

## REPUBLIC OF ALBANIA

### THE PEOPLE'S ASSEMBLY

## LAW ON THE PROTECTION OF IMMOVABLE AND MOVABLE CULTURAL

### PROPERTY

On the basis of Article 16 of Law Nr. 7691, dated 29.04. 1992 "On the Main Constitutional Provisions " on the proposal of the Council of Ministers.

### THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

### DECIDED

#### CHAPTER GENERAL PROVISIONS

##### ARTICLE 1

The movable and immovable cultural property that exist and are discovered in private or state land, in rivers, lakes or the continental shelf shall be protected by the state.

The right to maintain and preserve the cultural property shall belong to the state, and when necessary in cooperation with every legal or natural entity.

##### ARTICLE 2

The Ministry of Culture, Youth and Sports shall be charged with the conservation of Cultural Property and shall contribute to maintain and preserve the special features, their research and cognition.

In cooperation with the Academy of sciences and other scientific institutions, the ministry of Culture, Youth and Sports shall register the Cultural Heritage property of every legal or natural person.

Any legal or natural person, who has or takes for use and exploits objects of Cultural Heritage, shall be obliged to preserve the entity of Cultural and historical heritage.

### ARTICLE 3

The owner of the land shall not have the right to sell and displace the cultural heritage existing in the area of his land. He shall not have the right to undertake excavations for the discovery of cultural property in the land he owns be it a farming land or ground, in the city or in the country side.

### ARTICLE 4

Damage, transportation, displacement and changing of the features of the movable or immovable cultural property shall be forbidden. It shall also be forbidden to put labels and make advertisements in the archaeological sites and on registered monuments of culture which are under state's protection, without the authorization of the Institute of Monuments of Culture.

It shall be forbidden to make new constructions over the ruins of immovable cultural property, to open new entrances in historical buildings and in the surrounding walls or to make any other intervention which would affect their entity. Not a single building material, part of a building fragment may be removed from the historical and archaeological zones.

### ARTICLE 5

The use of metal detectors in the archeological sites and monuments of culture without the authorization of the respective institutions shall be forbidden.

## CHAPTER II

### THE MOVABLE CULTURAL PROPERTY

#### ARTICLE 6

Objects which from their nature haven't been intended to be linked with the terrain or object and may be removed without being damaged shall be considered movable cultural property.

The movable cultural heritage shall be preserved in the national museums, other local museums, in scientific institutions, libraries, archives and other state or private institutions, for purposes of study, restoration and exhibition.

#### ARTICLE 7

The movable Cultural Property may be given to legal or natural entities for purposes of restoration and protection within certain period of time, according to the criteria laid down by the council of Ministers.

#### ARTICLE 8

Any legal or natural entity who owns objects of movable Cultural Property shall, within one year from the day of the appearance of this law, inform the organization of Culture of the local power within the above mentioned period. Persons who exceed this schedule, shall be fined according to the sanctions envisioned in this law.

#### ARTICLE 9

Any legal or Natural entity who owns an object registered as movable Cultural Property shall be obliged to create good conditions for its maintain. He shall have the right to sell the object within the country, according to an authorization issued by the commission established with the approval of the Ministry of Culture, Youth and Sports.

#### ARTICLE 10

Any legal or natural entity who discovers or finds, in whatever way, cultural object shall, within two weeks from the day of this discovery or findings, inform the organs of culture of this local power, stating the way the discovery of the object was made, and the place it was found.

Following the declaration of the discovery the commissions set up for this purposes will determine whether the finder may keep the object for himself or if the object may pass under the state's protection. The ways and procedures of the assessment of cultural property shall be laid down by Acts of the Council of Ministers.

#### **ARTICLE 11**

The cultural property may not be donated to or exchanged with similar institutions in other countries, with the exception of those special cases when it is of a national interest as defined by decisions of the Council of Ministers.

Objects of unique cultural property shall not be donated or exchanged whatever the case may be.

#### **ARTICLE 12**

The criteria for import and export as well as the transit passage property shall be defined by bilateral agreements according to the International Convention "The Measures , Detention and Prevention of Illegal Import / Export and transfer of Cultural Property ( 14.11.1970)" as well as other international conventions.

If it is verified that an object which is found in another country is part of the cultural property of our country, it and its juridical or scientific documents should be returned to Albania, and vice versa, according to criteria laid down by decisions of the Council of Ministers.

When an object of the cultural property is unlawfully exported, the Albanian state becomes automatically the owner of it, without the necessity of seizure or any further action.

#### **ARTICLE 13**

Trading of objects of Cultural Property, allowed to be traded, should be done on the basis of legal provisions in force, and with an authorization issued by the Ministry of Culture and Sports, according the recommendation of the commission of specialists.

## CHAPTER III

### IMMOVABLE CULTURAL PROPERTY

#### ARTICLE 14

Immovable Cultural Property shall be called built objects with historic documentation, artistic, or urban values of different genres and epochs in state of ruin or exploitation. The objects which are an integral part of the structure of a cultural monument, the moving of which may risk and affect historic, archeological, scientific, artistic, social, or technical values of an object, shall be considered as immovable.

#### ARTICLE 15

Study and restoration of immovable objects, which are declared as monuments of culture or which are under preliminary protection, shall be made by the specialized state institutions which are authorized by Ministry of Culture, Youth and Sports.

#### ARTICLE 16

The monumental ensembles, the museum cities and monuments of a complex character shall be declared Monuments of Culture and are placed under the state protection from the chairmanship of the Council of Ministers, after nomination by the Ministry of Culture, Youth and Sports.

#### ARTICLE 17

The Monuments of Culture, like ensembles or museum-cities, surrounded by an area of land or ground which is protected zone determined by the institutions in charge of preservation and restoration of monuments.

For special monuments the minimal protected area should be 40 meters. For the museum cities the borders are defined by the Council of Ministers.

#### ARTICLE 18

Excavation, restoration, use of monuments of Culture or any other activity as well as any change made in the territory placed under protection around them may but be done without the authorization of the respective institution in charge of monument preservation.

Alienation or displacement of cultural monuments is done on the proposal of the institution in charge of their protection, with the permission of the organs of local power and the approval of the Ministry of Culture, Youth and Sports.

#### **ARTICLE 19**

The state has the right of expropriation of movable and immovable cultural property owned by natural and legal entities when the said objects are of particular cultural historical significance or when this is determined by the need of their protection. In this case the proposal is done by the institution in charge for their protection and approved by the Ministry of Culture, Youth and Sports.

#### **ARTICLE 20**

Excavation and restoration work can be conducted in the monuments of Culture in cooperation with specialized foreign institutions, on the basis of mutual contracts and agreements excluding the exclusiveness of foreign institutions. In any case the competent institution which decides on cooperation shall take permission from the higher organ for intervention in monuments.

#### **ARTICLE 21**

The funds for the restoration of monuments are provided by the state budget, by various foundations or foreign state and private organizations and institutions private individuals as well as from the revenues from the use of monuments. The funds ensured from the use of monuments of culture are placed entirely at the disposal of the restoration of monuments.

#### **ARTICLE 22**

For first degree private monuments, the expenditure is met 50 per Cent by state ? . For second degree monuments in the museum zones of the museum cities 25 per cent of the expenditure is met by state. In those cases when the private individuals do not meet their obligations, the objects are passed under state ownership.

#### **ARTICLE 23**

The organ of local power under whose jurisdiction the monument of culture is, orders to return to the former state of the private or state monuments of culture when interventions are made on them without the

permission of the institutions in charge of such a thing. The order is an executive title. The expenditure for the return of the object in the provisions state is met by the person who caused the damage. If damages are caused, the people who cause them are taken to court.

#### **ARTICLE 24**

The private immovable monuments of culture may be sold. For any act of this nature the specialized institutions for protection and restoration of monuments shall be informed.

#### **ARTICLE 25**

When in the course of various operations ancient ruins are discovered, than the work begun is interrupted and the institutions, the enterprises or particular individuals who hit upon them shall have to report immediately to the institutions shall send their representatives within 28 hours of the information.

The work began can undergo changes or stop temporarily or permanently, if it is necessary for the safety of the monument. When the decision of the responsible institution is disputed then the issue is finally resolved by the supreme organ. The expenses required for the changes made and the losses as a result of the cancellation or stop of work are coped by the body which finances the work.

#### **ARTICLE 26**

The institutions which deal with the study and design of the town - planing plans of inhabited centers shall take into consideration the rules governing the protection of particular monuments, the historic sites and the museum-cities.

#### **ARTICLE 27**

Mass gathering in the monuments of culture when they risk and effect their values shall be forbidden.

#### **ARTICLE 28**

The monuments of culture may be used in the condition that their new function does not affect the value of the monument. For any case of

utilization of the monument of culture is permitted only after a contract in signed between the user and the institution in charge of its protection.

### **ARTICLE 29**

Total or partial revocation of a monument of culture from state protection is an exclusive right of the organ which has declared it as such.

### **ARTICLE 30**

Any natural or legal entity and their collaborators who attempt to export or have already exported cultural property objects as well as those persons who have damaged objects of movable and immovable cultural property in contravention to the dispositions of this law, when their act does not constitute a penal offense, shall be fined with 10 000 to 100 000 leks.

The right to fine rests with the persons appointed by the Ministry of Culture, Youth and Sports and Academy of Sciences.

Complaints against the fines are made according to the procedures and schedules laid down defined in the law " On Administrative Contraventions". The sum accrued from the fines is paid 50 % to the state budget while 50 % to the institutions responsible for the administration of Cultural Property.

### **ARTICLE 31**

The council of Ministers is responsible for issuing instructions on the insurance, study protection and restoration of cultural. Heritage which are compulsory for the institutions, enterprises, various organizations and citizens.

The protection of property which has national cultural and historical values shall be done by the competent organs according to the list of objects laid down by the Ministry of Culture, Youth and Sports approved by the Council of Ministers.



### ARTICLE 32

Decree Nr. 4874, dated 23.9.1971 “ On protection of Cultural and Historical Monuments and rare natural property” is annulled.

### ARTICLE 33

This law enters into force within 15 days of its proclamation in the official Gazzete.

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