

# THE CROATIAN PARLIAMENT

2865

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the following

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE CULTURAL PROPERTY PROTECTION AND CONSERVATION ACT

I hereby promulgate the Act on amendments to the Cultural Property Protection and Conservation Act, adopted by the Croatian Parliament at the session held on 12 December 2014.

Class: 011-01/14-01/176

Reg. No.: 71-05-03/1-14-2

Zagreb, 17 December 2014

President  
of the  
Republic of  
Croatia

**Ivo Josipović**

## ACT

### ON AMENDMENTS TO THE CULTURAL PROPERTY PROTECTION AND CONSERVATION ACT

#### Article 1

In the Cultural Property Protection and Conservation Act (»Official Gazette«, no. 69/99, 151/03, 157/03, 87/09, 88/10, 61/11, 25/12, 136/12 and 157/13) under Article 1a, subparagraph 6 shall be amended to read as follows:

»– Directive 2014/60/EU of the European Parliament and the Council dated 15 May 2014 on restitution of cultural items unlawfully removed from the territory of a Member State and on amendments to Regulation (EU) no. 1024/2012 (modification).«.

Subparagraphs 7 and 8 shall be deleted.

## Article 2

Under Article 6, item 9, the full point at the end of the sentence shall be replaced by a comma and a new item 10 shall be added to read as follows:

»10. A conservation study shall be a technical document prepared for the requirements of an intervention on an individually protected structure in the event of changes that may affect the technical condition or attributes of cultural property, and for an existing structure or planned construction within a protected cultural and historical complex at a location of interest for conservation of the attributes of the cultural and historical complex, «.

Following former item 10, now item 11, in which the full point at the end of the sentence shall be replaced by a comma, items 12 do 19 shall be added to read as follows:

»12. A cultural item shall be an object categorized or defined by any European Union Member State, prior to or following its unlawful taking out of the territory of that Member State, as part of the "national treasure of artistic, historic or archaeological value" under national legislation or in the framework of administrative procedures, in terms of Article 36 of the Treaty on the Functioning of the European Union,

13. A cultural item unlawfully brought out of the territory of any European Union Member State shall be a cultural item:

(a) taken out of the territory of a Member State in breach of its regulations on national treasure protection or in breach of Regulation (EC) no. 116/2009, or

(b) not returned upon expiry of the deadline for lawful temporary removal or any given breach of any other terms regulating such temporary removal,

14. a European Union Member State that has requested restitution of a cultural item shall be the Member State from the territory of which a cultural item has been unlawfully brought out,

15. a European Union Member State required to return a cultural item shall be the Member State on the territory of which a cultural item unlawfully taken out of the territory of another Member State is located,

16. restitution of a cultural item shall be physical restitution of a cultural item to the territory of the Member State which has requested restitution,

17. a possessor of a cultural item shall be a person exercising factual control over the cultural item for his/her own account,

18. a holder of a cultural item shall be a person exercising factual control over the cultural item for a third party,

19. public collections shall be collections, which, pursuant to the legislation of any European Union Member State, are defined as public and are owned by that Member State, local or regional authorities in that Member State or any given institution located on the territory of that Member State, provided such institution is owned by the Member State or local or regional authorities or to a large extent funded by those. «.

### Article 3

Under Article 12 paragraph 2 and 3 shall be amended to read as follows:

»The decision under paragraph 1 of the present Article shall stipulate the spatial boundaries of cultural property to be protected and shall be submitted to the competent cadastre and court in order for the cultural property attributes and spatial boundaries to be registered on the cadastral plots stipulated under said decision, and to the Port Authority if the decision on stipulating the cultural property attributes shall refer to an underwater archaeological site.

Delivery of the decision under paragraph 1 of the present Article when stipulating the attribute of a cultural property as regards cultural and historic complexes and archaeological sites, shall be done by publishing said decision in the daily newspaper published in the area where the property is located.«.

### Article 4

Under Article 25 paragraph 2 shall be deleted

Under Article 37 paragraph 1 shall be amended to read as follows:

»Any owner intending to sell a cultural property shall, prior to selling, also offer it to the Republic of Croatia, the County, the City of Zagreb, the city or municipality on the territory of which the cultural property is located, specifying the price and other terms of sale. This provision shall not apply to a property within the protected cultural and historical complex, which is not protected as cultural property under special decision. «.

### Article 6

Under Article 41 paragraph 3 the wording: »Expropriation Act« shall be replaced by the wording: »Act regulating expropriation«.

### Article 7

Under Article 43 a paragraph 4 shall be amended to read as follows:

» If prior to stipulating the attribute of cultural property or preventively protected property, a procedure has been initiated for the purpose of granting a concessions or establishing the right of construction, the right of servitude or leasing out under special regulation, the procedure of granting a concession under the present Act shall not be implemented, provided the concessionaire, construction right holder, trustee of servitude or lessee shall commit to implement the terms of cultural property protection and conservation established by the competent body and define the modality of implementation thereof. As regards compliance with the terms of cultural property protection and conservation and the consequences of breach of said terms, the provisions of Article 43 f and 43 i of the present Act shall apply accordingly.«.

Following paragraph 4 paragraph 5 shall be added to read as follows:

» If a cultural property shall be part of a specific project together with another property on which the right of construction or right of servitude is to be established, or the property is to be leased out under special regulation, the procedure for granting a concession under the present Act shall not be implemented for the cultural property, and the procedure of establishing the right of construction, the right of servitude or leasing out under special regulation may be implemented provided construction right holder, trustee of servitude or lessee shall commit to implement the terms of cultural property protection and conservation established by the competent body and define the modality of implementation thereof. As regards compliance with the terms of cultural property protection and conservation and the consequences of breach of said terms, the provisions of Article 43 f and 43 i of the present Act shall apply accordingly.«.

## Article 8

Article 43 b shall be amended to read as follows:

» The concession shall be granted on the basis of a public tender.

For cultural property in the ownership of the Republic of Croatia, the notice of intent to award a concession shall be published by the Ministry of Culture, and for cultural property owned by the County, the City of Zagreb, any given city or municipality, the notice of intent to award a concession shall be published by the competent body of any given County, the City of Zagreb, any given city or municipality.

The notice of intent to award a concession shall, together with the information stipulated under the Act regulating concessions, also include the terms of cultural property protection and conservation stipulated by the competent body and the concessionaire's modality of implementation thereof.

For cultural property or property being part of a specific project for the implementation of which a concession is granted under the provisions of the present Act and/or special Act, concession grantors may agree to stipulate for the procedure of granting the concession, including awarding a single concession contract, to be carried out by one of the concession grantors or a central state administration body in charge of state property management in order to ensure unified terms of implementation of a specific project, unless otherwise stipulated under special Act.

By way of derogation concessions may be granted upon request pursuant to the present Act, the Act regulating concessions and the Act regulating strategic investment projects of the Republic of Croatia.

The terms of cultural property protection and conservation shall be integral part to the decision on awarding a concession and to the concession agreement.

Concessions shall be granted for a limited period not exceeding 99 years.

Concessions shall be entered into a Register administered by the Ministry of Culture and the Concessions Register administered by the Ministry in charge of finance.

The Minister of Culture shall prescribe under rules of procedure the content and method of keeping the Concessions Register.

The terms of cultural property protection and conservation and the modality of implementation thereof for cultural property located on maritime domain shall be stipulated by the competent body prior to publication of the notice of intent to award a concession on maritime domain pursuant to the Act regulating maritime domain.

The terms of cultural property protection and conservation and the modality of implementation thereof for cultural property within protected nature areas shall be stipulated by the competent body prior to publication of the notice of intent to award a concession pursuant to the Act regulating the protection of nature.«.

#### Article 9

Under Article 43 c paragraph 1 the wording: »Decision on selecting the most favourable bidder« shall be replaced by the wording: »Decision on granting a concession«.

Paragraph 2 shall be amended to read as follows:

»The decision to grant a concession for cultural property in the ownership of the Republic of Croatia shall be issued by the Ministry of Culture (concession grantor). «.

Under paragraph 3 the wording: »decision on selecting the most favourable bidder« shall be replaced by the wording: »decision on granting a concession«.

#### Article 10

Under Article 43 d paragraph 1 the wording: »decision on selecting the most favourable bidder« shall be replaced by the wording: »decision on granting a concession «.

Following paragraph 2 paragraph 3 shall be added to read as follows:

»If the concession shall include the right of construction and the right of servitude in line with the concession agreement, the fee established for the concession shall include the fee for establishing the right of construction and right of servitude, unless otherwise stipulated under special Act. «.

#### Article 11

Under Article 43 j paragraph 2 the wording: »one year« shall be replaced by the wording: »five years«.

#### Article 12

The heading preceding Article 60 shall be amended to read as follows: »5. Stipulating special terms of cultural property protection«.

Article 60 shall be amended to read as follows:

»For interventions on immovable cultural property and in the area of the cultural property spatial boundaries for which a location permit or another document for the implementation of the spatial plan is issued under special regulation, the competent body, upon request by any interested party and prior to initiating the procedure issue of location permit or any other act for the implementation of the spatial plan, or during the procedure of location permit or act issue, shall stipulate special terms of cultural property protection.

The request for stipulating special terms of cultural property protection under paragraph 1 of the present Article shall be rejected if the proposed intervention is contrary to the stipulated measures of cultural property protection and conservation or to the purpose of cultural property protection stipulated under the present Act, or if the conservation study certificate under Article 61 a paragraph 1 of the present Act has been rejected. «.

### Article 13

Article 61 shall be amended to read as follows:

» For action to be taken on immovable cultural property and in the area of the cultural property spatial boundaries for which a location permit is issued under special regulation, the competent body, upon request by the investor for the purpose of developing the main project, and prior to initiating the procedure of construction permit issue, shall stipulate the special terms of cultural property protection.

The request for stipulating special terms of cultural property protection under paragraph 1 of the present Article shall be rejected by decision if the proposed action is contrary to the stipulated terms of cultural property protection and conservation or to the purpose of cultural property protection stipulated under the present Act or the conservation study certificate under Article 61 a paragraph 1 of the present Act has been rejected.

By way of derogation as to paragraph 1 of the present Article, if the main project was developed in line with the present Act as to issues related to which special terms of cultural property protection have been stipulated in the procedure of construction permit issue, the competent body shall, instead of the special terms under paragraph 1 of the present Article, issue a certificate confirming the main project to be in line with the special protection terms. If the main project has not been aligned with the special protection terms, the request for issue of the certificate shall be rejected by decision. «.

### Article 14

Following Article 61, Article 61 a and 61 b shall be added to read as follows:

#### »Article 61 a

The competent body shall be authorised, for the purpose of stipulating the special cultural property protection terms under Article 60 paragraph 1 and Article 61 paragraph 1 of the present Act and if necessary, to stipulate by conclusion for a conservation study to be developed.

The conservation study under paragraph 1 of the present Article developed by authorised specialised legal and/or physical persons under Article 100 of the present Act shall be confirmed by the competent body.

If the conservation study under paragraph 1 of the present Article shall be contrary to the stipulated terms of cultural property protection and conservation or to the purpose of cultural property protection stipulated under the present Act, the request for issue of the conservation study certificate shall be rejected by decision.

#### Article 61 b

For construction of simple and other structures and for works within the cultural and historical complex on an individual cultural property, and in the area of the cultural property spatial boundaries for which, in line with regulations regulating construction, obtaining a construction permit is not necessary, the investor shall, prior to launching the works, obtain the special terms of cultural property protection issued by the competent body.

The request for stipulating special terms of cultural property protection under paragraph 1 of the present Article shall be rejected by decision if the proposed works are contrary to the stipulated terms of cultural property protection and conservation or to the purpose of cultural property protection stipulated under the present Act.

For construction and works under paragraph 1 of the present Article, executed under the main project, the investor shall, prior to launching the works, obtain a certificate issued by the competent body, certifying the main project to be in line with the present Act as to issues related to which special terms of cultural property protection have been stipulated. If the main project has not been aligned with issued special terms, the request for issue of the certificate shall be rejected by decision.

For construction and works under paragraph 1 of the present Article, which are not executed under the main project, the investor shall, prior to launching the works, obtain prior authorisation by the competent body.«.

#### Article 15

Article 62 shall be amended to read as follows:

»Actions which could disturb the integrity and/or result in changes to the movable or immovable cultural property and in the area of the cultural property spatial boundaries which, under special regulation, are not considered as construction, except for those under Article 61 b paragraph 3 of the present Act, undertaken under the main project, may be undertaken upon prior authorisation by the competent body. The competent body shall be authorised, before issuing a prior authorisation and if necessary, to stipulate the special terms of cultural property protection.

The following shall in particularly be considered actions in terms of paragraph 1 of the present Article: construction and works under Article 61 b paragraph 4 of the present Act, conservation, restoration, dislocation of cultural property and other similar works, operation of industrial and other facilities and work sites, cultural property rehabilitation and renovation

in terms of the present Act, as well as construction of simple and other structures and works in the area in which the cultural property is located .

The Minister of Culture shall prescribe under rules of procedure the documentation which the applicant shall enclose to the request for prior authorisation.

The competent body shall decide about the request for prior authorisation under paragraph 1 of the present Article by decision.

An appeal against the decision under paragraph 4 of the present Article shall not defer execution of the decision.

The prior authorisation under paragraph 1 of the present Article shall cease to be valid upon expiry of the period of three years counting from the date of finality of the prior authorisation.«.

#### Article 16

The heading preceding Article 70 a shall be amended to read as follows: »10 a Restitution of cultural items unlawfully taken out of the territory of European Union Member States«.

Article 70 a shall be amended to read as follows:

»European Union Member States may, in the procedure and in line with the terms stipulated under the present Act, request restitution of cultural items unlawfully brought out of their territory, if those are located on the territory of the Republic of Croatia.

The provision under paragraph 1 of the present Article shall not impinge upon the right of non-European Union states to restitution of cultural items in line with multilateral and bilateral international agreements .«.

#### Article 17

Article 70 b shall be amended to read as follows:

»Any EU Member State requesting the restitution of unlawfully removed cultural items, may instigate proceedings before the competent court in the Republic of Croatia against any possessor or, failing that, against any holder, to ensure restitution of cultural items unlawfully taken out of its territory.

The proceedings may be instigated only if the act instigating the proceedings is accompanied by documents describing the item which the request relates to and stating that it is a cultural item and by statements of the competent bodies of the Member State requesting restitution of as to the cultural item having been unlawfully brought out of its territory on 1 January 1993 or thereafter.

The proceedings under paragraph 1 of the present Article may be instigated within three years following the date when the competent central administration body of the EU Member State requesting restitution, has discovered the location of the cultural item and the identity of its



possessor or holder, and within a maximum of 30 years from the date when the cultural item has been unlawfully brought out of the territory of the Member State requesting restitution.

In case of items which are part of public collections under Article 6 item 19 of the present Act and items which are part of the inventory of churches or other religious institutions in those European Union Member States in which they are subject to special protection arrangements under national law, the deadline for the restitution procedure shall be 75 years, except for those Member States in which the proceedings are not subject to the statute of limitations, or in case of bilateral agreements between the Republic of Croatia and other European Union Member States stipulating a deadline exceeding 75 years.

The restitution procedure shall not be permitted if at the time when the proceedings are to be instigated the taking of the cultural item out of the territory of the European Union Member States requesting restitution, is no longer unlawful.«.

#### Article 18

Article 70 c shall be amended to read as follows:

»The competent court of the Republic of Croatia shall order, except in cases of a cultural item having been unlawfully taken out of the territory of an EU Member State prior to the time stipulated under Article 70 b paragraph 2 of the present Act, or of expiry of deadline or occurrence of circumstances under Article 70 b paragraph 3, 4 and 5 of the present Act, restitution of the cultural item if it establishes it to be a cultural item in terms of Article 6 item 12 of the present Act unlawfully brought out of the territory of a European Union Member State.«.

#### Article 19

Article 70 d shall be amended to read as follows:

» If restitution of an item has been ordered, the competent court of the Republic of Croatia shall adjudicate fair compensation to the possessor in line with the circumstances of the case, provided the possessor can prove that in acquiring the item, he/she acted with due diligence.

In assessing whether a possessor acted with due diligence all the circumstances of the acquisition shall be taken into account, in particular the documentation on the origin of the item, removal permits required under law of the European Union Member State which has requested restitution, the characteristics of the parties, the price paid, the issue of whether the possessor has inspected any available register of stolen cultural items or any relevant information, which he/she objectively could have obtained or whether he/she had taken any other steps which a reasonable person would have taken under these circumstances.

In case of acquisition through donation or inheritance, the possessor shall not be in a more favourable position than the person from which he/she acquired the item in this way.

The European Union Member State which has requested restitution shall pay an indemnity as stipulated under paragraph 1 of the present Article at the time of restitution of the item.

Expenses incurred through enforcement of the decision on restitution of a cultural item and expenses incurred through implementation of measures under Article 70 e paragraph 1 item 4 of the present Act shall be borne by the European Union Member State which has requested restitution.

Payment of fair indemnity under paragraph 1 of the present Article and of expenses under paragraph 5 of the present Article shall not preclude the right the European Union Member State which has requested restitution from taking steps to collect those amounts from persons responsible for unlawful taking of a cultural item out of its territory.

The issue of ownership over the cultural item following restitution shall be regulated by the law of the European Union Member State which has requested restitution. «.

## Article 20

Article 70 e shall be amended to read as follows:

» The Ministry of Culture shall cooperate with competent national bodies of other European Union Member States and shall in particular:

1. upon request by the European Union Member State which has requested restitution, search for the specific cultural item which has been unlawfully brought out of its territory and identify the possessor and/or holder. The request shall contain all information necessary to facilitate the search, in particular reference to the actual or presumed location of the item,

2. notify the interested European Union Member State that the cultural item has been located on the territory of the Republic of Croatia, if there is reasonable doubt as to it having been unlawfully taken out of the territory of another European Union Member State,

3. make possible for the competent bodies of the European Union Member State which has requested restitution to verify whether the item in question is a cultural item, provided the verification is done within six month following the notification under item 2 of the present paragraph. If the verification has not been done within the stipulated deadline the provisions of item 4 and 5 of the present paragraph shall cease to apply,

4. take, in cooperation with the European Union Member State which has requested restitution, all the measures necessary to physically preserve the cultural item,

5. prevent with the necessary interim measures all action intended to evade the restitution procedure,

6. act as intermediary in the restitution procedure between the possessor and/or holder and the European Union Member State which has requested restitution. To that end, the Ministry of Culture may, without prejudice to Article 70 d of the present Act, primarily facilitate the implementation of arbitration proceedings pursuant to the legislation of the Republic of Croatia provided the European Union Member State which has requested restitution and the possessor and/or holder have given their formal consent,

7. immediately upon receipt of the request under item 1 of the present Article, or notification of a cultural item restitution proceedings having been instigated, inform the central bodies of

other European Union Member States that proceedings for restitution of a cultural item unlawfully taken out of the territory of a European Union Member State, have been instigated.

In order to cooperate and consult with the central bodies of European Union Member States, the Ministry of Culture shall use the module of the Internal Market Information System ("IMI") established under Regulation (EU) no. 1024/2012 especially adapted for cultural items. The Ministry of Culture may also use the IMI in order to spread the relevant information about cultural items that have been stolen or unlawfully brought out of the territory of the Republic of Croatia.

The Ministry of Culture shall decide on the use of the IMI by other competent bodies of the Republic of Croatia for the purpose of implementing the provisions under Article 70 a to 70 f of the present Act.

The exchange of information through the IMI is carried out in accordance with the legal provisions on protection of personal data and privacy, without prejudice to the possibility of the Ministry of Culture using, along with the IMI, also other means of communication with the competent central bodies of other European Union Member States.«.

## Article 21

Article 70 f shall be amended to read as follows:

»The Republic of Croatia shall be entitled to request restitution of cultural items under Article 6 item 13 of the present Act unlawfully taken out of its territory and located on the territory of another European Union Member State. Article 70 a to Article 70 e of the present Act shall apply accordingly to the request for restitution of cultural items located on the territory of another European Union Member State.

The Ministry of Culture shall be responsible for implementation and coordination of all activities related to the restitution of cultural items under paragraph 1 of the present Article. Said Ministry shall notify the competent central body of another European Union Member State of the Republic of Croatia having instigated the procedure for restitution of cultural items from that Member State.

The Ministry of Culture shall submit a report on enforcement of the provisions under Article 70 a to Article 70 f of the present Act to the European Commission within the deadline stipulated under Article 1 a subparagraph 6 of the present Act, and following that, another one every five years.«.

## Article 22

Article 73 shall be amended to read as follows:

»If an investor or contractor should undertake any action or intervention on a cultural property, and in the area of the cultural property spatial boundaries requiring prior authorisation or confirmation of the main project having been aligned with the special protection terms under Article 61.b paragraph 3 of the present Act, or if they should undertake any action or intervention on a cultural property as well as in the area of the cultural property spatial boundaries, contrary to the prior authorisation or the main project which has been issued a

certificate certifying it to be aligned with special protection terms, the competent body shall by decision temporarily suspend such action or intervention and, if necessary, order the investor to restore the property to its prior condition, warning the investor that if the decision shall not be executed in its entirety and within the deadline, the action shall be taken at his/her expense. The decision may be taken without prior statement by the party.

If an investor or contractor should undertake any action or intervention on a cultural property, and in the area of the cultural property spatial boundaries requiring a construction permit, or if they should undertake any action or intervention on a cultural property contrary to the construction permit, the competent body shall immediately notify the competent construction inspection for further proceedings. The competent body shall by decision temporarily suspend such action and intervention until the competent construction inspection has undertaken measures in line with a special law. The decision may be taken without prior statement by the party.

Following issue of the decision on demolition of a structure in line with a special law, the competent body shall order by decision and if necessary the investor to restore the property to its prior condition, warning the investor that if the decision shall not be executed in its entirety and within the deadline, the action shall be taken at his/her expense. The decision may be taken without prior statement by the party

The investor under paragraph 1 and 3 of the present Article shall develop a project of restoration of the cultural property to its prior condition for which the competent body shall issue a certificate certifying it to be aligned with special cultural property protection terms. If the project should not be aligned with issued special protection terms, the request for issue of the certificate shall be rejected by decision.

An appeal against the decision of the competent body under paragraph 1, 2 and 3 of the present Article shall not defer execution of the decision.

If the persons under paragraph 1 and 2 of the present Article should not suspend construction or the intervention initiated on the cultural property, the competent body shall notify the competent police administration in order to prevent further damages on the cultural property and the competent construction inspection.«.

### Article 23

Under Article 90 paragraph 2 shall be amended to read as follows:

»If the person under surveillance should not act in line with the inspectors' decision, the decision shall be executed by the competent body at the expense of said person. «.

### Article 24

Under Article 100 paragraph 1 shall be amended to read as follows:

»The activities of research, study, preservation, restoration, conservation, maintenance, reconstruction and use of cultural property may only be carried out by specialized legal and physical persons. «.

## Article 25

Following Article 101 a heading and Article 101 a and 101 b shall be added to read as follows:

### »5. Control over movable cultural property traffic

#### Article 101 a

Physical and legal persons engaged in the traffic of movable cultural property and items under Article 101 b of the present Act shall be entered in a register kept by the Ministry of Culture. The purpose of keeping said register is to collect data to prevent illegal activity in the traffic of cultural property.

Physical and legal persons engaged in the traffic of movable cultural property shall keep records of purchases and sales, and of other legal issues related to such cultural property. The purpose of the register is to determine the sequence of purchases and sales of cultural property to prevent illegal activity in the traffic of cultural property.

Information stipulated under the Rules of Procedure under paragraph 5 of the present Article shall be entered into the records under paragraph 2 of the present Article.

Prior to placing a cultural property in traffic, physical and legal persons under paragraph 1 of the present Article shall verify its origin.

The modality of keeping the register under paragraph 1 and 2 of the present Article and its content shall be stipulated under Rules of Procedure by the Minister of Culture.

#### Article 101 b

The obligation for physical and legal persons to keep records under Article 101 of the present Act shall also apply to the traffic of other cultural items of artistic, historical, archaeological and other significance.

Inspection over the implementation of paragraph 1 of the present Article and of Article 101 a paragraph 1 and 2 of the present Act shall be carried out by inspectors of the Ministry of Culture, market inspectors and inspectors of the Ministry in charge internal affairs within their respective scope of activity.«.

## Article 26

Article 115 shall be amended to read as follows:

» A fine in the amount of 50,000.00 to 500,000.00 Kuna shall be imposed on a legal person which:

1. shall use or handle the cultural property so as to put it into immediate danger of being damaged or destroyed (Article 31 paragraph 1 and Article 74 paragraph 1),
2. shall fail to pay the amount of state budget funds invested prior to selling the cultural property (Article 40),

3. shall fail to suspend works when encountering an archaeological site or findings or which shall fail to notify the competent body thereof (Article 45 paragraph 1),

4. shall carry out archaeological and underwater archaeological excavation and exploration contrary to the Present Act or to the issued authorisation (Article 47 paragraph 1),

5. shall carry out or organise underwater activities on protected cultural property or take out sunken cultural property without authorisation or contrary to the authorisation of the competent body (Article 49 paragraph 1 and Article 50),

6. shall carry out activities on a cultural property without prior authorisation or contrary to prior authorisation (Article 62. paragraph 1.),

7. shall initiate business activity in an area located within an immovable cultural property or a protected cultural and historical complex without prior authorisation or contrary to the authorisation of the competent body (Article 65 paragraph 1),

8. shall export or take cultural property out of the Republic of Croatia contrary to the authorisation of the competent body or fail to return cultural property without delay to the Republic of Croatia once the authorisation has been revoked (Article 68 paragraph 1 and 3).

The person responsible in the legal person shall also be fined in the amount of 5.000,00 to 20.000,00 Kuna for the infraction under paragraph 1 of the present Article.

A physical person - craftsman shall be fined in the amount of 10.000,00 to 200.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.

A physical person shall be fined in the amount of 4.000,00 to 15.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.

Physical and legal persons committing the infraction under paragraph 1 item 4 and 5 of the present Article in carrying out their activity shall be banned from carrying out activity or parts of the activity for a duration of up to one year, if the committed infraction is particularly severe as to the mode of perpetration, the consequences of the act, repeated commitment or other circumstances which make it particularly severe. «.

## Article 27

Article 116 shall be amended to read as follows:

» A fine in the amount of 20,000.00 to 200,000.00 Kuna shall be imposed on a legal person which:

1. shall fail to report a property assumed to have cultural property attributes (Article 4 paragraph 3),

2. shall fail to preserve or maintain cultural property or fail to execute certain cultural property protection and conservation measures within the given deadline (Article 20 subparagraph 1 and 2),

3. shall use cultural property contrary to the defined purpose or alter the purpose of cultural property without prior authorisation by the competent body (Article 34 paragraph 1 and 2 and Article 35 paragraph 1),
4. shall fail to offer pre-emption right in line with the present Act (Article 37 paragraph 1),
5. shall, without authorisation or failing to comply with the terms stipulated under the authorisation of the competent body, make a cultural property replica or place it into traffic (Article 66 paragraph 2 and 3),
6. shall fail to implement cultural property protection measures as ordered by the competent body in case of exceptional circumstances (Article 75),
7. shall fail to ensure the conditions necessary to carry out inspections, hinder cultural property inspection and access to documentation and fail to provide necessary information and notifications (Article 83 paragraph 2),
8. shall fail to act as per decision of the inspector in charge of cultural property protection (Article 86 paragraph 1),
9. shall initiate protection, conservation or restoration works on cultural property, without having obtained the authorisation stipulated under the present Act (Article 100 paragraph 3),
10. shall initiate restoration and conservation works on cultural property, without having the adequate professional expertise pursuant to the present Act (Article 101, paragraph 1),
11. shall fail to pay monument annuity in cases stipulated under Article 114 of the present Act or fail to pay it within the stipulated deadline.

The person responsible in the legal person shall also be fined in the amount of 4.000,00 to 20.000,00 Kuna for the infraction under paragraph 1 of the present Article.

A physical person - craftsman shall be fined in the amount of 5.000,00 to 100.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.

A physical person shall be fined in the amount of 2. 000,00 to 10.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.«.

## Article 28

Article 117 shall be amended to read as follows:

» A fine in the amount of 3,000.00 to 40,000.00 Kuna shall be imposed on a legal person which:

1. shall fail to allow expert and scientific research, technical and other surveys, as well as implementation of technical protection measures and cultural property protection and conservation measures and cultural property documentation (Article 20 subparagraph 4 i and Article 30 paragraph 1),

2. shall refuse to cede the cultural property for the purpose of exhibition or hinder visitation to immovable cultural property (Article 33 paragraph 1),

3. shall return cultural property to the country upon expiry of the deadline stipulated under the temporary export and taking out permit (Article 68 paragraph 1),

4. shall fail to report to the competent body entry or import of cultural property into the country (Article 70 paragraph 2),

5. shall fail to ensure the conditions for cultural property protection and conservation in case of exceptional circumstances and other actions aimed at destroying or damaging cultural property (Article 75),

6. shall carry out the activity of traffic of movable cultural property and cultural items of artistic, historical, archaeological and other significance without being registered in the register kept by the Ministry of Culture (Article 101 a paragraph 1),

7. shall carry out the activity of traffic of movable cultural property and cultural items of artistic, historical, archaeological and other significance without keeping records of purchases and sales and other legal matters affairs related to cultural property and cultural items, or fail to enter the stipulated information into the records (Article 101 a paragraph 2 and 3, and Article 101 b paragraph 1).

The person responsible in the legal person shall also be fined in the amount of 1.000,00 to 10.000,00 Kuna for the infraction under paragraph 1 of the present Article.

A physical person - craftsman shall be fined in the amount of 2.000,00 to 20.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.

A physical person shall be fined in the amount of 500,00 to 8.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.«.

## Article 29

Article 118 shall be amended to read as follows:

» A fine in the amount of 2,000.00 to 10,000.00 Kuna shall be imposed on a legal person which:

1. shall remove or damage the label designating cultural property pursuant to the provisions of the present Act (Article 54),

2. shall fail to inform the inspector within the stipulated deadline of having complied with the obligations referred to in the decision (Article 90 paragraph 1),

3. shall fail to provide information on the useful area of office space for the purpose of determining monument annuity or fail to deliver it within the stipulated deadline (Article 114 paragraph 7),



4. shall fail to provide information needed to determine the amount of monument annuity on a SR Form (Monument annuity form) (Article 114 a paragraph 4).

The person responsible in the legal person shall also be fined in the amount of 500,00 to 5.000,00 Kuna for the infraction under paragraph 1 of the present Article.

A physical person - craftsman shall be fined in the amount of 1.000,00 to 8.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.

A physical person shall be fined in the amount of 100,00 to 3.000,00 Kuna if committing the infraction under paragraph 1 of the present Article.«.

## FINAL AND TRANSITIONAL PROVISIONS

### Article 30

Implementation regulations under Article 8, 15 and 25 of the present Act shall be issued by the Minister of Culture within three months following the entry into force of the present Act.

### Article 31

Procedures initiated but not finalised by the entry into force of the present Act shall be completed pursuant to the provisions of the Cultural Property Protection and Conservation Act (»Official Gazette«, no. 69/99, 151/03, 157/03, 87/09, 88/10, 61/11, 25/12, 136/12 and 157/13).

By way of derogation from paragraph 1 of the present Article, procedures initiated by the entry into force of the present Act pursuant to Article 60, 61 and 62 of the Cultural Property Protection and Conservation Act (»Official Gazette«, no. 69/99, 151/03, 157/03, 87/09, 88/10, 61/11, 25/12, 136/12 and 157/13), and upon entry into force of the Construction Act (»Official Gazette«, no. 153/13) and the Spatial Planning Act (»Official Gazette«, no. 153/13), shall be completed pursuant to the provisions under Article 12 to 15 of the present Act.

### Article 32

Under Article 2 of the Act amendments to the Cultural Property Protection and Conservation Act (»Official Gazette«, no. 157/13), the wording: »31 December 2014« shall be replaced by the wording »31 December 2015«.

### Article 33

The Rules of Procedures on determining cultural items considered as national treasure of European Union Member States (»Official Gazette«, no. 38/04) shall cease to be valid upon entry into force of Article 1 of the present Act, Article 2 of the present Act in the segment amending Article 6 with item 12 to 19, and Article 16 to 21 of the present Act.

## Article 34

The present Act shall enter into force on the eighth day following its publication in the »Official Gazette«, except for the provisions under Article 1 of the present Act, Article 2 of the present Act in the segment amending Article 6 with item 12 to 19, and Article 16 to 21 of the present Act, which shall enter into force on 19 December 2015.

Class: 022-03/14-01/82

Zagreb, 12 December 2014

THE CROATIAN PARLIAMENT

Speaker of the

Croatian  
Parliament  
**Josip Leko**