

Cultural Heritage Act

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Text in Bulgarian: Закон за културното наследство

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall regulate the preservation and protection of the cultural heritage of the Republic of Bulgaria.
(2) The State shall provide for the protection of the cultural heritage, regardless of its location.

Article 2. (1) The cultural heritage shall include the non-tangible and tangible immovable and movable heritage as an aggregate of cultural values which bear the historical memory and national identity, and have scientific or cultural importance.
(2) Cultural values shall be in the public domain and shall enjoy protection by central and local government authorities in the best interests of the citizens of the Republic of Bulgaria.
(3) (Amended, SG No. 54/2011) Cultural values may be either public or private property. They may be owned by the State, municipalities, the Bulgarian Orthodox Church and the other registered religious denominations, as well as natural persons or legal entities.

Article 2a. (New, SG No. 54/2011) (1) Cultural values, archaeological sites and objects in the sense as per Article 146 (1) originating from the territory and territorial waters of the Republic of Bulgaria, shall constitute public state property.
(2) Cultural values the ownership rights over which have been acquired in accordance with the Municipal Ownership Act shall constitute municipal property.
(3) Cultural values the ownership rights over which have been acquired by natural persons or legal entities by means of a legal transaction, by a statute of limitations or by other means of acquisition, and which are neither public state nor municipal property, shall constitute private property.

Article 3. (1) This Act is intended to create conditions for preservation and protection of the cultural heritage, sustainable development of its preservation policy, and to ensure equal access of citizens to cultural values, while observing the following principles:

1. Equal treatment of the various types of cultural heritage in the course of its protection;
2. Decentralisation of the management and financing of the cultural heritage preservation activities;
3. Openness and transparency in the management of cultural heritage preservation activities.

(2) The right of access to the cultural heritage shall constitute an opportunity to use cultural values by providing physical or intellectual access to them, without damaging or exposing them to any risk.

(3) The State, the municipalities and private individuals shall create conditions for and guarantee equal access of any person to cultural values.

Article 4. (Amended, SG No. 54/2011) The government policy for preservation of the cultural heritage shall be enforced by the Minister of Culture in interaction with the relevant competent central and local government authorities, the Holy Synod of the Bulgarian Orthodox Church and the head offices of the other registered religious denominations, and civil society.

Article 5. (1) (Supplemented, SG No. 54/2011) The State shall make arrangements for the preservation of the cultural heritage in the event of natural disasters and armed conflicts. Any measures aimed at the protection of cultural values owned by the Bulgarian Orthodox Church or other registered religious denominations shall be undertaken with the owners' participation.

(2) (Amended, SG No. 93/2009) The preservation of cultural values in the cases under Paragraph 1 shall follow the rules issued by the Council of Ministers at the proposal of the Minister of Culture, the Minister of Defence and the Minister of the Interior.

Article 6. The following shall be considered as cultural heritage:

1. surface, underground and underwater archaeological sites and objects and reserves;
2. historical sites and compounds;
3. architectural sites and compounds;
4. ethnographic sites and compounds;
5. specimens of garden art and landscape architecture;
6. (supplemented, SG No. 54/2011) natural values (specimens), including anthropological remains discovered in site surveys, pale zoological remains and remains of cultivated plants;
7. industrial heritage;
8. works of fine and applied arts;
9. folk crafts;
10. documentary heritage;

11. audio-visual heritage;

12. oral tradition and language;

13. script and literary values;

14. customs, rites, festivities, rituals and beliefs;

15. music, songs and dances;

16. folk medicine;

17. culinary and ecological traditions;

18. folk games and sports.

Article 7. (1) "Cultural value" shall mean a non-tangible or tangible evidence of human presence and activity, natural sight or phenomenon, which is significant for the individual, the community or society as a whole, and has value from a scientific or cultural point of view.

(2) A cultural value may also be a non-tangible or tangible evidence of human presence and activity, which is significant for the Bulgarian Orthodox Church and the other registered religious denominations.

(3) (New, SG No. 54/2011) Cultural values shall also include fragments of archaeological or other objects that are in disintegrated form, comprise a small part of the authentic whole of the original object, are largely defaced, devoid of any significant cultural, scientific or artistic value, and can be defined as bulk material. These are not subject to identification but are to be included, where necessary, in the auxiliary research stock of museums.

(4) (Renumbered from Paragraph 3, amended, SG No. 54/2011) The following items shall not constitute cultural values in the sense as per this Act:

1. machine-minted coins and coin-like objects of no research significance or exhibition value, with the exception of especially rare or valuable items identified as cultural values in accordance with this Act]

2. machine-produced objects that bear no signature or maker's mark or are manufactured in large quantities, are devoid of any significant cultural, scientific or artistic value or are not related to any historic personality or event;

3. works of art in the ownership of Bulgarian or foreign authors, or ones that are not older than 50 years;

4. antiques other than works of art that are not older than 100 years, with the exception of especially rare or valuable items identified as cultural values in accordance with this Act;

5. residual matter - waste substance, the product of human activity, that serves no functional or artistic purpose.

(5) (New, SG No. 54/2011) Subject to a proposal by the Minister of Culture or an official designated by him/her, objects as per (4) of major historical, cultural or scientific significance may be identified as cultural values in accordance with this Act.

Article 8. (1) (Amended, SG No. 54/2011) The preservation of the cultural heritage shall be a systematic process of seeking out, studying, identifying, documenting, registering, conserving, restoring and adapting.

(2) The protection of the cultural heritage shall be considered to be a system of measures to ensure its preservation in the best interests of society.

Article 9. (Amended and supplemented, SG No. 54/2011) The immovable cultural heritage shall comprise any and all cultural values that are permanently fixed to the ground, including underwater, and their adjacent surroundings.

Article 10. The movable cultural heritage shall include all other cultural values, including those underwater, except for those under Articles 9 and 42, the importance of which shall not change depending on their location.

Chapter Two

NATIONAL SYSTEM FOR THE PRESERVATION OF THE CULTURAL HERITAGE

Article 11. (1) The national system for the preservation of the cultural heritage shall include the central and local government authorities in charge of the management and supervision of cultural heritage preservation activities, museums, cultural organisations within the meaning of the Protection and Development of Culture Act, as well as the Holy Synod of the Bulgarian Orthodox Church and the head offices of the other registered religious denominations.

(2) The authorities and organisations under Paragraph 1 shall carry out their activities in cooperation with the Bulgarian Academy of Sciences, schools of higher learning, creative unions, professional associations and other non-governmental organisations.

(3) The authorities and organisations under Paragraphs 1 and 2 shall carry out their activities in conformity with the objectives of this Act and with the national cultural heritage strategy as adopted by the Council of Ministers.

Article 12. (1) The government policy in the field of the cultural heritage shall be guided and carried out by the Council of Ministers.

(2) (Amended, SG No. 54/2011) The strategic goals of the management and protection of the cultural heritage shall be included in the Strategy as per Article 2a of the Protection and Promotion of Culture Act, following a broad public debate with the participation of interested scientific and cultural organizations, non-profit legal entities and registered religious denominations.

(3) The Council of Ministers shall:

1. (repealed, SG No. 54/2011);
2. adopt plans for the preservation and management of immovable cultural values;
3. grant concessions on immovable cultural values;
4. establish state-owned cultural institutions at the proposal of the Minister of Culture.

(4) (New, SG No. 54/2011) By decision of the Council of Ministers:

1. immovable archaeological cultural values in public state ownership may be handed over gratuitously to be managed by institutions and municipalities for the performance of activities pertinent to the conservation and presentation of cultural values, for a term of up to 10 years, subject to a proposal by the Minister of Culture;

2. a property having the status of an immovable cultural value categorized as "of world significance" or "of national significance", declared or registered in accordance with this Act, where in the ownership of a natural person or legal entity, may be swapped for a property of equal value in private state ownership, or for building rights on a land plot in private state property. Based upon Council of Ministers' decision, the head of the relevant authority must issue the relevant order and conclude a swap

(5) (New, SG No. 54/2011) Based upon the Council of Ministers' decision as per (4), subparagraph 1, the Minister of Culture shall conclude and agreement that regulates the rights and obligations of both parties.

(6) (New, SG No. 54/2011) Activities pertinent to the conservation of immovable cultural values as per Article 4, subparagraph 1, as well as any other scientific, cultural, educational and tourism-related activities shall be carried out in accordance with the provisions of this Act by an archaeological museum or a specialized museum of history based within the territory of the relevant municipality, and in the absence of such a museum, by the nearest regional museum, whereby the relations between said museum and the relevant municipality shall be regulated by an agreement.

(7) (New, SG No. 54/2011) Based upon the Council of Ministers' decision, the property is to be handed over by means of a standard form handover protocol, to be approved by the Minister of Culture. The handover period for the property is to be determined by said Council of Ministers' decision.

(8) (New, SG No. 54/2011) Immovable cultural values that have been handed over to be managed in accordance with (4), subparagraph 1, may not be used for purposes other than their intended purpose, or to be handed over to be managed by third parties.

(9) (New, SG No. 54/2011) Any breach of the restrictions as per (8), or any failure to fulfill any of the obligations hereunder, shall result in the authorization to manage such cultural values being revoked.

(10) (New, SG No. 54/2011) Proceeds from cultural values shall be remitted to the budget of the relevant authority or municipality and shall be spent on activities pertinent to the protection of cultural values, their conservation or restoration, on museum and other activities relevant to the conservation of the cultural heritage.

Article 13. (1) The Holy Synod of the Bulgarian Orthodox Church and the head offices of the other registered religious denominations may propose to the Minister of Culture the registration of cultural values of significance for the Bulgarian Orthodox Church and the other registered religious denominations in accordance with the provisions of this Act.

(2) The authorities under Paragraph 1, in consultation with the Minister of Culture, shall adopt rules for the cultural values managed by them and shall set up management bodies in accordance with the regimes for their preservation.

(3) Before the 30th of June of each year, the Holy Synod of the Bulgarian Orthodox Church and the head offices of the other registered religious denominations shall submit to the Minister of Culture a report on their activities for the preservation of cultural values during the preceding year.

Article 14. (1) (Previous Article 14, SG No. 54/2011) The Minister of Culture shall:

1. make proposals on the entry of immovable cultural values into the World Heritage List;
2. grant status of immovable cultural values;
3. grant national treasure status to movable cultural values;
4. issue licenses for on-site archaeological excavations;
5. issue licenses for the establishing of private museums;
6. issue registration certificates to persons dealing in cultural values;
7. issue licenses for the making of copies and replicas of cultural values;
8. issue licenses for the presentation of cultural values in national and international exhibitions;
9. award contracts and adopt plans for the preservation and management of immovable cultural values;

10. organise and carry out the activities related to the granting of concessions on immovable cultural values and the implementation of the concession contracts in accordance with this Act and the Concessions Act;

11. (amended, SG No. 92/2009) issue export licenses pursuant to Council Regulation (EC) No. 116/2009 of 18 December 2008 on the Export of Cultural Goods (OB, L 39/1 of 10 February 2009), hereinafter referred to as "Regulation 116/2009", and temporary export licenses for movable cultural values;

12. (amended, SG No. 92/2009) coordinate, organise and supervise the activities related to:

- a) the return of unlawfully exported movable cultural values- national treasure;
- b) protection of cultural heritage, related to Bulgarian history and culture outside the territory of the Republic of Bulgaria;
- c) monitoring of immovable cultural values;
- d) methodology and defining of regimes for preservation of immovable cultural values and their environment;

13. (amended, SG No. 92/2009, SG No. 54/2011) shall coordinate:

- a) (amended, SG No. 82/2012, effective 26.11.2012) terms of reference for the design, conservation and management plans, zoning schemes and plans and amendments thereto, specific rules and norms thereto, and development projects, in respect of single and group immovable cultural values, within their borders and guarded areas in cases as provided hereunder;
- b) terms of reference for the design of museum buildings and the permanent exhibitions therein;
- c) (supplemented, SG No. 82/2012, effective 26.11.2012) development projects for the construction and placement of monuments, monumental-decorative structures and elements in/from public spaces, in urban and non-urban areas, as well as their translocation or removal.

14. (amended, SG No. 54/2011, effective 26.11.2012) exercise ownership rights of the state over cultural values;

15. keep registers of the types of cultural values, of museums and other registers set out in this Act;

16. exercise also other powers provided by law.

(2) (New, SG No. 54/2011, supplemented, SG No. 82/2012, effective 26.11.2012) Projects and initiatives as per (1), subparagraph 13, item (c) shall be sanctioned on the basis of a decision by the Specialized Expert Council for the Visual Arts under the Minister of Culture.

Article 15. (1) (Amended, SG No. 92/2009) The Inspectorate for the Preservation of the Cultural Heritage shall be established at the Ministry of Culture

(2) The Inspectorate shall exercise control over the compliance with the provisions of this Act and the documents issues thereunder in connection with:

1. the conducting of ground and underwater archaeological excavations;
2. the territorial and spatial protection of immovable cultural values;
3. the preservation of movable and immovable cultural values in museums;
4. the conducting of conservation and restoration works on movable and immovable cultural values;
5. the implementation of existing concession contracts.
6. (new, SG No. 54/2011) protection of bibliographic and literary cultural values kept in libraries and archives: manuscripts, archive items and old printed books.
7. (new, SG No. 54/2011) execution of transactions involving movable cultural values.

(3) The Inspectorate shall control also the compliance with the requirements of this Act by natural persons and legal entities in accordance with the existing legislation.

Article 16. (1) The Inspectorate shall consist of a head office and regional inspectorates for the preservation of the cultural heritage.

(2) Regional inspectorates shall be established in each planning region within the meaning of the Regional Development Act.

(3) The powers of the inspectorates at the regional units shall be exercised in the planning regions under Paragraph 2.

(4) (Repealed, SG No. 92/2009)

(5) (Amended, SG No. 54/2011) The Regional Governors in the territory of the region under Paragraph 2 shall provide the logistic, organisational and technical conditions for the work of inspectors.

(6) (Supplemented, SG No. 92/2009, amended, SG No. 15/2012) The structure, functions and staffing levels at the head office and the regional inspectorates shall be set out in the Rules of the Ministry of Culture and the minimum eligibility requirements for the position of "inspector" - in the Classifier of Positions in the Administration.

Article 17. (1) The mayors of municipalities shall organise and coordinate the implementation of the cultural heritage preservation policy within the territory of the respective municipality by means of:

1. providing assistance to activities related to the search, study, preservation and promotion of cultural values within their powers;
2. establishing a public council for the protection of the cultural heritage as a consultative body at the municipality.

(2) Municipal Councils shall:

1. adopt a strategy for the preservation of the cultural heritage within the territory of the respective municipality in conformity with the national strategy under Article 12, Paragraph 2;
2. grant concessions on municipal properties that constitute immovable cultural values;
3. establish a municipal cultural fund pursuant to the provisions of the Protection and Development of Culture Act;
4. adopt rules on the structure and activities of municipal museums in consultation with the Minister of Culture;
5. provide funding through targeted municipal budget resources for the activities under Paragraph 1, subparagraph 1.

Article 18. (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) (1) The National Institute of Immovable Cultural Heritage (NIICH) shall be a state-owned cultural institute of national importance operating in the field of conservation of the immovable cultural heritage, including research in the field of seeking out and study of the immovable cultural heritage.

(2) The National Institute of Immovable Cultural Heritage shall be a legal entity funded by the national budget and a secondary budget spender under the Minister of Culture.

(3) To perform its functions, NIICH shall have the right to form territorial units

Article 19. (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) (1) The National Institute of Immovable

1. assist the Minister of Culture in the exercise of his/her powers for the implementation of the government policy in the field of the preservation of the immovable cultural heritage;
2. seek out and study the immovable cultural heritage, including through scientific research;
3. prepare preliminary and comprehensive assessments and justified proposals for declaring and for granting the status of immovable cultural values;
4. propose to the Minister of Culture to define the regimes for protection of immovable cultural values;
5. provide for the specialised records of immovable cultural values and of the available information about them;
6. keep a public register of immovable cultural values, maintain a national archive and set up an information center;
7. create and maintain a specialized map and registers in the sense as per Article 32 (1), subparagraph 2 of the Cadastre and Property Register Act, in respect of the immovable cultural heritage;
8. issue documents and authenticated copies thereof, make excerpts from, and copies, of, archive items;
9. establish, maintain and develop an information system about the immovable cultural heritage;
10. prepare drafts for conservation and management plans, expert opinions, terms of reference, pilot projects and others in respect of the immovable cultural heritage
11. perform other functions as provided by law.

(2) To perform the functions as per (1), subparagraph 8, NIICH shall collect fees at rates determined by a tariff of the Council of Ministers.

Article 20. (Amended, SG No. 92/2009, effective 20.11.2009) The structure and activities of the NIICH shall be set out in rules adopted by the Council of Ministers.

Article 21. (1) The Underwater Archaeology Centre shall be a state-owned cultural institute in the field of the preservation of the underwater archaeological heritage of the Republic of Bulgaria.

(2) The Underwater Archaeology Centre shall be a legal entity supported by the budget with its seat in the town of Sozopol and a secondary budget spending unit at the Minister of Culture.

Article 22. The Underwater Archaeology Centre shall:

1. assist the Minister of Culture in the exercise of his/her powers for the implementation of the government policy in the field of the preservation of the underwater cultural heritage;
2. coordinate the activities related to the management and study of the underwater archaeological heritage;
3. maintain a register of underwater cultural values.

Article 23. (Amended, SG No. 54/2011) The structure and activities of the Underwater Archaeology Centre shall be set out in rules issued by the Minister of Culture.

Article 24. (Amended, SG No. 54/2011) A museum shall be a cultural and research organisation that seeks out, studies, preserves and presents cultural values, and natural specimens and anthropological remains for cognitive, educational and aesthetic purposes.

Article 25. (Amended, SG No. 54/2011) (1) A museum shall be established provided that there exist:

1. cultural values, identified in accordance with the Ordinance as per Article 107 (1), to be presented in the form of a museum exhibition;
2. buildings which provide conditions for the preservation of movable cultural values, as defined in accordance with the Ordinance as per Article 34 (6), and the conditions for the presentation of immovable cultural values as defined in accordance with the Ordinance as per Article 185;
3. a permanent source of funding the operation of the museum (to cover the building's and staff operational costs, as well as funds for seeking out, study, conservation and presentation of movable cultural and natural values and specimens);
4. experts with adequate qualifications in accordance with the classifier as per Article 37 (2).

(2) Museums can be established:

1. to showcase personalities, activities, phenomena or events, or thematically defined groups of artefacts, objects and samples that, although they may not have the capacity of movable cultural values, or have not acquired such capacity, jointly constitute items of scientific, cultural, public, religious or tourist interest;
2. contingent upon the existence of buildings and premises providing adequate conditions for the preservation and presentation of the objects as per subparagraph 1.

(3) The establishment of museums as per (2) and the displaying of their collections in exhibitions shall be in accordance with an ordinance issued by the Minister of Culture.

Article 26. (1) In terms of their thematic scope, museums shall be:

1. general, whereby their activities thematically cover diverse fields of knowledge and art, and build on cultural values of different classification types in their main stocks;
2. specialised, whereby their activities cover a specific field of knowledge or art, a distinct part thereof or a separate theme of the development of society or nature, and build on cultural values in their main stocks, the classification type of which determines their thematic scope.

(2) In terms of their territorial scope, museums shall be:

1. national, operating at a nationwide level;
2. regional, operating within the territory of two or more municipalities;
3. local, operating within a single municipality.

(3) The territorial scope and methodological functions of national and regional museums shall be determined by the Council of Ministers at the proposal of the Minister of Culture.

(4) The thematic and territorial scope of local museums shall be determined by the act of their incorporation.

Article 27. (1) In terms of their ownership, museums shall be state-owned, municipal, private, and mixed.

(2) State-owned museums shall be established and shall operate on the basis of cultural values, buildings and annual subsidies provided by the State.

(3) Regional museums shall be established and shall operate on the basis of cultural values and buildings provided by the State or by the municipalities, and shall be financed pursuant to the provisions of Article 40.

(4) Municipal museums shall be established and shall operate on the basis of cultural values and buildings provided by the municipality, and shall be financed through the municipal budget.

(5) Archaeological cultural values, as well as other movable cultural values, which are owned by the State, may be made available for use to regional and municipal museums free of charge or for consideration.

(6) Private museums shall be established and financed by natural persons or legal entities on the basis of movable cultural values which they have legitimately acquired.

(7) The State and the municipalities may establish mixed museums jointly with either natural persons or legal entities. These museums shall be considered as cultural organisations within the meaning of the Protection and Development of Culture Act, registered pursuant to the Non-for-profit Legal Entities Act to pursue museum activities as activities to the public benefit.

(8) In the case of mixed museums, the relations between the parties shall be settled in the act of incorporation, specifying their rights and obligations pursuant to the provisions of Article 25. The draft act of incorporation shall be consulted with the Minister of Culture within three months of the date of the application.

Article 28. (1) State-owned, regional and municipal museums shall be cultural and research institutes to be established, managed, financed, re-organised, and closed down in accordance with the provisions of this Act and of the Protection and Development of Culture Act.

(2) Museums may have subsidiaries to be established, reorganised and closed down in accordance with the rules applicable to the respective museum. The structure and activities of subsidiaries shall be set out in the rules of the museum to which they have been established.

(3) State-owned museums having the features set out in Article 7, Paragraph 1 of the Protection and Development of Culture Act may acquire the status of state-owned cultural institutes of national importance.

(4) (Amended, SG No. 101/2010, supplemented, SG No. 54/2011) Research groups of experts holding academic degrees or occupying academic positions shall be established at museums. In methodological terms, research groups shall be subordinated to specialised research institutions. The terms and the procedure for their establishment and operation shall be set out in an ordinance issued by the Minister of Culture.

(5) (New, SG No. 54/2011) Eligible for the position of Director of a state, regional or municipal museum shall be individuals who:

1. have a master's degree in a subject relevant to the professional field of the position, and

2. have professional experience:

(a) of 5 years, for state and regional museums, in the professional field of the position, or

(b) of 3 years, for municipal museums, in the professional field of the position.

(6) (New, SG No. 54/2011, amended, SG No. 77/2012) Museum directors as per (5) shall be appointed on the basis of a competitive procedure for a term of 5 years, unless otherwise provided by a special law. The competitive procedure for directors of state museums with the Ministry of Culture shall be conducted under the procedure, provided for in the ordinance under Article 5(4) of the Protection and Development of Culture Act and of municipal and regional museums - by a commission appointed in accordance with the Labour Code, which shall comprise a representative of the Ministry of Culture

Article 29. (Amended, SG No. 54/2011) (1) The structure and activities of museums shall be determined by rules:

1. issued by the Minister of Culture, for state-owned museums established under the Minister of Culture;
2. issued by the head of the relevant institution, for state museums established under institutions;
3. adopted by the relevant municipal council, for municipal and mixed-ownership museums.
4. approved by the museum owner, for private museums.

(2) In cases as per (1), subparagraphs 2 and 3, such rules shall be issued subject to a sanction by the Minister of Culture, or a deputy Minister authorized by the Minister of Culture.

Article 30. (1) Private museums shall be considered as cultural organisations within the meaning of the Protection and Development of Culture Act, registered pursuant to the Non-for-profit Legal Entities Act. They shall operate pending the issuance of a license by the Minister of Culture.

(2) A museum license shall be issued on the basis of an application with the following documents attached thereto:

1. an identification certificate or passport - for cultural values which rank as national treasure and a cultural values registration document;
2. a document certifying the right to own or hold the values;
3. a court registration certificate;
4. (amended, SG No. 54/2011) documents certifying the compliance with the requirements set out in Article 25 (1), subparagraphs 2, 3 and 4;
5. draft rules of the museum.

(3) Within three months of the date of the application, the Minister of Culture shall issue the license or refuse to issue the license with the reasons thereof.

(4) The museum license may be withdrawn by the Minister of Culture at the proposal of the Director of the Inspectorate with the reasons thereof, where the private museum has committed systematic breaches of this Act.

Article 31. Regardless of the type of organisation and form of ownership, museums shall be guided by:

1. the Ministry of Culture in methodological terms;
2. by the Mayor of the municipality or the owner in administrative and organisational terms;
3. by the Bulgarian Academy of Sciences and the relevant departmental and research institutes and institutions in research terms.

Article 32. (1) The Ministry of Culture shall set up and maintain a register of museums, entering administratively:

1. national, regional and municipal museums - in accordance with the act of their incorporation;

2. private museums - in accordance with the license issued by the Minister of Culture;

3. mixed museums - in accordance with the court decision on their entry into the relevant register.

(2) The details subject to entry into the register under Paragraph 1 and the terms and conditions for making the entries shall be set out in an ordinance issued by the Minister of Culture.

Article 33. (Repealed, SG No. 54/2011).

Article 34. (1) Museums shall keep main stocks, exchange stocks, and auxiliary research stocks.

(2) (Amended, SG No. 54/2011) Movable cultural values constituting national treasure shall form a National Museum Stock. Any and all functions pertinent to the Stock's management shall be determined by the ordinance as per (6).

(3) The main stocks shall include the movable cultural values of outstanding scientific and cultural importance, which the museum has acquired or received for use free of charge, as well as those which correspond to its thematic scope.

(4) The exchange stocks shall include movable cultural values which do not correspond to its thematic scope, as well as recurrently repeated cultural values in the main stocks.

(5) The auxiliary research stocks shall include objects and other materials of significance to the research, exhibition and educational activities of the museum.

(6) (Amended, SG No. 54/2011) The procedure of the formation, management and identification of museum stocks shall be set out in an ordinance issued by the Minister of Culture.

Article 35. (1) The main activity of the museum shall be the preservation and presentation of movable and immovable cultural values.

(2) Museums shall publish scientific, educational and promotional materials, and shall carry out appraisals of cultural values owned by other legal entities or natural persons.

(3) Museums may engage also in other business activities, where the latter are related to their main activity.

Article 36. (Amended, SG No. 54/2011) With a view to their thematic scope, national and regional museums shall provide methodological assistance to municipal, private and mixed museums.

Article 37. (1) (Amended, SG No. 54/2011) The activities under Article 35, Paragraph 1 and Article 36 shall be carried out by persons with professional qualifications in accordance with the requirements defined by the classifier as per (2).

(2) The Minister of Culture shall approve the classifier of main museum positions and the eligibility requirements thereof.

Article 38. (1) Directors and employees of national, regional, municipal and mixed museums shall not be entitled to acquire stocks or single cultural values within the thematic scope of the museum, unless by inheritance which shall be subject to declaration within a month of the date of acceptance of the inheritance.

(2) The directors and employees of the museums under Paragraph 1 shall submit a declaration in a format approved by the Minister of Culture concerning the cultural values they own upon their recruitment.

(3) The persons under Paragraph 1 shall not be entitled to engage in business operations with cultural values within the thematic scope of the museum.

Article 39. Museums shall be financed from the following sources:

1. the central government budget and municipal budgets;
2. their founders;
3. own resources;
4. state fees charged on the provision of services and the issuance of documents and duplicates thereof;
5. winning projects in international and national programmes;
6. gifts, wills, sponsorship.

Article 40. (1) State-owned museums shall be financed from the central government budget through the budget of the institution to which the museum is established.

(2) Regional museums shall be financed from the following sources:

1. the municipalities within the territory of which their head office is located, providing additional targeted resources from the central government budget;
2. contributions to their budgets also from the municipalities within the territory of which these museums operate, the amount being determined at a decision of the respective municipal councils on an annual basis.

(3) Municipal museums shall be financed from the budget of the respective municipality.

(4) Private museums shall be financed with resources of their founders.

(5) Mixed museums shall be financed with resources from the central government budget or the budget of the respective municipality and own resources of their founders.

Article 41. (1) State-owned and municipal museums shall be budget-supported legal entities and secondary budget spending units.

(2) (Repealed, SG No. 54/2011).

Chapter Three

INTANGIBLE CULTURAL HERITAGE

Article 42. (1) The following shall be considered as intangible cultural heritage:

1. oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
2. performing arts;
3. social practices, rituals and festive events;
4. knowledge and practices concerning nature and the universe;
5. knowledge and skills related to traditional craftsmanship.

(2) The Ministry of Culture shall keep a register of the intangible cultural heritage under terms and conditions set out in an ordinance issued by the Minister of Culture.

Article 43. (1) The National Intangible Cultural Heritage Council shall be established with the Minister of Culture to:

1. assist the development of a strategy for the safeguarding and promotion of traditional Bulgarian culture and folk art;
2. propose measures for the implementation of international acts concerning the intangible cultural heritage to which the Republic of Bulgaria is a party;
3. propose measures for the improvement of the systems intended to safeguard the intangible cultural heritage;
4. give recommendations on issues concerning the safeguarding, preservation and promotion of the intangible cultural heritage;
5. propose for approval by the Minister of Culture of the elements of intangible cultural heritage to be included on the national representative list of the intangible cultural heritage.

(2) The membership, functions and activities of the Council shall be set out in rules issued by the Minister of Culture.

Article 44. The cultural organisations which have been established to safeguard the intangible cultural heritage and have acquired the status of UNESCO centres shall be entitled to receive subsidies from the central government budget.

Chapter Four

TANGIBLE CULTURAL HERITAGE

Article 45. The classification of immovable cultural values shall be based on:

1. their belonging to a specific historical period;
2. the research and cultural field to which they pertain;
3. (amended, SG No. 54/2011) their spatial structure and territorial scope;
4. the degree of their exposure to danger.

Article 46. In terms of their belonging to a specific historical period, immovable cultural values shall be: pre-historic, ancient,

Article 47. In terms of the research and cultural field to which they pertain, immovable cultural values shall be:

1. archaeological: material traces of human activity which are inseparable from the environment in which they have been created, being identified through archaeological excavations;
2. historical: buildings, installations, other structures and memorable sites related to historical landmark events and personalities;
3. architectural and structural: buildings, installations, structures, parts or combinations thereof, which have historical, aesthetic, technical, cultural, technological, spatial and functional value;
4. artistic: works of fine and applied arts, which are inseparable elements of the environment in or for which they have been created;
5. urban: distinguishable parts of settlement territories and communities whose elements are spatially interconnected and may be discerned topographically;
6. (amended, SG No. 54/2011) cultural landscape: the set of spatially distinguishable lasting cultural layers resulting from the interaction between man and nature, which are characteristic of the cultural identity of a given territory;
7. park and garden art: historic parks and gardens of importance to the development of the garden development art and science;
8. ethnographic: material evidence of lifestyle, craftsmanship, skills, rituals and beliefs related to the spatial environment;
9. (new, SG No. 54/2011) cultural route: the combination of the historical route of a traditional road and the adjoining sites of the immovable cultural heritage and landscapes.

Article 48. (Amended, SG No. 54/2011) In terms of spatial structure and territorial scope, immovable cultural values shall be:

1. single;
2. group:
 - (a) ensemble - territorially distinguishable structure of sites of the immovable cultural heritage, whose elements are in specific meaningful, spatial and aesthetic interconnections among themselves and with the adjacent environment;
 - (b) compound - a variety of the ensemble, whose elements are functionally interconnected;
 - (c) historical settlement - urban structure filled with cultural and historical values from one or more epochs;
 - (d) historical zone - distinct urban, non-urban or underground territory or part of aquatory filled with cultural and historical values from one or more epochs;
 - (e) (amended, SG No. 54/2011) archaeological reserve: a distinct territory or part of the territorial waters rich in archaeological immovable values, whether discovered or in the process of being sought out, above or below the ground's or water's surface, including archaeological and/or cultural strata unearthed as a result of construction activities.

Article 49. In terms of their exposure to danger, immovable cultural values shall be:

1. cultural values at risk - for which there exists a potential threat of damage or destruction due to:
 - (a) location in seismic areas, areas of large-scale construction works, in the vicinity of territories exposed to a great risk of

floods or ongoing changes resulting from geological, climate and other natural factors;

(b) threat of an armed conflict and terrorist attacks;

2. endangered cultural values - for which there exists a real threat of damage, vandalism, destruction or serious impairment of their integrity due to:

(a) rapid disintegration of their original substance, leading to substantial change in their structure;

(b) rapid degradation of the environment;

(c) visible loss of their authentic appearance.

Article 50. (1) In terms of their cultural and research importance and social significance, immovable cultural values shall fall into the following categories:

1. "of universal importance" - those entered in the World Heritage List;

2. "of national importance" - archaeological reserves, as well as other cultural values of outstanding importance to the nation's culture and history;

3. "of local importance" - those related to the culture and history of settlements, municipalities or regions;

4. "of ensemble importance" - those supporting the spatial characteristics and architectural typology of the group value to which they belong;

5. (new, SG No. 54/2011) "for reference only" - self-contained sites of low individual value that contribute information to the scientific or cultural area to which they belong.

(2) (Amended, SG No. 54/2011) The terms and conditions for the categorisation of the immovable cultural values under Paragraph 1 shall be set out in a decree by the Minister of Culture.

(3) (Amended, SG No. 54/2011) The status of archaeological reserves under Paragraph 1, subparagraph 2 shall be established by this Act ; said reserves shall be listed in accordance with the appendix.

Article 51. The classification of movable cultural values shall be based on:

1. their belonging to a specific historical period;

2. the research and cultural field to which they pertain.

Article 52. In terms of their belonging to a specific historical period, movable cultural values shall be as follows: pre-historic, ancient, medieval, Renaissance, belonging to new and modern times.

Article 53. In terms of the research and cultural field to which they pertain, movable cultural values shall be:

1. archaeological: movable objects discovered in the ground, on its surface or underwater, and testifying to epochs and civilisations studied by archaeology;

2. ethnographic: movable objects testifying to the lifestyle and work, traditions, customs, rituals, beliefs and craftsmanship, which enable the study of the ethnic characteristics and changes in the tangible and intangible culture;

3. **historical: movable objects related to historic landmark events and personalities;**
4. (supplemented, SG No. 54/2011) **artistic: works of fine arts in all their techniques and varieties, including philatelic specimens;**
5. **natural: specimens of the flora, fauna, palaeontologic and mineral formations;**
6. **technical: products of technical culture;**
7. **archives: documents of cultural and scientific importance, regardless of the time, location, medium and technique of their execution;**
8. **script: manuscript cultural values dating before the end of the 18th century, old printed rare and valuable editions of scientific, cultural, polygraphic or bibliographic importance;**
9. **literary: documentary and physical cultural values related to the overall history of literature.**

Article 54. (1) Depending on their scientific and cultural importance, movable cultural values may acquire the status of national treasure.

(2) National treasure shall be considered to be a cultural value of outstanding importance to science, culture, nature or technological progress, whose destruction, damage or loss would constitute irreparable loss to society and which shall meet any or all of the following criteria:

1. to be a unique, most typical or rare specimen of human activity or creativity for the period of its origin;
2. to have proven authenticity and high scientific and artistic value;
3. to be related to or to represent evidence of ideas, beliefs, events or outstanding personalities of decisive importance to the development of society.

Chapter Five

PRESERVATION OF THE IMMOVABLE CULTURAL HERITAGE

Section I Identification

Article 55. (Amended, SG No. 54/2011) The identification of sites and objects of the immovable cultural heritage shall constitute a systematic process of seeking out, study and preliminary evaluation of the site or object under examination as an immovable cultural value.

Article 56. (Amended, SG No. 54/2011) The identification of sites and objects of the immovable cultural heritage shall include:

1. Seeking out - establishing the location and the generic type of the site by means of on-site examination or study of archives and physical evidence;

2. (amended, SG No. 54/2011) Study: interdisciplinary research process involving on-site exploration, identification of the scientific and cultural characteristics of the site, and recording;
3. (amended, SG No. 54/2011) preliminary evaluation - identification of characteristics of the site or object under examination as immovable cultural value.

Article 57. (1) (Amended, SG No. 92/2009, effective 20.11.2009) The search and study of immovable cultural values, except for archaeological ones, shall be carried out by the NIICH, research organisations, higher schools, museums, natural persons and legal entities within the framework of:

1. annual territorial programmes approved by the Minister of Culture; or
2. proposals by municipal authorities, regional governors, natural persons and legal entities.

(2) (New, SG No. 54/2011) The seeking out and study of immovable archaeological values shall be carried out by persons duly licensed to perform on-site surveys in accordance with this Act.

(3) (Amended, SG No. 92/2009, effective 20.11.2009, renumbered from Paragraph 2, amended, SG No. 54/2011) The preliminary evaluation as per Article 56 (3) of immovable cultural values, with the exception of archaeological items unearthed in rescue surveys, shall be carried out by the NIICH on the basis of the scientific assessment performed by the persons as per (2) and (2), in accordance with the ordinance as per Article 50 (2).

(4) (New, SG No. 54/2011) The preliminary evaluation of sites and objects unearthed in rescue archaeological surveys shall be carried out by an expert panel appointed in accordance with Article 159 (2). The operational procedure of said expert panel shall be determined in accordance with the ordinance as per Article 50 (2).

Section II Declaration

Article 58. (1) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) Sites which may be identified as immovable cultural values shall be declared as such by an order issued by the Minister of Culture subject to a proposal by the Director of the NIICH, on the basis of a preliminary evaluation as per Article 57 (3) and (4). Such proposal shall include a preliminary categorization, classification and provisional conservation regimes in respect of such sites and objects.

(2) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) The order as per (1) shall determine the preliminary classification and category of the site or object of the immovable cultural heritage as well as the provisional conservation regimes in respect thereof.

(3) (New, SG No. 54/2011) In cases where the preliminary evaluation as per Article 57 (3) finds the site or object under examination to be devoid of any characteristics of an immovable cultural value, the NIICH Director shall submit a well-justified proposal to the Minister of Culture for a refusal to declare.

(4) (Amended, SG No. 92/2009, effective 20.11.2009, renumbered from Paragraph 3, SG No. 54/2011) Any natural person or legal entity may submit a proposal to the Ministry of Culture for the declaration of immovable sites. The proposal may be submitted also through the relevant regional inspectorate for the protection of the cultural heritage.

Article 59. (1) (Amended, SG No. 92/2009, effective 20.11.2009) The declaratory act and the attachments thereto shall be

(2) (Amended, SG No. 92/2009, effective 20.11.2009, supplemented, SG No. 54/2011) Municipal administrations shall notify the owners of declared immovable sites, and for archaeological sites, also the director of the relevant regional museum, in writing within 14 days of receiving the declaratory act and shall send a copy of the notice forthwith to the relevant regional inspectorate for the preservation of the cultural heritage, which shall advise the NIICH accordingly.

(3) (Amended, SG No. 54/2011) The provisional regimes for the preservation of immovable sites shall enter into force on the date of the notification to the owner under Paragraph 2, and shall be binding on all natural persons and legal entities.

(4) (Amended, SG No. 54/2011) Declared immovable sites shall have the status of immovable cultural values until they are established as such in accordance with the procedure as per this Act.

Article 60. (Amended, SG No. 92/2009, effective 20.11.2009, supplemented, SG No. 54/2011) The National Institute of Immovable Cultural Heritage shall keep a public register of the declaratory acts issued pursuant to the provisions of Article 59, Paragraph 1 and the acts ending the provisional regime as per Article 62 (1).

Article 61. (Amended, SG No. 92/2009, effective 20.11.2009) (1) (Previous Article 61, amended, SG No. 54/2011) Declared immovable sites shall be subject to final evaluation in connection with their registration as cultural values, which shall be carried out by the NIICH in interaction with specialised institutions and competent persons.

(2) (New, SG No. 54/2011) The final evaluation as per (1) seeks to establish the cultural and scientific value and the public significance of the site or object, its authenticity, degree of preservation and interaction with its environment and with society.

(3) (New, SG No. 54/2011) Immovable archaeological sites or objects granted the status of immovable cultural values in accordance with this Act shall be subject to a final evaluation. Where such immovable archaeological sites or objects are located within the territory of group archaeological values, they shall be subject to a final evaluation for the purpose of being granted the status of single immovable cultural values.

(4) (New, SG No. 54/2011) Discovered and studied immovable sites and objects of the cultural heritage in respect of which there are sufficient data to support a final evaluation shall be exempted from the requirements as per Article 58 (1) and (2); the status of an immovable cultural value shall be granted to, or withheld from, such sites or objects in accordance with the procedure as per Chapter Five, Section III.

(5) (New, SG No. 54/2011) The final evaluation of sites or objects as per (1), (3) and (4) shall be performed in accordance with the ordinance as per Article 50 (2).

Article 62. (1) (Amended, SG No. 92/2009, effective 20.11.2009, supplemented, SG No. 54/2011) Where the comprehensive evaluation makes it clear that the declared immovable sites do not possess the features of immovable cultural values, the Minister of Culture shall, subject to a written opinion by the Director of NIICH, issue a statement with reasons thereof to terminate the provisional regimes under Article 59, Paragraph 3.

(2) (New, SG No. 54/2011) Where the final assessment as per Article 61 (3) has established that an immovable archaeological site is devoid of the qualities of a cultural value, it shall be stripped of its status as such by an order of the Minister of Culture.

(3) (Amended, SG No. 92/2009, effective 20.11.2009, renumbered from Paragraph 2, supplemented, SG No. 54/2011) The Ministry of Culture shall notify the municipal administrations and the relevant regional inspectorate for the preservation of the cultural heritage and, if relevant, the Underwater Archaeology Centre, of the statement issued under Paragraph 1 or 2 within seven days.

(4) (Renumbered from Paragraph 3, amended, SG No. 54/2011) Municipal administrations shall notify the owners of immovable sites in writing within seven days of the reception of the statement under Paragraph 3.

Article 63. (Amended, SG No. 92/2009, effective 20.11.2009) The refusals by the Minister of Culture to declare immovable cultural values, declaratory acts, and the statements under Article 62, Paragraph 1 may be challenged by the owners of immovable sites within 14 days of their notification pursuant to the provisions of the Administrative Procedure Code.

Section III

Granting immovable cultural value status

(Title amended, SG No. 54/2011)

Article 64. (1) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) Where the final evaluation as per Article 61 (1), (3) and (4) has found sites or objects of the immovable cultural heritage as possessing the characteristics of immovable cultural values, the Director of the NIICH shall submit a proposal to the Minister of Culture on their classification, categorisation and preservation regimes with regard to the granting of immovable cultural value status to such sites or objects.

(2) (Amended, SG No. 92/2009, effective 20.11.2009) A specialised expert board shall be established with the Minister of Culture. Members of the board shall be the Director of the NIICH, the Director of the Underwater Archaeology Centre, and one representative of the specialised institutes of the Bulgarian Academy of Sciences and of the Chamber of Architects, as well as conservation and restoration experts entered in the register under Article 165 and other experts designated by the Minister of Culture.

(3) (Amended, SG No. 54/2011) Within 1 month from receipt of the proposal under Paragraph 1, the specialised expert board shall submit an opinion to the Minister of Culture.

(4) The board may examine also other issues concerning the preservation of immovable cultural values and prepare opinions thereof at the request of the Minister of Culture.

(5) The structure, organisation and financing of the board shall be set out in rules issued by the Minister of Culture.

Article 65. (1) (Previous Article 65, SG No. 54/2011) The status of immovable cultural values shall be granted on:

1. immovable cultural values in the category "of universal importance" - upon their entry into the World Heritage List by the UNESCO World Heritage Committee at the proposal of the Minister of Culture;

2. (amended, SG No. 54/2011) group immovable cultural values in the category "of national importance" - by an order of the Minister of Culture, in coordination with the Minister of Regional Development and Public Works, and in cases where there are protected areas in the sense as per the Protected Areas Act, or areas of special protection in the sense as per the Biological Diversity Act, falling within the boundaries of the immovable cultural value, also in coordination with the Minister of the Environment and Waters;

3. (amended, SG No. 54/2011) all other categories of immovable cultural values - by an order of the Minister of Culture.

(2) (New, SG No. 54/2011) The orders of the Minister of Culture as per (1), subparagraphs 2 and 3 shall be promulgated in State Gazette.

Article 66. (1) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) Within 14 days, the Minister of Culture shall notify the municipal administrations through the relevant regional inspectorate for preservation of the cultural heritage about the issued act under Article 65.

(2) (Amended, SG No. 54/2011) Municipal administrations shall notify the owners in writing within 14 days from the date of receipt of the act.

(3) (Amended, SG No. 54/2011) The acts granting status under Article 65 (1), subparagraphs 2 and 3, as well as the refusals may be challenged pursuant to the provisions of the Administrative Procedure Code.

Article 67. (1) (Amended, SG No. 54/2011) Proposals in the cases under Article 65, (1), subparagraph 1 shall be submitted for registered immovable cultural values of national importance, which have been included on the Inventory of the Cultural and Natural Heritage of the Republic of Bulgaria.

(2) (Amended, SG No. 92/2009, effective 20.11.2009) Any natural person or legal entity may request the Minister of Culture to include an immovable cultural value into the Inventory. Municipalities may submit requests under the foregoing sentence only with regard to the immovable cultural heritage located within their territory.

(3) The request under Paragraph 2 shall be examined pursuant to the provisions of Article 64.

(4) The Inventory shall be subject to approval by:

1. the Minister of Culture - as regards immovable cultural values; or
2. the Minister of Culture and the Minister of the Environment and Water - as regards mixed natural and cultural values.

(5) The acts under Paragraph 4, as well as the refusals, may be challenged pursuant to the provisions of the Administrative Procedure Code.

Article 68. (1) (Amended, SG No. 92/2009, effective 20.11.2009) The National Institute of Immovable Cultural Heritage shall keep the National Register of Immovable Cultural Values in which the acts under Article 65 shall be entered.

(2) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) The NIICH shall provide details of the status of the property as immovable cultural value, described by its identifier in accordance with the Cadastre and Property Register Act, to the Agency for Land Surveying, Cartography and Cadastre; said Agency for Land Surveying, Cartography and Cadastre shall then forward such data to the Recordation Agency within 14 days, in accordance with Article 6 (1) of the Cadastre and Property Register Act.

(3) The Recordation Agency shall enter a note of the status of immovable cultural value into the registration entry of the respective property within 14 days.

(4) (Amended, SG No. 92/2009, effective 20.11.2009) In the case of transfer or inheritance of properties which are immovable cultural values, the Recordation Agency shall advise the NIICH thereof within 14 days.

Article 69. (1) (Amended, SG No. 54/2011) Any changes in the status of an immovable cultural value or its deletion from the register as per Article 68 shall follow the procedure for declaration and granting the status of an immovable cultural value.

(2) (Amended, SG No. 54/2011) The procedure for the identification, declaration and granting the status of immovable cultural values shall be set out in the rules under Article 50, Paragraph 2.

(3) The rules under Paragraph 2 shall specify also the access to the register under Article 68, Paragraph 1 and the details subject to entry.

(4) (New, SG No. 54/2011) The terms and procedure of the production and maintenance of specialized cartographic registers of the immovable cultural heritage shall be determined by an order of the Minister of Culture and the Minister of Regional Development and Public Works.

Section IV

Rights and Obligations of the Owners or Users of Immovable Cultural Values

Article 70. Owners, concessionaires and users of immovable cultural values shall be entitled to:

1. consultations, expertise and recommendations by the competent authorities for the preservation of the cultural value;
2. receive revenues from entrance tickets, promotional materials, as well as reproductions of the cultural value in photographic, computer, video or another image pursuant to the provisions of this Act;
3. apply for support within the framework of programmes funded through the central or local government budgets or other sources for the purposes of carrying out emergency or fortification works, conservation and restoration needed for the protection of the cultural value;
4. raise and receive voluntary monetary or other aid and gifts from individual persons and institutions.

Article 71. (1) Owners, concessionaires and users of immovable cultural values shall:

1. take care to preserve, keep and maintain them in good condition, while observing the provisions of this Act and the related secondary legislation;
2. (amended, SG No. 92/2009, effective 20.11.2009) inform the NIICH, regional inspectorates for the preservation of the cultural heritage and municipal authorities forthwith of any damage or action against them in violation of this Act;
3. (amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) coordinate pursuant to Article 84, Paragraph 1 and 2 the projects under Article 80, Paragraph 3 and Article 83;
4. present the required documents and ensure access and assistance to the competent authorities in the exercise of their powers provided by law;
5. provide public access, where the use of the immovable cultural value is related to presentation;
6. provide free-of-charge public access to the immovable cultural value for research purposes provided that this will not disturb its normal use or damage the legitimate interests of the owner, concessionaire or user.

(2) (New, SG No. 54/2011) In the event of destruction of an immovable cultural value for reasons of non-fulfilment of their obligations as per (1), subparagraphs 1 and 2, the entities as per (1) shall restore it in its original form, with its original spatial parameters, architectural and artistic features, within a time limit to be determined by the Minister of Culture.

(3) (Renumbered from Paragraph 2, amended, SG No. 54/2011) Owners, concessionaires and users of real estate in which an archaeological site or object has been discovered, or there are data of the existence of such a site or object, shall provide

access of the competent authorities for purposes of inspection of its physical condition, and shall abide by any and all instructions for its preservation.

(4) (New, SG No. 54/2011) Owners, concessionaires and users of real estate in which an immovable archaeological value is preserved and displayed, shall provide public access in accordance with the provisions of the ordinance as per Article 185.

Article 72. (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) (1) In the event of occurrence of circumstances threatening an immovable cultural value with damage or destruction, the owner, concessionaire or user of the relevant real estate shall advise thereof the mayor of the municipality, the director of the regional museum and the head of the regional inspectorate for the preservation of the cultural heritage nearest to the location of the cultural value, and shall undertake immediate steps to secure said cultural value.

(2) Should the circumstances as per (1) occur in respect of immovable archaeological cultural values, including the cases as per Article 160 (2), the owner, concessionaire or user of the relevant real estate in which such cultural value is located shall notify the authorities as per (1) and the director of the regional museum, and where this has occurred in the City of Sofia or in Sofia Region, also the National Institute of Archaeology and its museum under the Bulgarian Academy of Sciences.

(3) The mayor of the relevant municipality or an official designated by the latter and the regional inspectorate for the preservation of the cultural heritage shall issue without delay the necessary instructions for temporary emergency reinforcements of the cultural value affected, and shall determine time limits for their execution.

(4) Non-fulfilment of the obligations as per (1) and (2) and the instructions as per (3) within the set time limit shall result in the municipality performing the necessary measures to secure and temporarily reinforce the cultural value affected, at the cost of the entity as per Article 71 (1), within 14 days from the date of expiry of the time limit as per (3).

(5) The Head of the Regional Inspectorate shall notify immediately the Minister of Culture of the emergence or existence of circumstances as per paragraph (1), as well as of the instructions issued as per (3) and the measures undertaken.

Article 73. (1) (Amended, SG No. 92/2009, effective 20.11.2009, effective 20.11.2009, SG No. 54/2011) Within 14 days from the date of issue of the relevant instruction as per Article 72 (3) in respect of immovable cultural values, with the exception of archaeological ones, the mayor of the relevant municipality shall appoint a commission to include an inspector from the regional inspectorate for the preservation of the cultural heritage, representatives of NIICH, of the regional directorate of the national construction supervision authority and the municipality. Where artistic, ethnographic or historical cultural values are concerned, said commission shall comprise a representative of a thematically relevant museum, and for active sites of religious worship, a representative of the relevant religious denomination.

(2) The commission shall issue a statement of findings to establish the condition of the immovable cultural value, as well as the type and volume of the necessary fortification, conservation, restoration and repair works. A detailed description of the cultural value according to the details of its identification and registration and details of the owner shall be attached to the statement of findings.

(3) (Amended, SG No. 54/2011) On the basis of the statement of findings, the mayor of the municipality shall issue an order, within seven days, obligating the persons under Article 71, Paragraph 1 to undertake the necessary fortification, conservation, restoration and repair works in accordance with project documentation approved in accordance with the procedure as per Article 84 (1) and (2). The order shall be communicated to the parties concerned and may be challenged pursuant to the provisions of the Administrative Procedure Code, and the challenge shall not stay the implementation.

(4) (New, SG No. 54/2011) For archaeological cultural values the provisions of Article 160 (3) shall apply.

Article 74. (Amended and supplemented, SG No. 92/2009, effective 20.11.2009, amended SG No. 54/2011) (1) Where the commission as per Article 73 (1) proposes the dismantling and subsequent reconstruction, according to authentic data, of the

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on immovable cultural value, its owner shall prepare and submit to the Ministry of Culture sufficient graphic, textual and photographic documentation necessary for such reconstruction. Given a positive endorsement by the Minister of Culture or by officials duly authorized by the latter, the mayor of the relevant municipality shall issue an order for said immovable cultural value to be dismantled.

(2) The order as per (1) shall be communicated to the interested parties and can be challenged in accordance with the Administrative Procedural Code. Challenging said order does not constitute a stay of its execution.

(3) Such immovable cultural value shall be reconstructed on the basis of the documentation supplied as per (1), and a development project endorsed in accordance with Article 84.

Article 75. A copy of the orders under Article 73, Paragraph 3 and Article 74 shall be sent to the regional inspectorate for the preservation of the cultural heritage at the location of the property.

Article 76. (1) (Amended and supplemented, SG No. 54/2011) Where the orders under Article 73, Paragraph 3 and Article 74 are not fulfilled within the prescribed time limits, the necessary development, fortification, conservation, restoration and repair works or reconstruction according to authentic data of the immovable cultural value of a part thereof shall be carried out by the State or the municipality respectively.

(2) The activities under Paragraph 1 shall be carried out on the basis of an order issued by:

1. the Minister of Culture - for immovable cultural values in the categories "of universal" or "national importance";
2. the mayor of the municipality - in all other cases.

(3) The order under Paragraph 2 shall specify the costs of the activities under Paragraph 1, which shall be established on the basis of an expert appraisal by independent appraisers.

(4) The attack of the order under Paragraph 2 shall not stay its implementation.

(5) A legal mortgage on the property shall be entered to the benefit of the state or the municipality respectively on the basis of the order under Paragraph 2 to secure their receivable for the costs incurred.

(6) The state or the municipality respectively may request the court to rule on immediate execution with regard to the costs incurred, and to issue a writ of execution pursuant to the provisions of Article 418 of the Civil Procedure Code.

Article 77. Upon repeated failure to fulfil the obligations under Article 71, Paragraph 1, item (1), as duly established, the regulations of Article 73-76 shall apply.

Section V

Territorial Development Protection

Article 78. The territorial development protection of the immovable cultural heritage shall cover:

1. preservation regimes;

2. (repealed, SG No. 82/2012, effective 26.11.2012);

3. development plans of protected territories for the preservation of the immovable cultural heritage and related specific rules and norms;

4. plans for the preservation and management of immovable cultural values;

5. the design, coordination and approval of development plans and project documentation (investment initiatives and intervention projects) within protected territories for the preservation of the immovable cultural heritage and the supervision of their application and implementation;

6. the financing and implementation of activities upon immovable cultural values and their protective zones for the purposes of their preservation and presentation.

Article 79. (1) The regime for the preservation of the immovable cultural value shall be specified in the act concerning its declaration or status granting.

(2) The regime for the protection of the movable cultural value shall indicate the territorial scope and the instructions on the preservation of the immovable cultural value and its environment.

(3) The territorial scope shall be determined in terms of the boundaries of the immovable cultural value and its protective zone.

(4) Where a single cultural value has no definite territorial scope in the act on its declaration or granting of status, its boundaries shall be considered to be the boundaries of the property, while the protective zone shall be considered to be the territory covering the adjacent properties and, in the case of streets of up to 14 metres, the properties across the street and the street space in between.

(5) Single and group immovable cultural values with their boundaries and protective zones shall constitute protected territories for the preservation of the immovable cultural heritage and shall be reflected on the cadastral maps pursuant to the provisions of the Cadastre and Property Register Act, and in the master plans and detailed development plans pursuant to the provisions of the Territorial Development Act.

(6) Protected territories shall cover also archaeological sites and objects located in the ground layers, on their surface, on the ground or underwater, whereby their temporary boundaries and protective zones shall be defined in the site survey license.

(7) (Amended, SG No. 54/2011) Where the available data point to the existence of archaeological sites and objects in definite zones, the Minister of Culture may issue an order in accordance with Article 64 to declare them protected territories in the sense as per paragraph (6).

(8) In the event of a request submitted by religious institutions, the Council of Ministers or the municipal council respectively may allow the conducting of rituals and religious service on immovable cultural values under Article 88, subparagraph 4 which are owned by the state or the municipality, while observing their protection regimes.

(9) (Repealed, SG No. 92/2009, effective 20.11.2009).

Article 80. (1) (Amended, SG No. 82/2012, effective 26.11.2012) Development plans shall specify the objectives, tasks and ways of development of the protected territories for the preservation of the immovable cultural heritage in connection with its protection regimes.

(2) Master plans and detailed development plans for the protected territories and the related specific rules and norms shall be drawn up in conformity with the regimes for the protection of the immovable cultural values.

(3) (Amended, SG No. 92/2009, SG No. 54/2011, SG No. 82/2012, effective 26.11.2012) The development plans under Article 78 and the related specific rules and norms, the terms of reference for their drafting, the sketches in support of proposals as per Article 135 (2) of the Spatial Development Act, prior to their approval, shall be endorsed in accordance with

Article 84.

(4) (Amended, SG No. 92/2009, SG No. 82/2012, effective 26.11.2012) Development plans and the related specific rules and norms that do not conform to the regimes for the preservation of immovable cultural values, do not agree.

Article 81. (1) (Supplemented, SG No. 54/2011) The plans for the preservation and management of single or group immovable cultural values shall cover the regimes and the specific rules and norms under Article 78, subparagraphs 1 and 3, and shall specify:

1. the general features of the protected territory for the preservation of the immovable cultural heritage;
2. the objectives and organisation of management;
3. (amended, SG No. 54/2011) a long-term programme and short-term programmes for the conservation of the immovable cultural value and the implementation of the plan;
4. the financing of the activities for the implementation of the plan;
5. the involvement of partners in the implementation of the plan;
6. the conditions and recommendations for the implementation activities;
7. the monitoring system in the protected territory and the provision of emergency rescue measures therein;
8. the implementation control system.

(2) The plans under Paragraph 1 shall be drawn up in all cases for:

1. immovable cultural values included in the Inventory of the Cultural and Natural Heritage of the Republic of Bulgaria;
2. archaeological reserves;
3. group immovable cultural values of national importance;
4. single immovable cultural values of national importance, where they are subject to concession.

(3) The plans under Paragraph 1 may be drawn up also for other immovable cultural values at the initiative of and upon their assignment and financing by their owner, user or concessionaire, or the municipality in which they are located.

(4) (Amended, SG No. 54/2011) The plans for the preservation and management of single or group immovable cultural values shall be subject to a public discussion in accordance with a procedure defined by the ordinance as per (5).

(5) The scope, structure, content and methodology of the preparation of the plans under Paragraph 1 shall be set out in an ordinance issued by the Council of Ministers.

Article 82. (1) Preservation and management plans shall be assigned and financed by:

1. the Minister of Culture or the persons under Article 67, Paragraph 2 - in the cases under Article 81, Paragraph 2, subparagraph 1;
2. the Minister of Culture - in the cases under Article 81, Paragraph 2, subparagraphs 2 and 4;
3. the municipality where the group immovable cultural value is located - in the cases under Article 81, Paragraph 2, subparagraph 3.

(2) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) Plans for conservation and management and the terms of reference for their preparation shall be subject to endorsement:

1. by the Minister of Culture in accordance with Article 84 (1) and (2);

2. by the relevant municipality, where it is not the assignor of the plan, as well as by the stakeholder institutions.

(3) The plans for the preservation and management of immovable cultural values shall be adopted by:

1. the Council of Ministers - in the cases under Article 81, Paragraph 2, subparagraphs 1 and 2;

2. the Minister of Culture - in the cases under Article 81, Paragraph 2, subparagraphs 3 and 4;

3. the municipal council of the respective municipality in which the immovable cultural value is located - in the cases under Article 81, Paragraph 3.

(4) The plans under Paragraph 3, subparagraph 1 shall be submitted to the Council of Ministers at the proposal of the Minister of Culture in coordination with the Minister of Regional Development and Public Works and, in the cases when protected territories within the meaning of the Protected Territories Act and the Biodiversity Act fall within the boundaries of the immovable cultural value, also with the Minister of the Environment and Water.

(5) (New, SG No. 54/2011) The acts whereby the plans for the conservation and management of immovable cultural values are approved in accordance with (3) shall be promulgated in State Gazette.

Article 83. (Amended and supplemented, SG No. 92/2009, effective 20.11.2009, amended, SG No. 54/2011) (1)

Investment projects and requests for intervention in protected territories for the preservation of the cultural heritage shall be approved and works shall be carried out pursuant to the provisions of the Urban Planning and Development Act, pursuant to Article 84, Paragraphs 1 and 2, as follows:

1. on single cultural values and within their boundaries:

(a) programs, terms of reference, design permits and development projects for: conservation, restoration, adaptation, display, reconstruction according to authentic data, additional structures, superstructures, renewal of structures, structural reinforcement, partitioning, change of purpose, repair and refurbishment, facade colour solutions, artistic lighting, park and garden development and public works;

(b) design permits and investment projects in the architectural section for new principal and supplementary construction works, and in case where archaeological immovable cultural values are present, also the structural designs and the requisite connectors of structures to the mains, networks and facilities of the utility infrastructure;

(c) requests and documentation for current and emergency repair and fortification works;

(d) schemes and projects for movable objects, including road covers, fences, water taps, street lighting and other elements of urban facilities, promotional, information and monumental and decorative elements, as well as electric panel board and gas mains connection boxes, external air conditioning units, cell masts;

2. in protective zones of single cultural values and within the boundaries of group cultural values, unless otherwise provided by the relevant conservation regime:

(a) design permits and investment projects in the architectural section for: new basic and supplementary construction works, reconstruction, superstructures, adding lean-tos, repair and refurbishment involving changes in the external appearance of buildings; and in case where archaeological immovable cultural values are present, also the structural designs and the requisite connectors of structures to the mains, networks and facilities of the utility infrastructure;

(b) design permits and investment projects for park and garden development, and public works;

(c) schemes and projects for movable objects, including road covers, fences, water taps, street lighting and other elements of urban facilities, promotional, information and monumental and decorative elements, as well as electric panel board and gas mains connection boxes, external air conditioning units, cell masts;

(d) requests and documentation for current and emergency exterior repair and fortification works involving changes in the

architectural and/or artistic features of buildings;

3. in protective zones of group cultural values, unless otherwise provided by the relevant conservation regime: design permits and investment projects in the architectural section for: new principal and supplementary construction works, superstructures, adding lean-tos; and in case where archaeological immovable cultural values are present, also the structural designs and the requisite connectors of structures to the mains, networks and facilities of the utility infrastructure.

(2) In cases of interference into immovable cultural values, within their boundaries and protection areas, for the categories of "world" and "national significance", and in cases of archaeological immovable cultural values, irrespective of their category, in addition to the documentation as per (1), also designs of the transport and utility infrastructure shall be subject to endorsement.

(3) The commissioning of buildings as per (1) and (2), with the exception of cases as per Article 83a (2), shall be contingent upon a positive opinion of the Minister of Culture or of officials designated by the latter, whereas the executive blueprints in the sense as per the Spatial Development Act shall be subject to endorsement in accordance with Article 84 (1) and (2).

(4) Where no development work plan has been coordinated for a detailed development plan of a territory of cultural heritage or a part thereof, the submission of a spatial development survey shall be submitted, covering the property, the designed object, and the adjacent properties.

(5) Any transfer or partial or complete removal of an immovable cultural value, as well as any removal of vegetation and park elements on immovable cultural values constituting pieces of garden and park art, shall be allowed pursuant to the provisions of the Urban Planning and Development Act upon receipt of a positive opinion and under terms and conditions laid down by the authority under Paragraph 3. The first sentence shall also apply in the cases under Article 59, Paragraph 4.

(6) Any change in the purpose of a land property in which immovable cultural values or their protective zones are located shall be coordinated pursuant to Article 84, Paragraphs 1 and 2.

Article 83a. (New, SG No. 54/2011) Immovable cultural values in respect of which the following works have been performed:

1. façade conservation and restoration;
2. conservation and restoration of interior artistic elements and murals;
3. on-site conservation of archaeological cultural values,

(2) The works as per (1) are to be accepted by a commission the composition of which shall be dependent on the type and volume of works performed. Said commission shall be appointed by an order of the Minister of Culture or an official designated by the latter.

(3) The commission as per (2) shall check the submitted project documentation, verify the quality of conservation and restoration works done, and propose to the Minister of Culture to accept or decline, with due and proper reason, acceptance of the works.

(4) Within one month from receipt of the commission's protocol, the Minister of Culture shall issue an order for the acceptance of the conservation and restoration works done.

(5) The assignor shall forward a copy of the project documentation to NIICH, to be filed with the dossier of the immovable cultural value.

(6) In cases where the commission as per (2) has proposed non-acceptance of the works done, the protocol shall contain instructions and shall designate a person and set time limits responsible for their implementation.

Article 84. (Amended and supplemented, SG No. 92/2009, effective 20.11.2009, amended SG No. 54/2011) (1) The coordination under this section shall be carried out by means of giving an opinion in writing and verifying the graphic materials

(2) The coordination is done by the Minister of Culture or authorized by him/her officials following a written statement of the NIICH.

(3) The draft plans for conservation and management, terms and reference, pilot projects a.o. drawn up by NIICH with respect to the immovable cultural heritage shall be subject to endorsement in accordance with (1) and (2) subject to an opinion submitted by the Specialized Expert Council as per Article 64 (2).

(4) For the endorsement as per (1) and (2) an application shall be submitted in standard form approved by the Minister of Culture.

(5) A refusal to endorse shall be justified in writing.

(6) The refusal under Paragraph 5 may be challenged pursuant to the provisions of the Administrative Procedure Code.

Article 85. The supervision of the application and implementation of the measures for territorial development protection of immovable cultural values shall be carried out by the Inspectorate at the Ministry of Culture jointly with the competent central and local government authorities.

Section VI

Concessions on Immovable Cultural Values

Article 86. (1) Concessions may be granted on state-owned and municipal immovable cultural values pursuant to the provisions of the Concessions Act, while observing the requirements of this Act.

(2) Concessions under Paragraph 1 shall be granted, while observing the regimes for the preservation of the respective immovable cultural value and the terms and conditions for carrying out integrated conservation.

(3) One or more single or group cultural values or parts thereof may be subject to concession.

(4) The concession object shall also include a concession territory to be defined in a detailed development plan, while observing the regimes for the preservation of the specific cultural value.

(5) The concession territory shall include the territorial scope of the concession object and may include also a supporting zone to the concession object, where they are state-owned or municipal property respectively.

(6) The supporting zone shall include a territory needed to carry out the management, maintenance and operation of the concession object.

(7) The area of the supporting zone shall be justified and defined in the detailed development plan under Paragraph 4.

Article 87. The concession on an immovable cultural value may include construction and assembly works only where the latter are compatible with the regimes for the preservation of the respective immovable cultural value. In these cases, the concessionaire shall build the following on the concession territory under the terms and conditions set out in the concession contract:

1. the technical infrastructure needed for the operation of the concession object;

2. buildings, installations and movable objects related to the management, maintenance and operation of the concession object.

Article 88. No concession shall be granted on immovable cultural values which are:

1. in the category of universal importance;
2. (supplemented, SG No. 54/2011) archaeological reserves or parts thereof, except for those indicated on a list approved by the Minister of Culture pursuant to the provisions of Article 64;
3. museum buildings and compounds;
4. religious temples and, in terms of their purpose, serve practical needs for the conducting of rituals and religious service by the respective religious institution within the meaning of the Religious Denominations Act.

Article 89. (1) The following shall be considered to be the authorities under Article 19, Paragraphs 1 and 2 of the Concessions Act with regard to immovable cultural values:

1. the Minister of Culture - for state-owned property;
2. the mayor of the municipality at the location of the concession object - for municipal property.

(2) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) Preparatory teams and commissions for the conducting of concession granting procedures with regard to immovable cultural values shall include at least one representative of the Ministry of Culture, the NIICH, and where the property under concession comprises archaeological immovable cultural values, also a representative of the National Institute of Archaeology and Museum of the Bulgarian Academy of Sciences (NIAM-BAS).

(3) (Amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) The draft decisions on the opening of concession granting procedures with regard to immovable cultural values under Article 103 of the Concessions Act shall be coordinated following an opinion of NIICH, and for archaeological immovable cultural values, following an opinion of NIAM-BAS. Alongside with the draft decisions, the following shall be submitted for endorsement:

1. the justification of the concession together with concession analyses and the attachments thereof;
2. the draft documentation for participation and the draft concession contract.

Article 90. (1) The concession contract may not modify the regimes for the preservation of the immovable cultural value which is the concession object, as determined in accordance with this Act.

(2) (Amended, SG No. 54/2011) The concessionaire shall provide on an annual basis resources for the conservation and maintenance of the immovable cultural values on the grounds of the property under concession, and in cases where archaeological values or data about archaeological sites or objects are present, also resources for archaeological studies until the full exploration of the conceded zone. The concessionaire may build the relevant infrastructure, buildings and auxiliary installations only on areas free of archaeological finds within the supporting zone.

(3) Concessions shall be granted for a period of up to 20 years. The concession term may be renewed by up to 15 years provided no non-performance of the concession contract has been duly observed.

Article 91. (1) (Amended, SG No. 45/2012, effective 1.09.2012) Fifteen per cent of the revenue from concession payments for state concessions shall be paid into the budget of the municipality where the subject of the concession is located under the

(2) (Repealed, SG No. 45/2012, effective 1.09.2012).

(3) The revenues from concession payments due on municipal concessions and from warranties and compensations shall be spent as follows:

1. (amended, SG No. 54/2011) thirty per cent - for the study and reservation of immovable cultural values;
2. thirty percent - to the benefit of the municipal culture fund;
3. forty per cent - to the benefit of the municipal budget.

Chapter Six

PRESERVATION OF THE MOVABLE CULTURAL HERITAGE

Section I

Search

Article 92. (1) The search for movable cultural values shall include the receipt and documentation of information from various sources, including site surveys.

(2) (Amended, SG No. 54/2011) Site surveys shall be carried out in accordance with the procedure as per Chapter Seven.

Article 93. (1) (Supplemented, SG No. 54/2011) Any person who has found an item in the cases under Articles 88 and 91 of the Ownership Act shall inform the nearest state, regional or municipal museum within seven days.

(2) The person shall keep the item in a telle quelle condition pending its delivery to the competent authorities.

(3) Failing to fulfil the obligations under Paragraph 1, the person shall not be entitled to the rights under Article 111 and may not acquire ownership rights by statute of limitation.

Article 94. (1) An authorised representative of the museum informed about the item found shall inspect the item forthwith and shall take over its safekeeping.

(2) (Supplemented, SG No. 54/2011) Identification shall be carried out by the museum which has taken over the safekeeping or, in case the item does not correspond to its thematic scope, by the nearest state, regional or municipal museum with the relevant thematic scope.

(3) If identified as cultural values, chattels constituting state or municipal ownership pursuant to Article 89, Paragraph 1 and Article 91, Paragraph 1 of the Ownership Act shall be included in the stocks of the museum.

(4) Where the chattel is identified as a cultural value that ranks as national treasure, it shall be registered in the National Museum Records.

Article 95. (1) The persons who have delivered items pursuant to the provisions of Article 93 or have communicated valuable information about such items shall be entitled to remuneration. No remuneration shall be paid to persons who have failed to fulfil any of the obligations under Article 93.

(2) The remuneration amount shall be established with a view to the importance of the item and the contribution of the person to its preservation under terms and conditions set out in an ordinance issued by the Minister of Culture.

Section II

Identification and Registration

Article 96. (1) Identification shall mean an activity to establish whether a tangible or intangible evidence meets the cultural value criteria, as well as its classification and categorisation pursuant to the provisions of this Act.

(2) The identification of cultural values shall be carried out by national and regional museums on their own or jointly with other research or cultural organisations and higher schools.

(3) (Amended, SG No. 54/2011) The identification of cultural values shall be carried out by a panel appointed by the director of the museum. The panel shall comprise three museum experts and, where necessary, may include other experts in the relevant field listed in the register as per Paragraph 4, as well as persons listed into the register under Article 165.

(4) (Amended, SG No. 54/2011) The Ministry of Culture shall establish and maintain a register to enter the persons under Paragraph 3 who hold a master's degree and have at least five years of experience in the respective professional field. The terms and conditions for keeping the register shall be set out in an ordinance issued by the Minister of Culture.

Article 97. (1) (Amended, SG No. 54/2011) State-owned, regional and municipal museums shall carry out identification in all cases of the acquisition of items that may be considered to be cultural values. Such identification shall be carried out in accordance with the ordinance under Article 34, Paragraph 6.

(2) (Supplemented, SG No. 54/2011) Central and local government authorities and institutions holding items which may be considered to be cultural values shall request their identification by the state or regional museum with the relevant thematic scope.

(3) (Amended, SG No. 54/2011) Natural persons and legal entities holding items or collections of items which may be considered to be cultural values may request their identification by the state or regional museum with the relevant thematic scope.

(4) (Amended, SG No. 54/2011) A merchant holding a license to deal in cultural values may carry out identification of the cultural values said merchant is dealing in. Such identification shall be carried out prior to the announced auction or other form of sale.

(5) (New, SG No. 54/2011) Works of contemporary art owned by, or inherited from, their authors shall be subject to identification subject to the provisions of this Act solely where such identification has been requested by the owners or heirs.

(6) (New, SG No. 54/2011) Archaeological items, coins or coin-like objects or works of the visual arts imported into the territory of Bulgaria and originating from other countries, where such items are accompanied by a certificate of origin or of the manner of their acquisition, shall not be subject to identification.

(7) (Renumbered from Paragraph 5, amended, SG No. 54/2011) The persons under Paragraphs 2 and 3 and the merchant as per Paragraph 4 shall attach to the request for identification a document certifying their ownership or holding right, and a

declaration on the origin and manner of acquisition of the item. The declarant shall be liable for misrepresentation pursuant to the provisions of Article 313 of the Criminal Code.

(8) (New, SG No. 54/2011) The identification as per (2), (3) and (4) shall be carried out in accordance with a procedure determined by the ordinance as per Article 107.

Article 98. (1) An expert opinion signed by all members of the panel shall be drawn up to set out the results of the identification. In its expert opinion, the panel shall specify that:

1. the item does not meet the requirements for a cultural value; or
2. the item meets the requirements for a cultural value;
3. sufficient data exist on the item's meeting also the national treasure criteria - in the cases under subparagraph 2.

(2) The expert opinion shall be communicated to the persons under Article 97, Paragraphs 2, 3 and 4 within seven days of its signing.

(3) On the basis of the expert opinion under Paragraph 1, subparagraphs 1 and 2, the director of the museum shall issue a certificate within a month. Attached to the cultural value certificate shall also be instructions on its safekeeping and, in the cases where it has been acquired by the museum, the director shall give instructions on its entry into the inventory book.

Article 99. (1) In the cases under Article 98, Paragraph 1, subparagraph 3, the director of the respective museum shall make a proposal to the Minister of Culture to grant national treasure status within seven days of the signing of the expert opinion.

(2) National treasure status shall be granted by the Minister of Culture on the basis of an expert opinion drawn up by a specialised expert board.

(3) (Amended, SG No. 101/2010, SG No. 54/2011) The specialised expert board under Paragraph 2 shall consist of eleven permanent members as follows: three representatives of the Ministry of Culture and eight representatives of various state-owned research and cultural organisations in the field of the preservation of the cultural heritage, of whom at least one must be a specialist having the qualification for "curator of an art gallery" with a minimum of 5 years' experience in the art market. Where necessary, experts in the relevant fields shall be involved.

(4) The permanent members of the specialised expert board shall be appointed by the Minister of Culture for a five-year term. External members shall be involved subject to a decision of the board on a case-by-case basis when national treasure status is to be granted. The structure and organisation of the board shall be set out in rules issued by the Minister of Culture.

Article 100. (1) The specialised expert board shall examine the proposal under Article 99, Paragraph 1 and shall make a decision within three months of its receipt.

(2) The specialised expert board shall issue an expert opinion signed by two-thirds of all members that the cultural value:

1. meets the national treasure criteria; or
2. does not meet the national treasure criteria.

(3) The expert opinion shall be submitted to the Minister of Culture within seven days of its signing.

(4) On the basis of the expert opinion under Paragraph 2, subparagraph 1, the Minister of Culture shall issue an order on the granting of national treasure status and shall give instructions on the entry of the cultural value as national treasure in the register of movable cultural values.

(5) The expert opinion under Paragraph 2 subparagraph 2 shall be communicated within 14 days to the persons under Article 97, Paragraphs 2, 3 and 4, and to the museum which has proposed the granting of national treasure status.

Article 101. The Minister of Culture shall not issue an order in the cases under Article 100, Paragraph 4 and the director of the museum shall not issue the certificate under Article 98, Paragraph 3 or Article 100, Paragraph 5, where data exist to assume that the items subject to identification have been acquired unlawfully. In such cases, they shall inform the authorities of the Ministry of the Interior and the public prosecution offices thereof.

Article 102. (1) (Amended, SG No. 54/2011) The Ministry of Culture shall establish and keep a register of movable cultural values having acquired the status of a national treasure in accordance with Article 100.

(2) (Amended, SG No. 54/2011) The register under Paragraph 1 shall feature cultural values which constitute a national treasure that are:

1. state or municipal property;
2. a collection;
3. property of natural persons or legal entities.

(3) Cultural values shall be entered into the register by an official designated by the Minister in the cases under Article 100, Paragraph 4, or by a person designated by the director of the respective museum under Article 98. Any cultural value entered into the register shall be assigned a registration number in successive order.

(4) Where the ownership of a registered cultural value is changed, the acquirer or a person authorised by the acquirer shall inform the persons under Paragraph 3 within seven days of the change with a view to reflecting it in the register.

(5) (New, SG No. 54/2011) Museums shall establish and keep registers of the immovable cultural values identified by them. The information from such registers shall be forwarded to the Ministry of Culture in accordance with the ordinance as per Article 107.

Article 103. (Amended, SG No. 54/2011) The Minister of Culture or an official designated by him/her shall issue a passport to any cultural value under Article 102 (1), which shall contain at least the following identification details of the cultural value ranking as national treasure:

1. a photograph or another image;
2. information on the type, size and weight, material and manufacturing technique, and distinctive features;
3. name and author, if they are known;
4. date and place of discovery;
5. a brief description;
6. (amended, SG No. 54/2011) instructions on its conservation.

Article 104. (1) The individual administrative acts issued under this Section may be challenged pursuant to the provisions of the Administrative Procedure Code.

(2) In the case of administrative procedure, the Minister of Culture shall be the competent authority to examine the appeal or protest against the acts concerning the granting of cultural value status.

Article 105. (1) The relationships between the persons under Article 97, Paragraph 3 and the museum performing the identification shall be settled in a written contract.

(2) No payment shall be due for the identification of a cultural value in any of the following cases:

1. where the person under Article 97, Paragraphs 3 and 4 donates it to the museum performing the identification;

2. (repealed, SG No. 54/2011)

(3) (Amended, SG No. 54/2011) For the issuance of a certificate identifying movables as cultural values the persons as per Article 97, Paragraph 3 shall pay stamp duty in the amount set out in the rates under Article 4, Paragraph 2, subparagraph 4 of the Protection and Development of Culture Act.

(4) (New, SG No. 54/2011) Where in the course of identification of cultural values it is possible to delineate a group of two or more cultural values that are very close in terms of characteristics, workmanship, period or other similar features, such a group shall be considered as a single item for the purposes of such identification, and shall be subject to a single expert opinion and a single fee.

Article 106. The results of the identification of cultural values owned by natural persons or legal entities may be published upon receiving the consent of the owners in writing.

Article 107. (1) The terms and conditions for the identification shall be set out in an ordinance issued by the Minister of Culture.

(2) The ordinance under Paragraph 1 shall specify also the procedure for keeping the register of movable cultural values and the maintenance of the database, as well as the circumstances and changes subject to entry.

Section III Collections

(Title amended, SG No. 54/2011)

Article 108. "Collection" shall mean a totality of movable cultural values which, in their integrity and thematic connection, are of scientific and cultural importance.

Article 109. "Collector" shall mean a natural person or a legal entity, owner or holder of cultural values identified as a

Article 109a. (New, SG No. 54/2011) State authorities, agencies, not-for-profit legal entities and registered religious denominations may create public collections that, in their entirety, are of social significance, and to provide for such collections being displayed in exhibitions. The setting up and management of such public collections shall take place in accordance with an ordinance issued by the Minister of Culture.

Article 110. Collectors shall keep a register containing a descriptive and photographic catalogue of each cultural value in the collection, information about its conservation and restoration, as well as a certificate or a passport issued pursuant to the provisions of Section II of this Chapter.

Section IV

Rights and Obligations of the Owners and Users of Movable Cultural Values

Article 111. (1) Legal entities and natural persons who are owners or users of collections or of single movable cultural values registered pursuant to the provisions of this Act shall be entitled to:

1. (amended, SG No. 54/2011) free-of-charge consultations, expertise and recommendations by the competent authorities for the preservation of the cultural value;
2. deliver the values for temporary safekeeping to a museum, where the owners or users are not in a position to ensure proper safekeeping for reasons beyond their control;
3. exhibit the cultural values temporarily at state-owned, municipal and private museums, the relationships between the parties being settled in a contract given in writing;
4. receive remuneration for letting the cultural values take part in national and international exhibitions;
5. apply for financial assistance aimed at the preservation of cultural values within the framework of international and national programmes;
6. request assistance from the competent authorities for the recovery and return of cultural values in the event of theft or unlawful removal;
7. tax concessions provided by law.

(2) The museum which has identified the movable cultural values may accept them in the cases under Paragraph 1, subparagraph 2 provided it has appropriate conditions for their safekeeping. The relationships between the owner or user and the museum shall be settled in a contract given in writing.

Article 112. Legal entities and natural persons who are owners or users of collections or single movable cultural values shall have the following obligations:

1. to maintain the values at their sole expense and in good faith, as well as to fulfil the instructions given on their preservation and security;

2. in the event of change in the ownership, to advise the buyer that movable cultural values are protected by law;

3. to provide access to and assist the supervisory authorities in the exercise of their statutory powers;

4. to inform the competent authorities in the event of damage and tort.

Section V

Dealing in Movable Cultural Values

Article 113. (1) Transfer of ownership for consideration shall be carried out with regard to movable cultural values provided the latter have been identified and registered pursuant to the provisions of this Act.

(2) Transfer of ownership for consideration shall be carried out with regard to cultural values which rank as national treasure upon notifying the Minister of Culture in writing. In such cases, the state shall have pre-emptive rights through the Minister of Culture under the same terms and conditions. Where the state fails to exercise its right under the foregoing sentence within seven days, a deal may be concluded with another person.

(3) Deals concluded in breach of the provisions of Paragraphs 1 and 2 shall be null and void.

Article 114. (1) Museums may deal in cultural values pursuant to the provisions of this Act.

(2) (Entry into force on 10 April 2010) National, regional, municipal and mixed museums may deal legitimately only in cultural values from their exchange stocks with the permission of the Minister of Culture or the head of the institution at which they are established, or the mayor of the municipality respectively.

(3) Private museums may deal in cultural values from their main and exchange stocks pursuant to the provisions of Article 113, Paragraph 2.

(4) The revenues under Paragraphs 2 and 3 shall remain in the budget of the respective museum and shall be spent solely for the acquisition, conservation and restoration of cultural values.

(5) Museums may receive as gifts from legal entities and natural persons items which may be considered to be cultural values and have not been identified and registered pursuant to the provisions of this Act.

Article 115. Persons registered under the Commercial Code or the Cooperatives Act may deal in cultural values.

Article 116. (1) The Ministry of Culture shall establish and keep a register of the dealers under Article 115.

(2) The Minister of Culture shall issue a registration certificate upon the filing of an application. The following shall be attached to the application:

1. documents certifying the existence of proper conditions for safekeeping the cultural values involved in the deal;

2. a relevant registration certificate;

3. a declaration in a format approved by the Minister of Culture that the person does not engage professionally in the

preservation of cultural values

- (3) The Minister of Culture shall issue the registration certificate within a month of the date of the application under Paragraph 2.
- (4) The Minister of Culture shall refuse to issue a registration certificate within the time limit under Paragraph 3, where the person fails to meet the requirements for dealing in cultural values or where the available documents are incomplete or inaccurate.
- (5) The refusal by the Minister of Culture may be challenged pursuant to the provisions of the Administrative Procedure Code.
- (6) In the event of change in the circumstances entered into the register, the person shall notify the Minister of Culture within 14 days of the occurrence of the change.
- (7) (New, SG No. 54/2011) The conditions for conservation of cultural values as per (1), subparagraph 1, shall be determined by the ordinance as per Article 127.

Article 117. (1) Persons who obtain registration certificates for dealing in cultural values shall keep their own register with the following content:

1. an identification certificate or passport of the cultural value, as well as the registration number under Article 102, Paragraph 3;
 2. the full names of the former and the new owner;
 3. the price and the date of the deal;
 4. a certificate on the pre-emptive rights for deals in cultural values which rank as national treasure.
- (2) The persons under Paragraph 1 shall provide access to and assist the competent authorities in the exercise of their powers.

Article 118. (Amended, SG No. 54/2011) The safekeeping of cultural values and the dealing in them may not be carried out on the same premises with other tradable items, except in cases where such items are of a nature similar to cultural values.

Article 119. (1) Dealing in cultural values may also take place at auctions.

- (2) "Auction" shall mean a public sale in which the proposal is addressed to an unlimited number of persons and the bids of the participants in the auction are addressed to the person guiding the bidding process. Where the auction is guided by a third party assigned by the seller, this person shall be duly authorised.
- (3) Bidders shall be bound by their bids in accordance with the rules of the auction. The person guiding the bidding process shall assign the item to the bidder offering the highest price.
- (4) The sale shall be considered closed upon the assignment of the item and the buyer acquiring the ownership right thereto. The buyer shall have the obligation to pay the price forthwith, unless otherwise established in the rules of the auction.
- (5) In the event of failure on the part of the buyer to pay the price under Paragraph 4, the seller may abandon the contract. The provisions of Article 87 of the Obligations and Contracts Act shall not apply to such cases.
- (6) Any sale at an auction closed as a result of actions contravening a law or good morals may be declared invalid at the request of any party concerned within 10 days of the assignment.

Article 120. (1) Dealing at auctions shall be carried out by a dealer entered into the register under Article 116 who has obtained a license from the Minister of Culture to deal in cultural values at auctions.

(2) The application for the issuance of the license under Paragraph 1 shall be sent to the Minister of Culture and the internal auctioning rules, as well as the eligible persons registered under Article 96, Paragraph 4, shall be attached thereto.

(3) The license shall be issued for a five-year term.

(4) The Minister of Culture shall issue the license under Paragraph 1 within a month of the date of the application under Paragraph 2.

(5) The Minister of Culture shall refuse to issue a license within the time limit under Paragraph 4, where the person fails to meet the requirements under Paragraphs 1 and 2.

(6) The refusal by the Minister of Culture may be challenged pursuant to the provisions of the Administrative Procedure Code.

(7) In the event of change in the circumstances under which the license has been issued, the person shall notify the Minister of Culture within 14 days of the occurrence of the change.

Article 121. (1) The Minister of Culture shall withdraw the license under Article 120, Paragraph 1 through an order with reasons attached thereto in any of the following cases:

1. holding of an auction in breach of Article 122, Paragraph 1;
2. non-performance under Article 120, Paragraphs 2 or 7;
3. announcement of an initial simulative price of the items in the catalogue under Article 122, Paragraph 1.

(2) In the event of withdrawal of the license under Paragraph 1, the person shall not be eligible to apply for an identical license within a year of the date of the withdrawal.

(3) The order under Paragraph 1 may be challenged pursuant to the provisions of the Administrative Procedure Code.

Article 122. (1) The auctioneer shall notify the Minister of Culture of any auction at least 45 days prior to its holding and shall submit a catalogue of the cultural values offered for sale.

(2) (Amended, SG No. 54/2011) The catalogue shall attest to the identification of cultural values by supplying the information required by force of the ordinance as per Article 107.

(3) (New, SG No. 54/2011) The provision of (2) shall not apply for cultural values that constitute a national treasure.

Article 123. After the notification under Article 122, the auctioneer shall publish an invitation to the auction on his website and in two central dailies at least 15 days prior to the date of the auction.

Article 124. (1) The state shall have the pre-emptive right to acquire a cultural value which ranks as national treasure and has been offered for sale at its initial price.

(2) The right under Paragraph 1 shall be exercised within a month of the date of submission of the catalogue under Article 122.

Article 125. An official authorised by the Minister of Culture may attend any auction to monitor the auction procedure.

Article 126. (Entry into force on 10 April 2010) Museums may participate in auctions with the permission of the Minister of Culture, having submitted a list of the cultural values to be offered.

Article 127. (Amended, SG No. 54/2011) The terms and conditions for the issuance of licenses under this Section, the terms and conditions for the conservation of cultural values and for trade therein, and the register keeping procedure under Article 116 shall be set out in an ordinance issued by the Minister of Culture.

Section VI

Export and Temporary Export of Movable Cultural Values

Article 128. (1) The export and temporary export of movable cultural values from the territory of the country shall be carried out through an export license or certificate.

(2) The export and temporary export of movable cultural values from the customs territory of the Community shall be carried out through an export license pursuant to the provisions of Regulation No. 3911/1992 and Commission Regulation (EEC) No. 752/93 laying down provisions for the implementation of Council Regulation (EEC) No. 3911/1992 on the export of cultural goods.

(3) The export and temporary export of movable cultural values from the territory of the Republic of Bulgaria to other Member States of the Community shall be carried out through an export certificate.

(4) A register shall be established and kept at the Minister of Culture for the licenses issued under Paragraph 2, the certificates under Paragraph 3, as well as the refusals to issue them.

Article 129. (1) No export shall be allowed from the customs territory of the Community or from the territory of the Republic of Bulgaria to other Member States of the European Union of movable cultural values which:

1. rank as national treasure; or
2. are registered in the main stocks of museums.

(2) The movable cultural values under Paragraph 1 may be exported only temporarily for the following purposes:

1. presentation before foreign audience provided that guarantees exist for their security;
2. conservation and restoration works provided that these works cannot be performed within the territory of the country.

(3) (Amended, SG No. 54/2011) The time limit under Paragraph 2 may not be longer than 4 years. This time limit may be renewed once by not more than six months in the case of existence of a substantiated need.

(4) (Amended, SG No. 54/2011) In the cases under Paragraph 2, subparagraph 1, the relevant financial guarantee shall be provided by means of an insurance policy or shall be taken over by the state subject to decision of the Council of Ministers

upon the proposal of the Minister of Culture

Article 130. (1) The export license pursuant to the provisions of Regulation No. 3911/1992 or the temporary export license for movable cultural values under Article 129, Paragraph 2 shall be issued by the Minister of Culture or by an official designated by him/her.

(2) The licenses under Paragraph 1 shall be issued within a month.

(3) The refusal to issue an export license or a temporary export license may be challenged pursuant to the provisions of the Administrative Procedure Code.

(4) The terms and conditions for the issuance of export licenses or temporary export licenses under Paragraph 1 shall be set out in an ordinance issued by the Minister of Culture and the Minister of Finance.

Article 131. (Amended, SG No. 54/2011) The export certificate under Article 128, Paragraph 3 shall be issued by the Minister of Culture or by officials designated by the latter. The terms and conditions for its issuance shall be set out in the ordinance under Article 130, Paragraph 4.

Section VII

Return of Unlawfully Removed Movable Cultural Values Which Rank as National Treasure

Article 132. Movable cultural values which rank as national treasure and have been unlawfully removed from the territory of the country and have been found within the territory of another Member State of the European Union, hereinafter referred to as "Member State", as well as those unlawfully removed from the territory of a Member State and have been found within the territory of the Republic of Bulgaria, shall be subject to return pursuant to the provisions of this Section.

Article 133. The Minister of Culture shall be the central authority coordinating, organising and controlling the activities related to the return of unlawfully removed movable cultural values which rank as national treasure in cooperation with the central authorities in the other Member States coordinating these activities within their territory.

Article 134. Subject to return pursuant to the provisions of this Section shall be any movable cultural value which prior to or after its illegal export from the territory of a Member State has national treasure status and:

1. is included in any of the categories in accordance with the Annex to Regulation No. 3911/1992; or
2. is included in any of the categories in accordance with the Annex to Regulation No. 3911/1992, but is an integral part of public collections included in the inventory list of museums, archives, libraries or religious institutions.

Article 135. (1) All authorities and persons shall inform the Minister of Culture forthwith, where they have information on

(2) The Minister of Culture shall:

1. in the cases of availability of information on illegal export of movable cultural values which rank as national treasure, check its authenticity, if needed;
 2. open a procedure for the return of movable cultural values which rank as national treasure unlawfully removed from the territory of the Republic of Bulgaria by sending a request to the relevant Member State;
 3. notify immediately the relevant central authority of the Member State to which the request under subparagraph 2 has been sent, where legal proceedings are proposed to take place within its territory for the return of the unlawfully removed movable cultural values which rank as national treasure.
- (3) Central and local government authorities, depending on their competence, as well as persons, shall assist the Minister of Culture in the exercise of his/her powers under this Section.

- Article 136.** (1) Any Member State may request the Minister of Culture to search for a movable cultural value which ranks as national treasure unlawfully removed from its territory and to establish the identity of its possessor or holder. The request shall contain all the details needed to facilitate the search, specifically pointing to the actual or alleged provenance of the item.
- (2) Having received the request, the Minister of Culture shall notify thereof the relevant authorities whose powers include the establishment of the provenance of the movable cultural value which ranks as national treasure, as well as the identity of its possessor or holder.
- (3) The authorities under Paragraph 2, depending on their powers, shall cooperate with the Minister of Culture by means of:
1. providing information on the search and the alleged or actual provenance of the movable cultural value which ranks as national treasure, as well as on all other facts and circumstances related to its illegal export;
 2. search for and establish the provenance of the item under subparagraph 1 and the identity of its possessor or holder.
- (4) Where the request has been sent to the authorities under Paragraph 2, they shall refer it to the Minister of Culture forthwith.

Article 137. (1) The Minister of Culture shall:

1. notify the central authority of the requesting Member State when the movable cultural value which ranks as national treasure has been found and grounds exist to believe that it has been unlawfully removed from its territory;
 2. undertake the measures needed for the physical protection of the item under subparagraph 1;
 3. undertake the provisional measures needed to prevent any action that might thwart the return of the item under subparagraph 1.
- (2) The Minister of Culture shall provide opportunities for the competent authority of the requesting Member State to check whether the item found meets the requirements under Article 134, whereby the check shall be completed within two months from the notice under Paragraph 1, subparagraph 1.
- (3) Failing to carry out the check or to communicate its findings within the time limit under Paragraph 2, the provisions of Paragraph 1, subparagraphs 2 and 3 shall not apply.
- (4) The Minister of Culture or an official designated by him/her shall assist the reaching of an agreement on the return of the movable cultural value which ranks as national treasure between its possessor or holder and the requesting Member State provided that both parties have officially agreed to do so. In such cases, the Minister or the official designated by him/her shall act as an intermediary in their negotiations.

(5) The Minister of Culture shall notify the Member States concerned when a movable cultural value which ranks as national treasure has been found within the territory of the Republic of Bulgaria and there exist grounds to believe that it has been exported illegally from the territory of another Member State.

Article 138. (1) The requesting Member State may open court proceedings by serving a claim against the possessor or holder for the return of the movable cultural values which rank as national treasure unlawfully removed from its territory.

(2) The following shall be attached to the claim under Paragraph 1:

1. a document describing the item to be returned;
2. a confirmation that the item is a movable cultural value which ranks as national treasure;
3. a declaration by the competent authority of the relevant Member State that the item has been exported illegally from its territory;
4. details of the identity of the person against whom the claim is served;
5. data on the value of the item as of the date of the claim in Bulgarian Leva (BGN).

Article 139. (1) The claim under Article 138 may be served not later than a year from the time when the requesting Member State became aware of the provenance of the movable cultural value which ranks as national treasure and the identity of its possessor or holder.

(2) The court proceedings under Article 138 shall not be opened and pending proceedings shall be discontinued in all cases when more than 30 years have elapsed since the illegal export of the movable cultural value which ranks as national treasure from the territory of the requesting Member State.

(3) Where the claim concerns the return of movable cultural values which rank as national treasure and do not fall into any category in accordance with the Annex to Regulation No. 3911/1992 but represent an integral part of public collections included in the inventory list of museums, archives, libraries or religious institutions which are subject to special protection under the national laws of the requesting Member State, the time limit under Paragraph 2 shall be 75 years. This time limit may be longer than 75 years provided that it is envisaged in bilateral agreements to which the Republic of Bulgaria is a party.

(4) Court proceedings shall not be opened and pending proceedings shall be discontinued where the export of the movable cultural value which ranks as national treasure from the territory of the requesting Member State is no longer illegal as of the time of serving the claim.

Article 140. The central authority of the requesting Member State shall immediately notify the Minister of Culture of the opened court proceedings and the Minister, in his/her turn, shall notify the central authorities of the other Member States.

Article 141. (1) The court proceedings under Article 138 shall follow the rules of the Civil Procedure Code.

(2) The court shall rule on the return of the item in any of the following cases:

1. the item meets the requirements under Article 134;
2. the item was exported illegally from the territory of the requesting Member State;
3. the claim was served within the time limits under Article 139;

4. the item was exported from the territory of the requesting Member State on or after January 1993;

5. the defendant holds or possesses the item as of the time of serving the claim.

Article 142. When ruling on the return of the movable cultural value which ranks as national treasure, the court shall award fair cash compensation to the defendant if the latter had applied due care upon its acquisition, and having taken into consideration all circumstances of the case.

Article 143. (1) The requesting Member State shall pay the compensation under Article 142 after the return of the item.

(2) The costs incurred in the execution of the judgment on the return of the movable cultural value which ranks as national treasure and the costs related to the implementation of the measures under Article 137, Paragraph 1, subparagraph 2 shall be borne by the requesting Member State.

Article 144. (1) The court judgment on the return of the movable cultural value which ranks as national treasure and the award of the compensation and costs under Article 143 shall be executed without any prejudice to the right of the requesting Member State to open proceedings for the recovery of these amounts against the persons responsible for the illegal export from its territory.

(2) The provisions of this Section shall apply without prejudice to seeking criminal or civil liability under the Bulgarian laws.

(3) The provisions of the national laws of the requesting Member State shall apply to the ownership right to the movable cultural value which ranks as national treasure after its return.

Article 145. The Minister of Culture shall send a report on the implementation of the provisions of this Section to the European Commission every three years.

Chapter Seven

ARCHAEOLOGICAL CULTURAL HERITAGE

Article 146. (1) (Amended, SG No. 54/2011) "Archaeological sites and objects" shall mean all movable and immovable material remains of human activity in past epochs, located or discovered in the earth's strata, on their surface, on the ground or underwater, for which on-site surveys are the main sources of information.

(2) (Repealed, SG No. 54/2011).

(3) Archaeological sites and objects shall have the status of cultural values of national importance or national treasure respectively pending its ascertaining pursuant to the provisions of this Act.

Article 147. (1) Archaeological sites and objects shall be sought for and studied as cultural values by means of on-site surveys.

(2) On-site surveys of archaeological values shall be carried out in the ground layers, on their surface, on the ground or underwater.

(3) On-site surveys of archaeological values shall be carried out through destructive and non-destructive methods. Non-destructive methods of study shall be applied in all possible cases.

(4) (Amended, SG No. 54/2011) In methodological terms, on-site surveys of archaeological values shall include:

1. search for archaeological items: a non-invasive method and the initial phase of the archaeological survey whereby archaeological values are detected;
2. archaeological excavations: an invasive method of on-site archaeological surveys aimed at clarifying the principal characteristics of archaeological sites: chronology, type and boundaries;
3. archaeological observation: aimed at establishing the presence of archaeological structures in a given location.

(5) In organisational terms, on-site surveys of archaeological values shall be:

1. (amended, SG No. 54/2011) regular surveys - planned to fulfil a specific research task and for the purposes of integrated conservation;
2. rescue surveys - conducted in case of need for use of the land of an archaeological site wholly or in part, in case of risk of destruction, including surveys in case of unexpected discovery of an archaeological value warranting its immediate study.

(6) On-site surveys shall be carried out under terms and conditions set out in an ordinance issued by the Minister of Culture.

Article 148. (1) (Supplemented, SG No. 54/2011) On-site surveys of archaeological values shall be carried out with a license issued by the Minister of Culture or an official designated by the latter on the basis of an expert opinion given by the Site Survey Board.

(2) (Amended, SG No. 54/2011) Where on-site surveys are of the rescue type or are performed for purposes of seeking out archaeological sites or objects using non-invasive methods, the license for those, with the exception of cases as per (3), shall be issued by the chairperson of the Site Survey Board. The chairperson shall notify the Minister of Culture of the license forthwith.

(3) (Amended, SG No. 54/2011) Where on-site surveys in the Republic of Bulgaria are included in international research projects, or planned with the participation of an entity as per Article 150, Paragraph 2, these shall be approved by a permission issued by the Minister of Culture and on the basis of an expert opinion given by the Site Survey Board.

(4) (Amended, SG No. 54/2011) The State Budget Act of the Republic of Bulgaria shall provide resources for the conduct of archaeological site surveys on an annual basis. Funds for the performance of on-site archaeological surveys may also be allocated in the budgets of municipalities or government agencies or be procured from foreign cultural, scientific or academic institutions in cases of participation in research projects as per (3) and in cases as per Article 150 (2), or from other sources.

(5) (Amended, SG No. 54/2011) Pending the full survey of the land, the resources for rescue site surveys shall be provided by the contacting authority whose investment initiative is connected with the rescue survey.

Article 149. (1) The Site Survey Board shall consist of a chairperson who is the director of the NIAM-BAS and the following members:

1. (amended, SG No. 92/2009, effective 20.11.2009, SG No. 54/2011) two representatives of the Ministry of Culture, out of whom one is a representative of the Inspectorate under Article 15;
2. (amended, SG No. 54/2011) four representatives of the NIAM-BAS;
3. a representative of the Underwater Archaeology Centre;

4. (amended, SG No. 92/2009, effective 20.11.2009) one representative of the NIICHI;

5. two representatives of higher schools which have archaeology chairs;

6. (amended, SG No. 54/2011) two archaeologists from state-owned and municipal museums in the country.

(2) The Board members under Paragraph 1, subparagraphs 2, 5 and 6 shall hold academic degrees in the field of archaeology.

(3) The Board members shall be appointed by the Minister of Culture at the proposal of the relevant authorities and organisations represented in it.

(4) The Site Survey Board shall give:

1. expert opinion on the issuance and withdrawal of licenses for archaeological on-site surveys;

2. (amended, SG No. 54/2011) opinions on the conclusion of international agreements concerning on-site archaeological surveys.

(5) The Board shall make decisions by a two-thirds majority vote.

Article 150. (1) Licenses for the conducting of on-site surveys of archaeological values shall be issued to persons who:

1. hold a master's degree in the professional field of history and archaeology and have at least two years of professional experience in on-site surveys; and

2. have contractual relations with a Bulgarian cultural, scientific or academic institution working in connection with the preservation of the archaeological heritage; and

3. (supplemented, SG No. 54/2011) produce letters of reference by a holder of an academic degree in the relevant branch of the archaeological science in cases where the applicant is not a tenured academic.

(2) Where the contractual relations under Paragraph 1, subparagraph 2 are with a foreign cultural, scientific or academic institution in the field of archaeology, on-site surveys shall be carried out under the guidance of a person licensed pursuant to the provisions of Paragraph 1.

Article 151. (Amended, SG No. 54/2011) (1) A license for on-site surveys shall be issued on the basis of an application by a person under Article 150, Paragraph 1:

(2) The application for an archaeological exploration shall be supported by:

1. documents attesting to the satisfaction of the requirements as per Article 150 (1);

2. a work schedule for the on-site survey and a document attesting that it is to be properly financed;

3. a request for the use of special technical devices, a document of their registration as well as the identity of the person to operate such devices, or a declaration that no such devices are envisioned to be used.

(3) The application for archaeological excavations shall be supported by:

1. description of the site to be surveyed and justification of the survey;

2. documents certifying the eligibility under Article 150, Paragraph 1;

3. a work schedule for the on-site survey, a document certifying its financing and a document on the site conservation;

4. a request for the use of special technical tools, a document on their registration and the name of their operator, or a declaration that no such devices are envisioned to be used;

5. a written consent of the owner, concessionaire or user of the property;

6. a statement that the applicant is not involved in a concession in the immovable cultural value scheduled to be explored.

(4) Where the application concerns rescue on-site surveys, the applicant shall produce also a reasoned opinion by the regional inspectorate for the conservation of the cultural heritage or the director of the relevant museum, and in cases as per Article 160 (2), also enclosed shall be an endorsed protocol of the commission as per Article 160 (3).

(5) The application for issuance of a land survey license shall also be supported by:

1. delivery hand-over protocol of the archaeological finds from previous on-site surveys issued to the applicant by a state, regional or municipal museum;

2. a certificate on the delivery of the site documentation under Article 153, Paragraph 2.

3. a document attesting to the existence of security arrangements at the site surveyed for the term of validity of the license.

Article 152. (1) (Amended, SG No. 54/2011) The license shall have a term of validity within the calendar year during which it is issued, and shall contain the following details:

1. the full name of the person approved to be the research leader;

2. the full names of the persons approved to be his or her deputies;

3. specification and identification of the site to be surveyed;

4. the main objectives of the survey;

5. the surveying method;

6. the option to use special technical tools under the terms and procedures set out in the ordinance under Article 147, Paragraph 6.

(2) (amended, SG No. 92/2009, effective 20.11.2009) The owners of the tools under Paragraph 1, Subparagraph 6 shall register them at the Ministry of Culture within 14 days from their acquisition. The procedure for registration of special technical tools shall be determined by the ordinance under Article 147, Paragraph 6.

(3) The special technical tools registered under Paragraph 2 shall be used solely for conducting on-site surveys or other specialised activities provided by a statutory act.

Article 153. (1) Any person licensed to conduct on-site surveys shall:

1. apply modern surveying methods;

2. prepare site documentation;

3. ensure the guarding of the archaeological site and the finds in the course of the on-site survey;

4. (amended, SG No. 54/2011) provide the necessary financial resources and organization for site conservation to prevent damage and destruction of the finds, as well as loss of related information, to be carried out with the participation of an expert in the relevant field listed in the register as per Article 165 (1);

5. (amended, SG No. 54/2011) ensure recovery of the appearance of the archaeological site in cases where the on-site survey is to be discontinued, unless otherwise decided in accordance with this Act;

6. hand over the movable archaeological finds to a state or municipal museum;

7. submit a detailed research report before the month of March of the following year.

(2) (Amended, SG No. 92/2009, effective 20.11.2009, supplemented, SG No. 54/2011) A copy of the site documentation, including with respect to the site conservation carried out, shall be delivered to the National Archaeological Site Survey Records of the NIAM-BAS, the NIICH and to the relevant museum within the territory of which the survey is conducted prior to the opening of the next archaeological season.

(3) The person licensed to conduct on-site surveys shall have the exclusive pre-emptive right to publish the results.

(4) The pre-emptive right to publication shall continue for ten years, commencing on the date of discontinuation of the on-site survey.

Article 154. The Inspectorate at the Ministry of Culture shall exercise control over Article 15, Paragraph 2, subparagraph 1.

Article 155. (1) (Amended, SG No. 92/2009, effective 20.11.2009) The information from archaeological explorations shall be entered into the automated information system Archaeological Map of Bulgaria to be kept at the NIAM-BAS, the NIICH and the Ministry of Culture.

(2) The terms and conditions for the generation, maintenance and provision of the information under Paragraph 1 shall be set out in an ordinance issued by the Minister of Culture.

Article 156. (1) No on-site survey license shall be issued in any of the following cases:

1. where the requirements set out in Articles 150 and 151 have not been met;
2. where the on-site survey license has been withdrawn and the time limit of the withdrawal has not expired yet;
3. to a person who is a concessionaire of the immovable cultural value.

(2) The Minister of Culture shall withdraw existing on-site survey licenses in the case of violation of the requirements set out in this Act as duly established. The license shall be withdrawn for a time limit of one year.

Article 157. The decision to refuse or withdraw an on-site survey license may be challenged pursuant to the provisions of the Administrative Procedure Code. The attack shall not stay the implementation.

Article 158. (1) Archaeological objects found in the course of on-site surveys shall be delivered to the state-owned or municipal museum which has undertaken the survey, or to the nearest state-owned or municipal museum which has conditions for their storage.

(2) The delivery of the archaeological finds shall be recorded in a delivery and acceptance protocol signed by the head of the on-site survey and by the director of the respective museum.

Article 158a. (New, SG No. 54/2011) (1) The Minister of Culture or an official designated by him/her shall appoint an expert commission to accept a completed on-site archaeological survey or a completed phase thereof, including in case of a

(2) The commission as per (1) shall be appointed upon request of the leader of the survey or the director of the relevant museum.

(3) The leader of the survey shall submit to the commission as per (1) a report containing a scientific assessment of the unearthed archaeological structures. Based upon said report and the review performed, the commission as per (1) shall draw up a protocol whereby it shall propose follow-up actions and provisional protection measures.

(4) Depending on the extent of exploration of the archaeological site, the commission may propose, by force of said protocol, that a preliminary assessment be made in accordance with Article 57 (3) or a final assessment in accordance with Article 61 (1).

(5) In case of on-site rescue archaeological surveys, the commission shall, based upon the report with the scientific assessment prepared by the survey leader, prepare a preliminary assessment of the unearthed immovable archaeological structures. Where said assessment has established that such archaeological structures:

1. possess the characteristics of immovable cultural values, by force of the protocol as per (3) the commission shall propose that a procedure be implemented to declare them as such;

2. do not possess the characteristics of immovable cultural values, by force of the protocol as per (3) the commission shall propose to the Minister of Culture to issue an order that the status of the site as per Article 2a (1) be withheld and the site vacated.

(6) The protocol as per (3) shall be approved by an order of the Minister of Culture or a deputy Minister designated by the latter. The actions and temporary measures proposed by said protocol for the conservation of the archaeological value shall be binding.

(7) The terms and conditions of acceptance of on-site archaeological surveys shall be determined by the ordinance as per Article 147 (6).

Article 159. (Amended, SG No. 54/2011) (1) The uncovered archaeological sites shall be declared in accordance with Article 58 and shall be granted the status of archaeological values in accordance with Chapter Five, Section III.

(2) The site conservation regimes as per (1) shall be proposed by an interdepartmental commission appointed by an order of the Minister of Culture, and shall be determined in accordance with Article 64. Said commission shall comprise representatives of the Ministry of Culture, NIICH, NIAM-BAS, the relevant regional museum, the regional and municipal administrations and all stakeholder institutions.

Article 160. (1) (Supplemented, SG No. 54/2011) The provisions of Articles 93 to 95 shall apply to archaeological objects and anthropological remains discovered or found accidentally.

(2) (Amended, SG No. 54/2011) Where structures and finds showing signs of cultural values are discovered in the course of construction or public works or agricultural activities or exploration of underground mineral resources or other activities involving impact on the ground surface, the ground base, underground recesses or underwater, these activities shall be discontinued immediately and the provisions of Article 72 shall apply.

(3) (New, SG No. 54/2011) Within 14 days from the notification as per Article 72 (5), the Minister of Culture shall appoint a commission to propose follow-up actions. By the act of approving said commission's protocol, the Minister of Culture shall issue binding instructions for the required actions to be performed in pertinence to the exploration and conservation of the structures and finds.

Article 161. (1) The implementation of investment projects of natural persons and legal entities within territories with signs of existence of archaeological sites and objects shall be preceded in all cases by preliminary archaeological explorations to establish whether these would be affected or damaged. Rescue archaeological excavations shall be conducted on the archaeological sites uncovered in the explorations prior to the start of construction works.

(2) Archaeologists shall monitor the process of construction works. The provisions of Articles 148 and 160 shall apply to the cases of uncovering of archaeological sites or objects.

Article 161a. (New, SG No. 54/2011) (1) Owners and users of landed properties in the territory of which there are archaeological sites shall, where necessary, provide access thereto for competent government authorities and for the persons licensed to perform on-site surveys for the purpose of exploration and conservation of such sites.

(2) In cases as per (1) the government authorities or the person licensed to perform an on-site survey shall notify in writing the owner of the property no less than 7 days prior to commencement of the activities. Where the owner is of unknown address or cannot be located at his/her known one, said notice shall be posted visibly on the property and in the building of the municipal authority or city hall within whose jurisdiction the property is located.

(3) Owners and users of landed properties shall be owed compensation for the time during which the activities as per (1) were being carried out in cases where this has hindered or caused them to suspend the performance of their routine lawful activity in the territory of said property. The terms and conditions for providing access as per (1) and the amount of such compensation shall be determined by a written agreement to be concluded with the owner or user of the property, and shall be paid out of the budget for the on-site survey.

Article 162. (1) (Amended, SG No. 54/2011) In the cases under Article 160, Paragraph 2, as well as in the case of archaeological cultural values uncovered as a result of on-site surveys, the Minister of Culture and the land owner may sign an agreement to grant property right to use the land where such archaeological cultural values were uncovered.

(2) Where no agreement is reached under Paragraph 1, the Minister of Culture may undertake action to alienate the property pursuant to the provisions of the State Ownership Act.

(3) (New, SG No. 54/2011) In cases where the conservation regimes prescribed for immovable cultural values in accordance with Article 64 do not allow any construction, urban development, agricultural or other activities involving an impact on the earth's surface and the earth's ground, the provisions of (1) and (2) shall apply.

Chapter Eight

CONSERVATION AND RESTORATION OF CULTURAL VALUES

Article 163. (Supplemented, SG No. 54/2011) The conservation and restoration, as well as the adaptation of cultural values shall mean a systematic process of activities intended to prevent their destruction, to stabilise their condition, as well as to facilitate their perception and evaluation, while preserving their authenticity as much as possible.

Article 164. (1) (Supplemented, SG No. 54/2011) Conservation and restoration activities, as well as those pertinent to the adaptation of cultural values, shall be performed by persons entered into the register under Article 165 or under the guidance of such persons.

(2) The register under Paragraph 1 shall feature persons holding a master's degree in any of the following:

1. (amended, SG No. 54/2011) a major in the field of conservation and restoration, having three years of professional experience in the relevant field;
2. (new, SG No. 54/2011) a degree in architecture with a major in conservation and restoration in the field of the immovable cultural heritage, having three years of professional experience in the relevant field, or a degree in architecture and five years' professional experience in conservation and restoration in the field of the immovable cultural heritage;
3. (renumbered from 2, amended, SG No. 54/2011) a degree in another subject with a major in the respective field of conservation and restoration or with applied knowledge in the field of conservation and restoration, having at least 5 years of professional experience in the same field.

(3) Persons who do not meet the professional experience requirements may perform conservation and restoration activities only under the guidance of the persons under Paragraph 1.

(4) Conservation and restoration activities shall be performed at museums, schools of higher learning, research and cultural organisations and institutions, or independently by the persons entered into the register under Paragraph 1, only in case the requisite material conditions exist for the respective activity as defined in the ordinance under Article 165, Paragraph 1.

Article 165. (1) The Ministry of Culture shall establish and maintain a public register of the persons eligible to perform conservation and restoration activities in the respective field under terms and conditions set out in an ordinance issued by the Minister of Culture.

(2) Documents related to the circumstances under Article 164, Paragraph 2 as set out in the ordinance under Paragraph 1 shall be attached to the application for registration.

(3) (Amended, SG No. 54/2011) Within one month from the receipt of the application, the Minister of Culture or a person designated by him/her shall give instructions on entry into the register or shall refuse to register in case the person is not eligible pursuant to the provisions of Article 164, Paragraph 2. A registration certificate shall be issued to the person entered into the register.

Article 166. (1) Conservation and restoration of cultural values shall be performed at museums, schools of higher learning, research and cultural organisations only under the guidance of a person entered into the register under Article 165.

(2) The relations between the owner of the cultural value and the museum, school of higher learning, research and cultural organisation or the person entered into the register under Article 165 shall be settled in an agreement in writing.

(3) The persons who have performed conservation and restoration activities may publish the results thereof upon obtaining the owner's consent given in writing.

Article 167. (1) Conservation and restoration of movable cultural values which rank as national treasure shall be performed on the basis of a license issued by the Minister of Culture.

(2) The Minister of Culture shall issue the license within 14 days from the receipt of the application under terms and conditions set out in the ordinance under Article 168.

Article 168. The terms and conditions for the conservation and restoration of movable cultural values shall be set out in an ordinance issued by the Minister of Culture.

Article 169. (1) (Amended, SG No. 54/2011) Conservation, restoration and adaptation projects for single or group architectural sites which constitute immovable cultural values shall be drawn up by designers under Article 230, Paragraph 1 of the Territorial Development Act, who meet the requirements under Article 164.

(2) Conservation and restoration projects for archaeological sites and objects shall be drawn up by the persons under Paragraph 1 and with the mandatory participation of the persons licensed to conduct archaeological surveys.

(3) (Amended, SG No. 54/2011) Conservation and restoration projects for artistic cultural values, immovable cultural values: park and garden art, and for the cultural landscape shall obligatorily be drawn up by persons registered for the respective conservation and restoration activities.

(4) (Repealed, SG No. 54/2011).

(5) (New, SG No. 54/2011) Building supervision over development projects as per (1) and (2) shall be carried out with the participation of persons listed in the register as per Article 165.

Article 170. (Amended, SG No. 92/2009, effective 20.11.2009) The terms of reference for conservation and restoration projects for immovable cultural values shall be coordinated pursuant to the provisions of Chapter Five, Section V.

Article 171. The scope and content of the documentation concerning the conservation and restoration of immovable cultural values shall be set out in an ordinance issued by the Minister of Culture and the Minister of Regional Development and Public Works.

Chapter Nine

REPRODUCTION AND DISSEMINATION OF CULTURAL VALUES

Article 172. (1) Cultural values may be reproduced in copies, replicas and commercial items.

(2) All actions related to the making of copies, replicas or commercial items shall be performed under conditions which safeguard the physical preservation and protection of cultural values.

(3) The actions related to the making of copies, replicas or commercial items, which involve immediate contact or impact on the cultural value, shall be performed by the persons under Article 164.

Article 173. (1) "Copy" shall mean a newly-created product which reproduces the visual and dimensional characteristics of the cultural value as accurately as possible.

(2) Copies shall be marked with a sign designating them to be copies.

Article 174. (1) Copies shall be made only for museum purposes.

Article 179. (Amended, SG No. 54/2011) (1) Members of the public are free to create, disseminate and use images of cultural values for personal needs for purposes of representation, education and research.

(2) The creation, dissemination and use of an image of a cultural value or of elements thereof in photographic, computer, video and other images for commercial purposes, including the use of such images or parts thereof in the manufacturing of goods, labels and designer solutions or for advertising purposes shall be done subject to terms and conditions as determined by the ordinance as per Article 178, based on a contract concluded with the owner of the cultural value or the director of the relevant museum for museum cultural values respectively.

Chapter Ten

PRESENTATION AND DOCUMENTATION OF CULTURAL VALUES

Article 180. (1) "Presentation of cultural values" shall mean the activity intended to disclose and promote their cultural and scientific importance in society.

(2) Cultural values shall be presented in a way which does not threaten their physical integrity and condition, and does not expose them to the risk of encroachment.

Article 181. (1) (Supplemented, SG No. 54/2011) The State shall provide for permanent signage of the immovable cultural values on the World Heritage List with identification boards bearing the world heritage sign and the UNESCO logo, as well as the listing date of the relevant cultural value.

(2) The owners of immovable cultural values of national importance shall provide for their permanent signage.

(3) The owners of the other categories of immovable cultural values may undertake signage at their own initiative.

(4) The type and contents of the sign on the identification boards under Paragraph 1 and the signs under Paragraphs 2 and 3 shall be worked out according to a format approved by the Minister of Culture.

(5) (New, SG No. 54/2011) Identification plaques shall be affixed within the boundaries or the special protection areas for cultural values subject to endorsement in accordance with Article 84.

Article 182. (1) Museums shall present movable cultural values through permanent or temporary exhibitions.

(2) Museums shall give clear information on the movable cultural values presented by means of signage, inscriptions, exhibition guides and catalogues, and other information materials.

(3) (Amended, SG No. 54/2011) Where the presentation involves transportation, measures shall be taken to provide for the insurance or provision of a state guarantee, special packaging and guarding of movable cultural values.

(4) (New, SG No. 54/2011) The state guarantee for temporary exhibitions showcasing movable cultural values, whether in Bulgaria or overseas, shall be provided by decision of the Council of Ministers, on a case-by-case basis, subject to a proposal by the Minister of Culture. Based upon the Council of Ministers decision, the Minister shall sign a letter of guarantee.

Article 183. (1) Any museum may include cultural values from other museums or those of natural persons or legal entities in its exhibitions on a temporary basis, and may make arrangements for the presentation of exhibitions of other museums and persons or joint exhibitions with them.

(2) Museums may organise temporary exhibitions or let movable cultural values from their main stock for temporary presentation abroad pursuant to the provisions of Chapter Six, Section VI.

(3) The Minister of Culture may obligate a state-owned or municipal museum to let movable cultural values for participation in temporary exhibitions in this country and abroad. When providing its cultural values for presentation abroad, the museum shall receive a part of the agreed price for the presentation, which shall be proportionate to its participation.

(4) The relations between the parties under Paragraphs 1, 2 and 3 shall be settled in a contract.

Article 184. (1) Natural persons and legal entities which are owners of registered movable cultural values may make arrangements for their permanent or temporary presentation.

(2) The provisions of Chapter Six, Section VI shall apply to the presentation of the movable cultural values under Paragraph 1 abroad.

Article 185. The terms and conditions for the presentation of cultural values shall be set out in an ordinance issued by the Minister of Culture.

Article 186. (1) Museums shall provide for visiting days and hours in accordance with the leisure time of the various types and categories of visitors.

(2) Museums shall announce their visiting days and hours in public.

(3) Museums shall provide appropriate conditions for access of disabled people to museum exhibitions.

Article 187. (1) Entrance fees shall be paid for individual or group visits to museum exhibitions.

(2) The prices of entrance fees at state-owned and municipal museums shall be determined by their directors in consultation with the authority financing the museum.

(3) The act of incorporation of the museum or a decision of the financing authority or the owner of the museum respectively may provide for free entrance to the exhibitions.

(4) Any state-owned or municipal museum shall provide for free entrance of visitors one day a week.

(5) Children, students and disabled people shall pay reduced fees or be exempted from payment of an entrance fee.

Article 188. (1) Any activity related to the preservation and presentation of cultural values shall be documented.

(2) (Amended, SG No. 92/2009, effective 20.11.2009) Where the preservation activity is performed by external experts, the latter shall provide a free copy of the documents prepared in the course of their work to the NIICH or to the relevant museum.

Article 189. The documents prepared under Article 188 shall make up:

1. (amended, SG No. 92/2009, effective 20.11.2009) the national documentary records at the NIICH- for immovable cultural values;
2. research records at the relevant museum - for movable cultural values.

Article 190. (1) The records under Article 189 shall be a continuously supplemented set of documents reflecting the stages in the implementation of preservation and presentation activities, regardless of the time, manner and place of their preparation or the type of medium.

(2) The creation, maintenance, content, safekeeping and use of the records under Paragraph 1 shall be set out in an ordinance issued by the Minister of Culture.

Article 191. (1) Research records at the relevant museums shall include:

1. the documents on the search, identification, survey, safekeeping, conservation, restoration, movement and presentation of movable cultural values;
2. the reporting documents on the movable cultural values kept by them on a permanent or temporary basis: documents of origin, accessioning or acquisition by the museum; evaluation statements, inventory books, etc.;
3. the documents on the archaeological on-site surveys they have undertaken;
4. research and reference documentation: research passports and files.

(2) Research records shall be kept for an indefinite period of time at the museum which has created them and shall not be delivered to the managing bodies of the National Archives, unless the museum is closed down without any legal successor.

Chapter Eleven

CONTROL

Article 192. (1) (Amended, SG No. 54/2011) In the discharge of their control duties, inspectors of the Inspectorate as per Article 15 (2) shall:

1. perform on-site or documentary inspections;
2. (amended, SG No. 54/2011) implement administrative coercive measures for preventing and combating violations of this Act and for eliminating the harmful impact thereof, such as:
 - (a) halting the construction, commissioning and using of sites, facilities, devices and installations;
 - (b) halting other activities as may endanger or cause harm to immovable and movable cultural and historical heritage;
3. draw up administrative violation statements.

(2) (New, SG No. 54/2011) The implementation of coercive administrative measures as per (1), subparagraph 2 shall be subject to an order by the inspectors. Such coercive administrative measures shall be subject to appeal in accordance with the Administrative Procedure Code.

(3) (New, SG No. 54/2011) The coercive administrative measures as per (2) shall be subject to early enforcement unless otherwise ordered by a court of law.

(4) (Renumbered from Paragraph 2, SG No. 54/2011) Inspectors shall be entitled to have access to cultural heritage sites and objects under their control, as well as to demand the requisite documents in connection with the exercise of their powers under this Act.

(5) (Renumbered from Paragraph 3, SG No. 54/2011) Inspectors shall:

1. give accurate presentation of the facts from their inspection in the violation statement;
2. refrain from disclosing the official and commercial secrets they have become aware of in the course of the inspections;
3. refrain from disclosing data from the inspections;
4. use the information from the inspections only for the purposes of the administrative penal process.

Article 193. The persons inspected under Article 192, Paragraph 1 shall:

1. provide unhindered access to the inspected sites and objects;
2. assist the officials in the exercise of their powers;
3. provide the documents and evidence requested by the officials.

Article 194. (1) In the discharge of their duties, inspectors may interact with the authorities of the Ministry of the Interior, the Customs Agency, the National Security Agency, the public prosecutor's offices, other central and local government authorities, as well as natural persons and legal entities.

(2) The ways of interaction with the authorities under Paragraph 1 shall be set out in instructions issued by the Minister of Culture and the heads of the relevant authorities.

Article 195. (1) (Amended, SG No. 92/2009, effective 20.11.2009) Inspectors and officials from the NIICH and museums shall submit declarations in a format approved by the Minister of Culture on any commercial, financial or another business interest which they or their related parties have in connection with their functions under this Act.

(2) The declaration under Paragraph 1 shall be submitted to the appointing authority or the employer on an annual basis before 31 March.

(3) (Amended, SG No. 54/2011) In the event of a change in the declared circumstances after the submission of the declaration under Paragraph 2, the persons under Paragraph 1 shall notify the appointing authority or the employer within seven days.

(4) (Amended, SG No. 54/2011) The persons as per (1) shall be obliged to declare before the body that appointed them or before their employer the existence of any private interest, for whatever reason, in relation to the discharge of their powers or duties of office. Such declaration shall be submitted prior to the commencement or during the discharge of such powers or duties of office.

(5) (New, SG No. 54/2011) A person as per (1) shall be dismissed from duty in case where a private interest is involved for whatever reason.

(6) (New, SG No. 54/2011) A person holding a public office may be dismissed from duty also by the appointing body or the employer in cases where said appointing body or employer believes that a private interest is involved for whatever reason. The existence or lack of a conflict of interests is to be established on a case-by-case basis.

(7) (Renumbered from Paragraph 5, SG No. 54/2011) In the cases of non-performance under Paragraphs 2, 3 and 4 or conflict of interest established by a court of law, the appointing authority or the employer shall impose a disciplinary penalty under Article 90, Paragraph 1, subparagraph 5 of the Civil Servants Act or Article 188, Paragraph 3 of the Labour Code respectively.

(8) (Renumbered from Paragraph 6, SG No. 54/2011) A conflict of interest exists where a commercial, financial or another business interest generates justified doubt in the unbiased attitude of the persons under Paragraph 1 in the discharge of their duties or the exercise of their powers.

(9) (Renumbered from Paragraph 7, SG No. 54/2011) The Prevention and Detection of Conflicts of Interest Act shall apply to the issues which are not settled herein.

Chapter Twelve

ADMINISTRATIVE PENALTY PROVISIONS

Article 196. (1) An official failing to submit a declaration within the time limits under Article 38, Paragraphs 1 and 2 shall be punished with a fine ranging from BGN 500 to BGN 1,000.

(2) The penalty under Paragraph 1 shall be imposed also to officials from municipal administrations who fail to fulfil their duty to notify within the time limits under Article 59, Paragraph 2.

Article 197. (1) A person failing to fulfil an obligation under Article 71, Paragraph 1, subparagraph 1 shall be punished with a fine ranging from BGN 1,000 to BGN 3,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 1,500 to BGN 3,000, unless the action constitutes an offence.

(2) (New, SG No. 54/2011) Failure to fulfil the obligation as per Article 71 (1), subpar. 2, 4, 5 and 6 shall carry a fine of BGN 500 to 1,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 1,000 to 1,500.

(3) (Renumbered from Paragraph 2, amended and supplemented, SG No. 54/2011) Failure to fulfil the obligation as per Article 71 (2), (3) and (4) shall carry a fine of BGN 500 to 1,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 1,000 to 1,500.

(4) (Renumbered from Paragraph 3, supplemented, SG No. 54/2011) Where the action under Paragraphs 1, 2 and 3 is repeated, the fine shall range from BGN 3,000 to BGN 5,000 and the sanction shall range from BGN 3,500 to BGN 5,500.

Article 198. A person failing to undertake immediate action for the safety of an immovable cultural value or to inform the competent authorities under Article 72, Paragraph 1 shall be punished with a fine ranging from BGN 500 to BGN 1,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 3,000 to BGN 5,000.

Article 199. (Amended, SG No. 54/2011) An official failing to fulfil the obligations under Article 72, Paragraph 3 shall be punished with a fine ranging from BGN 150 to BGN 1,500.

Article 200. (1) (Amended, SG No. 92/2009, effective 2011-2009) A person implementing an investment project or intervening in protected territories for the preservation of the cultural heritage without consulting in breach of Article 83 shall be punished with a fine ranging from BGN 5,000 to BGN 10,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 15,000 to BGN 30,000, unless the action constitutes an offence.

(2) (New, SG No. 54/2011) Failure to obey the instructions as per Article 83a (6) shall carry a fine of BGN 500 to 1,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 2,000 to 6,000, unless the misdeed constitutes a criminal offence.

(3) (Renumbered from Paragraph 2, SG No. 54/2011) Where the action under Paragraph 1 is repeated, the fine shall range from BGN 10,000 to BGN 15,000 and the sanction shall range from BGN 30,000 to BGN 50,000.

Article 200a. (New, SG No. 54/2011) Destruction of, or damage to, a cultural value shall carry a fine of BGN 2,000 to 6,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 5,000 to 15,000, unless the misdeed constitutes a criminal offence.

Article 200b. (New, SG No. 54/2011) An official who authorizes or allows destruction of, or damage to, a cultural value shall be punishable by a fine of BGN 800 to 2,000, unless the misdeed constitutes a criminal offence.

Article 200c. (New, SG No. 54/2011) (1) Destruction of, or damage to, archaeological sites or objects in the sense as per Article 146 (1) shall carry a fine of BGN 3,000 to 10,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 5,000 to 20,000, unless the misdeed constitutes a criminal offence.

(2) Where special technical tools or earth-moving equipment have been used in the commission of the offense as per (1), a fine of BGN 7,000 to 15,000 or, respectively, a pecuniary sanction of BGN 7,000 to 20,000 shall be imposed, and the special technical tools or earth-moving equipment used shall be forfeited.

Article 201. An official, having been informed of an item discovered, failing to examine it and undertake its safekeeping shall be punished with a fine ranging from BGN 300 to BGN 500, unless the action constitutes an offence.

Article 202. An official failing to issue a certificate within the time limits under Article 98, Paragraph 3 or to make a proposal within the time limit under Article 99, Paragraph 1 shall be punished with a fine ranging from BGN 500 to BGN 1,000.

Article 203. A person failing to notify a change in the ownership of a registered cultural value within the time limit under Article 102, Paragraph 4 shall be punished with a fine ranging from BGN 100 to BGN 300.

Article 204. A collector failing to fulfil an obligation under Article 110 shall be punished with a fine ranging from BGN 100 to BGN 300.

Article 205. A person failing to fulfil the obligations under Article 112, subparagraph 1 shall be punished with a fine ranging from BGN 300 to BGN 1,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 1,000 to BGN 3,000, unless the action constitutes an offence.

Article 206. (1) A person engaging in transfer transactions for consideration with unidentified and unregistered movable cultural values shall be punished with a fine ranging from BGN 5,000 to BGN 10,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 10,000 to BGN 15,000, unless the action constitutes an offence.

(2) The item involved in the violation under Paragraph 1 shall be seized to the benefit of the State.

Article 207. (1) A person engaging in transfer transactions for consideration with movable cultural values which rank as national treasure without informing the Minister of Culture shall be punished with a fine ranging from BGN 30,000 to BGN 50,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 40,000 to BGN 60,000, unless the action constitutes an offence.

(2) The item involved in the violation under Paragraph 1 shall be seized to the benefit of the State.

Article 208. A person engaging in law transactions with movable cultural values which are not accessioned in the main or exchange stocks of the relevant museum or accessioned in the main or exchange stocks in breach of Article 114, Paragraphs 2 and 3 shall be punished with a fine ranging from BGN 3,000 to BGN 10,000, unless the action constitutes an offence.

Article 209. A person engaging in commercial activities with movable cultural values without registration under Article 116, Paragraph 1 shall be punished with a sanction ranging from BGN 20,000 to BGN 100,000.

Article 210. A person failing to report a change in the circumstances entered into the register within the time limit under Article 116, Paragraph 6 shall be punished with a sanction ranging from BGN 100 to BGN 300.

Article 211. A person failing to fulfil an obligation under Article 117 shall be punished with a sanction ranging from BGN 500 to BGN 1,000.

Article 212. A person engaging in auctions with movable cultural values without the permission of the Minister of Culture under Article 120 shall be punished with a sanction ranging from BGN 20,000 to BGN 100,000.

Article 213. A person failing to report, within the time limit under Article 120, Paragraph 7, a change in the circumstances at the time of issuance of a license for auctioning shall be punished with a sanction ranging from BGN 500 to BGN 1,000.

Article 214. A person organising an auction with movable cultural values without informing the Minister of Culture under Article 122 shall be punished with a sanction ranging from BGN 20,000 to BGN 50,000.

Article 215. A person failing to publish an announcement on the auction within the time limit under Article 123 shall be punished with a sanction ranging from BGN 1,000 to BGN 3,000.

Article 216. An official allowing the participation of a museum in an auction without the permission of the Minister of Culture shall be punished with a fine ranging from BGN 100 to BGN 500, unless the action constitutes an offence.

Article 217. (1) A person exporting a movable cultural value without a license or export certificate shall be punished with a fine ranging from BGN 5,000 to BGN 10,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 10,000 to BGN 20,000, unless the action constitutes an offence.

(2) The item involved in the violation under Paragraph 1 shall be seized to the benefit of the State.

Article 218. A person violating the provisions of Article 129, Paragraph 3 shall be punished with a fine or a sanction respectively ranging from BGN 5,000 to BGN 10,000.

Article 218a. (New, SG No. 54/2011) (1) Performing on-site surveys of archaeological values without a permit as per Article 148 shall carry a fine of BGN 5,000 to 15,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 12,000 to 25,000, unless the misdeed constitutes a criminal offense.

(2) Where special technical tools or earth-moving equipment have been used in the commission of the offense as per (1), a fine of BGN 5,000 to 15,000 or, respectively, a pecuniary sanction of BGN 15,000 to 30,000 shall be imposed, and the special technical tools or earth-moving equipment used shall be forfeited.

(3) A repeat offense as per (1) shall carry a fine of BGN 12,000 to 25,000 or, respectively, a pecuniary sanction of BGN 15,000 to 30,000.

(4) A repeat offense as per (2) shall carry a fine of BGN 15,000 to 35,000 or, respectively, a pecuniary sanction of BGN 25,000 to 50,000.

Article 219. (1) (Previous Article 219, SG No. 54/2011) A person failing to register under Article 152, Paragraph 2 shall be punished with a fine ranging from BGN 300 to BGN 500, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 500 to BGN 1,000.

(2) (New, SG No. 54/2011) The special technical tools used in the commission of the criminal offense shall be forfeited.

Article 220. A person violating the provisions of Article 153, Paragraph 3, subparagraphs 3, 4 and 6 shall be punished with a fine ranging from BGN 1,000 to BGN 3,000.

Article 221. (Supplemented, SG No. 54/2011) A person failing to take measures to preserve open structures and finds and to immediately inform the relevant authority under Article 160 (1) and (2) shall be punished with a fine ranging from BGN 3,000 to BGN 5,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 5,000 to BGN 10,000.

Article 221a. (New, SG No. 54/2011) (1) The execution of development projects in territories as per Article 161 (1), sentence one, without a preliminary archaeological survey, shall carry a fine of BGN 1,000 to 3,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 5,000 to 15,000.

(2) The execution of construction works on archaeological sites uncovered as a result of archaeological surveys without performance of on-site archaeological surveys as per Article 161 (1), sentence two, shall carry a fine of BGN 12,000 to 25,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 20,000 to 40,000.

(3) The execution of construction works without observation by archaeologists in accordance with Article 161 (2) shall carry a fine of BGN 5,000 to 15,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 10,000 to 25,000.

Article 222. (1) A person engaging in conservation and restoration activities or preparing conservation and restoration projects without registration under Article 165, Paragraph 1 shall be punished with a fine ranging from BGN 500 to BGN 1,500.

(2) The penalty under Paragraph 1 shall be imposed also to a person engaging in conservation and restoration activities without immediate guidance by a person registered under Article 165, Paragraph 1.

Article 223. (1) (Previous Article 223, SG No. 54/2011) A person engaging in conservation and restoration of movable cultural values which rank as national treasure without the permission of the Minister of Culture shall be punished with a fine ranging from BGN 1,000 to BGN 2,000.

(2) (New, SG No. 54/2011) Where the misdeed as per (1) has caused damages to the cultural value, the fine shall be BGN 10,000 to 50,000.

Article 224. A person engaging in the making of copies, replicas and commercial items requiring direct contact or impact on the cultural value without registration under Article 165, Paragraph 1 shall be punished with a fine ranging from BGN 1,000 to BGN 3,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 5,000 to BGN 10,000.

Article 225. (1) A person making copies of cultural values in breach of Articles 173 and 174 shall be punished with a fine ranging from BGN 1,000 to BGN 3,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 5,000 to BGN 10,000.

(2) The penalty under Paragraph 1 shall be imposed also on a person making replicas in breach of Article 175.

(3) The tools used in the violations under Paragraphs 1 and 2 shall be seized to the benefit of the State.

(4) The item under Paragraphs 1 and 2 shall be seized to the benefit of the State.

Article 226. A person making copies, replicas or commercial items without the consent of the owner of the cultural value or the director of the relevant museum shall be punished with a fine ranging from BGN 1,000 to BGN 3,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 5,000 to BGN 10,000.

Article 226a. (New, SG No. 54/2011) The creation, use or dissemination of photographic, computer-generated, video- or any other images of a cultural value or elements thereof for commercial purposes, or the use of such images as a trademark symbol in the sense as per Article 9 (1) of the Trade Marks and Geographical Indications Act in the manufacture of goods, labels and designer solutions, or for advertising, without a valid contract with the owner of the cultural value shall carry a fine of BGN 5,000 to 15,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 20,000 to 50,000.

Article 227. A person making copies or replicas of cultural values of universal or national importance or ranking as national treasure without the permission of the Minister of Culture shall be punished with a fine ranging from BGN 10,000 to BGN 20,000, while sole proprietors and legal entities shall be punished with a sanction ranging from BGN 50,000 to BGN 100,000.

Article 228. A person failing to undertake the measures required under Article 182, Paragraph 3 shall be punished with a fine ranging from BGN 500 to BGN 1,500.

Article 228a. (New, SG No. 54/2011) (1) Operation of a museum without a license as per Article 30 (1) shall carry a fine of BGN 1,000 to 3,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 3,000 to 5,000.

(2) A repeat offense as per (1) shall carry a fine of BGN 1,000 to 1,500 or, respectively, a pecuniary sanction of BGN 1,500 to 2,000.

Article 228b. (New, SG No. 54/2011) Failure to obey a coercive administrative measure as per Article 192 (1), subpar. 2, shall carry a fine of BGN 2,000 to 5,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 5,000 to 10,000.

Article 228c. (New, SG No. 54/2011) Any other violations of this Act and of the secondary legislation pertinent to its implementation shall carry a fine of BGN 200 to 2,000, and where the defaulting party is a single trader or a legal entity, a pecuniary sanction of BGN 300 to 5,000, unless the misdeed constitutes a criminal offense.

Article 229. (1) The violation statements under this Act shall be drawn up by officials who are inspectors or by the customs authorities in the cases under Article 217.

(2) (Amended, SG No. 54/2011) Penalty assessments shall be issued by the Minister of Culture or an official designated by him/her or by the mayor of the relevant municipality in the cases under Article 196, Paragraph 2.

(3) (Amended, SG No. 38/2012, effective 1.07.2012) Fifty per cent of the receipts from fines and sanctions shall be remitted to the account of the National Culture Fund for projects related to the preservation of the cultural heritage, while the other fifty per cent shall be remitted to the budget of the Ministry of Culture.

Article 230. The establishment of the violations and the issuance, appeal and execution of penalty assessments shall be carried out pursuant to the provisions of the Administrative Violations and Penalties Act.

ADDITIONAL PROVISIONS

§ 1. State-owned and municipal art galleries shall have the status of museums.

§ 2. This Act shall transpose the provisions of Council Directive 93/7/EEC of 15 March 1993 on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State.

§ 3. (1) The Ministry of Culture, jointly with the Ministry of the Interior, the Customs Agency and other institutions designated by the Council of Ministers, shall establish and maintain a national system for exchange of information on the licenses issued for the export of cultural values, as well as the refusals to issue such licenses, which shall provide for the interaction and data exchange related to the preservation of cultural values.

(2) The management, control and use of the system under Paragraph 1 shall be performed under terms and conditions set out by the Council of Ministers.

(3) The resources for the introduction, maintenance, operation and development of the system shall be provided from the budgets of the ministries and institutions under Paragraph 1.

§ 4. Within the meaning of this Act:

1. "Inventory of the cultural and natural heritage of the Republic of Bulgaria" shall mean the list of values under Article 11, Paragraph 1 of the Convention concerning the Protection of the World Cultural and Natural Heritage.

2. (Amended, SG No. 54/2011) "Special technical tools" shall mean geophysical equipment and other technical tools used in the course of on-site archaeological surveys for purposes of discovering movable or immovable archaeological values on land and under water.

3. "Public collections" shall be those owned by a Member State, a local or regional authority or an institution within its territory and designated as public under its national laws and owned or financed to a substantial degree by that Member State or local or regional authority.

4. "Unlawfully removed from the territory of a Member State" shall mean cultural values which rank as national treasure and:

(a) have been removed from the territory of a Member State in breach of its rules on the protection of national treasures;

(b) have not been returned at the end of a period of lawful temporary removal or any breach of another condition governing

- such temporary removal.
5. "Requesting Member State" shall mean the Member State from whose territory the movable cultural value ranking as national treasure has been unlawfully removed.
 6. "Requested Member State" shall mean the Member State in whose territory a cultural value ranking as national treasure unlawfully removed from the territory of another Member State is located.
 7. "Return" shall mean the physical return of the movable cultural value which ranks as national treasure to the territory of the requesting Member State.
 8. "User" shall mean a person to whom the right to use a cultural value has been granted or who uses it on other legal grounds without being its owner.
 9. "Unlawfully acquired cultural values" shall mean those acquired through:
 - (a) surveys and excavations conducted without permission;
 - (b) crime;
 - (c) unlawful importation.
 10. "Integrated conservation" shall include various measures intended to perpetuate the cultural heritage as part of the respective environment created by man and nature, the use and adjustment of heritage sites and objects being oriented to the needs of society.
 11. "Site conservation" shall include direct and indirect activities intended to prevent loss and damage of excavations and loss of related information through the provision of optimal arrangements of uncovering, on-site safekeeping, packaging, transportation and disposal.
 12. "Coin-type items" shall mean coins and pre-coin shapes, stamps, seals, exagiae and other sigilographic items.
 13. "Repeated" shall mean a violation committed within a year from the entry into force of the penalty assessment imposing a penalty on the perpetrator for the same type of violation.
 14. "Systematic" shall mean a violation committed three or more times within a year from the entry into force of the first penalty assessment imposing a penalty on the perpetrator for the same type of violation.
 15. (New, SG No. 54/2011, amended, SG No. 82/2012, effective 25.11.2012) "Reconstruction according to authentic data of immovable cultural value" shall mean full or partial reconstruction, based on graphic, text, photo-documentation and other sources which provide information about the shape and the project, materials and substance, usage and function, tradition and techniques, location and environment, spirit and humour/sensation and other internal and external factors.
 16. (New, SG No. 54/2011) A "completed phase of on-site surveys" shall mean an exhausted stratigraphic layer, a part thereof or a part of the territory designated by force of the license to conduct archaeological surveys.
 17. (New, SG No. 54/2011) An "identifying feature of a site as a cultural value" shall mean the primary data in evidence of the cultural or scientific value or public significance of such a site.
 18. (New, SG No. 54/2011) "Works of art" in the sense as per Article 7 shall mean any movable items of aesthetic merit created by the skills and imagination of their authors and capable of being shared. Works of art shall also be considered to include decorative elements, mural paintings and other parts of buildings of significant aesthetic merit created by the means and methods of the visual arts.
 19. (New, SG No. 54/2011) "Adaptation" shall mean the conservation of immovable cultural values while ensuring their proper use for contemporary purposes in accordance with the requirements of conservation and restoration methods.

TRANSITIONAL AND CONDLUCING PROVISIONS

§ 5. (1) (Amended and supplemented, SG No. 92/2009, effective 20.11.2009) Within twelve months from the entry into force of this Act, the persons who had established actual power on archaeological objects or movable archaeological monuments of culture prior to the entry into force of this Act, shall request their identification and registration as movable cultural values by the National History Museum or the respective regional museum in accordance with Article 97, Paragraph 5. A declaration shall be attached to the request, describing the items under the foregoing sentence, specifying their origin and the manner of their acquisition. Persons shall be liable for misrepresentation pursuant to the provisions of Article 313 of the Criminal Code. The director of the relevant museum shall issue a compliance certificate to the person with regard to the obligations under the first two sentences. In such cases, Article 101 shall apply.

(2) (Declared unconstitutional by the Constitutional Court of the Republic of Bulgaria- SG No. 80/2009)

In the case of identification of movable cultural values which rank as national treasure, the ownership right shall be established with an official document, whereby the persons under Paragraph 1 may not invoke statutes of limitation.

(3) (Declared unconstitutional by the Constitutional Court of the Republic of Bulgaria- SG No. 80/2009)

The persons who have requested identification and registration within the time limits under Paragraph 1 but have failed to establish their ownership rights to movable archaeological values which rank as national treasures shall be considered to be their holders. The Minister of Culture shall certify their status as holders under this Act and issue a certificate thereof.

(4) (Repealed, SG No. 92/2009, effective 20.11.2009)

(5) (Amended, SG No. 92/2009, effective 20.11.2009) The persons under Paragraphs 1 shall have the rights under Article 111, Paragraph 1, subparagraph 1 and the obligations under Article 112, subparagraphs 1, 3 and 4.

(6) Any deals for disposal with cultural values which are archaeological objects under Paragraph 1 and which have been identified as national treasure under this Act shall be null and void.

(7) Cultural values which are archaeological objects and do not rank as national treasure shall be sold at auctions only pursuant to the provisions of Article 119. The person licensed to conduct auctions shall demand their identification certificate.

(8) In the event of an auction with movable cultural values which have not been identified under this Act, the Minister of Culture shall withdraw the license under Article 120.

§ 6. (1) (Amended, SG No. 92/2009, effective 20.11.2009) The persons who had established actual power on archaeological objects - coins and coin-type items - prior to the entry into force of this Act shall request their identification and registration within twelve months from its entry into force.

(2) The identification and registration of the objects under Paragraph 1 shall be performed by numismatic associations entered into a register with the Minister of Culture and having obtained a certificate thereof. The Articles of Association and the court registration certificate shall be attached to the application for registration.

(3) The application shall be filed before a numismatic association under Paragraph 2, attaching a declaration with a description of the items under Paragraph 1, specifying their origin and manner of acquisition, as well as photographs. Persons shall be liable for misrepresentation pursuant to the provisions of Article 313 of the Penal Code. The chairperson of the numismatic association shall issue a compliance certificate to the person with regard to the obligations under the first sentence.

§ 7. (1) The identification and registration of the items under § 6, Paragraph 1 shall be performed by a committee appointed by the General Assembly at the proposal of the Managing Board of the numismatic association. The committee shall include three experts with university degrees who have been members of the association for at least five years.

(2) The committee shall draw up an expert opinion on the results of the identification, which shall be signed by all members. Members shall not disclose the information they have become aware of in connection with the identification.

(3) Where the identification leads to the conclusion that grounds exist for meeting the criteria for national treasure under Article 54, the committee shall propose to the Minister of Culture to grant national treasure status pursuant to the provisions of Article 99.

(4) (Amended, SG No. 92/2009, effective 20.11.2009) The provisions of § 5, Paragraphs 5 and 6 shall apply in the cases under Paragraph 3, where natural treasure status is granted.

(5) Coins and coin-type items identified shall be registered at the numismatic association which has performed the identification.

(6) The relations between the persons under § 6, Paragraph 1 and the numismatic association shall be settled in a contract in writing.

§ 8. Transfer deals for consideration with coins and coin-type items identified and registered may be performed, except for those under § 5, Paragraph 7, also between members of the numismatic association.

§ 8a. (New, SG No. 92/2009, effective 20.11.2009) (1) Movable archaeological sites, movable archaeological monuments of culture and movable archaeological objects - coins and objects in the form of coins may be exported with the permission of the Minister of Culture after identification and registration under § 5 and respectively § 6 and 7.

(2) Property, referred to in Paragraph 1, representing national treasure, except in accordance with Article 129, p129, Paragraphs 2,3 and 4, 2, 3 и 4, may not be exported from the customs territory of the Community and from the territory of the Republic of Bulgaria to other countries - members of the European Union.

§ 9. Upon the entry into force of this Act, state-owned movable cultural values accessioned to the stocks of municipal museums shall become property of the municipalities, except for archaeological cultural values.

§ 10. (1) (Supplemented, SG No. 54/2011) Existing immovable monuments of culture declared as such under the previous terms and conditions shall retain their status and category as cultural values within the meaning of this Act.

(2) (Repealed, SG No. 54/2011).

(3) Within three months of the entry into force of this Act, the Minister of Culture shall issue an order to approve the list under Article 88, Paragraph 1, subparagraph 2.

§ 11. (1) Within three months of the entry into force of this Act, the NIPICV shall provide the Recordation Agency with the list of the existing declared immovable monuments of culture.

(2) The Recordation Agency shall enter the status of cultural value in the registration of these objects within two months of the submission of the list under Paragraph 1.

§ 12. (1) (Amended, SG No. 54/2011) Existing immovable monuments of culture declared as such under the previous terms and conditions shall retain their status as declared sites under this Act.

(2) (Amended, SG No. 92/2009, effective 20.11.2009) Within three years of the entry into force of this Act, the Director of the NIICH shall propose existing declared immovable monuments of culture to be registered or deleted pursuant to the provisions of Article 64.

(3) (Amended, SG No. 92/2009, effective 20.11.2009) Within six months of the entry into force of this Act, the Agency for Land Survey, Cartography and Cadastre, the State Forests Agency, the Ministry of Agriculture and Foods and the mayors of municipalities shall provide information to the NIICH on the fulfilment of the obligation under Paragraph 2.

(4) The list of sites under Paragraph 2 shall be provided to the Recordation Agency.

§ 13. Within a year of the entry into force of this Act, the Council of Ministers shall adopt the strategy and plan under Article 12, Paragraph 2.

§ 14. (Amended, SG No. 92/2009, effective 20.11.2009, amended and supplemented, SG No. 54/2011) Within 5 years of the entry into force of this Act, the Minister of Culture or the mayors of municipalities who exercise management or user right shall draw up management plans for the existing declared immovable monuments of cultural of universal value.

§ 15. (1) National, regional and municipal museums shall take stock of the movable monuments of culture accessioned to museum stocks within a year of the entry into force of this Act.

(2) Museums shall identify the items which they have acquired but have not accessioned to museum stocks within the time limit under Paragraph 1.

§ 16. Within three months of the entry into force of this Act, the owners of special technical tools shall request their registration from the Minister of Culture pursuant to the provisions of this Act.

§ 17. Within three months of the entry into force of this Act, the Minister of Culture, the Minister of the Interior and the Prosecutor General, in consultation with the Minister of Finance and the Chairperson of the National Security Agency, shall issue joint instructions on their interaction against criminal encroachments on cultural values.

§ 18. Directors and employees at national, regional and municipal museums shall submit the declaration under Article 38, Paragraph 2 within two months of the entry into force of this Act.

§ 19. (1) The National Institute for the Preservation of Immovable Cultural Values shall be the legal successor to the National Institute for Monuments of Culture.

(2) The existing official relations with civil servants shall be retained upon the entry into force of this Act pursuant to the provisions of Article 87a of the Civil Servants Act.

(3) The existing employment relations with employees shall not be terminated upon the entry into force of this Act pursuant to the provisions of Article 123 of the Labour Code.

§ 20. Within 14 days of the promulgation of this Act in The State Gazette, the Minister of Culture shall approve the register and the certificate format under § 6, Paragraph 2.

§ 21. (Amended, SG No. 92/2009, effective 20.11.2009) The Minister of Culture shall complete pending coordination procedures under the previous terms and conditions.

§ 22. The Monuments of Culture and Museums Act (promulgated, SG, No. 29 of 1969; amended, Nos. 29 of 1973, 36 of 1979, 87 of 1980, 102 of 1981, 45 of 1984, 45 of 1989, 10 and 14 of 1990, 112 of 1995, 31 of 1996 - Judgment No. 5 of the Constitutional Court of 1996; amended, Nos. 44 of 1996, 117 of 1997, 153 of 1998, 50 of 1999, 55 of 2004, 28 and 94 of 2005, 21 and 30 of 2006) shall be hereby repealed.

§ 23. (1) The Minister of Culture shall

1. issue the secondary legislation envisaged in this Act within three months of its entry into force;
2. approve the forms envisaged in this Act within a month of its entry into force.

(2) Pending the issuance of the secondary legislation under Paragraph 1, subparagraph 1, the secondary legislation issued under the repealed Monuments of Culture and Museums Act shall apply, insofar as it does not contravene this Act.

§ 24. The following amendments shall be introduced in the Biodiversity Act (promulgated, SG, No. 77 of 2002; amended, No. 88 and 105 of 2005, 29, 30 and 34 of 2006, 52, 64 and 94 of 2007, 43 of 2008):

1. Subparagraph 266 of § 1 of the Additional Provision shall be amended as follows:

"266. "Museum" shall mean a cultural and scientific organisation within the meaning of the Cultural Heritage Act".

2. The words "monuments of culture" and "the Monuments of Culture and Museums Act" shall be replaced by the words "cultural values" and "the Cultural Heritage Act" respectively everywhere in the text.

§ 25. In the Military Monuments Act (promulgated, SG, No. 13 of 2008), the words "monuments of culture", "the Monuments of Culture and Museums Act" and "the National Institute for Monuments of Culture" shall be replaced by the words "cultural values", "the Cultural Heritage Act" and "the National Institute for Preservation of Immovable Cultural Values" respectively everywhere in the text.

§ 26. In the Forests Act (promulgated, SG, No. 125 of 1997; amended, Nos. 79 and 133 of 1998, 26 of 1999, 29 and 78 of 2000, 77, 79 and 99 of 2002, 16 and 107 of 2003, 72 and 105 of 2005, 29, 30, 34, 36, 82 and 102 of 2006, 13, 24 and 64 of 2007, 43, 54, 63, 69, 70 and 91 of 2008, 6 and 12 of 2009 r.), the words "monuments of culture" and "the Monuments of Culture and Museums Act" shall be replaced by the words "cultural values" and "the Cultural Heritage Act" respectively everywhere in the text.

§ 27. The Protection and Development of Culture Act (promulgated, SG, No. 50 of 1999; amended, No. 1 of 2000; amended, No. 34 of 2001; amended, Nos. 75 of 2002, 55 of 2004, 28, 74, 93, 99 and 103 of 2005, 21, 41 and 106 of 2006, 84 of 2007) shall be amended as follows:

1. In Article 31, Paragraph 1:

(a) Subparagraph 5 shall be repealed;

(b) Subparagraph 6 shall be amended as follows:

"6. fifty per cent of the fines and sanctions under the Cultural Heritage Act";

(c) In subparagraph 8, the words "monuments of culture" shall be replaced by the words "cultural values".

2. In Article 37, Paragraph 1, the words "5 and 8" shall be replaced by the words "and 8".

3. In § 1, subparagraph 2 shall be amended as follows:

"2. "Cultural value" shall be the one within the meaning of the Cultural Heritage Act".

§ 28. The Protected Territories Act (promulgated, SG, No. 133 of 1998; amended, Nos. 98 of 1999, 28, 48 and 78 of 2000, 23, 77 and 91 of 2002, 28 and 94 of 2005, 30 and 65 of 2006, 24 and 62 of 2007, 36 and 43 of 2008) shall be amended as follows:

1. In Article 6, Paragraph 3, the words "monuments of culture" shall be replaced by the words "cultural values" and the words "the Monuments of Culture and Museums Act" shall be replaced by the words "the Cultural Heritage Act".

2. In Article 61 the words "monuments of culture" shall be replaced by the words "cultural values"

§ 29. The National Archives Act (promulgated, SG, No. 57 of 2007) shall be amended as follows:

1. In Article 33, Paragraph 1, subparagraph 7, the words "the National Institute for Monuments of Culture" shall be replaced by the words "the National Institute for Preservation of Immovable Cultural Values" and the words "the National Register of Immovable Monuments of Culture, documentation of immovable monuments of culture" shall be replaced by the words "the National Register of Immovable Cultural Values, documentation of immovable cultural values".

2. In Article 34, the words "the Monuments of Culture and Museums Act" shall be replaced by the words "the Cultural Heritage Act".

§ 30. The Tourism Act (promulgated, SG, No. 56 of 2002; amended, No. 119 and 120 of 2002, 39 of 2004, 28, 39, 94, 99 and 105 of 2005, 30, 34, 82 and 105 of 2006, 42 and 80 of 2007, 31, 36 and 66 of 2008) shall be amended as follows:

1. In Article 3, subparagraph 8, the words "monuments of culture and of historical heritage under the Monuments of Culture and Museums Act" shall be replaced by the words "cultural values under the Cultural Heritage Act".

2. In Article 10, Paragraph 2, subparagraph 1, the words "monuments of culture and of historical heritage" shall be replaced by the words "cultural values".

§ 31. In the Black Sea Coast Development Act (promulgated, SG, No. 48 of 2007; amended, No. 36 and 67 of 2008), the words "the National Institute for Monuments of Culture", "monuments of culture", "the monuments of culture" and "the Monuments of Culture and Museums Act" shall be replaced by the words "the National Institute for Preservation of Immovable Cultural Values", "cultural values", "the cultural values" and "the Cultural Heritage Act" respectively everywhere in the text.

§ 32. In Article 31 of the State Ownership Act (promulgated, SG, No. 44 of 1996; amended, No. 104 of 1996, 55, 61 and 117 of 1997, 93 and 124 of 1998, 67 of 1999, 9, 12, 26 and 57 of 2000, 1 of 2001, 45 of 2002, 63 of 2003, 24 and 93 of 2004, 32 of 2005, 17, 30, 36, 64 and 105 of 2006, 41, 59, 92 and 113 of 2007, 52 and 54 of 2008, 10 of 2009), the words "monuments of culture" shall be replaced by the words "cultural values",

§ 33. In Article 20 of the Municipal Ownership Act (promulgated, SG, No. 44 of 1996; amended, No. 104 of 1996, 55 of 1997, 22 and 93 of 1998, 23, 56, 64, 67, 69 and 96 of 1999, 26 of 2000, 34 of 2001, 120 of 2002, 101 of 2004, 29, 30 and 36 of 2006, 59, 63 and 92 of 2007, 54, 70 and 100 of 2008, 10 of 2009), the words "Monuments of Culture" shall be replaced by the words "Cultural Values",

§ 34. In the Mineral Resources Act (promulgated, SG, No. 23 of 1999; amended, No. 28 of 2000, 108 of 2001, 47 of 2002, 86 of 2003, 28 and 94 of 2005, 30, 36 and 37 of 2006, 55 of 2007, 70 of 2008), the words "monuments of culture" and "the monuments of culture" shall be replaced by the words "cultural values" and "the cultural values" everywhere in the text.

§ 35. In Article 4, Paragraph 4 of the Ownership and Use of Farmlands Act (promulgated, SG, No. 17 of 1991; amended, No. 20 of 1991; amended, No. 74 of 1991, 18, 28, 46 and 105 of 1992, 48, 64 and 83 of 1993, 80 of 1994, 45, 57 and 59 of 1995, 79, 103 and 104 of 1996, 62, 87, 98, 123 and 124 of 1997, 36, 59, 88 and 133 of 1998, 68 of 1999, 34 and 106 of 2000, 28, 47 and 99 of 2002, 16 of 2003, 36 and 38 of 2004, 87 of 2005, 17 and 30 of 2006, 13, 24 and 59 of 2007, 36 and 43 of 2008, 6 and 10 of 2009), the words "monuments of culture" shall be replaced by the words "cultural values".

§ 36. In Article 18, Paragraph 1 of the Energy Efficiency Act (promulgated, SG, No. 98 of 2008; amended, No. 6 of 2009), the words "monuments of culture" shall be replaced by the words "cultural values" and the words "the Monuments of Culture

§ 37. The Handicrafts Act (promulgated, SG, No. 42 of 2001; amended, No. 112 of 2001, 56 of 2002, 99 and 105 of 2005, 10, 30, 34 and 81 of 2006), Appendix No. 1 to Article 3, Paragraph 1, "I. Group of handicrafts in the field of construction, restoration and finishing works" shall be amended as follows:

1. In the heading, the comma after the word "construction" and the word "restoration" shall be deleted.
2. Item "10. Restoration and Conservation of Monuments of Culture" shall be deleted.

§ 38. In the Building Chamber Act (promulgated, SG, No. 108 of 2006), the words "the National Institute for Monuments of Culture", "monuments of culture" and "the monuments of culture" shall be replaced by the words "the National Institute for Preservation of Immovable Cultural Values", "cultural values" and "the cultural values" respectively everywhere in the text.

§ 39. The Local Taxes and Fees Act (promulgated, SG, No. 117 of 1997; amended, No. 71, 83, 105 and 153 of 1998, 103 of 1999, 34 and 102 of 2000, 109 of 2001, 28, 45, 56 and 119 of 2002, 84 and 112 of 2003, 6, 18, 36, 70 and 106 of 2004, 87, 94, 100, 103 and 105 of 2005, 30, 36 and 105 of 2006, 55 and 110 of 2007, 70 and 105 of 2008, 12 of 2009) shall be amended as follows:

1. In Article 24, Paragraph 1, subparagraph 11a, the words "monuments of culture" shall be replaced by the words "cultural values".
2. In Article 93, Paragraph 3, subparagraph 1, the words "monuments of culture and of historical heritage" shall be replaced by the words "cultural values".

§ 40. In Article 93, Paragraph 4, subparagraph 3, item (f) of the Protection of the Environment Act (promulgated, SG, No. 91 of 2002; amended, No. 98 of 2002; amended, No. 86 of 2003, 70 of 2004, 74, 77, 88, 95 and 105 of 2005, 30, 65, 82, 99, 102 and 105 of 2006, 31, 41 and 89 of 2007, 36, 52 and 105 of 2008, 12 of 2009), the words "monuments of culture" shall be replaced by the words "cultural values" and the words "the Monuments of Culture and Museums Act" shall be replaced by the words "the Cultural Heritage Act".

§ 41. In the Sofia City Development and Construction Act (promulgated, SG, No. 106 of 2006; amended, No. 41 of 2007, 6 of 2009), the words "monuments of culture", "the National Institute for Monuments of Culture" and "the Monuments of Culture and Museums Act" shall be replaced by the words "cultural values", "the National Institute for the Preservation of Immovable Cultural Values" and "the Cultural Heritage Act" respectively everywhere in the text.

§ 42. The Urban Planning and Development Act (promulgated, SG, No. 1 of 2001; amended, No. 41 and 111 of 2001, 43 of 2002, 20, 65 and 107 of 2003, 36 and 65 of 2004, 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, 29, 30, 34, 37, 65, 76, 79, 82, 106 and 108 of 2006, 41 and 61 of 2007, 33, 43, 54, 69, 98 and 102 of 2008, 6 of 2009) shall be amended as follows:

1. Paragraph 6 shall be inserted in Article 113 as follows:

"6. Where detailed development plans of protected territories for the preservation of the cultural heritage or parts thereof are amended, working development plans shall be drawn up also for the properties affected by the amendment and the adjacent

2. Article 125, Paragraph 5 shall be amended as follows:

"(5). The terms of reference under Paragraph 1 for protected territories for the preservation of the cultural heritage shall be coordinated with the National Institute for the Preservation of Immovable Cultural Values pursuant to the provisions of the Cultural Heritage Act".

3. In Article 140:

(a) A new Paragraph 4 shall be inserted as follows:

"(4). For building within the boundaries of immovable cultural values and the protective zones of single cultural values, where no specific rules and standards have been approved, the design permit shall be issued with mandatory building lines and maximum permissible cornice level.";

(b) the existing Paragraphs 4, 5 and 6 shall become Paragraphs 5, 6 and 7 respectively.

4. In Article 148, Paragraph 4, the fourth sentence shall be amended as follows: "A building permit on sites within protected territories for the preservation of the cultural heritage shall be issued pursuant to the provisions of the Cultural Heritage Act."

5. Article 151, Paragraph 2 shall be amended as follows:

"(2) Paragraph 1 shall not apply to immovable cultural values."

6. In Article 195:

(a) Paragraph 2 shall be repealed;

(b) in Paragraph 3, the words "and 2" shall be deleted;

(c) in Paragraphs 4, 5 and 7 the words "and 2" shall be deleted.

7. In Article 196, Paragraph 1, the second sentence shall be deleted.

8. Everywhere in the text:

(a) the words "monuments of culture" shall be replaced by the words "cultural values";

(b) the words "the Monuments of Culture and Museums Act" shall be replaced by the words "the Cultural Heritage Act";

(c) the words "the National Institute for Monuments of Culture" shall be replaced by the words "the National Institute for the Preservation of Immovable Cultural Values".

§ 43. Within a month of the entry into force of this Act, the Council of Ministers shall submit to the National Assembly amending bills to the laws which have to be adjusted to this Act.

§ 44. This Act shall enter into force on the 10th day of April 2009, except for Article 114, Paragraph 2 and Article 126, which shall enter into force on the 10th day of April 2010.

This Act was adopted by the 40th National Assembly on the 26th day of February 2009 and the official seal of the National Assembly was affixed hereto.

§ 38. In the remaining texts of the act the words "Regulation 3911/1992" shall be replaced by "Regulation 116/2009".

Transitional and Final Provisions

§ 39. The Ministry of Culture and NIICH are successors of the assets and liabilities of the National Institute for Preservation of Immovable Cultural Values.

§ 40. (1) The powers of the Director of the National Institute for Preservation of Immovable Cultural Values shall be terminated from the date of entry into force of this Act.

(2) The legal relationships of individuals from the National Institute for Preservation of Immovable Cultural Values shall be governed by Article 123 of the Labour Code and Article 87a of the Civil Service Act in accordance with the rules set by the Organizational Rules of the Ministry of Culture and the NIICH structure and numerical strength.

§ 41. (1) Within one year of entry into force of this Act, the NIICH shall provide the Registry Agency with a list of entries for the incumbent declared immovable monuments of culture.

(2) The Registry Agency shall note the status of cultural values on lots of sites within two months of submission of the list under Paragraph 1.

TRANSITIONAL AND FINAL PROVISIONS TO

the Law on Amending and Supplementing the

Cultural Heritage Act

(SG No. 54/2011)

§ 118. (1) Persons who, as at the effective date of this Act, do not satisfy the requirements of Article 164 (2) but have at least 10 years' experience in the field of conservation and restoration of cultural values shall be listed in the register as per Article 165 hereunder.

(2) Upon submission of an application for registration, the applicants shall submit documents in evidence of the circumstances as per (1), as determined by the ordinance as per Article 165 (1).

(3) Professional experience in the sense as per Article 164 (2) shall also be considered to include work experience accumulated as a teacher, designer, expert or inspector in the field of conservation of cultural heritage in a school of higher learning, in a state cultural or research institute or a specialized administration.

§ 119. (1) Museum collections of cultural values registered with the Ministry of Culture prior to the entry into force of this Act shall be granted the status of collections of public significance owned by legal entities. Non-inventoried items in such collections shall be subject to identification in accordance with Article 97 herein.

(2) Movable cultural values entered in museum inventories prior to the entry into force of this Act shall be subject to restitution provided that the ownership of persons claiming to be their rightful owners is proven by a valid court decision.

§ 120. (1) Within two years from the entry into force of this Act, the municipalities shall submit to the National Institute of the Immovable Cultural Heritage the current whereabouts and identifiers as per the Cadastre and Property Register Act of any and all pre-existing declared monuments of culture located within the territory of the relevant municipality.

(2) Within two years from the entry into force of this Act, the National Institute of the Immovable Cultural Heritage shall forward to the Registration Agency a list of all pre-existing declared monuments of culture.

(3) The Registration Agency shall note the status of a cultural value in the account of each site within two months from receipt of the list as per (2).

§ 121. Applications submitted prior to the entry into force of this Act by government agencies and municipalities for being granted, without compensation, the right to manage immovable cultural values in public state ownership in accordance with the State Ownership Act shall be reviewed in accordance with the procedure applied heretofore.

§ 122. (1) The acts whereby reserves as per Article 50 (3) were declared as historical, historical-archaeological, archaeological or museum reserves, and whereby their location, territory, boundaries, special protection zones are determined and prescriptions are made with regard to their conservation, shall remain in force until new ones are adopted.

(2) For archaeological reserves as per item 27-31 of the Appendix to Article 50 (3), a comprehensive evaluation shall be carried out and their conservation regimes shall be revised within two years from the entry into force of this Act.

.....
Act to Amend and Supplement the Civil Servants Act
(Promulgated, SG No. 38/2012, effective 1.07.2012)

TRANSITIONAL AND FINAL PROVISIONS

.....

§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS to the Act on Public-Private Partnership

(SG No. 45/2012, effective 1.01.2013)

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§ 16. This Act shall enter into force on January 1, 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13 which come into force on September 1, 2012.

Appendix to Article 50 (3)

(New, SG No. 54/2011)

List of archaeological reserves

№ Name, location

1. Antique and mediaeval structures at Momina Krepost, Tzartevetz and Trapezitza, Veliko Tarnovo District
2. The Old Town of Nessebar, Nessebar Municipality, Burgas District
3. Early mediaeval town of Pliska, Kaspichan Municipality, Shumen District
4. Early mediaeval town of Preslav, Preslav Municipality, Shumen District
5. Prehistoric, antique and mediaeval structures near Madara, Shumen and Kaspichan municipalities, Shumen District
6. Ancient city of Hissar, Hissar Municipality, Plovdiv District
7. Rock-face churches at the village of Ivanovo, Ivanovo Municipality, Rousse District
8. Mediaeval city of Cherven, Ivanovo Municipality, Rousse District
9. Orlova Chuka cave, Dve Mogili Municipality, Rousse District
- 10 Mediaeval fortress and the quarter of Varosha Lovech Municipality, Lovech District
- .
- 11 Antique city of Martianopolis, Devnya Municipality, Varna District
- .
- 12 Antique City of Nicopolis ad Istrum, Veliko Tarnovo Municipality, Veliko Tarnovo District
- .
- 13 Thracian and antique city of Kabile, Yambol Municipality, Yambol District
- .
- 14 Ancient settlement of Durostorum/Drastar, Silistra Municipality, Silistra District
- .
- 15 Antique city of Odessos/Varna, Varna Municipality, Varna District
- .
- 16 Antique Serdica and mediaeval Sredetz, Sofia Municipality, Greater Sofia Urban Area
- .
- 17 Antique and mediaeval city of Pautalia/Velbuzhd, Kyustendil Municipality, Kyustendil District
- .
- 18 Antique and mediaeval city of Augusta Traiana/Vereia, Stara Zagora Municipality, Stara Zagora District
- .
- 19 Antique fortress of Augusta, Kozloduy Municipality, Vratza District
- .
- 20 Antique and mediaeval city of Deultum/Debelt, Sredetz Municipality, Burgas District
- .

- 21 Prehistoric, antique and mediaeval structures in the locality of Sbornyanovo and near the village of Sveshtari, Iperikh Municipality, Razgrad District
- 22 Prehistoric, antique and mediaeval structures in the locality of Yaylata, Kavarna Municipality, Dobrich District
- 23 Islands of St. John and St. Peter, Sozopol Municipality, Burgas District
- 24 Antique city of Ulpia/Escus, Guliantzi Municipality, Pleven District
- 25 Antique and mediaeval fortress of Kaliakra, Kavarna Municipality, Dobrich District
- 26 Antique city of Abitrus, Razgrad Muinicipality, Razgrad District
- 27 Antique city of Nove, Svishtov Municipality, Veliko Tarnovo District
- 28 Antique city of Nicopolis ad Nestum, Garmen Municipality, Blagoevgrad District
- 29 Antique city of Apolonia, Sozopol Municipality, Burgas District
- 30 Antique city of Philippopolis and the Old Town of Plovdiv, Plovdiv Municipality, Plovdiv District
- 31 Antique, mediaeval and Revival Period town of Melnik, Sandanski Municipality, Blagoevgrad District
- 32 Early mediaeval settlement of Kabiyuk, Shumen and Hitrino Municipalities, Shumen District
- 33 A complex of Thracian burial mounds, Kazanlak Municipality, Stara Zagora District