

Official Gazette of the Republic of Serbia  
Belgrade, 22 December 1994  
No. 71

## LAW ON CULTURAL PROPERTY

### Chapter 1

#### GENERAL PROVISIONS

##### Article 1

This Law stipulates the system of protection and use of cultural property and sets down the conditions for execution of activities related to the protection of cultural property.

##### Article 2

Cultural property is defined as objects and creations of material and spiritual culture of general interest which enjoy special protection as stipulated herein.

Cultural property, depending on their physical, artistic, cultural and historic characteristics, are: cultural monuments, cultural-historical areas, archeological sites and historical sites - immobile cultural property; artistic and historical works, archives, recorded material and old and rare books - mobile cultural property.

Cultural property, depending on its significance, may be divided into categories: cultural property, cultural property of great significance and cultural property of exceptional significance.

##### Article 3

Cultural property is defined in accordance with the provisions set out herein.

A cultural property may be a collection or a fund of mobile cultural property representing a whole.

Protected surroundings of an immobile cultural property shall enjoy the same protection as the cultural property itself.

##### Article 4

Objects or creations deemed to have characteristics of special interest for culture, art and history shall enjoy protection in accordance with the provisions set out in this Law (hereinafter: objects enjoying prior protection).

#### Article 5

Cultural property of great significance is a cultural property that bears one of the following characteristics:

1. Special interest for the social, historical and cultural development of peoples in a national history and for the development of its natural environment;
2. Witnesses on crucial historical events and personalities and their actions in the national history;
3. Represents unique (rare) examples of creativity of its era or unique examples of the history of nature;
4. Bears great influence on development of a society, culture, technology and science;
5. Bears extraordinary artistic or aesthetic value.

Cultural property of exceptional significance is the cultural property which bears one of the following characteristics:

1. Significant for a certain area or era;
2. Witnesses on social or natural events, and conditions of socio-economic and cultural and historical development in certain eras;
3. Witnesses on significant events and prominent personalities from the natural history.

#### Article 6

Cultural property shall be entered into the Register of Cultural Property pursuant to their respective type.

The Registers of Cultural Property shall be public.

#### Article 7

Cultural property and property enjoying prior protection shall not be damaged, destroyed or shall its appearance, characteristics or use altered without approvals issued pursuant to this Law.

#### Article 8

Protection and use of cultural property shall be exercised by performing activities of protection of cultural property, administrative and legal acts and other measures provided for herein.

Protection of immobile cultural property and they protected environment and property enjoying prior protection shall be exercised also on the basis of regulations on planning and arrangement of space, construction of buildings and environmental protection.

Article 9

Funds to be used on protection and use of cultural property shall be earmarked in the budget pursuant to the Law.

Article 10

Protection and use of cultural property shall be executed by the specially established institutions (hereinafter: institutions for protection) pursuant to the provisions of this Law.

Article 11

Pursuant to the Law, the institutions for protection shall use the land, buildings, cultural property and other instruments used by the institutions for protection established by the Republic, autonomous province, city and municipality.

Article 12

Property enjoying prior protection and located on land or in water or excavated from land or water shall be considered state property.

Article 13

A state-owned cultural property may be given to another legal person for safekeeping and use.

Immobile cultural property may be nationalized or the title to it limited only with the aim of its more comprehensive or more efficient protection in general interest and pursuant to the Law.

Article 14

State-owned cultural property may be sold only under the conditions provided for by the Law.

Ownership of a state-owned cultural property cannot be acquired by positive prescription.

Article 15

If not otherwise provided herein, cultural property and property enjoying prior protection shall not be exported nor taken abroad.

#### Article 16

All applications, decisions, appeals and other legal acts related to the protection of cultural property shall be exempted of administrative and judicial tax imposed by republican regulations.

#### Article 17

Pursuant to this Law, archeological excavations and investigations shall be performed by institutions for protection.

#### Article 18

The provisions set out herein related to the rights and obligations of owners of cultural property shall be applicable to other persons in possession of cultural property on any other legal basis.

### Chapter 2

#### TYPES OF CULTURAL PROPERTY AND PROPERTY ENJOYING PRIOR PROTECTION

1. Immobile cultural property
  - a) Cultural monument

#### Article 19

A cultural monument is an architectural structure of particular cultural or historical significance as are his structural entity, examples of vernacular building, other immobile structures, parts of structures or entities with characteristics related to the particular environment, works of monumental and decorative painting, sculpture, applied arts and technical culture as well as all mobile things in them of special cultural and historical significance.

- b) Cultural-historical areas

#### Article 20

A cultural-historical areas is an urban or rural settlement or parts thereof or spaces with numerous items representing immobile cultural property of special cultural and historical significance.

c) Archeological site

Article 21

An archeological site is part of land or an area submerged containing the remains of structures and other immobile buildings, sepulchral and other findings as well as mobile objects from earlier historical epochs of special cultural and historical significance.

d) Historical site

Article 22

A historical site is an area related to an event of special importance for history, area with notable elements of natural or man made values as unique entity as well as monumental graves or graveyards and other structures with characteristics of monuments that were erected to preserve the memory of important events, personalities and places of national history (memorials) of special cultural and historical significance.

2. Property enjoying prior protection

Article 27

Pursuant to this Law, prior protection shall be awarded to:

1. Necropolis and sites with archeological, historical, ethnological or natural history contents; old city and settlement cores; structures, entities and parts of structures with historical and archeological values; monuments and monumental landmarks dedicated to important events and personalities; houses where prominent persons were born or worked in along with the pertaining belongings; buildings and places in nature related to important historical events;
2. Pieces of writing, computer, film or video recordings; motion pictures, texts and recordings of television programs, photographs and soundtracks or recordings and documents compiled in some other way; books and registries of such pieces of writing, recordings and documents; texts and recordings of radio programs as well as microfilms thereon, received or taken in the work of governmental bodies and agencies, bodies of territorial autonomy and local self-government, institutions, other organisations and religious communities while relevant to their current operation or while archive materials have not been selected therefrom pursuant to the provisions of this Law (hereinafter: registry materials);

3. Objects pertaining to visual and applied arts, archeological objects, ethnographic and natural sciences objects, coins, post stamps, decorations, unique, rare or historically relevant objects of technical culture, music instruments and other similar objects over 50 years old; objects, books, documents, letters, manuscripts and other written and reproduced, or filmed or magnetic recordings; motion pictures, photographs and phonographic material related to historical events as well as to the work of prominent personalities in all the fields of social life regardless of the time and venue of their creation.

The Government of the Republic of Serbia may proclaim other immobile and mobile objects as enjoying prior protection.

#### Article 28

The person who, outside of the organised exploration of excavations of land i.e. water, takes out an object enjoying prior protection shall immediately and within 24 hours at the latest, inform the competent institution for protection of cultural property and ministry of interior.

The person who finds objects set out in paragraph 1 hereof shall have the right to financial award if the funds from the budget were not used during the excavation.

The amount of award as mentioned in paragraph 2 hereof shall be established by the institution for protection where the object shall be placed for safekeeping.

#### Article 29

The institution for protection shall record all the property enjoying prior protection.

The institution for protection shall inform the owner of legal person using and managing the object as well as the municipality within 30 days from the date of registration of real estate enjoying prior protection.

Measures of protection as established herein shall be applied on the real estate registered as enjoying prior protection.

The institution for protection shall within two years establish whether the registered real estate bears the characteristics of a monument and propose proclamation of that real estate for cultural property within the same period of time. Should the registered real estate not be proclaimed for cultural property within three years from the date of its registration, it shall not be subject to measures of protection provided for herein.

## Chapter 3

### RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF OWNERS AND LEGAL PERSONS USING AND MANAGING CULTURAL PROPERTY AND PROPERTY ENJOYING PRIOR PROTECTION

#### 1. Rights of owners

##### Article 30

An owner or legal person who uses and manages cultural property (hereinafter: owner) shall have the right to:

1. Use the cultural property in accordance with the provisions of this Law and with the measures established on the basis thereof;
2. Rightful compensation of damages incurred in case of ban or limitation on use of the cultural property and
3. Compensation of damages incurred due to giving the public access to the cultural property.
4. The amount of the damages mentioned in paragraph 1 item 3 hereof shall be subject to agreement pursuant to the provisions of property law. In case of dispute the amount of the damages shall be established by a competent court in extra-judicial proceedings.

The owner shall have the right to compensation of damages incurred during the period of execution of technical protection of cultural property.

#### 3. Liabilities and responsibilities of the owner

##### Article 31

The owner shall:

1. Preserve and maintain cultural property and execute the established measures of protection;
2. Inform without delay the institution for protection of all legal and physical changes to or in relation to the cultural property;
3. Allow scientific and expert investigation, technical and other recordings as well as execution of measures of technical protection of cultural property pursuant to the provisions of this Law and
4. Allow access of cultural property to members of the public.

The owner shall bear the costs of execution of obligations set out in paragraph 1, item 1 hereof up to the amount of income generated from the cultural property.

## Article 32

The owner shall not:

1. Use cultural property in a way contrary to its nature, use and significance or in a way that may lead to damaging the cultural property;
2. Dig, demolish, alter, reconstruct, rephrase or execute any other activities which may disrupt the characteristics of a cultural property without the established conditions and prior approvals of the competent agencies and
3. Fragment assortments, collections and funds of cultural property without the established conditions and prior approvals of the competent institution for protection.

## Article 33

When the owner does not execute measures of protection or does not execute them with care of a good host or when the owner temporarily or permanently abandons cultural property which results in potential danger from it being damaged or destroyed, the ministry in charge of culture may order the cultural property be given to a natural or legal person as trustee for execution of measures of protection of cultural property, with his consent.

The rights and responsibilities of the trustee are set down in paragraph 1 hereof.

At his request the trustee shall have the right to compensation for his work and costs of execution of the established measures of protection of the cultural property.

## Article 34

In case of sale of private cultural property the maintenance, repair and technical protection of which had been paid from the budget, the owner shall compensate the value reached as a result of investments made into that cultural property.

Until the execution of act mentioned in paragraph 1 hereof the cultural property shall be mortgaged.

## Chapter 4

### ESTABLISHMENT OF CULTURAL PROPERTY

#### 1. Establishment of immobile cultural property

## Article 47

If not otherwise provided by this Law, the Government of the Republic of Serbia shall establish immobile cultural property.

The decision on establishment of a cultural property shall contain: title and description of a cultural property, boundaries of protected zone, measures related to guarding,

maintaining and use of cultural property and its protected zone (data from the cadastre and land registries).

A list of mobile property of special cultural and historical importance located within the immobile cultural property shall be an integral part of the document mentioned in paragraph 2 hereof.

The document described in paragraph 2 hereof shall be published in the "Official Gazette of the Republic of Serbia".

#### Article 48

In the process of establishment of cultural property the Republic Institute for Protection of Cultural Monuments shall explain the reasons indicating that the characteristics of a particular real estate are of special cultural and historical importance and submit the opinion of the owner of real estate i.e. the proof that public invitation to expressions of opinion had been issued and that 30 days had expired therefrom, as well as the opinion of the interested bodies and institutions.

In the process of establishment of cultural property the Republic Institute for Protection of Cultural Monuments shall submit: title, description of a cultural property, boundaries of protected zone (data from the cadastre and land registries), measures of guarding, maintenance and use of that cultural property and its surroundings.

Should the real estate proposed to be established as cultural property be located outside the inhabited areas, the Republic Institute for Protection of Cultural Monuments shall submit the opinion of the institution in charge of environmental protection on specific measures of protection and boundaries of protected zone pursuant to the regulations on environmental protection.

#### 4. Definition of the measures of protection

#### Article 54

Measures of protection set out in the decision on establishment of a cultural property shall encompass:

1. Detailed conditions of guarding, maintenance and use of a cultural property;
2. Technical and protective measures aimed at keeping a cultural property free from damage, destruction or theft;
3. Methods of ensuring public use and accessibility of a cultural property;
4. Limitations and bans in respect of use of a cultural property and its use pursuant to the Law;
5. Limitations and bans of execution of certain building works, alteration of the shape of terrain and use of land within the protected zone of a cultural property as well as alteration of the use of certain cultural properties, and
6. Removal of a construction or another structure whose existence imperils the protection or use of a cultural property.

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The measures of protection shall be defined for the protected zone of an immobile cultural property.

Article 55

Removal of a building structure or another structure whose existence imperils the protection or use of a cultural property shall be performed in accordance with the law on expropriation.

5. Establishment of cultural property of great and enormous significance

Article 56

The assembly of the Republic of Serbia shall establish cultural property of exceptional importance.

The Government of the Republic of Serbia shall establish cultural property of great significance.

Mobile cultural property of great significance shall be established by the National Museum in Belgrade, Archives of Serbia, national Library of Serbia and Yugoslav Film Archives.

Article 57

The institutions for protection shall forward their proposals for establishment of cultural property to the Republic Institute for Protection of Cultural Monuments, National Museum in Belgrade, Archives of Serbia, National Library of Serbia and Yugoslav Film Archives.

The proposal mentioned in paragraph 1 hereof shall be accompanied by the opinion of the owner as well as the interested bodies and institutions.

Thus compiled proposals for establishment of cultural property of exceptional significance shall be forwarded by the institution for protection mentioned in paragraph 1 hereof to the ministry in charge of culture which will then submit it to the Government of the Republic of Serbia.

The institution shall forward its proposals for establishment of the cultural property of great significance to the Republic Institute for Protection of Cultural Monuments. The Republic Institute for Protection of Cultural Monuments shall submit the compiled proposals for establishment of immobile cultural property of great significance to the ministry in charge of culture which will then submit it to the Government of the Republic of Serbia.

Alternatively from the opinion of the owner, a proof that public invitation to expressions of opinion had been issued and that 30 days had expired therefrom may be submitted.

#### Article 58

The decision on establishment of the cultural property of exceptional significance i.e. the decision on establishment of the cultural property of great significance shall be published in the "Official Gazette of the Republic of Serbia".

#### Chapter 5

### ENTRY INTO THE REGISTER OF CULTURAL PROPERTY

#### Article 59

The cultural property shall be entered into the register of cultural property on the basis of a decision on establishment of cultural property.

The decision by virtue of which the cultural property had been entered into the register and the related documents shall be kept on files.

#### Article 60

If not otherwise provided for by this Law, the register of cultural property shall be kept by the institutions for protection according to the type of cultural property.

Cultural property entered into the records of cultural property shall be marked as being under special protection.

The minister of culture shall define the appearance, content and the method of placing marks mentioned in paragraph 2 hereof on cultural property depending on their type.

#### Article 61

A central register shall be kept for each type of cultural property.

The central register of cultural property shall be kept by: the Republic Institute for Protection of Cultural Monuments, National Museum in Belgrade, Archives of Serbia, National Library of Serbia and Yugoslav Film Archives.

The institutions for protection shall present the data on cultural property entered into the registers kept to the institutions for protection keeping central registers of cultural property within 30 days from the date of entry of a cultural property into the register.

#### Article 62

The minister of culture shall specify data on cultural property to be entered into the register, the methodology of keeping registers of cultural property and central registers of cultural property, documents on cultural property to be provided and kept in the register as well as the method of entering the cultural property into the records.

The minister of culture shall stipulate the method of keeping records of cultural property enjoying prior protection, as per their type.

#### Article 63

Cultural property destroyed or missing or which has lost characteristics of special cultural and historical importance or has been permanently taken out or exported abroad shall be removed from the register of cultural property.

The decision on removal of a cultural property from the register shall be executed in the same way and in the same procedure as the decision on the establishment thereof.

#### Article 64

The public book on records of real estate and rights thereon shall contain the entry i.e. removal of the characteristics of a cultural property on the basis of data from the register of cultural property submitted by the institution for protection which made the entry into the register of cultural property and their protected zone.

### Chapter 6

#### PROTECTION OF CULTURAL PROPERTY AND ACTIVITIES OF THE INSTITUTION FOR PROTECTION

##### 1. Protection of cultural property

#### Article 65

Protection of cultural property is:

1. Investigation and registration of property enjoying prior protection;
2. Proposing and establishment of cultural property;
3. Keeping registers and documents on cultural property;
4. Rendering expert assistance in guarding and maintaining cultural property to owners and users thereof;
5. Ensuring the use of cultural property pursuant to the provisions of this Law;
6. Proposing and monitoring the execution of measures of protection of cultural property;
7. Collection, compilation, keeping, maintaining and use of mobile cultural property;
8. Execution of measures of technical and physical protection of cultural property;
9. Issuance of publications on cultural property and results achieved in the protection thereof;
10. Exhibiting cultural property, organising lectures and other appropriate educational events and
11. Other activities within the sphere of protection of cultural property established by virtue of this Law.

#### Article 66

The activities related to the protection of cultural property may be conducted by persons with adequate educational degree who have passed expert examination.

The activities set out in Article 54, paras 1 to 7 and 9 and 10 hereof may be performed by persons with a university degree and activities mentioned in paras 8 to 11 hereof of the persons with a minimum high school diploma.

#### Article 67

The expert qualifications of an employee shall be established through expert examination. The curricula of expert examinations per specific fields and the method of examinations shall be stipulated by the minister of culture.

#### Article 68

Depending on the type of jobs they perform, the trainees shall take the expert examination at the Republic Institute for Protection of Cultural Monuments, National Museum in Belgrade, Archives of Serbia, and Yugoslav Film Archives. The trainees working on conservation of old and rare books shall take their expert examination at the National Library of Serbia.

The costs of the first taking of the expert examination shall be borne by the institution employing the trainee.

#### Article 69

The employee who has passed the expert examination while working at the institution for protection and has acquired a higher educational degree, may perform duties of protection of cultural property adequate to that educational level if he passes the part of the examination for that educational level.

The employee who has passed the expert examination for performing other jobs and activities may be employed at the institution for protection and perform measures of protection of cultural property for 12 months at the latest from the date of such employment provided he passes in the meantime the part of the expert examination for the adequate degree i.e. type of education.

### 2. Founding and operation of institutions for protection

#### Article 70

The institutions for protection are: the institute for protection of cultural monuments, archives and the film archives.

The library that takes care of old and rare books is an institution for protection appointed as such pursuant to this Law.

The activities aimed at protection of cultural property as set out in Article 65 paras. 5, 7 9 and 10 hereof may be executed by other legal entities fulfilling the conditions set out in the provisions hereof.

#### Article 71

The institution for protection may be founded and perform activities if all the special conditions related to premises, technical equipment and human resources have been fulfilled.

The minister of culture shall stipulate detailed conditions mentioned in paragraph 1 hereof.

The ministry in charge of culture shall establish compliance with the conditions for beginning of operations and performance of activities of the institutions for protection founded by virtue of this Law.

#### Article 72

The institutions for protection shall have the right of active legitimacy in respect to executing measures of protection and use of cultural property and instigation of criminal and penal proceedings.

#### Article 73

The title, name and image of a cultural property may be used for commercial purposes only upon approval of the institution for protection mandated with the protection of that cultural property.

Ministry in charge of culture shall issue and approval mentioned in paragraph 1 hereof for the cultural property of exceptional significance.

### 3. The institutions for protection as per types of cultural property

#### Article 74

The institute for protection of cultural monuments shall execute activities related to the protection of cultural monuments, spatial cultural and historic entities, archeological and historical sites.

The museum shall execute activities related to the protection of cultural and historical works.

The National Archive shall execute activities related to the protection of archives and related materials.

The Film Archives shall execute activities related to the protection of filmed materials.

The institution for environmental protection shall execute activities related to the protection of historical sites and environment in protected zones of immobile cultural property.

Protection of old and rare books shall be performed by libraries storing old and rare books and adequately educated employees trained for execution of activities related to the protection of cultural property.

#### Article 75

Further to the activities described in Article 65 hereof, the Institute for Protection of Cultural Monuments shall also :

1. Research immobile cultural property and compile studies, reports and projects with documents aimed at the most effective protection and use of the particular immobile cultural property;
2. Participate in preparation of spatial and urban designs through submission of available data and conditions for protection of immobile cultural property; participate in reviewing drafts of spatial and urban designs;
3. Publish materials on works undertaken on immobile cultural property;
4. Devise projects for execution of works on immobile cultural property and execute the said works in accordance with the law;
5. Gain insight into the execution of the measures of protection and use of immobile cultural property and
6. Perform other activities stipulated herein.

#### Article 78

Further to the activities described in Article 65 hereof, the Film Archives shall also:

1. Collect, organise and safeguard filmed materials and
2. Ensure use of filmed materials for cultural purposes through public viewing in its premises and in some other way.

#### Article 79

The central institutions for protection of cultural property are: the Republic Institute for Protection of Cultural Monuments, the National Archives of Serbia, the National Museum in Belgrade, the National Library of Serbia and the Yugoslav Film Archives.

The central institutions for protection of cultural property shall:

1. Gain insight into the status of cultural property and undertake measures aimed at their protection and use;
2. Offer expertise and promote the work on protection of cultural property, especially in view of the contemporary methods of expert work;
3. Take care about expert training of employees working on protection of cultural property;
4. Keep central registers of cultural property per type as well as documents thereon;
5. Form and keep an electronic database of cultural property per type.

## Article 80

Further to the activities described in Articles 75 and 79 hereof, the Republic Institute for Protection of Cultural Monuments shall also:

1. Take care about the protection of immobile cultural property;
2. Take care about the consistent application of criteria related to proposals for establishment of items as cultural property and establishment of immobile cultural property of great and exceptional significance;
3. Keep records and documents on real estate of special significance for history and culture of the Republic which are located in the country and abroad and ensure their preservation;
4. Ensure consistent application of international conventions and other international documents on the territory of the Republic.

At the request of the interested institutions and citizens the Republic Institute for Protection of Cultural Monuments shall decide whether certain objects, except publications, enjoying prior protection i.e. that are supposed to have such characteristics, may be exported temporarily or permanently.

## Article 85

The minister of culture shall appoint the institutions for protection of cultural monuments, archives, museums and libraries and define territories within which they shall execute the activities related to protection of immobile and mobile cultural property as well as the mandate of museums per type of art and historical works.

## Chapter 7

### MEASURES OF PROTECTION AND WORKS ON CULTURAL PROPERTY

#### I. Measures of technical protection on immobile cultural property

## Article 99

Pursuant to this Law, the measures of technical protection shall be works on conservation, restoration, reconstruction, revitalisation and presentation of cultural property.

The measures of technical protection and other works that may result in alterations of the shape and appearance of the immobile cultural property or damage to its characteristics, shall be undertaken if:

1. The conditions are defined for undertaking measures of technical protection and other works;
2. Approval is given on a project and documentation for execution of these works, pursuant to this Law;

3. Necessary conditions and approvals are issued on the basis of regulations related to planning, arrangement of space and construction.

The provision set out in para 2 hereof shall be applicable in case of undertaking the measure of technical protection and other works in the protected zone of immobile cultural property i.e. on the property enjoying prior protection.

#### Article 100

Pursuant to the Articles 42, paras 2 and 3 and 54 hereof, the conditions for undertaking measures of technical protection and other works on immobile cultural property and cultural property of great significance shall be stipulated by the competent institute for protection of cultural monuments, and the Republic Institute for Protection of Cultural Monuments for the cultural property of exceptional significance.

The competent institute shall inform the Republic Institute for Protection of Cultural Monuments about the conditions set out in para 1 hereof within seven days.

When the projects and documentation are elaborated by the competent institute for protection of cultural monuments the conditions for undertaking measures of technical protection shall be defined by the Republic Institute for Protection of Cultural Monuments.

When the projects and documentation are elaborated by the Republic Institute for Protection of Cultural Monuments the conditions for undertaking measures of technical protection shall be defined by the ministry in charge of culture.

#### Article 101

The approval of designs and documentation for execution of works on immobile cultural property and cultural property of great significance shall be issued by the competent institute for protection of cultural property and the Republic Institute for Protection of Cultural Monuments for the cultural property of exceptional significance.

The competent institute shall inform the Republic Institute for Protection of Cultural Monuments about the issuance of approval set out in para 1 hereof within seven days.

When the designs and documentation are elaborated by the competent institute for protection of cultural monuments the approval shall be issued by the Republic Institute for Protection of Cultural Monuments.

When the designs and documentation are elaborated by the Republic Institute for Protection of Cultural Monuments the approval shall be issued by the ministry in charge of culture.

The designs and documents for execution of works shall be supplemented by the approvals provided for by the Law.

#### Article 102

The works on immobile cultural property provided by the design and documents approved shall be executed by institutions for protection and other institutions and

agencies, other legal entities and entrepreneurs who employ experts and have equipment provided for by this Law.

#### Article 103

The competent institute for protection of cultural monument, the Republican Institute for Protection of Cultural Monument for the cultural property of exceptional significance shall temporarily suspend the works and set a deadline for fulfillment of the works on the immobile cultural property which are conducted contrary to the design and documentation approved.

Should the employer fail to suspend the works the competent institute shall submit a request for demolition i.e. reverting of the property into the original state at the expense of the employer.

#### Article 104

The decisions stipulating conditions for undertaking measures of technical protection and other works, approvals of designs and documentation relevant to works on immobile cultural property, decisions on suspension of works and demolition, i.e. reverting of property into the original state shall be issued immediately pursuant to the provisions of the Law on Administrative Procedures.

An appeal on the decision mentioned in para 1 hereof passed by the competent institute for protection of cultural monuments shall be filed to the Republic Institute for Protection of Cultural Monuments. An appeal on the decision mentioned in para 1 hereof passed by the Republic Institute for Protection of Cultural Monuments shall be filed to the ministry in charge of culture.

An appeal on the decision mentioned in para 2 hereof does not prejudice execution.

#### Article 105

The employer shall notify the competent institute that issued an approval on the design and documentation of the completion of the works on immobile cultural property within 15 days from the date of such completion.

The competent institute shall inspect and verify the works and certify that the works have been completed in compliance with the project and documentation within five days from the date of receipt of such notification.

Should the competent institute find that the works were not executed in compliance with the design and documentation they shall instruct the employer to make adjustments thereof within the deadline set out.

Should the employer fail to comply with the instruction the competent institute mentioned in para 1 shall submit a request to the agency in charge of demolition to proceed i.e. revert the property into the original state. The costs thereof shall be borne by the employer.

#### Article 106

The employer shall keep records on measures of technical protection and other works executed pursuant to the specific regulations. Upon completion of the works the employer shall hand one copy of the mentioned records to the competent institute for protection of cultural monuments and to the Republic Institute for Protection of Cultural Monuments for property of exceptional significance.

#### Article 107

The conditions of protection, maintenance and use of cultural property as well as the property enjoying prior protection and the defined measures of protection shall be included into the physical and urban plans.

The competent institution for protection shall submit the conditions and measures mentioned in para 1 hereof to the agency in charge of preparing physical and urban plans within 30 days from the date of submission of such request.

The agency in charge of preparing physical and urban plans shall compensate the competent institution for protection for costs incurred for submission of conditions and measures mentioned in para 1 hereof.

The competent institute and the Republic Institute for Protection of Cultural Monuments shall state their opinion on drafts of physical and urban plans that shall be presented at the time of their review and endorsement.

Should the physical and urban plans not contain conditions and measures mentioned in para 1 hereof the agency in charge of protection shall inform thereof the ministry in charge of culture.

The Government of the Republic of Serbia may, at a proposal of the ministry in charge of culture, suspend the execution of physical and urban plans that do not provide for sufficient protection and use of cultural property as well as property enjoying prior protection.

#### Article 108

In exceptional cases, if justified reasons exist, the cultural property may be relocated.

Permission for activities mentioned in para 1 in respect of cultural property shall be issued by a Republican Institute for Protection of Cultural Monuments. Permission for activities mentioned in para 1 in respect of cultural property of great and exceptional significance shall be issued by the ministry in charge of culture.

#### Article 109

If in the course of the execution of construction and other works the contractor discovers an archeological site or archeological objects he shall immediately suspend the works and inform the competent institution for protection of cultural monuments and undertake measures to prevent destruction and damage of the find and to preserve them on location and position they were discovered in.

If an imminent danger from damage to the archeological site or objects exists, the competent institute for protection of cultural monuments shall suspend the works temporarily until establishment of whether the real estate of the subject represents cultural property or not pursuant to this Law.

If the competent institute for protection of cultural monuments does not suspend the works, the works shall be suspended by the Republican Institute for Protection of Cultural Monuments.

#### Article 110

The employer shall ensure funds for research, protection, maintenance, publication and presentation of property enjoying prior protection discovered during the construction of the structure – until the hand over of the property to the authorised institute for protection for safekeeping.

#### 1. Research of archeological sites

#### Article 112

Excavation and research of archeological site shall be performed by a scientific institution or the institute for protection, pursuant to this Law.

The ministry in charge of culture shall approve archeological excavation and research of archeological site.

The approval may be issued to the scientific institution or the institute for protection provided it has elaborated a research project, adequate human resources, equipment and the funds for research and protection of the site and archeological finds.

#### Article 113

The approval for excavation and research shall define the territory where works are to be executed, the type and scope of the works, timing of the works and the responsibilities of the contractor in respect to measures of protection of site and finds.

The institution performing archeological excavation and research shall be responsible for undertaking measures of protection and securing the archeological site and finds.

#### Article 114

If archeological excavations and research are not performed in accordance with the approval, the ministry in charge of culture shall order a temporary suspension of works and stipulate a deadline for fulfillment of conditions to continue the works, or issue a ban on execution of works if the conditions for continuation of works are not fulfilled within the stipulated deadline.

#### Article 115

The institution performing archeological excavations and research shall keep a log and other documents about the works.

The minister of culture shall define the forms, content and way of keeping documents mentioned in para 1 hereof that are kept on archeological excavations and research.

#### Article 116

The institution performing archeological excavations and research shall submit a report on the excavations or research completed within three months from the completion of the works.

The report on archeological excavations and research shall contain basic data on the works and notably the plan of the site with the necessary technical documents and photographs, inventory of the excavated objects, time when the works were completed, a list of experts engaged on the works, funds spent and technical measures undertaken to protect the site and the finds.

#### Article 117

The institution performing archeological excavations and research may, for the purposes of scientific processing, keep the mobile archeological finds for a maximum of one year if not otherwise agreed with the institution which received those finds for safekeeping.

Upon completion of archeological excavations or research the institution that performed the works shall submit to the ministry in charge of culture the documents in the form of stipulated forms within one year.

The ministry in charge of culture shall submit the received documents as mentioned in para 2 hereof to the competent institute for protection of cultural monuments within 30 days from the date of receipt.

The documents mentioned in para 2 shall be kept permanently.

### Chapter 10

#### MONITORING OF LAW IMPLEMENTATION

#### Article 126

The ministry in charge of culture shall monitor the implementation of the Law.

#### Article 127

The ministry in charge of culture shall be authorised to :

1. Control cultural property and works being executed thereon or on in the protected zone;

2. Verify compliance with regulations pertaining to preservation, maintenance and use of cultural property and execution of works thereon;
3. Suspend the works undertaken without defined conditions and approvals on project and documentation; suspend the measures of technical protection and other works which are not executed in compliance with the designs or document approved;
4. Order provisional measures in case of the threat of destruction, damage or export of the cultural property;
5. Inform the competent institutions for protection and agencies of the perceived irregularities in protection and use of cultural property and seek their intervention;
6. Undertake other measures and activities for which it is authorised by special provisions.

#### Article 128

If the authorised person establishes during monitoring that the regulation was not properly applied or not applied at all he shall pass a decision ordering removal of the established irregularities and set a deadline.

#### Article 129

The ministry of culture shall temporarily ban the institution of culture to execute activities on protection of cultural property due to the irregularities established and not removed within the set deadline until the time such irregularities are removed.

### Chapter 11

#### PENAL PROVISIONS

#### Article 130

A fine of YD 1000 to 10,000 shall be imposed on an institution, company, organisation or other physical person:

1. For contributing to damage or destruction of a cultural property (Article 7 hereof) through inadequate protection or inadequate organisation of works;
2. For damages or destruction of property enjoying prior protection (Article 7 hereof);
3. For failure to inform the owner and the municipality on completed registration of real estate enjoying prior protection (Article 29 hereof);
4. For failure to take care and maintain cultural property and execute the stipulated measures of protection (Article 31, para 1, item 1 hereof);
5. For failure to inform immediately the institute for protection on all legal and physical changes arising in relation to cultural property (Article 31, para 1, item 2 hereof);
6. For failure to approve scientific and expert research, technical and other recordings, as well as execution of technical measures of protection on cultural property pursuant to the provisions of this Law ((Article 31, para 1, item 3 hereof);

7. For failure to allow public access to cultural property (Article 31, para 1, item 4 hereof);
8. For acting contrary to Article 32 hereof;
9. For failure to allow exhibition on occasional, significant events and exhibitions organised on the basis of agreements on international cooperation (Article 35, para 1 hereof);
10. For failure to return the lent cultural property within six months from the date of taking it over for purposes of exhibiting (Article 35, para 2 hereof);
11. For failure to register cultural property enjoying prior protection to the competent institution for protection or failure to forward data requested (Article 36, item 1 hereof);
12. For failure to allow the institution for protection to inspect the property or take necessary information for compiling documentation thereon (Article 36, item 3 hereof);
13. For failure to inform itself of the conditions for undertaking measures of technical protection and failure to request approval of the competent institution (Article 36, item 4 hereof);
14. For failure to submit a defined number of copies of each publication published (Article 42, para 1 hereof);
15. For failure to keep publications pursuant to Article 42, para 6 hereof;
16. For failure to submit a report on all the matter printed in the course of the month to the National Library of Serbia on the last day of the month (Article 44 hereof);
17. For failure to hand over one unused copy of each produced movie with pertaining documentation and the best copy of each imported movie for public viewing (Article 46, paras. 1, 2 and 3 hereof);
18. For executing works in the protected zone of an immobile cultural property without permission (Article 54, para 1, item 5 hereof);
19. For failure to submit data about cultural property within 30 days from the date of entry thereof into the Register of Cultural Property (Article 61, para 3 hereof);
20. For taking out or exporting property enjoying prior protection without the approval of the competent institution (Article 80, para 2 and Article 83, para 3 hereof);
21. For failure to provide permanent protection of mobile cultural property by the trained guards in the premises it is kept and exhibited or temporarily exhibited as well as if it fails to protect mobile cultural property from fire or chemical, physical and biological damage and unauthorised disposal (Article 87, paras 1 and 2 hereof);
22. For exhibiting mobile cultural property without prior classification, expert processing and entry into the Register of Cultural Property (Article 88 hereof);
23. For exhibiting cultural property that may not be exhibited outside the institute for protection (Article 89 hereof);
24. For acting contrary to the provisions of Article 92 hereof;
25. For undertaking measures of technical protection or executing other works on immobile cultural property contrary to the regulations set down in Articles 99 and 102 hereof;
26. For failure to inform the Republic Institute for Protection of Cultural Monuments about the conditions for undertaking measures of technical protection and other

- works on immobile cultural property and cultural property of great significance within seven days (Article 100, para 2 hereof);
27. For failure to inform the Republic Institute for Protection of Cultural Monuments about the approval issued on designs and documentation for execution of works on immobile cultural property and cultural property of great significance (Article 101, paras 1 and 2 hereof);
  28. For failure to suspend permanently or temporarily execution of the works following the decision on ban on execution of works (Article 105, para 1 hereof);
  29. For failure to inform the competent institution about the completion of the works within 15 days from the date of completion of thereof (Article 105, para 1 hereof);
  30. For failure to keep documents on the measures of technical protection undertaken and other works on cultural property (Article 106 hereof);
  31. For failure to suspend the execution of construction and other works and inform the competent institute for protection of cultural monuments on archeological site or archeological findings and for failure to protect the findings from damage or destruction and preserve on location and in position of discovery (Article 109, para 1 hereof);
  32. For failure of the employer to secure funds for research, protection, keeping and exhibiting of property enjoying prior protection discovered in the course of the works on the investment project until its handing over to the competent institute of protection for safekeeping (Article 110 hereof);
  33. For executing measures of technical protection contrary to the defined conditions and methods (Article 111 hereof).

A prison sentence of 60 days or the fine amounting from YD 100 to 1000 shall be imposed on the owner of cultural property, the person in charge of the competent institution or other physical entity for the violation mentioned in para 1 hereof.

#### Article 131

A fine amounting from YD 900 to 9000 shall be imposed on the institution, company or other physical person for a violation related to the archives:

1. For failure to keep basic records, to mark or date the archives (Article 37, para 1, item 1 hereof);
2. For failure to keep orderly archives in safe condition (Article 37, para 1, item 2 hereof);
3. For failure to classify and archive the materials (Article 37, para 1, item 3 hereof);
4. For failure to select archive materials and dispose of worthless documentation within the prescribed time frame (Article 37, para 1, item 4 hereof);
5. For destroying worthless documentation without prior written approval of the competent archives (Article 37, para hereof);
6. For failure to establish the method of recording, maintaining, classifying archives; for failure to compile lists of categories with time frames of keeping and for failure to establish the method of protection and use of data and documents resulting from automatic data processing (Article 38 hereof).

A fine amounting from YD 900 to 9000 shall be imposed on the person in charge of the institution or other physical entity for violation of provisions set out in para 1.

#### Article 132

A fine amounting from YD 800 to 8000 shall be imposed on an institution:

1. For failure to execute measures of protection and secure an archeological site or archeological findings (Article 113, pra 2 hereof);
2. For failure to keep a log of the works and other documents thereon (Article 115, para 1 hereof);
3. For failure to submit the report pursuant to Article 116, para 1 hereof;
4. For retaining mobile archeological findings excavated during the works for a period exceeding one year (Article 117, para 1 hereof);
5. For failure to hand over a copy of the documents to the agency issuing approval for archeological excavation within one year (Article 117, para 2 hereof).

A fine amounting from YD 800 to 8000 for a violation of para 1 shall be imposed on an expert performing archeological excavation and the person in charge of the institution performing archeological excavation.

#### Article 133

A fine amounting from YD 700 to 7000 shall be imposed on an institution or a company for unauthorised use the name, title and image of the cultural property for commercial purposes (Article 73 hereof).

A fine amounting from YD 700 to 7000 shall be imposed for violation of para 1 hereof on the person in charge of an institution or company.

#### Article 134

A prison sentence of 30 days or a fine amounting from YD 100 to 1000 shall be imposed on a person who, outside of the organised research, excavates or takes out of the earth the property enjoying prior protection if he fails to inform the institution for protection or the department of interior thereof within 24 hours (Article 28, para 1 hereof).

### Chapter 12

#### TRANSITIONAL AND FINAL PROVISIONS

#### Article 135

Cultural property protected pursuant to the regulations effective until the date of entry into force of this Law shall remain protected by virtue of this Law.

The institutions for protection shall propose amendments to the decision on establishment of immobile cultural property delineating borders of the protected zone and the measures of protection of cultural property within three years from the date of entry into force of this law.

The registered real estate enjoying prior protection which, at the date of entry into force of this Law, have not been established as monuments shall be registered as such within three years from coming into effect of this Law. Within the same period they shall propose establishment of these real estate as cultural property.

#### Article 136

The institutions for protection shall change their structure and reconcile their decisions with the provisions of this Law within six months from the date of its entry into force.

#### Article 137

The bodies, agencies and institutions mentioned in Article 38 hereof shall compile a list of categories of archives and the timeframe for their keeping within one year from the date of entry into force of this Law.

#### Article 138

The employees working in the institutions for protection who passed the expert examination pursuant to the then effective regulations until the date of entry into force of this Law, shall be allowed to continue their work on protection and use of cultural property.

#### Article 139

An employee working in the institutions for protection who failed to pass the expert examination until the date of entry into force of this Law, shall be allowed to continue their work on protection of cultural property for a period not exceeding one year from the date of entry into force of the regulations on the curricula for taking the expert examination pursuant to this Law.

The institute for protection may, at the request of the employee, extend the time frame for taking the expert examination for justified reasons (illness, military service, etc) for a period not exceeding one year from the date of cessation of reasons for such an extension.

#### Article 140

The employee who works on protection of cultural property for a period exceeding 10 years and has acquired postgraduate degree in protection of cultural property or doctor of science degree or the employee who has worked for a period exceeding 20 years without

having passed the expert examination until the date of entry into force of this Law may continue to perform his duties.

#### Article 141

Museums who have been keeping central registers for particular types of art and historic works shall submit the data to the Central Register of the National Museum in Belgrade within one year from the date of entry into force of this Law.

The Institute for Protection and Scientific Examination of Cultural Monuments of the PRS pursuant to the articles 1,2,4,5 and 6 of the General Law on the Protection of Cultural Monuments and Natural Rarities (Official Gazette of SPRS 81/II) upon the opinion of the Council of Experts of the Institute issues the following

Resolution:

The remains of an ancient city GAMZIGRAD, by the village of Gamzigrad, in the Zajecar district are to be considered a universal value placed under the state protection together with the terrain with ancient buildings.

The monument under protection cannot be excavated, repaired, restored, extended or demolished without the permission by the Institute (Art. 3); in its surroundings any construction and any change in the terrain is forbidden without the permission by the Institute (Art. 6).

The owners and other private individuals or legal persons who, acting in violation of the Article 5 of the Law cause damage to the monument under protection are obliged to bear the costs of its restoration according to the instructions by the Institute or to pay compensation for the damage caused.

Forward the Resolution to: MNO – Gamzigrad, the People's District Council of Zajecar and to the District Court in Zajecar to, pursuant to Article 4, paragraph 4 of the General Law on the Protection of Cultural Monuments and Natural Rarities, make the NOTIFICATION in the land books for the initiation of the proceedings for the protection until this resolution has come into force when the notification will be made.

Explanation:

As a Roman fortress, Gamzigrad grew to become a large city, trapezoid in shape with 6 watchtowers on each side. The above resolution was issued since by its position, size and design Gamzigrad presents an invaluable monument for the examination of the history of our state.

A party dissatisfied is entitled to lodge a complaint against the decision with the Ministry of Education of the PRS within 15 days upon the receipt.

In Belgrade  
19 March 1948  
No. 407/48  
SFSN

Director,

(M. Panic - Surep)