the realization of a conservation design, in accordance with an international contract or a programme for cultural cooperation, as well as in accordance with a contract for direct cooperation with the competent institutions for protection, or the Archive.
- (8) The Ministry of culture may, in especially justified cases, entrust the realization of conservation designs for cultural heritage of special significance, to an international or other foreign independent conservation mission.
- (9) During the performance of the works of direct protection, a construction conservation documentation shall be prepared.
- (10) The minister of culture shall prescribe the appropriate vocations and titles for an authorised conservator, within the meaning of paragraph 3 of this article, the method and the programme for acquisition of a conservation licence, the form of the licence, the works related to direct protection that may be performed by other experts and the related conditions, the type and contents of the conservation documentation and other specific issues related to the performance of the works of direct protection.

#### *Conservation supervision*

##### Article 89

- (1) The works related to direct protection shall be subject to a continuous expert supervision (hereinafter in the text: conservation supervision).
- (2) The conservation supervision shall be performed by:
  1. The competent national institution for protection if the direct protection works are prepared by another protection institution or authorised contractor;
  2. The competent main institution for protection, if the direct protection works are made by the competent public institution for protection and
  3. An expert commission or persons, determined by a resolution of the authority issuing the conservation approval, if the direct protection works are made by the competent main institution, or the competent national institution in the field of protection where there does not exist any main institution.
- (3) As an exemption from paragraph 2 of this article, the conservation supervision for the archive material, is made by the Archives.
- (4) Conservation supervision shall be performed only by a person having the status of an authorised conservator for the specific type of cultural heritage, i.e. speciality.
- (5) The expenses for the conservation supervision shall be borne by the holder of the conservation approval.

#### *Suspension of the works and revocation of the conservation approval*

##### Article 90

- (1) The administration may pass a resolution to:
  1. Temporary suspend the works of direct protection, until the provision of conditions for proper execution of the works, if the contractor does not act according to the issued conservation

approval, i.e. the conservation design or does not apply the expert instructions of the commission, or the authorised person for conservation supervision and

2. Revoke the issued conservation approval, if the works cause damage or danger to the protected good.

(2) The resolutions from paragraph 1 of this article, may also instruct application of appropriate measures for protection against possible damage or destruction of the protected good, due to the temporary suspension of the works, i.e. revocation of the conservation approval.

(3) If the direct protection works have begun without a conservation approval, the Administration may issue a resolution to stop or ban any further progress of the works and instruct removal of the defects or reinstatement of the original conditions, within a specified time frame.

(4) If a construction approval has been issued for the direct protection works, the authority that has issued the approval and the construction inspection shall be informed about the resolution from paragraph 1 items 1 and 2 of this article. The construction inspection shall be also informed in case when the direct protection works proceed without the necessary construction approval.

(5) The appeal against the resolution from paragraphs 1 and 3 of this law, does not suspend the execution of the resolution.

### *Acceptance of the performed works*

#### Article 91

(1) For the purposes of a final expert control of the performed direct protection works (hereinafter in the text: acceptance of the performed works), the holder of the conservation approval shall, within 30 days after the completion of the works, inform the Administration and submit the following:

1. Report on the performed direct protection works;
2. Report on the conservation supervision and
3. Final construction conservation documentation.

(2) The acceptance of the performed works shall be done by an expert commission formed by the Administration.

(3) The authority of paragraph 2 of this article, may pass a resolution specifying that the acceptance of the performed works shall be done by a national institution for protection or a scientific institution that has not been involved in the construction or the expert control of the conservation design, the performance of the works and the conservation supervision.

(4) The expert commission for the acceptance of the works shall be composed of persons that have been involved in the construction, or in the expert control of the conservation design, as well as persons that have performed direct protection works or conservation supervision.

(5) As an exception, the Administration may issue a resolution stipulating that, the acceptance of the performed works regarding certain types of cultural heritage or works involving immovable heritage with smaller scope, shall be performed by persons that have performed conservation supervision.

(6) The report of the acceptance of the works shall specify whether the works have been performed in accordance with the conservation design, and shall contain an expert estimate of the quality of the performed works and a strict conclusion regarding acceptance or rejection of the works.

(7) If the report for acceptance of the works, concludes certain deviations from the conservation design, shortcomings or other irregularities in the works, or if it gives other remarks related to the expert sustainability and acceptability of the performed works, the Administration shall issue a resolution instructing the holder of the conservation approval, within a specified time frame, to act according to the given remarks and to remove the discovered defects, at his own expense.

(8) If a construction approval has been issued for the direct protection works, the technical examination of the immovable good, within the meaning of the regulation for the construction of structures, may not proceed before the acceptance of the works, in accordance with this law.

(9) In the cases from paragraph 8 of this article, the authority competent for the technical examination shall be given a copy from the report from the acceptance of the works and an information regarding the resolution from paragraph 7 of this article.

(10) The expenses related to the acceptance of the works shall be borne by the holder of the conservation approval.

## Section 5

### CONTROL AND OTHER MEASURES FOR THE MOVABLE CULTURAL HERITAGE

#### *Verification of origin*

##### Article 92

(1) When buying or otherwise acquiring, from a third person, movable cultural heritage or other protected or movable goods that deserve to be protected according to the provisions of this law, the institutions for protection and the other holders of public and private collections, are obligated to verify the origin of the goods.

(2) For each suspicious purchase offer, the subject from paragraph 1 of this article are obligated to immediately inform the Administration and the internal affairs authorities.

(3) The inventory and other public books for movable cultural heritage, may contain only goods whose origin has been verified, and for which it is not suspected that they originate from illegal or illicit excavations, thefts, illegal export and import or other illegal actions.

#### *Private collections*

##### Article 93

(1) The private collections of movable cultural heritage shall protected to the extent and in a way specified by this law.

(2) The following protected goods may not be subject to the private collections stipulated in paragraph (1) of this law:

1. Protected goods from domestic or foreign origin, acquired in a manner contrary to the law;
2. Protected goods included in a public collection, except those whose exchange or permanent relinquishing is allowed by this or other laws;
3. Protected goods which are an integral part of a protected immovable good;

(3) archaeological artefacts may not be subject to the private collections stipulated in paragraph (1) of this article, except those:

1. Which are a coincidental discovery which the Ministry of culture has relinquished in the context of article 68 paragraph (3) of this law and
2. For which the ownership right has been determined in a procedure before a competent court, conducted within the time frames when the existence of such a right to state owned archaeological artefacts could have been proven in accordance with the past regulations;

(4) The Administration shall keep a special record on the collectors and the protected private collections

#### *Control of the antiquity trade*

##### Article 94

(1) Each trader with antiquities, artistic and other collection items, is obligated to keep a registry for the origin of the objects, with basic data about the person that has supplied the object, description and selling price, as well as data about the buyer.

(2) The trader fro paragraph 1 of this article must:

1. Inform the competent public institution for protection, about every obtained object, before it can be sold, as well as submit monthly reports about the sale of antiquities, artistic and other collection items;
2. Provide documents for forfeiting the right of primary purchase, if the movable good is protected according to the provisions of this law;
3. Provide and issue a valid document for the ownership of the protected good;
4. Inform the buyer about the possible prohibition of the export of the purchased good; and
5. Inform the competent authorities of the state administration and the public protection institutions, as well as the interested collectors, gallery owners and antiquity dealers, about the manufacture and circulation of copies of the protected good.

(3) The Minister of Culture prescribes the content and the method for preparation of the registry from paragraph 1 of this article, the method of control of the preparation of the registry, the forms used within the meaning of paragraph 2 of this article, and regulates the specific issues related to the control of the trade with the movable cultural heritage and other antiquities, artistic or collection objects. The general act shall be passed after obtaining an approval from the Ministry competent for trade matters.

*Exchange and relinquishing*

## Article 95

(1) For the purposes of filling of collections or achieving efficient protection and improved presentation, the movable cultural heritage and the other protected movable goods may be exchanged and, temporary or permanently relinquished to public protection institutions and other holders of public and private collections, in the country and abroad, unless specified otherwise in this or another law.

(2) The exchange and relinquishing, within the meaning of paragraph 1 of this article, may be performed for specific samples of protected goods:

1. If they are not declared or included in collections that have been declared as cultural heritage of special significance;
2. If they belong to the same series, similar type and if they are numerous;
3. If there is no interest to include the specific samples in permanent exhibits of the holder or if their worth to the holder, is only secondary; and
4. If there are no other restrictions specified by law, regarding the samples in question.

(3) The exchange and relinquishing, within the meaning of paragraphs 1 and 2 of this article, with the exception of the archives material, shall be performed only on the basis of an approval of the Administration, after obtaining an opinion of the competent main institution for protection, i.e. the national institution for activities where there is no main institution.

(4) The exchange and relinquishing of the archives material shall be performed in accordance with the rules for archives material.

(5) Regarding the exchange and relinquishing of the movable cultural heritage in the country and abroad, the protection institutions from paragraph 3 of this article, shall keep records of the requests and offers.

(6) The records from paragraph 5 of this article, shall only contain offers for exchange and relinquishing, only if the protected good has been acquired in accordance with the law.

(7) The offer for exchange of relinquishing, shall be accompanied by the entire technical and legal documentation related to the offered good.

*Temporary relocation of the goods, abroad*

## Article 96

(1) The movable cultural heritage and other protected movable goods may be temporarily taken abroad for the purposes of exhibition, conservation, expertise and other justified cases, based on an approval, unless otherwise specified by law.

(2) The approval, within the meaning of paragraph 1 of this article, except for the archives material, shall be issued by the Administration, after considering the opinion of the competent main institution for protection, i.e. the national institution for activities where there is no main institution.

(3) In the case from paragraph 1 of this article, the applicant shall provide bank deposits in the amount equalling the value of the protected good, commercial insurance, guarantee or other type of guarantees from a foreign government, required by the Administration.

(4) The approval from paragraph 2 of this article shall specify the time frame for the return of the protected good in the country, as well as other more specific requirements regarding handling, packing, transport, escort, accommodation, keeping and presenting of the protected good.

(5) The holder of the approval for the temporary relocation abroad, shall inform the Administration whether the good has been returned to the country within the specified time frame, within at most 3 days after the return of the good to the country.

(6) If the relocated good has not been returned to the country, within the specified time frame, within the meaning of this law, it is deemed as illegally exported.

*Export*

## Article 97

(1) The movable cultural heritage, not subject to a general export ban, within the meaning of article 52 of this law, as well as other protected movable goods, may be exported, only on the basis of an approval from the Administration, after considering the opinion of the competent main institution for protection, i.e. the national institution for activities where there is no main institution.

(2) An approval for export within the meaning of paragraph 1 of this article, may be issued for any protected good:



1. Subject to international exchange or which is permanently relinquished to a holder of a public collection abroad; and
  2. Which has not been included in the National inventory of protected goods whose export would represent a significant diminution of the cultural heritage of the Republic of Macedonia (hereinafter in the text: National inventory).
- (3) The Administration, after considering the opinion of the competent institution for protection from paragraph 1 of this article, may do the following:
1. Pass a resolution prohibiting the exportation of any protected good which has not been entered in the National inventory from paragraph 2, item 2 of this article;
  2. Issue an approval for the exportation of the protected good from the National inventory from paragraph 2, item 2 of this article, if the related good is subject to restitution application or if its export is of public interest, in accordance with an international agreement.
- (4) Antiquities and other artistic or collection objects, not having the status of protected good, according to the provisions of this law, whose export is not subject to the regime of free export, within the meaning of the regulations for foreign trade, may be exported on the basis of a certificate, issued by the Administration, after considering the opinion of the competent public protection institution.
- (5) The certificate from paragraph 4 of this article, certifies that the movable good, subject to export, has not been registered in the National registry of cultural heritage and that it can be exported without limitations as regards the cultural heritage protection.
- (6) If the movable good from paragraph 4 of this article, deserves to be protected, the Administration may pass a resolution, prohibiting the export of the good in question, following a resolution for temporary protection.
- (7) The provisions from paragraphs 4, 5 and 6 of this article, also apply in the cases of temporary relocation of the goods, abroad.
- (8) The administration shall inform the public about any movable cultural heritage:
1. Whose export is prohibited, within the meaning of article 52 of this law,
  2. Involving the protected goods from the National inventory from paragraph 2, item 2 of this article, and
  3. Regarding any resolution prohibiting the export of a protected good.

#### *Informing the customs authority*

#### Article 98

- (1) Regarding any resolution, prohibiting the export or an issued approval, i.e. certificate for relocation or export, the Administration is obligated, without delays, to inform the authorities of the customs control.
- (2) In the cases from paragraph 1 of this article, in addition to the issued act, the Administration shall submit a complete dossier with photo documentation, regarding the movable good, whose relocation or exportation is allowed, i.e. prohibited.
- (3) The Administration shall submit to the authority from paragraph 1 of this article, updated lists about the cultural heritage whose export is prohibited, within the meaning of article 52 of this law, as well as lists about the protected goods from the National inventory from article 97, paragraph 2, item 2 of this law.

#### *Import*

#### Article 99

- (1) The movable cultural heritage which is not subject to the regime of a general import ban, within the meaning of article 53 of this law, may be imported in accordance with the foreign trade regulations.
- (2) If the regulations of the country of origin of the movable cultural heritage, require an export permit, this permit must be presented during the import process.
- (3) The importer is obligated to report the imported good to the competent protection institution, within 8 days after the completion of the import.

*Restitution*

## Article 100

(1) According to the ratified international agreements, the Ministry of culture is the central authority coordinating the restitution of the movable cultural heritage:

1. Which has been stolen and/or illegally exported from the territory of the Republic; and
2. Which has been stolen and/or has been illegally exported from the territory of another state, and which is located on the territory of Republic of Macedonia.

(2) In the cases from paragraph 1, item 1 of this article, the Ministry of culture:

1. Undertakes activities for completion of the data, records and documentation on the dispersed cultural heritage, that may be subject to restitution and
2. Submits requests for restitution to the competent authorities of other states, according to their regulations and international agreements;
3. Cooperates with the central authorities of other states, coordinating the restitution.

(3) In the cases from paragraph 1, item 2 of this article, the Ministry of culture:

1. Informs the central restitution authority in the country of origin, that the protected good is located in the territory of the Republic of Macedonia, and undertakes additional activities, upon request from the counterpart, regarding a more precise identification of the location of the good and its owner or holder;
2. Enables necessary checks regarding the requested good, performed by authorised persons in the country that files the request, within two months after the filing of the request for restitution;
3. Undertakes measures for physical protection of the requested good, in cooperation with the requesting country;
4. Undertakes measures to prevent activities that interfere with the restitution procedure;
5. Acts as an mediator between the requestor of the restitution and the owner, i.e. the holder of the requested good; and
6. Facilitates the execution of the court decision regarding the return of the requested good.

(4) The request for restitution from paragraph 1, item 2 of this article may be submitted through the diplomatic channels or directly to the competent court, unless otherwise specified by law or international agreement.

(5) The request for restitution, within the meaning of article 4 of this article, may be submitted within one year, counting from the day when the requested country discovered or was informed about the location of the good in question and the identity of its holder, but not longer than:

1. 30 years from the date when the requested good was stolen or illegally exported from the territory of the state of origin; and
2. 75 years, if the good in question is a movable good, part of a public collection or if it is under special protection of the country of origin.

(6) If the competent authority in the country of origin of the good, files a suit against the holder of the good, before the competent court of Republic of Macedonia for regarding the restitution of the good, it must immediately inform the Ministry of Culture.

(7) The procedure, within the meaning of paragraph 6 of this article, may be initiated if there exists proof that the good in question has a status of a protected good, in accordance with the regulations of the country, requesting its return, and that it has been stolen and/or illegally exported from its territory.

(8) The procedure for restitution, i.e. return of the good, can not proceed if the export is no longer illegal, in the time of the request for the return of the good.

(9) Any conscientious owner, who has acquired the requested good, after it has been stolen and/or illegally exported, is entitled to a reasonable compensation, based on and in the amount specified in a decision of the competent court, after the good has been returned to the territory of the state of origin.

(10) The compensation from paragraph 9 of this article and all expenses related to the restitution request and procedure, shall fall on the requesting country.

(11) The compensation and the expenses from paragraph 10 of this article, paid to the budget of the Republic of Macedonia, shall be reimbursed by the persons that have stolen the good, i.e. illegally exported the good from the territory of the Republic.

## Section 6

### PROTECTION OF THE SPIRITUAL CULTURAL HERITAGE

#### *Records, care and use*

#### Article 101

(1) The protection of the spiritual cultural heritage, within the meaning of this law, in addition to recording and keeping records thereof, also involves care and correct use, in accordance with the law and the regime for protection, specified in the act for protection.

(2) The recording and keeping of records of the spiritual cultural heritage of public interest is performed by authorized entities stipulated in article 154 of this law.

(3) The care and correct use of the spiritual cultural heritage shall be encouraged by the special projects and programs in the field of culture, education, science and information.

(4) The administration may, by a resolution:

1. Determine special measures for caring and protection of the protected immaterial good; and
2. Temporary suspend or prohibit inappropriate use of protected immaterial good.

## Section 7

### PROTECTION OF THE CULTURAL HERITAGE AGAINST ILLEGAL ACTIVITIES

#### *Security measures*

#### Article 102

(1) For the purposes of efficient protection against unauthorised excavations, purposeful damaging and destruction, theft, adoption, concealment, illegal trade, smuggling and other illegal activities against the cultural heritage, the public authorities for protection, as the holders of the protected goods, shall undertake the following actions:

1. Preventive measures which will reduce the possibilities of the risk of occurrence of illegal activities; and
2. Countermeasures, which will reduce the losses or adverse consequences from the illegal activities, if the risk occurs.

(2) The administration, within the meaning of paragraph 1 of this article:

1. Follows the condition of the protection of the safety of the cultural heritage;
2. Estimates the risks to the safety of the cultural heritage, due to illegal activities;
3. Coordinates the preparation and harmonisation of the plans from article 104 of this law, and controls their implementation;
4. Specifies emergency measures of safety protection of the cultural heritage and special safety protection measures for the cultural heritage of special significance;
5. Issues specialised instructions regarding the implementation of the safety protection of the cultural heritage;
6. Proposes the implementation of measures for the safety protection of the cultural heritage; and
7. Performs other works specified by Law.

(3) The administration and the other entities from paragraph 1 of this article, shall cooperate with the other competent authorities in the area of safety, and shall not impede their activities, especially facilitating the activities of the authorities competent for crime prevention, discovery and capture of the doers and handing them over to the competent authorities, confiscation of the protected goods and returning them to the rightful holder.

#### *National action plan for prevention of crime against the cultural heritage*

#### Article 103

(1) The government of the Republic of Macedonia shall pass a national action plan for the prevention of crime against the cultural heritage, upon a proposal from the National council for cultural heritage.

(2) The plan from paragraph 1 of this article, shall amongst all else, contain especially the following:

1. Appraisal of the existing risks of illegal activities and the situation of crime against the cultural heritage;

2. Priorities of the cultural heritage safety protection policy;
3. General and special measures for prevention of crime against the cultural heritage;
4. Validity period for the plan and time frame for its realization;
5. Conditions for the realization of the plan; and
6. Entities competent for the realization of the plan.

(3) The realization of the plan from paragraph 1 of this article, shall be coordinated by the National council for cultural heritage.

(4) The national council for the cultural heritage shall submit to the Government, annual reports regarding the realization of the Plan, as well as a final report.

### ***Plans for the cultural heritage safety protection***

#### Article 104

(1) The public institutions for protection and the holders of the protected goods, specified in the protection act, shall provide:

1. Plan for preventive protection of the cultural good, against illegal activities;
2. Plan for emergency action in case of illegal activities.

(2) The plan for preventive protection from paragraph 1, item 1 of this article shall contain organizational measures and measures for technical security, as well as measures for electronic supervision for the cultural heritage of special significance.

(3) The plan for emergency action from paragraph 1, item 2 of this article shall contain an operational and organizational part, with countermeasures.

(4) The plans from paragraph 1 of this article shall be prepared on the bases of a previous analysis of the risks from illegal activities.

(5) In order to evaluate if the level of security corresponds to the level of the existing risk and to determine whether the risk is acceptable, authorised officers of the Administration shall verify the efficiency of the safety protection measures, contained in the plans from paragraph 1 of this article.

### *Authorised officers for the security of the cultural heritage*

#### Article 105

(1) The works regarding the safety protection of the cultural heritage, from article 102, paragraph 2 of this article, shall be performed by authorised officers, appointed by the Minister of culture.

(2) The authorised officers from paragraph 1 of this article have the following rights and obligations:

1. To collect data, information and reports of significance for the safety protection of the cultural heritage;
2. To control the implementation of the prescribed measures for the safety protection of the cultural heritage;
3. To perform investigations regarding the safety protection of the cultural heritage; and
4. To cooperate with the criminal police, customs authorities, public prosecutors, inspections and other competent authorities.

(3) The authorised officers from paragraph 1 of this article shall have an identification document.

(4) The Minister of culture shall coordinate the implementation of the works from paragraphs 1 and 2 of this article, i.e. article 102 paragraph 2 of this law, and shall prescribe the form of the identification document and the method of issuing.

## Section 8

### **PROTECTION OF THE CULTURAL HERITAGE IN CASES OF ARMED CONFLICT AND NATURAL DISASTERS**

#### ***Identification of the goods and the officers for protection in case of an armed conflict***

#### Article 106

(1) In order to facilitate the identification of the immovable goods, which are subject to immunity of general protection in cases of an armed conflict, according to the ratified international agreements, the Administration shall prepare a National inventory for protected good in case of an armed conflict.

(2) The officers involved in the protection of the cultural heritage in cases of an armed conflict and the persons involved in the control mechanisms, within the meaning of the ratified international agreements, shall have an identification document and the right to wear a band on the sleeve, containing the international identification sign, issued by the Ministry of culture.

(3) The minister of culture shall prescribe the content and the method for preparation of the inventory from paragraph 1 of this article, the form of the identification document, the appearance of the band from paragraph 2 of this article and the method of issuing.

*Preparatory measures for protection  
in cases of an armed conflict and natural disasters*

Article 107

(1) The authorities and public institutions for protection, as well as the holders of the protected goods, shall undertake the necessary preparatory measures for the protection of the cultural heritage against predictable consequences of an armed conflict and natural disasters.

(2) The necessary preparatory measures, within the meaning of paragraph 1 of this article, shall include the following:

1. Provision of documentation for the protected goods and its safekeeping in various safe locations;
2. Preparation for evacuation of the protected movable goods, including parts of the protected immovable goods, that can be dismantled;
3. Planning of emergency measures for protection against fire;
4. Planning of emergency measure for protection against demolition;
5. Supply of materials and equipment for the implementation for the appropriate protection in situ.
6. Determination of the protection staff, especially the expert and other operative teams; and
7. Planning of measures for safety protection in cases of an armed conflict and natural disasters.

(3) The necessary preparatory measures, within the meaning of paragraph 1 of this article, shall also include the following peace-time preparations:

1. Marking of the protected goods with the international identification sign; and
2. Organization of a special or an emergency transport of the protected goods, under international control, on the territory of the Republic of Macedonia or within another state.

(4) The Administration, within the meaning of paragraph 1 of this article, shall do the following:

1. Follow, direct and control the implementation of the necessary preparatory measures from paragraph 2 and 3 of this article;
2. Undertake and determine emergency and other preparatory measures for protection;
3. Issue specialised instructions regarding the implementation of the preparatory measures for protection; and
4. Perform other work, specified by law.

(5) The necessary preparatory measures for protection of the cultural heritage in cases of an armed conflict and natural disasters shall be undertaken in accordance with the regulations and documents for defence, i.e. protection against natural disasters, these law, and the regulations based thereon.

*Special protection measures in war  
and extraordinary conditions*

Article 108

(1) The public institutions for protection, specified in accordance with the regulations for defence and the holders of the protected goods, shall, in War and extraordinary conditions due to the large natural disasters, undertake special measures for the protection of the cultural treasure.

(2) The special measures, within the meaning of the paragraph 1 of this law, shall be prescribed by the Government of the Republic of Macedonia, through a regulation.

*Appraisal of damages*

Article 109

The appraisal of the damage to the cultural heritage, caused as a consequence of an armed conflict or a natural disaster, shall be performed in accordance with a special methodology, prescribed by the government of the Republic of Macedonia.

*Priority list*

## Article 110

(1) The government of the Republic of Macedonia, shall establish a priority list of cultural heritage, damaged in an armed conflict, i.e. a natural disaster, upon a proposal of the National council for cultural heritage.

(2) The priority list from paragraph 1 of this article, shall be an obligatory basis for the following:

1. Determination and implementation of emergency measures for removal or mitigation of the consequences of the caused damage;
2. Programming of the activities for the protection of the cultural heritage after the termination of the hostilities, i.e. the natural disaster;
3. Allocation of financial means and other aid from the Budget of the Republic of Macedonia.

**Section 9****PROTECTION AGAINST PHYSICAL DAMAGE FROM POLLUTION AND PROMOTION OF THE QUALITY OF THE ENVIRONMENT IN THE PROTECTED AREAS***Protection against consequences of pollution*

## Article 111

(1) In order to reduce the risks of physical damage and other adverse consequences to the immovable cultural heritage and its immediate environment, enforced by the pollution of the environment and nature:

1. The entities that perform monitoring, within the meaning of the regulations for environmental and natural protection shall monitor the impact of pollution on the immovable cultural heritage and its immediate environment, as well as submit the relevant data to the ministries competent for the special conservation and central environmental monitoring;
2. The ministries competent for the works related to the protection of the environment and nature, for science and culture, as well as the authorities of the local self-government shall initiate and support the realization of programmes and projects for interdisciplinary and other specialized scientific research, with the purpose of identifying and studying the adverse consequences of pollution, defining of the means and methods for mitigation or elimination of those consequences;
3. The legal entities and individuals, having sources that pollute and have adverse consequences on the immovable cultural heritage and its immediate surrounding, shall, in their environmental impact assessment, specify appropriate measures for the mitigation of those consequences, and shall implement those measures within the legal time frame for the realization of the projects; and
4. A resolution for integrated prevention and control of the pollution, within the meaning of the regulations for the protection of the environment, nature and spatial planning based on the study from item 3 of this paragraph, may be passed only after previous consideration of the opinion of the Administration.

(2) The Administration:

1. Shall perform and organize the performance of conservation monitoring of the impacts of pollution on the immovable cultural heritage and its immediate environment; and
2. Shall undertake emergency measures for protection, in cases when the act for proclamation of the endangered cultural heritage, has been passed due to pollution.

(3) The methodology for the performance of the special conservation monitoring shall be prescribed by the Ministry of culture, with an agreement by the Ministry competent for the protection of the environment, nature and spatial planning.

*Promotion of the quality of the environment  
In the protected areas*

## Article 112

(1) The units of the local self-government, the competent public institutions for the protection and the holders of the protected goods shall undertake measures for protection and promotion of the quality of the

environment, around the immovable cultural heritage, as well as within the boundaries of the monumental entities and cultural areas.

(2) The units of the local self government shall undertake measures, within the meaning of paragraph 1 of this article, with regard to the open urban, rural and other public spaces within the protected areas, unless otherwise specified by law.

(3) Regarding the immovable cultural heritage, located within the boundaries of a national park or other area, proclaimed as natural heritage, as well as in zones with special purpose, specified or protected by a different law, the measures from paragraph 1 of this article shall be undertaken in accordance with the prescribed regime for protection and the plans for the arrangement of such areas, i.e. zones.

(4) The competent institutions shall undertake measures within the meaning of paragraph 1 of this article, within the frames of the programmes for revitalization and the conservation projects being realized.

(5) The acceptance of the conservation works, within the meaning of article 91 of this law and the technical examination, within the meaning of the regulations for the construction of structures, can not be performed if the contractor or the investor have not completed the measures within the meaning of paragraph 1 of this article, specified by the protection, conservation and other conditions for construction within protected areas.

(6) The Administration may pass a resolution, specifying special measures within the meaning of paragraph 1 of this article, after consideration of the opinion of the Ministries competent for the works regarding the protection of the environment, nature and for spatial planning:

1. In order to provide better accessibility and attractiveness of the area, stimulate appropriate levels of use and increase the social integration of the protected areas; and
2. If the integrity of the protected area has been damaged, due to negligence.

## Section 10

### DEVELOPMENT OF PROTECTION AWARENESS AND OTHER MEASURES FOR THE CULTURAL HERITAGE

#### *Raising public awareness*

#### Article 113

(1) The public institutions in the fields of the education, science, culture and information shall incorporate, in their work programmes and plans, contents for building knowledge and a correct and active attitude toward the cultural heritage and its protection, in particular:

1. For the values, uniqueness and significance of the cultural heritage as an integral part of the cultural identity and source of inspiration and creativity for the current and future generations;
2. For the dangers threatening it, due to illegal activities, armed conflict, natural disasters and physical degradation, strengthened by pollution of the environment and nature, or due to the investment construction, inappropriate use or careless handling and manipulation; and
3. For the need of preservation, respecting, regular maintenance, conservation, integrated protection and functional use as a factor of the sustainable development.

(2) The Administration shall:

1. Widen and support the knowledge of the national and international regulations for the protection of the cultural heritage;
2. Inform the public about the international aid and the role that this aid has played in the protection of the cultural heritage; and
3. Care for providing appropriate publicity for each case of damaging, destruction or other form of illegal action against the cultural heritage.

(3) The public institutions for protection shall inform the public:

1. For the activities for protection of the cultural heritage, they are undertaking; and
2. For the possibilities of inclusion of other entities in the realization of the programmes and the projects from the area of the protection of the cultural heritage, that they are conducting.

#### *Availability of the cultural heritage to the public*

#### Article 114

(1) The cultural heritage and the documentation for its protection, shall be available to the public.

(2) The availability to the public may be limited in accordance with this law, other regulation and general act, depending on the type, significance, nature and condition of the cultural heritage, as well as the goals and methods of use.

(3) The administration, by issuing a resolution, may impose special measures for making the cultural heritage accessible to disabled persons.

#### *Information system*

##### Article 115

(1) The monitoring of the condition of the cultural heritage and the activities for its protection, shall be performed by the Administration, within the framework of the information system for cultural heritage of the Republic of Macedonia.

(2) The information system from paragraph 1 of this article shall provide the following:

1. Establishment of a relevant data base;
2. Central information interconnection of the public institutions for protection, the Archive and the legal entities authorised for performing works related to the protection of a specific type of cultural heritage; and
3. Publicly available, comprehensive and accurate information about the cultural heritage and its protection;

#### *Keeping and use of documentation*

##### Article 116

(1) The documentation for the cultural heritage and the other protected goods shall be kept in three different places, determined by the Administration.

(2) The documentation from paragraph 1 of this article shall be made available for use, for official, scientific and educational purposes, publications and other justified reasons.

(3) As a rule, copies of the documentation, made at the expense of the requestor shall be issued for use.

(4) Regarding state authorities and for scientific purposes, the original documentation may be given for temporary use, provided that the user keeps it, makes a protective record of the documentation at the expense of the requestor and other conditions specified by the act from article 36, paragraph 2 of this law.

(5) The competent entity, which keeps the documentation shall keep special records of the use of the documentation.

### **Section 11**

#### **UTILIZATION OF THE CULTURAL HERITAGE**

##### **11.1 Use of the cultural heritage by means of concession**

#### *Subject of concession*

##### Article 117

(1) The subject of use by means of concession, according to this law, can be immovable cultural heritage of special significance, owned by the state, except the goods from paragraph 2 of this article, which is or may be used for:

1. Housing;
2. Performing of tourist, hospitality, trade, handicrafts and other service activity;
3. Performance of an original or related product activity; and
4. Performance of activities from the area of education, science, information, health, sport, recreation as well as culture, except the protection activities.

(2) The following may not be subject to concession:

1. Reserved archaeological zones and other unexplored or insufficiently explored archaeological sites;
2. Memorial structures and places related to significant events and eminent persons;
3. Cult and other places and structures related to customs, beliefs or special traditions; and



4. Immovable goods from article 12 paragraph 2 and article 13 paragraph 2 of this law.
- (3) The law on concessions shall apply for the issues not regulated by this law.

#### *Concessionaire*

##### Article 118

(1) A concession can be awarded to a domestic or foreign legal entity or individual (concessionaire) which fulfils the following conditions:

1. The entity is registered to perform the activities from article 117, paragraph 1 of this law;
2. The entity possesses material and technical capabilities for performing the activity for which it is registered and the protection of the immovable good, subject to the concession; and
3. The entity shall offer a programme for revitalization and management plan for the immovable good, subject to concession.

(2) The concessionaire has the status of a holder of the cultural heritage, with the rights and obligations determined by this law and the concession agreement.

#### *Duration of the concession and Concession fee*

##### Article 119

(1) The period for which the concession is awarded shall be:

1. Up to 10 years for the performance of a production activity; and
2. Up to 15 years for the performance of other activities from article 117, paragraph 1 of this law.

(2) The concession may be extended for at most 5 years.

(3) For the use of the cultural heritage, subject to concession, an annual fee shall be paid. The amount of the fee shall be determined by the concession contract.

(4) The fee from paragraph 3 of this article shall be paid before the 30<sup>th</sup> of June of the current year.

#### *Supervision over the implementation of the contract*

##### Article 120

(1) The supervision of the implementation of the contract shall be performed by the Ministry of Culture.

(2) The ministry of culture shall pass a resolution, specifying a special board for supervising the implementation of the contract.

(3) The board shall involve at least one representative of the municipality where the good, subject to concession, is located and of a non-governmental organization from the area of cultural heritage protection.

## **11.2 Special provisions**

#### *Performing of an economic activity within the protected goods*

##### Article 121

(1) An economic activity within an immovable cultural heritage and other immovable good, protected in accordance with the provisions of this law, may be performed only with a prior approval from the Administration.

(2) The approval from paragraph 1 of this article, shall be necessary for each change of activity, i.e. the purpose of the business area.

#### *Use of a name or form of a cultural heritage for commercial purposes*

##### Article 122

A name, form or any other recognisable part of a protected good may be used for commercial purposes, as an element of a sign and for the manufacturing of souvenirs or other object for commercial

purposes, in a way appropriate to the purpose or the significance of the goods, based on an approval from the Administration.

## CHAPTER V

### RIGHTS AND OBLIGATIONS OF THE HOLDERS OF THE PROTECTED GOODS

#### Section 1

#### RIGHTS OF THE HOLDERS

##### *Right to specialised assistance*

##### Article 123

(1) The holder of the protected good has the right to specialised assistance without remuneration, within the scope and type specified in this law.

(2) The right from paragraph 1 of this article, especially involves the following:

1. Examination and expert explanations of the characteristics, significance and the condition of the good;
2. Expert advice and instruction regarding the respect, storage, maintenance and usage of the good;  
Indication of the need to undertake special measures regarding the storage and maintenance of the good or special technical and protection measures;
3. Assistance in the realization of any other rights and obligations, specified by this law; and
4. Assistance regarding the effectuation of other rights and obligations specified by this law.

(3) A collector or any other holder of a protected collection and a holder of a sacral or any other monument with movable goods, which are integral parts thereof, has the right to an expert assistance:

1. With regard to the establishment and keeping of an inventory (records) of the protected good; and
2. For the conservation of the goods registered in the inventory stipulated in item 1 of this paragraph.

(4) The right to an expert assistance, within the meaning of paragraphs 2 and 3 of this article, shall be facilitated by the competent public institution for protection, i.e. the Archive, upon a written request from the holder.

(5) In emergency cases, especially in case of an immediate threat to the protected good, the entities from paragraph 4 of this article are obligated to offer the requested assistance immediately, and at the latest, within three days after the submission of the written request by the holder.

##### *Right to reimbursement of any extraordinary expenses*

##### Article 124

(1) The holder of the protected good is not obligated to bear any extraordinary expenses for the storage and maintenance of the good, nor for the performance of the prescribed measure for protection.

(2) Extraordinary expenses include the expenditures above and beyond the usual expenses for storage and maintenance of the good, as well as the expenditures beyond the incomes and other material uses from the good.

(3) The holder of the protected good has the right to reimbursement of any extraordinary expenses if he had obtained an agreement from the Administration to make such expenses, within the scope specified in the agreement.

(4) In case of a disagreement with the specified reimbursement, the holder of the protected good may request that the amount of the reimbursement shall be determined by the competent court, in non-litigation procedure.

(5) The minister for culture shall prescribe the criteria for distinguishing between the normal and extraordinary expenses, according to the type of cultural heritage, as well as the method for realization of the right to extraordinary expenses.

*Right to a reasonable remuneration due to the limitations related to the regime of protection*

Article 125

(1) The holder of the protected good has the right to a reasonable remuneration due to the limitations incurred by the regime of protection, in the cases specified by this law, if the measure for protection has not been prescribed due to any subjective fault of the holder.

(2) The remuneration, within the meaning of paragraph 1 of this article, shall be determined as a single amount or annual amounts, if the deteriorated conditions for economic use can not be compensated by the performance of a different activity within the regime of protection.

(3) For the purposes of protection against any possible damage, in the cases specified by this law, the holder of the protected good has the right to certain guarantees.

(4) If the holder of the protected good and the Administration, can not agree on the amount of the remuneration or the guarantee, it shall be determined by the competent court in a non-litigation procedure.

*Right to public presentation of private collections*

Article 126

(1) The collector or any other holder of a private collection, protected as movable cultural heritage has the right to occasional public presentation of the collection in the exhibit salons of the public institutions for protection, without any fee for the exhibit facilities and the organization of the exhibit.

(2) The relationship between the holder of the protected collection and the institution for protection, are specified within a contract.

*Right to privileges*

Article 127

The holder of the protected good has the right to tax, customs and other privileges, specified by law.

*Right to deposit*

Article 128

(1) The holder of a protected movable good, who, objectively does not have the capability to provide appropriate storage for the good or is temporarily prevented, due to justified reasons, to store the good, has the right to give (deposit) any such good for storage in the competent public institution for protection, or the Archive.

(2) The relations regarding the storage and the use of the entrusted good, shall be regulated by an agreement between the holder and the institution, i.e. the Archive.

**Section 2**

**OBLIGATIONS OF THE HOLDERS**

*Reporting*

Article 129

(1) Every holder of a protected good or a good which is considered to represent cultural heritage, shall report the good in question to the competent public institution for protection, i.e. the Archive, within 30 days after the date he became holder.

(2) As an exemption from paragraph 1, any coincidental discovery shall be reported immediately. The reporting is considered done if the report is submitted directly to the competent public institution for protection or to the Ministry of internal affairs. If the report is submitted to the Ministry of internal affairs, than it submits it further to the competent public institution.

(3) The holder of a protected good shall act within the meaning of paragraph 1 of this article, also regarding all factual and legal changes related to the good, incurred by the good after it has been initially reported, except in case of sustained damage, theft or disappearance, when the reporting shall occur immediately or the next day, at the latest.

*Storage, maintenance and performance of the prescribed measures*

Article 130

(1) The holder of the protected good shall treat the good with due respect, i.e. as a good host, shall respect, preserve and maintain the good, and shall undertake the prescribed technical and protective and other measures.

(2) If the holder of the protected good fails to undertake the prescribed measures from paragraph 1 of this article, the expenditures of which, do not go beyond the incomes and other material benefits from the good, the Administration shall pass a resolution determining the time frame in which the measure should be undertaken, with the warning that any failure to do so will result in the undertaking of the measure at the expense of the holder.

(3) If the holder of the good, still fails to undertake the measure within the specified time frame after the warning, the Administration shall instruct the competent institution for protection to undertake the measure, at the expense of the holder.

(4) In the case from paragraph 3 of this article, the Administration shall pass a resolution determining the obligation of the holder related to the compensation of the expenses and the amount of the expenses for the undertaking of the measure.

(5) The appeal against the resolution from paragraphs 2 and 4 of this article, shall not suspend the execution of the resolution.

*Recovery of the invested public funds*

Article 131

(1) In case of alienation of the protected good for whose maintenance, conservation, restoration or other measures of direct protection, funds have been invested from the Budget of the Republic of Macedonia or the budgets of the units of the local self government and the public funds (hereinafter in the text: public funds), thus increasing its value, the owner of the protected good shall reimburse the invested public funds.

(2) The amount of the compensation shall be determined considering the circumstances at the time of the alienation of the protected good.

(3) If the amount of the compensation can not be agreed between the owner and the investor, the amount of the compensation, upon a proposal from the owner or the Republic of Macedonia, or the unit of the local self government or the public fund, shall be determined by the competent court in a non-litigation procedure, which shall also issue a resolution for the establishment of a pledge right with regard to the protected good and for the determined amount, in favour of the investor.

*Allowing investigations and implementation of measures for protection*

Article 132

(1) The holder of the protected good shall allow documentation, study and implementation of technical and protection measures, by the public institution for protection or by another legal entity, as well as individuals, who are authorised to do so by the Administration.

(2) The holder of the good, which is considered to represent cultural heritage, shall allow the competent public institution for protection, to examine the good, to perform the necessary investigations or studies and to technically record the good by means of photography or film. In case when the holder resists, the Administration may pass a resolution, instructing him to allow the performance of the necessary works.

(3) Collector and other holder of a protected collection shall allow the competent public institution for protection accessibility to the inventory stipulated in article 123, paragraph 3 item 1 of this law.

(4) In the cases from paragraphs 1 and 2 of this article, the holder has the right to a compensation, within the meaning of article 125 of this law:

1. If any real damage has occurred, due to significant negligence, unprofessional manipulation or deviation from the determined type and scope of the specific protection activities;

2. If the works are larger and last for a longer period of time, continuous or in intervals, thus preventing the normal use of the good, or most of the good, for its purpose; and
3. If the works are such that they require the presence of the holder for a longer period of time (loss of days);

*Relinquishing protected goods for  
Cultural manifestations*

Article 133

(1) During the organization of significant cultural manifestations, especially exhibits, the holder of a protected good shall, upon request of the competent public protection institution, relinquish the specified good, to be used for that purpose.

(2) The competent institution from paragraph 1 of this article and the holder of the protected good, in that case shall sign an agreement, specifying, in addition to the other obligations, guarantees in case of sustained damage, destruction, theft or disappearance of the good (bank guarantee, insurance by an insurance company etc.) and the time frame for the return of the good. Upon request from the holder, the agreement shall specify the amount of the compensation for any such limitation, as well the method of compensation.

(3) The holder of the protected good may request a decision of the Administration regarding matters such as estimate of the value of the good, need to use the good, measures for insurance of the good and the amount of the compensation for the relinquishing of the good.

(4) All expenses related with this use of the good, shall be borne by the organizer of the manifestation from paragraph 1 of this article.

(5) If the holder of the protected good refuses to relinquish the good for the purposes stipulated in paragraph 1 of this article, upon request of the organizer of the manifestation, the Administration may issue a resolution, instructing the holder to temporary relinquish the good to the competent institution for protection.

(6) The appeal against the resolution from paragraph 5 of this article, does not suspend the execution of the resolution.

(7) The duty of the holder of a protected good, stipulated in paragraph 1 of this article, does not include the endangered cultural heritage.

*Facilitating availability of a protected good to the public,  
by special methods*

Article 134

(1) The holder of a protected good is obligated, based on a resolution by the Administration, to make the protected good available to the public by special methods, if, considering the nature and purpose of the good, it is required in order to meet the cultural needs of the citizens or to achieve other goals of public interest.

(2) The availability, within the meaning of paragraph 1 of this article shall especially comprise: viewing the immovable good within a specified time frame and specified visiting methods, special methods of exhibiting the movable goods at their original location or another suitable location, etc.

(3) If, due to the measure, stipulated within the meaning of paragraph 1 of this article, the holder of the protected good suffers any damages, the holder is entitled to compensation, as stipulated in article 125 of this law.

(4) The endangered cultural heritage can not be subject to the measure from paragraph 1 of this article.

*Information of the new holder  
about the status and the regime of protection of the protected good*

Article 135

(1) The holder of the protected good shall inform the new holder that the good is subject to a legal regime of protection, as well as about the measures that have not been performed or should be performed within a certain time frame.

(2) The duty from paragraph 1 of this article, also includes informing the new holder about the existence of possible obligations related to pledge right or indemnification, expropriation, restitution and other similar claims or procedures regarding the protected good.

### Section 3

#### SPECIAL RESTRICTIONS

##### *Determination of guardian of the protected good*

###### Article 136

(1) If the holder of the protected good does not act according to the provisions of this Law, i.e. he is negligent with regard to the good or does not maintain the good in appropriate way and as a result of that the good can be damaged or destroyed, and even after the warning he does not change his attitude towards the good, the Administration, on the proposition of the authorised public institution for protection, can determine that the good is given to a guardian designated for that purpose.

(2) The guardian is obligated to take all necessary measures necessary for keeping and maintenance of the protected good. The guardian can take the measures that extend over regular maintenance only after previous approval of the Administration.

(3) In the case of paragraph 2 of this article, the costs for maintenance of the protected good that do not exceed the income or the other material benefits of the good are paid by the holder, and they are temporary paid by the authority with the right of return from the holder. The irregular expenses are paid by the authority.

(4) The authority will dismiss the guardian if the holder proves that he has provided conditions for proper keeping and maintenance of the good.

(5) The measure from paragraph 1 of this article is taken when the holder of the protected good is not known or if he has temporary abandoned the good.

(6) The holder has temporary abandoned the protected good in case when his address is not known and he hasn't appointed representative and because of that the authority can not inform him about his duties, in six months from the day of the first attempt for handing the information. If the holder remains unidentified in three years for movable good, and ten years of immovable good, the protected good is treated as permanently abandoned.

##### *Moving of movable good for protection*

###### Article 137

(1) If the movable good is not sufficiently protected in the place where is situated, and its holder is not in a position to provide the necessary protection, the authority, on the proposition of the authorised public protection institution, can determine that the good will be handed for temporary keeping and use by the authorised public protection institution or to be moved on other place where it will be better protected till the provision of the necessary conditions for its keeping.

(2) The resolution of paragraph 1 of this article prescribes who will bear the expenses for moving, keeping and maintenance of the protected good.

(3) The measure from paragraph 1 of this article can be used even in case when there is no other way to provide accessibility for the public to the protected good (Article 134).

(4) If because of the measure from paragraph 1 and 3 of this article the holder is damaged he has the right for compensation according to Article 125 of this Law.

##### *Determination of manner and purpose for the use of the protected good*

###### Article 138

(1) If the regular use of the protected good can damage it, the authority can obligate the holder to perform the use of the good in specified manner or for specified purposes.

(2) If due to the measure from paragraph 1 of this article the holder of the protected good is damaged, he has right of a compensation according to Article 125 of this Law, except in case when the damage is lost benefit because of the protection of the original purpose of the good.

### *Reinstatement*

#### Article 139

(1) If the holder causes damage on the protected good by usage which is not in accordance with the determined purpose or with actions that are not in accordance with the prescribed regime of protection, or if the damage occurred due to lack of execution, late execution or unconscientiously execution of the prescribed protection measure, the authority can obligate him to reinstate the previous condition or to compensate the reinstatement costs.

(2) If the holder does not act according to the resolution in the determined deadline, the reinstatement will be performed by the determined protection institution, based on the resolution of the authority, on holder's expense.

(3) The appeal against the resolution of paragraph 1 and 2 of this article does not delay the execution of the resolution.

### *Right of priority purchase*

#### Article 140

(1) The right of priority purchase is to the Republic of Macedonia, though the authority.

(2) The owner that has the intention to sell the protected good is obligated to offer it to the authority first. The owner is obligated to include the price and the other conditions in the offer.

(3) The authority is obligate to inform the owner if it accepts the offer or if it will not realise the right of priority purchase, in 30 days form the day of submission of the offer.

(4) If the authority accepts the offer, it is obligated to pay the amount in cash, in 30 days of the day of the submission of the offer to deposit it in the Primary Court or in the Notary office according to the place where the immovable good is situated or according to the address of the owner if it is a case of movable good.

(5) After the deadline for accepting the offer i.e. after the deadline for depositing of the amount, the owner can sell the protected good to other person for price and under conditions that are not more favourable for the buyer that the ones form the offer.

(6) Republic of Macedonia has the right of priority purchase even in case of forced sale of the protected good, according to the offer submitted in the procedure for forced sell that is most favourable for the owner of the good.

(7) The authorised court that performs the procedure for forced sale is obligated to inform the authority for the day of the public sale, at least eight days before the forced sale of the protected good.

### *Realisation of the right for priority purchase*

#### Article 141

(1) If the owner sold the protected good without previous offer for sale to the Republic of Macedonia or if he sold it for price lower than the one quoted in the offer submitted to the authority, or under conditions that are more favourable for the buyer than the ones in the offer, or if the good is sold in procedure for forced sale without notification of the authority, Republic of Macedonia has the right to ask for cancellation of the sell contract with pressing charges against the seller and the buyer and to demand from the owner act according to the Article 140 of this Law, i.e. Republic of Macedonia to be accounted as buyer of the good sold in the procedure for forced sale.

(2) The charges mentioned in paragraph 2 of this article can be pressed in 90 days from the day when the authority learned about the performed sale, and in no more than 5 years from the day of the signing of the sell contract.

(3) Republic of Macedonia can ask for cancellation of the sell contract, in the deadlines from paragraph 2 of this article, if the contract is virtually signed as a present or if the price and the other conditions are virtual and the real price and conditions are more favourable for the buyer than the ones in the offer submitted to the authority.

(4) Republic of Macedonia can ask for cancellation of the sell contract if in the charges quotes that it will buy the protected under price and other conditions of the sale and if in no more than 7 days after the submission of the charges deposits the amount of the price from the contract, i.e. the amount that according to the signed contract is due for payment after the day of the submission of the charges.

(5) In case of cancellation of the sell contract, the rights of the buyer and third parties based on the cancelled contract for protected good stop no matter if the buyer was conscious.

## Section 4

### PAWN RIGHT AND EXPROPRIATION OF THE CULTURAL HERITAGE

#### *Pawn right*

##### Article 142

(1) In order to ensure the return of the finances invested in protected good that are expenses of the Budget of the republic in the cases of Article 130, paragraph 3 and 4, Article 136, paragraph 3 and Article 139, paragraph 2 of this Law, Lawful pawn right is established in benefit of Republic of Macedonia.

(2) In order to secure the receivables for the compensation of the invested finances in the meaning of the Article 131 of this Law, contract for establishment of pawn right (pawn or mortgage) is signed between the investor and the holder of the protected good.

#### *Expropriation*

##### Article 143

(1) There is public interest and due to that expropriation can be performed to a real estate that is protected good, including other real estate in protected area, if:

- 1 The owner of the real estate is not in a position or has no interest to provide execution of the prescribed measures and due to that there is possibility for damage or destruction of the protected good;
- 2 Archaeological investigations and excavations can not be performed in other way or protection measures can not be performed;
- 3 There is a need for revitalisation of the real estate and fitting with new purpose in the urban, rural or natural whole determined with spatial or urban plan or for renovation and arrangement of the protection area and it can not be accomplished through investing funds from the Budget of the Republic of Macedonia in a manner proscribed in this Law;
- 4 There is a need to adapt and use of the protected good for cultural activities and the owner is not in a position to implement that; and
- 5 The studying of the protected good or its accessibility to the public can not be enabled or substantially facilitated;

(2) The expropriation procedure is started according to the proposition of the Ministry of Culture.

(3) For the right of fair compensation for the expropriated real estate, for the premises for complete or partial expropriation, the procedure or the other questions that are not prescribed in this law, the expropriation regulations will be used.

## Chapter VI

### ORGANISATION OF THE PROTECTION OF THE CULTURAL HERITAGE

#### Section 1

### ADMINISTRATION FOR PROTECTION OF THE CULTURAL HERITAGE

#### *Establishment and status of the Administration*

##### Article 144

(1) For performing the administrative, experts and other activities in the filed of the protection of the cultural heritage an Administration for protection of the cultural heritage is established as a part of the Ministry of Culture.

(2) The Administration is a legal entity.



*Authorities of the Administration*

Article 145

- (1) The Administration for protection of the cultural heritage:
1. Performs administrative procedure for subjects in the field of the protection of cultural heritage and issues administrative acts according to this Law;
  2. Prepares the acts in the field of the protection of cultural heritage that are issued by the Ministry of Culture;
  3. Takes part in administrative and other procedures connected to the cultural heritage and its protection that are led by other authorities in cases provided in this or other Laws.
  4. Starts initiatives and procedures in front of authorities for matters of public interest for the cultural heritage and its protection;
  5. Follows and analyses the situation of the cultural heritage and proposes acts and measures for realisation, development and improvement of its protection;
  6. Leads central data base and special national inventories of the cultural heritage in the meaning of this Law and ratified international agreements;
  7. Performs classification according to the National classification of the cultural heritage;
  8. Maintains the National register of cultural heritage;
  9. Performs the works connected to the establishment, organisation and development of the Information system for cultural heritage of Republic of Macedonia;
  10. Performs activities of security protection of the cultural heritage and protection in case of armed conflict and natural disasters;
  11. Performs activities of protection against physical damaging accelerated by the pollution and promotion of the quality of the environment in the protected areas;
  12. Manages the cultural heritage in state ownership for which the right of use is given to other holder of that right or for which concession is not granted;
  13. Performs the activities connected with the realisation of the right for priority purchase, determination of the fair compensations, amount of the prize for accidental finding, securing with mortgage and other activities of property nature in the field of the protection of cultural heritage;
  14. Prepares plans and programmes for protection of the cultural heritage, according to this law;
  15. Follows the implementation of the ratified international agreements in the field of the protection of the cultural heritage, proposes and performs activities for realisation of the rights and obligations that occur and prepares national reports for their implementation;
  16. Performs the activities related to the inspection supervision over the implementation of the regulations for the protection of the cultural heritage, in accordance with this law;
  17. Performs the works connected to the international cooperation and help in the field of the protection of cultural heritage; and
  18. Performs other activities in the field of the protection of cultural heritage from the authority of the Ministry of Culture, determined in this or other Law.
- (2) Regarding the performance of the works within its competence, the Administration may form committees or other advisory and professional bodies or it may hire experts for certain issues.
- (3) For the appeals on the acts issued by the Administration decides the Ministry of Culture.

**Section 2**

**INSTITUTIONS FOR PROTECTION  
OF THE CULTURAL HERITAGE**

**2.1 Institutions for protection of immovable cultural heritage**

*National conservation centre*

Article 146

- (1) The National conservation centre is main national institution for protection of the immovable cultural heritage.
- (2) The National conservation centre in the meaning of paragraph 1 of this article performs the following functions:
1. Keeps main records of the protected immovable goods which are assumed as cultural heritage;
  2. Performs experts control of the conservation projects made by the authorised national protection institutes;

3. Performs conservation supervision of the works on direct protection by the authorised national protection institutes;
4. Coordinates the work of the protection institutes and provides them the necessary experts help;
5. Takes care about the promotion of the activity;
6. Takes care for the training of the experts;
7. Submits proposals and gives experts opinions in cases determined in this law and upon request of the states authorities;
8. Performs the works of central laboratory for physical and chemical and biochemical investigations;
9. Performs the works of central information and documentation office for the immovable cultural heritage; and
10. Performs other main functions determined by law.

(3) The national conservation centre performs expert works on the protection of the immovable cultural heritage with exceptional significance.

(4) The national conservation centre, except the activities mentioned in paragraphs 2 and 3 of this article, performs the following activities:

1. Studies, investigates and using scientific processes the questions in the field of the protection of the immovable cultural heritage;
2. Prepares experts elaborates for valorisation and revalorisation of the immovable goods;
3. Prepares protecting and conservation basis for the needs of the spatial and urban plans;
4. Performs archaeological investigations on structures subject to conservation;
5. Performs conservation investigations and other investigation works for protection of the immovable cultural heritage;
6. Prepares conservation projects;
7. Performs experts control of the conservation projects prepared by other authorised physical and legal entities;
8. Performs and organises execution of the conservation and restoration works and other works of direct protection, arrangement and presentation of the protected immovable goods;
9. Performs conservation and other kind of experts supervision over execution of protection measures on the immovable cultural heritage, in accordance with this law;
10. Performs expertises and evaluation of damage on the protected immovable goods;
11. Provides experts help to the holders of the protected goods;
12. Publishes publications and performs popularisation of the immovable cultural heritage and its protection; and
13. Performs other activities determined with this or other law.

The activities of paragraph 4, item 2, 3, 5, 6, 8, 10 and 11 of this article when there is not a question of cultural heritage of exceptional importance, as well as the items 7 and 9 of paragraph 4 of this article, are performed by the National conservation centre as authorised conservation centre, if there is no conservation centre in the area where the immovable good is situated.

(6) The National conservation centre performs direct protection of movable cultural heritage that is entrusted by authorised public institution for protection or by other holder of such good.

(7) The National conservation centre manages the immovable cultural heritage in state ownership, for which the right of use has been transferred to the centre.

### *Conservation centres*

#### Article 147

(1) The Conservation centre is a national institution for protection of the immovable cultural heritage.

(2) Conservation centre is established for area with larger number of immovable goods with high importance or area with significant concentration of other immovable cultural heritage.

(3) Conservation centre, according to the law can be established if the following conditions are fulfilled:

1. Provided basic working means;
2. Provided finances for continuous performing of the activity; and
3. To have employed at least one expert with completed high education in the field of architecture, archaeology, painting techniques, history of arts, history and ethnology, of which at least 1 persons with the status of authorised investigator, and at least 2 persons with the status authorised conservator.

(4) The Conservation centre performs the works of article 146, paragraph 4 of this Law, for the area where is established.

(5) The conservation centre performs the works of article 146, paragraph 6 and 7 of this Law.

*Institutions for management of protected goods*

## Article 148

(1) The Republic can, according to Law and under conditions determined in article 147, paragraph 3 of this law, to establish special institutions for management and implementation of measures for protection of immovable cultural heritage in state ownership, especially for larger and more significant protected areas.

(2) The institutions of paragraph 1 of this article, for the purpose and for the immovable cultural heritage for which they are established:

1. Perform experts works for maintenance, arrangement and usage;
2. Perform measures for direct protection;
3. Perform presentation and popularisation;
4. Issue plans for management and protection;
5. Supply documentation for the state and changes of the protected good;
6. Prepare conservation projects;
7. Propose measures which are authority of other authorities and protection institutions; and
8. Perform other works as holders, according to this law and establishment act.

**2.2. Institutions for protection of movable cultural heritage***Museum institutions*

## Article 149

(1) The protection of the archaeological, ethnological, historical, art and technical objects is performed by public museum institutions according to the kind and area for which they are established, as national institutions for protection of movable cultural heritage.

(2) For the area and kind of a cultural heritage for which institution of paragraph 1 of this article is not established, the activities for protection are performed by the authorised main institution for protection according to paragraph 3 of this article.

(3) The authorised main institution for protection of the movable cultural heritage of paragraph 1 of this article is the Museum of Macedonia - Skopje; and

(4) The provisions of this law for the holders of protected goods are applied for the museum institutions that do not have the status of national institution for protection of movable cultural heritage, if it is not otherwise prescribed by Law.

(5) The museum institutions of paragraphs 1 and 2 of this article, according to the kind of the goods and the area for which they are authorised, perform the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of movable cultural heritage;
2. Prepare experts elaborates for valorisation and revalorisation of the movable goods;
3. Perform archaeological investigations;
4. Perform conservation investigations and other investigation activities for protection of the movable cultural heritage;
5. Prepare conservation projects;
6. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
7. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected movable goods;
8. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the movable cultural heritage;
9. Perform expertises and assessment of damage on the protected movable goods;
10. Give experts assistance to the holders of protected goods;
11. Issue publications and perform popularisation of the movable cultural heritage and its protection; and
12. Perform other works for which are authorised according to this and other Laws.

## Main institution for protection

## Article 150

The museum of Macedonia - Skopje as the main institution, performs the following activities:

1. Performs expert works for protection of movable cultural heritage of exceptional importance;
2. Keeps material records for the protected good and for the goods that are assumed that are cultural heritage;
3. Performs expert control on the conservation projects prepared by authorised national institutions for protection;
4. Performs conservation supervision on the works of direct protection performed by the authorised national institutions;
5. Coordinates the work of the protection institutions and provide them with the necessary expert assistance;
6. Takes care for the promotion of the activity;
7. Takes care for training of the experts staff in the activity;
8. Submits proposals and gives experts opinions in the cases determined in this law and upon request of the state authorities;
9. Performs the works of central laboratory for physical and chemical and biochemical investigations;
10. Performs works of central information and documentation office of the movable cultural heritage; and
11. Performs other main functions determined by law.

### *Library institutions*

#### Article 151

(1) The protection of library goods according to the area for which they are established is performed by the library institutions as national institutions for protection of movable cultural heritage.

(2) For the area for which institution of paragraph 1 of this article is not established the activities for protection are performed by the authorised main institution for protection according to paragraph 3 of this article.

(3) Authorised main institution for protection of movable cultural heritage of paragraph 1 of this article is the National and University Library "Kliment Ohridski" - Skopje.

(4) The provisions of this law for the holders of protected goods are applied for the library institutions that do not have the status of public institution for protection of movable cultural heritage, if it is not otherwise prescribed by Law.

(5) The library institutions of paragraphs 1 and 2 of this article, according to the area for which they are authorised, perform the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of library goods;
2. Prepare expert elaborates for valorisation and revalorisation of the library goods;
3. Perform conservation investigations and other investigation activities for protection of the library goods;
4. Prepare conservation projects;
5. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
6. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected library goods;
7. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the library goods;
8. Perform expertises and assessment of damage on the protected library goods;
9. Give experts assistance to the holders of library goods;
10. Issue publications and perform popularisation of the library goods and their protection; and
11. Perform other works for which are authorised according to this and other Laws.

### Main library institution

#### Article 152

The National University Library "St. Kliment Ohridski" Skopje as the main institution performs the following works:

1. Performs expert works for protection of library goods of exceptional importance;
2. Keeps material records for the library goods and for the goods that are assumed that are cultural heritage;

3. Performs expert control on the conservation projects prepared by authorised national institutions;
4. Performs conservation supervision on the works of direct protection performed by the authorised national institutions;
5. Coordinates the work of the protection institutions and provide them with the necessary expert assistance;
6. Takes care for the promotion of the activity;
7. Takes care for training of the experts staff in the activity;
8. Submits proposals and give experts opinions in the cases determined in this law and upon request of the state authorities;
9. Performs the works of central laboratory for physical and chemical and biochemical investigations;
10. Perform the works of central information and documentation office of the movable cultural heritage; and
11. Performs other main functions determined by law.

*Film archive institution*

Article 153

(1) The protection of film goods in the meaning of this law is performed by the Film Archive of Republic of Macedonia, as national protection institution.

(2) The Film Archive of Republic of Macedonia performs the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of film goods;
2. Prepare experts elaborates for valorisation and revalorisation of the film goods;
3. Perform conservation investigations and other investigation activities for protection of the film goods;
4. Prepare conservation projects;
5. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
6. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected film goods;
7. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the film goods;
8. Perform expertises and assessment of damage on the protected film goods;
9. Give experts assistance to the holders of film goods;
10. Issue publications and perform popularisation of the film goods and their protection; and
11. Perform other works for which is authorised according to this and other Laws.

(3) Except the activities of paragraph 2 of this article, the Film Archive performs the following activities:

1. Take care for the promotion of the activity;
2. Take care for training of the experts staff in the activity; and
3. Perform the works of central information and documentation office of the film goods.

**Section 3**

**OTHER AUTHORISED SUBJECTS FOR PROTECTION OF THE CULTURAL HERITAGE**

**3.1 Administration organisation**

*State archive*

Article 154

(1) The protection of archive goods as movable cultural heritage is performed by the State Archive of Republic of Macedonia, according to the Law.

(2) The archive, according to this law, performs the following activities:

1. Keeps basic records for the archive goods;
2. Prepares elaborates for valorisation and revalorisation of the archive goods of significant importance;
3. Issues resolution for proclamation of archive goods as endangered cultural heritage;

4. Performs conservation investigations;
5. Prepares conservation projects;
6. Performs conservation activities on archive goods;
7. Performs conservation supervision;
8. Takes measures for security protection of the archive goods; and
9. Perform other works for which is authorised according to this and other Laws.

### 3.2. Other institutions and other legal entities

#### *Ateliers, Laboratories, Workshops*

##### Article 155

(1) According to law local and private institutions and other legal entity can be established for performing activities of direct protection of immovable and movable cultural heritage and other expert works of closer speciality for certain type of protected goods (atelier, laboratory, workshop etc.).

(2) The institution or other legal entity of paragraph 1 of this article can be established if:

1. There are finances and equipment provided;
2. There are at least 3 employees with appropriate university education, of which at least one employee with status of authorised conservator; and
3. It is registered for performing activities of direct protection of the cultural heritage and to perform that activity as main activity.

(3) The institution and other legal entity of paragraph 1 of this article can commence with its activities when the Ministry of Culture, with resolution, determines that the conditions of paragraph 2 of this article are met.

#### *Authorised subjects for protection of the phonogram archives goods and spiritual cultural heritage*

##### Article 156

For performing activities of recording, documentation, valorisation, categorisation and other kind of experts protection of the phonogram archives goods and spiritual cultural heritage, the Minister of Culture can, according to the type of the goods and the nature of the activities, with a resolution, determine authorised entities from the pool of public protection institutions or scientific and expert institutions or other legal entities registered for activities in the fields of phonogram archives goods and spiritual works.

#### *Citizen's associations*

##### Article 157

(1) The Ministry of Culture, with resolution, can entrust performing of the following public authorisations to citizen associations in the field of protection of cultural heritage:

1. Certain activities of keeping and maintenance of immovable cultural heritage in state ownership which is managed by the ministry;
2. Organisation of public debates during preparing laws and other regulations for cultural heritage of its authority;
3. Organisation of public and expert debates for draft acts for proclamation of cultural heritage of special importance;
4. Consulting services during making decisions on important questions in the field of the protection of cultural heritage;
5. Involvement in following and analysis of the implementation of the national and relevant international regulations in the field of protection;
6. Development of new methodologies and mechanisms for development and improvement of the system for protection of the cultural heritage;
7. Realisation of projects for improvement of the protection of cultural heritage of national interest; and
8. Other activities according to this or other law.

(2) Granting and cancelling of the public authorisations in the meaning of paragraph 1 of this article is performed according to the Law.

## Chapter VII

### NATIONAL CULTURAL HERITAGE COUNCIL

#### *Establishment, status, composition and mandate*

#### Article 158

(1) National cultural heritage council is established as advice and coordination body of the Government of Republic of Macedonia is established for following, implementation and promotion of the protection and use of the cultural heritage (hereinafter as: National council).

(2) The National council is consisted of president and 14 members, appointed by the Government of Republic of Macedonia.

(3) The Minister of Culture is president of the National council, ex officio.

(4) The members are appointed from the pool of eminent persons in the field of protection of cultural heritage and related areas, MASA (Macedonian Academy of Sciences and Arts) and the universities as well as the religious communities and associations of this area.

(5) The members of the National council are appointed for period of four years and they can be reappointed one more time.

#### *Authority of the National council*

#### Article 159

(1) The National council:

1. Considers the general questions connected to the protection of cultural heritage and gives opinions and recommendations for promotion of the protection;
2. Proposes national strategy for protection and use of the cultural heritage;
3. Discusses the open issues connected to the protection of cultural heritage and gives opinion for their resolution;
4. Proposes national action plan for prevention of the crimes against cultural heritage and coordinates its implementation;
5. Proposes the priority list from article 110 of this law;
6. Gives opinion on proposals for proclamation of reserved archaeological zones and cultural heritage of special importance;
7. Gives opinion for dislocation, leaving and demolishing of immovable cultural heritage of special importance;
8. Gives opinion for use of immovable cultural heritage in state ownership with concession;
9. Coordinates the work connected to implementation of the ratifies international agreements for protection of the cultural heritage and gives opinion on the national reports that are submitted to the international governmental organisations by Republic of Macedonia;
10. Establishes coordination board for protection of cultural goods in case of armed conflict and other permanent and temporary auxiliary bodies;
11. Issues regulations for its work; and
12. Performs other activities for which it is authorised by law or other regulations.

(2) The National council submits report for its work at least once a year to the Government of Republic of Macedonia.

#### *Administrative activities*

#### Article 157

The administrative activities of the National council are performed by the Ministry of Culture.

## Chapter VIII

### EXPERT TITLES

#### *System of expert titles according to the protection activities*

##### Article 161

(1) The expert works in the protection activities of the cultural heritage are performed by employees with relevant secondary, higher and university education for common and special non elected expert titles and employees with common and special elected expert titles, determined by this law and the laws on the activities for protection of movable cultural heritage.

(2) The law on the activities for protection of movable cultural heritage determines non elected and elected expert titles for the expert works:

1. That are not mentioned in article 162, paragraph 3 and 4 of this law;
2. Which specificity comes from the type of the movable cultural heritage.

(3) The expert titles determined in the meaning of paragraph 2 of this article, according to their rank are equal to the ones determined in this law.

(4) The expert titles in the activities for protection of the cultural heritage are base for:

1. Systematisation of the works and working tasks for working places and degrees of titles in the working places;
2. Assignment of the employees on working places and giving authorisations for performing of certain activities; and
3. Realisation of the rights according to the law and Collective agreement.

#### *Common expert titles*

##### Article 162

(1) Common non-elected expert titles according to article 161, paragraph 1 of this law are:

1. Laboratory technician, conservation technician and documentation technician for works with relevant secondary education;
2. Senior laboratory technician, senior conservation technician, senior documentation technician for works with relevant higher education; and
3. Conservator and registrar for works with relevant university education.

(2) Common elected expert titles in the meaning of article 161, paragraph 1 of this law are:

1. Senior conservator and senior registrar;
2. Conservator - advisor and registrar - advisor.

(3) The expert titles of paragraphs 1 and 2 with exception for the ones for works in paragraph 4 of this article are for expert employees in the monument activity as well as for the ones that completely or mostly perform activities of direct protection of movable cultural heritage.

(4) The expert titles of paragraphs 1 and 3 with exception for the ones in paragraph 3 of this article are for expert employees that completely or mostly perform activities of documentation, processing, keeping and issuing of the documentation for the protected goods, i.e. for the information and documentation offices in the public protection institutions.

#### *Special elected expert titles*

##### Article 163

In the activities for protection of movable cultural heritage, except the ones from article 160, without restriction in the title, special expert titles can be determined, such as:

1. Custodian, senior custodian and custodian - advisor, in the museum activity;
2. Librarian, senior librarian and librarian - advisor in the library activity;
3. Film scientist, senior film scientist i film scientist - advisor, in the film archive activity.

#### *Conditions for election and re-election for expert titles*

##### Article 164

(1) For the title senior conservator and senior registrar can be elected person with:



1. Completed master studies in the relevant field or at least ten years of working experience as conservator i.e. registrar; and
  2. Published or known expert works for promotion of the protection of the cultural heritage in the closer filed for which is elected; and
  3. Ability of individual organisation of the expert work.
- (2) For the title conservator - advisor and registrar - advisor can be elected person with:
1. PhD in the relevant field or ten years work experience as senior conservator i.e. senior registrar, and
  2. Published or known expert works of exceptional importance for the promotion of the protection of the cultural heritage in the closer filed for which is elected.
- (3) The persons elected in the titles from paragraph 1 and 2 of this article are re-elected every five years.
- (4) As an exception the person elected for the title form paragraph 2 is not re-elected after the first re-election.

*Authority and procedure for election and re-election for expert title*

Article 165

- (1) The election and re-election for the expert titles of article 161 of this law is performed by the Ministry of culture, based on the assessment of review committee.
- (2) The procedure for election and re-election for expert title is started upon request by the interested expert employee. The re-election procedure can be started upon initiative of the director of the public institution for protection or by the management body of the public protection institution, no later than three months before the re-election deadline.
- (3) The review committee, stipulated in paragraph 1 consists of at least three members, elected from the pool of persons with at least the same title as the one for which the election or re-election is held or relevant scientific title. More than half of the members of the committee are consisted of persons from the same field for which the candidate is elected.
- (4) The review committee submits written report within the time specified in its formation act.
- (5) The report from paragraph 4 of this article holds the biographical data of the candidate, review and assessment of his expert work and assessment of the fulfilment of the conditions for election or re-election.
- (6) The procedure for election and re-election for expert title last in no more than three months.
- (7) The provisions of the paragraphs 1, 2, 3, 4, 5, and 6 of this article are also applicable for the election or re-election in the relevant special expert titles in the activities of protection of movable cultural heritage if it is not determined in other way.

*Compliance and description*

Article 166

The Minister of Culture, with a general act determines the compliance of the education and the description of the common and special expert tiles from articles 162 and 163 of this law.

**Chapter IX**

**INSPECTION SUPERVISION**

*Cultural heritage inspectors*

Article 167

- (1) The inspection supervision of the implementation of this law and of the other regulations in the field of the protection of the cultural heritage, with exception of the inspection supervision in authority of the Archive, is performed by the Administration through cultural heritage inspectors (hereinafter: inspector).
- (2) Inspector can be a person with relevant university education and working experience in the field of cultural heritage protection of at least 4 years.
- (3) The inspector holds Identification.
- (4) The form of the identification and the manner of its issuing are prescribed by the Minister of Culture.

*Authorities of the inspector*

## Article 168

(1) During the inspection supervision the inspector is authorised to:

1. Inspect the condition of the protected goods and their keeping, maintenance and use, as well as to inspect the performing of the activities of direct protection and implementation of other measures for protection and execution of the laws and other regulations during the archaeological, conservation and other investigations and to request the necessary data;
2. Perform control on the keeping records, inventory and other public books for the protected goods and to control the keeping, availability and use of the documentation, including the registers and the documents for the origin of the goods;
3. Order execution of the laws and other regulations and prescribed measure and removal of determined mistakes and irregularities;
4. Forbid execution of illegal measures or other actions that are performed without previous agreement and authorisation or in contrary to the conditions thereby specified;
5. Submit violation and criminal charges;
6. Order physical, technical and other security of the protected goods if there is danger for their damaging and destroying;
7. Submit a proposition for revoking of license or other permit or agreement or to submit a proposition for revoking of previous agreement and permit, issued according to the provisions of this Law;
8. Temporary to take off protected movable good which is obtained with criminal or violation activities; and
9. Perform other activities prescribed by law.

(2) The inspector is authorised to enter the rooms and to access the places where the activity is performed in the public protection institution or in other authorised legal entity, at any time, without previous announcement.

*Duties of the inspector*

## Article 169

Performing the activities of his authority the inspector is obligated:

1. Immediately to inform the director of the public protection institution or the responsible person of other authorised legal entity, for the time of the inspection;
2. To compose a record for the performed inspection where the found condition will be included and the measures that are taken or execution that is ordered;
3. To submit the record to the management body of the legal entity, i.e. to the holder of the protected good;
4. Without delay to inform the authorised inspection i.e. the authority if there is violation of law or other regulation whose implementation is in their authority; and
5. Immediately to submit request for commencement of violation procedure or criminal charges, if the violation of the law or the regulation is violation or crime.

*Enabling inspection supervision*

## Article 170

The public protection institution and the authorised legal entity whose activity is subjected to supervision, as well as the holder of the protected good are obligated to:

1. Provide undisrupted supervision of the condition, work and acts;
2. Give all the necessary documentation; and
3. Give all the required data and information.

*Inspector's Resolution*

## Article 171

(1) If the inspector finds irregularities, defects or other violations of law or regulation, the inspector issues resolution where he determines the measures and the deadline for their execution, as well as the deadline when the authorised person is obligated to inform the inspector for the removal of the irregularities.

(2) Appeal can be submitted against the inspector's resolution to the Ministry of Culture in 8 days from the day of the receipt of the resolution.

(3) The Appeal does not delay the execution of the resolution.

(4) During the inspection supervision the inspectors act according to the rules of the administrative procedure.

## Chapter X

### PENALTY PROVISIONS

#### Article 172

- (1) A legal entity shall be penalised for violation with a fine not exceeding Den. 200.000 to 300.000 if:
4. Performs archaeological investigations without a permit from the Administration (Article 55, paragraph 1);
  5. Immediately does not stop the activities nor take measures for securing of the archaeological site or if he does not keep the found objects on the place and in the condition in which they are found, when it is a matter of accidental finding (Article 65, paragraph 1, items 2 and 3);
  6. Does not obtain agreement on the project documentation for construction of new or reconstruction of existing investment structure that can directly or indirectly violate the integrity of the cultural heritage (Article 75, paragraph 1);
  7. Dislocates immovable cultural heritage without a Decision of the Government or an agreement from the Administration (Article 76, paragraphs 4 and 5);
  8. Leaves endangered cultural heritage without an agreement of the authorities or without complete investigation, documentation and taking of the necessary measures for saving (Article 77);
  9. Demolishes dilapidated cultural heritage without an agreement from the authorities (Article 78);
  10. Performs conservation investigations without a permit from the Administration, in cases when such a permit is necessary (Article 82, paragraph 3);
  11. Performs activities of direct protection without a conservation permit (Article 87, paragraph 1);
  12. Does not check the origin of the movable good or does not inform the Administration or the authority of internal affairs for any suspicious offer for purchase (Article 92, paragraph 1 and 2);
  13. Within a collection, possess a protected good from domestic or foreign origin, acquired in a manner contrary to the law (article 93, paragraph 2, item 1);
  14. Within a collection, possesses a protected good included in a public collection (article 93, paragraph 2, item 2);
  15. Within a collection, possesses a protected good which is an integral part of a protected immovable good (article 93, paragraph 2, item 3);
  16. Within a collection, possesses an archaeological artefact (article 93, paragraph 3);
  17. Does not take measure of security protection of the cultural heritage (Article 102, paragraph 1);
  18. Does not take measures of protection and saving of the cultural heritage in case of armed conflict or natural disaster (Article 107, paragraph 1);
  19. Does not perform reinstatement, after caused damage on the cultural heritage in cases determined in this law (Article 139, paragraph 1); and
  20. Does not enable inspection (Article 170).

(2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 20.000 to 50.000 for the violation of paragraph 1 of this article.

(3) A individual trader shall be penalised with a fine not exceeding Den. 20.000 to 50.000 for violation of paragraph 1, item 1, 2, 3,7,8, 9, 10, 11, 12, 13, 14,15 and 17 of this article.

(4) An individual shall be penalised with a fine not exceeding Den. 20.000 to 50.000 for violation of paragraph 1, item 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this article.

(5) For the violation of paragraph 1, item 2, 3, 5, 9, 10, 11, 12 and 13 of this article, the individual or the legal entity can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.

(6) For the violations of paragraph 1, item 1, 3, 4, 6, 7, 8 and 14 of this article, the legal entity can be pronounced a security measure prohibition for performing the activity in the period of 6 months to 2 years.

#### Article 173

- (1) A legal entity shall be penalised for violation with a fine not exceeding Den. 100.000 to 200.000 if:
1. Does not keep records for the archaeological investigations and protection measures that are taken (Article 59, paragraph 1, item 1);

2. Does not provide keeping and maintenance of archaeological site and findings (Article 59, paragraph 1, item 2);
  3. Does not take appropriate protection measures and leaves the findings uncovered or open during the archaeological excavations (Article 59, paragraph 1, item 3);
  4. Does not perform or does not organise performing of conservation works on the site or on the findings during the investigations (Article 59, paragraph 1, item 4);
  5. Does not take the necessary measures for technical security of the site and arrangement of its proximity before leaving the terrain (Article 59, paragraph 2, item 1);
  6. Does not reinstate the terrain where the archaeological investigations are performed, before leaving the terrain, if the site is not preserved or presented (Article 59, paragraph 2, item 2);
  7. Does not submit a report for the archaeological investigations in the relevant deadline (Article 59, paragraph 3, item 1);
  8. Does not hand over the final documentation for the archaeological investigations in the determined deadline (Article 59, paragraph 3, item 2);
  9. Does not publish the results of the archaeological investigations in the determined deadline (Article 59, paragraph 3, item 3);
  10. Does not hand over the movable findings in the respective museum in the determined deadlines by the law (Article 59, paragraph 3, item 4);
  11. Does not obey the right of scientific ownership (Article 62, paragraph 2, items 2 and 3);
  12. Uses metal - detectors and other detection equipment during the archaeological investigations, without a permit or uses such equipment for performing or initiating illegal excavations (Article 63, paragraph 1 and 3);
  13. Does not hand over accidentally discovered objects taken from the place where they have been found or does not take the necessary measures for their protection from damage and stealing (Article 65, paragraph 2, item 1);
  14. Does not give the relevant data about the place, position of the objects, time of the accidental finding and circumstances in which it is done (Article 65, paragraph 2, item 2);
  15. Uses protection and conservation basis for preparation of Draft physical and urban plan that have not been approved and registered in the Administration (Article 71, paragraph 6);
  16. Does not submit a report for performed conservation investigations and does not hand over the final documentation in the deadlines determined by the law (Article 84);
  17. Does not perform expert control of the conservation project (Article 86, paragraph 1);
  18. Does not act according to the remarks given in the report for the performed expert control on the conservation project (Article 86, paragraph 5);
  19. Does not perform conservation supervision on the performing of the works of direct protection (Article 89, paragraph 1);
  20. Does not remove the determined irregularities according to the remarks given during the commissioning of the performed works (Article 91, paragraph 7);
  21. Does not inform the authorised protection institution for any purchased object, before its putting on sale or does not submit monthly report for the sale of antiques, art and other objects of collections (Article 94, paragraph 2, item 1);
  22. Does not obtain a document for waiving using the right of priority purchase of protected good (Article 94, paragraph 2, item 2);
  23. Performs exchange and relinquishing of protected movable goods without permit from the Administration (Article 95, paragraph 3);
  24. Does not pass a plan for preventive protection and emergency action in case of illegal actions (Article 104, paragraph 1).
  25. Does not report a cultural heritage or good which is assumed to be a cultural heritage, as well as factual or legal change of protected good after its reporting, in the deadline determined in this law (Article 129);
  26. Does not treat the protected good as good guardian, i.e. does not keep, obey, maintain it or does not take the prescribed protection measures in time (Article 130, paragraph 1);
  27. Does not compensate invested public resources in case of selling of the protected good (Article 131, paragraph 1);
  28. Does not allow documentation, studying, investigation and performing protection measures in case when authorisation is issued by the Administration (Article 132, paragraph 1 and 2);
  29. Does not relinquish cultural heritage for temporary use for the needs of cultural manifestations (Article 133, paragraph 1);
  30. Does not enable accessibility of the cultural heritage to the public in special way (Article 134, paragraph 1 and 2);
  31. Does not obey the right of priority purchase (Article 140, paragraph 1);
- (2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 10.000 to 30.000 for the violation of paragraph 1 of this article.

(3) An individual trader shall be penalised with a fine not exceeding Den. 10.000 to 40.000 for violation of paragraph 1 of this article.

(4) An individual shall be penalised with a fine not exceeding Den. 10.000 to 30.000 for violation of paragraph 1 of this article.

(5) For the violation of paragraph 1, item 3, 13, 21, 23, 25, 26 of this article the legal entity and the individual can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.

(6) For the violations of paragraph 1, item 1,2,3,4,5,6,7,8,9,12,13,14,15,16,18,20,21,23 and 24 of this article, the legal entity can be pronounced a security measure prohibition for performing the activity in the period of 6 months to 2 years.

#### Article 174

(1) A legal entity shall be penalised for violation with a fine not exceeding Den. 50.000 to 150.000 if:

1. Does not keep records for the cultural heritage and goods that are assumed that they are cultural heritage, prescribed in this law (Article 34);
2. Does not submit an application for registration of cultural heritage, protected ex lege (Article 46, paragraph 1, item 1);
3. Does not perform marking of the immovable cultural heritage with protection sign or does not perform the marking in the determined deadline (Article 48, paragraph 2);
4. Does not perform marking of the immovable cultural heritage and special transportation of movable cultural heritage or performs the marking without an approval from the Administration (Article 48, paragraph 3);
5. Does not inform the public about the progress of the archaeological investigations (Article 59, paragraph 1, item 5);
6. Does not enable inspection of the site and of the findings by authorised persons (Article 59, paragraph 1, item 6);
7. Puts signs, advertisements, boards, posters and other information on protected immovable good without approval from the Administration (Article 80);
8. Does not present and issue appropriate document for ownership of the protected good that is put on sale (Article 94, paragraph 2, item 3);
9. Does not inform the buyer for the possibility for ban of export of the purchased good (Article 94, paragraph 2, item 4);
10. Does not inform the Administration for return in the country of the exported protected good and the state in which it is (Article 96, paragraph 5);
11. In the determined deadline does not report import of movable cultural heritage (Article 99);
12. Does not determine appropriate measures for reducing of the harmful impact of the pollution on the cultural heritage (Article 111, paragraph 1, item 3);
13. Does not take measures for improvement of the quality of the environment in the protected areas (Article 112, paragraph 1);
14. Performs economic activity in immovable cultural heritage or in other immovable good protected according to the provisions of this law without previous approval by the Administration (Article 121, paragraph 1);
15. Uses name and shape of cultural heritage for commercial purposes without approval of the Administration (Article 122);
16. Does not provide expert assistance to a holder of protected good in emergency situations (Article 123, paragraph 5);
17. Does not admit for temporary keeping movable cultural heritage for which the holder has a right of depositing (Article 128, paragraph 1); and
18. Does not inform the new holder of the protected good for the status and for the regime of protection of the good, as well as for the obligations based on other legal basis (Article 135).

(2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 5.000 to 20.000 for the violation of paragraph 1 of this article.

(3) A individual trader shall be penalised with a fine not exceeding Den. 5.000 to 30.000 for violation of paragraph 1, item 8, 9, 10, 11 and 18 of this article.

(4) A individual shall be penalised with a fine not exceeding Den. 5.000 to 20.000 for violation of paragraph 1, item 5, 6, 7, 8, 9, 10, 11 and 18 of this article.

(5) For the violation of paragraph 1, item 8, 9, and 11 of this article the individual or legal entity can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.

## Chapter XI

### TRANSITIONAL AND FINAL PROVISIONS

#### Section 1

#### TRANSITIONAL PROVISIONS

##### *Valorisation and revalorisation of the cultural monuments*

##### Article 175

(1) The procedures for determining of status of cultural monument for movable and immovable goods commenced according to the regulations valid before the implementation of this law will be finished according to the provisions of this law.

(2) The cultural monuments whose status is determined with resolution of the authorised institution for protection of cultural monuments according to the regulations that were applicable until the implementation of this law, remain under protection, till completing of the procedure for their revalorisation according to this law.

(3) The revalorisation in the meaning of paragraph 2 of this article will be performed in three years for immovable and one year for movable cultural monuments, counted from the day of the implementation of this law.

(4) The revalorisation of the cultural monuments according to paragraph 2 of this article will be performed according to special programme issued by the Ministry of Culture.

(5) The resolution from paragraph 2 of this article stay applicable until the issuing of the appropriate act in the revalorisation procedure for the cultural monuments.

##### *Revalorisation of certain natural rarities*

##### Article 176

(1) The memorial natural monuments and other integral goods made by the human and the nature, protected as natural rarity according to the regulations applicable until the implementation of this law, remain under protection as natural heritage until their revalorisation as cultural heritage, i.e. cultural areas in the meaning of this law.

(2) As an exception, the natural rarities of paragraph 1 of this article for which resolution for determination of a status of cultural monument are issued, remain under protection as cultural heritage till their revalorisation in the meaning of article 175 of this law.

(3) The revalorisation of the integral goods of paragraph 1 of this article is performed in 3 years from the day of the implementation of this law, if a law in the field of the protection of the natural heritage does not determine other deadline for transitional regime.

(4) The Ministries of Culture and environmental protection and physical planning review the goods of paragraph 1 and 2 of this article and prepare a list of natural rarities for revalorisation as cultural areas.

(5) The elaborates for revalorisation of the goods in the list of paragraph 4 of this article are prepared by joint teams formed with resolution by the Ministries of Culture and of environment and physical planning.

##### *Start of the Administration*

##### Article 177

(1) The Administration commences with its activities from the day of the appointment of its Director.

(2) The Government of Republic of Macedonia in 30 days from the day of going into effect of this law will appoint the Director of the Administration.

(3) In 30 days from the commencement of the work of the Administration, the organisation acts and the systematisation of working places will be issued.

(4) The Administration takes over and assigns the employees of the Institutions for protection of the cultural monuments of article 178 of this law and of certain institutions for protection of movable cultural heritage, according to the acts of paragraph 3 of this article, within 6 months of the day of legal effectuation of this law.

(5) On the day of implementation of this law the administration takes over the necessary documentation, the archives and other premises for the part of the authority of the Administration from the

Institutions for protection of the cultural monuments of article 178 of this law and of certain institutions for protection of movable cultural heritage.

*Reorganisation of the Institutes  
for protection of cultural monuments*

Article 178

(1) Starting from the day of the implementation of this law:

1. The Republic Institute for protection of cultural monuments continues its work as National conservation centre with authority in the municipalities where conservation centres are not established;
2. The Institute for protection of cultural monuments of the city of Skopje continues its work as Conservation centre - Skopje with authority in the area of the municipalities Centar, Karpos, Gjorce Petrov, Saraj, Kondovo, Cucer Sandevo, Cair, Suto Orizari, Gazi Baba, Aracinovo, Ilinden, Petrovec, Zelenikovo, Studencani, Sopiste and Kisela Voda;
3. The institute for protection of cultural monuments and national museum of Ohrid, continues its work as Conservation centre - Ohrid with authority in the area of the municipalities Ohrid, Belcista, Kosel, Meseista, Lukovo, Delogozdi, Labunista, Velesta, Vevcani and Struga;
4. The institute for protection of the cultural monuments, natural rarities and gallery in Bitola continues its work as Conservation centre - Bitola with authority in the area of the municipalities Bitola, Bistrica, Novaci, Bac, Staravina, Mogila, Kukurecani, Capari, Dobrusevo, Demir Hisar, Sopotnica and Resen;
5. The institute for protection of the cultural monuments, natural rarities and museum in Prilep continues its work as Conservation centre - Prilep with authority in the area of the municipalities Prilep, Dolneni, Topolcani, Krivogastani, Vitoliste, Krusevo and Zitose;
6. The institute for protection of the cultural monuments, natural rarities and national museum in Stip continues its work as Conservation centre - Stip with authority in the area of the municipalities Stip, Karbinci, Radovis, Konce, Podares, Sveti Nikole, Lozovo, Kocani, Cesinovo, Oblesevo, Zrnovci and Orizari; and
7. The institute for protection of the cultural monuments, natural rarities and museum in Strumica continues its work as Conservation centre - Strumica with authority in the area of the municipalities Strumica, Novo Selo, Vasilevo, Bosilevo, Kuklis, Murtino, Valandovo, Gevgelija, Miravci, Bogdanci and Star Dojran.

(2) The Institutes of this article with the new titles and authorities determined in this law continue their work with the employees that will not be taken over by the Administration and in Ohrid, Bitola, Prilep, Stip and Strumica without the employees that remain in the museums as independent public protection institutions.

(3) The institutions of paragraph 1, item 1 and 2 of this article will harmonise their organisation in the period of six months and the institutions of item 3, 4, 5, 6 and 7 of the same paragraph, will harmonise their organisation in one year from the day of the implementation of this law.

(4) The national conservation centre and the conservation centres determined in paragraph 1 of this law continue their work as national protection institutions.

(5) The Museums of paragraph 2 of this article continue their work as national protection institutions till the determination of their status according to the law.

(6) The distribution of the employees and the arrangement of the questions connected with the equipment, inventory and other things, the archives, documentation, working means and other inventory of the institutions of paragraph 1, item 3, 4, 5, 6 and 7 of this article will be performed in six months from the day of the implementation of this law.

*Determination of authorised entities for protection  
of the phonogram archives goods and spiritual cultural heritage*

Article 179

The Minister of Culture will determine the legal entities of Article 156 of this law in 30 days from the day of implementation of this law.

*Establishment of the National Council*

## Article 180

The National Council will be established in 30 days from the day of the implementation of this law.

*Bylaws*

## Article 181

The regulations whose enactment is prescribed with this law will be enacted no later than eight months from the day of going into effect of this law.

*Expert titles*

## Article 182

(1) The titles of the persons that have obtained the titles of conservator and conservator - advisor till the day of the implementation of this law, according to the Law on protection of cultural monuments (Official Gazette of SRM no. 24/73 and 42/76 and Official Gazette of RM no.12/93) will be recognised.

(3) The procedures for obtaining titles senior conservator, conservator - advisor, commenced according to the regulations applicable before the implementation of this law will be finished according to the provisions of this law.

**Section 2****FINAL PROVISIONS***Termination of application of the existing law*

## Article 183

The Law on protection of cultural monuments ("Official Gazette of SRM", no. 24/73 and 42/76 and " Official Gazette of RM" no. 12/93) shall cease to apply on the day of implementation of this law

*Effectuation and implementation of the law*

## Article 184

This law goes into effect the eighth day after the publication in the Official Gazette of Republic of Macedonia and its implementation starts on 01.01.2005.