

**LAW ON CHANGES AND ADDITIONS TO THE LAW ON  
PROTECTION OF CULTURAL HERITAGE**  
**Official Gazette of the Republic of Macedonia no. 115/07 from  
25.09.2007**

**Article 1**

In the Law on Protection of Cultural Heritage ("Official Gazette of the Republic of Macedonia" no. 20/2004), in article 8, paragraph (3), at the end of the sentence, the word in the parenthesis "film archives" shall be replaced with the words: "audiovisual goods protection".

**Article 2**

In article 9, paragraph (2) the word "film archives" shall be deleted and the words: "audiovisual goods protection" shall be added..

**Article 3**

In article 11, paragraph (1), after item 18, two new items 18-a and 18-b shall be added, which shall read:

"18-a. **"Public collection"** (collection) shall be a collection owned by the state or a unit of local self government (municipality) or an institution owned by them or which receives most of its funding from them and has a headquarters on the territory of the Republic of Macedonia;

18-b. **"Collection items"** shall be items that have the characteristics necessary for inclusion in some collection, i.e. items that are relatively rare, are not used for their core purpose, are subject to specific transactions beyond the usual trade with items for similar use and have a high value;"

**Article 4**

The title before article 22 **"Film Archives Goods"** shall be replaced with the title **"Audiovisual goods"**.

Article 22 shall be changed to read:

"1) Audiovisual goods shall be: source material and a tone copy of a feature, documentary, animated, experimental and an alternative film, as well as another audiovisual work expressed in the form of related motion pictures with or without tone, irrespective of the type of fixation containing them, with a purpose of public broadcasting.

2) Audiovisual goods shall also include the ancillary materials related to motion pictures, such as written documentation, scenarios, recording books, script and costume sketches, costumes, script props, microfilms, slides, posters and other propaganda materials, as well as the obligatory sample submitted to the competent institution".

**Article 5**

After article 32, a new article 32-a shall be added, which shall read:

**"National treasure**

**Article 32-a**

1) National treasure, within the meaning of this law, the ratified international agreements and the regulations of the European Union, shall mean goods that belong to one of the types of movable cultural heritage stipulated in articles 15, 16, 17, 18, 19, 20, 21, 22 and 23 of this law, i.e. they shall be:

1. Archeological objects older than 100 years, obtained from land or underwater research and discoveries, archeological sites and archeological collections;
2. Elements that are integral parts of art, historic or religious monuments and that have become separated and are older than 100 years;
3. Paintings and fine art works different than those included in items 4 and 5 of this paragraph, which have been completely made by hand, using any technique and material, older than 50 years;
4. Aquarelles, gouaches, and pastels that have been completely made by hand, using any type of material, older than 50 years;
5. Mosaics made of any material, made by hand, different than those included in items 1 and 2 of this paragraph, as well as drawings using any technique and materials, older than 50 years;
6. Original engravings, graphs, serigraphs and lithographs with their corresponding plates and original posters, older than 50 years;
7. Original sculptures and busts and copies made using the same procedure as for the original, except those included in item 1 of this paragraph, older than 50 years;
8. Photographs, films and their negatives and original audio recordings, older than 50 years;
9. Incunabula and manuscripts, as well as geographic maps and musical score, individual or as part of a collection, older than 50 years;
10. Books older than 100 years, individually or as part of a collection;
11. Printed geographical maps older than 100 years;
12. Archives materials or any part thereof, of any type and medium, older than 50 years;
13. Architectural, scientific and engineering drawings, sketches and models older than 50 years;
14. Numismatic, philately, ethnographic and historic collections or individual objects from such collections, older than 50 years;
15. Means of transport and their parts, older than 75 years and
16. Other antiquities older than 50 years which have not been included in items 1 to 15 of this paragraph (toys, glassware, objects made of gold, silver, clay and ceramic, furniture and other products of wood, metal, musical instruments, clocks and their parts, arms, ammunition, explosives and military equipment, textile products, uniforms, dresses, embroideries, carpets, tapestries, optical, photographic and film equipment, tools, machines, measuring instruments, teaching aids, medical equipment, technical and handicrafts objects and other objects that have not been specified).

2) The goods stipulated in paragraph (1) of this article shall be considered to be national treasures in the following cases:

1. if they are protected as cultural heritage of special significance or are proclaimed to be significant cultural heritage;
2. if they are registered in the inventory book as a part of a public collection managed by a public museum, library or film archive institution or the Archive;
3. if they are a part of the equipment of protected religious buildings or the protected sacral collection of a given religious community and
4. if it is determined that they have an archeological, historic or other cultural or scientific value for the Republic of Macedonia because they are:
  - works of an artist, designer or a creator that is significant for a particular area of culture in the Republic of Macedonia;
  - products of domestic creativity, i.e. knowledge;
  - characteristic from the point of view of national cultural heritage;

- related to a person, event or an occasion significant for the national history of the Republic of Macedonia and the communities in the Republic of Macedonia;
- related to a monument, monumental compound, cultural area or any other significant cultural environment or folklore goods and
- rare, endangered or would become rare on the territory of the Republic of Macedonia”.

#### **Article 6**

In article 40, paragraph (3), after the first sentence, a new sentence shall be added which shall read: “If the holder fails to submit an opinion within 15 days from the day when the request was submitted, it shall be considered that a positive opinion had been given”.

#### **Article 7**

After article 42, a new article 42-a shall be added, which shall read:

#### **“Decision to establish a national treasure**

##### **Article 42-a**

1) A decision for establishment of national treasure shall be enacted in the events stipulated in article 32-a, paragraph (2), item 4 of this law, for antiquities and other collection items, whose protection has not been otherwise established by law, when they are:

- subject to a request for export or transfer abroad and
- illegally taken from the territory of the Republic of Macedonia and are subject to restitution, i.e. return.

2) The decision stipulated in paragraph (1) of this article shall be enacted by the Cultural Heritage Protection Office, ex officio or upon a request of a competent public institution for protection, or an authorized legal entity for protection of phonographic goods.

3) The decision stipulated in paragraph (1) of this article shall have the power of an act for proclaiming significant cultural heritage.

4) The appeal against the decision to establish national treasure shall not suspend the enforcement of the decision”.

#### **Article 8**

In article 55, paragraph (1) shall change to read:

“Archeological investigations, within the meaning of this law shall mean:

- archeological excavations (systematic excavation, protective excavation and probe excavation);
- archeological examination on the field (reambulation and reconnaissance);
- non-destructive methods (aerial archeology, geophysical investigations and geo-radar investigations) and
- underwater investigations”.

After paragraph (1) a new paragraph (2) shall be added, which shall read:

“2) The archeological investigations shall be performed on the basis of a license issued by the Office.”

In paragraph (2), which shall become paragraph (3), the number “(1)” shall be replaced with the number “(2)” and the words: “shall include” shall be replaced with the words: “shall specify”, and the words: “the technical manager of the archeological investigations” shall be added after the words: “holder of the license”.

In paragraphs (3) and (4), which shall become paragraphs (4) and (5), the number “(1)” shall be replaced with the number “(2)”.

In paragraph (5), which shall become paragraph (6), the number "(4)" shall be replaced with the number "(5)".

### **Article 9**

In article 56, paragraph (1) shall change to read:

"1) A holder of a license for archeological investigations can be a domestic legal entity or a natural person that fulfills the conditions regarding the proficiency to perform the appropriate type of archeological investigations as well as the other conditions for acquiring the license. Notwithstanding, according to the provision stipulated in article 57, paragraph (2) of this law, a holder of a license can also be a foreign legal entity."

In paragraph (2), item (3), the words: "one authorized explorer" shall be replaced with the words: "one expert having the status of a manager of archeological investigations".

In paragraph (2), the words: "authorized explorer" shall be replaced with the words: "technical manager of archeological investigations".

In paragraph (3), the words: "authorized explorer" shall be replaced with the words: "technical manager of archeological investigations".

Paragraph (4) shall change to read:

"4) A technical manager of archeological investigations (hereinafter in the text: technical manager) within the meaning of paragraphs (2), items 3 and 4, and (3) of this article shall mean a person that shall have a university level education, a university degree in history or art with archeology and a degree in archeology, experience in organizing investigations of at least 12 months, experience acquired through participation in field investigations after graduation from university. Only a citizen of the Republic of Macedonia can be a technical manager."

Paragraph (5) shall change to read:

"5) When issuing the license for archeological investigations, the Cultural Heritage Protection Office shall determine whether the person that applied for the position of technical manager fulfills the conditions stipulated in article 56, paragraph (4) of this law".

Paragraphs (6) and (7) shall be deleted.

### **Article 10**

Article 57, paragraph (1) shall change to read:

"1) International organizations in the area of protection, foreign scientific institutions and certain foreign archeologists can participate in the archeological investigations only if they perform the works in cooperation with the legal entities stipulated in article 56, paragraph (2), items 1 and 2 and under conditions specified in a contract signed by both parties".

In paragraph (5), the words "head of researches" shall be replaced with the words: "technical manager".

### **Article 11**

In article 58, paragraph (1), item 1, the words: "paragraphs (2) and (3)" shall be added after the number "57".

In item 2, the words "basic design" shall be replaced with the word "program".

Item 3 shall change to read:

"3. Information about the experts participating in the investigations".

After paragraph (1), a new paragraph (2) shall be added, which shall read:

"2) if the holder of the license and the technical manager are different persons, a contract regulating their mutual rights and obligations shall be provided".

In paragraph (2), which shall become paragraph (3), at the end of the sentence, after the word "researches", the words: "which shall regulate the temporary safekeeping of the findings until they are given over to the competent museum institution stipulated in article 61 paragraphs (1), (3) and (6) of this law".

In paragraph (3), which shall become paragraph (4), the word "contract" shall be replaced with the word "document".

Paragraph (4) shall become paragraph (5).

### **Article 12**

In the title of article 59, after the words: "the holder of the license", the words "and the technical manager" shall be added.

In article 59, paragraph (1), the words: "holder of the license" shall be replaced with the words: "the technical manager".

In paragraph (1), after item 4, four new items 5, 6, 7 and 8, shall be added which shall read:

"5. To carry out the archeological excavation in accordance with the issued license;

6. To apply the appropriate methodology;

7. To ensure that he/she does not inflict damage or cause immediate threat of damaging or destroying the excavations;

8. To act in accordance with the ethical norms in the area of protection;"

Items 5 and 6 shall become items 9 and 10.

In paragraph (2), after the word "research", the words: "upon a proposal from the technical manager" shall be added.

In paragraph (2), item (2), the words: "not preserved, i.e. presented" shall be replaced with the words: "according to the results from the excavations shall not be subject to further conservation, or presentation".

In paragraph (3), after the word: "research" the words: "and the technical manager" shall be added, and the words: "shall be obligated" shall be replaced with the words: "shall be obligated".

In item 1, the word "submit" shall be replaced with the word "submit".

Item 2 shall change to read:

"2. Within one year to submit to the Office a copy of the documentation regarding the performed archeological excavations;"

In items 3 and 4, the word "deliver" shall be replaced with the word "deliver".

### **Article 13**

In article 60, paragraph (1), after the words: "If the license holder", the words: "or the technical manager" shall be added.

Paragraph (2) shall change to read:

"2) If, within the deadline stipulated in paragraph (1), the holder of the license or the technical manager fails to fulfill the conditions for continuation of the archeological investigations, as well as in the event when there is an immediate threat to the excavations, the Office shall enact a decision to revoke the issued license".

### **Article 14**

In article 61, paragraph (6), after the words: "the research was carried out", the words: "or another public museum institution" shall be added..

### **Article 15**

In article 62, paragraph (1), item 3, the words: "manager of the investigations" shall be replaced with the words: "technical manager".

### **Article 16**

In article 70, paragraph (4) changes to read:

"4) If for a certain piece of real estate, no act for protection has been enacted, and there are founded assumptions that an act for protection should be enacted, or if the act for protection is in the procedure of being enacted, the entity submitting the plan can modify the plan or specify another regime of arranging the space if the competent authority does not enact the plan for protection within one year".

### **Article 17**

In article 74, paragraph (1), after the words: "act is not passed in accordance with the law", the words: "or if the plan does not incorporate protection and conservation bases" shall be added.

After paragraph (2), a new paragraph (3) shall be added which shall read:

"3) The protection and conservation conditions stipulated in paragraph (1) of this article shall represent a basis for the preparation of a preliminary design."

The paragraphs (3) and (4) shall become paragraphs (4) and (5).

In paragraph (5), which shall become paragraph (6), the number "(4)" shall be replaced with the number "(5)".

### **Article 18**

The title of article 75 "Protection and conservation activity and opinion" shall change to read: "Previous protection and conservation approval".

In article 75, paragraph (1), the words: "shall issue a protection and conservation agreement on the design and other technical documentation" shall be replaced with the words "shall issue a previous protection and conservation approval", and the words: "significant cultural heritage" at the end of the sentence shall be deleted.

Paragraph (2) shall be deleted.

In paragraph (3), which shall become paragraph (2), the words "The paragraph from paragraph (1) and the opinion from paragraph (2)" shall be replaced with the words: "the previous protection and conservation approval stipulated in paragraph (1) of this article".

In paragraph (4), which shall become paragraph (3), the number "(3)" shall be replaced with the number "(2)", and the word: "agreement" shall be replaced with the words: "Previous protection and conservation approval".

### **Article 19**

In article 85, paragraph (3), the word: "detailed" shall be replaced with the words: "preliminary and basic".

Paragraph (4) shall change to read:

"4) A preliminary design shall be prepared mandatorily in accordance with the general regulations for designing of buildings".

### **Article 20**

In article 96, paragraph (1), after the word "goods", a comma shall be placed followed by the words "including national treasure", and the word: "approval" shall be replaced with the word: "license".

In paragraph (2) the word: "approval" shall be replaced with the word "license", and in the second sentence of the same paragraph, the word: "approval" shall be replaced by the word "license" and the word "request" shall be followed by the words: "using a prescribed form".

In paragraph (3), the period at the end of the sentence shall be followed by a new sentence which shall read: "As needed, upon a request from the Office, the entity submitting the request shall be obligated to facilitate a physical presentation of the good that should be taken out".

In paragraph (4), the word "approval" shall be replaced with the word "license".

After the paragraph (4), a new paragraph (5) shall be added, which shall read:

"5) The license stipulated in paragraph (1) of this article shall be issued on a prescribed form, as follows:

1. Standard license to take out an individual object or a group of objects, which shall be valid for the time period stipulated on the license, but shall not be more than 12 months from the day of issuance of the license;

2. A special license for taking out of a certain object whose owner or another holder shall use or exhibit this object, with a validity period of at most five years from the day of issuance and

3. A general open license for taking out of objects, pertaining to objects that a part of a public collections, with a validity period of at most five years from the day of issuance".

In paragraph (5), which shall become paragraph (6), the word "approval" shall be replaced with the word "license". Paragraph (6) shall become paragraph (7).

### **Article 21**

In article 97, paragraph (1), after the comma and before the word "may", the words: "with the exception of that which represents national treasure" shall be added and the word "approval shall be replaced with the word "license".

In paragraph (2) the word "Approval" shall be replaced with the word "license".

In paragraph (3), item 2, the word "approval shall be replaced with the word "license".

After paragraph (3), a new paragraph (4) shall be added which shall read:

"4) The license stipulated in paragraph (1) of this article shall be issued on a prescribed form and shall be valid for at most 12 months from the day of issuance. If this deadline expires and the license is not used, the holder of the license shall be obligated to return it to the authority that issued it."

Paragraph (4) shall become paragraph (5).

In paragraph (5), which shall become paragraph (6), the number "(4)" shall be replaced with the number "(5)", and after the word "export", the words: "does not represent national treasure and" shall be added.

In paragraph (6), which shall become paragraph (7), the number "(4)" shall be replaced with the number "(5)", and the words: "temporary protection" shall be replaced with the words "establishment of a national treasure".

In paragraph (7), which shall become paragraph (8), the numbers: "(4), (5) and (6)" shall be replaced with the numbers: "(5), (6) and (7)".

Paragraph (8) shall become paragraph (9).

### **Article 22**

After article 97, a new article 97-a shall be added, which shall read:

### **"Special provisions**

#### **Article 97-a**

1) The licenses and certificates for taking abroad and export, stipulated in article 96, paragraph (1) and 97 paragraphs (1), (5) and (8) of this law shall be issued and shall be used in accordance with this law and the regulations of the European Union.

2) The form and the content of the forms of the licenses and certificates stipulated in paragraph (1) of this article, as well as the method in which the licenses and certificates are issued, shall be prescribed by the Minister of Culture.

3) The use of licenses and certificates stipulated in paragraph (1) of this article shall have no bearing on the obligations related to the customs procedures for export or the documents related thereto.

4) The costs related to the requests (applications) for issuance of the licenses and

certificates stipulated in paragraph (1) of this article shall be covered by the applicant”.

### **Article 23**

In article 98, paragraph (1), the words: “issued approval” shall be replaced with the words: “issued license”.

### **Article 24**

In article 100, paragraph (2), item 2, after the comma and before the word: “according to”, the words: “or complaints to competent courts of other countries.” Shall be added

In paragraph (4), the words “1 and” shall be added after the word “item”.

In paragraph (5), after the comma and before the word “counting”, the words: to and from a European Union member country, i.e. within three years to and from any other country” shall be added.

In paragraph (5), item 1, after the word “years”, the words “to and from a European Union member state, i.e. 50 years to and from any other country counting” shall be added.

In paragraph (5), item 2, after the word “public”, the words “or sacral” shall be added”, and the full stop, at the end of the sentence shall be replaced by a comma followed by the word: “except in countries where the procedures are not subject to a time limit or where there is a bilateral agreement specifying a time limit longer than 75 years”.

### **Article 25**

After article 100, three new articles shall be added 100-a, 100-b and 100-c, which shall read:

### **“Restitution of illegally exported goods from the territory of the Republic of Macedonia, located on the territory of a European Union member state**

#### **Article 100-a**

1) The provisions stipulated in article 100 of this law shall apply accordingly for the restitution of illegally exported goods from the territory of the Republic of Macedonia, located on the territory of a European Union member state, unless otherwise specified in another law.

2) The Republic of Macedonia can request, from a European Union member state, the restitution of an illegally exported good which:

1. before or after its legal removal from the territory of the Republic of Macedonia, has been protected as national treasure and
2. belongs to one of the types of goods stipulated in article 32-a, paragraph 1 of this law or if it does belong to any of those categories, but is an integral part of:
  - a public collection registered in the inventory book of a public museum, library or film archives institution or the Archive and
  - equipment or collection of a religious community.

3) The decisions to instigate a procedure for restitution of the good stipulated in paragraph (2) of this article, shall be enacted by the minister of culture and this decision, together with the entire documentation (dossier) shall be submitted to the State Attorney of the Republic of Macedonia.

4) The procedure for restitution of the illegally exported good shall be instigated directly before the competent court of a European Union member state, by filing a complaint, i.e. a petition against the person holding the good, by enclosing:

1. a document providing detailed description and information for identification of the good whose restitution has been requested;
2. a statement from the Ministry of Culture stating that the good in question is a protected good and

3. a statement from the Cultural Heritage Protection Office that the good in question is actually an illegally exported good.

5) The Ministry of Culture shall be obligated to inform the central authority responsible for coordination of the restitution in the European Union member state from which the restitution of the good is requested, about the instigated court procedure.

### **Restitution of illegally exported goods from a European Union member state, located on the territory of the Republic of Macedonia**

#### **Article 100-b**

1) The provisions stipulated in article 100 of this law shall apply accordingly for the restitution of illegally exported goods from the territory of a European Union member state, located on the territory of the Republic of Macedonia, unless otherwise specified by this or another law.

2) A European Union member state can, in a procedure prescribed by this law, request the restitution of an illegally exported good located on the territory of the Republic of Macedonia, which:

1. before or after it has been illegally removed from the territory of the European Union member state, has been protected as national treasure with artistic, historic or archeological value and

2. belongs to one of the types of goods stipulated in the Annex to the Council Directive 97/7/EEC dated 15 March 1993 referring to the restitution of culture goods which have been illegally taken from a member state, or if it does not belong to any of those types, but is an integral part of:

- a public collection managed by museums, libraries or archives of the member state and

- inventories of religious communities of the member state.

3) A member state can file a request to the Ministry of Culture of the Republic of Macedonia for finding the specified good stipulated in paragraph (2) of this article and to determine the identity of the person that possesses the requested good. After receiving such a request the Ministry of Culture shall act in accordance of article 100, paragraph (3) of this law.

4) The procedure for restitution of the good stipulated in paragraph (2) of this article shall be instigated directly before the competent court, by submitting a proposal and the necessary evidence stipulated in article 100, paragraph (7) of this law.

5) After receiving the notification about the instigation of the procedure, the Ministry of Culture of the Republic of Macedonia shall inform the central authorities for coordination of the restitution of the other European Union member states.

6) The competent court shall order the restitution of the requested good if it determines that:

1. the proposal has been filed within the time limit stipulated in article 100, paragraph (5) of this article;

2. this good is actually a type of good stipulated in paragraph (2) of this article;

3. the good has been illegally exported from the territory of the members state and

4. the illegal export was done after the expiration of the time limit stipulated in article 100-c, paragraph (2) of this law.

7) With the decision to accept the proposal for restitution, the court shall also decide about the indemnification of the holder of the requested good.

8) The monetary indemnification stipulated in paragraph (7) of this article shall be deposited by the member state in the court and it shall be paid out to the opposing party in the procedure when the court receives, from the Ministry of Culture of the Republic of Macedonia, a notification that the requested good has been given over to the member state.

9) The opposing party in the procedure shall be obligated to transfer the requested

good within three days from the depositing the amount for the monetary indemnification stipulated in article (8) of this article.

## **Special provisions**

### **Article 100-c**

1) An illegally exported good, within the meaning of articles 100, 100-s and 100-b shall mean a good which:

1. has been removed from the territory of the Republic of Macedonia, or a European Union member state, contrary to its regulations on protection of cultural heritage, i.e. contrary to the regulations of the European Union for export of cultural goods and

2. has not been returned within the specified time limit for removal of the good, i.e. temporary export.

2) The restitution, within the meaning of articles 100-a and 100-b of this law, can be requested with reference to a good which has been illegally taken from the territory of the Republic of Macedonia or from the territory of a European Union member state after 31<sup>st</sup> of December 1992.

3) The procedures for restitution, in accordance with the provisions of this law shall not have any bearing on civil or criminal procedures that may be instigated by the interested country or the owner, i.e. the holder of the stolen and illegally exported good.

4) The provisions stipulated in articles 100-a and 100-b of this article shall apply accordingly to the restitution of protected goods to and from countries that are not members of the European Union, provided that they do not conflict the time limits and other conditions stipulated in article 100 of this law".

### **Article 26**

In article 153, paragraphs (1), (2), items 1, 2, 3, 6, 7, 8, 9 and 10, and paragraph (3) item 3, the word "film archives" shall be replaced with the word "audiovisual".

### **Article 27**

In article 163, item 3, the words: "film archives activity" shall be replaced with the words: "activity for protection of audiovisual goods".

### **Article 28**

**The title of the Chapter "Penalty provisions" shall be replaced with the title "Misdemeanor provisions".**

In article 172, paragraph (1) the introductory sentence shall change to read:

"A fine in the amount of MKD equivalent of 6,000 EUR to 8,000 EUR shall be imposed against a legal entity that has committed one of the following misdemeanors:".

In item 1, the number "(1)" shall be replaced with the number "(2)".

"Fails to provide a previous protection and conservation approval of a preliminary design for immovable cultural heritage".

Paragraphs (2), (3), (4) and (5) shall change to read:

"2) A fine in the amount of the MKD equivalent of 1,500 EUR to 2,000 EUR shall be imposed against the responsible person within the legal entity, for the misdemeanor stipulated in paragraph (1) of this article.

3) A fine in the amount of the MKD equivalent of 3,000 EUR to 4,000 EUR shall be imposed against a sole proprietor for the misdemeanors stipulated in paragraph (1), items 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this law.

4) A fine in the amount of the MKD equivalent of 800 EUR to 1,000 EUR shall be imposed against a natural person for the misdemeanors stipulated in paragraph (1), items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this law.

5) For the misdemeanor stipulated in paragraph (1), items 2, 5, 9, 10, 11, 12 and

13 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the legal entity that committed the misdemeanor”.

“6) For the misdemeanor stipulated in paragraph (1) items 2, 5, 9, 10, 11, 12 and 13 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the natural person that committed the misdemeanor”.

Paragraph (6), which shall become paragraph (7), shall change to read:

“7) For the misdemeanor stipulated in paragraph (1), items 1, 3, 4, 6, 7, 8 and 14 of this article, a misdemeanor measure involving prohibition to perform a certain activity for a period from six months to two years, can be imposed against the legal entity that committed the misdemeanor”.

### **Article 29**

In article 173, paragraph (1), the introductory sentence shall change to read:

“A fine in the amount of MKD equivalent of 4,000 EUR to 5,000 EUR shall be imposed against a legal entity that has committed one of the following misdemeanors:”.

Items 1, 2, 3 and 4 shall be deleted.

Items 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 shall become items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Paragraphs (2), (3), (4) and (5) shall change to read:

“2) A fine in the amount of the MKD equivalent of 1,000 EUR to 1,500 EUR shall be imposed against the responsible person within the legal entity, for the misdemeanor stipulated in paragraph (1) of this article.

3) A fine in the amount of the MKD equivalent of 1,500 EUR to 3,000 EUR shall be imposed against a sole proprietor for the misdemeanor stipulated in paragraph (1) of this article.

4) A fine in the amount of the MKD equivalent of 500 EUR to 700 EUR shall be imposed against the natural person for the misdemeanor stipulated in paragraph (1) of this article.

5) For the misdemeanor stipulated in paragraph (1), items 9, 17, 19, 21 and 22 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the legal entity that committed the misdemeanor”.

After paragraph (5), a new paragraph (6) shall be added, which shall read:

“6) For the misdemeanor stipulated in paragraph (1), items 9, 17, 19, 21 and 22 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the natural person that committed the misdemeanor”.

Paragraph (6), which shall become paragraph (7) shall change to read:

“7) For the misdemeanor stipulated in paragraph (1), items 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 16, 17, 19 and 20 of this article, a misdemeanor measure involving prohibition to perform a certain activity for a period from six months to two years, can be imposed against the legal entity that committed the misdemeanor”.

### **Article 30**

After article 173, a new article 173-a shall be added, which shall read:

#### **“Article 173-a**

1) A fine in the amount of the MKD equivalent of 500 EUR to 700 EUR shall be imposed against the natural person for the following misdemeanors:

1. failure to keep proper documentation and records about the archeological

investigations and the undertaken protection measures (article 59, paragraph (1) item 1);

2. failure to provide for safekeeping and maintenance of the archeological site and the findings (article 59, paragraph (1), item 2);
3. failure to undertake appropriate measures and leaves the findings uncovered or exposed during the archeological excavations (article 59, paragraph (1), item 3);
4. failure to perform or organize conservation works on the site or the findings during the investigations (article 59, paragraph (1), item 4);
5. failure to perform the archeological investigations in accordance with the issued license (article 59, paragraph (1), item 5);
6. failure to apply the appropriate methodology when performing the archeological excavations (article 59, paragraph (1) item 6) and
7. inflicting of damages or causing the risk of destruction or damaging of the excavated artifacts (article 59, paragraph (1), item 7).

2) For the misdemeanor stipulated in paragraph (1) of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the natural person that committed the misdemeanor”.

3) For the misdemeanor stipulated in paragraph (1) of this article, a misdemeanor measure involving prohibition to perform a certain activity for a period from six months to two years, can be imposed against the natural person that committed the misdemeanor”.

### **Article 31**

In article 174, paragraph (1), the introductory sentence shall change to read:

“A fine in the amount of the MKD equivalent of 2,000 EUR shall be imposed against the legal entity for the following misdemeanors:”.

In item 5, after the word “item” the number “(5)” shall be replaced with the number “(9)”

In item 6, after the word “item”, the number “(6)” shall be replaced with the number “(10)”.

Paragraphs (2), (3), (4) and (5) shall change to read:

“2) A fine in the amount of the MKD equivalent of 1,000 EUR shall be imposed against the responsible person within the legal entity, for the misdemeanor stipulated in paragraph (1) of this article.

3) A fine in the amount of the MKD equivalent of 1,300 EUR shall be imposed against a sole proprietor for the misdemeanor stipulated in paragraph (1), items 8, 9, 10, 11 and 18 of this article.

4) A fine in the amount of the MKD equivalent of 500 EUR shall be imposed against the natural person for the misdemeanor stipulated in paragraph (1), items 5, 6, 7, 8, 9, 10 and 18 of this article.

5) For the misdemeanor stipulated in paragraph (1), items 8, 9 and 11 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the legal entity that committed the misdemeanor”.

After paragraph (5), a new paragraph (6) shall be added, which shall read:

“6) For the misdemeanor stipulated in paragraph (1), items 8, 9 and 11 of this article, a special misdemeanor measure involving the confiscation of objects that represent movable protected goods acquired by the commitment of the misdemeanor, can be imposed against the natural person that committed the misdemeanor”.

### **Article 32**

After article 174, four new articles 174-a, 174-b, 174-c and 174-d, shall be added, which shall read:

## **“Competences of the court**

### **Article 174-a**

The procedure and the sanctions regarding the misdemeanors stipulated in articles 172, 173 and 173-a of this law shall be implemented and imposed by the competent court.

## **Misdemeanor authorities**

### **Article 174-b**

1) The misdemeanor procedure and the misdemeanor sanction regarding the misdemeanors stipulated in article 174 of this law will be implemented by the state administration authority responsible for handling matters in the area of culture (hereinafter in the text: Misdemeanor authority).

2) The misdemeanor procedure stipulated in paragraph (1) of this article shall be implemented before the Misdemeanor authority by a Commission for deciding on the misdemeanor (hereinafter in the text: Misdemeanor Commission) formed by the Minister managing the state administration authority responsible for handling matters in the area of culture.

3) The misdemeanor commission shall comprise authorized officers employed in the state administration authority responsible for handling matters in the area of culture, and one of its members shall perform the function of the president of the Misdemeanor Commission.

4) The misdemeanor commission shall comprise three members of which:  
- two shall have law degrees, one of them shall have passed the bar exam and shall have five years of working experience in his/her area of expertise and  
- one member that shall have a university degree in the area of social sciences with five years of working experience in his/her area of expertise.

5) the Misdemeanor Commission shall be selected for a term of three years and the members shall have the right to be reelected.

6) Only a person with a law degree shall be able to be elected to the position of president of the Misdemeanor Commission.

7) The Misdemeanor Commission for the Misdemeanor Authority shall decide on misdemeanors specified in this and other laws and shall impose misdemeanor sanctions specified in this law, the Law on Misdemeanors and/or other laws.

8) In addition to the members of the Misdemeanor Commission, the Minister managing the state administration authority responsible for handling matters in the area of culture may determine a secretary of the Misdemeanor Commission that shall handle the administrative matters for the Commission and deputy members that can, by exception, participate in the work of the Misdemeanor Commission in the event when a member is absent.

9) The Misdemeanor Commission shall adopt rules of procedure for its work.

10) Against the decisions of the Misdemeanor Commission which impose a misdemeanor sanction, a complaint may be filed to instigate an administrative dispute before the competent court.

## **Work of the Misdemeanor Commission**

### **Article 174-c**

1) A member of the Misdemeanor Commission can be dismissed in the following cases:

1. When the member's term of office expires;
2. On the member's own request;
3. When the member fulfils the condition for old age retirement in accordance with the law;

4. If the member is deemed to be permanently incapacitated;
  5. If it is determined that there are violations of the regulations governing the course of the misdemeanor procedure with a legally effective decision;
  6. If it is determined that there are violations of the regulations governing the course of the misdemeanor procedure with a legally effective decision;
  7. if the member fails to fulfill the conditions and obligations arising from working in the Misdemeanor Commission and
  8. if the member failed to report the existence of conflicts of interest regarding a case decided by the Misdemeanor Commission.
- 2) The proposal for dismissing a member of the Commission, in the cases stipulated in paragraph (1), items 3 to 8 of this article shall be submitted by the President of the Misdemeanor Commission to the Minister managing the state administration authority responsible for handling matters in the area of culture.
  - 3) The misdemeanor commission shall have the right to disclose evidence and collect data necessary to establish the misdemeanor, as well as to perform other work and undertake activities specified in this law, the Law on Misdemeanors and/or other laws.
  - 4) The Members of the Misdemeanor Commission shall be independent and autonomous in their work and shall decide on the basis on their professional knowledge and personal convictions.
  - 5) The misdemeanor commission shall work as a panel and the decision shall be made by the majority of votes from the total number of members.
  - 6) The misdemeanor commission shall keep records about the misdemeanors, the imposed sanctions and the made decisions.
  - 7) The members of the misdemeanor commission shall be entitled to a reward for their work in the Misdemeanor Commission, which reward shall be determined by the Minister managing the state administration authority responsible for handling matters in the area of culture, and which reward should be reasonable and proportional to the significance, scope of work of the members and the complexity of the misdemeanors.

## **Settlement**

### **Article 174-d**

- 1) For the misdemeanors stipulated in article 174 of this law, the cultural heritage inspectors shall be obligated to propose to the perpetrator of the misdemeanor, a procedure for settlement before filing a request for instigation of a misdemeanor procedure.
- 2) When the perpetrator of the misdemeanor shall agree to the implementation of the settlement procedure, the cultural heritage inspector shall prepare minutes which shall indicate the important elements of the misdemeanor, the time, the place and the manner in which the misdemeanor was perpetrated, the description of the actions leading to the misdemeanor and the persons that were found on site.
- 3) The minutes shall also determine the method in which the adverse consequences should be removed, as well as the method in which the consequences arising from the perpetration of the misdemeanor shall be overcome.
- 4) The cultural heritage inspector can give a payment order to the perpetrator of the misdemeanor within the framework of the settlement procedure.
- 5) If the perpetrator receives the payment order, then he/she shall be obligated to sign it. The fact that the perpetrator of the misdemeanor received the payment order shall be noted in the minutes.
- 6) When the perpetrator of a misdemeanor is a legal entity, the minutes and the payment order shall be signed by an official or a responsible person that was found on site during the inspection supervision or another official person or responsible person that stated that he/she has the authority to sign the minutes and receive the payment order.

7) The statement stipulated in paragraph (6) of this article shall be noted in the minutes.

8) The cultural heritage inspectors shall be obligated to keep records about the instigated settlement procedures and their outcomes”.

### **Article 33**

In article 178, paragraph (1), items 2, 3, 4, 5, 6 and 7 shall be changed to read:

“2. The Institute for Protection of the Monuments Of Culture of the city of Skopje shall continue its work as a Conservation Center – Skopje with authority over the area of the municipalities Arachinovo, Studenichani, Petrovec, Ilinden, Sopishte, Saraj, Chucher Sandevo, Zelenikovo, Gazi Baba, Butel, Gjorche Petrov, Karposh, Kisela Voda, Aerodrom, Centar, Chair and Shuto Orizari;

3. The Institute for Protection of the Monuments of Culture and the National Museum in Ohrid, shall continue to work as the Conservation Center – Ohrid with authority over the area of the municipalities Ohrid, Debarca, Struga and Vevchani;

4. The Institute for Protection of the Monuments of Culture, the Natural Rarities, Museum and Gallery in Bitola shall continue to work as the Conservation Center – Bitola with authority over the area of the municipalities Bitola, Novaci, Mogila, Demir Hisar and Resen;

5. The Institute for Protection of the Monuments of Culture, Natural Rarities and Museum in Prilep shall continue to work as the Conservation Center – Prilep with authority over the areas of the municipalities Prilep, Dolneni, Krivogashtani and Krushevo;

6. The Institute for Protection of the Monuments of Culture, Natural Rarities and the National Museum in Shtip shall continue to work as the Conservation Center – Shtip with authority over the areas of the municipalities Shtip, Karbinici, Radovish, Konche, Sveti Nikole, Lozovo, Kochani, Zrnovci and Cheshinovo/Obleshevo and

7. The Institute for Protection of the Monuments of Culture, Natural Rarities and Museum in Strumica shall continue to work as the Conservation Center – Strumica with authority over the areas of the municipalities Strumica, Novo Selo, Vasilevo, Bosilovo, Valandovo, Gevgelija, Bogdanci and Dojran”.

### **Article 34**

The regulation whose enactment has been envisaged with this law shall be enacted within 12 months from the day of legal effectuation of this law.

### **Article 35**

The Legislative and Legal Commission of the Parliament of the Republic of Macedonia is hereby charged to determine a cleared version of the text of the Law on Protection of Cultural Heritage.

### **Article 36**

This law shall become legally effective on the eighth day from the day of publication in the “Official Gazette of the Republic of Macedonia”.