

LAW ON PROTECTION OF CULTURAL MONUMENTS

AND GENERAL PROVISIONS

Article 1

The present Act shall stipulate a system of protection and use of cultural monuments, effectuate special social interests, rights and obligations of natural and legal persons in terms of protection of cultural monuments and ways of organising and acquiring resources for funding institutions responsible for the activities of protection of cultural monuments.

Cultural monuments included into the World Cultural Heritage List shall enjoy special protection stipulated by this or other Acts.

Article 2

Cultural monuments are: immovable and movable objects, groups of objects and ensembles of historical, archaeological, artistic, aesthetic, ethnologic, architectural, urban, social, technical and other scientific and cultural values important for history and culture of the Republic of Montenegro (hereinafter referred to as "the Republic").

Article 3

All cultural monuments, with no regard to the ownership, shall be protected by the present Act.

Protected environment of immovable cultural monuments shall enjoy the protection as a cultural monument.

Article 4

The purpose of the present Act is:

- to preserve cultural monument in unimpaired and original condition;
- to undertake necessary measures for the regular maintenance of cultural monuments;
- to prevent activities which may directly change characteristics, shape, significance and appearance of cultural monuments;
- to provide conditions for the cultural monument so that they may, according to the importance and purpose, serve to meet cultural, scientific, educational needs of citizens and whole community.

Article 5

Protection of cultural monuments is an activity of a special interest for society.

Article 6

Objects for which there is a well-founded assumption to have characteristics of cultural monuments shall enjoy the precedent protection (hereinafter referred to as: "monuments enjoying precedent protection), according to provisions of the present Act.

Objects from this Article, par. 1 are especially: typical rural houses from 19th and 20th century, profane monuments with degraded monumental characteristics (summer houses, residential buildings, part of the objects of memorial - historical or environmental character), object of applied or fine arts, archaeological or ethnographic objects, money, stamps, honours, musical instruments and other similar objects.

Article 7

Cultural monuments are valued as: cultural monuments of great importance, cultural monuments of special importance and important cultural monuments.

Article 8

Cultural monuments shall be entered into the Registry of Cultural Monuments according to the types.

The Registries of Cultural Monuments are public.

Article 9

Cultural monuments and monuments enjoying precedent protection must not be destroyed, damaged or, without the prior consent of the Republic/Regional Institute for Protection of Cultural Monuments, changed its appearance or purpose.

Article 10

Protection and use of cultural monuments shall be enabled by carrying out activities of protection of cultural monuments, administrative-legal measures and other measures stipulated by this Act, as well as by measures which shall be stipulated on the basis of this Act.

Article 11

Activities and policy of the protection of cultural monuments in the Republic shall be organised by the Republic Institute for Protection of Cultural Monuments, with the seat in Cetinje (hereinafter referred to as: „Republic Institute,,)

Because of the significance of the cultural heritage which is concentrated in the area of the municipalities of: Kotor, Herceg Novi, and Tivat, Regional Institute for Protection of Cultural Monuments (hereinafter referred to as: Regional Institute,,) with the seat in Kotor is established.

Regional Institute may perform its activities according to the policy and programme of the activities of the Republic Institute.

Founder of the Republic and Regional Institutes is the Parliament of the Republic of Montenegro.

Article 12

Holder of a cultural monument is: owner, holder of usus, and legal holder.

If the owner of a cultural monuments is unknown, local authority of a municipality in charge for the cultural activities shall be responsible for the care of cultural monuments on area of responsibility of a municipality.

Right of ownership of cultural monument may be limited, if it is a public interest, according to this Act.

Article 13

Immovable cultural monument in private ownership may be expropriated, if it a public interest, according to the law.

For expropriation of immovable cultural monuments, par.1 of this Article, provisions regulating expropriation shall be applied, unless otherwise provided by this Act.

Article 14

Cultural monuments and monuments enjoying precedent protection may not be taken abroad, unless otherwise provided by this Act.

Article 15

Technical protection measures and other works related to cultural monuments and its protected surrounding area and to monuments enjoying precedent protection may be carried out under conditions, in procedure and in the way stipulated by this Act.

Article 16

Archaeological research and excavation may be carried out by scientific institutions according to this Act.

Article 17

Cultural monuments, which were excavated in the land or water or found during research after the 31st of July 1945, are state property.

Every person who finds or discovers an object, according to the par.1 of this Article, which is considered a cultural monument, shall notify the Republic Institute about it.

Article 18

If excavation or research has not been carried out with state resources, finder of cultural monuments shall receive financial remuneration.

Remuneration referred to in the par. 1 of this Article shall be paid from the budget of municipality in which the monument was found.

The amount of the remuneration referred to in the par.1 of this Article shall be suggested by the specialised agency for evaluation of aforementioned cultural monument with regard to its type.

Article 19

The local administrative authorities of a municipality, with the prior opinion of the Republic or Regional Institute shall regulate purpose and way of use of immovable cultural monument in the state ownership.

Purpose of using the space of an immovable cultural monument in private ownership for business premises, shall be provided by authorities referred to in par.1 of this Article, with the prior opinion of the Republic or Regional Institute.

Article 20

Local administrative authority of a municipality out of total amount of gained income from the lease of working offices and residential places and tourist tax in protected urban zones, shall provide resources for its maintenance for the amount stipulated by the administrative authority of a municipality.

Article 21

Institute shall acquire resources on the basis of its own activities, funds from the budget of Republic, budget of municipalities, and participation of interested subjects, and other sources.

II CULTURAL MONUMENTS

1. Cultural Monuments Types

Article 22

According to the characteristics, monuments can be: archaeological, historical, architectural, artistic, construction, ethnologic, technical, as well as old and rare book and film material.

Article 23

Archaeological monuments are parts of land containing remnants of buildings and other immovable objects, sepulchral and other finds, as well as movable objects from early historic periods, which have special cultural and historic significance.

Article 24

Historical monuments are areas, settlements or their parts, and buildings related to important historic events, memorial signs and monuments of liberation wars and other important persons and events.

Historical monuments are archive material consisting of original or reproduced, written, drawn, printed, photographed, filmed, microfilmed, phonographic, or in other ways documented material of special importance for culture and science.

Article 25

Architectural monuments are constructional and architectural objects and their ensembles, other immovable objects, parts of objects and ensembles related to specific area, such as: old churches, monastery complexes, mosques, old towns and their remnants, old fortifications, old mines, water supplies and bridges, old towers and windmills, old monastery accommodation houses, clock-towers and fountains, old places and courts, summer-houses, workshops, and other old public objects, old cemeteries, tombstones.

Article 26

Artistic monuments are: frescoes and works of monumental and decorative painting, icons and works of fine and applied arts, sculpture, book decoration, as well as other objects and collections of objects of artistic character.

Article 27

Constructional monuments are urban ensembles and their parts, environmental ensembles and rural settlements of special cultural and historic significance in space shaping.

Article 28

Ethnological monuments are areas, objects and ensembles, movable objects for everyday use and shaped products witnessing about the way of life and creation work of the population in the Republic.

Article 29

Old and rare books are: manuscripts and printed books, periodicals and other librarian material made up to 19th century; rare books, specific copies of periodic editions and other rare librarian material made up to 20th century; specific librarian material which, according to the Law on Library Activity, is submitted to a certain library.

Article 30

Film material comprises of: negative and copy of a film, original and copy of video tape and other carrier of picture and tone, script, book of shooting, film posters, photographs and film documents, with no regard to the technique of shooting, place and time of its creation.

Article 31

Technical monuments are objects and ensembles of objects, devices, machines and other objects witnessing about development of production resources and technical culture.

2. Evaluation of Cultural Monuments

Article 32

Cultural monuments are classified in three categories according to their value: monument of great importance, monuments of special importance and important monuments.

Cultural monuments of great importance are the monuments included into the List of World Cultural Heritage and monuments that meet one of the following criteria:

- exceptional artistic or aesthetic value;
- immovable cultural monuments within which there are movable cultural monuments of great importance;
- unique examples of creation works of certain period as expression of untypical;
- monuments which influenced and still influence society development;
- great achievements of contemporary creativity;
- monuments which witness about critical historic events or persons; and
- monuments having special importance for cultural and historic development of people and nations (I category).

Cultural monuments of special importance are those which meet one of the following criteria:

- characteristic features of specific area or period of time in society development or development of cultural and civilisational circle they belong to;
- parts or ensembles containing details of special importance;
- testimonies of special importance for studying social, economic, cultural, and historical circumstances in certain period, and whose values serve for satisfying educational, cultural and scientific needs of society;
- linkage to important events and cultural-historical persons from the past (II category).

Important monuments are those which do not belong to I or II category, but based on their overall cultural historical or other values are important at the regional, or local level (III category).

III DESIGNATION AND CONFIRMATION OF CULTURAL MONUMENTS

Article 33

Immovable cultural monuments shall be designated while movable cultural monuments shall be confirmed.

Designation of immovable cultural monuments shall carry out the Parliament of the Republic of Montenegro (hereinafter referred to as: "Parliament") upon proposal of the Republic Institute.

Quality of the cultural monuments for movable objects shall be stipulated by museums, archives, libraries, galleries, collections and other institutions according to the provisions of the this Act and other particular Acts.

Article 34

Proposal for designation of immovable monuments as cultural monuments includes:

- description of an immovable monument with basic documentation;
- borders of immovable cultural monuments and its surrounding area;
- programme of protection, organisation, use, and maintenance of the immovable monuments;
- information about holder and owner of immovable monument.

Article 35

Parliament shall consider the proposal referred to in the Article 34 of this Act and declare about it within 6 months.

If the Parliament adopts the proposal, it shall bring an act on designation of cultural monument within six months, as mentioned in the par.1 of this Article.

Article 36

Act on designation of immovable monuments as cultural monuments includes:

- name, type and description of a cultural monument;
- borders of the monument with its surrounding, area, territory, inventory of land parts in cadaster or relevant cadastral or territorial data;
- data about ownership;
- basic condition of preservation, use, maintenance and organisation of cultural monument and its protected surrounding area; and
- data about financial resources for protection and maintenance.

Integral part of the Act, par.1 of this Article, is a list of movable monuments situated within immovable cultural monuments.

Article 37

The Parliament shall submit the act on designation to the Republic Institute within 30 days of the day of adoption of the act.

Act on designation of immovable monument as a cultural monument is published in the "Official Gazette of the Republic of Montenegro".

Article 38

Act on confirmation of a cultural monument includes:

- type, description and name of a cultural monument;

- origin, name of author, and present location;
- basic conditions of preservation, use, and maintenance;
- name of the owner, as well as legal basis for owning a monument.

Article 39

For the objects referred to in the Article 6 of this Act, the Parliament shall bring an act on temporary designation of an object as a cultural monument, based on proposal of the Republic Institute.

For the objects referred to in the Article 6 of this Act, the decision on temporary designation of an object as a cultural monument shall take a specialised agency under the article 33, par. 3 of this Act.

Article 40

Proposal for bringing an act under the article 39 of this Act may be submitted by any person if it is in public interest.

Condition referred to in par.1 of this Article, is fulfilled especially when there is a threat that an object or a monument will be destroyed, damaged or lost.

Article 41

When an act on temporary designation has been passed, the Republic Institute shall initiate a procedure for regular designation.

Act referred to in Article 39 of this Act shall be in force for the time set by the Act, but not later than 5 years.

Article 42

Detailed provisions governing procedure and way of designation and confirmation of a cultural monument shall be set by the competent republic authorities.

IV REGISTERING OF CULTURAL MONUMENTS

Article 43

Immovable cultural monument, after announcing an Act on designation referred to in Article 37 of this Act shall be registered in the Registry of Cultural Monuments by the decision of the Republic Institute.

Republic Institute shall keep the Central Registry of Cultural Monuments at the territory of the Republic.

Regional Institute shall keep the Registry of Cultural Monuments located at its territory.

Regional Institute shall submit a decision to the Republic Institute on entering cultural monuments into the Central Registry.

Article 44

The Registry of Cultural Monuments is a public document including:

- description of a cultural monument, its actual and legal status;
- location of a cultural monument;
- origin of a cultural monument and all important factual and legal changes on the cultural monument;
- documents related to a cultural monuments;
- list of bibliography concerning cultural monument;
- professional documentation of a cultural monument which enable its identification in the process of renovation;
- data about financial investments in a cultural monument;

- documentation about conservation works and other activities related to a cultural monument.

Article 45

Designation of a cultural monument, registering and removing from the Registry is registered in the Land Register.
Immovable cultural monument is marked.

Competent republic authority shall regulate the form, contents and way of marking an immovable cultural monument.

Article 46

Movable cultural monument, managed by museum, archive, library, gallery, collection or other related institution, as individual object or collection, shall be entered into the Central Registry of Cultural Monuments as a whole, according to inventory, and based on notification of a relevant institution.

Article 47

For entering movable cultural monuments into the registries not kept in specialised institutions, provisions under the Article 46 of this Act shall be applied.

Article 48

Cultural monument which disappeared, or which was damaged or which lost characteristic of a cultural monument shall be removed from the Registry of Cultural Monuments.

Act on removing cultural monuments from the registry shall be brought in the identical way and procedure as it is stipulated for the act on designation or confirmation of a cultural monument.

Article 49

Competent court shall register a note of removal of immovable cultural monument from the Registry into the Land Registry, on the basis of data of the Republic Institute.

Article 50

Detailed provisions governing the keeping of register of cultural monuments shall be brought in by competent republic authority.

V RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF OWNERS OF CULTURAL MONUMENTS AND MEASURES OF PROTECTION

Article 51

Owner of a cultural monument is obliged to:

- 1) preserve and maintain and use a cultural monument in such a way that he shall preserve its monumental and environmental value;
- 2) protect a cultural monument against natural powers or man's activities;
- 3) enable specialised organisations or persons authorised by them, researching, inventorying and scanning of cultural monuments for scientific, cultural and educational purposes;

- 4) make cultural monument available to the public, if it is indispensable, concerning the nature and purpose of the cultural monument, with the aim of satisfying cultural needs, and with no detriment to the cultural monument and/or its owner;
- 5) temporarily convey a cultural monument to specialised organisations, when this is necessary for organising artistic, scientific, and other exhibitions, by the rule, no longer than 6 months within the period of 5 years.
- 6) notify immediately, at the latest within 15 days, the Republic Institute about all legal and factual changes important for the Registry;
- 7) take care about signs on immovable cultural monuments;
- 8) bear costs of regular maintenance of a cultural monument, which do not exceed incomes or other material benefits that owner gains from a cultural monument; and
- 9) carry out stipulated measures for technical protection and other needed measures.

Article 52

Specialised organisation granted or enabled to study cultural monuments, or conveyed a cultural monument for the purpose of exhibition, shall bear costs related to research, or to exhibiting cultural monuments and it shall be responsible for its damage.

Article 53

Immovable cultural monument may be demolished or relocated only in exceptional cases and on the basis of previously stipulated common interest.

Exceptionally, under the par. 1 of this Article, immovable cultural monument of great significance may not be demolished.

Competent republic authority shall issue the approval for relocating or demolishing referred to in par. 1 of this Article, with the prior consent of the Republic Institute.

Article 54

If the owner of a cultural monument neglects his/her obligations for protection of cultural monument or if he/she uses it in an inadequate way to the detriment of the cultural monument, local competent authority of a municipality shall take decision to convey a cultural monument for temporary governing to a holder chosen for that purpose.

A holder shall be authorised to undertake protection measures regulated by the Republic or Regional Institute.

Owner of a cultural monument shall bear costs for undertaking protection measures, par. 2 of this Article.

Local competent authority of a municipality shall dispense an authorised holder, par. 2 of this Article, when the owner of a cultural monument proves that he/she provided adequate conditions for its proper and purposeful use and maintenance.

Article 55

If maintenance of a cultural monument or its conservation or restoration demands extra costs, which exceeds income which owner gains from a cultural monument, the owner shall bear costs exceeding the amount of the income.

Municipality shall pay compensation of extra costs, par. 1 of this Article, for the monument situated on its territory.

Article 56

Before building objects at the territory on which there is a cultural monument, investor is obliged to include a programme for protection of cultural monuments into building investment programme.

Programme of protection of cultural monuments, par. 1 of this Article, shall be designed by the Republic or Regional Institute.

Investor shall bear costs of creating a programme of protection of cultural monuments, carrying out technical measures of protection, relocating cultural monument, providing compensation for experts' assistance provided for the Republic or Regional Institute.

Article 57

Municipal Assembly shall, during the process of adoption of urban plans, obtain opinion from the Republic Institute with the aim of preservation of urban or historical character of environment of old towns and settlements.

Obtaining opinion referred to in par. 1 of this Article is obligatory also when urban plan includes demolishing or relocation of squares, buildings, streets and their parts.

Article 58

Activities, which may cause changes on the cultural monument, may be undertaken only on the basis of the prior licence of the Republic or Regional Institute.

Under activities, par. 1 of this Article, are considered: sondage, conservation, restoration, additional construction, adaptation, relocation of a cultural monument, installation of advertisement or sign boards, construction of buildings and other objects in immediate surrounding of a cultural monument.

Prior licence, par.1 of the present Article, shall be needed for construction of objects in settlements or their parts, which are registered in the Registry of Cultural Monuments as urban ensemble, historical core, or monumental zone, as well as for all aforementioned activities referred to in par. 2 of this Article.

Prior licence may be issued only if relevant project documentation was submitted.

Article 59

Republic or Regional Institute may at any time suspend works and prevent activities which may cause damage or endanger a cultural monument.

Suspension of works, par. 1 of this Article, shall be carried out on the basis of decision, which may order reestablishing of its previous condition.

Decision on suspension of works with an order for reestablishing the previous condition may be taken even when the works on a cultural monument have already began without a prior licence referred to in Article 58 of this Act, or when those activities are carried out inconsistently to the approved project.

Appeal against the decision of suspension of works shall not withhold its execution.

Republic or Regional institute shall carry out the execution of the decision on suspension of works.

Owner of a cultural monument, investor, and constructor shall be responsible for the damage caused by the activities carried out opposite to the provisions from the par.

1, par. 2, par. 3 of this Article, and bear costs of reestablishing a cultural monument in its previous condition.

Article 60

Building licence for works, Article 58 of this Act, may be issued only if there is a prior permit of the Republic or Regional Institute.

Article 61

Shape, name or other recognisable detail of a cultural monument may be used for advertisement, as an element of a company, and for making souvenirs or other objects intended for commercial needs, in a way adequate to a purpose and significance of a cultural monument according to the Law.

Regional Institute shall issue a licence for use of a cultural monument for the purposes referred to in par. 1 of this Article.

Cultural monument may be used for the purposes referred to in par. 1 of this Article, if the payment of funds is effectuated in the Republic budget for the amount of 5% of the selling price of a product.

Funds referred to in par.3 of this Article shall be directed towards the competent republic authority.

Article 62

Owner of a cultural monument has the right to have explanations of specialised organisation free of charge, related to characteristics and importance of a cultural monument, as well as to have advice and guidelines related to its maintenance and way of fulfilling responsibilities referred to in Article 51 of this Act.

Owner of a cultural monument shall enjoy, regarding cultural monument, tax relief, customs facilities and other relieves according to specific provisions.

Owner of a cultural monument fulfilling tasks of protection and preservation of a cultural monument and owner of a sacral monument shall be excerpted of municipal tax.

VI ARCHAEOLOGICAL RESEARCH

Article 63

Archaeological excavation and research may be carried out only on the basis of licence issued by the Republic Institute.

The licence referred to in par. 1 of this Article shall be issued only to scientific or specialised institutions which fulfil the following conditions: designed project on archaeological site research, available professional personnel and provided funds for carrying out works and conservation of finds.

Licence shall include locality where the works shall be carried out, character and a volume of works, as well as conditions under which the works may be carried out.

Article 64

If archaeological research and excavation is not carried out according to licence, Republic or Regional Institute may temporary suspend works and define conditions for their continuation.

Regional Institute shall make the final decision on continuation of works or on their prohibition.

If Republic Institute identifies that adequate professional and methodological procedures have not been applied during the archaeological research or excavation or that protection of archaeological finds is endangered, it may withdraw a licence from the owner.

Article 65

Institution, which was in charge for carrying out archaeological research and excavation, is obliged to submit report on results of works within three month of the day of completion of works.

Report referred to in par.1 of this Article contains the basic data about works, especially: a plan of find with the necessary number of technical and photographic material, inventory of found and excavated objects, period of time in which the works were carried out, list of names of scientists and experts carrying out the works, funds spent and protection measures undertook at the find after the completion of works.

Article 66

Institution referred to in Article 65 of this Act is obliged to submit complete documentation to the Republic Institute for custody within one year of the day of submitting report referred to in Article 65 of this Act.

Institution referred to in Article 65 of this Act may, for the purpose of scientific elaboration, keep movable archaeological finds for the period of one year latest, unless otherwise agreed with the institution in charge for the protection.

Article 67

Competent republic authority shall decide on the right of use of excavated or found objects during archaeological research and excavation.

Decision referred to in par. 1 of this Article shall be taken on the basis of the prior opinion obtained by the Republic Institute.

Article 68

After finding archaeological remnants, certain buildings or ensembles shall be put under protection as cultural monuments and there shall be stipulated a specific protection regime for them according to the provisions of this Act.

After the completion of archaeological research and excavation, archaeological site or its part, if it does not contain monumental fund, shall be treated as a free space.

Article 69

If during the construction or other works archaeological or other find or objects of archaeological significance are found, legal or natural person who carries out the works, is obliged to notify the Republic Institute without delay.

Republic Institute may, regarding the character of a find, take decision on temporary prohibition of carrying out construction works at the territory, which is an archaeological find.

Republic Institute is obliged to take decision referred to in par. 2 of this Article within three days of the day of notification about the find.

Temporary prohibition on carrying out construction works may not be longer than 30 days. Within that period, Republic Institute is obliged to provide and organise necessary archaeological research and excavation and on the basis of results of research shall take decision on continuation or prohibition of further works.

Article 70

Republic Institute may grant an approval for narrower location on the protected archaeological zone or object.

If works are carried out in the archaeological zone or object which is already entered into the Registry of Cultural Monuments or the procedure of its inclusion is on going, investor is obliged to bear costs related to suspension of works and securing excavated objects.

Article 71

Foreign citizens and institutions may be granted approval for archaeological research and excavation if they cooperate with national institutions.

Manager of works referred to in par. 1 of this Article, must be a citizen of SFRJ (Social Federal Republic of Yugoslavia, ex-Yugoslav Republics)

Republic Institute shall issue a licence for carrying out archaeological research and excavation referred to in par.1 of this Article.

Article 72

Provisions stipulated in the Articles 63, 64, 65, 66 and 69 of this Act shall be applied to underwater archaeological research and excavation, and to take out sunk objects having characteristic of cultural monuments or which are legitimately considered to have such characteristics.

Article 73

Competent port captaincy, with the prior consent of the of the Republic Institute shall issue a licence for underwater archaeological researches and excavations, and for taking out sunk objects having characteristic of cultural monuments or which are legitimately considered to have such characteristics.

Article 74

Detailed provisions governing conditions and way of carrying out archaeological research and excavation shall be regulated by competent republic authority.

Article 75

Competent republic authority shall settle in second instance appeals against decisions taken in procedure of protection of cultural monuments.

VII CIRCULATION OF CULTURAL MONUMENTS

Article 76

Cultural monuments may not be sold.

Article 77

Exceptionally, movable cultural monument in the private ownership may be sold under specific conditions.

Owner of an immovable cultural monument, who intends to sell it, shall previously offer it for a sale to municipality in which a monument is located, and the owner of movable cultural monument shall previously offer it for sale to museum, archive or library.

Municipality may convey the right of pre-emption to certain specialised organisation or institution or to another legal person proposed by aforementioned institution or organisation.

If the owner of a cultural monument alienates a monument, gives of possession, or lease it, he or she shall notify a new holder that a cultural monument is put under protection.

Article 78

Cultural monument may be taken abroad under specific conditions.

Licence for taking cultural monument abroad shall be issued with the prior consent of the Republic Institute, and for a cultural monument which originates from other republics with prior consent obtained from competent republic institution in charge for the activities related to protection of cultural monuments.

Article 79

Republic institute shall issue a temporary licence for taking a cultural monument abroad for the purpose of exhibiting, expertise, etc with a prior consent of the competent republic authority. Licence shall contain a deadline within which a cultural monument must be returned to the country.

Article 80

Competent republic authority or the Republic Institute with the prior licence for taking a cultural monument abroad shall submit complete documentation with photo documentation to the customs authorities with a purpose of identifying a cultural monument.

VIII INSTITUTES FOR PROTECTION OF CULTURAL MONUMENTS

Article 81

Republic Institute shall:

- 1) study, document, collect and preserve documentation of cultural monuments;
- 2) participate in the procedure of social planning from the aspect of protection, renovation, and use of cultural monuments and give opinion for planning documents;
- 3) make categorisation of immovable cultural monuments;
- 4) propose designation of immovable monuments as cultural monuments;
- 5) keep Central Registry of Cultural Monuments at the territory of Montenegro;
- 6) keep records of cultural monuments and objects enjoying precedent protection at the territory of the Republic;
- 7) set up conservation conditions and give consent for project documentation related to all kinds of works carried out on immovable cultural monuments with the prior opinion of the Regional fund;
- 8) set up conservation conditions for all works on the movable monumental fund, unless the works are carried out in special conditions;
- 9) give consent for use of cultural monuments for the purpose of tourism and propaganda;
- 10) set up conditions and give consent for putting names, sign boards, advertisement on immovable cultural monuments;
- 11) issue a licence referred to in Article 61 of this Act;
- 12) give prior experts' opinion for demolishing and relocating of immovable cultural monument;
- 13) create programmes for protection of cultural monuments referred to in Article 56 of this Act;
- 14) take decision on temporary suspension of works referred to in Article 59 of this Act;
- 15) give opinion for the purpose and a way of using the space of immovable cultural monument for business premises referred to in Article 19 of this Act;
- 16) issue a licence for archaeological research and excavation, supervise works and carry out protection excavation according to the Article 69 of this Act;
- 17) keep complete documentation of archaeological research and excavation;

- 18) take decision on temporary prohibition of construction works, according to the Article 69 of this Law;
- 19) supervise conservation works on the cultural monuments;
- 20) issue a licence for taking cultural monuments abroad;
- 21) issue a licence for export of the works of art and other objects enjoying precedent protection;
- 22) propose priorities within programmes for protection and renovation of cultural monuments;
- 23) verifies professional capacities of workers engaged in conservation of cultural monuments;

- 24) offer professional assistance to institutions dealing with protection of cultural monuments and to the owners of cultural monuments in their activities of protection and preservation;
- 25) collaborate with the Regional Institute and ensure unified application of international conventions and other international acts at the territory of the Republic;
- 26) notify the Parliament, at least once a year, about condition of protection of cultural monuments in the republic;
- 27) prepare and publish professional publications dealing with issues of protection of cultural monuments;
- 28) take care about specialisation of the personnel working in the field of protection of cultural monuments;
- 29) create a plan of protection of cultural monuments in war; and
- 30) carry out other activities in the field of protection of cultural monuments according to the Law.

Article 82

Republic Institute may, besides activities referred to in Article 81 of this Act, carry out the following activities:

- create projects for carrying out works of conservation and restoration of cultural monuments;
- carry out works of conservation and restoration of cultural monuments;

Article 83

Regional Institute for the territory for which was founded, shall:

- 1) study, record, collect and keep documentation about cultural monuments;
- 2) participate in a procedure of social planning from the aspect of protection, renovation and use of cultural monuments and give opinion for planned documents;
- 3) keep Registry of Cultural Monuments;
- 4) keep records of cultural monuments and objects enjoying precedent protection;
- 5) set up conservation conditions and give consent for project documentation for all kinds of works on immovable cultural monuments;
- 6) create projects for carrying out works of conservation and restoration of cultural monuments;
- 7) carry out works of conservation and restoration of cultural monuments;
- 8) supervise conservation works on cultural monuments;
- 9) supervise archaeological research and excavation and carry out protection excavation;
- 10) propose priorities in the programmes for protection and renovation of cultural monuments;
- 11) create a plan of protection of cultural monuments referred to in Article 56 of this Act;
- 12) set up and give consent for putting names, sign boards, advertisements on the movable cultural monuments;
- 13) offer professional assistance to institutions dealing with protection of cultural monuments in their maintenance and protection;
- 14) take care of specialisation of personnel working on protection of cultural monuments.

Article 84

Competent Republic administrative authority shall be in charge for the supervision of legality of works and activities on the protection of cultural monuments.

Article 85

Persons, who during the works on the protection of cultural monument obtained a higher degree of professional capacity, may carry out activities of the first degree of vocational training if they pass a part of the relevant vocational exam.

Persons who passed vocational exam related to activities and tasks in the field of protection of cultural monuments may carry out works and activities of protection of cultural monuments, under condition to pass a vocational exam within two years of a day of establishing a labour relation.

Persons referred to in par. 2 of this Article who do not pass a vocational exam a labour relation shall have their labour relation terminated.

Article 86

Competent republic administrative authority shall stipulate detailed provisions governing conditions for carrying out professional activities and professional exams in the field of protection of cultural monuments.

IX RESOURCES OF THE INSTITUTES

Article 87

Institute shall acquire resources for work from:

- the budget of The Republic or the budget of municipality (through competent republic or municipal administrative authority);
- from resources effectuated by its own activity;
- participation of interested subjects; and
- other sources.

Article 88

Provision of resources referred to in Article 87 of this Law, the Institute shall direct according to financial plan, purpose and dynamic.

Resources provided by the Institute through its activities shall be directed on purpose for improving activities, protection of cultural monuments, regular and research activities.

Institute is obliged to submit written report on spent resources to competent republic or municipal administrative authority, on the basis of 6 month accounting and closing statement.

X MANAGEMENT

Article 89

Administrative authority of the Institute is Executive Board.

Executive Board shall comprise of representatives of the employees within the Institute and professional personnel affirmed in the fields contributing to the cultural development.

Deed of foundation shall set up a number and the structure of executive board members.

Article 90

Institute has a Director who shall be appointed by the Government of the Republic of Montenegro.

Director of the Institute shall be nominated for the period of four years and after expiring of the mandate, the same person may be appointed for one more mandate.

Director of the Institute shall represent the Institute and carry out other activities regulated by the Statute of the Institute.

XI CRIMINAL PROVISIONS

Article 91

Person who damaged or destroyed a cultural monument shall be punished for criminal offence with a penalty of imprisonment for the period from 6 months to 5 years.

Article 92

A person who without licence carry out works on maintenance, conservation or restoration of cultural monument, and due to that a cultural monument is destroyed, damaged or lost a value, shall be punished for a criminal offence with a fine or with a penalty of imprisonment up to 3 years.

The same penalty shall be imposed to persons who without licence or against the prohibition of competent authority carry out archaeological research and excavation of cultural monument or an object considered to have a value of a cultural monument, and due to that destroy a cultural monument or objects, cause damage or losing a value.

Article 93

A person who during the archaeological excavation and research and in other cases appropriated excavated or found objects, which have values of a cultural monument, shall be punished for a criminal offence with a penalty of imprisonment up to three years.

Article 94

A person, who without permission of competent authority takes cultural monuments abroad, shall be punished for a criminal offence with a penalty of imprisonment up to three years. For an attempt shall be also punished.

Article 95

A person who damaged or destroyed a protective environment of an immovable cultural monument or of a monument or an object which may be considered to have monumental values, shall be punished for a criminal offence with a fine or imprisonment up to one year.

Article 96

A fine from 15.000 to 20.000 dinars (old currency which is not in use) shall be imposed to institution, company or natural or legal person owner of a cultural monument if:

- 1) fails to conduct duties under the provisions referred to in Article 51, par. 1, Articles 53 and 77 of this Act.
- 2) does not permit implementation of research or study of cultural monuments in scientific and professional purpose (Article 51, par. 1 tacka 3 of this Act);

- 3) do not make a cultural monument available to the public (Article 51, par.1, tacka 4 of this Act);
- 4) do not convey a cultural monument on a specified time for the purpose of exhibition (Article 51, par. 1 tacka 5 of this Act);
- 5) fails to submit a report on archaeological research and excavation carried out on a cultural monument in a due date (article 65 of this Act);
- 6) fails to submit technical and photo documentation about the works carried out on conservation and restoration of a cultural monument (Article 66 of this Act);

For petty offences under the par. 1 of this Article, a fine of 3.000 to 5.000 dinars shall be imposed to a responsible person in an institution or company or to a civil-legal person.

Article 97

A fine from 20.000 to 30.000 dinars shall be imposed to an institution, company or a civil-legal person for the following petty offences:

- 1) carrying out archaeological research and excavation without a licence (Article 62 of this Act);
- 2) carrying out archaeological research and excavation without fulfilling conditions for carrying out such activities (Article 63 of this Act);
- 3) conducting activities opposite to the provisions referred to in Article 66 of this Act;
- 4) carrying out works on maintenance, conservation and restoration of a cultural monument without fulfilling conditions for carrying out such works (Article 58 of this Act);

A fine from 4.000 to 6.000 shall be imposed to a responsible person in an institution and other civil- legal person for the petty offences under this Article.

Article 98

A fine from 8.000 to 10.000 dinars shall be imposed to institution or a company for petty offences committed in conducting activities against provisions of the Article 69 of this Act.

For a petty offence referred to in par. 1 of this Act a fine from 3.000 to 5.000 dinars shall be imposed to a responsible person in an institution.

Article 99

A fine from 2.000 to 4.000 dinars shall be imposed to a natural person owner of a cultural monument for a petty offence if he/she:

- 1) conducts activities opposite to the provisions (Article 51, par.1, clause 1 of this Act);
- 2) does not permit research and study of cultural monuments in scientific and professional purposes (Article 51, par. 1, clause 1 of this Act);
- 3) fails to make a cultural monument available to the public (Article 51, par. 1, clause 4 of this Act);
- 4) does not convey a cultural monument on a specified time for the purpose of exhibition (Article 51, par. 1, clause 5 of this Act);
- 5) conducts activities opposite to the provision referred to in Article 53 of this Act;
- 6) conducts activities opposite to the provision referred to in Article 58 of this Act;

- 7) conducts activities opposite to the provision referred to in Article 63 of this Act.

XII TRANSITIONAL AND FINAL PROVISIONS

Article 100

On the day of entering into force of this Act, Municipal Institute for the protection of cultural monuments in Kotor shall continue with its activities as a Regional Institute for the protection of Cultural Monuments.

Article 101

On the day of entering into force of this Act, Republic and Regional Institute shall continue with its activities as a public institution.

Article 102

Institutes are obliged to adjust the work, organise general acts with provisions of this Act, within three months of the day of entering into force of this Act.

Article 103

Republic Institute is obliged to carry out categorisation of immovable cultural monuments at the territory of the Republic within one year of the day of entering into force of this Law.

In the procedure of categorisation, par. 1 of this Article, Republic Institute shall demarcate protective zones referred to in Article 3 of this Act.

Article 104

Republic Institute shall within 90 days of the day of entering into force of this Act propose a program of categorization and designation of cultural monuments with dynamic and necessary resources.

Article 105

Persons who until the day of entering into force of this Act have not passed a vocational exam, are obliged to pass it within two years of the day of entering into force of this Act.

Labour relation of persons who do not pass a vocational exam within a due date specified in the par. 1 of this Article shall be ceased.

Article 106

Persons who on the day of entering into force of this Act work on the protection of cultural monuments for more than 15 years, are not obliged to take a vocational exam.

Article 107

Competitive republic authority shall bring in rules stipulated by this Act within two months from the effective date of this Act.

Article 108

Entering into force of this Act a Law on Protection of Cultural Monuments shall cease to be into force ("Official Gazette of the Republic of Montenegro" No. 16/77).

This Act shall enter into force on the eight day of its publishing in the "Official Gazette of the Republic of Montenegro".