

20/1987 Sb.

ACT
OF THE CZECH NATIONAL COUNCIL
of 30 March 1987

on State monument care

(as amended by Act of the Czech National Council No. 425/1990 Coll.)

Amendment: 242/1992 Coll.

Amendment: 361/1999 Coll.

Amendment: 122/2000 Coll.

Amendment: 132/2000 Coll.

Amendment: 146/2001 Coll.

Amendment: 320/2002 Coll.

Amendment: 18/2004 Coll., 186/2004 Coll.

Amendment: 1/2005 Coll.

Amendment: 3/2005 Coll.

Amendment: 240/2005 Coll.

Amendment: 203/2006 Coll.

Amendment: 186/2006 Coll.

Amendment: 158/2007 Coll.

The Czech National Council has passed the following Act:

PART ONE

BASIC PROVISIONS

Section 1

Objective of the Act

(1) The State shall protect cultural monuments as an inseparable part of the cultural heritage of the people, evidence of their history, a significant factor in the environment and an irreplaceable treasure of the State. The objective of this Act is to create comprehensive conditions for further enhancement of the political, organizational, cultural and educational functions of the State in care for cultural monuments, their conservation, providing access to them and their appropriate use so that they can play a role in the development of culture, art, science and education, in forming traditions and patriotism, and in aesthetic edification of the working people, thus contributing to the further development of society.

(2) The care by the State for cultural monuments (hereinafter "State monument care") shall encompass activities, measures and decisions, through which the official bodies and the professional organizations of State monument care (Sections 25 to 32) shall, in conformity with the needs of society, provide for the conservation, protection, access to and appropriate use by society of cultural monuments. Other governmental authorities and organizations shall co-operate, within their competence, with the bodies and the professional organization of State monument care and help them in performing their tasks.

Section 2

Cultural Monuments

(1) Under this Act, the Ministry of Culture of the Czech Republic (hereinafter the “Ministry of Culture”) shall proclaim as cultural monuments movable and immovable objects and, as appropriate, groups of such objects

- a) that are important documents of historical development, of the life style and of the environment of society from the most ancient times to the present day, as manifestations of the creative abilities and work of humankind in various fields of human activity, based on their revolutionary, historical, artistic, scientific or technological value,
- b) that have a direct relationship to important persons and historic events.

(2) The status of a cultural monument shall be conferred on groups of objects even if some of these objects are not cultural monuments.

From case law: ÚS (Constitutional Court) 35/94

§ 3

Proclaiming Objects as Cultural Monuments

(1) Before proclaiming an object as cultural monument, the Ministry of Culture shall request a statement of the regional authority or the municipal authority of a municipality with extended competence unless it has already obtained such a statement from these bodies. An archaeological find (Section 23) shall be proclaimed as a cultural monument by the Ministry of Culture on the basis of a proposal from the Academy of Sciences of the Czech Republic.

(2) The Ministry of Culture shall notify the owner of the object in writing of submission of a proposal to proclaim the object as a cultural monument or of its intention to do so on its own initiative and shall provide him with the opportunity to express his opinion on this proposal or initiative.

(3) From the delivery of the notification under paragraph 2 until a decision is made by the Ministry of Culture, the owner of the object shall be obliged to protect the object against damage, destruction or theft and to report to the Ministry of Culture every intended or actual change in its ownership, administration or use.

(4) The Ministry of Culture shall notify the owner of an object, the regional authority, the municipal authority of a municipality with extended competence and the professional organization of State monument care (Section 32) and, for archaeological finds, also the Academy of Sciences of the Czech Republic in writing of the proclamation of the object as a cultural monument. The Ministry shall also notify them if it found no reason to proclaim the object as a cultural monument.

(5) The owners of objects that could, because of their exceptional artistic or historical value, be proclaimed as cultural monuments in accordance with the interests of society shall be obliged to submit to the Ministry of Culture, the regional authority or the municipal authority of a municipality with extended competence, at their written request, the requested information on these objects and on intended changes therein and to enable these authorities or the professional organization of State monument care authorized by these authorities to inspect the objects and, as appropriate, to acquire scientific documents thereof.

(6) A generally binding legal regulation shall stipulate the details of the process of proclaiming objects as cultural monuments and the manner of performing the notification duty pursuant to paragraph 5 above.

From case law: 7 A 54/97, 6 A 81/2000, 7 A 133/99, 7 A 133/99

Section 4

National Cultural Monuments

(1) By virtue of a regulation, the Government of the Czech Republic shall proclaim cultural monuments constituting the most important part of the cultural wealth of the nation as national cultural monuments and shall stipulate the conditions for protection thereof.

(2) By virtue of a regulation, the Government of the Czech Republic shall stipulate the general conditions for the provision of State monument care for national cultural monuments.

Section 5

Monument Reservations

(1) By virtue of a regulation, the Government of the Czech Republic may proclaim a territory, whose character and environment is determined by a group of immovable cultural monuments or archaeological finds, as a whole, as a monument reservation and may stipulate the conditions for providing for the protection thereof. These conditions may, to the necessary extent, also apply to real estate in the territory of the monument reservation that is not a cultural monument.

(2) By virtue of a regulation, the Government of the Czech Republic shall stipulate the general conditions for the provision for State monument care in monument reservations.

Section 6

Monument Zones

(1) After the relevant matter is discussed by the regional authority, the Ministry of Culture may proclaim the territory of a settlement or of part thereof with a smaller number of cultural monuments, historical environment or part of a landscape area that display significant cultural values as a monument zone and specify the conditions for protection thereof.

(2) A generally binding legal regulation shall stipulate the details of proclamation of monument zones.

Section 7

Records of Cultural Monuments

(1) Cultural monuments shall be entered into the Central List of Cultural Monuments of the Czech Republic (hereinafter the "Central List"). The Central List shall be kept by the professional organization of State monument care.

(2) The regional authorities and municipal authorities of municipalities with extended competence shall keep lists of cultural monuments in their respective territories. Entries into these lists shall be performed on the basis of extracts from the Central List.

(3) The professional organization of State monument care shall notify the owner of a cultural monument, the regional authority and the municipal authority of a municipality with extended competence of an entry of a cultural monument into the Central List as well as of cancelling of the proclamation of an object as a cultural monument (Section 8). In the case of an immovable cultural monument, notification shall also be made to the construction authority.¹⁾ In the case of an archaeological find proclaimed as a cultural monument, notification shall also be made to the Institute of Archaeology of the Academy of Sciences of the Czech Republic.

(4) The professional organization of State monument care shall notify the competent cadastral authority of each proclamation of real estate as a cultural monument, as well as of each cancelling of such a proclamation, if the object in question is recorded in the Land Registry.²⁾

(5) The owner of a cultural monument shall be obliged to notify the professional organization of State monument care of each change in ownership (administration, use) of a cultural monument or of relocation thereof. The notification must be made by the owner of the cultural monument not later than thirty days from the date when this change occurred.

(6) Details of records of cultural monuments shall be laid down in a generally binding legal regulation.

Section 8

Cancelling of Proclamation of an Object as a Cultural Monument

(1) Unless a national cultural monument is involved, the Ministry of Culture may, on extremely serious grounds, cancel the proclamation of an object as a cultural monument at the request of the owner of the cultural monument or of an organization which demonstrates a legal interest in the cancelling of proclamation of the object as a cultural monument (hereinafter “cancelling of proclamation”), or at its own initiative.

(2) Prior to cancelling of proclamation, the Ministry of Culture shall request a statement of the regional authority and of the municipal authority of a municipality with extended competence, and a statement of the Academy of Sciences of the Czech Republic if the object proclaimed as a cultural monument is an archaeological find, unless the Academy of Sciences has itself requested the cancelling of proclamation. Unless the owner of the cultural monument applied for cancelling of proclamation, he must be given the opportunity to participate in the examination of the object and to express his opinion on the cancelling of proclamation.

(3) The Ministry of Culture may make the cancelling of proclamation subject to prior fulfilment of conditions that it has stipulated. The costs expended to fulfil these conditions shall be borne by the applicant and, in cases where the proceedings on cancelling of proclamation are initiated by the Ministry of Culture at its own initiative, the costs shall be borne by the person in whose interest the cancelling of the proclamation occurred.

(4) The provisions of Section 3 (4) shall also apply *mutatis mutandis* to cancelling of proclamation.

1) Act No. 183/2006 Coll., on land-use planning and the rules of construction procedure (the Construction Code) Section 9 (1) of Act No. 219/2000 Coll., on the property of the Czech Republic and acts thereof in legal relations.
2) Act No. 344/1992 Coll., on the land registry of the Czech Republic (the Cadastral Act), as amended.

(5) Details of cancelling of proclamation of an object as a cultural monument shall be stipulated in a generally binding legal regulation.

PART TWO

CARE FOR CULTURAL MONUMENTS

Protection and Use of Cultural Monuments

Section 9

(1) The owner of a cultural monument shall be obliged to care for its conservation, to keep it in good condition and to protect it against danger, damage, destruction or theft, all the above at his own expense. He shall be obliged to use the cultural monument only in a manner consistent with its cultural and political importance, its monument value and its technical condition. If the cultural monument is owned by the State, the organization that administers the cultural monument or uses it or has it in its ownership, and its superior body shall be obliged to create all the necessary preconditions for fulfilling the mentioned duties.

(2) The obligation to care for conservation of a cultural monument, to maintain the cultural monument in good condition and to protect it against danger, damage, destruction or theft shall also be borne by a person who uses the cultural monument or has it in his possession; however, he shall be obliged to bear the expenses connected with this care for the cultural monument only if this follows from the legal relationship between him and the owner of the cultural monument.

(3) Organizations and citizens, even if they are not the owners of cultural monuments, shall be obliged to act so that they do not cause any adverse changes in the condition of cultural monuments or their environment and that they do not endanger the conservation and appropriate social use of cultural monuments.

(4) An owner who transfers a cultural monument to another person, or leaves it to someone for temporary use or hands it over it for renewal (Section 14) or for another purpose shall be obliged to notify the person to whom he transfers it or to whom he leaves it or hands it over that the object is a cultural monument.

From case law: 59 Ca 59/2002

Section 10

(1) If the owner of a cultural monument fails to fulfil the duties set forth in Section 9, the municipal authority of a municipality with extended competence shall, after having received a statement of the professional organization of State monument care, issue a decision on measures that the owner of the cultural monument shall be obliged to implement and shall simultaneously set a deadline within which the owner shall be obliged to implement these measures. If a national cultural monument is involved, this decision shall be issued, after having received a statement of the professional organization of State monument care, by the body of the region within delegated competence in accordance with the conditions stipulated by the Government of the Czech Republic for provision for the protection of national cultural monuments.

(2) The decision on measures that the owner of a cultural monument is obliged to implement shall be issued by the municipal authority of a municipality with extended competence and, if a national cultural monument is involved, by the regional authority, also at the request of its owner.

(3) A generally binding legal regulation shall stipulate the details of the obligations of the owners of cultural monuments in their protection and use.

From case law: 7 A 165/94, 7 A 117/93, 7 A 144/94, 38 Ca 599/2002

Section 11

Duties of Administrative Authorities and Legal and Natural Persons

(1) The governmental authorities competent to make decisions on the manner of use of buildings that are cultural monuments or on allocation of apartments, other residential rooms and rooms not serving for accommodation in these buildings shall issue their decisions on the basis of a binding opinion^{2a)} of the relevant body of State monument care. In making a decision on the manner and changes in the use of cultural monuments, they shall be obliged to provide for their appropriate use in conformity with their value and technical condition.

(2) If a natural person or a legal person causes or could cause, through his or its activities, adverse changes in the condition of a cultural monument or its environment or if this person endangers the conservation or the use by society of a cultural monument, the municipal authority of a municipality with extended competence or, for a national cultural monument, the regional authority shall stipulate the conditions for further performance of such activity or shall prohibit the activity.

(3) The administrative authorities and authorities of the regions and municipalities shall issue their decisions pursuant to the special legal regulations that could affect the interests of State monument care in the protection or conservation of cultural monuments or monument reservations and monument zones and in their suitable use only on the basis of a binding opinion^{2a)} of the municipal authority of a municipality with extended competence and, if a national cultural monument is involved, only on the basis of a binding opinion of the regional authority.

Section 12

Notification Duty of the Owner of a Cultural Monument

(1) The owner of a cultural monument shall be obliged, without undue delay, to notify the municipal authority of a municipality with extended competence of any danger or damage to the cultural monument and to request a decision thereof on how the defect should be remedied. With respect to an immovable cultural monument that is a structure, the owner shall also notify the construction authority.

(2) The owner of a cultural monument shall be obliged to notify, in advance, the municipal authority of a municipality with extended competence of each intended change in

2a) Section 149 (1) of Act No. 500/2004 Coll., the Code of Administrative Procedure.

the use of a cultural monument and, for an immovable cultural monument, of its intended vacation.

From case law: 6 A 28/94

Section 13

Pre-emptive Right of the State to Purchase Cultural Monuments

(1) In the case of an intended sale (transfer of title for consideration) of a cultural monument, if a movable cultural monument or a national cultural monument is involved, its owner shall be obliged to offer it for purchase (acquisition of title by the State for consideration) preferentially to the Ministry of Culture with the exception of sale between related persons or co-owners.

(2) Based on an offer by the owner of a cultural monument, the Ministry of Culture may, for extremely serious cultural and social reasons, exercise the pre-emptive right of the State to purchase (acquisition of title by the State for consideration) the cultural monument either directly or through organizations established by the Ministry of Culture for the price determined according to the special legal regulations⁴⁾ and, if the price cannot be determined in this way, for the usual price corresponding to the character of the object. In this respect, the Ministry of Culture shall request a document or, as appropriate, a declaration from the owner demonstrating the ownership title to the movable cultural monument.

(3) When the Ministry of Culture has received an offer, it shall be obliged to notify the owner of the cultural monument within three months, for a movable cultural monument, and, for an immovable cultural monument, within six months from delivery of the offer, that it accepts the offer for purchase (acquisition of title by the State for consideration) of the cultural monument; otherwise the pre-emptive right of the State to purchase the cultural monument from the owner, who made the offer, shall expire.

(4) If the owner of a cultural monument does not perform the duty set forth in paragraph 1 above, the legal act whereby he transferred the title to the cultural monument to another person shall be null and void provided that nullity is invoked by the Ministry of Culture. The Ministry of Culture may exercise this right within three years from the date of above-mentioned legal act.

(5) The provisions of paragraph 1 above shall not prejudice the regulations providing for the transfer of an object to the State without consideration.⁶⁾

Section 14

Renewal of cultural monuments

(1) If the owner of a cultural monument intends to perform maintenance, repair, reconstruction, restoration or any other modification of the cultural monument or its environment (hereinafter “renewal”), he shall be obliged to first request a binding opinion from the municipal authority of the municipality with extended competence and, for a national cultural monument, the binding opinion of the regional authority.

4) Act No. 526/1990 Coll., on prices, as amended.

6) Sections 4 and 5 of Decree 90/1984, on administration of national property.

(2) The owner (administrator, user) of a real estate that is not a cultural monument, but is located in a monument reservation, in a monument zone or in the protective zone of an immovable cultural monument, an immovable national cultural monument, a monument reservation or a monument zone (Section 17) shall be obliged to request the binding opinion of the municipal authority of the municipality with extended competence, unless this obligation is excluded under this Act or on the basis of this Act (Section 17), prior to the intended construction project, change in the structure, landscaping, placement or removal of equipment, removal of a structure, modification of tree species or maintenance work on this real estate,

(3) The binding opinion pursuant to paragraphs 1 and 2 above shall state whether the work set forth therein is admissible from the viewpoint of the interests of State monument care and shall stipulate the basic conditions under which this work may be prepared and performed. The basic conditions must be based on the current state of knowledge of the cultural and historical values that must be preserved in permitting implementation of the intended plan.

(4) In the land-use proceedings, in issuing of land-use consent and in proceedings on permission of constructions, changes to structures, landscaping,¹⁾ placement or removal of equipment, removal of a structure and maintenance work, performed in connection with changes to a territory in which the State monument care⁹⁾ asserts its interest or in connection with renewal of an immovable cultural monument or with construction, change to a structure, landscaping,¹⁾ placement or removal of equipment, removal of a structure or maintenance work on a real estate under paragraph 2 above, the construction authority or the construction authority shall make a decision in accordance with the binding opinion of the municipal authority of a municipality with extended competence and, for an immovable national cultural monument, with the binding opinion of the regional authority .

(5) If the intended renewal of an immovable cultural monument pursuant to paragraph 1 above, or construction, change to a structure, landscaping,¹⁾ placement or removal of equipment, removal of a structure or maintenance work on a real estate pursuant to paragraph 2 above may be performed on the basis of a notification, the construction authority may give its consent only in accordance with the binding opinion of the municipal authority of a municipality with extended competence or, for an immovable national cultural monument, of the regional authority .

(6) The body of State monument care that is competent pursuant to paragraphs 1 and 2 above shall issue a binding opinion after having received a prior written statement from the professional organization of State monument care, with which it shall, at its request, discuss the draft of the binding opinion prior to termination of the proceedings. The professional organization of State monument care shall submit the written statement to the competent body of State monument care at the latest within 20 days of the date of delivery of the request for its preparation, unless the body of State monument care stipulates an additional deadline, which may not exceed 10 days, in especially complicated cases. If the competent body of State monument care does not receive the written statement within 20 days or within the prolonged deadline, it shall issue the binding opinion without the statement.

9) Monument reservation, monument zone, protective zone of an immovable cultural monument, immovable national cultural monument, monument reservation, monument reservation and monument zone.

(7) The owner of a cultural monument or the designer¹¹⁾ shall discuss the preparatory and design documentation for renewal of an immovable cultural monument or structure, change in a structure, landscaping, placement or removal of equipment, removal of a structure, modification of tree species or maintenance work on a real estate pursuant to paragraph 2 above during the preparation thereof with the professional organization of State monument care from the point of view of fulfilling the conditions of the binding opinion pursuant to paragraphs 1 and 2 above. During the discussion, the professional organization of State monument care shall provide the necessary basic documents, information and professional assistance. The professional organization of State monument care shall prepare a written statement on each finished stage of documentation to serve as a basis for the binding opinion of the municipal authority of a municipality with extended competence or, for an immovable national cultural monument, as the basis for the binding opinion of the regional authority.

(8) The renewal of cultural monuments or parts thereof that are works of the creative arts or of artistic crafts (hereinafter “restoration”) may be performed by natural persons on the basis of a license issued pursuant to Section 14a, where restoration means the sum of specific works of creative art, artistic craft and technical work respecting the technical and artistic structure of the original.

(9) The owner of a cultural monument shall hand over one copy of the documentation to the professional organization of State monument care at the request thereof.

(10) A generally binding legal regulation shall stipulate the details of the conditions for documentation of the renewal and for the performance of renewal of cultural monuments.

From case law: 6 A 102/95, 7 A 28/94, 18 Co 666/2000, 7 A 17/99, 6 A 197/94, 7 A 133/99, 10 Ca 24/94, 7 A 121/95, 6 A 139/94, 6 A 139/94

Section 14a

Permit to Restore Cultural Monuments

(1) Restoration of cultural monuments or parts thereof that are works of the creative arts or of artistic crafts may be performed by a natural person who enjoys full legal capacity and has no criminal record, on the basis of a permit (hereinafter a “restoration permit”).

(2) For the purposes of this Act, a person shall not be considered as not having a criminal record if he has been validly convicted of a criminal offense whose merits are connected with restoration, unless he is considered not to have been convicted.

(3) A restoration permit shall be issued by the Ministry of Culture to a natural person who has previously demonstrated his professional qualifications.

(4) Professional qualifications shall be demonstrated by fulfilling the conditions of

- a) formal qualifications and professional experience in restoration of cultural monuments or parts thereof that are works of the creative arts, consisting in university education obtained by study in an accredited master’s study program^{11a)} in the area of the arts with orientation towards restoration, or a university education obtained in a master’s study

11) Section 20 (1) (c), Section 24 (4), Sections 36 to 39 and Section 43 of Decree No. 5/1987 Coll., on documentation of structures.

11a) Sections 44 to 46 and Section 60 of Act No. 111/1998 Coll., on universities and amending and supplementing other laws (the University Act), as amended by Act No. 210/2000 Coll. and by Act No. 147/2001 Coll.

programme in the relevant field of the arts supplemented by a certification of completion of restoration studies in the framework of life-long education,^{11a)} or a university education obtained by study in an accredited bachelor's study program^{11a)} in the area of the arts with orientation towards restoration and 2 years of practical professional experience and, for restoration of cultural monuments or parts thereof that are works of the artistic crafts, higher vocational or full secondary vocational education for the restoration profession, or higher vocational or full secondary vocational education in the relevant profession and 5 years of professional experience; for specializations for which no secondary study programme has been established, apprentice study in the relevant profession^{11b)} and 8 years of experience in restoring objects that are not cultural monuments, and

- b) professional capabilities consisting in the sum of knowledge and skills guaranteeing the conservation of the material substance of cultural monuments or parts thereof that are works of the creative arts or of the artistic crafts with respect for their authenticity; these shall be demonstrated by submission of documentation showing that the natural person submitting an application for a restoration permit has already successfully and independently restored objects that are not cultural monuments.

(5) A restoration permit shall be issued on the basis of a written application, which must contain description of the requested restoration specialization pursuant to Annex No. 1 to this Act. Enclosed with the application shall be

- a) a completed registration questionnaire, the form of which is set forth in Annex No. 2 to this Act,
- b) authenticated copies of documents on the obtained professional education, unless the applying person is a national of a Member State of the European Union other than the Czech Republic,
- c) documentation of at least 3 restoration projects on objects that are not cultural monuments, of which at least 1 may not be more than 2 years old and which have been performed in the restoration specialization for which an application for a restoration permit has been lodged.

(6) Documentation under paragraph 4(b) above must contain a comprehensive evaluation of the relevant studies and research, photographic documentation of the condition of the object prior to commencing the restoration work, during the individual stages and after completion of the work, description of technical and technological procedures and materials used, analysis and evaluation of possible new findings on the work and instructions for its future protective regime.

(7) In its decision on issuing a restoration permit, the Ministry of Culture shall stipulate the specialization of restoration activities pursuant to Annex No. 1 to this Act and further conditions for performance thereof, as well as the period of time for which the permit is issued.

(8) The Ministry of Culture shall keep a list of persons holding restoration permits (hereinafter the "List of Persons") into which the following data shall be entered:

11b) Act No. 29/1984 Coll., on the system of elementary schools, secondary schools and secondary vocational schools (the Act on Schools), as amended.

- a) the name and surname of a natural person, birth identification number, permanent and temporary places of residence,
- b) the specialization in restoration activities and the term for which a restoration permit has been issued,
- c) changes to the mentioned data,
- d) cancellation of a restoration permit or suspension of exercise of rights connected with a restoration permit.

Everyone who has demonstrated a legal interest may inspect the List of Persons. The protection of personal data entered into the List of Persons shall be subject to a special legal regulation.^{11c)}

(9) A restoration permit holder shall be obliged to notify the Ministry of Culture, without delay, of any change in the data pursuant to paragraph 8 (a) above and shall be obliged to demonstrate this fact within 30 days from the occurrence of these changes.

(10) The Ministry of Culture shall cancel a restoration permit if the holder of the restoration permit

- a) has been deprived of legal capacity or his legal capacity has been reduced,
- b) no longer fulfils the condition of lack of a criminal record,
- c) has, in a gross manner or in a less gross manner but repeatedly, in the course of restoration, demonstrably damaged a cultural monument or part thereof that is a work of the creative arts or of the artistic crafts,
- d) stated untrue data in the application pursuant to paragraph 5 above,
- e) has requested the cancelling of the restoration permit.

(11) The Ministry of Culture may decide on suspension of restoration activities performed on the basis of a restoration permit if

- a) criminal proceedings have been commenced against its holder, as a consequence of which he could cease to fulfil the condition of lack of a criminal record,
- b) proceedings have been commenced against the holder on cancelling or reduction of his legal capacity,

until legal force of the decision ending such proceedings.

(12) The provisions of paragraph 1 above shall not apply to natural persons who perform restoration activities as part of their regular studies of the restoration profession at a university or a higher vocational school included in the network of schools, pre-school institutions and school facilities^{11b)} under the supervision of a teacher who holds a restoration permit.

(13) The Ministry of Culture shall issue a restoration permit to a natural person who is a national of a Member State of the European Union other than the Czech Republic if his professional qualifications and lack of a criminal record are recognized.

(14) In the case of proceedings on the issuing of a restoration permit to a national of a Member State of the European Union other than the Czech Republic, concurrent proceedings

11c) Act No. 256/1992 Coll., on the protection of personal data in information systems.

shall be held on the issuing of the restoration permit and on recognition of professional qualifications and lack of a criminal record.^{11d)}

From case law: 19 C 45/2002, 19 Co 387/2003, 5 A 63/2001

Recognition of the Professional Qualifications of a Citizen of another Member State of the European Union than the Czech Republic for Restoration of Cultural Monuments

Section 14b

(1) In recognizing the professional qualifications and lack of a criminal record of a national of a Member state of the European Union other than the Czech Republic (hereinafter the “applicant”), the Ministry of Culture shall proceed according to the special legal regulation.^{11e)}

(2) A person who is authorized to perform restoration work in the Czech Republic under a special legal regulation without applying for recognition of his professional qualifications (hereinafter a “person authorized for restoration”)^{11f)} shall notify the Ministry of Culture of his intention to perform restoration in writing no later than 30 days prior to commencement of the restoration. The provision of section 14a (1) shall not apply to a person authorized for restoration.

(3) Notification pursuant to paragraph 2 above shall contain

- a) the name and surname of the person authorized for restoration,
- b) the address for mail deliveries in the territory of the Czech Republic,
- c) the expected duration of the restoration project in the territory of the Czech Republic,
- d) the restoration specialization that the person authorized for restoration intends to perform in the territory of the Czech Republic,
- e) a permit for restoration of objects that have the characteristics of cultural monuments under Section 2 and are works of the creative arts or of the artistic crafts, acquired in a Member State of the European Union other than the Czech Republic or a document issued by the competent authority of a Member State of the European Union other than the Czech Republic, stating that the person is authorized to perform restoration activities in the country of origin or of last residence in accordance with the legal regulations of that country,
- f) a document of formal qualifications issued in a Member State of the European Union other than the Czech Republic or a document of performance of the relevant activity pursuant to the special legal regulation^{11e)},
- g) documentation of intention under paragraph 2 above drawn up within the scope of the application for restoration.^{11g)}

(4) If, during the evaluation of a notification under paragraph 2 above, facts are found justifying concern that a person authorized for restoration could threaten or damage a cultural

11d) Section 25 of Act No. 18/2004 Coll., on recognizing professional qualification and other qualifications of citizens of the Member States of the European Union and on amendment to some laws (Professional Qualification Recognition Act).

11e) Act No. 18/2004 Coll.

11f) Section 5 (1) of Act No. 18/2004 Coll.

11g) Section 10 (2) of Decree No. 66/1988 Coll., implementing Act No. 20/1987, on State monument care, as amended by Decree No. 538/2002 Coll.

monument through restoration or if a person authorized for restoration does not fulfil this notification duty, the Ministry of Culture shall forbid him to perform restoration until such time as his professional qualifications are recognized under the special legal regulation.^{11c)} In this case, the Ministry of Culture shall be authorized to examine the professional qualifications of the person authorized for restoration in the manner pursuant to paragraph 1 above.

(5) The Ministry of Culture may forbid a person authorized for restoration to perform restoration under paragraph 4 above within 15 days from the date of delivery of notification of the intention to perform restoration or within 30 days from the day when the Ministry learned that the person authorized for restoration is performing restoration that endangers or damages a cultural monument.

(6) An appeal lodged against a decision of the Ministry of Culture to forbid restoration pursuant to paragraph 4 above shall not have suspensory effect.

(7) The Ministry of Culture shall keep records of persons authorized for restoration into which it shall enter

- a) the name and surname of the person authorized for restoration,
- b) the address for mail deliveries in the territory of the Czech Republic,
- c) the restoration specialization,
- d) the expected duration of the restoration project in the territory of the Czech Republic performed by the person authorized for restoration,
- e) a prohibition of restoration under paragraph 4 above.

The protection of personal data entered into the records shall be subject to a special legal regulation^{11c)}.

Section 14c

(1) If the Ministry of Culture has imposed a compensatory measure in the form of a difference examination on the applicant pursuant to a special legal regulation,^{11h)} the Ministry of Education, Youth and Sports shall, at the request of the Ministry of Culture and within 2 months from the delivery of this request, designate the school at which the applicant shall pass this difference examination according to the restoration specialization in which the applicant intends to work in the Czech Republic.

(2) In the request under paragraph 1 above, the Ministry of Culture shall define the scope of the difference examination, which may include verification of both the theoretical knowledge and the practical skills of the applicant. The details of the content and the form of the difference examination shall be laid down by the designated school.

(3) If the Ministry of Culture imposes a compensatory measure on the applicant in the form of an adaptation period pursuant to the special legal regulation^{11h)}, the Ministry of Culture shall simultaneously stipulate

- a) the duration and professional orientation of the adaptation period,

^{11h)} Section 12 (4) of Act No. 18/2004 Coll.

- b) the areas, the knowledge of which is necessary for restoration in the restoration specialization in which the applicant intends to work in the Czech Republic,
- c) the content of documentation of restoration work in the extent not exceeding 3 projects performed during the adaptation period and the means of evaluation thereof,
- d) the manner of evaluating the adaptation period.

(4) The applicant shall spend the adaptation period doing professional practical work in restoration performed

- a) in a museum or a gallery established by the Ministry of Culture or by a region, in the professional organization of State monument care or in the National Library of the Czech Republic, if a restoration workplace has been established in these institutions, where at least 1 employee is the holder of a restoration permit for the restoration specialization in which the applicant intends to work in the Czech Republic, or
- b) under the supervision of a natural person who is the holder of restoration permit for the restoration specialization in which the applicant intends to work in the Czech Republic and who is simultaneously a teacher in the restoration profession in the same specialization at a university or a higher vocational secondary school included in the network of schools and educational facilities.^{11b)}

(5) The theoretical and practical areas forming the content of education and preparation required in the Czech Republic for the performance of restoration are stipulated in Annex No. 3 to this Act.

Section 15

Measures to Provide for Care for Cultural Monuments

(1) If the owner of a cultural monument does not take measures pursuant to Section 10 (1) within the set deadline, the municipal authority of a municipality with extended competence and, for a national cultural monument, the Ministry of Culture may decide that measures necessary to safeguard the cultural monument shall be taken at the expense of its owner. If such measures are not taken by the administrator or the user of a State-owned cultural monument, the superior body of the organization that administers the cultural monument or the superior body of the organization to which the cultural monument has been handed over for permanent use shall, on a proposal of the municipal authority of a municipality with extended competence or, for a national cultural monument, on the proposal of the Ministry of Culture, provide for the necessary remedy.

(2) If so required by an important interest of society, the regional authority may, at its own initiative or on a proposal of the municipal authority of a municipality with extended competence, or on a proposal of the Ministry of Culture for a movable cultural monument or a movable national cultural monument, impose the obligation on the owner to manage it in a certain way or may require that the owner entrust it free of charge for a necessary period of time into the custody of a professional organization, which it shall simultaneously designate.

(3) If the owner of an immovable cultural monument that is not State-owned permanently neglects his duties and thus endangers its conservation or if he uses the monument in a manner contradictory to its cultural and political importance, monument value or technical condition and if an agreement is not reached with the owner on the sale of the monument to the State, the cultural monument may, in the interest of society and as an exceptional measure,

be expropriated on the basis of a the proposal of the municipal authority of a municipality with extended competence through a decision of the expropriation authority. If an immovable national cultural monument is to be expropriated, the expropriation proceedings shall be commenced by the expropriation authority on a proposal of the regional authority. Otherwise, expropriation shall be governed by the general regulations.¹²⁾

(4) If a cultural monument is in immediate danger, the municipality shall, with the prior consent of the municipal authority of a municipality with extended competence, take measures necessary for its protection. If an immovable cultural monument in the form of a structure is involved, the municipality shall submit an instigation to the construction authority to order maintenance work or the necessary arrangements or to order urgent safeguarding work pursuant to the special regulations and shall notify the municipal authority of a municipality with extended competence of this fact and, for a national cultural monument, also the regional authority. If the cultural monument is owned by the State, the municipality shall also notify the superior body of the organization that administers the monument or has it in its possession.

From case law: 7 A 144/94

Section 16

Contribution to Conservation and Renewal of a Cultural Monument

(1) The municipality or the region may provide a contribution to the owner of a cultural monument from its budgetary funds, at his request and if the case is exceptionally justified, to cover increased expenses connected with the conservation or renewal of the cultural monument for the purpose of its more effective use by society. It may also provide a contribution if the owner is unable to cover the cost of conservation or renewal of the cultural monument from his own means.

(2) If there is an extraordinary interest of society in conserving a cultural monument, the Ministry of Culture may, directly or through the regional authority or through the municipal authority of a municipality with extended competence, provide such a contribution for renewal of the cultural monument from the State budget.

(3) Details of provision of a contribution to the conservation or renewal of a cultural monument shall be defined by a generally binding legal regulation.

Section 17

Protective Zone

(1) If the protection of an immovable cultural monument or of its environment so requires, the municipal authority of a municipality with extended competence shall, after receiving a statement of the professional organization of State monument care, issue a land-use decision on a protective zone¹⁾ and shall specify the real estate in the protective zone, unless it is a cultural monument, or the types of work on it, including changes to tree species, for which the obligation to request a binding opinion in advance pursuant to Section 14 (2) is excluded; this duty shall always be excluded if the performance of the construction project, change to a structure, maintenance work, or the placement or removal of equipment in no way

12) Act No. 184/2006 Coll., on deprivation or limitation of ownership titles to land or structure (the Expropriation Act).

interferes with the external appearance of the real estate. The municipal authority of a municipality with extended competence may limit or prohibit certain activities in the protective zone or take other appropriate measures on the basis of a binding opinion of the affected body.

(2) If some properties or structures must be acquired or removed for the creation of a protective zone and if agreement is not reached with their owner, these properties and structures may be expropriated.¹²⁾ Necessary changes may also be ordered for structures, other equipment or property lots.

(3) If an immovable national cultural monument, a monument reservation or a monument zone or their environment is involved, the municipal authority of a municipality with extended competence shall analogously define a protective zone on a proposal of the regional authority after having received a statement of the professional organization of State monument care.

(4) If the owner or the user of a property that is not owned by the State incurs property damage as a consequence of measures taken pursuant to paragraphs 1, 2 and 3 above, he shall be entitled to appropriate compensation, which shall be provided by the municipality with extended competence.

(5) A decision on a change to a protective zone of an immovable national cultural monument, a monument reservation or a monument zone shall be made by the municipal authority of a municipality with extended competence on a proposal by the regional authority, which shall agree on this proposal in advance with the Ministry of Culture.

(6) The municipal authority of a municipality with extended competence may, after having received a statement of the professional organization of State monument care, change a final decision issued pursuant to paragraphs 1 or 3 above if the purpose has changed, for which the protective zone was defined, and it may abolish the protective zone if the subject of protection no longer exists.

(7) Details of delimitation of a protective zone shall be stipulated by a generally binding legal regulation.

Section 18

Relocation of a Cultural Monument

(1) A national cultural monument and an immovable cultural monument or part (accessory) thereof may be relocated only with the prior consent of the Ministry of Culture.

(2) A movable cultural monument may be permanently relocated from a place accessible to the public only with the prior consent of the regional authority on the basis of a statement of the professional organization of State monument care.

(3) The body that gave its consent to relocation of a cultural monument pursuant to paragraphs 1 and 2 above shall notify the professional organization of State monument care of this fact.

Section 19

Use of Cultural Monuments for Scientific Research or for Exhibition Purposes

(1) The owner of a cultural monument shall be obliged to allow persons authorized by the bodies of State monument care to perform scientific research or acquire documentation of the monument. If an important interest of society is involved, the owner of a movable cultural monument shall be obliged to provide this monument for temporary use, particularly to the professional organization for the purposes of scientific research or for the purposes of exhibition, at the expense of the person or the organization to whom the cultural monument has been provided for use.

(2) The conditions of providing a cultural monument or a national cultural monument for temporary use shall be stipulated by the regional authority after having received a statement of the professional organization of State monument care.

Section 20

Cultural Monuments in Relation to Foreign Countries

(1) A cultural monument may be exhibited in a foreign country, lent to a foreign country or exported to a foreign country for other purposes only with the prior consent of the Ministry of Culture and, for a national cultural monument, only with the prior consent of the Government of the Czech Republic.

(2) An object exhibiting characteristics of a cultural monument pursuant to Section 2 (1) may be permanently relocated from a foreign country to the Czech Republic only with the prior consent of the competent authority of the country from which it is to be imported, provided that reciprocity is guaranteed.¹⁶⁾

(3) The provisions of paragraphs 1 and 2 above shall in no way prejudice the regulations governing economic relations with foreign countries.¹⁷⁾

(4) Details of granting consent to export of cultural monuments to foreign countries shall be stipulated by a generally binding legal regulation.

PART THREE

ARCHAEOLOGICAL RESEARCH AND FINDS

Section 21

Authorization for Archaeological Research

(1) The Institute of Archaeology of the Academy of Sciences of the Czech Republic (hereinafter the “Institute of Archaeology”) shall be authorized to perform archaeological research and shall also give an opinion on the protection of archaeological heritage^{17a)} in proceedings under special legal regulations.^{17b)}

16) The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (Decree No. 15/1980 Coll.).

17) Act No. 142/1970 Coll., on foreign currency management.

The Customs Act, No. 44/1974 Coll.

Act No. 42/1980 Coll., on economic contacts with foreign countries, as amended.

17a) The European Convention on the Protection of the Archaeological Heritage (as revised) proclaimed under No. 99/2000 of the Collection of International Treaties.

17b) E.g. Act No. 62/1988 Coll., as amended.

(2) On request in justified cases and subject to agreement with the Academy of Sciences of the Czech Republic, the Ministry of Culture may permit the performance of archaeological research by universities if they conduct such research while performing their scientific or teaching tasks, by museums or other organizations, or by natural persons who have the necessary knowledge and skills for professional performance of archaeological research (hereinafter the “authorized organization”). The authorized organization shall conclude an agreement with the Academy of Sciences of the Czech Republic on the scope and conditions of performance archaeological research.

(3) The necessary knowledge and skills pursuant to paragraph 2 above shall mean the professional qualifications of the natural person applying for granting of a permit or the professional qualifications of a natural person who is the employee of or in some similar relation to the person applying for the permit, through whom provision will be made for expertise in performing the archaeological research and equipping with laboratory equipment and premises necessary for scientific research and documentation of archaeological finds and for the temporary storage of movable archaeological finds. Professional qualifications shall be demonstrated by fulfilling of formal qualifications, consisting in university education acquired through study in an accredited university master’s study program^{11a)} in the field of the social sciences with orientation towards archaeology and 2 years of professional experience.

(4) An authorized organization shall be obliged to notify the Institute of Archaeology of the commencement of archaeological research and to submit a report on the results thereof to it. If the archaeological research is performed in a territory proclaimed as a cultural monument, a national cultural monument, a monument reservation or a monument zone, the Institute of Archaeology and the authorized organizations shall notify the professional organization of State monument care of the commencement of archaeological research and shall also submit a report on the results thereof to it.

(5) The Ministry of Culture may, on the basis of agreement with the Academy of Sciences of the Czech Republic, withdraw a permit for the performance of archaeological research from an authorized organization that has violated the conditions under which the permit was granted.

(6) The Ministry of Culture shall grant a permit to conduct archaeological research pursuant to paragraph 2 above to a natural person who is a national of a Member State of the European Union other than the Czech Republic, if his professional qualifications are recognized.

(7) In the case of proceedings on granting a permit for archaeological research to a national of a Member State of the European Union other than the Czech Republic, joint proceedings shall be conducted on granting authorization for performance of archaeological research and on recognition of professional qualifications^{11d)}.

Recognition of Professional Qualifications of a National of a Member State of the European Union Other than the Czech Republic for Archaeological Research

Section 21a

(1) In the process of recognition of the professional qualifications of a national of a Member State of the European Union other than the Czech Republic (hereinafter “the applicant”), the Ministry of Culture shall proceed according to a special legal regulation.^{11e)}

(2) A person who has the right to conduct archaeological research pursuant to the special legal regulation without applying for the recognition of his professional qualifications (hereinafter a “person authorized for research”)^{11f)} shall notify the Ministry of Culture in writing of his intention to conduct archaeological research not later than 60 days prior to commencement thereof. The provisions of Section 21 (2) shall not apply to a person authorized for research.

(3) Notification pursuant to paragraph 2 shall contain

- a) the name and surname of the person authorized for research,
- b) the address for mail deliveries in the territory of the Czech Republic,
- c) the expected duration of archaeological research in the territory of the Czech Republic,
- d) the place where the archaeological research is to be performed,
- e) the reasons for performance of the archaeological research,
- f) a description of professional procedures to be used in the archaeological research,
- g) authorization to conduct archaeological research obtained in a Member State of the European Union other than the Czech Republic or a document issued by the competent official body of a Member State of the European Union other than the Czech Republic demonstrating that the person is authorized to conduct archaeological research in his country of origin or of last residence in accordance with the legal regulations thereof,
- h) a document on formal qualifications issued in a Member State of the European Union other than the Czech Republic or a document on performance of the activities in question pursuant to a special legal regulation,^{11e)}
- i) an agreement concluded with a museum on the deposition of movable archaeological finds made during performance of the archaeological research.

(4) If, during the evaluation of a notification pursuant to paragraph 2 above, facts are found justifying concern that a person authorized for research might endanger or damage archaeological finds through his archaeological research or if a person authorized for research has not fulfilled his notification duty, the Ministry of Culture shall forbid him from performing archaeological research until his professional qualifications are recognized pursuant to the special legal regulation.^{11e)} In this case, the Ministry of Culture shall be authorized to examine the professional qualifications of the person authorized for research in the manner pursuant to paragraph 1 above.

(5) The Ministry of Culture may forbid a person authorized for research from performing archaeological research pursuant to paragraph 4 above within 30 days from the date of delivery of notification of his intention to perform archaeological research or within 60 days from the date when the Ministry learned that a person authorized for research performs archaeological research that endangers or damages archaeological finds.

(6) An appeal lodged against a decision prohibiting performance of archaeological research issued by the Ministry of Culture pursuant to paragraph 4 above shall not have suspensory effect.

(7) The Ministry of Culture shall keep records of applicants to whom authorization was granted to perform archaeological research and of persons authorized for research, in which the following data shall be entered:

- a) the name and surname of the applicant to whom authorization was granted for performance of archaeological research,
- b) the name and surname of the person authorized for research,
- c) the address for mail deliveries in the territory of the Czech Republic,
- d) the expected duration of archaeological research in the territory of the Czech Republic performed by a person authorized for research,
- e) prohibition of performance of archaeological research pursuant to paragraph 4 above.

The protection of personal data entered into the records shall be governed by a special legal regulation.^{11c)}

Section 21b

(1) If the Ministry of Culture imposes a compensatory measure pursuant to the special legal regulation^{11h)} on the applicant in the form of a difference examination, the Ministry of Education, Youth and Sports shall, at the request of the Ministry of Culture and within two months from the delivery of this request, designate the school or the university at which the applicant shall pass this difference examination.

(2) In the request pursuant to paragraph 1 above, the Ministry of Culture shall specify the scope of the difference examination, which may include the verification of the theoretical knowledge and the practical skills of the applicant. The details of the content and the form of the difference examination shall be stipulated by the designated school.

(3) The theoretical and practical areas forming the content of education and training required in the Czech Republic for the performance of archaeological research are stipulated in Annex No. 4 to this Act.

Section 21c

The duties imposed on authorized organizations in Sections 21 (4), 22, 23 (3) and 24 shall apply to a person authorized for research *mutatis mutandis*.

Section 22

Performance of Archaeological Research

(1) Prior to the commencement of archaeological research, the Institute of Archaeology and the authorized organizations shall be obliged to conclude an agreement with the owner (administrator, user) of the real estate where the archaeological research is to be performed, stipulating the conditions of archaeological research in this real estate. If agreement is not reached, the regional authority shall decide on the duties of the owner (administrator, user) of the real estate to tolerate the performance of archaeological research and on the conditions under which this archaeological research may be performed.

(2) If a construction activity is to be performed in a territory with archaeological finds, the developers shall be obliged to notify the Institute of Archaeology of their intention from the preparatory stage of the construction and allow the Institute of Archaeology or an authorized organization to perform rescue archaeological research at the relevant site. If the developer is a legal entity or a natural person within whose business activity the need for a

rescue archaeological research arose, the cost of such rescue archaeological research shall be borne by this developer; otherwise, the cost shall be borne by the organization performing the archaeological research. An analogous procedure shall apply if another activity is to be undertaken in this territory that might endanger the performance of archaeological research.

From case law: 5 A 8/2000, 59 Ca 59/2002

Section 23

Archaeological Finds

(1) An archaeological find means an object (a set of objects) that is a document of or a remnant of the life of humankind and of his activities from the beginning of his development up to modern times and that has been preserved, usually underground.

(2) An archaeological find that was not made during archaeological research must be reported to the Institute of Archaeology or to the nearest museum, either directly or through the municipality in whose jurisdiction the archaeological find was made. The archaeological find shall be reported by the finder or by the person responsible for the performance of the work during which the archaeological find was made not later than on the second day after the find was made or after the day on which he learned of the archaeological find.

(3) The archaeological find and the place of the find shall be left intact until examined by the Institute of Archaeology or by a museum, in any case at least five working days after the find was reported. The Institute of Archaeology or an authorized organization shall take all measures at the place of the find necessary for the immediate protection of the archaeological find especially against damage, destruction or theft.

(4) If an archaeological find pursuant to the provisions of paragraph 2 above is involved, the finder shall be entitled to a reward which shall be provided to him by the regional authority in an amount equal to the price of the material if the archaeological find is made of precious metals or other valuable materials or, in other cases, up to an amount equal to ten per cent of the cultural and historical value of the find, determined on the basis of an expert report. The finder shall be entitled to reimbursement of necessary expenses incurred in connection with the archaeological find. The regional authority shall decide on and provide the reimbursement. The details of the conditions for granting rewards and providing reimbursement to the finder shall be stipulated in a generally binding legal regulation.

(5) For immovable archaeological finds proclaimed as cultural monuments, the regional authority shall appoint an organization established by the region to provide for care for these finds. If these archaeological finds are located on real estate owned by the State, the regional authority shall appoint this organization in agreement with the superior body of the organization that administers or uses the real estate. If an immovable archaeological find proclaimed as a cultural monument is located in the jurisdiction of several regions, the organization entrusted with safeguarding the cultural monument shall be appointed by the regional authorities in mutual agreement after they have discussed the matter with the Ministry of Culture and, if agreement is not reached, this organization shall be appointed by the Ministry of Culture.

(6) Special regulations shall apply to archaeological finds made in connection with the preparation or implementation of a construction project.¹⁾

From case law: 1 T 66/2002

Section 23a

Ownership Title to Movable Archaeological Finds

(1) Movable archaeological finds shall be the property of the region unless they are the property of the State or municipality pursuant to paragraph 2 hereof.

(2) Movable archaeological finds shall be the property of the region in whose jurisdiction they were made, with the exception of movable archaeological finds made during archaeological research conducted by a contributory organization or an organizational unit of a municipality, which shall be the property of that municipality, and with the exception of movable archaeological finds made during archaeological research conducted by a State organization or an organizational unit of the State, which shall be the property of the Czech Republic.

(3) Movable archaeological finds owned by a region shall be deposited in a museum established by that region. Movable archaeological finds owned by a municipality shall be deposited in a museum established by that municipality or in a museum established by another municipality or by the region. Movable archaeological finds owned by the Czech Republic shall be administered^{18a)} by the State organization or by organizational unit of the State that made the find during their archaeological research pursuant to paragraph 2 above; these movable archaeological finds shall usually be deposited in museums established by the Ministry of Culture or in other State organizations or organizational units of the State if collections of museum character are permanently kept there.

(4) A region or a municipality shall be obliged to transfer the title to a movable archaeological find to the Czech Republic for a price determined by an expert report if the Ministry of Culture so requests in writing within 3 years of the date when the movable archaeological find was made. In this case, the Ministry of Culture shall also be obliged to reimburse the region or the municipality for the necessary expenses that they incurred in connection with the movable archaeological find, with the exception of the reward and reimbursement to the finder pursuant to Section 23 (4). The Ministry of Culture shall appoint the expert and shall bear the expenses connected with preparation of the expert report.

Related provisions: In Act no. 1/2005 Coll.

Section 23b

Maps of Territories with Archaeological Finds

(1) In agreement with the Ministry of Culture, a region may, in a regulation, issue a map of territories with archaeological finds in the region or in a defined part of the region, in which territories shall be depicted where archaeological finds occur or can justifiably be expected to occur; these maps shall serve to safeguard the archaeological heritage^{17a)} and as a supporting document for performance of the notification duty by a developer pursuant to Section 22 (2).

(2) A map of territories with archaeological finds may be issued for a maximum period of 20 years.

18a) Section 9 (1) of Act No. 219/2000 Coll., on the property of the Czech Republic and acts thereof in legal relations.

(3) A map of territories with archaeological finds may be changed if scientific knowledge of archaeological finds and on their occurrence in the territory has changed significantly. Paragraph 1 above shall apply to publishing a change in a map of territories with archaeological finds *mutatis mutandis*.

(4) On request, the Institute of Archaeology and the professional organization of State monument care shall provide the region, free of charge, with the necessary professional assistance and professional supporting documents, data and information required for the publication of a map of territories with archaeological finds.

(5) The Ministry of Culture shall stipulate the requisites and the content of a map of territories with archaeological finds in an implementing legal regulation.

Section 24

Compensation for Damage to Property

(1) While conducting archaeological research, the Institute of Archaeology and authorized organizations shall be obliged to take into consideration interests protected by the special regulations, to cooperate with bodies providing for protection of these interests and to protect, as much as possible, the rights and the justified interests of the owners (administrators, users) of real estate and other property, as appropriate.

(2) If the owner (administrator, user) of the real estate or other property is substantially limited in the normal use of the real estate or other property by the performance of archaeological research or measures taken to protect an archaeological find, he shall be entitled to provision of adequate lump-sum compensation by the Institute of Archaeology or by the authorized organization. Following completion of the work, the Institute of Archaeology or the authorized organization shall be obliged to return the real estate or other property to its original condition. If this is not possible or economically effective, the owner (administrator, user) of the real estate or other property shall be entitled to compensation in money.

(3) The right to a compensation for damage to property pursuant to paragraph 2 above must be enforced against the Institute of Archaeology or the authorized organization within six months from the completion of archaeological research or from the completion of measures taken to protect an archaeological find; otherwise, the right shall expire. If agreement is not reached, the regional authority shall make a decision on the compensation and the amount thereof.

PART FOUR

BODIES AND ORGANIZATIONS OF STATE MONUMENT CARE

Section 25

Organizational Structure of State Monument Care

(1) State monument care shall be performed by the bodies of State monument care, which include the Ministry of Culture, the regional authorities and the municipal authorities of municipalities with extended competence.

(2) The professional organization of State monument care shall be subordinate to the Ministry of Culture.

(3) The bodies of State monument care, in cooperation with other governmental authorities and with the professional assistance of organizations of State monument care, scientific, artistic and other professional organizations and institutes, shall ensure that State monument care is implemented in a planned, comprehensive and differentiated manner and in accordance with a long-term strategy for its development.

Section 26

Ministry of Culture

(1) The Ministry of Culture shall be the central governmental authority for cultural monuments in the Czech Republic.

(2) The Ministry of Culture shall

- a) prepare forecasts, strategies and draft long-term outlooks of the development of State monument care,
- b) draw up, announce and implement programs of comprehensive care for cultural monuments and create universal conditions for this care, evaluate draft long-term, medium-term and implementing plans for the renewal of cultural monuments,
- c) express its viewpoint on the policy of land-use development and the principles of land-use development as well as its viewpoint on land-use planning documentation for a territory containing a monument reservation or an immovable object or a group of immovable objects entered into the World Cultural Heritage List,^{18b)} and express its viewpoint on the delimitation of built-up areas in relation to this territory,
- d) direct the cultural and educational use of national cultural monuments and the cultural and educational use of other cultural monuments in conformity with the interests of the State cultural policy,
- e) coordinate scientific research in the area of State monument care,
- f) establish a scientific council for State monument care as its professional consulting body,
- g) cooperate with the Ministry of Education, Youth and Sports and with universities in the education of professionals working in the area of State monument care, take part in their further education,
- h) provide for international cooperation in the area of State monument care,
- i) issue the statute of the professional organization of State monument care which shall be a State contributory organization with national competence,
- j) perform other tasks imposed on it in this Act.

Section 27

Monument Inspectorate

^{18b)} Convention Concerning the Protection of World Cultural and Natural Heritage proclaimed in the Collection of Laws under No. 159/1991.

(1) The Ministry of Culture shall establish a monument inspectorate as its specialized supervisory body in the area of State monument care. The main mission of the monument inspectorate shall be to exercise central supervision over compliance with this Act and with regulations issued for its implementation.

(2) The monument inspectorate shall perform especially the following tasks:

- a) supervise provision for comprehensive care for cultural monuments,
- b) supervise compliance with the decisions of the bodies of State monument care concerned with the provision of care for cultural monuments and performance of the duties imposed on the owners (administrators, users) of cultural monuments,
- c) on the basis of knowledge acquired in the performance of supervision, analyse the situation in State monument care and propose measures to improve this care.

(3) In performing its tasks, the monument inspectorate shall cooperate with the bodies of State monument care and with other administrative authorities, inspection bodies, the regions, the municipalities and the professional organization of State monument care and shall rely on their assistance.

(4) If the monument inspectorate discovers shortcomings in care for cultural monuments, it shall propose measures to remedy these shortcomings to the competent body of State monument care and imposing of fine, as appropriate, and shall supervise the performance of these measures.

(5) Details of the tasks and authority of the monument inspectorate shall be defined in a generally binding legal regulation.

Section 27a

(1) The customs offices shall

- a) verify compliance with the prior consent of the Ministry of Culture or the prior consent of the Government of the Czech Republic (Section 20 (1)) and whether a cultural monument or a national cultural monument exhibited in a foreign country, lent to a foreign country or exported to a foreign country for some other purposes has been returned from the foreign country and whether it was returned in good condition,
- b) for objects exhibiting the characteristics of cultural monuments under Section 2 (1) that are to be permanently imported from a foreign country to the Czech Republic, verify whether this import is performed with the prior consent of the competent authority of the country from which they are to be imported, provided that reciprocity is guaranteed,¹⁶⁾
- c) participate in documentation, research and surveys especially of movable cultural monuments.

(2) In performing their tasks, the customs offices shall cooperate with the bodies of State monument care, to which they shall submit, according to their competence, in case of discovering shortcomings, instigations for adoption of measures for a remedy or proposals for commencement of proceedings pursuant to Sections 35 and 39. They shall further cooperate with the professional organization of State monument care and monument inspectorate.

Section 28

(1) The regional authority shall methodologically direct the performance of State monument care in its region.

(2) The regional authority shall

- a) perform the tasks of the body of State monument care for national cultural monuments unless these tasks fall within the competence of the Ministry of Culture or the Government of the Czech Republic,
- b) within the scope of its competence, supervise over compliance with this Act and with the regulations issued for its implementation,
- c) express its viewpoint on the land-use planning documentation for a territory containing a monument zone or an immovable national cultural monument unless this duty falls within the competence of the Ministry of Culture under Section 26 (2) (c) and shall express its viewpoint on the delimitation of built-up areas in relation to this territory,
- d) be the affected authority for safeguarding of unpredictable findings of culturally valuable objects, details of a structure or of archaeological finds made during proceedings or a procedure pursuant to the special legal regulation¹⁾ unless the finds were made during the preparation or performance of renewal of a cultural monument or during the preparation or performance of work in a territory in which State monument care exercises its interest,⁹⁾
- e) as the competent authority, on a proposal or at its own initiative, issue a binding opinion^{2a)} and provide further supporting documents for proceedings undertaken by administrative authorities other than bodies of State monument care under the special legal regulations¹⁹⁾ if care is to be provided for national cultural monuments,
- f) supervise over the renewal of national cultural monuments from the point of view of State monument care,
- g) perform other tasks stipulated by this Act.

Section 28a

Within independent competence, a region shall

- a) approve the strategy of support for State monument care in the region in accordance with the strategy of the development of State monument care in the Czech Republic and after discussing this with the Ministry of Culture,
- b) approve proposals for long-term, medium-term and implementing plans and programs of conservation and renewal of cultural monuments in the region,
- c) direct cultural and educational use of cultural monuments in the region.

Section 29

Municipal Authority of a Municipality with Extended Competence

(1) The municipal authority of a municipality with extended competence shall perform and organize State monument care within its jurisdiction in accordance with the strategy of development of State monument care in the Czech Republic.

19) E.g. Act No. 183/2006 Coll.

- (2) The municipal authority of a municipality with extended competence shall
- a) participate in the formulation of the regional strategy of support for State monument care and in the formulation of medium-term and implementation plans and programs for renewal of cultural monuments,
 - b) provide conditions for comprehensive care for cultural monuments and real estate that is not a cultural monument but is located in a monument reservation, a monument zone or in a protective zone (Section 17) and, in this context, as the affected authority, issue, on a proposal or on its own initiative, a binding opinion^{2a)} and provide further basic documents for proceedings undertaken by administrative authorities other than bodies of State monument care under the special legal regulations,¹⁹⁾
 - c) express a viewpoint on land-use planning documentation for a territory containing an immovable cultural monument or the protective zone of an immovable cultural monument, an immovable national cultural monument, a monument reservation or a monument zone, unless this falls within the competence of the Ministry of Culture pursuant to Section 26 (2) (c) or within the competence of the regional authority pursuant to Section 28 (2) (c), and express its viewpoint on the delimitation of built-up areas in relation to this territory,
 - d) direct care for cultural monuments provided by municipalities,
 - e) perform government in the area of State monument care, unless this falls within the competence of another body of State monument care under this Act,
 - f) coordinate uniform designation of immovable cultural monuments with a sign containing the inscription “Cultural Monument” and the large State symbol and, as appropriate, also with signs stipulated by international treaties,
 - g) perform supervision over renewal of cultural monuments and over construction, a change to a structure, landscaping, placement or removal of equipment, removal of a structure or maintenance work on a real estate that is not a cultural monument, but is located in a monument reservation, a monument zone or a protective zone (Section 17) from the point of view of State monument care,¹⁾
 - h) within the scope of its competence, supervise over compliance with this Act and with regulations issued for its implementation,
 - i) perform other tasks imposed on it by this Act.

(3) In performing its tasks, the municipal authority of a municipality with extended competence shall rely on the professional assistance of the professional organization of State monument care.

(4) The Ministry of Culture shall stipulate in a decree the details of means of providing for conditions for comprehensive care for cultural monuments by municipal authorities of municipalities with extended competence.

Section 30

Municipality

(1) A municipality shall take care of local cultural monuments and supervise over compliance by the owners of cultural monuments with duties imposed on them by this Act. In

this, the municipality shall rely on the expert opinions of the professional organization of State monument care.

(2) According to local conditions and after discussing the matter with the municipal authority of a municipality with extended competence, a municipality may establish a legal entity or an organizational unit for renewal of cultural monuments.

Section 31

State Monument Care Commission, State Monument Care Conservator and State Monument Care Rapporteurs

(1) A regional council and a municipal council of a municipality with extended competence shall, as required, establish a commission for State monument care as its working commission to comprehensively evaluate and coordinate the tasks of State monument care.²¹⁾

(2) After having obtained a statement of the professional organization of State monument care, the municipal authority of a municipality with extended competence shall appoint a State monument care conservator (hereinafter a “conservator”) as a voluntary worker. The conservator shall be a member of the State monument care commission established by the municipal council of the municipality with extended competence.

(3) The conservator shall continuously monitor the condition of cultural monuments, submit reports to the municipal authority of the municipality with extended competence on their condition, on care for them and on their use, propose necessary measures to the municipal authority of the municipality with extended competence and assist in promotion of cultural monuments and State monument care.

(4) On the proposal of the conservator, the municipal authority of a municipality with extended competence may appoint voluntary workers for certain defined territorial areas as State monument care rapporteurs (hereinafter a “rapporteur”), who shall work together with the conservator in performing his tasks.

(5) The activities of the conservator and the rapporteur shall be directed by the municipal authority of the municipality with extended competence. The professional organization of State monument care shall provide professional assistance in this respect.

(6) Details of the tasks of conservators and rapporteurs shall be stipulated in a generally binding legal regulation.

Section 32

Professional Organization of State Monument Care

(1) The professional organization of State monument care shall be the organization for performance and coordination of all professional activities in the area of State monument care to ensure uniformity of cultural policies with the ideological, methodological, economic and technical aspects, and with the future development of State monument care.

(2) The professional organization of State monument care shall

21) Section 65 of the Act on National Committees.

- a) prepare analyses of the condition and development of State monument care, supporting documents for forecasts, strategies and long-term outlooks of the development of State monument care,
- b) organize, coordinate and perform scientific and research tasks of State monument care, and elaborate the theory and methodology of State monument care and the methodology of use of cultural monuments by society,
- c) perform the tasks of a methodological, documentation and information workplace for the sector of State monument care and provide for surveys, research and documentation of cultural monuments, monument reservations and monument zones and simultaneously shall be the provider of data pursuant to the special legal regulation,¹⁾
- d) keep the Central List of cultural monuments,
- e) prepare basic professional documents for the Ministry of Culture, particularly for the purpose of proclaiming objects as cultural monuments,
- f) prepare the necessary basic professional documents for other bodies of State monument care , methodologically direct the activities of conservators and rapporteurs and provide free professional assistance to owners of cultural monuments in providing for care for cultural monuments,
- g) provide for expert supervision over the performance of comprehensive care for cultural monuments and over their continuous use,
- h) monitor the cultural and educational use of cultural monuments and their promotion and provide for the cultural and educational use of and ensuring of access to the cultural monuments that it manages,
- i) provide for ongoing education of workers in the area of State monument care,
- j) perform other tasks in the area of State monument care entrusted to it by the Ministry of Culture.

(3) To provide for activities for performance of State monument care, the professional organization of State monument care shall, with the consent of the Ministry of Culture and after discussing the matter with the region, establish regional and, as appropriate, other territorial professional workplaces (centres).

Section 33

Repealed

Section 34

Authorization of the Bodies and the Professional Organization of State Monument Care

(1) A body or the professional organization of State monument care or, as appropriate, the customs offices shall issue to persons appointed to perform the tasks of State monument care certificates on the basis of which such persons shall be authorized to:

- a) enter enterprises, industrial plants, facilities, buildings and other real estate,
- b) perform the necessary professional work there to protect cultural monuments or for scientific purposes, particularly documentation and conservation, as well as professional supervision,
- c) request the necessary data and explanations for this purpose,

d) examine the relevant documents.

(2) While performing activities set forth in paragraph 1 above, the persons appointed to perform the tasks of State monument care may become acquainted with State, business or service secrets only if they are so authorized pursuant to the special regulations.²²⁾ In this, they shall be obliged to respect the interests of State defence and to maintain State, business and service secrets. They shall be obliged to perform their tasks in a manner that will restrict the activities of organizations or the rights of citizens only to the necessary extent.

(3) Access to the premises and facilities of armed forces and armed corps shall be subject to the special regulations.²³⁾

P A R T F I V E

MEASURES IN CASE OF BREACH OF DUTIES

Fines Imposed on Legal Persons and Natural Persons Operating a Business

Section 35

(1) The municipal authority of a municipality with extended competence shall impose a fine up to an amount of CZK 100,000 on legal persons or natural persons authorized to operate a business if, in their business activities, they

- a) fail to protect an object against damage, destruction or theft following the delivery of notification of submission of a proposal to proclaim the object as a cultural monument or of the intention of the Ministry of Culture to proclaim the object as a cultural monument on its own initiative, until a decision is made by the Ministry of Culture,
- b) fail to fulfil their notification duty pursuant to Section 3 (5), Section 12 and Section 14b (2) of this Act,
- c) fail to provide for conservation of a cultural monument, fail to keep it in good condition, use it in a manner not consistent with its cultural and political importance, monument value or technical condition, fail to protect it against danger, damage or devaluation, or damage or destroy it,
- d) violate the conditions stipulated in the decision on delimitation of the protective zone of an immovable cultural monument, an immovable national cultural monument, a monument reservation or a monument zone,
- e) perform renewal of a cultural monument without a binding opinion of the municipal authority of a municipality with extended competence or fail to comply with the conditions set forth in this binding opinion,
- f) relocate an immovable cultural monument without the prior consent of the Ministry of Culture,

22) Section 9 and Sections 17 to 19 of Act No. 102/1971 Coll., on the protection of State secrets. Section 3 of Regulation of the Government of the Czechoslovak Socialist Republic No. 148/1971 Coll., on the protection of economic and service secrets.

23) For example, Section 5 of Act No. 169/1949 on Military Domains. Section 22 of Act No. 40/1961 Coll., on protection of the Czechoslovak Socialist Republic. Act No. 40/1974 Coll., on the National Security Corps. Act No. 59/1965 Coll., on the service of imprisonment, as amended.

- g) perform restoration of cultural monuments pursuant to Section 14 (8) through natural persons who do not have a permit from the Ministry of Culture,
- h) perform construction, a change in a structure, landscaping, placement or removal of equipment, removal of a structure, modification of tree species or maintenance work on a real estate that is not a cultural monument but is located in a monument reservation, a monument zone, in the protective zone of an immovable cultural monument, an immovable national cultural monument, a monument reservation or a monument zone without a binding opinion of the municipal authority of a municipality with extended competence pursuant to Section 14 (2), or fail to comply with the conditions set forth in this binding opinion, unless the owner (administrator, user) is exempted from the obligation to request a binding opinion (Section 17),
- i) perform restoration of a cultural monument, where prohibition has been imposed pursuant to Section 14b (4).

(2) The regional authority shall impose a fine up to an amount of CZK 500,000 on a legal persons or natural persons authorized to operate a business if, in their business activities, they

- a) fail to care for the conservation of a national cultural monument, fail to keep it in good condition, use it in a manner not consistent with its cultural and political importance, monument value or technical condition, fail to protect it against danger, damage or devaluation, or damage or destroy it,
- b) perform renewal of a national cultural monument without a binding opinion of the regional authority within delegated competence or fail to comply with the conditions set forth in this binding opinion,
- c) perform restoration project of national cultural monuments pursuant to Section 14 (8) through natural persons who do not have a permit from the Ministry of Culture,
- d) relocate a national cultural monument without the prior consent of the Ministry of Culture or permanently relocate a movable cultural monument from a location accessible to the public without the prior consent of the regional authority,
- e) lend a cultural monument to a foreign country or attempt to export a cultural monument to a foreign country or export a cultural monument to a foreign country without the prior consent of the Ministry of Culture, lend a national cultural monument to a foreign country or attempt to export or export a national cultural monument to a foreign country without the prior consent of the Government of the Czech Republic,
- f) fail to fulfil the notification duty laid down in Section 21 (3), Section 21a (2) or Section 22 (2) of this Act,
- g) perform archaeological research at variance with Section 21 (2),
- h) perform archaeological research that is prohibited pursuant to Section 21a (4).

From case law: 7 A 155/94, 5 A 63/97, 7 A 124/97, 7 A 117/93

Section 36

In setting the amount of a fine, consideration shall be taken particularly of the gravity and duration of the illegal conduct, the cultural and political importance of the cultural monument and the extent of the imminent or incurred damage.

From case law: 59 Ca 59/2002

Section 37

(1) A fine shall be payable within thirty days from the date when the decision in which it was imposed came into legal force.

(2) A fine may be imposed only within one year from the date when the body of State monument care competent to impose the fine learned about the breach of the duty, but not later than three years from the day when the breach of duty occurred.

(3) A fine shall be collected and exacted by the body of State monument care which imposed it.

(4) A fine imposed and collected by the municipal authority of a municipality with extended competence shall be an income for the municipality with extended competence. A fine imposed and collected by a regional authority shall be an income for the region.

Section 38

Imposing a fine on a legal person shall not prejudice the liability of the legal person or of its employees under the special regulations.

Misdemeanours

Section 39

(1) The municipal authority of a municipality with extended competence shall impose a fine up to an amount of CZK 10,000 on a natural person who commits a misdemeanour in that he

- a) fails to protect an object against damage, destruction or theft from the time of the delivery of notification of submission of a proposal to proclaim the object as a cultural monument or of the intention of the Ministry of Culture to proclaim the object as a cultural monument on its own initiative until a decision is made by the Ministry of Culture,
- b) fails to fulfil the notification duty stipulated in Section 3 (5) and Section 12 of this Act,
- c) fails to care for the conservation of a cultural monument, fails to keep it in good condition and fails to protect it against danger, damage, devaluation or theft or uses a cultural monument in a manner not consistent with its cultural and political importance, monument value or technical condition,
- d) violates the conditions set forth by a decision on the delimitation of the protective zone of an immovable cultural monument, an immovable national cultural monument, a monument reservation or a monument zone,
- e) performs renewal of a cultural monument without a binding opinion of the municipal authority of a municipality with extended competence or fails to comply with the conditions set forth in this binding opinion,
- f) performs unauthorized excavations in a territory with archaeological finds,
- g) performs construction, a change in a structure, landscaping, placement or removal of equipment, removal of a structure, modification of tree species or maintenance work on a real estate that is not a cultural monument, but is located in a monument reservation, a monument zone, in the protective zone of an immovable cultural monument, an

immovable national cultural monument, a monument reservation or a monument zone without a binding opinion of the municipal authority of a municipality with extended competence pursuant to Section 14 (2) or fails to comply with conditions set forth in this binding opinion, unless the owner (administrator, user) has been exempted from the obligation to request a binding opinion (Section 17),

- h) performs restoration of cultural monuments pursuant to Section 14 (8) without a permit from the Ministry of Culture,
- i) as the holder of a restoration permit, fails to notify the Ministry of Culture without delay of a change in data pursuant to Section 14a (9),
- j) breaches other duties stipulated by this Act.

(2) A regional authority may impose a fine up to an amount of CZK 50,000 on a natural person who commits a misdemeanour in that he

- a) fails to care for the conservation of a national cultural monument, fails to keep it in good condition and fails to protect it against danger, damage, degradation or theft or uses a national cultural monument in a manner not consistent with its cultural and political importance, monument value or technical condition,
- b) performs renewal of a national cultural monument without a binding opinion of the regional authority within delegated competence or fails to comply with conditions set forth in this binding opinion,
- c) relocates an immovable cultural monument without the prior consent of the Ministry of Culture or without the prior consent of the regional authority or permanently relocates a movable cultural monument from a place accessible to the public,
- d) relocates a national cultural monument without the prior consent of the Ministry of Culture,
- e) lends a cultural monument to a foreign country or attempts to export or exports a cultural monument to a foreign country without the prior consent of the Ministry of Culture, lends a national cultural monument to a foreign country or attempts to export or exports a national cultural monument to a foreign country without the prior consent of the Government of the Czech Republic,
- f) performs restoration of national cultural monuments pursuant to Section 14 (8) without a permit from the Ministry of Culture,
- g) fails to fulfil the notification duty stipulated in Section 21a (2), Section 22 (2) and Section 23 (2) of this Act.

Section 40

Unless this Act stipulates otherwise, misdemeanours and proceedings connected with them shall be subject to the general regulations.²⁴⁾

Section 41

(1) A fine shall be collected and exacted by the body of State monument care that imposed it.

24) Act No. 60/1961 Coll., on the tasks of national committees in providing for socialist order, as later amended. Act No. 71/1967 Coll., on administrative proceedings (the Code of Administrative Procedure).

(2) A fine imposed and collected by the municipal authority of a municipality with extended competence shall be an income for the municipality with extended competence. A fine imposed and collected by a regional authority shall be an income for the region.

P A R T S I X

JOINT AND CONCLUDING PROVISIONS

Joint Provisions

Section 42

(1) Cultural monuments entered in the State lists of cultural monuments pursuant to the former legal regulations shall be considered to be cultural monuments pursuant to this Act.

(2) National cultural monuments so proclaimed under the former legal regulations shall be considered to be national cultural monuments pursuant to this Act. Monument reservations so proclaimed under the former legal regulations shall be considered to monument reservations pursuant to this Act. Protective zones established under the former legal regulations shall be considered to be protective zones pursuant to this Act.

(3) Permits for archaeological research issued under the former legal regulations shall be considered to be permits pursuant to this Act.

(4) Movable cultural monuments and national cultural monuments pursuant to the Act of the Slovak National Council on State Monument Care, if they are located in the territory of the Czech Republic, shall be considered to be cultural monuments and national cultural monuments pursuant to this Act.

(5) Archive materials recognized as cultural monuments or proclaimed as national cultural monuments pursuant to the special regulations²⁵⁾ shall not be considered to be cultural monuments and national cultural monuments pursuant to this Act.

Section 42a

The competence of a regional authority or the municipal authority of a municipality with extended competence pursuant to this Act shall constitute the performance of delegated competence.

Section 43

(1) The rights and obligations stipulated by this Act for the owner of a cultural monument shall be borne

- a) if the cultural monument is State-owned, by the State organization which administers the cultural monument²⁶⁾ or by an organization other than a State organization to which the cultural monument has been handed over for permanent use,²⁷⁾

25) Czech National Council Act No. 97/1974 Coll., on the management of archives.

26) Section 64 of the Commercial Code.

27) Section 70 of the Commercial Code.

- b) if the cultural monument falls within cooperative or substitute use on the basis of the right to use aimed at securing production, by the organization that holds this right under the special regulations,²⁸⁾
- c) by a citizen for whom the right has been established under the special regulations²⁹⁾ to personal use of a property that is a cultural monument,
- d) by a person who disposes of a cultural monument as if it were his property and, with respect to all circumstances, is in good faith that the cultural monument belongs to him.³⁰⁾

(2) The rights and obligations of the owner of an object that could be proclaimed as a cultural monument pursuant to Section 3 shall also be borne by the administrator and the user of this object, as well as by a person who disposes of this object as if it were his property and, with respect to all circumstances, is in good faith that the object belongs to him.³⁰⁾

Section 44

The general regulations on administrative proceedings³¹⁾ shall not apply to proceedings pursuant to Sections 6, 8 and 21 (2) and (4).

Section 44a

A binding opinion pursuant to Section 14 (1) and (2), if issued by a body of State monument care on a matter that does not fall within the decision-making competence of the construction authority under the special legal regulation,¹⁾ shall be an independent decision made in administrative proceedings; otherwise, it shall be an act performed by the relevant authority for proceedings pursued by the construction authority. Opinions expressed on the land-use development policy and on the land-use planning documentation shall not be administrative decisions.

Section 45

(1) The Ministry of Culture shall issue generally binding legal regulations for the implementation of Section 3 (6), Section 7 (6), Section 8 (5), Section 10 (3), Section 20 (4), Section 23b (5), Section 29 (4) and Section 31 (6).

(2) The Ministry of Culture shall issue generally binding legal regulations

- a) in agreement with the Ministry for Regional Development, for implementation of Section 6 (2), Section 14 (10) and Section 17 (7),
- b) in agreement with the Ministry of Finance of the Czech Republic, for implementation of Section 16 (3) and Section 24 (4),
- c) in agreement with the Ministry of Finance, for implementation of Section 27 (5).

28) Section 37 et seq. of Act No. 122/1975 Coll., on agricultural cooperatives.
 Section 1 et seq. of Act No. 123/1975 Coll., on the use of land and other agricultural property to secure production.
 Section 9 of Regulation of the Government No. 47/1955 Coll., on measures in the area of economic and technological management of property.
 Section 12 of Act No. 61/1977 Coll., on forests.

29) Section 198 et seq. of the Civil Code.

30) Section 13 of the Civil Code.

31) The Code of Administrative Procedure.

Concluding Provisions

Section 46

The following shall be repealed:

1. Act No. 22/1958 Coll., on cultural monuments, as amended by Czech National Council Act No. 146/1971 Coll.,
2. Decree No. 98/1959 Coll., on district conservators and rapporteurs of State monument care,
3. Decree No. 99/1959 Coll., defining in more detail the activities and organization of regional, district and local State monument care commissions,
4. Decree No. 116/1959 Coll., on records of cultural monuments,
5. Decree No. 118/1959 Coll., on records of cultural monuments,
6. Decree No. 56/1960 Coll., on reimbursement of expenses for maintenance and renewal of cultural monuments,
7. Section 11 (b) of Act No. 60/1961 Coll., on the tasks of national committees in securing the socialist order in relation to cultural monuments.

Section 47

This Act shall enter into effect on January 1, 1988.

Kempný, signed

Adamec, signed

CLASSIFICATION OF SPECIALIZATIONS IN RESTORATION WORK

Classification shall be performed in basic structures that enable exact description of a restoration specialization by either accumulation of types of expertise in different lines, their supplementation according to the actual specialization or, to the contrary, by selecting only one narrow specialization from the range mentioned in the relevant lines.

1 - works of painting art

2 - works of sculptural art

3 - works of the artistic crafts

Code	Classification item
1	Works of painting art on canvas, wooden and metal boards, on paper and parchment, on glass and other non-construction materials, wall paintings, figural sgraffiti and polychromes on works of sculptural art
2 a	Polychromed works of sculptural art made of stone, wood, metal, ceramics, terracotta, stucco, plaster, artificial stone and other sculptural materials
2 b	Non-polychromed works of sculptural art made of stone, wood, metal, ceramics, terracotta, stucco, plaster, artificial stone and other sculptural materials
3 a	Polychromed non-figural works of the artistic crafts made of stone, stucco, artificial stone or plaster
3 b	Non-polychromed non-figural works of the artistic crafts made of stone, wood, stucco, artificial stone or plaster
3 c	Works of the artistic crafts made of artificial marble
3 d	Non-figural painted works of the artistic crafts
3 e	Surface finishes as works of the artistic crafts on non-figural works
3 f	Armour, weapons, mechanical devices, machines and other similar objects
3 g	Works of the artistic crafts made of glass, ceramics, porcelain, precious metals, common metals, textiles, paper, parchment and natural materials
3 h	Musical instruments
3 i	Other works of the artistic crafts

REGISTRATION QUESTIONNAIRE FOR AN APPLICANT FOR A RESTORATION PERMIT

Surname, name, title:

Date and place of birth:

Photograph

Birth identification number:

Place of permanent residence

..... Telephone:

Place of temporary residence :

..... Telephone:

Atelier address:

..... Telephone:

Education and qualifications for the restoration profession

		Name and address of the school	Specialization	Year of completion	Kind of examination
Secondary	Vocational				
	Full vocational				
	Higher vocational				
University					
Postgraduate					
Courses, training, study stays					

Length of professional experience comparable to restoration work:

.....

Professional cooperation with institutions or individual experts in the area of restoration:

.....

Theoretical activities (lectures, publications, restoration exhibitions) related to the restoration specialization:

Additional information that you consider important for the granting of a permit may be written on a separate sheet of paper.

I hereby declare that the information stated in this questionnaire and in the enclosed Chronological Record of the Completed Restoration Work is true and that I have personally drawn up the documentation submitted together with the application for a restoration permit on the basis of my own, independently performed restoration work.

.....

.....

Date

Signature

Chronological Record of Performed Restoration Work

Name of the work	Origin and location of the work	Characterization of the restoration performed	Year of beginning and completion of the restoration	Information about any cooperation with other restorers, including their names

			work	

Theoretical and Practical Areas Constituting the Content of Education and Preparation Required in the Czech Republic for Performance of Restoration Activities

- a) The history and philosophy of the arts and of the artistic crafts, including iconography with orientation towards the Czech Lands and Europe,
 - b) The history of architecture with orientation towards the Czech Lands and Europe,
 - c) Heraldry with orientation towards the Czech Lands and Europe,
 - d) The theory and methods of monument care in relation to restoring, practice of monument care under the valid legislation,
 - e) The aesthetics and ethics of restoration,
 - f) The methods of presenting works of the creative arts and of the artistic crafts,
 - g) Administration of museums, restoration and conservation of collection objects and of objects of cultural value,
 - h) Physical and chemical methods of restoration examination of a work, interpretation of the results and comprehensive evaluation of the examination concerned with deciding on an appropriate technical process in restoration,
 - i) Chemical, biological and physical processes causing damage to works of the creative arts and of the artistic crafts and the corresponding restoration and conservation methods,
 - j) Historical restoration techniques and technologies,
 - k) Contemporary restoration techniques and technologies,
 - l) Restoration and conservation materials,
 - m) Chemistry with orientation towards the field of restoration,
 - n) Mineralogy (petrography) with orientation towards the field of restoration,
 - o) Creative art preparation (figural and non-figural drawing and paintings, making models),
 - p) Making copies of works of the creative arts and of the artistic crafts,
 - q) Methods of documenting restoration, professional photography,
 - r) Using computer and other modern technologies in the field of restoration,
 - t) Independent and comprehensive restorations of works of the creative arts or of the artistic crafts in the relevant specialization, including defence before an expert commission,
 - u) A final scientific or other professional written work in the area of restoration,
 - v) Command of the Czech language and, as appropriate, of one international language.
-

Theoretical and Practical Areas Constituting the Content of Education and Preparation Required in the Czech Republic for the Performance of Archaeological Research

- a) General history, history of philosophy and history of cultures from ancient times through Antiquity and the Middle Ages to modern civilizations,
 - b) The history of the arts and the artistic crafts,
 - c) The history of human settlements with orientation towards the Czech Lands and Europe,
 - d) Egyptian, Aegean, Greek, Etruscan and Roman archaeology, archaeology of Cyprus and the Middle East,
 - e) Antiques in relation to archaeology,
 - f) Biological anthropology,
 - g) Mythology and religion in the history of material culture including iconography,
 - h) Topography,
 - i) Epigraphy and numismatics,
 - j) The theory and methods of monument care in relation to archaeological research, the performance of monument care under the valid legislation,
 - k) The ethics of archaeological research,
 - l) The methods of presenting archaeological finds,
 - m) The preventative protection of archaeological finds and administration of museums,
 - n) Methods of the scientific archaeology of prehistory, ancient times, Antiquity, the Middle Ages and modern times,
 - o) The theory and professional excavation practice of archaeological research,
 - p) The sum of knowledge on materials and technologies for archaeological purposes,
 - q) Methods of documenting archaeological research, expert photography,
 - r) Using computers and other modern technologies in the area of archaeology,
 - s) Independent and comprehensive archaeological research, including defence before an expert commission,
 - t) A final scientific or other professional written work in the area of archaeology
 - u) Good command of the Czech language, of one international language and basic Latin and Greek.
-