**ACT ON STATE LANDMARK CONSERVATION**

**Full and unabridged wording of Act No. 20/1987 Coll., on State Landmark Conservation, as amended by Act No. 242/1992 Coll., Act No. 361/1999 Coll. and
Act No. 61/2001 Coll., Act No. 122/2000 Coll., Act No. 132/2000 Coll.,
Act No. 146/2001 Coll., Act No. 320/2002 Coll., Act No. 18/2004 Coll.,
Act No. 186/2004 Coll., Act No. 1/2005 Coll., Act No. 3/2005 Coll., Decision of the Constitutional Court of the Czech Republic No. 240/2005 Coll., Act No. 186/2006 Coll., Act No. 203/2006 Coll., Act No. 158/2007 Coll., Act No. 124/2008 Coll., Act No. 189/2008 Coll., Act No. 307/2008 Coll., Act No. 223/2009 Coll., Act No. 227/2009 Coll., Act No. 124/2011 Coll., Act No. 142/2012 Coll., Act No. 303/2013 Coll., Act No. 127/2016 Coll., Act No. 183/2017 Coll. and Act No. 225/2017 Coll.**

**in force and effect as of January 1, 2018**

The Czech National Council adopted the following Act:

PART ONE

# BASIC PROVISIONS

Section 1

**Purpose of the Act**

 (1) The state shall protect cultural landmarks as an integral part of the cultural heritage of the people, evidence of its history, a significant factor in the environment and an irreplaceable wealth of the state. The purpose of this Act is to create comprehensive conditions for a further enhancement of the political, organizational, cultural and educational functions of the state in the conservation of cultural landmarks, preservation thereof, access thereto and appropriate utilization thereof, so that they could play a role in the development of culture, arts, science and education, in the shaping of traditions and patriotism, and in the aesthetic education of working people, thus contributing to a further development of the society.

 (2) The conservation by the state of cultural landmarks (hereinafter “State Landmark Conservation”) shall encompass activities, measures and decisions through which the bodies and the professional organization involved in State Landmark Conservation (Sections 25 through 32) shall, in conformity with societal needs, provide for the preservation, protection, access to and appropriate use by the society of cultural landmarks. Other governmental agencies and organizations shall co-operate, within their scope of authority, with the bodies and the professional organization involved in State Landmark Conservation, and assist them in the pursuit of their tasks.

Section 2

**Cultural Landmarks**

 (1) The Ministry of Culture of the Czech Republic (hereinafter the “Ministry of Culture”) shall designate as cultural landmarks pursuant to this Act those movable and immovable objects or sets of objects, as applicable,

a) that are important documents of historical development, life style and environment of society from the most ancient times to the present day, as expressions of human creative abilities and work in various fields of human activity, with a view to their revolutionary, historical, artistic, scientific or technological value,

b) that directly relate to important figures and historical events.

 (2) On terms pursuant to Sub-section 1 (a) or (b), a structure which does not constitute a separate object, or a set of buildings, may be designated as a cultural landmark such cultural landmark shall also be deemed to be an immovable cultural landmark.

 (3) Sets of objects or structures, some of which do not qualify as cultural landmarks as per Sub-section 1, may also be designated as a cultural landmark.

Section 3

**Designation of Cultural Landmarks**

 (1) Before designating an object or a structure as a cultural landmark, the Ministry of Culture shall request a statement from a regional authority or a municipal office of a municipality with extended powers, unless it has already received such a statement from such bodies. An archaeological find (Section 23) shall be designated by the Ministry of Culture as a cultural landmark upon proposal from the Academy of Sciences of the Czech Republic.

 (2) The Ministry of Culture shall notify the owner in writing that a proposal to designate its object or structure as a cultural landmark was filed, or that the Ministry of Culture intends to designate its object or structure as a cultural landmark of its own initiative, and shall enable the owner to respond to the proposal or initiative.

 (3) From the delivery of the notification pursuant to Sub-section 2 until a decision by the Ministry of Culture, the owner shall be obliged to protect its object or structure against damage, destruction or theft, and to notify any contemplated or actual change in its ownership, management or use to the Ministry of Culture.

 (4) In its decision on the designation of an immovable object as a cultural landmark, the Ministry of Culture may further stipulate that expressly mentioned structures do not become a cultural landmark although the land whereon they are erected is designated as a cultural landmark. The Ministry of Culture shall notify the designation of the object or structure in writing to its owner, the regional authority, the municipal office of a municipality with extended powers, and the professional organization involved in State Landmark Conservation (Section 32), and, in the case of archaeological finds, also to the Academy of Sciences of the Czech Republic. The Ministry of culture shall notify them even if it found no grounds for designating the object or structure as a cultural landmark.

 (5) The owners of objects or structures that might, because of their extraordinary artistic or historical value, be designated as cultural landmarks in accordance with the interests of society, shall be obliged to provide to the Ministry of Culture, the regional authority or the municipal office of a municipality with extended powers, at their written request, the requisite information on such objects or structures, and any contemplated changes thereto, and to enable such bodies or the professional organization involved in State Landmark Conservation authorized thereby to inspect the objects or structures, and to document them scientifically, where applicable.

 (6) A legal regulation of general application shall provide in detail for the process of designation of objects or structures as cultural landmarks, and for the notification duty method pursuant to Sub-section 5 above.

Section 4

**National Cultural Landmarks**

 (1) By virtue of a decree, the Government of the Czech Republic shall designate cultural landmarks constituting the most important part of the cultural wealth of the nation as national cultural landmarks, and shall stipulate conditions for their protection.

 (2) By virtue of a decree, the Government of the Czech Republic shall stipulate general conditions for the procurement of State Landmark Conservation with regard to national cultural landmarks.

Section 5

**Landmark Reservations**

(1) By virtue of a decree, the Government of the Czech Republic may designate a territory, the nature and environment of which is defined by a set of immovable cultural landmarks, or archaeological finds, as appropriate, as a whole as a landmark reservation, and may stipulate conditions for the procurement of its protection. These conditions may, to the extent necessary, apply also to real properties within the territory of the landmark reservation which are not cultural landmarks.

 (2) By virtue of a decree, the Government of the Czech Republic shall stipulate general conditions for the procurement of State Landmark Conservation in landmark reservations.

Section 6

**Landmark Zones**

 (1) Following discussions with the regional authority, the Ministry of Culture may, by means of a measure of a general nature, designate the territory of a settlement or a part thereof with a smaller incidence of cultural landmarks, a historical environment or a part of a landscape area that manifests significant cultural values, as a landmark zone, and stipulate conditions for its protection.

 (2) A legal regulation of general application shall provide in detail for the designation of landmark zones.

Section 6a

**Plan of Protection of Landmark Reservations and Landmark Zones**

 (1) Following discussions with the Ministry of Culture, zoning authority[[1]](#footnote-1)1) and the respective municipalities as bodies in interest, the regional authority may adopt a general measure on the protection of a landmark reservation or a landmark zone, or a part thereof (the "Protection Plan“), which shall stipulate how the cultural values of the landmark reservation and the landmark zone are to be protected in terms of State Landmark Conservation, and which may stipulate which real properties, if they are not cultural landmarks but are located in a landmark reservation or a landmark zone, or which types of works thereon, including the planting and felling of woody species in public spaces (hereinafter "tree alteration“), are exempt from the obligation of the owner (manager, user) to obtain a prior binding opinion pursuant to Section 14 (2).

 (2) The Protection Plan may be issued for a maximum of 10 years. If, following the issuance of a Protection Plan, a regulation plan enters into force with regard to a landmark reservation, landmark zone or a part thereof 1), those conditions of the Protection Plan as may be in conflict with the regulation plan shall become ineffective.

 (3) A Protection Plan may be amended if cultural values of the territory or their safeguarding from the perspective of State Landmark Conservation have changed. Issuance of any amendment to a Protection Plan shall be subject to Sub-section 1 above *mutatis mutandis*.

 (4) The professional organization involved in State Landmark Conservation shall provide the regional authority, at no charge, with specialized documents, data and information serving as a basis for the issuance of the Protection Plan.

 (5) After the Protection Plan enters into force, the regional authority shall establish without undue delay whether there are grounds for filing an application pursuant to Section 17 (5).

 (6) The Ministry of Culture shall stipulate the particulars and content of the Protection Plan by an implementing guideline.

Section 7

**Records of Cultural Landmarks**

 (1) Cultural landmarks, national cultural landmarks, landmark reservations, landmark zones, protective zone of an immovable cultural landmark, immovable national cultural landmark, landmark reservation or landmark zone, shall be entered into the Central List of Cultural Landmarks of the Czech Republic (hereinafter the “Central List”). The Central List shall be kept by the professional organization involved in State Landmark Conservation.

 (2) Following entry into the Central List, the professional organization involved in State Landmark Conservation shall provide the competent cadastral office with information, or any change thereto, concerning the protection of real properties pursuant to this Act, where such real properties are registered in the property register pursuant to the Cadastral Act.

 (3) The professional organization involved in State Landmark Conservation shall notify the owner of a cultural landmark, the regional authority and the municipal office of a municipality with extended powers of the entry of a cultural landmark into the Central List, or of the de-designation of an object or structure as a cultural landmark (Section 8). If an immovable cultural landmark is involved, notification shall also be made to the building authority.[[2]](#footnote-2)1) As regards an archaeological find designated as a cultural landmark, notification shall also be made to the Institute of Archaeology of the Academy of Sciences of the Czech Republic.

 (4) The owner of a cultural landmark shall be obliged to notify the professional organization involved in State Landmark Conservation of any change in ownership (management, use) of a cultural landmark, or any relocation thereof. The notification must be made by the owner of the cultural landmark no later than thirty days from the date when such change occurred.

 (5) Recording of cultural landmarks shall be provided for in detail in a legal regulation of general application.

Section 7a

The Ministry of Culture may decide, at the request of the owner of a structure created subsequently on real property already protected as a cultural landmark, or ex officio, that the structure does not constitute a cultural landmark.

Section 8

**De-designation of an Object or Structure as a Cultural Landmark**

 (1) Unless a national cultural landmark is involved, the Ministry of Culture may, on extremely serious grounds, cancel the designation of an object or a structure as a cultural landmark at the request of the owner of the cultural landmark or an organization that demonstrates a legal interest in the de-designation of the object or structure as a cultural landmark (hereinafter the “de-designation”), or of its own initiative.

 (2) Before it cancels the designation, the Ministry of Culture shall request statements from the regional authority and the municipal office of a municipality with extended powers, and a statement from the Academy of Sciences of the Czech Republic if an archaeological find designated as a cultural landmark is involved, unless the Academy of Sciences itself requested the de-designation. If the owner of the cultural landmark is not the applicant for de-designation, it must be enabled to take part in the examination process and to express its position on the de-designation.

 (3) The Ministry of Culture may condition the de-designation on prior fulfillment of conditions stipulated thereby. The costs incurred to fulfill such conditions shall be borne by the applicant, and, where the proceedings on de-designation are instigated by the Ministry of Culture of its own initiative, the costs shall be borne by the party in whose interest the de-designation was made.

 (4) The provisions of Section 3 (4) shall apply to a de-designation *mutatis mutandis*.

 (5) De-designation of an object or structure as a cultural landmark shall be provided for in detail in a legal regulation of general application.

P A R T TWO

# CONSERVATION OF CULTURAL LANDMARKS

Protection and Use of Cultural Landmarks

Section 9

 (1) The owner of a cultural landmark shall be obliged to care for its preservation, to keep it in good condition and to protect it against danger, damage, destruction or theft at its own expense. It shall be obliged to use the cultural landmark only in a manner consistent with its cultural and political significance, its landmark value and technical condition. If the cultural landmark is owned by the state, the organization that manages or uses the cultural landmark, or that owns same, and its superior body shall be obliged to create all the prerequisites required to comply with the above duties.

 (2) The obligation to care for the preservation of a cultural landmark, to maintain the cultural landmark in good condition and to protect it against danger, damage, destruction or theft shall also apply to a person who uses or holds the cultural landmark; however, such person shall be obliged to bear the costs related to such conservation of the cultural landmark only if such an obligation arises from the legal relationship between such person and the owner of the cultural landmark.

 (3) Organizations and citizens, even if they are not the owners of cultural landmarks, shall be obliged to act in such a way so as not to cause any adverse changes in the condition of cultural landmarks or their environment, and not to jeopardize the preservation and appropriate social use of cultural landmarks.

 (4) An owner who transfers a cultural landmark to another party, or lets another party use it temporarily, or delivers it for the purpose of its renewal (Section 14) or for another purpose, shall be obliged to advise the party to whom it transfers, lets or deliver the cultural landmark of its cultural landmark status.

Section 10

 (1) If the owner of a cultural landmark fails to discharge the duties set forth in Section 9, the municipal office of a municipality with extended powers shall, after having obtained a statement from the professional organization involved in State Landmark Conservation, issue a decision on measures to be implemented by the owner of the cultural landmark, and shall further stipulate a term for the implementation of such measures by the owner. As regards a national cultural landmark, such decision shall be issued by the regional authority, after having obtained a statement from the professional organization involved in State Landmark Conservation, in accordance with conditions stipulated by the Government of the Czech Republic with regard to the procurement of protection of the national cultural landmark.

 (2) The decision on measures to be implemented by the owner of a cultural landmark shall be issued by the municipal office of a municipality with extended powers and, if a national cultural landmark is involved, by the regional authority, and also at the request of its owner.

 (3) A legal regulation of general application shall provide in detail for the obligations of the owners of cultural landmarks in their protection and use.

Section 11

**Duties of Administrative Authorities, Legal Entities and Individuals**

 (1) Bodies of state administration competent to decide on the manner of use of buildings that are cultural landmarks, or on the allocation of apartments, other residential rooms and rooms not serving for housing in such buildings, shall issue their decisions on the basis of a binding opinion[[3]](#footnote-3)2a) of the competent body for State Landmark Conservation. When deciding on the manner and changes in the utilization of cultural landmarks, such bodies shall be obliged to ensure the appropriate utilization consistent with the value and technical condition of the cultural landmarks involved.

 (2) If an individual or a legal entity is causing or might cause, through their activities, any adverse changes in the condition of a cultural landmark or its environment, or if they jeopardize the preservation or the social use of a cultural landmark, the municipal office of a municipality with extended powers, or the regional authority in the case of a national cultural landmark, shall stipulate conditions for a further pursuit of such activity, or prohibit its pursuit.

 (3) Administrative authorities and regional and municipal bodies shall issue their decisions pursuant to *leges speciales* that might create prejudice to the interests of State Landmark Conservation in the protection or preservation of cultural landmarks or landmark reservations and landmark zones, and in their appropriate utilization, solely pursuant to a binding opinion2a) of the municipal office of a municipality with extended powers, and solely on the basis of a binding opinion of the regional authority where a national cultural landmark is involved.

Section 12

**Notification Duty of the Owner of a Cultural Landmark**

(1) The owner of a cultural landmark shall be obliged to notify the municipal office of a municipality with extended powers, or the regional authority if a national cultural landmark is involved, of any threat or damage to a cultural landmark without undue delay, and to request a decision thereof on how the defect ought to be rectified. As regards an immovable cultural landmark that is a structure, the owner shall further notify the building authority.1)

 (2) The owner of a cultural landmark shall be obliged to make a prior notification to the municipal office of a municipality with extended powers, or the regional authority if a national cultural landmark is involved, of any contemplated change in the use of a cultural landmark, and, in the case of an immovable cultural landmark, of its contemplated vacation.

Section 13

**Pre-emptive Right of the State to Purchase Cultural Landmarks**

(1) In the case of a contemplated sale (transfer of ownership title for consideration) of a cultural landmark, if a movable cultural landmark or a national cultural landmark is involved, the owner shall be obliged to offer the landmark for purchase (acquisition by the state of ownership title for consideration) first to the Ministry of Culture, save for sale between affiliates or co-owners; where only a structure which is not a separate object is a national cultural landmark, the preemptive right of the state shall apply to the real property incorporating the national cultural landmark.

 (2) Based on an offer by the owner of a cultural landmark, the Ministry of Culture may, for extremely significant cultural and social reasons, exercise the pre-emptive right of the state to purchase (acquisition by the state of ownership title for consideration) the cultural landmark either directly or through organizations established by the Ministry of Culture for a price determined pursuant to *leges speciales*[[4]](#footnote-4)4) and, if the price cannot be determined in this manner, for a customary price consistent with the nature of the object. In this process, the Ministry of Culture shall request that the owner of the cultural landmark provide evidence, or an affidavit, of ownership of a movable cultural landmark.

 (3) When the Ministry of Culture receives an offer pursuant to Sub-section 1 above, it shall be obliged to notify the owner of the cultural landmark within three months, in the case of a movable cultural landmark, or within six months from delivery of the offer, in the case of an immovable cultural landmark, that it accepts the offer for purchase (acquisition by the state of ownership title for consideration); otherwise the pre-emptive right of the state to purchase the cultural landmark from the owner who made the offer shall be extinguished.

 (4) If the owner of a cultural landmark fails to meet the duty referred to in Sub-section 1 above, the legal act whereby it transferred title to the cultural landmark to another party 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 the above-mentioned legal act.

 (5) The provisions of Sub-section 1 above shall create no prejudice to regulations providing for the transfer of an object to state ownership without consideration. [[5]](#footnote-5)6)

Section 14

**Renewal of cultural landmarks**

 (1) If the owner of a cultural landmark intends to perform maintenance, repair, reconstruction, restoration or any other alteration of the cultural landmark or its environment (hereinafter the “renewal”), it shall be obliged to request a prior binding opinion from the municipal office of a municipality with extended powers and, in the case of a national cultural landmark, a binding opinion of the regional authority.

 (2) The owner (manager, user) of a real property that is not a cultural landmark but that is located in a landmark reservation, landmark zone or protective zone of an immovable cultural landmark, immovable national cultural landmark, landmark reservation or landmark zone (Section 17), shall be obliged to request a prior binding opinion from the municipal office of a municipality with extended powers prior to a contemplated construction project, sales booth, building structures and equipment for festive decoration and illumination of buildings, which are installed for a maximum of 30 consecutive days, structural alterations, landscaping, placement or removal of equipment, removal of a structure, tree alteration or maintenance work on the real property, unless such obligation is precluded in accordance with or pursuant to this Act (Sections 6a, 17).

 (3) The binding opinion pursuant to Sub-sections 1 and 2 above shall state whether the works indicated therein are admissible with a view to the interests of State Landmark Conservation, and shall stipulate the basic conditions on which such works may be prepared and performed. The basic conditions must be based on the current state of knowledge of the cultural and historical values to be preserved if the implementation of the contemplated plan is to be permitted.

 (4) In a zoning procedure, issuance of a zoning consent and in proceedings on building permit, structural alterations, landscaping, 1) placement or removal of equipment, removal of a structure and maintenance work, performed in connection with alterations to a territory in which the State Landmark Conservation[[6]](#footnote-6)9) asserts its interest, or in connection with renewal of an immovable cultural landmark, or construction, structural alteration, landscaping, 1) placement or removal of equipment, removal of a structure or maintenance work on a real property pursuant to Sub-section 2 above, the building authority shall decide in accordance with the binding opinion of the municipal office of a municipality with extended powers and, in the case of an immovable national cultural landmark, in accordance with the binding opinion of the regional authority. Pursuant to the Building Act, the building authority shall also decide in accordance with the binding opinion of the aforementioned administrative authorities in joint zoning and building proceedings.

 (5) If the contemplated renewal of an immovable cultural landmark pursuant to Sub-section 1 above, construction, structural alteration, landscaping, 1) placement or removal of equipment, removal of a structure or maintenance work on a real property pursuant to Sub-section 2 above, may be performed on the basis of a notification, the building authority may grant consent only in accordance with the binding opinion of the municipal office of a municipality with extended powers or, in the case of an immovable national cultural landmark, the binding opinion of the regional authority.

 (6) The body of State Landmark Conservation of competent jurisdiction pursuant to Sub-sections 1 and 2 above shall issue a binding opinion after having received a prior written statement from the professional organization involved in State Landmark Conservation, with which it shall, at its request, discuss the draft of the binding opinion before the end of the proceeding. The professional organization involved in State Landmark Conservation shall submit its written statement to the competent body of State Landmark Conservation within 20 days of the date of delivery of the request for an opinion, unless the body of State Landmark Conservation grants a longer term in particularly complex cases, such term not to exceed 30. If the competent body of State Landmark Conservation does not receive the written statement within 20 days or within the additional term, it shall issue its binding opinion without such statement.

 (7) The owner of a cultural landmark or the designer shall discuss the preparatory and project documentation for the renewal of an immovable cultural landmark or structure, structural alteration, landscaping, placement or removal of equipment, removal of a structure, tree alteration or maintenance work on a real property pursuant to Sub-section 2 above in the course of its preparation with the professional organization involved in State Landmark Conservation, with a view to fulfilling the conditions set out in the binding opinion pursuant to Sub-sections 1 and 2 above. During the discussion, the professional organization involved in State Landmark Conservation shall provide the requisite underlying documents, information and professional assistance. The professional organization involved in State Landmark Conservation shall prepare a written statement on each completed stage of documentation to serve as a basis for the binding opinion of the municipal office of a municipality with extended powers or, in the case of an immovable national cultural landmark, as a basis for the binding opinion of the regional authority.

 (8) The renewal of cultural landmarks or parts thereof that are works of fine art or arts and crafts (hereinafter the “restoration”) may be performed by individuals on the basis of a license issued pursuant to Section 14a; restoration shall be deemed to mean the sum of specific artistic, art and craft and technical works respecting the technical and artistic structure of the original.

 (9) The owner of a cultural landmark shall be obliged to provide 1 copy of the documentation to the professional organization involved in State Landmark Conservation upon its request.

 (10) A legal regulation of general application shall provide in detail for the documentation of the renewal and for the performance of renewal of cultural landmarks.

Section 14a

**Permit to Restore a Cultural Landmark**

 (1) Restoration of cultural landmarks or parts thereof representing products of fine arts or arts and crafts may be performed by an individual possessing full legal capacity and integrity, on the basis of a permit (hereinafter the “restoration permit”).

 (2) For the purposes of this Act, a person shall not be considered to be a person of integrity if he/she has been convicted, on a final and enforceable basis, of a criminal offense committed in connection with restoration, unless he/she is viewed as not having been convicted. As proof of integrity of an individual, the Ministry of Culture shall apply for an extract from the Criminal Register pursuant to a *lex specialis*.[[7]](#footnote-7)11) The application for an extract from the Criminal Register and the extract from the Criminal Register shall be provided in electronic form, in a manner permitting remote access. Where the individual is not a Czech national, he/she shall provide proof of integrity by means of an extract from the Criminal Register or a similar document issued by a body of competent jurisdiction in the country of origin; such documents must not be older than 3 months.

 (3) A restoration permit shall be issued by the Ministry of Culture to an individual having evidenced his/her professional qualifications.

 (4) Professional qualifications shall be evidenced by complying with

a) professional qualifications, meaning formal qualifications and professional experience in the restoration of cultural landmarks or parts thereof representing products of fine arts, such professional qualifications being a university degree obtained by study in an accredited Master’s study programme[[8]](#footnote-8)11a) in arts, with a focus on restoration, or a university degree obtained by study in a Master’s study programme in the relevant field of the arts, supplemented by a certificate of completion of restoration studies in the process of life-long education, [[9]](#footnote-9)11a) or a university degree obtained by study in an accredited Bachelor’s study programme[[10]](#footnote-10)11a) in the area of the arts, with a focus on restoration and 2 years of practical professional experience, and, for the restoration of cultural landmarks or parts thereof that are products of arts and crafts, higher vocational or full secondary vocational education in the field of restoration, or higher vocational or full secondary vocational education in the relevant field and 5 years of professional experience; for specializations for which no secondary study programmes have been established, apprentice study in the relevant field[[11]](#footnote-11)11b) and 8 years of experience in the restoration of objects that are not cultural landmarks, and

b) professional capabilities consisting in the sum of knowledge and skills ensuring the preservation of the material substance of cultural landmarks or parts thereof that are products of creative arts or arts and crafts while respecting their authenticity; such professional capabilities shall be demonstrated by the production of documentation demonstrating that the individual applying for a restoration permit has already successfully and independently restored objects that are not cultural landmarks.

 (5) A restoration permit shall be issued upon a written application, which must specify the restoration specialization sought pursuant to Schedule 1 hereto. The application must be accompanied by the following:

a) a completed registration questionnaire, the form of which is provided in Schedule 2 hereto,

b) certified copies of documents evidencing professional education and experience pursuant to Sub-section 4 (a) above, unless the applicant is an individual subject to the procedure for recognition of professional qualifications and other qualifications under the act on the recognition of professional qualifications (the "applicant"),[[12]](#footnote-12)11c)

c) documentation of at least 3 restoration projects involving objects that are not cultural landmarks, of which at least 1 may not be more than 2 years old, and which have been performed in the restoration specialization for which the application for a restoration permit is made.

 (6) Documentation pursuant to Sub-section 4 (b) above must contain a comprehensive evaluation of the relevant studies and research, photographic documentation of the condition of the object prior to the initiation of restoration work, during the individual stages and after completion of the work, description of technical and technological processes and materials used, analysis and evaluation of new findings concerning the work, if any, and instructions for its future protective regime.

 (7) In its decision granting a restoration permit, the Ministry of Culture shall stipulate the specialization of restoration activities pursuant to Schedule 1 hereto, and further conditions for the performance thereof.

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

a) the name(s) and surname, date of birth, personal Id. No., if any, permanent residence, temporary residence or address, if any, and Id. No. of the person; the Id. No. of the person shall be provided by the administrator of a basic register of persons, [[13]](#footnote-13)11d)

b) specialization in restoration activities,

c) any changes in the information provided,

d) withdrawal of the restoration permit or suspension of exercise of rights connected with a restoration permit.

Anyone who demonstrates a legal interest may consult the List of Persons. The protection of personal data entered in the List of Persons shall be governed by a *lex specialis*. [[14]](#footnote-14)11e)

 (9) A restoration permit holder shall be obliged to notify the Ministry of Culture without delay of any change in the data pursuant to Sub-section 8 (a) above, and to provide evidence thereof within 30 days from the occurrence of such changes.

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

a) has suffered a restriction of legal capacity,
b) no longer meets the condition of integrity,

c) grossly, or less grossly but repeatedly, demonstrably damaged a cultural landmark or part thereof which is a product of creative arts or arts and crafts in the course of restoration,

d) provided false data in his/her application pursuant to Sub-section 5 above,

e) applied for cancellation of the restoration permit.

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

a) criminal proceedings have been initiated against the holder, and the holder may not longer meet the condition of integrity as a result,

b) proceedings on restriction of the holder's legal capacity have been initiated against the holder,

until entry into force of the decision by which such proceedings end.

 (12) The provisions of Sub-section 1 above shall not apply to individuals who perform restoration activities as part of their regular studies of the restoration profession at a university or a higher vocational school within the network of schools, pre-school institutions and school facilities11b) under the supervision of a teacher who holds a restoration permit.

 (13) The Ministry of Culture shall grant a restoration permit to any applicant pursuant to Sub-sections 1 and 3 if the applicant's professional qualifications and integrity are recognized.

 (14) In the case of proceedings on the issuance of a restoration permit, joint proceedings shall be conducted on the issuance of the restoration permit and on the recognition of professional qualifications and integrity.

Recognition of Professional Qualifications and Other Eligibility of an Applicant
for the Restoration of Cultural Landmarks

Section 14b

 (1) In recognizing the professional qualifications and integrity of an applicant, the Ministry of Culture shall proceed in accordance with the Act on the Recognition of Professional Qualifications. [[15]](#footnote-15)11g)

 (2) A person who notifies his/her intent to carry out restoration under the freedom to provide services to the Ministry of Culture, submitted documents pursuant to the Act on the Recognition of Professional Qualifications, and complied with the particulars of such notification pursuant to Sub-section 3 below (hereinafter a “person authorized for restoration”), [[16]](#footnote-16)11h) shall not be subject to the provision of section 14a (1).

 (3) Notification pursuant to Sub-section 2 above shall contain the following, in addition to particulars pursuant to the Act on the Recognition of Professional Qualifications:11h)

a) an address for service of process,

b) the anticipated duration of the restoration process in the territory of the Czech Republic,

c) the restoration specialization that the person authorized for restoration intends to perform in the territory of the Czech Republic.

 (4) The Ministry of Culture shall keep a list of persons authorized for restoration into which it shall enter the following:

a) the name and surname of the person authorized for restoration,

b) an address for service of process,

c) the restoration specialization,

d) the term of validity of the authorization for restoration in the territory of the Czech Republic,

e) the anticipated duration of the restoration process in the territory of the Czech Republic to be performed by the person authorized for restoration,

e) prohibition of restoration pursuant to Section 35 (3) or Section 39 (3).

The protection of personal data entered into the list shall be governed by a *lex specialis*. 11e)

Section 14c

 (1) If a compensatory measure[[17]](#footnote-17)11i) is imposed on the applicant pursuant to the Act on the Recognition of Professional Qualifications, the Ministry of Culture shall further specify the following in its decision:

a) if a differential examination is selected as means to satisfy the compensatory measure, the scope of the differential examination which may include an examination of both the theoretical and practical skills of the applicant, where such skills are not a part of the applicant's professional qualifications as evidenced, and the school at which the applicant is to sit for the differential examination, with a view to the restoration specialization which the applicant intends to pursue in the Czech Republic, and

b) if an adaptation period is selected as means to satisfy the compensatory measure, the duration and professional focus of the adaptation period, including areas the knowledge of which is required for restoration in the restoration specialization which the applicant intends to pursue in the Czech Republic, where such areas are not a part of the applicant's professional qualifications as evidenced, the content of documentation of restoration work to the extent of the maximum of 3 projects performed during the adaptation period, and the method of evaluation thereof.

(2) The school pursuant to Sub-section 1 (a) shall be designated by the Ministry of Education, Youth and Physical Education at the request of the Ministry of Culture within 1 month of the delivery of the request. In its request, the Ministry of Culture shall stipulate the scope of the differential examination which may include the examination of both the theoretical and practical skills of the applicant. The relevant school shall determine the content and form of the differential examination.

 (3) If an adaptation period is selected as means to satisfy the compensatory measure, the applicant shall spend the adaptation period by doing professional practical work in restoration performed

a) in a museum or gallery established by the Ministry of Culture or by a region, in the professional organization involved in State Landmark Conservation or the National Library of the Czech Republic, if a restoration facility has been established in these institutions and at least 1 employee is the holder of a restoration permit for the restoration specialization which the applicant intends to pursue in the Czech Republic, or

b) under the supervision of a individual who is a holder of a restoration permit for the restoration specialization which the applicant intends to pursue in the Czech Republic and who is at the same time a teacher in the restoration profession in the same specialization at a university or a higher vocational secondary school within the network of schools and educational facilities. 11b)

 (5) The theoretical and practical areas which comprise the content of education and training required in the Czech Republic for the performance of restoration are stipulated in Schedule 3 hereto.

Section 15

**Measures to Procure Cultural Landmark Conservation**

 (1) If the owner of a cultural landmark fails to adopt measures pursuant to Section 10 (1) within the stipulated deadline, the municipal office of a municipality with extended powers, or the Ministry of Culture in the case of a national cultural landmark, may decide that measures necessary to safeguard the cultural landmark shall be implemented at the expense of its owner.

 (2) If important interest of the society so require, the regional authority may, of its own initiative or upon proposal of the municipal office of a municipality with extended powers, or upon proposal of the Ministry of Culture in the case of a movable cultural landmark or a movable national cultural landmark, order the owner to treat the landmark in a certain manner, or order the owner to entrust the landmark at no charge into the custody of a professional organization designated by the regional authority at the same time for the period of time required.

 (3) If the owner of an immovable cultural landmark that is not owned by the state permanently neglects its duties, thus threatening the preservation of the landmark, or if it uses the landmark in a manner contrary to its cultural and political significance, landmark value or technical condition, and if no agreement is reached with the owner on the sale of the landmark to the state, the cultural landmark may, in the interest of society and as an exceptional measure, be expropriated upon proposal of the municipal office of a municipality with extended powers by virtue of a decision of the expropriation authority. As regards the expropriation of an immovable national cultural landmark, the expropriation proceedings shall be commenced by the expropriation authority upon proposal of the regional authority. Expropriation shall otherwise be governed by general regulations. [[18]](#footnote-18)12)

 (4) If a cultural landmark is under an imminent threat, the municipality shall, with the prior consent of the municipal office of a municipality with extended powers, adopt measures required for its protection. If an immovable cultural landmark in the form of a structure is involved, the municipality shall apply to a building authority to order maintenance work or requisite alterations or urgent conservation work pursuant to *leges speciales*, and shall notify the municipal office of a municipality with extended powers of this fact, and, if a national cultural landmark is involved, also the regional authority. If the cultural landmark is owned by the state, the municipality shall also notify the superior body of the organization managing or holding the landmark.

Section 16

**Contribution for the Preservation and Renewal of a Cultural Landmark**

 (1) The municipality or the region may provide a contribution to the owner of a cultural landmark out of its budgetary funds, upon the owner's request and in particularly justified cases, to cover increased costs related to the preservation or renewal of the cultural landmark for the purpose of its more efficient use by society. It may further grant a contribution if the owner is unable to cover the costs related to the preservation or renewal of the cultural landmark out of its own resources.

 (2) Where the society has an extraordinary interest in the preservation of a cultural landmark, the Ministry of Culture may, directly or through the regional authority or through the municipal office of a municipality with extended powers, provide a contribution for renewal of the cultural landmark out of the state budget.

 (3) The provision of a contribution towards the preservation or renewal of a cultural landmark shall be provided for in detail by a legal regulation of general application.

Section 17

**Protective Zone**

 (1) If the protection of an immovable cultural landmark or of its environment so requires, the municipal office of a municipality with extended powers shall, after receiving a statement of the professional organization involved in State Landmark Conservation, issue a zoning decision on a protective zone1) and shall specify which real properties in the protective zone, unless they are cultural landmarks, or which types of works, including tree alterations, shall be exempt from the obligation to request a prior binding opinion pursuant to Section 14 (2); exemption from this duty shall always apply if the construction, alteration, maintenance work or the placement or removal of equipment in no way interferes with the external appearance of the real property concerned. The municipal office of a municipality with extended powers may restrict or prohibit certain activities in the protective zone, or adopt other measures as may be appropriate pursuant to the binding opinion of the body concerned.

 (2) If certain plots of land or structures have to be acquired or removed for the creation of a protective zone, and if no agreement is reached with their owner, such plots and structures may be expropriated. 12) Requisite alterations of structures, other facilities or plots may also be ordered.

 (3) As regards the protection of an immovable national cultural landmark, landmark reservation or landmark zone or their environment, the municipal office of a municipality with extended powers shall define, *per analogiam,* a protective zone upon proposal of the regional authority after having received a statement from the professional organization involved in State Landmark Conservation. The duty to request a binding opinion pursuant to Section 14 (2) shall not apply to construction, alteration, maintenance work or the placement or removal of equipment which in no way interferes with the external appearance of the real property located in the protective zone, which is not a cultural landmark.

 (4) If the owner or the user of a plot of land that is not owned by the state incurs property damage in consequence of measures adopted pursuant to Sub-sections 1, 2 and 3 above, the owner shall be entitled to adequate compensation, to be provided by the municipality with extended powers.

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

 (6) The municipal office of a municipality with extended powers may, after having obtained a statement from the professional organization involved in State Landmark Conservation, amend a final and enforceable decision issued pursuant to Sub-sections 1 or 3 above if the purpose for which the protective zone was defined has changed, and it may abolish the protective zone if the object of protection no longer exists.

 (7) The delineation of a protective zone shall be provided for in detail by a legal regulation of general application.

Section 18

**Relocation of a Cultural Landmark**

 (1) A structure which is a cultural landmark may be relocated only with the prior consent of the regional authority, following a statement of the professional organization involved in State Landmark Conservation.

 (2) A movable object which is a cultural landmark may be permanently relocated from a publicly accessible location solely with the with the prior consent of the regional authority, following a statement of the professional organization involved in State Landmark Conservation.

 (3) The regional authority that granted consent to the relocation of a cultural landmark pursuant to Sub-sections 1 and 2 above shall notify the professional organization involved in State Landmark Conservation accordingly.

Section 19

**Use of Cultural Landmarks for Scientific Research or Exhibition Purposes**

 (1) The owner of a cultural landmark shall be obliged to enable persons authorized by the bodies of State Landmark Conservation to perform scientific research or make documentation of the landmark. If an important interest of the society exists, the owner of a movable cultural landmark shall be obliged to let in particular the professional organization use the landmark temporarily for the purposes of scientific research or for exhibition purposes, at the expense of the entity permitted to use the cultural landmark.

 (2) The conditions for the provision of a cultural landmark or national cultural landmark for temporary use shall be stipulated by the regional authority, following a statement of the professional organization involved in State Landmark Conservation.

Section 20

**Cultural Landmarks in Relation to Foreign Countries**

 (1) A cultural landmark may be exhibited abroad, lent abroad or exported abroad for other purposes solely with the prior consent of the Ministry of Culture.

 (2) An object exhibiting characteristics of a cultural landmark pursuant to Section 2 (1) may be permanently relocated from abroad to the Czech Republic solely with the prior consent of the competent authority of the country from which it is to be imported, provided that reciprocity is guaranteed. [[19]](#footnote-19)16)

(3) An object exhibiting characteristics of a cultural landmark pursuant to Section 2 (1) above which is located in the territory of the Czech Republic on loan from a foreign country which represented that it owns the object, shall not be subject to any enforcement or distraint proceedings, and no preliminary injunction prohibiting disposal with the object may be granted; further, no decision or measure preventing the return of such object to the foreign country may be adopted.

(4) The provisions of Sub-sections 1 and 2 above shall create no prejudice to regulations governing economic relations with foreign countries. [[20]](#footnote-20)17)

(5) The granting of consent to export of cultural landmarks abroad shall be provided for in detail by a legal regulation of general application.

PART THREE

# ARCHAEOLOGICAL RESEARCH AND FINDS

Section 21

**Archaeological Research Authorization**

 (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 opine on the protection of archaeological heritage[[21]](#footnote-21)17a) in proceedings pursuant to *leges speciales*.[[22]](#footnote-22)17b)

 (2) Upon request in justified cases and subject to agreement with the Academy of Sciences of the Czech Republic, the Ministry of Culture may permit the conduct of archaeological research by universities if they conduct such research while performing their scientific or educational tasks, by museums or other organizations, or by individuals who have the knowledge and skills required for the 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 of archaeological research.

 (3) Requisite knowledge and skills pursuant to Sub-section 2 above shall mean the professional qualifications of the individual applying for the permit. or the professional qualifications of an individual who is employed by or in a similar relationship with the person applying for the permit, through whom professional standards in the performance of the archaeological research and equipment with laboratory equipment and premises required for scientific research and documentation of archaeological finds and for the temporary storage of movable archaeological finds shall be procured. Professional qualifications shall be demonstrated by meeting the formal qualifications, i.e., a university degree obtained by study in an accredited university Master’s study programme11a) in the field of social sciences with a focus on archaeology, and 2 years of professional experience.

 (4) An authorized organization shall be obliged to notify the Institute of Archaeology of initiation of archaeological research, and to submit a report on its results. If the archaeological research is performed in a territory designated as a cultural landmark, national cultural landmark, landmark reservation or landmark zone, the Institute of Archaeology and the authorized organizations shall notify the commencement of archaeological research to the professional organization involved in State Landmark Conservation, and shall further submit a report on its results.

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

 (6) The Ministry of Culture shall grant a permit to conduct archaeological research pursuant to Sub-section 2 above to an applicant whose professional qualifications are recognized.

 (7) In the case of proceedings on a permit for archaeological research, joint proceedings shall be conducted on the permit and the recognition of professional qualifications.11f)

Recognition of Professional Qualifications of Applicants
for Permits for Archaeological Research

Section 21a

 (1) In the process of recognition of the professional qualifications of an applicant, the Ministry of Culture shall proceed in accordance with the Act on the Recognition of Professional Qualifications. 11g)

(2)A person who notified his/her intent to carry out archeological research under the freedom to provide services to the Ministry of Culture, submitted documents pursuant to the Act on the Recognition of Professional Qualifications, and complied with the particulars of such notification pursuant to Sub-section 3 below (hereinafter a “person authorized for research”), [[23]](#footnote-23)11h) shall not be subject to the provision of section 21 (2).

 (3) Notification pursuant to Sub-section 2 above shall contain the following, in addition to particulars pursuant to the Act on the Recognition of Professional Qualifications:11h)

a) an address for service of process,

b) the anticipated duration of the archeological research in the territory of the Czech Republic,

c) the location where archeological research is to be performed,

d) grounds for the archeological research,

e) description of professional processes to be employed in the process of archeological research,

f) an agreement concluded with a museum on the custody of movable archeological finds found in the course of archeological research.

 (4) The Ministry of Culture shall keep a list of applicants granted authorization for archeological research, and persons authorized for research, into which it shall enter the following:

a) the name and surname of the applicant granted authorization for archeological research,

b) the name and surname of the person authorized for research,

c) an address for service of process,

d) the term of validity of the authorization for archeological research in the territory of the Czech Republic,

e) the anticipated duration of the archeological research in the territory of the Czech Republic to be performed by the person authorized for research,

e) prohibition of performance of archeological research pursuant to Section 35 (4) or Section 39 (4).

The protection of personal data entered into the list shall be governed by a *lex specialis*. 11e)

Section 21b

 (1) If a compensatory measure[[24]](#footnote-24)11i) is imposed on the applicant pursuant to the Act on the Recognition of Professional Qualifications, the Ministry of Culture shall further specify the following in its decision:

a) if a differential examination is selected as means to satisfy the compensatory measure, the scope of the differential examination which may include an examination of both the theoretical and practical skills of the applicant, where such skills are not a part of the applicant's professional qualifications as evidenced, and the school at which the applicant is to sit for the differential examination, with a view to the restoration specialization which the applicant intends to pursue in the Czech Republic, and

b) if an adaptation period is selected as means to satisfy the compensatory measure, the duration and professional focus of the adaptation period, including areas the knowledge of which is required for the performance of archeological research, where such areas are not a part of the applicant's professional qualifications as evidenced, the obligation to submit a final report on the course of the adaptation period, and the method of evaluation thereof.

(2) The school pursuant to Sub-section 1 (a) shall be designated by the Ministry of Education, Youth and Physical Education at the request of the Ministry of Culture within 1 month of the delivery of the request. In its request, the Ministry of Culture shall stipulate the scope of the differential examination which may include the examination of both the theoretical and practical skills of the applicant. The relevant school shall determine the content and form of the differential examination.

 (3) If an adaptation period is selected as means to satisfy the compensatory measure, the applicant shall spend the adaptation period by doing professional practical work in archeological research under the supervision of a professionally qualified individual at the Institute of Archaeology or at an authorized organization.

 (4) The theoretical and practical areas which comprise the content of education and training required in the Czech Republic for the performance of archeological research are stipulated in Schedule 4 hereto.

Section 21c

 The duties imposed on authorized organizations by 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 initiation of archaeological research, the Institute of Archaeology and the authorized organizations shall be obliged to conclude an agreement with the owner (manager, user) of the real property where the archaeological research is to be performed, stipulating the conditions of archaeological research on the property. If no agreement is reached, the regional authority shall decide on the duties of the owner (manager, user) of the real property to suffer the performance of archaeological research, and on conditions under which such archaeological research may be performed.

 (2) If 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 intent at the preparatory stage of the construction, and to permit 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 individual whose business activity necessitated the rescue archaeological research, the cost of such rescue archaeological research shall be borne by the developer; otherwise, the cost shall be borne by the organization performing the archaeological research. An analogous procedure shall apply if another activity capable of jeopardizing the performance of archaeological research is to be undertaken in the territory in question.

Section 23

**Archaeological Finds**

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

 (2) An archaeological find not made through 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 works during which the archaeological find was made no later than 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 location shall be left intact for examination by the Institute of Archaeology or by a museum, but in any case at least five business days after the find is reported. The Institute of Archaeology or an authorized organization shall implement all measures required for the immediate protection of the archaeological find at the finding location, in particular against damage, destruction or theft.

 (4) As regards an archaeological find referred to in Sub-section 2, the finder shall be entitled to a reward to be provided by the regional authority in an amount equal to the price of materials, if the archaeological find is made from precious metals or other valuable materials, or otherwise up to an amount equal to ten per cent of the cultural and historical value of the find determined by virtue of an expert opinion. The finder shall be entitled to reimbursement for necessary expenses incurred in connection with the archaeological find. The regional authority shall decide on and provide the reimbursement. The conditions for the granting of rewards and reimbursement to the finder shall be provided for in detail in a legal regulation of general application.

 (6) Archaeological finds made in connection with the preparation or implementation of a construction project shall be governed by *leges speciales*. 1)

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 Sub-section 2 below.

 (2) Movable archaeological finds shall be the property of the region in whose jurisdiction they were made, with the exception of movable archaeological finds which were made during archaeological research conducted by a contributory organization or an organizational unit of a municipality, and 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 managed[[25]](#footnote-25)18a) by the state organization or organizational unit of the state that made the find during archaeological research pursuant to Sub-section 2 above; such movable archaeological finds shall generally 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 nature are kept there on a permanent basis.

 (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 opinion if the Ministry of Culture so requests in writing within 3 years of the date when the movable archaeological find was made. In such case, the Ministry of Culture shall further be obliged to reimburse the region or the municipality for necessary expenses incurred in connection with the movable archaeological find, with the exception of the reward and reimbursement provided to the finder pursuant to Section 23 (4). The Ministry of Culture shall appoint the expert and bear expenses related to the preparation of the expert opinion.

Section 23b

**Maps of Territories with Archaeological Finds**

 (1) Upon agreement with the Ministry of Culture, a region may issue, by way of a decree, a map of territories with archaeological finds in the region or in a delineated part of the region, marking the territories where archaeological finds occur or may reasonably be expected to occur, such map to help safeguard the archaeological heritage17a) and to serve as a basis for the notification duty of developers pursuant to Section 22 (2).

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

 (3) A map of territories with archaeological finds may be amended if scientific knowledge of archaeological finds and their occurrence in the territory has changed significantly. Sub-section 1 above shall apply to the issuance of amended maps of territories with archaeological finds *mutatis mutandis*.

 (4) Upon request, the Institute of Archaeology and the professional organization involved in State Landmark Conservation shall provide the region, at no charge, with the requisite professional assistance and underlying documents, data and information required for the issuance of a map of territories with archaeological finds.

 (5) The Ministry of Culture shall stipulate the particulars and content of a map of territories with archaeological finds by an implementing guideline.

Section 24

**Compensation for Damage to Property**

 (1) While conducting archaeological research, the Institute of Archaeology and authorized organizations shall be obliged to give consideration to interests protected by *leges speciales,* to cooperate with bodies procuring the protection of such interests, and to protect, as much as possible, the rights and legitimate interests of the owners (managers, users) of real properties and other property, as appropriate.

 (2) If the owner (manager, user) of the real property or other property is substantially restricted in the regular use of the real property or other property by the performance of archaeological research or measures adopted to protect an archaeological find, it shall be entitled to an adequate lump-sum compensation from the Institute of Archaeology or the authorized organization. Upon completion of the works, the Institute of Archaeology or the authorized organization shall be obliged to restore the real property or other property to its original condition. If this is not possible or economically feasible, the owner (manager, user) of the real property or other property shall be entitled to a monetary compensation.

 (3) The right to compensation for damage to property pursuant to Sub-section 2 above must be asserted vis-à-vis the Institute of Archaeology or the authorized organization within six months from the completion of archaeological research or from the completion of measures adopted to protect an archaeological find; otherwise, otherwise the right shall be extinguished. If no agreement is reached, the regional authority shall make a decision on the compensation and the amount thereof.

PART FOUR

# BODIES AND ORGANIZATIONS OF STATE LANDMARK CONSERVATION

Section 25

**Organizational Structure of State Landmark Care**

 (1) State Landmark Conservation shall be performed by the bodies of State Landmark Conservation, i.e., the Ministry of Culture, the regional authorities and the municipal offices of municipalities with extended powers.

 (2) The professional organization involved in State Landmark Conservation shall be accountable to the Ministry of Culture.

 (3) The bodies of State Landmark Conservation, in cooperation with other bodies of state administration governmental, and with the professional assistance of organizations of State Landmark Conservation, science, art and other professional organizations and institutes, shall ensure that State Landmark Conservation is implemented in a controlled, comprehensive and differentiated manner, and in accordance with its long-term development strategy.

Section 26

**Ministry of Culture**

 (1) The Ministry of Culture shall be the central body of state administration for cultural landmarks in the Czech Republic.

 (2) The Ministry of Culture shall:

a) prepare forecasts, strategies and draft long-term outlooks of the development of State Landmark Conservation,

b) compile, announce and implement programmes of comprehensive cultural landmark conservation, and create comprehensive conditions for such conservation, evaluate draft long-term, medium-term and implementation plans for the renewal of cultural landmarks,

c) voice its position on the land-use development policy and principles, as well as its position on zoning documentation for a territory containing a landmark reservation or an immovable object or a set of immovable objects entered in the World Cultural Heritage List, [[26]](#footnote-26)18b) and voice its position on the delimitation of built-up areas in relation to such territory,

d) be the body in interest as regards proposed measures of a general nature pursuant to Section 6a,

e) direct the cultural and educational utilization of national cultural landmarks and the cultural and educational utilization of other cultural landmarks consistently with the interests of the state cultural policy,

f) coordinate scientific research in the area of State Landmark Conservation,

g) establish a science council for State Landmark Conservation as its professional advisory body,

h) cooperate with the Ministry of Education, Youth and Physical Education and with universities in the training of professionals working in the field of State Landmark Conservation, take part in their continuing education,

h) procure international cooperation in the field of State Landmark Conservation,

i) issue the statute of the professional organization involved in State Landmark Conservation as a state contributory organization with national jurisdiction,

j) perform other tasks imposed thereon by this Act.

(3) The Ministry of Culture is the relevant agency to assess the maturity of energy infrastructure projects of common interest[[27]](#footnote-27)31) and applies a binding opinion in joint zoning and building proceedings for building structures in projects of common interest in terms of the scope of authority of the ministries, regional authorities and municipal authorities in the area of State Landmark Conservation.

Section 27

**Landmark Inspectorate**

 (1) The Ministry of Culture shall establish a landmark inspectorate as its specialized supervisory body in the field of State Landmark Conservation. The main mission of the landmark inspectorate shall be to exercise central supervision over compliance with this Act and with its implementing guidelines.

 (2) The landmark inspectorate shall perform the following tasks in particular:

a) supervise the procurement of comprehensive cultural landmark conservation,

b) supervise compliance with the decisions of bodies of State Landmark Conservation designed to procure cultural landmark conservation, and the performance of duties imposed on the owners (managers, users) of cultural landmarks,

c) on the basis of findings acquired in the performance of supervision, analyze the status of State Landmark Conservation and propose measures for its enhancement.

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

 (4) If the landmark inspectorate discovers shortcomings in cultural landmark conservation, it shall propose measures to rectify such shortcomings to the competent body of State Landmark Conservation, or propose the imposition of a fine, as appropriate, and shall supervise due compliance with such measures.

 (5) The tasks and authority of the landmark inspectorate shall be provided for in detail in a legal regulation of general application.

Section 27a

 (1) Customs authorities shall

a) check 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 landmark exhibited, lent or exported abroad for other purposes has been returned from abroad, and whether it was returned in good condition,

b) as regards objects exhibiting the characteristics of cultural landmarks under Section 2 (1) that are to be permanently imported from abroad to the Czech Republic, verify whether such 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 the documentation, research and surveys, in particular as regards movable cultural landmarks.

 (2) In performing their tasks, customs authorities shall cooperate with the bodies of State Landmark Conservation, to which they shall submit, according to their competent jurisdiction, instigations for the adoption of rectifying measures or proposals for the initiation of proceedings pursuant to Sections 35 and 39, if they discover any shortcomings. They shall further cooperate with the professional organization involved in State Landmark Conservation and the landmark inspectorate.

Section 28

 (1) The regional authority shall provide guidelines for the performance of State Landmark Conservation in its region.

 (2) The regional authority shall

a) perform the tasks of the body of State Landmark Conservation for national cultural landmarks unless the same fall within the competence of the Ministry of Culture or the Government of the Czech Republic,

b) within its province, supervise compliance with this Act and its implementing regulations,

c) voice its position on zoning documentation relating to a territory containing a landmark zone or an immovable national cultural landmark, unless this duty falls within the competence of the Ministry of Culture pursuant to Section 26 (2) (c), and voice its position on the delineation of built-up areas in relation to such territory,

d) is the body in interest for the safeguarding of unforeseen findings of culturally valuable objects, details of a structure or archaeological finds made during proceedings or procedure pursuant to a *lex specialis,*1) unless the finds were made during the preparation or performance of renewal of a cultural landmark or during the preparation or performance of works in a territory in which State Landmark Conservation asserts its interest, 9)

e) as the body in interest, issue, upon proposal or of its own initiative, a binding opinion,2a) and provide further underlying documents for proceedings conducted by administrative authorities other than bodies of State Landmark Conservation under *leges speciales*[[28]](#footnote-28)19) where national cultural landmark conservation is to be procured,

f) supervise the renewal of national cultural landmarks from the perspective of State Landmark Conservation,

g) perform other tasks stipulated by this Act.

Section 28a

Within its independent competence, a region shall

a) approve the strategy for the support to State Landmark Conservation in the region in accordance with the development strategy of State Landmark Conservation in the Czech Republic, following its discussion with the Ministry of Culture,

b) approve proposals for long-term, medium-term and implementing plans and programmes for the preservation and renewal of cultural landmarks in the region,

c) direct cultural and educational utilization of cultural landmarks in the region.

Section 29

**Municipal Office of a Municipality with Extended Powers**

 (1) The municipal office of a municipality with extended powers shall perform and organize State Landmark Conservation within its jurisdiction in accordance with the development strategy of State Landmark Conservation in the Czech Republic.

(2) The municipal office of a municipality with extended powers shall

a) participate in the formulation of the regional strategy of support to State Landmark Conservation and in the formulation of medium-term and implementation plans and programmes for the renewal of cultural landmarks,

b) create prerequisites for comprehensive conservation of cultural landmarks and real properties that are not cultural landmarks but are located in a landmark reservation, landmark zone or protective zone (Section 17), and, in this context, as the body in interest, issue, upon proposal or of its own initiative, a binding opinion2a) and provide further underlying documents for proceedings conducted by administrative authorities other than bodies of State Landmark Conservation under *leges speciales*, 19)

c) voice positions on zoning documentation relating to a territory containing an immovable cultural landmark or the protective zone of an immovable cultural landmark, an immovable national cultural landmark, landmark reservation or landmark zone, unless the same 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 voice its position on the delineation of built-up areas in relation to such territory,

d) direct cultural landmark conservation procured by municipalities,

e) conduct state administration in the field of State Landmark Conservation, unless the same falls within the competence of another body of State Landmark Conservation under this Act,

f) coordinate uniform labeling of immovable cultural landmarks with a sign containing the inscription “Cultural Landmark” and great state emblem, and, as appropriate, also with signs stipulated by international treaties,

g) perform supervision over the renewal of cultural landmarks and over construction, alterations, landscaping, placement or removal of equipment, removal of a structure or maintenance work on a real property that is not a cultural landmark but that is located in a landmark reservation, landmark zone or protective zone (Section 17) from the perspective of State Landmark Conservation, 1)

h) supervise, within the scope of its competence, compliance with this Act and with its implementing regulations,

i) perform other tasks imposed thereon by this Act.

 (3) In performing its tasks, the municipal office of a municipality with extended powers shall rely on the professional assistance of the professional organization involved in State Landmark Conservation.

 (4) The Ministry of Culture shall provide, by way of a decree, for the details of means of procuring the prerequisites for comprehensive cultural landmark conservation by municipal offices of municipalities with extended powers.

Section 30

**Municipality**

 (1) A municipality shall take care of its local cultural landmarks and supervise compliance by owners of cultural landmarks with duties imposed thereon by this Act. In this process, the municipality shall rely on expert opinions of the professional organization involved in State Landmark Conservation.

 (2) According to local conditions and after discussing the matter with the municipal office of a municipality with extended powers, a municipality may establish a legal entity or a branch for the renewal of cultural landmarks.

Section 31

**State Landmark Conservation Commission, State Landmark Conservator
and State Landmark Conservation Rapporteurs**

 (1) A regional council and a municipal council of a municipality with extended powers shall establish a commission for State Landmark Conservation as its working commission as required for a comprehensive assessment and coordination of the tasks of State Landmark Conservation. [[29]](#footnote-29)21)

 (2) Having obtained a statement from the professional organization involved in State Landmark Conservation, the municipal office of a municipality with extended powers shall appoint a state landmark conservator (hereinafter a “conservator”) on a voluntary basis. The conservator shall be a member of the State Landmark Conservation Commission established by the municipal council of the municipality with extended powers.

 (3) The conservator shall continuously monitor the condition of cultural landmarks, submit reports to the municipal office of the municipality with extended powers on their condition, on their conservation and utilization, propose requisite measures to the municipal office of the municipality with extended powers, and assist in the promotion of cultural landmarks and State Landmark Conservation.

 (4) On the conservator's proposal, the municipal office of a municipality with extended powers may appoint voluntary workers for certain defined territorial areas as State Landmark Conservation rapporteurs (hereinafter a “rapporteur”); these shall collaborate with the conservator in the performance of his tasks.

 (5) The activities of the conservator and the rapporteur shall be directed by the municipal office of the municipality with extended powers. The professional organization involved in State Landmark Conservation shall provide professional assistance in this process.

 (6) Tasks of conservators and rapporteurs shall be provided for in detail in a legal regulation of general application.

Section 32

**Professional Organization of State Landmark Care**

 (1) The professional organization involved in State Landmark Conservation shall be the organization for the performance and coordination of all professional activities in the area of State Landmark Conservation to ensure unity of cultural policies with the cultural and political plans, and ideological, methodological, economic and technical aspects, as well as the future development of State Landmark Conservation.

 (2) The professional organization involved in State Landmark Conservation shall

a) prepare analyses of the condition and development of State Landmark Conservation, underlying documents for forecasts, strategies and long-term outlooks of the development of State Landmark Conservation,

b) organize, coordinate and perform scientific and research tasks of State Landmark Conservation, elaborate on the theory and methodology of State Landmark Conservation and the methodology of social use of cultural landmarks,

c) perform the tasks associated with a methodological, documentation and information facility for the sector of State Landmark Conservation, and procure surveys, research and documentation of cultural landmarks, landmark reservations and landmark zones, as well as provide data pursuant to a *lex specialis*, 1)

d) keep the Central List of cultural landmarks,

e) prepare underlying specialized documentation for the Ministry of Culture, particularly for the purpose of designation of objects as cultural landmarks,

f) prepare the requisite underlying specialized documentation for other bodies of State Landmark Conservation, provide guidelines to conservators and rapporteurs, and provide free professional assistance to owners of cultural landmarks in the procurement of cultural landmark conservation,

g) procure expert supervision of the performance of comprehensive cultural landmark conservation and the continuous use of cultural landmarks,

h) monitor the cultural and educational utilization of cultural landmarks and their promotion, and procure the cultural and educational utilization of and access to cultural landmarks under its management,

i) procure continuing education of staff in the area of State Landmark Conservation,

j) perform other tasks in the area of State Landmark Conservation entrusted to it by the Ministry of Culture.

 (3) To provide for activities for the procurement of State Landmark Conservation, the professional organization involved in State Landmark Conservation shall, with the consent of the Ministry of Culture and after discussion with the region, establish regional and other local professional facilities (centres), as appropriate.

Section 33

*Abrogated*

Section 34

**Authorization of the Bodies and the Professional Organization of State Landmark Care**

 (1) A body or the professional organization involved in State Landmark Conservation or, as appropriate, customs offices, shall issue certificates to persons appointed to perform the tasks of State Landmark Conservation, authorizing such persons to:

a) enter businesses, industrial plants, facilities, buildings and other real properties,

b) perform the requisite specialized works there in order to protect cultural landmarks, or for scientific purposes, particularly documentation and conservation, as well as professional supervision,

c) request the requisite data and explanations for such purpose,

d) view the relevant documents.

 (2) While performing activities set forth in Sub-section 1 above, the persons appointed to perform the tasks of State Landmark Conservation may become acquainted with state, business or service secrets solely if so authorized pursuant to *leges speciales*.[[30]](#footnote-30)22) In that context, they shall be obliged to give consideration to the interests of state defense and to maintain state, business and service secrets. They shall be obliged to perform their tasks in a manner that would restrict the activities of organizations or the rights of citizens only to the extent necessary.

 (3) Access to the premises and facilities of armed forces and armed corps shall be governed by *leges speciales*. [[31]](#footnote-31)23)

P A R T FIVE

# INFRACTIONS

Infractions by legal entities and individuals engaged in business

Section 35

(1) A legal entity or individual engaged in business shall commit an infraction should it

a) fail to protect an object or structure against damage, destruction or theft following the delivery of a notification that a proposal to designate the object as a cultural landmark was lodged, or of the intention of the Ministry of Culture to designate the object or structure as a cultural landmark of its own initiative, until a decision is made by the Ministry of Culture,

b) fail to fulfill their notification duty pursuant to Section 3 (5), Section 12 and Section 14b (2) of this Act,

c) fail to provide for the preservation of a cultural landmark, fail to keep it in good condition, use it in a manner inconsistent with its cultural and political importance, landmark value or technical condition, fail to protect it against danger, damage or impairment, or impair or destroy it,

d) violate the conditions stipulated in the decision on the delineation of a protective zone of an immovable cultural landmark, an immovable national cultural landmark, landmark reservation or landmark zone,

e) perform the renewal of a cultural landmark without a binding opinion of the municipal office of a municipality with extended powers, or fail to comply with the conditions set forth in such binding opinion,

f) perform the restoration of a cultural landmark through an individual who does not possess a permit from the Ministry of Culture, unless performance of restoration pursuant to Section 14a (12) is involved, through an individual whose restoration permit was suspended pursuant to Section 14a (11), or through an individual who is not authorized for restoration pursuant to Section 14b (2) or who acts contrary to a prohibition pursuant to Section 35 (3) or Section 39 (3),

g) perform construction, alteration, landscaping, placement or removal of equipment, removal of a structure, tree alteration or maintenance work on a real property that is not a cultural landmark but is located in a landmark reservation, landmark zone, in the protective zone of an immovable cultural landmark, an immovable national cultural landmark, landmark reservation or landmark zone without a binding opinion of the municipal office of a municipality with extended powers pursuant to Section 14 (2), or fail to comply with the conditions set forth in such binding opinion, unless the owner (manager, user) is exempt from the obligation to obtain a binding opinion (Section 17).

 (2) A legal entity or individual engaged in business shall also commit an infraction should it

a) fail to care for the preservation of a national cultural landmark, fail to keep it in good condition, use it in a manner inconsistent with its cultural and political importance, landmark value or technical condition, fail to protect it against danger, damage or impairment, or damage or destroy it,

b) perform the renewal of a national cultural landmark without a binding opinion of the regional authority or fail to comply with the conditions set forth in such binding opinion,

c) perform the restoration of a national cultural landmark through an individual who does not possess a permit from the Ministry of Culture, unless performance of restoration pursuant to Section 14a (12) is involved, through an individual whose restoration permit was suspended pursuant to Section 14a (11), or through an individual who is not authorized for restoration pursuant to Section 14b (2) or who acts contrary to a prohibition pursuant to Section 35 (3) or Section 39 (3),

d) relocate a structure which is a cultural landmark without the prior consent of the regional authority, or permanently relocate a movable cultural landmark from a publicly accessible location without the prior consent of the regional authority,

e) lend a cultural landmark abroad or attempt to export a cultural landmark abroad or export a cultural landmark without the prior consent of the Ministry of Culture,

f) fail to meet the notification duty set forth in Section 21 (4), Section 22 (2) or Section 23 (2) hereof,

g) perform archaeological research in conflict with Section 21 (2), or perform archeological research despite lacking authorization pursuant to Section 21a (2), or act contrary to a prohibition pursuant to Section 35 (4) or Section 39 (4).

(3) A legal entity or an individual engaged in business, as a person authorized for restoration, shall commit an infraction by grossly, or less grossly but repeatedly, demonstrably damaging, in the restoration process, a cultural landmark or its part which is a product of fine arts or arts and crafts.

(4) A legal entity or an individual engaged in business and authorized for archeological research shall commit an infraction by conducting archeological research that threatens or damages archeological finds.

(5) Such an infraction is subject to a fine of up to

a) CZK 2,000,000 for an infraction pursuant to paragraph 1,

b) CZK 4,000,000 for an infraction pursuant to paragraph 2.

(6) An infraction pursuant to paragraph 3 or 4 may be sanctioned by a prohibition of activities for a maximum of 2 years.

Section 36

 (1) The infraction shall be judged by

a) the municipal office of a municipality with extended powers in the case of an infraction pursuant to Section 35 paragraph 1,

b) the regional authority in the case of an infraction pursuant to Section 35 paragraph 2,

c) the ministry in the case of an infraction pursuant to Section 35 paragraph 3 or 4.

 (2) The fine shall be collected and enforced by the authority that imposed it.

Section 37

*Abrogated*

Section 38

*Abrogated*

Misdeameanors by individuals

Section 39

 (1) An individual shall commit a misdemeanor should he/she

a) fail to protect an object or structure against damage, destruction or theft following the delivery of a notification that a proposal to designate the object as a cultural landmark was lodged, or of the intention of the Ministry of Culture to designate the object or structure as a cultural landmark of its own initiative, until a decision is made by the Ministry of Culture,

b) fail to fulfill their notification duty pursuant to Section 3 (5), Section 12 of this Act,

c) fail to provide for the preservation of a cultural landmark, fail to keep it in good condition and to protect it against danger, damage, impairment or theft, or use the cultural landmark in a manner inconsistent with its cultural and political importance, landmark value or technical condition,

d) violate the conditions stipulated in the decision on the delineation of a protective zone of an immovable cultural landmark, an immovable national cultural landmark, landmark reservation or landmark zone,

e) perform the renewal of a cultural landmark without a binding opinion of the municipal office of a municipality with extended powers, or fail to comply with the conditions set forth in such binding opinion,

f) make unauthorized digs in a territory with archeological finds,

g) perform construction, alteration, landscaping, placement or removal of equipment, removal of a structure, tree alteration or maintenance work on a real property that is not a cultural landmark but is located in a landmark reservation, landmark zone, in the protective zone of an immovable cultural landmark, an immovable national cultural landmark, landmark reservation or landmark zone without a binding opinion of the municipal office of a municipality with extended powers pursuant to Section 14 (2), or fail to comply with the conditions set forth in such binding opinion, unless the owner (manager, user) is exempt from the obligation to obtain a binding opinion (Section 17),

h) perform the restoration of a cultural landmark without a permit from the Ministry of Culture, unless performance of restoration pursuant to Section 14a (12) is involved, or despite the suspension of restoration permit pursuant to Section 14a (11), or despite no authorization for restoration pursuant to Section 14b (2), or contrary to a prohibition pursuant to Section 35 (3) or Section 39 (3),

i) failed to notify the Ministry of Culture of changes in data pursuant to Section 14a (9) in its capacity as holder of a restoration permit.

 (2) An individual shall also commit a misdemeanor should he/she

a) fail to care for the preservation of a national cultural landmark, fail to keep it in good condition and to protect it against danger, damage, impairment or theft, or use the national cultural landmark in a manner inconsistent with its cultural and political importance, landmark value or technical condition,

b) perform the renewal of a national cultural landmark without a binding opinion of the regional authority or fail to comply with the conditions set forth in such binding opinion,

c) relocate a structure which is a cultural landmark without the prior consent of the regional authority, or permanently relocate an object which is a cultural landmark from a publicly accessible location without the prior consent of the regional authority,

d) lend a cultural landmark abroad or attempt to export a cultural landmark abroad or export a cultural landmark without the prior consent of the Ministry of Culture,

e) perform the restoration of a national cultural landmark without a permit from the Ministry of Culture, unless performance of restoration pursuant to Section 14a (12) is involved, or despite the suspension of restoration permit pursuant to Section 14a (11), or despite no authorization for restoration pursuant to Section 14b (2), or contrary to a prohibition pursuant to Section 35 (3) or Section 39 (3),

f) fail to meet the notification duty set forth in Section 21 (4), Section 22 (2) or Section 23 (2) hereof,

g) perform archaeological research in conflict with Section 21 (2), or perform archeological research despite lacking authorization pursuant to Section 21a (2), or act contrary to a prohibition pursuant to Section 35 (4) or Section 39 (4).

(3) An individual, as a person authorized for restoration, shall commit a misdemeanor by grossly, or less grossly but repeatedly, demonstrably damaging, in the restoration process, a cultural landmark or its part which is a product of fine arts or arts and crafts.

(4) An individual authorized for archeological research shall commit a misdemeanor by conducting archeological research that threatens or damages archeological finds.

(5) Such a misdemeanor is subject to a fine of up to

a) CZK 2,000,000 in the case of a misdemeanor pursuant to paragraph 1,

b) CZK 4,000,000 in the case of a misdemeanor pursuant to paragraph 2.".

(6) A misdemeanor pursuant to paragraph 3 or 4 may be sanctioned by a prohibition of activities for a maximum of 2 years.

Section 40

 (1) The misdemeanor shall be judged by

a) the municipal office of a municipality with extended powers in the case of a misdemeanor pursuant to Section 39 paragraph 1,

b) the regional authority in the case of a misdemeanor pursuant to Section 39 paragraph 2,

c) the ministry in the case of a misdemeanor pursuant to Section 39 paragraph 3 or 4.

 (2) The fine shall be collected and enforced by the authority that imposed it.

Section 41

*Abrogated*

PART SIX

# JOINT AND FINAL PROVISIONS

Joint Provisions

Section 42

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

 (2) National cultural landmarks so designated under former legal regulations shall be deemed to be national cultural landmarks pursuant to this Act. Landmark reservations so designated under former legal regulations shall be deemed to be landmark reservations pursuant to this Act. Protective zones established under former legal regulations shall be deemed to be protective zones pursuant to this Act.

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

 (4) Movable cultural landmarks and national cultural landmarks pursuant to the Act of the Slovak National Council on State Landmark Conservation, provided they are located in the territory of the Czech Republic, shall be deemed to be cultural landmarks and national cultural landmarks pursuant to this Act.

 (5) Archive materials recognized as cultural landmarks or designated as national cultural landmarks pursuant to *leges speciales*[[32]](#footnote-32)25)shall not be deemed to be cultural landmarks and national cultural landmarks pursuant to this Act.

 *(6) Abrogated.*

Section 42a

 The powers of a regional authority or the municipal office of a municipality with extended powers pursuant to this Act shall constitute the exercise of delegated powers.

Section 43

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

a) if the cultural landmark is owned by the state, by the state organization which manages the cultural landmark[[33]](#footnote-33)26) or by an organization other than a state organization to which the cultural landmark has been entrusted for permanent use, [[34]](#footnote-34)27)

b) if the cultural landmark is in cooperative or substitute use pursuant to a right of use designed to secure production, by the organization having such right of use pursuant to *leges speciales*,[[35]](#footnote-35)28)

c) by the citizen for whom the right of personal use of plot of land was established under *leges speciales*[[36]](#footnote-36)29) with regard to a plot of land which is a cultural landmark,

d) by a person who disposes of a cultural landmark as if it were its property and, with a view to all the circumstances, believes in good faith that the cultural landmark belongs to it. [[37]](#footnote-37)30)

 (2) The rights and obligations of the owner of an object that could be designated as a cultural landmark pursuant to Section 3 shall also be vested in the manager and user of such object, as well as by a person who disposes of such object as if it were its property and, with a view to all the circumstances, believes in good faith that the cultural landmark belongs to it. [[38]](#footnote-38)30)

Section 43a

 (1) The municipal office of a municipality with extended powers, regional authority, customs office, Office of the President of the Czech Republic, Ministry of Culture and the professional organization involved in State Landmark Conservation shall use the following reference data from the basic population register for the pursuit of their powers pursuant to this Act:

a) surname,

b) given name(s),

c) residential address,

d) date, place and district of birth, for foreign born data subjects, date, place and country of birth,

e) date, place and district of death; where the death of the data subjects occurred outside the territory of the Czech Republic, the date, place and state in the territory of which the death occurred; where a court declares a person dead, the date provided in the decision as the date of death, or a date beyond which the data subject declared dead did not survive, and the date of entry into force of such decision,

f) citizenship(s).

 (2) The municipal office of a municipality with extended powers, regional authority, customs office, Office of the President of the Czech Republic, Ministry of Culture and the professional organization involved in State Landmark Conservation shall use the following reference data from the information population register for the pursuit of their powers pursuant to this Act:

a) given name(s), surname, any changes thereto, maiden/original name,
b) date of birth,
c) sex,
d) place and district of birth; for citizens born abroad, the place and state of birth,

e) personal Id. No.,
f) citizenship,

g) permanent residence address, including previous permanent residence addresses, or address for service of process pursuant to a *lex specialis,*

h) beginning of permanent residence, or date of strike off of the information on place of permanent residence, or date of termination of permanent residence in the territory of the Czech Republic,

i) restriction of legal capacity, name(s), surname and personal Id. No. of a legal guardian; if not assigned, the date, place and district of birth, for foreign born data subjects, date, place and country of birth,

j) name(s) and surnames and personal Id. No. of mother, father, or other legal guardian,

k) date, place and district of death; where the death of the citizen occurred outside the territory of the Czech Republic, the date, place and state in the territory of which the death occurred

l) where a court declares a person dead, the date provided in the decision as the date of death, or a date beyond which the person declared dead did not survive.

 (3) The municipal office of a municipality with extended powers, regional authority, customs office, Office of the President of the Czech Republic, Ministry of Culture and the professional organization involved in State Landmark Conservation shall use the following reference data from the information register of aliens for the pursuit of their powers pursuant to this Act:

a) given name(s), surname,

b) date of birth,

c) personal Id. No.,

d) sex,

e) place and district of the foreigner’s birth; if the foreigner was born in the territory of the Czech Republic, the place and district of birth;

f) citizenship(s),

g) type and address of residence in the territory of the Czech Republic,

h) beginning, or date of termination, of residence,

i) restriction of legal capacity,

j) name(s) and surnames and personal Id. No. of mother, father, or other legal guardian,

k) date, place and district of death; where death occurred outside the territory of the Czech Republic, the state in the territory of which the death occurred, or date of death,

l) where a court declares a person dead, the date provided in the decision as the date of death, or a date beyond which the person declared dead did not survive.

 (4) Of the data being so provided, only data required for the fulfilment of the task concerned can be used at all times. Information provided as reference data in the basic population register shall be used from the information population register or the information register of aliens only if it is in a form preceding the current status.

Section 44

Unless this Act stipulates otherwise

a) the recognition of professional qualifications and other eligibility of applicants for the restoration of cultural landmarks and the performance of archeological research, and

b) conditions for the restoration of cultural landmarks by a person authorized for restoration and the performance of archeological research by a person authorized for research shall be governed by the Act on the Recognition of Professional Qualifications11g).

Section 44a

(1) In administrative proceedings conducted pursuant to this Act, a deed evidencing ownership title to an object may be replaced with an affidavit unless the object is subject to registration in the property register.

(2) In administrative proceedings conducted pursuant to this Act and pertaining to a movable cultural landmark which is an appurtenance of an immovable cultural landmark, the jurisdiction *ratione loci* of the body of State Landmark Conservation shall derive from the location of the immovable cultural landmark.

(3) The binding opinion pursuant to Section 14 (1) and (2), if issued by a body of State Landmark Conservation in a matter on which the building authority of competent jurisdiction is not competent to decide pursuant to a *lex specialis,*1) shall constitute an independent decision in an administrative proceeding, or otherwise shall be an act taken by the body in interest with regard to a proceeding conducted by the building authority. Opinions on land-use development and zoning policies shall not constitute administrative decisions.

Section 45

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

 (2) The Ministry of Culture shall issue regulations of general application

a) in agreement with the Ministry for Regional Development, for the 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 the implementation of Section 16 (3) and Section 23 (4),

c) in agreement with the Ministry of Finance, for the implementation of Section 27 (5).

Final Provisions

Section 46

The following shall be abrogated:

1. Act No. 22/1958 Coll., on Cultural Landmarks, as amended by Act No. 146/1971 Coll. of the Czech National Council,

2. Decree No. 98/1959 Coll., on District Conservators and Rapporteurs of State Landmark Conservation,

3. Decree No. 99/1959 Coll., defining in more detail the activities and organization of regional, district and local State Landmark Conservation commissions,

4. Decree No. 116/1959 Coll., on Registration of Cultural Landmarks,

5. Decree No. 118/1959 Coll., on Landmark Protection Zones,

6. Decree No. 56/1960 Coll., on Reimbursement for Costs of Maintenance and Renewal of Cultural Landmarks,

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 Landmarks.

Section 47

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

Kempný, m.p.

Adamec, m.p.

####  Schedule 1

**CLASSIFICATION OF SPECIALIZATIONS IN RESTORATION WORK**

*Classification shall be performed in basic structures that permit an exact description of a restoration specialization by either a cummulation of types of expertise on different lines, their supplementation according to the actual specialization or, to the contrary, by selecting only one narrow specialization out of the range provided on the relevant lines.*

**1 - works of art - painting**

**2 - works of art - sculpture**

**3 - works of arts and crafts**

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

####  Schedule 2

**REGISTRATION QUESTIONNAIRE FOR AN APPLICANT FOR A RESTORATION PERMIT**

Surname, name, title:........................…..............…..............................…......

Date and place of birth:........................…..............…..............................…..

Personal identification number: ..................................................…....….….. Photograph

Permanent residence .........…...........................…..............................…....…

...........................…..............................…........ Telephone: ...............………

Place of temporary residence: .........…........…........…...............................…

...........................…..............................…........ Telephone: ................………

Studio address: .........….......................…...........…....................................…

...........................…..............................…........ Telephone:..........……..……

Education and qualifications for the restoration profession

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Name and address of the school | Specialization | Year of completion | Type of exam |
|  | Vocational |  |  |  |  |
|  | Full vocational |  |  |  |  |
|  | Higher vocational |  |  |  |  |
| University |  |  |  |  |
| Postgraduate |  |  |  |  |
| Courses, training, internships |  |  |  |  |

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

####  Schedule 3 to Act No. 20/1987 Coll.

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

a) The history and philosophy of the arts and arts and crafts, including iconography with a focus on the Czech Lands and Europe,

b) The history of architecture with a focus on the Czech Lands and Europe,

c) Heraldry with a focus on the Czech Lands and Europe,

d) The theory and methods of landmark conservation in relation to restoration, practice of landmark conservation pursuant to applicable legislation,

e) The aesthetics and ethics of restoration,

f) The methods of presentation of works of fine arts and arts and crafts,

g) Management of museums, restoration and conservation of collection objects and of objects of cultural value,

h) Physical and chemical methods of restoration research of a work, interpretation of the results and comprehensive evaluation of the research for the determination of an appropriate technical process in its restoration,

i) Chemical, biological and physical processes causing damage to works of fine arts and arts and 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 a focus on the field of restoration,

n) Mineralogy (petrography) with a focus on the field of restoration,

o) Artistic training (figural and non-figural drawing and painting, making of models),

p) Making copies of works of fine arts and arts and crafts,

q) Methods of documenting restoration, professional photography,

r) Using computer and other modern technologies in the field of restoration,

s) Professional practice under the supervision of a qualified person in restoration in the applicable specialization,

t) Independent and comprehensive restoration of works of fine arts and arts and crafts in the relevant specialization, including defense before an expert commission,

u) A final scientific or other professional written work in the field of restoration,

v) Command of the Czech language and, as appropriate, of one international language.

####  Schedule 4 to Act No. 20/1987 Coll.

**Theoretical and Practical Areas Constituting the Content of Education and Training 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 arts and arts and crafts,

c) The history of human settlements with a focus on the Czech Lands and Europe,

d) Egyptian, Aegean, Greek, Etruscan and Roman archaeology, archaeology of Cyprus and the Near 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 landmark conservation in relation to archaeological research, the performance of landmark conservation pursuant to applicable legislation,

k) The ethics of archaeological research,

l) The methods of presentation of archaeological finds,

m) The preventative protection of archaeological finds and management of museums,

n) Methods of 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 documentation of archaeological research, professional photography,

r) Using computers and other modern technologies in the area of archaeology,

s) Independent and comprehensive archaeological research, including defense before an expert commission,

t) A final scientific or other professional written work in the area of archaeology

u) Command of the Czech language, of one international language and basic Latin and Greek.

1. 1) Act No. 183/2006 Coll., on Zoning and the Building Code (the Building Act). [↑](#footnote-ref-1)
2. 1) Act No. 183/2006 Coll., on Zoning and the Building Code (the Building Act). [↑](#footnote-ref-2)
3. 2a) Section 149 (1) of Act No. 500/2004 Coll., the Rules of Administrative Procedure. [↑](#footnote-ref-3)
4. 4) Act No. 526/1990 Coll., on Prices, as amended. [↑](#footnote-ref-4)
5. 6) Sections 4 and 5 of Decree No. 90/1984 Coll., on State Property Management. [↑](#footnote-ref-5)
6. 9) Landmark reservation, landmark zone, protective zone of an immovable cultural landmark, immovable national cultural landmark, landmark reservation and landmark zone. [↑](#footnote-ref-6)
7. 11) Act No. 269/1994 Coll., on the Criminal Register, as amended. [↑](#footnote-ref-7)
8. 11a) Sections 44 through 46 and Section 60 of Act No. 111/1998 Coll., on Universities and Amendments to Certain Other Acts (Act on Universities), as amended by Act No. 210/2000 Coll. and Act No. 147/2001 Coll. [↑](#footnote-ref-8)
9. [↑](#footnote-ref-9)
10. [↑](#footnote-ref-10)
11. 11b) Act No. 561/2004 Coll., on Pre-school, Primary, Secondary, Secondary Vocational, Higher Vocational and Other Education (Schooling Act), as amended. [↑](#footnote-ref-11)
12. 11c) Section 1 of Act No. 18/2004 Coll., on the Recognition of Professional Qualifications and Other Qualifications of Nationals of EU Member States and Certain Nationals of Other States, and Amendments to Certain Other Acts (Act on Recognition of Professional Qualifications), as amended. [↑](#footnote-ref-12)
13. 11d) Act No. 111/2009 Coll., on Basic Registers. [↑](#footnote-ref-13)
14. 11e) Act No. 256/1992 Coll., on the Protection of Personal Data in Information Systems. [↑](#footnote-ref-14)
15. 11g) Act No. 18/2004 Coll., as amended. [↑](#footnote-ref-15)
16. 11h) Sections 36a and 36c of Act No. 18/2004 Coll., as amended. [↑](#footnote-ref-16)
17. 11i) Sections 10 and 11 (1) of Act No. 18/2004 Coll., as amended. [↑](#footnote-ref-17)
18. 12) Act No. 184/2006 Coll., on the Expropriation of or Restriction on Ownership Title to a Plot of Land or a Structure (the Expropriation Act). [↑](#footnote-ref-18)
19. 16) 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.). [↑](#footnote-ref-19)
20. 17) Act No. 142/1970 Coll., on Foreign Exchange Management.

Customs Act No. 44/1974 Coll.

Act No. 42/1980 Coll., on Economic Contacts with Foreign Countries. [↑](#footnote-ref-20)
21. 17a) Convention for the Protection of the Archeological Heritage of Europe (revised), promulgated under No. 99/2000 of the Collection of International Treaties [↑](#footnote-ref-21)
22. 17b) For instance, Act No. 62/1988 Coll., as amended by Act No. 543/1991 Coll., Act No. 366/2000 Coll., Act No. 320/2002 Coll. and Act No. 3/2005 Coll. [↑](#footnote-ref-22)
23. 11h) Sections 36a and 36c of Act No. 18/2004 Coll., as amended. [↑](#footnote-ref-23)
24. 11i) Sections 10 and 11 (1) of Act No. 18/2004 Coll., as amended. [↑](#footnote-ref-24)
25. 18a) Section 9 (1) of Act No. 219/2000 Coll., on the Property of the Czech Republic and its Acting in Legal Relations. [↑](#footnote-ref-25)
26. 18b) Conventionconcerning the Protection of theWorldCultural and Natural Heritage, promulgated in t Collection of Laws under No. 159/1991 Coll. [↑](#footnote-ref-26)
27. 31) Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009. [↑](#footnote-ref-27)
28. 19) For instance, Act No. 183/2006 Coll. [↑](#footnote-ref-28)
29. 21) Section 65 of the Act on National Committees [↑](#footnote-ref-29)
30. 22) Section 9, Section 17 through 19 of Act No. 102/1971 Coll., on the Protection of State Secret.

Section 3 of Decree of the Government of the Czech and Slovak Socialist Republic No. 148/1971 Coll., on the Protection of Economic and Service Secrets. [↑](#footnote-ref-30)
31. 23) For instance, Section 5 Act No. 169/1949 Coll., on Military Zones.

Section 22 Act No. 40/1961 Coll., on the Protection of the Czechoslovak Socialist Republic.

Act No. 40/1974 Coll., on the National Security Forces.

Act No. 59/1965 Coll., on Incarceration, as amended. [↑](#footnote-ref-31)
32. 25) Act of the Czech National Council No. 97/1974 Coll., on Archives.

Decree No. 101/1974 Coll., on the Designation of Archival Documents as Cultural Landmarks and Enhanced Protection of Archival Documents as Cultural and National Cultural Landmarks. [↑](#footnote-ref-32)
33. 26) Section 64 of the Economic Code. [↑](#footnote-ref-33)
34. 27) Section 70 of the Economic Code. [↑](#footnote-ref-34)
35. 28) Section 37 et seq. of Act No. 122/1975 Coll., on Collective Farming.

Section 1 et seq. of Act No. 123/1975 Coll., on the Use of Land and other Agricultural Properties for Production.

Section 9 of Government Decree No. 47/1955 Coll., on Measures in Economic and Technical Unification of Land.

Section 12 Act No. 61/1977 Coll., on Forests. [↑](#footnote-ref-35)
36. 29) Section 198 et seq. of the Civil Code. [↑](#footnote-ref-36)
37. 30) Section 132a of the Civil Code. [↑](#footnote-ref-37)
38. 30) Section 132a of the Civil Code. [↑](#footnote-ref-38)