

Based on article 75 paragraphs 1 and 2 of the Constitution of Republic of Macedonia, the President of Republic of Macedonia and the President of the Parliament of Republic of Macedonia issue a

DECREE
FOR PROCLAMATION OF THE LAW FOR CHANGES AND AMENDMENTS
ON THE LAW ON PROTECTION OF CULTURAL HERITAGE

The Law for Changes and Amendments on the Law on Protection of Cultural Heritage that was adopted by the Parliament of Republic of Macedonia at the session held on 17 September 2007 is being proclaimed.

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Skopje

President
of Republic of Macedonia
Branko Crvenkovski, m.p.

President
of the Parliament of Republic of Macedonia
Ljubisha Georgievski m.p.

LAW FOR CHANGES AND AMENDMENTS ON THE LAW ON PROTECTION
OF CULTURAL HERITAGE

Article 1

In the Law on Protection of Cultural Heritage (“Official Gazette of Republic of Macedonia” nr.20/04), in article 8 paragraph (3) at the end of the sentence the words in brackets “film archives activity” are replaced with the words “for protection of the audiovisual goods”.

Article 2

In article 9 paragraph (2), the words “film archives activity” are deleted and the following words added: “for protection of the audiovisual goods”.

Article 3

In article 11 paragraph (1) after point 18 are added two new points 18-a and 18-b, that shall read:

18-a. “Public collection” (miscellany) shall mean a collection that is property of the state of a unit of the local self-government or of an institution that is their property or financed in bigger part by them and has a seat on the territory of the state;

18-b. “Objects of collections” are objects that have the necessary characteristics to be included in a collection, i.e. objects that are relatively rare, are not used for their basic intention, are the subject of specific transactions outside the usual trade with objects with similar usage, and have high value”.

Article 4

The title before article 22 “Film archives goods” is replaced with the title “Audiovisual goods”

Article 22 is changes and shall read:

“(1) Audiovisual goods are: the original materials and the tone copy of a feature, documentary, animated, experimental and alternative film, and other audiovisual good expressed in the form of connected motion pictures with or without tone, regardless of the type of the bearer that contains them, and that are intended for public screening.

(2) Audiovisual goods are considered the attendant materials that refer to the motion pictures, as is the written documentation, scripts, books of filming, scenographic and costumographic sketches, costumes, scenographic paraphernalia, microfilms, photographs, slides, posters and other advertising material, and also the mandatory copy that is delivered to the competent parent institution.”

Article 5

After article 32 is added a new article 32-a that shall read:

“National treasure

Article 32-a

(1) National treasure within the meaning of this law, the ratified international agreements and the regulations of the European Union are goods that belong to some of the types of movable cultural heritage from articles 15, 16, 17, 18, 19, 20, 21, 22 and 23 of this law, i.e. represent:

1. Archaeological objects older than 100 years, that originate from land or underwater researches and discoveries, archaeological sites and archaeological collections;
2. Elements that are constituent part or artistic, historical or religious monuments that were separated and are older than 100 years;
3. Paintings and painterly works different than the ones included in points 4 and 5 of this paragraph, that are entirely made by hand, in whatever technique or material, older than 50 years;

4. Aquarelles, gouaches and pastels that are entirely made by hand, in any material, older than 50 years;
 5. Mosaics of all materials made by hand, different than the ones included in points 1 and 2 of this paragraph, and also drawings made in any technique and material, older than 50 years;
 6. Original gravures, print, serigraphy and lithography with the corresponding plates and original posters, older than 50 years;
 7. Original sculptures and busts and copies made in the same procedure as the original, except the ones included in point 1 of this paragraph, older than 50 years;
 8. Photographs, films and their negatives and original sound records, older than 50 years;
 9. Incunabula and manuscripts, and also geographical maps and musical scores, individual or in collection, older than 50 years;
 10. Books older than 100 years, individual or in a collection;
 11. Printed geographical maps older than 100 years;
 12. Archives materials and any of its parts, from any type or medium, older than 50 years;
 13. Architectonic, scientific and engineering drawings, sketches and maquettes, older than 50 years;
 14. Numismatic, philatelist, ethnographic and historical collections or individual objects from such collections, older than 50 years;
 15. Vehicles and their parts, older than 75 years and
 16. Other antiquities older than 50 years that are not included in points 1 to 15 of this paragraph (toys, glass objects, objects out of gold, silver, clay and ceramics, furniture and other products of wood, metal, musical instruments, clocks and their parts, weapons, ammunition, explosives and military equipment, textile products, uniforms, folk costumes, embroidered things, carpets, tapestries, optical, photographic and film equipment, tools, machines, measuring instruments, teaching aids, medical equipment, technical and craftsmen object and other objects that are not individually quoted).
- (2) The goods from paragraph (1) of this article are considered as a national treasures if:
- 1.) are protected as cultural heritage of especial significance or are proclaimed as significant cultural heritage;
 - 2.) are inscribed in the inventory book as a part of a public collection managed by a museum, library or film archives institution or the Archives;
 - 3.) represent a part of equipment of protected religious objects or a protected sacral collection of a certain religious community and
 - 4.) it is established that they have archaeological, historical, artistic or other cultural or scientific value for Republic of Macedonia, because they are:
 - a work of an artist, designer or creator that is important for a certain field of culture in Republic of Macedonia
 - are characteristic from the aspect of national cultural heritage,
 - are related to a person, occurrence or event important for the national history of Republic of Macedonia and the communities in Republic of Macedonia,

- are related to a monument, monument entirety, cultural landscape or other important cultural environment or folklore goods and
- rare, endangered or to become rare at the territory of Republic of Macedonia.”

Article 6

In article 40 paragraph (3) after the first sentence, a new sentence is added that shall read: “If the holder does not deliver an opinion in 15 days from the day of the delivering of the request for an opinion it shall be considered that a positive opinion is given.”

Article 7

After article 42 a new article 42-a is added, that shall read:

“Decision for establishment of national treasure”

Article 42-a

- (1) Decision for establishing national treasure is adopted in the cases of article 32-a paragraph (2) point 4 of this law, for antiquities and other objects from collections, whose protection is not established in other manner set with this law, when they are:
 - subject of the request for import of relocation abroad
 - illegally relocated from the territory of Republic of Macedonia and are subject of restitution, i.e. returning.
- (2) Decision from paragraph (1) of this article shall be adopted by the Cultural Heritage Protection Office, upon official duty or at the request of the competent public institution for protection, i.e. competent legal person for performing works of protection of the phonogram goods.
- (3) The decision from paragraph (1) of this article has the action of an act for proclaiming significant cultural heritage.
- (4) The appeal against the decision for establishing national treasure does not hold back the effectuation of the decision.”

Article 8

In article 55 paragraph (1) is changed and shall read:

“Archaeological researches under this law are:

- the archaeological excavations (systematic excavation, protective excavation and sounding excavation),
- archaeological examinations of the terrain (reambulation and recognition),
- non-destructive methods (aero-archaeology, geo-physical researches and georadar researches) and
- underwater researches.”

After paragraph (1) a new paragraph (2) is added that shall read:

“(2) Archaeological researches are performed on the basis of a permit from the (Cultural Heritage Protection) Office.”

In paragraph (2) that becomes paragraph (3) the number “(1)” is replaced with the number “(2)”, and the words: ”is determined” are replaced with the words: “is established”, and after the words: “holder of the license” are added the words: “professional head of the archaeological researches”

In paragraphs (3) and (4) that become paragraphs (4) and (5) number “(1)” is replaced with the number “(2)”.

In paragraph (5) that becomes paragraph (6) the number “(4)” is replaced with the number “(5)”.

Article 9

In article 56 paragraph (1) is changed and shall read:

“Holder of the archaeological research license can be a domestic legal entity or individual that fulfils the conditions for professional qualifications for performing the suitable type of archaeological researches and fulfils the other conditions for receiving the license. As an exception, determined in article 57 paragraph (2) of this law, holder of the license can be a foreign legal entity.”

In paragraph (2) point 3 the words: “one authorized explorer” are replaced with the words: “one authorized explorer with a status of professional head for archaeological researches.”

In paragraph (2) pint 4 the words: “authorized explorer” are replaced with the words: “authorized explorer for archaeological researches”.

In paragraph (3) the words: “authorized explorer” are replaced with the words: “professional head for archaeological researches”.

Paragraph (4) is changed and shall read:

“Professional head for archaeological researches (henceforth in the text: professional head) within the meaning of paragraphs (2) points 3 and 4 and (3) of this article is considered a person that has higher educational degree, graduated art historian with archaeology and graduated archaeologist, registered participation in organizing of researches and at least 12 months registered experience obtained participating at field researches, after graduation. Professional Head can be only a citizen of Republic of Macedonia.”

Paragraph (5) is changed and shall read:

“The Cultural Heritage Protection Office when issuing a license for archaeological research determines whether the person that applied as professional head fulfils the conditions set in article 56 paragraph (4) of this law.”

Paragraphs (6) and (7) are deleted.

Article 10

Article 57 paragraph (1) is changed and shall read:

“International organizations in the field of protection, foreign scientific institutions and individual foreign workers in the field of archaeology can participate in archaeological researches only if the works are being performed in cooperation with

the legal entities of article 56 paragraph (2) points 1 and 2 and under the conditions determined with an agreement between them.”

In paragraph (5) the words: “head of the researches” are replaced with the words: “professional head”.

Article 11

In article 58 paragraph (1) point 1 after the number “57” are added the words: “paragraphs (2) and (3)”.

In point 2 the words: “basic plan” are replaced with the word “program”.

Point 3 is changed and shall read:

“Data on the professionals that participate in the researches”.

After paragraph (1) is added a new paragraph (2), that shall read:

“(2) If the holder of the license and the professional head are different persons, is attached an agreement for regulation of their rights and duties”.

In paragraph (2) that becomes paragraph (3) at the end of the sentence after the word “the researches” are added the words: “which regulates the temporary safekeeping of the findings until their submission to the competent museum institution of article 61 paragraphs (1), (3) and (6) of this law.”

In paragraph (3) that becomes paragraph (4) the word “agreement/contract?” is replaced with the word “document”.

Paragraph (4) becomes paragraph (5).

Article 12

In the title of article 59 after the words: “holder of the license” are added the words: “and professional head”.

In article 59 paragraph (1) the words: “holder of the license” are replaced with the words: “professional head”.

In paragraph (1) after point 4 are added four new points 5, 6, 7, and 8, that shall read:

“5. To perform the archaeological excavations in accordance with the issued license;

6. To apply suitable methodology;

7. To be careful not to damage or cause eminent danger for damaging or destroying of the excavations;

8. To act in accordance with the ethical norms in the field of protection;”

Points 5 and 6 become points 9 and 10.

In paragraph (2) after the word, “researches” are added the words: “upon a proposal of the professional head”.

In paragraph (2) point 2 the words: “is not conserved i.e. presented” are replaced with the words: “according to the results from the excavations it will not be a subject of further conservation i.e. presentation”.

In paragraph (3) after the word: “researches” are added the words: “and the professional head”, and the words: “is obliged to” are replaced with the words: “are obliged to”.

Point 2 is changed and shall read:

“Within one year to deliver to the (Cultural Heritage Protection) Office a copy of the documentation from the performed archaeological excavations;”

In points 3 and 4 the word: “submit” is replaced with the word: “submit”-(*NET. plural*)

Article 13

In article 60 paragraph (1) after the words: “if the license holder” are added the words: “or the professional head”.

Paragraph (2) is changed and shall read:

“If in the time limit of paragraph (1) of this article, the license holder or the professional head does not fulfill the conditions for continuation of the archaeological researches, as well as in case of direct danger for the excavations, the CHPO with a decision will take away the issued license.”

Article 14

In article 61 paragraph (6) after the words: “the researches are performed” are added the words: “professional head”.

Article 15

In article 62 paragraph (2) point 3 the words: “the head of the research” are replaced with the words: “the professional head”.

Article 16

In article 70 paragraph (4) is changed and shall read:

“If for a certain immovable good is not adopted a protection act, and for which there are grounded assumption that it should be placed under protection act, i.e. the protection act is in procedure of adoption, the maker of the plan can make a change of the plan and establish another regime of arrangement of the space unless in one year time the competent body does not adopt the protection act”.

Article 17

In article 74 paragraph (1) after the words: “act according to law” are added the words: “or in the plan there is not incorporated protection-conservation grounds”.

After paragraph (2) is added a new paragraph (3) that shall read:

“(3) The protective conservation conditions from paragraph (1) of this article represent the base for elaboration of a project-idea.”

Paragraphs (3) and (4) become paragraphs (4) and (5).

In paragraph (5) that becomes paragraph (6) number “(4)” is replaced with number “(5)”.

Article 18

The title of article 75 “Protection and conservation agreement and opinion” is changed and shall read: “Previous protection and conservation approval”.

In article 75 paragraph (1) the words: “issues a protection and conservation agreement to the design and other technical documentation” are replaced with the words: “issues a previous protection and conservation approval”, and at the end of the sentence the words: “of significant importance” are deleted.

Paragraph (2) is deleted.

In paragraph (3) that becomes paragraph (2) the words: “The agreement from paragraph (1) and the opinion from paragraph (2)” are replaced with the words: “Previous protection and conservation approval of paragraph (1) of this article”.

In paragraph (4) that becomes paragraph (3) number “(3)” is replaced with the number “(2)”, and the word “agreement” is replaced with the words: “Previous protection and conservation approval”.

Article 19

In article 85 paragraph (3) the word: “detailed” is replaced with the words: “idea and basic”.

Paragraph (4) is changed and shall read:

“Project-idea is elaborated mandatory in accordance with the general regulations for project design”.

Article 20

In article 96 paragraph (1) after the word “good”, comma is placed and these words added: “including also national treasure”, and the word “approval” is replaced with the word “license”.

In paragraph (2) the word “Approval” is replaced with the word “License”, and in the second sentence of the same paragraph, the word “the Approval” is replaced with the word “the License”, and after the word “request” are added the words: “on a proscribed template”.

In paragraph (3) after the full stop at the end of the sentence, another sentence is added that shall read:

“If needed, at the request of the (Cultural Heritage Protection) Office, the applicant of the request is obliged to enable physical presentation of the good that is to be relocated”.

In paragraph (4) the word “the approval” is replaced with the word “the license”.

After paragraph (4) is added new paragraph (5) that shall read:

“(5) The license of paragraph (1) of this article is issued on a proscribed template as:

1. Standard license for relocation, for an individual object or group of objects, that is valid in the period determined in the license itself, but not longer than 12 months from the day of the issuing;

2. Special open license for relocation, for multiple relocation of a certain object whose owner or other holder would use or exhibit this object, with validity period of maximum five year from the day of issuing;
3. General open license for relocation, from objects that are part of a public collection, with validity period of maximum five years from the day of the issuing.”

In paragraph (5) that becomes paragraph (6) the word “the approval” is replaced with the word “the license”.

Paragraph (6) becomes paragraph (7).

Article 21

In article 97 paragraph (1) after the comma, before the word “may” are added the words: “with exception of what represents national treasure”, and the word “approval” is replaced with the word “license”.

In paragraph (2) the word “Approval” is replaced with the word “License”.

In paragraph (3) point 2 the word “approval” is replaced with the word “license”.

After paragraph (3) is added new paragraph (4) that shall read:

“(4) The license of paragraph (1) of this article is issued on a proscribed template and has validity of maximum 12 months from the date of issuing. If the validity period expires without it being used, the license holder is obliged to return it to the body that issued it”.

Paragraph (4) becomes paragraph (5).

In paragraph (5) that becomes paragraph (6) number “(4)” is replaced with number “(5)”, and after the word “export” are added the words: “does not represent national treasure and”

In paragraph (6) that becomes paragraph (7) the number “(4)” is replaced with number “(5)”, and the words: “temporary protection” are replaced with the words “establishing national treasure”.

In paragraph (7) that becomes paragraph (8) the numbers: “(4), (5), and (6)” are replaced with the numbers: “(5), (6), and (7)”.

Paragraph (8) becomes paragraph (9).

Article 22

After article 97 is added new article 97-a that shall read:

“Special provisions

Article 97-a

- (1) The licenses and the certificates for relocation and export from articles 96 paragraph (1) and 97 paragraphs (1), (5) and (8) of this law are issued and used in accordance with this law and the regulations of the European Union.

- (2) The Minister of Culture proscribes the form and the content of the templates for the licenses and the certificates of paragraph (1) of this article and the manner of issuing of the licenses and the certificates.
- (3) The usage of the licenses and the certificates of paragraph (1) of this article shall not influence the duties related to the customs procedures for export or the accompanying documents.
- (4) The expenses related to the applications (requests) for issuing of the licenses and the certificates of paragraph (1) of this article are on the burden of the applicant.”

Article 23

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

Article 24

In article 100 paragraph (2) point 2 the comma in front of the word “in accordance” are added the words: “i.e. appeal to the competent courts of other countries”.

In paragraph (4) after the word “point” is added the number “1 and”.

In paragraph (5) after the comma before the word “counted” are added the words: “towards and from a member state of the European Union, i.e. 50 years towards and from another country, counted”.

In paragraph (5) point 2 after the word “public” are added the words: “or sacral”, and at the end the full stop is replaced with a comma and are added the words: “except in countries where the procedures are not subject to a validity period or with a bilateral agreement is established a validity period longer than 75 years”.

Article 25

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

“Returning of illegally exported goods from the territory of Republic of Macedonia that are found on the territory of an European Union member state

Article 100-a

- (1) The provisions from article 100 of this law are correspondingly implemented on the return of illegally exported goods from the territory of Republic of Macedonia, that are found on the territory of an European Union member state, unless with this or another law is not differently defined.
- (2) Republic of Macedonia can from an European Union member state request returning of an illegally exported good that:
 - 1) before or after its legal removal from the territory of Republic of Macedonia is protected as national treasure and

- 2) belongs to one of the types of goods of article 32-a paragraph 1 of this law or does not belong to them, but represents a constituent del of:
 - public collection registered in an inventory book of a public museum, library or film archives institution or the Archives and
 - equipment or collection of a religious community.
- (3) Decision for initiating a procedure for returning of the good of paragraph (2) of this article, is adopted by the minister of culture and together with the complete documentation (file) is delivered to the Public Prosecution office of Republic of Macedonia.
- (4) The procedure for returning of an illegally exported good is initiated directly at the competent court of an European Union member state, by lodging an appeal, i.e. proposal against the person that owns it, by attaching:
 - 1) document in which is given detailed description and identification data of the good whose return is requested
 - 2) statement by the Ministry of Culture that it is a protected good;
 - 3) statement by the Cultural Heritage Protection Office that it is an illegally exported good.
- (5) The Ministry of Culture is obliged for the initiated court procedure immediately to inform the central coordination body for restitution of the European Union member state from which the return of the good is requested.

Returning of illegally exported good from an European Union member state that are found on the territory of Republic of Macedonia

Article 100-b

- (1) The provisions of article 100 of this law are correspondingly applied for returning of illegally exported goods from the territory of an European Union member state that are found on the territory of Republic of Macedonia, that:
- (2) European Union member stat can in a procedure defined by this law to request returning of an illegally exported good that is found on the territory of Republic of Macedonia, that:
 - 1) before or after its illegal removal of its territory is protected as national treasure with artistic, historical or archaeological value and
 - 2) belongs to one of the types of goods established with the Annex of the Directive of the Council 93/7/EEC from 15 March 1993 for returning of cultural goods illegally seized from the territory of a member state or does not belong to the, but is complementary part of:
 - public collection managed by the museums, libraries or archives of the member state and
 - inventories of religious communities of the member state.
- (3) The member state can address a request to the Ministry of Culture of Republic of Macedonia for finding of a certain good of paragraph (2) of this article and for establishing of the identity of the person that possesses the requested good. After the receipt of such a request the Ministry of Culture acts within the meaning of article 100 paragraph (3) of this law.

- (4) The procedure for returning of the good from paragraph (2) of this article is initiated directly at the competent court, by submitting a proposal and the necessary documents of article 100 paragraph (7) of this law.
- (5) Upon the receipt of the information about the initiated procedure, the Ministry of Culture of Republic of Macedonia informs the central coordination bodies of restitution of the other European Union member states.
- (6) The competent court will order returning of the requested good, if it determines that:
 - 1) the proposal was submitted in the time line of article 100 paragraph (5) of this law;
 - 2) it is a good from paragraph (2) of this article;
 - 3) that was illegally exported from the territory of the member state and
 - 4) the illegal export was made after the time line of article 100-c paragraph (2) of this law.
- (7) With the decision that accepts the proposal for returning the court decides for compensation of the possessor of the requested good.
- (8) Financial compensation of paragraph (7) of this article the member state deposits in the court and it will be paid to the opponent in the procedure when from the Ministry of Culture of Republic of Macedonia, the court would receive information that the requested good is handed in to the member state.
- (9) The opponent in the procedure is obliged to hand over the requested good in three days from the depositing of the amount of the financial compensation of paragraph (8) of this article.

Special provisions

Article 100-c

- (1) Illegally exported good within the meaning of articles 100, 100-a and 100-b of this law is considered the good that:
 - 1) was taken away out the territory of Republic of Macedonia, i.e. European Union member state against its regulations for protection of the cultural heritage, i.e. contrary t the regulations of the European Union for export of cultural goods and
 - 2) had not been returned until the expiry of the determined time line for relocation, i.e. temporary export.
- (2) The returning within the meaning of articles 100-a and 100-b of this law, can be requested for a good that from the territory of Republic of Macedonia i.e. European Union member state was illegally taken out after 31 December 1992.
- (3) The interested state or owner, i.e. the possessor of the stolen and illegally exported good, can initiate the procedures for restitution, i.e. returning according to the provisions of this law do not influence civil or criminal procedures that.
- (4) The provisions of articles 100-a and 100-b of this law are correspondingly applied also regarding restitution, i.e. returning of protected goods to and from countries that are not European Union members states, unless they are collide with the time lines and the other conditions of article 100 of this law.”

Article 26

In article 153 paragraphs (1), (2) pints 1, 2, 3, 6, 7, 8, 9 and 10 and (3) point 3 the words “film goods” are replaced with the word “audiovisual”.

Article 27

In article 163 point 3 the words: “film archive goods activity” are replaced with the words “activity for protection of audiovisual goods”.

Article 28

The title of the Chapter “Penal provisions” is replaced with the title “Misdemeanor provisions”.

In article 172 paragraph (1) the introductory sentence is changed and shall read: “Fine in the amount of 6.000 to 8.000 euros in denars will be sentenced for a misdemeanor to the legal entity that:”

In point 1 number “(1)” is replaced with number “(2)”.

Point 3 is changed and shall read:

“Does not acquire a previous protection and conservation approval of a project-idea for immovable cultural heritage.”

Paragraphs (2), (3), (4), and (5) are changed and shall read:

“(2) Fine in the amount of 1.500 to 2.000 euros in denars will be sentenced for the misdemeanor of paragraph (1) of this article and the responsible person to the legal entity.

(3) Fine in the amount of 3.000 to 4.000 euros in denars will be sentenced for the misdemeanor of paragraph (1) points 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this law and to the individual merchant.

(4) Fine in the amount of 800 to 1.000 euros in denars will be sentenced for the misdemeanor of paragraph (1) pints 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, 15, 16 and 17 of this law also to a physical person.

(5) For the misdemeanor of paragraph (1) pints 2, 5, 9, 10, 11, 12, and 13 of this article to a legal entity can be sentenced with a special misdemeanor measure seizure of objects that represent protected movable good, that was gained with the perpetration of the misdemeanor.”

After paragraph (5) a new paragraph (6) is added that shall read:

“(6) For the misdemeanor of paragraph (1) points 2, 5, 9, 10, 11, 12, and 13 of this article a physical person can be sentenced with a special misdemeanor measure seizure of objects that represent protected movable good that was gained with the perpetration of the misdemeanor.”

Paragraph (6) that becomes paragraph (7) is changed and shall read:

“(7) For the misdemeanor of paragraph (1) points 1, 3, 4, 6, 7, 8 and 14 of this article a legal entity can be sentenced with a sanction of temporary ban of performing certain activity in duration of six month to two years”.

Article 29

In article 173 paragraph (1) the introductory sentence is changed and shall read: “Fine in the amount of 4.000 to 5.000 euros in denars will be sentenced to the legal entity that:”

Points 1, 2, 3, and 4 are deleted.

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

Paragraphs (2), (3), (4), and (5) are changed and shall read:

“(2) Fine in the amount of 1.000 to 1.500 euros in denars will be sentenced for the misdemeanor of paragraph (1) of this article also to the responsible person in the legal entity.

(3) Fine in the amount of 1.500 to 3.000 euros in denars will be sentenced for the misdemeanor of paragraph (1) of this article also to the individual merchant.

(4) Fine in the amount of 500 to 700 euros in denars will be sentenced for the misdemeanor of paragraph (1) of this article also to the physical person.

(5) For the misdemeanor of paragraph (1) points 9, 17, 19, 21 and 22 of this article to the legal entity can be sentenced a special misdemeanor measure seizure of objects that represent protected movable good that was gained with the perpetration of the misdemeanor.”

After paragraph (5) new paragraph (6) is added that shall read:

“(6) For the misdemeanor of paragraph (1) points 9, 17, 19, 21 and 22 of this law the physical person can be sentenced with a special misdemeanor measure seizure of objects that represent a protected movable good that was gained with the perpetration of the misdemeanor.”

Article (6) that becomes article (7) is changed and shall read:

“(7) For the misdemeanor of paragraph (1) points 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 16, 17, 19 and 20 a legal entity can be sentenced with the sanction of temporary ban of performing certain activity in duration of six month to two years.”

Article 30

After article 173 a new article 173-a is added that shall read:

“Article 173-a

- (1) Fine in the amount of 500 to 700 euros in denars will be sentenced for a misdemeanor also to the physical person that:
 - 1) does not have complete documentation and registry for the archaeological researches and the protection measures that he/she undertakes (article 59 paragraph (1) point 1);
 - 2) does not provide preservation and maintenance of an archaeological site and the findings (article 59 paragraph (1) point 2);
 - 3) does not take corresponding measures and leaves the findings exposed or exhibited in the course of the archaeological excavations (article 59 paragraph (1) point 3);

- 4) does not do or organize performing of conservation works at the site or the findings during the research (article 59 paragraph (1) point 4);
 - 5) does not perform the archaeological excavations in accordance with the issued license (article 59 paragraph (1) point 5);
 - 6) does not apply appropriate methodology during the archaeological excavations (article 59 paragraph (1) point 6) and
 - 7) causes damage or causes danger for damaging or destroying of the excavations (article 59 paragraph (1) point 7).
- (2) For the misdemeanor of paragraph (1) of this article a physical person can be sentenced with a special misdemeanor measure seizure of objects that represent a protected movable good that was gained with the perpetration of the misdemeanor.
- (3) For the misdemeanor of paragraph (1) of this article a physical person can be sentenced with the sanction of temporary ban of performing certain activity in duration of six month to two years.”

Article 31

In article 174 paragraph (1) the introductory sentence is changed and shall read: “Fine in the amount of 2.000 euros in denars will be sentenced for a misdemeanor to the legal entity that:”

In point 5 after the word “point” the number “(5)” is replaced with the number “(9)”.

In point 5 after the word “point” the number “(6)” is replaced with the number “(10)”.

Paragraphs (2), (3), (4), and (5) are changed and shall read:

“(2) Fine in the amount of 1.000 euros in denars will be sentenced for the misdemeanor of paragraph (1) of this article also to the responsible person in the legal entity.

(3) Fine in the amount of 1.300 euros in denars will be sentenced for the misdemeanor of paragraph (1) points 8, 9, 10, 11, and 18 of this article to the individual merchant.

(4) Fine in the amount of 500 euros in denars will be sentenced for the misdemeanor of paragraph (1) points 5, 6, 7, 8, 9, 10, and 18 of this article to a physical person.

(5) For the misdemeanor of paragraph (1) points 8, 9 and 11 of this article a legal entity can be sentenced with a special misdemeanor measure seizure of objects that represent a protected movable good that was gained with the perpetration of the misdemeanor.”

After paragraph (5) a new paragraph (6) is added that shall read:

“(6) For the misdemeanor of paragraph (1) points 8, 9 and 11 of this article a physical person can be sentenced with a special misdemeanor measure seizure of objects that represent a protected movable good that was gained with the perpetration of the misdemeanor.”

Article 32

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

“Competence of the court

Article 174-a

For the misdemeanors of articles 172, 173 and 173-a of this law the competent court leads misdemeanor procedure and sentences a misdemeanor sanction.

Misdemeanor organ

Article 174-b

(1) For the misdemeanors determined in article 174 of this law, misdemeanor procedure is led and misdemeanor sanction sentenced by the organ of the state administration in charge of the works in the field of culture (henceforth: Misdemeanor organ).

(2) The misdemeanor procedure of paragraph (1) of this article at a Misdemeanor judge is led by the Committee for deciding upon a misdemeanor (henceforth: Misdemeanor Committee) formed by the minister that conducts with the organ of the state administration in charge for performing works in the field of culture.

(3) The Misdemeanor Committee is comprised of authorized officials employed in the organ of state administration in charge for performing works in the field of culture, out of which one is executing the function of President of the Misdemeanor Committee.

(4) The Misdemeanor Committee is comprised of three members out of which:

- two graduated lawyers, out of which one with a passed judiciary exam with five years working experience in their field and
- one member with higher university degree from the field of the humanities with five years working experience in his/her field.

(5) The Misdemeanor Committee is elected for a period of three years with the right of re-election of the members.

(6) For President of the Misdemeanor Committee can be elected only a graduated lawyer.

(7) The Misdemeanor Committee for the Misdemeanor Organ decides on the misdemeanors determined with this or another law and sentences misdemeanor sanctions determined with this law, the Law on Misdemeanors and/or another law.

(8) Besides the members of the Misdemeanor Committee the minister who conducts with the organ of the state administration in charge for performing works in the field of culture can assign a Secretary for the Misdemeanor Committee, who would perform administrative tasks for the Committee and the deputy members, which as an exception, participate in the work of the Misdemeanor Committee in case of absence of some of the members.

(9) The Misdemeanor Committee adopts a workbook for its work.

(10) Against the decisions of the Misdemeanor Committee that sentence a misdemeanor sanction, an appeal can be launched for initiating administrative lawsuit at a competent court.

Work of the Misdemeanor Committee

Article 174-c

- (1) A member of the Misdemeanor Committee can be relieved :

- 1) with the expiry of the period for which he was named as a member;
 - 2) upon his request;
 - 3) with the fulfillment of the conditions for retirement according to law;
 - 4) if a permanent disability is established;
 - 5) if it is established violation of the regulations for administering of a misdemeanor procedure with a operational decision;
 - 6) if it is established violation of the regulations for administering of a misdemeanor procedure with a operational decision;
 - 7) if he does not fulfill the conditions and obligations that emanate of the work of the Misdemeanor Committee and
 - 8) if he had not reported existence of conflict of interests in a case upon which the Misdemeanor Committee decides.
- (2) Proposal for relieving of a member of the Committee in the cases under paragraph (1) pints 3 and 8 of this article can be submitted by the President of the Misdemeanor Committee to the minister who conducts with the organ of the state administration in charge for performing works in the field of culture.
- (3) The Misdemeanor Committee has the right to present evidence and collect data that are necessary for determining of the misdemeanor, and to perform other tasks and undertake actions established with this law, the Law on Misdemeanors and/or with another law.
- (4) The members of the Misdemeanor Committee are autonomous and independent in the work of the Misdemeanor Committee and decide based on their professional knowledge and autonomous conviction.
- (5) The Misdemeanor Committee works in a council, and the majority of votes of the total number of members decides.
- (6) The Misdemeanor Committee keeps a unique register for the misdemeanors, the sentenced sanctions, and the adopted decisions.
- (7) The members of the Misdemeanor Committee have the right to remuneration for their work in the Misdemeanor Committee that is to be determined by the minister who conducts with the organ of the state administration in charge for performing works in the field of culture, that should be reasonable and proper to the knowledge, the extent of work of the members and the complexity of the misdemeanors.

Alignment

Article 174-d

- (1) For the misdemeanors in article 174 of this law, the inspectors for cultural heritage are obliged to propose to the perpetrator of the misdemeanor a procedure for alignment before submitting a request for misdemeanor procedure.

- (2) When the perpetrator of the misdemeanor agrees for initiating a procedure for alignment, the inspector for cultural heritage compiles a record in which are noted the important elements of the misdemeanor, the time, place, and manner of perpetration of the misdemeanor, description of the action of the misdemeanor and the persons found at the spot.
- (3) In the record are determined the manner in which the harmful consequences of the misdemeanor would be removed, as well as the manner of overcoming of the consequences of the perpetration of the misdemeanor.
- (4) The inspector for cultural heritage in the procedure for alignment can give to the perpetrator of the misdemeanor a payment order form.
- (5) If the perpetrator accepts the payment order form, he is obliged to sign it. The receipt of the payment order form for the perpetrator of the misdemeanor is noted in the record.
- (6) When a perpetrator of a misdemeanor is a legal entity, record and the payment order form are officially signed, i.e. the responsible person that was found on the spot during the inspection supervision or another official or responsible person that stated that has the right to sign the record and to accept the payment order form.
- (7) The statement of paragraph (6) of this law is noted in the record.
- (8) The inspectors for cultural heritage are obliged to keep registry for the initiated procedures for alignment and for their outcome.”

Article 33

In article 178 paragraph (1) pints 2, 3, 4, 5, 6, and 7 are changed and shall read:

“2. The Institute for Protection of Cultural Monuments of the City of Skopje continues its work as Conservation Center-Skopje with authority for the area of the municipalities Arachinovo, Studenichani, Petrovec, Ilinden, Sopishte, Chucher Sandevo, Zelenikovo, Gazi Baba, Butel, Gjorche Petrov, Karposh, Kisela Voda, Aerodrom, Centar, Chair and Shuto Orizari;

3. The Institute for Protection of Cultural Monuments and National Museum-Ohrid, continues its work as Conservation Center-Ohrid with authority for the area of the municipalities Ohrid, Debarca, Struga and Vevchani;

4. The Institute for Protection of Cultural Monuments, Natural Rarities, Museum and Gallery-Bitola continues its work as Conservation Center-Bitola with authority for the area of the municipalities Bitola, Novaci, Mogila, Demir Hisar and Resen;

5. The Institute for Protection of Cultural Monuments, Natural Rarities, and Museum in Prilep continues its work as a Conservation Center Prilep with authority for the area of the municipalities Prilep, Dolneni, Krivogashtani and Krushevo.

6. The Institute for Protection of Cultural Monuments, Natural Rarities and National Museum-Shtip continues its work a Conservation Center Shtip with authority for the area of the municipalities Shtip, Karbinci, Radovish, Konche, Sveti Nikole, Lozovo, Kochani, Zrnovci and Cheshinovo/Obleshevo and

7. The Institute for Protection of Cultural Monuments, Natural Rarities, and Museum-Strumica continues its work as Conservation Center Strumica with authority for the area

of the municipalities Strumica, Novo Selo, Vasilevo, Bosilevo, Valandovo, Gevgelija, Bogdanci, and Dojran.”

Article 34

The regulation whose adoption is foreseen with this law will be adopted in 12 months from the day of entrance into effect of this law.

Article 35

The Legislative-legal Committee of the Assembly of Republic of Macedonia is authorized to determine a refined text of the Law on Protection of Cultural Monuments.

Article 36

This law enters into effect the eighth day after the publication in the “Official Gazette of Republic of Macedonia”.

Upon the performed alignment with the original text was established that in the text of the Law on Protection of Cultural Heritage (“Official Gazette of Republic of Macedonia” nr.20/2004), were made mistakes, due to which are added

**CORRECTIONS
OF THE LAW ON PROTECTION OF CULTURAL HERITAGE**

- In article 39 paragraph 2 instead of number “154” should be number “156”.
- In article 91 instead of number “4.” before the text “Acceptance of the performed works should be done by an expert commission formed by the (Cultural Heritage Protection) Office.” should be number “(2)”.
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Nr.10-3737/2
8 October 2004
Skopje

From the Legislative-legal Committee
of the Parliament of Republic of Macedonia