

**LAW NO. 02/L-88**

**CULTURAL HERITAGE LAW**

Assembly of Kosova,

Pursuant to the Chapter 5.1 (g) and 9.1.26 (a) of the Constitutional Framework for Provisional Self-Government in Kosova (UNMIK Regulation No. 2001/9 of 15 May 2001);

With the aim of creating a legal infrastructure and regulative, regarding protection, preservation and promotion of the cultural heritage of Kosova,

Hereby adopts the following:

**CULTURAL HERITAGE LAW**

**Article 1**

**General Provisions**

1.1. The object of this Law are the values of Cultural Heritage, created during centuries; also legal and technical tools for inventory, documentation, selection, protection, conservation, restoration, administration, presentation and propagation of these treasures in accordance with international charters and conventions, regardless of the ownership of the Cultural Heritage under protection. The historical and cultural value of this heritage is the treasure of the entire people of Kosovo.

1.2. This Law shall establish relations between owners, possessors and occupiers of the Cultural Heritage, be it individuals or communities or public authorities responsible for assessing the Cultural Heritage. It will also establish responsibilities of private persons and public institutions concerning the Cultural Heritage.

1.3. The Cultural Heritage within this Law shall include: architectural, archaeological, movable and spiritual heritage regardless of the time of creation and construction, type of construction, beneficiary, creator or implementer of a work. The scope of the Law shall be confined to matters relating specifically to Cultural Heritage. Cultural Heritage that relates to or derives from religious confessions shall be governed by legislation that defines the status of religious communities in Kosovo.

1.4. The goal of the present Law is to legally regulate the scope of Cultural Heritage regarding preservation, protection, public access, communication and provision of necessary resources, in order that the heritage is enjoyed by current generations and forwarded to future generations, as a historical and cultural document.

**Article 2**

**Definition of Notions in the Context of the Law**

2.1. "**Cultural heritage**" includes Architectural heritage, Archaeological heritage, Movable heritage and Spiritual heritage.

2.2. "**Architectural heritage**" is composed of:

- a). Monuments: Constructions and structures distinguished by values of historical, archaeological, artistic, scientific, social or technical interest including movable elements as their parts.
- b). Ensemble of buildings: Groups of urban or rural buildings distinguished by values of historical, archaeological, artistic, scientific, social or technical interest, interrelated with certain topographic units.

- c). Architectural conservation areas: Areas comprising combined works of human hand and nature distinguished by values of historical, archaeological, artistic, scientific, social and technical interest.

2.3. “**Archaeological heritage**” means constructions, structures and groups of buildings, developed settlements, movable objects, monuments of various kinds and their contents, found on land or under water. The Archaeological Heritage may be protected through an Archaeological Reserve where the remains, whether visible or hidden in the ground are to be left undisturbed.

2.4. “**Cultural landscapes**” means an area, as perceived by people, whose character is a result of the action and interaction of natural and / or human factors; an essential component of peoples’ surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity.

2.5. “**Movable heritage**” are objects that are expression or evidence of human creativity or of a natural development, distinguished by values of historical, archaeological, artistic, scientific or spiritual importance and interest.

2.6. “**Spiritual heritage**” includes forms of cultural expression of popular traditions or customs, language, celebration, ritual, dance, music, song and other artistic expression.

2.7. “**Inventory**” is a research activity for preliminary recording and documentation of the values of Cultural Heritage.

2.8. “**Documentation**” is presentation of typological and factual values and interest factors according to Articles 2.2, 2.3, 2.4 and 2.5 of this Law through graphical and photographic tools and written data.

2.9. “**Protection**” is a nomenclature of protection measures of a juridical nature aimed at the preservation of values of the Cultural Heritage.

2.10. “**Conservation**” means creation of suitable conditions and the taking of preliminary measures for preservation of the Cultural Heritage including maintenance.

2.11. “**Restoration**” means an activity aimed at preservation and displaying of values of the Cultural Heritage.

2.12. “**Administration**” means overseeing and management of the use of the Cultural Heritage.

2.13. “**Propagation**” means an educational and awareness-raising activity related to values of the Cultural Heritage.

2.14. “**Damage**” means any harm caused to the values of the Cultural Heritage.

2.15. “**Evaluation of the Cultural Heritage**” means the process of researching, studying, documenting and selecting for the process of protection, conservation, restoration, administration and propagation of its values.

2.16. “**List of the Cultural Heritage**” includes the items on the inventory of the Cultural Heritage that have been selected for preservation and protection by the Competent Institution for this Law.

2.17. “**The Ministry**” is the Ministry responsible for Cultural Heritage.

2.18. “**Minister**” is the Minister responsible for Cultural Heritage.

2.19. “**A Competent Institution**” means an Institution assigned by the Law for researching, documenting, selecting, and overseeing the preservation, conservation, restoration, administration and propagation of the Cultural Heritage.

2.20. “**Perimeter of a monument**” is the boundary of the protected area associated with the protected cultural heritage to be defined on a plan by the Competent Institution.

2.21. **“Protective zone”** means an area of land as is defined in Article 2 of the Law on Spatial Planning (Law No. 2003/14) which is surrounding the perimeter of protected immovable cultural heritage that may be safeguarded from any development or activity which could damage the visual setting or otherwise damage the cultural heritage.

2.22. **“Protected area”** is an area which may include protected natural or environmental resources, or immovable cultural heritage as is defined in Article 2 of the Law on Spatial Planning (Law No. 2003/14).

2.23. **“Special area”** is an area defined by spatial plans that require a particular organization, development, use or protection as is defined in Article 12.2 of the Law on Spatial Planning (Law No. 2003/14).

2.24. **“Museums”** are non-profitable institutions in the service of society and its development and open to the public to research, conserve, collect, communicate and exhibit movable heritage for the purposes of study, education and enjoyment.

### **Article 3**

## **II. Inventory, Documentation and Temporary Protection of the Cultural Heritage**

3.1. Identification of the Cultural Heritage shall be achieved by means of inventory and implemented by the Competent Institution, in accordance with the Law.

3.2. Inventory and documentation contains preliminary graphic, visual presentation and description of essential data of the Cultural Heritage: names of the owner, possessor or occupier, and references to location, visual presentation, type and date according to a sub-legal act based on this Law.

3.3. Ministry shall create a standardized and centralized inventory database of the cultural heritage in both written and electronic form. Access to those data bases shall be allowed through an institutional network.

3.4. A professional officer affiliated with the Competent Institution is given a right of entry, after 7 days notice to the owner, to verify the value and the state of Cultural Heritage during the process of inventory and evaluation.

3.5. Based on criteria established by a sub-legal act, and according to Article 3.2, the Competent Institution shall select from the inventory of the Cultural Heritage items and objects to be under temporary protection within the List of the Cultural Heritage.

3.6. Objects included on the List of the Cultural Heritage under temporary protection shall be under temporary protection for one year. The right to compensation will be transferred for any financial loss to court if the item is not permanently protected after one year. Such compensation will be assessed by an independent commission which shall be established by the Kosovo Council for the Cultural Heritage.

3.7. The Cultural Heritage under temporary protection, according to this Law, shall have the same attributes of the Cultural Heritage under permanent protection, as defined under Article 4.

3.8. The granting of permission for construction or other activities that could affect the values or change the integrity or structure of items of Cultural Heritage under temporary protection shall be made only with the written consent of the Competent Institution.

### **Article 4**

## **Protection and Legal Measures**

4.1. Cultural Heritage assets proposed for permanent protection by the Competent Institution, legal or physical persons shall be compiled according to criteria set by a sub-legal act, based on this Law.

4.2. Cultural Heritage assets as defined in Article 2 of this Law proposed for protection by legal or physical persons shall undergo an evaluation by the Competent Institution according to Article 4.1 of this Law.

4.3. Cultural Heritage assets proposed for permanent protection should be submitted to the Kosovo Council for the Cultural Heritage for review, adoption or rejection.

4.4. The decision on the objects to be included in the List of the Cultural Heritage under permanent protection, determined by the Kosovo Council for the Cultural Heritage, shall be signed by the Minister, whereby their permanent protection under this Law enters into force. The List of the Cultural Heritage will be open to public.

4.5. The approval of decisions on the objects to be included in the List of the Cultural Heritage under permanent protection by the Minister according to Article 4.4 shall be made at least 15 days from the date of its reception at the Ministry.

4.6. Cultural heritage objects included in the List of the Cultural Heritage, under temporary or permanent protection, shall be registered to the Cadastral and Geodesic Agency of Kosova, at both central and local levels.

4.7. Notification of the inclusion of an object within the List of the Cultural Heritage will be done in writing to the owner through advertisement in the Official Gazette within 28 days.

#### The Kosovo Council for the Cultural Heritage

4.8. Kosovo Council for the Cultural Heritage is a body which will be established by the Assembly of Kosovo who will also determine the objects of its activity in the field of cultural heritage. The Council is consisted from seven members appointed for the three- year mandate by the Assembly of Kosovo respecting the ethnic composition in Kosovo. The Assembly of Kosovo shall approve the budget of the Kosovo Council for the Cultural Heritage. The organization and functioning of the Kosovo Council for the Cultural Heritage will be regulated by an internal act approved by it.

4.9. The Kosovo Council for the Cultural Heritage will identify necessary financial support measures for the Cultural Heritage for each year to the Assembly of Kosovo in compliance with this Law. The Kosovo Council for the Cultural Heritage cooperates with the competent institutions that act in the filed of the cultural heritage.

#### Obligations of Legal and Physical Persons for Protection of the Cultural Heritage

4.10. Each legal and physical person has duty of care to safeguard the integrity of Cultural Heritage if he/she is owner, possessor or occupier of this Cultural Heritage.

4.11. Any legal or physical person who damages Cultural Heritage regardless of their ownership relationship to it, shall be fined or sanctioned based on the Provisional Penal Code of Kosovo, the Law on Minor Offences and according to Article 11 of this Law.

#### Inspectors of the Cultural Heritage

4.12. Inspectors assigned by the Ministry, according to a sub-legal act based on this Law, shall evaluate the condition and state of preservation of the Cultural Heritage and shall take appropriate measures for the preservation and protection of the Cultural Heritage.

4.13. An owner, possessor or occupier of protected Cultural Heritage is obliged not to hinder an inspection carried out according to Article 4.12.

#### Conservation and Restoration of the Cultural Heritage

4.14. Any intervention that may affect the integrity or values of the Cultural Heritage requires written permission from the Competent Institution.

4.15. The Competent Institution shall order an immediate stop for an unspecified period of time to any kind of unauthorized work on the Cultural Heritage.

4.16. Conservation and restoration activities concerning the Cultural Heritage shall be carried out by the Competent Institution and physical and legal persons licensed by the Ministry according to a sub-legal act based on this Law. Work carried out under a license will be supervised by the Competent Institution.

4.17. Conservation and restoration projects of the Cultural Heritage shall be implemented only after their written approval by the Competent Institution.

4.18. Conservation and restoration interventions shall be carried out according to a sub-legal act in accordance with Article 4.17 of this Law.

4.19. Process of conservation and restoration interventions shall be carried out under supervision of the Competent Institution.

4.20. The Competent Institution shall stop conservation and restoration work if it identifies irregularities during their implementation, and until the necessary conditions are met for resuming such works.

#### Selling and Transfer or Assignment of Property Rights under the Control and Authority of the Competent Institution of the Cultural Heritage

4.21. The Cultural Heritage may be sold, inherited or donated only within the territory of Kosovo and according to the Legislation in force, which regulates property issues. The Ministry is entitled to pre-emptive buying of the Cultural Heritage according to market price will be assessed by an independent commission to be established by the Kosovo Council for the Cultural Heritage.

4.22. Property Rights Protected Cultural Heritage may be transferred and assigned in the property rights under the control and authority of the competent institution in accordance with relevant legislation where there is an identifiable risk of intentional harm or destruction of the Cultural Heritage or where insufficient action has been taken by the owner, possessor or occupier to safeguard the condition and state of preservation of the Cultural Heritage. Compensation will be payable to the owner based on the market value of the property and reflecting the condition of the property. The level of compensation will be determined by an independent commission established by the Kosovo Council for the Cultural Heritage.

4.23. Protected Cultural Heritage which is in the private property and which benefits from public funds for conservation and restoration work according to Article 5 of this Law is subject to a requirement to allow the public access for a reasonable period of time which will be determined according to a sub-legal act.

### **Article 5 Financing and Fiscal Measures for the Cultural Heritage**

5.1. Funds for the research, documentation, selection, protection, conservation, restoration, administration, presentation and propagation of the Cultural Heritage, shall be provided by the Kosovo Consolidated Budget, and through financial resources of the local authorities and any other domestic and international source whether as donation or sponsor.

5.2. The Kosovo Consolidated Budget on the Cultural Heritage shall be used to cover activities concerning the Cultural Heritage in compliance with Article 4 of this Law. The Kosovo Council for the Cultural Heritage shall evaluate project proposals submitted by institutions of relevant fields, whereas the Ministry is responsible for the approval and implementation for these projects on a proportional basis from its budget.

5.3. The Cultural Heritage under temporary or permanent protection shall be exempt from property tax, in compliance with this Law.

5.4. Any investment with the purpose of conservation or restoration on protected Cultural Heritage made by physical or legal persons, whose amounts are confirmed and approved by the Competent Institution, shall be deductible from income tax liability up to the amount of the invested sum, if it is not otherwise regulated by other legislation in force.

5.5. The Cultural Heritage in the private property which is accessible to the public according to the Article 4.23 of this Law shall be exempt from inheritance tax.

### **Article 6** **III. Architectural Heritage**

6.1. Architectural heritage is part of the immovable heritage. It is composed of monuments, ensembles and architectural conservation areas. Architectural heritage dates from prehistory and to the present time.

6.2. Inventory, documentation and protection of the architectural heritage shall be regulated according to Article 3 and 4 of this Law. A professional and scientific evaluation of its values shall be noted on the List of the Cultural Heritage.

6.3. Architectural monuments shall be preserved in all their compositional elements, architectural and technical features. The protection area of the monument shall include any construction or structures of recognized value within the perimeter of the monument, to be defined on a plan by the Competent Institution.

6.4. Architectural monuments under temporary or permanent protection shall have a Protective Zone which is 50 meters from the perimeter of the monument. This Protective Zone can be extended or reduced and will be defined on a plan by the Competent Institution and in the relevant spatial plan in accordance with Article 2 of the Law on Spatial Planning (Law No. 2003/14).

6.5. Ensembles and architectural conservation areas under protection may be in rural or urban environments. Buildings included in ensembles and such areas are protected externally, and shall be defined as Protected Areas in accordance with Article 2 of the Law on Spatial Planning (Law No. 2003/14) and may be classed as a Special Area in accordance with Article 12 of the Law on Spatial Planning (Law No. 2003/14).

6.6. Policies for the preservation, management and enhancement of the architectural conservation areas will be determined jointly by the Competent Institution and the central and local authorities for spatial planning.

6.7. Any works of alteration to, or demolition of, an architectural monument, or any conservation or restoration activities that may affect the values attributed to the monument, will require the written consent of the Competent Institution.

6.8. Any works of alteration or demolition or any conservation or restoration activity to the external envelope of buildings included in ensembles or architectural conservation areas will require the written consent of the Competent Institution.

6.9. Application for permission to construct buildings or other developments within the Protective Zone of an architectural monument, or within an architectural conservation area, or affecting the setting of an ensemble, must be submitted for consideration to the Competent Institution. The Competent Institution has a veto over the granting of such permission. If the Competent Institution does not respond within 15 days concerning an application to construct buildings or other developments, the permission can be determined by the relevant planning and building authority.

6.10. Architectural heritage under protection is clearly marked by a visible sign. The placing of publicity materials on architectural monuments, buildings in ensembles or within architectural conservation areas requires written permission from the Competent Institution.

6.11. Partial or complete removal or relocation of any protected architectural heritage asset under temporary or permanent protection is prohibited.

6.12. Architectural monuments or buildings within ensembles that have fallen into a poor state of repair or are at risk of significant damage can become subject to an urgent or emergency repair procedure. The Competent Institution must provide seven days written notice to an owner of an intention to enter the premises to undertake such works. Where the condition of the property has arisen due to a failure on the part of an owner to carry out his/her duty of care under article 4.10, the cost of such works shall be recouped from the owner. This procedure has a ground of appeal in the case of financial hardship.

6.13. Property Rights An architectural monument can be transferred and assigned under the control and authority of the competent institution in cases where there has been a failure to conserve the monument according to provisions of Article 4.10 after the serving of a written notice to carry out a specified schedule of works within ninety days. Compensation will be assessed according to Article 4.22 of this Law.

6.14. Beneficial economic and cultural use of the architectural heritage can be authorized by written permission from the Competent Institution where the values of the architectural heritage are safeguarded.

## **Article 7**

### **IV. Archaeological Heritage**

Types of Archaeological Heritage are:

7.1. "Archaeological Heritage" is composed of immovable and movable objects as defined in Article 2.3 of this Law.

7.2. "Immovable archaeological objects" are monuments, settlements, structures constructed by human hand and stratigraphic composition.

7.3. "Movable archaeological objects" are finds unearthed during archaeological excavations or accidental finds, which are expression and evidence of human creativity.

#### Preliminary and Rescue Measures

7.4. When an application for permission to construct building and other developments on known archaeological heritage is received by the local planning and building authority it must be submitted immediately for consideration to the Competent Institution. The applicant cannot receive permission to develop until an agreement has first been made with the Competent Institution to undertake an evaluated study of the archaeological heritage. The amount of costs to be provided by the applicant for this purpose will be determined by a formula established by a sub-legal act based on this Law.

7.5. The Competent Institution will notify the local planning and building authority whether the applicant can be granted permission in relation to Article 7.4, within a period of 20 days, and may direct where the development should be sited. If the Competent Institution does not make such a notification within 20 days, permission is implied.

7.6. If during construction works an archaeological discovery is made, the discoverer or investor shall inform the Competent Institution immediately, but not later than the following day from the time of discovery. The Competent Institution has the right to immediately stop the initiated development works and will undertake an evaluated study and rescue archaeology on site for a limited period of time to be determined by a sub-legal act based on this Law. Development works can only recommence following the express permission in writing by the Competent Institution.

7.7. Archaeological finds made known and of interest for the archaeology of Kosovo shall be rewarded financially, after approval by the Competent Institution. The level of the reward will be determined by an independent commission established by the Kosovo Council for the Cultural Heritage.

7.8. Accidental archaeological discoveries should be notified within three days to the Competent Institution.

7.9. All archaeological finds and those unearthed from archaeological excavations are property of Kosovo.

7.10. Authorities in charge of any public work are required to comply with the provision of articles 7.4 to 7.9 inclusive.

#### Archaeological Reserves

7.11. Archaeological Reserves are areas of particular importance for archaeology which are to be preserved in situ for future generations and shall be defined on a plan by the Competent Institution. Such reserves will be classed as Special Areas in accordance with Article 12 of the Law on Spatial Planning (Law No. 2003/14).

7.12. Based on information contained in the inventory, the Competent Institution shall determine Archaeological Reserves and put under such areas under temporary protection, according to Article 3 of this Law, in order to enter a procedure for permanent protection.

7.13. Rescue archaeology will only be carried out in Archaeological Reserves by the Competent Institution. Such activity will only take place in exceptional circumstances related to natural disaster or other eminent threat.

7.14. No activity that could cause damage to an Archaeological Reserve will be allowed without the written permission from the Competent Institution.

#### Protective Zones and Areas

7.15. Protective Zones shall be determined around known archaeological heritage sites.

7.16. The radius of a Protective Zone shall be 100 meters from the perimeter of the protected archaeological heritage site. This Protective Zone can be extended or reduced and will be defined on a plan by the Competent Institution and in accordance with Article 2 of the Law on Spatial Planning (Law No. 2003/14).

7.17. Any application for permission to construct buildings or other developments within the Protective Zone of an archaeological heritage site must be submitted for consideration to the Competent Institution. The Competent Institution has a veto over the granting of such permission. If the Competent Institution does not respond within 20 days, the permission can be determined by the relevant planning and building authority.

7.18. Within Protective Zones intervention shall be permitted on the soil in terms of agricultural activities with the written permission of the Competent Institution.

7.19. Areas of potential archaeological heritage importance shall be determined during the inventory process, according to Article 3 of this Law, and will be designated as Protected Areas in accordance with Article 2 of the Law of Spatial Planning (Law No. 2003/14). An application for permission to construct a building and other developments in such areas will be determined according to the provisions of Article 7.4 of this Law.

#### Procedures for an Archaeological Excavation

7.20. Archaeological excavation can only be carried out with the written permission of the Competent Institution. The decision regarding this permission shall be given within 30 days from the date of the request.

7.21. Institutions or physical or legal persons can only be permitted to carry out archaeological excavation by license according to criteria concerning professional standards and supervision to be determined by a sub-legal act based on this Law.



7.22. A licensee for archaeological excavation shall submit a report of the excavation, including photographic material, sketches, drawings, plans, topographic material, cartographic and other scientific and professional material obtained during excavations, as well as any archaeological discoveries to the Competent Institution within one year of the commencement of the archaeological excavation.

7.23. Criteria on documentation and recording of archaeological investigation and discoveries found during archaeological excavations shall be specified by a sub-legal act to this Law.

7.24. The right to publication of the archaeological investigation shall lie with the possessor of the license for the archaeological excavation for four years. After this time, the right to publish is open to other licensed archaeologists.

#### Rights and Obligations

7.25. The Archaeological Heritage found or existing within the area of Kosovo is the property of Kosovo.

7.26. Compensation shall be provided for the loss of use of agricultural land or other property where discoveries have been made and are to be safeguarded in situ. Compensation will be assessed by the independent commission, established by the Competent Institution, in compliance with this Law.

7.27. The owner or user of the land of potential archaeological importance, during its work or use, shall not be allowed to harm the integrity of the archaeological heritage under soil or under water. The owner or user of the land of potential archaeological importance shall have limitations on its use and rights.

#### Expropriation and Compensation

7.28. The former owner or occupier of land on which Archaeological Heritage has been found, and which has been expropriated according to Article 4.22, shall be entitled to reasonable compensation in money or exchange of land. Compensation or the fair exchange of land will be determined by an independent commission, established by the Kosovo Council for the Cultural Heritage.

#### Professional Advice and Guidelines

7.29. The Competent Institution for Archaeological Heritage is obliged to provide administrative and procedural advice on issues related to the archaeological heritage.

7.30. The Ministry shall provide annual funds for rescue archaeology.

#### Public Access

7.31. The Archaeological Heritage may be subject to public access requirements according to Article 4.23 of this Law.

7.32. The findings made from archaeological investigation shall be presented and provided to the public through exhibitions and publications.

### **Article 8** **V. Cultural Landscapes**

Cultural Landscapes may be defined as Special Areas in accordance with Article 12 of the Law on Spatial Planning (Law No. 2003/14).

### **Article 9** **VI. Movable Heritage**

9.1. The Movable Heritage as defined in Article 2.5 consists of:

- objects or parts of objects found during archaeological excavations or accidental discoveries,
- manuscripts, religious and civil documents, books, publications of historical, scientific or artistic importance,
- ethnographic objects,
- objects, integral parts of permanent collections of museums and galleries,
- objects associated with religious worship,
- objects related to important historical events and to the lives of historical personalities,
- artistic creations of all types and genres such as paintings, drawings, sculptures, etc,
- original printings, posters and photographs,
- works of applied art made of materials such as glass, pottery, metal, wood, fabric and paper, etc,
- anthological works of applied art, of design and modern objects in serial production of particular artistic or historical importance.,
- old furniture,
- tapestries, clothing and musical instruments,
- objects of historical character related to development of science and technology,
- other objects of historical, artistic, scientific or cultural importance,
- numismatic objects, medallions and philatelic collections,
- archive documents, including film recording, sound, photo and video materials.

9.2. Inventory, documentation and protection of the movable heritage shall be regulated according to Article 3 and 4 of the present Law.

9.3. Procedures for evaluation of the movable heritage shall be implemented by the Competent Institution according to a sub-legal act based on this Law.

#### Public Collections

9.4. Public collections of movable heritage are objects owned by the Kosovo public institutions. Public collections shall be under protection according to this Law.

9.5. According to this Law, movable objects, component parts of the Cultural Heritage, historical compounds, religious buildings, shall be under protection and they cannot be removed from the natural context of the site where they are situated, without a written permission by the Competent Institution.

9.6. Movable heritage included within the definition of Article 9.1, which are older than 100 years shall be automatically put under protection.

9.7. Also, movable heritage dating prior to 1453 is the public property of Kosovo.

9.8. All objects or parts of objects found during archaeological excavations or accidental discoveries shall be the property of Kosovo according to Article 7.10.

9.9. Museums as defined in Article 2.24 are the Competent Institutions for managing public collections of Movable Heritage.

9.10. The basic activities of public museums, based on this Law, will be regulated by a Law on Institutions of Culture.

9.11. The donation of the Movable Heritage by physical or legal persons to enhance public collections will be provided with tax relief on such gifts. The level of tax relief will be regulated by respective fiscal legislation.

#### Conservation Measures of Protection and Preservation of the Movable Cultural Heritage

9.12. Measures regarding the conservation, protection and preservation of the Movable Heritage under protection shall be undertaken by the Competent Institution according to a sub-legal act based on this

Law which will set out the proper criteria and necessary equipment for its protection and preservation, and necessary preventive and safety measures concerning damage, decomposition, destruction or loss.

9.13. Conservation and restoration of objects of the Movable Heritage shall be carried out at laboratories by licensed persons in accordance with Article 4.16.

9.14. Public collections of the Movable Heritage which are on a public display will be provided with a space by the Ministry for their presentation, archiving, preservation and adequate protection.

9.15. The Ministry will be responsible for the creation of optimal conditions for the protection of objects of the Movable Heritage held in public institutions in order to safeguard them from theft, robbery, illegal alienation and any other illegal act including embezzlement, damage and destruction.

9.16. Public collections of the Movable Heritage shall be open to the public through permanent or temporary exhibitions, publications and other suitable mechanisms.

#### Private Collections

9.17. Private collections of objects of the Movable Heritage must be registered on the List of the Cultural Heritage according to Article 4 of this Law.

9.18. A private owner of an object defined as Movable Heritage is under a duty of care to safeguard the integrity of such an object in accordance with Article 4.10 of this Law. Any damage, destruction, loss, or theft of such an object should be reported to the Competent Institution within three days.

9.19. If the owner of an object of the Movable Heritage fails to carry out his/her duty of care under Article 4.10 of this Law, the Competent Institution shall provide seven days written notice of an intention to undertake necessary safety and preservation measures. The cost of such works shall be recouped from the owner. This procedure has a ground of appeal in case of financial hardship.

9.20. Property Rights An object of the Movable Heritage may be transferred and assigned under the control and authority of the competent institution if the object is threatened by damage or destruction or if the owner has failed to undertake necessary safety and preservation measures in accordance with Article 4.22.

#### Legal Limitations on Exhibition

9.21. The safety of objects of the Movable Heritage in private ownership during an exhibition must be guaranteed by the exhibition organizer in relation to insurance, damage, destruction, theft or loss according to criteria to be determined by a sub-legal act based on this Law. Compensation will be assessed according to Article 4.22 of this Law.

9.22. The private owner of objects of Movable Heritage is entitled to request a free professional evaluation of their value.

#### Circulation of Movable Heritage

9.23. An object of Movable Heritage under protection may be temporarily circulated outside of Kosovo in limited circumstances for the purposes of conservation, restoration and exhibition, with the written

permission of the Minister according to a sub-legal act based on this Law which will set out the criteria for guaranteeing the safety and protection of such an object.

9.24. The buyer of an object of the Movable Heritage which has been bought in good faith, but which has been fraudulently put on sale shall be subject to compensation for the loss of the object following its return to the real owner. Buyers and dealers who knowingly sell or deal with stolen objects of the Movable Heritage will be subject to penal measures according to Article 11 of this Law and the Provisional Penal Code of Kosovo.

9.25. An object of Movable Heritage confiscated by the competent legal authorities, the owner of which cannot be identified, shall be submitted to the Competent Institution.

9.26. Physical and legal persons that deal with the sale of objects of the Movable Heritage shall be licensed by the Ministry according to a sub-legal act based on this Law in relation to the registration of objects held by them and their fraudulent sale.

#### Alienation

9.27. Objects of the Movable Heritage in public ownership may not be alienated, sold or donated.

9.28. Exchange of objects in public collections may be carried out only within public museums in Kosovo and with the approval of the Minister.

#### Import and Export

9.29. If it is determined that an object of the Movable Heritage is in another country and vice versa, then its import, export or restitution shall take place according to a bilateral agreement.

9.30. The Government of Kosovo will request, without any time limitation, the return of objects of the Movable Heritage which have been taken out of Kosovo without official consent.

9.31. Objects of the Movable Heritage of Kosovo cannot be exported without the written permission of the Minister.

### **Article 10**

#### **VII. Spiritual Cultural Heritage**

10.1. Spiritual Cultural Heritage includes forms of cultural expression of popular traditions, customs, language, celebrations, rituals, dances, music, songs, and artistic crafts.

10.2. Spiritual Cultural Heritage is an integral part of the cultural heritage of civilization in general. It is in a spiritual interrelation, proper and unimpeded correspondence and communication.

10.3. Spiritual Cultural Heritage in different forms of documentation and records shall be protected, preserved and promoted in conformity with this Law and international principles, standards and juridical practices.

### **Article 11**

#### **VIII. Sanctions**

11.1. Failure to comply with the provisions of this Law concerning the authorization of activities will be subject to a fine of a minimum of 1.000 euros and a maximum of 500.000 euros for each unauthorized action by the competent court.

11.2. The intentional demolition or destruction of Cultural Heritage and the illegal export or sale of Movable Heritage objects constitutes a criminal offence and are sanctioned by Article 290, paragraphs 1, 2 and 3 of the Penal Code of Kosovo, as well as by the Law on Minor Offences.

**Article 12**  
**IX. Final Provisions**

12.1. This Law shall repeal the Law on Protection of Monuments of Culture of Kosovo (Official Gazette of Kosova No. 19/77).

12.2. The Ministry shall be responsible for implementation of the term "Competent Institution", in relation to this Law, if not otherwise specified in Law.

12.3. The Ministry shall be assigned, based on this Law, to issue sub-legal acts on the research, inventory, documentation, selection, protection, conservation, restoration, administration and propagation of values of the Cultural Heritage.

12.4. The extent to which this Law will be applicable to religious Cultural Heritage will be the subject of subsequent legislation or internationally sanctioned agreements.

12.5. The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

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**06.11.2006.**