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Heritage Conservation Act

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Chapter 1 General Provisions

§ 1. Scope of application and objective of Act

(1) The objective of this Act is the preservation and diversity of cultural heritage, which is ensured with the following activities:

- 1) preservation and protection of cultural monuments (hereinafter *monument*), heritage conservation areas and the environments of cultural value surrounding thereof;
- 2) protection of archaeological finds and protected archaeological sites;
- 3) safeguarding of intangible cultural heritage.

(2) The provisions of the Building Code and Land Improvement Act shall be applied to building on monuments, heritage conservation areas and the buffer zones thereof, taking account of the specifications provided for in this Act. If possible, the notification or permit procedure provided for in this Act shall be combined with the notification or permit procedure prescribed for in the Building Code or Land Improvement Act.

(3) The provisions of the Administrative Procedure Act shall be applied to the administrative procedure prescribed for in this Act, taking account of the specifications provided for in this Act.

§ 2. Scope of application of Act

This Act shall be applied to the designation of monuments, heritage conservation areas and protected archaeological sites and organising the protection and preservation of monuments, heritage conservation areas, protected archaeological sites and archaeological finds. This Act also applies within an exclusive economic zone for the purposes of the Exclusive Economic Zone Act.

Chapter 2 Principles and Definitions

§ 3. Principles of heritage conservation

(1) Valuing and preservation of cultural heritage is the common obligation of the society.

(2) Preservation and awareness of cultural heritage helps to maintain the identity and character of the state and the regions thereof and ensures a diverse living environment carrying cultural memory for the present and future generations.

(3) Making alterations in a historic environment shall be based on the principle of preserving the diversity and quality of the cultural and living environment. Anything new to be added must support and help to bring out the values created earlier. Upon making alterations, the special needs of disabled persons shall be *inter alia* accounted for.

(4) The protection of monuments and heritage conservation areas shall be based on the principle of precaution according to which the activities targeted to monuments and heritage conservation areas must reduce the threat of destruction of monuments and heritage conservation areas and support the preservation of values. In the cases and pursuant to the procedure provided for in the law, environmental impact assessment procedure shall be performed or the permit of a competent administrative authority shall be applied for the performance of activities or the authority shall be notified.

(5) The aim of conservation and restoration of monuments and heritage conservation areas is to preserve the authenticity of monuments and structures located on heritage conservation areas or to restore the potential integrity thereof if the latter is possible without artistic forgery or distortion of history.

(6) Original materials and traditional techniques and technologies shall be used upon the conservation, restoration and building of monuments and heritage conservation areas if it is possible and justified.

(7) Upon the performance of their duties, the state and local governments shall consider cultural heritage as public value and cooperate with each other to support the preservation and keeping in use of cultural heritage.

(8) The national activities targeted to monuments and heritage conservation areas pursuant to this Act shall be based on the principle of public interest as well as the balance and proportionality of everyone's rights and freedoms.

§ 4. Tangible cultural heritage

(1) Tangible cultural heritage means all kinds of objects and places created by people, or by the synergy of people and nature in collaboration, and which have historical, archaeological, cultural, or aesthetic value.

(2) The protection of tangible cultural heritage includes the identification, research, documentation, promotion of objects and areas of cultural value and designation thereof as a monument, heritage conservation area or protected archaeological site, and regulation of the activities connected therewith.

§ 5. Intangible cultural heritage

(1) Intangible cultural heritage means the practices, representations, expressions, knowledge, skills transmitted from generation to generation – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage and recreate constantly.

(2) The safeguarding of intangible cultural heritage means the creation of conditions to ensure the viability of intangible cultural heritage. This includes, *inter alia*, the identification, research, documentation and promotion of intangible cultural heritage.

§ 6. Archaeological layer

(1) An archaeological layer means a deposition accumulated as a result of direct human activity or human impact, which may include the remains of construction, wrecks, human and animal bones, archaeological finds, including tools and utility articles, remains or production and similar.

(2) A wreck means the remains of a water-, air- or other craft or a part or parts thereof together with the area underneath it and the cargo or other objects associated with the wreck.

§ 7. Activities targeted to monuments and heritage conservation areas

(1) Maintenance means a consistent activity for the upkeep of a monument or heritage conservation area.

(2) Repair means an activity for improving the condition of a monument or structure located on a heritage conservation area by which the appearance, structures, volumes or details of the monument or structure located on a heritage conservation area are not altered and in case of which original materials are used.

(3) Alteration of appearance means an activity that affects the previous appearance of the exterior or interior of a monument or structure located on a heritage conservation area, including alteration of the colour scheme and finishing, relocation, removal or covering of details or structural elements, placement of an object, including a movable object or temporary structure such as a kiosk, pavilion or outdoor cafe, lighting or other device, utility network, utility works or installation, data medium and advertisement on a monument or heritage conservation area.

(4) Conservation means an activity which prevents the further destruction of a monument or structure located on a heritage conservation area or parts thereof by technically securing its structural, architectural and decorative elements by preserving the valuable layers of different eras and not restoring the missing parts.

(5) Restoration means an activity which fixates the authentic condition of a monument or structure located on a heritage conservation area by removing, if necessary, elements and layers of lower value which spoil the appearance and by restoring the missing or damaged parts in scientifically justified form and method, based on the original documents and research.

Chapter 3

Establishment of Protection

Division 1 Monument and Heritage Conservation Area

§ 8. Monument

A monument is a movable or immovable property of cultural value, a part thereof, a set of things, an area or structural complex that has been placed under state protection pursuant to the procedure provided for in this Act.

§ 9. Heritage conservation area

(1) A heritage conservation area is an area, historical settlement or a part thereof or a cultural landscape developed under the common influence of the nature and human activities that has been placed under state protection pursuant to the procedure provided for in this Act.

(2) A heritage conservation area may consist of buildings (hereinafter *structure located on heritage conservation area*) and civil engineering works dating from one or several periods together with the archaeological layer, natural objects, street network, roads, land parcels and structure of buildings and plots characteristic of the area.

§ 10. Prerequisites for state protection

(1) The prerequisite for placement under state protection is that the thing or area of cultural value represents the more valuable part of tangible cultural heritage of Estonia, which has scientific, historical, artistic or other cultural value or the preservation duty of which arises from an international agreement.

(2) The general criteria necessary for the assessment of the prerequisite for state protection for classes of monuments and heritage conservation areas and the value categories of structures located on a heritage conservation area shall be established by a regulation of the minister responsible for the area.

§ 11. Monument classes

(1) Monument classes are:

- 1) historical monument;
- 2) archaeological monument;
- 3) architectural monument;
- 4) art monument;
- 5) historical natural sacred site;
- 6) technical monument.

(2) A historical monument is a thing or area connected with a political or social process, important historical event or an outstanding social or cultural figure.

(3) An archaeological monument is the remains, thing or set of things of human activity and other traces which indicate the multiple layers of time on a cultural landscape and which provide scientific information on the history of mankind and human relations with the natural environment. An archaeological layer is an important part of an archaeological monument.

(4) An architectural monument is a building together with the interior, including interior design elements and furnishings connected with the original function of the building, civil engineering works or a structural complex, which is an important marker in the Estonian architectural history and development of spatial environment and the keeper of a diverse human environment.

(5) An art monument is a movable property, set of things, part of a structure or a part removed from a structure of artistic, cultural, religious, historical, ethnological or scientific value that reflects the development of art, handicraft skills or aesthetics and the processes connected with local traditions and communities.

(6) A historical natural sacred site is a thing or an area without significant human impact and characterised by folk tradition, which is associated with sacrifice, worship, healing or religious and ritual activity. Historical natural sacred sites are the significant bearers of folk tradition and local identity.

(7) A technical monument is a movable property or set of things of historical, technical, scientific, cultural or social value, which reflects the social processes of the past and which is an example of development of economic and social history, industrialisation and aesthetics.

(8) Monuments are divided into immovable and movable monuments. Immovable monuments are a historical monument, archaeological monument, historical natural sacred site and architectural monument. Movable monuments are an art monument and a technical monument.

§ 12. Underwater monument

(1) An underwater monument is a monument located in internal waters, territorial seas, transboundary water bodies or exclusive economic zones together with the archaeological and natural surroundings.

(2) An underwater monument which does not have an owner or the owner of which cannot be ascertained, belongs to the state.

(3) The administrator of underwater monuments belonging to the state is the National Heritage Board (hereinafter the *Board*).

§ 13. World heritage site

World heritage site is a monument or heritage conservation area that has been included in the World Heritage List drawn on the basis of Article 11 (2) of the convention concerning the protection of the world cultural and natural heritage of the United Nations Educational, Scientific and Cultural Organisation.

§ 14. Buffer zone

(1) In order to protect immovable monuments and heritage conservation areas, buffer zones may be established, considering the necessity and extent thereof based on the objectives of the buffer zone.

(2) The aim of the buffer zone of an immovable monument is to ensure:

- 1) the preservation of an immovable monument in a suitable and supporting environment and the preservation of the surrounding objects and elements of cultural value associated with the monument;
- 2) the visual viewability of an immovable monument and the preservation of original views from the monument;
- 3) preservation of the archaeological layer surrounding the immovable monument.

(3) The aim of the buffer zone of a heritage conservation area is to ensure:

- 1) the preservation of a heritage conservation area in a suitable and supporting environment to avoid sharp transfers in the scale and density of buildings;
- 2) the visual viewability of the heritage conservation area from significant viewpoints.

(4) A buffer zone can be divided into parts with different restrictions based on the objectives specified in subsections (2) and (3) of this section.

(5) Buffer zones shall not be established for:

- 1) monuments which are located within a heritage conservation area, unless the management plan of the heritage conservation area provides otherwise;
- 2) monuments located in cemeteries;
- 3) monuments located in a park that is in itself an immovable monument.

(6) A common buffer zone may be established for monuments comprising a historical whole or for monuments located in close proximity.

§ 15. Proposal for designation of monuments and heritage conservation areas

Everyone has the right to make justified proposals to the Board for placing things or areas under the state protection.

§ 16. Commencement of proceedings for designation of monuments and heritage conservation areas

(1) Before the commencement of proceedings for designation of monuments and heritage conservation areas, the Board shall ask for an opinion thereon from:

- 1) the local government of the location of a monument or heritage conservation area;
- 2) the state administrative authority whose competence relates to the object intended to be placed under protection;
- 3) the owner of an immovable property within the boundaries of which the thing or area is located.

(2) If asking for an opinion before the commencement of proceedings for designation of monument or heritage conservation area would be accompanied with an excessive administrative burden, the opinion of the owner of a thing or immovable property within the area may not be asked, if the number of owners is more than 100.

(3) A sufficient term shall be granted for giving an opinion. The opinion shall include a justified position on the designation of a thing or area as monument or heritage conservation area and information on applicable administrative acts or administrative proceedings in progress or other significant circumstances that may affect the placement under protection.

(4) The Board shall, after assessing the prerequisites for state protection, the submitted opinions and other circumstances, decide on the commencement of proceedings for designation of a thing or area as a monument or heritage conservation area.

(5) If the Board decides to commence the proceedings for designation as monument or heritage conservation area, it shall notify the person and administrative authority specified in subsection (1) of this section by forwarding information on the subsequent course of the proceedings and the estimated time of finalization of proceedings.

(6) In the course of proceedings for designation as a monument or heritage conservation area, the cultural value of a thing or area shall be established, considering the public interest and the interests of the involved persons and assessing whether the designation as a monument or heritage conservation area and establishment of a buffer zone is justified, and a draft legislation for placement under protection shall be drawn or the proceedings shall be terminated.

§ 17. Preparation for designation as monument

(1) The Board shall send the draft legislation for placement under protection for examination to the participants in proceeding, including to the owner of an immovable within the boundaries of the planned buffer zone, and shall grant sufficient time for submitting an opinion and objections.

(2) If after hearing the participants in proceeding, circumstances become apparent due to which designation as a monument is not justified, the proceedings shall be terminated.

(3) The Board shall notify the participants in proceeding and the person making the proposal of the termination of proceedings. The justification for termination of proceedings shall be set out in the notice.

§ 18. Preparation for designation as heritage conservation area

(1) Designation as a heritage conservation area shall be reviewed in open proceedings.

(2) The Board shall publish a notice on the commencement of proceedings for designation as heritage conservation area in at least one national daily newspaper, local or county newspaper and on the Board's website. The notice shall shortly set out the content of draft legislation for placement under protection, the time and place of public display and the term for submission of opinions and objections. The duration of the public display shall be in general at least four weeks.

(3) The opinions and objections submitted within the public display shall be resolved by the Board after termination of the display and before the public discussion.

(4) After resolving the opinions and objections and updating the draft decision for placing under protection, the Board shall organise a public discussion. A public discussion must not be organised if no opinions or objections were submitted within the given term.

(5) If the time of a public discussion has not been notified together with the notification of a public display, the Board shall notify thereof at least ten days before the discussion takes place pursuant to the procedure provided for in subsection (2) of this section.

(6) The public discussion shall be recorded in the minutes. The minutes must contain the opinions submitted and questions asked in the discussion and the answers given thereto. The Board shall make the minutes accessible on the Board's website.

(7) If the draft legislation for designation as a heritage conservation area is changed considerably after a public display or public discussion, the Board shall organise a new public display or public discussion.

(8) If circumstances become apparent at the public display or public discussion, which cause the termination of proceedings for designation as heritage conservation area, the Board shall terminate the proceedings.

(9) The Board shall notify of the termination of proceedings pursuant to the procedure provided for in subsection (2) of this section. The justification for termination of proceedings shall be set out in the notice.

§ 19. Designation as monument or heritage conservation area

(1) Designation as a monument shall be decided by a directive of the minister responsible for the area after hearing the opinion of the Heritage Council.

(2) The directive of designation as monument shall set out:

- 1) the name, composition and location of a monument, and, in case of a land object, the boundaries thereof;

- 2) the class or classes of monument and the justification for placement under protection;
- 3) in case of establishment of a buffer zone, the objective and boundaries thereof and objects and elements of cultural value located in the buffer zone;
- 4) alleviations from the licence obligation of works specified in subsections 52 (1)–(3) and subsection 62 (1) of this Act and from the approval or notification obligation specified in subsections 58 (1)–(3) and in § 66, if alleviations are made.

(3) Designation as heritage conservation area shall be decided with an order of the Government of the Republic on the proposal of the minister responsible for the area.

(4) Before making a proposal to the Government of the Republic, the minister responsible for the area shall hear the opinion of the Heritage Council.

(5) The management plan of a heritage conservation area shall be determined in the order of designation as heritage conservation area, setting out:

- 1) the name and boundaries of the heritage conservation area;
- 2) the aim of protection;
- 3) the value classes of structures located on the heritage conservation area;
- 4) the requirements necessary for ensuring the aim of protection, including, if necessary, the conditions for building according to the value classes of structures, important internal visual views on the heritage conservation area and other restrictions;
- 5) upon the establishment of a buffer zone, the objective and boundaries thereof, including important views to the heritage conservation area;
- 6) alleviations from the preservation obligation provided for in § 33 of this Act, from the licence obligation of works specified in subsections 52 (1)–(3) and from the approval or notification obligation specified in subsections 58 (1)–(3), if alleviations are made.

(6) The legislation specified in subsections (1) and (3) of this section shall be published in *Riigi Teataja* and it enters into force on the tenth date after publishing thereof.

§ 20. Revocation and alteration of designation as monument or heritage conservation area

(1) Designation as a monument may be revoked if the monument:

- 1) is a museum object for the purposes of the Museums Act;
- 2) is a record for the purposes of the Archives Act;
- 3) is an inseparable part of another monument;
- 4) does not comply with the prerequisites for state protection;
- 5) is in a technically bad condition and improvement of the condition causes the loss of authenticity of the thing;
- 6) has been destroyed and the restoration thereof is not justified;
- 7) cannot be found or identified and there are sufficient grounds to believe that the monument has not preserved.

(2) Revocation of designation as a monument shall be decided by a directive of the minister responsible for the area after hearing the opinion of the Heritage Council.

(3) Designation as a heritage conservation area may be revoked if the heritage conservation area:

- 1) does not comply with the prerequisites for state protection;
- 2) has been destroyed and the restoration thereof is not justified.

(4) Revocation of designation as a heritage conservation area shall be decided with an order of the Government of the Republic based on the proposal of the minister responsible for the area.

(5) Before submission of a proposal to the Government of the Republic the minister responsible for the area shall hear the opinion of the Heritage Council.

(6) The provisions of § 15, subsections 16 (4)–(6) and §§ 17–19 of this Act shall apply to the revocation of legislation of designation as monument and heritage conservation area and amendment of the legislation of designation as monument and heritage conservation area.

(7) The legislation specified in subsections (2) and (4) of this section shall be published in *Riigi Teataja* and it enters into force on the tenth date after publishing thereof.

§ 21. Placement under temporary protection

(1) A thing or area of cultural value may be placed under temporary protection to assess the need for commencement of proceedings for designation as a monument and to conduct the proceedings for designation as a monument, if necessary.

(2) Temporary protection shall be applied if there are sufficient grounds to believe that the thing or area of cultural value may be destroyed or be lost before designation as a monument or the cultural value of the thing

or area is under threat. The obligation provided for in subsection 16 (1) of this Act must not be complied with in case of the need to apply temporary protection.

(3) Placement under temporary protection shall be decided with a directive of the director general of the Board. The directive enters into force upon signing and it shall be published in the register of cultural monuments.

§ 22. Measures of temporary protection

The provisions concerning a monument specified in this Act shall apply to a thing or area placed under temporary protection. The owner or possessor of a thing or area placed under temporary protection shall have the rights and obligations of an owner or possessor of a monument.

§ 23. Term of temporary protection

(1) A thing or area may be placed under temporary protection for up to six months. In justified cases, the term of temporary protection may be extended but not for longer than up to 12 months.

(2) The duration of the term specified in subsection (1) of this section shall be suspended for the time during which the establishment of cultural value of a thing or area is hindered due to the addressee of an administrative act.

(3) Temporary protection shall apply until designation as a monument but not for longer than until the expiry of the term specified in subsection (1) of this section.

(4) Temporary protection shall be terminated if the need for temporary protection ceases to exist before the expiry of the term specified in subsection (1) of this section. Termination of temporary protection shall be decided with a directive of the director general of the Board. The directive enters into force upon signing and shall be published in the register of cultural monuments.

Division 2

Archaeological Finds and Protected Archaeological Sites

§ 24. Archaeological find

(1) An archaeological find is an object or set of objects created by human activity and sedimented or hidden in the ground or on the surface of the ground, inside a structure, water body or the sediments thereof, which has an archaeological, including historical, artistic, scientific or other cultural value and which has no owner or the owner of which cannot be ascertained.

(2) The cultural value of an archaeological find shall be ascertained by the Board.

(3) Upon identification of an archaeological find as a set of objects, the context of finding the objects, the connection between them and the integrity shall be taken into account in addition to the provisions of subsection (1) of this section.

(4) An archaeological find belongs to the state regardless on whose immovable it was found or in whose possession it is. An archaeological find cannot be acquired in good faith.

(5) §§ 90 and 103 of the Law of Property Act shall not be applied to archaeological finds.

§ 25. Protected archaeological site

(1) A protected archaeological site is an area or land or water, where archaeological finds, human bones, remains of historical building structures or other elements referring to an archaeological layer have been found and which may still contain such elements.

(2) Everyone shall apply precautionary measures to avoid the damaging and destruction of protected archaeological sites and archaeological finds.

(3) A protected archaeological site shall be determined by a directive of the director general of the Board. The directive of designation of a site shall set out:

- 1) the presence of archaeological finds, human bones, remains of historical building structures or elements referring to an archaeological layer;
- 2) the boundaries of the site;
- 3) the obligation to conduct a research according to subsection 26 (1) of this Act;
- 4) alleviation from the obligation to conduct research specified in subsection 26 (1) of this Act, if necessary.

(4) The person on whose immovable the elements specified in subsection (1) of this section are found shall enable the Board to make the necessary operations for the establishment of protected archaeological site.

(5) A decision on the establishment of protected archaeological site shall be made public in the register of cultural monuments.

§ 26. Protection and termination of protection of protected archaeological site

(1) Research shall be conducted at a protected archaeological site before building, erection of roads, ditches and utility lines and other soil and excavation works and at an underwater protected archaeological site before trawling, dredging and dumping solid substances. The provisions of subsections 46 (4)–(6) and §§ 47–48 of this Act shall apply to the conduct of research and reimbursement of the expenses thereof.

(2) The person on whose immovable a protected archaeological site is located shall immediately notify:

- 1) the Board of damage to the site or a threat to the preservation thereof;
- 2) of the location of a site on the immovable upon transfer of possession thereof based on a lease or other similar relationship.

(3) A contract for the transfer or encumbering with a real right of an immovable within the boundaries of a protected archaeological site must include a relevant provision with a reference to the legislation of designation as a protected archaeological site.

(4) The Board may commence the proceedings for designation as a monument with regard to a protected archaeological site where the existence of an archaeological layer has been ascertained.

(5) Protection of protected archaeological site shall terminate if the site is designated as monument pursuant to the procedure provided for in this Act.

(6) The Board shall terminate the protection of protected archaeological site after the site has been examined and there are no more preserved archaeological finds or elements referring to an archaeological layer.

§ 27. Obligations of finder of archaeological find

(1) The finder of a thing with features of an archaeological find is required to preserve the find and the site in an unaltered condition. The Board shall be notified immediately of the find.

(2) A found thing shall be left in the site of the find until delivery thereof to the Board. The finder may remove the found thing from the site only with the Board's consent or if the preservation of the thing is endangered.

(3) An archaeological find shall not be damaged by cleaning, refurbishing, breaking, excavation or in any other manner, or by severing parts from the whole.

(4) If an archaeological find is found from the exclusive economic zone of another state, continental shelf or sea-bed, an Estonian citizen or a captain of a ship sailing under the Estonian flag shall be required to immediately notify the Board of the find.

§ 28. Entitlement to reward

(1) The Board shall determine a reward to the finder of an archaeological find.

(2) A reward shall be determined taking account of the historical, archaeological, scientific, artistic or other cultural value of the thing found as well as the circumstances of finding and transfer of the thing to the state.

(3) The Board may transfer an archaeological find to the finder without charge.

(4) A reward shall not be determined if:

- 1) the find is a wreck of a water-, air- or another craft or a part thereof or a cargo associated with the wreck or other objects;
- 2) searching for or excavation of archaeological finds is part of the finder's duties;
- 3) the find is transferred to the finder;
- 4) the finder has violated the obligations provided for in § 27 or subsections 29 (4), (10) and (11) of this Act;
- 5) the find has been found from a monument, heritage conservation area, the buffer zone thereof or from a protected archaeological site;
- 6) the finder has been punished pursuant to misdemeanour procedure for the violation of requirements connected with an archaeological find, violation of the prohibition to use a search device or use of a search device without the search device permit or has been punished pursuant to criminal procedure for the appropriation of an object of cultural value, damaging or destruction of a monument and the data on punishment has not been deleted from the criminal records database;
- 7) the find has been found from the exclusive economic zone of another state, continental shelf or sea-bed.

(5) The procedure for determination of award shall be established by a regulation of the minister responsible for the area.

§ 29. Search device and use thereof

(1) For the purposes of this Act, a search device is a technical instrument or device, except for a navigation instrument, which enables to ascertain the location of archaeological finds on the surface of the ground, in the ground and under water.

(2) The use of a search device on a monument, in the buffer zone thereof and at a protected archaeological site is only permitted:

- 1) for the conduct of research pursuant to the procedure provided for in this Act;
- 2) by a law enforcement agency and the Defence Forces for the performance of service duties;
- 3) by an owner of an immovable and an undertaking for the performance of duties connected with building, cultivation and forest management within the scope of economic activities that are not connected with the search of archaeological finds.

(3) The Board shall be notified in advance of the use of a search device in the cases provided for in clauses (2) and 3) of this Act.

(4) Search device permit shall be required for the use of a search device on water and outside the clearly defined area with compact settlement of a city, town, small town and village and yard land, except for:

- 1) the conduct of research pursuant to the procedure provided for in this Act;
- 2) by a law enforcement agency and the Defence Forces for the performance of service duties;
- 3) by an owner of an immovable and an undertaking for the performance of duties connected with building, cultivation and forest management within the scope of economic activities that are not connected with the search of archaeological finds.

(5) A search device permit can be applied for by a natural person of at least 18 years of age who has passed an in-service training in the course of which he or she has acquired the skill of recognising archaeological finds without damage to the find or the site.

(6) A search device permit shall be granted by the Board. A search device permit shall be granted for five years.

(7) The Board shall refuse to grant a search device permit if the applicant for the permit:

- 1) does not meet the requirements provided for in this Act;
- 2) has submitted knowingly false information that considerably affects the decision of granting a search device permit;
- 3) has not paid the required state fee;
- 4) has been punished pursuant to misdemeanour procedure for the violation of requirements connected with an archaeological find, violation of the prohibition to use a search device or for use of a search device without the search device permit or has been punished pursuant to criminal procedure for the appropriation of an object of cultural value, damaging or destruction of a monument and the data on punishment has not been deleted from the criminal records database.

(8) The Board may suspend the validity of a search permit for the protection of archaeological heritage if the person who has been granted a permit has not submitted the report provided for in subsection (11) of this section.

(9) The Board may revoke a search device permit if:

- 1) knowingly false information has been submitted upon applying for a permit, which considerably affected the decision of granting a search device permit;
- 2) the holder of a permit fails to comply with the requirements for the use of a search device arising from this Act or the obligations imposed on the finder of an archaeological find;
- 3) the holder of a permit has been punished pursuant to misdemeanour procedure for the violation of requirements connected with an archaeological find, violation of the prohibition to use a search device or for use of a search device without the search device permit or has been punished pursuant to criminal procedure for the appropriation of an object of cultural value, damaging or destruction of a monument and the data on punishment has not been deleted from the criminal records database.

(10) Upon use of a search device, the person must carry an identification document. The owner's permission is required for use of a search device on a plot of land belonging to another person.

(11) A person who has been granted a search device permit shall notify the Board in advance of going for a search and shall submit a search report to the Board after returning from the search.

(12) The procedure of applying for and grant of a search device permit, the requirements to the format of a search device permit, requirements to previous notification of the intention to use a search device, requirements to the search report and the submission thereof and requirements to the person conducting in-service training shall be established by a regulation of the minister responsible for the area.

§ 30. Preservation of archaeological finds

(1) The agencies that preserve archaeological finds are:

- 1) museums;
- 2) research and development institution that manages the Archaeological Research Collection;
- 3) the Board.

(2) The place of preservation of archaeological finds shall be determined by the Board after hearing the proposal of the person who conducts the research and taking account of the principle of integrity of the archaeological collection originating from the object of research and the opinion of the preserving agency.

§ 31. Suspension of works for protection of archaeological heritage

(1) If an archaeological layer or historical building structures hidden in the ground, water body or the sedimentation thereof are discovered at any site upon building, erection of roads, ditches and utility lines or the performance of other soil or excavation works, the finder shall be required to suspend the works, preserve the location in an unaltered condition and notify the Board thereof immediately.

(2) The Board has the right to suspend the works for up to one week to ascertain the need for the conduct of research or to assess the compliance of the thing with the prerequisites for state protection.

(3) An archaeological research shall be conducted in the course of environmental impact assessment for the purposes of the Environmental Impact Assessment and Environmental Management System Act on an immovable where according to the information of the Board, based on historical sources, there may be archaeological objects, human bones or an archaeological layer. The provisions of §§ 46–48 of this Act shall be applied to the determination and conduct of research. The expenses of the given research shall not be reimbursed pursuant to subsection 48 (2) of this Act.

Division 3 Underwater Cultural Heritage

§ 32. Protection of underwater cultural heritage

(1) The provisions of this section shall be applied for the protection of underwater cultural heritage not yet discovered or studied and that has not been designated as a monument or protected archaeological site.

(2) A research shall be performed before construction, including installation of civil engineering works, structure or equipment in internal water bodies, territorial seas, transboundary water bodies or exclusive economic zones or before planning another activity that may endanger the preservation of underwater cultural heritage.

(3) The provisions of §§ 46–48 of this Act shall be applied to the determination and conduct of research. The expenses of the given research shall not be reimbursed pursuant to subsection 48 (2) of this Act.

Chapter 4 Organisation of Protection

Division 1 Ensuring Preservation of Monuments and Heritage Conservation Areas

§ 33. Preservation duty

(1) Everyone shall prevent from activities that may endanger, damage or destroy a monument or structure located on a heritage conservation area. A monument or structure located on a heritage conservation area shall not be damaged or destroyed.

(2) A monument or structure located on a heritage conservation area may be used based on the modern needs but not in a manner that may endanger the preservation of the monument or parts thereof.

(3) To ensure the preservation of a monument and heritage conservation area, the owner or possessor of a monument or structure located on a heritage conservation area shall maintain and, in necessary, repair the monument or structure.

§ 34. Damage to monument or structure located on heritage conservation area

(1) Damage to a monument or structure located on a heritage conservation area consists of:

- 1) damage to a monument or parts thereof or to a structure located on a heritage conservation area due to which the physical or chemical properties, structural and decorative elements or appearance of the monument or structure have been altered or the condition of the monument or structure has deteriorated;
- 2) failure to perform the preservation duty due to which the condition of the monument or structure located on a heritage conservation area or parts thereof have deteriorated;
- 3) damage to the cultural layer or archaeological finds on an archaeological monument, which above all means excavation or disarrangement resulting from another activity in such manner that the further scientific research of the monument as an integral historical source becomes impossible.

(2) The resulting damage is substantial if the authenticity of a monument or structure located on a heritage conservation area has been damaged, but the potential integrity thereof can be restored without artistic forgery or distortion of history. In case of an archaeological monument the damage is substantial if the excavation has taken place in the deposits of a mixed archaeological layer or in the superficial deposits of filling nature.

(3) The resulting damage is major if the authenticity of a monument or structure located on a heritage conservation area has been damaged considerably and restoration of the integrity thereof assumes the replacement of one or several parts of cultural value with a copy or reconstruction thereof. In case of an archaeological monument the damage is major the excavation has taken place in the deposits of unmixed archaeological layer, archaeological finds have been removed from the soil or the remains of building structures, wrecks or similar have been damaged.

§ 35. Support for preservation of monuments

(1) The owner or possessor of a monument or structure located on a heritage conservation area may apply for support from the Board for the maintenance, repair, conservation, restoration, ensuring the storage and preservation conditions and restoration of a monument or structure located on a heritage conservation area.

(2) The supported activities, the requirements for the applicant for support and the application, including the rate of own or co-financing, the term for submission of an application, the bases for the assessment, satisfying and refusal to satisfy and revocation of an application, the procedure for inspection of the purposeful use of the support and the bases and procedure for reclamation of support shall be established by a regulation of the minister responsible for the area.

§ 36. Notification obligation

(1) The owner or possessor of a monument or structure located on a heritage conservation area shall immediately notify the Board of:

- 1) a threat that may endanger a monument or structure or of the damage or destruction thereof;
- 2) involuntary transfer of possession of a monument or immovable;
- 3) the transfer, succession, deposit or change of the place of deposit of a movable monument.

(2) If the owner of a monument or structure located on a heritage conservation area transfers the possession of a monument, structure or part thereof to another person based on a rental, lease, deposit, pledge or another similar relationship, he or she shall notify the person receiving the possession of the thing of the fact that the thing is a monument or the structure is located on a heritage conservation area.

§ 37. Transfer of monument or structure located on heritage conservation area

(1) The contract of transfer or encumbering with a real right of a monument or structure located on a heritage conservation area or an immovable located in the buffer zone thereof must include a reference to the legislation establishing the protection.

(2) Movables that form a set of things may be transferred, inherited or divided upon division of estate as single items only with the permission of the Board.

§ 38. Expropriation of monuments

(1) If the owner of a monument fails to perform the obligations arising from this Act and the preservation of the monument is in threat and the preservation thereof cannot be ensured by any other means, the monument may be expropriated.

(2) A monument shall be expropriated for a fair and immediate compensation. Compensation shall be paid to the owner or successor of the expropriated thing.

(3) Expropriation of an immovable monument shall be executed pursuant to the Acquisition of Immovables in Public Interest Act.

(4) Expropriation of a movable monument shall be decided with a directive of the minister responsible for the area. An expropriation decision shall set out the basis of expropriation, the size of payable compensation and the recipient of compensation.

§ 39. Reconstruction obligation of monument or structure located on heritage conservation area

(1) A destroyed or damaged monument and a valuable structure located on a heritage conservation area or a part thereof shall be reconstructed if, taking into account the circumstances, it is justified.

(2) The obligation to reconstruct a monument or structure located on a heritage conservation area and the extent thereof shall be decided by the Board. The reconstruction shall be organised by the owner of a monument or structure.

(3) Before deciding on the obligation to reconstruct a monument or structure located on a heritage conservation area and the extent thereof, the Board shall ask for an opinion thereon:

- 1) from the local government of the location of the monument or structure;
- 2) from a state administrative authority whose competence relates to the monument or structure that is intended to be reconstructed;
- 3) from the owner of a monument or structure located on a heritage conservation area.

(4) Reconstruction of a monument or structure located on a heritage conservation area shall be based on the procedure of works relating to an immovable monument specified in division 3 or a movable monument specified in division 4 of this chapter.

(5) If the reconstruction of a monument or structure located on a heritage conservation area is not justified, the Board shall organise a research for the preservation of information on the monument or structure, if necessary. The expenses of the research may be demanded from the owner of a monument or structure or from the person who has damaged the monument or structure to the extent in which the owner of the monument or structure or another person has caused the damage or destruction of the monument or structure.

§ 40. Transfer of immovable monuments

(1) Immovable monuments may be transferred from their location to another suitable location if it is unavoidable for ensuring major public interest and preservation of the immovable in the present location is endangered and the preservation of the immovable monument cannot be ensured in any other manner.

(2) The permissibility to transfer an immovable monument shall be decided by a directive of the minister responsible for the area after hearing the opinion of the Board, Heritage Council, local government of the location of the monument and the owner of an immovable monument.

(3) The conditions for transfer of an immovable monument shall be determined by the Board with the special conditions for heritage conservation.

§ 41. Access to immovable monuments

(1) The customary roads and paths leading to an immovable monument are for public use from sunrise to sunset and in case of the existence thereof, the possessor of an immovable shall ensure the access of persons to the monument within the specified time.

(2) Persons shall have access to yard land where an immovable monument is located or inside a building being an immovable monument at the time and under the conditions determined by the possessor of the immovable, and the owner or possessor is also entitled to ask a fee therefor.

§ 42. Access to underwater monuments

(1) Diving to an underwater monument and within the buffer zone thereof is allowed with the diving permit issued by the Board or under the supervision of an undertaking providing diving service and who acts in the scope of economic activities.

(2) A natural person who is at least 18 years of age and who has passed training for diving to monuments is entitled to receive a diving permit to underwater monuments.

(3) A diving permit is granted by the Board. A diving permit is granted without a term.

(4) An undertaking providing a diving service or a person who has received a diving permit shall notify the Board before and after diving to a monument and the buffer zone thereof.

(5) The procedure for applying for, grant of and refusal to grant and revocation of a diving licence and the terms of notification of diving, the data submitted upon notification and the procedure of notification and the

requirements for the person providing a training for diving to monuments shall be established by a regulation of the minister responsible for the area.

§ 43. General requirements for performance of works

(1) The planning and performance of works on monuments and heritage conservation areas shall be based on the principle of authenticity and preserving the integrity, deeming the valuable layers of different eras to be important and ensuring the safety of operations on the preservation of the monument and structure located on heritage conservation area.

(2) Upon the conservation, restoration and construction of a monument or structure located on a heritage conservation area, the building design documentation or activity plan approved with the Board or the conditions specified in the permit for performance of works shall be followed.

§ 44. Counselling

The Board shall counsel the owner or possessor of a monument or structure located on a heritage conservation area in the issues concerning the maintenance, repair, construction, conservation and restoration of a monument or structure located on a heritage conservation area, give instructions and issue the maintenance plan, if necessary.

§ 45. Maintenance plan

(1) A maintenance plan is a set of advice for the use and maintenance prepared to ensure the preservation of a monument or structure located on a heritage conservation area, which accounts for the specific character of the monument or structure.

(2) A maintenance plan includes recommendations on the suitability, relevance and timeliness of the repair and maintenance works necessary to ensure the preservation of a monument or structure located on a heritage conservation area as well as the materials and work techniques used therefor, which assist the owner upon performance of the preservation obligation.

Division 2 Research of Monuments, Heritage Conservation Areas and Structures Located on Heritage Conservation Areas

§ 46. Research and research plan

(1) A research shall be conducted, if necessary, for the construction, conservation or restoration of a monument or structure located on a heritage conservation area, preparation of building design documentation or a movable monument activity plan or for the establishment of important information for excavation and other works associated with removal or addition of soil on an archaeological monument.

(2) The need for a research and the extent thereof shall be determined by the Board based on the nature and volume of the planned works before the preparation of special conditions for heritage conservation, in the special conditions for heritage conservation, upon grant of approval to another administrative authority or in the permit for performance of works.

(3) The planning or conduct of research shall be based on the principle of minimum intervention.

(4) A research plan shall be prepared by a competent person for the performance of such research that physically intervenes in the material of a monument or structure located on a heritage conservation area or that may cause the alteration of the monument or structure.

(5) The research plan shall set out the types of planned research, the objective thereof and the methods and schedule thereof, drawings on the places and extent of conduct of research, if necessary, and other important data depending on the type of research.

(6) The types of research and the procedure for the conduct of research shall be established by a regulation of the minister responsible for the area.

(7) Preparation of a research plan shall not be required in case of a movable monument research if it is part of conservation or restoration and is included in the conservation or restoration activity plan.

(8) A research may be conducted for scientific purposes. The cost of conducting a scientific research shall be covered by the party who orders the research and the cost thereof shall not be reimbursed pursuant to subsection 48 (2) of this Act.

§ 47. Research notice

(1) The Board shall be notified of the conduct of research with a research notice before the commencement of research. A research plan corresponding to the requirements shall be submitted together with the research notice.

(2) A research notice shall be submitted to the Board or electronically through the register of cultural monuments at least ten days before the commencement of research.

(3) A research may be commenced unless the Board notifies, within ten days after the submission of notice, the person submitting the notice of the need to additionally verify the data submitted in the notice or research plan. If the submitted data need to be additionally verified, the Board shall decide on the permission of research within 30 days after submitting the notice.

(4) A research notice shall set out:

- 1) the name, contact details and signature of the person submitting the notice and the date of submitting the notice;
- 2) the data of the person conducting the research;
- 3) the time of conducting the research.

(5) The Board shall verify the compliance of the research plan and the person conducting the research with the requirements and shall determine additional conditions for the conduct of research, if necessary, or decide on the permissibility of the research.

(6) The Board shall refuse to permit a research, if:

- 1) the research plan does not comply with the requirements provided for in this Act and on the basis thereof;
- 2) the person conducting the research does not have the necessary qualification for conducting the research;
- 3) the conduct of a research may cause a threat to the monument or the preservation of a structure located on a heritage conservation area.

(7) A research may be conducted on the basis of a research notice within two years after the submission of notice or additional requirements.

(8) Notification of the conduct of a research shall not be required in case of a movable monument research if it is part of conservation or restoration and is included in the conservation or restoration activity plan.

(9) The requirements to the format of a research notice and the procedure for submission thereof shall be established by a regulation of the minister responsible for the area.

§ 48. Research report and financing of research

(1) A research shall be documented and a research report corresponding to the requirements shall be submitted to the Board, within three months after termination of the research, concerning the works performed for a person who ordered the research.

(2) The expenses of conducting a research determined by the Board shall be reimbursed to the person who ordered the research to the extent provided for in the regulation established under subsection (3) of this section if the research has been conducted as required and the Board has approved the research report.

(3) The procedure of documentation of research and requirements to the research report and the rate of compensation specified in subsection (2) of this section, the conditions and procedure for applying for and payment of compensation and the bases and procedure for refusal to satisfy the application shall be established by a regulation of the minister responsible for the area.

Division 3

Performance of Works on Immovable Monuments, Heritage Conservation Areas and Buffer Zones Thereof

§ 49. Building design documentation and immovable monument activity plan

(1) An immovable monument or structure located on a heritage conservation area may be conserved, restored, constructed and transferred according to building design documentation.

(2) Building design documentation must comply with the requirements established for building design documentation and be in conformity with the special conditions for heritage conservation.

(3) An immovable monument or a structure located on a heritage conservation area may be conserved, restored, constructed or transferred or the appearance of a monument or structure located on a heritage conservation area may be altered according to an immovable monument activity plan if the nature, complexity and extent of the planned work enables it and if the submission of building design documentation is not required according to the Building Code.

(4) An activity plan shall be prepared by the person who performs the work. An activity plan includes the objective of work, performance schedule, the work method and extent, description of the used materials, technical drawings and illustrative material and, if possible, description of the condition of the monument or structure located on a heritage conservation area, conclusions of the conducted research and information on the previous conservation, restoration or repair works.

§ 50. Special conditions for heritage conservation

(1) The special conditions for heritage conservation are necessary for the preparation of building design documentation for the conservation, restoration, construction or transfer of an immovable monument or structure located on a heritage conservation area.

(2) The special conditions for heritage conservation are also necessary for the establishment or erection of a new structure on an immovable monument or heritage conservation area, except for in the case where the building design documentation follows the special conditions for heritage conservation of a valid detailed plan and a detailed plan approved with the Board.

(3) The Board issues the special conditions for heritage conservation with an administrative act except for in the case specified in § 61 of this Act. The objective of the special conditions for heritage conservation is to ensure the preservation of a monument or structure located on a heritage conservation area and parts thereof.

(4) The following shall be determined with the special conditions for heritage conservation, where applicable:

- 1) the requirements for conservation, restoration and construction, keeping in mind the preservation of the whole, parts, structures and details of cultural value of a monument or structure located on a heritage conservation area or improvement of their condition or the environment that has developed in the location of the monument or improvement of the condition thereof, including architectural, structural and design conditions;
- 2) upon erection of a structure the height limit, volumes and the type of buildings characteristic of the area, architectural, structural and design conditions and position on the plot;
- 3) requirements for construction or other works, keeping in mind the preservation of the monument or structure located on a heritage conservation area in a suitable environment or improvement of the environmental condition thereof;
- 4) important views to the monument;
- 5) requirements for the building design documentation, including the stage of building design documentation;
- 6) necessary research that needs to be conducted before the preparation of the building design documentation or during the performance of works and the objective and extent thereof;
- 7) the need for heritage conservation supervision;
- 8) the obligation to document works if heritage conservation supervision is not required;
- 9) requirements for the qualification of the person who performs the works and to the person who exercises heritage conservation supervision.

(5) Before the issue of special conditions for heritage conservation the Board shall have the right to demand the conduct of a research if the conditions provided for in subsection (4) of this section cannot be determined without a research. The proceedings for the issue of special conditions for heritage conservation shall be suspended until the submission of a research report as required.

§ 51. Applying for and proceeding of special conditions for heritage conservation

(1) In addition to the data specified in subsection 14 (3) of the Administrative Procedure Act, an application for the special conditions for heritage conservation shall also set out the objective and extent of conservation, restoration or construction of a monument or structure located on a heritage conservation area and other necessary data.

(2) Upon receipt of an application for special conditions for heritage conservation the Board shall verify the compliance thereof with the requirements. If the issue of special conditions for heritage conservation is obviously unjustified, the Board shall refuse to review the application and return it with a justification.

(3) The Board shall issue the special conditions for heritage conservation or decide on the refusal to issue thereof within 30 days after receipt of an application as required. If the Board decides to organise the proceedings as open proceedings, the special conditions shall be issued within 60 days after the date of submission of an application.

(4) The Board shall refuse to issue the special conditions for heritage conservation, if:

- 1) the planned alterations do not ensure the preservation of the monument or structure located on a heritage conservation area;
- 2) necessary research has not been conducted for the issue of special conditions;
- 3) false information has been knowingly submitted upon applying for the special conditions, which considerably affect deciding on the issue of special conditions for heritage conservation.

(5) The special conditions for heritage conservation apply for five years after the issue thereof. The validity of the special conditions for heritage conservation may be extended once by five years in a justified case.

(6) If new special conditions for heritage conservation have been issued for the same object, the conditions issued previously shall become invalid.

(7) The Board may revoke the special conditions for heritage conservation if false information has been knowingly submitted upon applying therefor, which considerably affected deciding on the issue of the special conditions or if the data being the bases for the grant thereof or the requirements for conservation, restoration or construction have changed.

§ 52. Permit for performance of works on immovable monument or heritage conservation area

(1) A permit for the performance of works shall be required for the conservation, restoration and construction of an immovable monument or structure located on a heritage conservation area on the basis of building design documentation or activity plan and for alteration of the appearance of a monument or structure located on a heritage conservation area.

(2) A permit for the performance of conservation, restoration and construction works in the interior of a structure located on a heritage conservation area shall be required if the structure:

- 1) is located on a world heritage site;
- 2) has been assessed as very valuable in the management plan of heritage conservation area.

(3) In addition to the provisions of subsection (1) of this section, a permit for the performance of works shall be required:

- 1) for the establishment of high vegetation, tree cutting, excavation and other works associated with removal or addition of soil on an archaeological monument, at a historical natural sacred site, in a park that is an architectural monument, battlefield that is a historical monument, churchyard, cemetery and heritage conservation area;
- 2) for greenery works in a park that is an architectural monument, churchyard, cemetery and at a historical natural sacred site;
- 3) for the preparation of ground for the purposes of the Forest Act on an archaeological monument and at a historical natural sacred site.

(4) The admissibility of building a structure subject to a building notice or a building permit shall be approved by a competent authority with the Board if the object of an application for a building notice or building permit is connected with a monument or structure located on a heritage conservation area.

(5) Alteration of the boundaries of a registered immovable of an immovable monument or a heritage conservation area and alteration of the intended purpose of land on an archaeological monument, historical natural sacred site and heritage conservation area shall be approved by the competent authority with the Board.

(6) It is prohibited to anchor, trawl, dredge and dump solid substances on underwater monuments.

(7) A permit for the performance of works shall not be required:

- 1) for the maintenance and repair of an immovable monument or structure located on a heritage conservation area;
- 2) for digging a grave in a cemetery that is an historical monument;
- 3) in case of the works specified in subsections (1)–(3) of this section to an extent in which alleviations have been made in the legislation of designation as a monument or heritage conservation area;
- 4) if it has been noted by the Board in an approval to another administrative authority.

§ 53. Application for permit for performance of works on immovable monument

(1) An application for the performance of works shall be submitted to the Board.

(2) In addition to the data specified in subsection 14 (3) of the Administrative Procedure Act, an application for the performance of works shall set out:

- 1) the data of the monument or structure located on a heritage conservation area;
- 2) description of the planned works if building design documentation or an activity plan are not required;
- 3) the commencement date of the planned work and the planned time of completion;
- 4) data on the person who performs the work if the qualification thereof must be certified pursuant to this Act;
- 5) data on the person who exercises heritage conservation supervision if supervision is required.

(3) Building design documentation or an activity plan corresponding to the requirements shall be submitted together with an application for the performance of works, if required.

(4) The requirements to the format of an application for a permit for the performance of works and to the permit for the performance of works and the procedure for the submission of an application shall be established by a regulation of the minister responsible for the area.

§ 54. Processing of permit for performance of works on immovable monument and heritage conservation area

(1) Upon receipt of an application for a permit for the performance of works the Board shall verify the compliance thereof with the requirements. If issue of a permit is obviously unjustified, the Board shall refuse to review the application and shall return it with a justification.

(2) The Board shall grant a permit for the performance of works or refuse to issue thereof within 30 days after receipt of an application as required.

(3) Conditions for conservation, restoration, construction or other works and the obligation to conduct a research may be determined in the permit for the performance of works, if necessary.

(4) The Board shall refuse to issue a permit for the performance of works, if:

- 1) the planned work does not correspond to the requirements established in this Act or on the basis thereof;
- 2) the planned work may damage the monument or structure located on a heritage conservation area or the preservation or condition of the parts thereof;
- 3) false information has been knowingly submitted upon applying for a permit, which considerably affects deciding on the issue of a permit.

(5) In addition to the provisions of subsection (4) of this section, the Board may refuse to issue a permit for the performance of conservation, restoration or construction works, if:

- 1) the building design documentation or activity plan has not been prepared by a competent person;
- 2) the building design documentation does not comply with the special conditions for heritage conservation or the results of a research;
- 3) the person who performs the work or exercises heritage conservation supervision does not comply with the requirements provided for in subsection 68 (1) of this Act.

(6) A permit for the performance of works shall be granted for up to five years according to the schedule of planned works. A permit may be extended once by up to five years in a justified case on the condition that a report corresponding to § 56 or § 57 of this Act has been submitted to the Board as an intermediate report together with an application for extending the permit.

(7) The Board may revoke a permit for the performance of works if the person performing the works damages a monument or structure located on a heritage conservation area or violates the conditions provided for in the permit or if false information has been knowingly submitted upon applying for a permit, which considerably affected deciding on the issue of a permit.

§ 55. Heritage conservation supervision

(1) For the conservation, restoration or construction of an immovable monument or structure located on a heritage conservation area as required, the owner or possessor shall ensure heritage conservation supervision over the works. Heritage conservation supervision may be exercised by a competent person.

(2) The need for heritage conservation supervision shall be determined by the Board with the special conditions for heritage conservation based on the nature, complexity and extent of the works.

(3) The tasks of heritage conservation supervision are to:

- 1) evaluate and inspect the compliance of the performed works with the building design documentation, conditions of the permit for performance of works or the requirements for the performance of works;
- 2) advise the owner of a monument or structure located on a heritage conservation area and the person performing the work in the course of work in the issues regarding the choice of a suitable method and material, preservation of details and structures, course of works as well as research or an expert assessment if it affects the preservation of the monument or part thereof;
- 3) notify the Board of problems or violations having occurred in the course of the works.

§ 56. Report of heritage conservation supervision and financing of supervision

(1) Heritage conservation supervision shall be documented and a report as required shall be submitted to the Board within six months after the termination of works.

(2) A report of heritage conservation supervision shall be prepared and submitted by the person who exercises the supervision.

(3) If heritage conservation supervision determined with the special conditions for heritage conservation has been exercised and a report has been prepared as required, the expenses of exercising supervision shall be reimbursed to the person who orders the heritage conservation supervision in the extent provided for in the regulation established under subsection (4) of this section.

(4) The procedure of documentation of heritage conservation supervision and requirements to the report, requirements for the reimbursement of the expense specified in subsection (3) of this section and the rate of reimbursement, conditions for applying for and payment of reimbursement and the bases and procedure of refusal to satisfy an application shall be established by a regulation of the minister responsible for the area.

§ 57. Documentation of works

(1) If heritage conservation supervision is not required, the person who performs the work shall document the performed works. A report of works as required shall be submitted to the Board within three months after the termination of works.

(2) Requirements for the report of documentation of works performed on a monument or structure located on a heritage conservation area shall be established by a regulation of the minister responsible for the area.

§ 58. Requirements applicable in buffer zone of immovable monument or heritage conservation area

(1) The construction of a structure located within a buffer zone and subject to a building notice or building permit, including the erection or establishment of a temporary structure, and reconstruction, extension, alteration of appearance and demolition of an existing structure shall be approved by a competent authority with the Board.

(2) If a building notice or building permit is not required for the erection or establishment of a structure, including a temporary structure or for the reconstruction, extension, alteration of appearance or demolition of an existing structure according to the Building Code or if construction in a buffer zone has not been approved with the Board, the person interested in construction shall notify the Board of the construction in advance pursuant to the procedure provided for in § 59 of this Act.

(3) In addition to the provisions of subsection (2) of this Act, the Board shall be notified in advance:

- 1) of the establishment of high vegetation in the buffer zone of a monument;
- 2) of the performance of tree cutting, excavation and other works associated with the removal or addition of soil in the buffer zone of an archaeological monument, historical natural sacred site, cemetery that is a historical monument and churchyard and of a park that is an architectural monument;
- 3) of preparation of the ground for the purposes of the Forest Act in the buffer zone of an archaeological monument or historical natural sacred site;
- 4) of anchoring, trawling, dredging and dumping solid substances within a buffer zone of an underwater monument.

(4) If the purpose of a buffer zone of an immovable monument is the preservation of an archaeological layer according to this Act, a research shall be conducted upon construction or excavation or other works associated with the removal or addition of soil. The provisions of subsections § 46 (4)–(6) and §§ 47 and 48 of this Act shall be applied to the conduct of research and reimbursement of the expenses thereof.

(5) If the works specified in clauses (3) 1)–3) of this section are performed in a buffer zone simultaneously with the work specified in subsection 52 (3) of this Act also on a monument or heritage conservation area, the permit for the performance of works shall substitute the notification and the necessary data are submitted in the application for the permit for the performance of works.

(6) Approval with the Board or performance of the notification obligation shall not be required upon construction in the interior of a structure located on a heritage conservation area and in the case provided for in subsections (1)–(3) of this section to an extent in which alleviations have been made in the legislation of designation as monument or heritage conservation area.

§ 59. Notice of performance of works in buffer zone

(1) In the cases provided for in subsections 58 (2) and (3) of this Act, a notice of performance of works shall be submitted to the Board or electronically through the register of cultural monuments at least ten days before the commencement of works.

(2) Works may be commenced unless the Board notifies, within ten days after submission of the notice, the person submitting the notice of performance of works of the need to additionally verify the data submitted in the notice. If the submitted data need to be verified additionally, the Board shall decide on the permission of works within 30 days after submitting the notice.

(3) The notice of performance of works shall set out:

- 1) the name, contact details and signature of the person submitting the notice, and the date of submitting the notice;

- 2) the objective of submitting the notice, including a description of the planned works and specifying drawings or other additional information, if necessary;
- 3) the date of commencement of work and the planned time of completion;
- 4) the data on the person who performs the work.

(4) The Board shall verify the compliance of work submitted in the notice of performance of works with the objective of the buffer zone and shall submit additional conditions, if necessary, or decide on the permissibility of performance of works.

(5) The Board shall refuse to permit the work specified in the notice of performance of works if the performance of work does not ensure compliance with the objective of a buffer zone of a monument or heritage conservation area or it may cause a threat to the monument or preservation of a structure located on a heritage conservation area.

(6) Works may be performed under a notice of performance of works within two years after submitting the notice or determination of additional conditions.

(7) The requirements to the format of a notice of performance of works and the procedure for the submission thereof shall be established by a regulation of the minister responsible for the area.

§ 60. Suspension of works

If a civil engineering works, structure, part of a building, finishing layer, archaeological layer or any find or a circumstance that has not been documented in the course of previous research or that has not been taken into account upon design or grant of a permit for performance of works is discovered in the course of works on an immovable monument, heritage conservation area or in the buffer zone thereof, the person who conducts the works is required to preserve the find in an unaltered condition and inform the Board thereof immediately.

§ 61. Special conditions for heritage conservation for comprehensive plan or detailed plan

(1) The task of the special conditions for heritage conservation for a comprehensive plan or detailed plan is to ensure that the intended changes on a planned area help to ensure the preservation of a heritage conservation area or an immovable monument and the objectives established with the buffer zone.

(2) The special conditions for comprehensive plan shall be prepared if a heritage conservation area or a buffer zone thereof is located on the planned area. Special conditions must not be prepared with the Board's approval if the planned activity does not considerably change the developed spatial situation or the preservation or visual viewability of a heritage conservation area.

(3) The special conditions for heritage conservation for a detailed plan shall be prepared if a heritage conservation area, immovable monument or a buffer zone thereof is located on the planned area.

(4) In the absence of the obligation to prepare a detailed plan for the erection and establishment of a structure and a structure is established or erected on the basis of design specifications, the special conditions for heritage conservation shall be prepared based on the provisions concerning the special conditions for heritage conservation for detailed plan specified in this section. Upon issue of design specifications in case of existence of a detailed plan specifying thereof, the special conditions for heritage conservation for a detailed plan shall be taken into account.

(5) The special conditions for heritage conservation for a comprehensive plan or detailed plan shall be prepared by a competent person and these shall be approved with the Board. The expenses for the preparation of the special conditions for heritage conservation for a comprehensive plan or detailed plan shall be covered by the person who orders them.

(6) Requirements for the procedure of preparation of the special conditions for heritage conservation for a comprehensive plan or detailed plan shall be established by a regulation of the minister responsible for the area.

Division 4 Performance of Works on Movable Monuments

§ 62. Permit for performance of works on movable monument

(1) A permit for the performance of works on the basis of an activity plan shall be required for the conservation, restoration and alteration of appearance of a movable monument and removal of a movable monument from an immovable to which it belongs.

(2) A permit for the performance of works shall not be required in case of activities and to an extent for which alleviation has been made in the directive of designation of a thing as a monument.

§ 63. Movable monument activity plan

(1) An activity plan shall be drawn for the performance of works specified in subsection 62 (1) of this Act.

(2) An activity plan contains the objective of works and the performance schedule, description of the condition of monument, the list of research conducted in the course of work, the plan, method and extent of works, description of the used materials, illustrative material and technical drawings, if necessary.

§ 64. Applying for permit for performance of works on movable monument

(1) In addition to the data specified in subsection 14 (3) of the Administrative Procedure Act, an application for a permit for the performance of works shall set out:

- 1) the data of the monument;
- 2) description of the planned work or activity;
- 3) date of commencement of the planned work or activity and the planned time of completion;
- 4) data on the person who performs the work.

(2) An activity plan corresponding to the requirements shall be submitted to the Board together with an application for the permit for the performance of works.

(3) The requirements to the format of an application for a permit for the performance of works, to the permit for the performance of works and the procedure for submission of an application shall be established by a regulation of the minister responsible for the area.

§ 65. Processing of permit for performance of works on movable monument

(1) The Board shall grant a permit for the performance of works or refuse to issue thereof within 20 days after receipt of an application as required.

(2) The permit for the performance of works may establish conditions for the performance of works or activities specified in subsection 62 (1) of this Act and additional research or heritage conservation supervision, if it is necessary.

(3) The Board may refuse to grant a permit for the performance of works, if:

- 1) the planned work or activity does not comply with the requirements provided for in this Act or may damage the preservation of a monument or part thereof or the condition of the monument;
- 2) the activity plan does not comply with the requirements established in this Act or the results of a research;
- 3) the activity plan has not been drawn by a competent person;
- 4) the person who performs the work does not comply with the requirement provided for in subsection 68 (1) of this Act;
- 5) false information has been knowingly submitted upon applying for a permit, which considerably affects deciding on the grant of a permit;
- 6) the person who performs the work has not submitted a report on the previously conducted work as required.

(4) A permit for the performance of works shall be granted for up to two years. A permit may be extended once by two years in a justified case.

(5) The Board may revoke a permit for the performance of works if the person who performs the work damages the monument or violates the conditions established with the permit or if false information has been knowingly submitted upon applying for a permit, which considerably affected deciding on the grant of a permit.

(6) The provisions of §§ 55 and 56 shall be applied to exercising heritage conservation supervision.

§ 66. Notice of performance of works relating to movable monument

(1) The Board shall be notified in advance of a change in the deposit and storage conditions of a movable monument. The provisions of subsections 59 (1)–(4), (6) and (7) of this Act shall be applied to the notification.

(2) Notification shall not be required if an alleviation has been made thereon in the directive of designation of a thing as monument.

(3) The Board shall refuse to permit the work specified in the notice if a threat to the preservation of the movable monument may be caused thereby.

§ 67. Documentation of conservation and restoration of movable monument and report of works

(1) The conservation and restoration of a movable monument shall be documented and a report corresponding to the requirements shall be submitted to the Board within three months after the termination of works.

(2) The report shall be drawn and submitted by the person who performs the work.

(3) The procedure for the documentation of works specified in subsection (1) of this section and the requirements to the report shall be established by a regulation of the minister responsible for the area.

Chapter 5

Obligations of Persons upon Operating in Heritage Conservation Area

§ 68. Requirements upon operation in heritage conservation area

(1) An undertaking operating in the area of heritage conservation must have a corresponding legal relationship with a competent person specified in § 69 of this Act or the person must be the competent person him or herself as a sole proprietor.

(2) A notice of economic activities shall be submitted to the register of economic activities for operation in the following areas of activity in the field of heritage conservation:

- 1) preparation of building design documentation for conservation or restoration of a monument or structure located on a world heritage site;
- 2) preparation of an activity plan for the conservation or restoration of a monument or structure located on a world heritage site;
- 3) preparation of a research plan and conduct of a research;
- 4) preparation of special conditions for heritage conservation for planning;
- 5) conservation and restoration of monuments and structures located on a world heritage site;
- 6) exercising heritage conservation supervision;
- 7) provision of diving service to underwater monuments.

(3) More specific division of the areas of activity in the field of heritage conservation specified in subsection (2) of this section, taking account of the class and material of the monument, shall be established by a regulation of the minister responsible for the area.

(4) The notice of economic activities shall set out the area of activity of the field of heritage conservation specified in subsection (2) of this section, the data provided for in subsection 15 (1) of the General Part of the Economic Activities Code Act and the data provided for in subsection 15 (2) of the same Act on the competent person of the undertaking.

(5) A notice of economic activities has been submitted if the register of economic activities contains the confirmation of a competent person complying with the requirements provided for in § 69 of this Act on the legal relationship thereof with the undertaking who has submitted the notice of economic activities.

(6) If the notice specified in subsection 58 (1) of the General Part of the Economic Activities Code Act is not submitted through the Estonian information gateway, it shall be submitted together with the confirmation of the competent person to the Board, who shall enter the data contained in the notice and in the confirmation of the competent person to the register of economic activities.

(7) If the competent person does not submit a confirmation or refusal therefrom through the Estonian information gate, the person shall submit it to the Board, who shall enter the confirmation or refusal from confirmation in the register of economic activities.

(8) Upon interruption of the legal relationship between a competent person and an undertaking, the competent person shall have the right to refuse from the confirmation. If a competent person has refused from the confirmation, the undertaking shall submit a notice of change in the general data of economic activity according to subsection 30 (5) of the General Part of the Economic Activities Code Act. If the person having refused from the confirmation is the only competent person of the undertaking in the relevant area of activity, it shall be deemed that the undertaking has not complied with the notification obligation for operating in that area of activity.

§ 69. Competent person

(1) A competent person is an expert, who complies with the requirements provided for in subsections (2)–(6) of this Act and who performs, inspects or supervises work in an area of activity in the field of heritage conservation relating to his or her competence and who is responsible therefor.

(2) A person may act as a competent person in an area of activity in the field of heritage conservation provided for in subsection 68 (2) of this Act if he or she holds a professional certificate that certifies the relevant qualification or a certificate of competency corresponding to this Act.

(3) A person whose professional level includes supervising the work of other people or who holds a certificate of competency according to this Act may work as a competent person of an undertaking, whose work includes the supervision of others.

(4) A person having acquired foreign professional qualification may also operate as a competent person if his or her professional qualification has been recognised according to the Recognition of Foreign Professional Qualifications Act. The competent person provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act shall be the Board.

(5) A competent person performs his or her duties with professional expertise and with due care corresponding to the specific character of work. A person may not simultaneously operate as the competent person of several undertakings if his or her work load does not enable to perform his or her official duties as required.

(6) A competent person shall involve a specialist of a relevant specialty and with the necessary competence in the performance of work if his or her qualification is not sufficient due to the specific character of work.

(7) An undertaking at whose responsibility and for whom the competent person works shall ensure that the competent person has the opportunity to perform his or her work according to the requirements arising from the law and with due care corresponding to the specific character of work.

§ 70. Certificate of competency

(1) A certificate of competency certifies the compliance of a person's qualification with the competence requirements. A certificate of competency grants the holder thereof the right to operate in the area of activity specified in the certificate within his or her qualification.

(2) A person shall not be required to apply for a certificate of competency if he or she holds a professional certificate according to the Processions Act and the professional standard of which includes heritage conservation competence.

§ 71. Applying for, grant of and refusal to grant certificate of competency

(1) A person applying for a certificate of competency must have:

- 1) acquired nationally recognised university education or a foreign qualification corresponding thereto according to the area of activity;
- 2) operated continuously in the requested area of activity at least for the past four years.

(2) In addition to the provisions of subsection (1) of this section, the person applying for a certificate of competency must have passed in-service training corresponding to the requested area of activity for operation on an architectural monument, cemetery that is a historical monument and churchyard.

(3) The Board may decide that the requirement of higher education and in-service training must not be complied with for operating in the area of activity of conservation and restoration of an immovable monument or a structure located on a world heritage site if the work does not include the supervision and management of the work of others.

(4) A person applying for a certificate of competency for providing diving service to underwater monuments must hold:

- 1) a diving permit granted by the Board;
- 2) an internationally recognised diving instructor's licence.

(5) To receive a certificate of competency the applicant shall submit to the Board:

- 1) an application;
- 2) a document certifying education;
- 3) list of performed works that includes a description of works and pictures;
- 4) document certifying the passing of in-service training;
- 5) data on the payment of state fee.

(6) The requirements provided for in clauses (5) 2–3) of this section shall not be applied upon applying for a certificate of competency in the area of activity of diving service.

(7) In addition to the provisions of subsection 14 (3) of the Administrative Procedure Act, the applicant shall set out in the application his or her personal identification code, the class of monument and area of activity for operation in which he or she applies the certificate of competency.

(8) The competence of a person shall be assessed and a certificate of competency shall be granted by the Board for five years. The validity of a certificate of competency may be extended by five years upon the person's request.

(9) Upon grant of a certificate of competency the Board shall have the right to assess the competence of a person within the area of activity applied for based on the class of a monument and the applicant's qualification

and to restrict in the certificate of competency the person's right to act based on the applicant's skills upon working with monuments of a certain class and from a certain material.

(10) The Board shall adjudicate an application for a certificate of competency or the extension thereof within 30 days.

(11) The Board shall refuse to grant a certificate of competency if the applicant:

- 1) does not comply with the requirements provided for in subsections 71 (1) and (2) or subsection (4) of this Act;
- 2) the performed work does not comply with the requirements provided for in this Act;
- 3) has submitted knowingly false information upon applying for a certificate of competency, which considerably affect deciding on the grant of a certificate of competency;
- 4) has not paid the required state fee.

(12) The Board shall refuse to extend a certificate of competency, if the applicant:

- 1) has not operated continuously in the requested area of activity at least for the past four years;
- 2) the performed works are not in compliance with the requirements provided for in this Act;
- 3) has damaged or destroyed a monument or structure located on a world heritage site or part thereof in the course of the performed works;
- 4) has not paid the required state fee.

(13) The Board may refuse to extend a certificate of competency if the applicant:

- 1) has not submitted the report provided for in this Act as required;
- 2) has submitted knowingly false information upon extension of a certificate of competency, which considerably affect deciding on the grant of a certificate of competency.

(14) The requirements to the format of an application for a certificate of competency and to the certificate of competency and the procedure for the submission of an application shall be established by a regulation of the minister responsible for the area.

§ 72. Revocation of certificate of competency

(1) The Board may revoke a certificate of competency if:

- 1) the applicant has submitted knowingly false information upon applying for a certificate of competency, which considerably affected deciding on the grant of a certificate of competency;
- 2) the activity of a person holding a certificate of competency does not comply with the requirements provided for in this Act;
- 3) the person holding a certificate of competency has damaged or destroyed a monument or structure located on a world heritage site or a part or appearance thereof in the course of operating in the area of activity.

(2) Upon revocation of a certificate of competency, the person cannot apply for a new certificate of competency within one year after the date of revocation of a certificate of competency.

§ 73. In-service training

(1) The in-service training specified in subsection 71 (2) of this Act may be conducted by a continuing education institution complying with the requirements provided for in the Adult Education Act. The in-service training curriculum shall be approved by the Board.

(2) Upon approval of an in-service training curriculum the Board shall evaluate the sufficiency of the subjects covered in the training and the duration of their coverage for the acquisition of heritage conservation competencies.

(3) If the in-service training has been conducted in a foreign state, the compliance of the educational and training institution and the curriculum with the provisions of subsection (2) of this section shall be assessed by the Board on the basis of the application of an applicant for a certificate of competency.

Chapter 6 Organisation of Heritage Conservation Activities

Division 1

Organisers of Heritage Conservation

§ 74. Organiser of heritage conservation and safeguarding of intangible cultural heritage

(1) The organisers of heritage conservation are the Ministry of Culture and the Board according to the competence thereof.

(2) The organiser of safeguarding of intangible cultural heritage is the Ministry of Culture.

§ 75. Heritage Council

(1) The Heritage Council is an advisory body of the Ministry of Culture, which is composed of the experts of heritage conservation and the areas connected therewith.

(2) The Heritage Council shall make proposals and express opinions concerning issues connected with this Act.

(3) The members of the Heritage Council shall be appointed for four years by the minister responsible for the area. A fee may be paid to a member for participation in the work of the Heritage Council in the amount determined by the minister responsible for the area.

(4) The rules of procedure of the Heritage Council shall be established with a directive by the minister responsible for the area.

§ 76. Local governments and state administrative authorities

(1) Upon performance of their duties, local governments and state administrative authorities shall account for monuments, heritage conservation areas and the buffer zones thereof, protected archaeological sites and underwater cultural heritage and shall approve with the Board, in the cases prescribed for in the law, draft administrative acts and the permission of activities with a notification obligation, the object of which is connected with a monument, heritage conservation area, the buffer zone thereof, a protected archaeological site or underwater cultural heritage. If an approval is not required by the law but the activity applied for is connected with the works specified in subsection 26 (1), subsection 31 (3), subsection 32 (2), subsections 52 (1)–(3) and subsections 58 (1)–(3) of this Act, the local government or a state administrative authority shall ask for the opinion of the Board.

(2) The Board shall not approve an activity specified in subsection (1) of this section if it may damage the preservation or condition of a monument, part thereof, a heritage conservation area or protected archaeological site or achieving the aim of the buffer zone thereof.

(3) The Board may establish conditions upon approval of the activity specified in subsection (1) of this section, which ensure the preservation and condition of a monument, heritage conservation area, protected archaeological site or the aim of the buffer zone thereof, and also determine the obligation to conduct a research.

(4) The Board may demand the organisation of an architecture competition for the erection of a structure on a world heritage site.

§ 77. Authorisation for performance of administrative functions

(1) The minister responsible for the area may, pursuant to the procedure provided for in the Administrative Co-operation Act, authorise a local government to perform the Board's administrative functions provided for in this Act on behalf of the state and exercise state supervision as a law enforcement agency on behalf of the state.

(2) The functions specified in subsection (1) of this section may be transferred fully or in part.

(3) An administrative contract shall be entered into and administrative supervision over the performance of administrative functions authorised with an administrative contract shall be exercised by the Board.

(4) If the administrative contract specified in subsection (3) of this section is terminated unilaterally or there is another reason preventing the performer of administrative functions from continuing the performance of the given administrative function, the subsequent performance of administrative functions shall be organised by the Board.

Division 2 Register of Cultural Monuments and Marking of Monuments with Signs

§ 78. Register of cultural monuments

(1) The aim of the register of cultural monuments (hereinafter *register* in this section) is to ensure:

- 1) the collection of necessary data for the preservation of monuments, heritage conservation areas and protected archaeological sites and exercising supervision;
- 2) provision and disclosure of information on monuments, heritage conservation areas and protected archaeological sites;
- 3) maintaining records of things placed under temporary protection and archaeological finds.

(2) The register shall be founded and the statutes thereof shall be established by a regulation of the minister responsible for the area.

(3) The controller of the register is the Board.

(4) The following data shall be processed in the register:

- 1) data on monuments and heritage conservation areas;
- 2) data on the owner or possessor of a monument or structure located on a heritage conservation area;
- 3) data on the applications, maintenance plan, restoration obligation, special conditions, research, building design documentation, activity plans, permits, notices and reports regarding a monument or structure located on a heritage conservation area;
- 4) data on state and administrative supervision;
- 5) data on a thing or area of cultural value placed under temporary protection;
- 6) data on the identification of a thing or area of cultural value;
- 7) data on archaeological finds and protected archaeological sites;
- 8) data relating to search permits and diving permits;
- 9) data relating to certificates of competency.

(5) If the designation as a monument is revoked or the data on the owner of the monument change, the personal data connected with the monument necessary for receiving a historical review of the thing, shall be preserved.

(6) The specific composition of data to be entered in the register and the specific term of preservation thereof shall be provided for in the statutes of the register.

(7) The location of immovable monuments, heritage conservation areas, the buffer zones thereof and protected archaeological sites shall be entered in the land cadastre.

(8) Underwater monuments shall be entered on the navigation map by the Maritime Administration in co-operation with the Board.

§ 79. Marking of monuments with signs

(1) Immovable monuments shall be and movable monuments and underwater monuments may be marked with respective signs.

(2) The marking of monuments with signs shall be organised by the Board.

(3) The procedure of marking of monuments and the image on the signs shall be established by a regulation of the minister responsible for the area.

Chapter 7 State and Administrative Supervision

§ 80. Exercise of state and administrative supervision

State and administrative supervision over compliance with this Act and with the requirements of legislation established on the basis thereof shall be exercised by the Board and local governments.

§ 81. Measures of state supervision and rate of penalty payment

(1) For exercising the state supervision provided for in this Act, the Board may apply the special state supervision measures provided for in §§ 30, 31, 32, 44 and 49–52 of the Law Enforcement Act on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

(2) Upon failure to comply with a precept, the Board may apply a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. To require the performance of an obligation, penalty payment shall be imposed in case of a legal person in the upper limit of 32 000 euros.

§ 82. Specifications of state and administrative supervision

(1) The Board and local government shall have the right to suspend any work or activity which may endanger a monument, structure located on a heritage conservation area, archaeological find, protected archaeological site or cultural layer. The Board may determine additional research or conditions for the performance of work, if necessary, to prevent damage to a monument, structure located on a heritage conservation area, archaeological find, protected archaeological site or cultural layer, and also to suspend works or research that are not in compliance with the conditions provided for in the building design documentation, activity plan, research plan or in the permit for the performance of works.

(2) If a local government suspends the work or activity specified in subsection (1) of this section, the local government shall notify the Board thereof immediately. The continuation of works shall be decided by the Board.

(3) The Board may restrict access to an immovable monument if free access may endanger the preservation of the monument.

Chapter 8 Liability

§ 83. Violation of requirements relating to archaeological finds and protected archaeological sites

(1) Failure to report of an archaeological find and knowingly removing an archaeological find or part thereof from the place it is found and for knowingly causing damage to an archaeological find, part thereof or a protected archaeological site or an archaeological layer is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32 000 euros.

(3) An attempt of misdemeanour provided for in this section is punishable.

§ 84. Damage to and removal of monument sign

(1) Damage to or removal of a monument sign is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.

(3) An attempt of misdemeanour provided for in this section is punishable.

§ 85. Violation of requirements for research or performance of works

(1) Performance of a research or work without the Board's permit, if the Board's permit was required, or failure to notify the Board as required is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32 000 euros.

(3) An attempt of misdemeanour provided for in this section is punishable.

§ 86. Violation of prohibition to use search device on monuments, buffer zones thereof and on protected archaeological sites

Violation of the prohibition to use a search device on a monument, the buffer zone thereof or on a protected archaeological site is punishable by a fine of up to 300 fine units.

§ 87. Violation of requirements for diving to underwater monuments

(1) Violation of the requirements for diving to underwater monuments is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32 000 euros.

§ 88. Use of search device without search device permit

Use of a search device without the Board's search device permit is punishable by a fine of up to 300 fine units.

§ 89. Confiscation of search device

The Board or a court may confiscate the search device being the immediate object to the misdemeanour specified in §§ 83, 86 and 88 of this Act according to § 83 of the Penal Code.

§ 90. Proceedings

Extra-judicial proceedings concerning the misdemeanours provided for in this chapter shall be conducted by the Board.

Chapter 9 Implementing Provisions

Division 1 Transitional Provisions

§ 91. Validity of statutes of heritage conservation areas

(1) The statutes of heritage conservation areas established before entry into force of this Act shall remain in force after entry into force of this Act until it is repealed by the Government of the Republic or until the management plan of heritage conservation areas shall be established on the bases and pursuant to the procedure provided for in this Act. The management plan of heritage conservation areas shall be established within four years after entry into force of this Act. The term specified in this subsection may be extended, taking account of the time of proceedings provided for in § 18 of this Act or the time of court actions.

(2) If part of the statutes of heritage conservation areas is in conflict with this Act, the provisions of this Act shall be applied.

(3) Until the establishment of a management plan of heritage conservation areas on the basis of this Act, a structure built or erected before 1940 shall be deemed to be a very valuable structure for the purposes of clause 52 (2) 2) of this Act if the preservation of architecturally valuable interiors has been set out as the objective of protection in the statutes of heritage conservation.

§ 92. Classes of monuments

The classes of monuments designated as monuments before entry into force of this Act shall be brought into conformity with the classification of monuments provided for in this Act by 1 January 2022.

§ 93. Arrangement of register of cultural monuments

The data contained in the register of cultural monuments shall be brought into conformity with the requirements of this Act by 1 January 2022.

§ 94. Protection obligation notice

The alleviations prescribed to the restrictions applicable to monuments and the buffer zone thereof granted in the protection obligation notice, the list of works for the maintenance of a monument and the preservation conditions of movable monuments before entry into force of this Act shall remain in force to an extent that is not in conflict with this Act and until the amendment thereof on the bases and pursuant to the procedure provided for in this Act.

§ 95. Extent of buffer zone and alteration thereof

The buffer zone of a thing designated as monument with a minister's regulation or directive before 19 December 2008 is land extending fifty metres from the exterior or boundary of the monument, unless the legal instrument prescribes otherwise. The provisions of §§ 13, 14 and 16 of this Act shall be applied to the alteration proceeding of a buffer zone and publication of a legal instrument.

§ 96. Amendment of administrative contract

(1) An administrative contract entered into with the council of a local government before entry into force of this Act for the performance of state obligations of heritage conservation shall be brought into conformity with this Act or terminated by 1 January 2020.

(2) If a provision of an administrative contract entered into with the council of a local government before entry into force of this Act is in conflict with this Act, the provisions of this Act shall be applied.

§ 97. Processing of permit applications submitted before entry into force of this Act

(1) An application for receipt of a permit for the performance of works on a monument, heritage conservation area or the buffer zone thereof submitted before entry into force of this Act shall be processed on the basis of this Act.

(2) If a person is required to submit a research notice or notice of performance of works pursuant to this Act, the notice shall be deemed to be submitted with an application for a research permit or a permit for the performance of works submitted earlier.

(3) If an application for a permit regarding the conduct of activities on a monument, heritage conservation area or the buffer zone thereof has been submitted before entry into force of this Act, in case of which a permit for the performance of work is not required pursuant to this Act, the Board shall terminate processing the application.

§ 98. Application for search permit of things of cultural value and application for diving permit submitted before entry into force of this Act

(1) An application for a search permit of things of cultural value and an application for a diving permit submitted before entry into force of this Act shall be processed on the basis of this Act.

(2) A search permit of things of cultural value and a diving permit issued before entry into force of this Act shall be valid until expiry of the term specified thereon.

§ 99. The right to act of person having organised in-service provided for in Heritage Conservation Act before entry into force of this Act

The legal person having organised in-service training provided for in the Heritage Conservation Act before entry into force of this Act must bring his or her activity into conformity with the requirements of this Act by 1 September 2020.

§ 100. Special conditions for heritage conservation

(1) The special conditions for heritage conservation prepared before entry into force of this Act may be submitted to the Board for approval within six months after entry into force of this Act.

(2) The special conditions for heritage conservation submitted for approval before entry into force of this Act or within the term provided for in subsection (1) of this section shall be processed on the basis of the Heritage Conservation Act having applied before entry into force of this Act.

(3) The special conditions for heritage conservation approved or prepared by the Board before entry into force of this Act or approved on the grounds specified in subsection (2) of this section shall be valid until the term determined pursuant to the Heritage Conservation Act having applied before entry into force of this Act. The term of validity of the special conditions for heritage conservation shall not be extended.

§ 101. Activity licence of responsible specialist

(1) An activity licence of a specialist in charge of works granted before 1 January 2014 on the basis of the Heritage Conservation Act having applied before entry into force of this Act shall be valid until 31 December 2020.

(2) An activity licence of a specialist in charge of works granted from 1 January 2014 on the basis of the Heritage Conservation Act having applied before entry into force of this Act shall be valid until 31 December 2021.

§ 102. Activity licence of undertaking

(1) Undertakings having operated under an activity licence before entry into force of this Act shall become undertakings operating in areas of activity that require a notification obligation upon entry into force of this Act and their notification obligation shall be deemed to be complied with upon entry into force of this Act, taking account of the specifications provided for in subsection (2) of this section.

(2) If additional data need to be submitted for compliance with the notification obligation specified in subsection (1) of this section compared to the requirements that applied until entry into force thereof, the undertaking shall submit such data within 90 days after entry into force of this Act. Upon failure to submit the data in time, the notification obligation has not been complied with.

§ 103. Reimbursement of research and heritage conservation supervision

The expense of research and heritage conservation supervision that has been determined on the basis and pursuant to the procedure of this Act shall be reimbursed on the basis of subsection 48 (2) and subsection 56 (3) of this Act.

Division 2 Amendment and Repeal of Acts

§ 104. - § 106. Amendment provisions of other acts omitted from the translation.

§ 107. Repeal of Heritage Conservation Act

The Heritage Conservation Act (RT I 2002, 27, 153) shall be repealed.

§ 108. -§ 113. Amendment provisions of other acts omitted from the translation.

Division 3 Entry into Force of Act

§ 114. Entry into force of Act

This Act enters into force on 1 May 2019.

Eiki Nestor
President of the Riigikogu