

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-movabel 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-movabel 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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 - Constitution of the Slovak Republic (articles 20, 21, 43, 44) http://www.nrsr.sk/web/Static/sk-SK/NRSR/Doc/zd_ustava_20160302.pdf
 - Declaration of the Slovak National Parliament on Cultural Heritage Protection no. 91/2001 Coll.
 - 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.

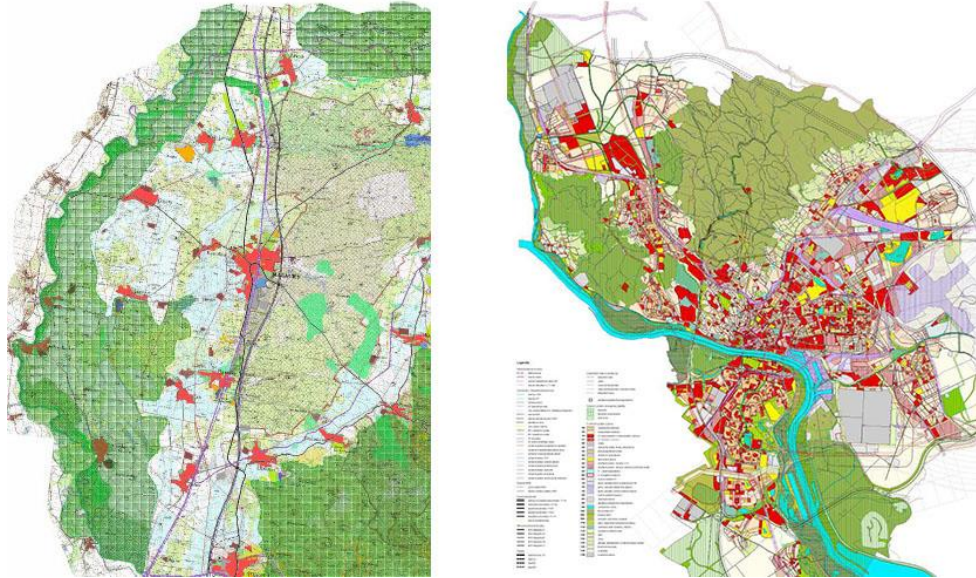
Land-use planning materials comprises mainly:

- 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