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Heritage Protection Act

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Chapter 1 General settings

§ 1. Scope and purpose of the Act

- (1) The purpose of this Act is the preservation and diversity of cultural heritage, which is ensured by the following activities:
- 1) preservation and protection of cultural monuments (hereinafter *referred to as monuments*) and heritage conservation areas and the culturally valuable environments surrounding them;
 - 2) protection of archaeological finds and archaeological sites;
 - 3) protection of intellectual cultural heritage.
- (2) The provisions of the Building Code and the Land Improvement Act apply to construction on a monument, heritage conservation area or in their protection zone, taking into account the differences arising from this Act. If possible, the notification or permit procedure provided for in this Act shall be combined with the notification or permit procedure provided for in the Building Code or the Land Improvement Act.
- (3) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the differences arising from this Act.

§ 2. Scope of the Act

This Act applies to recognition as a monument, heritage site and archaeological site, and to the organization of the protection and preservation of monuments, heritage sites, archaeological sites and archaeological finds. This Act also applies in the economic zone within the meaning of the Economic Zone Act.

Chapter 2 Principles and concepts

§ 3. Principles of heritage protection

- (1) Valuing and preserving cultural heritage is a common responsibility of society.
- (2) Preservation and awareness of cultural heritage preserves the identity and distinctiveness of the country and its regions and ensures a diverse and cultural memory-bearing living environment for current and future generations.
- (3) Making changes in the historical environment is based on the principle of maintaining the diversity and quality of the cultural and living environment. The new one to be added must support and help bring out the previously created values. When making changes, among other things, the special needs of people with disabilities are taken into account.
- (4) The protection of monuments and heritage protected areas is based on the precautionary principle, according to which activities aimed at monuments and heritage protected areas must reduce the risk of destruction of monuments and heritage protected areas and support the preservation of values. In the cases and according to the procedure provided by the law, the environmental impact assessment procedure is carried out or the permission of the competent administrative body for the activities is requested or notified.
- (5) The purpose of conservation and restoration of a monument and a heritage conservation area is to preserve the authenticity of a monument and a building located in a heritage conservation area and to restore its potential integrity, if the latter is possible without artistic or historical falsification.
- (6) In the conservation, restoration and construction of monuments and heritage protection areas, original materials and traditional work methods and technologies are used whenever possible and in justified cases.
- (7) The state and local government units take into account cultural heritage as a public value when performing their tasks and cooperate with each other to support the preservation and use of cultural heritage.
- (8) On the basis of this Act, national activities aimed at monuments and heritage protection areas are based on the principle of balance and proportionality of public interests and the rights and freedoms of everyone.

§ 4. Tangible cultural heritage

(1) Tangible cultural heritage are objects and environments created by man or by the interaction of man and nature, which have historical, archaeological, cultural or aesthetic value.

(2) The protection of tangible cultural heritage includes identifying, researching and documenting things and land areas with cultural value, popularizing them, recognizing them as monuments, heritage sites or archaeological sites, and regulating activities related to them.

§ 5. Intellectual cultural heritage

(1) Intangible cultural heritage is the practices, forms of presentation and expression, knowledge, skills and related tools, objects, artefacts and cultural spaces passed down from generation to generation, which communities, groups and in some cases individuals recognize as part of their cultural heritage and keep in lively and creative use.

(2) The protection of the intellectual cultural heritage means the creation of conditions to ensure the viability of the intellectual cultural heritage. This includes, among other things, the identification, research, documentation and popularization of intangible cultural heritage.

§ 6. Archaeological cultural layer

(1) An archaeological cultural layer is a deposit created as a result of direct human activity or as a result of its side effects, which may contain building remains, wrecks, human and animal bones, archaeological finds, including work and utility items, production waste and the like.

(2) A wreck is the remains of a water, air or other vehicle or its part or parts together with the area below them and the cargo or other objects related to the wreck.

§ 7. Activities aimed at the monument and heritage conservation area

(1) Maintenance is a continuous activity to maintain a monument or heritage conservation area.

(2) Repair is an activity to improve the condition of a monument or a building located in a heritage protection area, which does not change the appearance, structures, volumes or details of the monument or a building located in a heritage protection area, and in which original materials are used.

(3) Changing the appearance is an activity that affects the existing appearance of the exterior and interior of a monument or a building located in a heritage conservation area, including changing the color scheme and finish, relocating, removing or covering details or constructive elements, adding an object to a monument or heritage conservation area, including a movable object or a temporary building, for example installation of a kiosk, sales pavilion or outdoor cafe, lighting and other equipment, technical network, facility and equipment, information medium and advertising.

(4) Conservation is an activity that prevents the further destruction of a monument, a building located in a heritage conservation area, or their parts, by technically securing its constructive, architectural and decorative elements, preserving the valuable layers of different eras, and leaving the missing parts unrestored.

(5) Restoration is an activity that fixes the authentic state of a monument or a building located in a heritage conservation area, removing less valuable and unsightly elements and layers, if necessary, and restoring missing and damaged parts in a scientifically justified form and method, based on original documents and research.

Chapter 3 Establishing protection

Section 1 Monument and heritage site

§ 8. Memorial

A monument is an immovable or movable object of cultural value, a part thereof, a collection of objects, a land area or a construction complex, which has been placed under the protection of the state in accordance with the procedure provided by this law.

§ 9. Heritage conservation area

(1) A heritage conservation area is a culturally valuable land area, a historical settlement or part thereof, or a cultural landscape developed under the combined influence of man and nature, taken under the protection of the state in accordance with the procedure provided for in this Act.

(2) A heritage conservation area may consist of buildings from one or more periods (hereinafter *a building located in a heritage conservation area*) and facilities with an archaeological cultural layer, natural objects, street network, roads, pavements and building and plot structure.

§ 10. Presumption of national protection

(1) The prerequisite for being taken under national protection is that a thing or land area with cultural value represents the most valuable part of the tangible cultural heritage of Estonia, which has scientific, historical, artistic or other cultural value, or whose preservation obligation arises from an international agreement.

(2) The general criteria for the types of monuments and the heritage protection area, as well as the value classes of the buildings located in the heritage protection area, necessary for the assessment of the assumption of national protection shall be established by a regulation of the minister responsible for the area .

§ 11. Types of monuments

(1) Types of monuments are:

- 1) historical monument;
- 2) archaeological monument;
- 3) building monument;
- 4) artistic monument;
- 5) historical natural sanctuary;
- 6) technical monument.

(2) A historical monument is a thing or land area related to a political and social process, an important historical event or a prominent social or cultural figure.

(3) An archaeological monument is a remnant of human activity, a thing or a collection of them and other traces, which are indicators of the temporal multi-layeredness of the cultural landscape and which provide scientific information about the history of mankind and the relationship of man with the natural environment. An important part of the archaeological monument is the archaeological cultural layer.

(4) An architectural monument is a building with its interior, including interior design elements and fittings related to the building's original function, a facility or a construction complex that is an important signifier of Estonian architectural history and the development of the spatial environment and a keeper of a diverse living environment.

(5) An artistic monument is a movable item, a collection of things, a part of a building or a part removed from a building of artistic, cultural, religious, historical, ethnological or scientific value, which reflects the development of art, craft skills or aesthetics and processes related to local traditions and community.

(6) A historical natural sacred place is a thing or land area related to sacrifice, celebration, healing, religious or ritual activities, without significant human influence. Historical natural sacred places are important carriers of folklore culture and local identity.

(7) A technical monument is a movable object or a collection of things of historical, technical, scientific, cultural or social value that reflects the processes that took place in society and is an example of the development of economic and social history, industrialization and aesthetics.

(8) Monuments are divided into immovable monuments and movable monuments. Immovable monuments are historical monuments, archeological monuments, historic natural sanctuaries and architectural monuments. Movable monuments are artistic monuments and technical monuments.

§ 12. Underwater monument

(1) An underwater monument is a monument located in inland waters, territorial sea, border water body or economic zone with archaeological and natural surroundings.

(2) An underwater monument that has no owner or whose owner cannot be determined belongs to the state.

(3) The administrator of the underwater monument belonging to the state is the Heritage Protection Board (hereinafter *the board*).

§ 13. World heritage object

A World Heritage Site is a monument or heritage site that is included in the World Heritage List drawn up on the basis of Article 11(2) of the Convention on the Protection of the World Cultural and Natural Heritage of the United Nations Educational, Scientific and Cultural Organization.

§ 14. Protection zone

(1) A protection zone may be established for the protection of an immovable monument and a heritage conservation area, considering its necessity and extent based on the objectives of the protection zone.

(2) The purpose of the immovable monument protection zone is to ensure:

- 1) the preservation of the immovable monument in a suitable and supportive environment and the preservation of culturally valuable objects and elements related to the monument surrounding it;
- 2) the observability of the immovable monument and the preservation of the original views opening from the monument;
- 3) preservation of the archaeological cultural layer surrounding the immovable monument.

(3) The purpose of the protection zone of the heritage conservation area is to ensure:

- 1) preservation of the heritage conservation area in a suitable and supportive environment in order to avoid sudden transitions in the scale and density of buildings;
- 2) visibility of the heritage conservation area from important viewpoints.

(4) The protection zone may be divided into parts with different restrictions based on the objectives set out in subsections 2 and 3 of this section.

(5) A protection zone shall not be established for:

- 1) a monument located in a heritage protection area, unless otherwise specified in the protection order of the heritage protection area;
- 2) to the monument located in the cemetery;
- 3) to the monument located in the park, which is an immovable monument.

(6) A common protection zone may be established for monuments that form a historical whole or are located close to each other.

§ 15. Proposal for recognition as a monument and heritage conservation area

Everyone has the right to submit a reasoned proposal to the agency for taking a matter or land area under national protection.

§ 16. Initiation of the procedure for recognition as a monument and heritage conservation area

(1) Before initiating the procedure for recognition as a monument and a heritage protected area, the office shall ask for an opinion on this:

- 1) from the local government unit at the location;
- 2) from the state administrative body, whose competence is related to the object to be protected;
- 3) from the owner of the object or immovable property within the land area.

(2) If asking for an opinion before starting the procedure for recognizing it as a monument or a heritage conservation area would result in an excessive administrative burden, the opinion of the owner of the thing or immovable within the land area may not be asked if the number of owners is greater than 100.

(3) A sufficient deadline is given for giving an opinion. The opinion presents a reasoned position on the recognition of the thing or land area as a monument or a heritage conservation area, and information on valid administrative acts or ongoing administrative procedures or other important circumstances that may affect the admission to protection.

(4) The Agency decides to initiate the procedure for recognition of a thing or land area as a monument or a heritage conservation area after evaluating the prerequisites of national protection, submitted opinions and other circumstances.

(5) If the agency decides to initiate the procedure for recognition as a monument or heritage conservation area, it shall notify the person and administrative body specified in subsection 1 of this section, providing information on the further course of the procedure and the probable end time of the procedure.

(6) In the course of the procedure for recognition as a monument or a heritage protected area, the cultural value of the object or land area is determined, weighing the public interest and the interests of the involved persons and assessing the justification of the recognition as a monument or heritage protected area and the establishment of a protection zone, and a draft legal act for protection is drawn up or the procedure is terminated.

§ 17. Preparation of recognition as a monument

(1) The Agency shall send the draft of the act under protection to the parties to the proceedings, including the owner of the immovable property within the planned protection zone, for perusal, and shall provide sufficient time for submission of opinions and objections.

(2) If, after the hearing of the parties to the proceedings, circumstances are revealed, due to which recognition as a monument is not justified, the proceedings shall be terminated.

(3) The Agency shall notify the parties to the proceedings and the proposer of the termination of the proceedings. The notice shall state the reason for the termination of the procedure.

§ 18. Preparation for recognition as a heritage conservation area

(1) Recognition as a heritage conservation area is reviewed in an open procedure.

(2) The Agency shall publish a notice on the initiation of the procedure for recognition as a heritage conservation area in at least one national newspaper, local or county newspaper and on the Agency's website. The notice briefly publishes the content of the draft legal act for protection, the time and place of the public display, and the deadline for submission of opinions and objections. The public display will not generally last less than four weeks.

(3) Opinions and objections submitted during the public exhibition will be resolved by the office after the end of the exhibition and before the public hearing.

(4) After resolving the opinions and objections and, if necessary, updating the draft decision on protection, the office organizes a public hearing. A public hearing does not have to be organized if no opinions or objections were submitted within the period specified in the notice.

(5) If the time of the public hearing has not been announced together with the announcement of the public display, the Agency shall notify about it at least ten days before the hearing in accordance with the procedure provided for in subsection 2 of this section.

(6) The public hearing shall be recorded. The minutes must contain the positions and questions presented at the discussion and the answers given to them. The Agency makes the minutes available on the Agency's website.

(7) If, after the public display or public discussion, the draft legislation on recognition as a heritage conservation area is significantly amended, the office shall organize a new public display or public discussion.

(8) If circumstances are revealed at a public exhibition or public discussion, which require the termination of the procedure for recognition as a heritage protected area, the office shall terminate the procedure.

(9) The Agency shall notify the termination of the procedure in accordance with the procedure provided for in subsection 2 of this section. The notice shall state the reason for the termination of the procedure.

§ 19. Recognition as a monument and heritage conservation area

(1) The minister responsible for the area decides on recognition as a monument by means of a directive, after hearing the position of the Heritage Protection Council.

(2) The directive on recognition as a monument states:

- 1) the name, composition, location of the monument and, in the case of a terrestrial object, its boundary;
- 2) the type or types of the monument and the justification for taking it under protection;
- 3) in case of designation of a protection zone, its purpose and boundary, as well as objects and elements of cultural value located in the protection zone;

4) reliefs from the obligation to permit work provided for in § 52 subsections 1–3 and § 62 subsection 1 of this Act, and from the obligation to coordinate or inform as provided for in § 58 subsections 1–3 and § 66, if they are carried out.

(3) Recognition as a heritage conservation area is decided by an order of the Government of the Republic on the proposal of the minister responsible for the area.

(4) Before submitting a proposal to the Government of the Republic, the minister responsible for the field shall listen to the position of the Heritage Protection Council.

(5) In the order of recognition as a heritage conservation area, the protection procedure of the heritage conservation area is determined, which states:

- 1) the name and boundary of the heritage conservation area;
- 2) purpose of protection;
- 3) value classes of buildings located in the heritage conservation area;
- 4) the requirements necessary to ensure the purpose of protection, including, if necessary, construction conditions according to the value classes of the buildings, important internal views opening up in the heritage protection area, and other restrictions;
- 5) in the case of designation of a protection zone, its purpose and boundary, including important views of the heritage protection area;
- 6) reliefs from the storage obligation provided for in § 33 of this Act, the obligation to permit work provided for in § 52 subsections 1–3, and the coordination or notification obligation provided for in § 58 subsections 1–3, if they are carried out.

(6) The legal act specified in subsections 1 and 3 of this section shall be published in the Riigi Teataja and shall enter into force on the tenth day after its publication.

§ 20. Cessation and change of being a monument and heritage conservation area

(1) Being a monument can be terminated if the monument:

- 1) is a museum within the meaning of the Museum Act;
- 2) is an archive within the meaning of the Archives Act;
- 1
- 2) is a war grave based on the War Graves Protection Act;

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- 3) is an integral part of another monument;
- 4) does not meet the requirement of national protection;
- 5) is in a technically bad condition, and improving the condition causes the object to lose its authenticity;
- 6) has been destroyed and its restoration is not justified;
- 7) cannot be found or identified and there is sufficient reason to believe that the monument has not been preserved.

(2) The minister responsible for the area decides to stop being a monument by means of a directive, after listening to the position of the Heritage Protection Council.

(3) Being a heritage conservation area may be terminated if the heritage conservation area:

- 1) does not meet the prerequisites for national protection;
- 2) has been destroyed and its restoration is not justified.

(4) Termination of being a heritage conservation area is decided by the Government of the Republic by order on the proposal of the minister responsible for the area.

(5) Before submitting a proposal to the Government of the Republic, the minister responsible for the field shall listen to the position of the Heritage Protection Council.

(6) The provisions of § 15, subsections 4–6 of § 16, and § 17–19 of this Act shall apply to the termination of the legislation on recognition as a monument and heritage conservation area and to the amendment of legislation on recognition as a monument and heritage conservation area.

(7) The legal act specified in subsections 2 and 4 of this section shall be published in the Riigi Teataja and shall enter into force on the tenth day after its publication.

§ 21. Taking under temporary protection

(1) An object or land area with cultural value may be taken under temporary protection in order to assess the need to initiate the procedure for recognition as a monument and, if necessary, to carry out the procedure for recognition as a monument.

(2) Temporary protection is applied if there is sufficient reason to believe that a thing or land area with cultural value may be destroyed or lost before it is recognized as a monument, or the cultural value of the thing or land area is violated. In the case of the need to apply temporary protection, the obligation set forth in § 16 subsection 1 of this Act does not have to be complied with.

(3) The general director of the agency decides to take temporary protection by means of a directive. The order enters into force upon signing and is published in the register of cultural monuments.

§ 22. Temporary protection measures

The provisions of this Act regarding the monument shall apply to the thing or land area taken under temporary protection. The owner or occupier of a thing or land area under temporary protection has the rights and obligations of the owner or occupier of a monument.

§ 23. Term of temporary protection

(1) A matter or land area may be taken under temporary protection for up to six months. In justified cases, the term of temporary protection can be extended, but not longer than 12 months.

(2) The period provided for in subsection 1 of this section shall be suspended for the period during which the determination of the cultural value of the object or land area is prevented, depending on the addressee of the administrative act.

(3) Temporary protection is valid until it is recognized as a monument, but not longer than the end of the term specified in subsection 1 of this section.

(4) If the need for temporary protection ceases to exist before the end of the term specified in subsection 1 of this section, temporary protection shall be terminated. Termination of temporary protection is decided by the director general of the agency by directive. The order enters into force upon signing and is published in the register of cultural monuments.

Section 2

Archaeological find and archaeological site

§ 24. Archaeological find

(1) An archaeological find is an archaeological, including historical, artistic, scientific or other cultural value human-made object or a collection of objects deposited or hidden in the ground, surface, building, water body or its bottom sediments, which has no owner or whose owner cannot be determined.

(2) The cultural value of an archaeological find is determined by the agency.

(3) When defining an archaeological find as a collection of objects, in addition to the provisions of subsection 1 of this section, the context, interrelationship and integrity of the objects are taken into account.

(4) An archaeological find belongs to the state, regardless of whose property it was found on or in whose possession it is. An archaeological find cannot be acquired in good faith.

(5) §§ 90 and 103 of the Property Law Act shall not apply to an archaeological find.

§ 25. Archaeological site

(1) An archaeological site is a land or water area where archaeological findings, human bones, remains of historical constructions or other elements pointing to an archaeological cultural layer have been found and which may continue to contain these elements.

(2) Everyone must take precautionary measures to prevent damage and destruction of an archaeological site and an archaeological find.

(3) The archaeological site is determined by the general director of the agency with a directive. The directive for determining the site shall state:

1) the presence of archaeological findings, human bones, remains of historical constructions or elements indicating an archaeological cultural layer;

2) boundary of the site;

3) the obligation to conduct a survey in accordance with § 26 (1) of this Act;

4) if necessary, relief from the research obligation provided for in § 26 subsection 1 of this Act.

(4) A person on whose immovable property the elements specified in subsection 1 of this section are found allows the office to carry out the actions necessary to identify the archaeological site.

(5) The decision to identify an archaeological site is published in the register of cultural monuments.

§ 26. Termination of protection and protection of an archaeological site

(1) In an archaeological site, a survey is carried out before construction, construction of roads, ditches and routes, and other soil and excavation works, and in an underwater archaeological site, before trawling, dredging and dumping of solids. The provisions of § 46 subsections 4–6 and § 47–48 of this Act apply to the performance of the study and the reimbursement of its costs.

(2) A person on whose immovable property an archaeological site is located shall immediately notify:

1) the office of a violation of the site or a threat to its preservation;

2) from the location of the site on the immovable upon transfer of its possession on the basis of a lease or other similar relationship.

(3) The contract for the transfer of immovable property within the boundaries of the archaeological site or the contract for encumbrance with property rights must contain a provision to that effect with a reference to the legislation on recognition as an archaeological site.

(4) In relation to an archaeological site where the existence of an archaeological cultural layer has been identified, the office may initiate the procedure for recognition as a monument.

(5) Protection as an archaeological site ends when the site is recognized as a monument in accordance with the procedure provided for in this Act.

(6) The Agency shall terminate the protection of an archaeological site if the site has been examined and no more archaeological finds or elements indicating an archaeological cultural layer have been preserved at the site.

§ 27. Obligations of the finder of an archaeological find

(1) The finder of a thing with features of an archaeological find is obliged to preserve the find and the place of discovery in an unaltered form. The finding must be reported to the agency immediately.

(2) The found thing shall be left at the place of discovery until it is handed over to the agency. The finder may remove the found object from the place of discovery only with the consent of the agency or if the object's preservation is endangered.

(3) The archaeological find may not be damaged by cleaning, landscaping, breaking, digging or in any other way, nor may its individual parts be removed from each other.

(4) If an archaeological find is found in another country's economic zone, continental shelf or deep seabed, an Estonian citizen or the captain of a ship sailing under the Estonian flag is obliged to immediately inform the authority about the find.

§ 28. Right to an invention fee

(1) The office assigns a finder's fee to the finder of an archaeological find.

(2) The historical, archaeological, scientific, artistic or other cultural value of the found thing, as well as the circumstances of finding the thing and handing it over to the state, are taken into account when determining the discovery reward.

(3) The office may transfer an archaeological find to the finder free of charge.

(4) The discovery fee shall not be determined if:

- 1) the find is the wreck of a water, air or other vehicle or its part or cargo and other objects related to the wreck;
- 2) searching for or excavating archaeological finds is part of the duties of the finder;
- 3) the find is transferred to the finder;
- 4) the finder has violated the obligations stipulated in § 27 or § 29 subsections 4, 10 and 11 of this Act;
- 5) the find was found in a monument, a heritage conservation area, their protection zone or an archaeological site;
- 6) the finder has been punished in misdemeanor proceedings for violating the requirements related to an archaeological find, for violating the ban on the use of a search tool or for using a search tool without the permission of a search tool, or has been criminally punished for misappropriating an object of cultural value, damaging or destroying a monument, and his criminal record has not been deleted from the criminal record;
- 7) the find has been found in the exclusive economic zone, continental shelf or deep seabed of another country.

(5) The procedure for determining the invention fee shall be established by a regulation of the minister responsible for the field .

§ 29. Search tool and its use

(1) A search tool within the meaning of this Act is a technical tool or device, with the exception of a navigation tool, which allows determining the location of archaeological finds on the ground, underground and underwater.

(2) On the monument, its protection zone and the archaeological site, the use of a search tool is permitted only:

- 1) to carry out a survey in accordance with the procedure provided for in this Act;
- 2) law enforcement agencies and defense forces for the performance of official duties;
- 3) for the owner and entrepreneur of the real estate to perform tasks related to construction, farming and forestry in the framework of economic activity, which are not related to the search for an archaeological find.

(3) In the cases provided for in points 2 and 3 of subsection 2 of this section, the agency shall be notified in advance of the use of the search tool.

(4) A search tool permit is required to use a search tool in a water area and outside a clearly delineated compactly populated area of a city, town, hamlet and village, and outside land, except for:

- 1) to conduct a survey in accordance with the procedure provided for in this Act;
- 2) law enforcement agencies and defense forces for the performance of official duties;
- 3) for the owner and entrepreneur of the real estate to perform tasks related to construction, farming and forestry in the framework of economic activity, which are not related to the search for an archaeological find.

(5) A natural person who is at least 18 years old and has completed additional training, during which the ability to recognize an archaeological find and not to damage the find or the site, is acquired is the right to apply for a search tool permit.

(6) The search tool permit is issued by the agency. The search tool license is granted for five years.

(7) The Agency refuses to grant a search tool permit if the permit applicant:

- 1) does not meet the requirements set forth in this Act;
- 2) has knowingly provided false information that significantly affects the decision to grant permission for the search tool;
- 3) has not paid the required state fee;
- 4) has been punished in misdemeanor proceedings for violating the requirements related to an archaeological find, for violating the ban on using a search tool, or for using a search tool without the permission of a search tool, or has been criminally punished for misappropriating an object of cultural value, damaging or destroying a monument, and his criminal records have not been deleted from the criminal record.

(8) In order to protect the archaeological heritage, the Agency may suspend the validity of the permit for the search tool if the person who received the permit has not submitted the report provided for in subsection 11 of this section.

(9) The Agency may invalidate a search tool permit if:

- 1) knowingly false information has been provided when applying for a permit, which significantly influenced the decision to grant the permit;
- 2) the holder of the permit does not fulfill the requirements for the use of the search tool or the obligations imposed on the finder of the archaeological find arising from this Act;
- 3) the holder of the permit has been punished in misdemeanor proceedings for violating the requirements related to an archaeological find, for violating the ban on the use of a search tool or for using a search tool without permission, or has been criminally punished for misappropriating an object of cultural value, damaging or destroying a monument, and his criminal records have not been deleted from the criminal record.

(10) When using the search tool, the person must have an identity document with them. To use a search tool on a plot of land owned by another person, you must have the owner's permission.

(11).

(12) The procedure for applying for and granting a search tool permit, the form of the search tool permit, the requirements for prior notification of the intention to use the search tool, the requirements for the search report and its submission, and the requirements for the in-service training provider shall be established by a regulation of the minister responsible for the field .

§ 30. Preservation of archaeological finds

(1) Institutions preserving archaeological finds are:

- 1) museum;
- 2) the research and development institution managing the research collection of archaeology;
- 3) profession.

(2) The place of preservation of archaeological findings is determined by the agency after listening to the proposal of the researcher and taking into account the principle of the integrity of the collection originating from the research object and the opinion of the

preserving institution.

§ 31. Suspension of works for the protection of archaeological heritage

(1) If an archaeological cultural layer or historical building structures buried in the ground, water body or its bottom sediments are discovered in any place during construction, construction of roads, ditches and routes or during other soil and excavation works, the finder is obliged to stop the work, preserve the place in its unchanged form and immediately inform the authority about it .

(2) The Agency has the right to suspend work for up to one week in order to determine the necessity of studies or assess the compliance of the matter with the assumption of national protection.

(3) On the immovable property where, according to the agency, archaeological objects, human bones or an archaeological cultural layer may be found based on historical sources, an archaeological survey is carried out during the environmental impact assessment within the meaning of the Environmental Impact Assessment and Environmental Management System Act. The provisions of §§ 46–48 of this Act apply to the determination and performance of the survey. The cost of the said study is not eligible for reimbursement on the basis of § 48 (2) of this Act.

Section 3 Underwater cultural heritage

§ 32. Protection of underwater cultural heritage

(1) The requirements set forth in this section apply to the protection of underwater cultural heritage that has not yet been discovered or investigated, which has not been recognized as a monument or archaeological site.

(2) In internal waters, territorial seas, border water bodies or economic zones, a study is carried out before construction, including the installation of facilities and technical equipment or the planning of other activities that may threaten the preservation of underwater cultural heritage.

(3) The provisions of §§ 46–48 of this Act shall apply to the appointment and conduct of the survey. The cost of the said study is not eligible for reimbursement on the basis of § 48 (2) of this Act.

Chapter 4 Organization of protection

Section 1 Ensuring the preservation of the monument and heritage site

§ 33. Obligation to preserve

(1) Everyone must refrain from activities that may endanger, damage or destroy a monument or a building located in a heritage conservation area. The monument and the building located in the heritage conservation area may not be destroyed or damaged.

(2) A monument or a building located in a heritage conservation area may be used based on modern needs, but not in a way that may endanger the preservation of the monument or building or its parts.

(3) To ensure the preservation of the monument and the heritage conservation area, the owner or occupier of the monument or the building located in the heritage conservation area must maintain the monument or the building and, if necessary, repair it.

§ 34. Violation of a monument and a building located in a heritage conservation area

(1) Violation of a monument or a building located in a heritage protection area consists of:

1) violation of a monument or its parts or a building located in a heritage protection area, due to which the physical or chemical properties, constructive and decorative elements or appearance of the monument or building have changed or the condition of the monument or building has deteriorated;

2) failure to fulfill the preservation obligation, due to which the condition of the monument, building located in the heritage protection area or their parts has deteriorated;

3) on an archaeological monument, in violation of the cultural layer or archaeological finds, which is primarily excavation or confusion as a result of other activities in such a way that further scientific research of the monument as a complete historical source becomes impossible.

(2) The damage caused by the violation is significant if the authenticity of the monument or building in the heritage area is damaged, but its potential integrity can be restored without artistic or historical falsification. In the case of an archaeological monument, the damage is significant if the excavated is mixed with the archaeological cultural layer or its filling character in the upper deposits.

(3) Damage caused by violation is great if the authenticity of a monument or a building located in a heritage conservation area has been significantly damaged, and restoration of its integrity requires the replacement of one or more culturally valuable parts with a copy or reconstruction. In the case of an archaeological monument, the damage is great if excavations have been made in the deposits of the undisturbed archaeological cultural layer, archaeological findings have been taken out of the soil, or the remains of building structures, wrecks and the like have been damaged.

§ 35. Supporting the preservation of the monument

(1) The owner or occupier of a monument or a building located in a heritage conservation area may request support from the agency for the maintenance, repair, conservation, restoration, provision of storage and conservation conditions, and restoration of a monument and a building located in a heritage conservation area.

(2) The supported activities, the requirements for the grant applicant and the application, including the rate of self- or co-financing, the deadline for submitting the application, the grounds for evaluating, approving, rejecting and revoking the application, the procedure for checking the targeted use of the grant, and the grounds and procedures for reclaiming the grant shall be established by the field by regulation of the responsible minister .

§ 36. Notification obligation

- (1) The owner or occupier of a monument or building located in a heritage conservation area shall immediately notify the office of:
 - 1) a danger that may damage the monument or building, or their damage or destruction;
 - 2) from the involuntary transfer of ownership of a monument or immovable property;
 - 3) transfer, inheritance, deposit or change of storage location of a movable monument.

(2) If the owner of a monument or a building located in a heritage conservation area transfers the possession of the monument, building or part of it to another person on the basis of a lease, rent, storage, pledge or other similar relationship, he shall inform the recipient of the possession of the thing about the matter being a monument or the building being located in a heritage conservation area .

§ 37. Transfer of a monument and a building located in a heritage conservation area

(1) A reference to the legislation establishing protection shall be added to the contract for the transfer of a monument, a building located in a heritage conservation area, or an immovable property within their protection zone, or to a contract encumbering with a right in rem.

(2) Movable monuments, which make up a collection of things, are allowed to be transferred or bequeathed individually or distributed during the distribution of the inheritance only with the permission of the office.

§ 38. Expropriation of the monument

(1) If the owner of the monument does not fulfill the obligations arising from this Act and the preservation of the monument is in danger and it is not possible to ensure its preservation by other means, the monument may be compulsorily expropriated.

(2) The monument shall be expropriated for fair and immediate compensation. Compensation is paid to the owner or heir of the thing subject to expropriation.

(3) Compulsory expropriation of immovable property is carried out in accordance with the Act on Acquisition of Immovable Property in the Public Interest.

(4) The expropriation of a movable monument is decided by the minister responsible for the field by means of a directive. The expropriation decision states the basis of the expropriation, the amount of the compensation to be paid and the recipient of the compensation.

§ 39. Obligation to restore a monument and a building located in a heritage conservation area

(1) A destroyed or damaged monument and a valuable building located in a heritage conservation area or their part shall be restored if it is justified considering the circumstances.

(2) The responsibility and scope of the restoration of the monument and the building located in the heritage protection area is decided by the agency. Restoration is organized by the owner of the monument or building.

(3) Before deciding on the obligation and extent of restoration of a monument and a building located in a heritage conservation area, the agency shall ask for an opinion on the subject:

- 1) from the local government unit at the location;
- 2) from the state administrative body whose competence is related to the monument or building that is to be restored;
- 3) from the owner of a monument or a building located in a heritage conservation area.

(4) The restoration of a monument and a building located in a heritage conservation area is based on the procedure for performing works related to immovable monuments in Section 3 or movable monuments in Section 4 of this chapter.

(5) If the restoration of a monument or a building located in a heritage conservation area is not justified, the Agency shall, if necessary, organize a survey to store information about the monument or building. The cost of the survey may be collected from the owner of the monument or building or from the person who damaged the monument or building to the extent that the owner of the monument or building or another person has caused the damage or destruction of the monument or building.

§ 40. Moving the immovable monument

(1) An immovable monument may be moved from its location to another suitable location if it is unavoidable in order to ensure great public interest and the preservation of the immovable monument in the existing environment is endangered and its preservation cannot be guaranteed in any other way.

(2) The permissibility of moving an immovable monument is decided by the minister responsible for the field by means of a directive, after hearing the position of the agency, the Council for Heritage Protection, the local government unit where the monument is located, and the owner of the immovable monument.

(3) The conditions for moving an immovable monument shall be determined by the office with special conditions for heritage protection.

§ 41. Access to immovable monuments

(1) Established roads and trails leading to the immovable monument are for public use from sunrise to sunset, and if they exist, the owner of the immovable property must ensure the access of persons to the monument during the said time.

(2) Other persons can access the yard where the immovable monument is located, or the building which is an immovable monument, at the time and according to the procedure determined by the possessor of the immovable property, including the right of the owner or possessor to ask for a fee.

§ 42. Access to an underwater monument

(1) Diving to the underwater monument and its protection zone is permitted with a diving license from the agency or under the guidance of a company offering diving services operating within the scope of economic activity.

(2) A natural person who is at least 18 years old and who has completed monument diving training has the right to obtain a permit to dive into an underwater monument.

(3) The diving license is issued by the agency. The diving permit is issued for an indefinite period.

(4) An entrepreneur offering a diving service or a person who has received a diving permit informs the agency before and after diving into the monument and its protection zone.

(5) The deadlines for applying for, granting, refusing, revoking, and notifying of a diving permit, the information to be submitted when notifying, and the procedure for notifying, as well as the requirements for the provider of diving training for the monument shall be established by a regulation of the minister responsible for the field .

§ 43. General requirements for the performance of works

(1) When planning and carrying out works on the monument and the heritage conservation area, the principle of preserving authenticity and integrity is based on the principle of preserving the valuable layers of different eras, and the safety of the activity is ensured for the preservation of the monument and the building located in the heritage conservation area.

(2) When conserving, restoring and constructing a monument and a building located in a heritage conservation area, the conditions set forth in the construction project or action plan approved by the agency and the work permit shall be followed.

§ 44. Counseling

The Agency advises the owner or occupier of a monument or a building located in a heritage conservation area on matters of maintenance, repair, construction, conservation and restoration of a monument or a building, gives instructions and, if necessary, issues a maintenance plan.

§ 45. Maintenance plan

(1) The maintenance plan is a set of usage, maintenance and care advice drawn up to ensure the preservation of a monument and a building located in a heritage conservation area, which takes into account the special features of the monument or building.

(2) The maintenance plan contains recommendations for the suitability, appropriateness and timeliness of the repair and maintenance work required for the preservation of the monument and the building located in the heritage conservation area, as well as the materials and work methods used for this purpose, which assist the owner in fulfilling the preservation obligation.

Section 2

Study of the monument, the heritage site and the building located in the heritage site

§ 46. Study and study plan

(1) For the construction, conservation or restoration of a monument and a building located in a heritage protection area, for the preparation of an action plan for a construction project or a movable monument, or for excavation and other works related to moving or supplying soil at an archaeological monument, a survey shall be carried out if necessary.

(2) The need and scope of the study is determined by the Agency based on the nature and scope of the planned works before granting special conditions for heritage protection, in special conditions for heritage protection, when giving approval to another administrative body or in a permit to perform works.

(3) When planning or conducting research, the principle of minimum intervention is used.

(4) In order to carry out such a survey, which physically interferes with the material of a monument or a building located in a heritage conservation area, or may lead to the modification of a monument or a building, a competent person prepares a survey plan.

(5) The research plan shall present the proposed types of research, their purpose and methods and schedule, if necessary, drawings of the locations and scope of the research and other important data depending on the type of research.

(6) The types of research and the procedure for conducting the research shall be established by a regulation of the minister responsible for the field .

(7) Preparation of a study plan is not required for a study of a movable monument, if it is part of conservation or restoration and is included in the conservation or restoration action plan.

(8) Research may be conducted for scientific purposes. The cost of the research is covered by the customer of the research and this cost is not eligible for compensation on the basis of § 48 (2) of this Act.

§ 47. Research notification

(1) Before starting the study, the agency is notified of the study by means of a study notification. A proper study plan shall be submitted together with the study notification.

(2) The study notification shall be submitted electronically to the agency or through the register of cultural monuments at least ten days before the start of the study.

(3) If the agency does not notify the submitter of the study notification within ten days after submitting the notification of the need to additionally check the data presented in the notification or the study plan, the study may be started. If it is necessary to check the submitted data further, the Agency will decide to allow the study within 30 days from the submission of the notification.

(4) The research notification shall state:

- 1) the name, contact information and signature of the person submitting the notification and the date of submission of the notification;
- 2) data of the researcher;
- 3) the time of the survey.

(5) The Agency checks the compliance of the survey plan and survey provider with the requirements and, if necessary, sets additional conditions for conducting the survey or decides on the admissibility of the survey.

(6) The Agency refuses to permit a study if:

- 1) the study plan does not meet the requirements set forth in and on the basis of this Act;
- 2) the survey taker does not have the necessary qualifications to conduct the survey;
- 3) the study may endanger the preservation of a monument or a building located in a heritage conservation area.

(7) On the basis of the survey notification, the survey may be carried out within two years from the submission of the notification or the submission of additional requirements.

(8) Notification of the survey is not required for the survey of a movable monument, if it is part of conservation or restoration and is included in the conservation or restoration action plan.

(9) The form requirements of the study notification and the procedure for its submission shall be established by the minister responsible for the field by regulation.

§ 48. Study report and study financing

(1) The survey shall be documented and a proper survey report shall be submitted to the agency within three months after the completion of the survey.

(2) The survey customer shall be reimbursed for the cost of conducting the survey determined by the Agency to the extent provided for in the regulation established on the basis of subsection 3 of this section, if the survey has been properly conducted and the survey report has been approved by the Agency.

(3) The procedure for documenting studies and the requirements for the study report, as well as the rate of compensation specified in subsection 2 of this section, the conditions and procedure for requesting and paying compensation, and the grounds and procedure for rejecting an application shall be established by a regulation of the minister responsible for the field .

Section 3

Carrying out work on the real estate monument, heritage conservation area and their protection zone

§ 49. Construction project and immovable monument action plan

(1) An immovable monument and a building located in a heritage conservation area may be conserved, restored, built and moved according to the construction project.

(2) The construction project must meet the requirements established for the construction project and be in accordance with the special conditions of heritage protection.

(3) An immovable monument and a building located in a heritage conservation area may be conserved, restored, built or moved, or the appearance of a monument or a building located in a heritage conservation area may be changed according to the immovable monument action plan, if the nature, complexity and scope of the planned work allow it, and if the submission of a construction project is not required according to the Building Code.

(4) The action plan is drawn up by the person doing the work. The action plan includes the purpose of the work, the execution schedule, the methodology and scope of the work, a description of the materials used, technical drawings and illustrative material and, if possible, a description of the condition of the monument or building located in the heritage protection area, the conclusions of the studies and data on previous conservation, restoration or repair work.

§ 50. Special conditions for heritage protection

(1) Special conditions for heritage protection are necessary for preparing a construction project for the conservation, restoration, construction or relocation of an immovable monument and a building located in a heritage protection area.

(2) Special conditions for heritage protection are also necessary for erecting or establishing a new building on a real monument or heritage protection area, unless the construction project complies with the special conditions for heritage protection of the current detailed plan and the detailed plan approved by the agency.

(3) Special conditions for heritage protection shall be issued by the office with an administrative act, except in the case provided for in § 61 of this Act. The purpose of the special conditions for heritage protection is to ensure the preservation of the monument and the building located in the heritage protection area and their parts.

(4) The special conditions of heritage protection determine, in appropriate cases:

- 1) requirements for conservation, restoration and construction, taking into account the preservation or improvement of the cultural value of the whole, parts, structures and details of the monument or building located in the heritage protection area, or the environment developed at the location of the monument or its condition, including architectural , construction and design conditions;
- 2) in the case of erecting a building, height limit, volumes and type of building, architectural, construction and design conditions and position on the plot;
- 3) requirements for construction or other works, with a view to preserving a monument or a building located in a heritage conservation area in a suitable environment or improving the condition of this environment;
- 4) significant views open to the monument;
- 5) requirements for the construction project, including the stage of the construction project;
- 6) the necessary studies that must be carried out before the construction project is drawn up or during the works, and their purpose and scope;
- 7) the need for heritage protection supervision;
- 8) obligation to document works, if heritage protection supervision is not assigned;
- 9) requirements for the qualifications of the person performing the work and the person performing heritage protection supervision.

(5) The Board has the right to demand that a study be carried out before granting special conditions for heritage protection, if it is not possible to determine the conditions provided for in subsection 4 of this section without a study. The procedure for granting special conditions for heritage protection is suspended until the proper survey report is submitted.

§ 51. Application and procedure for special conditions for heritage protection

(1) In addition to the data specified in § 14 (3) of the Administrative Procedure Act, the purpose and scope of conservation, restoration or construction of a monument or a building located in a heritage protection area, as well as other necessary data, shall be submitted in the application for granting special conditions for heritage protection.

(2) Upon receiving a request for special conditions for heritage protection, the Agency checks its compliance with the requirements. If the granting of special conditions for heritage protection is clearly unfounded, the office will not consider the application and return it with a justification.

(3) The Agency issues special conditions for heritage protection or decides not to issue them within 30 days of receiving a proper application. If the Agency decides to organize the procedure as an open procedure, special conditions will be granted within 60 days from the date of submission of the application.

(4) The Agency refuses to grant special conditions for heritage protection if:

- 1) the planned changes do not ensure the preservation of the monument or the building located in the heritage protection area;
- 2) studies necessary to grant special conditions have not been carried out;
- 3) when applying for special conditions, knowingly false information has been provided, which significantly affects the decision to grant special conditions for heritage protection.

(5) Special conditions for heritage protection are valid for five years from the date of their issuance. The validity of the special conditions of heritage protection can be extended once by five years in justified cases.

(6) If new special conditions for heritage protection have been granted for the subject of the same application, the previously granted conditions become invalid.

(7) The Agency may invalidate the special conditions for heritage protection if false information has been knowingly provided when applying for them, which significantly influenced the decision to grant special conditions, or if the data on which they were based or the requirements for conservation, restoration or construction have changed.

§ 52. Permit to perform works on real estate monuments and heritage conservation areas

(1) A work permit is required for the conservation, restoration and construction of an immovable monument and a building located in a heritage conservation area based on a construction project or action plan, and for changing the appearance of a monument and a building located in a heritage conservation area.

(2) A permit to carry out conservation, restoration and construction work in the interior of a building located in a heritage conservation area is required if the building:

- 1) is located on a world heritage site;
- 2) has been assessed as very valuable for the protection of the heritage conservation area.

(3) In addition to what is stipulated in subsection 1 of this section, a work permit is required:

- 1) for the establishment of high landscaping, felling, digging and other works related to moving or adding soil at an archaeological monument, a historical natural sanctuary, an architectural monument in a park, a historical monument in a battle site, a church garden, a cemetery and a heritage conservation area ;
- 2) for landscaping works in a park, church garden, cemetery and historic natural sanctuary;
- 3) for the preparation of the ground within the meaning of the Forest Act in an archaeological monument and a historical natural sanctuary.

(4) The competent authority shall coordinate with the agency the authorization of the construction of a building subject to the obligation of a construction notice or a building permit, if the subject of the construction notice or the application for a building permit is related to a monument or a building located in a heritage conservation area.

(5) The competent authority shall coordinate with the agency on changing the boundaries of the property in the immovable monument and heritage conservation area and the purpose of the land in the archaeological monument, historical natural sanctuary and heritage conservation area.

(6) Anchoring, trawling, dredging and dumping solid substances are prohibited at the underwater monument.

(7) A work permit is not required:

- 1) for the maintenance and repair of an immovable monument and a building located in a heritage conservation area;
- 2) when digging a grave from a historical monument in a cemetery;
- 3) in the case of the works provided for in subsections 1–3 of this section, to the extent that reliefs have been made in the legislation on recognition as a monument or a heritage conservation area;
- 4) if the agency has indicated this in the approval given to another administrative body.

§ 53. Requesting a permit to perform works on an immovable monument

(1) An application for a permit to perform works shall be submitted to the office.

(2) In addition to the data specified in § 14 subsection 3 of the Administrative Procedure Act, the application for a permit to perform works shall state:

- 1) data of a monument or a building located in a heritage conservation area;
- 2) description of the planned work, if a construction project or an action plan are not required;
- 3) date of commencement of the planned work and planned completion time;
- 4) details of the person performing the work, if the qualification of the person performing the work must be certified in accordance with this Act;
- 5) details of the heritage protection supervisor, if supervision has been assigned.

(3) A construction project or action plan that meets the requirements shall be submitted together with the application for a permit to perform work, if required.

(4) The formal requirements for the application for a work permit and the procedure for submitting the work permit shall be established by a regulation of the minister responsible for the field .

§ 54. Processing of a permit to perform works on a real estate monument and heritage conservation area

(1) Upon receiving an application for a permit to perform work, the Agency checks its compliance with the requirements. If the granting of the permit is clearly unjustified, the office will not consider the application and return it with a justification.

(2) The Agency grants permission to perform work or refuses to grant permission within 30 days of receiving a proper application.

(3) If necessary, conditions for conservation, restoration, construction or other works, as well as the obligation to carry out a survey, may be specified in the work permit.

(4) The Agency shall refuse to issue a permit to perform work if:

- 1) the planned work does not meet the requirements established in this Act or on its basis;
- 2) the planned work may damage a monument, a building located in a heritage conservation area or the preservation or condition of their parts;
- 3) when applying for a permit, knowingly false information has been provided, which significantly affects the decision to grant a permit.

(5) In addition to the provisions of subsection 4 of this section, the agency may refuse to grant a permit for conservation, restoration or construction work if:

- 1) the construction project or action plan has not been prepared by a competent person;
- 2) the construction project does not meet the special conditions of heritage protection or the results of the study;
- 3) the performer of the work or the performer of heritage protection supervision does not meet the requirement set forth in § 68 subsection 1 of this Act.

(6) The permission to perform works is granted for up to five years according to the planned work schedule. In justified cases, the permit may be extended once for a period of up to five years, provided that the appropriate report from § 56 or 57 of this Act has been submitted to the agency as an interim report together with the permit extension request.

(7) The Agency may invalidate a permit to perform work if the person performing the work damages or destroys a monument, a building located in a heritage conservation area, or violates the conditions stipulated in the permit, or if false information was knowingly submitted when applying for a permit, which significantly influenced the decision to grant the permit.

§ 55. Heritage protection supervision

(1) For the proper conservation, restoration or construction of an immovable monument and a building located in a heritage conservation area, the owner or occupier ensures heritage conservation supervision over the works. Heritage protection supervision can be performed by a competent person.

(2) The need for heritage protection supervision is determined by the agency with special conditions for heritage protection, based on the nature, complexity and scope of the works.

(3) The tasks of the heritage protection supervision are:

- 1) to assess and check the compliance of the work being performed with the construction project, the conditions of the work permit or the requirements for the work;
- 2) to advise the owner of a monument or a building located in a heritage conservation area and the person performing the work on the appropriate methodology and material selection, the preservation of details and structures, the progress of the work, as well as research or expertise, if this affects the preservation of the monument or its part;
- 3) inform the agency about problems or violations that occurred during the work.

§ 56. Report of heritage protection supervision and financing of supervision

(1) Heritage protection supervision is documented and a proper report is submitted to the agency within six months after the completion of the works.

(2) The heritage supervision report is prepared and submitted by the person performing the supervision.

(3) If the heritage protection supervision determined by the special conditions of heritage protection has been carried out and the report drawn up properly, the cost of the supervision shall be reimbursed to the person commissioning the heritage protection supervision to the extent specified in the regulation established on the basis of subsection 4 of this section.

(4) The procedure for documenting heritage supervision and the requirements for the report, the requirements for reimbursement of expenses specified in subsection 3 of this section and the rate of compensation, the conditions for applying for and paying compensation, and the grounds and procedure for rejecting the application shall be established by a regulation of the minister responsible for the field .

§ 57. Documentation of work

(1) If heritage protection supervision is not required, the person performing the work shall document the work performed. A proper report of the works shall be submitted to the Agency within three months after the completion of the works.

(2) The minister responsible for the field shall establish the requirements for the report documenting the works performed on the monument and the building located in the heritage protection area by regulation.

§ 58. Requirements applicable in the protection zone of the real estate monument and heritage conservation area

(1) The competent authority coordinates with the agency the construction of a building subject to a construction notification obligation or a building permit obligation, including the erection or construction of a temporary building and the reconstruction, expansion, exterior appearance change, and demolition of an existing building.

(2) If a building notification or building permit is not required in accordance with the Building Code for the construction or construction of a building, including a temporary building, as well as for the reconstruction, expansion, exterior appearance and demolition of an

existing building, or if the construction in the protection zone has not been approved by the agency, the person interested in the construction shall notify the agency in advance of the construction in accordance with § of this Act according to the procedure provided in s. 59.

(3) In addition to the provisions of subsection 2 of this section, the agency shall be notified in advance of:

- 1) the establishment of high greenery in the protection zone of the monument;
- 2) from carrying out works related to felling, digging and other soil moving or supply in the protection zone of an archaeological monument, a historical natural sanctuary, a historical monument, a cemetery and a church garden, and a building monument in a park;
- 3) on the preparation of the ground in the sense of the Forest Act in the protection zone of the archaeological monument and historical natural sanctuary;
- 4) from anchoring, trawling, dredging and dumping of solid substances in the protection zone of the underwater monument.

(4) If the purpose of the protection zone of the immovable monument is the preservation of the archaeological cultural layer based on this Act, a survey shall be carried out, if necessary, during construction or when carrying out excavation and other works related to moving or supplying soil. The provisions of § 46 subsections 4–6 and § 47 and 48 of this Act apply to the performance of the survey and the reimbursement of its cost.

(5) If the work provided for in clauses 1-3 of subsection 3 of this section is carried out in the protection zone at the same time as the work provided for in subsection 52 of this Act is also carried out in a monument or heritage conservation area, the notification shall be replaced by a work permit and the necessary data shall be submitted in the application for a work permit.

(6) Coordination with the Authority or fulfillment of the notification obligation is not required in the case of indoor construction of a building located in a conservation zone and in the case of the provisions of subsections 1-3 of this section to the extent that reliefs have been made in the legal act of recognition as a monument or heritage conservation area.

§ 59. Notification of works in the protection zone

(1) In the cases provided for in subsections 2 and 3 of § 58 of this Act, the notification of the performance of works shall be submitted to the agency or electronically through the register of cultural monuments at least ten days before the commencement of the works.

(2) If the agency does not inform the submitter of the notice of execution of the work within ten days after the submission of the notice of the need to additionally check the data provided in the notice, the work may begin. If it is necessary to check the submitted data further, the agency will decide to allow the works within 30 days from the submission of the notification.

(3) The notification of the performance of works shall state:

- 1) the name, contact information and signature of the person submitting the notification and the date of submission of the notification;
- 2) the purpose of submitting the notification, including a description of the planned work and, if necessary, detailed drawings or other additional information;
- 3) work start date and planned completion time;
- 4) details of the person performing the work.

(4) The Agency checks the conformity of the work presented in the notification of the work performance with the purpose of the protection zone and, if necessary, submits additional conditions or decides on the permissibility of the work performance.

(5) The Agency refuses to permit the work indicated in the notice of execution of works, if the execution of the work does not ensure the fulfillment of the purpose of the protection zone of the monument or heritage conservation area, or it may pose a threat to the preservation of the monument or the building located in the heritage conservation area.

(6) On the basis of a notice of execution of works, works may be carried out within two years from the submission of the notice or the setting of additional conditions.

(7) The formal requirements of the notice of performance of works and the procedure for its submission shall be established by a regulation of the minister responsible for the field .

§ 60. Suspension of work

If a facility, structure, part of a building, finishing layer, archaeological cultural layer or other find or circumstance is discovered while carrying out work on an immovable monument, heritage conservation area or in their protection zone, which has not been documented during the studies carried out so far or which has not been taken into account in the design or when granting permission to carry out the work, the contractor is obliged keep the findings unchanged and notify the agency immediately.

§ 61. Special conditions for heritage protection of general planning and detailed planning

(1) The task of the special conditions for heritage protection in the general plan and detailed plan is to ensure that the planned changes in the planned land area help ensure the preservation of the heritage protection area or immovable monument and the goals set by the protection zone.

(2) The special conditions of the general plan are drawn up if a heritage conservation area or its protection zone is located on the planned land area. In coordination with the Authority, special conditions do not need to be drawn up if the planned activity does not significantly change the established spatial situation or the preservation and visibility of the heritage conservation area.

(3) The special conditions for heritage protection of the detailed plan are drawn up if there is a heritage protection area, an immovable monument or their protection zone on the planned land area.

(4) If there is no obligation to prepare a detailed plan for the erection and construction of a building and the building is erected or built on the basis of design conditions, special conditions for heritage protection shall be prepared based on the provisions of this section regarding the special conditions for heritage protection of the detailed plan. If there is a detailed plan, the special conditions of heritage protection of the detailed plan are taken into account when giving the design conditions specifying it.

(5) The special conditions for heritage protection of the general plan and detailed plan are drawn up by a competent person and coordinated with the agency. The costs of preparing the special conditions for heritage protection of the general plan and detailed plan are covered by the customer.

(6) Requirements for the preparation of special conditions for heritage protection of the general plan and detailed plan shall be established by a regulation of the minister responsible for the field .

Section 4 **Doing work on the municipal monument**

§ 62. Permit to perform work on a municipal monument

(1) A work permit is required on the basis of an action plan for the conservation, restoration and alteration of the appearance of a movable monument and for the removal of a movable monument from the immovable property to which it belongs.

(2) A work permit is not required for those activities and to the extent that relief has been made in the decree declaring the matter a monument.

§ 63. Action plan of the municipal monument

(1) The action plan is drawn up for carrying out the works provided for in § 62 subsection 1 of this Act.

(2) The action plan includes the purpose of the work and the implementation schedule, a description of the state of the monument, a list of studies to be carried out during the work, a work plan, methodology and scope, a description of the materials used, illustrative material and, if necessary, technical drawings.

§ 64. Requesting a permit to perform work on a municipal monument

(1) In addition to the data specified in § 14 subsection 3 of the Administrative Procedure Act, the following shall be noted in the application for a permit to perform works:

- 1) data of the monument;
- 2) description of the planned work or activity;
- 3) date of commencement of the planned work or activity and planned completion time;
- 4) details of the person performing the work.

(2) Together with the application for a permit to perform work, an action plan that meets the requirements is submitted to the agency.

(3) The formal requirements for the application for a work permit and the procedure for submitting the work permit shall be established by a regulation of the minister responsible for the field .

§ 65. Processing of permission to perform work on a municipal monument

(1) The Agency grants or refuses permission to perform work within 20 days of receiving a proper application.

(2) The permit for the performance of works may stipulate the conditions for the performance of the works or activities provided for in subsection 62 (1) of this Act, as well as additional studies or heritage protection supervision, if necessary.

(3) The Agency may refuse to grant a permit to perform works if:

- 1) the planned work or activity does not meet the requirements set forth in this Act or may damage the preservation or condition of the monument or its part;
- 2) the action plan does not meet the requirements established in this Act or the results of the study;
- 3) the action plan has not been prepared by a competent person;
- 4) the person performing the work does not meet the requirement set forth in § 68 subsection 1 of this Act;
- 5) when applying for a permit, knowingly false information has been provided, which significantly affects the decision to grant the permit;
- 6) the contractor has not submitted a proper report of previously completed works.

(4) The permission to perform works is granted for up to two years. In justified cases, the permit can be extended once for two years.

(5) The Agency may invalidate a permit to perform work if the person performing the work violates the monument or the conditions stipulated in the permit, or if knowingly false information was provided when applying for the permit, which significantly influenced the decision to grant the permit.

(6) The provisions of §§ 55 and 56 of this Act apply to the performance of heritage protection supervision.

§ 66. Notification of works related to a movable monument

(1) The agency shall be notified in advance of changes to the storage and preservation conditions of a movable monument. The provisions of subsections 1–4, 6 and 7 of § 59 of this Act apply to notification.

(2) Notification is not required if relief has been provided in the decree declaring the matter a monument.

(3) The Board refuses to permit the work specified in the notice if it may endanger the preservation of the movable monument.

§ 67. Documentation of the conservation and restoration of the municipal monument and the report of the works

(1) The conservation and restoration of the municipal monument shall be documented, and a proper report shall be submitted to the agency within three months after the completion of the works.

(2) The report is prepared and submitted by the contractor.

(3) The procedure for documenting the work specified in subsection 1 of this section and the requirements for the report shall be established by a regulation of the minister responsible for the field .

Chapter 5 **Obligations of persons in the field of heritage protection**

§ 68. Requirements for operating in the field of heritage protection

(1) An entrepreneur operating in the field of heritage protection must have a relevant legal relationship with the competent person specified in § 69 of this Act, or he must be a competent person himself as a self-employed person.

(2) The notice of economic activity is submitted to the register of economic activity for activities in the following areas of activity in the field of heritage protection:

- 1) preparation of a construction project for the conservation and restoration of a monument and a building located on a world heritage site;
- 2) drawing up an action plan for conservation and restoration of a monument and a building located on a world heritage site;
- 3) preparation of the study plan and conducting the study;
- 4) preparation of special conditions for heritage protection of the plan;
- 5) conservation and restoration of a monument and a building located on a world heritage site;
- 6) performing heritage protection supervision;
- 7) offering diving services to an underwater monument.

(3) The more precise division of the areas of activity in the field of heritage protection provided for in subsection 2 of this section, taking into account the type and material of the monument, shall be established by a regulation of the minister responsible for the field.

(4) In the notice of economic activity, the area of activity in the area of heritage protection provided for in subsection 2 of this section, the data provided for in § 15 subsection 1 of the Act on the General Part of the Code of Economic Activities and the data for the competent person of the entrepreneur specified in § 15 subsection 2 of the same act shall be indicated.

(5) An economic activity notice has been submitted if the economic activity register contains a confirmation by a competent person who meets the requirements set forth in § 69 of this Act regarding his legal relationship with the entrepreneur who submitted the economic activity notice.

(6) If the notification specified in § 58 subsection 1 of the Act on the General Part of the Code of Economic Activities is not submitted through the Estonian information gateway, it is submitted together with the confirmation of a competent person to the agency, which enters the data contained in the notification and the confirmation of the competent person into the register of economic activities.

(7) If the competent person does not submit a confirmation or a waiver of the confirmation through the Estonian Information Gateway, he shall submit it to the agency, which will enter the confirmation or waiver in the register of economic activities.

(8) In case of termination of the legal relationship between the competent person and the entrepreneur, the competent person has the right to waive the approval. If the competent person has waived the approval, the entrepreneur submits a notice of change in the general data of the economic activity in accordance with § 30 (5) of the Act on the General Part of the Economic Activity Code. If the competent person who renounced the approval is the only competent person of the entrepreneur in the relevant field of activity, it is considered that the entrepreneur has not fulfilled the notification obligation for operating in this field of activity.

§ 69. Competent person

(1) A competent person is an expert who meets the requirements set out in subsections 2–6 of this section and who performs, controls or manages work in the field of heritage protection related to his competence and is responsible for it.

(2) A person may act as a competent person in the area of activity in the field of heritage protection provided for in § 68 subsection 2 of this Act, if he has a professional certificate certifying the relevant qualification or a certificate of competence in accordance with this Act.

(3) A person whose professional level includes managing the work of others or who has a certificate of competence in accordance with this Act may work as a competent person of an entrepreneur whose work includes the management of others.

(4) A person who has acquired a foreign professional qualification may also act as a competent person, if his professional qualification has been recognized in accordance with the Act on the Recognition of Foreign Professional Qualifications. The competent authority provided for in § 7 subsection 2 of the Act on the Recognition of Foreign Professional Qualifications is the Agency.

(5) The competent person performs his tasks competently and with care corresponding to the specific nature of the work. A person may not act as a competent person of several entrepreneurs at the same time, if his workload does not allow him to fulfill his work obligations properly.

(6) The competent person shall, if necessary, involve a specialist with the relevant specialty and competence in the performance of the work, if his qualification is not sufficient due to the specific nature of the work.

(7) The entrepreneur, under whose responsibility and for whom the competent person works, ensures that the competent person is able to perform his work in accordance with the requirements arising from the law and with care corresponding to the specific nature of the work.

§ 70. Certificate of competence

(1) The certificate of competence certifies that a person's qualification meets the requirements of competence. A certificate of competence entitles a person to act in the field of activity specified in it to the extent of his qualification.

(2) A person does not need to apply for a certificate of competence if he has a profession according to the Professional Act, the professional standard of which includes competence in the field of heritage protection.

§ 71. Requesting, issuing and refusing to issue a certificate of competence

(1) Pädevustunnistust taotleb isik peab olema:

- 1) vastavalt tegevusalale riiklikult tunnustatud kõrghariduse või sellele vastava välisriigi kvalifikatsiooniga;
- 2) tegutsenud soovitud tegevusalal pidevalt vähemalt neli viimast aastat.

(2) Lisaks käesoleva paragrahvi lõikes 1 sätestatule peab pädevustunnistust taotleb isik olema ehitismälestisel, ajaloomälestisest kalmistul ja kirikuaias tegutsemiseks läbinud soovitud tegevusalale vastava täienduskoolituse.

(3) Amet võib otsustada, et kõrghariduse ja täienduskoolituse nõuet ei ole vaja täita kinnismälestise ning maailmapärandi objektidel asuva ehitise konserveerimise ja restaureerimise tegevusalal tegutsemiseks, kui töö ei hõlma teiste töö juhtimist ja korraldamist.

(4) Veealusele mälestisele sukeldumise teenuse tegevusalal pädevustunnistust taotleval isikul peab olema:

- 1) ameti antud sukeldumisluba;
- 2) rahvusvaheliselt tunnustatud sukeldumisinstruktori litsents.

(5) Pädevustunnistuse saamiseks esitab taotleja ametile:

- 1) taotluse;
- 2) haridust tõendava dokumendi;
- 3) tehtud tööde loetelu, mis sisaldab tööde kirjeldust ja fotomaterjali;
- 4) täienduskoolituse läbimist tõendava dokumendi;
- 5) andmed riigilõivu tasumise kohta.

(6) Käesoleva paragrahvi lõike 5 punktides 2–3 sätestatud nõudeid ei kohaldata sukeldumisteenuse tegevusalal pädevustunnistuse taotlemisel.

(7) Taotleja märgib taotluses lisaks haldusmenetluse seaduse § 14 lõikes 3 sätestatule isikukoodi, mälestise liigi ja tegevusala, millel tegutsemiseks ta pädevustunnistust taotleb.

(8) Isiku pädevust hindab ja pädevustunnistuse viieks aastaks annab amet. Pädevustunnistuse kehtivust võib isiku taotlusel viie aasta kaupa pikendada.

(9) Ametil on õigus hinnata pädevustunnistuse andmisel isiku pädevust taotletava tegevusala piires lähtuvalt mälestise liigist ja taotleja kvalifikatsioonist ning piirata pädevustunnistuses isiku tegutsemisõigust lähtuvalt taotleja oskustest teatud liiki ja teatud materjalist mälestistega töötamisel.

(10) Amet lahendab pädevustunnistuse või selle pikendamise taotluse 30 päeva jooksul.

(11) Amet keeldub pädevustunnistust andmast, kui taotleja:

- 1) ei vasta käesoleva seaduse § 71 lõigetes 1 ja 2 või lõikes 4 sätestatud nõuetele;
- 2) tehtud tööd ei vasta käesolevas seaduses sätestatud nõuetele;
- 3) on pädevustunnistuse taotlemisel esitanud teadvalt valeandmeid, mis mõjutavad oluliselt pädevustunnistuse andmise otsustamist;
- 4) ei ole tasunud nõutavat riigilõivu.

(12) Amet keeldub pädevustunnistust pikendamast, kui taotleja:

- 1) ei ole tegutsenud soovitud tegevusalal pidevalt vähemalt neli viimast aastat;
- 2) tehtud tööd ei vasta käesolevas seaduses sätestatud nõuetele;
- 3) on tehtud tööde käigus rikkunud või hävitanud mälestise, maailmapärandi objektidel asuva ehitise või nende osa;
- 4) ei ole tasunud nõutavat riigilõivu.

(13) Amet võib keelduda pädevustunnistust pikendamast, kui taotleja:

- 1) ei ole esitanud nõuetekohast käesolevas seaduses sätestatud aruannet;
- 2) on pädevustunnistuse pikendamisel esitanud teadvalt valeandmeid, mis mõjutavad oluliselt pädevustunnistuse andmise otsustamist.

(14) Pädevustunnistuse taotluse ning pädevustunnistuse vorminõuded ja taotluse esitamise korra kehtestab valdkonna eest vastutav minister määrusega.

§ 72. Pädevustunnistuse kehtetuks tunnistamine

(1) Amet võib tunnistada pädevustunnistuse kehtetuks, kui:

- 1) taotleja on pädevustunnistuse taotlemisel esitanud valeandmeid, mis mõjutasid oluliselt pädevustunnistuse andmise otsustamist;
- 2) pädevustunnistust omava isiku tegevus ei vasta käesolevas seaduses sätestatud nõuetele;
- 3) pädevustunnistust omav isik on tegevusalal tegutsemise käigus rikkunud või hävitanud mälestise, maailmapärandi objektidel asuva ehitise või nende osa või ilme.

(2) Pädevustunnistuse kehtetuks tunnistamise korral ei saa isik uut pädevustunnistust taotleda ühe aasta jooksul pädevustunnistuse kehtetuks tunnistamise päevast arvates.

§ 73. Täienduskoolitus

(1) Käesoleva seaduse § 71 lõikes 2 nimetatud täienduskoolitust võib läbi viia täiskasvanute koolituse seaduses sätestatud nõuetele vastav täienduskoolitusasutus. Täienduskoolituse õppekava kiidab heaks amet.

(2) Täienduskoolituse õppekava heakskiitmisel hindab amet koolitusel käsitletavate teemade ja nende käsitlemise kestuse piisavust muinsuskaitsealaste pädevuste omandamiseks.

(3) Kui täienduskoolitus on läbitud välisriigis, hindab koolitusasutuse ja õppekava vastavust käesoleva paragrahvi lõikes 2 sätestatule amet pädevustunnistuse taotleja taotluse alusel.

6. peatükk

Muinsuskaitsetegevuse korraldus

1. jagu

Muinsuskaitse korraldajad

§ 74. Muinsuskaitse ja vaimse kultuuripärandi kaitse korraldaja

(1) Muinsuskaitse korraldajad on vastavalt pädevusele Kultuuriministeerium ja amet.

(2) Vaimse kultuuripärandi kaitse korraldaja on Kultuuriministeerium.

§ 75. Muinsuskaitse Nõukogu

(1) Muinsuskaitse Nõukogu on Kultuuriministeriumi nõuandev kogu, kuhu kuuluvad muinsuskaitse ja sellega seotud valdkondade asjatundjad.

(2) Muinsuskaitse Nõukogu teeb ettepanekuid ja annab arvamusi käesoleva seadusega seotud küsimustes.

(3) Muinsuskaitse Nõukogu liikmed nimetab valdkonna eest vastutav minister neljaks aastaks. Liikmele võib Muinsuskaitse Nõukogu töös osalemise eest maksta tasu valdkonna eest vastutava ministri määratud ulatuses.

(4) Muinsuskaitse Nõukogu töökorra kehtestab valdkonna eest vastutav minister käskkirjaga.

§ 76. Kohaliku omavalitsuse üksus ja riigi haldusorganid

(1) Kohaliku omavalitsuse üksus ja riigi haldusorganid arvestavad oma ülesannete täitmisel mälestiste, muinsuskaitsealade ja nende kaitsevöönditega, arheoloogiliste leiukohtade ja veealuse kultuuripärandiga ning kooskõlastavad seaduses sätestatud juhtudel ametiga haldusaktide eelnõud ning teatisekohustusega tegevuste lubamise, mille ese on seotud mälestise, muinsuskaitseala, nende kaitsevööndi, arheoloogilise leiukoha või veealuse kultuuripärandiga. Kui seadusega ei ole kooskõlastamine nõutav, kuid taotletav tegevus on seotud käesoleva seaduse § 26 lõikes 1, § 31 lõikes 3, § 32 lõikes 2, § 52 lõigetes 1–3 ning § 58 lõigetes 1–3 sätestatud tõdodega, küsib kohaliku omavalitsuse üksus või riigi haldusorgan ameti arvamust.

(2) Amet ei kooskõlasta käesoleva paragrahvi lõikes 1 nimetatud tegevust, kui see võib kahjustada mälestise, selle osa, muinsuskaitseala või arheoloogilise leiukoha säilimist või seisundit või kaitsevööndi eesmärgi saavutamist.

(3) Amet võib käesoleva paragrahvi lõikes 1 nimetatud tegevuse kooskõlastamisel seada tingimusi, millega tagatakse mälestise, muinsuskaitseala, arheoloogilise leiukoha säilimine ja seisund või nende kaitsevööndi eesmärk, sealhulgas määrata uuringu tegemise kohustuse.

(4) Amet võib nõuda maailmapärandi objektile ehitise püstitamiseks arhitektuurivõistluse korraldamist.

§ 77. Haldusülesande täitmiseks volitamine

(1) Valdkonna eest vastutav minister võib halduskoostöö seaduses sätestatud korras volitada kohaliku omavalitsuse üksust täitma riigi nimel käesolevas seaduses sätestatud ameti haldusülesandeid ja teostama riigi nimel korrakaitseorganina riiklikku järelevalvet.

(2) Käesoleva paragrahvi lõikes 1 nimetatud ülesanded võib üle anda täielikult või osaliselt.

(3) Halduslepingu sõlmib ja haldusjärelevalvet halduslepinguga volitatud haldusülesannete täitmise üle teostab amet.

(4) Kui käesoleva paragrahvi lõikes 3 nimetatud haldusleping lõpetatakse ühepoolselt või esineb muu põhjus, mis takistab haldusülesande täitjal jätkata nimetatud haldusülesande täitmist, korraldab haldusülesande edasise täitmise amet.

2. jagu

Kultuurimälestiste register ja mälestise tähistamine

§ 78. Kultuurimälestiste register

(1) Kultuurimälestiste registri (edaspidi käesolevas paragrahvis *register*) eesmärk on tagada:

- 1) mälestiste, muinsuskaitsealade ja arheoloogiliste leiukohtade säilimiseks ja järelevalve teostamiseks vajalike andmete kogumine;
- 2) mälestiste, muinsuskaitsealade ja arheoloogiliste leiukohtade kohta teabe andmine ja avalikustamine;
- 3) ajutise kaitse alla võetud asjade ja arheoloogiliste leidude üle arvestuse pidamine.

(2) Registri asutab ja selle põhimääruse kehtestab valdkonna eest vastutav minister määrusega.

(3) Registri vastutav töötaja on amet.

(4) Registris töödeldakse järgmisi andmeid:

- 1) mälestise ja muinsuskaitseala andmed;
- 2) mälestise ja muinsuskaitsealal asuva ehitise omaniku ja valdaja andmed;
- 3) andmed mälestise ja muinsuskaitsealal asuva ehitisega seotud taotluste, hoolduskava, taastamise kohustuse, eritingimuste, uuringute, ehitusprojektide, tegevuskavade, lubade, teatiste ja aruannete kohta;
- 4) riikliku ja haldusjärelevalve andmed;
- 5) andmed ajutise kaitse alla võetud kultuuriväärtusega asja või maa-ala kohta;
- 6) kultuuriväärtusega asja või maa-ala tuvastamise andmed;
- 7) arheoloogiliste leidude ja leiukohtade andmed;
- 8) otsingulubade ja sukeldumislubadega seotud andmed;
- 9) pädevustunnistustega seotud andmed.

(5) Kui mälestiseks olemine lõpetatakse või mälestise omaniku andmed muutuvad, säilitatakse mälestisega seotud isikuandmeid, mis on vajalikud asja kohta ajaloolise ülevaate saamiseks.

(6) Registrisse kantavate andmete täpsem koosseis ja nende täpsem säilitamise tähtaeg sätestatakse registri põhimääruses.

(7) Kinnismälestise, muinsuskaitseala, nende kaitsevööndi ning arheoloogilise leiukoha asukoht kantakse riigi maakatastrisse.

(8) Veealused mälestised kannab Transpordiamet koostöös ametiga navigatsioonikaardile.

[RT I, 10.12.2020, 1 - jõust. 01.01.2021]

§ 79. Mälestise tähistamine

(1) Kinnismälestisi tähistatakse ning vallasmälestisi ja veealuseid mälestisi võib tähistada vastava tähisega.

(2) Mälestiste tähistamist korraldab amet.

(3) Mälestiste tähistamise korra ja tähisel oleva kujutise kehtestab valdkonna eest vastutav minister määrusega.

7. peatükk

Riiklik ja haldusjärelevalve

§ 80. Riikliku ja haldusjärelevalve teostamine

Riiklikku ja haldusjärelevalvet käesoleva seaduse ning selle alusel kehtestatud õigusaktide nõuete täitmise üle teostab amet ja kohaliku omavalitsuse üksus.

§ 81. Riikliku järelevalve meetmed ja sunniraha määr

(1) Amet võib käesolevas seaduses sätestatud riikliku järelevalve teostamiseks kohaldada korrakaitseaduse §-des 30, 31, 32, 44 ja 49–52 sätestatud riikliku järelevalve erimeetmeid korrakaitseaduses sätestatud alusel ja korras.

(2) Ettekirjutuse täitmata jätmise korral võib amet rakendada sunnivahendit asendustäitmise ja sunniraha seaduses sätestatud korras. Kohustuse täitmisele sundimiseks kehtestatakse juriidilise isiku puhul sunniraha ülemmääras 32 000 eurot.

§ 82. Riikliku ja haldusjärelevalve erisused

(1) Amet ja kohaliku omavalitsuse üksus võib peatada mis tahes töö või tegevuse, mis võib ohustada mälestist, muinsuskaitsealal asuvat ehitist, arheoloogilist leidu, leiukohta või kultuurkihti. Amet võib vajaduse korral määrata täiendavad uuringud või tööde tegemise tingimused selleks, et hoida ära mälestise, muinsuskaitsealal asuva ehitise, arheoloogilise leiu, leiukoha või kultuurkihi kahjustamine, samuti peatada töö või uuringu, mis ei järgi ehitusprojektis, tegevuskavas, uuringukavas või tööde tegemise loas määratud tingimusi.

(2) Kui kohaliku omavalitsuse üksus peatab käesoleva paragrahvi lõikes 1 nimetatud töö või tegevuse, teavitab ta sellest viivitamata ametit. Tööde jätkamise otsustab amet.

(3) Amet võib piirata juurdepääsu kinnismälestisele, kui vaba juurdepääs võib ohustada kinnismälestise säilimist.

8. peatükk

Vastutus

§ 83. Arheoloogilise leiu ja leiukohaga seotud nõuete rikkumine

(1) Arheoloogilisest leiust mitteteatamise, samuti arheoloogilise leiu või selle osa teadliku leiukohast eemaldamise, samuti arheoloogilise leiu, selle osa või arheoloogilise leiukoha või arheoloogilise kultuurkihi teadliku rikkumise eest – karistatakse rahatrahviga kuni 200 trahviühikut.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 32 000 eurot.

(3) Käesolevas paragrahvis sätestatud väärteo katse on karistatav.

§ 84. Mälestise tähise rikkumine ja eemaldamine

(1) Mälestise tähise rikkumise või eemaldamise eest – karistatakse rahatrahviga kuni 100 trahviühikut.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 6400 eurot.

(3) Käesolevas paragrahvis sätestatud väärteo katse on karistatav.

§ 85. Uuringu ja tööde tegemise nõuete rikkumine

(1) Uuringu või töö tegemise eest ilma ameti loata, kui ameti luba oli nõutav, või ametit nõuetekohaselt teavitamata jätmise eest – karistatakse rahatrahviga kuni 300 trahviühikut.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 32 000 eurot.

(3) Käesolevas paragrahvis sätestatud väärteo katse on karistatav.

§ 86. Mälestisel, selle kaitsevööndis ja arheoloogilises leiukohas otsinguvahendi kasutamise keelu rikkumine

Mälestisel, selle kaitsevööndis või arheoloogilises leiukohas otsinguvahendi kasutamise keelu rikkumise eest – karistatakse rahatrahviga kuni 300 trahviühikut.

§ 87. Veealusele mälestisele sukeldumise nõuete rikkumine

(1) Veealusele mälestisele sukeldumise nõuete rikkumise eest – karistatakse rahatrahviga kuni 300 trahviühikut.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 32 000 eurot.

§ 88. Otsinguvahendi loata otsinguvahendi kasutamine

Ameti otsinguvahendi loata otsinguvahendi kasutamise eest – karistatakse rahatrahviga kuni 300 trahviühikut.

§ 89. Otsinguvahendi konfiskeerimine

Amet või kohus võib kohaldada käesoleva seaduse §-des 83, 86 ja 88 sätestatud väärteo vahetuks objektiks olnud otsinguvahendi konfiskeerimist vastavalt karistusseadustiku §-le 83.

§ 90. Menetlus

Käesolevas peatükis sätestatud väärtegade kohtuväline menetleja on amet.

9. peatükk Rakendussätted

1. jagu Üleminekusätted

§ 91. Muinsuskaitseala põhimääruse kehtivus

(1) Enne käesoleva seaduse jõustumist kehtestatud muinsuskaitseala põhimäärus jääb pärast käesoleva seaduse jõustumist kehtima seniks, kuni Vabariigi Valitsus tunnistab selle kehtetuks või kuni muinsuskaitseala kaitsekord kehtestatakse käesolevas seaduses sätestatud alusel ja korras. Muinsuskaitseala kaitsekord kehtestatakse nelja aasta jooksul käesoleva seaduse jõustumisest. Käesolevas lõikes toodud tähtaeg võib pikeneda, arvestades käesoleva seaduse §-s 18 sätestatud menetlusele või kohtuvaidlustele kuuluvat aega.

(2) Kui muinsuskaitseala põhimääruse osa on käesoleva seadusega vastuolus, kohaldatakse käesoleva seaduse sätteid.

(3) Kuni käesoleva seaduse alusel muinsuskaitseala kaitsekorra kehtestamiseni loetakse käesoleva seaduse § 52 lõike 2 punkti 2 tähenduses väga väärtuslikuks ehitiseks enne 1940. aastat ehitatud või püstitatud ehitis, kui muinsuskaitse põhimääruses on kaitse eesmärgina sätestatud arhitektuurselt väärtuslike interjööride säilitamine.

§ 92. Mälestise liigid

Enne käesoleva seaduse jõustumist mälestiseks tunnistatud mälestise liigid viiakse kooskõlla käesolevas seaduses sätestatud mälestiste liigitusega 2022. aasta 1. jaanuariks.

§ 93. Kultuurimälestiste registri korrastamine

Kultuurimälestiste registri andmed viiakse vastavusse käesoleva seaduse nõuetega 2022. aasta 1. jaanuariks.

§ 94. Kaitsekohustuse teatis

Enne käesoleva seaduse jõustumist antud kaitsekohustuse teatise mälestise ja mälestise kaitsevööndi kitsendustes tehtud leevendused, mälestise hooldamiseks tehtavate tööde loetelu ning vallasmälestise säilitamise tingimused jäävad kehtima ulatuses, mis ei ole vastuolus käesoleva seadusega, ning kuni neid ei muudeta käesolevas seaduses sätestatud alustel ja korras.

§ 95. Kaitsevööndi ulatus ja muutmine

Enne 2008. aasta 19. detsembrist ministri määruse või käskkirjaga mälestiseks tunnistatud asja kaitsevöönd on 50 meetri laiune maa-ala mälestise väliskontuurist või piirist arvates, kui õigusaktis ei ole määratud teisiti. Kaitsevööndi muutmise menetlusele ja vastava õigusakti avaldamisele kohaldatakse käesoleva seaduse §-des 13, 14 ja 16 sätestatud.

§ 96. Halduslepingu muutmine

(1) Enne käesoleva seaduse jõustumist kohaliku omavalitsuse üksuse volikoguga sõlmitud haldusleping muinsuskaitsealade riiklike kohustuste täitmiseks viiakse käesoleva seadusega kooskõlla või lõpetatakse 2020. aasta 1. jaanuariks.

(2) Kui enne käesoleva seaduse jõustumist kohaliku omavalitsuse üksuse volikoguga sõlmitud halduslepingu säte on käesoleva seadusega vastuolus, kohaldatakse käesoleva seaduse sätteid.

§ 97. Enne käesoleva seaduse jõustumist esitatud loataotluse menetlemine

(1) Enne käesoleva seaduse jõustumist esitatud taotlus mälestisel, muinsuskaitsealal ja nende kaitsevööndis tööde tegemise loa saamiseks menetletakse lõpuni käesoleva seaduse alusel.

(2) Kui isik peab käesoleva seaduse alusel esitama uuringuteatise või tööde tegemise teatise, siis loetakse teatis esitatuks varem esitatud uuringuloa või tööde tegemise loa taotlusega.

(3) Kui enne käesoleva seaduse jõustumist on esitatud loataotlus mälestisel, muinsuskaitsealal või nende kaitsevööndis tehtava tegevuse kohta, mille puhul tööde tegemise luba ei ole käesoleva seaduse kohaselt nõutav, lõpetab amet loa menetluse.

§ 98. Enne käesoleva seaduse jõustumist esitatud kultuuriväärtusega asja otsimise loa ja sukeldumisloa taotlus

(1) Enne käesoleva seaduse jõustumist esitatud kultuuriväärtusega asja otsimise loa ja sukeldumisloa taotlus menetletakse lõpuni käesoleva seaduse alusel.

(2) Enne käesoleva seaduse jõustumist välja antud kultuuriväärtusega asja otsimise luba ja sukeldumisluba kehtib selles märgitud tähtaja lõpuni.

§ 99. Enne käesoleva seaduse jõustumist muinsuskaitsealades sätestatud täienduskoolitust korraldanud isiku tegevusõigus

Enne käesoleva seaduse jõustumist kehtinud muinsuskaitsealades sätestatud täienduskoolitust korraldanud isik peab viima oma tegevuse käesolevas seaduses sätestatud nõuetega kooskõlla 2020. aasta 1. septembriks.

§ 100. Muinsuskaitse eritingimused

(1) Enne käesoleva seaduse jõustumist koostatud muinsuskaitse eritingimusi võib ametile heakskiitmiseks esitada kuue kuu jooksul käesoleva seaduse jõustumisest arvates.

(2) Enne käesoleva seaduse jõustumist või käesoleva paragrahvi lõikes 1 sätestatud tähtajal heakskiitmiseks esitatud muinsuskaitse eritingimused menetletakse lõpuni enne käesoleva seaduse jõustumist kehtinud muinsuskaitseaduse alusel.

(3) The special conditions for heritage protection approved before the entry into force of this Act or drawn up by the agency or approved on the basis provided in subsection 2 of this section shall be valid until the time specified on the basis of the Heritage Protection Act in force before the entry into force of this Act. The term of validity of the special conditions of heritage protection will not be extended.

§ 101. License of responsible specialist

(1) On the basis of the Heritage Protection Act, which was in force before the entry into force of this Act, the activity permit of the responsible specialist managing the works granted before January 1, 2014 is valid until December 31, 2020.

(2) On the basis of the Heritage Protection Act, which was in force before the entry into force of this Act, the activity permit of the responsible specialist managing the works granted from January 1, 2014 is valid until December 31, 2021.

§ 102. Business license

(1) Entrepreneurs who operated on the basis of an activity license before the entry into force of this Act become, upon the entry into force of this Act, entrepreneurs operating in the field of activity subject to a notification obligation, and their notification obligation is deemed to have been fulfilled upon the entry into force of this Act, taking into account the specifics provided in subsection 2 of this section.

(2) If, in order to fulfill the notification obligation specified in subsection 1 of this section, additional data must be submitted compared to the requirements that were valid until the moment of its entry into force, the entrepreneur must submit these data within 90 days from the entry into force of this Act. If the data is not submitted on time, the notification obligation is not fulfilled.

§ 103. Compensation for research and heritage protection supervision

On the basis of § 48 (2) and § 56 (3) of this Act, the survey and heritage protection supervision determined on the basis and procedure of this Act shall be compensated.

Section 2 Amendment and repeal of laws

§ 104. – § 113. [Omitted from this text.]

Section 3 Entry into force of the Act

§ 114. Entry into force of the law

This law enters into force on May 1, 2019.