

ASSESSMENT OF HBA GOVERNANCE SYSTEM AT NATIONAL LEVEL



The document: “Assessment of Historical Built Areas Governance System” is organised into **7 chapters**. Each chapter is focused on the HBA Governance System of the 7 different central European Countries involved in the project: Austria, Croatia, Czech Republic, Hungary, Italy, Slovakia and Slovenia.

Each project Country was drafted with the contribution of Public and Technical Partners and the consultation of internal (interdisciplinary) and external stakeholders (Local Support Group).

Every chapter presents the same **structure**:

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ASSESSMENT OF HBA GOVERNANCE SYSTEM IN AUSTRIA

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The Federal Monuments Office (BDA, Vienna) is responsible for all aspects of national heritage protection and preservation. The Federal Monuments Office (BDA, Vienna) is a department of the Austrian Federal Chancellery (BKA). The Austrian Federal Chancellery (BKA) is also responsible for the UNESCO World Heritage in Austria (Federal Law Sheet Nr. 60/1993). Intangible cultural goods (oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship) are only protected by UNESCO World Heritage.

The overall vision, defined by the Federal Monuments Office (BDA, Vienna), is the responsibility for the maintenance of Austria's monuments, which are a part of its cultural heritage. Monuments are perceived as unique and unreplaceable material assets and witnesses of Austria's history. This embraces fortresses, castles, monasteries, churches, paintings, sculptures, but also graves from the stone age, roman sites, farm houses, buildings for industrial and housing purposes. The image and recognition of Austria is, according to the vision published by the BDA, significantly influenced by the tremendous richness of Austria's cultural heritage. The maintenance and preservation of the cultural heritage is of common societal interest and contributes to strengthen the regional cultural identity. Heritage protection and preservation are an obligation in respect to the cultural diversity in Europe and the whole world. The maintenance and preservation of monuments contributes also to economic benefits, tourism and the labour market.

These goals are supported by systematic scientific research applying international standards including the listing of monuments and the process of its protection. The BDA finances and documents the archaeological heritage. This institution also decides upon the export and the remaining of moveable monuments. The enhancement of new preservation technologies, historic craftsmanship and modern restoration methods. The BDA is also involved in dissemination activities.

In its vision, the BDA highlights the interdisciplinary nature of this challenging cooperation, including art historian, craftsmen, architects, photographers, chemists and lawyers. Furthermore, the preservation and protection of the cultural heritage requires national and international interdisciplinary cooperation.

The overall goal and visions are summarized in the following. The tasks are:

- to maintain the cultural heritage as an unreplaceable capital for the future in an authentic and undiminished manner;
- to communicate heritage protection and preservation as an essential task to the public,
- to incorporate the value of the existing monuments in Austria in all its facets into overall awareness within the Austria society.

The vision concludes highlighting that the cultural heritage belongs to all of us and everyone has to bear responsibility for it.

A.2. Relevant terms provided by legal/strategic framework

The definitions which apply in Austria are taken directly from the legal framework (see federal conservation law):

1. The provisions contained in this federal law apply to immovable and movable objects created by humans (including remains and traces of human workmanship and artificially constructed or landscaped ground formations) of historical, artistic or other cultural significance ("monuments"), if their preservation of this meaning because of the public interest. This meaning can come to the objects alone, but also arise from the relationship or situation to other objects. "Conservation" means preservation from destruction, alteration or transfer abroad.
2. Conservation is in the public interest if the monument is a cultural property from a superregional or, for now, only regional (local) perspective, the loss of which would impair the Austrian cultural heritage in terms of quality, sufficient variety, diversity and distribution. It is also important if and to what extent historical preservation can be achieved by preserving the monument.
3. Groups of immovable objects (ensembles) and collections of movable objects may form a unit of public interest- due to their historical, artistic or other cultural context, including their location and surrounding areas. Majorities of immovable or movable monuments, which have already been built in their original or later planning and / or implementation as a unit (such as castle, court or residential facilities with main and auxiliary buildings of all kinds, uniformly designed related furniture sets, etc.) as individual monuments. As part of a house complex also include the directly related (subsequent) fortified or otherwise architecturally included open spaces.
4. The public interest in the preservation within the meaning of paragraph 1 (to place under Protection) becomes effective by legal presumption (§ 2) or by ordinance of the Federal Monuments Office (§ 2a) or by decision of the Federal Monuments Office (§ 3) or by ordinance of the Austrian State Archives (§ 25a).
For ensembles and collections, the public interest in conservation as a unit can only be effective through a decision of the Federal Monuments Office.
5. Whether a public interest in the preservation of an individual monument, an ensemble or a collection exists and whether or how far it is (also) a unity that is to be preserved as a unified whole, is to decide by the Federal Monuments Office, taking into account relevant scientific research results. When selecting objects that are listed as historical monuments, the evaluation must be considered in the list of listed monuments enumerated by the Federal Monuments Office. Generally accepted international

evaluation criteria can be included into the assessments. If sufficient research on monuments is still not completed, especially in the case of undeveloped land features, the determination of the public interest in the preservation of the monuments is only permissible if the facts required for the protection of the underpinning are at least probable on the basis of scientific knowledge, and otherwise the intact preservation of the monuments would be endangered; such a protection can also be limited in time.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

The overall policy has been described in the previous sections. The situation depends on the respective region, the economic situation, the relevance of tourism and the respective ownership structure, to mention the most crucial aspects. An overall judgement is not possible. The approach is predefined by the history of the preservation started by the emperor.

A.4. Policy trends and evolutions

From a scientific and planning perspective one can say that the overall positive awareness of preservation decreases, since the decision makers mostly do not perceive the added value of preservation. In many locations the NGOs stepped in. In some cases they already have an increasing relevance and try to get more influence on decision making. The scientific research in planning and management does not consider this issue well enough in research also under consideration of tourism purposes. Many articles highlight the related deficiencies.

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B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

The degree of built heritage varies between (see explanation in Chapter A):

- protected
- non protected
- legal presumption
- units
- ensembles

(for cultural goods applies the Haager convention, see below 1.2).

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

The Federal Monuments Office (BDA, Vienna) is responsible for all aspects of national heritage protection and preservation. The Federal Monuments Office (BDA, Vienna) is a department of the Austrian Federal Chancellery (BKA). The Austrian Federal Chancellery (BKA) is also responsible for the Unesco World Heritage in Austria (Federal Law Sheet Nr. 60/1993). Intangible cultural goods (oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, Performing arts, Social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship) are only protected by UNESCO World Heritage.

Of high importance is § 24 (National Heritage Protection Law). It regulates the handling of archival documents being monuments (in accordance with §25, Abs. 1), in this case, the Austria State Archive replaces the Federal Monuments Office. Concerning archival monuments, the Austria State Archive is directly subordinated to the federal chancellor.

The head of the Federal Monuments Office is the President Prof.Dr. Barbara Neubauer. There are also two directors working for the Federal Monuments Office and assisting her. The president is responsible for all 9 state departments.

The first director is responsible for all scientific concerns:

- department for archaeology;
- department for inventory and monuments research;
- department for architecture and construction technologies;
- department of conservation and restoration;
- department of mobile monuments and international monument transfer;

- department of special material;
- center of information and professional training.

The second director is responsible for all administrative matters:

- department of law;
- unit for department;
- unit for fundraising;
- unit for information technologies;
- unit for coordination and controlling;
- unit for staff management;
- unit for offsetting;
- unit for economic affairs.

1- The state list of monuments:

Depending to the federal law § 3. Abs. 4, from 25.09.1923, Federal Law Sheet Nr. 533/23 (National Heritage Protection Law), the Federal Monuments Office publishes the list of all protected, immobile monuments.

- The list is sorted by the federal states, within the states by municipalities and within the municipalities by addresses in alphabetical order.
- The kind of protection is not listed in the summary overview.
- The fact of protection, from not moveable monuments, can be seen in the land register.
- Information to single monuments can be provided by the regional departments, or in the general office of the Federal Monuments Office.
- The lists will be updated every year, from the 1st of January, to the 30th of June (latest date).
- The lists are not protected under copyright law.
- Mobile protected monuments are not listed.

Regulations concerning monuments, belonging to public authorities are defined in §2a National Heritage Protection Law (DMSG):

Monuments, being in public ownership (national, state, church, etc.) are protected monuments by legal presumption.

The amendment of the National Heritage Protection Law (DMSG) in 1999, Federal Law Sheet Nr. 170/1999,

provided the possibility to protect monuments by regulation (even if there is no official decision about being a monument, or not). Monuments being protected through this regulation, remain protected monuments. But every owner has the opportunity to apply an approving determination procedure.

Concerning the practical guidance, there is no modification of the existing protection (renovation, permission of modification), except the permission for disposal is no longer required.

The matter of fact, that the monument is a protected one, is listed in the land register.

The Federal Monuments Office has listed all possible monuments till the end of 2009.

2 - The cultural asset list:

The cultural asset list is a different list to the state list of monuments.

The cultural asset list was founded in 1954 through the convention of Haag. This international agreement was ratified by Austria in 1964. The cultural asset list regulates the international protection of cultural asset in case of armed conflicts.

B.1.3. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<ul style="list-style-type: none"> • National Heritage Protection Law (DMSG) in 1999, Federal Law Sheet Nr. 170/1999 • Haager Convention is included in the law • UNESCO World Heritage in Austria (Federal Law Sheet Nr. 60/1993)
SUBJECTS list main involved organisations and describe	<ul style="list-style-type: none"> • the Federal Monuments Office (BDA, Vienna) • the Austrian Federal Chancellery (BKA) • the Federal Chancellor • the Austria State Archive • private associations, eg Initiative for Preservation
PROCESSES	<u>Hierarchical and functional relations at national level</u> <ul style="list-style-type: none"> • BDA: States public interest in the preservation of a building • Land register: Status needs to be implemented into the land register <p>In this process economic aspects are not considered unless the static and physical conditions of the building are difficult to restore, or would lead to significant changes</p>

B.1.4. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	Does not apply
SUBJECTS list main involved organisations and describe	Does not apply
PROCESSES	Does not apply

B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

Spatial planning in Austria is not regulated by a common legal framework. Therefore nine different spatial planning laws exist. The task of spatial planning is foresighted design according to plan with a view to ensuring the best possible use of the human habitat and environment. There are no legislative provisions for spatial planning at the Austrian federal level. The coordination of federal and regional interests lies in the hands of ÖROK, the Austrian Conference on Spatial Planning.

Since our case study is located in Styria, we only focus on the legal framework in this state.

B.2.2. National/main governance level

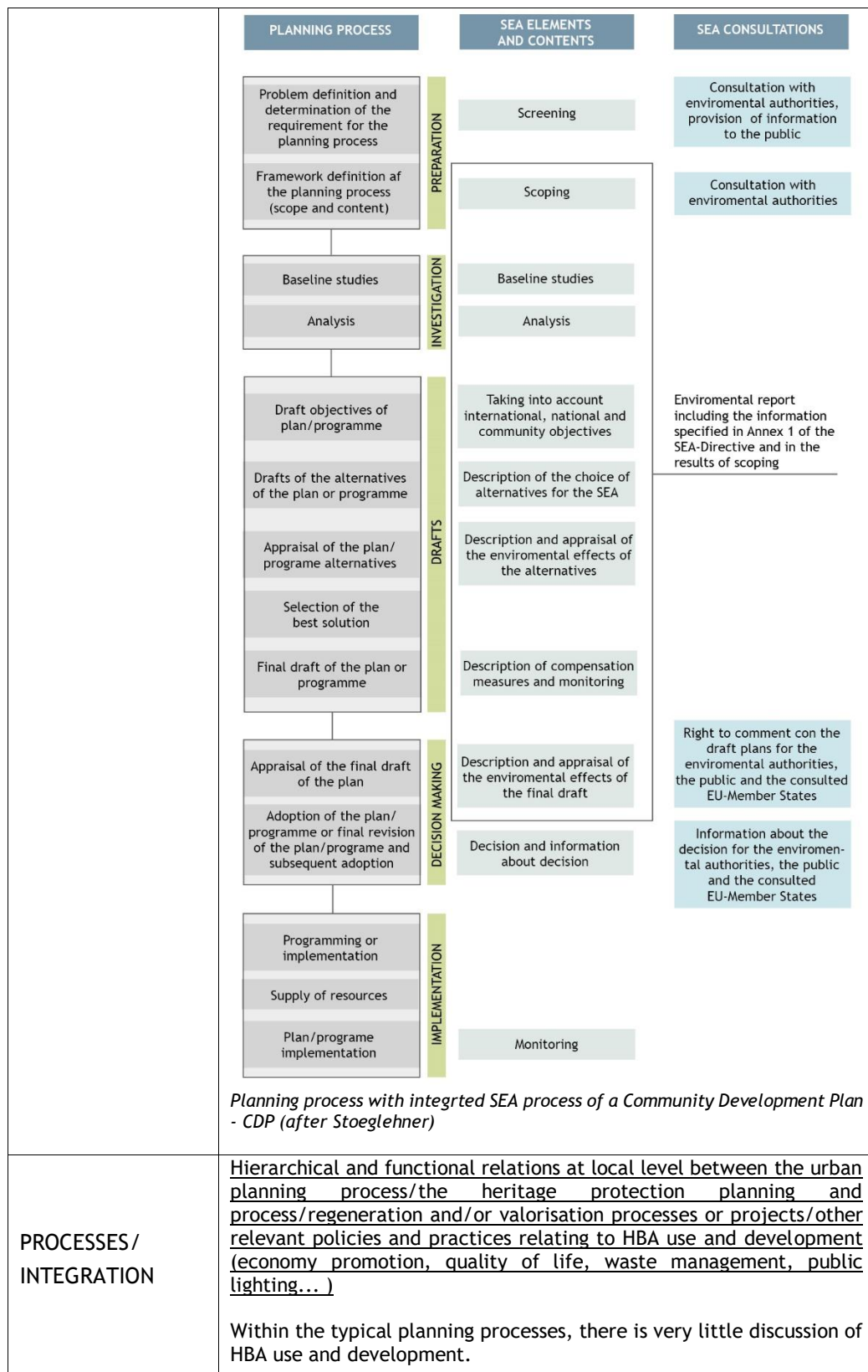
<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <p>Spatial Planning in Styria: In Austria, laws on spatial planning are passed in the nine federal provinces which are also responsible for their implementation. The most important framework for this project is provided by the Styrian Territorial Planning Act which was newly introduced in 2010. The following tools are used at the provincial level:</p> <ul style="list-style-type: none"> • Styrian development model • Styrian development programme • Technical programmes • Regional development programmes <p>At local level, the Austrian communities are in charge of spatial planning (local spatial planning) using the following tools:</p> <ul style="list-style-type: none"> • Local development programmes • Zoning plans • Land-use plans
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <p>Regional Development in Styria: Various players/institutions and bodies are involved in drawing up and designing thematic concepts and/or programmes at regional level. The following chart shows the parties involved and the roles they play. The regions develop regional development models. Based on a brief presentation of strengths/weaknesses of the planning region, they develop the regional public interest in terms of development goals, measures and projects. Thanks to the spatial allocation, spatially functional development goals for the region are derived from this. In the 2007-2013 structural funds period, Styria is actively involved in various programmes of EU regional policy: Objective "Regional Competitiveness of Styria" (Regionale Wettbewerbsfähigkeit Steiermark, RWB). In addition to promoting an economy based on innovation and knowledge, the focus is on strengthening the</p>

	<p>attractiveness of regions and locations. Objective "European Territorial Cooperation" (Europäische Territoriale Zusammenarbeit, ETZ). The development of cross-border, economic and social projects is facilitated in bilateral programmes (former INTERREG IIIA). Styria is involved in two programmes of cross-border cooperation:</p> <ul style="list-style-type: none"> • Austria-Slovenia • Austria-Hungary <p>The transnational cooperation programmes aim at creating and promoting transnational cooperation of regions within pre-defined space of cooperation (former INTERREG IIIB).</p> <ul style="list-style-type: none"> • Alpine Region • Central Europe • South-East Europe <p>European Agricultural Fund for Regional Development EAFRD/ELER: Axis 4 LEADER</p> <p>The Leader approach is a bottom-up approach aiming to build local capacity for employment and diversification of the rural economy. It has a multi-sector design and the implementation of the strategy is based on the interaction between actors from different sectors of the local economy. Local action groups (LAGs) implement the local development strategy. Of these, the Leader axis within the EAFRD will contribute to the priorities of the other axes and will also play an important role for improving governance and to enhance the endogenous development potential of rural areas. There are currently 19 LAG´s implemented in Styria.</p> <p>In contradiction to the planning law, the monument preservation issues are covered by national law.</p>
PROCESSES	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> <p>Does not apply</p>
PROCESSES / INTEGRATION	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>Does not apply</p>

B.2.3. Local governance level

LEGAL / POLICY / STRATEGIC FRAMEWORK	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning</u></p> <p>Municipalities normally have to apply a three-plan-hierarchy including the Community Development Plan (CDP) on the top, the Land Use Plan (LUP) and the Building Schemes (BS). The CDP contains the mid- and long-term development strategies, objectives and measures of a municipality in all fields of municipal spatial planning, which are landscapes and nature, settlements including social and technical infrastructure as well as transport. The strategy has to take at least a 10-year time frame into account.</p> <p>The LUP dedicates a specific land use to each parcel of land of the municipality in the categories open space, building land and transport areas for a 5 to 10 year period. Regulations for urban construction and for the spatial distribution of buildings or other facilities are laid out in the BS. The plans lower in the hierarchy have to comply with the</p>
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	<p>provisions of the upper levels including regional or provincial spatial plans.</p> <p>On all levels of planning environmental concerns and cultural heritage issues have to be taken into consideration, which is guaranteed by the spatial planning laws. The CDP should also contain an open space strategy, a settlement strategy and a transportation strategy.</p> <p>The open space strategy has to deal with natural and environmental conditions, landscape priority areas taking into account ecology, sceneries and agriculture, reforestation areas and recreation areas as well as soil heritage, cultural landscapes and build heritage within the landscape. The settlement strategy is based on an estimation of the future demand for building land and lays out the distribution of different functions (housing, industries, infrastructures, commercial areas, etc.) within the building land including potential areas of future development. It also makes provisions for technical and social infrastructure as well as for an effective environmental protection. The transportation strategy includes the planned traffic infrastructure of the municipality. The spatial plans cover many environmental issues according to the SEA Directive and the planning processes allow for an easy integration of SEA in the planning processes, as shown in Figure 3. This includes, according to the SEA directive also heritage issues and cultural assets (Stoeglehner, 2004, 2010).</p> <p><u>Main thematic /sector plans concerned with HBA</u></p> <p>There is typically one section describing the history of the community and a second section listing local monuments and their consideration in the planning process. In most cases it is just a listing of monuments and the related presentation in the overall development plan.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <p>Typically the stakeholder involvement covers all interested inhabitants and all regional or federal institutions, providing spatial information and data. The BDA is one of them.</p> <p>Concerning the cultural built heritage, the development plans have mainly the function to inform the local inhabitants.</p>
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA; urban land instruments for preservation and maintenance of cultural heritage</u></p>



B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

National level/local level approach on:

- Sustainability-Conservation-Use of HBA integrated approach, strategies and action planning:
 There is no integration policy concerning HBA or something like a national strategic document. Since the spatial planning and heritage preservation are addressed to different levels an integrated view is rather difficult (local versus national level).
- Environmental issues connected and included in cultural heritage preservation, valorisation, management policies;
 The environmental issues are included into the CDP. In case of a strategic environmental assessment (SEA), they include not only a description, but an assessment in a systematic manner.
- The dimension of HBA in environmental and sustainability policies (Agenda 21, SEAP, energy plans, mobility plans...).
 Protected cultural heritage is not mentioned at all in the CDPs. Only within strategic plans on provincial level, such as the plans for wind turbines, heritage issues are considered in the related SEA.

B.3.2. Governance mechanism including institutional and stakeholders levels

There are no further governance mechanisms or additional involvement, than the ones mentioned above.

B.3.3. Thematic policies and strategic plans

Information on risk management and a related zoning is considered and integrated into spatial plans.

B.3.4. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u> Described earlier in the text
SUBJECTS list main involved organisations and describe	<u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u> Described earlier in the text

<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u></p> <p>Described earlier in the text</p>
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B.3.5. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>The CDP includes all measures related to environmental protection, energy efficiency and waste management.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>Communal Department Spatial Planning and Construction Main department activities:</p> <ul style="list-style-type: none"> • protection and preservation of natural heritage, historical, cultural and architectural heritage from the aspect of urbanism, • construction of buildings under the jurisdiction and ownership of the City, • energy efficiency and energy-sustainable development, • environmental protection and waste management, • coordination and oversight of capital investments in which the City participates as a co-investor. <p>They support communal decisions, authorizations, plans, coordination and supervision actions.</p>
<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA; hierarchical and functional relations at local level between Sustainable development policies, the heritage protection planning and process, regeneration and/or valorisation processes or projects / other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting...)</u></p> <p>Described earlier in the text</p>

C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

This issues it is not apply, the potential role has been described earlier in the text.

C.2 Horizontal governance mechanisms and practices at local level.

The level of involvement differs significantly between the various communities.

C.3 Specific procedures involving public and private sectors on HBA

Funding is provided from case to case by the BDA. The decision depends on the measures planned.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

The private sector, the civil society, the users trends and actions in the National and Local contexts: perception of HBA cultural and identity value among citizens, private investments in HBA, ownership of the buildings; the public sector approach towards Stakeholders. See above, case by case

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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Cultural heritage is a federal duty, in contrast to the spatial planning. • The ranking of cultural heritage is high, since it does not belong to any ministry, but belongs to the responsibility of the Federal Chancellery. • For special challenges, such as the maintenance of the Vienne Artists Quarter, the preservation and reuse of old castles and farm buildings are often significantly supported by private institutions, Mostly non governmental organizations, or associations • The role of tourism contributes the increase of awareness and the willingness to protect the tangible and intangible monuments. • Since the protection was started in 1850, Austria consists of a numerous and valuable amount of heritage and cultural treasure • The BDA provides education for craftsmen, architects and engineers. 	<ul style="list-style-type: none"> • Spatial planning is massively influenced by communal decision making and political processes . • Spatial planning only illustrates protected sites, but does not provide additional guidance. • Missing architectural management plans. • Potential instruments to protect cultural heritage, such as the strategic environmental strategic impact assessment, based on a European directive, are seldom used in spatial planning. • While the protection is highly appreciated by the public, the preservation tasks of private owners is heavily criticized. And the overall acceptance is rather low • Unsatisfactory building state of architectural cultural heritage, neglect, lack of maintenance, ruin, due to reinforcement deficits • Insufficient systematic computerization and updated monitoring of data on architectural heritage; • The lack of planning tools, this leads to unsystematic maintenance and use; • Insufficient sensibility for cultural heritage in rural communities affects HBA and underestimate its potential economic benefits; • Lack of incentive measures for investing in the restoration of architectural heritage (tax policy, subsidies, reliefs) • Gardens and the outdoors are not sufficiently included in the protection.

Opportunities	Threats
<ul style="list-style-type: none"> • High potential for tourism use. • High uniqueness. • The economic relevance of tourism increases the potential to use culture heritage effectively. • To foster an integral approach and continuous collaboration of experts within the sustainable use and conservation program with spatial planners, architects, craftsmen, economists, tourism experts, etc. • The uniqueness of living in a cultural heritage building is additional value and leads to economic benefits. • To stimulate the revitalization of cultural heritage by introducing historical uses or acceptable new contents how to cultural heritage actively participate in the life of the local community. • To encourage the educational, ecological and tourist activities of the local population in order to raise awareness of the need to preserve the cultural heritage and its economic use. 	<ul style="list-style-type: none"> • Low acceptance of private owners, in combination with a lack of funding, hinders the protection of key buildings • The willingness of architects to consider the maintenance and to waive their desire for personal design • The education of architects and engineers does not consider knowledge needed for the restoration or even the planning around historic sites

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN CROATIA

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The concept of Cultural Heritage

The Register of Cultural Goods of the Republic of Croatia is a public book of cultural documents kept by the Ministry of Culture. It contains three lists:

- the List of Protected Cultural Goods;
- the List of Cultural Goods of National Importance and;
- the List of Preventively Protected Goods¹.

The form, contents and means of keeping the Register are prescribed by the Ordinance on the form, contents, and means of keeping the Register of Cultural Goods of the Republic of Croatia². In addition, but separate from the Register, there are lists relating to endangered cultural goods. The Register's contents are active and are updated daily, and it is published on the internet pages of the Ministry of Culture (official title: Web Register). Another protection mechanism for cultural heritage, especially for cultural landscapes, is spatial and urban planning. The List of the Protected Cultural Goods contains all classifications of cultural property: immovable cultural heritage, movable cultural heritage, architectural heritage, archaeological heritage, landscape heritage and other.

This inventory is required by Law on the Protection and Preservation of Cultural Heritage³ (in text: the Law). Organisation responsible for the maintenance of this inventory is Ministry of Culture.

Overall responsibility for heritage lays in the Ministry of Culture, Directorate for the Protection of Cultural Heritage. It is centralized yet the conservation departments (21) are located regionally, in each county and Zagreb has City Institute for the Protection of Cultural Monuments and Nature of the City of Zagreb. Other ministries and sectors closely collaborate with the Ministry of Culture on the heritage and collaborations are possible to monitor via

¹ Ministry of Culture: Cultural heritage, Immovable cultural heritage, Web Registrar [online]. Available on: <http://www.min-kulture.hr/default.aspx?id=31> [25.09.2017.]

² Official Gazette (2011): *Ordinance on the form, contents, and means of keeping the Register of Cultural Goods of the Republic of Croatia*. Zagreb: Official Gazette, 89/11.

³ Official Gazette (1999, 2003.): *Law on the Protection and Preservation of Cultural Heritage*. Zagreb: Official Gazette, 69/99, 151/03, 157/03. Correction: 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 44/17.

relationships between policies and legal texts. Government institutions for the protection and preservation of heritage are restoration institutes or museums, galleries, archives, libraries and other public institutions in the field of culture, which in the framework of their activities, carry out tasks related to preservation, renovation, and protection of cultural heritage.⁴

The civil sector traditionally plays significant, diverse role in the area of cultural heritage, whether as proprietors, clients, preservationists or caretakers, as those who are engaged in renovation, promotion or representation, or as the bearers/businesses involved in the exploitation of cultural heritage. Recently civil society participated more actively in sensitizing public and heritage professionals, such as the contribution of the NGO 4 Grada Dragodid on listing of drystone technique as an intangible heritage.⁵

Due to the present economic situation the contribution of private sector funding to cultural heritage management is still negligible and the main burden in that field is borne by the government. With the exception of a few NGOs and a number of professional organisations no other private sector organisations have been established as yet. Co-operation between private and public sectors is most evident in citizens' participation in the process of protection of cultural goods.⁶

Mission statements

Cultural heritage within the meaning of the *Law* are:

- movable and immovable property of artistic, historical, palaeontological, archaeological, anthropological and scientific significance;
- archaeological sites and archaeological zones, landscapes and parts thereof that testify to human presence in space and have an artistic, historical and anthropological value;
- intangible forms and phenomena of human spiritual creativity in the past as well as documentation and bibliographic heritage;
- building or premises in which are permanently stored or exhibited cultural goods and documents on them.

Cultural heritage, regardless of ownership, preventive protection or registration, enjoys protection according to the provisions of the *Law*. Owners and holders of rights in cultural heritage, and other holders of cultural property are responsible for the protection and preservation of cultural heritage according to the provisions of the *Law*. For protection and preservation of cultural heritage, for determination of protection measures and supervision of their implementation, within its scope of care and are responsible state administration bodies, local self-government bodies and bodies of local self-government in the field of culture, spatial planning and planning of space, construction, housing and communal economy, tourism, finance, internal affairs and justice according to the *Law*.⁷

For cultural heritage competent authority establishes a system of protective measures according the *Law* and a special regulation issued by the Minister of Culture.

Municipalities, towns and counties may act independently in decision-making in the framework of their self-governmental scope of work (some municipalities and towns employ staff to deal

⁴ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

⁵ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

⁶ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

⁷ Official Gazette (1999, 2003,): Law on the Protection and Preservation of Cultural Heritage. Zagreb: Official Gazette, 69/99, 151/03, 157/03. Correction: 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 44/17.

with cultural issues including projects concerning cultural heritage such as the launching of rehabilitation projects - some are more active than others in this respect). Among other things, these include tasks relating to spatial and urban planning carried out by their Administrative Departments. They perform expert tasks relating to spatial planning and construction. Town and County Administrative Departments for Culture monitor and coordinate activities in the framework of implementation of projects of immovable and movable cultural heritage protection and preservation.

The Ministry of Culture is the only body competent to implement conservation supervision of work linked to the protection of cultural heritage, which it carries out through its Conservation Departments and Inspection Department for the Protection of Cultural Heritage.

All the work regarding protection of cultural heritage (research, study, protection, restoration, conservation, maintenance, renovation, exploitation and traffic in cultural goods), regardless of ownership, may only be carried out by specialist natural persons and legal entities with the appropriate authorisation - licence (architects, archaeologists, other professionals, construction companies which specialise in conservation, restoration and rehabilitation work). The Ministry issues this licence for a fixed period of five years.

The Conservation Service of the Ministry of Culture is in direct collaboration with several partners regarding the implementation of activities linked to the preservation of cultural heritage: the Croatian Restoration Institute (for all types of work); other institutes such as the Institute of History of Art, Archaeological Institute, Institute for Ethnology and Folklore; university faculties; Institute for Restoration of Dubrovnik; agencies (Agency for the Renovation of the Osijek Fortress); other public cultural institutions (museums, galleries, archives, libraries, etc.); NGOs (Society of Friends of Dubrovnik Antiquities) which preserve, study and expertly maintain cultural heritage as part of their scope of activities.

A.2. Relevant terms provided by legal/strategic framework

Immovable cultural heritage can be:

- city, village, settlement or part thereof;
- buildings or parts of it, and buildings with the environment;
- elements of historical equipment of settlements;
- an area, place, monument and characteristic of historical events and people;
- archaeological site and an archaeological zone, including underwater sites and zones;
- an area and place with ethnological and toponymic contents;
- a landscape or part of it that contains a historically characteristic structure that testifies to man's presence;
- gardens and parks;
- technical objects with devices and other similar objects.

Movable cultural heritage can be:

- a collection of objects in museums, galleries, libraries and other institutions, as well as in other legal entities and state and administrative bodies, including by natural persons;
- church inventory and items;
- archive material and other.

Intangible cultural goods can be:

- language, dialects, speeches and toponyms, and oral literature of all kinds;
- folklore creativity in the field of music, dance, teaching, rituals and customs;

- traditional arts and crafts.

For goods that are presumed to have the property of a cultural heritage, it is possible to temporarily make a decision on preventive protection. On a cultural good that is preventively protected applies the Law and all regulations relating to cultural heritage. Status of cultural heritage, based on expert evaluation, designated by the Ministry of Culture which can be made without prior announcement of the party. Cultural heritage for which it is established that they are of the highest national significance for the Republic of Croatia are entered in a special part of the Registry - the List of Cultural Goods of National Importance.

In practice, the Service for Inspection Affairs of the Directorate for the Protection of Cultural Heritage supervises the application of legal regulations. This Service monitors the status of cultural property and the implementation of measures for the protection and conservation thereof, the use and trade of cultural items and in particular the performance of conservation, restoration and other similar works related to cultural heritage items and their environment, archaeological excavations and research projects, including underwater excavations and shipwreck recovery.

When the conservation department determines that the owner is not treating the cultural good in accordance with the Act, that he/she is not protecting or regularly maintaining it and is making it susceptible to damage or destruction, the local administration is bound by the competent authority to award the cultural good a temporary custodian. The temporary custodian is obliged to protect and preserve the cultural good as instructed by the conservation department, at the expense of the owner.

The same procedure is provided in the case of the owner temporarily abandoning the cultural good, thereby bringing it into immediate danger of damage or destruction, and if the owner permanently abandons the cultural good, it becomes the property of the Republic of Croatia. In practice, this procedure gives good results.⁸

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

All obligations from the Convention for the Protection of the Architectural Heritage of Europe in Granada are fully incorporated into the heritage legislation and practice in Croatia.⁹

Obligations stipulated in the European Convention for the Protection of the Archaeological Heritage in Croatia have a legal framework through the Rulebook on archaeological excavations (Official Gazette 102/10) and the Law on the Protection and Preservation of Cultural Heritage (Official Gazette 69/99, 151/03, 157/03, 87/09, 88/10, 61/11, 25/12 and 136/12). The Rulebook prescribes in detail obligations of researchers during and after the investigation, the obligation of the research results, as well as the obligations of conservation of materials and sites. The Law regulates the legal protection of archaeological sites and zones, as well as the obligation to adopt measures of protection for each building or any other project in the area of the site and/or zone. Furthermore, this law regulates the sale of cultural property (right of first refusal), as well as all other issues concerning actions that may adversely affect

⁸ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

⁹ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

archaeological sites and artefacts. Most of the research and protection of the archaeological heritage is funded through a one-year and three-year programs approved by the Ministry of Culture. Archaeological excavations carried out at the construction sites of various facilities are obligations of investors.

Convention on the Value of Cultural Heritage for Society is implemented through the "Strategy of Protection, Preservation and Sustainable Use of Cultural Heritage of Croatia 2011-2015".¹⁰

The "Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011.-2015"¹¹ is the basic document that sets long-term goals and guidelines for the conservation, protection and use of cultural heritage and ways of their implementation in accordance with the sustainable development of Croatia. The aim of Strategy, which is the normal planning and programming process/tool, is to effectively and efficiently manage the protection and preservation of cultural heritage, and, at the same time, to encourage and strengthen the economic use of development resources and heritage. The Strategy was developed in accordance with the procedures and standards that apply in the European Union. The goals of the Strategy are as follows:

- create a comprehensive basis for the use of cultural heritage as a development resource in accordance with the guidelines for the development of culture, protection of cultural heritage, regional development and economic development in general, as well as with the standards of the EU and international institutions,
- provide a reliable institutional and programming foundation that guarantees the conditions for identifying, preparing and running projects for funding by state institutions of the Republic of Croatia, EU and international institutions funds and other funding sources,
- develop and strengthen the skills and competencies of the Ministry of Culture and other government bodies and organizations, experts and key developers in local and territorial (regional) self-government for the successful preparation and project management for sustainable use of cultural heritage,
- strengthen partnerships (public participation) and inform the professional and general public about the importance of cultural heritage as a development resource and capabilities of its commercial use in accordance with the principles and practices of sustainable development.¹²

Rights of the owner of cultural property, in addition to the rights established by a special law and subject to the limitations of this Law are:

the right to compensation for restriction of the right of ownership to cultural heritage under the conditions prescribed by this Law,

the right to tax and customs privileges under a special law,

the right to professional assistance of the competent authority for the proper protection and preservation of cultural heritage as prescribed by this Law.

¹⁰ HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [25.09.2017.]

¹¹ Ministry of Culture (2011): Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015. Zagreb: Ministry of Culture. Available on: <http://www.min-kulture.hr/default.aspx?id=4> [26.09.2017.]

¹² HEREIN System:European heritage policies: National Reports, Croatia [online]. Available on: http://www.herein-system.eu/national-reports?field_country1_1_tid=130&type=All&language_1=en [26.09.2017.]

A.4. Policy trends and evolutions

The general opinion is that it is necessary to improve and supplement the legal system for the protection of cultural heritage, to improve the system of making conservation studies, to adopt architectural heritage management plans, to regulate the property law system and to develop strategic guidelines and action plans for the purpose of restoration and sustainable use of certain cultural heritage. Also, for now there is no any recent evolution in the policy approach in Croatia.

B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/conservation)

B.1.1. Heritage protection grades foreseen by legislation

Legal status distinguishes three categories:

- the List of Protected Cultural Goods;
- the List of Cultural Goods of National Importance and;
- the List of Preventively Protected Goods.

Cultural heritage is also divided by species:

- immovable cultural heritage which can be:
 - individually,
 - cultural-historical complex,
 - cultural landscape;
- movable cultural heritage which can be:
 - museum material and others;
 - intangible cultural goods.

Degree of protection depends on the category and type of cultural heritage. The measures of protection of individually protected buildings are fundamentally different from the protection of the cultural-historical complex or the landscape and are defined by the Decision to protect cultural heritage.¹³

¹³ Ministry of Culture [online]. Available on: <http://www.min-kulture.hr/default.aspx?id=27> [26.09.2017.]

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

Ministry of Culture develops mechanisms and establishes measures to protect cultural heritage in order to ensure its sustainability, which implies identifying, documenting, researching, maintaining, protecting, using and promoting its values.

Ministry of Culture performs also administrative and other tasks related to: research, study, monitoring, recording, documenting and promoting cultural heritage; central information and documentation service; Determining the properties of protected cultural goods; prescribing benchmarks for determining the program of public needs in the culture of the Republic of Croatia; care, harmonization and supervision of funding for the program of cultural heritage protection; establishment and supervision of institutions for carrying out cultural heritage activities; assessing the conditions for the work of legal and natural persons in restoration, conservation and other cultural heritage conservation activities; providing conditions for the education and training of skilled workers in cultural heritage affairs; implementation of traffic control, import and export of protected cultural goods; determining conditions for use and use of cultural goods, and managing cultural assets in accordance with regulations; Determining special construction conditions for the protection of cultural heritage sites; carrying out inspection activities for the protection of cultural heritage.

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • Official Gazette (1999, 2003,): Law on the Protection and Preservation of Cultural Heritage. Zagreb: Official Gazette, 69/99, 151/03, 157/03. Correction: 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 44/17; • Official Gazette (2011): Ordinance on the form, contents, and means of keeping the Register of Cultural Goods of the Republic of Croatia. Zagreb: Official Gazette, 89/11. • Ministry of Culture (2011): Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015. Zagreb: Ministry of Culture. Available on: http://www.min-kulture.hr/default.aspx?id=4 [26.09.2017]
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • Ministry of Culture - Directorate for the Protection of Cultural Heritage Role & competences are provided by the law Main activities (eg. policy framework / coordination / authorisation, monitoring, data monitoring, inspection, funding etc...) • Croatian Conservation Institute The Croatian Conservation Institute was founded in 1997 by the Decree of the Government of the Republic of Croatia on a Merger of Public Institutions in the Field of Conservation and Restoration owned by the Republic of Croatia: the Institute for Restoration of Works of Art (founded in 1948) and the Conservation Institute of Croatia (founded in 1966).

	<p>The main activity of the Croatian Conservation Institute is conservation and restoration of immovable cultural goods (architectural heritage, wall paintings and mosaics, stone sculptures and stucco), movable cultural goods (easel paintings, wooden polychrome sculptures, furniture, art on paper, artworks of leather, and items of textile or metal), archaeological heritage, and other objects of cultural, historical or technical significance.</p> <ul style="list-style-type: none"> International Centre for Underwater Archaeology in Zadar (ICUA) The International Centre for Underwater Archaeology in Zadar was founded in 2007 in the frame of the Croatian Conservation Institute and soon - pursuant to an international agreement signed between UNESCO and the Republic of Croatia in 2009 - became an independent public institution and gained the status of a UNESCO category II centre. Management is conducted and primary funding provided by the Republic of Croatia and UNESCO. The International Centre for Underwater Archaeology in Zadar aims to preserve and promote underwater cultural heritage in Croatia, the Mediterranean and Europe. The International Centre for Underwater Archaeology in Zadar works to protect, study and preserve underwater cultural heritage in Croatia; to develop international professional and research collaboration and education in the field of underwater archaeology; to present and popularise underwater heritage among the public at large and to promote the UNESCO Convention on the Protection of the Underwater Cultural Heritage.
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B.1.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> “Urban plan ZVIJEZDA” - Karlovac City (2017.) Official Gazette Karlovac (29.03.2017.): “Urban plan ZVIJEZDA” - Karlovac city http://www.karlovac.hr/UserDocsImages/2016/Glasnik/GGK7-17.pdf
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> Department for Physical Planning, Construction and Environmental Protection - Karlovac City 344 One of the main roles of department is to protect and preserve natural, historical, cultural and building heritage from the aspect of urbanism. Beside that, they are working on energy efficiency and sustainable development. In their authority are issues related to environment protection and good waste management. Scope of their competences by the law is that they can make decisions, authorizations, plans, coordination and supervision actions which are in their power gain by national law. Conservation Department in Karlovac, for Karlovac County, in jurisdiction the Ministry of Culture Main role and activities of Conservation department in Karlovac City is to adjust and implement regulations and procedure gained by national law with local level. Beside of the implementation of national law, their interest of work is to recommend and introduce owners of heritage buildings with best practice on how to protect their heritage and preserve in the most economical, energy and culturally best way. Their scope

	of work is under the Ministry of culture and they conduct law and regulations, giving local governance and local community support in HBA preservation.
PROCESSES	<p><u>Hierarchical and functional relations at local level</u></p> <ul style="list-style-type: none"> • Department for Physical Planning, Construction and Environmental Protection - Karlovac City is under the jurisdiction of Karlovac City. It is one of the ten different departments in Karlovac City. All decisions that are taken are adopted at the city council by votes and published in the public gazette Karlovac City. • Conservation Department in Karlovac, for Karlovac County, in jurisdiction the Ministry of Culture. Conservation department is involved in all part of decisions made by local government by giving official approval to all documents.

B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The Physical Planning Act¹⁴ (Official Gazette 153/13) regulates the physical planning system: aims, principles and subjects of physical planning, spatial monitoring and monitoring in the field of physical planning, spatial planning requirements, adoption of the Spatial Development Strategy of the Republic of Croatia, spatial plans including their development and adoption procedure, implementation of spatial plans, building land development, property postulates of building land, development and supervision.

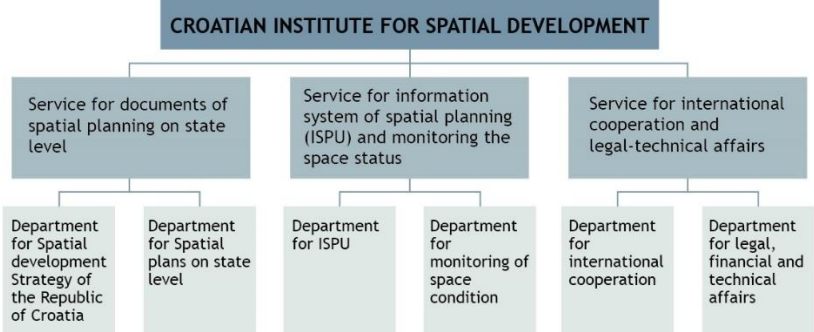
Spatial planning shall be a permanent process which includes knowing, verifying, and assessing the possibilities for the use, protection and development of space, development and adoption of spatial plans and monitoring implementation of spatial plans and the situation in space.¹⁵

¹⁴ Official Gazette (2013,): Physical Planning Act. Zagreb: Official Gazette: 153/13, correction: 65/17.

¹⁵ Ministry of Construction and Physical Planning [online]. Available on: <http://www.mgipu.hr/default.aspx?id=9445> [29.09.2017.]

B.2.2. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <ul style="list-style-type: none"> • Physical Planning Act Entered into force on 1 January 2014 Official Gazette 153/13 • Act on Physical Planning and Building Tasks and Activities Official Gazette 78/15 • Act on the Chamber of Architects and Chambers of Engineers in Construction and Physical Planning Official Gazette 78/15 • Real Estate Appraisal Act Official Gazette 78/15 • Administrative Fees Act Official Gazette 115/16 • Act on State Survey and Real Estate Cadastre Official Gazette 16/07, 152/08, 124/10, 56/13, 121/16, 9/17
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <ul style="list-style-type: none"> • Ministry of construction and physical planning - Directorate For Physical Planning, Legal Affairs and European Union Programmes Professional activities of physical planning for the county, or the City of Zagreb performs Department for Physical Planning of county or the City of Zagreb. The founder of the Department for Spatial Planning of county is a county, and the founder's rights are realized by the prefect in accordance with a special law. The founder of the Department for Physical Planning of the City of Zagreb is the City of Zagreb, and the founder's rights are realized by the Mayor in accordance with a special law. • Croatian Institute for Spatial Development Work goals: <ul style="list-style-type: none"> - designing and coordinating the preparation and monitoring of the implementation of the State Spatial Development Plan and other spatial plans adopted by the Croatian Parliament or the Government; - making and co-ordination of work and cooperation in the development of other documents of importance for the spatial planning and space protection of the State; - management, development and management of information system of spatial planning; - preparing a list of status indicators; - making or conducting a State Status Report; - perform technical tasks to determine the content and methodology of spatial planning in the development of spatial plans and monitoring the situation in the area; - cooperation with persons, international bodies, institutions and associations on the development and implementation of projects and programs in the field of spatial planning; - participation in the development of sectoral strategies, plans, studies and other state level documents prescribed by special laws.

<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> 
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>For the purpose of prescribing the conditions for the implementation of the project in the area, the spatial plans, depending on the level and scope, contain or prescribe spatial indicators, spatial standards, mapping the purpose of space, surface or land, infrastructure corridors, conditions important for spatial plan implementation, level of settlements , environmental protection measures, nature protection requirements, cultural heritage and other protected values, and other necessary textual and graphical parts that prescribe the conditions for the implementation of the site, the conditions and the rules in accordance with which the location conditions determine the location of the project.</p> <p>Corroborate the content of spatial plans, interventions in the space for which spatial plans of the local level mandate the conditions for the implementation of the interventions in the space, the manner of prescribing the conditions for the implementation of the interventions in the space, the purpose of the particular zones and corridors planned in the spatial plans and the purpose of the buildings in them can be constructed, compulsory spatial indicators, spatial standards, spatial planning terms, mapping plans of spatial plans, spatial plans elaboration standard and electronic spatial plans, as prescribed by the Minister.</p> <p>The spatial plan of areas of special features is made mandatory for the area of the national park and nature park determined by a special law and for the areas defined by the State Spatial Development Plan.</p> <p>The spatial plan of the area of special features is created and made depending on the particularities of natural, cultural-historical, economic and / or other characteristics, ie the requirement of a specific space.</p> <p>The spatial plan of the area of special features defines the obligation to adopt the urban planning of state-owned planning and its coverage.</p> <p>The spatial plan of special features areas prescribes:</p> <ol style="list-style-type: none"> 1. measures for the improvement and protection of nature, environment, cultural goods and other areas of value; 2. the conditions for the implementation of all the interventions in the area planned in the area for which the urban planning plan is not adopted; 3. guidelines for the development of urban planning plans <p>The spatial plan of the special features area includes:</p> <ol style="list-style-type: none"> 1. the basic organization and delimitation of the area by purpose, including the construction area of the settlement and a separate part of the construction area of the settlement if such exists; 2. Deployment of functions of importance for the management of the area;

	3. Infrastructure and construction system for public and social purposes; 4. measures of use, arrangement and protection of this area with priority activities. ¹⁶
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B.2.3. Local governance level

<p>LEGAL / POLICY/ STRATEGIC FRAMEWORK</p>	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning</u></p> <ul style="list-style-type: none"> • Urban plan ZVIJEZDA - Karlovac City This specific document is a starting point in determination of current state of heritage building area Zvijezda. It includes several different studies in which are collected all important parts that are crucial for the valorization and revitalization of HBA Zvijezda. All parts are described in studies of architectural and conservation features, in demographic - sociological study and in economy, cultural, environmental and traffic study. Each and every study was developed by the experts in specific field and was exclusively related to HBA Zvijezda. This document is base for Management plan Zvijezda, which will give us strict directions on how to use and manage historic buildings. • Study of architectural and conservation features - for the needs of Urban plan ZVIJEZDA (2014.-2017.) - URBANISTIC OFFICE CITY OF ZAGREB d.o.o. • Demographic - Sociological Study - for the needs of Urban plan Zvijezda (2014.-2017.) - Urbanistic Office City of Zagreb d.o.o. • Study Of Traffic Characteristics - for the needs of Urban plan Zvijezda (2014.-2017.) - Urbanistic Office City of Zagreb d.o.o. <p><u>Main thematic /sector plans concerned with HBA</u> In Karlovac, the main thematic plans concerning HBA city are related to architectural and conservation features, also very important demographic, sociological, environmental, economy and traffic features. These fields are included in Urban plan for HBA Zvijezda and they make strategic points for the process of valorisation and revitalization of Karlovac building heritage Zvijezda. Above mentioned strategies and studies will serve as a base for design of the Management plan ZVIJEZDA, which will be new management tool for local governance level at the HBA field.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <p>Department for Physical Planning, Construction and Environmental Protection - Karlovac City Main department activities:</p> <ul style="list-style-type: none"> -spatial planning and construction of construction land -protection and preservation of natural heritage, historical, cultural and architectural heritage from the aspect of urbanism -construction of buildings under the jurisdiction and ownership of the City -energy efficiency and energy-sustainable development

¹⁶ Official Gazette (2013,): Physical Planning Act. Zagreb: Official Gazette: 153/13, correction: 65/17.

	<p>-environmental protection and waste management -coordination and oversight of capital investments in which the City participates as a co-investor</p> <p>One of the main roles of department is to protect and preserve natural, historical, cultural and building heritage from the aspect of urbanism. Beside that they are working on energy efficiency and sustainable development. In their authority are issues related to environment protection and good waste management. Scope of their competences by the law is that they can make decisions, authorizations, plans, coordination and supervision actions which are in their power gain by national law.</p> <p>Other related organizations are association of owners of historic houses in Zvijezda, who are active and included in discussion and decision making at local level. Also, there are other architectural and construction association who are very interested in HBA issues in Zvijezda.</p>
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA; urban land instruments for preservation and maintenance of cultural heritage</u></p> <p>Department for Physical Planning, Construction and Environmental Protection - Karlovac City is under the jurisdiction of Karlovac City. It is one of the ten different departments in Karlovac City. All decisions that were taken were adopted by Mayor or at the city council voted and published in the public gazette Karlovac City.</p>

B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

National level/local level approach on:

- Sustainability-Conservation-Use of HBA integrated approach, strategies and action planning:

The "Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011.-2015¹⁷" is the basic document that sets long-term goals and guidelines for the conservation, protection and use of cultural heritage and ways of their implementation in accordance with the sustainable development of Croatia. The aim of Strategy, which is the normal planning and programming process/tool, is to effectively and efficiently manage the protection and preservation of cultural heritage, and, at the same time, to

¹⁷ Ministry of Culture (2011): Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015. Zagreb: Ministry of Culture. Available on: <http://www.min-kulture.hr/default.aspx?id=4> [26.09.2017.]

encourage and strengthen the economic use of development resources and heritage. The Strategy was developed in accordance with the procedures and standards that apply in the European Union.

- Environmental issues connected and included in cultural heritage preservation, valorisation, management policies;
 Environmental issues are very strictly mentioned in the Strategy.
- The dimension of HBA in environmental and sustainability policies (Agenda 21, SEAP, energy plans, mobility plans...).
 Protected cultural heritage are not mentioned at all in the SEAPs, also not in the programs of energy reconstruction of buildings at the state level.

B.3.2. Governance mechanism including institutional and stakeholders levels

In addition to the already described legal and policy framework, nothing significant is happening on linking national and local level.

B.3.3. Thematic policies and strategic plans

In addition to the already described legal and political framework there are no other thematic policies and strategic plans.

B.3.4. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u> Described earlier in the text
SUBJECTS list main involved organisations and describe	<u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u> Described earlier in the text
PROCESSES / INTEGRATION	<u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u> Described earlier in the text

B.3.5. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Urban plan ZVIJEZDA- Karlovac City (2017.) - strategic plan for determination of current state of HBA In this plan are included all the measures that are related to environmental protection, energy efficiency and waste management for HBA Zvijezda. • Landscape studies- for the needs of Urban plan ZVIJEZDA - Karlovac City (2017.)
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>Department for Physical Planning, Construction and Environmental Protection - Karlovac City Main department activities:</p> <ul style="list-style-type: none"> • spatial planning and construction of construction land • protection and preservation of natural heritage, historical, cultural and architectural heritage from the aspect of urbanism • construction of buildings under the jurisdiction and ownership of the City • energy efficiency and energy-sustainable development • environmental protection and waste management • coordination and oversight of capital investments in which the City participates as a co-investor <p>One of the main roles of department is to protect and preserve natural, historical, cultural and building heritage from the aspect of urbanism. Beside that they are working on energy efficiency and sustainable development. In their authority are issues related to environment protection and good waste management. Scope of their competences by the law is that they can make decisions, authorizations, plans, coordination and supervision actions which are in their power gain by national law.</p>
<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA; hierarchical and functional relations at local level between Sustainable development policies, the heritage protection planning and process, regeneration and/or valorisation processes or projects / other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting...)</u></p> <p>Described earlier in the text</p>

C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

The owner of a cultural asset is obliged to:

- handle the cultural good with due diligence, and in particular keep it and maintain it regularly;
- implement protection measures set forth in this Act and other regulations,
- on any changes in cultural property, damage or destruction, and on the disappearance or theft of a cultural asset, the competent authority shall notify the competent authority immediately and no later than the following day,
- allow professional and scientific research, technical and other surveys, as well as the implementation of technical protection measures,
- to make available the cultural good of the public,
- to preserve the integrity of the protected collections of movable cultural goods,
- perform all other obligations prescribed by this Law and other regulations.

Costs related to the preservation and maintenance of cultural goods and the implementation of technical protection measures are borne by the owner of the cultural property.

If the maintenance of a cultural asset or works on its repair, conservation or implementation of technical protection measures require extraordinary costs that exceed regular maintenance costs and income or other benefits the owner owns from cultural property, the owner has the right to apply for compensation for extraordinary expenses.

The extraordinary expenses referred to in paragraph 2 of this Article shall be determined by a decision of the Ministry of Culture, and the funds shall be provided in the state budget.

The rights of the owner of a cultural asset apart from the rights established by a special law and subject to the limitations of this *Law* are:

- the right to compensation for the restriction of the right of ownership of a cultural property under the conditions prescribed by this *Law*,
- the right to tax and customs benefits under a special law,
- the right to professional assistance of the competent authority for the proper protection and preservation of cultural goods in the manner prescribed by this *Law*.

The owner who intends to sell the cultural good is obliged to offer it at the same time to the Republic of Croatia, the County, the City of Zagreb, the city or municipality on whose territory this cultural property is located, at the same time as the price and other conditions of sale. This provision shall not apply to immovable property within a protected cultural and historical complex which is not protected as a cultural property by a special decision.

The owner, the holder of cultural property rights and the other cultural property holder shall compensate for the damage to the cultural property caused by acts contrary to the provisions of this *Law*.

A concession is needed for the economic use of immovable cultural property or the right to conduct economic activities in respect of immovable cultural property owned by the Republic of Croatia, County, City of Zagreb, city or municipality.
The concessionaire is obliged to take measures of protection and preservation of cultural property in the manner and under conditions determined by the Law and special regulations.

C.2. Horizontal governance mechanisms and practices at local level

The city of Karlovac provides full assistance to potential investors through the lack of spatial planning documentation, quick issuance of building permits and assistance in solving property rights. Also, with larger investments, the City exempts private investors from paying communal fees for a certain period, and participates in arranging public areas (roads, sidewalks).

C.3. Specific procedures involving public and private sectors on HBA

The public private partnership is defined by the legislative framework in the Republic of Croatia, but it has not lived as in the Western European countries, and so far in Karlovac we have not had any public private initiative. For smaller renovations of the facades of residential buildings Karlovac announces a public tender for co-financing the layout of the facades and roofs of residential buildings in accordance with the conditions of the Karlovac conservation department.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

An interesting example can be an example of the Society of Friends of the Dubrovnik Old Town, which for 40 years, based on the City of Dubrovnik Agreement, manages city walls, collects revenue from tickets, and collects all funds collected in the monument restoration, which is surely one of the most successful and most innovative examples of sustainable use of cultural heritage in the Republic of Croatia.¹⁸

This example shows how cultural heritage can be used sustainably, while protecting, conserving and reconstructing. The model that operates the Dubrovnik Friendship Society contributes to the enhancement of the protection and preservation of cultural heritage, but it also provides significant financial resources directed at almost all forms of protection of the material and immaterial heritage of the Dubrovnik area. Of course, without the support and cooperation of the local population and administration, the work of this Society and similar associations would

¹⁸ Ministry of Culture (2011): Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015. Zagreb: Ministry of Culture. Available on: <http://www.min-kulture.hr/default.aspx?id=4> [26.09.2017.]

be very difficult. The Dubrovnik example can serve as a model for good practice and for other associations in the Republic of Croatia.

Although today there are numerous and varied programs for entrepreneurship development (financial schemes, counselling, promotion, etc.), from those at central level, local and regional self-government, entrepreneurial associations (chambers, associations, societies, etc.) to special financial institutions (venture fund capital), there are virtually no programs to stimulate and assist cultural management related to the use of cultural heritage.¹⁹

Additionally, there is no adequate education and training for management in the use of cultural heritage. Interestingly, there are a number of quality educational institutions for the acquisition of competences for research, protection and preservation of cultural heritage, there are good business schools, but there is no institution or multidisciplinary programs that will enable a good acquisition of knowledge, skills and behaviour for management in sustainable use of cultural heritage.

The general assessment of the state of development of cultural-based entrepreneurship is that, despite it

launched programs and incentive measures, initial good results, support from a variety of organizations at different levels, from state to local and civil society, successful examples of entrepreneurial ventures that have been confirmed in the global market, far below the opportunities that national cultural heritage provides as a development potential for sustainable use.

¹⁹ Ministry of Culture (2011): Strategy of Conservation, Protection and Sustainable Economic Use of Croatian cultural heritage 2011-2015. Zagreb: Ministry of Culture. Available on: <http://www.min-kulture.hr/default.aspx?id=4> [26.09.2017.]

D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • to develop strategic guidelines and action plans for the purpose of restoration and sustainable use of certain types of cultural heritage; • to adopt architectural heritage management plans; • to regulate the property and legal status of cultural heritage and / or to use the temporary custody institution more often for the purpose of necessary protective works; • a very good legal system for the protection of cultural heritage. 	<ul style="list-style-type: none"> • a considerable number of unresolved property, legal and property relations; • unsatisfactory building state of architectural cultural heritage, neglect, lack of maintenance, ruin; • insufficient professional capacities for the preparation of conservation studies for reconstruction; • insufficient systematic computerization and updated monitoring of data on architectural heritage; • the lack of a model of cultural heritage management, which is why there is no systematic maintenance and use; • insufficient sensibility for cultural heritage in local communities affects inadequate use of cultural heritage as an economic resource; • lack of incentive measures for investing in the restoration of architectural heritage (tax policy, subsidies, reliefs)
Opportunities	Threats
<ul style="list-style-type: none"> • to foster an integral approach and continuous collaboration of experts within the sustainable use and conservation program with spatial planners, architects, economists, tourism experts, etc; • to involve energy efficiency in strategic guideline to improve performance of the buildings. • to stimulate the revitalization of cultural heritage by introducing historical uses or acceptable new contents how to cultural heritage actively participate in the life of the local community; • to encourage the educational, ecological and tourist activities of the local population in order to raise awareness of the need to preserve the cultural heritage and its economic use; • establish criteria for valorising cultural assets of national, regional and local importance for all types of cultural heritage. 	<ul style="list-style-type: none"> • strive to establish a balanced relationship between original forms of architectural heritage and contemporary architectural phenomena (with strict control and selective application of new materials and constructions) in order to preserve the autonomy of the landscape needed to attract the so-called cultural tourists; • to educate professionals for work on preservation of architectural heritage, to organize professional training of conservation staff members for the purpose of achieving the program of protection and preservation of cultural heritage and its sustainable use

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN CZECH REPUBLIC

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The Preamble to the Constitutions of the Czech Republic states that citizens of the Czech Republic are determined to jointly guard and develop the inherited natural, cultural, material and spiritual wealth. The Ministry of Culture of the Czech Republic (hereinafter referred to as the MK ČR) is responsible for the care of cultural monuments in the Czech Republic. The Ministry of Culture set up a professional organization of heritage care - the National Heritage Institute (NPÚ). In addition to the above, there are a number of independent associations and associations active in the protection of monuments, such as the Old Prague Club, Castles of the České středohoří, etc. The Czech Republic is a part of UNESCO.

A basic document for the care and protection of the cultural heritage is the Act of the Czech National Council on Monument Care No. 20/1997 Coll., (Hereinafter the Monument Act).

A.2. Relevant terms provided by legal/strategic framework

Cultural monuments are recorded in the Central List of Cultural Monuments of the Czech Republic (ÚSKP, Heritage Catalogue), which is maintained by the National Heritage Institute (NPÚ). In the Czech Republic, **real estate heritage records are recorded in the following categories:**

- **National Cultural Monuments (NKP)** - are cultural monuments that are the most important part of the nation's cultural heritage. 272 of these monuments were registered in 2013, most of them located in Prague (47), Brno (9) and Olomouc (5). NKP declares its regulation the Czech government.



NKP Valtice Chateau and Villa Tugendhat (UNESCO World Heritage Site), South Moravian Region (JMK)

- **Cultural monuments** - are a significant proof of the historical development, life style and the environment of the society from the earliest times to the present, as a manifestation of the creative abilities and the work of man from various fields of human activity, for its revolutionary, historical, artistic, scientific and technical values, or have a direct relationship to important personalities and historical events. The Ministry of Culture announces its cultural monument.

Historic Built Areas (HBAs) that are under conservation status are classified according to their size and size into the following categories:

- **Monument reservation**, such as the Municipal Heritage Reservations (MPR), the Village Heritage Reservations (VPR), and the Archaeological Heritage Reservation (AR) - are listed in the Czech Republic as listed by Government Order. Monumental reservations are usually characterized by a compact historical building without significant modern building disturbances with a large proportion of architecturally valuable buildings, many of which are declared immovable cultural monuments. The homogeneous area of reservations is usually characterized by a preserved historical ground plan, built in original volumes and shapes, including roof shapes and vegetation component proportions. The subject of protection is not only individual cultural monuments on the territory of the reservation, but also other objects and areas and the historical layout of the site (parcellation and street network), space and mass composition, urban structure, street interiors, historical underground spaces (cellars, stoles) the main features of nearby and long-distance views, historical gardens and parks, elements of small architecture, materials, etc. In the Czech Republic there are 111 monument reserves in total in the year 2017, namely 40 municipal heritage reservations, 61 village heritage reservations, 8 archaeological heritage sites and 2 other heritage sites.



MPR Český Krumlov, and state castle and chateau in Český Krumlov (NKP, UNESCO)

- **Monument zones**, such as Municipal Heritage Zones (MPZ), Village Heritage Zones (VPZ), and Landscape Heritage Zone (KPZ) - a type of monumental area, or a landscape unit, which is granted a special status with increased monument protection by a Decree of the Ministry of Culture. It is a lesser degree of protection than a monument reserve. This status on the content of protection is stipulated in the Act of the Czech National Council No. 20/1987 Coll. (as amended by Act No. 425/1990 Coll.), on state monument care. Section 6 of this Act states: "The Ministry of Culture may declare the monument zone as a conservation area and determine the conditions of its protection after the discussion by the regional authority, the territory of the settlement or its part with a minority of cultural monuments, the historical environment or a part of the landscape. Compared to the monument reservation, the monument zone differs by the fact that it is not declared by the government of the Czech Republic, but by the Ministry of Culture.

Monuments and protected areas usually have a designated protection zone declared by the relevant decision.

The Monument Act in Section 6a defines the possibility of issuing measures of a general nature, a Plan for the Protection of a Monument Reserve or a Monument Zone. This document is issued by the relevant regional authority after discussion with the Ministry of Culture, the town planning authority and the relevant municipality.

The Monuments Reservation (MPR/VPR) and Monuments Zone (MPZ/VPZ) regeneration program is a tool for restoring cultural monuments found in the most valuable parts of historic towns declared as monuments reservations and monument zones. Financial contributions from it can be provided only if the city has its own regeneration program and if it also finances with the owner for the restoration of the cultural monument. The regeneration program is the program of the Ministry of Culture of the Czech Republic. Administration of this program is divided between municipalities with extended competence (ORP) and the Ministry of Culture of the Czech Republic.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

In the period from the end of the Second World War until 1989, due to large changes in the ownership structure on immovable cultural heritage, almost irreversible losses have occurred. Many immovable monuments were often inappropriately used, or quite useless, and there was a lack of continuous maintenance and care (especially religious monuments) in many monuments. As a result of this situation, in the period after 1989 there was a need for an extreme amount of funds for the reconstruction and maintenance of the real estate fund. In addition, a number of monuments have not been able to find a new way of utilization, so that today (especially in less accessible locations) remains some immobile monuments without use and in a very poor technical condition. Numerous monuments have failed to resolve property-law relations, which also leads to their unhappy state.

The interrelationship between the protection of cultural values, usability and sustainability in the Czech Republic is monitored by both property owners and cultural heritage authorities. However, the perception of some aspects may be different for the caregiver. Local conditions are crucial. Sustainability is generally perceived as being more economic, as it is often linked to financing repairs by means of loans. Sustainability in terms of efficient energy management in the operation of immovable monuments is rather rare. In general, the access of conservation authorities to this issue can be described as very conservative, not allowing major interventions in constructions.

A.4. Policy trends and evolutions

The legal framework, in particular the Monument Act and the Building Act, is amended at different time intervals. In particular, the professional public, eg the Czech Chamber of Architects (ČKA), is trying to participate in the creation of new legislation or the process of commemorating. However, it is not always heard in its entirety. Characteristic for the Czech Republic is a relatively frequent change in the legislative framework, which is causing legal uncertainty. The Monument Act was amended from 1989 onwards 23 times, the Building Act from 2007 even 22 times. From 1.1.2018, the amendment to the Building Act will apply as Act No. 225/2000 Coll.

Experts and property owners are particularly concerned about:

- an unbalanced range of mutual rights and obligations between the State and the owners of immovable cultural heritage,
- compensatory measures (financial) in connection with the ownership of a cultural monument without a period and mostly insufficient,
- objects in monumental reservations and zones that are not immovable monuments are subject to the same regime as monuments, but without the possibility of state financial contributions, which gives rise to considerable dissatisfaction with the owners of these buildings,
- inter alia, restrictions on HBA protection zones are required to the minimum necessary,
- the system is in principle well designed but not always used and maintained,
- a Regulatory plan of the Monument Reservation or Zone (as one of the important instruments of regulation of the HBA activity) does not have a number of towns and municipalities with the HBA.

B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Governance level or Institution that has the main responsibility of heritage protection

The **National Heritage Institute (NPÚ)** is a professional and research organization of state care of monuments in the Czech Republic with national competence. It is a state contributory organization established on 1 January 2003 under the Act of the Czech National Council on State Heritage Care (Act No. 20/1987 Coll., As amended) by the Ministry of Culture of the Czech Republic.

Professional organization of the state monument care pursuant to Section 32 (2) of the Monument Act:

- elaborates analyses of state and development of state monument care, background for forecasts, concepts and long-term perspectives of development of state monument care;
- organizes, coordinates and fulfills the scientific research tasks of the state monument care, elaborates the theory and methodology of the state monument care and methodology of social application of cultural monuments;
- fulfills the tasks of a specialized methodological, documentation and information workplace for the department of state monument care and provides surveys, researches and documentation of cultural monuments, monuments and monument zones and is simultaneously the provider of data according to a special legal regulation;
- maintains a central list of cultural monuments;
- prepares expert documentation for the Ministry of Culture, especially for declaring objects as cultural monuments;
- elaborates the necessary expert documentation for the other institutions of the state monument care, methodically guides the work of conservators and reporters and provides free professional assistance to the owners of cultural monuments in the care of cultural monuments;
- provides professional supervision of the implementation of comprehensive care for cultural monuments and their continuous use;
- monitors cultural and educational use of cultural monuments and their promotion and ensures the cultural and educational use and accessibility of cultural monuments with which they manage;
- provides further training of staff in the field of state monument care;
- fulfills other tasks in the field of state monument care, which will be entrusted to it by the Ministry of Culture.

The National Heritage Institute provides and performs basic and applied scientific research in the field of heritage care. It also performs other professional, pedagogical, educational, publications and popularization activities to ensure the quality and expertise of care for cultural monuments and heritage sites. Professionally and methodically guides and promotes the care of monuments and heritage protected areas owned and managed by other entities.

NPÚ also has a direct management of a collection of cultural monuments, especially state castles and chateaux. There are about 100 state-owned monuments, mostly national cultural monuments (NKP), namely castles, chateaux, monasteries, churches, folk architecture, gardens, parks and technical monuments. Most of them are accessible and offer visitors the possibility of touring one or more visitor circuits. The regional centers of state monument care briefly administered the state-owned castles and chateaux after 1960, then transferred them to the National District Committees and eventually, after 1968, they were gradually taken back to their administration, the last before 1989.

If the cultural monument is a state property, the rights and obligations stipulated by the law of the owner of the monument have, pursuant to Section 43 of the Act on the state monument care, the state organization that has a memorial in administration or a non-governmental organization that has been entrusted to a permanent monument or, the right of use in cooperative or substitute uses to ensure production.

From January 1, 2013, the NPU is organized by the General Directorate in Prague (GnŘ), the 14 Territorial Professional Offices in individual regions (ÚOP) and 4 Territorial Monuments Administration (ÚPS). The Directorate-General manages the overall activity of the NPÚ and, to the extent defined by the internal regulations, directly assures the tasks of the state monument care. The Territorial Offices provide the tasks of the state monument care within the scope of its territorial scope. Territorial heritage administrations manage accessible cultural monuments in the direct administration of the NPU (castles, chateaux, monasteries, churches, museums, industrial monuments).

- **The headquarters of the National Heritage Institute's** management team. The administrative staff coordinate the activity of the whole institute, while the specialist staff (heritage officers) are in charge of the care of the nation's heritage buildings and other monuments, and provide their regional branch colleagues with methodological help.
- The specialist **regional offices (14)** research and document the specialist care and conservation of historic buildings, groups of historic buildings and heritage areas (i.e. reservations and zones). They provide free advice on the conservation, maintenance and renovation of historic buildings, and provide expert supervision during their restoration and renovation. They also present historic buildings to the public in various ways, acquainting people with cultural heritage.
- **Regional historic sites management (4)**. Employees are responsible for the practical management of castles, mansions and other historic buildings owned by the state and looked after by the National Heritage Institute. The four regional branches, based in Prague, České Budějovice, Sychrov and Kroměříž, are responsible for over a hundred historic buildings in all 14 regions of the Czech Republic.

NPÚ maintains the Central List of Cultural Monuments of the Czech Republic (ÚSKP ČR, Heritage Catalogue). Between 2007 and 2015, on the basis of a government resolution, digitization and modernization of the list and related processes and

services took place. By 2015, a number of sub-systems were used to register the monuments, and a new Memorial Catalog was launched on December 1, 2015. The list of the heritage fund is defined as an information system of public administration, which is a purposeful and continuously updated set of data and other documents stipulated by this Act, which records data on cultural monuments, national cultural monuments and monuments and conservation monuments. For public data in the list the law provides completeness and truthfulness. Public data should be:

- name
- closer identification
- index number
- indication of protection: date of issue, number and date of enactment of a decision, legal act or legal act, for a cultural monument registered in the state list date of entry in this list
- indication of change in protection range,
- international protection,
- details of the delimitation of the conservation monument zone
- for the conservation area, the protection plan data



Regional organization of the Czech Republic, 14 regions (13 regions + Prague), NUTS 3

The public base of the list of the monument fund should also be a photo-documentation of a cultural monument, a national cultural monument or a monumental area taken from a public area and a plan of protection.

As non-public data, items and works not registered in the Land Registry have to record owner data and location details. The non-public background of the list of the monument fund includes photographic and other documentation beyond the scope of public documentation (for example, photographs from interiors), decisions or binding opinions of the monument conservation authority in the monumental area, which are not cultural monuments, building historical research, final restoration report, further reconnaissance documentation.

Numbers of monuments in the Czech Republic (as of 15 May 2008) and in the South Moravian Region (JMK).

Type of (real) monument	Total in the ČR	Of which number in JMK
Cultural Monuments (KP)	39.247	4.504
National Cultural Monuments (NKP)	235	21
Monument reservations	123	3 MPR (Brno, Mikulov, Znojmo), 3 VPR (Blatnice-Stará Hora, Pavlov, Petrov-Plže)
Monument zones	483	12 MPZ, 8 VPZ
World Heritage Sites - UNESCO	12	2 (Villa Tugendhat in Brno and Lednice-Valtice Cultural Landscape)

B.1.2. National/main governance level and local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • Zákon č.20/1987 Sb., o státní památkové péči, ve znění pozdějších předpisů, - Monument Act • Vyhláška č.66/1988 Sb., kterou se provádějí některá ustanovení zákona č.20/1987 Sb., o státní památkové péči, ve znění pozdějších předpisů, • Vyhláška MK č.187/2007 Sb., kterou se stanoví obsah a náležitosti plánu území s archeologickými nálezy, • Vyhláška MK č.420/2008 Sb., kterou se stanoví náležitosti a obsah plánu ochrany památkových rezervací a památkových zón, - Decree of the Ministry of Culture No. 420/2008 Coll., Laying down the requirements and content of the plan for the protection of heritage sites (reservations) and heritage zones • prováděcí předpisy, jimiž se vyhláší památkové rezervace, památkové zóny, - implementing regulations that declare heritage reservations and heritage zones, • Úmluva o ochraně architektonického dědictví Evropy (sdělení Ministerstva zahraničních věcí č.73/2000 Sb.m.s.), přijaté dne 3.10.1985 v Granadě. Pro ČR vstoupila v platnost dne 1.8.2000, - Convention for the Protection of the Architectural Heritage of Europe (Statement of the Ministry of Foreign Affairs No. 73/2000 Coll.), Adopted on October 3, 1985 in Granada. For the Czech Republic it entered into force on 1.8.2000.
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • Ministry of Culture CR (MK ČR), section of cultural heritage, • Ministry of regional development CR (MMR ČR) • National Heritage Institute (NPÚ),
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations at national level</u></p> <p>The National Heritage Institute (NPÚ) is a professional and research organization of state care of monuments in the Czech Republic with national competence. It is a state contributory organization established on 1 January 2003 under the Act of the Czech National Council on the State Monument Care (Act No. 20/1987 Coll., As amended by the Ministry of Culture of the Czech Republic).</p> <p>The Ministry for Regional Development of the Czech Republic (MMR ČR) ensures the execution of state administration in the sphere of</p>

	<p>spatial planning, territorial decision-making and building regulations for the whole territory of the Czech Republic, incl.HBA.</p> <p>Construction authorization and all activities in the HBA at the local level are coordinated and ensured by the local building authority. In the context of land-use planning and building regulations, a statement of the monument care body is required for any building activity on a real estate monument or any object in a conservation area, reservation or zone.</p>
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B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The policy of architecture and building culture issued by the **Ministry of Regional Development of the Czech Republic** in 2015 sets out in general the basic principles for improving quality in architecture and building culture in the Czech Republic, is a strategic document of national scope.

Act No. 183/2006 Coll., On Spatial Planning and the Building Code (Building Act) is the legislative framework for spatial planning issues, building regulations and project activities.

The Building Act defines spatial planning tools, such as:

- non-statutory planning materials and
- planning documentation.

On January 1, 2018, the so-called "big amendment" of the Building Act will become effective under No. 225/2017 Coll. The aim of the amendment is to simplify land-use planning and building regulations.

The **spatial development policy (PÚR)** coordinates the development and updating of the development principles, the development of concepts approved by the ministry and other central administrative authorities, and plans for changes in the territory of national importance. The Ministry of Regional Development policy is procured for the entire territory of the Republic and approved by the government. Spatial development policy is binding for the acquisition and issuance of spatial development principles, land use plans, regulatory plans, and land-use decision-making.

SPATIAL PLANNING TOOLS IN THE CZECH REPUBLIC:

Non-statutory planning materials are:

1. Planning analytical materials - ÚAP

The ÚAP includes the identification and evaluation of the state and development of the territory, its values, the limitation of changes in the territory for reasons of protection of public interests, intentions and identification of problems to solve. From the point of view of the protection of historical monuments, the ÚAP (in particular the graphic part) includes conservation reserves with the protected zone, conservation zones with the protected zone, landscape monument zones, important cultural monuments

or file sets including the protection zone, protected areas, UNESCO monuments including protection zones, urban values, folk architecture, historically important buildings or sets, architecturally valuable buildings or sets, significant building blocks and areas with archaeological finds (see Figures 5-16) . UAPs are the basis for a land-use plan

2. Planning Study (ÚS)

The ÚP proposes, examines and assesses the possible solutions to selected problems, or the development or development of some functional systems in the area, such as Memorial Reservations or Zones (HBAs). Outputs of the planning study are the basis for updating or changing land-use planning documentation.

Planning documentation is composed by:

1. Development Principles - ZÚR

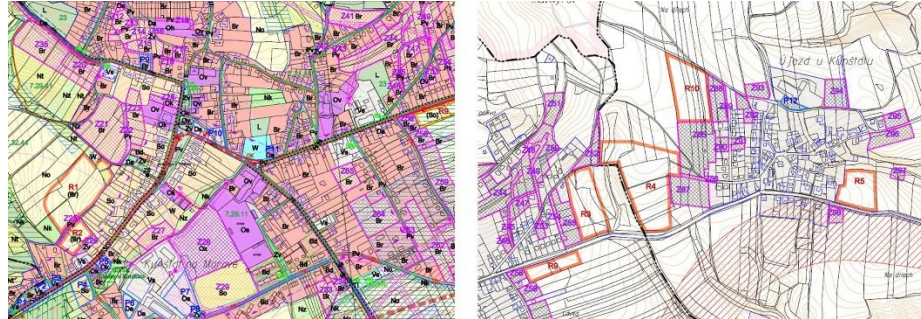
ZÚR are processed in the whole region (region). In particular, the ZÚR stipulates the basic requirements for the efficient and economical organization of the territory of the region, defines areas or corridors of overriding importance and sets out requirements for their use, especially areas or corridors for publicly beneficial structures, publicly beneficial measures, determines the criteria for deciding on possible variants or alternatives to changes in their use. The principles of territorial development are procured for the entire territory of the region and are issued in the form of measures of a general nature. The principles of spatial development are binding for the acquisition and issuance of land use plans, regulatory plans and for decision-making in the area.



2. Land use plans - ÚP or Local plans

Land use plans are always processed in the Czech Republic in the whole cadastral area of the municipality, ie both the built-up area and the landscape. ÚPs are an essential document for the development of cities and municipalities. ÚP must be in accordance with the principles of spatial development and spatial development policy. The ÚP is binding for the acquisition and issuance of a regulatory plan by the municipal council and for decision-making in the territory. The provision of funds from public budgets for the implementation of changes in the territory must not contradict the issued land use plan. Legislation (the relevant Decree) clearly defines the content of the land use plan, the text part and the graphic part. The text has an operative part and a justification. The scale of drawings of the graphical part is usually 1: 5.000.

The amendment to the Building Act, effective as of 1 January 2018, will allow smaller municipalities to acquire a land use plan with details of a regulatory plan for selected areas of the built-up area (eg HBA)



A cut-out from the land use plan, a coordinating drawing (a summary of all the phenomena) and a drawing of the basic classification.

According to current legislation, the land use plan is implemented in 4 stages:

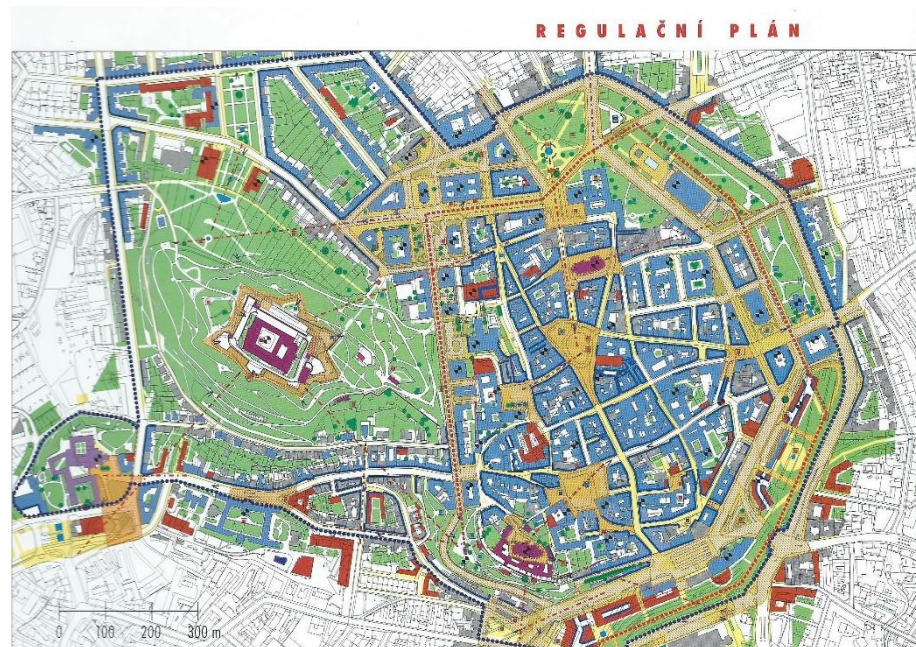
- a. the assignment of the land use plan is usually processed by the acquirer, ie the local public administration. The assignment defines practically the tasks for the developer of the spatial plan. The award takes into account the incentives received by the purchaser from the public and the public administration;
- b. a draft land use plan for joint action (SJ) is processed on the basis of an approved assignment and subsequently processed after consultation with the authorities and organizations concerned to submit their comments. Negotiation with the public is not mandatory at this stage, but it can be implemented;
- c. the design of the Land use plan for Public Consultation (VP) is elaborated on the basis of the guidelines issued after the evaluation of the comments after the SJ. Discussions are again taking place with the authorities and organizations concerned, and with the public who can object;
- d. approval and issuance of the land use plan, subsequently the land use plan is usually published in pdf format on the website of the affected city / municipality.

The same procedure is also applicable to changes to land use plans.

3. Regulatory Plan - RP

The next level of land-use planning documentation is the Regulatory Plan (RP). The RP on the site provides detailed conditions for land use, placement and spatial arrangement of buildings, protection of values and character of the area and for the creation of a favorable environment and defines publicly beneficial structures or public benefit measures. The RP must be in line with spatial development policy, land-use planning principles and land-use planning. The regulatory plan is binding for decision-making in the territory. At present, only a few monuments reservations and zones have been prepared by a regulatory plan.

This documentation is handled for a predefined territory, such as an urban conservation reservation or a zone. From the point of view of impact on HBA, the RPs have a major impact, because they set out in more detail the conditions of land use, and are thus relatively closely related to the requirements resulting from monument protection.



Urban concept, graphic part of the MPR regulation plan in Brno (1999, still valid)

Non-statutory planning materials and planning documentation can be processed only by persons with appropriate authorization, registered on the list of authorized persons at the Czech Chamber of Architects (ČKA). In total, 2,025 architects with general competence, 145 persons authorized in the sphere of spatial planning and 184 persons authorized in landscape architecture (2016) are authorized in the Czech Republic.

The Institute for Spatial Development (ÚÚR) is an organizational component of the state, established by the MMR CR. They are active in the fields of spatial planning, regional policy, housing and housing policy, territorial development programs of regions and municipalities in the Czech Republic and tourism. According to the constitution, the Institute's activities are defined as follows:

- Processing of evidence for operational activities of MMR
- Methodological, consulting and research activities.
- Study, information, documentation and publishing activities.
- Preparation of documents for legislation.
- Creation of information systems.
- Organization of international professional contacts and participation in international organizations.

B.2.2. National/main governance level and local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban and local/regional planning legal framework</u></p> <ul style="list-style-type: none"> • Zákon č. 183/2006 Sb., o územním plánování a stavebním řádu (stavební zákon), resp. Zákon č. 225/2017 Sb. jako novela stavebního zákona platná od 1.1.2018, - Building Act • Zákon č. 360/1992 Sb., o výkonu povolání autorizovaných architektů a o výkonu povolání autorizovaných inženýrů a techniků činných ve výstavbě. - on the pursuit of the profession of authorized architects and on the pursuit of the profession of authorized engineers and engineers in construction. • Zákon č. 121/2000 Sb., o právu autorském, o právech souvisejících s právem autorským a o změně některých zákonů (autorský zákon). - on Copyright, on Rights Related to Copyright and on Amendments to Certain Acts (Copyright Act) • Zákon č. 89/2012 Sb., občanský zákoník. - Civil Code • Zákon č. 500/2004 Sb., správní řád. - Administrative Procedure • Zákon č. 134/2016 Sb., o zadávání veřejných zakázek - účinný od 1. 10. 2016 - the Public Procurement Act • Zákon 254/2001 Sb., o vodách a o změně některých zákonů (vodní zákon). - on Water and on the Amendment to Certain Acts (Water Act) • Zákon č. 114/1992 Sb., o ochraně přírody a krajiny. - on Nature and Landscape Protection • Vyhláška č. 499/2006 Sb., o dokumentaci staveb. Znění účinné k 14. 2. 2014 - Decree No. 499/2006 Coll., On building documentation. Text valid from February 14, 2014 • Vyhláška č. 500/2006 Sb., o územně analytických podkladech, územně plánovací dokumentaci a způsobu evidence územně plánovací činnosti. Znění účinné k 14. 2. 2014 • Vyhláška č. 501/2006 Sb., o obecných požadavcích na využívání území, ve znění pozdějších předpisů. Znění účinné k 14. 2. 2014 - Decree No. 501/2006 Coll., On General Requirements for Land Use, as amended. Text valid from February 14, 2014, • Vyhláška č. 503/2006 Sb., o podrobnější úpravě územního řízení, veřejnoprávní smlouvy a územního opatření. Znění účinné k 14. 2. 2014 • Vyhláška č. 268/2009 Sb., o technických požadavcích na stavby. Znění účinné k 14. 2. 2014 - Decree No. 268/2009 Coll., On Technical Requirements for Buildings. Text valid from February 14, 2014, • Vyhláška č. 398/2009 Sb., o obecných technických požadavcích zabezpečujících bezbariérové užívání staveb. Znění účinné k 14. 2. 2014 - Decree No. 398/2009 Coll., On general technical requirements ensuring the barrier-free use of buildings. Text valid from February 14, 2014
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning and among the organisations/departments/stakeholders involved in urban planning processes</u></p> <ul style="list-style-type: none"> • Ministry of regional development ČR (MMR ČR) - The Department of Spatial Planning, Department of Building Regulations and the Department of Territorial and Construction Administration. The MMR CR ensures the performance of state administration in the

	<p>sphere of spatial planning, territorial decision-making and building regulations for the whole territory of the Czech Republic, incl. HBA,</p> <ul style="list-style-type: none"> • Institute for spatial development (ÚÚR), It is a government department established by the Ministry for Regional Development of the Czech Republic (MMR ČR). • The regional authority, which is the local authority, acquires the principles of spatial development and land-use planning documents, at the same time being the concerned authority. • The municipal authority, or municipality with extended authority, develops territorial plans and regulatory plans for the territory of the municipality, territorial planning documents and others provides for further spatial planning activities and building regulations in place.
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> <p>The development of the HBA is basically the same as for all other cities. All towns / municipalities in the Czech Republic have a compiled land-use plan which is binding for all development and building activities in the area. Land use plans (ÚP) are processed for the whole cadastral area on the basis of the current map of the real estate cadastre. ÚP establishes a binding method and conditions of use for individual plots. All plans planned in the area must be in accordance with the approved land-use plan. Plans that do not comply with the applicable land-use plan can only be approved and implemented after the development and approval of the land-use plan change. The process of acquiring the ÚP takes about 2 years for smaller municipalities, or about 4 years for larger cities. The process of acquiring and approving a change in the land use plan is shorter, but not significant. A wide range of authorities concerned are regularly represented by the ÚP, including, among others, the cultural and historical heritage departments of local authorities. During the elaboration of the ÚP they apply objections and statements, which are usually incorporated into the ÚP.</p> <p>The developer of the ÚP (or any spatial planning documentation, ie the regulatory plan) may only be an authorized architect of general application or a permit for the sphere of spatial planning. The selection processor of the ÚP is usually governed by the relevant public procurement law on the basis of a selection procedure. At present, the main criterion, which is the subject of considerable criticism, is the price of the work offered.</p>
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>Land use plan is generally a basic tool for city and municipal planning. Because it is binding for all other phases, it must be flexible enough and at the same time it must sufficiently protect the values of the territory. More detailed documentation, which is no longer mandatory, however, if it is already done, it is already binding, is the regulatory plan. The regulatory plan can significantly influence and regulate the development of the HBA. In practice, a number of cities and municipalities are avoiding a regulatory plan, as they perceive it as too binding.</p>

	<p>The authorities of conservation and protection of the monument enter into the process to a much greater extent within the framework of project preparation to the phases of territorial management and construction proceedings. Subsequently, it carries out supervision of the execution of the construction until the final approval.</p>
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B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

National level/local level approach on:

Sustainability-Conservation-Use of HBA integrated approach, strategies and action planning;

- Environmental issues connected and included in cultural heritage preservation, valorisation, management policies;
- The dimension of HBA in environmental and sustainability policies (Agenda 21, SEAP, energy plans, mobility plans...).

In general, the issue of environmental protection belongs under the Ministry of the Environment (MŽP ČR). Environmental protection and / or sustainable development of the territory incl. HBA is primarily addressed in the context of land-use planning. Practically, environmental protection concerns are focused on nature and landscape conservation. A key development document at the local level is the land use plan, which is always processed within the entire cadastral area, ie both the built-up part and the landscape. As a rule, but not always, the documentation of the Sustainable Development Impact Assessment (VVURÚ) documentation is taken together with the land-use plan. Part of this documentation is Part A, SEA - Environmental Impact Assessment, Impact Assessment on NATURA 2000 Locations and other parts defined by Annex No. 5 of Decree No. 500/2006 Coll. VVURÚ shall be processed only if the environmental protection authority at a local authority assesses intentions in the area that are so serious that they can have a significant impact on the environment. For example, the affected area is affected by the NATURA 2000 area or planned large-scale transport structures that are radically interfering with the country.

Extensive concrete projects for individual buildings may also be subject to the Environmental Impact Assessment (EIA). Legislatively, this process is dealt with by Act No. 100/2001 Coll. On Environmental Impact Assessment, amended by Act No. 39/2015 Coll. This law provides for cases where this document is required and processed. EIA is processed during the project preparation. The current amendment to the Building Act regulates the terms of EIA documentation processing.

Local Agenda 21 (MA21) is one of the ways to implement environmental issues in HBA issues. Participation in Agenda 21 is based on volunteering. The measures resulting from the activities of Agenda 21 are only of a recommending character. MA21 is a program that seeks to apply the principles of sustainable development at regional level. It is devoted to local development, encouraging the ecological activity of the population and interest in the cultural life of towns and

municipalities. These include, for example, the following activities: restoration of monuments, revival of traditional customs and crafts, sustainable tourism, landscape care, planting of trees, maintenance of parks, events for the public (festivals, fairs, pilgrimages) concepts, plans and daily agendas, ecological heating, municipal waste sorting, consumption-conscious shopping, and a host of other activities. Local Agenda 21 is a prerequisite for involving local citizens and public officials.

Healthy Cities of the Czech Republic (NSZM), The National Network of Healthy Cities brings together towns and municipalities with an interest in sustainable development. NSZM methodically guides its members to apply the principles of sustainable development in practice. NSZM is presently the only association of Czech municipalities that stipulates in its statutes to consistently work towards sustainable development, health, and the quality of life in cities, municipalities and regions of the Czech Republic. Since 1998, NSZM member cities, towns and regions have proceeded according to a WHO and NSZM Methodology, co-operating with a wide range of NSZM's expert partners, particularly Charles University, Prague. Methodology was awarded as a Worldwide Project EXPO 2000 in Hanover. In 2006 HCCZ has been pre-selected among the finalists of the United Nations Public Service Awards, in 2008 obtained from the Ministry of Interior the Innovation Award for its database system for strategic management in cities DataPlan.

B.3.2. Governance mechanism including institutional and stakeholders levels

Environmental protection is incorporated into land-use planning and building regulations.

B.3.3. Thematic policies and strategic plans

Not specifically specified. The requirements for individual measures are dealt with in the context of land-use planning and building regulations. HBAs in the Czech Republic are most at risk of flooding. The boundaries of the active zone (the 20-year flood) and the hundredth years water boundary (Q100) are indicated in the land use plans. These territories are subject to specific conditions subject to approval by the competent authorities. In addition, the HBA suffers from damage caused by atmospheric phenomena, thunderstorms or storms. Earthquakes are virtually absent in the Czech Republic.

B.3.4. National/main governance level and

B.3.5. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Zákon č. 100/2001 Sb. (EIA), - Act No. 100/2001 Coll. (EIA), • Zákon č.114/1992 Sb., o ochraně přírody a krajiny, - Act No. 114/1992 Coll., On the Protection of Nature and the Landscape
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	<ul style="list-style-type: none"> • Zákon č.406/2000 Sb., o hospodaření s energií, - Act No. 406/2000 Coll., On energy management, • Vyhláška č.78/2013 Sb., o energetické náročnosti budov, - Decree No. 78/2013 Coll., On the energy performance of buildings,
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Ministry of the Environment of the Czech Republic (MŽP ČR). Ministry was established as of 1 January 1990 by Act no. 173/1989 Coll., dated 19 December 1989, to function as the central state administrative authority and supreme inspection authority in environmental affairs. To guarantee and inspection activity of the Government of the Czech Republic, the Ministry of the Environment co-ordinates the activities of all Ministries and other central state administrative authorities of the Czech Republic in environmental matters. • CENIA, the Czech Environmental Information Agency is a contributing organization of the Ministry of the Environment of the Czech Republic, CENIA is the central point to which all information on the environment in the Czech Republic is directed to be processed, evaluated and made available in a clear and comprehensible form to the public. It deals with a number of activities commissioned by the Ministry of the Environment of the Czech Republic and the implementation of projects. CENIA is the contact point of the European Environment Agency (EEA) and is involved in the Eionet European Environment Information and Observation Network. • The Czech Environmental Inspectorate (ČIŽP) is the authority of the state administration of the Czech Republic, subordinated to the Ministry of the Environment of the Czech Republic, which is responsible for the supervision of the laws and binding decisions of the environmental authorities. • The local regional authority, • Town / municipality with extended authority.
<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u></p> <p>Environmental protection is applied in the framework of land-use planning and building regulations continuously in principle in all phases. Statements of environmental authorities are an integral part of the process.</p>

C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

In principle, planning processes in the territory (including HBA) are distinguished, to:

- **spatial planning**, ie identification of the functional use of the territory with the establishment of the main regulations, principles of territorial development, practically binding;
- **construction order**, deals with the processes and authorization of construction activity in general, without distinction, including immovable monuments and buildings in the HBA.

Participants in both these processes, the authorities concerned, are basically the same. The public is also involved in these processes. The way in which all participants are involved is governed by current legislation.

C.2 Horizontal governance mechanisms and practices at local level.

At the local level, the HBA processes are attended by the public and the relevant authorities and organizations in the framework of land-use planning documentation and building management.

The main participants in HBA processes at the level of spatial planning and building regulations:

- owners of the property concerned, in the case of building code processes,
- representatives of the municipality for which the ÚPD is being processed, where the building is located,
- regional authority, environmental protection departments including the protection of the agricultural land fund (ZPF) departments, departments of culture, departments of transport, etc.
- health authorities, hygiene,
- authorities for the protection and care of monuments,
- transport infrastructure managers,
- technical infrastructure managers,
- state security authority, fire brigade, police, army.

Spatial planning processes and the Building Code may also be attended by the public. The way of involvement is determined by the legislation in force.

C.3 Specific procedures involving public and private sectors on HBA

The processes of cooperation between the private and the public sector are solved individually according to a specific project.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

It is not possible to explicitly specify, in general, PPP-based projects do not have a rich tradition in the Czech Republic. While PPP is possible in principle, implementation is rarely in isolated cases. A fundamental problem is the setting of balanced, mutually beneficial rules and conditions for implementation and subsequent operation.

SOURCES

- www.mmr.cz
 - www.uur.cz
 - www.mkcr.cz
 - www.npu.cz
 - www.pamatkovykatalog.cz
 - www.cka.cz
 - www.cs.wikipedia.org
 - www.cenia.cz
 - www.zdravamesta.cz
 - www.mzp.cz
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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Relatively well-developed legislative system of heritage care; • cultural monuments including HBA very well centrally registered, most information available to the public; • clearly defined structure and categorization of immovable monuments incl. HBA; • relative enough information and background material for individual monuments and the HBA; • in general, experts working in monument care institutions mostly at an adequate professional level, • public interest in the cultural heritage; • the existence of support programs and funding instruments, although the amount of support is often insufficient. 	<ul style="list-style-type: none"> • Very conservative approach to the issue, such as the inadmissibility of interventions to improve the energy efficiency of heritage protected buildings; • frequent changes to the legislative framework; • (very) long administrative processes of spatial planning and building regulations, • limited possibilities of state financial support; • if necessary, a change in the land use plan, a very lengthy process, especially for larger cities; • in the case of owners of immovable monuments the imbalance of duties and rights, the legislation addresses in principle only the obligations; • continuing support for fossil fuels and nuclear power in ČR.
Opportunities	Threats
<ul style="list-style-type: none"> • Support programs from EU, the Ministry of Culture, the Ministry of Regional Development and the Ministry of the Environment of the Czech Republic for the restoration of monuments; • increasing pressure to increase the energy efficiency of buildings, energy savings, listed support programs, especially the Ministry of the Environment; • increasing public interest in sustainability; • Smart City activities can support new approaches to HBA; • cultural heritage is significantly involved in domestic tourism, in principle it is supported; • more effective involvement of societies, foundations, and community-based companies in the development of the HBA. 	<ul style="list-style-type: none"> • Limitation of financial support in general; • the uncertainty resulting from a constantly changing legislative framework; • legislation will not respond to HBA needs; • failure to solve the deficiencies of the monument care system; • unambitious state policy on access to renewable energy sources.

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN HUNGARY

A - POLICY APPROACH TO HBA

For the management and protection of the cultural heritage, following the establishment of a suitable legal environment, complex institutional systems were established in the developed western states after the Second World War. In Hungary we can perceive the adaptation of European tendencies, the approach to managing cultural heritage in an integrated way from the 1980s. The following is a brief description of the developments of the last 25 years, introducing the changes of the state institutional system for the protection and preservation of the cultural heritage in Hungary, based on the work of Viskolcz²⁰.

BEFORE 1990

After the transitional period following the Second World War, the National Monument Protection Inspectorate (OMF)²¹ was established in 1957 under the control of the Division for Urban Development of the Ministry of Construction²². In fact, the organisation that consisted of all together three departments (Department of Planning and Construction, Department of Monument Protection, Department of Science²³) and functioned as an authority as well, had all the tasks related to the protection of the monuments from research through planning to practical implementation and professional supervision. Under the auspices of the OMF, the scientific collections, the monumental plan and photo bank, the archives and the library, that were all extending from the last third of the 19th century, fortunately remained unchanged, and even their regular augmentation was performed. The engine of development from the 1960s was Dezső Dercsényi. Dercsényi, the art historian, served as a deputy director of scientific work between 1965-1975, besides he also played a significant role in professional training as a university professor. In addition to the development of modern and complex institutional frameworks, Dercsényi's merit was also to validate the importance of scientific basic research and the importance of preserving the value of the monumental heritage, keeping pace with the international trends in heritage protection (Entz, 2014).

1990-1998: THE EARLY YEARS OF THE TRANSITION

²⁰ Viskolcz, N.: „A veszteség gondos dokumentálása” A kulturális örökségvédelem intézményrendszerének változásai a rendszerváltás után (1990-2015). - "Careful Documentation of the Loss" Changes in the institutional system of cultural heritage protection after the change of regime (1990-2015). <<http://www.fk.jgytf.u-szeged.hu/tanszek/kozmuw/wp/wp-content/uploads/2016/05/Sodr%C3%A1sban-Viskolcz-No%C3%A9mi.pdf>> [2017. 10. 30.]

²¹ Országos Műemlékvédelmi Felügyelőség (OMF)

²² Építésügyi Minisztérium Város és Községrendezési Főosztály

²³ Tervezési és Kivitelezési Osztály; Műemlékfelügyeleti Osztály; Tudományos Osztály

With the disruption of the previous administrative system, the new municipal law (Act LXV of 1990 on Local Governments) attempted to delegate architectural and monumental conservation and archaeological tasks to settlements and counties. The law assigned the protection of architectural values to the local governments and the protection of archaeological heritage to the county governments. At the same time, the intention to reorganize the OMF already appeared before the change of the regime, and after 1991, after a long-term preparatory work the following aspects became decisive: the autonomy of the monument protection, which is embodied in a nationwide institution; structured complexity (i.e. dividing activities within the institute); appropriate legal environment (Fejérdy, 1992). In this spirit, the National Office for Monument Protection (OMvH)²⁴ was established, consisting of three independent institutions under the authority of the Ministry of Environment and Regional Development²⁵, including the newly created State Preservation Board of the Monuments²⁶. The results are shown in Table 1.

1957-1992	National Monument Protection Inspectorate (OMF)				
1992 - 2001	National Office for Monument Protection (OMvH) official authority; inspection authority; scientific tasks within OMvH Monument Protection Directorate ²⁸ independent legal person; 5 rural offices (territorial centres); its tasks are monuments and building research licensing; structures survey; monuments restorations support within OMvH Museum of Architecture ²⁹	1992 - 2007	State Historic Monument Reconstruction and Restoration Centre (ÁMRK) ²⁷ the professional background institution of OMVH; the public provider of monument protection operative duties; its tasks are researching monuments and their environment that are vulnerable or of paramount importance; archaeological exploration as well as architectural design and restoration of monuments - complex restoration of monuments	1992 - 2007	State Preservation Board of the Monuments (MÁG) independent budgetary entity of own financial management, under the professional supervision of OMVH; its task is managing state-owned monuments and parks and providing tourist services

Table 1: The structure of the Hungarian National Office for Monument Protection in 1992

In these years by the separation of OMVH and ÁMRK, the majority of the colleagues outsourced to the operative work were disconnected from collections and scientific work. In addition, a bureaucratic, official approach had settled on the institution, which did not do good for the protection of historic heritage (Lővei-Klanczay, 2012), tensions arose between the parallelisms of the tasks (Granasztóiné, 2013). At the same time, the scientific work was very much favoured by the atmosphere, studies, elaborations and exhibition catalogues were born in these years (Lővei-Klanczay, 2012). Another positive point is that the staff of the newly established

²⁴ Országos Műemlékvédelmi Hivatal (OMvH)

²⁵ Környezetvédelmi és Területfejlesztési Minisztérium

²⁶ Műemlékek Állami Gondnoksága (MÁG)

²⁷ Állami Műemlék-helyreállítási és Restaurálási Központ (ÁMRK)

²⁸ Műemlékfelügyeleti Igazgatóság

²⁹ Építészeti Múzeum

institutions also participated in the preparation of the new law on conservation of monuments adopted by the Hungarian Parliament in 1997 (*Act LIV 1997 on the Protection of Monuments*), by which the area received independent legal regulation again after the law of 1881 (*Fejérdy, 1997*). The law defines the monuments as the common cultural treasures of the nation, seeks national co-operation for their protection, calls for their reservation, and regards the assurance of availability of the monuments for the wider public as a public interest.

1998-2010: Establishment of an integrated heritage protection institution system

The new system did not even have the time to stabilize when new organizational changes followed, partly because of the Cultural Law adopted in 1997 (*Act CXL of 1997 on Museum Institutions, Public Libraries and Community Culture*), which focused on the operation of libraries and community culture and besides regulated the relationship between museums and archaeology. The act for the coordination and management of the protection of cultural property has established the Cultural Heritage Directorate (KÖI)³⁰ with the professional supervision of the Minister of Culture and Public Education, has given authority and supervision powers to it, i.e. the KÖI has acted on cultural values (designation of protection, export permits, placement of public collections) and on archaeology (declaring provisional protection of archaeological sites, exploration permits). The organization had a duty to record cultural property declared protected, protected archaeological sites, unprotected but known archaeological sites, illegally seized cultural property and also had the right to make proposals in the mentioned cases. In addition, it was responsible for gathering, recording and publishing data related to the museums in Hungary.

1998 - 2001	Cultural Heritage Directorate (KÖI) budgetary entity of own financial management for the protection of cultural values, for the management of archaeology issues and to record the data of museums in Hungary
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In 1998, with the right-wing government change, symbolic politicization began, which also manifested itself in the new ministerial structure. The Ministry of National Cultural Heritage (NKÖM)³¹ was established (Bogár, 2006). OMVH and KÖI were classified under the authority of the new ministry. The head of OMVH from 1 October 1998 was Géza Entz art historian who saw a great opportunity for the preservation of cultural heritage in becoming part of the cultural sector again after 50 years (Román, 1998). The new top organization has created an opportunity to shape a paradigm shift, to the creation of an approach that is managing the different areas of cultural heritage together and thus converge to international heritage conservation trends. The preparation of a new law that regards cultural heritage in its diversity has begun, what was finally adopted in 2001 (*Act LXIV of 2001 on the Protection of Cultural Heritage*). The new act defined the concept of cultural heritage previously fragmented in a number of different laws and specifically regulated its protection, and treated the areas of archaeology, cultural values and heritage protection together with a unified philosophy. Though, the critics of the law have already made it clear that integration can take place at the administrative-official level, but acquiring social acceptance will be a lengthy process and that there is a lack of regulation of non-material, i.e. intellectual property considered as a part of cultural heritage (*Act XXXVIII of 2006 on the Protection of the Intangible Cultural Heritage*) (Fekete, 2005).

The new law introduced a new organizational structure, and upon the British model the KÖI was merged with OMVH in 2001 and a Cultural Heritage Office (KÖH)³² similar to the English Heritage was established (Bogár, 2006). The responsibility for the monuments of the English

³⁰ Kulturális Örökség Igazgatóság (KÖI)

³¹ Nemzeti Kulturális Örökség Minisztériuma (NKÖM)

³² Kulturális Örökségvédelmi Hivatal (KÖH)

organization was also extended to archaeological memorials, and it played a major role in the dissemination of cultural heritage such as education and heritage tourism from the beginning (Rácz, 1998), observing the 10 years history of KÖH the latter, the dissemination of cultural heritage was missing the most (Kovács, 2010).

National Heritage Office (1992-2001)	Cultural Heritage Directorate (1998-2001)
October 2001 Cultural Heritage Office	

According to the press release of the Ministry of National Cultural Heritage, "the essence of change is that citizens can deal with all cultural affairs in a single office or in its regional office, whether it is a permit to renovate a monument or to approve to transfer a painting abroad" (NKÖM press release, 2000). The structure and tasks of the new office are shown in Table 2.

2001 - 2012	Cultural Heritage Office (KÖH) independent budgetary entity of own financial management; official authority; competent authority; inspection authority; scientific tasks	1992 - 2007	State Monument Reconstruction and Restoration Centre (ÁMRK) professional background institution	1992 - 2007	State Preservation Board of the Monuments (MÁG) professional background institution
	Advisory bodies Heritage Protection Advisory Board ³³ ; Committee on Excavations ³⁴ ; Monument Planning Board ³⁵ ; Committee on Cultural Values ³⁶				
	Museum of Architecture				

Table 2: Structure of the Hungarian Cultural Heritage Office in 2002

The several organizational changes, the growth of the staff and the constant change of leaders were extremely difficult for the cultural heritage profession. In addition, "the systematic amendments of the 1997 and 2001 laws and the changing expectations of the new leaders made the profound, thoughtful, predictable professional work doubtful, or often even impossible" (Granasztóiné, 2013). Others perceived the difficult mobility of the huge, centralized institution and its conflicts with state administration (Lövei-Klaniczay, 2012). The cultural

³³ Örökségvédelmi Tanácsadó Testület

³⁴ Ásatási Bizottság

³⁵ Műemléki Tervtanács

³⁶ Kulturális Javak Bizottsága

heritage professionals regarded the expansion of other cultural heritage elements that were lifted up to the level of the preservation of monumental heritage - the heritage and the preservation of historical monuments were regarded as synonyms of one another before - , and the already mentioned paradigm shift as a kind of fashion and at the same time a defeat as well (Fekete, 2005). The changes appeared in things that seemed tiny as well, as the title of the professional-public journal 'Monument Protection' that was published six times annually, what changed from the 2002/1 issue and became a "cultural heritage magazine" (then again from the 2008/1 issue it became the "Hungarian Monument Protection Journal" again).

The years after the establishment of the KÖH did not bring ease either, the office was especially affected by the changes of governments, from 2002 onwards until 2010 left-wing governments directed the Hungarian public administration. In 2006, the Ministry of National Cultural Heritage was abolished, a division of the new Ministry of Education and Culture represented the heritage protection and supervised the KÖH. In April 2007, the State Monument Reconstruction and Restoration Centre (ÁMRK) was transformed: besides its new name - the Cultural Heritage Protection Official Service (KÖSZ)³⁷ - it was granted autonomy and new responsibilities. For the sake of the more effective protection of archaeological and architectural cultural heritage "the complex planning of the monuments and the research of archaeological sites and the processing the research results, furthermore the carrying out of expert work on heritage conservation and the coordination of archaeological tasks related to the large investments" became the main activities of the office (KÖSZ alapító okirat, 2007). The official service was specifically responsible for the standard performance of the exploration tasks in the case of investments above 100 million HUF, primarily in the case of motorway constructions and car factory developments in this period. The other background institution did not remain untouched either, the State Preservation Board of the Monuments (MÁG) also changed, the maintainer wanted to emphasize the national significance of this organization with this step (Somlyódi, 2007).

2010-2016: the system of heritage protection in the last decade

In spring 2010 there was a change of government in Hungary, after the 1998-2002 period the right-wing came to power again. With the change of government changes happened in the field of cultural heritage protection as well, and in the meantime another important modification was performed: the Cultural Heritage Protection Official Service that was established in 2007 was terminated by the amendment of the act on the protection of cultural heritage, which entered into force on 1 August 2010. Its tasks were taken over by the National Heritage Centre (NÖK)³⁸ as a separate museum unit of the Hungarian National Museum, while the right of excavations was once again delegated to the county museums. From 2011 onwards, the supervision activity carried out by the experts of KÖH before has been assigned for county government offices.

Objections were raised against the KÖH and NÖK by economic actors, what was corrected by the legislative amendment performed by the government, according to which the duration of mandatory archaeological excavations were decreased and the top for financing was set to 1% of the value of the investment, up to 200 million HUF (Völgyesi, 2012). In the meantime, KÖH, in line with the priorities of the New Széchenyi Plan, published its working document on the new national cultural heritage strategy in October 2011. The working document referred to the relationship between cultural heritage and the total national product and the income generating capacity of heritage protection, and stated that the cultural heritage should be managed in an integrated manner and the legal, institutional, financing, etc. fragmentation of

³⁷ Kulturális Örökségvédelmi Szakszolgálat (KÖSZ)

³⁸ Nemzeti Örökségvédelmi Központ (NÖK)

public responsibilities of the management of cultural heritage must be eliminated (Tamási, 2011). An important change in this period was that the independent building authority was transferred to the local governments (Völgyesi, 2012). Later, with the effect of 15 September 2012, a government decree terminated the Cultural Heritage Office (Government Decree 266/2012 (IX.18.) on the general rules for the designations and procedures of cultural heritage protection authorities), its successor is a newly established organization, named as Gyula Forster National Centre for Cultural Heritage Management³⁹. The National Preservation Board of the Monuments (MNG)⁴⁰ has been integrated into the Forster Centre. Table 3 summarizes the institutions exercise the authorities and performing the tasks of the former Cultural Heritage Office currently.

Cultural Heritage Office		
Ministry of Interior The Deputy State Secretary for Area Management and Construction⁴¹ - sectorial management of monuments (designation of monuments and deletion), monuments and archaeology register; - scientific associates first the Budapest Capital Government Office Building Construction and Heritage Office, Scientific Department until 31 June 2013 then the task were delegated to the Lajos Lechner Knowledge Centre ⁴² operating as a background institution for the Ministry of Interior, their task is the professional support for authority decisions	Ministry of Public Administration and Justice⁴³ Government Offices - 20 first instance Building and Heritage Offices Budapest Capital Government Office with national powers appeal on second instance - newer change from January 2013! District Offices - 21 first instance Building and Heritage Protection Authorities (on second instance the 19 county + Budapest Capital Government Office are competent)	Ministry of Human Resources⁴⁴ Deputy State Secretariat for Culture - Forster Centre: curatorship, collections (archives, plan and photo bank, library), works of art, world heritage + National Preservation Board of the Monuments - Museum of Architecture

Table 3: Resolution of the former Cultural Heritage Office in 2012

The tasks of Gyula Forster National Centre for Cultural Heritage Management:

- maintenance, development, utilization and operation of the state-owned heritage in its wealth management, monuments, cultural values and archaeological sites, equipment, collections;
- continuing of projects funded by the European Union in the context of heritage management;
- continuation of the work of the National Supervisory Bureau of Artworks⁴⁵ of national competence on first and second instance;
- implementation of tasks related to the UNESCO World Heritage;

³⁹ Forster Gyula Nemzeti Örökséggazdálkodási és Szolgáltatási Központ

⁴⁰ Műemlékek Nemzeti Gondnoksága (MNG)

⁴¹ Belügyminisztérium Területfejlesztési, építésügyi és örökségvédelmi helyettes államtitkárság

⁴² Lechner Lajos Tudásközpont

⁴³ Közigazgatási és Igazságügyi Minisztérium

⁴⁴ Emberi Erőforrások Minisztériuma

⁴⁵ Műtárgyfelügyeleti Iroda

- collection and processing of cultural heritage documents; representing the scientific institution with its archives, plan and photo bank, library as a professional knowledge centre.

THE CURRENT STATUS OF HERITAGE PROTECTION IN HUNGARY

In October 2014, the Hungarian National Committee of ICOMOS published an analytical document titled "Heritage for the future - future of the heritage" (ICOMOS Híradó, 2014), which outlines vision for the future as well. Based on this, as well as on available literature sources and press articles, the following problems can be determined that are currently present in the field of heritage protection in Hungary (Viskolcz, 2016):

a constantly changing legal environment;
over-regulation;
a constantly changing organizational structure;
constantly changing leadership;
shortage of specialists;
weakened lobbying ability of the cultural heritage profession;
weakness or lack of heritage NGOs;
lack of public social consensus, often negative social judgment;
lack of theoretical and practical training of the higher education professional;
lack of professional workshops.

THE MOST IMPORTANT LEGISLATION CURRENTLY IN FORCE IN THE AREA OF PROTECTION OF BUILT HERITAGE IN HUNGARY

Government Decree 253/1997 (XII. 20.) on the national settlement planning and construction requirements

Act LXXVIII of 1997 on the formation and protection of the built environment

Act LXIV of 2001 on the Protection of Cultural Heritage

Government Decree 496/2016 (XII. 28.) on the rules for the protection of the cultural heritage

„Our cultural heritage is an irreplaceable, unique and non-renewable source of our past and present, an inseparable component of national and universal culture.”

(Act LXIV of 2001 on the Protection of Cultural Heritage)

CITED REGAL REGULATIONS

- Act LXV of 1990 on Local Governments
1990. évi LXV. törvény az önkormányzatokról
- Act LIV 1997 on the Protection of Monuments
1997. évi LIV. törvény a műemlékvédelemről
- Act LXXVIII of 1997 on the formation and protection of the built environment
1997. évi LXXVIII. törvény az épített környezet alakításáról és védelméről
- Act CXL of 1997 on Museum Institutions, Public Libraries and Community Culture
1997. évi CXL. törvény a muzeális intézményekről, a nyilvános könyvtári ellátásról és a közművelődésről
- Act LXIV of 2001 on the Protection of Cultural Heritage
2001. évi LXIV. törvény a kulturális örökség védelméről
- Act XXXVIII of 2006 on the Protection of the Intangible Cultural Heritage
2006. évi XXXVIII. törvény a szellemi kulturális örökség megőrzéséről
- Government Decree 253/1997 (XII. 20.) on the national settlement planning and construction requirements

- 253/1997. (XII. 20.) Korm. rendelet az országos településrendezési és építési követelményekről
- Government Decree 266/2012 (IX.18.) on the general rules for the designations and procedures of cultural heritage protection authorities
- 266/2012. (IX.18.) Kormányrendelet a kulturális örökségvédelmi hatóságok kijelöléseiről és eljárásaikra vonatkozó általános szabályokról
- Government Decree 496/2016 (XII. 28.) on the rules for the protection of the cultural heritage
- 496/2016. (XII. 28.) Korm. rendelet a kulturális örökség védelmével kapcsolatos szabályokról

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B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

The UNESCO World Heritage Convention is still the most important tool to preserve the natural and cultural values of the world. The World Heritage Convention, adopted on 16 November 1972, was incorporated into Hungarian law in 1985 and entered into force in the form of a Decree-Law. This is the *Decree-law of 21 December 1985 on the proclamation of the convention on the protection of the world cultural and natural heritage of the United Nations Educational, Scientific and Cultural Organization adopted at Paris on 16 November 1972*, which is in force until today in Hungary. Cultural and natural heritage sites of outstanding importance and of universal value can be assigned to the World Heritage List, which are of unique significance not only to a particular country, but also to the whole of mankind. Articles 1 and 2 of the Convention contain the criteria under which a site is designated as a World Heritage Site. According to the current regulations, the criteria are grouped into two groups on the basis of which a site may be included in the World Heritage List within cultural or natural heritage category. In case the former category the most important criterion is "authenticity" (historical authenticity), while in the case of the natural heritage is "integrity" (intactness, integrity). Hungary has eight World Heritage Sites. Seven of our sites were included in the cultural and one in the natural category. Two of our locations (the Caves of Aggtelek Karst and Slovak Karst, as well as the Fertő/Neusiedlersee Cultural Landscape) are cross-border sites, thus common with our neighbours - Slovakia and Austria. The Hungarian World Heritage Sites are listed below. In the brackets after the names of the World Heritage Sites the date is provided when UNESCO listed the certain site on the World Heritage List, and in case of Budapest the second date represents the year of enlargement of the registered site:

- Budapest, including the Banks of the Danube, the Buda Castle Quarter and Andrásy Avenue (cultural category) (1987 + 2002)
- Old Village of Hollókő and its Surroundings (cultural category) (1987)
- Caves of Aggtelek Karst and Slovak Karst (natural category) (1995)
- Millenary Benedictine Abbey of Pannonhalma and its Natural Environment (cultural category) (1996)
- Hortobágy National Park - the Puszta (cultural category, cultural landscape) (1999)
- Early Christian Necropolis of Pécs (Sopianae) (cultural category) (2000)
- Fertő / Neusiedlersee Cultural Landscape (cultural category, cultural landscape) (2001)
- Tokaj Wine Region Historic Cultural Landscape (cultural category, cultural landscape) (2002)⁴⁶

⁴⁶ Világörökség Magyarországon. - *World Heritage in Hungary*. <<http://www.vilagorokseg.hu/>> [2017.10.31.]

According to the Act LXIV of 2001 on the Protection of Cultural Heritage among the property elements of the cultural heritage, the following categories are distinguished:

- archaeological sites (within the registered category we distinguish archaeological sites designated as protected by separate statutes, ministerial decisions or decrees)
- monuments (which are basically built heritage values), including the specific objects of the monument protection:
- historic gardens
- cemeteries and burial places
- monumental areas:
- historical landscape
- monumental area
- monumental environment.

TRADITIONAL PROTECTION



Figure 1: Forms of protection of cultural heritage in Hungary⁴⁷

As a common property, the division is basically established on the unique protection of individual values (Bálint-Virágos, 2009).

According to Nagy (2007), the protection of cultural heritage in Hungary can be achieved with legal protection, both for sites of world heritage, for heritage of national significance and for heritage of local significance. Legislative protection can mean legal or regulatory protection.

⁴⁷ Nagy, M. 2007. Kulturális örökségvédelem Magyarországon. - *Cultural heritage protection in Hungary*. <http://www.gkrte.hu/user/magazin2/369/Kulturalis_oroksegvedelem_Magyarorszag.pdf> [2017.10.31.]

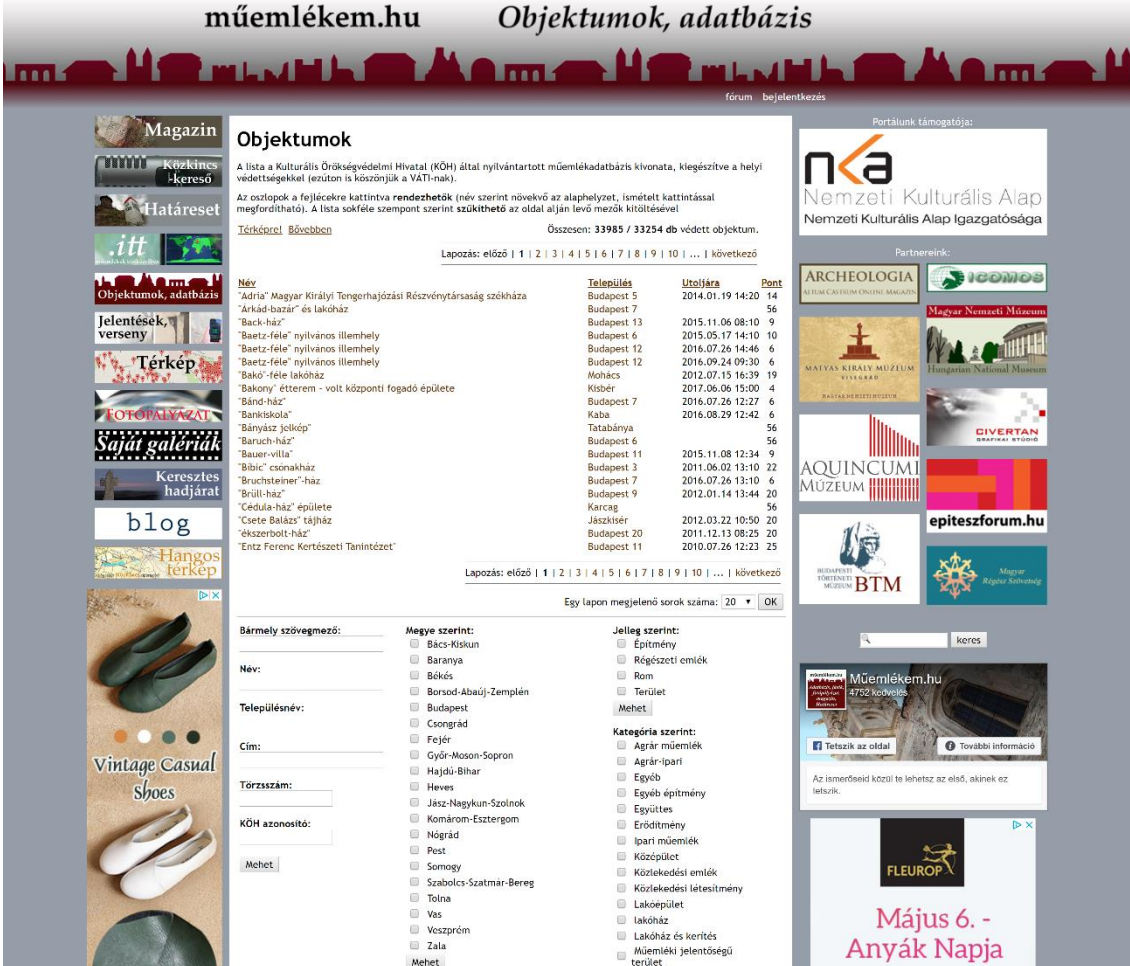
In addition to legal protection, the public collections are under so called institutional protection (Figure 1). While we consider the instruments of legal and institutional protection as forms of traditional protection, the sectorial and regional development programs can be mentioned among new opportunities for cultural heritage protection.

- (1) According to **Article 56 (1)** of the *Act LXXVIII of 1997 on the formation and protection of the built environment* the architectural heritage includes monuments, monumental environments, sites of historical interest and historical landscapes. Proper maintenance and preservation of the architectural heritage is a public interest.
 - (2) The outstanding value of the architectural heritage must be designated (protected), maintained, preserved, utilised and presented as part of an international (universal), national (national) and local architectural heritage.
 - (3) The outstanding, universally valuable elements of the international architectural heritage, recorded in the "World Heritage List", should be maintained, preserved, utilised and presented in accordance with the relevant international conventions.
 - (4) The detailed rules for the outstanding national value elements of the national architectural heritage, which are registered in the records of monuments, nature conservation and other protected areas, are laid down in separate laws.
-
- (1) According to **Article 57 (1)** of the act, the elements of the architectural heritage which, on the basis of their value, do not benefit from national customary monument protection, but are of particular importance for the area and the settlement due to their particular appearance, their characteristics, and their settlement structure or settlement façade value, reflect traditions and the work and culture of the people and communities living there faithfully are regarded as parts of the local architectural heritage.
 - (2) It is the responsibility of the local government to identify, record, designate for protection, to maintain, develop, guard and provide the protection of the values of the local architectural heritage. National territorial monument protection does not affect the scope of local individual protection on individual property.
 - (3) The local self-government (in Budapest, the capital and the district self-governments as well) decides on the local protection or the termination of the protection, and the restrictions and obligations and subsidies related to the protection, in the settlement decree.
 - (4) The local government - according to the duty of cooperation determined by Article 29 (1) of the *Act LXIV of 2001 on the Protection of Cultural Heritage* - provides the draft decree on the abolition of local protection beyond the settlement procedure with the cultural heritage authority for information.

According to **Article 29 (1)** of *Act LXIV of 2001 on the Protection of Cultural Heritage* the registered monument value can be declared as a monument. Recognition of the registered monument value as a monument can be initiated as an official initiative or initiated by the authority according to the relevant legal regulation.

The database, which is currently publicly available in Hungary, is a database of the national monuments and the locally protected buildings operated by the web portal *múemlékem.hu*. The portal is a multifaceted web site of civil heritage protection, one of its aims is to contribute to maintaining the publicity of monuments. It is an important source of information, as its database is unique, which is basically a database of Hungarian monuments (status 2008) and locally protected sites. It is not the same as the national list of monuments that has been updated since then, and was managed by the staff of the National Office for Monument Protection and later by the Cultural Heritage Office. Due to its map application, its search

functions by type, by counties, including districts in Budapest, this is the largest database containing protected buildings in Hungary⁴⁸.



műemlékem.hu *Objektumok, adatbázis*

forum bejelentkezés

Magazin
Kézikönyv kereső
Határeset
itt
Objektumok, adatbázis
Jelentések, verseny
Térkép
FOTÓALVÁZAT
Saját galériák
Keresztes hadjárat
blog
Hangos térkép

Objektumok

A lista a Kulturális Örökségvédelmi Hivatalt (KÖH) által nyilvántartott műemlékadatbázis kivonata, kiegészítve a helyi védettségekkel (ezúton is köszönjük a VÁTI-nak).

Az oszlopok a fejlécekre kattintva **rendezhetők** (név szerint növekvő az alaphelyzet, ismételt kattintással megfordítható). A lista sokféle szempont szerint **szűkíthető** az oldal alján levő mezők kitérésével

Térképértelmező **Bővebben** Összesen: 33985 / 33254 db védett objektum.

Lapozás: előző | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | ... | következő

Név	Település	Utolsó módosítás	Pont
"Adria" Magyar Királyi Tengerhajózási Részvénytársaság székháza	Budapest 5	2014.01.19 14:20	14
"Árkád-bazár" és lakóház	Budapest 7		56
"Back-ház"	Budapest 13	2015.11.06 08:10	9
"Baetz-féle" nyilvános illemhely	Budapest 6	2015.05.17 14:10	10
"Baetz-féle" nyilvános illemhely	Budapest 12	2016.07.26 14:46	6
"Baetz-féle" nyilvános illemhely	Budapest 12	2016.09.24 09:30	6
"Bakó-féle" lakóház	Mohács	2012.07.15 16:39	19
"Bakony" étterem - volt központi fogadó épülete	Kisbér	2017.06.06 15:00	4
"Bánd-ház"	Budapest 7	2016.07.26 12:27	6
"Bankiskola"	Kaba	2016.08.29 12:42	6
"Bányász" jelölőp	Tatabánya		56
"Baruch-ház"	Budapest 6		56
"Bauer-villa"	Budapest 11	2015.11.08 12:34	9
"Biblic" csónakház	Budapest 3	2011.06.02 13:10	22
"Bruchsteiner"-ház	Budapest 7	2016.07.26 13:10	6
"Brüll-ház"	Budapest 9	2012.01.14 13:44	20
"Cádula-ház" épülete	Kárcag		56
"Csötte Batász" tájház	Jászkisér	2012.03.22 10:50	20
"Ékszerbolt"-ház	Budapest 20	2011.12.13 08:25	20
"Entz Ferenc Kertészeti Tanintézet"	Budapest 11	2010.07.26 12:23	25

Lapozás: előző | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | ... | következő

Egy lapon megjelenő sorok száma: 20 OK

Bármely szövegmező:

Név:

Településnév:

Cím:

Törzsszám:

KÖH azonosító:

Meghet

Megye szerint:

- Bács-Kiskun
- Baranya
- Békés
- Borsod-Abaúj-Zemplén
- Budapest
- Csongrád
- Fejér
- Győr-Moson-Sopron
- Hajdú-Bihar
- Heves
- Jász-Nagykun-Szolnok
- Komárom-Esztergom
- Nógrád
- Pest
- Somogy
- Szabolcs-Szatmár-Bereg
- Tolna
- Vas
- Veszprém
- Zala
- Meghet

Jelleg szerint:

- Építmény
- Régészeti emlék
- Rom
- Terület
- Meghet

Kategória szerint:

- Agrár műemlék
- Agrár-ipari
- Egyéb
- Egyéb építmény
- Együttes
- Erődítmény
- Ipari műemlék
- Közpület
- Közlekedési emlék
- Közlekedési létesítmény
- Lakóépület
- Lakóház
- Lakóház és kerítés
- Műemléki jelentőségű terület

Portálunk támogatója:

nka Nemzeti Kulturális Alap
Nemzeti Kulturális Alap Igazgatósága

Partnereink:

ARCHEOLOGIA
MAGYAR NEMZETI MÚZEUM
Magyar Nemzeti Múzeum
MÁTYÁS KIRÁLY MÚZEUM
HUNGARIAN NATIONAL MUSEUM
AQUINCUM MÚZEUM
epiteszforum.hu
BTM
Magyar Régészeti Szövetség

Műemlékem.hu
4792 kódoltás
Tetszik az oldal
További információ

Az ismerősöd közül te lehetsz az első, akinek ez leszlik.

FLEUROPE

Május 6. - Anyák Napja

Picture 1: Search site of the database of műemlékem.hu including Hungarian national monuments and the locally protected sites

⁴⁸ műemlékem.hu <http://www.muemlekiem.hu/> [2017.10.31.]

B.2. Urban planning and HBA

The elaboration of integrated approach strategies became part of the Hungarian urban development practice in 2012 by the legislation of the *Government Decree 314/2012 (XI. 8.) on the settlement development concept, the integrated settlement development strategy and the settlement planning tools and on the specific settlement planning legislation (Aczél, 2015)*. By introducing the Integrated Settlement Development Strategy, the coherent system of settlement-level development plans has been completed. According to this, the city's vision and long-term goals are determined by the Settlement Development Concept, and the thematic goals and concrete development concepts to be achieved in the medium term are included in the Integrated Settlement Development Strategy outlined in the conceptual goal. The actual physical framework required to achieve the vision and goals set out in the Settlement Development Concept and the specific interventions planned in the Integrated Settlement Development Strategy are determined by the settlement development tools - the Settlement Land-use Plan and the Local Building Regulations (Figure 2).

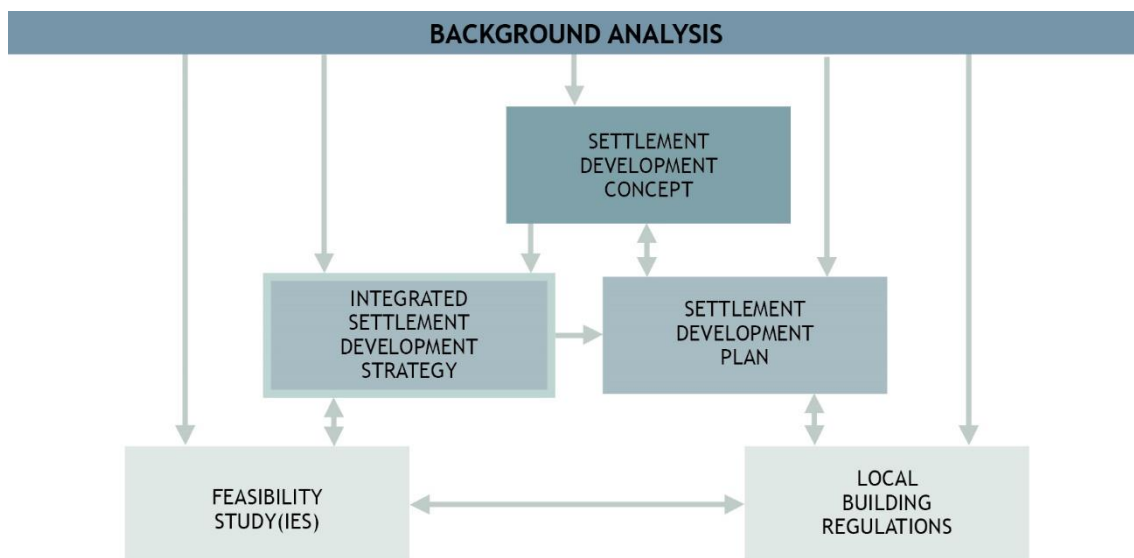


Figure 2: System of settlement land-use and development plans in Hungary

The primary objective of the strategic plans is to promote the success of the upcoming 5-7 years of urban development activities. However, with the adoption of Integrated Settlement Development Strategies the process of strategic planning does not end for local governments. Based on the Integrated Settlement Development Strategies, specific feasibility studies should be developed to allow for planned improvements. The adopted Integrated Settlement Development Strategy requires regular monitoring, verification at least annually, and sometimes require modifications due to changes in external circumstances, which provides a permanent planning task for local governments.

The most important features of the new generation of Integrated Settlement Development Strategies are:

the integrated approach: integrity, i.e. "completeness" is achieved in the Integrated Settlement Development Strategies by taking into account social, economic and environmental considerations and ensuring their consistency;
enforcing the principle of sustainability: ensuring sustainable urban development requires a comprehensive planning approach and a complex aspect; the key is the balanced consideration of the three pillars of development - environmental, social, cultural and economic development;
implementation of a broad partnership: a key issue for successful urban development is to involve the development stakeholders in the planning and implementation processes;
adaptation to EU directives: in order to successfully apply for EU funds Hungarian settlements need to adjust their development ideas to the EU guidelines adopted by Hungary.

Recognizing that besides large cities in the Hungarian settlement network, middle-sized towns are also considered as centres of economic development that play a decisive role between regional centres and small towns, and that the role of small towns is important in energising rural, often peripheral and underdeveloped areas, the Ministry of Interior allocated an significant amount (about 1 billion HUF) from the EU funds for the preparation of the Integrated Settlement Development Strategies of the district centres (middle-sized and small towns) and of the districts of Budapest in 2014. The intention was to get the settlement area a good quality settlement development strategy that would effectively promote development⁴⁹.
The introduction of the Integrated Settlement Development Strategy has become a new approach to urban planning, which is a much more effective method than before, and although the management of historic built heritage gives only a fraction of urban planning processes, the protection of the built heritage is emphasized and taken into account in the integral settlement planning processes.

B.3. Environmental policies and HBA

The most important law on the protection of the environment in Hungary is Act LIII of 1995 on the general rules for the protection of the environment. According to Article 3 (1) of the act, special laws are dealing with in particular e) the rules of formation and protection of the built environment, though Articles 24-27 of the act deal with the rules for the protection of the built environment. Article 48/E (2) of the environmental act defines, in connection with the settlement environmental program, the tasks and requirements related to the protection of the built environment in order to improve the environmental quality, environmental safety and environmental health state of the settlement and the regulations regarding the protection and sustainable use of natural resources.

Article 2 (2) of Act LIII of 1996 on the protection of nature states that the tasks of nature conservation include: (a) the determination of natural values and areas requiring priority protection due to their geology, hydrology, botany and zoology, landscape, cultural history peculiarity or because of other public interest.

According to the act on nature protection national park directorates play an important role in the preservation of cultural heritage values. In accordance with Article 28 (2) of the act, a

⁴⁹ DAOP-6.2.1/13/K-2014-0002; DDOP- ÉMOP- ÉAOP- KDOPKMOP- NYDOP-6.2.1/K-13-2014-0002 azonosítószámú „Fenntartható településfejlesztés a kis- és középvárosokban (fővárosi kerületekben) - Integrált Településfejlesztési Stratégiák kidolgozása” című projekt. - „Sustainable urban planning in small and medium sized towns (and capital districts) - Elaboration of Integrated Settlement Development Strategies”, project ID: DAOP-6.2.1/13/K-2014-0002; DDOP- ÉMOP- ÉAOP- KDOPKMOP- NYDOP-6.2.1/K-13-2014-0002

national park is a larger area of the country, which is not significantly changed in its natural features and its primary purpose is the protection of the natural flora and fauna and geological, hydrological, landscape and cultural values of particular importance, the maintenance of biodiversity and the undisturbed functioning of natural systems, the promotion of education, scientific research and recreation. As one of their basic tasks, national parks cooperate with the regional offices of the Cultural Heritage Office in the performance of their duties related to the protection of the cultural heritage as defined by specific legislation⁵⁰.

In Hungary, there are altogether ten national parks, the bodies responsible for the conservation of protected natural areas are national park directorates. Among them, the Hungarian pilot region of the BHENEFIT project is located in the operational area of the Hortobágy National Park Directorate of the Hortobágy National Park that was the first national park in the country (established on 1 January 1973). It is important to note that the area of operation of the ten national park directorates covers the whole country, but the area of operation of a national park directorate is not the same as the national park territory (that later one is a protected natural area category).

The national park directorate acts as an administrative authority in cases of offense referred to by law in its jurisdiction, and has jurisdiction over the total area of operation⁵¹.

The core activity of the Hortobágy National Park Directorate is defined by a number of legal regulations (laws, government decrees, ministerial decrees, parliamentary resolutions) that can be found in Annex 6 to the Organizational and Operational Rules of the Hortobágy National Park Directorate⁵². The regulation of the directorate regarding the protection of the cultural heritage is governed by the provisions of Article 4.3.4 of the Founding document of the Hortobágy National Park Directorate⁵³.

As a relation between environmental policies and the historical built environment, it is important to mention the legal regulation on energy certification. The European Union is particularly concerned with the energy efficiency of the housing stock and public institutions and therefore has made the introduction of the energy certificate mandatory for all member states. The Energy Performance of Building Directive provided (already in 2002) higher energy efficiency requirements for houses and public institutions in order to reduce energy consumption and pollution. The purpose of the regulation was to reduce the energy consumption of buildings in all member states within a relatively short period of time, and that by 2020 the new buildings would have almost zero energy needs.

In Hungary, energy certification is basically determined by two laws: Act LXXVIII of 1997 on the formation and protection of the built environment and the Government Decree 176/2008 (VI.30.) on the certification of energy performance of buildings. The energy certificate is essentially the result of the construction administrative procedures, it is part of the process of the handover-acceptance protocol of investments (occupancy permit); the failure of it can be penalized by a fine according to Article 38 of Government Decree 191/2009 (IX.15.) on building construction activity.

⁵⁰ Magyar Nemzeti Parkok. A NPI feladatai. - *The Hungarian national parks. The tasks of national park directorates.* <<http://magyarnemzetiparkok.hu/a-npi-feladatai/>> [2017.10.31.]

⁵¹ Magyar Nemzeti Parkok. A nemzetipark-igazgatóságok működési területe. - *The Hungarian national parks. The territories of national park directorates.* <<http://magyarnemzetiparkok.hu/a-np-igazgatosagok-mukodesi-terulete/>> [2017.10.31.]

⁵² A Hortobágyi Nemzeti Park Igazgatóság Szervezeti és Működési Szabályzatának mellékletei. - *Annexes to the Organizational and Operational Rules of the Hortobágy National Park Directorate.* <<http://www.hnp.hu/uploads/files/igazgatosag/SZMSZ/SZMSZ%202013%20mell%C3%A9kletek.pdf>> [2017.10.31.]

⁵³ A Hortobágyi Nemzeti Park Igazgatóság Alapító okirata. - *Founding document of the Hortobágy National Park Directorate.* <http://www.hnp.hu/uploads/files/igazgatosag/Alap%C3%ADt%C3%B3%20okirat_HNPI_20170427.pdf> [2017.10.31.]

The building energy calculations regulation is valid for the preparation of the calculation itself: Article 3 (1) 14 of Government Decree 176/2008: "With the exception of Article 5 (1), the calculation underlying the energy certificate (hereinafter referred to as "the certificate") must be prepared according to TNM Decree 7/2006 (V. 24.) on the determination of the energetic characteristics of buildings.

From the above-mentioned national laws, some are worthy of emphasis regarding monuments or locally protected buildings. According to Article 1 (2) of TNM Decree 7/2006 (V. 24.) on the determination of the energetic characteristics of buildings the decree does not apply to monuments, to locally protected buildings and their building elements where compliance with the minimum energy performance requirements would result in a change in the value of the monument or local protection. According to Section 6 (8) of the decree, the reconstruction of a monument or a protected building under paragraphs (4)-(6) shall be subject to the provisions of Article 1 (2) and the rules determined by the government decree on the protection of archaeological heritage and heritage values. According to article 7 (8) of the Government Decree 176/2008 (VI.30.) on the certification of energy performance of buildings furthermore the compliance with the energy saving proposal or minimum energy efficiency requirements may not result in a change in the value of monuments or locally protected buildings.

CITED REGAL REGULATIONS

- Act LIII of 1995 on the general rules for the protection of the environment
- 1995. évi LIII. törvény a környezet védelmének általános szabályairól
- Act LIII of 1996 on the protection of nature
- 1996. évi LIII. törvény a természet védelméről
- Act LXXVIII of 1997 on the formation and protection of the built environment
- 1997. évi LXXVIII. törvény az épített környezet alakításáról és védelméről
- Act LXIV of 2001 on the Protection of Cultural Heritage
- 2001. évi LXIV. törvény a kulturális örökség védelméről
- Decree-law of 21 December 1985 on the proclamation of the convention on the protection of the world cultural and natural heritage of the United Nations Educational, Scientific and Cultural Organization adopted at Paris on 16 November 1972
- 1985. évi 21. törvényerejű rendelet a világ kulturális és természeti örökségének védelméről szóló, az Egyesült Nemzetek Oktatási, Tudományos és Kulturális Szervezete Általános Konferenciájának ülészakán Párizsban, 1972. november 16-án elfogadott egyezmény kihirdetéséről
- TNM Decree 7/2006 (V. 24.) on the determination of the energetic characteristics of buildings
- 7/2006. (V. 24.) TNM rendelet az épületek energetikai jellemzőinek meghatározásáról
- Government Decree 176/2008 (VI.30.) on the certification of energy performance of buildings
- 176/2008. (VI. 30.) Korm. rendelet az épületek energetikai jellemzőinek tanúsításáról
- Government Decree 191/2009 (IX.15.) on building construction activity
- 191/2009. (IX. 15.) Korm. rendelet az építőipari kivitelezési tevékenységről
- Government Decree 314/2012 (XI. 8.) on the settlement development concept, the integrated settlement development strategy and on the settlement planning tools and on the specific settlement planning legislation 314/2012. (XI. 8.) Korm. rendelet a településfejlesztési koncepcióról, az integrált településfejlesztési stratégiáról és a településrendezési eszközökről, valamint egyes településrendezési sajátos jogintézményekről

- DIRECTIVE 2010/31/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 2010 on the energy performance of buildings <<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32010L0031>> [2017.10.31.]

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C - STAKEHOLDERS

In Hungary, the management and supervision of built heritage belongs to the following organizations:

NATIONAL LEVEL

Hungarian Government

- Prime Minister's Office
 - Secretary of State for Cultural Heritage and Priority Cultural Investment
 - Gyula Forster National Centre for Cultural Heritage Management
 - State Secretary for Strategic Matters
 - Deputy State Secretary for Building Architecture

REGIONAL LEVEL

- First instance building authority
 - District Offices Building and Heritage Protection Authorities
- Second instance building authority
 - Budapest Capital and County Government Offices

LOCAL LEVEL

- General building authority
 - Settlement clerk
- Committees for Local and Regional Collection of Values

The integration of Hungarian government offices from 1 April 2015 has also resulted in changes in the system of building permits⁵⁴.

The powers of the building authorities according to the legal regulations in force

In the course of licensing, obligation and supervisory tasks related to the construction activity (including the specific types of buildings and protected monuments as well), the building authority implements the general urban settlement and construction requirements. In the case of specific types of buildings and protected monuments, the competent building authority also enforces the legal requirements for specific types of structures and monuments [Article 5 (2) of *Act LXXVIII of 1997*].

General building authority (Settlement clerk)

As a general building authority performing the first level of public administration tasks regarding constructions and building construction activities, the government designates the settlement clerks of the district centre municipalities and the clerks of the capital districts. The first level general building authority operates in 174 districts and 23 districts of Budapest (197 authorities in total). For the area directly administered by the Municipality of Budapest, the capital's chief clerk is the first instance building authority [Article 1 (1) of *Government Decree 343/2006 (XII. 23.)*].

The competence of the settlement clerk of the district centre municipalities covers the settlements determined in Annex 1 to the *Government Decree 66/2015 (III. 30) on district (and capital district) offices* [Article 1 (1) of *Government Decree 343/2006 (XII. 23.)*; Annex 1 to

⁵⁴ Építésügyi hatóságok. - *Building control authorities*. <<https://epitesijog.hu/rolunk/141-az-epitesugyi-hatosagok>> [2017.10.31.]

Government Decree 66/2015 (III. 30.)]. Thus the settlement clerk of the district centre municipalities performs the tasks of the general building authority regarding all settlements in the certain district.

The general building authorities are responsible for all first instance administrative tasks that are not delegated to the district (and capital district) offices - according to the name in force until 30 March 2015 for the District Building Offices, Building and Heritage Protection Offices - or, in case of specific types of structures, to special building authorities.

The government has appointed as a general building authority responsible for building administrative tasks on second instance the capital and county government offices - regarding second instance tasks related to buildings and buildings constructions defined in separate legal regulations - with the exceptions on administrative procedures defined in *Government Decree 159/2010 (V. 6.) on the rules for the establishment and termination of specific types of structures, on the establishment, development and termination of airports, and on the establishment and termination of landing zones*, and in Article 1 (1) d) of *Government Decree 289/2012 (X. 11.) on the detailed rules on building construction authorisation procedures of railway construction works* [Article 1 (5) of *Government Decree 343/2006 (XII. 23.)*]. The second instance authorities work at county and capital level, so all together 20 second instance authorities work in the country.

First instance building authority (district office)

The powers of a district office cover the following procedures:

1. public administration matters of major importance;
2. authority acting on consolidated installation matters;
3. in case of an integrated procedure, providing co-operation or joint service tasks, even if a building administrative procedure is carried on;
4. building authority issues related to constructions or restorations in case of an emergency situation;
5. administrative issues concerning outstanding sites of Hungarian history [Article 4 (3a) of Act 1997 of LXXVIII];
6. exclusion cases regarding the notary as a first instance building authority (if a general building authority is excluded from the procedure, the building office will be the first instance building authority in its area of competence) [Article 1 (2) of *Government Decree 343/2006 (XII.23.)*];
7. building control authority procedures, tasks [Section 3 (1) of *Government Decree 343/2006 (XII.23.)*].

The jurisdiction of the district offices that also carry out the heritage protection tasks, also covers the following procedures:

8. building authority tasks related to heritage, monument and monumental land included in the register of cultural heritage protection [Article 3 (3), Annex I Part II to *Government Decree 343/2006 (XII.23.)*].

The district office, which is responsible for the building procedures, is always competent in the certain districts, while the district office performing building procedure and heritage protection functions provides its tasks in the county.

In the total of 59 districts, the district (and capital district) offices are responsible for building procedures (out of which 21 district offices also have a heritage protection duties besides building procedures).

In appeal procedures against the decisions of District Offices, the building and heritage protection offices of capital and county government offices act as second instance authorities [Article 1 (5) of *Government Decree 343/2006 (XII.23.)*].

Second instance building authority

Capital and county government offices act as a general building authority on second instance. The government office is not the second instance building authority in the following cases:

- a) in respect of specific types of structures,
- b) in building authority issues specified by Government Decree 159/2010 (V. 6.) on the rules for the establishment and termination of specific types of structures, on the establishment, development and termination of airports
- c) issues specified in the decree on the Hungarian Atomic Energy Authority⁵⁵ [Government Decree 112/2011 (VII.4)],
- d) in the official affairs of the railway stations of underground railways [Article 1 (1) (d) of Government Decree 289/2012 (X. 11.)],
- e) in case the capital and county government offices participated in the procedure of the first instance building authority, the authority in charge is as defined in Annex 7 of Government Decree 343/2006 (XII.23.),
- f) second instance building authority tasks related to heritage, monument and monumental land included in the register of cultural heritage protection are to be performed by the Budapest Capital District Office [Article 1 (5), (5a), (6) of Government Decree 343/2006 (XII.23)].

Because of the reorganization of government offices of 1 April 2015, most procedures involve the second instance authority as a special authority in the procedures. In order not to have the same authority as the first and second instance authority as well, the law has designated the "second instance pair" of each government office. Annex 7 to *Government Decree 343/2006 (XII.23.)* contains the second instance authorities designated accordingly [Article 1 (5a), Annex 7 to *Government Decree 343/2006. (XII.23.)*].

Administrators of the authority must have a building exam

Civil servants and government officials employed at building and heritage protection authorities (including in particular decision-making and decision preparatory tasks) must undertake construction examinations and related vocational training as well. *Government Decree 487/2013 (XII. 17.)* contains the detailed regulations for building exams and vocational training. These regulations are not subject to the settlement clerks of district seat municipalities, to the district clerks of the capital districts, to the head of the district (and capital district) offices, the government commissioners, the director generals and the directors of the capital and county government offices, therefore they do not have to attend courses either [Article 1 (1) of *Government Decree 487/2013 (XII.17.)*, Article 4 (3) of *Government Decree 343/2006 (XII.23.)*].

Committees for Local and Regional Collection of Values

According to the act on Hungaricum⁵⁶ municipalities can set up local collection of values and they can establish a Committee for Local Collection of Values, which shall organize the identification of the national values located in the municipal area, establish the collection containing the data of national values available in the municipal area and shall forward them to the County Collection of Values.

For the purpose of identification of municipal values, establishment and maintenance of the Local Collection of Values and forwarding of data to the County Collection of Values, municipalities can appoint an institute, an organization, or an organizational unit run by a state, municipal, church or social organisation operating in the municipal area and previously involved in the identification and management of national values, or any third-party area development or rural development organization active in municipal development.

⁵⁵ Országos Atomenergia Hivatal

⁵⁶ 2012. évi XXX. törvény a magyar nemzeti értékekről és a hungarikumokról - Act XXX of 2012 concerning Hungarian national values and Hungaricum

At present, there are 800 Local and 8 Regional Collections of Values in Hungary⁵⁷.

Urban planners

Urban planning experts mostly perform expertise activities for district seats, in many cases this is not possible for smaller settlements. However, the surrounding catchment area of the district seats is often also included in the strategic planning documents. A good example to this is the elaboration of integrated development strategies, what was described in detail in the previous chapter (*B.2 Urban planning and HBA*).

Other stakeholders

In addition to the aforementioned, the **churches** have a very important role in preserving the cultural heritage and in protecting the built heritage. The related financial resources are partly financed from the central budget. According to Article 7 (1) of *Act CXXIV of 1997 on the financial conditions of religious and public functions of the churches*, for the preservation, refurbishment, development of public purpose and other properties owned by the included churches, furthermore for the operation of their archives, library and museum, they are entitled to be granted, similarly to state owned properties, by subsidies defined in the act on the central budget (*Lengyel, 2016*).

As described in the previous chapter (*B.3 Environmental Policies and HBA*), **national park directorates** also participate in the preservation of cultural heritage values. According to Article 28 (2) *Act LIII of 1996 on the protection of nature*, a national park is a larger area of the country, which is not significantly changed in its natural features and its primary purpose is the *protection of the natural flora and fauna and geological, hydrological, landscape and cultural values of particular importance*, the maintenance of biodiversity and the undisturbed functioning of natural systems, the promotion of education, scientific research and recreation. *As one of their basic tasks national park directorates cooperate with the regional offices of the Cultural Heritage Office in the performance of their duties related to the protection of the cultural heritage as defined by specific legislation*⁵⁸.

The relationship between **public utility companies** and cultural values can be interpreted in a variety of ways, and their consideration as stakeholders is important both in terms of aesthetic, functional and environmental and of economic sustainability. The statutory definition of public utilities is determined by point 68 of Annex 1 to the *Government Decree 253/1997 (XII. 20.) on the national settlement planning and construction requirements*. According to this, public utility is the totality of production, distribution, collection, transmission, regulating, measuring facilities, that in order to ensure the proper use of land use units and buildings provides customers with their temporarily or continuous needs of water supply, sewerage and inland rainwater drainage, supply of natural gas, heat and electricity and of communication by the own production or preparation equipment of settlements or by connecting to transmission line systems, centrally, continuously, with sufficient safety, in a public way, in the form of normal operation. The definition of public utility service is defined in point 73 of Annex 1 to the aforementioned government decree, according to which public service provision is a public service provided by a company governed by this act under a separate regulation to supply goods or services. In Hungary water supply, sewage and rainwater drainage, other public utilities (electricity, gas, district heating), communications (telecommunications, broadcasting) and

⁵⁷ Hungarikumok Gyűjteménye - Magyar Értéktár. Települési/Tájegységi Értéktár Bizottságok. - *Collection of Hungarikums - Collection of Hungarian Values. Committees for Local and Regional Collection of Values.* <<http://www.hungarikum.hu/hu/telepulesi-es-tajegysegi-ertektar-bizottsagok>> [2017.10.31.]

⁵⁸ Magyar Nemzeti Parkok. A NPI feladatai. - *The Hungarian national parks. The tasks of national park directorates.* <<http://magyarnemzetiparkok.hu/a-npi-feladatai/>> [2017.10.31.]

waste collection and waste disposal belong to public utility services, that must be provided according to relevant legal and professional regulations.

Regarding public utilities, some regulations are determined in the *Government Decree 496/2016 (XII. 28.)* on the rules for the protection of the cultural heritage, however detailed obligations regarding the preservation of historic built heritage have not been laid down in this or other comprehensive legislation on built heritage, and sectorial legal regulation does not determine protection measures on the built heritage either.

In addition to the above, the owners of the cultural heritage and its users should also be mentioned among the involved stakeholders. *Act LXIV of 2001 on the Protection of Cultural Heritage* differentiate **owners** (proprietary rights practitioners) and **property managers** (users).

Owners (property right practitioners) may be:

- the Hungarian State
- Hungarian municipalities
- churches
- private owners (both Hungarian and foreign nationals)

Property managers (users) may be:

- national parks
- public institutions: museums, collections
- NGOs
- private individuals
- profit-oriented business associations
- church districts

CITED REGAL REGULATIONS

- Act LIII of 1996 on the protection of nature
- *1996. évi LIII. törvény a természet védelméről*
- Act LXXVIII of 1997 on the formation and protection of the built environment
- *1997. évi LXXVIII. törvény az épített környezet alakításáról és védelméről*
- Act CXXIV of 1997 on the financial conditions of religious and public functions of the churches
- *1997. évi CXXIV. törvény az egyházak hitéleti és közcélú tevékenységének anyagi feltételeiről*
- Act LXIV of 2001 on the Protection of Cultural Heritage
- *2001. évi LXIV. törvény a kulturális örökség védelméről*
- Act XXX of 2012 concerning Hungarian national values and Hungarikums
- *2012. évi XXX. törvény a magyar nemzeti értékekről és a hungarikumokról*
- Government Decree 253/1997 (XII. 20.) on the national settlement planning and construction requirements
- *253/1997. (XII. 20.) Korm. rendelet az országos településrendezési és építési követelményekről*
- Government Decree 343/2006 (XII. 23.) on the designation and operation conditions of building and building control authorities
- *343/2006. (XII. 23.) Korm. rendelet az építésügyi és az építésfelügyeleti hatóságok kijelöléséről és működési feltételeiről*

- Government Decree 159/2010 (V. 6.) on the rules for the establishment and termination of specific types of structures, on the establishment, development and termination of airports, and on the establishment and termination of landing zones
- 159/2010. (V. 6.) Korm. rendelet a repülőtér létesítésének, fejlesztésének és megszüntetésének, valamint a leszállóhely létesítésének és megszüntetésének szabályairól
- Government Decree 112/2011 (VII. 4.) on the tasks of the National Atomic Energy Agency regarding the EU international obligations related to nuclear energy, the designation of the competent authorities involved in the official procedures of the Hungarian Atomic Energy Authority, on the amount of the fines to be imposed and on the scientific council supporting the work of the National Atomic Energy Office
- 112/2011. (VII. 4.) Korm. rendelet az Országos Atomenergia Hivatal nukleáris energiával kapcsolatos európai uniós, valamint nemzetközi kötelezettségekkel összefüggő feladatköréről, az Országos Atomenergia Hivatal hatósági eljárásaiban közreműködő szakhatóságok kijelöléséről, a kiszabható bírság mértékéről, valamint az Országos Atomenergia Hivatal munkáját segítő tudományos tanácsról
- Government Decree 289/2012 (X. 11.) on the detailed rules on building construction authorisation procedures of railway construction works
- 289/2012. (X. 11.) Korm. rendelet a vasúti építmények építésügyi hatósági engedélyezési eljárásainak részletes szabályairól
- Government Decree 487/2013 (XII.17.) on the detailed rules for the construction examination and further training of civil servants and government officials employed in the building, building control and heritage protection authorities
- 487/2013. (XII. 17.) Korm. rendelet az építésügyi, az építésfelügyeleti és az örökségvédelmi hatóságnál foglalkoztatott köztisztviselők és kormánytisztviselők építésügyi vizsgájára és szakmai továbbképzésére vonatkozó részletes szabályokról
- Government Decree 66/2015 (III. 30) on district (and capital district) offices
- 66/2015. (III. 30.) Korm. rendelet a fővárosi és megyei kormányhivatalokról, valamint a járási (fővárosi kerületi) hivatalokról
- Government Decree 496/2016 (XII. 28.) on the rules for the protection of the cultural heritage
- 496/2016. (XII. 28.) Korm. rendelet a kulturális örökség védelmével kapcsolatos szabályokról

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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • the protection of the built heritage is implemented on three levels in Hungary (international level - UNESCO, national level, local protection) • EU directives have been transferred to the Hungarian legal system, domestic legal harmonization is completed • Committees for Local Collection of Values have been established to manage national values in settlements • the Hungarian Government assist the restoration and development of the built heritage (e.g. national castle program, national fortress program, folk architecture program) • an online database of Hungarian monuments and locally protected buildings is publicly available in Hungary 	<ul style="list-style-type: none"> • the legal environment for the protection of cultural heritage values is constantly changing • at the same time there is over-regulation • organizational structure and leadership are constantly changing in the task of protecting cultural heritage values • the integrated approach of the management of historic built heritage is still not widespread in practice • in a significant part of the country, there is no experience with the municipal façade standards and with their enforcement • for the conservation and sustainable management of built heritage, the increasing tourism is of an antagonistic impact, the principles of sustainable tourism have not been defined and laid down
Opportunities	Threats
<ul style="list-style-type: none"> • the Integrated Settlement Development Strategy will introduce an integrated management of the built heritage (in an economic, financial, environmental and social approach) • the introduction of the SZÉP⁵⁹ card has brought about a boom in domestic tourism, the further strengthening of domestic tourism is an opportunity to increase the number of visitors to the built heritage • there is the possibility for protecting and managing the built heritage through affiliated organizations (e.g. churches, national park directorates, etc.) as well • the role of churches is of extraordinary importance in preserving the cultural heritage (by either determining local identity or by generating funding opportunities) • market-driven (profit-oriented) investments can help to ensure the long-term sustainability of the built heritage even in lack of external financial support 	<ul style="list-style-type: none"> • lack of professional staff and lack of theoretical and practical training in higher education specialists in the field of cultural value protection • the profession's lobbying ability has weakened • weakness or a lack of heritage protection NGOs • lack of social consensus, often negative social perceptions • compliance with the regulations on energy upgrading often causes difficulties in managing historic built heritage, in many cases the norms cannot be interpreted, or they are impossible to meet, the area of protection of the built heritage and the area of energy sustainability are not perfectly harmonized • the utility service system does not properly handle the unique features and needs of the built heritage • the fulfilment of accessibility requirements often causes difficulties for owners/operators of built heritage (regarding financing investments or aesthetic considerations)

⁵⁹ Széchenyi Pihenőkártya - Széchenyi Recreation Card is an electronic voucher card available for employees of Hungarian enterprises as a fringe benefit within cafeteria for holidays, hot meals, health insurance, sports, cultural events

	<ul style="list-style-type: none">• it is difficult to handle the negative effects of the communist architectural style and can only be eliminated in the long run• the strengthening negative environmental impacts caused by global climate change makes it more and more difficult to preserve the historic built heritage• the increase in road traffic (or its management) is a problem for historical built area management
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ASSESSMENT OF HBA GOVERNANCE SYSTEM IN ITALY

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

We can say that the Italian approach to Historic Built Area is well expressed by two main official documents:

1. The first one is the **Constitution of the Italian Republic** (came into force on 1948), that, in its fundamental principles, at article 9 says “The Republic promotes the development of culture and of scientific and technical research. It **safeguards** natural landscape and the **historical and artistic heritage of the Nation.**”

With this simple phrase the Constitutional Assembly recognized both to the State a main role in driving the preservation and to the historical heritage a national value according to its being a document of the past, independently from additional aesthetic, artistic, economic value.

2. The second one is the most recent comprehensive law about Cultural Heritage, the so called “**Code of Cultural Heritage and Landscape**”, that represents a try to collect, harmonize and synthetize in a single legislative tool all the cultural, scientific and legislative experiences of the Italian Republic since its recent foundation (1861), by also according them to the international shared approaches.

The main principles of the mentioned Code are:

- **The protection and enhancement** of the cultural heritage shall concur to preserve the memory of the national community and its territory and to promote the development of culture.
- The State, the Regions, the Metropolitan Areas, the Provinces and Municipalities shall ensure and sustain the **conservation** of the cultural heritage and foster its public **enjoyment and enhancement**.
- **Private owners**, possessors or holders of property belonging to the cultural heritage must ensure its conservation.
- The activities concerning the conservation, public enjoyment and enhancement of the cultural heritage shall be carried out in accordance with the **laws on protection**. Through these main topics the Code offer immediately an integrated approach to cultural heritage, in order to combine **preservation and fruition, public and private sectors, improvement and protection**.

Despite a so clear and innovative integrated approach to the topic, the implementation of the related policies shows various difficulties, to understand which is important to have a global framework on the cultural evolution of the concept “cultural heritage”, “monuments”,

“restoration” and “landscape” among the scientific and professional community in Italy. In general, we can say that the current legislative framework related to the Historic Built Areas in Italy comes essentially from 2 different cultural “branches”: **the concept of “restoration” and the idea of built “landscape”**.

RESTORATION

Architecture is made of buildings that often last for centuries and millennia. Prolonged use over time often involves changes in use destinations, which are also reflected in the overall layout of the building. Changes made to buildings in recent centuries were also stylistic updates that sometimes radically changed the look of a building. But only in the nineteenth century has been developed a **historical consciousness** linked to architecture, and the its values of art and civilization. During this time were be defined also the first **theoretical ideas** related to the restoration, due in particular to Eugene Viollet-le-Duc and John Ruskin.

Viollet-le-Duc (1814-1879), French architect, has theorized the so-called **"stylistic restoration"**, which is to bring a building back into its unity stylistic, giving it an appearance that can not even have ever had in the past (*"restoring a building means restoring it to a state of integrity it can never existed"*). In this restoration's approach it tends to erase the story next to a building, demolishing the parts that they are not consistent with its “original” style, and rewinding missing or demolished parts in style originally from the building.

John Ruskin (1819-1900) was an intellectual Englishman who was radically opposed to restoration stylistic made by the French, accusing this type of restoration of "lying". According to him and his **Antirestoration movement**, restoring always means making a fake, so the only one permissible operation is to treat as much as possible buildings, but do nothing if they go to ruin. This position has also been called *"romantic restoration"*.

Towards the end of the nineteenth century in Italy there is one **intermediate position**, tending to recognize both the value historical and artistic work: the historical restoration (the integration of the work must be based on historical documents) and philological (recognizability of intervention, respect for additions having artistic value, which over time are you have been made to the artifact; keeping the signs of the time) who has head **Camillo Boito** (1836-1914).

Camillo Boito, in the Congress of Italian engineers and architects held at Rome in 1883, defined the first criteria of a restoration in a more modern sense. This approach was called **"philological restoration"** and defined the **Italian way to the restoration**, a half between Ruskin's English position and that French dictionary by Viollet-le-Duc.

According to Camillo Boito:

Monuments must be **"rather consolidated which repaired, rather than repaired or restored."** all parts of a building must be respected, even those added during its history

If you have to add a new part to the building, this must be differentiated by materials and characters, but without altering the overall appearance of the monument.

The “Philological restoration” was the guideline for the first Italian laws and regulation about preservation of monuments and influenced following theories and experiences made by other Italian researchers and professional, like Gustavo Giovannoni and Cesare Brandi. Moreover, the Italian approach was a lighthouse for the development of the International documents about restoration developed during the XX century.

Over the course of the twentieth century, more and more people became aware of it the need to share unique principles about the restoration, so that this activity would always be more scientific and less empirical. The theoretical formulations of the principles of restoration have always taken place in international conferences, in which scholars and professionals from different countries brought their contribution, then picked in synthesis documents called **"Restoration Charters"**.

URBAN LANDSCAPE

As said, in Italy the first half of the twentieth century is then dominated by Italian culture by figure of **Gustavo Giovannoni**⁶⁰ (1873-1947), promoter of a systematization of the theory of restoration that goes under the name of “*scientific restoration*”.

According to the theory of Giovannoni, in the scientific restoration all phases of the monument’s history had to be respected. Therefore, the ancient monuments should **have been restored and not reconstructed**. As a pivotal figure in the fields of architecture and urban planning, Gustavo Giovannoni developed both a theory and specific rules for **urban conservation**. Although he worked exclusively in Italy, his influence extended beyond the country’s borders, due in part to his involvement in the drafting of the Athens Charter for the Restoration of Historic Monuments in 1931. Moreover, for the first time, with Giovannoni’s vision, the notion of conservation was **extended to the entire urban sector**. From a single building to a wider context, he created not only cultural guidelines, but also technical tools concerning the spheres of legislation, urban planning, and architectural restoration.

At that time, old cities in Europe had many problems related to urban hygiene. In 1865, the national law on public works made a distinction between what lies within and outside of the walled core. (The same principle would be implied in the German body of law, starting in 1873.) After several outbreaks of cholera, the culture of urban hygiene became more influential. The old city cores were overcrowded and had the highest rates of disease. Laws of 1885 and 1888 made public interventions mandatory for the great Italian municipalities: they required that a regulating plan be developed for any city where population exceeded 30,0000. Both as a promise of liberation and for the sake of public health, the area that had been enclosed within the city walls would now be divided, improved, and demolished: public interventions were to be carried out with particular force, through the opening of new spaces and the adjustments of old routes Unlike in Germany, urban planning did not have its own status in Italy at the time. As in France, urban problems were tackled **in two separate—if not opposite—ways**: on one side, a hygienic approach based on surveys and statistics, and on the other side, a view based on an impressionistic mode of tackling questions related to the old cities. In other words, starting from its colors, its picturesque glimpses, the city had to be considered as an untouchable whole as John Ruskin suggested in the case of Venice. On the other hand, analyzing the rates of diseases and mortality showed that large portions of the city had to be improved, if not demolished. Despite his training in civil engineering and urban hygiene, **Giovannoni opposed the radical plans of urban improvement that followed the guidelines of the new law and the local building codes**. He acknowledged the need for public health and circulation; as such, he was not against demolitions per se, but rather against the indiscriminate destruction of buildings. He developed **guidelines for a more sensitive approach to the old urban core**—specifying not only what should not be done but also what should be done. Following his own more sensitive guidelines while developing his mission, Giovannoni viewed **the city as the ideal place for comingling old (through preservation) and new (through creation)**. Rome—with its outstanding architectural heritage and need for modernization as Italy’s capital—represented the most suitable place for applying a sequence of principles related to the idea of balance. Particularly in the first two decades of the twentieth century, Giovannoni was reacting against a series of improvement plans that were jeopardizing the integrity of its urban core. For his entire life, the so-called Eternal City was the particular theater of his struggle, which was increasingly extended to other remarkable urban centers. Such an effort would only be accomplished with the cooperation of the architectural scholars, town planners, and experts of monuments care. This represented the beginning of Giovannoni’s complex vision of city planning and building restoration, as well as monuments care and urban conservation. **All these**

⁶⁰ Fonte:

https://www.researchgate.net/publication/265759509_Gustavo_Giovannoni_A_Theory_and_a_Practice_of_Urban_Conservation

special technical branches had to proceed together, as each was strictly dependent on the other. According to Giovannoni, the two sides of the problem could be reconciled through the strategy of *diradamento*, “thinning out” the urban fabric, as the forester thins out the forest. Through the conceptualization of *diradamento*, Giovannoni revealed a selective attitude in dealing with ancient quarters. Giovannoni proposed that an historical survey should be carried out to determine the key period that characterizes a district; this period, in turn, would guide its restoration. This method was not so different from Viollet-le-Duc’s approach of “stylistic unity,” which he developed sixty years earlier while restoring the cathedrals of France. According to this principle, what has been built before and after the key period can be erased, and should, therefore, be demolished. Giovannoni applied the principles of **selective restoration** to the scale of a city quarter, which would reflect a single significant period.

Giovannoni was not alone in his effort to broaden the scope of conservation. The **necessary relationship between individual monuments and city** was finally established in legislation that also included a far broader notion of context. In the Conservation Act of 1911, for example, the notion of *ambiente artistico* (“artistic environment”) was acknowledged and partially developed, even if somewhat abstractly. Due to Giovannoni’s role as director of a national Beaux Arts commission beginning in 1916, he oversaw planning schemes for historical areas, mostly in Italian towns. From this powerful position, Giovannoni was able to influence, modify, and sometimes shape a series of city planning schemes such as those for Florence Santa Croce, Taranto Vecchia, and Siena Salicotto. As head of the *Consiglio superiore di antichità e belle arti* from 1916, Giovannoni retained for himself the role of a coordinator in a centralized system. In this system, any urban scheme had to be discussed and approved by the Central Board on Antiquity and Beaux Arts, especially in locations where the plan concerns historical areas of particular relevance. At a larger scale, the Board acted in the same way as the *sovrintendenze* acts locally, in front of the many actors of the planning process: municipal bodies, professionals, and members of the health service. This continuous dialogue between institutions allowed for improved methods and a softening of the rigidity of the primary principles. In this empirical way, the practice would have been a slowly informed theory throughout the planning process.

During the same period, to give an answer to different requests and needs coming from various different local groups of intellectuals and cultural influencers, the Italian State promoted many legislative initiatives aiming to protect landscape portions or settlements (Pine Forest in Ravenna, Saint Anna Gate in Lucca, etc.). The cultural movements born to support these local situations and the corresponding legislative actions created the basis to open the concept of “safeguarding” from the single good to a more comprehensive area or territorial context, in a first moment in reason primarily of the aesthetic value, then also for historic and cultural values recognized to the built landscape.

In the following table are summarized the main cultural and legislative initiatives in Italian context, divided by period (1861-1940; 1945-1971; 1972-2004), to underline the **relationship between scientific and cultural debate and the emission of laws and public regulations**. By analyzing those links and their results is possible to have a complete framework of the Italian approach to Historic Built Area preservation and management and to better understand the current legislative situation and governance system.

Cultural phenomena on the topic	Legislative initiatives of the period
<p>1931- Athene Chart - International Congress "Conservation of Monuments of art and history "(October 1931). -Purpose: attempt to unify the different positions of the countries, in the name of the one target. -Promoter and animator is the Italian Gustavo Giovannoni. -Indications of the Charter relating to architectural property only. -Collaboration between states for the preservation of monuments. -Avoid full refunds → Establishment of regular maintenance. -Restore only if necessary, respect for artwork of artistic interest and no preference for the style of any era. -Ruins → Scrupulous conservation without reconstruction, is permitted anastilosis (recomposing a fragmentary monument of which it is keep the parts) and new materials must be recognizable. -Need for studies and research on pathology and restoration materials. -The judicious use of modern materials is allowed, in particular the use of reinforced concrete, but reinforcement elements must be disguised. -Respect for the character and the physiognomy of the picturesque towns and scenery</p>	<p>1939 - L.1089: "Protection of objects of artistic or historical value": -provides the definition of cultural good; -affirms the principle of public enjoyment of cultural goods; -sanctions the independence of cultural assets from the Regulatory Plans; -provides for authorizations in the event of intervention of any nature on the cultural property; -imposes the principle of conservation also to private possessors of things of cultural interest; -regulates alienations, loans, transfers, imports and exports of cultural goods; -establishes penalties in case of infringement of these principles.</p> <p>1939 - L1497: "Rules on the Protection of Natural Beauties". Based on an essentially aesthetic conception of landscaping, concerns individual property or overall beauty. It was characterized in identifying certain categories of Natural Beauties, in particular: -individual beauties - immovable things that have substantial features of natural or geological beauty / park villas, which are distinguished by uncommon beauty; -overall beauties - complexes of real estate that make up a characteristic appearance with aesthetic and traditional value / panoramic beauties,</p>
<p>1932 - Italian Chart of Restoration Consiglio Superiore per le Antichità e le Belle Arti, presso il Ministero della Pubblica Istruzione It can be considered the first official Italian State Directive on the restoration. -There were principles similar to those of "Athens Chart", but with more expressive position those years from Gustavo Giovannoni (1873-1947), defined as "scientific restoration". - Giovannoni was the first to suggest that in every intervention should be exploited by all the more modern technologies to come to science restoration.</p>	<p>The implementation of the law is based on the imposition of the bond that has as its corollary the classification and inventory of the goods and the territory. This was a very innovative legislation of the age, but characterized by an essentially static approach and the tendency to outline a concept of "natural" aesthetic beauty. The object of protection is, in fact, essentially the "beautiful of nature" in the same way that the object of the protection of L. 1089/39 is essentially the "beautiful art".</p>
<p>1964 - Venice Chart Il International Congress of Architects and Monument Technicians -The "monument" concept applies to both artwork and urban environment landscape. -Conservation is a discipline that employs all sciences and techniques, it also involves maintenance, protection of the surrounding environment and is favored from the use, in order to preserve the work of art and its historical testimony. -Excavations must be carried out according to scientific standards; is excluded a priori each reconstruction. -works must be documented. -The integrity and refinement of monumental environments must be preserved. The restoration: -must be exceptional and must stop where the hypothesis begins -must be preceded by studies -Modern materials can be used -Every contribution of the various ages must be respected (no stylistic unit) -Added elements must be integrated, but they must be recognizable In article 1, the definition of historic monument is given, specifying that: "[it] applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time". The Venice Charter, adopted by ICOMOS in 1965, codifies internationally accepted standards of conservation practice relating to architecture and sites. Indeed, the Charter provides reliable guidelines for restorers about restorations and conservations. This document has almost become a classic, it sets an example because - amongst many other things - it does not contain dogmatic, rigid rules.</p>	<p>1947 - Constitution of the Italian Republic The protection of historic centers, as cultural goods, stays in the Italian Constitution: "the Republic protects the landscape and the historical and artistic heritage of the nation". The fact that this norm is part of the fundamental principles of the Republic means that its value is recognized above the public powers and that these must be in its service.</p> <p>1963 - DPR 1409: <i>Enstablishment of Ministry for Cultural Heritage and Environment</i></p> <p>1967 - D.L. 765: Article. 17 introduces 2 fundamental concepts regarding the protection and enhancement of historical centers: - the need to consider the historic center as part of general urban planning. The historic centers became the so called "Zona A" among the zoning process of the urban area and every Municipality was called to identify the perimeter of its "Zona A" during the development of its Regulatory Plan ; - the setting of specific standards for ancient centers, which normally preserve the existing building and pre-existing density, the prohibition of overcoming the heights of existing buildings, and so on. Article. 17, paragraph 5, of this law introduced a form of protection that finally looked at environmental complexes and not just individual buildings of monumental value or particular interest. In addition, the same rule (Article 17) in paragraph 5 is concerned that historic centers may suffer irreparable tampering without general plans and stipulates that, in such a case, only "consolidation and restoration works are allowed, without alteration of volumes "and that any free areas can be upgraded to the approval of the general urban planning tool. The mentioned law, moreover, in drawing up urban planning for historic centers, re-enacted a safeguard system similar to that</p>

<p>Instead, it offers an opportunity for the expert to analyse and review the situation. Every monument is different, and each should be treated differently - this is what the Venice Charter suggests.</p>	<p>of the old protection of the cultural footprint of the "Bottai laws". It is common opinion that the protection introduced by law no. 765/67 reflects the peculiarities of the urban policy of the period, worried about regulating mainly (if not only) interventions in the areas of expansion of the inhabited area: it, therefore, for the building and dwelling fabric existing in the historical centers could only to propose conservative protection, focusing on a "blocking instrument" of interventions.</p>
<p>1964 - Franceschini Commission Minister Franceschini In response to the imminent threat of unregulated development in Italy, a public inquiry was opened in 1964. Commonly called the 'Franceschini' Commission after the minister who presided over it, this group was composed of 16 members of parliament and 11 experts in art history, archaeology, law and library science. The Commission was responsible for revising the current legislation, administrative framework and funding mechanisms for cultural heritage protection. Following an in-depth analysis of the situation, 84 declarations were produced. These were synthesized in 9 recommendations for urgent action, clearly indicating of a growing desire for social change: Establish a security service to protect cultural heritage. Call for a moratorium on projects concerning areas of monumental, archaeological or environmental interest. Begin a systematic inventory of Italy's cultural heritage. Make publicly accessible historic buildings now used by the State for administrative functions. Eliminate unacceptable interventions/treatments on cultural heritage. Establish headquarters for research, conservation, restoration and documentation institutes, and for the national scientific institutions. Train scientific and technical staff responsible for the autonomous administration of cultural heritage. Promote contemporary artistic production. Raise public awareness on the importance of respecting cultural heritage through a national campaign The Chart of Gubbio, that inspired the Franceschini Commission, referred to some principles regarding the preservation and restoration of historical centers, which emphasized that it was wrong to consider the single monument until it was taken out of the urban complex when it was necessary to consider it a one with its context of belonging. The Franceschini Commission, in keeping with the principles that emerged from the Gubbio Conference, formulated further, to which the future legislator should have followed, pointing out that, as for the protection of historic centers, it should be directed not only in the sense of maintaining the characteristics but it should also be done through consolidation, restoration and sanitation improvements to improve their living. In addition, the commission also stressed the need to regulate traffic so that undifferentiated circulation of vehicles did not alter the balance and did not undermine the urban-urban fabric.</p>	<p>Article. 2 states that "homogeneous territorial areas (...) are considered as parts of the territory affected by urban agglomerations of an historical, artistic or particular environmental value or position, including the surrounding areas, which may be considered an integral part, for these characteristics, of the agglomerations themselves". However, this norm derives, indirectly, a narrow definition of "historic centers" as an area to be subjected to urban conservation constraints, and normally inclusive of the oldest part of the city and adjacent areas, but far from the present consideration of the historic center in its constant relationship with the evolution of community life. 1969 - establishment of Central Office for Cataloguing and Documentation (Ufficio Centrale per il Catalogo e la Documentazione)</p> <p>1967 - circolare n. 3210 of Ministry of Public Works: try to define the historic settlements as: (a) urban structures in which most of the blocks contain buildings constructed in 1860, even in the absence of monuments or buildings of particular artistic value; (b) urban structures enclosed by old or all-preserved walls, including any external propagation covered by the above definition (point (a)); (c) urban structures built after 1860, which as a whole constitute documents of a highly qualified construction costume.</p>
<p>1972- Italian Chart of Restoration The Ministry of Education, with the advice of the High Council of the Antiquities, in the attempt to reach uniform criteria for the management of Antiquities and Fine Arts, herewith issues new guidelines for the conservation of artistic Heritage -guidelines will apply to the following categories of objects to assure their preservation and restoration: building complexes of monumental, historical, or environmental interest, in particular historical urban areas -It is meant by "preservation" any conservative provision that does not involve any direct action on the material of the artwork. It is meant by "restoration" any action on the material of artwork in order to maintain its material integrity and facilitate the reading and the transmission to the future in their entirety. -All overseeing government agencies and responsible Institutions in the matter of conservation must prepare a yearly program listing all work of preservation, restoration, underground or under water archaeology, to be done on behalf of the State, other institutions or private individuals. It must be presented to and approved by the Ministry of Education with the approval by High Council of the Antiquities and Fine Arts. As part of this program, any restoration works will be described and justified in</p>	<p>1978 - L. 457 "Recovery of Existing Building Heritage", which introduced the "Recovery Plans". This law does not deal specifically with the historical centers: it does not distinguish, in fact, the recovery and revitalization of historic centers from other recovery operations, but merely provides for the fact that "the provisions and competences provided by the No 1089/39 and No 1497/39 "(Article 31, last paragraph). In addition, title IV of the law referred to had the merit of being the first attempt to adapt the overall planning system, built on the layout of expansion urbanism, to the new needs created by the recovery. In addition, it indicated, determined and categorized building interventions on the existing, which until that time were not normatively differentiated by new buildings. Thus, the peculiar features of interventions in historic centers have been absorbed by the broader and generic notion of recovery of existing building assets</p>

<p>a technical report and proposal which will describe the conservative history, the existing conditions, the planned restoration work and the budget necessary to complete the work. The technical report and proposal must be approved beforehand by the Ministry of Education.</p> <p>-the following actions will be forbidden without exception: 1) completions of unfinished work in style, analogical, in simplified form, or even if there are graphic or plastic documentation illustrating the intended form of the completed work; 2) removals or demolitions that erase from the artwork traces left by its passage through time, unless these features are of limited scope and incongruous or disfiguring in relation to the historical values of the work or if they are past completions in style that counterfeit the nature of the work; 3) removal, reconstruction or transfer to locations other than the original one, unless it is deemed necessary for conservation reasons; 4) alteration of the surrounding accessories or environmental conditions in which the artwork has arrived to our time, such as the monumental or environment settings, the furnishings, the gardens, the parks, etc.; 5) alteration or removal of patinas.</p> <p>-the following practices are acceptable: 1) addition of accessory parts that have a structural function and reintegration* of small historically verified portions. Such interventions must be done in a way that differentiates clearly the original portion of the artwork from the new addition either by clearly marking the outline of the reintegration or by using material that is concordant yet sufficiently different to be clearly distinguishable by the naked eye, in particular at the points of connection between the old and the new. Moreover, where possible, all reintegration should be dated and signed; 2) Cleanings of paintings and polychrome sculptures, as long as it does not reach the surface of the color and respects the patina and ancient varnishes and, as with all other types of work, should never reach the raw material that makes up the art; 3) Anastilosis*, only when carefully documented and by reconstructing missing sections with techniques clearly discernible to the naked eye such as using lighter or neutral materials, setting them at a different level from the original parts, or leaving in sight the original support, however never reconstructing ex novo missing “figurative” sections and inserting important features that will alter the figurative nature of the work; 4) modifications and new insertions in the inner structure, underlayments or structural supports with the purpose of conservation and static consolidations, provided that at the completion of the restoration work, there are no chromatic alterations or other changes in the appearance of surface mater; 5) construction of a new setting or relocation of artwork when the original or traditional setting no longer exists, or when the conservation conditions demand the relocation.</p>	
<p>1987 - Italian Charter of Conservation and Restoration</p>	<p>1998 - DL490 “Testo Unico in materia di beni culturali e ambientali”: This does not refer to the historical centers, since, as is apparent from TU's own report, it has "been careful to keep unchanged those formulations of the two fundamental laws (1089/39 and 1497/39) which have now assumed in the consolidated legal experience a quasi-sacral value for the definition of substantive content of the disciplines of cultural goods and environmental goods. " Consequently, the historical centers have not been included in the cultural heritage code ex art. 2. Moreover, the national council hopes for the drafting of a law on historic cities, which extends the scope of the protection action beyond the limits of l. 1089/39, while at the same time integrating in an organic manner and in full respect of the competences of municipalities, provinces and regions, the safeguarding of urban and territorial law</p> <p>1999 - Regional law of Lazio Region: “Land Governance Rules”: This, after drawing on the purpose of the interventions on ancient centers (Article 59), prescribes that "urban centers of ancient formation that originated contemporary cities were historic centers. They are identified as urban structures that have retained the recognizability of traditions, processes and rules that presided over their formation and consist of building heritage, road network and unstructured spaces. Their perimeter, in the absence of prior cartographic documentation,</p>

	<p>is based on the planimetric configurations illustrated in the cadastral plans drawn up after the construction, the advent of the unitary state, and the possible replacement of parts, even conspicuously, of historical construction does not affect the criteria set out to perform the perimeter.</p> <p>Timely historical settlements consist of building structures including unstructured buildings and spaces, as well as territorial infrastructures that testify to the particular processes of anthropization of the territory. They are also located outside the urban structures and constitute recognizable poles of the historic organization of the territory "(Article 60).</p> <p>This norm does not point to chronological criteria, but to distinctive parameters based on a more "modern" view of historical centers, in a constant process of adapting the territory to the needs and interests of man.</p>
<p>2000 The European Landscape Convention - Florence (Italy) with the aim of promoting European landscape protection, management and planning, and organising European co-operation in this area. It represents the first international treaty to be exclusively concerned with all aspects of European landscape. It applies to the entire territory of the parties and covers natural, rural, urban and peri-urban areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.</p> <p>The Council of Europe has undertaken a work aiming at examining and illustrating certain fundamental aspects of the convention: Landscape and - social, economic, cultural and ecological approaches; - individual and social well-being; - spatial planning; - innovative tools; - identification, assessment and quality objectives; - awareness-raising, training and education; - international policies and programmes; transfrontier landscapes; - public participation.</p>	<p>2004 - Code of cultural heritage and landscape <i>Article 2: Cultural Heritage</i></p> <ol style="list-style-type: none"> 1. The cultural heritage consists of cultural property and landscape assets. 2. Cultural property consists of immovable and movable things which, pursuant to articles 10 and 11, present artistic, historical, archaeological, ethno-anthropological, archival and bibliographical interest, and of any other thing identified by law or in accordance with the law as testifying to the values of civilization. 3. Landscape assets consist of the buildings and areas indicated in article 134, which are the expression of historical, cultural, natural, morphological and aesthetic values of the land, and any other assets identified by law or in accordance with the law. 4. Cultural heritage property belonging to the government shall be designated for public enjoyment, compatibly with the needs of government use and on condition that no protection reasons to the contrary persist. <p><i>Article 3: Protection of the Cultural Heritage</i></p> <ol style="list-style-type: none"> 1. Protection consists in the exercise of the functions and in the regulation of the activities aimed at identifying, on the basis of adequate investigative procedures, the properties constituting the cultural heritage and at ensuring the protection and conservation of the aforesaid heritage for purposes of public enjoyment. 2. Protection functions are also carried out by means of provisions aimed at conforming or regulating rights and behavior inherent to the cultural heritage. <p><i>Form the code: "...by landscape is meant a homogeneous part of a territory whose characters derive from nature, from human history or from reciprocal interrelations. ...The protection and valorisation of the landscape safeguard the values that it expresses as perceivable identity manifestations... The activities for the enhancement of cultural heritage consist in the stable establishment and organization of resources, structures or networks, or the provision of technical expertise or financial or instrumental resources... Such activities may co-operate or involve private individuals...</i></p> <p>Ministerial Circular MiBACT 21/07/2017</p> <p>On paragraph 4 "The notion of historical-architectural or historical-testimonial interest" the document clarifies that, ex art. 136 c of the Code, the restriction managed by the Ministry should be applied not only to a single building or specific stylistic or decorative or architectural or chronological aspects of a historic village or town, but rather to whole historic built complexes, because it's not possible select only some building or aspects without compromising the value of the place. It lies indeed first of all in the complex and stratified interrelationships between the constitutive elements of a historic built area, that is the homogeneous and choral result of a long-time and embedded human sequence of events.</p>

	<p>This fundamental document seems ratify that:</p> <ul style="list-style-type: none"> -all the HBAs are bonded by law according to the art. 136c of the code; - all the interventions on a HBA requires consequently the Ministerial Authorization, and not only ones related to buildings bonded through a specific restriction. <p>In light of this fact, the long-time duplicity of treatment between historic buildings with a ministerial restriction and historic buildings without it is now outdated as well as the duplicity between the transformation's management between Ministry and Local Authority, that should now find a way to cooperate for the integrated management of every HBA.</p>
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A.2. Relevant terms provided by legal/strategic framework

Art. 2, D.M. 1444/1968

- **zone A** (historical center): parts of the territory affected by urban agglomerations that have historical, artistic and particular environmental value, or portions of them, including the surrounding areas, which can be considered as integral part of these agglomerations in reason of these characteristics

Code of cultural heritage and landscape (2004)

- **Cultural heritage:** consists of cultural property and landscape assets. Cultural property consists of immovable and movable things belonging to the State, to the Regions, to other local government agencies as well as to any other public body and legal entity, and private non-profit legal persons, with artistic, historical, archaeological or ethno-anthropological interest. Landscape assets consist of the buildings and areas ...which are the expression of historical, cultural, natural, morphological and aesthetic values of the land...
- **Buildings and Areas of Notable Public interest:** ...C)complexes of immovable things which constitute a characteristic aspect having aesthetic and traditional value, included historic centers and settlements.
- **Protection:** exercise of the functions and regulation of the activities aimed at identifying, on the basis of adequate investigative procedures, the properties constituting the cultural heritage and at ensuring the protection and conservation of that heritage for purpose of public enjoyment
- **Conservation:** is ensured by means of a consistent, co-ordinated and programmed activity of study, prevention, maintenance and restoration
- **Prevention:** the set of activities suitable to limit the risk situations associated with cultural property in its context.
- **Maintenance:** the set of activities and interventions aimed at controlling the conditions of cultural property and the maintenance of integrity, functional efficiency and the identity of the good and its parts.
- **Restoration:** direct intervention on a property by means of a set of operations aimed at the material integrity and the recovery of the good itself, the protection and the transmission of its cultural values. In the case of immovable property located in areas declared at seismic risk in accordance with current legislation, restoration includes structural improvement intervention.
- **Enhancement:** exercise of the functions and regulation of the activities aimed at promoting knowledge of the cultural heritage and at ensuring the best conditions for the

use and public enjoyment of the heritage itself. Enhancement also includes the promotion and the support of conservation work on the cultural heritage.

D.P.R. 380/2001 (updated 1/09/2017)

- **Ordinary maintenance:** building interventions that concern the works of repair, renovation and replacement of building finishes and those needed to integrate or maintain efficiently existing technology facilities.
- **Extraordinary maintenance:** works and modifications needed to renew and replace parts of buildings (even structural), as well as to realize and integrate sanitary and technological services, under condition that they do not alter the overall volume of buildings and do not change the uses of it.
- **Restoration and conservative renovation:** building interventions aimed at preserving the building body and ensuring its functionality through a systematic set of works that, while respecting the typological, formal and structural elements of the body itself, also allow the change of use, provided that such elements are compatible and in accordance with the provisions of the general urban planning instrument and the related implementation plans. Such interventions include consolidation, restoration and renewal the constituent elements of the building, the insertion of additional components and facilities required by the use's needs, the elimination of elements outside the building body.
- **Refurbishment:** interventions aimed at transforming building organisms through a systematic set of works that can lead to a building organization totally or partially different from the previous one. Such interventions include the reinstatement or replacement of some building's components, the elimination, modification and insertion of new elements and technical installations. In the context of the refurbishment of the building are also included those which consist in the demolition and reconstruction with the same volumes as the existing one.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

According to the situation presented above, it's possible to remark some **key-points** of Italian Policies related to HBA management:

1. In Italy, most cultural heritage matters are governed by the State and prevention and maintenance are legally inscribed in the Italian Code of Cultural Heritage and Landscape (MiBAC 2004, art. 29). Though structures are in place to facilitate the implementation of a national cultural heritage protection strategy, these laws have not yet materialized into an action plan. If a stitch in time really does save nine, **preventive conservation** is the most long-term cost-effective solution for Italy. This is especially true, now that public spending on the protection and promotion of cultural heritage in Italy has been reduced by 35 % since 2007 (MiBAC 2009, 27).
2. Nowadays, the aim of a restoration project is to preserve the material consistency of the buildings through new actions, and the architectural conservation defines the process to preserve the historical and material integrity of the built heritage through interventions carefully planned. The purpose of the restoration is to safeguard the integrity of the building and to plan the maintenance actions that retain the efficiency of the building itself. For the above mentioned Italian cultural approach, the restoration project of cultural heritage shows the gap between conservation and

- enhancement, between integration and completion, between conservation and structural or energy improvement, between conservation and transformation as well.
3. as said before, until the last Directive n°42/2017, the Italian approach to HBA management of built goods among urban areas or historic landscapes was divided in 2 parts:
 - *for **single monuments** or specific complex or areas with artistic, aesthetic or historic value, the State (MIBACT) was the subject in charge to control and authorize modifications and interventions, but the Municipality was the subject in charge to drive the physical interventions
 - *for the **“common” historic buildings forming the built historic areas** e.g. historic centres of the towns, were the Urban Planning Tools to define which transformations were allowed and the processes to transform them in an authorized way. Every local Urban Plan should define intervention’s categories, according to regional laws and definitions, and control the transformation’s works. In order to recognize the specific nature of the historic built areas, often the Municipalities have created dedicated Office or Plan, aiming at coordinate the interventions among those areas, not only on buildings but also on streets, roads furniture, lighting etc., but non always these offices or planning tools are effective and implemented.
 4. **Environmental issues** are considered, in general, something “detached” from historic buildings and urban components, so the interventions on this sort of goods can usually disregard the environmental prescriptions, in order to “don’t alter” the historic material substance of the building.

A.4. Policy trends and evolutions

It is very proud about the level of awareness that researches and professionals have reached about the value of HBAs and its reasons. As explained before, the “Italian way” to restoration excludes approaches related to selection of an age, a style, an author, as well as stylistic renovations and similar interventions.

Nevertheless, this high-level scientific point of view shows its own limits when the design should find a solution to adapt a historic building to contemporary needs or uses.

Finding the right balance between conservation’s cultural reasons and daily needs to assure a vital life to the HBA is the strongest challenge that involve cultural institutions, administrations, private designers and owners.

B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

MINISTERIAL PROTECTION

A “bonded” property is a private property for which a statement of cultural interest has been notified and motivated by the competent Superintendency as provided for in the Code of Cultural Heritage d. lgs. n. 42 of 2004, which regulates these properties. The cultural interest of the property can be due to its historical, artistic, architectural or landscape value. The measure is absolutely discretionary, but must be adequately motivated, so that the type of interest (artistic, historical, archaeological) that clearly justifies the imposition of the bond is clearly and unequivocally demonstrated. It is not necessary that the bond is imposed on the whole building, even if only part of it (eg single facade) can be bonded, as well as it is possible to subject property that is in poor state of conservation or property partially reconstructed. The constitution of the monumental bond implies the subjection of the property to the special legislation on protection and start-up works of restructuring. The presence of a bond on a building involves limits to the uses and possible destinations, as well as for any transformations, so that any kind of construction intervention to be carried out on it is required of request and concession of preventive permission from the competent Superintendency. In the case of absolute urgency, the necessary temporary work may be carried out in order to avoid significant damage to the building, under condition that it is immediately communicated to the Soprintendenza, to which must be submitted as soon as possible for approval the final design.

All the buildings old more than 70 years could be “bonded” in reason of their historic value. Public bodies, including local authorities, and public institutions, including parishes, were required to present a list of their property, to be included whenever a new asset is added to their assets. On the basis of the list, the Superintendency assesses which of the listed goods is worthy of protection from the historical and architectural point of view. The goods that the Superintendence considers unworthy of protection are, on the other hand, exempt from the bond. Failure to enter the list is not enough to support the absence of the bond. The requirement of fifty years of age is a prerequisite for the bond of species, but it is not enough; for the bond, it is necessary that the Superintendent, after careful evaluation, does not possess its irrelevance for historical-architectural purposes.

In 1985, Law 431, issued by the Ministry for Cultural and Environmental Heritage (now Article 146 of Legislative Decree No. 490/99), translates the concept of environment and landscape, which since the mid-1970s has guided the planning and territorial transformation, declaring entire categories of goods such as coasts,

rivers, forests, mountains, etc. as “deserving protection”; so those goods are recognized as a primary value over any choice of construction and urban planning, thus extending the power of control of the state organs on most of the national territory. The regions ensure that the landscape is adequately protected and valued. To this end they submit specific land use rules by approving landscaping plans or urban-territorial plans with specific consideration of landscape values, covering the whole of the regional territory. The landscaping plan defines transformations compatible with landscape values and restoration of properties and protected areas as well as landscaping interventions, also in relation to the prospects for sustainable development. So, if an urban skyline or an historic building fall into a preserved landscape, every interventions on it should be authorized by the Soprintendenza, that evaluate its compatibility with the landscape values of the context.

MUNICIPAL PRESERVATION’S RESTRICTION

It is the discretion of the Municipalities to define protection restrictions on buildings - private or public - belonging to their own territory. Such bonds are managed directly by the local administration through its Planning Tools and regulations and no authorization from the Ministry is required. Categories, features and definitions of these building could present some differences according to the regional and municipal planning laws and tools, but in general they respond to the following groups:

- buildings with Architectural-historical interest: they are buildings that represent emergencies in the Urban Territory and in the Rural Territory, including goods recognized as "cultural assets" by national discipline.
- buildings of historical and architectural interest related to Modern architecture: modern buildings built from the early 20th century, which witness the architectural culture from the first post-war period to the end of the century.

Both should be mapped in a specific “Map of bound buildings”

buildings interesting as documents: Buildings that testify to the peculiarities of urban and rural landscapes, conventionally identified with those already existing in 1949 and identified in cartography as they are still present on the date of entry into force of the Regulatory Plan

buildings interesting as documents of the modern culture: those identified on the basis of the attention and the critical recognition attributed to them by sector literature.

On all buildings of historical, architectural and documentary interest, interventions must be designed with the aim of ensuring the presence of the first and the persistence of the seconds. This means that individual works referring to the different types of intervention apply:

- to buildings of historical and architectural interest (even modern) in order to guarantee their preservation and restoration;
- to buildings of documentary interest in order to preserve their historical, cultural and testimonial features
- to the buildings of documentary interest of the modern in order to keep them.

Vincoli correlati al riconoscimento di patrimonio mondiale, definiti dall’UNESCO e recepiti nei piani di gestione. Questi ultimi non trovano una collocazione nel sistema italiano normativo, regolamentare o della pianificazione urbanistica. Pertanto giuridicamente equivalgono a delle pianificazioni volontarie / opzionali

adottate dagli enti titolari del bene riconosciuto ed esclusivamente finalizzate al mantenimento del riconoscimento.

Since the Second World War, international regulation of cultural heritage and its evolutions moved along three main different patterns. 1) The creation of a world system of protection (based on the 1954 Hague Convention and the 1972 UNESCO WHC), with rules and procedures set by international conventions and organizations and implemented by national administrations. In this pattern, the system moved from a more traditional international legal framework, based on conventions, to a more flexible one, composed of guidelines, policies, and other “soft” mechanisms. The number and variety of actors involved have been increasing, including not only governments, but also international non-governmental organizations and other entities. 2) The adoption of international norms regarding the circulation and restitution of cultural objects (such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention). Effective international regulation of the trade and restitution of cultural property requires the intervention of several actors - not only States but also museums and institutions - and the adoption of a multi-layered set of norms, ranging from international treaties and conventions to operational policies and mutual agreements. In a certain way, the example of international regulation of trade and restitution of cultural property provides evidence of the limits of traditional international mechanisms in addressing “global” interests, and confirms the need to develop global standards for private actors, as well as museums. 3) The development of international standards for museums and cultural institutions. In this case transnational mechanisms, such as the documents approved within the International Council of Museums (ICOM), have become global, due to their large use and high degree of compliance. ICOM is a relevant example of self-regulation operating at the global level: an international non-governmental organization that adopts global standards with which members must comply. But the scope of this Code goes beyond ICOM membership, because many countries, such as Italy, have enacted statutes or regulations, which refer expressly to the Code. This pattern stems from best practices in the management of museums. If one analyses these patterns all together, the international regulation of cultural heritage displays a threefold dimension: regulatory; institutional; procedural.

“The Directorate General of Management and Promotion of Cultural Heritage is responsible for administering the funds provided by Law No. 77/2006 Special measures of protection and use of the Italian sites of cultural, scenic and environmental interest, inserted in the List of World Heritage, placed under the protection of UNESCO, which provides, among other things, financial assistance in support of activities to promote, communicate and use these sites.

Italy, among the 187 member states of the Convention on the Protection of World Cultural and Natural Heritage of 1972, is the country with the largest number of sites inscribed on the List (45).

On February 20, 2006 Law No. 77 was enacted. A fundamental law, established by law for the first time that the UNESCO sites, for their uniqueness, are points of excellence in Italian cultural heritage, landscape and nature, as well as the basic elements of the representation of our country internationally. It also established the principle that intervention on UNESCO sites take priority; a important statement which shows how valuable the recognition as a World Heritage site can help to define particular strategies, also as it concerns the allocation of financial resources.

Law 77 also formally recognized the management plans required by UNESCO as a means of ensuring the conservation of sites and create the conditions for its use, defining priorities for action and its implementation modalities, as well as all possible actions to find the necessary public and private resources, as well as appropriate forms of connection with programs or regulatory instruments which pursue complementary objectives (Article 3).

The management of Italian UNESCO sites rests with the various departments that, within the specific institutional areas, are responsible for protection, conservation and development activities, or are subject to being referred for actions related to knowledge, awareness, or economic promotion. The Ministry, before the approval of Law 77, had invited people to identify these different forms of coordination to optimize the performance of specific activities in place or planned; this useful experience was taken into account in the drafting of the Circular of the General Secretary of the Ministry (May 30, 2007) for enforcing the law, which identifies precisely those responsible for the management, the beneficiaries of the law, and the managers of sites, which is tasked with submitting applications for funding and carrying out the reporting on the implementation of approved projects.

To date, 129 projects have been funded for a total of 10,074,000.00 euros for the financial years 2006-2007-2008. Of these, three and a half million euros have been used by the sites to process management plans, while the remaining six and a half million have been allocated for development projects, communication and usage. The General Directorate looks after the matters relating to this Act, in particular managing the identification and monitoring of projects approved for funding, and also offering technical and administrative support to the sites.⁶¹

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

In Italy, the State, the Regions, the Metropolitan Areas, the Provinces and Municipalities ensure and sustain the conservation of the cultural heritage and foster its public enjoyment and enhancement. The main institution responsible for cultural heritage protection and enhancement is the **Ministry for Cultural Heritage and Activities**.

Other public bodies, in carrying out their activities, ensure the conservation and the public enjoyment of their cultural heritage. Private owners, possessors or holders of property belonging to the cultural heritage must ensure its conservation. Although important changes in the governance structure of culture are under way, for the time being in the ordinary regions the most important administrative and legislative functions still lie with the state, which until recently has also been responsible for half, or more, of the total public expenditure for culture.

⁶¹ Source: <http://www.valorizzazione.beniculturali.it/en/law-n772006-unesco-world-heritage-sites.html>

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • According to the Italian Constitution's article 9: "The Republic promotes the development of culture and technical and scientific research. Protects the landscape and the historic and artistic heritage of the Nation" • Cultural Heritage and Landscape Code (D.Lgs. 2212004 n. 42), the National Law for the safeguard of the Italian cultural heritage <ol style="list-style-type: none"> 2. The preservation and valorisation of cultural heritage contribute to preserving the memory of our national community and its territory, as well as promoting the development of culture. 3. The State, regions, metropolitan areas, provinces and municipalities ensure and support the preservation of cultural heritage and favours its public use and valorisation. • In 2008, by the Law no. 63 of 26 March 2008, the system of responsibility for landscape protection has been balanced by giving responsibility back to the State, in cooperation with regional authorities.⁶²
<p>SUBJECTS list main involved organisations and describe</p>	<p>ADMINISTRATIVE FUNCTIONS At the national level, responsibilities for the cultural sector lie presently with 4 ministries, and notably with:</p> <p>The Ministry of the Heritage, Cultural Activities and Tourism After a long-lasting separation of functions between cultural heritage and the performing arts, at the end of the past century (1999) the Ministry (MiBAC, since 2013 MiBACT) has been entrusted with the full range of core cultural functions: heritage, museums, libraries and archives, visual arts, performing arts and cinema, cultural institutions, copyright, with the only exception being communications (radio television and the press). Tourism has been added to the Ministry's traditional functions in April 2013. For the fifth time in fifteen years, the Ministry's organisational structure - which had already been substantially modified by the Decrees 233/2007 and 91/2009 -underwent extensive and significant changes once again by means of Decree 29 August 2014 n. 171. The aim of this reorganisation was synthesised as follows (http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/MenuPrincipale/Ministero/La-struttura-organizzativa/index.html)</p> <ul style="list-style-type: none"> • the need to comply with the integration of culture and the newly transferred responsibilities on tourism; • an effort towards simplification and better coordination between central and territorial functions; • the need to boost the autonomy of state museums, so that they can modernise; • the enhancement of the ministry's attention towards contemporary art and creativity; and • overcoming the ministry's delay in innovation, research and educational policies. <p>At the central level, while the coordination of ministerial functions is still entrusted to a Secretary General, in 2014 the General Directions have been increased from eight to eleven, while abolishing the DG for</p>

⁶² <http://www.herein-system.eu/sites/default/files/Italy-National-Report.pdf>

	<p> Valorisation - to give way, once again, to the DG for Contemporary Art and Architecture (to which the regeneration of Urban Suburbs have been added) - whereas the DG for Museums has been separated from the DG for Fine Arts and Landscape, the previous DG for Organisation and Budget has been split into two DGs, and, along with the DG for Tourism, aDG has been introduced: the DG for Education and Research. The other previous DGs - the DG for Antiquities, for Libraries and Archives, for Performing Arts, and for Cinema - have been maintained. In exercising its functions, the Ministry is assisted by four central, widely representative advisory bodies: the High Council for Heritage and Landscape, the "Consulta" for the Performing Arts, the Permanent Committee for Copyright, and the newly added Permanent Committee for the Promotion of Tourism. </p> <p> The DGs are technically supported by other central, high-level, relatively autonomous scientific bodies, among which are the Istituti centrali for Heritage protection and restoration, for Heritage cataloguing, for Books restoration and cataloguing, for Archives, for Demo-ethno-anthropological goods, for Graphic arts, for Audiovisual Goods, and the Opificio per le Pietre Dure (dealing with the restoration of inlaid semi-precious stones artefacts).... </p> <p> Besides the existing, relatively autonomous bodies like the National Archives, two National Libraries and the Centre for Books and Reading, Decree 29 August 2014 has also provided for twenty other national heritage organisations of notable relevance, to be endowed with special autonomy, and whose directors are not appointed through the usual, internal selection, but rather through an external, international competition. Among these, besides 13 museums (Uffizi, Galleria Borghese, Brera, Venice Academy, etc.) also the two Soprintendenze for Antiquities of Rome/Coliseum and of Pompeii/Ercolanum and some heritage sites (the palaces of Caserta, Mantua, etc.) http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/visualizza_asset.html_1656248911.html) have also been included. </p> <p> At the peripheral level, MiBACT is split between administrative bodies - the Regional Secretariats - and techno-scientific territorial structures especially endowed with the mission of safeguarding heritage: the Soprintendenze, respectively related to the already mentioned DGs for Fine Arts and Landscape and for Antiquities. Furthermore, two other newly created decentralised bodies should also be mentioned: the Regional Museum Coordinators, whose main task will be the promotion of regional museum systems, also open to local and private museums, and the Regional Commissions for Heritage -composed of MiBACT's managers active in the region of reference. They should have the final say in all matters and decisions related to heritage and landscape safeguard and valorisation, planning restrictions, the granting of permits etc..., within the region itself. </p> <p> Shortly after these far reaching changes in the ministry's organisational structure, though, further changes have been again introduced by Ministerial Decree 19 January 2016, which modified the present MiBACT's organigram once more: in fact, the DG for Antiquities has been modified and melded with the DG for Fine Arts and Landscape, the related Sovrintendenze will be unified as well, and their number increased, while a new autonomous scientific institute has been created: the Institute for Antiquities. It should also be mentioned that the Decree has been heatedly opposed by well known archaeologists (Settis, La Regina, etc...) and even by former Minister for Heritage Paolucci, who deem it as excessively downgrading archaeological matters, whereas other famous archaeologists (Carandini, </p>
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Manacorda...) welcome it as a step forward towards a more unified and contextual territorial vision of fine arts, architecture and archaeology. Furthermore, according to the same Decree, special autonomy will be granted to an additional 10 museums and archaeological sites, most of which are located in the Rome territory (Ostia Antica, the Appian Way, the Etruscan Museum of Villa Giulia, the Villa Adriana and Villa d'Este in Tivoli, etc...). Not surprisingly, the upgrading of such a significant number of the main state museums and sites - which is deemed to imply a separation from their original territorial context, as well as from the related Soprintendenze - is also causing much controversy among heritage professionals, notably as far as the further fragmentation of the former, wide reaching Rome soprintendenza for antiquities into so many autonomous - thus independent and among them disconnected - museums and archaeological sites is concerned.

Besides MiBACT, the other ministries also involved in cultural matters are the following:

The Prime Minister's Office

The responsibilities for the allocation of financial support to the press, and for the conventions related to RAI (the state agency for radio and television) for providing additional public services - broadcasting abroad, etc...- are exercised by the Department for Information and Publishing of the Prime Minister's Office, headed by an Undersecretary of State for Information, and Publishing.

The Ministry of Economic Development

After the abolition in 2008 of the Ministry for Communications - responsible for media and ICT regulatory functions as well as for financial support to local radios and television networks - responsibility for communications has been entrusted to an Under Secretary for Communications, attached to the Ministry for Economic Development. Its regulatory functions are carried out jointly with AGCOM (Authority for Guarantees in Communications).

The Ministry of Foreign Affairs and International Cooperation

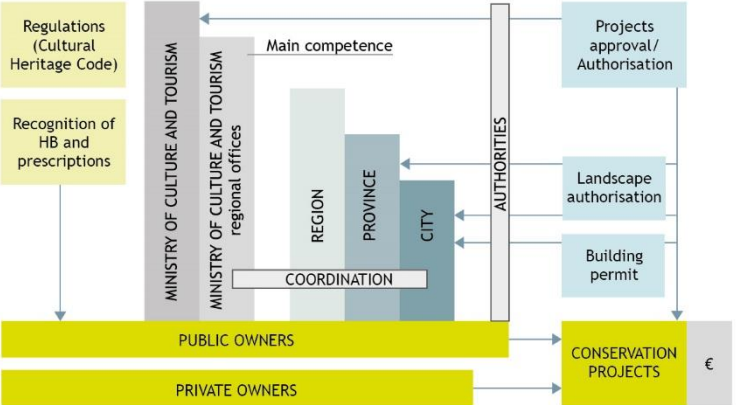
The Ministry's responsibilities for international cultural cooperation (exercised in cooperation with the Ministry of Heritage) are mostly entrusted to the Directorate Central for the Promotion of Italian Culture and Language, although other DGs, and in particular the DG for Cooperation and Development, very active in heritage matters, are also involved.

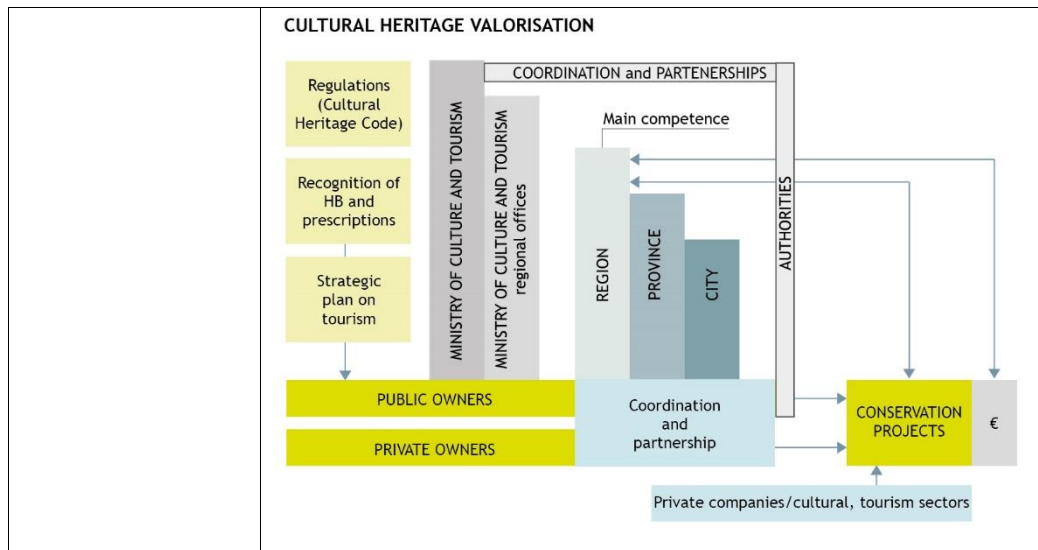
The Ministry of Education, University and Research

Through its DG for Higher Arts, Music and Dance Education, the Ministry is responsible for higher arts education, which is provided in its national Fine Art Academies, in the National Drama Academy and the National Dance Academy, and in the music conservatories. It also runs several other educational institutes providing diplomas in artistic and musical training.

LEGISLATIVE FUNCTIONS

State legislative functions in the cultural field lie presently with the Chamber of Deputies and the Senate, and are notably exercised through their Cultural Commissions. It should actually be mentioned that, at the end of 2015, the Senate has undergone a wide reaching reform process, which will not be enacted - though - until confirmed by a referendum to be held in autumn 2016.

	<p>Besides the specific legislation in cultural matters, the yearly adoption of the Budget Law presently allows both Chambers to play a relevant role in the funding system, as the Parliamentary debates on this law often produce heated discussions on the pros and cons of public financing of culture. These debates can lead, on one hand, to the integration of statutory cultural budgets with additional funding from other sources - e.g. with lottery money (Budget Law for 1997), or with the 3% of capital investment in infrastructure (Budget Law for 2004) - on the other hand, more and more often in recent times, to cuts in budget line items and / or to austerity measures. This has been the case with the most recent budget laws - now called Financial Stability Laws - and in particular with the one for 2011.</p>
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations at national level</u></p> <p>The protection of the built heritage is at the head of the MIBACT through a pure authorization approach. Conservation policy is not supported by a dedicated budget item, so it is not a funded policy. The conservation is therefore left to the initiative of the owner (public or private) and there is no strategic planning at the central level, therefore we proceed to leopard scrub, without an order of priority based on the relevance of the assets.</p> <p>Instead, the valorisation mechanisms are located at territorial and local level, also through collaboration and partnership mechanisms. Regions usually provide funding mechanisms or dedicated rotation funds.</p> <p>Four levels of government (State, Regions, Provinces and Municipalities) share responsibilities in the cultural field.</p> <p>Heritage protection (tutela) is actually listed among the cultural responsibilities to be retained by the State, with few exceptions listed in art.5 of Cultural Heritage and Landscape Code (D.Lgs. 2212004 n. 42), the National Law for the safeguard of the Italian cultural heritage. Regions, Municipalities, Metropolitan Areas and Provinces shall cooperate with the Ministry in the exercise of its protection functions. According to the so-called "Devolution Laws " adopted in the late 1990s, and to Constitutional Law 3/2001, ordinary regions have "concurrent legislative powers" with the State as far as enhancing (valorizzazione) the heritage is concerned. ("valorizzazione" refers to activities aimed at promoting knowledge of cultural heritage and ensuring the best conditions for the utilization and public enjoyment of the same heritage).</p> <p>CULTURAL HERITAGE CONSERVATION</p>  <p>The diagram illustrates the process of cultural heritage conservation. It shows a hierarchy of competences: the Ministry of Culture and Tourism (Main competence), followed by regional offices, then the Region, Province, and City. A 'COORDINATION' box is positioned between the regional offices and the sub-national levels. On the right, a vertical bar labeled 'AUTHORITIES' oversees the process. The process flow includes: Regulations (Cultural Heritage Code) and Recognition of HB and prescriptions leading to PUBLIC OWNERS and PRIVATE OWNERS. These owners submit requests for CONSERVATION PROJECTS (€). The process then moves through Building permit, Landscape authorisation, and Projects approval/ Authorisation, all involving the AUTHORITIES.</p>



B.1.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p>In addition to the urban planning instruments, the Municipalities can provide conservation and valorisation programs, like:</p> <ul style="list-style-type: none"> • mandate's program • triennial plan of public works • UNESCO management plans • operative plan of urban requalification • district's contract • special projects <p>Example of mandate's program of the municipality of mantua From the mandate lines:</p> <ul style="list-style-type: none"> • Reorganization, development, promotion of the museum system and enhancement of the historical and artistic heritage of the Municipality • Development and enhancement of cultural events and activities and their integrated planning • Restoration and enhancement of historical and artistic heritage • Relaunch of cultural institutions and cooperation's relationships • Qualify the Mantua and Sabbioneta World Heritage site • Digitization of the artistic, architectural and cultural heritage of Mantua
<p>SUBJECTS list main involved organisations and describe</p>	<p>THE REGIONS The twenty Italian Regions - all endowed with legislative powers and ad hoc administrative structures in the cultural sector (regional departments for culture / "assessorati regionali alla cultura", in some cases associated with other domains like education and tourism) - are split into two groups:</p> <ul style="list-style-type: none"> • five autonomous regions, created in the post-war period and endowed with more extended competencies in the cultural field. It is important to note that, out of these five autonomous regions, according to their statutory laws, three - Valle d'Aosta, Sicily, and

Trentino Alto Adige - also exercise, through their decentralised Soprintendenze, exclusive and direct legislative and administrative responsibility for their own heritage assets, including the previous "national", now "regional", museums and sites (the devolution of functions by the state took place in the late 1970s). Therefore, in these three regions there are no state Regional Directions for Cultural Goods and Landscape;

- fifteen ordinary regions, established in 1972, whose cultural competencies were initially limited by the Constitution (Article 117) to the supervision and financial support of local museums and libraries. The subsequent devolution of responsibilities for "cultural promotion of local interest" (Law 616, 1977), although falling short to meet their demand for more cultural decentralisation, came as a partial acknowledgement of their active commitment in the field, the formula being vague enough to eventually allow the Regions to legislate on a fairly wide range of cultural disciplines. According to the subsequent so-called "Devolution Laws" adopted in the late 1990s, and to Constitutional Law 3/2001, ordinary regions have now "concurrent legislative powers" with the state as far as managing and enhancing the heritage and cultural activities are concerned.

Unfortunately, for the time being, Istat is not able to collect comprehensive data on their cultural expenditure, as regional budgets are only now being standardised. In 2000 - the last year for which an ad hoc survey on the actual regional expenditure for culture based on their final accounts was carried out (see Rapporto sull'Economia della Cultura in Italia 1990-2000) - such expenditure amounted to 780 million EUR, about half way between the expenditure of the provinces and the municipalities (see further). It should also be noted that the biggest share of such expenditure (57%) was made available by the five autonomous regions.

Official representation of regional interests - in cultural, as in any other matter - is entrusted to the State-Regions Conference. Within this framework, the heads of the regional departments for culture regularly meet to discuss issues of common interest in the framework of two special coordination committees, the Interregional committee for cultural goods and the Interregional committee for the performing arts, also acting as lobbying organisations, pursuing institutional reforms towards a full implementation of a more federal governance structure in the cultural field.

THE PROVINCES

The 107 Italian Provinces have always been the level of government least involved in cultural policy: their total expenditure for culture in 2013 of 131 million EUR, mainly allocated to archives and libraries, nearly halved since the 2008 financial crisis, and was fifteen times less than the amount of municipal expenditure in the same year (see further).

The only exception to the rule are the two rich Autonomous Provinces of Trento and Bolzano, which Regione Trentino-Alto Adige (see chart 3) has entrusted with its own cultural competencies devolved by the state (including direct responsibility for heritage), as well as with the connected very substantial financial resources, which are therefore taken into account under the regional expenditure for culture.

As far as the ordinary provinces are concerned, it should be mentioned that according to Law 1429B amending our Constitution - adopted by both parliaments, and awaiting submission to referendum in autumn

	<p>2016 - the provinces should be abolished. Their functions may be reallocated to the other three levels of government, in line with the so called "spending review", aimed at the downgrading of our public expenditure to reduce Italy's huge deficit.</p> <p>What will happen with the provincial culture related functions - mainly concerning archives and libraries as well as their role of intermediating bodies between the regions and the municipalities for the allocation of funds to cultural activities - has not yet been finally established.</p> <p>THE MUNICIPALITIES</p> <p>Along with the state, the 8 101 municipalities are by now undoubtedly the most prominent public actors and funding source in Italy's cultural scene, so much so that, notwithstanding the cuts undergone since 2008 (-19%), the total amount of their expenditure for culture in 2013 - 1 990 million EUR (ISTAT data).- was still substantially higher than the expenditure by MIBACT itself for the same year: 1 609 million EUR.</p> <p>Through their municipal departments for culture / "assessorati comunali alla cultura", they play a paramount role in the direct and indirect management of municipal cultural institutions: museums and sites, archives, libraries, theatres, multifunctional cultural centres, etc.</p> <p>Italian municipalities are also investing highly in the restoration and maintenance of their historic assets, albeit under the supervision of the Ministry, and in building cultural premises, with special attention given, in the early 2000s, to capital investment in modern and contemporary art museums and in performing arts centres (see for instance the new MACRO - Museo Arte Contemporanea in Rome, the GAM in Turin, the GAMEC in Bergamo, the MART in Rovereto, the Museo del Novecento in Milan, and the Three Halls Auditorium by Renzo Piano in Rome.).</p> <p>Municipalities also promote and support a wide range of cultural activities, actively contributing to the rich national supply of art exhibitions, performing arts festivals, literature festivals, street events, White Nights (Notti Bianche), cultural minorities' celebrations, etc.</p>
<p>PROCESSES</p>	<p>BUILDING TRANSFORMATION:</p> <p>Design and construction supervision. According to the legislation currently in force (R.D. 23/10/1925 No. 2537, Article 52) restoration and restoration of buildings burdened by the constraint of historical or artistic interest are "due to the profession of architect, but the technical part can be accomplished as much by the architect as by the engineer".</p> <p>Authorization: see chapter 2</p> <p>PREVENTIVE AND PROGRAMMED CONSERVATION PLANS (FOR SINGLE HERITAGE PIECES OR HBA):</p> <p>maximising the permanency of structures and materials, controlling their deterioration as far as is possible (whether natural or pathological), acknowledgment with the Cultural Heritage and Landscape Code, and confirmation through the Contracts Code in public works as well, Lack of operative pathways with procedures, operating instructions, forms, data systems, as efficient work tools capable of governing decisional and control procedures, managing information, knowledge</p>

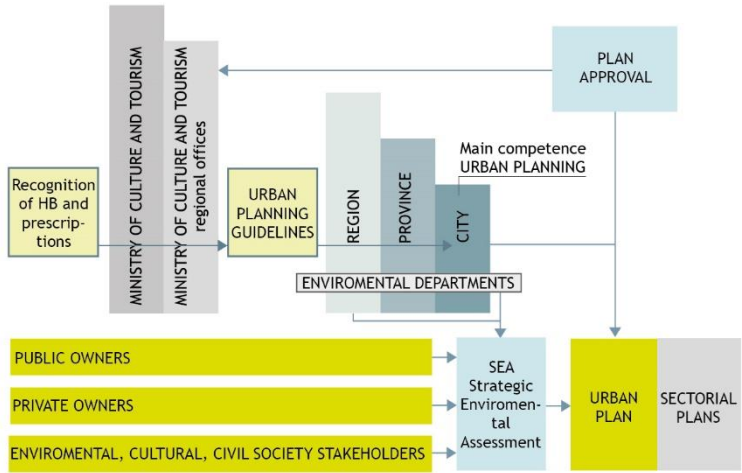
	and feedback, and providing objective evidence” (Cecchi and Gasparoli, 2010).
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B.2. Urban planning and HBA

B.2.1. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <p>Starting from 1942, the Italian urban planning legislation is characterized by an overlapping of norms that are not always exclusively related to urban planning, which have modified but did not replace the previous ones, creating a corpus that has never come to constitute a single text. Furthermore, the debate on the need for "urban reform", never launched by the Parliament, has been constant since the 1960s. The main stages of this evolution were:</p> <p>Law 17.8.1942, n. 1150 - National Urban Planning Law. Discipline «the structure and growth of buildings and urban development in general in the territory of the Republic». It prescribes "the renewal and expansion of buildings in cities, respect for traditional features, to promote disorganization and to curb the tendency towards urbanism". The new law established, among other things, the General Regulatory Plan (PRG) which regulates, even today, the entire municipal territory. The system of Law 1150/42 provides a system of territorial planning articulated on three hierarchical levels:</p> <ul style="list-style-type: none"> *supra-municipal planning, traces the general lines of land use - Territorial Regulatory Plans (PRT) *municipal planning, regulates the organization of the municipal territory - Municipal Regulatory Plans (PRC) *implementation planning, allows intervention on individual building uses - Rules and Standards for building activities(NACE) <p>The detailed PLAN is an implementation tool of the Municipal Planning Plan. It prescribes the rules and parameters to be followed in the interventions to be carried out.</p> <p>Law 6.8.1967, n. 765 - Modifies and complements the Urban Planning Law 1150 of 1942. Called "Bridge Law": It extends the obligation of the building permit to the whole municipal territory and the subordination to the existence of the urbanization works. It drastically limits the building activity in the municipalities without the PRG and in those provided with the subordination to the approval of the detailed plans and the subdivision plans.</p> <p>Interministerial Decree 2.4.1968, n. 1444 - Mandatory limits of building density, height, distance between buildings and relationships between spaces intended for residential and productive settlements and public or private spaces to collective activities, public parks or car parks. It fixes the characteristics of the homogeneous zones (A, B, C, D, E, F) and the quantities of the urban planning standards. From this moment on, the areas of the municipal territory characterized by "urban conglomerates with historical, artistic and particular</p>
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	<p>environmental value or portions of them, including the surrounding areas, which can be considered an integral part... of the agglomerations themselves. » were made to coincide summarily with the homogeneous territorial “zone A”.</p> <p>It should be emphasized that, contrary to what is prescribed by the Gubbio Charter, the perimetrization of the historical centers, coinciding with the zones A, is not based on preliminary studies and research but is reduced to a bargaining between the political forces in the elaboration of the PRG, with the result that in many administrations the aim was to reduce to a minimum the extent of these areas, due to the greater constraints contained in the Decree of 1968.</p> <p>Law 28.1.1977, n. 10 - Rules for the construction of soils (so-called “Law Bucalossi”). Introduces the institute of burdensome concession (former building permit), the obligation of Multi-annual Implementation Programs (PPA - 3/5 years) that establish where, how and when to build in the Regulatory Plan. Increase indemnity of expropriation of Law 865/71.</p> <p>Law 1978, n. 457: Law aimed at redeeming particularly degraded areas of historic centers and solving the problem of scarce availability of housing.</p> <p>It is therefore not suitable for the management of the ancient building heritage, as it does not distinguish it from the contemporary one, it is subject to the same operational categories, and does not consider the complexity of the real and multiple intervention variables that it requires, with a non-respectful approach of the principles of conservation. This law, together with all the existing rules on the subject, was reunited in 1999, in the decree n. 490, “Consolidated Law on Cultural and Environmental Heritage”, updated again in 2001, with the D.P.R. n. 380, “Consolidated text of the laws and regulations on building”.</p> <p>Article 3 (L) defines the building interventions, updating article 31 of the law n. 457 of 1978 which established the admissible categories of intervention:</p> <ul style="list-style-type: none"> - ordinary maintenance; - Extraordinary maintenance; - conservative restoration; - building renovation; - urban refurbishment. <p>The Law 457/78 also establishes the areas of recovery: areas identified within the municipal territory, where “due to the conditions of deterioration, it is appropriate to recover the existing building and urban heritage through interventions aimed at conservation, rehabilitation, reconstruction and better use of the heritage itself. These zones may include individual buildings, building complexes, blocks and areas, as well as buildings to be used for equipment”.</p> <p>These areas may differ from those identified by zone A of the historical center, determined according to the law 765/1967.</p> <p>The protection instrument that regulates these areas is the Recovery Plan, which provides for “the discipline for the recovery of buildings, building complexes, blocks and areas (...), also through urban renewal measures, identifying the minimum units. intervention ».</p> <p>Recovery plans serve as a detailed plan and are aimed at regulating interventions on existing building complexes without altering the urban structure of the area concerned</p> <p>Law 8.8.1985, n. 431 - Conversion into law of Decree Law 312/85 (so-called Galasso), containing urgent provisions for the protection of the areas of particular environmental interest. Landscape plans by the Regions</p>
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	<p>in a year. It protects the banks of rivers, regional parks, glaciers, and coasts marine, woods and reserves. <u>In general, the Urban Planning laws are structured to manage new building areas and not existing built areas.</u></p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <p>Different Ministries (Territorial planning, infrastructure, Environment, Landscape, Cultural Heritage)</p> <p>Italian National Institute of Planning - Istituto Nazionale di Urbanistica (INU) The INU was founded in 1930 with the aim of studying the technical, economic and social issues related to the development of urban centers and discuss issues concerning the organization and functioning of public services of a municipality. The INU collaborates with the central government and local authorities in the study and solution of urban problems and building, and liaises with organizations or similar bodies in various countries. The INU is a member of the European Council of Town Planners. The INU is divided into Committees and National Study Groups, to promote and encourage the development of studies and research in specific subject areas, such as: Environment/ Energy/Climate/Consumption of Soil; Landscape and Quality of the Project; Cooperation and Coordination Territorial Development; Operating Plan and Resources of the City; Participation; Policies; Infrastructures; Rating of Plans and Programs for the Government of the Territory; Contemporary City; Housing Policies; Public Spaces.</p>
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u> CULTURAL HERITAGE AND URBAN PLANNING</p> 

B.2.2. Local governance level

<p>LEGAL / POLICY/ STRATEGIC FRAMEWORK</p>	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning and main thematic /sector plans concerned with HBA</u></p> <p>In January 1972 (Presidential Decree 8 of January 15) the Regions inherited from the central state almost all powers in the field of Urban Planning.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <p>In Italy there are different urban plans. The Urban Plan is a real administrative act and generally consists of a preliminary report (that indicates the inspiring principles), implementation rules and graphic drawings. The Urban Plan for excellence is the General Regulatory Plan (or P. R. G.). The state law delegates the criteria and the approval of the P.R.G to the Regions or the Municipalities, according to the regional law on the topic.</p> <p>Often the Municipalities adopt implementing plans, defined as they are essentially made up of detailed or sector-specific urban development plans that meet specific needs, including: the detailed Plan (PP), the Recovery Plan (PdR), the Plan for the Popular Economic Residential buildings (PEEP) and the Plan for the Production settlements (PIP), the Urban Traffic Plan (PUT).</p> <p>The territorial fragmentation and the lack of coordination between the various urban planning instruments have in the past probably been one of the biggest obstacles to be faced for the discipline, as each planned intervention could be extended only within the legal territory of the plan (generally municipal), also if the effects of the intervention, with the advent of more recent regulations, have regulated the urban planning that has attempted to harmonize classifying the urban planning instruments in order to constitute an address for all the Municipalities falling within a given territory and, overall, regional level among the individual Provinces. In fact, the planning tools are hierarchically ordered in the following descending order:</p> <ul style="list-style-type: none"> • Regional Territorial Plan PTR or Regional Landscape Plan PPR (regional competence) • Provincial Territorial Coordination Plan PTCP (of provincial competence); • Strategic inter-municipal or municipal plan (of municipal competence) • General Regulatory Plan PRG or Municipal Urban Planning PUC or PdF Manufacturing Plan and related Town Planning Regulations (of municipal competence); • Implementation Plans: PP, PEEP, PIP, PUL etc. (of municipal competence); <p>The European Community has introduced tools to assess the environmental impacts of human activity on the territory:</p> <ul style="list-style-type: none"> • Strategic Environmental Assessment VAS for plans and programs, Directive 2001/42 / EC • EIA environmental impact assessment for projects, Directive 85/377 / EEC

	<p>acknowledged, in Italian law, with the Testo Unico Ambiente, or Codice dell'Ambiente.</p> <p>The supervision on the adoption and entry into force of the various instruments, prerogative of the Region, stops at the PRG, as the implementation plans can be considered a mere detail of the PRG.</p> <p>Voluntary governance tools at local level</p> <ol style="list-style-type: none"> 1. UNESCO MANAGEMENT PLAN: to be compiled for recognition into the World Heritage List, updated and monitored. describes how the exceptional value of the site will be protected. ensures an effective protection of the good, its transmission to future generations. the Management Plan must take into account the typological differences, characteristics and needs of the site, as well as the cultural and or natural context in which it is located. It can also incorporate existing planning systems and or other traditional ways of organizing and managing territories. 2. CULTURAL HERITAGE/HISTORIC CENTER DETAILED PLAN ANNEX TO THE URBAN PLAN: according to the instruments foreseen by the national laws, a Municipality could provide specific detailed plan to manage the transformations among the HBAs.
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA; urban land instruments for preservation and maintenance of cultural heritage</u></p> <p>Within Urban Planning tools, which was implemented with the regulatory plans and which today are called Municipal Urban Plans (PUC), the historical centers correspond to the homogeneous territorial area identified by the letter "A": "It includes the parts of territory having urban agglomerations with historical, artistic and particular environmental value or from portions of them, including the surrounding areas, which can be considered an integral part of the agglomerations themselves. " (Article 2, paragraph 1, of the Interministerial Decree of 2 April 1968 No. 1444). That determines the following processes: HISTORIC BONDED BUILDINGS: the owner should present the request of building licence to the competent Municipal Office, following regulations of the Municipal Regulatory Plan, but has also to obtain the Authorization by the Ministerial Office (Soprintendenza) HISTORIC BUT NOT-BONDED BUILDINGS: the owner should present the request of building licence to the competent Municipal Office, following specific regulations of the Municipal Regulatory Plan. <u>As said before, after the Ministerial Circular (MiBACT 21/07/2017) it seems that for every intervention among historic built area is now mandatory to obtain the ministerial authorization, even if the specific building is not bonded by the Ministry.</u></p>

B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

Generally speaking, conservation/restoration and environmental sustainability seem two different worlds unable to talk each-other and find a common shared way to let evolve the HBAs without losses or side-effects.

Among the traditional Italian approach, HBA means essentially built, “mineral” stock, opposed to the environment, that means natural, organic system. This is the reason why the environmental laws and policies generally affect not-built contexts, or, in the most recent production, the building process of new stocks, as if the attention to the environmental aspects should represent a sort of “sorry”, a compensation for the construction of new built areas.

An important contribution to the evolution of this cultural approach was, in the last 15 years, the international attention to the concept of “landscape”, that in Italy became the way to open to a more general rethinking of the relationship between “environment” and “anthropic sphere”, between “natural” and “built”. In a territorial situation like the Italian one, where every “landscape” is in fact “built”, where every HBA represents a “built environment” that has been balanced through the centuries the human needs and desires with the natural conditions and opportunities, talking about “HBA conservation” and “HBA sustainability” represent two side of the same coin, two different points of view looking at the same goal.

This awareness is now shifting from the academic, scientific discussion to the legislative and design approach, but the way is still long and we are still at the very beginning of the process. The reasons of conservation and respect of the historic material matter as well as of the historic “looking” of HBAs have still to be mediated with the reasons of energy efficiency, climate adaptation, environmental comfort etc.

Generally speaking, due to the impossibility to find a legislative or procedural agreement on the topic, till now the HBAs are a sort of “*exception*”, a sort of “*I would but I can not*”, where is impossible to apply the same regulations and techniques used for new buildings as well as to give up increasing their sustainability, because they represent more than 40% of the Italian urbanized territory.

The only way to find a solution to this impasse is to evaluate the level of sustainability of the HBAs in a different way, considering not only the environmental, ecological aspects applicable to the new stocks, but rather a mix of environmental, economic, social components, where the different elements balance out each other. Maybe for the Italian situation it will be impossible to have a “near 0 energy restored building” inside a HBA, but the energy consumption and, more in general, the global sustainability of a restored, vital HBA could become higher than the one of a new neighborhood made by Near 0-buildings.

B.3.2. Thematic policies and strategic plans

Italy has a high natural capital with its coasts, mountain and natural areas, as well as an unparalleled urban heritage. Nevertheless, environmental implementation is a challenge with high regional variations in water and waste management. As regards resource efficiency, Italy is pioneering voluntary agreements, and has one of the highest levels of Eco-Management and Audit Schemes and Ecolabels in the EU. The adoption of the 'Collegato Ambientale' at the end of 2015 was a major step forward towards environmental integration in the economy.

Italy strengthened its environmental legislation and policies, largely within the framework of EU and international commitments. In many cases, Italian environmental policies anticipated EU requirements, in areas such as river basin management and waste treatment. The 2006 Environmental Code consolidated several environmental acts, transposed a number of outstanding EU Directives, established key principles of good environmental management, simplified many regulations, and specified procedures to strengthen implementation.

The main challenges Italy faces with regard to implementing EU environmental policy and law are⁶³:

- Improving waste management and water infrastructure, including wastewater treatment, which are persistent concerns particularly in southern Italy.
- Improving the management of land use, flooding and air pollution in the centre and northern regions.
- Designating the remaining Special Areas of Conservation (SACs); and improving the conservation status of habitats and species of EU interest by fully implementing the Natura 2000 instruments, using the regional Prioritised Action Frameworks to ensure better integration of EU funds and more strategic planning for investments.

With relatively modest efforts Italy could perform better on issues where a sound knowledge base and good practices already exist. This applies in particular to:

- Taking the opportunities for European Investment Bank loans and environmental investment with European Structural and Investment Fund (ESIF) support and the European Fund for Strategic Investments. ESIF support can increase the quality and efficiency of public administration to develop a better model of environmental governance.
- Using the proposed Green Act and the Committee on Environmental Taxation to make wide-ranging proposals.
- Using the Integrated Project 'GESTIRE 2020' (to update the Lombardy Natura 2000 Prioritised Action Framework) as an example for other Italian regions.

⁶³ http://ec.europa.eu/environment/eir/pdf/factsheet_it_en.pdf

B.3.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <p>In the Constitution we speak of "protection" of the landscape (art.9), of "protection" of the environment, of the ecosystem and of cultural heritage (art.117, paragraph 2, lett.). There is no legislative definition of the notion of environment and it is the Constitutional Court which, with sentences n.378 / 2007 and n.104 / 2008, has adopted the notion, used in the Stockholm Declaration of 1972, according to which for " environment and ecosystem "must be understood that part of" biosphere "that concerns the entire national territory.</p> <p>With the sentence n.225 of 2009 the same Constitutional Court then specified that the environment is "matter" to itself, not transversal, of the State and is determined by the constitutional purpose of "conservation" and then by its natural substrate: it has to a specific object is the "material good", the biosphere, which includes the vital interests of individuals, understood as persons and citizens. In the Directive of 27 June 1985 85/337 / EEC on the EIA, the environment is intended as an object to be protected consisting of man, fauna, flora, soil, water, air, climate, landscape, cultural heritage, a broad concept that has been transposed in the art.4 of the legislative decree n.152 of 2006.</p> <p>TESTO UNICO AMBIENTE d.lgs 152/06 e smi: the code of the environment contains general principles expressly applicable to cultural heritage that is the object of the distinct and specific discipline referred to in the Code of Cultural Heritage and Landscape. The art.3-ter in defining the principle of environmental action speaks not only of the protection of the environment and natural ecosystems, but also of the protection of cultural heritage, as well as the subsequent article 3-quater, concerning the principle of sustainable development, provides that, in application of the aforementioned principle, the activity of the public administration "must be finalized" to give "priority consideration ... to the protection of the environment and cultural heritage". With the sentence n.367 of 2007, the Constitutional Court ruled that "environmental and landscape protection, weighing on a complex and unitary good, considered by the constitutional jurisprudence a primary and absolute value, and falling within the exclusive competence of the State, precedes and however constitutes a limit to the protection of other public interests assigned to the competing competencies of the Regions. The object of the protection of the landscape, according to the Court, is not constituted by "natural beauties", but "from the whole of things, material goods and their compositions" that insist on a territory and determine its historical-geographical conformation. The Court, therefore, between the two theses, the one that leads the protection of the landscape to the matter "cultural heritage" and that which brings it back to the "environment", has opted for the latter. But the environmental perspective does not exclude, however, the identity-cultural value.</p> <p>The National Strategy for Adaptation to Climate Change (SNAC), approved by Directorial Decree n. 86 of 16 June 2015, identifies the main impacts of climate change for a number of socio-economic and natural sectors and proposes adaptation actions. In May 2016, the</p>
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	<p>National Plan for Adaptation to Climate Change (PNACC) was launched to boost the implementation of the SNAC.</p> <p>The PNACC aims to:</p> <ul style="list-style-type: none"> • identify the priority adaptation actions for the key areas identified in the SNAC, specifying the timelines and those responsible for implementing the actions; • provide indications to improve the exploitation of any opportunities; • encourage coordination of actions at different levels. <p>Identifying actions and planning actions consistent with adaptation strategies is of particular interest and urgency: some good practices are available in this regard, implemented through European projects. The Knowledge Platform identifies these good practices, encouraging exchange and dissemination, with the aim of promoting greater planning skills.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <p>In Italy the following national institutions are involved in environmental protection:</p> <ol style="list-style-type: none"> 1. The Ministry of the Environment and of the protection of the territory and of the sea; The Ministry for the Environment was established in 1986 and has become the political and administrative point of reference for all actions to safeguard the territory. Moreover, with the institutional law of the Ministry, three fundamental principles have been established: <ul style="list-style-type: none"> • the first establishes that the damage caused to the environment affects the whole community, for which the State and the other public bodies have the obligation to impose compensation on the part of the polluter; • the second is that every citizen and environmental associations have the right to denounce acts that damage the environment; • the third is that every public work, be it the construction of a road or a building, can be allowed only after having assessed its compatibility with the environment (the so-called "environmental impact"), which must be verified through precise assessments technicians. 2. ISPRA, Institute for Environmental Protection and Research, created in 2008 following the merger of the APAT (Agency for Environmental Protection and Technical Services) with other institutes (the INFS on wildlife and 'ICRAM on the sea); ISPRA is part of a network known as National System for Environmental Protection, which is made up of 21 Territorial Environmental Protection Agencies (ARPA / APPA), established by Regional Laws. It's an example of consolidated federal system, which combines the direct knowledge of the territory and its issues with the national policies for environmental protection, so as to become an institutional and technical-scientific reference point for the whole country. The establishment of ISPRA fosters the cohesion of the system, while respecting the territorial differences, and promotes the collaboration and the consistent addressing of environmental themes.

	<p>In fact, since the establishment of the first regional agencies, there was a clear need to create occasions and spaces for discussion and debate among the ARPA / APPA, in order to promote a coordinated development. For this reason the law establishing APAT, then ISPRA, provided for a Federal Council, chaired by the President of ISPRA and formed by ISPRA's Director General and by the legal representatives of each ARPA / APPA, with consultive functions on the agreement between the ISPRA and the Ministry of Environment, with particular regard to the allocation of funding and the use of resources, to the technical and operational methodologies used by ARPA / APPA.</p> <p>3. Environmental associations, for example Legambiente, WWF, Ambiente e Lavoro, are committed to disseminating information on the environment of our country and its numerous problems.</p>
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B.3.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>Every Region could autonomously define instruments and policies regarding environmental issues, according to the national legal framework. In fact, rarely they have directly relationships with HBAs management. As example, the Emilia-Romagna Region has developed the following Plans, that have effects also on HBAs.</p> <p>STRATEGIC TRANSVERSAL PLAN</p> <p><i>Regional Territorial Plan - PTR</i></p> <p>The Regional Territorial Plan is a planning tool that aim to ensure development and social cohesion, to enhance the competitiveness of the regional territorial system, to make sure the qualification and the improvement of social and environmental resources. The plan is the reference for the sector policies, for the collaboration between research institutions, for consultation with the social and economic forces, as well as for businesses and citizens choices. The strategies of PTR concerned conservation, re-use and regeneration of the territorial capital, which is the attractive quality of the cities and territories of the region. PTR is declined through "large innovative projects" referred to the dimensions of the territorial capital: cognitive, social, infrastructure and for ecosystem and landscape, linked to objectives of quality, efficiency and identity. It has a transversal and integrated configuration strategy that combine social and economic cohesion to the issue of sustainability. Among the integrated strategies for cognitive capital, there are the development of a widespread system of knowledge and learning processes based on the integration between all the actors of the education and training system in dialogue with the economic system for the promotion of innovative research to improve the positioning of Emilia-Romagna through the challenges of innovation in processes and products. In addition, particular attention is paid to sustainable territory management with regard to risks related to climate change. In particular for infrastructure and ecosystem actions the PTR focuses on air quality of urban areas and use of</p>
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energy with low consumption and emission. The objectives of PTR are in agreement with EU targets related to climate change and clean energy, pursued through the achievement of the goals linked to the use of renewable energy and the reducing emissions of greenhouse gases.

SECTORAL AND IMPLEMENTATION PLANS

Regional Integrated Air Plan - PAIR

In July 2014 the Regional Government has also adopted the first Air Quality Regional Plan (PAIR 2020) aiming at reducing polluting emissions so well as ghg emissions, through a set of measures focused on cities, sustainable mobility, energy efficiency, renewables, agriculture, gpp. PAIR is the first regional plan adopted in Emilia-Romagna for the improvement of air quality, which builds on the experience developed through the program agreement signed since 2002 between Region, Provinces and Municipalities to strengthen and expand measures with the aim of passing from an emergency approach to a structural change of strategy. The set of actions initiated by the Region and Local Governments in recent years has enabled them to achieve significant results, also measurable in the downward trend of the main pollutants, but not sufficient to ensure compliance with the limits established by the European Union. To act with more efficiency on the complex processes that lead to the overcoming of the limits, it is necessary to adapt plans more appropriate for the territorial scale, in this case the regional one, also considering the strategic role played by local authorities in the implementation of the measures. The Plan has an horizon of strategic reference from today to 2020 (with a monitoring intermediate expected for 2017) and will be updated as necessary in the face of significant change in activities that affect the concentration of pollutants in the air. There are 90 actions to reduce air pollution identified by the PAIR, with which the Region has planned all the necessary measures to meet the limit values set by the EU by 2020. The measures cover all emission sources involving citizens and institutions, companies and associations, and are divided into five main areas of intervention: the city planning and land use, mobility, energy, agriculture and manufacturing activities. The key word in this process is integration: sectoral integration, integration of resources, territorial integration, integration between levels of government territory. The period in which the plan is active is in line with strategic opportunities for synergies between sectoral policies, placing it at the beginning of the seven years of the 2014-2020 programming period of the Structural Funds and European Investment parallel with the adoption of the Regional Operational Programmes. The corresponding processing of these tools gives to the Region the opportunity to maximize the synergies between the various plans and programs through the identification of measures of type "win-win", such as those on energy efficiency, sustainable mobility, reducing emissions from the activities zootechnical, allowing the possibility to achieve air quality standards set by the EU. On the basis of the assessments made by the cognitive framework, in relation to situations of exceeding the limit values, emission contributions of the different sectors and regions, the study of air quality and emissions scenarios, it has been identified areas of intervention and measures connected with them on which the plan must address its priority actions, requirements and resources. The priority action areas identified for achieving the air

quality objectives are the city planning and land use, transport and mobility, energy, productive activities, agriculture, Green Public Procurement. A specific focus is restricted to the territorial city, where is concentrated the highest population density and therefore the majority of the population exposed to values above the allowed limit, with a cross-sectoral approach to the issues mentioned above that characterize the activities in urban areas.

Environment Action Plan - PAA

The Environmental Action Plan adopts the perspective of sustainable development for the Emilia-Romagna through activities to be implemented in all areas of interventions considering the EU framework in the environment filed. The document contains the description of the main environmental problems of the region, the definition of objectives, issues of intervention, tools, actors involved in its implementation, methods of management and the indication of the financial resources available. There are two strategic objectives: the need to reduce the vulnerability of the system ensuring the environmental safety of the territory and the promotion of responsible and proactive behaviour related to environment protection for citizens, producers and consumers. Specific objectives include those of biodiversity conservation, waste reduction and optimization of the management, as well as the integration between the actions of protection and the enhancement of biodiversity also according to the objectives contained in the new PTR; The PAA aims to create synergies with the PTR, the plan climate and other instruments put in place by the region on issues related to climate change. In particular balance policies for energy production from renewable sources and the containment and reduction of greenhouse gas emissions in line with Kyoto targets and the so-called "20-20-20 Package". This is achieved through the development of regional research and training in the field of energy, the green economy and qualification of production system and agricultural sector, but also through the urban, territorial and building qualification, the promotion of sustainable mobility, the use of renewable energy sources through appropriate technologies to minimize their environmental impacts.

Climate Plan - CP

The Climate Plan is intended as a transversal plane of different policies that proposes measures and projects aimed at the reduction of GHG emissions in the administrative territory. The plan aims to define and promote a methodology used by all local authorities at the regional level in order to have a homogeneous and comparable system, but also to provide useful guidance for the development of interventions at the regional level with the quantitative determination of reduction targets of gas emissions. In 2010 was launched the initiative called "Climate Plans in Emilia-Romagna" which commits the provinces and cities in the construction and implementation of their own territorial climate plans, or implementation of local policies aimed at reducing greenhouse gas emissions. The goal is to follow a shared vision that includes several progressive stages, from the construction of the cognitive framework and the implementation of the measures to the monitoring and reporting of results.

Regional Energy Plan - PER

The energy plan of the of the Emilia-Romagna Region (the first in Italy to tackle the complexity of the energy topic) comes from the Regional Law n. 26 of 23 December 2004 and is carried out through

the three-year plans for implementation. The objectives are the efficient use and conservation of energy, the development of renewable energy and the upgrading of the electrical system, but also new technologies in the industry, energy certification of buildings and the development of energy management services. Among the main objectives of the PER there are, both at regional and local level, the reduction of pollutant emissions and greenhouse-gas and ensure correct conditions for environmental, landscape and territorial energy activities; the promotion of the energy performance improvement for urban systems, buildings and equipment, production processes and the engagement of national targets for limit emissions of pollutants and greenhouse gases set by the Kyoto Protocol on climate change.

Regional Integrated Transport Plan - PRIT

The Regional Law n. 30 of 1998 (General Rules of the regional public transport and local) identifies the PRIT as the main planning tool for the establishment of regional guidelines and directives for policies on mobility and sets out the main actions and priority measures to be pursued in the different areas of intervention. Among the objectives of the PRIT there is the definition of a policy framework that allows to transform the regional economy in an environment friendly system through a package of measures for transport sector to tackle climate change goals and restore and protect the quality of air. For the energy issue transport sector play a relevant role and for the achievement of specific targets with regard to greenhouse gas emissions, energy consumption and use of renewable sources.

Water Protection Plan - PTA

The Regional Plan for water protection is the tool to achieve the environmental quality objectives for inland and coastal waters and to ensure a sustainable water supply in the long term, according to the provisions of the national and European standards. The main goal of the PTA is to assess the deviation of actual environmental situation from the objectives to be achieved in future. Among the main objectives there is the infrastructural actions with low environmental impact to engage in a better way problems and situations of potential water stress. The possibility to face extreme events such as droughts and floods is the strategic objective which also takes into account the significant regional climate change scenarios that are changing hydrometeorological situations in the future.

Integrated Coastal Zone Management Program - PGIZC

The plan for the integrated management of coastal areas is the tool of the Region of Emilia-Romagna, for the definition of objectives and actions in nine strategic sectors: tourism, coastal protection, water management, port facilities and maritime transport, protection of natural habitats, fisheries and aquaculture, sustainable agriculture, energy policies, settlement and mobility. The aim is to protect coastal system against the increasing pressure from human activities and to redirect all activities that have an effect on the coast of Emilia-Romagna to the environmental, economic and social sustainability. The PGIZC program of the Emilia-Romagna recognizes as the competition between local systems on the global market highlights the environmental quality as one of the key factors of success together with the innovation and the social factors. Coastal development necessarily involves sustainability, which means for coastal areas, according to the

International Panel on Climate Change of the United Nations, the need to avoid a rise of sea levels and temperature, the appearance of pathogens, the radical change of ecosystems and biodiversity aggression, the saline intrusion and the coast desiccation. The goal is to ensure the sustainable development of coastal energy system, taking into account the commitments made by Italy with the signing of the Kyoto Protocol for the protection of the global climate and the reduction of emissions of greenhouse gases. Among the general objectives, there are the promotion of energy saving and the rational use of energy, the development and exploitation of renewable energy sources, the environmental compatibility and territorial integrity, and the security of production processes, transportation, distribution and energy use, assuring a balanced distribution of the plants in the coastal area.

Regional Waste Management Plan - PRGR

The Italian legislation (art. 199 of Legislative Decree D'152/06) requires to the regions to prepare and adopt the Regional Plans for Waste Management. These plans must be coordinated with other planning instruments of regional competence. In compliance with the objectives of sustainability, climate change mitigation and in agreement with the regional programs of protection of natural ecosystems, integration of biodiversity issues into planning tools, the PRGR deals with actions through this objective:

- reduction of municipal waste per capita generation and decrease of special waste dangerousness
- achievement of at least 70% recycling by 2020
- recycling of paper, metal, plastic, wood and glass for at least 60% in terms of weight
- increasing the recovery of organic waste for the production of quality compost
- energy recovery of waste fractions
- reducing the amount of waste sent for incineration
- equal geographical distribution of environmental burdens arising from waste management
- determination of criteria for the identification of areas not suitable for the location of waste treatment plants
- Approval of a regional plan for the reclamation of contaminated sites and of an environmental monitoring program

Flood Risk Management Plan - PGRA

The Directive 2007/60 / EC on the assessment and management of flood risk (transposed into Italian law by Legislative Decree 23 February 2010 No 49) aims to create a uniform framework at European level for the management of the alluvial phenomena and to reduce the risk of adverse consequences associated with floods especially for life and human health, environment, cultural heritage, economic activity and infrastructures. The PGRA is a long-term planning divided into three stages concatenated that provide for a preliminary assessment of flood risk, the elaboration of dangerousness maps and the preparation and implementation of management plans (by 2015). The Plan's goal is to take into account all aspects of flood risk management and in particular it will be focused on prevention and protection. At the current stage of development, the Emilia-Romagna Region has prepared maps of flood risk with attention to the following topics: identification of the hydrographic network of reference; watercourses dangerousness mapping, an analysis of current and future climate change and update of hydrological input; analysis of land use,

	<p>identification of exposed elements and assessment of vulnerability and risk.</p> <p>Programme for the Regional System of Protected Areas and Nature 2000 network sites</p> <p>The program of the regional system of protected areas and sites of the Nature 2000 network has foreseen (art. 12 of Regional Law of 17 February 2005, n. 6) the definition of the natural heritage conservation and the management of the regional system of protected areas and sites of the Nature 2000 network. In particular Nature 2000 is a network of sites of interest, created by the European Union for the protection and conservation of habitats and species of plants and animals identified as priorities by the Member States of the European Union. The fundamental objective is working for conservation, protection and enhancement of regional biodiversity through the use of appropriate tools for the existing and new protected areas. The loss of species and habitats are the main threats to biodiversity conservation in this region. It depends essentially from direct anthropogenic factors related to the development of urbanization and other relating to the ongoing climate change on a planetary scale. These changes extremes and speed up environmental phenomena such as the increase in the intensity of rainfall and temperature, the rise of sea level, the salinization of coastal land; all these phenomena are the basis of the strong and irreversible imbalances in natural systems. Regional actions to fight against these trends aim to achieve the global goals and Europeans targets to control the rise in global temperature, but also to increase the resistance capacity of natural systems, improving efficiency and resilience. The programme aim to limit the virgin soil urbanization process, to stop the loss of natural habitats, to promote the improvement of the of watercourses quality, to encourage reforestation, to protect coastal marine areas, to promote measures to contain the animal species invasive; In addition, the program foresees the compensation for farmers who respect the measures regulating land use and conservation of biodiversity, the sensitization of public awareness, the stimulation of applied scientific research and the regular monitoring of most important natural systems.</p> <p>Local Action Programme to fight against drought and desertification - PAL</p> <p>The Local Action Programme to fight against drought and desertification in the Emilia-Romagna Region has focused on the improper use of land and water resources in areas characterized by climate fragility and with increasing drought phenomena (vulnerable areas already included in the threatened by drought areas, land degradation and desertification processes). Within the program human action and climate factors can determine desertification and irreversible impacts on agro-ecosystems. In particular, the PAL has focused on the dynamics of critical factors, identifying the limits of land use according to the principle of sustainable management of water resources in agriculture, using the tools of spatial analysis, such as remote sensing images with high spatial resolution, the territorial water balance model and the comparison with experiences and knowledge gained from technical and research produced within the region.</p> <p>At municipal level, the regulatory plans could host environmental issues, that represent mandatory or voluntary requirements, that</p>
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	<p>designers/owners could choose to apply in their interventions. Most of them are generally related to new construction and not specific for built stock. It's possible to divide them into 10 fundamental building themes:</p> <ol style="list-style-type: none"> 1) Thermal insulation 2) Performance of windows and doors 3) Integration of renewable sources 4) Use of technologies for energy efficiency and individual heat metering 5) Orientation and shielding of buildings 6) Building materials 7) Water saving and rainwater recovery 8) Sound insulation 9) Soil permeability 10) Energy certification <p>Every Municipality could also adopt sectoral plans, like Energy Plan, Noise Plan, Mobility Plan etc.</p> <p>As example, the Municipality of Mantua has approved a document for the implementation of an acoustic healing plan (MUNICIPAL NOISE REDUCTION PLAN) with the following characteristics: the identification of the typology and magnitude of the noises present, including the mobile sources, the areas to be resurfaced, identified under the acoustic zoning, the identification of the parties involved in the rehabilitation process, the indication of the priorities, the modalities and times for the rehabilitation, the estimate of the financial burdens and the means needed, any precautionary measures urgency for the protection of the environment and public health.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>The above mentioned network related to ISPRA includes:</p> <ol style="list-style-type: none"> 1. the PFR (Regional Focal Points), territorial reference of the Network; 2. the 21 ARPA (Regional and Provincial Agencies, called "APPA" only in the autonomous provinces of Trento and Bolzano), created with law n. 61 of 1994, having control functions and technical, scientific, legal and analytical support for public administrations <ul style="list-style-type: none"> • Municipalities • Specialised territorial Agencies

C - STAKEHOLDERS

BASIC INFORMATION

The built heritage, for the values it represents and the role it plays in the life of the communities, can be considered a common good, whose possibilities for use by the community (even in terms of symbolic appropriation or cultural identification) should be guaranteed. However, in the transition from the collective right to safeguard the resource, to the individual right to define the transformation of one's life environment, a leap of scale is produced which poses some problems, since the responsibility for the interventions on heritage remains, in most cases, at the head of the individual person. Similarly, the protection of the built heritage, understood as a collective cultural resource, poses problems related to the multi-level nature of the interests and values at stake: on the one hand, the need to preserve the evolutionary potential of the built up contexts, and the values recognized collectively to them, must be translated into the control of the quality of the interventions on the scale of the individual objects; on the other, in contexts not subject to protection constraints, the fragmentation of the property of the building makes it difficult to coordinate the intervention processes and the management strategies, with the risk that the cumulative effects of the transformations carried out on individual buildings prevent answer the question of value, expressed or implied, on a collective scale. In the case of built heritage, the possibility of introducing coercive mechanisms to limit the consumption of the resource must come to terms with the need to ensure the possibility of transformation in response to the evolution of living comfort standards or the need for regulatory compliance (which moreover, in some cases it protects other common resources, such as interventions aimed at reducing energy consumption). Furthermore, the safeguarding of public interests must be confronted with the legitimate exercise by residents of private law and property rights, a conflict sometimes perceived as an insurmountable obstacle to planning. As said before, as regards the first critical aspect, it is recognized that it is not possible nor would it be effective to stop the evolutionary processes of the built: the safeguarding of the resource must result rather in the search for a balance between conservative and transformative instances, trying to maximize material permanence and at the same time satisfy functional needs. In this process, the capacity for the evolution of heritage assumes the character of an added value, as it allows to fully exploit the potential of the existing through contemporary and relevant forms of use for the population. As regards the conflict between private law and general interests, however, the search for a balance must go through the sharing of objectives and management strategies that must be defined at the scale of settlement systems. however, it is clear that in pursuing a balance between protection, fruition and enhancement, the conservative instance remains a guiding criterion in the evaluation of management strategies. It can therefore be said that management is in a certain sense the "control room" of the various processes that structure the chain of Cultural Heritage.

Although on the theoretical level the fact that local communities must be involved in these processes is shared and shared, however, in practice the definition of the roles and responsibilities to be attributed to them is a difficult area for discussion.

At EU level, the EU has recognized the importance of including local communities in the process of recognizing heritage values and defining policies related to it through the publication of two Framework Conventions.

In 2000, the European Landscape Convention (CEP), designed the new international framework for landscape management, considered both in its patrimonial dimension and in that linked to the daily experience of the communities that live there.

The Faro Convention subsequently reiterated the importance of the community's contribution to the conservation of cultural heritage, in relation to crucial issues such as sustainable development, cultural diversity and conflict management. In 2006 the Italian state ratified the CEP133, while the Faro Convention has not yet been signed. Moreover, the national legislation on the protection of Cultural Heritage and Landscape, on the role of local communities, is limited to taking the definition of landscape proposed by the CEP, opening to the development of inclusive policies, while for what concerns the Cultural Heritage built simply introduces the proposal for a collaboration between public and private subjects to management activities. Furthermore, the traditionally elitist approach of the discipline of the protection of Cultural Heritage weighs heavily on the relationships between the actors: involving the population in the process of recognition of the value of heritage means confronting different forms of knowledge and judgment, both "expert" and "profane", generating controversies that have to do with dynamics of power and questions of authority. The role of the population therefore often ends up being passive: awareness-raising actions are directed to it, which, however important, are not sufficient to ensure that conservation is effectively implemented, and that quality requirements are respected in interventions. Furthermore, communication strategies are often used that attempt to persuade rather than start an argumentative and negotiating dialogue between the parties. The comparison between individuals and different groups would require a mediation capacity that is not necessarily typical of the professionals in the sector. On the other hand, the decision to use a "scientific" and one-way communication to motivate the need for heritage conservation is a strategy often implemented because it is effective for the transmission of decisions that do not allow revisions. It is evident, however, that in order to induce a real transformation of the intervention practice, and to access undervalued economic and social resources, the role of the communities in conservation interventions can not be limited to a series of "promotional" initiatives, but must be oriented also towards concrete actions. In order for private owners, businesses and other possible lenders to be willing to bear the costs of conservation activities, the objectives must also be shared. The possibility of constructing shared scenarios, for example through informal consultation mechanisms, can also create the conditions for legitimizing the action of decision-makers and reducing the risk of conflicts linked to value's issues. This step involves a difficulty, often encountered by technicians: the information produced through non-formal processes, realized extra-standard, are difficult to translate into indications with normative value. Moreover, even in this case, professionals and technicians who manage the processes may lack the skills for consensus building and conflict management, with the risk that the comparison does not actually reach a decision-sharing phase.

The role of the population in conservation and management processes can also be expressed in direct participation in the interventions. Direct participation in the conservation of heritage and its values can take place on two levels: it can be a participation in activities directed towards the object, in the context of restoration interventions or in the development of monitoring and maintenance activities, or it may involve participation in fund raising and management of public goods, or for public use. Finally, civil society can take an active role in fundraising activities and in the management of public or private property for public use: the owner can, for example, enter into contracts for the use of buildings at reduced rates compared to at market prices, establishing that the contractor assumes the burden of the restoration intervention and ensures that the necessary maintenance is carried out over time. The decision to introduce new activities in the buildings that encourage aggregation and social interaction becomes a further strategy of sensitization in the moment in which it makes the contemporary potential of the heritage manifest to the population, stimulating the demand for similar interventions

C.1. Horizontal governance mechanisms at national level

In addition to processes involving citizens, the new governance models also promote stakeholder enabling processes. Basically they promote a proactive attitude of public administrations no longer confined to a traditional administrative role, nor even in a regulatory role, but projected into a role of active solicitation of the civil society itself.

NGOs / NON PROFIT ORGANISATIONS

Cultural sector in Italy is characterized by the presence of a number of organizations, very active in contributing at the dissemination of the culture of conservation, preservation and enhancement of Italian cultural heritage and in promoting the active participation of citizens. Most of them were founded during the 1960s, in a period characterized by severe damage to cultural and environmental heritage carried out in the name of economic development. These organizations belong to different typologies: non-profit associations (such as ADSI - Associazione Dimore Storiche Italiane and TCI - Touring Club Italia), volunteering and social promotion associations (AUSER), social promotion associations (ARCI, ITALIA NOSTRA, MO.DA.VI and ARCHEOCLUB), environmental associations (WWF and LEGAMBIENTE), foundations (FAI and FONDAZIONE NAPOLI 99), or federations of associations (such as F.I.D.A.M. - Federazione Italiana delle Associazioni "Amici dei Musei").

Most of them operate - exclusively or partially - in the field of cultural heritage, but some of them deal with environmental care and protection (WWF and LEGAMBIENTE) and cultural activities (ARCI). These organizations, even if are not defined as volunteering ones according to the law, mostly operate through volunteers.

In 2001, in Italy there were 2,585 volunteering organizations operating in the cultural field as a whole: 9% of them exclusively in the cultural sector, 37% prevalingly and 55% non-prevalingly. The most common services that these organizations provide are: guided tours, room warden, conservation and realization of music, theatre and cinema performances. From 2001 to 2003 the total number of volunteering organizations operating in the cultural field as a whole increased quite significantly (+ 147%); particularly the number of those operating exclusively in the cultural field increased by 201.8%. From 2001 to 2003 volunteers operating within these organizations increased from 109,683 to 259,963 (57.3% men, 46.4% women). Most of them both in 2001 and 2003 belonged to the 30-54 years group. In In 2003 more than 52.7% of these organizations provided training courses for volunteers.

(Source: Volunteers in Museums and Cultural Heritage - A European Handbook. Result of the project Volunteers for Cultural Heritage. European project, funded by the European Commission <http://www.amitie.it/voch/index4.htm>)⁶⁴

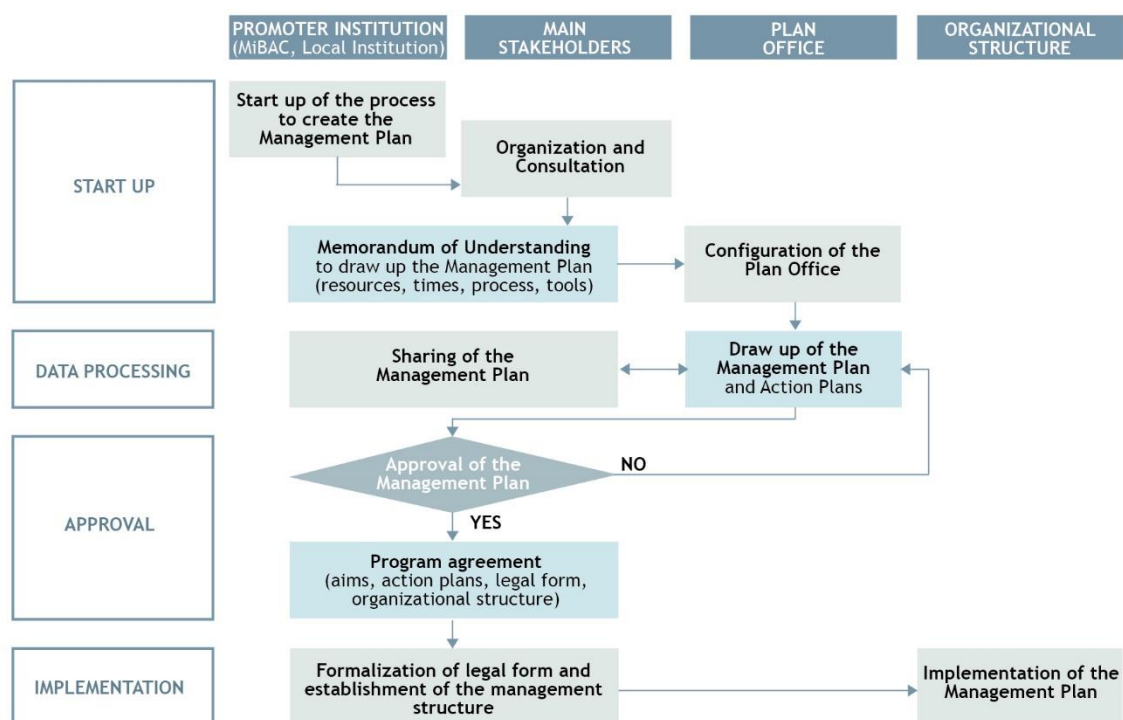
ORDINI PROFESSIONALI

The National Council of Architects, Planners, Landscapers and Curators is a body appointed by the Ministry of Justice with the Law n. 1395/23; The Council, consisting of 15 members, elected by the provincial branches called "Orders", for a five year term, carries out its activity for the in depth analysis of professional themes through the work of its own departments. The Council gives its opinion and interpretation with reference to regulations and laws regarding the professional practice. The Italian system of the Orders is organized through the 103 provincial Orders that, being distributed all over the national territory, pass first degree comments and promote the culture of the project.

⁶⁴ www.herein-system.eu/print/180#

www.awn.it/AWN/Engine/RAServePG.php/P/93941AWN0304/L/1 The regional bodies, Councils and Federations, are voluntary organizations that gather the provincial Orders in a same geographic area aiming to share initiatives related to the preservation and promotion of the profession of architect, planner, landscaper and curator.
www.awn.it/AWN/Engine/RAServePG.php/P/25241AWN0304
 These and other private subjects will be involved through consultation's procedures about the regeneration, valorisation and conservation of national heritage.

C.2 Horizontal governance mechanisms and practices at local level.



A specific situation is the Management Plan of UNESCO site. According to UNESCO, this plan should focus mainly on the planning of the interventions to be implemented to maintain the integrity of the values that allowed the inclusion in the List, in order to preserve the site for future generations. The Management Plan must not be a simple document to be presented to UNESCO, but rather represents a real process that involves all the site's stakeholders over time. The following diagram describes the aforementioned process, which virtually accompanies the Management Plan from its start-up phase to implementation:

C.3 Specific procedures involving public and private sectors on HBA

The indications provided by the Code regarding enhancement activities have opened up interesting prospects for management strategies, introducing new opportunities for coordination between the public and private initiatives, which allow to expand the resources to be tapped by experimenting with innovative models, inspired by management business. On the one hand, private initiative is also admitted for the valorisation of public goods, provided that the interventions prefigure socially useful activities. On the other hand, the privately owned Cultural Heritage is recognized as eligible to receive public support to pursue valorisation objectives, given that the interventions respond to the quality levels set at national level. Among the possibilities of collaboration between public and private subjects for the management of public goods are also forms of co-management, in which the activities are coordinated by collective subjects with mixed participation such as foundations, associations, consortia, joint-stock companies; in addition, the possibility exists that public entities enter into agreements with cultural or voluntary associations active in the field of Cultural Heritage. From this it is evident how the private sector and, by extension, civil society, are increasingly considered as a pool of resources - both economic and social - and organizational skills that can be used for heritage management.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

Nevertheless, some authors have observed that these potentialities are limited precisely by the lack of integration between protection activities and exploitation activities. The first, in fact, is placed at the head of the State, which exercises it through its peripheral organs, while the second is among the subjects of concurrent legislation and, of course, it finds more possibilities of implementation at the territorial scale, where it is easier to find correspondence between interests and resources to invest. This leads to two considerations: first, local resources, both economic and social, are often underestimated in the development of protection activities. Secondly, the lack of coordination between protection and valorisation risks translating into lower management efficiency.

Turning from the case of the Cultural Heritage to the more general context of HBA of recognized value but not necessarily subject to protection constraints, it is observed that the individual buildings have value as part of a system, and that this therefore represents the appropriate scale for the definition of management strategies. In this case, the mobilization of private and local resources is fundamental for the development of preservation of the value of systemic integrity of the built over time. However, the acquisition of full awareness of the objectives of management and the transition from awareness of the problem to the development of coherent actions is by no means a foregone conclusion.

In order for governance dynamics to be produced at the local scale for asset management, the system must have a certain critical mass, since the interests, resources and capabilities needed must coexist within it. In this passage the so-called "connector subjects" assume importance, ie those subjects, public or private, able to detect, channel and structure the local demand (of social, cultural, institutional quality ...) and, at the same time, to elaborate response strategies transforming information coming from outside into operable knowledge and innovative practices. The connector subjects do not necessarily have to be institutional players, but they can be non-conventional organizations or subjects belonging to civil society, such as universities and cultural institutes, professional or cultural voluntary associations, non-profit organizations.

On the basis of the above considerations, the hypothesis is assumed that the involvement of a large number of stakeholders in the definition of strategies for the management of systems built with patrimonial value, associated with a strengthening of their governance capacity, allows to increase the quality of management, assuming conservation as a general objective.

D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Cultural Heritage includes Built Heritage, movable Heritage and landscape • The UNESCO sites, for their uniqueness, are points of excellence in Italian cultural Heritage • High-level scientific restoration (level of awareness that researches and professionals have reached about the value of HBAs and its reasons) • HBA valorisation and urban planning include stakeholders' involvement, participatory approach and collaborative project design 	<ul style="list-style-type: none"> • HBA data are not systematically governed and regulated • HBA conservation is governed in terms of prescriptions and authorisations • The conservation is left to the initiative of the owner (public or private) and there is no strategic planning at the central level • Lack of integration between protection activities and exploitation activities • HBAS' sustainability: it is not governed because the regulations on sustainability and efficient use of resources «exempts» cultural heritage; it is not mandatory; regulations can be elaborated and applied locally

Opportunities	Threats
<ul style="list-style-type: none"> • Cultural Heritage governance is multilevel, complex and evolving • To increase the quality of governance and management in the HBAs through the involvement of a large number of stakeholders (integral approach and continuous collaboration of experts within the sustainable use and conservation program with spatial planners, architects, economists, tourism experts, etc) • More effective involvement of the community in the development of the HBAs 	<ul style="list-style-type: none"> • Conservation policy is not supported by a dedicated budget item, so it is not a funded policy • Local resources, both economic and social, are often underestimated in the development of protection activities • The lack of coordination between protection and valorisation that risks translating into lower management efficiency • Conflict between private law and general interests (in particular with private buildings with a fragmented property)

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN SLOVAKIA

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

Protection and appropriate use of the cultural heritage in Slovakia is a part of national cultural heritage policy. The conditions and tools regarding this policy are anchored in the legal system of Slovak Republic and covered by the whole range of strategic documents.

The most important **strategic documents** belong the declarations, strategies and conceptual papers as follows:

- Declaration of the Slovak Parliament on Cultural Heritage Protection no. 91/2001 Coll.;
- Strategy of Culture Development of the Slovak Republic for 2014 - 2020;
- Heritage Fund Protection Conceptual Framework;
- Conceptual Framework on Heritage Fund Protection and Cultural Heritage in Crisis Situations;
- Conceptual Framework on Local and Regional Heritage Care;
- International conventions and other documents dealing with area of heritage fund protection.

The legal framework for the executive of the cultural heritage policy is created by following **law acts directly addressing cultural heritage protection**:

- Constitution of the Slovak Republic (articles 20, 21, 43, 44);
- Law act no. 49/2002 Coll. on heritage fund protection as amended;
- Law act no. 200/1994 Coll. on chamber of heritage conservation specialists and on performance of conservation work of its members;
- Law act no. 206/2009 Coll. on museums and galleries and protection of objects of cultural value;
- Decree of Ministry of Culture no. 231/2014 Coll. amending the Decree of Ministry of Culture of the Slovak Republic no. 253/2010 Coll. executing the law on heritage fund protection as amended.

Important role play supplementary legal tools dealing with the area of heritage protection as shown in this list:

- Law act no. 50/1976 Coll. on territorial planning and building code (Building Code);

- Law act no. 162/1995 Coll. on cadaster of immovable property and on recording the ownership and other rights to the immovable properties (cadaster law);
- Law act no. 369/1990 Coll. on municipal government;
- Law act no. 278/1993 Coll. on national property management as amended;
- Law act no. 555/2005 Coll. on energy efficiency of buildings;
- Decree of the Statistics Office of the Slovak Republic no. 323/2010 Coll. publishing the Statistical classification of buildings;
- Criminal Code.

Law on heritage fund protection frames the creation and implementation of the heritage protection policies across different levels. It covers different scales and different substances of the heritage as well as different levels of their protection. The most important explanations relevant for the project can be summarised as follows:

- The Constitutions of the Slovakia Republic as well as the Law on heritage fund protection declares that the heritage protection is in public interest (§1 on the Law act no. 49/2002 Coll, Slovak Constitution no. 44 par. 2,3),
- There is specified, that heritage fund is significant part of the cultural heritage (§ 1 of the Law act no. 49/2002 Coll),
- The basic terms regarding heritage fund protection are defined (§ 2 of the Law act no. 49/2002 Coll)
- The Law amends the organization and competence of the state administration and municipal government (§§ 3 - 14 of the Law act no. 49/2002 Coll),
- The Law amends the conditions of recording the objects into the heritage fund (§§ 15 - 26 of the law)
- The Law amends the conditions of protection of cultural heritage, heritage sites, archeological sites and archeological findings in accordance with scientific knowledge and on the basis of international treaties regarding the European and world cultural heritage binding the Slovak Republic (§§ 27, 29 - 31 of the Law act no. 49/2002 Coll)
- The Law amends the rights and obligations of the owners and other legal subjects and physical subjects regarding the heritage protection (§ 28 of the Law act no. 49/2002 Coll)
- The Law amends the conditions of conservation and restoration of the cultural heritage and customization the heritage object in question (§§ 32 - 34 of the Law act no. 49/2002 Coll)
- The Law amends the conditions of performing research and findings on heritage sites (§§ 35 - 41 of the Law act no. 49/2002 Coll)
- Defines infringements and other legal delicts regarding heritage fund protection and amends imposing fines for actions against the law (§§ 42 - 43 of the Law act no. 49/2002 Coll),

Basic principles are formulated by the Law as follows:

- Protecting the monuments and cultural heritage is a duty of each citizen (Slovak Constitution),
- Monuments should be actively used in accordance with their monument values (Law act no. 49/2002 Coll., Slovak constitution)

Competences are given by the Law to the official bodies across different levels as follows:

- Regarding protection of the heritage fund:
 - Ministry of Culture of the Slovak Republic (+ monument inspection)
 - Conservation Authority of the Slovak Republic (and its municipal branches)
 - Municipalities and regions
- Regarding the historic building fund incl. historic areas and cultural landscape

- Municipalities and regions (with methodological support of Conservation Authority of the Slovak Republic)

In addition to the basic responsibilities, there are related responsibilities:

- **Responsibility for sustaining and restoration of the heritage fund** (also for historical building fund non-protected) is always in competence of object owner (Law act no. 49/2002 Coll. on heritage fund protection + Law act no. 50/1976 Coll Building Code).
- **Responsibility for creating conditions for monument protection** (legal, management, financial) is in competence of the Ministry of Culture of the Slovak Republic.
- **Responsibility for monitoring** abiding to the **legal regulations of heritage protection** is in competence of Monument Authority of the Slovak Republic with its regional branches.

SOURCES:

- http://www.strategiakultury.sk/sites/default/files/STRATEGIA_ROZVOJA_KULTURY_SR_NA_ROKY_2014-2020.pdf
- <http://www.culture.gov.sk/ministerstvo/dokumenty/strategicke-materialy-ministerstva-129.html>
- Law act no. 49/2002 Coll. on Heritage Fund Protection
- Law act no. 50/1976 Coll on Territorial Planning and Building Code
- Constitution of the Slovak Republic
- Law act no. 200/1994 Coll. on chamber of heritage conservation specialists and on performance of conservation work of its members
- Law act no. 206/2009 Coll. on museums and galleries and protection of objects of cultural value
- Decree of Ministry of Culture no. 231/2014 Coll. amending the Decree of Ministry of Culture of the Slovak Republic no. 253/2010 Coll. executing the law on heritage fund protection as amended
- Law act no. 50/1976 Coll. on territorial panning and building code as amended (Building Code)
- Law act no. 162/1995 Coll. on cadaster of immovable property and on recording the ownership and other rights to the immovable properties as amended (cadaster law)
- Law act no. 369/1990 Coll. on municipal government as amended
- Law act no. 278/1993 Coll. on national property management as amended
- Law act no. 555/2005 Coll. on energy efficiency of buildings as amended
- Decree of the Statistics Office of the Sloval Republic no. 323/2010 Coll. publishing the Statistical classification of buildings
- Criminal Code

Definition of the Cultural Heritage Policies and Management:

Cultural heritage protection represents public interest and is performed based on respecting the individual rights and liberties of citizens. Cultural heritage can be protected, managed and used only in accordance with its physical status, historic and cultural qualities incl. qualities of the surrounding area so that its physical overuse, harm, stealing or destruction are avoided as much as possible (Declaration of Slovak National Parliament on cultural heritage protection, 2001).

Strategic area of culture SO2 is focused on preserving and accessing cultural heritage: dealing with cultural heritage it is not only about preserving the past, but to transform the past into

the presence. It is supposed to appeal as one of the development aspects of the whole society. Saving, protection and restoration of the heritage fund is important to do with emphasis on preserving its monument, architectural, artistic and historic qualities. During the restoration it is important to give priority to projects generating further possibilities of cultural functions of the monuments and its use, to remove barriers and to provide access to the objects of the cultural heritage. Barrier-free quality in historic monuments is important to ensure with focus on its artistic, historic and monument qualities.

Beginning to perceive the active use of historic building heritage as active element of the economic and social development as municipalities and regions - its capacities and qualities belong among the territorial capital and also into the development programs of municipalities, cities and regions, are all positive trends as they are fulfilling the objectives of the strategy. Wider development of such perception is conditioned by surplus of professionally trained staff. Strategic area of culture SO4 is focused on setting up functional system of financing in culture: monuments are elective category of heritage fund. The object of monument objects/sites protection are those elements (parts, attributes, expressions, qualities) which objectify the memorable information. Protection is related to the whole object and as a rule, also it is surrounding, which substantially conditioned creation of such construction in its resulting form and expression.

The process of financing the culture (where is also the restoration of cultural heritage included) stems from the principles anchored in three basic legal documents:

- Law act no. 523/2004 Coll. on budgetary rules as amended;
- Law act no. 231/1999 Coll. on national contribution as amended;
- Law act no. 434/210 Coll. on providing subsidies in competence of the Ministry of Culture of the Slovak Republic as amended.

There is the basic legal space for financing the culture from the national budget (Culture Development Strategy 2014 - 2020, art. 4.1.). For restoration of the heritage fund the most utilized one of the subsidy program of the Ministry of Culture through which non-refundable subsidy is given to restore the individual objects from the heritage fund based on successful evaluation of the application (co-financing of the restoration by the investor is at least 5% of the costs). The activities aimed at research and promotion of Slovak cultural heritage (including also objects outside the heritage fund) can obtain support from the municipal and regional budgets and also from the public Fund for art support.

A.2. Relevant terms provided by legal/strategic framework

Definitions of the key terms related to historic building heritage protection anchored in the Law act no. 49/2002 Coll. on heritage fund protection are as follows (§ 2):

- **Heritage value** - is a summary of significant historic, societal, landscape, urbanistic, architectural, scientific, technical, artistic or artistic-craftsmanship qualities which can be a subject of individual or territorial protection.
- **Cultural monument** - is a movable object or non-movable object of heritage value which is due to its protection designated as protected.
- **Heritage fund** - is a summary of movable and non-movable objects designated according to this law as national cultural heritage (further only as 'cultural heritage'), heritage reservations and heritage zones. Heritage fund includes also objects for which the process of designating for cultural heritage, heritage reservation and heritage zone.
- **Heritage area** - is territorial unit or landscape territorial unit concentrated around heritage values or archeological findings and archeological sites which are due to their protection designated as heritage reservation or heritage zone.

- **Archeological finding and archeological site** - archeological finding is a movable or non-movable object which is an evidence of human life and of its activity from the oldest ages until 1918 and as a rule it was found or is located in the ground, on its surface or under the water. Archeological site is non-movable object on topologically selected area with uncovered or covered archeological findings in their original surroundings and components.
- **Heritage fund protection** - is a collection of activities and measures aimed at identification, research, evidence, preserving, conservation, restoration, regeneration, use and presentation of cultural heritage and heritage sites.
- **Protected zone (buffer zone)** - is area designated for protection and deliberated development of the locality or the surrounding of an non-movable cultural heritage, heritage reservation or heritage zone (§ 18 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).

Heritage fund of the Slovak Republic includes there ***heritage categories***:

- **Cultural monuments** - non-movable objects which are designated as national cultural heritage according to the Law.
- **Heritage areas** represent territorial protection of a collection of several monuments including their surrounding area. These categories of the heritage area are differentiated according to their qualitative and quantitative representation of monuments in the area:
- **UNESCO World Heritage Site** - area with monuments designated and listed in the UNESCO SKD List in accordance with Convention Concerning the Protection of the World Cultural and Natural Heritage (§ 21 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).
- **Heritage reservation** - area with holistic urban arrangement and with high concentration of non-movable cultural heritage or area with groups of significant archeological findings and archeological sites which can be topographically encircled (§ 16 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).
- **Heritage zone** - area with historic urban arrangement, area of cultural landscape with heritage qualities or area with archeological findings and archeological sites which can be topographically encircled (§ 17 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).
- **Protection zone (buffer zone)** - area designated for protection and deliberated development or area of non-movable cultural heritage, heritage reservation or heritage site (§ 18 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).

In the direct surrounding of the non-movable cultural heritage it is forbidden to do construction works nor other activity, which could endanger heritage qualities of the cultural heritage. Direct surrounding of non-movable cultural heritage is a space in radius of ten meters from the non-movable cultural heritage; ten meters are calculated from the exterior wall of the monument in case the cultural heritage is a building construction or from the plot border in case the non-movable cultural heritage is also the plot (§ 27, art. 2 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).

Besides protection of the heritage fund of national significance, municipalities can decide on protection of objects of historic construction heritage or even protection of non-material heritage which have cultural quality of local importance in form of **municipal monument**. Municipalities can record into the list of municipal monuments besides movable and non-movable objects also combined works of human and nature, areas of historic events, street names, geographical and cadaster names related to the history and famous individuals of the municipality (§ 14, art. 4 of the Law act no. 49/2002 Coll. on Heritage Fund Protection). Their protection is implemented through program and development documents of the municipality and is reflected into its relevant urban planning documentation.

Recognition of unique qualities of historic construction fund deserving protection includes:

- **National cultural heritage** - is declared by the Monument Board of the Slovak Republic. Professional materials required for the declaration are elaborated by territorially relevant regional monument board, in reasonable cases in cooperation with scientific workplaces of the Slovak Academy of Sciences and other professional and scientific institutions (§ 15 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).
- **Heritage reservation** - is declared by a proposal from the ministry by the national government where the area is designated. The proposal for declaring the heritage reservation is prepared by the monument board in cooperation with branches of municipal government (§ 16, art. 2 of the Law act no. 49/2002 Coll. on Heritage Fund Protection). **Heritage zone** - is declared by a proposal of the Monument Board of the Slovak Republic by a decision where its area is defined (§ 17, art. 2 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).
- **Protection zone (buffer zone)** - is declared based on stand-point of the municipality by the monument board by decision in which the area and protection conditions are defined (§ 18, art. 2 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).

Objectified material which identifies the qualities and describes the attributes which are carriers of the found qualities is a condition for declaration of object as a monument. Only individuals with certification on special professional competence for performing heritage research can elaborate identification of qualities of historic construction heritage for purposes of its protection. Certification of professional competence is issued by the ministry for period of 5 years; validity of the certification of professional competence can be based on application prolonged by 5 more years, recursively (§ 35a, art. 1 of the law).

Functions of the use of cultural heritage are those in accordance with the basic protection of cultural monument. Basic protection of cultural monument is a summary of activities and measures implemented to avoid endangering, harming or alienation of cultural heritage, for permanent sustaining of good status including the surrounding area of cultural heritage and using it in a way of use and presentation which reflects its heritage quality and technical status (§ 27, art. 1 of the Law act no. 49/2002 Coll. on Heritage Fund Protection).

In order to achieve effective protection, accompanying step of declaring protection regime of cultural heritage is **setting regulation conditions**: regulation is related to both activities implemented in the object/area and possibilities of altering measures into the form and expression of object/area. To support the protection regime in protected area, regulation of prepared interventions or interventions in progress (production, investment) is required. Regulation can be of framework character (aimed at directing the object towards the desired status) or limiting (regulating) character with objective to restrain undesired activities and expression (i.e. those harming or reducing the protected qualities). Regulation defined at declaration of the monument are consequently reflected into program and development documents of municipality/city/region including relevant urban planning documentation. Independently from the definitions above related to the Law act no. 49/2002 Coll. on Heritage Fund Protection there is the possibility given to all self-governments executing the right in the field of spatial development and building code to declare the protected area in order to protect any value in public interest based on responsibilities given by the Law act No.50/1976 Coll. On territorial planning and building code as amended. This allows to declare the protected areas in relation to the cultural heritage in much broader understanding than defined in the the Law act no. 49/2002 Coll. on Heritage Fund Protection.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

Speaking about cultural approach to the relationship between preservation, uses, fruition, sustainability of Cultural Heritage in Slovakia we can show the fact, that there is an interplay between preeminent objectives of the policy mirrored in the integrated approach reflecting available knowledge as well as practical possibilities. Starting with the Strategy of cultural development in Slovakia for period 2014-2020 the government began to apply a paradigm 'culture together with state and economy represent three strategic parts of Slovak society development based on knowledge and creativity: one of the strongest aspects of culture in Slovakia, on which it is possible to build later on, is very rich and diverse cultural heritage. Investments into the culture (including cultural heritage) can contribute to successful dealing with such problems as unemployment and sustainable growth of the economy. Current framework and strategic documents at the national level acknowledge development potential of cultural heritage (including historic construction monuments) including also economically usable capacities: heritage fund is perceived not only valuable cultural property, but also significant element for sustainable economic development. The state supports active use of monuments for lively societal activities (e.g. housing, tourism, education, public services etc.) through special grants and subsidies (e.g. Village restoration program, Green projects, building sectorial infrastructure from the EU structural funds). Functional use of monuments is conditioned by 'such a way of their use and presentation that reflects their monument quality and value and technical status' (Law act no. 49/2002 Coll. as amended, § 27, art. 1).

The objective of the national policy of monument protection is to learn about, to protect, to preserve and to pass on to the future generation the heritage fund including its cultural quality, by using it for active functions in current life (public, private, production and also business) to contribute to the increasing quality of life conditions and societal development, to foster positive attitude of the public and owners to cultural heritage and its preservation (Strategy, Framework).

Globally valid, integrated approach to protection of historic buildings` fund which is utilized in the system of heritage fund protection in Slovakia represents a set of international conventions, Slovak Republic is adhering to, and conceptual frameworks (charters, recommendations and resolutions) the Slovak Republic had joined. Their reflection in the system of heritage fund protection is anchored in the Strategy of cultural development, in the Conceptual framework of heritage fund protection and in the Law act no. 49/2002 Coll. on heritage fund protection - §1 of this Law act. Their implementation in practice is not always successful/effective, though, as not all the decision-making staff is familiar with these (in laws and regulations these are not explicitly formulated). Integrated approach to historic building fund protection is ensured by coordinated effect of the Law act no. 49/2002 Coll. on heritage fund protection and Law act no. 50/1976 Coll. Building Code which regulates conditions of implementing any interventions into the existing building fund.

A.4. Policy trends and evolutions

Scientific community has been actively engaged into the development of current legal framework. Currently valid legal framework reflects the changes which took place in political and economic system of the state recently. Scientific community warns responsible institutions (Ministry of Culture of the Slovak Republic) about potential incoherent connections with other

law acts or about regulations with insufficient effects in the practice. The Law act is subsequently further developed by the amendments. E.g. the Law act no. 49/2002 Coll. on heritage fund protection had been amended already 4 times since it came into effect (in years 2005, 2009, 2011, 2014). Also ordinance which specifies the conditions of implementation of Law act on heritage fund protection (no. 16/2003 Coll.) had been recently amended by new ordinance.

Suggestions from scientific community in interest of improving the quality of heritage protection and protection of historic building fund are implemented also in law acts regulating other areas of societal life. For instance Law act no. 555/2005 Coll. on energy efficiency of buildings as amended states that the guides and methods according to this law for improving the energy economy of buildings (according to §2) are not relevant for 'buildings and monuments protected on the basis of architectural or historic quality or as a part of characteristic surrounding area where adhering to these requirements about energy efficiency would unacceptably effect their character or look' (§2 art. 2 letter a of Law act no. 555/2005 Coll. on energy efficiency of buildings). Similarly, the guidelines for protecting valuable or significant buildings or areas have also been implemented into the Law act no. 50/1976 Coll. Building Code as amended as well as Law act no. 369/1990 Coll. on municipal government.

By accepting the Law act no. 49/2002 Coll. on heritage fund protection a significant change of political approach to monument care took place which was demonstrated also by significant change of organization and management of monument care: new system reacts to the change in ownership relations in the society and within the care of historic building fund it differentiates:

- Processes ensured by the state - creating conditions and preemptive protection of heritage fund (legal, methodological, financial), and
- Processes ensured by the owners (managers, users) - implementation of use and restoration of heritage fund

At the same time the previous branch of national monument care - Slovak institute of monument care whose competence was to methodologically guide the activities within monument care and whose conclusions were in the level of recommendation and their acceptance was decided by the Building Office, was changed into Monuments Board of the Slovak Republic as an institutions of special state administration with jurisdiction over declaring legally binding decisions to all interventions into the heritage fund (also to maintenance and small repairs). Monuments Board at the same time is performing an overview over status, use and ensuring protection of the heritage fund, archaeological findings and archaeological sites including repressive jurisdiction (§§ 31 and 42 of the law on heritage fund protection).

Political trend of gradual improvement of heritage protection and historic building fund conditions are manifested in:

- Strengthening the support of these activities (financially and methodologically)
- Evaluating and publishing monument restoration of high quality (competition Monument of the Year and its promotion)
- Supporting the research and presentation of cultural heritage (subsidy program of the Ministry of Culture, Art Support Fund)
- Disseminating promotion of cultural heritage in public mass media (Slovak Radio and Television) which is gradually joined by commercial means of mass communication as well as municipalities/cities and regions.

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 - Law act no. 200/1994 Coll. on Chamber of restorers and performing restoring activity for its members
 - Decree of the Ministry of Culture of the Slovak Republic no. 16/2003 Coll. amending law on heritage fund protection
 - Law act no. 50/1976 Coll. Building Code as amended.
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B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

Legal system of the Slovak Republic predicts the following degrees of cultural heritage protection (see point 1.2):

- **world cultural and natural heritage objects/areas** - approved and recorded into the List of World Heritage accordance with Convention Concerning the Protection of the World Cultural and Natural Heritage
- **national cultural heritage** - non-movable objects (objects, areas) listed in Central List of Heritage Fund of the Slovak Republic
- **heritage reservations** - areas with holistic historic urban arrangement and high concentration of non-movable cultural heritage or area with groups of significant archeological findings and archaeological sites
- **heritage zones** - areas with historic arrangement, area of cultural landscape with heritage qualities or area with archeological findings and archaeological sites
- **protection area (buffer zone)** - area designated for protection and deliberated development of area or surrounding area of non-movable cultural heritage, heritage reservation or heritage zone
- **monument (cultural, natural, technical or other significance) important for municipality/city/region it is located in.**

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

Institutions responsible for heritage protection include:

- **Ministry of Culture of the Slovak Republic** - national level - particularly prepares conceptual framework for heritage fund, proposes to the Slovak government conceptual proposals and recommendations for dealing with important issues of preservation, restoration, use and presentation of heritage fund, manages and controls performance of state administration within heritage fund protection, implements state monitoring of heritage fund protection.
- **Monument Board of the Slovak Republic** - national level - deals with second degree state administration within heritage fund protection, archeological findings and archeological sites in matters dealt with on the first level by regional monument boards.

- **Regional Monument Boards** - regional and local level - in the first level these are competent administration bodies deciding on rights and obligations of legal subjects and individuals within heritage fund protection, archaeological findings and archaeological sites.
- **Building Authorities** - local level - are competent regarding permission of construction interventions into the existing building fund (including historic buildings), localizing and building new investments in urban and landscape structures. In case of protected historic building fund and areas with protective heritage regime these authorities are adhering to decisions of territorially corresponding regional monument board.

Institution ultimately responsible for build heritage protection in the Slovak Republic is Regional Monument Board.

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • Declaration of the Slovak Parliament on Cultural Heritage Protection no. 91/2001 Coll. • Strategy of Culture Development of the Slovak Republic for 2014 - 2020 • Heritage Fund Protection Conceptual Framework • Constitution of the Slovak Republic (articles 20, 21, 43, 44) • Law act no. 49/2002 Coll. on heritage fund protection as amended • Law act no. 200/1994 Coll. on chamber of heritage conservation specialists and on performance of conservation work of its members • Law act no. 206/2009 Coll. on museums and galleries and protection of objects of cultural value • Decree of Ministry of Culture no. 231/2014 Coll. amending the Decree of Ministry of Culture of the Slovak Republic no. 253/2010 Coll. executing the law on heritage fund protection as amended • Law act no. 50/1976 Coll. on territorial planning and building code (Building Code) • Law act no. 162/1995 Coll. on cadaster of immovable property and on recording the ownership and other rights to the immovable properties (cadaster law) • Law act no. 278/1993 Coll. on national property management as amended • Law act no. 555/2005 Coll. on energy efficiency of buildings • Decree of the Statistics Office of the Slovak Republic no. 323/2010 Coll. publishing the Statistical classification of buildings • Criminal Code
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • Ministry of Culture: is central body of state administration for heritage fund protection • main activities: policy framework / coordination / authorisation / data monitoring / inspection / funding • Ministry of Culture, Department of cultural heritage • Ministry of Culture, Department of media, audiovision and authorship rights • Ministry of Culture, Department of art and national language • Ministry of Culture, Department of economy and project management • Ministry of Culture, Department of international cooperation

	<ul style="list-style-type: none"> • Ministry of Culture, Monument Inspection • Ministry of Culture, Monument Committee • Ministry of Culture, Archaeological Committee • Ministry of Culture, Committee for assessment of special professional competence for elaborating monument research • National Board of Monument preservation • Regional Board of Monument preservation
PROCESSES	<u>Hierarchical and functional relations at national level</u> Described earlier in the text

B.1.4. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<ul style="list-style-type: none"> • Law act no. 369/1990 Coll. on municipal government • Law act 50/76 Coll. Law on Territorial Planning and Building Code
SUBJECTS list main involved organisations and describe	<ul style="list-style-type: none"> • Municipalities/municipal self governments (with methodological support of Conservation Authority of the Slovak Republic)
PROCESSES	<ul style="list-style-type: none"> • Protection of the heritage fund • Protection the historic building fund incl. historic areas and cultural landscape

B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The territorial and urban planning activities/policies, can be identified in five main stages and three levels, as follows:

1 st level	Supernational	European Union, European Commission, UN, ECE UN
2 nd level	National	Parliament, Government
3 rd level	Regional	Regional Governments
4 th level	Superlocal	Microregions, Associations of Municipalities
5 th level	Local	Local Governments, Municipalities
6 th level	Sublocal	Business and other subjects

These levels overlap 3 main pillars of the system of complex spatial development management consisting of:

1. Spatial relevant planning activities - spatial planning
 - 1.1. Integrative planning activities represented by:
 - 1.1.1. Socioeconomic Strategic Development Planning
 - 1.1.2. Landscape Planning
 - 1.1.3. Land Use Planning
 - 1.2. Sectorial planning activities like transport planning, infrastructural planning
2. Spatial monitoring and information management system
3. Spatial management - implementation control system

1.1.1. SOCIOECONOMIC STRATEGIC DEVELOPMENT PLANNING

Current stage in the progression of strategic development planning is characterised by searching for optimal tools, methods and system relations, either vertical/hierarchic or horizontal, with other planning activities and primarily with land-use planning. The basic documents of cross-sectoral strategic development planning are the National Strategy of Regional Development, including the Strategic Sectoral Plans, the regional operational programmes (ROPs) and the programmes of social development and economic development of self-governmental districts and municipalities. The National Strategy defines as the primary task of regional policy of the Slovak Republic: gradual equalisation between the regions, socio-economic cohesion and increase in living standard of population.

1.1.2. LANDSCAPE PLANNING

Landscape planning in Slovakia does not create institutionally unified system. It is understood as the system of integrative and in the same time specific planning activities integrated into the different parts of spatial development planning and management system. Landscape planning in Slovakia is based on long tradition of landscape-ecological and human-ecological assessment of the landscape; orientated towards ecological optimization of landscape use based on the coordination of present and proposed activities with landscape relevance following the goals of sustainable development and safeguarding the landscape ecological stability, efficient use of natural resources, preservation of cultural and natural heritage including the landscape character. Land-use planning in this context seems to be the tool for the spatial and spatial-temporal integration at the highest level as it has to integrate all different interests in the space and time represented by different stakeholders, different sectors of activities, of different wage and priorities, different spatial effects, different length etc. In the land-use planning creates the platform for the efficient transfer of the landscape sustainable development interest from the professional sphere into the society development management, from professional planning documents into the political decisions and from partial political decisions towards comprehensive territorial governance. In this position the land-use planning as the part of spatial planning system can be understood as the crucial instrument for the implementation of landscape convention in Europe.

1.1.3. LAND USE PLANNING

Land-use planning in the Slovak Republic is continual and systematic activity, thanks to preserving its rational, but in the period of socialism partially politically deformed, matter which covers the issues of planning of complex spatial development at the zonal, local, regional and national levels in the crossing activities of inventories, analyses, planning, decision- making and monitoring, but up to now without opportunities for active territorial management. Similarly to other developed countries, also in the Slovak Republic land- use planning is implemented in unity of the principles of subsidiarity and planning sovereignty of the basic spatial planning units - municipalities. Land-use planning systematically and comprehensively addresses the spatial arrangement and functional use of land, lays down its principles, it is proposed the material and chronological coordination of activities which influence environment, ecological stability, cultural-historical values of land, land development and landscape in accordance with the principles of permanently sustainable development. Land-use planning creates the conditions for permanent harmony of all activities in the territory with particular regard to care for the environment, reaching the ecological balance and ensuring permanently sustainable development, desirable using the natural resources and protection of natural, civilizational and cultural values.

Land-use planning includes these tasks and activities:

- a. it determines the directions of spatial arrangement and functional land-use,
- b. it determines the necessary interventions to land for sanitation, reconstruction or re-cultivation purposes and determines the manner of its further use,
- c. it defines protected areas, protected buildings, quiet areas and protective zones (hereinafter only protected areas of land”), unless they originate under other regulations, and ensures the protection of all protected areas of the land,
- d. it determines the principles and conditions for the material and chronological co-ordination of locally concentrated construction by one or several developers,
- e. it assesses and evaluates the land-technical effects of buildings that are prepared and other measures in the land and proposes their scope condition their environmental suitable and safe use,
- f. it regulates the location of buildings, determines the land-technical, urban and architectonic and environmental requirements for the their projection and realisation,
- g. it determines the principles of the use of natural resources, land conditions and whole environment in order that the activities within it do not exceed the acceptable load of land 1a) so that it is created and preserved the ecological stability of the land,
- h. creates the necessary materials for the creation of overall construction plans and the technical provision of an area,
- i. proposes the order of construction and the use of land,
- j. proposes the land-technical and organisational measures necessary for improvement of environment, achievement of ecological stability and ensuring the permanently sustainable development.

The community objectives are projected into the objectives of planning documentation. This should ensure not only spatial conditions of sustainable development, access to social and technical infrastructure, quality of environment in all parts of territory, but it also guarantees the priority of social goals with

respect to the goals of all individual subjects. Land-use planning plays special role in co-ordination of various interests in the territory (e.g. in the municipality or in the region), but also between the economic sectors (water management, agriculture, transport and others) and between the sectors of services (health care, social welfare, education, trade) and the private subjects of business and non-profit character and individual citizens. Land-use planning itself as a system of legally defined rules and processes guarantees, respecting social equity in relation to protection of ownership of property also with regard to public interests in various spheres of social life, from environment through accessibility of education and social services up to development of minor social groups. The basic tools of land-use planning are land-use planning materials, land-use planning documentation and land use decisions.

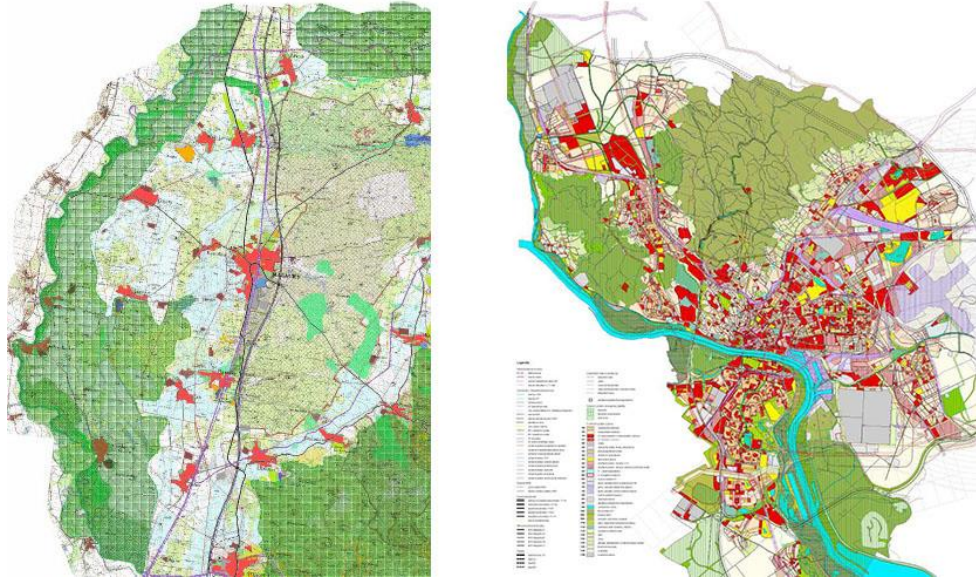
Land-use planning materials comprises mainly:

- a. **an urban study**, covering partial problems in the area in question. It is produced in preparation of land-use plan as a proposal of concept of spatial arrangement and functional use of land or for making the land plan more detailed or verification of land plan and in case of amendment of land plan or for solution of some specific land technical, landscape-ecological, environmental or architectonic problems in land as a basis for land-use decision-making or if it is stipulated otherwise in special regulation;
- b. **a land-use general plan** addresses the possibilities of long-term spatial arrangement and functional use of land. It is elaborated on the basis of analyse and evaluation of land-technical conditions, environmental conditions and social conditions of land as well as on the basis of analysis and evaluation of land system of ecological stability, tendencies of land development and environmental care;
- c. **land technical materials**, specifically focused and systematically compiled and updated sets of data characterising the state and conditions prevailing in an area, are produced for the whole territory of the Slovak Republic and for selected territorial units;
- d. **other materials** used to produce the land-use planning documentation and are produced particularly for the creation and protection of the living environment, the protection of nature and the creation of the landscape, the protection of cultural and historical heritage and technical and transport infrastructure.

The actual planning tool of land-use planning is the land-use planning documentation, represented by the Conception of Territorial Development of Slovakia, by regional land-use plans, municipal land-use plans and zone plans. The land-use planning documentation represents the basic tool of land development and environmental care of the Slovak Republic, regions and communes. The departmental overall plans of the central bodies of state administration and overall plans for development of communes and other programs regarding economic, social or cultural development must be in accordance with the binding parts of the land-use planning documentation:

- a. **Concept of Territorial Development of Slovakia** is elaborated for the whole territory of the Slovak Republic. It solves the spatial arrangement and functional use of land of the Slovak Republic and establishes the framework of social, economic, environmental and cultural requirements of state for land development, environmental care and creation of landscape of the Slovak Republic and its regions. The strategy of land development of the Slovakia represents the land technical material for its elaboration.

- b. **Regional land-use plan** is elaborated for part of country with several communes in which it is necessary to solve specific development projects or carry out the activities markedly affecting the spatial arrangement and functional use of land. The land-use plan of region must be in accordance with the binding part of the Overall plan for development of the Slovakia.



- c. **Land-use plan** of a municipality is elaborated for the land of one commune or for the land of two or several communes. Land-use plan of commune establishes in particular:
- principles and limits of spatial arrangement and functional use of territory of commune in connection with the surrounding territory,
 - permissible, limited and prohibited functional use of areas,
 - principles and directions or environmental care, land system of ecological stability including green areas,
 - principles and directions of protection and use of natural resources, cultural-historical values and important landscape elements,
 - boundaries between continuously built-up area of commune or the area determined for building-up (hereinafter only “built up area”) and other area of commune,
 - principles and directions of public transport and technical facilities and civil facilities,
 - areas for public buildings, for carrying out the sanitation and for protected part of land.
- d. **Land-use plan** of a zone is produced for self-contained parts of a settlement formation, especially for its industrial, dwelling, central and historical parts and parts of a recreational or landscape unit, or for the whole area of a small settlement formation, with the aim of providing detailed directions and limits for the functional and spatial arrangement of the location of buildings. Land-use plan of zone establishes especially:
- principles and directions of spatial arrangement and functional use of lands, buildings and public and technical facilities of the territory,

- principles and directions of location of buildings in particular lands, into the urban areas and building-up conditions of individual building lands,
- lands that are in the built-up area of the commune, buildings on lands and portion of possible building-up and acceptability of territory use,
- unbuilt-up lands as building lands including determination of lands that according to land-use plan can not be permanently ranked among building lands,
- protected parts of land,
- principles and directions of inevitable facilities of buildings and connection to public transport and technical facilities of the area,
- principles and directions of inclusion of buildings into the surrounding development, into monumental reservations, into monumental zones and into other landscape,
- location of lawn and planting, important landscape elements and other elements of ecological stability on individual lands,
- material and chronological co-ordination of new development and sanitation of existing buildings,
- lands for public buildings, building enclosure and for carrying out the sanitation.

The land-use planning documentation consists of **binding part and guiding part**. The approving authority determines the binding part and guiding part of land-use planning documentation. In the binding part it determines always public buildings and protected parts of landscape. Land-use planning authorities are required to procure land-use planning documentation in conformity with the needs of development of the area and environmental care within an appropriate and economically feasible scope.

Land-use plans of communes and land-use plans of zones are always procured for the construction of new communes, for the location of public buildings and for the material reconstruction, completion or sanitation of existing communes or parts thereof, with the aim to improve environment, to ensure ecological stability and permanently sustainable development.

Procurement of land-use planning documentation includes:

- preparatory works,
- ensuring the processing of researches and analyses,
- ensuring the processing of commission and its reviewing,
- ensuring the processing of the draft of solution of land-use planning documentation (hereinafter only “draft”) supervision over its processing and its reviewing,
- ensuring the processing of the proposal of land-use planning documentation, supervision over its processing and its reviewing,
- preparation of materials for approving of the proposal of land-use planning documentation,
- ensuring the statement of binding part of land-use planning documentation, deposition of land-use planning documentation and issuing of registration form and its delivery to the Ministry.

The siting of buildings, the changing of land-use type and the protection of important interests in the territory are possible only on the basis of a land-use decision, which may be:

- a. decision on the localisation/siting of a building,
- b. decision on the use of land,

- c. decision on a protected area or on a protective zone,
- d. decision on a building enclosure.

In the land-use decision the building office shall delineate the area for the proposed purpose and shall prescribe the conditions which are to ensure the interests of the public in the area, especially conformance with the aims and objectives of land-use planning, the material and temporal co-ordination of individual buildings and other measures in the area and above all care for the environment including architecturally and urbanistically valuable objects in the area and shall rule on the objections brought by the participants of the proceedings. In the decision on the siting of a building the building office in justified cases may reserve the right to request submission of more detailed materials, project documentation or parts thereof; in accordance with these it may then prescribe further conditions which must be included in the building permission. A decision on the siting of a building determines the building land, the building is located in it, there are stated the conditions for sitting of a building, the requirements for content of project documentation and period of validity of the decision. By the decision on the use of land it is permitted the new use of area, there are stated its conditions and duration of its validity Decision on protected part of land states its boundaries, prohibits or limits certain activities for the reasons of public interest and determines the conditions of its protection, especially the activities that can not be carried out in the area and those that may be performed only provided meeting of certain conditions. By the decision on building enclosure it is determined the area in which it is temporary prohibited or restricted the building activity, especially if it could cause difficulties or make the future use of area impossible or its organization according to the prepared land-use plan.

Primarily public participation and the approving powers of the councils as the pillars of democracy are the presumptions of optimisation of the planning documents in relation to safeguarding of social participation. The planning sovereignty of municipalities along with the principle of subsidiarity are of special significance. In accordance with the result of researches and analyses the land-use planning authority that procures the land-use planning documentation, ensures the processing of the commission. The commission includes especially the main aims and requirements that should be solved in the procured land-use planning documentation and detailed requirements regarding the form, scope and content of processing of land-use planning documentation. The commission is reviewed by the respective land-use planning authority who procures the land-use planning documentation with the relevant communes, with the relevant self-governing regions and with the relevant legal persons and it shall agreed with the relevant authorities. The communes shall review the commission for land-use plan of commune and the commission for the land-use plan of zone with the regional building office. The way of negotiation of the commission for the Overall plan of development of the Slovakia is determined by the Ministry. Public will be informed on reviewing of the commission of land-use plan by the land-use planning authority who procures the land-use planning documentation, namely in effective form and way that is usual in the respective locality. The commission draft must be displayed for public inspection. Public is entitled to submit comments on the commission draft within 30 days from the date of notification. The procurer shall determine the adequate deadline for commission reviewing that must not be less than 30 days from the date of delivery of the notice on reviewing of the commission draft. If the relevant commune, the relevant self-governing region documentation at the


regional and local levels is declaration of the public works that directly or indirectly support safeguarding of social equity. Land-use planning is a tool of the planning policy. The value system of the society is being projected into the legally defined priorities and objectives of planning, meeting of which is controlled at all levels by the state. Approval of the plan that is the key instrument of planning is the decision of the council and is of legal effect in the respective area, but only under the condition of its accordance with the objectives and rights guaranteed by the state. The state as guarantor of the public interest plays an important role in spite of the planning sovereignty of the municipalities.

B.2.2. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <ul style="list-style-type: none"> • Law Act 50/1976 Coll. Law on Territorial Planning and Building Code as amended <ul style="list-style-type: none"> - The law act defines principles, procedures, documentation and others issues dealing with land-use. structural and functional development - The law defines as one of main tasks safeguarding cultural values of the territory - The law act defines the legal framework for defining the protected areas - The law act defines the programs for the protection of cultural heritage as other supportive documents in land-use planning - The law act defines the task for the structural plans (for zonal level) to define principles and regulations for integration of the buildings into the physical structure of the city, into the cultural heritage protection zones and landscape, for the regional development plans to define the principles and rules for landscape development and cultural heritage protection, for the municipal land-use plans to principles and regulations for protection and use of cultural heritage values and important landscape elements, for Spatial development strategy of the Slovak republic to define the principles for territorial development management in order ... to protect sustainability of cultural heritage. • 2008 / Act 539/2008 on Regional Development Support <ul style="list-style-type: none"> - The law obtain a framework low dealing with spatial development focused on social and economic development and planning at local regional and national level. It represents the system of socioeconomic development strategic planning and programming of territorial subjects starting with municipalities via self governmental regions and ending with the state. - The law defines the following documentation on regional development support at all levels: <ul style="list-style-type: none"> ○ National regional development strategy, ○ Program of social and economic development of the region ○ Program of social and economic development of a group of municipalities ○ Program of social and economic development of a municipality - The law defined the aims of the regional development support “sustainability of cultural identity, development of culture and maintenance of cultural heritage of the regions, cities and villages • 1990 / Act no. 369/90 Coll. Law on Municipalities
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	<ul style="list-style-type: none"> - The law defines responsibilities for planning and land and environment management and for complex development of a municipality - In relation to HBA a municipality is responsible for the maintenance of cultural heritage, territories with cultural heritage and cultural values in the municipalities and for the protection of cultural heritage in accordance with specific law act. • 1996 / Act no. 221/96 Coll. Law on Territorial and Administrative Division of the SR and Act no. 222/96 Coll. Law on Organisation of Local Self Government <ul style="list-style-type: none"> - Division of responsibilities for land-use and environment the regeneration processes - The law act defines division of responsibilities between different levels of self governmental and governmental institutions including responsibilities in relations to cultural heritage protection • 1991 / Act no. 330/91 Coll. Land consolidation law <ul style="list-style-type: none"> - The law defines the land consolidation procedure, that is rational space ordering of plot ownership in certain zone and with it connected other immovable agriculture and forestry ownership ordering which is executed in public interest in harmony with requests and conditions of environment protection, in harmony with creation of territorial ecological stability system, in harmony with agricultural landscape functions, in harmony of operational - economical modern agriculture viewpoints and forestry management and with harmony of countryside development support. - The law is relevant if the object of cultural heritage protection is a landscape structure • 2004 / Act no.220/04 Coll. Law on protection and use of agricultural land and Directive of the Ministry of the Agriculture of the SR to the implementation of the Decrees no. 12/09 about the forest land protection in the territorial planning <ul style="list-style-type: none"> - Its amendment by the Act 219/2008 Coll. introduced the fee for the transformation of most valuable soils to non-agricultural land. The directive defines the procedure and precondition for the change of use of forest land - The law act is relevant for the protection of cultural landscape and its build elements • 2006 / Act no. 24/2006 Call., on EIA and SEA in wording of later regulations, <ul style="list-style-type: none"> - standard procedures and documents in accordance with the EC directive on SEA - The process of environment impact assessment and strategic environmental assessment is perceived as the process safeguarding public transparency of decision making realised by responsible bodies. Important part of the analytical and assessment part is cultural heritage and its protection as integrative part of human environment • Cadaster /land and property register/ Land Registry <ul style="list-style-type: none"> - Cadastre/land and property register/ Land Registry is a public list, which contains a set of data on real property matters containing their list, description, legal functional use, their geometric and positional determination and registration rights to such property. - All bild heritage objects are registerd in the cadaster including their ownership, use right and limits resulting form them. Land cadaster is legally relevant register of properties and properties rights • The partnership agreement between EU and SR <ul style="list-style-type: none"> - based on partnership agreement for the programming period 2014/2020 the tool of Integrated regional territorial strategies was
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	<p>introduced - an implementation tool of relevant regional development supporting Operational programme “IROP”</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <ul style="list-style-type: none"> • Ministry of transport, construction and tourism represents with its particular departments the highest responsible body for territorial planning, permission of construction of buildings and coordination and implementation of the state policy in the field of tourism. This Ministry is responsible for maintenance of the state information system dealing with the construction including the cultural heritage areas and objects. • Office of the Government of the SR with its Regional Development Section is the highest state body responsible for regional development, for preparation and implementation of the National regional development strategy, regional development fund and support for the lagging regions. The aspects of cultural heritage protection and use is one of the sectoral aspects integrated into the comprehensive regional development strategies in the harmony with the law. • Plenipotentiary of the Government of the SR for lagging regions` support represents the main coordination responsible body for implementation of the state program for lagging regions across different sectors of the state government and different levels of governance including selfgovernmental territorial levels. The Action Plans for lagging regions include protection and use of cultural heritage as very important parts of territorial capital and elements in the employment strategies. The regional financial support relevant for cultural heritage protection and use is available via the program guaranteed by the Plenipotentiary. • Office for Geodesy, Cartography and Cadastre of the Slovak Republic belongs the the structures of central state government. It is an office representing the state in property issues, and authority relevant for comprehensive information system on properties and properties rights. • Statistical office of the Slovak Republic is standard statistical office collecting the information related to different sector and levels of societal life including the data relevant for build cultural heritage • Self governmental regions and municipalities are the bodies responsible for comprehensive strategic socioeconomic planning and for land-use planning integrating different aspects and interest of different subjects of regional development as well as for the procedures of permission of construction, maintenance and other works characterised as construction works. • Local action groups (MAS) associations of local self-governmental bodies and other stakeholders including those under EU initiative LEADER are active in the regional development management and activities relevant for build cultural heritage at the local and mircoregional level • SARIO Slovak Investment and Trade Development Agency is the state organisation supporting the development of entepreneurship in SR including the foreign investment into the industry, tourism and agriculture. • National Association of Real Estate Agencies integrates, Slovak real estate agencies on the real estate market, promotes their interests, mutual cooperation, use the latest knowledge from the related fields, increase the quality of the services which they provide

	<ul style="list-style-type: none"> • Slovak Chamber of Architects, Slovak Chamber of Civil Engineers, ZUUPS Association of land use planners represent profession organisations supporting the quality of the development of build environment, professional activities in planning, programming and designing including build heritage topics. • ZMOS - Association of Towns and Municipalities of Slovakia is representative of Slovak towns and municipalities active in the protection of the interest of self-governmental bodies at the local level taking active part in the creation of the legal environment, know how and best practice transfer • State Housing Development Fund SFRB - grant and revolving fund supporting construction, modernisation, refurbishment and maintenance of the housing stock and related infrastructure • Regional Development Agencies - mainly established under support of territorial self governmental bodies with the aim to support technically and methodologically regional development, preparation and implementation of the development projects, project proposals etc.
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u></p> <p>The development of the HBA is inherent part of the development of build environment. All municipalities over 2000 inhabitants are obligated to have a land-use plan which is binding for all development and building activities in the area. Land use plans of municipalities are processed for the whole cadastral area on the basis of the current map of the real estate cadastre. The details are described above and shown in the following scheme.</p>  <p><i>The logic of integrative/spatial landscape development management Prof. Maros Finka - SPECTRA Centre of Excellence EU, STU Bratislava</i></p>
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u></p> <p>The land use plans are basic legal instruments for environment protection and protection of cultural heritage as a part of build environment. Authorities of conservation and protection of the monuments enter into the process to huge extent within the framework of the preparation of the land use plans as well as the process of the preparation of designs for the construction permission process as well as different phases of territorial</p>

	management and construction proceedings. Subsequently, it carries out supervision of the execution of the construction until the final approval.
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B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

Responsibility for environmental protection issues are at the Ministry of the Environment (MŽP SR). The topic is addressed by the set of integrative and sectoral law acts. The most important are Law act no. 287/94 Coll. on Nature and Landscape Protection, **Law act no. 24/2006 Call., on EIA and SEA in wording of later regulations and** Law Act 50/1976 Coll. Law on Territorial Planning and Building Code as amended. In relation to HBA the environmental protection and issues of sustainability are primarily addressed in the context of the Law act 50/1976 Call. In its part Land-use Planning and the responsibility is on Ministry of Transport, Construction and Tourism. Law act no. 287/94 Coll. on Nature and Landscape Protection is focused on nature and landscape conservation and responsibility is at the Ministry of Environment. The municipalities are covered by the land use plan, which are processed within municipal cadastral area including built-up area and the landscape part. The land-use plan is assess in the process of Strategic Impact Assessment in the harmony of Law Act no. 24/2006 Call. Respective activities connected mainly with the construction, functional change, refurbishment and modernization of the buildings listed in the annex of the law are subject to the Environmental Impact Assessment (EIA).

Local Agenda 21 represented in the past one of the instruments how to implement environmental issues in HBA issues seeking to support sustainable development and apply its principles at local level. These included not only activities directly addressing the natural environment, but as well build environment including restoration of monuments, revival of traditional customs and crafts, sustainable tourism. This instrument is no more widely used.

B.3.2. Governance mechanism including institutional and stakeholders levels

The basic procedures, requirements and rules related to the build environment are linked to the process of land-use planning and building construction permission. The involvement of different responsible bodies from the field of environmental protection is defined in the connection with regulated processes based on the Law act 50/1976 Call. As described above. The formal involvement includes the state nature conservation bodies, waste management bodies, soil protection bodies, water management bodies, air protection bodies and recently energy efficiency.

B.3.3. Thematic policies and strategic plans

There are not special thematic policies and strategic documents linking the environmental protection and cultural heritage, but this interlinked is present in

all documents related to comprehensive environmental protection, sustainable development and spatial development.

B.3.4. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Law act no. 287/94 Coll. on Nature and Landscape Protection <ul style="list-style-type: none"> - The law defines principles, procedures, documentation and others issues dealing with nature and landscape protection. - reference to HBA • Law act no. 24/2006 Call., on EIA and SEA in wording of later regulations defining standard procedures and documents in accordance with the EC directive on SEA Strategic environmental assessment (SEA) of land use plans and other strategic development plans including sectoral plans • 2001 / Act no. 223/01 Coll. Law on waste <ul style="list-style-type: none"> - The law defines a general rule, the generator of waste is responsible for disposing of it. • Law Act 50/1976 Coll. Law on Territorial Planning and Building Code as amended <ul style="list-style-type: none"> • This law act introduces the instrument of landscape - ecologic plan at the regional and municipal plan - Landscape ecologic plan is the document elaborated as a part of the procurement of land-use plans at regional and municipal level with the focus on landscape ecologic analyses, assessment and optimisation of functional use in the harmony with landscape ecologic potentials and limits for the development
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <ul style="list-style-type: none"> • Ministry of Environment of the Slovak Republic is a central body of state administration responsible for environmental protection and development including nature and landscape protection, water management, flood protection, protection of water quality and quantity and its rational usage, fisheries with the exception of aquaculture and sea fishing, air, ozone layer and climate protection, environmental aspects of planning, waste management, assessment of environmental impacts, provision of a unified information system on environment and area monitoring, geological research and exploration, protection and control of trade with endangered species of wild fauna and flora, genetically modified organisms • Slovak Environmental Agency is a cross-cutting professional organisation of the Ministry of Environment of the Slovak Republic with a national scope. This Agency has guaranteed the quality of offered services while using an installed system of integrated management that includes a quality management system in accordance with EN ISO 9001 and an environmental management system in accordance with EN ISO 14001. The activities of this agency include analysis and assessment of the environment, provision of environmental services, specialised care for the environment, landscape protection, environmental education, voluntary environmental policy tools, international cooperation and reporting, environmental informatics and environmental data

	<p>management, implementation of the operational programmes “Environment” and “Quality of the Environment” as an intermediary body, programming and implementation of environmental projects. The Agency includes Directorate for environment and project management, Director for EU funds and Datacentre.</p> <ul style="list-style-type: none"> • The State Nature Conservancy of Slovak Republic is the central expert organisation for nature and landscape conservation in Slovakia for the past twelve years. The main tasks include work on legislation level (elaboration of policy documents, guidelines and resource materials for development of legislation and elaboration of nature conservation documentation) as well as on expert level (expert management of protected parts of nature, surveys and research provision and habitats monitoring). It also provides for environmental education and awareness activities, promotion and editorial work, operation of information centers as well as international cooperation • The Slovak Environmental Inspectorate is the major executive body of this policy in the Slovak Republic founded by the Ministry of the Environment of the Slovak Republic. The Slovak Inspectorate of the Environment (hereinafter referred to as SIE) is a specialized supervisory authority providing for the state supervision and imposing fines on the matters concerning environment protection and carrying out the municipal administration in the field of integrated pollution prevention and control. SIE was founded in 1991 by merging two autonomous bodies, the State Water Management Inspectorate and the State Technical Air Protection Inspectorate. • The self-governmental regions • Regional/district offices with the Environmental departments as the control bodies in the districts • Municipalities are the basic bodies responsible for the environment protection with executive tasks and limited conceptual tasks e.g. in the field of waste management
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B.3.5. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>Municipalities are the basic bodies responsible for the environment protection with executive tasks and limited conceptual tasks e.g. in the field of waste management Environmental protection is applied in the framework of land-use planning and building regulations continuously in principle in all phases. The municipalities are the first level bodies for construction permission. Statements of environmental authorities are an integral part of the process of the construction permission as well as land use planning procurement.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p>

	<ul style="list-style-type: none"> • Municipal offices - executive bodies with managerial responsibilities in the field of environmental protection and cultural heritage protection • Municipal Self-governments - decision making bodies in the field or municipal development, planning and regional development • Public - involvement of the citizens, entrepreneurs, and other stakeholders is basic obligation regulated by the law in all decision making processes at the municipal level and object of several informal processes, activities and initiatives at local level. This level the most proper level for efficient public participation
<p>PROCESSES / INTEGRATION</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA; hierarchical and functional relations at local level between Sustainable development policies, the heritage protection planning and process, regeneration and/or valorisation processes or projects / other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting...)</u></p> <p>The processes are regulated by the particular law acts and overall governance code. The detailed processes linked to permission of building and land use planning are described above.</p>

C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

The description of the governance mechanism and stakeholders involvement in Slovakia is broadly covered by the publication Participative planning in planning culture of Slovak Republic and Switzerland (Finka, M., Schoeffel, J., Ondrejicka, V., 2014). In accordance with this book the principles of public participation in decision making in Slovak Republic are affected by following Principal International Documents: • Aarhus Convention - UN/ECE Convention on Access to Information, Public participation in Decision-Making and Access to Justice in Environmental Matters - signed on 25 June 1998 by Ministers from 35 European countries and European Union in the town of Aarhus, Denmark. The European Convention on Human Rights is now known as the Aarhus Convention. • EC Directive 35/2003 of 26 May 2003 providing for public participation in respect of drawing up of certain plans and programmes relating to the environment was adopted in order to contribute to the implementation of the obligations arising under the Aarhus Convention, in particular by providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment, addressed to the Member States.

The Aarhus Convention and the EC Directive 35/2003 are included in the “acqui communautaire” of the European Union and since June 26th 2005 they entered into force in all EU member states

and provide the framework for good practice by providing the basic procedure for public participation and specifying the types of decisions to which it should apply. Public participation in making decisions on brownfield redevelopment is vital. It brings benefits in making an individual decision and also for democracy more generally. It uses the knowledge, skills and enthusiasm of the public to help make the decision and recognizes that the public has a significant role to play. The objective of Aarhus Convention and the EC Directive 35/2003 is to support the responsibility and transparency of decision-making processes at all levels as well as to strengthen public participation in the environmental and social decision-making. There are three main principles and pillars to support public participation and transparent decision-making: 1. The access and right of the public to obtain information on the environment, 2. The right to participate in decisions that affect the environment, and 3. The right to justice in environmental matters.

- Information about the environment and the impact of activities on it has sometimes been kept secret. That is changing. In a democratic society, people should have a right of access to information about the environment. The Aarhus Convention and the EC Directive 35/3003 give people this right. They set out a general right of access to information on the environment where information can only be withheld in certain circumstances. They emphasise the need to make access easy and prohibits discrimination between requests for information on the grounds of citizenship, nationality or place of residence. Making information available on request is vital but equally essential is collecting and publishing information in a form which is easy to understand and readily available.
- Opportunities for public participation in making decisions that affect the environment have sometimes been limited. The Aarhus Convention and the EC Directive 35/3003 give the public a right to participate in making these decisions. They set out minimum levels of opportunities for participation and the procedures that must be followed. It is only by working with the public that decisions will be made which provide a good environment and meet the needs of local communities for a better quality of life. This is why public participation in decision-making is highlighted in the Aarhus Convention and in the EC Directive 35/3003. However, successful public participation depends on more than just granting a right to participate and setting out a procedure in a Convention and a Directive.
- If rights are to be effective, the public must have a way of seeking justice when those rights are accidentally, or deliberately, denied. The Convention and the EC Directive 35/2003 set out rights of access to justice to meet this need. They highlight rights of appeal against decisions to refuse requests for information on the environment, against failures of law in decision-making processes, or against actions which are illegal under a country's environmental laws.

Good practice in public participation process would usually involve a detailed mapping of stakeholders to identify whom to include. The basis for successful public participation is information of the citizens and other stakeholders, consultations and communication with the public, which leads to motivating, and involving of the public. We cannot expect an involved and responsible opinion or standpoint from the citizens in case they are not informed about the alternatives and anticipated impacts of the solutions. The most important instrument to get public involved is to start as early as possible, inform truly and introduce a full and unbiased picture of the planned brownfield redevelopment. This is done in Slovakia via the Act No. 24/2006 Coll. on Environmental Impact Assessment and its obligation to distribute within three days information on notification of the strategic environment assessment of the local plan creation and collect the comments of the public in the period of three weeks. Also there is the Act No. 211/2000 Coll. on the Free Access to Information which guarantees the right of the public for the free information on the information about activities being decided in the frame of the public realm. In the Slovak Building and Planning Law No. 50/1976 Coll. there is a duty to inform the public and the public is given the right to participate in the planning process in

the specific parts of the whole process but in practice this is going on just formally because direct form of public participation and its significance in planning is still not fully understood neither by decision-making bodies nor by planners. Public participation is frequently considered as synonymous with achieving consensus, however this is a misrepresentation. While consensus is always desirable, it is not always achievable. Good public participation processes nevertheless give stakeholders the opportunity to articulate their views, with these being seriously considered in the decision-making process, even if decisions ultimately run counter to these views. Public participation should not be regarded as a static or one-off activity. What constitutes effective public participation will change as a project progresses through the stages of inception, planning, implementation and long-term use and management. For example, having engaged citizen interest during the project planning process (where issues will focus largely on questions of 'what'), different mechanisms will be needed to maintain this interest and on-going involvement during the implementation phase (where issues will largely revolve around questions of 'how'). In addition public participation should not be regarded as a necessarily highly formalised or mechanistic process. Quality public participation process, or at least a large part of it, can frequently be conducted in a relatively informal manner.

C.2 Horizontal governance mechanisms and practices at local level.

The condition for efficient horizontal cooperation is that the key information on the issues in the focus must be accessible or distributed in advance in order to give enough time for preparation. Public hearings and meetings are often called by local action groups but these should be supported and assisted by local council.

Advisory committees

Advisory committees consist of the representatives of the community who are professionals in the given sectors of decision-making and advise to local self-government in the issues of environmental, planning and building decision-making. They decide on the chairman or speaker and define the tasks, goal, procedures, rules as well as the relations to the local self-government.

Planning workshops for planning in reality

These workshops are the open meetings where the discussion is about the issues in planning public amenities in the community area. It can be prepared and called voluntarily by a group of local people but it should be supported by the local council as it deals with the issues that are in the municipality area. The area is drawn on a simple drawing or elaborated in a model to be easily understood by local people who can then directly show or draw the new facility location (communications, parking, shops, playgrounds, cultural and information spots) on the sites in the area of the municipality. It is also a workshop where the proposals are discussed, considered and the results are displayed on a flipchart. There can be several runs of the workshops and anybody can take place. The final results of the workshop are put in the summary report that is sent to the local council.

Local referendum

This is a direct form of public participation on decision in the field of planning, environment and construction. In general it can be called on important issues of the community life and development. It can be initiated by the local council or by residents with a petition. To the adoption of a resolution consent of a majority of members of assemblies. The condition to approve the result of the referendum as valid is that fifty per cent of the community voters

participate in the referendum and the majority of the voters must approve the decision expressed in the question of the referendum.

Urban walk

Urban walk is a tool for making the issues as well as imagination about possible solutions more real. If the public completes at first some preliminary activities e.g. discussions, workshops etc. it is possible to move the discussion to the terrain or into particular interest area. However, it is important for urban walk to be implemented by experts in given field who can point out at some specifics which are not obvious for individual at first sight, even though the citizens are present in the area frequently. It is also possible to confront the ideas and imaginations of the public in real conditions of the territory, it enables gradual profiling of opinion consensus by eliminating ideas which do not respect given natural preconditions or are in various points of view contra productive.

Focus groups

Focus groups present a tool often mistaken with public discussions. The basic difference between public discussion and focus group is their focus and target group. Public discussion traditionally represents a tool aimed at a wide audience with the objective to communicate the basic ideas and imaginations of process initiator. Also clarification of the problem and activity goals, public activation and unification of meanings of individual terminology belong to public discussions. Focus groups are primarily being used to survey the opinions within particular specific group of citizens. Significant element of focus groups is effort to come closer to target individual communities and therefore these meetings were held in their 'domestic' environment, such as centers for mothers, centers for leisure time, centers for seniors etc.

Discussion

Discussion use to be led by expert facilitator in form of questioning and focused on acquiring opinions and standpoints towards the future shape of the embankment and expected functions inside. This way a significant advancement and specification of requirements of individual target groups can be achieved, what enables whole participation process to move further to its determined objectives.

Professional discussion fora

This fora represent a platform through which the expert public and professionals in their respective field entered the process. Urbanism of a new zone is an issue filled with various professions and problems and therefore the discussions use to be oriented towards different the fields and areas which appeared as crucial for proposal of new development The topics can be as follows: • Transportation; • Water and ecology; • Conservationist potential, history and city skyline; • Urbanistic economy; • Cross-sectional topic - Complex solution of city embankment;

Experts on various fields within the professional discussions use to focus at potentials and risks of possible solutions, Crucial element of professional forum is an opportunity of participation for wider public in the discussion, where public could become familiar with standpoints of professionals on the issue and at the same time they were enabled to directly confront the imaginations and opinions of experts in the light of professional discussion.

Idealistic urbanistic competition

This tool use to represent a milestone of the first stage of problem solution process. Its objective was to obtain ideas and possible approaches to the complex design. The goal of the competition is not to acquire in-detail design proposals of object layout, but rather ideas and approaches on the development in the context of competition assignment.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

It is not possible to provide overall information as the relevant information related to particular cases. There are very positive as well as very negative experiences with the PPP projects and other forms of involvement of public and business sector. The fundamental problem is the definition of rules and anticorruption mechanisms, settings of balanced, mutually beneficial rules and conditions for collaboration starting with the planning, via implementing and ending with use of outputs.

Crucial success factor is dealing with the amount of problems which are traditionally connected with participatory processes on municipal level. The main problems are to be

- Insufficient capacities of municipality for preparation and management of participatory processes;
- Problem of 'high tide' of public interest;
- Confidence of the public;
- Problem "I cannot understand the language of your tribe";
- The right leader of participatory planning process;
- Long road to the success;

Participation process in a way is a process of creating trust between the citizens and municipality. However, it is not a unilateral relationship. On the one hand, there is a need for the citizen to trust the municipality that it is not only 'camouflaging maneuver' of the municipality which in the end will do anything they want to without respecting my expectations and needs. On the other hand, trust of municipality towards its citizens is essential, the feeling that their requirements are relevant and not motivated only by self-centered intentions what is necessary for willing to use their requirements to final outputs and solutions.

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D - SWOT ANALYSIS

Strengths	Weakness
<p>Institutional aspects</p> <ul style="list-style-type: none"> • Good / powerful legal coverage • High level of professionalism / expertise • Proper available legal space for protection of the values going beyond specialized law <p>Processual dimension</p> <p>Planning dimension</p> <ul style="list-style-type: none"> • Legal obligation to interlink directly cultural heritage protection and care programs into the strategic territorial development documentation (socio-economic programs and land-use plans) • Spatial planning law includes a specific tool (master plan) for specific zones in the city e.g. cultural heritage reservation and cultural heritage zones (two categories of the territorial protection) • In addition to the isolated building in Slovakia there are tools for territorial heritage • Strong personal involvement of the people in smaller communities (territorial, professional communities) 	<p>Institutional aspects</p> <ul style="list-style-type: none"> • Low flexibility • Low law enforcement • Not enough space for informal instruments • Dominant bureaucratic execution of the law • Not properly included cultural heritage values in the legally regulated processes of the real estate assessment <p>Processual dimension</p> <ul style="list-style-type: none"> • Lacking argumentation in comparing different aspects of the value of buildings in the decision making (lack of financial expression of the cultural values) • Due to the state of art of the decentralization (around 3600 municipalities) lack of professional capacities at the municipal level • Lacking instruments for the objectivization of the decision of the administrators, lack of control about their work and personal responsibilities including the penalties mis-decisions • By archaeological findings the obligation to finance the excavations by the investors causing tendency of the investors not to report the findings • Not completed hierarchy of the cultural heritage protection policy (strong national and weak regional and local level) • Lacking conceptual promotion of the cultural heritage on all levels • Lack of clear marketing strategy of the country including the cultural heritage (inside and outside) • Not well-developed infrastructure of the service safeguarding the access and visibility of the cultural heritage • Lack of comprehensive and integrated data and database

Opportunities	Threats
<p>Institutional aspects</p> <ul style="list-style-type: none"> • Decentralization • Closer links governmental institutions vs research in order to catalize the innovations adoption into the law and official methodologies • Increasing the level of professionalism of officials via permanent training and involvement into the academic research • Cultural heritage understood as the part of the territorial capital <p>Processual dimension</p> <ul style="list-style-type: none"> • Multiple use of the investments to the cultural heritage for overall benefits of the community • Improvement of the capacities via improvement to the access of public to the knowledge and information • Unused potential of the cooperative management of the cultural heritage across different stakeholders, municipalities, owners and actors • Potential to develop coordination/cooperation structures across the administrative and sectoral borders, including their institutionalization • Closer ties between strategic decision making responsibilities and accessibility to financial resources (de-formalization of planning) 	<ul style="list-style-type: none"> • Rigid execution of the law (officials) vs protection via active use <p>Processual dimension</p> <ul style="list-style-type: none"> • Short term interest of the elected representatives vs long term dimension of the existence of the cultural heritage • Short elector period vs long term process of the heritage restoration • Availability of the knowledge vs limitations in the knowledge transfer • Confrontation of the different priorities / existential essential needs vs protection of the cultural value • Lack of strategic thinking on dealing with the cultural heritage (understanding between different benefits from the investment into the cultural heritage) • Strongly legally defined space for public participation vs formal execution of the law • Strong sectoral policy on cultural heritage protection vs weak presence of the cultural heritage preservation in comprehensive policies • Weak capacities for efficient public participation on the side of the general public • Strong territorial interest hampering creation of the comprehensive offer in tourism

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN SLOVENIA

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

The cultural heritage preservation in Slovenia is provided by the Slovenian Constitution. The Cultural Heritage Protection Act (CHPA-1) adopted in 2008 aimed to turn heritage conservation from a preventive into a co-creative heritage's conservation. In this vein the heritage protection policy until 2019 established strategic goals to ensure the protection and the inclusion of the heritage in the modern life, ensure stable financial resources to the national public service, improve its organization, working practices, and homogenous activities, prepare public service expert standards, raise awareness on the heritage and its protection, and ensure a larger role of the Slovenian heritage at international level. The Cultural Heritage Protection Act also introduced the integrated heritage conservation that is implemented through the spatial planning.

Currently, Slovenian policy in general, has no formal policy vision and clearly defined policy approach to cultural heritage. Namely, the current National Cultural Programme adopted for the period 2014 - 2017 expired by the end of 2017 and on top of this, the objectives defined in this document, refer to cultural heritage only indirectly. The national programme objectives are: to preserve and develop the Slovenian language; to promote cultural diversity; to ensure access to cultural goods and services; to support artistic creativity and artists; to encourage and promote cultural education in schools; to educate young people for cultural professions; to encourage the cultural industries and major investments from business to culture; to encourage the process of digitalisation; to modernise the public cultural sector in terms of better efficiency, openness and autonomy; and to improve the situation of NGOs.

In 2017, the Ministry of culture which is responsible for cultural heritage policy, started the project for the adoption of Cultural Heritage Strategy. The Cultural Heritage Protection Act defines the scope of the Strategy as follows: the Strategy prescribes objectives, standards, and measures for the integrated conservation of heritage which is the subject of the public interest. The strategy shall be prepared by the Ministry in cooperation with those governmental departments whose tasks enter the field of heritage protection. The draft Strategy was given into public consultation at the beginning of 2018. Currently, the Ministry is preparing a feedback to the proposals and comments deriving from the public consultation. Due to Parliamentary elections in June 2018 it is not possible the Strategy to be adopted by the current Government. The draft Strategy defines the following general goal: use heritage in enhancing the quality of life and social cohesion, to foster sustainable development and to raise the

awareness about our heritage in general population. Operational goals (objectives) are divided in three pillars: Society, Development and Knowledge (after the model of the European Cultural Heritage Strategy for the 21st Century, adopted by the Council of Europe in 2017.)

A.2. Relevant terms provided by legal/strategic framework

Cultural heritage conservation in Slovenia is achieved by integrating heritage issues in spatial planning and by designating the status of a cultural monument to heritage. The Cultural Heritage Protection Act divides heritage into intangible and tangible heritage. Tangible heritage is further divided into movable and immovable heritage. The CHPA-1 does not adopt division buildings, groups of buildings, sites in its entirety and recognizes only its essential elements, namely individual properties and areas. Heritage of a particular location could be called HBA must be protected as a whole, meaning that all its aspects must be simultaneously taken into account and protected.

Heritage protection areas, registered archaeological sites and cultural monuments are obligatory components of spatial plans. Heritage protection areas are defined in Cultural Heritage Protection Act as areas with homogenous immovable heritage character that are an important part of spatial arrangements due to their values and development potential. The law prescribes the procedure of coordination and political decision-making that gives rise to protection areas as obligatory components of spatial plans.

Immovable heritage is divided into the following categories⁶⁵:

- archaeological sites,
- buildings
- parks and gardens
- buildings with parks and gardens
- commemorative structures and places
- facilities and installations
- settlements and parts thereof
- cultural landscape.

Each individual category has general protection standards and this gives a substantial legal security and clear standards in all subsequent implementation procedures pertaining to heritage.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

The CPHA-1 promotes heritage conservation which means legal, administrative, organisational, financial, and other measures available to the state, regions, and municipalities, intended for maintenance and enhancement of heritage. The Act introduces integrated conservation that means set of measures aimed at ensuring the continued existence and enhancement of heritage, as well as its maintenance, restoration, rehabilitation, use, and regeneration. Integrated conservation includes management with aim of taking care of its physical existence

⁶⁵ The Rules on Lists of Heritage Categories and Protection Standards

and its long term function and regeneration. The issue of heritage conservation is included also in sustainable development and protection of heritage from natural and other disasters.

Formally speaking, Slovenian cultural heritage policy has a strong legal basis in the form of Cultural Heritage Protection Act, its by-laws and international conventions related to cultural heritage. One should note that Slovenia ranks among European countries that ratified all the conventions dealing in one way or another with the cultural heritage (with the exception of the latest Council of Europe's Convention on Offences relating to Cultural Property adopted in 2017). The organization of the immovable heritage protection that fall under the remit of the Ministry of Culture is sufficiently robust and relatively well-provided with human resources for the implementation of the core tasks defined by the Cultural Heritage Protection Act.

A.4. Policy trends and evolutions

The Cultural Heritage Strategy (at least its draft) tries to define policy objectives, measures and actions that should integrate heritage concerns in other relevant sectors' policies, programmes and projects. If adopted and implemented, the Strategy shall become one of the main integrated tools for the sustainable management of Historic Urban Areas.

Another positive trend can be identified in the project for the possible upgrading of the Heritage Register managed by the Ministry of culture in the framework of the »The programme of the projects eProstor« managed by the Ministry of the Environment and Spatial Planning and financed by the European Regional Development Fund. One of the goals of the project is the implementation of Article 25 of the Cultural Heritage Protection act regarding heritage protection areas.

Planning, implementation and evaluation of heritage areas (archaeological sites as well as Heritage Built Areas) is getting some positive momentum due to various EU projects (for example Parsjad, Claustra and Camaa) that, among others, deal with heritage management issues.

One of the negative trends that cultural heritage faces lately, is recently adopted spatial planning and construction legislation which has not been harmonised with the provisions of Cultural Heritage Protection Act in matters related to heritage protection through planning.

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B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

Cultural heritage in Slovenia is protected according to three different grades:

1. **Cultural monument of national importance** gains the protection with designation decree issued by the Government. The smallest number of heritage has high protection grades.
2. **Cultural monument of local importance** gains its protection with designation decree issued by the representative body of the municipality.
3. **Cultural heritage is protected on the basis of spatial plans adopted by the municipality**, after its identification by the IPCHS and after registration on the Immovable Cultural Heritage Register of Slovenia (giskd.situla.org). This is the widest and least protection grade.

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

Responsibility is divided between the Government, the Ministry of Culture, to some degree also other ministries whose sectorial policies directly or indirectly impact heritage sector (environment and spatial planning, economic development etc.), and the Institute for the Protection of Cultural Heritage of Slovenia. Legislation defining the responsibilities of the institutional players are: the Government Act, Cultural Heritage Protection Act, Spatial Planning Act, Construction Act and some other sectorial legislation.

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • The Constitution of the Republic of Slovenia/1991/ The Constitution define conservation of cultural heritage as a positive obligation of the state. The state “shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.” The Constitution of Slovenia establishes obligation of the state, local communities and every individual regarding heritage protection while also introducing constitutional rights to expression and fostering of culture. • Cultural heritage protection act / 2008 with amendments / The fundamental law through which the system of heritage protection in Slovenia is implied. The act provides the methods of cultural heritage protection and the related competencies required for an integrated policy of heritage conservation. Act determines public interest in heritage protection, obliges the state and municipalities to safeguard heritage, and citizens to protect cultural monuments; the rights and duties of owners towards heritage; the framework for public participation in protection matters; provisions for access to heritage through new media and information technologies. • National Programme for Culture 2018-2025 / 2017 / strategic instrument for planning Slovenian cultural policy • Rules on the Registry of Types of Heritage and Protection Guidelines / 2010 • Rules on the Conservation plan / 2009 / • Rules on the Cultural Heritage Register / 2009 • Rules on the Registry of Types of Heritage and Protection Guidelines / 2010 <p>International adopted conventions International adopted conventions are embodied into Cultural Heritage Protection Act: The Granada Convention: ratified 1993, The Valletta Convention: ratified 1999, The European Landscape Convention: ratified 2003, The Faro Convention: ratified 2008</p>
<p>SUBJECTS list main involved organisations and describe</p>	<ul style="list-style-type: none"> • National government is in charge of adopting designation acts on monuments of national importance and funds for its restoration. Majority of responsibilities for immovable heritage protection are divided between the Ministry of Culture, municipalities and the Institute for the Protection of Cultural Heritage of Slovenia. • The Ministry of Culture is responsible for carrying out the cultural policy and ensuring the heritage protection, in cooperation with other ministries and municipalities. • The Cultural Heritage Directorate is a body at the Ministry of Culture and is in charge of preparing regulations, and carrying out the policy on the protection of immovable, movable, and intangible heritage at national level. Its actions are funded by the national budget and partially, by the European Structural and Investment Funds. Its experts are responsible for keeping the heritage’s databases, fostering the information system development; monitoring national projects; managing and overseeing co-funded interventions on national monuments and areas; coordinating and

	<p>fostering the heritage protection by spatial planning; and ensuring the international cooperation as well as raising awareness.</p> <ul style="list-style-type: none"> • Institute for the Protection of Cultural Heritage of Slovenia is a national public institute established by the government. Composed by interdisciplinary experts, it is responsible for administrative tasks linked to the conservation of immovable, related movable and intangible heritage. The Institute is composed by the Cultural Heritage Service which has seven regional offices; the Conservation Centre (with the Restoration Centre, the Preventive Archaeology Centre, and the Research Institute), and the Development and Information Science Service. The institute carry out the following tasks as a national public service: <ol style="list-style-type: none"> 1. identifying, documenting, studying, evaluating, and interpreting immovable, movable and living heritage, and presenting it to the public within the framework of immovable heritage protection, 2. cooperating in the preparation of the heritage protection strategy and proposing measures for the implementation thereof, 3. proposing the entry of immovable heritage to the register, 4. preparing proposals for proclamations of immovable monuments, 5. analysing and evaluating the space for surveys of evaluation of the heritage in its spatial context, 6. preparing the material for guidelines and opinions in the preparatory procedures for drawing up plans, 7. cooperating with State bodies, offering them technical assistance in procedures related to items assumed to be heritage, 8. adopting an implementation plan for preliminary research on areas subject to spatial plans, 9. cooperating in heritage protection in the event of an armed conflict, and in protection against natural and other disasters, 10. auditing conservation plans prepared by other persons, 11. cooperating with managers of monuments in the preparation of draft management plans, 12. issuing opinions on the payment and the amount of compensation for limits placed on the commercial exploitation of monuments, 13. preparing expert grounds for the administrative procedures managed by the Ministry, 14. proposing to the Minister the adoption of implementing regulations, 15. designing methods and standards for the conservation of immovable heritage, and directing, coordinating and monitoring their implementation, 16. providing for regular and advanced training and coordinating the educational needs of staff in the field of immovable heritage protection, 17. carrying out the expert supervision of preliminary researches, 18. cooperating with the owners or possessors of immovable monuments and with other users of heritage who have interests in relation to an individual monument, and providing them with information, advice and instructions, 19. implementing programmes for fostering awareness of heritage, traineeship and practical training for educational programmes at various levels in the field,
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	<p>20. cooperating in carrying out professional examinations in the field of immovable heritage protection, and</p> <p>21. carry out expert supervision of works on heritage.</p>
PROCESSES	<p><u>Hierarchical and functional relations at national level</u></p> <p>Mechanisms for decision making on HBA protection and for implementing of HBA protection lies in the Ministry of Culture, sectorial ministries and The Cultural Heritage Directorate and the Institute for the Protection of Cultural Heritage of Slovenia. From the aspect of BhENEFIT project and the issue of implementing of HBA protection the crucial role plays municipality. Municipality ensures conservation of heritage through spatial planning by designating the status of a cultural monument to heritage. HBA is obligatory component of spatial plans.</p>

B.1.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • 1986: Decree on the proclamation of cultural and historical and natural sights in the area of Municipality of Idrija (OJ SRS nos. 16/86, 17/88, OJ RS nos. 56/93, 45/97, 131/03,45/07,115/07). The decree defines the list of protected sights, among others Idrija's historic centre and certain buildings. It also indicates protection regimes, the protection aspects that needs to be considered, regulations and institutes to be addressed and partly approvals that needs to be given for any actions to be implemented regarding the exiting local and/or national legislation on the field. • 2001: Decree on proclamation of technical heritage in Idrija and it's surrounding for cultural monuments of national importance (OJ RS nos. 66/2001-3538, 55/2002-2693, 16/2008-493, 20/2009-761). The decree defines the list of protected sights. It also indicates the protection aspects that needs to be considered and partly approvals that needs to be given for regarding the exiting local and/or national legislation on the field. • 2010: Decree on establishment of the Idrija Heritage Centre public institution (OJ RS no. 55/10). The document defines the role of the institution. Besides management and promotion of heritage being the focus of the institute, the role also involves maintenance of the buildings owned by Municipality or, potentially, others as well. In addition, the decree also defines the role of institution as the main linking body in-between different stakeholders such as: professional and educational institutes, public and private sector and the general public. It was also to be actively involved in the process of UNESCO nomination. • 2012: Mercury Heritage Dossier (UNESCO) Detailed report on heritage inscribed in UNESCO list and plan of management of protected sights.
SUBJECTS list main involved organisations and describe	<ul style="list-style-type: none"> • Institute for the Protection of Cultural Heritage of Slovenia, Regional Unit Nova Gorica (ZVKD NG) role & competences provided by the law: drawing up conservation plans and restoration projects, supervising building, research and

	<p>protective undertakings and their implementation (main activities: planning and implementation).</p> <ul style="list-style-type: none"> • Centre for the management of Mercury Heritage (CUDHg Idrija) role & competences provided by the law: it is an organization dealing with the professional aspects of the mining and Mercury heritage and management (main activities: management). • Heritage Centre public institution (CID) role & competences provided by the law: the centre is actively involved in heritage promotion and branding of the area as tourist destination. It is considered as a main actor in the field (main activities: marketing). • City museum Idrija role & competences provided by the law: it is a public institution whose mission is continuous care for movable heritage of Idrija (and Cerknj); (main activities: management).
<p>PROCESSES</p>	<p>Municipalities can establish public institutes for implementing the local public service for immovable heritage protection, but so far only museums performing the public service for protection of movable and intangible heritage have been established in this manner. If municipalities nevertheless established such institutions, such municipal public institutions would not be able to exercise public authorizations because the Act reserves this role for the Institute of the protection of cultural heritage of Slovenia.</p> <p>CHPA obliges the state and municipalities to cooperate in the realization of the public interest of protection with owners of heritage, commercial entities, non-governmental organizations and the civil society. Special emphasis is given to the area of cooperation with large owners of the heritage and the non-governmental sector as the Act aims at developing partnership-like relations with these entities. The term “major owners of heritage” applies primarily to churches, other denominations, universities and commercial companies owning a large number of heritage items, either immovable or movable. As already mentioned municipality cooperates with national bodies in designating the status of a cultural monument to heritage and in the process of spatial plan preparation.</p> <p>UNESCO mechanism works through the system of different boards that are represented on international and national level. Every UNESCO site should report on the state of the heritage, governance and problems faced by the management of the protected site.</p> <p>Main databases, software and tools used to support the above mentioned processes are:</p> <ol style="list-style-type: none"> 1. Register of immovable cultural heritage The GIS-version of the Cultural heritage register as the basic official record of heritage. The register of immovable cultural heritage is available as GIS online tool: http://giskd.situla.org 2. The eVRD Database on on legal regimes of protection The eVRD database is a compilation of all data from binding spatial plans and the obligatory basis for protection which must be taken in consideration during spatial planning and in interventions until the system of heritage protection areas comes into effect. Data on legal regimes is linked to each heritage item from the register (http://evrd.situla.org/).

B.2. Urban planning and HBA

B.2.1. Territorial and Urban planning main framework and principles and levels

The first Spatial Planning Act was adopted in 2005. In the following years, spatial planning system was gradually complemented by separate pieces of legislation dealing with specific planning issues. In 2017, Slovenia has re-introduced a general spatial planning framework by adopting the revised Spatial Planning Act. Spatial planning now covers territorial and urban planning at national and municipal levels, spatial measures, instruments and land-use measures, monitoring and spatial information system. Now, the principles of regional planning and of separation of strategic planning and detailed plans have been re-introduced.

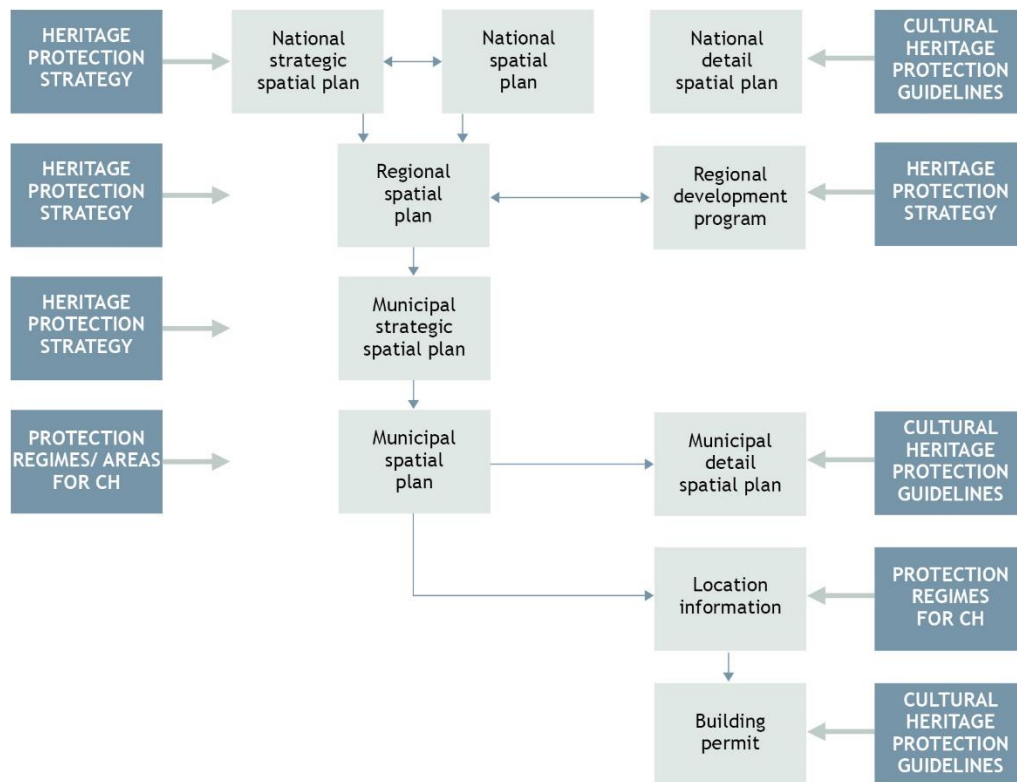
Spatial Planning Act recognises the following types of spatial documents, namely:

- National Spatial Development Strategy - the document defines the vision, long-term goals and concept of spatial development of Slovenia;
- National Spatial Plan - the plan covers planning of state infrastructure facilities or another intervention of national importance;
- Detailed National Spatial Plan - as an option in specific cases;
- National Spatial Order - the document defines rules governing spatial development in general;
- A Regional Spatial Plan - the plan defines spatial development strategy covering several municipalities;
- Municipal Spatial Plan - the plan covers the entire territory of a municipality and prescribes land use and urban planning conditions for construction;
- Detailed Municipal Spatial Plan - the plan covers detailed spatial arrangements for municipal infrastructure facilities or other spatial interventions.

Requirements concerning integration of heritage in spatial plans and methods of taking its protection into consideration are defined in the Article 74 of the Cultural Heritage Protection Act. The principal requirement is that heritage protection should be taken in consideration in preparation of all plans and that plans have to include heritage protection measures. This general requirement is turned into practice by taking into consideration the following heritage elements.

- monuments (of local and national importance),
- registered archaeological sites (those identified by experts, with data on them listed in the Heritage Register of heritage) and
- heritage protection areas are taken in consideration as obligatory components of plans.

All these elements are obligatory components of spatial plans at all levels.



Heritage protection areas have not been defined yet (the procedure needs to be first approved by the Government and then refined and adopted in the form of ministerial regulation). Thus, a transitory provision defined in Articles 131 and 132 of the Cultural Heritage Protection Act is in force. It prescribes that, until heritage protection areas come into effect, an obligatory planning category is considered to be such heritage (which is neither a monument nor a registered archaeological site) that is already protected in the spatial context in binding spatial plans. Protection of heritage items that have not yet been integrated in spatial plans (for instance those recently identified and registered) can be, in new spatial planning procedures, only optional.

B.2.2. National/main governance level

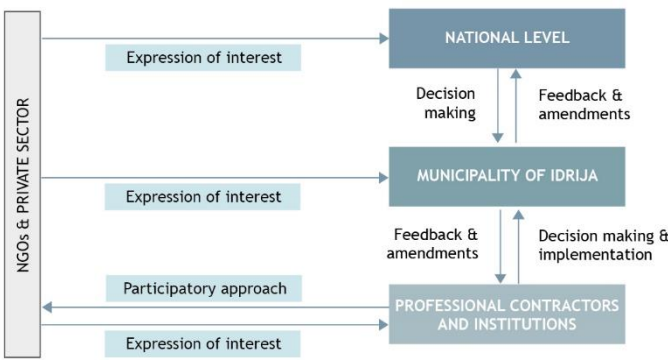
<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <ul style="list-style-type: none"> • Spatial Planning Act / 2007 with alterations and additions / act regulates spatial planning, lays down types of spatial planning document, their content and mutual relations, and procedures for their drafting and adoption / the act regulates also spatial plans intervening in areas of cultural heritage • Construction Act / 2004 with alterations / act regulate the conditions for the construction of all facilities. The construction of the facility under this law consists in the design, construction and maintenance of the facility. In this manner act prescribes conditions for obtaining building permits for heritage areas.
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SUBJECTS list main involved organisations and describe	<u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u> <ul style="list-style-type: none"> • Ministry of the Environment and Spatial Planning • Ministry of Culture • Institute for the Protection of Cultural Heritage of Slovenia
PROCESSES	<u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u> Directorate for Cultural heritage at the Ministry of Culture is a responsible body for integration of the protection cultural heritage in spatial planning. The Directorate cooperates with other sectorial ministries and municipalities during the preparation of national or municipal spatial plans. Slovenia has three types of spatial plans: <ul style="list-style-type: none"> • National Spatial Plan (NSP) covers planning of state owned infrastructure or another intervention of national importance. • Municipal Spatial Plan (MSP) covers the entire territory of a municipality and prescribes urban planning conditions for construction • Detailed Municipal Spatial Plan (DMSP) covers planning of municipal infrastructure facilities or other major spatial interventions at municipal level. Requirements for integration of cultural heritage issues in spatial plans and methods of taking its protection into consideration are defined by CHPA. CHPA requires that heritage protection should be taken in consideration in preparation of all spatial plans and that plans must include heritage protection measures. That means that monuments of local and of national importance, registered archaeological sites and heritage protection areas are included and taken into consideration as obligatory components of plans. The legal provision also sets the obligation to perform an assessment of impact on heritage as an important part of the environment during a strategic environment impact assessment procedure. A strategic environmental impact assessment of planned activities on heritage is prepared for all categories: monuments, registered archaeological sites and heritage protection areas. A strategic impact assessment on heritage is also mandatory for interventions to areas without heritage if such interventions could have a direct or indirect impact on heritage.
PROCESSES / INTEGRATION	<u>Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices</u> Heritage protection areas , registered archaeological sites and cultural monuments are obligatory components of spatial plans. Heritage protection areas are defined in CHPA-1 as areas with homogenous immovable heritage character that are an important part of spatial arrangements due to their values and development potential. CPHA prescribes the procedure of coordination and political

	<p>decision-making that gives rise to protection areas as obligatory components of spatial plans. First, the government adopts the decree on types of protection areas, formulating types of protection standards for each. Then, the minister on the basis of results of public consultation and coordination with municipalities adopts the Rules containing the list of protection areas together with detailed protection standards.</p> <p>The state, regions, municipalities, and other protection entities shall select those measures which, while achieving the same effects, are the least restrictive for owners and actual possessors of heritage.</p> <p>When a heritage owner is seeking a building permit before executing some changes to the built heritage, he/she has to apply for specific conditions defining how the works should be carried out. Before the building permit is issued Institute for the protection of cultural heritage of Slovenia issues the protection consent.</p>
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B.2.3. Local governance level

<p>LEGAL / POLICY/ STRATEGIC FRAMEWORK</p>	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning</u></p> <p>Regional framework: Not established.</p> <p>Local framework: 2011: Decree on the Idrija Municipality Spatial Plan (OJ 35/2011). By the decree Municipality has accepted the Municipality Spatial Plan, that also sets the priority of preservation and protection of cultural heritage of Mercury. Urbanistic site plan is considered as part of Municipality spatial plan. 2012: Decree on the Idrija Municipality Detailed Spatial Plan “City centre area” (OJ 15/2012). It sets out the merits and conditions for decisions on realization of revitalization of cultural-historical and urbanistic values of old city centre with the purpose of creating higher value living space.</p> <p>Main thematic or sector plans concerned with HBA For protection: Decree on the proclamation of cultural and historical and natural sights in the area of Municipality of Idrija; 1986 (OJ SRS nos. 16/86, 17/88, OJ RS nos. 56/93, 45/97, 131/03,45/07,115/07) Decree on proclamation of technical heritage in Idrija and it’s surrounding for cultural monuments of national importance; 2001 (OJ RS nos. 66/2001-3538, 55/2002-2693, 16/2008-493, 20/2009-761)</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <ul style="list-style-type: none"> • Municipality of Idrija role & competences provided by the law: determining the goals and objectives for spatial development of Municipality, determining use and terms for envisaged spatial plan implementation, planning of site plan design for sights of local importance (main activities: policy framework, coordination, authorisation, funding). • Professional contractors (e.g.: LUZ d.d. - has created Idrija Municipality Spatial Plan)

	<p>role & competences provided by the law: are involved in production of spatial acts and responsible for issuing the guidelines and opinions on Municipality spatial plan (main activities: actively involved in planning and implantation process).</p> <ul style="list-style-type: none"> • Institute for the Protection of Cultural Heritage of Slovenia (ZVKD) role & competences provided by the law: drawing up conservation plans and restoration projects, supervising building, research and protective undertakings and their implementation (main activities: planning and implementation).
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/</u></p> <p>Municipalities need to cooperate with owners of monuments of local importance located at their territory. They are also responsible to put in place and implement municipal spatial plans that take in due consideration heritage of all types. IPCHS gives each municipality specific guidelines how to integrate heritage in a municipal spatial plan, and, before the plan is adopted by the municipality, the ministry issues an opinion declaring if the heritage concern has been properly addressed.</p>  <pre> graph TD subgraph "NGOs & PRIVATE SECTOR" A[NGOs & PRIVATE SECTOR] end subgraph "NATIONAL LEVEL" B[NATIONAL LEVEL] end subgraph "MUNICIPALITY OF IDRIJA" C[MUNICIPALITY OF IDRIJA] end subgraph "PROFESSIONAL CONTRACTORS AND INSTITUTIONS" D[PROFESSIONAL CONTRACTORS AND INSTITUTIONS] end A -- "Expression of interest" --> B A -- "Expression of interest" --> C A -- "Participatory approach" --> D A -- "Expression of interest" --> D B -- "Decision making" --> C C -- "Feedback & amendments" --> B C -- "Decision making & implementation" --> D D -- "Feedback & amendments" --> C </pre>
<p>PROCESSES/ INTEGRATION</p>	<p><u>Hierarchical and functional relations at local level between the urban planning process/the heritage protection planning and process/regeneration and/or valorisation processes or projects/other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting...)</u></p> <p>Since urban plan is part of Municipality spatial plan it should consider the principle of subsidiarity which means, the planning should be in compliance with all the national regulations. Heritage protection guidelines are considered as part of planning guidelines and objectives that has to be considered (like other institutional guidelines such as: land use, protection of nature, land register, etc.). General public has the ability to influence or make amendments through the participatory process. Urban planning is implemented by contractor with professional background.</p>

B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

The issue of heritage protection is included in several national development documents where the **contribution of heritage to sustainable development** is well-established. Development documents are national strategies, national and regional development programmes. Those important for heritage protection refer mainly to: agriculture and forestry, rural development, spatial planning, environment protection and nature conservation, protection from natural and other disasters, construction, housing and public utility sector, tourism, research, information society, education, training and lifelong learning. Most important of legally binding development documents in Slovenia are The Development Strategy of Slovenia, The Spatial Development Strategy of Slovenia, The Information Society Development Strategy of the RS, 2010, The Strategy for the Development of Slovenian Tourism 2012-2016, The Strategy for the Development of Slovenian Tourism 2012-2016 / 2011

When it is obligatory to assess environmental impact during the drafting of a spatial plan, the environmental impact assessment of planned activities on heritage is prepared for all categories of heritage which represent obligatory components of spatial planning: monuments, registered archaeological sites and heritage protection areas. An impact assessment on heritage is also mandatory for interventions to areas without heritage if such interventions could have a direct or indirect impact on heritage in nearby areas. This is important from the view of heritage built areas that could be impacted by the spatial development within wider impact areas. The new Spatial Planning Act integrates environmental impact assessment into the process of the preparation and adoption of plans which simplifies the administrative procedure.

B.3.2. Governance mechanism including institutional and stakeholders levels

Heritage impact assessment as a part of environmental impact assessment is carried out by specialised firms supervised by the Environmental Agency of the Ministry of environment and spatial planning. The Agency also issues environmental consents at the end of the process. As a starting point, the Ministry of Culture prepares guidelines on how the heritage impact assessment should be carried out with detailed information about heritage impact areas and types and sources of data on heritage which make possible to prepare an environmental report. In guidelines, the ministry can demand preliminary archaeological research to be performed with the aim of assessing archaeological potential, which alone makes it possible to prepare an environmental report. As a rule, such preliminary archaeological research consists solely of an assessment whether there are archaeological remains in a specific area where archaeological sites have not been registered yet.

Stakeholders as well as general public has the right to participate in the spatial planning and environmental impact assessment procedures in the form of attending public consultations and having the right of access to all the documents and to receiving additional clarifications and feed-back from planning authorities. The new Spatial Planning Act even upgrades the rights of stakeholders and public in general to participate more actively in planning processes by stipulating that everyone who has a legal interest has the right to lodge legal remedies in accordance against the spatial plan. For non-governmental organizations that have a status of acting in the public interest in the field of environment, environmental protection, nature conservation or cultural heritage protection, the legal interest is self-evident. How this provision works in practice needs to be seen after some time.

B.3.3. Thematic policies and strategic plans

From the point of view of cultural heritage protection, sectoral policies with greatest practical and potential links with our field are related to environmental protection, nature conservation, protection against natural and other disasters, residential and public utility sectors, tourism and other economic activities, regional development, rural development, research, information society, education, training, and lifelong learning. Almost every sector has adopted its own sectoral strategy or development programme. Generally speaking, heritage concerns have been introduced in some of them, but there is an overall observation that heritage is dealt with only formally without a deeper understanding of the reciprocal benefits of a more integrated approach.

In 2017, the Government adopted the new National Development Strategy (the former one covered the period of 2006 to 2013). Heritage is mentioned only in the goal “Culture and language as one of the main factors of national identity”. This shows that cultural heritage remains to be considered as cultural issue alone and left to be dealt with cultural policy.

B.3.4. National/main governance level

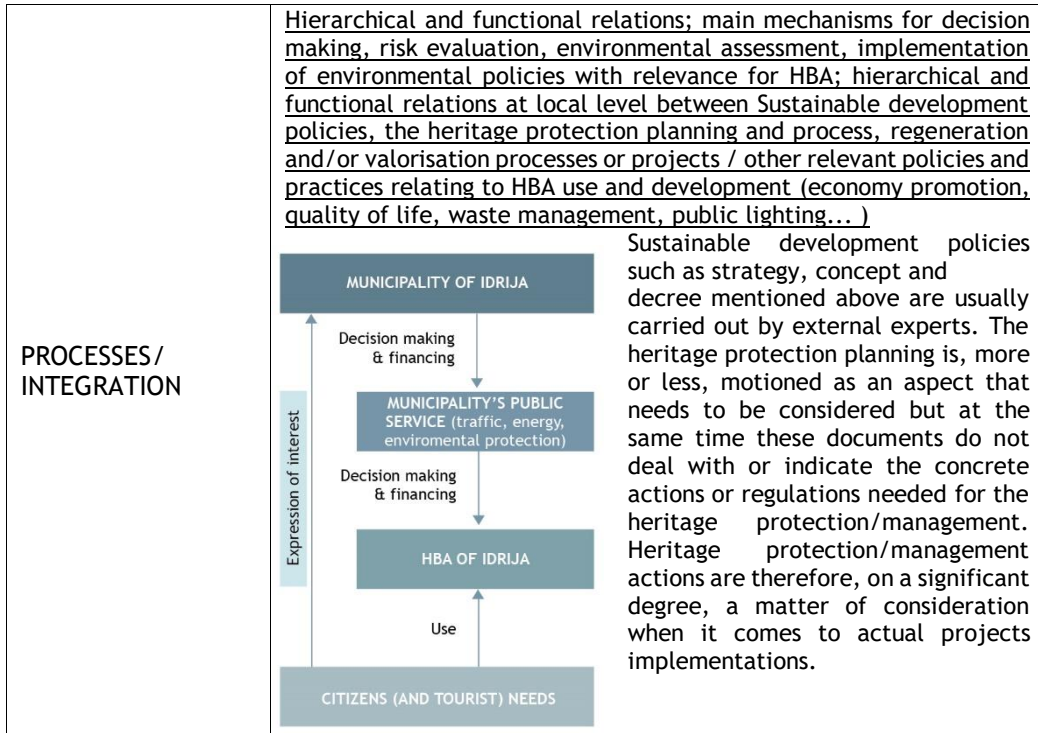
<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <p>Environment protection from the content point of view is regulated in the Environment Protection Act and in the Nature Conservation Act, together with corresponding by-laws. The Spatial Planning Acts serves as an additional framework for joint procedures of environmental protection and spatial planning ones. The main responsibility lies in the national administration dealing with the environment, nature conservation and in the case of heritage, with culture.</p> <ul style="list-style-type: none"> • Protection Against Natural and Other Disasters Act / 1994 with alterations / act regulates protection of cultural heritage against Natural and Other Disasters • Defence Act / 1994 with alterations / Risk Preparedness • Environment Protection Act / 2008 with alterations • The Development Strategy of Slovenia / 2005 • The Spatial Development Strategy of Slovenia / 2004 • The Information Society Development Strategy of the RS / 2010
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	<ul style="list-style-type: none"> • The Strategy for the Development of Slovenian Tourism 2012-2016 / 2011
SUBJECTS list main involved organisations and describe	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <p>The Environmental Agency of the Republic of Slovenia Slovenian Environment Agency performs expert, analytical, regulatory and administrative tasks related to the environment at the national level. The Environment Agency is a body of the Ministry of the Environment and Spatial Planning. Its mission is to monitor, analyse and forecast natural phenomena and processes in the environment, and to reduce natural threats to people and property. The following tasks relate to HBA:</p> <ul style="list-style-type: none"> • preserving natural resources, biodiversity and sustainable development; • observing, analysing and forecasting natural phenomena and processes in the environment; • reducing impact of natural hazards; • ensuring high-quality environmental data for all target groups.
PROCESSES / INTEGRATION	<p><u>Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA</u></p> <p>Prevention of natural and other disasters is regulated by the Protection Against Natural and Other Disasters Act. The law obliges heritage owners and users who can request the aid of heritage protection service.</p> <p>Protection measures have to plan and implement the owners, Municipalities, the state and the Civil Defence. Same requirements are used for protection in the event of armed conflict. Preparatory measures must be adopted in the peacetime. Preparatory measures for the event of armed conflict include preparation of inventories, planning of emergency measures for protection from fire or demolition, preparations for relocation of movable cultural assets or suitable protection of such assets in their locality, and identification of authorities responsible for protection of cultural assets. An extended protection is given to cultural assets that are cultural heritage of the greatest importance for humanity or are protected by adequate domestic legal and administrative measures recognising their exceptional cultural and historical value and ensuring the highest level of protection.</p>

B.3.5. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>Local authorities (municipalities) main responsibility in environmental matters is limited to the preparation and adoption of</p>
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	<p>spatial plans and other development documents that are in line with environmental standards prescribed by the law, to provide public amenities systems and to organise communal service at their territories.</p> <ul style="list-style-type: none"> • 2009: Decree on protection against natural and other disasters on the area of Idrija Municipality (OJ 43/09). The document (Article 14) determines Municipality board (“občinska uprava”) as the responsible body for preparation and execution of mitigation and reduction of harmful consequences of natural and other disasters on cultural heritage (with the help of authorised public service when needed). • 2011: Local energy concept of Municipality of Idrija It deals with valorisation of current energy efficiency situation in Municipality of Idrija and possibilities for better and more efficient energy supply. The concept takes a close look into different aspects of energy use and types of energy, emissions, traffic and buildings (including companies, apartments, public buildings). Therefore, it is a useful although indirect way off considering the build heritage as well. • 2017: Holistic traffic strategy for the town of Idrija The aim of the strategy is to foresee a more sustainable traffic system to improve living conditions and conditions of work in Municipality. By doing so it is expected to encourage the development of the urban area, satisfaction and health of the people. Idrija already took some actions and has implemented a few interventions that influence the protected area of city centre.
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>Municipality of Idrija (different departments, public services) role & competences provided by the law: determining the goals and objectives for environmental protection of Municipality, determining the envisaged plans and strategy implementations and coordination of public services: traffic, water and energy supply, waste management (main activities: policy framework, coordination, authorisation, funding)</p>



C - STAKEHOLDERS

BASIC INFORMATION

C.1. Horizontal governance mechanisms at national level

Majority of responsibilities for immovable heritage protection are divided between the Ministry of Culture, municipalities and the Institute for the Protection of Cultural Heritage of Slovenia. Mechanisms for decision making on HBA protection and for implementing of HBA protection lies in the Ministry of Culture, sectorial ministries and The Cultural Heritage Directorate and the Institute for the Protection of Cultural Heritage of Slovenia. Municipality plays crucial role in implementing of HBA protection. Municipality ensures conservation of heritage through spatial planning by designating the status of a cultural monument to heritage. HBA is also obligatory component of national spatial plans.

Therefore the only formal horizontal governance mechanism at the national level is the process of inter-ministerial co-ordination of decisions to be adopted by the government. This applies to draft legal texts, plans and other documents that deal with matters in the interest of several ministries. Governmental rules of procedure define the process of co-ordination. Each piece of legislation also needs to be available for public consultation before it is adopted. Normally, draft legislation is publicised on-line and also proposals and reactions from the public are collected on-line.

Some sectoral legislation stipulates specific forms of horizontal co-operation with mostly consultative remit. Such consultative bodies may consist of representatives from relevant sectors, academia and civil society, as well.

In individual cases, ad-hoc consultative bodies may be appointed in the form of working groups, commissions and the like.

In the field of cultural heritage protection and management, including Heritage Built Areas, no horizontal governance mechanism is provided for.

C.2 Horizontal governance mechanisms and practices at local level.

Municipalities in Slovenia act as basic local self-governance units: they are in charge of approving municipal planning acts, designating monuments of local importance, subsidizing restoration and other projects, managing municipality-owned heritage, and exercising pre-emption rights if monuments of local importance are being sold. The system described above for the national level applies to the local level as well, mostly in the case of larger municipalities. Smaller ones usually lack human resources to carry out complicated governance procedures.

C.3 Specific procedures involving public and private sectors on HBA

The legal framework requires cooperation of municipalities with owners of monuments of local importance located at their territory. Spatial plan is another instrument where heritage of all types is considered. The process of adopting the spatial plan includes public participation. IPCHS gives each municipality specific guidelines how to integrate heritage in a municipal spatial plan, and, before the plan is adopted by the municipality, the ministry issues an opinion declaring if the heritage concern has been properly addressed.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

The private sector, the civil society, the users trends and actions in the National and Local contexts: perception of HBA cultural and identity value among citizens, private investments in HBA, ownership of the buildings; the public sector approach towards Stakeholders.

CHPA-1 obliges the state and municipalities to cooperate in the realization of the public interest of protection with owners of heritage, commercial entities, non-governmental organizations and the civil society. Cooperation with large owners of the heritage and the non-governmental sector is mentioned as the Act aims at developing partnership-like relations with these entities. Although the legal framework is in favour for cooperation the idea is not easily applicable at local level due to financial and organizational obstacles. Those barriers might be overcome by international projects as initiatives for developments or establishment management/cooperative structures, but without continuous financial support sustainability is in question.

SOURCES

- <http://www.herein-system.eu/slovenia-country-profile>
 - <http://www.mk.gov.si>
 - <http://www.mop.gov.si>
 - Pirkovič J., Šantelj, B. (2013) Statutory Protection of Immovable Cultural Heritage in Slovenia PHARE EU
 - <http://evrd.situla.org>
 - <http://giskd.situla.org>
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D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Presence of the UNESCO heritage site • Establishment of a management plan for UNESCO heritage • Support to public-private partnership in culture as well as partnerships between public institutions and NGO's • Unspoiled nature 	<ul style="list-style-type: none"> • Remote location of Idrija • Lack of public transport to other parts of Slovenia • Risks of unbalanced effects of large promotion of UNESCO site • Limited awareness among people in considering intersectorial solutions for development
Opportunities	Threats
<ul style="list-style-type: none"> • Raising awareness among public authorities about potentials of culture • Creation of a strategy for common international promotion fostering the cooperation between the economic and cultural sphere • Encouragement of the involvement of culture in lifelong learning measures 	<ul style="list-style-type: none"> • Overall reduced resources for cultural investments • Increasing financial burden in municipality • Lack of job opportunities for humanities