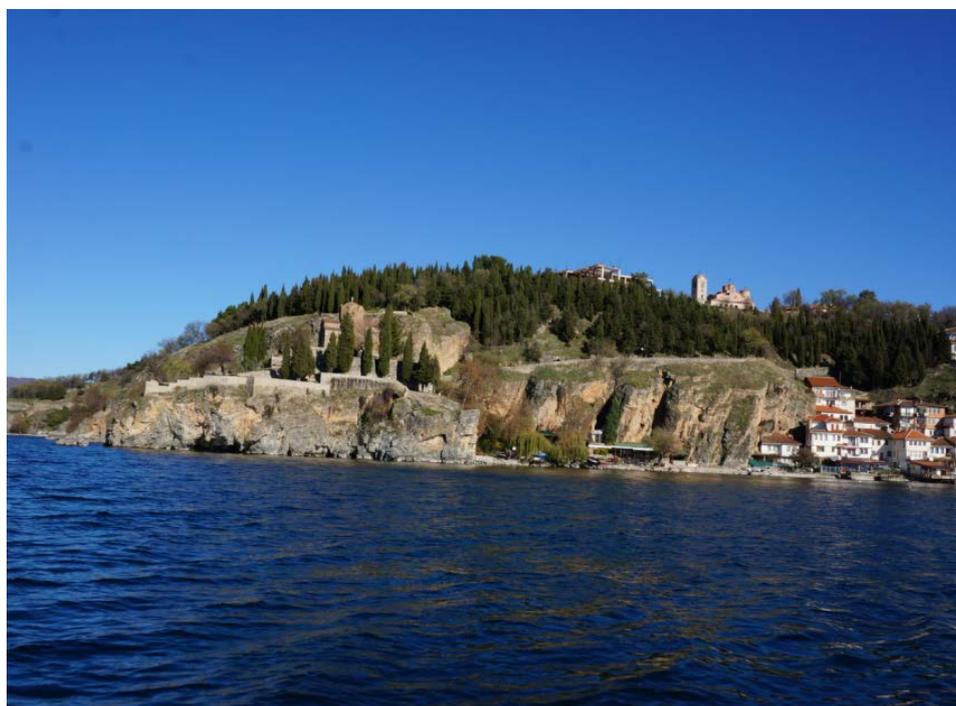


**REPORT ON THE ADVISORY MISSION TO  
THE WORLD HERITAGE PROPERTY  
“Natural and Cultural Heritage of the Ohrid region”,  
the former Yugoslav Republic of Macedonia,  
from 11 to 13 December 2013**



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## **ACKNOWLEDGEMENTS**

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Moreover, the mission wishes to express its appreciation to Mr Nikola Bakrachevski, Mayor of the City of Ohrid, and Mr Zoran Veljanoski, Head of Department for Culture and International Relations and Cooperation with UNESCO from the City of Ohrid, for the information received during the open and constructive dialogue during the mission.

Thanks are also due to the representatives of the National Committee of ICOMOS, whom the mission had the chance to meet and discuss the relevant issues.

## **1 BACKGROUND TO THE MISSION**

### **Inscription history**

The Natural and Cultural Heritage of the Ohrid region was inscribed on the World Heritage List in 1979. The World Heritage Committee decided to inscribe the property on the List in view of the assurances received concerning the integrity of the Lake as a whole (Decision 3COM XII.46).

In 1980, the World Heritage Committee decided to extend the protected site of Ohrid to include the cultural and historic area. It noted: “the site will carry the name Ohrid region with its cultural and historical aspects and its natural environments”(Decision 04COM V.13).

### **Criteria and World Heritage values**

In 1979, the World Heritage Committee decided to inscribe the Ohrid Lake on the World Heritage List under the natural criterion (iii). In 1980, the property was extended to include the cultural and historic area and cultural criteria (i), (iii) and (iv) was added.

### **Examination of the State of Conservation by the World Heritage Committee and its Bureau**

The State of Conservation of the property was last examined in 1998. A joint UNESCO-ICOMOS-IUCN monitoring mission was carried out in September 1998 for the first time since the inscription of the property on the World Heritage List. The mission report drew particular attention to the fact that at the time of inscription of this mixed property on the List, the well preserved old towns of Ohrid and Struga were set in an almost untouched natural environment on the shores of the Lake. As to cultural heritage, only specifically listed monuments were inscribed on the World Heritage List. These monuments were very well preserved. The natural heritage includes part of the Lake, which is territory of the country (and excludes the part on the territory of Albania) and part of the Galichica National Park. At the time, the mission noted the enormous increase in constructions and settlement activities that had seriously altered the original balance in the region; for example, the town of Struga had incorporated ten new sub-communities.

The mission observed that the authorities had undertaken great efforts for the preservation of the natural and cultural heritage of the property. However, economic and demographic developments pose threats to the values of the site that can only be addressed through an integrated approach and protective measures that link the cultural and the natural heritage preservation. The mission report includes a set of recommendations calling for a special legal framework for the World Heritage site (integrating culture and nature), the strengthening of the management, and the preparation of Spatial Plan for the area and the towns, and the extension of the site to include the whole of the Galichica National Park.

The Bureau took note of the report of the joint UNESCO-IUCN-ICOMOS mission to the

mixed World Heritage property. It commended the Government of the country for the efforts taken for the preservation of the monuments and environment of the Ohrid Region. It recommended the Government to consider the recommendations of the mission carefully, particularly with regard to integrated planning and legal protection of the natural and cultural heritage. It also requested the authorities to review the definition of the cultural heritage, to define and propose revised boundaries, if appropriate, and to establish adequate buffer zones. It requested the Government to provide a response to the report by 15 April 1999, for consideration by the Bureau at its twenty-third session (Decision **22 COMVII.30**).

At its 33rd session (Seville, 2009), the World Heritage Committee approved the request for a minor boundary modification for the property. It encouraged the States Parties of the former Yugoslav Republic of Macedonia and Albania to cooperate towards the preparation of a new nomination for a transboundary extension of the property to include the Albanian part of Lake Ohrid and its watershed, in order to strengthen the values and integrity of the property. It considered that the transboundary nomination should be for a mixed property and urged for the consideration of the cultural aspects of the Albanian lakeshore (Decision **33 COM 8B.40**).

#### **Justification of the mission**

Following the evaluation by ICOMOS of the project “Instauration of St Clements University in Plaoshnik” located within the boundaries of the World Heritage property “Natural and Cultural Heritage of the Ohrid region” (the former Yugoslav Republic of Macedonia), which was considered to have a negative impact on the Outstanding Universal Value of the World Heritage property, the State Party invited an ICOMOS/UNESCO Advisory mission to consider the project on site and to assess the overall state of conservation of the property.

The terms of reference, programme and composition of the mission team are provided in Annexes 6.1, 6.2 and 6.3.

## **2 NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY**

The legislative framework for the protection of the property is granted through the following legislation:

- Law on Protection of Cultural Heritage – Official Gazette of the Republic of Macedonia No. 20/2004; Law on changes and additions to the Law on Protection of Cultural Heritage – Official Gazette of the Republic of Macedonia No. 115/07 from 25.09.2007
- Law on Nature Protection - Official Gazette of the Republic of Macedonia No. 67/2004
- Law on Managing the World Natural and Cultural Heritage in the Region of Ohrid; Official gazette of the Republic of Macedonia, No. 75 dated 07.06.2010
- Law on Proclamation of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance "Official Gazette of the Republic of Macedonia" No. 47 of 08.04.2011

The mission experts are of the opinion that the above legislative arrangements are adequate. However, there are conditions that hinder effective implementation i.e. the two recent specific laws on the Region of Ohrid and on the City of Ohrid are not yet fully operational. Given that the Management Plan could also be seen as part of the legislative and management framework, the lack of this instrument further weakens the current enforcement of the legislative protection.

Further details on these legislative arrangements can be found in Appendix 7.

### **Institutional framework**

As for the institutional framework, there are several ministries and agencies at the national and local level with mandates that influence the conservation and management of the property. These include:

#### **Ministry of Culture**

- Cultural Heritage Protection Office
- Institute for Protection of Monuments of Culture and Museum – Ohrid
- National Commission for UNESCO

#### **Ministry of Environment and Spatial Planning**

- Galichica National Park Authority
- Agency for Spatial Planning

#### **Ministry of Transport and Communications**

#### **Mayor (and municipality of) City of Ohrid**

#### **The Orthodox Church Authorities**

In terms of the management of the property, the mission notes that it continues to be carried out separately by the cultural heritage agencies and the natural heritage institutions. In particular, the Old City of Ohrid is under the responsibility of the Institute for Protection of Monuments of Culture and Museum – Ohrid and the Galichica National Park has its own Management Body.

However, it should be highlighted that the creation of an Advisory Body for the management of the property, the Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid, is foreseen in the implementation of the Law on Managing the World Natural and Cultural heritage in the region of Ohrid (Official Gazette No. 75 dated 07.06.2010). Twenty-one members of the relevant institutions will integrate the Commission to ensure coordinated work for the whole property. The detailed composition of the Commission is explained in the draft Management Plan for the property. The implementation of this law is strongly connected to the official adoption of the Management Plan - whose draft has also been prepared in 2010 and sent to the UNESCO World Heritage Centre for evaluation by ICOMOS and IUCN. Following their comments, the finalisation of the Plan is unfortunately still in process.

#### **Response to the recognition of values under international treaties and programmes (World Heritage, Man and Biosphere Reserve (MAB) designation)**

Concerning the MAB Convention, the MAB Management Plan (MAB MP) is in vigour and under continued implementation. It has to be underlined that the scope of this MAB MP covers the whole watershed which is significantly larger than the current boundaries of the World Heritage property. The cooperation in the MAB framework with the neighbouring Albanian authorities has been scored to be “very good” by the national Focal Point of the former Yugoslav Republic of Macedonia. There is also a very fruitful synergy between Natural Protection Authorities (including the Galichica National Park) and the (National) Hydrological Institute.

The mission team was also informed that the State Party has also ratified other international tools for enhanced cooperation and synergies. It is expected that the Management Plan for the World Heritage property will better identify the means for effective conservation and management of the property as set forth in the Operational Guidelines for World Heritage. The State Party is making efforts to finalise the Management Plan soon. However, the foreseen date for its adoption was not specified.

### **3 IDENTIFICATION AND ASSESSMENT OF ISSUES**

#### **3.1 Factors affecting the property**

##### **3.1.1. Development activity**

At the World Heritage property “Natural and Cultural Heritage of the Ohrid region”, development activities currently represent the most important factor that can have significant impacts on the attributes that convey the Outstanding Universal Value and on the conditions of authenticity and integrity of the property. The potential impacts to the property identified through technical reviews warranted the undertaking of the Advisory Mission. The following points highlight the most pressing concerns derived from development activities at the property.

##### **3.1.1.1 “Creation of St Clements University in Plaoshnik”**

The site of Plaoshnik, inside the historic city of Ohrid, has always been considered as one the most valuable, spiritually symbolic places for the State Party and similarly important for the whole world of Orthodox (*pravoslav*) Christianity. (Re)founded by St Clement of Ohrid at the end of 9<sup>th</sup> – beginning of 10<sup>th</sup> century, and after a long and ‘eventful’ history, which led to the destruction of several historic buildings, the area retained many valuable attributes that documented its history and evolution. From the beginning of the 20<sup>th</sup> century and until 2000, the area was maintained as a kind of an “archaeological park ” surrounded by a small forest of pine trees and bushes. The status of the area was also recognised by the official protective framework, and measures were implemented under this consideration both in legal and conservation terms. Archaeological investigations were carried out to better understand its history and identify historic attributes without having large impacts or changing the fundamental characteristics of the area. Plaoshnik, a small hill-top overlooking the Ohrid lake, always had and still has a specific dominance in the views and vistas from the Old City of Ohrid and from the lake itself, as well as from longer distances (i.e. from the water and from the other shore of the lake). Therefore, the assertion that the area of Plaoshnik has a historical significance and a predominant role in the visual qualities of the property is well substantiated.

The aforementioned situation began to change after 2000 when projects started to be developed to commemorate the anniversary of 2000 years of Christianity, in particular through the creation of St Clements University in Plaoshnik. Following relevant decisions at the highest level of the State and Church authorities, this goal has been realised, in a first attempt through a particular project concerning Plaoshnik area, aiming at the reconstruction of

the former monastery church (dedicated to St Clement of Ohrid and St Panteleimon) in order to return the relics of Saint Clement there. This project was completed and the reconstructed church consecrated in August 2002 with the above-mentioned relics deposited in their “original place”. Interventions were also carried out at other important archaeological remains, including the conservation of fragments of historic walls and the construction of protective shelters above the excavated archaeological remains. Notwithstanding these interventions, the overall features of Plaoshnik remained as an “archaeological park” surrounded by trees. Archaeological excavations continued, basically to prepare the next phases of establishing the new University’s buildings.

It seems to be important and necessary to examine the situation reached after the rebuilding of the monastery church in order to understand the complexity and sensitivity of this action. Reconstruction was completed on the basis of detailed research and resulted in the complete reconstruction of the elevation of the Church that had not existed for a long period of time. Interventions were carried out on the original location and on the original remains and based on remaining foundations and research. However, details were identified through analogies with other existing churches from the same period. Traditional materials and construction techniques were used for the reconstruction. At first glance, the reconstruction carried out does not comply with currently valid international principles for conservation and restoration and has eroded the conditions of authenticity of the property as per the provisions made in the Operational Guidelines of the World Heritage Convention (see photos in Annex 6.5). However, it should be underscored that the resulting reconstruction is of the highest possible quality and has respected conservation and presentation needs of existing elements, both preserved *in situ* and carefully *reintegrated* ones. Without trying to produce a detailed analysis on the “legitimacy” of this solution, it is worth to refer to the Nara Document on Authenticity (1994) and to draw attention on the necessity to develop criteria and guidance concerning the “definition” for restoration and possibilities, conditions or limits of acceptable “authentic completion” (rebuilding, based on data given by research, remaining fragments and analogies) of orthodox churches, especially those which have outstanding importance for the identity of religious communities.

The ten year period between 2002 and 2012 has shown that the above-described development of the Plaoshnik area, including the reconstruction of the St Panteleimon church, created no substantial impact on the visual qualities of the property, both from closer viewpoints and from a distance. In most cases, interventions for conservation, protection and presentation of archaeological remains have been carefully carried out and created somewhat sustainable conditions for the remains, although there are still issues to be addressed, including the protective shelters in use. In other words, the area of Plaoshnik reached for a while a stable situation, before the interventions. However, the conditions that were achieved are presently

being jeopardised with the proposed constructions from the project to create the “St Clements University in Plaoshnik”. The mission notes that some of these constructions are currently underway.

The large-scale development project for the creation of St Clemens University was proposed (1999-2000) in connection with the intention for a “spiritual” restoration of the area of Plaoshnik as the place of the first and most important university. As noted in the project’s justification, *“The need for instauration of St. Clement’s University at PLAOSNIK is derived from the fact that in the context of our secular and spiritual history, St. Clement’s University (also called the First Slavic University) has an exceptionally important and revered place and extends its influence throughout the Middle-Ages into our time. In fact, this place is essential to our cultural and intangible heritage.”*<sup>1</sup>

Information previously submitted by the State Party summarised the following background<sup>2</sup>:

- Administrative research activities started in December 2006 and continued until October 2007.
- Technical-planning activities were implemented from November to September 2008<sup>3</sup>;
- Restoration-revitalisation activities were foreseen to start in September 2008 but the cornerstone of the complex was not officially placed until 8 September 2010.
- Construction works were halted and were only restarted 2013. Building activity is currently ongoing, even during the time of Advisory Mission (December 2013)

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<sup>1</sup> Excerpt from the “Environmental Impact Assessment Study – Instauration of St. Clement’s University at Plaoshnik, Ohrid”, Skopje 2011 – last paragraph of the point 1.3.1 (page 9 – without numberings).

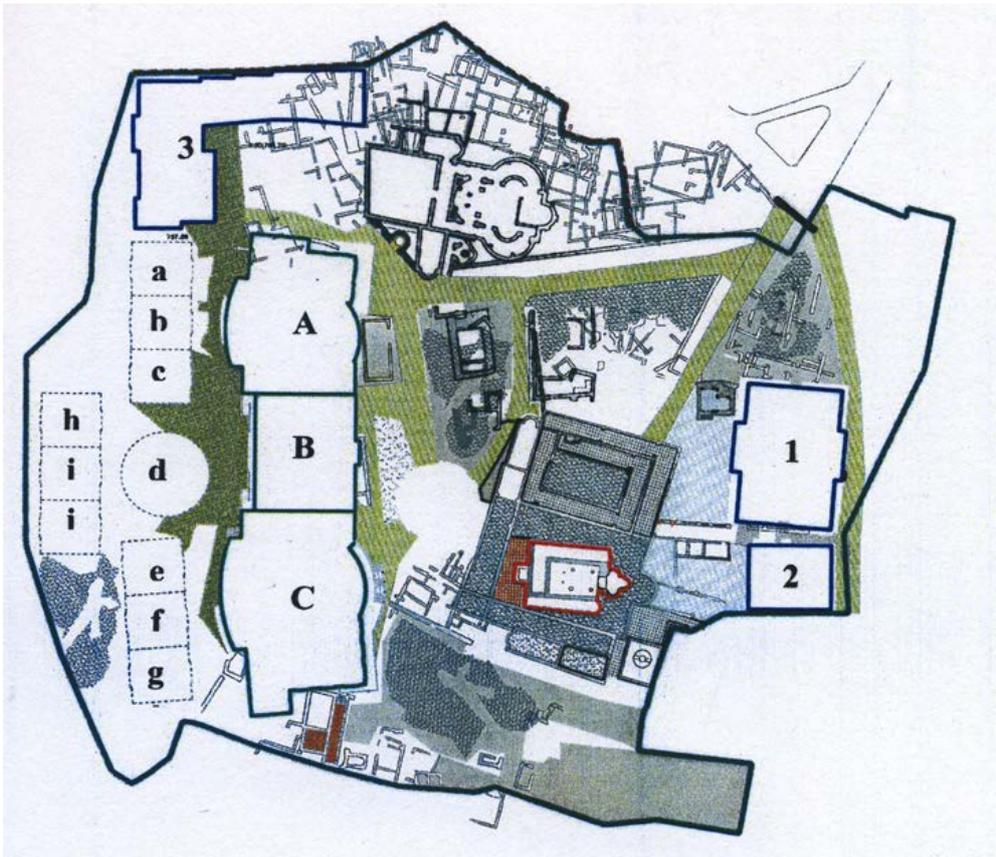
<sup>2</sup> See: letter of 27 July 2011, sent to Dr. Kishore Rao, Director of UNESCO WH Centre by Mr Pasko Kuzamn, Director of CHPO, FYR of Macedonia.

<sup>3</sup> Details concerning planning activities including information about architectural competitions.

Overview of the proposed building complexes:



Plaoshnik, aerial photo from west – location for Complex I, Complex II/III and Complex IV  
(Source: 2012 Heritage Impact Assessment Report for the Project “Instauration of St.Clement’s University at Plaoshnik in Ohrid”)

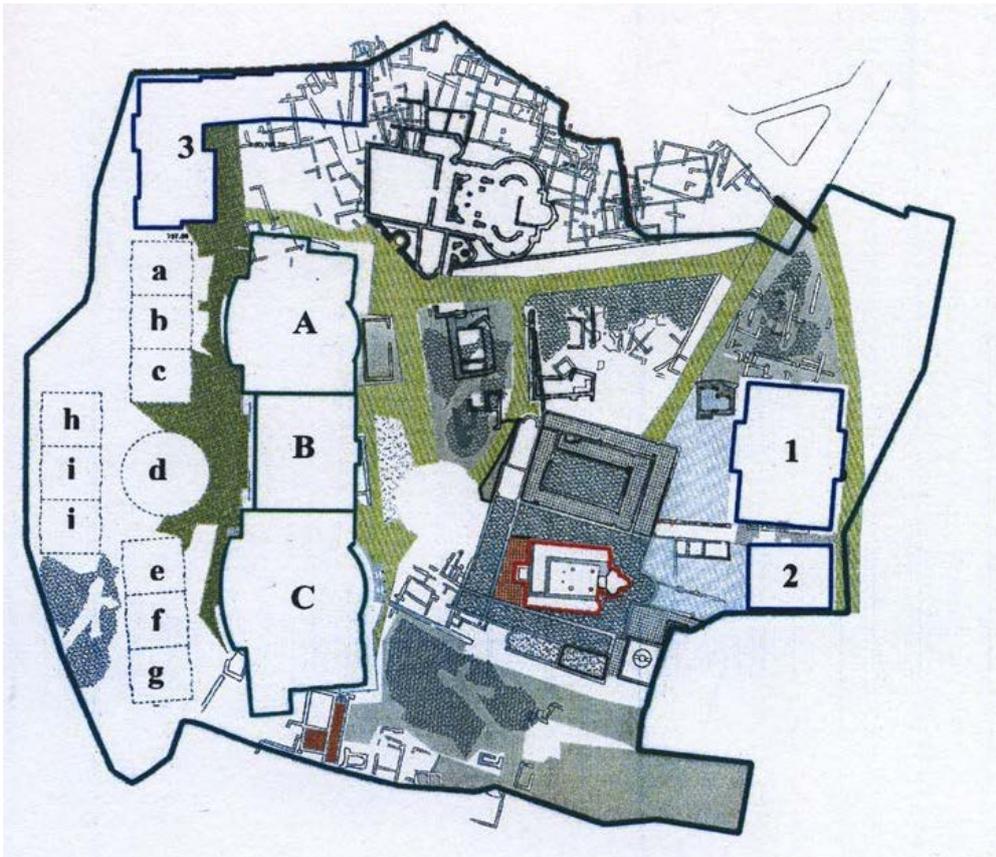


Overview of the locations of the proposed buildings

Overview of the proposed building complexes:



Plaoshnik, aerial photo from west – location for Complex I, Complex II/III and Complex IV  
(Source: 2012 Heritage Impact Assessment Report for the Project “Instauration of St.Clement’s University at Plaoshnik in Ohrid”)

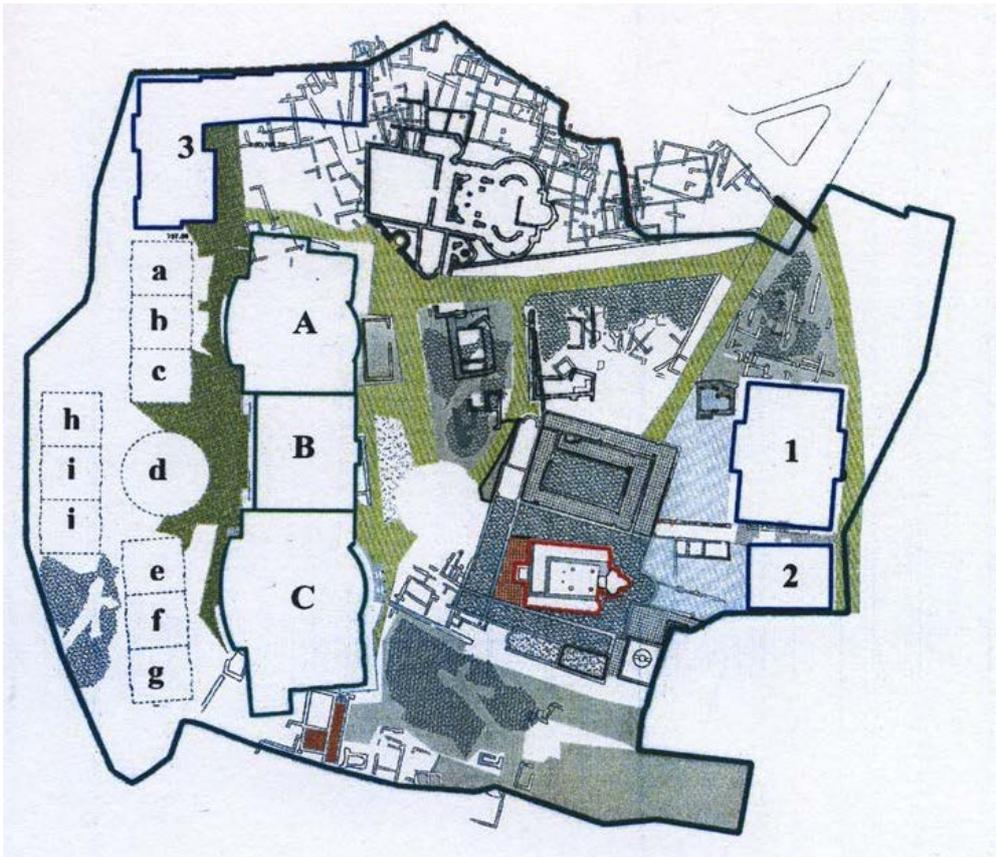


Overview of the locations of the proposed buildings

Overview of the proposed building complexes:



Plaoshnik, aerial photo from west – location for Complex I, Complex II/III and Complex IV  
(Source: 2012 Heritage Impact Assessment Report for the Project “Instauration of St.Clement’s University at Plaoshnik in Ohrid”)



Overview of the locations of the proposed buildings

The current situation assessed during the Advisory Mission was the following<sup>4</sup>:

**Complex I**, composed by three separate volumes of buildings:

- Residential building of the Macedonian Orthodox Church, Bishop's palace (**building 2**) already reached its final volume (height), supporting structures and roofs are already executed. Further works are under implementation;
- Monastic quarters of the Macedonian Orthodox Church - dormitory (**building 1**). This building has not yet reached its final shape, but supporting structures of the top level (floor) have been completed;
- Construction on the building for the Faculty of Theology (**building 3**), which is going to be located at the other end of the area, has not started. Additional archaeological investigations still have to be carried out at the location.

**Complex II-III**, composed by three connected volumes of buildings:

- Museum of Plaoshnik (**building C**), situated at the edge on the Lake-side of Plaoshnik-hill, is under construction but has not yet reached the planned volume. Works for the construction of concrete supporting structures are currently under way for the planned top two levels;
- Macedonian Institute of Humanities – Ohrid (**building B**) has the same status of implementation as the building C;
- Realisation of the St. Clements Library (**building A**) is only in the phase of preparation; supporting constructions are not yet executed.

**Complex IV**, composed by four separate volumes of buildings (foreseen to be located at the declining, tree-covered part of the slope):

- Affiliations – research centres of renowned university institutions (**buildings in 3 volumes: a-b-c, e-f-g and h-i-j**) – the only work that has been carried out is the “cleaning” of the place for buildings by cutting down trees and removing the top-layer of the soil.
- The Computer centre for integral support of St. Clement's University (**building d**) is in the same status of preparations as the previous ones of this Complex C.

#### Evaluation:

As a general statement about the planned development, fully respecting the intention of the State Party to give significance to the Plaoshnik site, the mission considers:

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<sup>4</sup> Using same references to name buildings as it stands in the State Party's HIA document (Skopje, October 2012) received on the spot; p. 42. See also photos taken on the spot during the Advisory Mission.

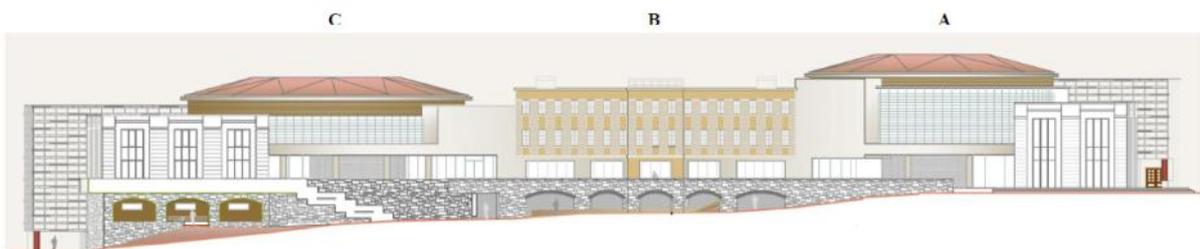
- The foreseen size of the project already seemingly exceeds the carrying capacity of the area, both in relation to the safeguarding of the archaeological remains and concerning the visual contexts.
  - In this regard it also should be stated that, despite the fact that during the process the State Party followed the provisions in the Operational Guidelines, the current situation shows that the dialogue to consider the specific parameters has been insufficient.
  - The whole area is currently a construction site, with different works in progress concerning the planned building complexes. Therefore almost every part of the area has already had some level of intervention.
- Concerning the **Complex I**, the mission considers that the **residential building** (Nr. 2) entails no significant impacts and therefore it can be finalised according to the original licenced plans. As for the **neighbouring Monastic Quarters building - dormitory** (Nr. 1, the construction of which was on-going during the Mission), the planned and already almost completely finalised shape of its supporting concrete structures shows that the *height of this volume exceeds the optimal one*: the top level seen from a distance i.e. from the terrace in front of the Church of Holy Mother of God Perivleptos disturbs the proportions and diminishes the importance of the reconstructed St. Panteleimon church. Construction of the **building of the Faculty of Theology** (building Nr 3) *has not yet started* but based on the site visit and evaluation of the project proposal, it *would be more appropriate to construct it without its planned top floor*.
- The **Complex II-III** is the most challenging and problematic component. It is unfortunate that the Museum building (“C”) is located at the edge of the Plaoshnik-hill given the enormous visual impact, even at the present when only half of the planned elevation is constructed, both from a closer view and also from a distance. Additional impacts from the construction of this building are threefold and quite serious.  
The first issue is *the location*, which is too close to the edge of the area, and therefore has a predominant position in the view from the lake and the city. The second issue is *the planned height of the building*, which has not yet been reached but the already constructed upper level has already a too high position in comparison with the neighbouring church. The third one is *the position above the archaeological remains* because some of the supporting pillars are superimposed on top of the existing fragments.  
Structures of the adjacent building (“B”) of Macedonian Institute of Humanities-Ohrid, which are also under construction, show that the planned height is going to exceed that of the Church of St. Panteleimon and, more generally, impact the spatial proportions of the whole area. Construction of the adjoining building (“A”) is only under preparation, but it is already easy to recognise that *the construction of the whole planned complex (composed by buildings A, B and C) would certainly result a dramatic change concerning the original scale of this sensitive historic area*.

- Concerning the **Complex IV**, having seen the current situation of an already “cleaned” area for the construction of the proposed group of buildings (from “a” to “i”), the mission considers, based also on relevant plans, that the proposal will create a very high density of construction on this site of Plaoshnik. The proposed double row of buildings (in four volumes) would be erected too close to the volumes of the Complex II-III and, in spite of declining shape of the slope; it would still be too high. Construction of this Complex without corrections in project design would further exacerbate the imbalanced situation between the “historic” and the newly constructed building volumes. The mission team strongly recommends finding an alternative location for the planned buildings outside of Plaoshnik and the Old City of Ohrid area.

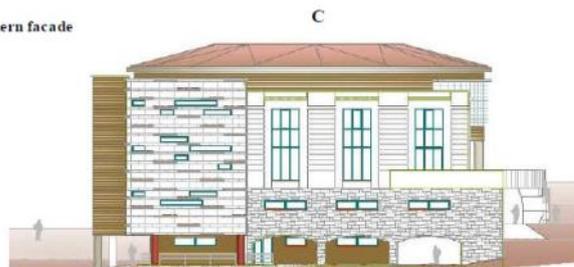
Finally, one more general statement concerns the overall architecture of the proposed buildings for the University: *the architecture of the above evaluated complexes has diverse architectural and design characteristics*. Buildings of Complex I, which are dedicated directly to fulfil functions for the Orthodox Church, have been designed mostly using traditional elements and architectural solutions (use of materials, etc.). Complex II-III shows a very different approach of a contemporary “high-tech” architectural concept, which is also more or less valid for the buildings forming Complex IV. Given their planned spatial positions, the latter buildings will certainly be the predominant visual elements of the whole Plaoshnik area, which would result in a considerable and irreversible negative impact on the integrity and the qualities of this significant place.

Drawing 7: View of Complex II/III

A. Eastern (inner) facade



B. Southern facade



Source: 2012 HIA

### **3.1.1.2. Coastal development for the economic and tourist development of the Lake Ohrid region**

The whole costal area of the Lake Ohrid plays an important role in supporting the attributes of Outstanding Universal Value of the property but at the same time has also a non-negligible potential for tourism development. This particular project included in the Terms of Reference of the Mission has been raised during discussion with State Party's authorities responsible for nature conservation and for infrastructure, and also with institutions in the field of cultural heritage conservation.

The mission notes that, at this time, the project is at a proposal stage for consideration from a development company from India. The status of the project, following information received, has not even yet reached the level of having relevant concrete feasibility studies completed for the delimited area or for the real estate concerned.

Even though there is no certainty on potential development of the proposal, the mission considers that if an application is put forward, provisions set forth in the recently approved "Law on managing the world natural and cultural heritage in the region of Ohrid" need to be taken into account, including the undertaking of feasibility studies and environmental impact assessments. Given that the area is part of the World Heritage property, the mission also recommends that Environmental and Heritage Impact Assessments be carried out as part of the design process. Once completed, Environmental and Heritage Impact assessments are to be submitted to the World Heritage Centre for review by the Advisory Bodies so that considerations to avoid or mitigate potential impacts.

### **3.1.1.3. Pan European Corridor VIII project**

This development project of the railway network is foreseen as an integral part of the European Railway Network with an aim to create a railway connection West-East in this section of the Balkan Region, with the specific goal to establish a link between the former Yugoslav Republic of Macedonia, Albania and the rest of this region. During discussions with the Minister of Traffic and his team, the Mission received only general information about the possible impact of this development on the World Heritage property Natural and Cultural Heritage of the Ohrid region. It should be noted however that the proposed route of this railways line would touch and even cross the northern section of the property, in a certain distance from the area of the City of Struga. This partial crossing through the property was mentioned as unavoidable but the reasons for such assertion were not identified so it is not clear if it relates to the morphology of the territory and/or financial implications or others. The likely impacts were not detailed during the mission. Therefore it is recommended that Environmental and Heritage Impact Assessments be undertaken, in consideration to the protected and the World Heritage status of the territory. Once completed Environmental and

Heritage Impact assessments are to be submitted to the World Heritage Centre for review by the Advisory Bodies.

#### **3.1.1.4 Reconstruction of the existing and construction of new ports**

At the closest lakeshore to the Old city there is an existing “port”, which is a very simple (stone) construction used by small or medium size ships (lake-cruisers and smaller boats). This has been partially damaged as a result of a stormy weather and only a part of it is in use. As having a functioning port is important for tourism development, there are some proposals not only for renewing the old port constructions but also to add new elements, for example to have infrastructure to accommodate the possible growth of the number of yacht-owners.

The mission notes that at this time there is no activity on the area. Information received indicates that currently the only issue is that of reconstruction (renovation) of the existing port, including those parts that are not in use because of damages.

The mission considers that improving the current situation of the port is necessary and justified. However the reconstruction of the existing elements is enough to satisfy needs and expectations. A larger new development could result in an increase in activities that could derive in significant environmental and heritage impacts both concerning the visual qualities of the property and potential impacts on the ecological components of the lake.

#### **3.1.1.5 Construction of a hydrodrome**

The outstanding views of the property both towards the Old City of Ohrid and the whole region of the lake, also from the air, can offer breath-taking experiences to the visitors. Therefore the issue to introduce panoramic touristic flights possibilities (by hydroplane) has been raised.

The mission received information that there is no activity currently planned in this respect and if it would be developed, these activities do not entail built facilities on the surface of the lake. The mission further notes that the initiative seems to have been suspended. However, it is recommended to prepare an Environmental Impact Assessment whenever the intention to produce this kind of services emerges again.

#### **3.1.1.6 Plans for the construction of monumental buildings in the central part of the city of Ohrid**

In the central part of the city of Ohrid quite a number of changes have occurred since the inscription of the property on the World Heritage list. A large number of old buildings have been “renewed” and in many cases enlarged too. The mission did not see any particular large-scale projects currently in preparation and/or implementation, except those of the St. Clement University in Plaoshnik area.

The mission notes that after an unfortunate period in the conservation of the property, which took place after political changes in the 90’s and lasted until some years ago, the city has quite

recently developed new tools and means for the conservation of the built heritage. The Institute for Protection of Monuments of Culture and Museum – Ohrid has developed an exemplary thorough and detailed documentation, taking account each and every parcel and building of the city. Another important tool for protection is the special Act for the City of Ohrid adopted by the State Party: “Law on Proclamation of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance”<sup>5</sup>. This stipulates in Article 1 the following:

*“(2) With the proclamation of the monumental ensemble “Old urban core of Ohrid” as cultural heritage of exceptional significance, it is enabled to:...*

*- Prevent the actions, phenomena and influences that are detrimental to the wellbeing of the property.”*

The mission considers that the lack of protection tools and mechanisms in the past have led to uncontrolled interventions not compatible with the Outstanding Universal Value of the property. However, new protection mechanisms and political will to apply the highest level of preservation standards and the enforcement of the recently passed legislation will be crucial to ensure that the situation does not deteriorate further. The mission underscores the importance of finalising and adopting the Management Plan for the property to ensure that an adequate conservation policy is in place. In particular, clear guidance needs to be developed for interventions at historic buildings and other attributes that sustain the Outstanding Universal Value of the property

### **3.1.1.7 Application of energy efficiency measures and use of renewable energy resources and technologies in the property**

The mission noticed a considerable number of solar panels and water tanks on the roofs of traditional houses within the Old city of Ohrid. Although encouraging application of such technologies is a welcome initiative by the Government, the mission recommends that an appropriate approach is developed to ensure that the qualities and attributes that embody the Outstanding Universal Values of the property are adequately protected. The guidelines for use and development of such energy sources should be clearly defined in the Management Plan as well as within related Master and Spatial plans.

### **3.1.2 Tourism**

The World Heritage property “Natural and Cultural Heritage of the Ohrid region” has always had a very high touristic potential and visitation rates. In past years, tourism development efforts have highlighted the importance for the city of Ohrid and for the region especially concerning lakeshore areas. As aforementioned, in past years quite a large number of new constructions were erected in some parts of the city and even more along the lakeshore.

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<sup>5</sup> "Official Gazette " No. 47 of 08.04.2011

The mission did not have the possibility to study in detail this phenomenon but based on information received and positive impressions gathered during a short visit to the “Museum on the Water”<sup>6</sup>, it is important to note that the management of the World Heritage property needs to be strengthened so as to be able to better anticipate and manage change and have the ability to mitigate potential negative aspects and increase positive aspects of tourism development through proper management mechanisms.

### **3.1.3 Climate change**

Although the Mission does not find any special factors at this stage related to climate change, this issue is being addressed through the Management Plan currently under preparation. As for a more efficient preservation of natural values, the most important challenge is to ensure appropriate wastewater treatment by both State Parties that share the territory and responsibility of Lake Ohrid.

## **3.2 Management**

The management of this property, in connection with its large territory and complexity of its values, is traditionally done separately for cultural heritage on one side and for nature protection on the other by the relevant institutions. However, there is a proposal to create a Commission of 21 members to better coordinate work for the whole property. As for the Old city of Ohrid, the responsible organisation is the Institute for Protection of Monuments of Culture and Museum – Ohrid and the Galichica National Park has its own Management Body with targeted monitoring programs<sup>7</sup> etc.

The draft Management Plan (Skopje, January 2010) is still not yet finalised and not yet adopted. However, this is an absolutely urgent matter and has the highest priority in connection with the property. The State Party’s responsible institutions are ready to continue consultation, which already took place between them and the UNESCO World Heritage Centre and with the Advisory Bodies to the 1972 Convention. It should be noted that important legislative measures have been introduced since the formulation of this draft Management Plan: two recently adopted Laws, one on Ohrid City and another on the Ohrid Region, which have to be incorporated to the Management Plan, just as the outcomes of the detailed study and proposals laid down in the new Master Plan for the Ohrid City.

## **3.3 Issue of extension of the property into a transboundary property with Albania**

The State Party recognises the importance of this action, which is to assure a more efficient management for the entire Lake Ohrid.

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<sup>6</sup> Site Plocha Michov Grad; prehistoric palafitte (pile dwelling) settlement at the Zaliv na Kostite (Bay of Bones), Gradishte.

<sup>7</sup> “Резиме на извештајит за спрпведување на Прпграмата за мпнитприн вп Националнипт парк Галичица вп 2012 г. » – January 2013.

The mission received information<sup>8</sup> which confirms that the cooperation is to be strengthened through a EU-funded project “Towards strengthened governance of the shared transboundary natural and cultural heritage of the Lake Ohrid Region” which has been prepared by the World Heritage Centre in cooperation with the partners. The final version of the project has been submitted to the European Union in December 2013 and the project is expected to be operational in the first half of 2014.

The project “Towards strengthened governance of the shared transboundary natural and cultural heritage of the Lake Ohrid Region” is designed to address the main threats affecting the natural and cultural heritage of the Lake Ohrid region shared between Albania and the former Yugoslav Republic of Macedonia. It is aimed at strengthening transboundary cooperation over the region’s cultural and natural heritage, helping to recognize and profile the transboundary area by assessing its values and sustainable development opportunities improving capacities for the effective management of natural and cultural heritage, supporting integrated management planning based on active cross-sectorial cooperation and public participation. Finally, it will support the process of extension of the World Heritage property “Natural and Cultural Heritage of the Ohrid Region” in Albania (already inscribed as World Heritage for the part of the site located within the former Yugoslav Republic of Macedonia).

The mission therefore encourages the participation in the capacity-building components of the project and the active involvement of the stakeholders from the former Yugoslav Republic of Macedonia in the development of a joint cooperation platform for the management of the Lake Ohrid region.

#### **4 ASSESSMENT OF THE STATE OF CONSERVATION OF THE SITE**

The mission notes that the cultural values of the property are basically embodied in the Historic City of Ohrid but also in elements of the region of Ohrid. Uncontrolled interventions and development, as well as extensive reconstruction have eroded the conditions of authenticity and integrity, but still not to a degree where they have been fully compromised. Given the sensitivity of the remains and the need to maintain the important visual qualities that still exist, it is crucial that management arrangements become fully operational as soon as possible. Conservation policies also need to be enforced so that inadequate developments are effectively controlled to sustain the Outstanding Universal Value of the property.

In regard to the natural criteria, Ohrid Lake and Galichica National Park contain the main attributes that embody natural criteria. Some aspects of the current conditions and potential ecological impacts have been mentioned. The mission considers that these need to be thoroughly addressed by effective management arrangements and through bi-national

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<sup>8</sup> During discussions with the Ministries, especially with the representative of the Ministry of Environment and Spatial Planning (Mr. Dejan Panovski, Focal Point for Natural World Heritage)

cooperation. In this respect, seeking a transboundary extension will be a crucial measure to ensure the long-term conservation and protection of the property.

## **5 CONCLUSIONS AND RECOMMENDATIONS**

The mission assessed the overall state of conservation of the World Heritage property: “Natural and Cultural Heritage of the Ohrid region”, inscribed on the World Heritage List under natural criteria (iii), which is nowadays the criteria (vii); and extended in 1980 to include the cultural and historical area under cultural criteria (i), (iii) and (iv). The mission notes that the cultural values of the property are basically embodied in the Historic City of Ohrid but also in elements of the region of Ohrid. Uncontrolled interventions and development, as well as extensive reconstructions, have eroded the conditions of authenticity and integrity, but still not to a degree where they have been fully compromised.

Development pressure, direct and indirect impacts on visual integrity, as well as the densification and modernization of historic fabric have been identified as the key factors impacting on the property’s authenticity and on the visual qualities.

The on-going construction work being carried out within the framework of the project “Creation of St Clements University in Plaoshnik” has already a negative impact on the visual qualities of the property and on its conditions of integrity. Therefore the mission experts consider that the whole project has to be considerably revised following the detailed recommendations given below. The current situation is an urgent matter and needs immediate attention so that the Outstanding Universal Value of the property is not further compromised.

Other development projects discussed during the mission are in the phase of preparation, but at a different level. The detailed programmes for their implementation have not been made available during the mission, and therefore the mission team underlined the importance to conduct both Environmental and Heritage Impact Assessments, which are to be submitted for evaluation via the World Heritage Centre to the Advisory Bodies of the World Heritage Convention, before any further decisions are made related to the implementation of those programmes and projects.

In a previous period a number of uncontrolled interventions and developments occurred in the Old City of Ohrid and the lakeshore, which is the result of a lack of consistent control and management of the property. However, the mission found that new tools are under preparation or have already been created. For example, a detailed conservation plan is already available and the legal context for a more efficient and effective protection has recently been strengthened with the adoption of two specific Laws for the World Heritage property, in

particular on the Historic City of Ohrid. Notwithstanding, these important tools are not yet fully operational.

One of the most substantial insufficiencies is that the Management Plan of the property is still under preparation. It is crucial that the Plan is finalised so that management arrangements can become fully operational as soon as possible, with an officially adopted Management Plan and a powerful Management Body to enforce measures to better control interventions within the World Heritage property.

### Recommendations

Based on the findings of the mission, the following recommendations can be made:

#### **1. Building plans for the project “Creation of St Clements University in Plaoshnik”:**

##### **General recommendations:**

- Undertake an overall review of the technical design of the project, particularly in terms of size, elevations, volume and scale, to eliminate the potential impact of the construction of proposed structures on the Outstanding Universal Value of the property . The review should realistically assess the carrying capacity of the location, not only in terms of the physical aspects but also in relation to the intangible associations to the place (i.e. this is the place where it is believed that Bishop St. Erasmus of Antioquia brought the learning of Christ to the ancient Lychnidos, and also the place where St Clement of Ohrid created a centre of Slavic literacy in the 9<sup>th</sup> century, the Ohrid Literacy School, and where now his re-deposited thumb is still venerated).
- Establish a Steering Committee (composed of experts of the State Party’s responsible institution, of the City Museum and invited and/or nominated international advisers) for the project to ensure that adequate reviews of the design and architectural projects are being made and also to confirm that the implementation of the project takes into account agreed upon recommendations to ensure that no impacts on the attributes that convey the Outstanding Universal Value occur.

##### **Complex I:**

- The construction of the residential building, Bishop’s palace (No. 2) can continue as long as it follows the plans set forth in the construction license.
- The construction of the Monastic Dormitory (Building No.1) should be suspended and the architectural project redesigned to eliminate the planned top level. The new, redesigned plans need to consider that the elevation of building No 1 should be equivalent to that of building No.2 This would also entail the review of the foreseen functions in a more compact design.
- For the building of the Faculty of Theology (Building No.3) archaeological investigations at the planned location need to be continued to assess whether construction is feasible at the

proposed location. In addition, the architectural project needs to be revised so that the height of the proposed construction is reduced to ensure better integration within the setting.

#### **Complex II/III:**

- **The construction of the Museum building (“C”) should be immediately halted and the shape/height of the building has to be significantly revised in the project design.** The proposed Museum building, even with the elevation of the structure built to date, has a dominant position in the setting of the property and a sensitive correlation with the neighbouring St. Panteleimon church. Therefore if construction continues as proposed it can further impact the visual qualities of the property. The mission considers that the construction should not add more levels to the already existing ones<sup>9</sup>. No more height additions can occur and the top level should remain at the level of + 3,68 metres (according to the existing plans). The project revision and redesign needs to provide alternatives for the complete volume, including the proposed roof and cupola (dome). In addition to the height, their shape should be reconsidered to better integrate within the context of the existing buildings. Furthermore, the mission recommends that a vegetation screen, through planting of trees, be implemented so that the impact from the building on the view sheds and visual qualities is mitigated. The mission also recommends that no additional cutting of trees around the planned buildings occurs.
- Other buildings in the same Complex (namely building A and B) also warrant significant modification in architectural and design projects so that no additional impacts on the visual qualities occur.

#### **Complex IV:**

- The mission considers that a relocation of the proposed buildings outside of the Plaoshnik area should be considered. If relocation is not feasible, then the complete architectural and design project needs revision in terms of the proposed heights and the number of adjacent buildings and Computer Centre. Given the potential significant impacts on the visual qualities of the property, the mission recommends that priority be given to the relocation of the proposed Complex IV.

#### **Coastal Development proposal from “Sahara India Pariwar”**

In regard to the project proposal from “Sahara India Pariwar” for the coastal development foreseen for the economic and tourist development of the Lake Ohrid region, the mission recommends that Environmental and Heritage Impact Assessments be carried out to evaluate project design in relation to OUV and to assess the feasibility of implementation. Given the already existing conditions at the area, the mission strongly recommends that a

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<sup>9</sup> Considering the situation that exists at the time of the mission, 10 December 2013.

comprehensive action plan for the lakeshore, based on the Management Plan to be finalized and adopted, be developed before consideration is given to additional coastal developments. The overall action plan should identify necessary corrective measures to address existing issues and should include timeframes and schedules for implementation. Upon completing the Environmental and Heritage Impact Assessments, these should be submitted to the World Heritage Centre for review by the Advisory Bodies.

### **Development of Railway Corridor VIII**

The mission recommends that the authorities identify alternative routes for the foreseen track of the Pan European Railways Corridor VIII to ensure that it does not cross through the inscribed World Heritage property.

### **Development of the port**

The mission considers that existing conditions at the port warrant consideration for enhancement but it recommends that potential large-scale developments be based on a comprehensive Action Plan for the area and that Environmental and Heritage Impact Assessments, in consideration of the Outstanding Universal Value of the property, are carried out for the proposed developments before authorization is given for implementation. As per information provided by the authorities, the present project includes improvement of existing infrastructure and reconstruction of the parts/elements damaged regarding infrastructure (electricity, water, etc.) of the existing dock. The projects should be carefully assessed before authorization is given for implementation.

### **Construction of the Hydrodome**

The mission recommends that consideration should be given to the potential construction on the lakeshore of a hydrodome for tourist flights by hydroplane. Environmental and Heritage Impact Assessments should precede the development of these potential plans to ascertain whether impacts on the Outstanding Universal Value of the property could occur. The relevant Ministries have confirmed that there are no definite plans for the construction of a hydrodome at this moment, but they noted that two years ago a Call for expression of interest was launched, although none of the received offers were deemed acceptable.

### **Management Plan**

The mission strongly recommends that the Management Plan for the property be finalised and adopted as soon as possible and that adequate resource provisions are made to ensure consistent and participatory implementation by the Management Body. The operating management system will also need to establish mechanisms for monitoring the state of conservation of the property and for broad consultation, at both the property and State Party levels, for any foreseen actions, in conformity with Articles 11 and 12 of the *Law on*

*Proclamation of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance.* The mission notes that the UNESCO Venice office, in agreement with the World Heritage Centre, will provide funding (20.000 USD) so that the required topographic surveys and the required spatial plans will be completed as an integral part of the new management plan. Once completed and prior to adoption by the relevant authorities, the Management Plan should be submitted to the World Heritage Centre for review by the Advisory Bodies.

### **Extension of the World Heritage property**

Concerning the potential extension of the property as a transboundary property with Albania, the mission recommends that this be given priority consideration. The potential inclusion could promote a more effective management of the Lake Ohrid region (which geographically encompasses both State Parties) to ensure that the Outstanding Universal Value of the property is sustained in the long term. The mission therefore encourages the State Party to actively participate in the EU-funded UNESCO project “Towards strengthened governance of the shared cultural and natural heritage of the Lake Ohrid region” aimed at supporting the preparation of the extension, which is expected to start in 2014.

### **International cooperation**

The mission recommends that means to ensure a stronger and more efficient cooperation between international partners be explored. Cooperation arrangements should be responsive to issues affecting the Lake Ohrid region and clear guidance with a focus on the protection of the Outstanding Universal Value of the property needs to be provided for appropriate developments, both within the inscribed area and its larger setting.

The mission also recommends that Environmental and Heritage Impact Assessments should precede all development proposals that can potentially impact the Outstanding Universal Value of the property and that these, along with project proposals, should be submitted, in accordance to Paragraph 172 of the Operational Guidelines, to the World Heritage Centre for review prior to granting approval for implementation.

## **6 ANNEXES**

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6.1 Terms of reference

6.2 Itinerary and programme

6.3 Composition of mission team and list of persons met during mission

6.4 Map

6.5 Photographs

## ANNEX 6.1

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**Terms of Reference**  
**ICOMOS/UNESCO Advisory Mission**  
**to the World Heritage property “Natural and Cultural Heritage of the Ohrid region”**  
**(the former Yugoslav Republic of Macedonia)**  
**from 10 to 12 December 2013**

Following the evaluation by ICOMOS of the project “Instauration of St Clements University in Plaoshnik” located within the boundaries of the World Heritage property “Natural and Cultural Heritage of the Ohrid region” (the former Yugoslav Republic of Macedonia), which was considered to have a negative impact on the Outstanding Universal Value of the World Heritage property, the State Party invited an ICOMOS/UNESCO mission to consider the project on site and to assess the overall state of conservation of the property. Taking into consideration the *Operational Guidelines for the Implementation of the World Heritage Convention*, the Mission shall in particular:

1. Consider the project “Instauration of St Clements University in Plaoshnik” on site in relation to the Outstanding Universal Value of the World Heritage property;
2. In line with paragraph 172 of the *Operational Guidelines*, assess any other relevant conservation projects and issues that may negatively impact on the Outstanding Universal Value of the property, including the conditions of authenticity, integrity and protection and management.

The mission will take place for 2 days from 10 to 12 December 2013.

**Objectives of the mission:**

Concerning the main objectives of the mission, the mission shall:

1. Consider the building plans of the project “Instauration of St Clements University in Plaoshnik” in relation to the Outstanding Universal Value of the World Heritage property;
  - Collect information concerning the building plans;
  - Meet the responsible authorities to discuss proposed building plans;
  - Provide recommendations how to integrate the requirements for the protection of the Outstanding Universal Value within the building plans.
2. Provide technical advice to the local and national authorities to find appropriate solutions and to mitigate any potential negative impact on to the Outstanding Universal Value of the World Heritage property.
3. Assess any other relevant conservation issues that may negatively impact on the Outstanding Universal Value of the property, including the conditions of authenticity, integrity and protection and management, in particular:
  - a project proposal from the international company “Sahara India Pariwar” for a coastal development for the economic and tourist development of the Lake Ohrid region,
  - the Pan European Corridor VIII project which is planned to pass through the territory of the World Heritage site,
  - reconstruction of the existing and construction of new ports,
  - construction of hydrodrome on the shore of the Lake for panoramic touristic flights by hydroplane.
  - plans for construction of monumental buildings in the central part of the city of Ohrid.

The mission will prepare a concise report on the findings and recommendations within 6 weeks following the site visit.

**ANNEX 6.2**

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**Itinerary and programme  
of the ICOMOS/UNESCO Advisory Mission  
to the World Heritage Property “Natural and Cultural Heritage of the Ohrid region”  
the former Yugoslav Republic of Macedonia**

**10 December (Tuesday)**

- 11:50 Arrival at Skopje airport (with Austrian Airlines from Vienna)  
 13:00-14:30 Meeting with the Director of CHPO, Mr. Viktor Lilchikj and Mr Zoran Pavlov  
 14:30-15:30 Lunch  
 15:30-17:30 Travel to Ohrid (accommodation at Hotel TBC)

**11 December (Wednesday)**

- 09:00-11:00 Meeting with the Director of the Institute for Protection of Monuments of Culture and Museum – Ohrid, Mrs. Tanja Paskali Buntasheska  
 11:00-11:30 Boat trip on the Lake Ohrid to assess views from a distance  
 11:30-14:30 Site visit (Archaeological site of Plaoshnik)  
 14:30-16:00 Work over Lunch  
 16:00-19:00 Site visit (Old urban nucleus of the town of Ohrid)

**12 December (Thursday)**

- 09:30 – 12:00 Meeting with the Mayor of Ohrid  
 12:00 – 15:00 Travel to Skopje  
 15:00 – 18:00 Meeting with the National Commission for UNESCO (including the Minister of Culture, Mrs. Elizabeta Kancheska Milevska, President of the National Commission)  
 18:00 – 19:00 Meeting with the National Committee of ICOMOS (*this meeting should be arranged between ICOMOS International and the National Committee of ICOMOS*)  
 19:00 Dinner with ICOMOS Nat.Com representatives

**13 December (Friday)**

- 10.30 departure from hotel (12:40 Departure from Skopje airport - with Austrian Airlines through Vienna)

## ANNEX 6.3

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### A. Composition of mission team

ICOMOS expert: Mr Tamás Fejérdy

UNESCO representative: Mr Siniša Šešum

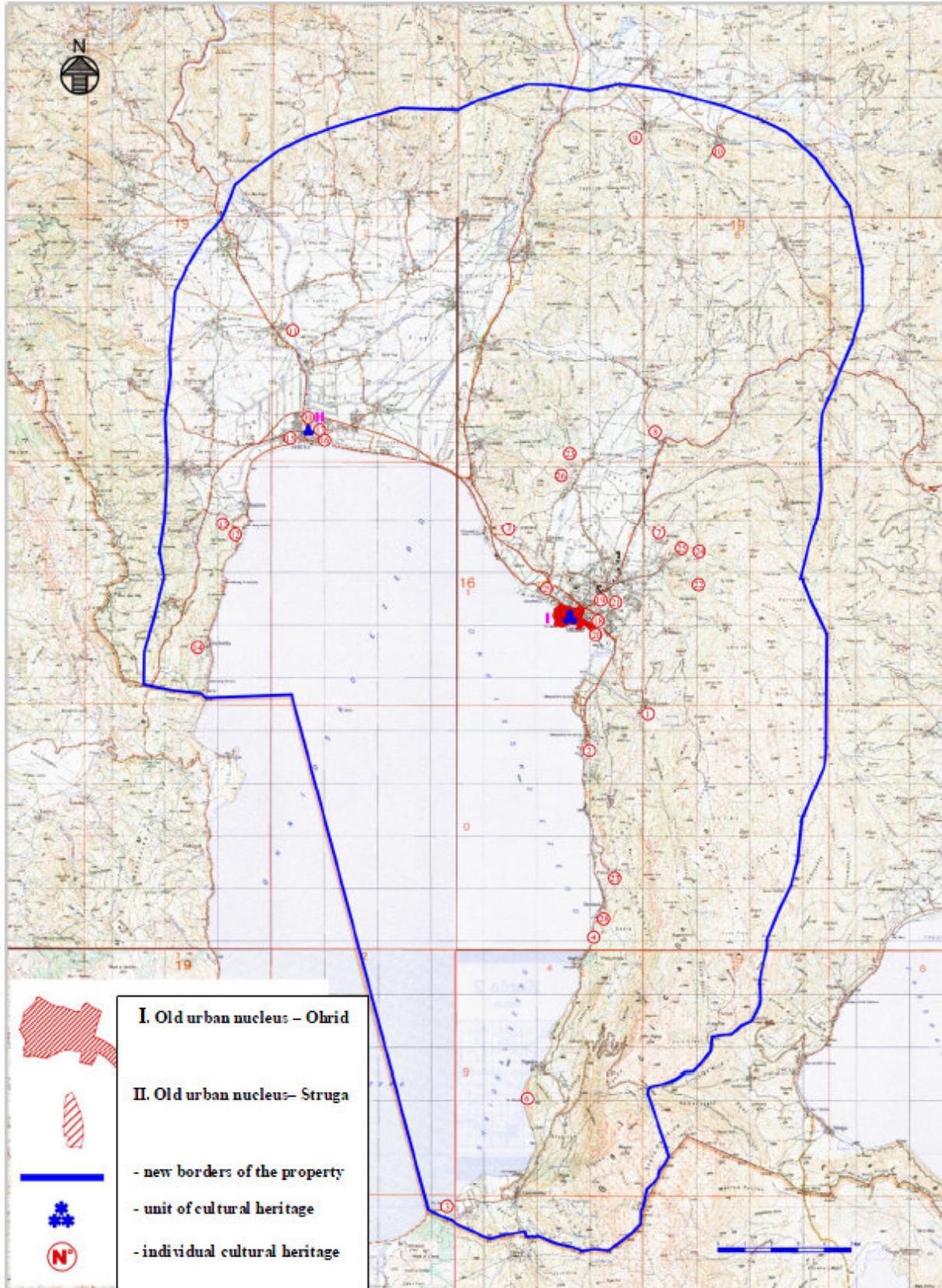
### B. List of persons met during mission

(in order of the meetings held during the days 10-13 December 2013)

- **Mr Viktor Lilchikj PhD**, Director of the Cultural Heritage Protection Office,
  - **Mr Zoran Pavlov**, Head of the Department for Documentation, International Cooperation and Administrative Affairs, Cultural Heritage Protection Office
  - **Ms. Kristina Biceva**, Adviser on International Projects and Activities for Protection of Cultural Heritage, Cultural Heritage Protection Office
  - **Ms. Tanja Paskali Buntasheska**, Director of the Institute for Protection of Monuments of Culture and Museum – Ohrid
  - **Mr Nikola Bakrachevski**, Mayor of the City of Ohrid
  - **Mr Zoran Veljanoski**, Head of Department for Culture and International Relations and Cooperation with UNESCO, City of Ohrid
  - **Mr Zoran Letra**, Section for International Cooperation and Cooperation with UNESCO, City of Ohrid
  - **Mr Dejan Panovski**, Ministry of Environment and Spatial Planning (Focal Point for World Natural Heritage)
  - **Mrs. Elizabeta Kancheska Milevska**, Minister of Culture and President of the National Commission for UNESCO
  - **Mr Mile Janakievski**, Minister of Transport and Communications
  - **Mrs. Lidija Topuzovska**, Secretary of the National Commission for UNESCO
  - **Mr Ognen Apostolski**, Director of the Agency for Spatial Planning
  - **Ms. Andrijana Andreeva**, Agency for Spatial Planning
  - **Ms. Vesna Lazarevska**, Adviser on Urban Planning, Ministry of Transport and Communications
  - **Mr Igor Janushev**, Head of the Department for Air-Traffic, Ministry of Transport and Communications
  - **Mr Lazar Shumanov**, National Committee of ICOMOS
  - **Mr Predrag Gavrilovic**, National Committee of ICOMOS
  - **Mrs. Jagoda Micajkova**, National Committee of ICOMOS
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## ANNEX 6.4

**Map of the boundaries of the World Heritage property “Natural and Cultural Heritage of the Lake Ohrid region”**



**ANNEX 6.5**

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**Photographs** Old City of Ohrid – Photos taken during Advisory Mission 11-13 December 2013



Night view in the City of Ohrid with old and renewed buildings



Street-view in the old city of Ohrid



Rebuilding of a house in the Old City of Ohrid





Environment of the St. Sofia Church



Roof-scape detail with solar cells



Street pavement in the old city



Presentation of an archaeological site in the old city



Views of the old city from the lake of Ohrid





A close view showing changing details in the old city



The existing port from the lake



A view with the damaged (out of use) part of the port





A view from the lake looking to the hill under the Plaoshnik area



Appearance of new constructions of the Museum building on the hilltop



The new Museum building's constructions and the tower of the St. Panteleimon church (Two more levels were planned for Museum building)



The full view of the Plaoshnik area from the lake



The same from another angle



The view of the Plaoshnik complex from the lake together with the Church of St. John Theologian-Kaneo



The lake of Ohrid seen from the city



Challenges of the conservation on the lake-shore



The Museum building under construction in the Plaoshnik area





The Museum building under construction





“Cleaning” of the site for construction of the Complex IV





The shelter-building





Archaeological area



The Monastery residential area with fragments of historic walls - under construction



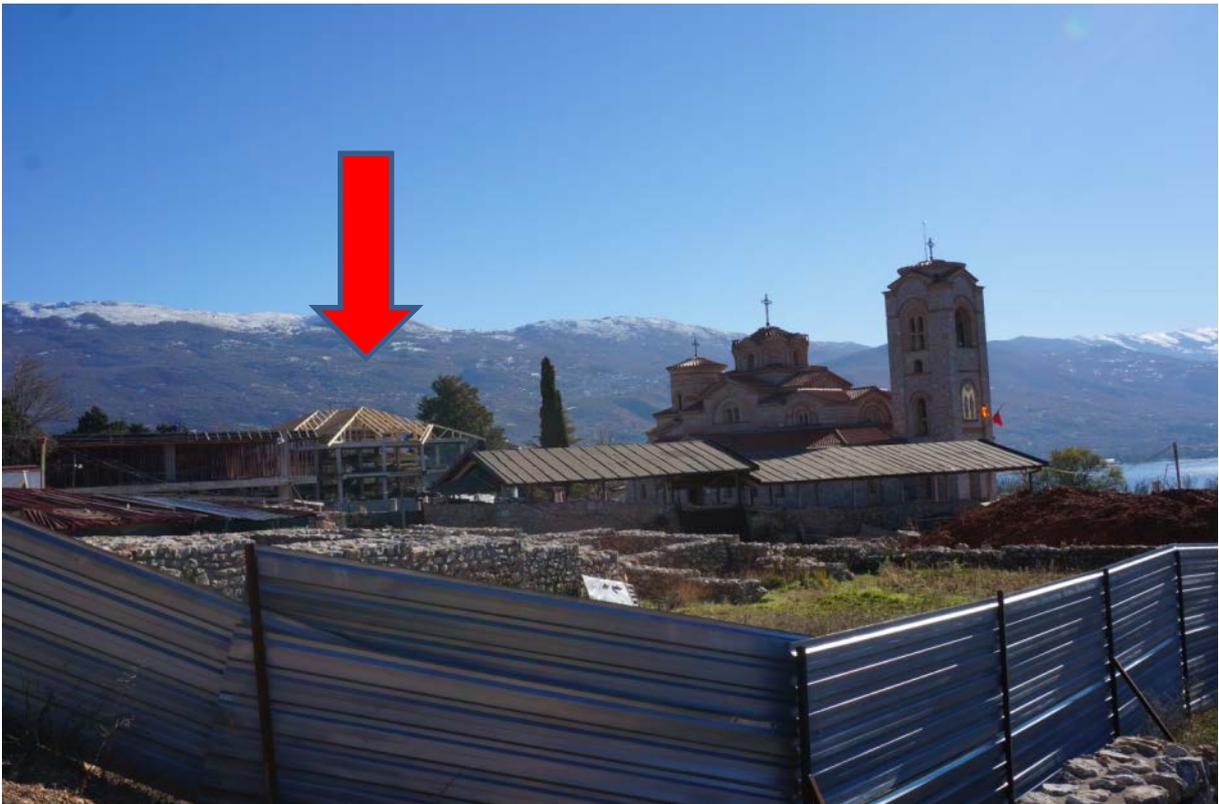
The cistern incorporated



View of the Complex I from the St. Panteleimon church



The residential building





The reconstructed St. Panteleimon Church





The reconstructed St. Panteleimon Church



Details showing original parts



Interior of the church





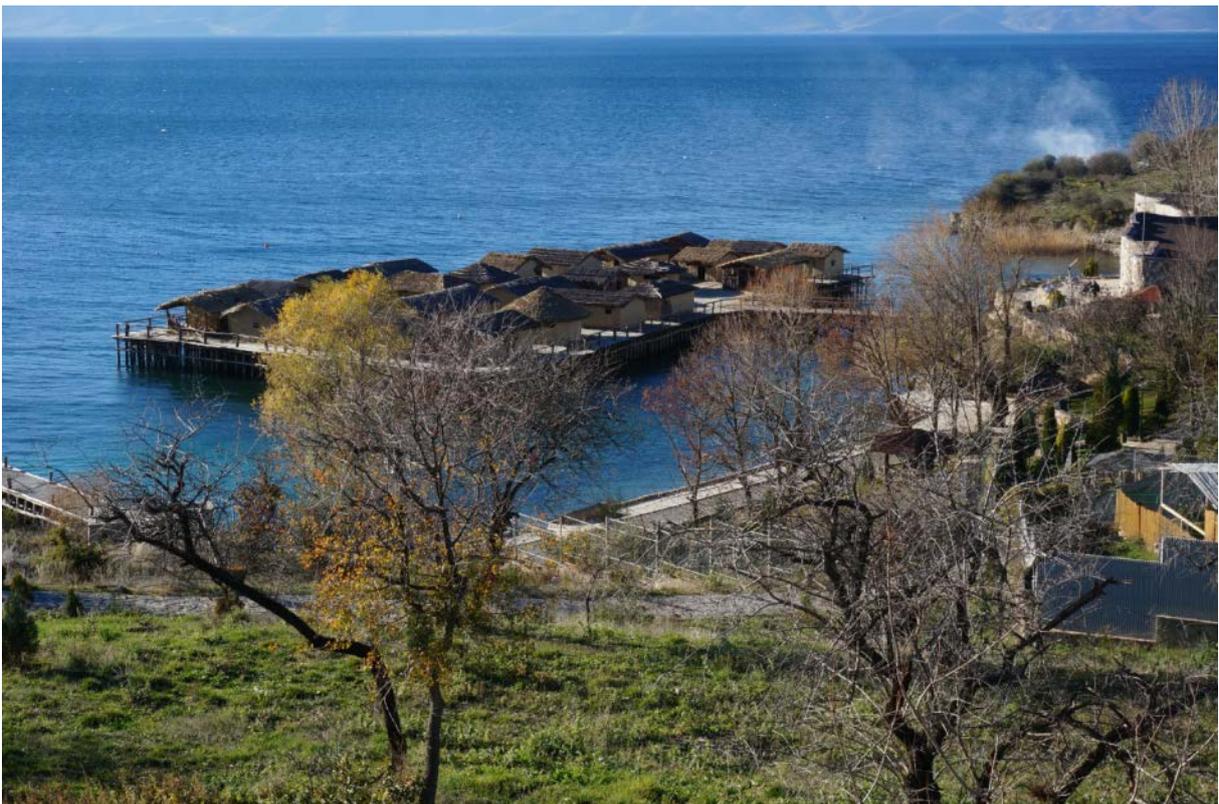
Details



Details in the interior of the Church with the reconstructed tomb of St. Clement of Ohrid



“Museum on the Water”  
prehistoric palafitte (pile dwelling) settlement at the Zaliv na Kostite (Bay of Bones), Gradishte



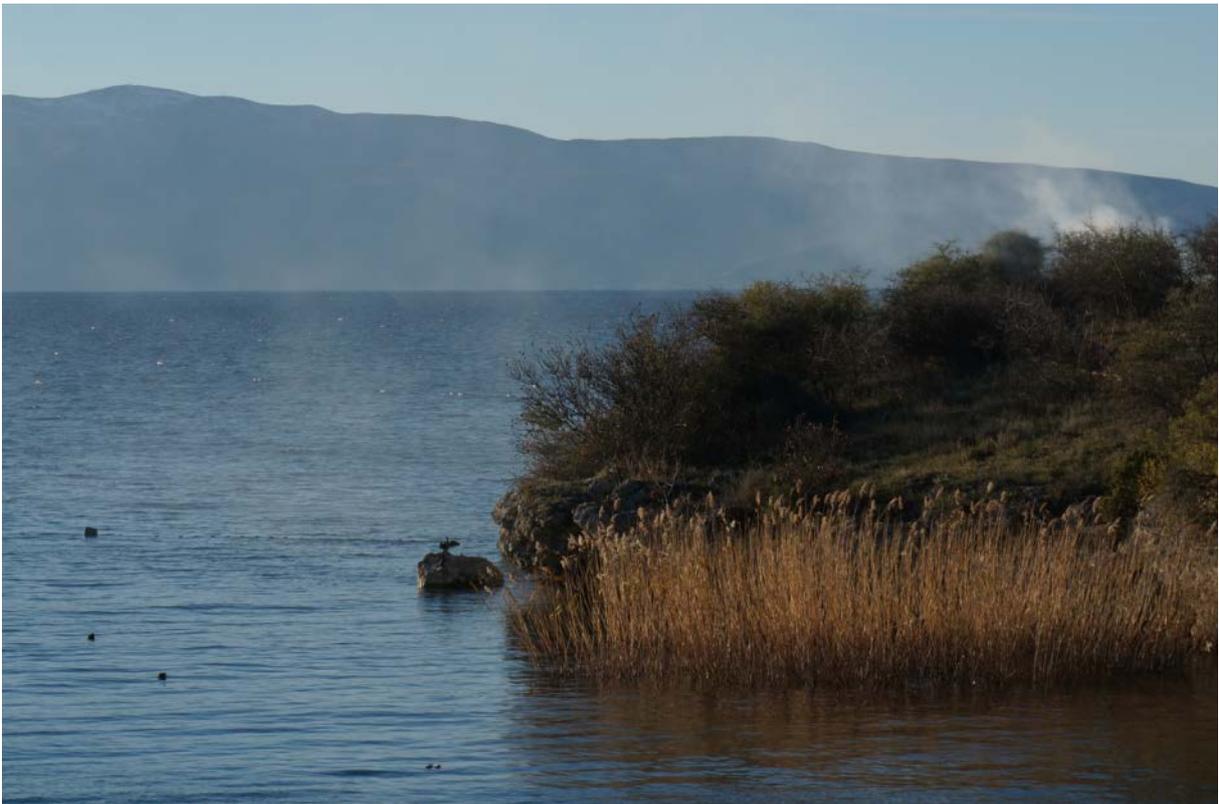


From the Galichica National Park





From the Galichica National Park



**7 APPENDIXES**

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1. Law on Protection of Cultural Heritage – 2004
2. Law on Nature Protection – 2004
3. Law on Managing the World Natural and Cultural heritage in the region of Ohrid – 2010
4. Law on Proclamation of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance – 2011

(see attached appendix)



**7 APPENDIXES**

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1. Law on Protection of Cultural Heritage – 2004
2. Law on Nature Protection – 2004
3. Law on Managing the World Natural and Cultural heritage in the region of Ohrid – 2010
4. Law on Proclamation of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance – 2011

**7 APPENDIXES**

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**7.1. LAW ON PROTECTION OF CULTURAL HERITAGE****CHAPTER I  
GENERAL PROVISIONS****Subject of regulation****Article 1**

This Law shall specify the types, categories, identification, manners of settling under protection and other instruments of the cultural heritage protection, the regime of protection and use of cultural heritage, rights and obligations of holders and limitations of the property right on the cultural heritage of public interest, the organisation, co-ordination and supervision, professional titles and other issues significant for the unity and the functioning of the cultural heritage protection system in the Republic of Macedonia.

**Cultural Heritage****Article 2**

Cultural heritage, within the meaning of this Law, shall include the material and immaterial goods which, as an expression or testimony of the human creation in the past and in present or as common works of human and nature, due to their archaeological, ethnological, historical, artistic, architectonic, urban, ambiental, technical, sociological and other scientific or cultural values, characteristics, contents or functions, have cultural and historical significance and due to their protection and use are settled under legal regime according to this and other Law.

**Main classifications of the cultural heritage****Article 3**

(1) The cultural heritage, within the meaning of Article 2 of this Law, according to its characteristics, shall include: the immovable, movable and intangible cultural heritage.

(2) The cultural heritage, within the meaning of Article 2 of this Law, according to its significance, shall include: the cultural heritage of special and other cultural and historical significance. (hereinafter as: significant cultural heritage).

(3) The cultural heritage, within the meaning of Article 2 of this Law, according to the level of its endangerment, could include: the non-endangered and endangered (hereinafter as: endangered cultural heritage).

**Goals of protection****Article 4**

(1) The main goal of protection shall include:

1. Preservation of the cultural heritage in its genuine condition;
2. Creating more favourable conditions for survival of the cultural heritage and for maintenance of the integrity of all data which are included within as a testimony, source or type of document;
3. Enlarging the knowledge regarding the values and the significance of the cultural heritage and its role in the cultural identification and

4. Providing the means for the cultural heritage, due to its purpose and meaning, to serve to satisfy the cultural, scientific, educational, aesthetic, religious, economical, tourist and other needs of citizens and the society.

(2) The operational goal of protection shall be the carrying out activities to prevent activities, events and effects, which produce or may cause damage, destruction, disarrangement, vanishing, degradation and illegal seizure of the cultural heritage.

(3) The final goal of protection shall include the transfer of the cultural heritage to the future generations.

### **Basis of protection**

#### **Article 5**

(1) The cultural heritage is the fundamental value of the Republic of Macedonia, which shall be protected in any circumstance.

(2) The protection of cultural heritage shall be of public interest and shall be compulsory attained at the whole territory of the Republic of Macedonia.

(3) The cultural heritage shall be protected due to its values, significance, and level of endanger, regardless of time, place and manner of creation or the creator and the ownership or possession, regardless of the character, material or religious, or the type of confession, and regardless if it was registered or not.

(4) The type of ownership or the owner should not be changed by listing, pronouncing or other manner of settling under protection, registering or marking the cultural heritage, according to the provisions of this Law.

(5) The goods which are by reason presumed as cultural heritage shall be protected in extent and manner specified by this Law.

(6) The immovable cultural heritage and immovable goods of paragraph (5) of this Article shall be protected together with their immediate environment, through marking contact zones under this Law.

(7) The movable cultural heritage shall be protected as a single good or as a collection.

(8) The cultural heritage shall be used due to its nature and purpose according to the goals of protection. The immovable cultural heritage shall be used for active living within, as well as a factor of the persistent development.

### **Attainment of protection**

#### **Article 6**

(1) The protection of cultural heritage shall be attained especially by:

1. Carrying out activities in the field of culture which entirely or partially refer to the protection of certain type of cultural heritage (hereinafter as: protection activities);

2. Carrying out administrative, professional and other protection activities significant to the realising of state functions and the rights and obligations of citizens and legal entities related to the cultural heritage;

3. Organising the network of specialised services and permanent advisory and co-ordination bodies of protection, both at national and local level;

4. Specifying the national strategy for protection and its efficient implementation;

5. Developing the awareness for the significance of the cultural heritage and for the danger it is exposed under, as well as the necessity for its protection (protection awareness);

6. Creating and promoting a compatible information system for cultural heritage and its connecting to the specialised and general systems and networks at national and international level;

7. International assistance, co-operation and protection of the national cultural heritage and

8. Initiating the non-governmental organisations and private initiatives to protection and use of the cultural heritage;

(2) The protection of cultural heritage shall be attained also by its obligatory involvement both in the spatial and urban plans and the programs and plans for protection of the environment and nature, as well as by its treatment as a factor of the persistent economical and social development, especially in direction of development of the cultural tourism, housing, specific professions and education.

(3) The protection of the movable cultural heritage shall be administered also by efficient management with the risks it is exposed to, especially regarding the illegal excavations, smuggling, robberies, seizure and other unlawful activities, and regarding the conditions for preservation, handling, transport, exhibition etc.

(4) The protection of the intangible cultural heritage shall be administered also by making and keeping records of it, as well as by stimulating its transfer in the genuine and other areas.

### **Subjects of protection**

#### **Article 7**

(1) The attaining of protection of the cultural heritage shall primary include the obligation and responsibility of the state and its bodies and public services.

(2) The local management units and their bodies and public services shall be responsible for attaining the protection in the framework of their competencies specified by this and other Law.

(3) The legal entities and natural persons, competent for fulfilment of the cultural heritage protection, according to this Law, shall be responsible for attaining the protection in the framework of the entrusted authorisations.

(4) The owners and other holders of cultural heritage responsible for the maintenance, preservation, respect and the regular use of the cultural heritage shall have the rights and duties specified by this and other Law.

(5) Each citizen shall be responsible for the care and respect of the cultural heritage.

### **Administrative issues, activities and operations of protection**

#### **Article 8**

(1) The administrative and certain proficient issues of the cultural heritage protection shall be carried out by the Ministry of Culture, and by the Administration for protection of the cultural heritage, as a body within the Ministry of Culture (hereinafter as: The Administration).

(2) The protection of the archives material shall be carried out by the State Archives of the Republic of Macedonia (hereinafter as: The Archives).

(3) The proficient issues within the system of protection of the cultural heritage in the field of culture, except the issues of paragraph (1) and (2) of this article, shall be attained by carrying out the activities of the cultural heritage protection (hereinafter as: monumental activity) and the activities for protection the movable cultural heritage (museum, library and film archives activity).

(4) The protection activities as in paragraph (3) of this Article, due to the type of the cultural heritage shall be attained by public institutions for protection of cultural heritage (hereinafter as: public protection institutions), other institutions and other legal entities, according to this and other Law.

(5) The operations for protection of the phonogram archives goods and the intangible cultural heritage shall be attained by the entities authorised by the Minister of Culture.

**Application of other regulations in the field of culture**  
**Article 9**

(1) The provisions of the Law on Culture shall be applied to the foundation, operation and termination of the public institutions for protection, management, administration, making decisions, financing and the administrative supervision, unless otherwise provided by this law.

(2) The accomplishment of the museum, library and the film archives activity, including the issues in the field of museum and library matters, which are not subject to the cultural heritage protection, shall be particularly regulated by Law.

**Right to ownership on cultural heritage**  
**Article 10**

(1) The subject to the right to ownership could include the immovable or movable cultural heritage.

(2) The cultural heritage of Paragraph (1) of this Article could be a property of the Republic of Macedonia (state property), of the local management units and of other legal entities and natural persons.

(3) The cultural heritage and good which is commonly presumed as cultural heritage which shall be found under ground or underwater, regardless of whether or not was excavated, shall be treated as a state property. In other cases, regarding the right to ownership, the regulations for obtaining ownership on found goods shall be applied.

(4) As a cultural heritage as a state property shall be considered moreover:

1. The movable cultural heritage whose owner undoubtedly shall express the will not to hold it in possession any longer, i.e. to abandon it;

2. The immovable cultural heritage, whose right to ownership shall be erased on a base of a Statement to release the property, signed by the owner in a form of a document suitable to register the right in the Public book for registering the property rights, whereto, the property right of the Republic of Macedonia will be recorded on the basis of such statement, after the completion of the right of the previous owner and

3. The cultural heritage whose owner is unknown, within ten years, if it is a immovable property, i.e. within three years if it is a movable property, calculated from the enactment of the decision to determine a trustee of such good.

**Meaning of certain expressions in this Law (Glossary)**  
**Article 11**

Certain expressions used in this Law shall have the following meaning:

1. "Protection of cultural heritage" within this Law shall include the research, identification, evaluation, re-evaluation, categorization, announcing, registration and designation of the cultural heritage, its preservation, respecting, concern, maintaining, conservation, restoration, reconstruction, dislocation and revitalization, as well as prevention, supervision, restitution, presentation, popularisation and any other form of immediate or indirect preservation of the cultural heritage which is attained in a public interest (hereinafter as: protection).

2. "Cultural -historical significance " shall include the common cultural and other meaning of public interest from the point of view of the common or the national history, culture, art, science and technique.

3. "National" shall mean the expression which is used within the meaning of the Law on Culture and the international conventions which are subject to the cultural heritage protection and shall express the public, i.e. the state interest in culture.
4. "Evaluation" shall include the proficient and scientific assessment of the values and characteristics of goods according to specified criteria, in a function of their settling under protection and enrolment under appropriate protection regime.
5. "Re-evaluation" shall mean the proficient and scientific reassessment of values and characteristics of the cultural heritage, in function of confirmation, extension, reinforcement or reducing the protection effect, including its exclusion or termination.
6. "Categorization" shall mean specifying of the level of the cultural heritage significance in public interest in a function of prescribing an appropriate protection regime, determination of the protection priorities, defining the competencies and application of the ratified international agreements.
7. "Maintenance" shall include the preservation of the cultural heritage in a condition of best entirety and functionality, by prompt undertaking of operative measures and activities, which shall be repeated by the program.
- 8 "Preservation" shall mean the systematic supervision of the protected goods condition, their covering, locating, storing, packaging and other type of care, regular handling, physically and technical saving against unregistered access or unauthorized use and harmful activities of any type, and insurance against risks that they were exposed on or could be exposed.
9. "Respecting" shall include non-performing the activities which are directed against the protected goods, including their use for purposes that could expose them under danger to be damaged or destroyed, as well as caution during the selection and application of means and methods of protection;
10. "Conservation" shall mean the procedure and the method of preservation of the protected good in genuine condition, i.e. in a condition that it was found without adding the elements, which were destroyed, or missing.
11. "Restoration " shall mean the procedure and the method of an authentic renovation of the partially destroyed protected good, by adding the parts that are missing in a form and shape which they would have or by eliminating the inappropriate parts or additions.
12. "Reconstruction" shall mean the procedure and the method of renovation of the protected good which was in its larger part destroyed or whose constructive or other parts were amortized.
13. "Revitalization" shall mean the procedure and the method of recovery of the vitality of the monuments and old buildings within the monumental entireties, either by maintaining or returning the primary or one of the previous functions, either by providing a new function appropriate to their nature and meaning and to the character of their surrounding.
14. "The integrated protection" shall be the entirety of measures for preservation and active involvement of the immovable cultural heritage in the life of the community as a factor of the persistent societal development, especially in the field of spatial planning and arranging, the investments constructing, the protection of the environment and nature etc.
15. "Restitution" shall mean the returning of the movable goods of cultural and historical significance to the country of origin, i.e. to the country they belong to, or from which territory they have been seized by force.
16. "Requisition" shall mean the seizure of movable goods of cultural and historical significance by force, during armed conflict and occupation for the military needs.
17. "Antique" ("ancient artefact") shall mean the item with an artistic, historical, scientific, cultural and other similar value, at least hundred years old or less if it presents or becomes rare if it is no longer produced or created .

18. "Collection (miscellany)" shall mean a group of cognate or various items which, regardless of the individual characteristics and single purpose of each item separately, due to the specific characteristics of connection, as an entirety possess specific cultural, historical, artistic, scientific or other similarity, function or meaning and could be identified as an independent object of protection.

19. "Collector" shall mean the person who shall, on a non-professional basis and for personal needs, carry out the collecting of items of cultural, historical, artistic, scientific and other similar significance, which create one or more reasonable entireties of them with a status of a collection.

20. "Holder" shall mean the owner, the holder of the right to utilization, and any other legal entity or natural person who holds the protected good on any basis.

21. "Right to utilization" shall mean the material right derived out of the property right of the Republic of Macedonia i.e., of the local management unit on protected good given in possession to a legal entity or natural person, whereto its holder obtained the right to possession and utilization of such good, for the purpose of protection as a cultural heritage, i.e. for a legal protection against endeavours by third party.

22. "Recognition" shall mean the confirmation of the accuracy of the understanding for the archaeological heritage on the base of previous examination of certain locality.

23. "Protected good" shall mean the good which is a subject to protection in a manner specified by this Law.

24. "Protected area" shall mean the area in the framework of the specified boundaries of the protected good and its contact zone.

25. "Contact zone" shall mean the space around the real property which is important to preserve in its historical connote by a protection regime different from the protection regime of the property, which is a subject of protection and

26. "Protection act" shall mean the decision for temporary protection, decision for announcement of a significant cultural heritage, decision for announcement of a cultural heritage of a special significance and decision for determination of a reserved archaeological zone.

## **CHAPTER 2**

### **TYPES AND CATEGORIES OF CULTURAL HERITAGE**

#### **Section 1**

#### **TYPES OF CULTURAL HERITAGE**

##### **1.1. Immovable cultural heritage**

##### **Monuments**

##### **Article 12**

(1) The monuments shall include the single buildings, i.e. works of architecture and civil engineering or their parts and residues, including the elements and structures of archaeological nature, sculpture, paintings, or works of applied art and of the technical culture, permanently connected to certain surrounding, titles, cave habitations, tomb monuments, memorial objects and designations related to important events and renowned persons, other particular immovable goods of cultural and historical significance together with the installations, ornamental elements and other movable items which are permanently attached to the building itself or permanently serve to its utilization.

(2) As monuments shall also be considered the buildings whose main and effective purpose shall be the preservation and exhibition of movable cultural property, as well as the special shelters determined for settling the movable cultural property in a case of armed conflict.

### **Monumental entiretyies**

#### **Article 13**

(1) The monumental entiretyies shall mean the urban, rural and other settlements or their parts and residues, including the equipment of the settlements, the agricultural, industrial and other economic complexes and isolated or connected groups of buildings, which, due to their unity or incorporation in the landscape make topographic entirety.

(2) As monumental entiretyies shall be considered the centres which include significant number of monuments and movable cultural heritage, determined as objects of protection in a case of an armed conflict.

### **Cultural landscapes**

#### **Article 14**

The cultural landscapes are special parts of the landscape, which are distinguished as areas of specific interaction of human and nature, i.e., as partially built and arranged areas, cult locations, locations related to combats or other significant events, city locations, necropolis and other archaeological sites or places which are a testimony for the existence of the human in the space and time, its activities, manner of living, habits, beliefs, or special traditions.

## **1.2. Movable cultural heritage**

### **Archaeological items**

#### **Article 15**

(1) As archaeological items shall be considered all movable findings of any type or material, excavated out of the ground or subtracted out of water, which originate from periods that are subject to the archaeology and its auxiliary sciences.

(2) As archaeological items shall be considered also the findings which were discovered as independent creations or as residues of typical parts of antecedent buildings, which permanent regulation of such under the regime of movable cultural heritage has a scientific basis, except if reasons exist for their preservation on the spot (in situ) shall be a public interest of priority. (sarcophagus, epigraph monuments, pillars, sculptures etc.).

(3) As archaeological items shall be considered also the parts, i.e., elements made by permanent separation (taking out the layers, subtracting, peeling) from the discovered construction, if it was carried out as a protective measure (bottom and wall mosaics, fresco, sacral and profane architectonic plastic etc.).

### **Ethnological items**

#### **Article 16**

(1) Ethnological items are the movable goods which testify for the manner of living, activities, habits, rituals, beliefs, ideas and creations which are necessary to understand the ethnical characteristics and changes in the material and intangible culture of the Macedonian nation and the minorities in the Republic of Macedonia.

(2) As ethnological items shall be considered also the parts, i.e. the elements obtained by separation of the objects of ethnological significance (chests, rosettes, ceilings etc.)

**Historical items**  
**Article 17**

(1) Historical items shall mean the movable goods related to significant historical events or activities of cultural, national liberation, revolutionary and other political movements and organizations, educational, cultural, scientific, religious, sport and other institutions and associations, state bodies, or to the living and work of distinguished persons, including antiques which do not belong to other types of movable cultural heritage older than 50 years, as well as the obligatory sample of state money.

(2) As historical items shall be considered also the parts obtained by separation from the objects of historical significance, different from such as in Article 15 paragraphs (2) and (3) of this Law.

**Items of art**  
**Article 18**

(1) As items of art shall be considered the movable works of art in the field of fine arts such as: paintings and drawings made by hand on any basis and of any material, except the industrial design and industrial products ornamented by hand, original sculpture works, artistic compositions and assemblage on any material, original engravings, copperplates, lithographs and other prints, original posters and photographs as a manner of an original creation and the works of the applied art made of any material.

(2) As items of art shall be considered also the sculpture, paintings and the works of the applied art different than such in Article 15 paragraph (2) and (3) of this Law, which are permanently separated from the immovable works, if it was carried out due to the public interest in a manner which should not confront the Law.

**Technical items**  
**Article 19**

Technical items are the products of the technical culture, related to significant phases of the technical progress (machines, tools, instruments, equipment, transport means etc).

**Archives material**  
**Article 20**

(1) The archives material is the entire selected, authentic and reproduced documentation material of permanent value and of importance for the state, science, culture and other needs.

(2) As an archives material, within the meaning of Paragraph 1 of this Article shall be considered also the registries, inventory and other public books about cultural heritage, as well as the documentation regarding the cultural heritage and its protection.

**Library goods**  
**Article 21**

(1) The library goods shall include the old handwritings (mediaeval and Slavic or handwritings of other languages) which refer to Macedonia made up to the end of the XIX century, incunabula and postincunabula printed not later than 1530, the first issues of books of the renaissance authors, printers or printing facilities in Macedonia, old maps and atlases of Macedonia up to 1913, special library entireties which originate from educational, cultural, scientific, religious, and other institutions in the Republic of Macedonia up to the end of 1946,

or which were published up to that period and refer to significant historical events in Macedonia, rare books and other rare library material specified by Law, as well as family and personal libraries of scientific or cultural significance.

(2) As library goods shall be considered as well, the obligatory samples of publications submitted to the competent library institution, including the note, plotters, philatelic and other material with a status of publication, as well as the obligatory sample of completed masters' and doctors' works, except the goods as in Article 23 of this Law.

**Film archives goods**  
**Article 22**

The film archives goods shall present the original material of cinematography work, i.e., a negative of a photograph or tone-negative of a movie, as well as a tone copy of a feature, animated, documentary, scientific-popular or other film of the national or foreign cinematography production, original and copy of videotape and other motion pictures, fixations, with or without a sound, regardless of the recording technique, together with the film documentation (scenario, recording book, costume and scenario material, film advertisement etc.) as well as the obligatory sample which is delivered to the competent film archives institution.

**Phonogram archives goods**  
**Article 23**

Phonogram archives goods are the original material of recorded sounds i.e. original oral, music or other type of sound recordings or their copies, regardless of the form, technique of the sound fixation or the type of the media, including the obligatory sample of a phonogram as well, which will be delivered to the competent institution according to the law.

**1.3. Intangible cultural heritage**

**Folklore goods**  
**Article 24**

As folklore goods shall be considered the habits, rituals, tales, mental creations, folklore songs, stories, legends, adages, riddles, dances, plays, old and rare crafts, traditional crafts and other expressions of the immaterial national creation.

**Language**  
**Article 25**

The language is the literature, i.e. the standard language and its alphabet, as well as the local speeches of the same languages (dialects).

**Toponyms**  
**Article 26**

The toponyms are the names of lakes, rivers, springs and other water objects (hydronyms), cities, villages and other settlements (oikonyms), natural or administrative areas (horonyms), roads (dromonyms), agricultural spatial facilities (agronyms), mountains and other objects of nature related to forests (dendronyms) and other genuine, local and official names which are subject to the toponymy of the Republic of Macedonia.

**1.4. Distinguishing of the cultural heritage**  
**Special provisions**  
**Article 27**

- (1) The immovable cultural heritage of Article 12,13 and 14 of this Law shall not include the collections within the monuments, nor the collections which are preserved or exposed at the archaeological sites or other places within the monumental entreties and the cultural regions.
- (2) The movable cultural heritage of Article 15, 16, 17,18 and 19 of this Law shall not include the items, which are constitutional part of the monuments as in Article 12 paragraph (1) of this Law.
- (3) In a case of a dispute if some item belongs to a movable or immovable cultural heritage, as well as in a case of a dispute regarding the type of cultural heritage to which certain good belongs to, such dispute will be subject to decision by the Administration.

**Section 2**

**CATEGORIES OF THE CULTURAL HERITAGE**

**Cultural heritage of especial significance**  
**Article 28**

- (1) The part of the cultural heritage of article 2 of this Law with exceptional and other special values and characteristics is cultural heritage of especial significance.
- (2) The cultural heritage of especial significance as in a paragraph (1) of this article could be of exceptional significance and of great significance.
- (3) Cultural heritage of exceptional significance as in paragraph (2) of this article shall be any good of highest national significance and universal values for the humanity and its history, culture, art, science or technical progress, especially:
1. If it presents an unique artistic fulfilment, exceptionally rare sample or most characteristic example for certain type of creation from the period of its origin;
  2. If it presents typical example for styles of art, architecture, constructions, forms of traditional settlements or urban conceptions;
  3. If it had or has significant influence over the development of culture, art, science, technique or the societal development and
  4. If it is related or presents a testimony of ideas, beliefs, important events or distinguished persons who had crucial importance in the transformation of the society.
- (4) Cultural heritage of great significance as in paragraph (2) of this article shall be considered any good of a great significance for the national history, culture, art, science or technical development, i.e.:
1. If it presents testimony of wider interest to study the societal appearances;
  2. If it is distinguished by its authenticity, presentation in its kind, variety of contents, shape, appearance, function, age, preservation or other specifics, however due to its repetition (presence in a large number), is not included in the category of cultural heritage of especial significance;
  3. If it includes parts, i.e. details or other valuable elements of great cultural and historical significance and
  4. If it is related to important events and distinguished persons form the national history and culture.
- (5) Cultural heritage of especial significance is the good of public interest for the Republic of Macedonia and enjoys special protection.

**Significant cultural heritage**  
**Article 29**

- (1) The part of the cultural heritage of article 2 of this Law, which is not included in the category of cultural heritage of especial significance, as permanent value, shall be the significant cultural heritage.
- (2) The Republic of Macedonia shall guarantee the protection of the cultural heritage of paragraph (1) of this article according to this and other Law.

**Section 3**

**SPECIAL CATEGORIES OF PROTECTED GOODS**

**Goods under temporary protection**  
**Article 30**

- (1) The immovable and movable goods which are subject to reasonable presumption that present cultural heritage and which protection is established in a manner specified by articles 38 and 39 of this Law, shall have a status of temporary protective goods.
- (2) The provisions of this Law which refer to cultural heritage of article 29 of this Law, shall be applied to the goods of paragraph (1) of this article.

**Reserved archaeological zone**  
**Article 31**

- (1) A reserved archaeological zone shall be considered the spatial limited area which presents any traces of human existence in the previous eras, including places without visible remainders on land or under water, whose excavation and exploration, due to the protection of such material residues was left to the future generation.
- (2) As a reserved archaeological zone as in paragraph 1 of this article could be considered the area which includes one larger or more archaeological sites which present related and topographic determined entirety, whose archaeological contents were not sufficiently identified, to be settled under protection in other regular manner and whose excavation, scientific interpretation, presentation and use are intentionally reserved for the future generations of archaeologists, insofar:
1. It was not explored or its explored part includes less than one third of the subject area;
  2. It is not a subject to initiated or approved systematic excavations and explorations;
  3. The development of the archaeological science or the replenishment of the public archaeological collections shall not be impeded by its reservation and
  4. The realization of the commenced developing programs and project of public interest established by the spatial and urban plan shall not be impeded by its reservation.
- (3) The provisions of this Law which refer to the cultural heritage of especial significance shall be applied to the reserved archaeological zone.

**Cultural heritage in danger**  
**Article 32**

- (1) The cultural heritage of article 2 of this Law which is endangered by damage, destroying or seriously disorder of its integrity, within the meaning of this Law and the ratified international agreements, shall be considered as cultural heritage in danger.

(2) As cultural heritage in danger within the meaning of paragraph (1) of this article shall be primarily considered the goods which are under threat of a direct and precisely determined (proved) danger, due to:

1. Accelerated decay of the material which they are made of;
2. Serious changes of structure or decoration;
3. Serious change of the architectonic and urban relation, the urban and rural space or the natural surrounding;
4. Expressed loss of the historical authenticity;
5. Serious distortion of their cultural meaning;
6. Serious changes of unknown reasons and
7. Renaming of the toponyms.

(3) As cultural heritage in danger shall be considered the goods exposed on increased danger which could cause harmful consequences over their essential characteristics due to:

1. Outbreak or threat from outbreak of arm conflict;
2. Natural disasters, especially earthquakes, floods, sliding of the ground, fires or progressive changes caused by geological climate or other natural factors;
3. Dereliction of any reason and
4. Deficiency, inappropriate or insufficient application of plans and programs for protection or change of the protection regime which is not appropriate to the legal protection status of the cultural heritage.

(4) The cultural heritage in danger regardless of the type and category that belongs to, shall have the priority in the implementation of the protection measures.

## **CHAPTER III**

### **PROTECTION INSTRUMENTS**

#### **Section 1**

#### **IDENTIFICATION**

##### **Classification**

##### **Article 33**

(1) For the purpose of providing unique access to the identification the cultural heritage and building an information system for the cultural heritage with qualitative comparability and availability of data, the cultural heritage shall be classified according to the national classification of the cultural heritage (hereinafter as: National Classification), according to this Law.

(2) The National Classification is the standard of the typological classification used for identification of the cultural heritage for official purposes, in groups, subgroups, forms and types, with codes and official titles.

(3) The National Classification of paragraph (1) of this article shall be brought in by the Government of the Republic of Macedonia.

(4) The classification of the cultural heritage according to the National Classification shall be carried out by the administration.

##### **Protection records**

##### **Article 34**

(1) Protection record, according to the provisions of this Law shall be conducted for:

1. The cultural heritage and the goods, which shall by reason, be a subject to presumption that they present cultural heritage and
2. The movable goods whose country of origin is the Republic of Macedonia, and which are abroad by any basis regardless of the time they were taken out, if they present an interest from the point of view of their restitution in their country (hereinafter as: dispersed cultural heritage) and the movable goods which are part of the cultural heritage of other country, and are located in the territory of the Republic (hereinafter as: foreign cultural heritage).
  - (2) The goods of paragraph (1) of this article shall be evidenced in basic native and central records, as well as additional and special records specified by this and other Law and by international agreements.
  - (3) The basic records, according to the type of goods shall be conducted by the public institutions for protection, the Archives and the legal entities authorized by the Minister of Culture to carry out issues for protection of the phonogram archives goods and the intangible cultural heritage.
  - (4) The native records, according to the type of goods, in the protection activities were as is determined by this Law, shall be conducted by the competent registry institutions for protection.
  - (5) The central records and the special records according to the ratified international agreements shall be conducted by the Administration.
  - (6) The records of paragraphs (2), (3), (4) and (5) of this Law shall be a subject to revision. The revision shall be carried out by the entities of paragraphs (2), (3), (4) and (5) of this article.
  - (7) The Minister of culture shall prescribe the contents and the manner of conducting of the protection records of paragraph (2) of this article, as well as the manner of carrying out their revisions.

### **Evaluation and re-evaluation**

#### **Article 35**

- (1) As a subject of evaluation within the meaning of this Law shall be considered the goods which are subject to enactment of the protection act.
- (2) As subject of re-evaluation within the meaning of this Law shall be considered the protected goods which are subject to the enactment of the act of modification and the act of termination of protection.
- (3) For the cases of paragraphs (1) and (2) of this article shall be prepared an evaluation study, i.e. the re-evaluation study.
- (4) The studies of paragraph (3) of this article, except the cases of article 37, item 2, article 39 and 42 of this Law, shall include, as well, the proposal for appropriate categorization of goods.
- (5) The studies of paragraph (3) of this article, due to the types of goods, shall be prepared by:
  1. The competent public institutions for protection;
  2. The Archives;
  3. The legal entities authorized for carrying out issues for protection of phonogram archives goods and the intangible cultural heritage.
- (6) The studies of paragraph (3) of this article shall present a basis to submit a proposal to enact a protection act, i.e. act for modification and for termination of the protection.
- (7) If a subject of evaluation or re-evaluation is the good of the category of cultural heritage of especial significance, the body which is competent to submit the proposal, shall be obligated to provide revision of the study as in paragraph (3) of this article.

(8) The Minister of culture shall prescribe the criteria, conditions and manner to carry out the evaluation, categorization and re-evaluation, the contents of studies and the manner to provide the revision.

### **Documentation**

#### **Article 36**

(1) The documentation of the cultural heritage and of the goods which shall by reason be presumed to present the cultural heritage (condition, modifications, working processes) shall be carried out by the competent public institutions for protection, the Archives and other legal entities and natural persons determined by this Law.

(2) The Minister of culture shall prescribe the type, contents, standards, regulations and manner of documentation of the cultural heritage.

### **Section 2**

## **ESTABLISHING THE PROTECTION**

### **2.1. Protection under this Law**

**(ex lege)**

#### **Cultural heritage protected under this Law**

#### **Article 37**

As a cultural heritage protected under this Law shall be considered:

1. The immovable goods of article 12, paragraph 2 and article 13, paragraph 2 of this Law, as a significant cultural heritage;
2. The obligatory sample specified by Law, regardless of its type and regardless if it was delivered to a competent protection institution, as a cultural heritage of great significance;
3. The archives material of article 20 of this Law regardless if it was delivered to the Archives, as a significant cultural heritage and
4. The movable cultural heritage which is a subject to conducting by the public institutions for protection (museums, libraries, film archives), registered in the inventory book, as a significant cultural heritage.

#### **Temporary protected goods under this Law**

#### **Article 38**

As temporary protected goods under this Law shall be considered:

1. The archaeological discoveries such as:
  - movable, until their delivery to the competent public institution for protection;
  - immovable, until the enactment of decision within the meaning of article 39 of this Law;
2. The movable goods provided by the competent public institution for protection, until their registering in the inventory book and
3. The goods which are subject to commencement of a procedure to establish the protection until the enactment of the protection act.

**2.2. Protection under the protection act**  
**Decision on temporary protection**  
**Article 39**

(1) A decision on temporary protection shall be enacted for the goods which are by reason presumed as cultural heritage such as:

1. For the immovable, regardless of this type and
2. For the movable, which are preserve by the holders, i.e. which are out of the public institutions competent for such type of goods, except such that enjoy protection under article 38 item 1 line 1 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Administration, on the basis of a proposal of the competent public institution for protection, and for phonogram archives goods, on request of the authorized legal entity as in Article 154 of this Law.

(3) The period of duration of the temporary protection should not be longer than six months for a movable good, i.e. two years for archaeological site and one year for other immovable good, calculated from day of enactment of the decision.

(4) The validity of the decision on temporary protection shall terminate by the expiry of the determined period, i.e. by the day of enactment of the act to proclaim the good.

(5) The appeal against the decision on temporary protection shall not retain the execution of the decision.

**Decision to proclaim a significant cultural heritage**  
**Article 40**

(1) Decision to proclaim a significant cultural heritage shall be enacted for the temporary goods which were subject to enactment of a decision on temporary protection and for unprotected goods of all types, as well, if at least one of the criterions of article 2 was fulfilled, related to article 29 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Administration as follows:

1. Regarding the immovable and movable goods upon a proposal of a competent public institution for protection and
2. Regarding the intangible goods upon a proposal of the legal entities authorized to carry out protection issues of the related type of intangible goods.

(3) Together with the proposal of proclamation the immovable and movable goods the opinion by the holder shall be attached.

(4) If the subject of proclamation is immovable good, the proposal of paragraph 2 item 1 of this article and the draft of the protection act shall be submitted on opinion to:

1. The state administration body competent for the issues of arranging the space and the state administration body competent for the issues of protection of the environment, nature and spatial planning and
2. The local management unit in which area such good is located.

(5) The appeal lodged against the decision to proclaim significant cultural heritage shall not retain the execution of the decision.

**Decision to proclaim cultural heritage of especial significance**  
**Article 41**

(1) The decision to proclaim cultural heritage of especial significance shall be enacted for the cultural heritage of article 37 item 3 and 4 of this Law, for the temporary protected goods which were subject to enactment of a decision on temporary protection and for the

unprotected goods which are by reason presumed as cultural heritage if they meet at least one of the criterions of article 28 paragraphs 3 and 4 related to article 2 of this Law.

(2) The decision of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Culture and upon the opinion of the National Council for cultural heritage.

(3) As an exclusion of paragraph 2 of this article, upon a proposal by the Government of the Republic of Macedonia, certain intangible goods or immovable goods which present monumental entirety, i.e. cultural region,.

(4) Regarding the providing previous opinion by the holder, the local management and the competent bodies of the state administration the provisions of article 40 paragraphs 3 and 4 of this Law shall be applied.

(5) The decision to proclaim cultural heritage of especial significance shall be published in the "Official Gazette of the Republic of Macedonia".

### **Decision to establish reserved archaeological zone**

#### **Article 42**

(1) A decision to establish reserved archaeological zone shall be enacted if the criterions of article 31 paragraph 2 of this Law are fulfilled.

(2) The decision of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Culture and upon the opinion by:

1. The National Council of cultural heritage;
2. The ministries competent for the issues of protection of the environment, nature, the spatial and urban planning and
3. The local management unit within such region that the zone is located.

(3) The period of reservation of the archaeological zone should not be shorter than the period of validity of the Spatial Plan of the Republic of Macedonia.

(3) The decision to establish reserved archaeological zone shall be published in the "Official Gazette of the Republic of Macedonia".

### **Section 3**

## **PROCLAMATION OF A CULTURAL HERITAGE IN DANGER**

### **Urgent proclamation**

#### **Article 43**

(1) As a cultural heritage in danger may be proclaimed any protected good if at least one of the criterions of article 32 paragraphs 2 and 3 of this Law is fulfilled.

(2) The decision to proclaim cultural heritage in danger shall be enacted by the Administration, upon official duty and on request of the competent public institution for protection, i.e. the authorized legal entity for carrying out protection issues for the phonogram archives goods and for the related type of the intangible cultural heritage.

(3) The decision of paragraph 2 of this article for the archives material shall be enacted by the Archives.

(4) The decision to proclaim the cultural heritage in danger shall specify especially: future protection measures, special limitations, the term and financial means.

(5) The appeal lodged against the decision to proclaim cultural heritage in danger shall not retain the execution of the decision.

## **Section 4**

### **MODIFICATIONS AND TERMINATION OF PROTECTION**

#### **The act for modifications and termination of protection**

##### **Article 44**

- (1) The act for modifications shall be enacted if modifications or cure, which are relevant to the contents of the protection act.
- (2) The act for termination of protection shall be permitted to be enacted for:
  1. Movable cultural heritage which is subject to approved export;
  2. Immovable an movable cultural heritage which was destroyed irrecoverable and
  3. The cultural heritage that has lost the importance due to which was subject under protection.
- (3) The act for modifications and termination of protection shall be enacted by the body, which has enacted the protection act, in the same procedure.

## **Section 5**

### **REGISTRATION**

#### **National registry of cultural heritage**

##### **Article 45**

- (1) The cultural heritage shall be registered in the National registry of cultural heritage (hereinafter: Registry).
- (2) The Registry means public book and includes the main book and additional registries.
- (3) The main book shall include special parts for immovable, movable, intangible and cultural heritage of especial significance.
- (4) Additional registries shall mean:
  1. Registry of goods under temporary protection;
  2. Registry of cultural heritage in danger and
  3. Registry of reserved archaeological zones;
- (5) The Registry shall be conducted by the Administration.
- (6) The registration and erasure in the Registry shall be carried out on the base of the protection act, i.e. the modification or termination of protection, the act to proclaim cultural heritage in danger and the registration act as in article 46 of this Law.
- (7) The Minister of culture shall prescribe the contents, manner of conducting, the preservation, the use of data and other issues related to the Registry.

#### **Registration act**

##### **Article 46**

- (1) The registration act shall be enacted for:
  1. The protected goods within the meaning of articles 37 and 38 of this Law, on the base of a request lodged by competent protection institution and the Archives;
  2. The current changes of data regarding the protected goods which are subject to registration, due to the prescribed contents of the Registry.
- (2) The registration act includes the registration decision, decision of registration of modifications and the decision of erasing from the Registry.

(3) The registration act shall be enacted by the Administration.

(4) Extract from the Registry shall be obligatory delivered to competent public institution for protection, the Archives, the authorized legal entity to carry out protection works of the phonogram archives goods and the related type of intangible cultural heritage and to the holder, and regarding the protected immovable goods it shall be delivered also to the competent body of the state administration to register the right to ownership.

## **Section 6**

### **OBTAINING AN INTERNATIONAL STATUS**

#### **Nomination**

##### **Article 47**

(1) The cultural heritage of especial significance could be proposed for the purpose of obtaining an internationally accepted status or enrolment in the international registry according to ratified international agreements.

(2) A decision of nomination within the meaning of paragraph 1 of this article shall be enacted by the Government of the Republic of Macedonia, upon proposal by the Ministry of culture and upon the opinion by the National Council of cultural heritage.

## **Section 7**

### **MARKING**

#### **Obligatory mark and international signs**

##### **Article 48**

(1) The protected immovable goods shall obligatory be marked with a protection mark.

(2) The marking within the meaning of paragraph 1 of this article shall be carried out by the competent public institution for protection within 60 days from the enactment of the protection act.

(3) The immovable cultural heritage and the special transportation of a movable cultural heritage, upon approval by the Administration, could be marked also by a mark specified by international agreement (hereinafter as: international mark).

(4) The Minister of culture shall prescribe the contents of the protection mark and the manner of marking, the use of the international mark and applying other marks.

## **Section 8**

### **NATIONAL STRATEGY OF PROTECTION AND USE OF THE CULTURAL HERITAGE**

#### **National strategy**

##### **Article 49**

(1) The Government of the Republic of Macedonia upon a proposal by the National Council of cultural heritage, shall enact the national strategy of protection and use of the cultural heritage (hereinafter as: national strategy).

(2) The national strategy shall be enacted for a period of a 15 years and shall include long term basis of the policy for protection and use of cultural heritage.

(3) The national strategy shall be harmonized to the Spatial Plan of the Republic of Macedonia and to the strategies of protection and use of the common cultural heritage in Europe.

## **CHAPTER IV**

### **REGIME OF PROTECTION AND USE OF CULTURAL HERITAGE**

#### **Section 1**

#### **GENERAL PROHIBITIONS**

##### **Prohibition against damage, destroy, seize, conceal, dissimulate and usurpation of the cultural heritage**

##### **Article 50**

(1) It shall not be allowed to anybody to damage or destroy cultural heritage, a reserved archaeological zone and goods under temporary protection.

(2) It shall not be allowed to anybody to seize excavated item or other found item which presents cultural heritage or good under temporary protection.

(3) It shall not be allowed to anybody to buy, to receive as pledge or otherwise to provide, conceal or foist an item which presents cultural heritage or good under temporary protection which was upon his knowledge, provided by criminal act.

(4) It shall not be allowed to anybody illegally to seize somebody else's item which presents cultural heritage or good under temporary protection which he was entrusted to preserve.

(5) It shall not be allowed to anybody to usurp somebody else's immovable cultural heritage or other property, which is protected under the provisions of this Law.

##### **Prohibition against transfer state cultural heritage of especial significance**

##### **Article 51**

The cultural heritage of especial significance in a state property should not be transferred.

##### **Prohibition against export of cultural heritage of especial significance**

##### **Article 52**

The cultural heritage of especial significance should not be exported.

##### **Prohibition against import stolen cultural heritage**

##### **Article 53**

The cultural heritage, which was stolen from museums, religious or other similar public facilities or institutions of other state territory should not be imported.

**Prohibition against requisition, repression, attack  
and use of the cultural heritage for military purposes  
Article 54**

- (1) The cultural heritage and the goods under temporary protection should not be requisitioned, nor to be subject of undertaking any repression measures against it.
- (2) The cultural heritage and the goods under temporary protection should not be used in military purposes, nor become an attack object.

**Section 2**

**ARCHAEOLOGICAL RESEARCH AND OCCASIONAL DISCOVERIES**

**2.1. Archaeological research  
Archaeological research license  
Article 55**

- (1) The archaeological excavations re-connoiters and similar researches, including under water (hereinafter as: archaeological researches), shall be carried out only on the basis of a license by the Administration.
- (2) The license of paragraph 2 of this article shall include: the holder of the license, the area which is appropriate to carry out archaeological researches, the direction, the type and scope of works, the period of execution of works and the conditions under which the archaeological researches could be carried out.
- (3) The license of paragraph 1 of this article shall be issued to one holder only.
- (4) The Administration, by a decision, shall reject the request to issue a licence as in par.1 of this article, if the conditions of the Article58 of this Law are not fulfilled.
- (5) The licence of par.1, i.e, the decision of the paragraph 4 of this article, could be subject to lodge an appeal.

**Holder of the archaeological research license and conducting the research  
Article 56**

- (1) Holder of the archaeological research license could be legal entity or natural person with appropriate scientific or professional qualifications of such type of researches and shall fulfil the other conditions to obtain the license.
- (2) The license holder within of paragraph 1 of this article could be:
  1. A scientific institution registered to carry out works in the field of archaeology;
  2. The public institution for protection in the field of museum or monumental activity;
  3. Other legal entity which is in permanent employment relation or has at least one authorized explorer in its regular membership;
  4. A scientist or independent explorer with a status of authorized explorer.
- (3) The archaeological excavations and other potentially destructive research methods, as well as the under water archaeological researches, could be conducted only by a person with a status of authorized explorer.
- (4) As authorized explorer within the meaning the paragraph 2 items 3 and 4 and paragraph 3 of this article shall be considered:
  1. A scientist in the field of archaeology;
  2. Archaeologist with selective professional title in the field of museum or monumental activity;

3. Archaeologist with archaeological research license.

(5) The archaeological research license shall be granted by the Ministry of culture upon the past examinations before the commission determine by the Ministry of culture.

(6) The Ministry of culture shall seize the license, if the holder of the licence:

1. Carried out the archaeological excavations in a contrary to the issued license;
2. Did not practice appropriate methodology during the archaeological researches;
3. The license holder made a damage or caused an immediate danger to damage or destroy the excavated items and
4. Proceeded contrary to the ethical regulations in the field of protection.

(7) The Minister of culture shall prescribe the form of the license, the manner and program to past the examination of paragraph 5 of this article.

### **Foreign explorers Article 57**

(1) Foreign scientific institutions and certain foreign scientists in the field of archaeology shall be permitted to be holders of a license for archaeological research only if the works shall be carried out in cooperation with legal entities of article 56 paragraphs 2 items 1 and 2 of this Law, and under conditions specified by a mutual concluded contract.

(2) As an exclusion of paragraph 1 of this article, for especially justified events, foreign scientific institution in the field of archaeology or international organization in the field of protection, shall be permitted to be granted a license for archaeological researches which shall be carried out as an independent archaeological mission.

(3) In the cases of paragraph 3 of this article:

1. The mutual relations regarding the work of the foreign, i.e., international archaeological mission shall be regulated by special agreement between the Government of the Republic of Macedonia and the foreign legal entity;
2. The Government shall determine a national coordinator for the foreign, i.e., the international archaeological mission.

(4) The agreements of paragraphs 1 and 3, item 1 of this article should not be in a contrary to the provisions of this Law.

(5) Foreign archaeologists and other scientists and experts in the field of protection, shall be permitted to participate in archaeological explorations carried out by domestic legal entities and natural persons, under consent given by the head of the researches.

### **Conditions binding to issue the archaeological research license**

#### **Article 58**

(1) The archaeological research license shall be permitted to be issued only if the applicant of the request has submitted:

1. Evidence that the person is eligible as a holder of the license within the meaning of article 56 or article 57 of this Law.;
2. Basic design of the archaeological explorations, including protection measures for the site and the findings;
3. List of persons that form the expert team and their duties in the framework of the team, and basic data and evidence regarding their qualifications;
4. Specification of the technical means to carry out the researches;
5. Evidence regarding the provision of financial means for the researches and for the implementation of the protection measures.

(2) If the archaeological researches are carried out by the entity of Article 56 par. 2 of this Law, which does not have a status of a public museum institution, together with the request, a contract with the public museum institution shall be attached, in the area where the researches shall be carried out.

(3) If the archaeological researches include excavations and other methods of research which restrain the regular use of the land or the facility which shall be a subject of research, the applicant of the request shall be obligated to submit a contract to arrange the mutual relations with the owner, i.e., a statement from the owner regarding the unlimited performance of the works.

(4) If the archaeological researches include the use of specific technical means which are subject to the need for special approval under this and other Law, evidence for authorized use of them should be attached to the request.

### **Obligations for the holder of license Article 59**

(1) The holder of the archaeological research license, during the performance of works shall be obligated as follows:

1. To keep methodical documentation and evidence for the archaeological researches regarding the protection measures which were undertaken;
2. To provide preservation and maintenance of the site and the findings;
3. Not to leave uncovered or exposed outside the archaeological findings, without previous provision of appropriate protective measures;
4. To carry out or organize the performance of conservation works at the site, i.e., the findings;
5. To provide seldom information to the public about the progress of the researches;
6. To provide prospect to sightseeing of the site and the findings by the authorized persons, upon consent given by the head of the researches and sightseeing by interested scientists and experts.

(2) The holder of the archaeological research license shall be obligated before leaving the terrain as follows:

1. To undertake the necessary measures for technical security of the site including the arrangement of its immediate surrounding;

To reconstitute the previous condition in the terrain, as much as possible, if the site was not preserved, i.e., presented.

(3) The holder of the archaeological research license after the accomplishment of the works, shall be obligated:

1. Within three months to submit a report to the Administration regarding the accomplished archaeological researches;
2. Within one year to submit to the Administration the final documentation of the archaeological researches;
3. Within three years to disclose the results of the archaeological researches and
4. To deliver the movable findings to the museum determined within the meaning of article 61 paragraphs 1, 3 and 6 of this Law.

**Temporary termination of the research and seizure of license**  
**Article 60**

- (1) If the license holder carried out the archaeological researches against the issued license, the Administration could temporary terminate the works by decision and determine a period to meet the conditions for their continuance.
- (2) In a case of immediate danger for excavated items or if appropriate working methodology was not applied during the archaeological researches, the Administration could seize the issued license by decision.
- (3) The appeal against the decision of paragraphs 1 and 2 of this article shall not retain the execution of the decision.

**Holder of the right to use the movable archaeological findings**  
**Article 61**

- (1) The Administration shall specify by a decision the person who shall be the holder of the right to use the movable archaeological findings, excavated or found during the archaeological researches.
- (2) As an exclusion of paragraph 1 of this article, if the holder of the archaeological research license is the public museum institution, the right to use the movable archaeological findings shall belong to such institution.
- (3) In the cases of paragraph 2 of this article, if the movable archaeological findings or part of them are of special significance for the Republic of Macedonia, and the license holder does not have the status of a national institution, for the purpose of completion of the national museum collections as a holder of the right to usage shall be determined the local or other national museum institution.
- (4) If the movable archaeological findings or part of them are of especial significance for the Republic of Macedonia, and license holder has a status of a national museum institution, for the purpose of completion of the national museum collections as a holder of the right to usage shall be determined the local or other national museum institution.
- (5) The decision of paragraphs 1, 3 and 4 of this article shall be enacted by the Administration upon previous opinion provided by the competent local museum.
- (6) Until the decision of paragraph 1 of this article enters into force, except in the cases of paragraphs 3 and 4 of this article and the article 60 paragraph 2 of this Law, the movable archaeological findings shall be given to temporary preservation to the competent museum in which area the research was carried out, within 30 days of the day of completion the researches.

**Right to scientific ownership**  
**Article 62**

- (1) The holder of the archaeological research license and the persons that carried out the researches, have the right of priority to scientific processing of the findings and disclosure the research results (hereinafter as: right to scientific ownership), within 3 years after the completion the researches.
- (2) Until the archaeological research results are disclosed, but no longer than 3 years:
  1. The persons who carried out the researches shall have the right to unlimited access to the movable findings which they discovered and the documentation related to them;
  2. The public institution which was entrusted the findings as in article 61 of this Law, should not assign to other person the entirety of the objects and the documentation thereof, for the

purpose of more complete studies, nor to allow taking photographs or reproductions for the purpose of disclosure, without the consent of the head of the researches and

3. The documentation of the archaeological researches should not be admissible to other persons to make more complete studies and disclosure without the consent by the head of research.

(3) As an exclusion of Paragraph 2, items 2 and 3 of this Article, the Administration shall restrict the right on scientific ownership by a decision, if it is in public interest.

(4) The provisions of Paragraphs 1, 2, 3 and 4 of this Article shall be applied adequately for other types of researches in the field of the cultural heritage protection.

### **Detection equipment usage**

#### **Article 63**

(1) Metal-detectors and other technical features appropriate for detection of the archaeological sites, i.e. items of archaeological significance, could be used during archaeological research only if the owner of such equipment received an approval by the Administration.

(2) The approval of paragraph 1 of this article shall be issued upon written request by the owner of the equipment.

(3) The detection equipment of paragraph 1 of this article should not be used to carry out nor to assist or stimulate illegal excavations, discoveries or removing elements of the archaeological heritage.

(4) The Administration shall keep special evidence for the issued approvals as in paragraph 1 of this article.

### **General act for archaeological research**

#### **Article 64**

The Minister of culture shall prescribe the conditions to accomplish the archaeological researches, as well as the forms, type, contents and the manner of conducting the documentation for the research.

## **2.2. Occasional discoveries**

### **Obligations of the finder**

#### **Article 65**

(1) If an archaeological site, or items of archaeological significance were found during the performance of civil works, agricultural or other works, the executant of the work shall be obligated:

1. To inform about the discovery within the meaning of Article 129 Paragraph 2 of this law;
2. To cease the operations and to secure the site against eventual damaging or destroying, as well as against unauthorized access and
3. To maintain the discovered items in the location and in condition they were found.

(2) As an exclusion of Paragraph 1 of this Article, if the items were excavated, i.e. taken out for the purpose of their better protection or regarding the circumstances, the executor of works shall be obligated:

1. To confer the discovered items during the time of providing the information, or to accomplish it during the identification within the meaning of Article 66 of this Law, and until their submission to undertake necessary measures to protect them against spoliation or against damage or sale and
2. To provide all necessary information regarding the location and position of the items in the time of their discovery and regarding the circumstances under which it was carried out.

**Identification of the occasional discoveries**  
**Article 66**

(1) In the cases of Article 65 of this Law, the competent public institution for protection shall be obligated immediately and not later than the following day after the reception of the information of Article 129 Paragraph 2 of this Law:

1. To carry out a commission inspection and to establish if it is a matter of a occasional discovery and if it is a good under temporary protection as in Article 38 item 1 of this Law;
2. To overtake the care for preservation of the site and of the findings in the condition they were discovered;
3. To deliver the received items to temporary preservation to the competent museum, together with the documentation for their identification;
4. To inform the Administration about the stated condition and to suggest measures within its competency.

(2) If the competent protection institution established that it was not a matter of occasional discovery or of discovered good under temporary protection as in Article 38 item 1 of this Law, the records for the accomplished professional inspection shall include the precise notification of it.

(3) A competent institution of paragraphs 1 and 2 of this Article shall be the national institution for protection of immovable cultural heritage in which area the occasionally discovered site is located.

**Archaeological supervision and  
temporary cessation of works**  
**Article 67**

(1) The Administration shall be permitted, regarding the character of the discovered site, the works which are performed, within three days after the receipt of the suggestion by the competent public protection institution:

1. To establish, by a decision, the performance of the works to continue under archaeological supervision of the competent public institution for protection or
2. To enact a decision to temporary cease the works and to determine a performance of a protective excavations and research, as well as undertaking other protective measures.

(2) A decision as in Paragraph 1 item 2 of this Article may be enacted also during the archaeological supervision, if it was necessary to be substituted with protection excavations and research.

(3) The temporary cessation of works within the meaning of Paragraph 1 item 2, i.e., Paragraph 2 of this Article shall proceed no longer than 30 days.

(4) Within the period of Paragraph 3 of this Article, the Administration shall be permitted to enact the decision as in Article 39 of this Law.

(5) If the Administration did not proceed within the meaning of Paragraph 4 of this Article, after the completion of the protective excavations and researches, the site shall be considered as a free area.

(6) The appeal against the decision of Paragraph 1 items 1 and 2, i.e. Paragraph 2 of this Article shall not retain the execution of the decision.

(7) The costs related to the archaeological supervision, the protection excavations and research, the conservation and other protection measures shall be carried out by the Administration.

**Effectuate  
Successful discovery award**

**Article 68**

- (1) The person who shall occasionally discover an immovable or movable good under temporary protection shall have the right to award and to reimbursement of the discovery costs under conditions specified by Law.
- (2) The amount of the award and the reimbursement costs of the occasional discovery shall be specified by the Ministry of Culture.
- (3) The Ministry of Culture shall have the right to relinquish the discovered good if, due to the professional opinion of the competent registry institution, such good did not meet the criteria to obtain the status of cultural heritage.

**Section 3**

**INTEGRATED PROTECTION**

**Protection of the immovable cultural heritage, as one of the goals of the spatial and urban planning**

**Article 69**

- (1) For the purpose of creating permanent economic and other societal conditions for preservation, revival and functional use of the immovable cultural heritage, its protection is one of the essential goals of the spatial and urban planning.
- (2) The following shall be provided with regard to the achievement of the goal from paragraph 1 of this article, depending on the type and area of the scope of the plan:
  1. Obligatory inclusion and respect for the immovable goods, protected in accordance with the provisions of this law;
  2. Development of the regime of protection, significant to the planning, arrangement and use of space, according to the appropriate protection and conservation basis;
  3. Estimate of the impacts on the protected goods, which may be expected from the realization of the plans;
  4. Harmonization of the public interest for the protection of the cultural heritage with the one for sustainable economic and social development;
  5. Modification to the plans, i.e. the planned solutions, which could have potentially adverse effects on the cultural heritage;
  6. Stimulation of the development and application of traditional techniques and materials, necessary for the future of the cultural heritage;
  7. Cooperation between the organs and public services, competent for the protection of the immovable cultural heritage, with the ones for spatial and urban planning, in all phases of preparation, construction and procedure for adopting or augmenting and changing the plans.

**Relationship between the plans and the acts for protection**

**Article 70**

- (1) A spatial and urban plan may not change the protection legal status and the regime of protection, nor the boundaries of the protected good and its contact zone, specified in the act for protection.

(2) As an exception to paragraph 1 of this article, the spatial plan, passed by the Parliament of the Republic of Macedonia, may deviate from the specified boundaries and the regime of protection, of that is in the public interest for the arrangement and use of space.

(3) In the case from paragraph 2 of this article, the plan is the basis for harmonization of the protection act. The harmonization shall be done within three months after the passing of the spatial plan.

(4) An act for protection of an immovable good, which, according to the spatial and urban plan, is envisaged as a protected good, may be passed if the regime of protection and the boundaries of the contact zone do not contradict the plan. If the protection act is not passed within one year from the passing of the plan, the maker of the plan may modify the plan and establish a different regime of arrangement and use of the space, disregarding any such good.

(5) An act for the protection of an immovable good, which is not subject to inclusion in a spatial and urban plan, except for archaeological site, may be passed only if it does not interfere with the realization of the plan.

### **Protection and conservation bases**

#### **Article 71**

(1) The incorporation of an appropriate regime of protection of the immovable cultural heritage, in a spatial and urban plan, shall be done according to the protection and conservation bases for cultural heritage.

(2) A protection and conservation base, within the meaning of this law, is the documentation base regarding the treatment of the immovable cultural heritage, in the spatial and urban plans.

(3) The protection and conservation bases contain textual, graphical and documentary presentation for the protected goods, and immovable goods subject to protection, within the scope of the plan, with data on the goods, the immediate surroundings, accesses and the wider area of influence, relevant to the planning and arrangement of the space and the contents of the plan.

(4) The protection and conservation bases, shall be prepared in accordance with the type of the plan, with the priority and financial means, specified with the annual and multi-year programmes for the preparation of protection and conservation bases, passed by the Minister of culture. The programme gives priority to the protection and conservation bases for plans which include significant immovable cultural heritage, reserved archaeological zone or endangered cultural heritage.

(5) The protection and conservation bases shall be prepared by the competent institutions for the protection of the immovable cultural heritage, except if, in certain justified case, the Administration specifies a different legal entity, in accordance with the law.

(6) The protection and conservation bases shall be approved by the Administration.

(7) Only approved protection and conservation bases, may be used for the preparation of the draft spatial and urban plan.

(8) The Minister of culture prescribes the content and methodology for the preparation of the protection and conservation bases, considering the opinion, obtained from the ministries, competent for the spatial planning and arrangement space.

**Harmonization of the planned solutions**  
**Article 72**

- (1) During the preparation of the draft spatial and urban plan, the contractor shall comply with the protection and conservation bases from article 71 of this law.
- (2) If the draft of the plan contains solutions which deviate from the protection and conservation bases, the competent authority shall inform the developer of the plan thereof, through the participation in the expert discussion and consultation regarding the draft plan.
- (3) An agreement for the proposal of the spatial and urban plan, in the cases where such an agreement is necessary in accordance with the law, shall be issued if the proposal of the plan incorporates an appropriate regime for protection, established in accordance with the submitted protection and conservation bases, in accordance with article 71 of this law.

**Special urban projects for the protected goods**  
**Article 73**

- (1) Special projects shall be prepared for the significant immovable cultural heritage, in accordance with the law.
- (2) As an exception to paragraph 1 of this article, urban projects may be prepared also for other immovable good, protected with the provisions of this law, if specified in the plan of the protection and conservation conditions from article 74 of this law.
- (3) An agreement for the urban projects from paragraphs 1 and 2 of this article, shall be given by the Ministry competent for the works related to the arrangement of space, after considering the opinion of the Administration.

**Protection and conservation conditions**  
**Article 74**

- (1) In the case when an urban plan or a general act is not passed, in accordance with the law, the construction conditions for the structure which directly or indirectly threaten the integrity of the protected good, shall contain protection and conservation conditions.
- (2) The protection and conservation conditions, within the meaning of paragraph 1 of this article, may also specify the following:
  1. Preparation of urban projects;
  2. Protective archaeological excavations and investigations;
  3. Conservation investigations;
  4. Preparation of special studies and
  5. Undertaking of other protection measures.
- (3) The protection and conservation conditions are determined by the competent authority giving the conditions for construction, within a time frame specified by law, after considering the opinion of the Administration.
- (4) The costs for carrying out the certain protective and conservation conditions, i.e. the protective measures, shall be on expense of the investor.
- (5) The provisions as in the paragraphs 2 and 4 of this article shall be applied in the cases when the protection and conservation conditions are determined by the current urban plan.

**Protection and conservation agreement and opinion**  
**Article 75**

- (1) For the purpose of evaluating the compliance with the protection and conservation conditions, the Administration issues a protection and conservation agreement to the design and other technical documentation related to the significant immovable cultural heritage.
- (2) For the purpose of evaluating the compliance with the protection and conservation conditions, the Administration issues a protection and conservation opinion to the design and other technical documentation related to protected immovable goods, having a status different than the one stipulated by paragraph 1 of this article.
- (3) The Agreement from paragraph 1 and the opinion from paragraph 2 of this article, are issued upon request from the investor, within 15 days after the reception of the request.
- (4) Within the time frame from paragraph 3 of this article, the Administration may issue a resolution rejecting the request for an agreement:
  1. If the protection excavations, conservation investigations or the other measures for protection, stipulated in article 74, paragraph 2 of this law, have not been performed
  2. If the submitted documentation is not made in accordance with the protection and conservation conditions.

**Transfer**  
**Article 76**

- (1) The immovable cultural heritage and other immovable goods, protected by the provisions of this law, as well as parts thereof, shall not be transferred to another location.
- (2) As an exception to paragraph 1 of this article, the transfer may be performed as a salvation measure, only in the case when, due to the construction of a structure of public interest, the preservation of the endangered good, at its current location, is impossible.
- (3) In the cases from paragraph 2 of this article, the endangered good shall be dismantled, transferred and re-erected in an environment reminding of the original location, i.e. within a similar natural, historical or artistic context.
- (4) The decision regarding the transfer of an immovable cultural heritage of special significance, shall be passed by the government of the Republic of Macedonia, after considering the opinion of the National council on cultural heritage.
- (5) The transfer of a different immovable protected good, according to the provisions of this law, shall be done only on the basis of a previously obtained approval of the Administration.

**Abandonment**  
**Article 77**

- (1) The immovable cultural heritage and other cultural goods protected by the provisions of this law, shall be abandoned completely or partially, only in exceptional cases.
- (2) The exceptional cases, within the meaning of paragraph 1 of this article, shall be abandonment due to construction of the structure of public interest, if the endangered good is not transferred as it is stipulated in article 76 of this law, and there does not exist any other way to preserve the location of the good or its integrity.
- (3) In the cases from paragraph 2 of this article, the endangered good may be abandoned only after a complete investigation, documentation and undertaking the necessary salvation measures.
- (4) The agreement for abandonment, in the cases of paragraph 2 of this law, shall be given by the authority which has passed the act for protection.
- (5) The agreement from paragraph 4 of this article, represents a basis for passing an act for

modification or termination of the protection.

### **Demolition Article 78**

(1) If the immovable cultural heritage or other immovable good, protected with the provisions of this law, or parts thereof, are prone to falling due to deterioration or major damage, which directly threaten their stability and therefore render them dangerous to the neighbouring structures and the lives of people, and if that danger can not be removed in any other way, the authority that had passed the act for protection may give an agreement for demolition and removal of such a good or a part thereof.

(2) The agreement stipulated in paragraph 1 of this article, shall be issued upon request of the authority, competent for the passing of the resolution for demolition of structures prone to falling.

(3) In the cases from paragraph 1 of this article, the given agreement and the resolution for demolition of the protected good shall not represent a basis for passing an act for the termination of the protection.

### **Investigation and exploitation of mineral raw material Article 79**

(1) The locations containing immovable goods, protected with the provisions of this law, shall not be subject to geological investigations and exploitation of mineral raw materials.

(2) As an exemption from paragraph 1 of this article, if the mineral raw material has special significant for the economic development of the country, and if it does not threaten the survival of the protected good or if its preservation, maintenance and use, are not disturbed:

1. Geologic investigations may be performed, only with an agreement from the Government of Republic of Macedonia;

2. The exploitation of the mineral raw material may be performed only after obtaining an agreement from the Administration.

(3) The administration shall also give its agreement regarding the following:

1. Construction of mining structures in the cases of paragraph 2 of this article;

2. Geologic investigations and exploitation of mineral raw materials, outside of the boundaries of the protected area, at a distance of 500 m, if the performance of the works involves use of explosives.

(4) An approval for geologic investigations, an approval for the construction of mining structures and an approval for the exploitation of mineral raw materials, shall not be issued without an appropriate agreement from paragraphs 2 and 3 of this article.

### **Propounding of firms, advertisements, boards and other informative signs Article 80**

(1) The immovable cultural heritage and other immovable goods, protected by the provisions of this law, shall not contain firms, advertisements, boards, posters and other informative signs.

(2) In justified cases, the actions from paragraph 1 of this article may be performed only after obtaining an approval from the Administration.

**Emergency measures**  
**Article 81**

(1) If the investor performs the works contrary to the design and other technical documentation, for which a protection and conservation agreement has been issued, or, during the works, does abide by the specified protection and conservation conditions, the Administration may apply the following measures:

1. Inform the authority which issued the construction approval and to request from the construction inspection, a temporary suspension of the works until the time when the proper conditions have been fulfilled and
2. To pass a resolution for the revocation of the issued agreement, in case of endangerment of the protected good.

(2) The administration may also undertake the measures stipulated in paragraph 1 of this article, for the cases stipulated in article 79 of this law.

**Section 4**

**DIRECT PROTECTION**

**Conservation investigations**  
**Article 82**

(1) For the purposes of proper determination and execution of the measures for direct protection, the immovable and movable goods, protected with the provisions of this law, shall be subject to necessary conservation investigations.

(2) The conservation investigations, within the meaning of paragraph 1 of this article, shall be the investigation works related to the measures for direct protection and continued existence of the protected immovable and movable goods.

(3) The conservation investigations, involving actions which interfere with the integrity of the protected goods, with the exception of archiving, shall be performed only after an approval from the Administration.

(4) The approval from paragraph 3 of this article, may be issued if the request is accompanied by:

1. a programme for conservation investigation;
2. proof for the provision of financial and technical means;
3. statement of the owner or a contract regarding the regulation of mutual relations related to the undisturbed performance of the investigations and
4. a proof that the requestor fulfils all the requirements for the performance of the conservation investigations.

(5) The approval from paragraph 3 of this article, determines: the carrier, type, time frame and the special conditions for the performance of the conservation investigations.

(6) The conservation investigations shall be performed by the competent public institutions for protection, as well as by other legal entities or individuals, fulfilling the prescribed condition with regard to the qualification, working experience and technical equipment for the appropriate conservation investigations.

(7) The minister of culture shall prescribe the types of conservation investigations which are deemed necessary within the meaning of paragraph 1 of this article, the type and contents of the documentation for the conservation investigations and shall regulate the specific issues regarding the methodology of the investigations for certain types of immovable and movable cultural heritage.

**Legal measures related to the conservation investigations**  
**Article 83**

(1) The administration may pass a resolution for the following:

1. Ban any activity that disables or impedes the performance of the approved conservation investigations;
2. Suspend the performance of the conservation investigations, if the works have begun without an approval, or if they are being performed contrary to the issued approval, as well as specify a time frame for removal of the defects and
3. Revoke the issued approval, if the conservation investigations damage the protected good, or the good is being endangered.

(2) The appeal regarding the resolution from paragraph 1 of this article shall not interfere with the execution of the resolution.

**Reporting and submission of the documentation for the conservation investigations**  
**Article 84**

(1) If the conservation investigations are performed within the frames of the conservation design, the carrier of the approval from article 82, paragraph 3 of this law, is obligated to submit a report to the Administration, together with the final documentation regarding the conservation investigations, within one month after the preparation of the design.

(2) If the conservation investigations are not performed within the frames of a conservation design, the carrier of the approval from article 82, paragraph 3 of this law, is obligated to do the following:

1. Submit a report to the Administration, regarding the performed conservation investigations, within 3 months after the completion of the investigations and
2. Submit to the Administration, the final documentation regarding the conservation investigations, within six months after the completion of the investigation works.

(3) The report and the documentation from paragraph 2 of this article shall be used during the preparation of conservation designs.

**Conservation designs**  
**Article 85**

(1) A conservation design, within the meaning of this law, shall be a design for conservation, restoration, reconstruction, repair, adaptation or other measures of direct protection of the immovable and movable cultural heritage or parts thereof.

(2) During the preparation of a conservation design, the general rules for designing of structures apply also for the measures of direct protection which need a construction approval, except if this law or another rule specify otherwise.

(3) The conservation designs shall be prepared in the form of detailed designs, except if this law or another rule specify otherwise.

(4) The preparation of a preliminary design is obligatory if the renewal of the immovable good, protected by the provisions of this law, is based on analogies or other assumptions.

(5) The ministry of culture may issue a public competition for the preparation of preliminary designs for measures of direct protection of the significant immovable cultural heritage.

(6) The conservation designs shall be prepared by the competent public institutions for protection and the Archives, as well as other legal entities and individuals, if they fulfil the prescribed conditions for the respective type of cultural heritage.

(7) The minister of culture shall prescribe the types and contents of conservation designs, including the allowed deviations, the conditions for preparation of conservation designs and expert control thereof, the special standards and norms for conservation designing and shall regulate the specific issues regarding the methodology for conservation designing.

### **Expert control of the conservation designs**

#### **Article 86**

- (1) Each conservation design shall be subject to an obligatory expert control.
- (2) The expert control from paragraph 1 of this article shall be performed by:
  1. The competent national institution for protection, according to the type of cultural heritage, if the conservation design is prepared by someone else;
  2. The competent main institution for protection, if the conservation design is made by another public institution for protection and
  3. A scientific or expert commission, established by a resolution of the Administration, if the conservation design is made by the competent main institution, or the competent national institution in the field of protection where there does not exist any main institution.
- (3) As an exception of paragraph 2 of this article, the expert control of conservation designs for archives material, shall be performed by the Archives.
- (4) Regarding the performed expert control of the conservation designs, a report shall be prepared, including the evaluation of the design solutions and the completeness of the design.
- (5) The author of the conservation design is obligated to comply with the remarks contained within the report of paragraph 4 of this article.
- (6) The expenses for the expert control of the conservation design shall be born by the author of the design.

### **Conservation approval**

#### **Article 87**

- (1) The measures regarding the direct protection of the immovable and movable cultural heritage, with the exception of archives material, shall be performed only on the bases of a previously obtained approval from the Administration (hereinafter in the text: conservation approval), if this law does not specify otherwise.
- (2) The conservation approval shall be issued only if the request is accompanied by the following documents:
  1. Conservation design;
  2. Report for the performed expert control of the conservation design;
  3. Proof for provision of financial means;
  4. Proof for authorization to perform works related to direct protection and Statement of the owner or a contract, regarding the regulation of mutual relations related to the undisturbed performance of the direct protection.
- (3) The conservation approval specifies the contractor, type, scope, time frame and the special conditions for the works related to direct protection.
- (4) The conservation approval shall be issued within 15 days after the reception of the request for the approval.
- (5) Within the time frame of paragraph 4 of this article, the Administration may reject the request for a conservation approval if:
  1. The conservation design is not prepared according to the prescribed contents and norms for the specific type of cultural heritage;
  2. The author of the design did not comply with the remarks from the report regarding the performed expert control of the conservation design and

3. The conditions for an authorized performance of works related to the direct protection, are not fulfilled.

(6) If the works envisaged by the conservation design, require a construction approval, such an approval shall be issued only after a conservation approval has been issued.

(7) In the cases from paragraph 6 of this article, the Administration shall be informed about each issued construction approval.

### **Execution and management of works of direct protection**

#### **Article 88**

(1) The works of direct protection of immovable and movable goods, protected with the provisions of this law, shall be performed by the competent public institutions for protection and the Archive, as well as the following:

1. Any other legal entity of article 153 of this law and

2. Any individual, possessing a status of an authorised conservator for the specific type of cultural heritage, i.e. speciality.

(2) The works of direct protection shall be managed only by a person having the status of an authorised conservator for the specific type of cultural heritage, i.e. specialty.

(3) The following shall be considered as authorised conservators, within the meaning of paragraph 1, item 2 and paragraph 2 of this article:

1. A person having at least university level education in a related field and having a licence for works related to direct protection in the field of architecture, fine arts techniques or the specific type of cultural heritage (hereinafter in the text: conservation licence and

2. A person having a scientific or elective title, relevant to the works related to the direct protection of the specific cultural heritage, i.e. speciality.

(4) The conservation licence from paragraph 3, item 1 of this article, shall be issued by the Ministry of culture, based on a passed examination before a committee formed the Ministry of culture.

(5) The Ministry of culture shall revoke the conservation licence from paragraph 4 of this article if the license holder:

1. performed the works, contrary to the conservation approval;

2. did not act according to the instructions from the authorised person for conservation supervision;

3. inflicted damage or causes danger to the protected goods;

4. performed the works contrary to the established methodology of work

5. proceeded contrary to the ethical regulations in the field of protection.

(6) The competent public institution for protection and the Archives, may completely or partially, transfer the works envisaged in the conservation design, to another authorised contractor, in a way prescribed by law.

(7) Foreign legal entities and individuals may participate in the realization of a conservation design, in accordance with an international contract or a programme for cultural cooperation, as well as in accordance with a contract for direct cooperation with the competent institutions for protection, or the Archive.

(8) The Ministry of culture may, in especially justified cases, entrust the realization of conservation designs for cultural heritage of special significance, to an international or other foreign independent conservation mission.

(9) During the performance of the works of direct protection, a construction conservation documentation shall be prepared.

(10) The minister of culture shall prescribe the appropriate vocations and titles for an authorised conservator, within the meaning of paragraph 3 of this article, the method and the

programme for acquisition of a conservation licence, the form of the licence, the works related to direct protection that may be performed by other experts and the related conditions, the type and contents of the conservation documentation and other specific issues related to the performance of the works of direct protection.

### **Conservation supervision**

#### **Article 89**

- (1) The works related to direct protection shall be subject to a continuous expert supervision (hereinafter in the text: conservation supervision).
- (2) The conservation supervision shall be performed by:
  1. The competent national institution for protection if the direct protection works are prepared by another protection institution or authorised contractor;
  2. The competent main institution for protection, if the direct protection works are made by the competent public institution for protection and
  3. An expert commission or persons, determined by a resolution of the authority issuing the conservation approval, if the direct protection works are made by the competent main institution, or the competent national institution in the field of protection where there does not exist any main institution.
- (3) As an exemption from paragraph 2 of this article, the conservation supervision for the archive material, is made by the Archives.
- (4) Conservation supervision shall be performed only by a person having the status of an authorised conservator for the specific type of cultural heritage, i.e. speciality.
- (5) The expenses for the conservation supervision shall be borne by the holder of the conservation approval.

### **Suspension of the works and revocation of the conservation approval**

#### **Article 90**

- (1) The administration may pass a resolution to:
  1. Temporary suspend the works of direct protection, until the provision of conditions for proper execution of the works, if the contractor does not act according to the issued conservation approval, i.e. the conservation design or does not apply the expert instructions of the commission, or the authorised person for conservation supervision and
  2. Revoke the issued conservation approval, if the works cause damage or danger to the protected good.
- (2) The resolutions from paragraph 1 of this article, may also instruct application of appropriate measures for protection against possible damage or destruction of the protected good, due to the temporary suspension of the works, i.e. revocation of the conservation approval.
- (3) If the direct protections works have begun without a conservation approval, the Administration may issue a resolution to stop or ban any further progress of the works and instruct removal of the defects or reinstatement of the original conditions, within a specified time frame.
- (4) If a construction approval has been issued for the direct protection works, the authority that has issued the approval and the construction inspection shall be informed about the resolution from paragraph 1 items 1 and 2 of this article. The construction inspection shall be also informed in case when the direct protection works proceed without the necessary construction approval.

(5) The appeal against the resolution from paragraphs 1 and 3 of this law, does not suspend the execution of the resolution.

### **Acceptance of the performed works** **Article 91**

(1) For the purposes of a final expert control of the performed direct protection works (hereinafter in the text: acceptance of the performed works), the holder of the conservation approval shall, within 30 days after the completion of the works, inform the Administration and submit the following:

1. Report on the performed direct protection works;
2. Report on the conservation supervision and
3. Final construction conservation documentation.

(2) The acceptance of the performed works shall be done by an expert commission formed by the Administration.

(3) The authority of paragraph 2 of this article, may pass a resolution specifying that the acceptance of the performed works shall be done by a national institution for protection or a scientific institution that has not been involved in the construction or the expert control of the conservation design, the performance of the works and the conservation supervision.

(4) The expert commission for the acceptance of the works shall be composed of persons that have been involved in the construction, or in the expert control of the conservation design, as well as persons that have performed direct protection works or conservation supervision.

(5) As an exception, the Administration may issue a resolution stipulating that, the acceptance of the performed works regarding certain types of cultural heritage or works involving immovable heritage with smaller scope, shall be performed by persons that have performed conservation supervision.

(6) The report of the acceptance of the works shall specify whether the works have been performed in accordance with the conservation design, and shall contain an expert estimate of the quality of the performed works and a strict conclusion regarding acceptance or rejection of the works.

(7) If the report for acceptance of the works, concludes certain deviations from the conservation design, shortcomings or other irregularities in the works, or if it gives other remarks related to the expert sustainability and acceptability of the performed works, the Administration shall issue a resolution instructing the holder of the conservation approval, within a specified time frame, to act according to the given remarks and to remove the discovered defects, at his own expense.

(8) If a construction approval has been issued for the direct protection works, the technical examination of the immovable good, within the meaning of the regulation for the construction of structures, may not proceed before the acceptance of the works, in accordance with this law.

(9) In the cases from paragraph 8 of this article, the authority competent for the technical examination shall be given a copy from the report from the acceptance of the works and an information regarding the resolution from paragraph 7 of this article.

(10) The expenses related to the acceptance of the works shall be borne by the holder of the conservation approval.

## **Section 5**

### **CONTROL AND OTHER MEASURES FOR THE MOVABLE CULTURAL HERITAGE**

#### **Verification of origin**

##### **Article 92**

(1) When buying or otherwise acquiring, from a third person, movable cultural heritage or other protected or movable goods that deserve to be protected according to the provisions of this law, the institutions for protection and the other holders of public and private collections, are obligated to verify the origin of the goods.

(2) For each suspicious purchase offer, the subject from paragraph 1 of this article are obligated to immediately inform the Administration and the internal affairs authorities.

(3) The inventory and other public books for movable cultural heritage, may contain only goods whose origin has been verified, and for which it is not suspected that they originate from illegal or illicit excavations, thefts, illegal export and import or other illegal actions.

#### **Private collections**

##### **Article 93**

(1) The private collections of movable cultural heritage shall be protected to the extent and in a way specified by this law.

(2) The following protected goods may not be subject to the private collections stipulated in paragraph (1) of this law:

1. Protected goods from domestic or foreign origin, acquired in a manner contrary to the law;
2. Protected goods included in a public collection, except those whose exchange or permanent relinquishing is allowed by this or other laws;
3. Protected goods which are an integral part of a protected immovable good;

(3) archaeological artefacts may not be subject to the private collections stipulated in paragraph (1) of this article, except those:

1. Which are a coincidental discovery which the Ministry of culture has relinquished in the context of article 68 paragraph (3) of this law and
2. For which the ownership right has been determined in a procedure before a competent court, conducted within the time frames when the existence of such a right to state owned archaeological artefacts could have been proven in accordance with the past regulations;

(4) The Administration shall keep a special record on the collectors and the protected private collections

#### **Control of the antiquity trade**

##### **Article 94**

(1) Each trader with antiquities, artistic and other collection items, is obligated to keep a registry for the origin of the objects, with basic data about the person that has supplied the object, description and selling price, as well as data about the buyer.

(2) The trader from paragraph 1 of this article must:

1. Inform the competent public institution for protection, about every obtained object, before it can be sold, as well as submit monthly reports about the sale of antiquities, artistic and other collection items;

2. Provide documents for forfeiting the right of primary purchase, if the movable good is protected according to the provisions of this law;

3. Provide and issue a valid document for the ownership of the protected good;
4. Inform the buyer about the possible prohibition of the export of the purchased good; and
5. Inform the competent authorities of the state administration and the public protection institutions, as well as the interested collectors, gallery owners and antiquity dealers, about the manufacture and circulation of copies of the protected good.

(3) The Minister of Culture prescribes the content and the method for preparation of the registry from paragraph 1 of this article, the method of control of the preparation of the registry, the forms used within the meaning of paragraph 2 of this article, and regulates the specific issues related to the control of the trade with the movable cultural heritage and other antiquities, artistic or collection objects. The general act shall be passed after obtaining an approval from the Ministry competent for trade matters.

### **Exchange and relinquishing**

#### **Article 95**

(1) For the purposes of filling of collections or achieving efficient protection and improved presentation, the movable cultural heritage and the other protected movable goods may be exchanged and, temporary or permanently relinquished to public protection institutions and other holders of public and private collections, in the country and abroad, unless specified otherwise in this or another law.

(2) The exchange and relinquishing, within the meaning of paragraph 1 of this article, may be performed for specific samples of protected goods:

1. If they are not declared or included in collections that have been declared as cultural heritage of special significance;
2. If they belong to the same series, similar type and if they are numerous;
3. If there is no interest to include the specific samples in permanent exhibits of the holder or if their worth to the holder, is only secondary; and
4. If there are no other restrictions specified by law, regarding the samples in question.

(3) The exchange and relinquishing, within the meaning of paragraphs 1 and 2 of this article, with the exception of the archives material, shall be performed only on the basis of an approval of the Administration, after obtaining an opinion of the competent main institution for protection, i.e. the national institution for activities where there is no main institution.

(4) The exchange and relinquishing of the archives material shall be performed in accordance with the rules for archives material.

(5) Regarding the exchange and relinquishing of the movable cultural heritage in the country and abroad, the protection institutions from paragraph 3 of this article, shall keep records of the requests and offers.

(6) The records from paragraph 5 of this article, shall only contain offers for exchange and relinquishing, only if the protected good has been acquired in accordance with the law.

(7) The offer for exchange of relinquishing, shall be accompanied by the entire technical and legal documentation related to the offered good.

### **Temporary relocation of the goods, abroad**

#### **Article 96**

(1) The movable cultural heritage and other protected movable goods may be temporarily taken abroad for the purposes of exhibition, conservation, expertise and other justified cases, based on an approval, unless otherwise specified by law.

(2) The approval, within the meaning of paragraph 1 of this article, except for the archives material, shall be issued by the Administration, after considering the opinion of the competent

main institution for protection, i.e. the national institution for activities where there is no main institution.

(3) In the case from paragraph 1 of this article, the applicant shall provide bank deposits in the amount equalling the value of the protected good, commercial insurance, guarantee or other type of guarantees from a foreign government, required by the Administration.

(4) The approval from paragraph 2 of this article shall specify the time frame for the return of the protected good in the country, as well as other more specific requirements regarding handling, packing, transport, escort, accommodation, keeping and presenting of the protected good.

(5) The holder of the approval for the temporary relocation abroad, shall inform the Administration whether the good has been returned to the country within the specified time frame, within at most 3 days after the return of the good to the country.

(6) If the relocated good has not been returned to the country, within the specified time frame, within the meaning of this law, it is deemed as illegally exported.

### **Export Article 97**

(1) The movable cultural heritage, not subject to a general export ban, within the meaning of article 52 of this law, as well as other protected movable goods, may be exported, only on the basis of an approval from the Administration, after considering the opinion of the competent main institution for protection, i.e. the national institution for activities where there is no main institution.

(2) An approval for export within the meaning of paragraph 1 of this article, may be issued for any protected good:

1. Subject to international exchange or which is permanently relinquished to a holder of a public collection abroad; and
2. Which has not been included in the National inventory of protected goods whose export would represent a significant diminution of the cultural heritage of the Republic of Macedonia (hereinafter in the text: National inventory).

(3) The Administration, after considering the opinion of the competent institution for protection from paragraph 1 of this article, may do the following:

1. Pass a resolution prohibiting the exportation of any protected good which has not been entered in the National inventory from paragraph 2, item 2 of this article;
2. Issue an approval for the exportation of the protected good from the National inventory from paragraph 2, item 2 of this article, if the related good is subject to restitution application or if its export is of public interest, in accordance with an international agreement.

(4) Antiquities and other artistic or collection objects, not having the status of protected good, according to the provisions of this law, whose export is not subject to the regime of free export, within the meaning of the regulations for foreign trade, may be exported on the basis of a certificate, issued by the Administration, after considering the opinion of the competent public protection institution.

(5) The certificate from paragraph 4 of this article, certifies that the movable good, subject to export, has not been registered in the National registry of cultural heritage and that it can be exported without limitations as regards the cultural heritage protection.

(6) If the movable good from paragraph 4 of this article, deserves to be protected, the Administration may pass a resolution, prohibiting the export of the good in question, following a resolution for temporary protection.

(7) The provisions from paragraphs 4, 5 and 6 of this article, also apply in the cases of temporary relocation of the goods, abroad.

(8) The administration shall inform the public about any movable cultural heritage:

1. Whose export is prohibited, within the meaning of article 52 of this law,
2. Involving the protected goods from the National inventory from paragraph 2, item 2 of this article, and
3. Regarding any resolution prohibiting the export of a protected good.

### **Informing the customs authority Article 98**

(1) Regarding any resolution, prohibiting the export or an issued approval, i.e. certificate for relocation or export, the Administration is obligated, without delays, to inform the authorities of the customs control.

(2) In the cases from paragraph 1 of this article, in addition to the issued act, the Administration shall submit a complete dossier with photo documentation, regarding the movable good, whose relocation or exportation is allowed, i.e. prohibited.

(3) The Administration shall submit to the authority from paragraph 1 of this article, updated lists about the cultural heritage whose export is prohibited, within the meaning of article 52 of this law, as well as lists about the protected goods from the National inventory from article 97, paragraph 2, item 2 of this law.

### **Import Article 99**

(1) The movable cultural heritage which is not subject to the regime of a general import ban, within the meaning of article 53 of this law, may be imported in accordance with the foreign trade regulations.

(2) If the regulations of the country of origin of the movable cultural heritage, require an export permit, this permit must be presented during the import process.

(3) The importer is obligated to report the imported good to the competent protection institution, within 8 days after the completion of the import.

### **Restitution Article 100**

(1) According to the ratified international agreements, the Ministry of culture is the central authority coordinating the restitution of the movable cultural heritage:

1. Which has been stolen and/or illegally exported from the territory of the Republic; and
2. Which has been stolen and/or has been illegally exported from the territory of another state, and which is located on the territory of Republic of Macedonia.

(2) In the cases from paragraph 1, item 1 of this article, the Ministry of culture:

1. Undertakes activities for completion of the data, records and documentation on the dispersed cultural heritage, that may be subject to restitution and
2. Submits requests for restitution to the competent authorities of other states, according to their regulations and international agreements;
3. Cooperates with the central authorities of other states, coordinating the restitution.

(3) In the cases from paragraph 1, item 2 of this article, the Ministry of culture:

1. Informs the central restitution authority in the country of origin, that the protected good is located in the territory of the Republic of Macedonia, and undertakes additional activities, upon request from the counterpart, regarding a more precise identification of the location of the good and its owner or holder;

2. Enables necessary checks regarding the requested good, performed by authorised persons in the country that files the request, within two months after the filing of the request for restitution;
  3. Undertakes measures for physical protection of the requested good, in cooperation with the requesting country;
  4. Undertakes measures to prevent activities that interfere with the restitution procedure;
  5. Acts as an mediator between the requestor of the restitution and the owner, i.e. the holder of the requested good; and
  6. Facilitates the execution of the court decision regarding the return of the requested good.
- (4) The request for restitution from paragraph 1, item 2 of this article may be submitted through the diplomatic channels or directly to the competent court, unless otherwise specified by law or international agreement.
- (5) The request for restitution, within the meaning of article 4 of this article, may be submitted within one year, counting from the day when the requested country discovered or was informed about the location of the good in question and the identity of its holder, but not longer than:
1. 30 years from the date when the requested good was stolen or illegally exported from the territory of the state of origin; and
  2. 75 years, if the good in question is a movable good, part of a public collection or if it is under special protection of the country of origin.
- (6) If the competent authority in the country of origin of the good, files a suit against the holder of the good, before the competent court of Republic of Macedonia for regarding the restitution of the good, it must immediately inform the Ministry of Culture.
- (7) The procedure, within the meaning of paragraph 6 of this article, may be initiated if there exists proof that the good in question has a status of a protected good, in accordance with the regulations of the country, requesting its return, and that it has been stolen and/or illegally exported from its territory.
- (8) The procedure for restitution, i.e. return of the good, can not proceed if the export is no longer illegal, in the time of the request for the return of the good.
- (9) Any conscientious owner, who has acquired the requested good, after it has been stolen and/or illegally exported, is entitled to a reasonable compensation, based on and in the amount specified in a decision of the competent court, after the good has been returned to the territory of the state of origin.
- (10) The compensation from paragraph 9 of this article and all expenses related to the restitution request and procedure, shall fall on the requesting country.
- (11) The compensation and the expenses from paragraph 10 of this article, paid to the budget of the Republic of Macedonia, shall be reimbursed by the persons that have stolen the good, i.e. illegally exported the good from the territory of the Republic.

## **Section 6**

### **PROTECTION OF THE SPIRITUAL CULTURAL HERITAGE**

#### **Records, care and use**

#### **Article 101**

- (1) The protection of the spiritual cultural heritage, within the meaning of this law, in addition to recording and keeping records thereof, also involves care and correct use, in accordance with the law and the regime for protection, specified in the act for protection.
- (2) The recording and keeping of records of the spiritual cultural heritage of public interest is

performed by authorized entities stipulated in article 154 of this law.

(3) The care and correct use of the spiritual cultural heritage shall be encouraged by the special projects and programs in the field of culture, education, science and information.

(4) The administration may, by a resolution:

1. Determine special measures for caring and protection of the protected immaterial good; and
2. Temporary suspend or prohibit inappropriate use of protected immaterial good.

## **Section 7**

### **PROTECTION OF THE CULTURAL HERITAGE AGAINST ILLEGAL ACTIVITIES**

#### **Security measures**

##### **Article 102**

(1) For the purposes of efficient protection against unauthorised excavations, purposeful damaging and destruction, theft, adoption, concealment, illegal trade, smuggling and other illegal activities against the cultural heritage, the public authorities for protection, as the holders of the protected goods, shall undertake the following actions:

1. Preventive measures which will reduce the possibilities of the risk of occurrence of illegal activities; and
2. Countermeasures, which will reduce the losses or adverse consequences from the illegal activities, if the risk occurs.

(2) The administration, within the meaning of paragraph 1 of this article:

1. Follows the condition of the protection of the safety of the cultural heritage;
2. Estimates the risks to the safety of the cultural heritage, due to illegal activities;
3. Coordinates the preparation and harmonisation of the plans from article 104 of this law, and controls their implementation;
4. Specifies emergency measures of safety protection of the cultural heritage and special safety protection measures for the cultural heritage of special significance;
5. Issues specialised instructions regarding the implementation of the safety protection of the cultural heritage;
6. Proposes the implementation of measures for the safety protection of the cultural heritage; and
7. Performs other works specified by Law.

(3) The administration and the other entities from paragraph 1 of this article, shall cooperate with the other competent authorities in the area of safety, and shall not impede their activities, especially facilitating the activities of the authorities competent for crime prevention, discovery and capture of the doers and handing them over to the competent authorities, confiscation of the protected goods and returning them to the rightful holder.

#### **National action plan for prevention of crime against the cultural heritage**

##### **Article 103**

(1) The government of the Republic of Macedonia shall pass a national action plan for the prevention of crime against the cultural heritage, upon a proposal from the National council for cultural heritage.

(2) The plan from paragraph 1 of this article, shall amongst all else, contain especially the following:

1. Appraisal of the existing risks of illegal activities and the situation of crime against the cultural heritage;
  2. Priorities of the cultural heritage safety protection policy;
  3. General and special measures for prevention of crime against the cultural heritage;
  4. Validity period for the plan and time frame for its realization;
  5. Conditions for the realization of the plan; and
  6. Entities competent for the realization of the plan.
- (3) The realization of the plan from paragraph 1 of this article, shall be coordinated by the National council for cultural heritage.
- (4) The national council for the cultural heritage shall submit to the Government, annual reports regarding the realization of the Plan, as well as a final report.

### **Plans for the cultural heritage safety protection**

#### **Article 104**

- (1) The public institutions for protection and the holders of the protected goods, specified in the protection act, shall provide:
1. Plan for preventive protection of the cultural good, against illegal activities;
  2. Plan for emergency action in case of illegal activities.
- (2) The plan for preventive protection from paragraph 1, item 1 of this article shall contain organizational measures and measures for technical security, as well as measures for electronic supervision for the cultural heritage of special significance.
- (3) The plan for emergency action from paragraph 1, item 2 of this article shall contain an operational and organizational part, with countermeasures.
- (4) The plans from paragraph 1 of this article shall be prepared on the bases of a previous analysis of the risks from illegal activities.
- (5) In order to evaluate if the level of security corresponds to the level of the existing risk and to determine whether the risk is acceptable, authorised officers of the Administration shall verify the efficiency of the safety protection measures, contained in the plans from paragraph 1 of this article.

### **Authorised officers for the security of the cultural heritage**

#### **Article 105**

- (1) The works regarding the safety protection of the cultural heritage, from article 102, paragraph 2 of this article, shall be performed by authorised officers, appointed by the Minister of culture.
- (2) The authorised officers from paragraph 1 of this article have the following rights and obligations:
1. To collect data, information and reports of significance for the safety protection of the cultural heritage;
  2. To control the implementation of the prescribed measures for the safety protection of the cultural heritage;
  3. To perform investigations regarding the safety protection of the cultural heritage; and
  4. To cooperate with the criminal police, customs authorities, public prosecutors, inspections and other competent authorities.
- (3) The authorised officers from paragraph 1 of this article shall have an identification document.

(4) The Minister of culture shall coordinate the implementation of the works from paragraphs 1 and 2 of this article, i.e. article 102 paragraph 2 of this law, and shall prescribe the form of the identification document and the method of issuing.

## **Section 8**

### **PROTECTION OF THE CULTURAL HERITAGE IN CASES OF ARMED CONFLICT AND NATURAL DISASTERS**

#### **Identification of the goods and the officers for protection in case of an armed conflict**

##### **Article 106**

(1) In order to facilitate the identification of the immovable goods, which are subject to immunity of general protection in cases of an armed conflict, according to the ratified international agreements, the Administration shall prepare a National inventory for protected good in case of an armed conflict.

(2) The officers involved in the protection of the cultural heritage in cases of an armed conflict and the persons involved in the control mechanisms, within the meaning of the ratified international agreements, shall have an identification document and the right to wear a band on the sleeve, containing the international identification sign, issued by the Ministry of culture.

(3) The minister of culture shall prescribe the content and the method for preparation of the inventory from paragraph 1 of this article, the form of the identification document, the appearance of the band from paragraph 2 of this article and the method of issuing.

#### **Preparatory measures for protection in cases of an armed conflict and natural disasters**

##### **Article 107**

(1) The authorities and public institutions for protection, as well as the holders of the protected goods, shall undertake the necessary preparatory measures for the protection of the cultural heritage against predictable consequences of an armed conflict and natural disasters.

(2) The necessary preparatory measures, within the meaning of paragraph 1 of this article, shall include the following:

1. Provision of documentation for the protected goods and its safekeeping in various safe locations;
2. Preparation for evacuation of the protected movable goods, including parts of the protected immovable goods, that can be dismantled;
3. Planning of emergency measures for protection against fire;
4. Planning of emergency measure for protection against demolition;
5. Supply of materials and equipment for the implementation for the appropriate protection in situ.
6. Determination of the protection staff, especially the expert and other operative teams; and
7. Planning of measures for safety protection in cases of an armed conflict and natural disasters.

(3) The necessary preparatory measures, within the meaning of paragraph 1 of this article, shall also include the following peace-time preparations:

1. Marking of the protected goods with the international identification sign; and

2. Organization of a special or an emergency transport of the protected goods, under international control, on the territory of the Republic of Macedonia or within another state.

(4) The Administration, within the meaning of paragraph 1 of this article, shall do the following:

1. Follow, direct and control the implementation of the necessary preparatory measures from paragraph 2 and 3 of this article;
2. Undertake and determine emergency and other preparatory measures for protection;
3. Issue specialised instructions regarding the implementation of the preparatory measures for protection; and
4. Perform other work, specified by law.

(5) The necessary preparatory measures for protection of the cultural heritage in cases of an armed conflict and natural disasters shall be undertaken in accordance with the regulations and documents for defence, i.e. protection against natural disasters, these law, and the regulations based thereon.

### **Special protection measures in war and extraordinary conditions**

#### **Article 108**

(1) The public institutions for protection, specified in accordance with the regulations for defence and the holders of the protected goods, shall, in War and extraordinary conditions due to the large natural disasters, undertake special measures for the protection of the cultural treasure.

(2) The special measures, within the meaning of the paragraph 1 of this law, shall be prescribed by the Government of the Republic of Macedonia, through a regulation.

### **Appraisal of damages**

#### **Article 109**

The appraisal of the damage to the cultural heritage, caused as a consequence of an armed conflict or a natural disaster, shall be performed in accordance with a special methodology, prescribed by the government of the Republic of Macedonia.

### **Priority list**

#### **Article 110**

(1) The government of the Republic of Macedonia, shall establish a priority list of cultural heritage, damaged in an armed conflict, i.e. a natural disaster, upon a proposal of the National council for cultural heritage.

(2) The priority list from paragraph 1 of this article, shall be an obligatory basis for the following:

1. Determination and implementation of emergency measures for removal or mitigation of the consequences of the caused damage;
2. Programming of the activities for the protection of the cultural heritage after the termination of the hostilities, i.e. the natural disaster;
3. Allocation of financial means and other aid from the Budget of the Republic of Macedonia.

**Section 9****PROTECTION AGAINST PHYSICAL DAMAGE FROM POLLUTION AND  
PROMOTION OF THE QUALITY  
OF THE ENVIRONMENT IN THE PROTECTED AREAS****Protection against consequences of pollution  
Article 111**

(1) In order to reduce the risks of physical damage and other adverse consequences to the immovable cultural heritage and its immediate environment, enforced by the pollution of the environment and nature:

1. The entities that perform monitoring, within the meaning of the regulations for environmental and natural protection shall monitor the impact of pollution on the immovable cultural heritage and its immediate environment, as well as submit the relevant data to the ministries competent for the special conservation and central environmental monitoring;

2. The ministries competent for the works related to the protection of the environment and nature, for science and culture, as well as the authorities of the local self-government shall initiate and support the realization of programmes and projects for interdisciplinary and other specialized scientific research, with the purpose of identifying and studying the adverse consequences of pollution, defining of the means and methods for mitigation or elimination of those consequences;

3. The legal entities and individuals, having sources that pollute and have adverse consequences on the immovable cultural heritage and its immediate surrounding, shall, in their environmental impact assessment, specify appropriate measures for the mitigation of those consequences, and shall implement those measures within the legal time frame for the realization of the projects; and

4. A resolution for integrated prevention and control of the pollution, within the meaning of the regulations for the protection of the environment, nature and spatial planning based on the study from item 3 of this paragraph, may be passed only after previous consideration of the opinion of the Administration.

(2) The Administration:

1. Shall perform and organize the performance of conservation monitoring of the impacts of pollution on the immovable cultural heritage and its immediate environment; and

2. Shall undertake emergency measures for protection, in cases when the act for proclamation of the endangered cultural heritage, has been passed due to pollution.

(3) The methodology for the performance of the special conservation monitoring shall be prescribed by the Ministry of culture, with an agreement by the Ministry competent for the protection of the environment, nature and spatial planning.

**Promotion of the quality of the environment  
In the protected areas  
Article 112**

(1) The units of the local self-government, the competent public institutions for the protection and the holders of the protected goods shall undertake measures for protection and promotion of the quality of the environment, around the immovable cultural heritage, as well as within the boundaries of the monumental entities and cultural areas.

(2) The units of the local self government shall undertake measures, within the meaning of

paragraph 1 of this article, with regard to the open urban, rural and other public spaces within the protected areas, unless otherwise specified by law.

(3) Regarding the immovable cultural heritage, located within the boundaries of a national park or other area, proclaimed as natural heritage, as well as in zones with special purpose, specified or protected by a different law, the measures from paragraph 1 of this article shall be undertaken in accordance with the prescribed regime for protection and the plans for the arrangement of such areas, i.e. zones.

(4) The competent institutions shall undertake measures within the meaning of paragraph 1 of this article, within the frames of the programmes for revitalization and the conservation projects being realized.

(5) The acceptance of the conservation works, within the meaning of article 91 of this law and the technical examination, within the meaning of the regulations for the construction of structures, can not be performed if the contractor or the investor have not completed the measures within the meaning of paragraph 1 of this article, specified by the protection, conservation and other conditions for construction within protected areas.

(6) The Administration may pass a resolution, specifying special measures within the meaning of paragraph 1 of this article, after consideration of the opinion of the Ministries competent for the works regarding the protection of the environment, nature and for spatial planning:

1. In order to provide better accessibility and attractiveness of the area, stimulate appropriate levels of use and increase the social integration of the protected areas; and
2. If the integrity of the protected area has been damaged, due to negligence.

## **Section 10**

### **DEVELOPMENT OF PROTECTION AWARENESS AND OTHER MEASURES FOR THE CULTURAL HERITAGE**

#### **Raising public awareness Article 113**

(1) The public institutions in the fields of the education, science, culture and information shall incorporate, in their work programmes and plans, contents for building knowledge and a correct and active attitude toward the cultural heritage and its protection, in particular:

1. For the values, uniqueness and significance of the cultural heritage as an integral part of the cultural identity and source of inspiration and creativity for the current and future generations;
2. For the dangers threatening it, due to illegal activities, armed conflict, natural disasters and physical degradation, strengthened by pollution of the environment and nature, or due to the investment construction, inappropriate use or careless handling and manipulation; and
3. For the need of preservation, respecting, regular maintenance, conservation, integrated protection and functional use as a factor of the sustainable development.

(2) The Administration shall:

1. Widen and support the knowledge of the national and international regulations for the protection of the cultural heritage;
2. Inform the public about the international aid and the role that this aid has played in the protection of the cultural heritage; and
3. Care for providing appropriate publicity for each case of damaging, destruction or other form of illegal action against the cultural heritage.

(3) The public institutions for protection shall inform the public:

1. For the activities for protection of the cultural heritage, they are undertaking; and

2. For the possibilities of inclusion of other entities in the realization of the programmes and the projects from the area of the protection of the cultural heritage, that they are conducting.

### **Availability of the cultural heritage to the public**

#### **Article 114**

(1) The cultural heritage and the documentation for its protection, shall be available to the public.

(2) The availability to the public may be limited in accordance with this law, other regulation and general act, depending on the type, significance, nature and condition of the cultural heritage, as well as the goals and methods of use.

(3) The administration, by issuing a resolution, may impose special measures for making the cultural heritage accessible to disabled persons.

### **Information system**

#### **Article 115**

(1) The monitoring of the condition of the cultural heritage and the activities for its protection, shall be performed by the Administration, within the framework of the information system for cultural heritage of the Republic of Macedonia.

(2) The information system from paragraph 1 of this article shall provide the following:

1. Establishment of a relevant data base;

2. Central information interconnection of the public institutions for protection, the Archive and the legal entities authorised for performing works related to the protection of a specific type of cultural heritage; and

3. Publicly available, comprehensive and accurate information about the cultural heritage and its protection;

### **Keeping and use of documentation**

#### **Article 116**

(1) The documentation for the cultural heritage and the other protected goods shall be kept in three different places, determined by the Administration.

(2) The documentation from paragraph 1 of this article shall be made available for use, for official, scientific and educational purposes, publications and other justified reasons.

(3) As a rule, copies of the documentation, made at the expense of the requestor shall be issued for use.

(4) Regarding state authorities and for scientific purposes, the original documentation may be given for temporary use, provided that the user keeps it, makes a protective record of the documentation at the expense of the requestor and other conditions specified by the act from article 36, paragraph 2 of this law.

(5) The competent entity, which keeps the documentation shall keep special records of the use of the documentation.

**Section 11****UTILIZATION OF THE CULTURAL HERITAGE****11.1 Use of the cultural heritage by means of concession****Subject of concession****Article 117**

(1) The subject of use by means of concession, according to this law, can be immovable cultural heritage of special significance, owned by the state, except the goods from paragraph 2 of this article, which is or may be used for:

1. Housing;
2. Performing of tourist, hospitality, trade, handicrafts and other service activity;
3. Performance of an original or related product activity; and
4. Performance of activities from the area of education, science, information, health, sport, recreation as well as culture, except the protection activities.

(2) The following may not be subject to concession:

1. Reserved archaeological zones and other unexplored or insufficiently explored archaeological sites;
2. Memorial structures and places related to significant events and eminent persons;
3. Cult and other places and structures related to customs, beliefs or special traditions; and
4. Immovable goods from article 12 paragraph 2 and article 13 paragraph 2 of this law.

(3) The law on concessions shall apply for the issues not regulated by this law.

**Concessionaire****Article 118**

(1) A concession can be awarded to a domestic or foreign legal entity or individual (concessionaire) which fulfils the following conditions:

1. The entity is registered to perform the activities from article 117, paragraph 1 of this law;
2. The entity possesses material and technical capabilities for performing the activity for which it is registered and the protection of the immovable good, subject to the concession; and
3. The entity shall offer a programme for revitalization and management plan for the immovable good, subject to concession.

(2) The concessionaire has the status of a holder of the cultural heritage, with the rights and obligations determined by this law and the concession agreement.

**Duration of the concession and Concession fee****Article 119**

(1) The period for which the concession is awarded shall be:

1. Up to 10 years for the performance of a production activity; and
2. Up to 15 years for the performance of other activities from article 117, paragraph 1 of this law.

(2) The concession may be extended for at most 5 years.

(3) For the use of the cultural heritage, subject to concession, an annual fee shall be paid. The amount of the fee shall be determined by the concession contract.

(4) The fee from paragraph 3 of this article shall be paid before the 30th of June of the current year.

**Supervision over the implementation of the contract**  
**Article 120**

- (1) The supervision of the implementation of the contract shall be performed by the Ministry of Culture.
- (2) The ministry of culture shall pass a resolution, specifying a special board for supervising the implementation of the contract.
- (3) The board shall involve at least one representative of the municipality where the good, subject to concession, is located and of a non-governmental organization from the area of cultural heritage protection.

**11.2 Special provisions**  
**Performing of an economic activity within the protected goods**  
**Article 121**

- (1) An economic activity within an immovable cultural heritage and other immovable good, protected in accordance with the provisions of this law, may be performed only with a prior approval from the Administration.
- (2) The approval from paragraph 1 of this article, shall be necessary for each change of activity, i.e. the purpose of the business area.

**Use of a name or form of a cultural heritage for commercial purposes**  
**Article 122**

A name, form or any other recognisable part of a protected good may be used for commercial purposes, as an element of a sign and for the manufacturing of souvenirs or other object for commercial purposes, in a way appropriate to the purpose or the significance of the goods, based on an approval from the Administration.

**CHAPTER V**

**RIGHTS AND OBLIGATIONS OF THE HOLDERS**  
**OF THE PROTECTED GOODS**

**Section 1**

**RIGHTS OF THE HOLDERS**

**Right to specialised assistance**  
**Article 123**

- (1) The holder of the protected good has the right to specialised assistance without remuneration, within the scope and type specified in this law.
- (2) The right from paragraph 1 of this article, especially involves the following:
1. Examination and expert explanations of the characteristics, significance and the condition of the good;
  2. Expert advice and instruction regarding the respect, storage, maintenance and usage of the good; Indication of the need to undertake special measures regarding the storage and maintenance of the good or special technical and protection measures;
  3. Assistance in the realization of any other rights and obligations, specified by this law; and
  4. Assistance regarding the effectuation of other rights and obligations specified by this law.

(3) A collector or any other holder of a protected collection and a holder of a sacral or any other monument with movable goods, which are integral parts thereof, has the right to an expert assistance:

1. With regard to the establishment and keeping of an inventory (records) of the protected good; and

2. For the conservation of the goods registered in the inventory stipulated in item 1 of this paragraph.

(4) The right to an expert assistance, within the meaning of paragraphs 2 and 3 of this article, shall be facilitated by the competent public institution for protection, i.e. the Archive, upon a written request from the holder.

(5) In emergency cases, especially in case of an immediate threat to the protected good, the entities from paragraph 4 of this article are obligated to offer the requested assistance immediately, and at the latest, within three days after the submission of the written request by the holder.

### **Right to reimbursement of any extraordinary expenses**

#### **Article 124**

(1) The holder of the protected good is not obligated to bear any extraordinary expenses for the storage and maintenance of the good, nor for the performance of the prescribed measure for protection.

(2) Extraordinary expenses include the expenditures above and beyond the usual expenses for storage and maintenance of the good, as well as the expenditures beyond the incomes and other material uses from the good.

(3) The holder of the protected good has the right to reimbursement of any extraordinary expenses if he had obtained an agreement from the Administration to make such expenses, within the scope specified in the agreement.

(4) In case of a disagreement with the specified reimbursement, the holder of the protected good may request that the amount of the reimbursement shall be determined by the competent court, in nonlitigation procedure.

(5) The minister for culture shall prescribe the criteria for distinguishing between the normal and extraordinary expenses, according to the type of cultural heritage, as well as the method for realization of the right to extraordinary expenses.

### **Right to a reasonable remuneration due to the limitations related to the regime of protection**

#### **Article 125**

(1) The holder of the protected good has the right to a reasonable remuneration due to the limitations incurred by the regime of protection, in the cases specified by this law, if the measure for protection has not been prescribed due to any subjective fault of the holder.

(2) The remuneration, within the meaning of paragraph 1 of this article, shall be determined as a single amount or annual amounts, if the deteriorated conditions for economic use can not be compensated by the performance of a different activity within the regime of protection.

(3) For the purposes of protection against any possible damage, in the cases specified by this law, the holder of the protected good has the right to certain guarantees.

(4) If the holder of the protected good and the Administration, can not agree on the amount of the remuneration or the guarantee, it shall be determined by the competent court in a non-litigation procedure.

**Right to public presentation of private collections**  
**Article 126**

(1) The collector or any other holder of a private collection, protected as movable cultural heritage has the right to occasional public presentation of the collection in the exhibit salons of the public institutions for protection, without any fee for the exhibit facilities and the organization of the exhibit.

(2) The relationship between the holder of the protected collection and the institution for protection, are specified within a contract.

**Right to privileges**  
**Article 127**

The holder of the protected good has the right to tax, customs and other privileges, specified by law.

**Right to deposit**  
**Article 128**

(1) The holder of a protected movable good, who, objectively does not have the capability to provide appropriate storage for the good or is temporarily prevented, due to justified reasons, to store the good, has the right to give (deposit) any such good for storage in the competent public institution for protection, or the Archive.

(2) The relations regarding the storage and the use of the entrusted good, shall be regulated by an agreement between the holder and the institution, i.e. the Archive.

**Section 2**

**OBLIGATIONS OF THE HOLDERS**

**Reporting**  
**Article 129**

(1) Every holder of a protected good or a good which is considered to represent cultural heritage, shall report the good in question to the competent public institution for protection, i.e. the Archive, within 30 days after the date he became holder.

(2) As an exemption from paragraph 1, any coincidental discovery shall be reported immediately. The reporting is considered done if the report is submitted directly to the competent public institution for protection or to the Ministry of internal affairs. If the report is submitted to the Ministry of internal affairs, than it submits it further to the competent public institution.

(3) The holder of a protected good shall act within the meaning of paragraph 1 of this article, also regarding all factual and legal changes related to the good, incurred by the good after it has been initially reported, except in case of sustained damage, theft or disappearance, when the reporting shall occur immediately or the next day, at the latest.

**Storage, maintenance and performance of the prescribed measures**  
**Article 130**

- (1) The holder of the protected good shall treat the good with due respect, i.e. as a good host, shall respect, preserve and maintain the good, and shall undertake the prescribed technical and protective and other measures.
- (2) If the holder of the protected good fails to undertake the prescribed measures from paragraph 1 of this article, the expenditures of which, do not go beyond the incomes and other material benefits from the good, the Administration shall pass a resolution determining the time frame in which the measure should be undertaken, with the warning that any failure to do so will result in the undertaking of the measure at the expense of the holder.
- (3) If the holder of the good, still fails to undertake the measure within the specified time frame after the warning, the Administration shall instruct the competent institution for protection to undertake the measure, at the expense of the holder.
- (4) In the case from paragraph 3 of this article, the Administration shall pass a resolution determining the obligation of the holder related to the compensation of the expenses and the amount of the expenses for the undertaking of the measure.
- (5) The appeal against the resolution from paragraphs 2 and 4 of this article, shall not suspend the execution of the resolution.

**Recovery of the invested public funds**  
**Article 131**

- (1) In case of alienation of the protected good for whose maintenance, conservation, restoration or other measures of direct protection, funds have been invested from the Budget of the Republic of Macedonia or the budgets of the units of the local self government and the public funds (hereinafter in the text: public funds), thus increasing its value, the owner of the protected good shall reimburse the invested public funds.
- (2) The amount of the compensation shall be determined considering the circumstances at the time of the alienation of the protected good.
- (3) If the amount of the compensation can not be agreed between the owner and the investor, the amount of the compensation, upon a proposal from the owner or the Republic of Macedonia, or the unit of the local self government or the public fund, shall be determined by the competent court in a non-litigation procedure, which shall also issue a resolution for the establishment of a pledge right with regard to the protected good and for the determined amount, in favour of the investor.

**Allowing investigations and implementation of measures for protection**  
**Article 132**

- (1) The holder of the protected good shall allow documentation, study and implementation of technical and protection measures, by the public institution for protection or by another legal entity, as well as individuals, who are authorised to do so by the Administration.
- (2) The holder of the good, which is considered to represent cultural heritage, shall allow the competent public institution for protection, to examine the good, to perform the necessary investigations or studies and to technically record the good by means of photography or film. In case when the holder resists, the Administration may pass a resolution, instructing him to allow the performance of the necessary works.

(3) Collector and other holder of a protected collection shall allow the competent public institution for protection accessibility to the inventory stipulated in article 123, paragraph 3 item 1 of this law.

(4) In the cases from paragraphs 1 and 2 of this article, the holder has the right to a compensation, within the meaning of article 125 of this law:

1. If any real damage has occurred, due to significant negligence, unprofessional manipulation or deviation from the determined type and scope of the specific protection activities;
2. If the works are larger and last for a longer period of time, continuous or in intervals, thus preventing the normal use of the good, or most of the good, for its purpose; and
3. If the works are such that they require the presence of the holder for a longer period of time (loss of days);

### **Relinquishing protected goods for Cultural manifestations** **Article 133**

(1) During the organization of significant cultural manifestations, especially exhibits, the holder of a protected good shall, upon request of the competent public protection institution, relinquish the specified good, to be used for that purpose.

(2) The competent institution from paragraph 1 of this article and the holder of the protected good, in that case shall sign an agreement, specifying, in addition to the other obligations, guarantees in case of sustained damage, destruction, theft or disappearance of the good (bank guarantee, insurance by an insurance company etc.) and the time frame for the return of the good. Upon request from the holder, the agreement shall specify the amount of the compensation for any such limitation, as well the method of compensation.

(3) The holder of the protected good may request a decision of the Administration regarding matters such as estimate of the value of the good, need to use the good, measures for insurance of the good and the amount of the compensation for the relinquishing of the good.

(4) All expenses related with this use of the good, shall be borne by the organizer of the manifestation from paragraph 1 of this article.

(5) If the holder of the protected good refuses to relinquish the good for the purposes stipulated in paragraph 1 of this article, upon request of the organizer of the manifestation, the Administration may issue a resolution, instructing the holder to temporary relinquish the good to the competent institution for protection.

(6) The appeal against the resolution from paragraph 5 of this article, does not suspend the execution of the resolution.

(7) The duty of the holder of a protected good, stipulated in paragraph 1 of this article, does not include the endangered cultural heritage.

### **Facilitating availability of a protected good to the public, by special methods** **Article 134**

(1) The holder of a protected good is obligated, based on a resolution by the Administration, to make the protected good available to the public by special methods, if, considering the nature and purpose of the good, it is required in order to meet the cultural needs of the citizens or to achieve other goals of public interest.

(2) The availability, within the meaning of paragraph 1 of this article shall especially comprise: viewing the immovable good within a specified time frame and specified visiting methods, special methods of exhibiting the movable goods at their original location or another suitable location, etc.

(3) If, due to the measure, stipulated within the meaning of paragraph 1 of this article, the holder of the protected good suffers any damages, the holder is entitled to compensation, as stipulated in article 125 of this law.

(4) The endangered cultural heritage can not be subject to the measure from paragraph 1 of this article.

**Information of the new holder  
about the status and the regime of protection of the protected good  
Article 135**

(1) The holder of the protected good shall inform the new holder that the good is subject to a legal regime of protection, as well as about the measures that have not been performed or should be performed within a certain time frame.

(2) The duty from paragraph 1 of this article, also includes informing the new holder about the existence of possible obligations related to pledge right or indemnification, expropriation, restitution and other similar claims or procedures regarding the protected good.

**Section 3**

**SPECIAL RESTRICTIONS**

**Determination of guardian of the protected good  
Article 136**

(1) If the holder of the protected good does not act according to the provisions of this Law, i.e. he is negligent with regard to the good or does not maintain the good in appropriate way and as a result of that the good can be damaged or destroyed, and even after the warning he does not change his attitude towards the good, the Administration, on the proposition of the authorised public institution for protection, can determine that the good is given to a guardian designated for that purpose.

(2) The guardian is obligated to take all necessary measures necessary for keeping and maintenance of the protected good. The guardian can take the measures that extend over regular maintenance only after previous approval of the Administration.

(3) In the case of paragraph 2 of this article, the costs for maintenance of the protected good that do not exceed the income or the other material benefits of the good are paid by the holder, and they are temporary paid by the authority with the right of return from the holder. The irregular expenses are paid by the authority.

(4) The authority will dismiss the guardian if the holder proves that he has provided conditions for proper keeping and maintenance of the good.

(5) The measure from paragraph 1 of this article is taken when the holder of the protected good is not known or if he has temporary abandoned the good.

(6) The holder has temporary abandoned the protected good in case when his address is not known and he hasn't appointed representative and because of that the authority can not inform him about his duties, in six months from the day of the first attempt for handing the information. If the holder remains unidentified in three years for movable good, and ten years of immovable good, the protected good is treated as permanently abandoned.

**Moving of movable good for protection  
Article 137**

(1) If the movable good is not sufficiently protected in the place where is situated, and its holder is not in a position to provide the necessary protection, the authority, on the proposition

of the authorised public protection institution, can determine that the good will be handed for temporary keeping and use by the authorised public protection institution or to be moved on other place where it will be better protected till the provision of the necessary conditions for its keeping.

(2) The resolution of paragraph 1 of this article prescribes who will bear the expenses for moving, keeping and maintenance of the protected good.

(3) The measure from paragraph 1 of this article can be used even in case when there is no other way to provide accessibility for the public to the protected good (Article 134).

(4) If because of the measure from paragraph 1 and 3 of this article the holder is damaged he has the right for compensation according to Article 125 of this Law.

### **Determination of manner and purpose for the use of the protected good** **Article 138**

(1) If the regular use of the protected good can damage it, the authority can obligate the holder to perform the use of the good in specified manner or for specified purposes.

(2) If due to the measure from paragraph 1 of this article the holder of the protected good is damaged, he has right of a compensation according to Article 125 of this Law, except in case when the damage is lost benefit because of the protection of the original purpose of the good.

### **Reinstatement** **Article 139**

(1) If the holder causes damage on the protected good by usage which is not in accordance with the determined purpose or with actions that are not in accordance with the prescribed regime of protection, or if the damage occurred due to lack of execution, late execution or unconscientiously execution of the prescribed protection measure, the authority can obligate him to reinstate the previous condition or to compensate the reinstatement costs.

(2) If the holder does not act according to the resolution in the determined deadline, the reinstatement will be performed by the determined protection institution, based on the resolution of the authority, on holder's expense.

(3) The appeal against the resolution of paragraph 1 and 2 of this article does not delay the execution of the resolution.

### **Right of priority purchase** **Article 140**

(1) The right of priority purchase is to the Republic of Macedonia, though the authority.

(2) The owner that has the intention to sell the protected good is obligated to offer it to the authority first. The owner is obligated to include the price and the other conditions in the offer.

(3) The authority is obligated to inform the owner if it accepts the offer or if it will not realise the right of priority purchase, in 30 days from the day of submission of the offer.

(4) If the authority accepts the offer, it is obligated to pay the amount in cash, in 30 days of the day of the submission of the offer to deposit it in the Primary Court or in the Notary office according to the place where the immovable good is situated or according to the address of the owner if it is a case of movable good.

(5) After the deadline for accepting the offer i.e. after the deadline for depositing of the amount, the owner can sell the protected good to other person for price and under conditions that are not more favourable for the buyer than the ones from the offer.

(6) Republic of Macedonia has the right of priority purchase even in case of forced sale of the

protected good, according to the offer submitted in the procedure for forced sell that is most favourable for the owner of the good.

(7) The authorised court that performs the procedure for forced sale is obligated to inform the authority for the day of the public sale, at least eight days before the forced sale of the protected good.

### **Realisation of the right for priority purchase**

#### **Article 141**

(1) If the owner sold the protected good without previous offer for sale to the Republic of Macedonia or if he sold it for price lower than the one quoted in the offer submitted to the authority, or under conditions that are more favourable for the buyer than the ones in the offer, or if the good is sold in procedure for forced sale without notification of the authority, Republic of Macedonia has the right to ask for cancellation of the sell contract with pressing charges against the seller and the buyer and to demand from the owner act according to the Article 140 of this Law, i.e. Republic of Macedonia to be accounted as buyer of the good sold in the procedure for forced sale.

(2) The charges mentioned in paragraph 2 of this article can be pressed in 90 days from the day when the authority learned about the performed sale, and in no more than 5 years from the day of the signing of the sell contract.

(3) Republic of Macedonia can ask for cancellation of the sell contract, in the deadlines from paragraph 2 of this article, if the contract is virtually signed as a present or if the price and the other conditions are virtual and the real price and conditions are more favourable for the buyer than the ones in the offer submitted to the authority.

(4) Republic of Macedonia can ask for cancellation of the sell contract if in the charges quotes that it will buy the protected under price and other conditions of the sale and if in no more than 7 days after the submission of the charges deposits the amount of the price from the contract, i.e. the amount that according to the signed contract is due for payment after the day of the submission of the charges.

(5) In case of cancellation of the sell contract, the rights of the buyer and third parties based on the cancelled contract for protected good stop no matter if the buyer was conscious.

## **Section 4**

### **PAWN RIGHT AND EXPROPRIATION OF THE CULTURAL HERITAGE**

#### **Pawn right**

#### **Article 142**

(1) In order to ensure the return of the finances invested in protected good that are expenses of the Budget of the republic in the cases of Article 130, paragraph 3 and 4, Article 136, paragraph 3 and Article 139, paragraph 2 of this Law, Lawful pawn right is established in benefit of Republic of Macedonia.

(2) In order to secure the receivables for the compensation of the invested finances in the meaning of the Article 131 of this Law, contract for establishment of pawn right (pawn or mortgage) is signed between the investor and the holder of the protected good.

#### **Expropriation**

#### **Article 143**

(1) There is public interest and due to that expropriation can be performed to a real estate that is protected good, including other real estate in protected area, if:

1 The owner of the real estate is not in a position or has no interest to provide execution of the prescribed measures and due to that there is possibility for damage or destruction of the protected good;

2 Archaeological investigations and excavations can not be performed in other way or protection measures can not be performed;

3 There is a need for revitalisation of the real estate and fitting with new purpose in the urban, rural or natural whole determined with spatial or urban plan or for renovation and arrangement of the protection area and it can not be accomplished through investing funds from the Budget of the Republic of Macedonia in a manner proscribed in this Law;

4 There is a need to adapt and use of the protected good for cultural activities and the owner is not in a position to implement that; and

5 The studying of the protected good or its accessibility to the public can not be enabled or substantially facilitated;

(2) The expropriation procedure is started according to the proposition of the Ministry of Culture.

(3) For the right of fair compensation for the expropriated real estate, for the premises for complete or partial expropriation, the procedure or the other questions that are not prescribed in this law, the expropriation regulations will be used.

## **Chapter VI**

### **ORGANISATION OF THE PROTECTION OF THE CULTURAL HERITAGE**

#### **Section 1**

#### **ADMINISTRATION FOR PROTECTION OF THE CULTURAL HERITAGE**

#### **Establishment and status of the Administration**

##### **Article 144**

(1) For performing the administrative, experts and other activities in the field of the protection of the cultural heritage an Administration for protection of the cultural heritage is established as a part of the Ministry of Culture.

(2) The Administration is a legal entity.

#### **Authorities of the Administration**

##### **Article 145**

(1) The Administration for protection of the cultural heritage:

1. Performs administrative procedure for subjects in the field of the protection of cultural heritage and issues administrative acts according to this Law;

2. Prepares the acts in the field of the protection of cultural heritage that are issued by the Ministry of Culture;

3. Takes part in administrative and other procedures connected to the cultural heritage and its protection that are led by other authorities in cases provided in this or other Laws.

4. Starts initiatives and procedures in front of authorities for matters of public interest for the cultural heritage and its protection;

5. Follows and analyses the situation of the cultural heritage and proposes acts and measures for realisation, development and improvement of its protection;
  6. Leads central data base and special national inventories of the cultural heritage in the meaning of this Law and ratified international agreements;
  7. Performs classification according to the National classification of the cultural heritage;
  8. Maintains the National register of cultural heritage;
  9. Performs the works connected to the establishment, organisation and development of the Information system for cultural heritage of Republic of Macedonia;
  10. Performs activities of security protection of the cultural heritage and protection in case of armed conflict and natural disasters;
  11. Performs activities of protection against physical damaging accelerated by the pollution and promotion of the quality of the environment in the protected areas;
  12. Manages the cultural heritage in state ownership for which the right of use is given to other holder of that right or for which concession is not granted;
  13. Performs the activities connected with the realisation of the right for priority purchase, determination of the fair compensations, amount of the prize for accidental finding, securing with mortgage and other activities of property nature in the field of the protection of cultural heritage;
  14. Prepares plans and programmes for protection of the cultural heritage, according to this law;
  15. Follows the implementation of the ratified international agreements in the field of the protection of the cultural heritage, proposes and performs activities for realisation of the rights and obligations that occur and prepares national reports for their implementation;
  16. Performs the activities related to the inspection supervision over the implementation of the regulations for the protection of the cultural heritage, in accordance with this law;
  17. Performs the works connected to the international cooperation and help in the filed of the protection of cultural heritage; and
  18. Performs other activities in the filed of the protection of cultural heritage from the authority of the Ministry of Culture, determined in this or other Law.
- (2) Regarding the performance of the works within its competence, the Administration may form committees or other advisory and professional bodies or it may hire experts for certain issues.
- (3) For the appeals on the acts issued by the Administration decides the Ministry of Culture.

## **Section 2**

### **INSTITUTIONS FOR PROTECTION OF THE CULTURAL HERITAGE**

#### **2.1 Institutions for protection of immovable cultural heritage**

##### **National conservation centre**

##### **Article 146**

- (1) The National conservation centre is main national institution for protection of the immovable cultural heritage.
- (2) The National conservation centre in the meaning of paragraph 1 of this article performs the following functions:
  1. Keeps main records of the protected immovable goods which are assumed as cultural heritage;

2. Performs experts control of the conservation projects made by the authorised national protection institutes;
3. Performs conservation supervision of the works on direct protection by the authorised national protection institutes;
4. Coordinates the work of the protection institutes and provides them the necessary experts help;
5. Takes care about the promotion of the activity;
6. Takes care for the training of the experts;
7. Submits proposals and gives experts opinions in cases determined in this law and upon request of the states authorities;
8. Performs the works of central laboratory for physical and chemical and biochemical investigations;
9. Performs the works of central information and documentation office for the immovable cultural heritage; and
10. Performs other main functions determined by law.

(3) The national conservation centre performs expert works on the protection of the immovable cultural heritage with exceptional significance.

(4) The national conservation centre, except the activities mentioned in paragraphs 2 and 3 of this article, performs the following activities:

1. Studies, investigates and using scientific processes the questions in the field of the protection of the immovable cultural heritage;
2. Prepares experts elaborates for valorisation and revalorisation of the immovable goods;
3. Prepares protecting and conservation basis for the needs of the spatial and urban plans;
4. Performs archaeological investigations on structures subject to conservation;
5. Performs conservation investigations and other investigation works for protection of the immovable cultural heritage;
6. Prepares conservation projects;
7. Performs experts control of the conservation projects prepared by other authorised physical and legal entities;
8. Performs and organises execution of the conservation and restoration works and other works of direct protection, arrangement and presentation of the protected immovable goods;
9. Performs conservation and other kind of experts supervision over execution of protection measures on the immovable cultural heritage, in accordance with this law;
10. Performs expertises and evaluation of damage on the protected immovable goods;
11. Provides experts help to the holders of the protected goods;
12. Publishes publications and performs popularisation of the immovable cultural heritage and its protection; and
13. Performs other activities determined with this or other law.

The activities of paragraph 4, item 2, 3, 5, 6, 8, 10 and 11 of this article when there is not a question of cultural heritage of exceptional importance, as well as the items 7 and 9 of paragraph 4 of this article, are performed by the National conservation centre as authorised conservation centre, if there is no conservation centre in the area where the immovable good is situated.

(6) The National conservation centre performs direct protection of movable cultural heritage that is entrusted by authorised public institution for protection or by other holder of such good.

(7) The National conservation centre manages the immovable cultural heritage in state ownership, for which the right of use has been transferred to the centre.

**Conservation centres**  
**Article 147**

- (1) The Conservation centre is a national institution for protection of the immovable cultural heritage.
- (2) Conservation centre is established for area with larger number of immovable goods with high importance or area with significant concentration of other immovable cultural heritage.
- (3) Conservation centre, according to the law can be established if the following conditions are fulfilled:
1. Provided basic working means;
  2. Provided finances for continuous performing of the activity; and
  3. To have employed at least one expert with completed high education in the field of architecture, archaeology, painting techniques, history of arts, history and ethnology, of which at least 1 persons with the status of authorised investigator, and at least 2 persons with the status authorised conservator.
- (4) The Conservation centre performs the works of article 146, paragraph 4 of this Law, for the area where is established.
- (5) The conservation centre performs the works of article 146, paragraph 6 and 7 of this Law.

**Institutions for management of protected goods**  
**Article 148**

- (1) The Republic can, according to Law and under conditions determined in article 147, paragraph 3 of this law, to establish special institutions for management and implementation of measures for protection of immovable cultural heritage in state ownership, especially for larger and more significant protected areas.
- (2) The institutions of paragraph 1 of this article, for the purpose and for the immovable cultural heritage for which they are established:
1. Perform experts works for maintenance, arrangement and usage;
  2. Perform measures for direct protection;
  3. Perform presentation and popularisation;
  4. Issue plans for management and protection;
  5. Supply documentation for the state and changes of the protected good;
  6. Prepare conservation projects;
  7. Propose measures which are authority of other authorities and protection institutions; and
  8. Perform other works as holders, according to this law and establishment act.

**2.2. Institutions for protection of movable cultural heritage**  
**Museum institutions**  
**Article 149**

- (1) The protection of the archaeological, ethnological, historical, art and technical objects is performed by public museum institutions according to the kind and area for which they are established, as national institutions for protection of movable cultural heritage.
- (2) For the area and kind of a cultural heritage for which institution of paragraph 1 of this article is not established, the activities for protection are performed by the authorised main institution for protection according to paragraph 3 of this article.
- (3) The authorised main institution for protection of the movable cultural heritage of paragraph 1 of this article is the Museum of Macedonia -Skopje; and
- (4) The provisions of this law for the holders of protected goods are applied for the museum

institutions that do not have the status of national institution for protection of movable cultural heritage, if it is not otherwise prescribed by Law.

(5) The museum institutions of paragraphs 1 and 2 of this article, according to the kind of the goods and the area for which they are authorised, perform the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of movable cultural heritage;
2. Prepare experts elaborates for valorisation and revalorisation of the movable goods;
3. Perform archaeological investigations;
4. Perform conservation investigations and other investigation activities for protection of the movable cultural heritage;
5. Prepare conservation projects;
6. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
7. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected movable goods;
8. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the movable cultural heritage;
9. Perform expertises and assessment of damage on the protected movable goods;
10. Give experts assistance to the holders of protected goods;
11. Issue publications and perform popularisation of the movable cultural heritage and its protection; and
12. Perform other works for which are authorised according to this and other Laws.

#### **Main institution for protection Article 150**

The museum of Macedonia - Skopje as the main institution, performs the following activities:

1. Performs expert works for protection of movable cultural heritage of exceptional importance;
2. Keeps material records for the protected good and for the goods that are assumed that are cultural heritage;
3. Performs expert control on the conservation projects prepared by authorised national institutions for protection;
4. Performs conservation supervision on the works of direct protection performed by the authorised national institutions;
5. Coordinates the work of the protection institutions and provide them with the necessary expert assistance;
6. Takes care for the promotion of the activity;
7. Takes care for training of the experts staff in the activity;
8. Submits proposals and gives experts opinions in the cases determined in this law and upon request of the state authorities;
9. Performs the works of central laboratory for physical and chemical and biochemical investigations;
10. Performs works of central information and documentation office of the movable cultural heritage; and
11. Performs other main functions determined by law.

**Library institutions**  
**Article 151**

(1) The protection of library goods according to the area for which they are established is performed by the library institutions as national institutions for protection of movable cultural heritage.

(2) For the area for which institution of paragraph 1 of this article is not established the activities for protection are performed by the authorised main institution for protection according to paragraph 3 of this article.

(3) Authorised main institution for protection of movable cultural heritage of paragraph 1 of this article is the National and University Library "Kliment Ohridski" - Skopje.

(4) The provisions of this law for the holders of protected goods are applied for the library institutions that do not have the status of public institution for protection of movable cultural heritage, if it is not otherwise prescribed by Law.

(5) The library institutions of paragraphs 1 and 2 of this article, according to the area for which they are authorised, perform the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of library goods;
2. Prepare expert elaborates for valorisation and revalorisation of the library goods;
3. Perform conservation investigations and other investigation activities for protection of the library goods;
4. Prepare conservation projects;
5. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
6. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected library goods;
7. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the library goods;
8. Perform expertises and assessment of damage on the protected library goods;
9. Give experts assistance to the holders of library goods;
10. Issue publications and perform popularisation of the library goods and their protection; and
11. Perform other works for which are authorised according to this and other Laws.

**Main library institution**  
**Article 152**

The National University Library "St. Kliment Ohridski" Skopje as the main institution performs the following works:

1. Performs expert works for protection of library goods of exceptional importance;
2. Keeps material records for the library goods and for the goods that are assumed that are cultural heritage;
3. Performs expert control on the conservation projects prepared by authorised national institutions;
4. Performs conservation supervision on the works of direct protection performed by the authorised national institutions;
5. Coordinates the work of the protection institutions and provide them with the necessary expert assistance;
6. Takes care for the promotion of the activity;
7. Takes care for training of the experts staff in the activity;

8. Submits proposals and give experts opinions in the cases determined in this law and upon request of the state authorities;
9. Performs the works of central laboratory for physical and chemical and biochemical investigations;
10. Perform the works of central information and documentation office of the movable cultural heritage; and
11. Performs other main functions determined by law.

**Film archive institution**  
**Article 153**

(1) The protection of film goods in the meaning of this law is performed by the Film Archive of Republic of Macedonia, as national protection institution.

(2) The Film Archive of Republic of Macedonia performs the following activities:

1. Investigate, explore and using scientific methods process the questions in the field of the protection of film goods;
2. Prepare experts elaborates for valorisation and revalorisation of the film goods;
3. Perform conservation investigations and other investigation activities for protection of the film goods;
4. Prepare conservation projects;
5. Perform experts control of the conservation projects prepared by other authorised legal and private entities;
6. Perform and organise performing of conservation and restoration and other works of direct protection and presentation of the protected film goods;
7. Perform conservation and other kinds of experts supervision on the implementation of measures for protection of the film goods;
8. Perform expertises and assessment of damage on the protected film goods;
9. Give experts assistance to the holders of film goods;
10. Issue publications and perform popularisation of the film goods and their protection; and
11. Perform other works for which is authorised according to this and other Laws.

(3) Except the activities of paragraph 2 of this article, the Film Archive performs the following activities:

1. Take care for the promotion of the activity;
2. Take care for training of the experts staff in the activity; and
3. Perform the works of central information and documentation office of the film goods.

**Section 3**

**OTHER AUTHORISED SUBJECTS FOR PROTECTION OF THE CULTURAL  
HERITAGE**

**3.1 Administration organisation**

**State archive**

**Article 154**

(1) The protection of archive goods as movable cultural heritage is performed by the State Archive of Republic of Macedonia, according to the Law.

(2) The archive, according to this law, performs the following activities:

1. Keeps basic records for the archive goods;
2. Prepares elaborates for valorisation and revalorisation of the archive goods of significant

importance;

3. Issues resolution for proclamation of archive goods as endangered cultural heritage;
4. Performs conservation investigations;
5. Prepares conservation projects;
6. Performs conservation activities on archive goods;
7. Performs conservation supervision;
8. Takes measures for security protection of the archive goods; and
9. Perform other works for which is authorised according to this and other Laws.

**3.2. Other institutions and other legal entities**  
**Ateliers, Laboratories, Workshops**  
**Article 155**

(1) According to law local and private institutions and other legal entity can be established for performing activities of direct protection of immovable and movable cultural heritage and other expert works of closer speciality for certain type of protected goods (atelier, laboratory, workshop etc.).

(2) The institution or other legal entity of paragraph 1 of this article can be established if:

1. There are finances and equipment provided;
2. There are at least 3 employees with appropriate university education, of which at least one employee with status of authorised conservator; and
3. It is registered for performing activities of direct protection of the cultural heritage and to perform that activity as main activity.

(3) The institution and other legal entity of paragraph 1 of this article can commence with its activities when the Ministry of Culture, with resolution, determines that the conditions of paragraph 2 of this article are met.

**Authorised subjects for protection**  
**of the phonogram archives goods and spiritual cultural heritage**  
**Article 156**

For performing activities of recording, documentation, valorisation, categorisation and other kind of experts protection of the phonogram archives goods and spiritual cultural heritage, the Minister of Culture can, according to the type of the goods and the nature of the activities, with a resolution, determine authorised entities from the poll of public protection institutions or scientific and expert institutions or other legal entities registered for activities in the fields of phonogram archives goods and spiritual works.

**Citizen's associations**  
**Article 157**

(1) The Ministry of Culture, with resolution, can entrust performing of the following public authorisations to citizen associations in the field of protection of cultural heritage:

1. Certain activities of keeping and maintenance of immovable cultural heritage in state ownership which is managed by the ministry;
2. Organisation of public debates during preparing laws and other regulations for cultural heritage of its authority;
3. Organisation of public and expert debates for draft acts for proclamation of cultural heritage of special importance;

4. Consulting services during making decisions on important questions in the field of the protection of cultural heritage;
  5. Involvement in following and analysis of the implementation of the national and relevant international regulations in the field of protection;
  6. Development of new methodologies and mechanisms for development and improvement of the system for protection of the cultural heritage;
  7. Realisation of projects for improvement of the protection of cultural heritage of national interest; and
  8. Other activities according to this or other law.
- (2) Granting and cancelling of the public authorisations in the meaning of paragraph 1 of this article is performed according to the Law.

## **Chapter VII**

### **NATIONAL CULTURAL HERITAGE COUNCIL**

#### **Establishment, status, composition and mandate**

##### **Article 158**

- (1) National cultural heritage council is established as advice and coordination body of the Government of Republic of Macedonia is established for following, implementation and promotion of the protection and use of the cultural heritage (hereinafter as: National council).
- (2) The National council is consisted of president and 14 members, appointed by the Government of Republic of Macedonia.
- (3) The Minister of Culture is president of the National council, ex officio.
- (4) The members are appointed from the pool of eminent persons in the field of protection of cultural heritage and related areas, MASA (Macedonian Academy of Sciences and Arts) and the universities as well as the religious communities and associations of this area.
- (5) The members of the National council are appointed for period of four years and they can be reappointed one more time.

#### **Authority of the National council**

##### **Article 159**

- (1) The National council:
1. Considers the general questions connected to the protection of cultural heritage and gives opinions and recommendations for promotion of the protection;
  2. Proposes national strategy for protection and use of the cultural heritage;
  3. Discusses the open issues connected to the protection of cultural heritage and gives opinion for their resolution;
  4. Proposes national action plan for prevention of the crimes against cultural heritage and coordinates its implementation;
  5. Proposes the priority list from article 110 of this law;
  6. Gives opinion on proposals for proclamation of reserved archaeological zones and cultural heritage of special importance;
  7. Gives opinion for dislocation, leaving and demolishing of immovable cultural heritage of special importance;
  8. Gives opinion for use of immovable cultural heritage in state ownership with concession;

9. Coordinates the work connected to implementation of the ratifies international agreements for protection of the cultural heritage and gives opinion on the national reports that are submitted to the international governmental organisations by Republic of Macedonia;
  10. Establishes coordination board for protection of cultural goods in case of armed conflict and other permanent and temporary auxiliary bodies;
  11. Issues regulations for its work; and
  12. Performs other activities for which it is authorised by law or other regulations.
- (2) The National council submits report for its work at least once a year to the Government of Republic of Macedonia.

**Administrative activities**  
**Article 157**

The administrative activities of the National council are performed by the Ministry of Culture.

**Chapter VIII**

**EXPERT TITLES**

**System of expert titles according to the protection activities**  
**Article 161**

- (1) The expert works in the protection activities of the cultural heritage are performed by employees with relevant secondary, higher and university education for common and special non elected expert titles and employees with common and special elected expert titles, determined by this law and the laws on the activities for protection of movable cultural heritage.
- (2) The law on the activities for protection of movable cultural heritage determines non elected and elected expert titles for the expert works:
  1. That are not mentioned in article 162, paragraph 3 and 4 of this law;
  2. Which specificity comes from the type of the movable cultural heritage.
- (3) The expert titles determined in the meaning of paragraph 2 of this article, according to their rank are equal to the ones determined in this law.
- (4) The expert titles in the activities for protection of the cultural heritage are base for:
  1. Systematisation of the works and working tasks for working places and degrees of titles in the working places;
  2. Assignment of the employees on working places and giving authorisations for performing of certain activities; and
  3. Realisation of the rights according to the law and Collective agreement.

**Common expert titles**  
**Article 162**

- (1) Common non-elected expert titles according to article 161, paragraph 1 of this law are:
  1. Laboratory technician, conservation technician and documentation technician for works with relevant secondary education;
  2. Senior laboratory technician, senior conservation technician, senior documentation technician for works with relevant higher education; and
  3. Conservator and registrar for works with relevant university education.
- (2) Common elected expert titles in the meaning of article 161, paragraph 1 of this law are:
  1. Senior conservator and senior registrar;

2. Conservator - advisor and registrar - advisor.

(3) The expert titles of paragraphs 1 and 2 with exception for the ones for works in paragraph 4 of this article are for expert employees in the monument activity as well as for the ones that completely or mostly perform activities of direct protection of movable cultural heritage.

(4) The expert titles of paragraphs 1 and 3 with exception for the ones in paragraph 3 of this article are for expert employees that completely or mostly perform activities of documentation, processing, keeping and issuing of the documentation for the protected goods, i.e. for the information and documentation offices in the public protection institutions.

### **Special elected expert titles** **Article 163**

In the activities for protection of movable cultural heritage, except the ones from article 160, without restriction in the title, special expert titles can be determined, such as:

1. Custodian, senior custodian and custodian - advisor, in the museum activity;
2. Librarian, senior librarian and librarian -advisor in the library activity;
3. Film scientist, senior film scientist i film scientist - advisor, in the film archive activity.

### **Conditions for election and re-election for expert titles** **Article 164**

(1) For the title senior conservator and senior registrar can be elected person with:

1. Completed master studies in the relevant field or at least ten years of working experience as conservator i.e. registrar; and
2. Published or known expert works for promotion of the protection of the cultural heritage in the closer filed for which is elected; and
3. Ability of individual organisation of the expert work.

(2) For the title conservator - advisor and registrar - advisor can be elected person with:

1. PhD in the relevant field or ten years work experience as senior conservator i.e. senior registrar, and
2. Published or known expert works of exceptional importance for the promotion of the protection of the cultural heritage in the closer filed for which is elected.

(3) The persons elected in the titles from paragraph 1 and 2 of this article are re-elected every five years.

(4) As an exception the person elected for the title form paragraph 2 is not re-elected after the first re-election.

### **Authority and procedure for election and re-election for expert title** **Article 165**

(1) The election and re-election for the expert titles of article 161 of this law is performed by the Ministry of culture, based on the assessment of review committee.

(2) The procedure for election and re-election for expert title is started upon request by the interested expert employee. The re-election procedure can be started upon initiative of the director of the public institution for protection or by the management body of the public protection institution, no later than three months before the re-election deadline.

(3) The review committee, stipulated in paragraph 1 consists of at least three members, elected from the pool of persons with at least the same title as the one for which the election

or re-election is held or relevant scientific title. More than half of the members of the committee are consisted of persons from the same field for which the candidate is elected.

(4) The review committee submits written report within the time specified in its formation act.

(5) The report from paragraph 4 of this article holds the biographical data of the candidate, review and assessment of his expert work and assessment of the fulfilment of the conditions for election or reelection.

(6) The procedure for election and re-election for expert title last in no more than three months.

(7) The provisions of the paragraphs 1, 2, 3, 4, 5, and 6 of this article are also applicable for the election or re-election in the relevant special expert titles in the activities of protection of movable cultural heritage if it is not determined in other way.

### **Compliance and description**

#### **Article 166**

The Minister of Culture, with a general act determines the compliance of the education and the description of the common and special expert titles from articles 162 and 163 of this law.

## **Chapter IX**

### **INSPECTION SUPERVISION**

#### **Cultural heritage inspectors**

##### **Article 167**

(1) The inspection supervision of the implementation of this law and of the other regulations in the field of the protection of the cultural heritage, with exception of the inspection supervision in authority of the Archive, is performed by the Administration through cultural heritage inspectors (hereinafter: inspector).

(2) Inspector can be a person with relevant university education and working experience in the field of cultural heritage protection of at least 4 years.

(3) The inspector holds Identification.

(4) The form of the identification and the manner of its issuing are prescribed by the Minister of Culture.

#### **Authorities of the inspector**

##### **Article 168**

(1) During the inspection supervision the inspector is authorised to:

1. Inspect the condition of the protected goods and their keeping, maintenance and use, as well as to inspect the performing of the activities of direct protection and implementation of other measures for protection and execution of the laws and other regulations during the archaeological, conservation and other investigations and to request the necessary data;

2. Perform control on the keeping records, inventory and other public books for the protected goods and to control the keeping, availability and use of the documentation, including the registers and the documents for the origin of the goods;

3. Order execution of the laws and other regulations and prescribed measure and removal of determined mistakes and irregularities;

4. Forbid execution of illegal measures or other actions that are performed without previous agreement and authorisation or in contrary to the conditions thereby specified;

5. Submit violation and criminal charges;

6. Order physical, technical and other security of the protected goods if there is danger for their damaging and destroying;
7. Submit a proposition for revoking of license or other permit or agreement or to submit a proposition for revoking of previous agreement and permit, issued according to the provisions of this Law;
8. Temporary to take off protected movable good which is obtained with criminal or violation activities; and
9. Perform other activities prescribed by law.

(2) The inspector is authorised to enter the rooms and to access the places where the activity is performed in the public protection institution or in other authorised legal entity, at any time, without previous announcement.

### **Duties of the inspector Article 169**

Performing the activities of his authority the inspector is obligated:

1. Immediately to inform the director of the public protection institution or the responsible person of other authorised legal entity, for the time of the inspection;
2. To compose a record for the performed inspection where the found condition will be included and the measures that are taken or execution that is ordered;
3. To submit the record to the management body of the legal entity, i.e. to the holder of the protected good;
4. Without delay to inform the authorised inspection i.e. the authority if there is violation of law or other regulation whose implementation is in their authority; and
5. Immediately to submit request for commencement of violation procedure or criminal charges, if the violation of the law or the regulation is violation or crime.

### **Enabling inspection supervision Article 170**

The public protection institution and the authorised legal entity whose activity is subjected to supervision, as well as the holder of the protected good are obligated to:

1. Provide uninterrupted supervision of the condition, work and acts;
2. Give all the necessary documentation; and
3. Give all the required data and information.

### **Inspector's Resolution Article 171**

(1) If the inspector finds irregularities, defects or other violations of law or regulation, the inspector issues resolution where he determines the measures and the deadline for their execution, as well as the deadline when the authorised person is obligated to inform the inspector for the removal of the irregularities.

- (2) Appeal can be submitted against the inspector's resolution to the Ministry of Culture in 8 days from the day of the receipt of the resolution.
- (3) The Appeal does not delay the execution of the resolution.
- (4) During the inspection supervision the inspectors act according to the rules of the administrative procedure.

## **Chapter X**

### **PENALTY PROVISIONS**

#### **Article 172**

- (1) A legal entity shall be penalised for violation with a fine not exceeding Den. 200.000 to 300.000 if:
4. Performs archaeological investigations without a permit from the Administration (Article 55, paragraph 1);
  5. Immediately does not stop the activities nor take measures for securing of the archaeological site or if he does not keep the found objects on the place and in the condition in which they are found, when it is a matter of accidental finding (Article 65, paragraph 1, items 2 and 3);
  6. Does not obtain agreement on the project documentation for construction of new or reconstruction of existing investment structure that can directly or indirectly violate the integrity of the cultural heritage (Article 75, paragraph 1);
  7. Dislocates immovable cultural heritage without a Decision of the Government or an agreement from the Administration (Article 76, paragraphs 4 and 5);
  8. Leaves endangered cultural heritage without an agreement of the authorities or without complete investigation, documentation and taking of the necessary measures for saving (Article 77);
  9. Demolishes dilapidated cultural heritage without an agreement from the authorities (Article 78);
  10. Performs conservation investigations without a permit from the Administration, in cases when such a permit is necessary (Article 82, paragraph 3);
  11. Performs activities of direct protection without a conservation permit (Article 87, paragraph 1);
  12. Does not check the origin of the movable good or does not inform the Administration or the authority of internal affairs for any suspicious offer for purchase (Article 92, paragraph 1 and 2);
  13. Within a collection, possess a protected good from domestic or foreign origin, acquired in a manner contrary to the law (article 93, paragraph 2, item 1);
  14. Within a collection, possesses a protected good included in a public collection (article 93, paragraph 2, item 2);
  15. Within a collection, possesses a protected good which is an integral part of a protected immovable good (article 93, paragraph 2, item 3);
  16. Within a collection, possesses an archaeological artefact (article 93, paragraph 3);
  17. Does not take measure of security protection of the cultural heritage (Article 102, paragraph 1);
  18. Does not take measures of protection and saving of the cultural heritage in case of armed conflict or natural disaster (Article 107, paragraph 1);
  19. Does not perform reinstatement, after caused damage on the cultural heritage in cases determined in this law (Article 139, paragraph 1); and

20. Does not enable inspection (Article 170).

(2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 20.000 to 50.000 for the violation of paragraph 1 of this article.

(3) A individual trader shall be penalised with a fine not exceeding Den. 20.000 to 50.000 for violation of paragraph 1, item 1, 2, 3,7,8, 9, 10, 11, 12, 13, 14,15 and 17 of this article.

(4) An individual shall be penalised with a fine not exceeding Den. 20.000 to 50.000 for violation of paragraph 1, item 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this article.

(5) For the violation of paragraph 1, item 2, 3, 5, 9, 10, 11, 12 and 13 of this article, the individual or the legal entity can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.

(6) For the violations of paragraph 1, item 1, 3, 4, 6, 7, 8 and 14 of this article, the legal entity can be pronounced a security measure prohibition for performing the activity in the period of 6 months to 2 years.

### **Article 173**

(1) A legal entity shall be penalised for violation with a fine not exceeding Den. 100.000 to 200.000 if:

1. Does not keep records for the archaeological investigations and protection measures that are taken (Article 59, paragraph 1, item 1);

2. Does not provide keeping and maintenance of archaeological site and findings (Article 59, paragraph 1, item 2);

3. Does not take appropriate protection measures and leaves the findings uncovered or open during the archaeological excavations (Article 59, paragraph 1, item 3);

4. Does not perform or does not organise performing of conservation works on the site or on the findings during the investigations (Article 59, paragraph 1, item 4);

5. Does not take the necessary measures for technical security of the site and arrangement of its proximity before leaving the terrain (Article 59, paragraph 2, item 1);

6. Does not reinstate the terrain where the archaeological investigations are performed, before leaving the terrain, if the site is not preserved or presented (Article 59, paragraph 2, item 2);

7. Does not submit a report for the archaeological investigations in the relevant deadline (Article 59, paragraph 3, item 1);

8. Does not hand over the final documentation for the archaeological investigations in the determined deadline (Article 59, paragraph 3, item 2);

9. Does not publish the results of the archaeological investigations in the determined deadline (Article 59, paragraph 3, item 3);

10. Does not hand over the movable findings in the respective museum in the determined deadlines by the law (Article 59, paragraph 3, item 4);

11. Does not obey the right of scientific ownership (Article 62, paragraph 2, items 2 and 3);

12. Uses metal -detectors and other detection equipment during the archaeological investigations, without a permit or uses such equipment for performing or initiating illegal excavations (Article 63, paragraph 1 and 3);

13. Does not hand over accidentally discovered objects taken from the place where they have been found or does not take the necessary measures for their protection from damage and stealing (Article 65, paragraph 2, item 1);

14. Does not give the relevant data about the place, position of the objects, time of the accidental finding and circumstances in which it is done (Article 65, paragraph 2, item 2);

15. Uses protection and conservation basis for preparation of Draft physical and urban plan that have not been approved and registered in the Administration (Article 71, paragraph 6);

16. Does not submit a report for performed conservation investigations and does not hand over the final documentation in the deadlines determined by the law (Article 84);
  17. Does not perform expert control of the conservation project (Article 86, paragraph 1);
  18. Does not act according to the remarks given in the report for the performed expert control on the conservation project (Article 86, paragraph 5);
  19. Does not perform conservation supervision on the performing of the works of direct protection (Article 89, paragraph 1);
  20. Does not remove the determined irregularities according to the remarks given during the commissioning of the performed works (Article 91, paragraph 7);
  21. Does not inform the authorised protection institution for any purchased object, before its putting on sale or does not submit monthly report for the sale of antiques, art and other objects of collections (Article 94, paragraph 2, item 1);
  22. Does not obtain a document for waiving using the right of priority purchase of protected good (Article 94, paragraph 2, item 2);
  23. Performs exchange and relinquishing of protected movable goods without permit from the Administration (Article 95, paragraph 3);
  24. Does not pass a plan for preventive protection and emergency action in case of illegal actions (Article 104, paragraph 1).
  25. Does not report a cultural heritage or good which is assumed to be a cultural heritage, as well as factual or legal change of protected good after its reporting, in the deadline determined in this law (Article 129);
  26. Does not treat the protected good as good guardian, i.e. does not keep, obey, maintain it or does not take the prescribed protection measures in time (Article 130, paragraph 1);
  27. Does not compensate invested public resources in case of selling of the protected good (Article 131, paragraph 1);
  28. Does not allow documentation, studying, investigation and performing protection measures in case when authorisation is issued by the Administration (Article 132, paragraph 1 and 2);
  29. Does not relinquish cultural heritage for temporary use for the needs of cultural manifestations (Article 133, paragraph 1);
  30. Does not enable accessibility of the cultural heritage to the public in special way (Article 134, paragraph 1 and 2);
  31. Does not obey the right of priority purchase (Article 140, paragraph 1);
- (2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 10.000 to 30.000 for the violation of paragraph 1 of this article.
  - (3) An individual trader shall be penalised with a fine not exceeding Den. 10.000 to 40.000 for violation of paragraph 1 of this article.
  - (4) An individual shall be penalised with a fine not exceeding Den. 10.000 to 30.000 for violation of paragraph 1 of this article.
  - (5) For the violation of paragraph 1, item 3, 13, 21, 23, 25, 26 of this article the legal entity and the individual can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.
  - (6) For the violations of paragraph 1, item 1,2,3,4,5,6,7,8,9,12,13,14,15,16,18,20,21,23 and 24 of this article, the legal entity can be pronounced a security measure prohibition for performing the activity in the period of 6 months to 2 years.

#### **Article 174**

- (1) A legal entity shall be penalised for violation with a fine not exceeding Den. 50.000 to 150.000 if:

1. Does not keep records for the cultural heritage and goods that are assumed that they are cultural heritage, prescribed in this law (Article 34);
  2. Does not submit an application for registration of cultural heritage, protected ex lege (Article 46, paragraph 1, item 1);
  3. Does not perform marking of the immovable cultural heritage with protection sign or does not perform the marking in the determined deadline (Article 48, paragraph 2);
  4. Does not perform marking of the immovable cultural heritage and special transportation of movable cultural heritage or performs the marking without an approval from the Administration (Article 48, paragraph 3);
  5. Does not inform the public about the progress of the archaeological investigations (Article 59, paragraph 1, item 5);
  6. Does not enable inspection of the site and of the findings by authorised persons (Article 59, paragraph 1, item 6);
  7. Puts signs, advertisements, boards, posters and other information on protected immovable good without approval from the Administration (Article 80);
  8. Does not present and issue appropriate document for ownership of the protected good that is put on sale (Article 94, paragraph 2, item 3);
  9. Does not inform the buyer for the possibility for ban of export of the purchased good (Article 94, paragraph 2, item 4);
  10. Does not inform the Administration for return in the country of the exported protected good and the state in which it is (Article 96, paragraph 5);
  11. In the determined deadline does not report import of movable cultural heritage (Article 99);
  12. Does not determine appropriate measures for reducing of the harmful impact of the pollution on the cultural heritage (Article 111, paragraph 1, item 3);
  13. Does not take measures for improvement of the quality of the environment in the protected areas (Article 112, paragraph 1);
  14. Performs economic activity in immovable cultural heritage or in other immovable good protected according to the provisions of this law without previous approval by the Administration (Article 121, paragraph 1);
  15. Uses name and shape of cultural heritage for commercial purposes without approval of the Administration (Article 122);
  16. Does not provide expert assistance to a holder of protected good in emergency situations (Article 123, paragraph 5);
  17. Does not admit for temporary keeping movable cultural heritage for which the holder has a right of depositing (Article 128, paragraph 1); and
  18. Does not inform the new holder of the protected good for the status and for the regime of protection of the good, as well as for the obligations based on other legal basis (Article 135).
- (2) A legal entity's responsible person shall also be penalised with a fine not exceeding Den. 5.000 to 20.000 for the violation of paragraph 1 of this article.
- (3) A individual trader shall be penalised with a fine not exceeding Den. 5.000 to 30.000 for violation of paragraph 1, item 8, 9, 10, 11 and 18 of this article.
- (4) A individual shall be penalised with a fine not exceeding Den. 5.000 to 20.000 for violation of paragraph 1, item 5, 6, 7, 8, 9, 10, 11 and 18 of this article.
- (5) For the violation of paragraph 1, item 8, 9, and 11 of this article the individual or legal entity can be pronounced with a security measure repossessing of the objects that are protected movable good that is obtained as a result of the violation.

## **Chapter XI**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Section 1**

#### **TRANSITIONAL PROVISIONS**

##### **Valorisation and revalorisation of the cultural monuments**

##### **Article 175**

- (1) The procedures for determining of status of cultural monument for movable and immovable goods commenced according to the regulations valid before the implementation of this law will be finished according to the provisions of this law.
- (2) The cultural monuments whose status is determined with resolution of the authorised institution for protection of cultural monuments according to the regulations that were applicable until the implementation of this law, remain under protection, till completing of the procedure for their revalorisation according to this law.
- (3) The revalorisation in the meaning of paragraph 2 of this article will be performed in three years for immovable and one year for movable cultural monuments, counted from the day of the implementation of this law.
- (4) The revalorisation of the cultural monuments according to paragraph 2 of this article will be performed according to special programme issued by the Ministry of Culture.
- (5) The resolution from paragraph 2 of this article stay applicable until the issuing of the appropriate act in the revalorisation procedure for the cultural monuments.

##### **Revalorisation of certain natural rarities**

##### **Article 176**

- (1) The memorial natural monuments and other integral goods made by the human and the nature, protected as natural rarity according to the regulations applicable until the implementation of this law, remain under protection as natural heritage until their revalorisation as cultural heritage, i.e. cultural areas in the meaning of this law.
- (2) As an exception, the natural rarities of paragraph 1 of this article for which resolution for determination of a status of cultural monument are issued, remain under protection as cultural heritage till their revalorisation in the meaning of article 175 of this law.
- (3) The revalorisation of the integral goods of paragraph 1 of this article is performed in 3 years from the day of the implementation of this law, if a law in the field of the protection of the natural heritage does not determine other deadline for transitional regime.
- (4) The Ministries of Culture and environmental protection and physical planning review the goods of paragraph 1 and 2 of this article and prepare a list of natural rarities for revalorisation as cultural areas.
- (5) The elaborates for revalorisation of the goods in the list of paragraph 4 of this article are prepared by joint teams formed with resolution by the Ministries of Culture and of environment and physical planning.

**Start of the Administration**  
**Article 177**

- (1) The Administration commences with its activities from the day of the appointment of its Director.
- (2) The Government of Republic of Macedonia in 30 days from the day of going into effect of this law will appoint the Director of the Administration.
- (3) In 30 days from the commencement of the work of the Administration, the organisation acts and the systematisation of working places will be issued.
- (4) The Administration takes over and assigns the employees of the Institutions for protection of the cultural monuments of article 178 of this law and of certain institutions for protection of movable cultural heritage, according to the acts of paragraph 3 of this article, within 6 months of the day of legal effectuation of this law.
- (5) On the day of implementation of this law the administration takes over the necessary documentation, the archives and other premises for the part of the authority of the Administration from the Institutions for protection of the cultural monuments of article 178 of this law and of certain institutions for protection of movable cultural heritage.

**Reorganisation of the Institutes for protection of cultural monuments**  
**Article 178**

- (1) Starting from the day of the implementation of this law:
  1. The Republic Institute for protection of cultural monuments continues its work as National conservation centre with authority in the municipalities where conservation centres are not established;
  2. The Institute for protection of cultural monuments of the city of Skopje continues its work as Conservation centre - Skopje with authority in the area of the municipalities Centar, Karpos, Gjorce Petrov, Saraj, Kondovo, Cucer Sandevo, Cair, Suto Orizari, Gazi Baba, Aracinovo, Ilinden, Petrovec, Zelenikovo, Studenicani, Sopiste and Kisela Voda;
  3. The institute for protection of cultural monuments and national museum of Ohrid, continues its work as Conservation centre - Ohrid with authority in the area of the municipalities Ohrid, Belcista, Kosel, Meseista, Lukovo, Delogozdi, Labunista, Velesta, Vevcani and Struga;
  4. The institute for protection of the cultural monuments, natural rarities and gallery in Bitola continues its work as Conservation centre - Bitola with authority in the area of the municipalities Bitola, Bistrica, Novaci, Bac, Staravina, Mogila, Kukurecani, Capari, Dobrusevo, Demir Hisar, Sopotnica and Resen;
  5. The institute for protection of the cultural monuments, natural rarities and museum in Prilep continues its work as Conservation centre - Prilep with authority in the area of the municipalities Prilep, Dolneni, Topolcani, Krivogastani, Vitoliste, Krusevo and Zitose;
  6. The institute for protection of the cultural monuments, natural rarities and national museum in Stip continues its work as Conservation centre - Stip with authority in the area of the municipalities Stip, Karbinici, Radovis, Konce, Podares, Sveti Nikole, Lozovo, Kocani, Cesinovo, Oblesevo, Zrnovci and Orizari; and
  7. The institute for protection of the cultural monuments, natural rarities and museum in Strumica continues its work as Conservation centre -Strumica with authority in the area of the municipalities Strumica, Novo Selo, Vasilevo, Bosilevo, Kuklis, Murtino, Valandovo, Gevgelija, Miravci, Bogdanci and Star Dojran.
- (2) The Institutes of this article with the new titles and authorities determined in this law continue their work with the employees that will not be taken over by the Administration and

in Ohrid, Bitola, Prilep, Stip and Strumica without the employees that remain in the museums as independent public protection institutions.

(3) The institutions of paragraph 1, item 1 and 2 of this article will harmonise their organisation in the period of six months and the institutions of item 3, 4, 5, 6 and 7 of the same paragraph, will harmonise their organisation in one year from the day of the implementation of this law.

(4) The national conservation centre and the conservation centres determined in paragraph 1 of this law continue their work as national protection institutions.

(5) The Museums of paragraph 2 of this article continue their work as national protection institutions till the determination of their status according to the law.

(6) The distribution of the employees and the arrangement of the questions connected with the equipment, inventory and other things, the archives, documentation, working means and other inventory of the institutions of paragraph 1, item 3, 4, 5, 6 and 7 of this article will be performed in six months from the day of the implementation of this law.

**Determination of authorised entities for protection  
of the phonogram archives goods and spiritual cultural heritage  
Article 179**

The Minister of Culture will determine the legal entities of Article 156 of this law in 30 days from the day of implementation of this law.

**Establishment of the National Council  
Article 180**

The National Council will be established in 30 days from the day of the implementation of this law.

**Bylaws  
Article 181**

The regulations whose enactment is prescribed with this law will be enacted no later than eight months from the day of going into effect of this law.

**Expert titles  
Article 182**

(1) The titles of the persons that have obtained the titles of conservator and conservator - advisor till the day of the implementation of this law, according to the Law on protection of cultural monuments (Official Gazette of SRM no. 24/73 and 42/76 and Official Gazette of RM no.12/93) will be recognised.

(3) The procedures for obtaining titles senior conservator, conservator -advisor, commenced according to the regulations applicable before the implementation of this law will be finished according to the provisions of this law.

**Section 2**  
**FINAL PROVISIONS**

**Termination of application of the existing law**  
**Article 183**

The Law on protection of cultural monuments ("Official Gazette of SRM", no. 24/73 and 42/76 and " Official Gazette of RM" no. 12/93) shall cease to apply on the day of implementation of this law

**Effectuation and implementation of the law**  
**Article 184**

This law goes into effect the eighth day after the publication in the Official Gazette of Republic of Macedonia and its implementation starts on 01.01.2005.

**2. LAW ON NATURE PROTECTION – 2004 / Published in Official Gazette of the Republic of Macedonia No. 67/2004**

**I. GENERAL PROVISIONS**

**Subject of regulation  
Article 1**

- (1) This Law shall regulate the nature protection by protecting the biological and landscape diversity, and the protection of the natural heritage, in protected areas and outside of protected areas (hereinafter: protection of nature).
- (2) In addition to the provisions of this Law, the use of natural resources for economic purposes shall also be regulated by the provisions of sectoral laws.
- (3) The provisions of the Law on Environment shall also apply to nature protection, unless otherwise prescribed by this law.
- (4) Provisions of other laws referring to nature protection shall also apply to nature protection.
- (5) The procedures stipulated in this Law shall be regulated by the provisions of the Law on General Administrative Procedure, unless otherwise regulated by this Law.

**Public interest  
Article 2**

Nature protection shall be an activity of public interest.

**Scope of protection  
Article 3**

- (1) Biological diversity protection shall be carried out through establishment and implementation of a system of measures and activities for protection of wild species, including their genetic material, habitats and ecosystems, for the purpose of providing for a sustainable use of the components of biological diversity and maintenance of natural balance.
- (2) Landscape diversity protection shall be carried out through establishment and implementation of a system of measures and activities for conservation and maintenance of characteristic values of the landscape that derive from its natural configuration and/or the type of human activity.
- (3) Natural heritage protection shall be carried out through establishment of a system that shall specify the measures, procedures and methods for acquiring the status of natural heritage and for implementation of its protection.

**Objectives of the Law  
Article 4**

The objectives of this Law shall be:

1. Determination and monitoring of the state of nature;
2. Conservation and restoration of the existing biological and landscape diversity in a state of natural balance;

3. Establishment of a network of protected areas for the purpose of sustainable protection of the features on the basis of which they have acquired the status of natural heritage;
4. Providing for sustainable use of natural wealth in the interest of the present and future development, without significant damage of parts of the nature and with the least possible disturbance of natural balance;
5. Prevention of harmful activities of individuals and legal entities and disturbance in nature as a result of technological development and performance of activities, i.e. providing for the best possible conditions for protection and development of the nature;
6. Providing for the citizen to exercise their right to healthy environment.

### **Accomplishment of nature protection**

#### **Article 5**

The protection of nature shall be carried out in particular by way of:

1. Determining the components of biological and landscape diversity and the extent to which they are endangered;
2. Creation of conditions and undertaking of measures for nature protection for the purposes of conservation and sustainable management of certain components of biological and landscape diversity, as well as sustainable and rational use of natural wealth;
3. Spatial planning and organization;
4. Incorporation of the conditions and measures for natural wealth protection into the plans on natural wealth management in certain economic activities, such as: general and specific forest management plans, general hunting management plan, programme for pasture management, Strategy and Plan for Water Resources Management, Strategy for Energy Development, Programme for Geological Research and other activities;
5. Monitoring and reporting on the state of nature, public information on the state of nature, as well as enabling public participation in nature protection decisionmaking;
6. Adoption and implementation of strategies, programmes, action plans, management plans, conditions and measures for nature protection;
7. Encouragement and supporting nature protection through public awareness raising, especially in the education process;
8. Sustainable use of natural wealth and awarding a status of natural heritage;
9. Establishment of a system of nature protection and management;
10. Linking and harmonizing the national with the international system for nature protection; and
11. Encouragement of scientific research in the area of nature protection.

### **Definitions**

#### **Article 6**

The terms used in this Law shall have the following meaning:

1. Nature shall mean the entire biosphere, including: components of biological diversity, habitats, geological formations, minerals and fossils, as well as other physical and geographic phenomena on Earth;

2. Biological diversity shall mean the totality of living organisms as an integral part of ecosystems, including the variety within the species, among the species, as well as the variety of the ecosystems;
3. Components of biological diversity shall mean the species of plants, fungi and animals with their habitats, their genetic material and ecosystems;
4. Landscape diversity shall mean the spatial structure of natural and human landscape parts (biological, geological, geomorphologic and cultural characteristics);
5. Landscape shall mean topographically defined territory consisting of characteristic mosaic of mutually dependent types of ecosystems that may be or have been subject to specific human activities. The development of the area is under the influence of natural and/or human factors, or combination of both;
6. Landscape types shall mean similar landscapes that unite due to the similarity of the relief, hydrologic and climate-vegetation characteristics;
7. Traditional landscape characteristics shall mean anthropogenic modified natural features of the landscape occurring as a result of the past traditional manner of land use; the processes occurring within these landscapes are very similar to the natural ones;
8. Natural heritage shall mean the parts of the nature and sites consisting of geologic, physical and geographic or biological formations or a group of such formations, which have extraordinary value from the aesthetic, conservation or scientific point of view. Natural heritage may be: protected area; strictly protected or protected wild species; characteristic minerals and fossils or speleological objects.
9. Status of natural heritage shall mean a special status of protection, which assumes undertaking of special measures and activities for protection of the characteristics due to which the status has been acquired and awarded in accordance with the provisions of this Law;
10. Management Plan for Protected Area shall mean a planning document where the entity, responsible for the management of the protected area, plans the measures and activities for protection of the natural heritage;
11. Protection of nature shall mean every procedure in the system of measures carried out for the purpose of protection of biological and landscape diversity and protection of the natural heritage;
12. Ex-situ protection shall mean conservation of the components of biological diversity outside their natural finds in zoos, aquariums, botanical gardens, dendrariums, and others; as well as, conservation of geological phenomena outside natural finds, mostly minerals/rocks and fossils in museums or private collections;
13. In-situ protection shall mean conservation of natural ecosystems and habitats, as well as maintenance and revitalization of the species capable of surviving in their natural environment, and in case of cultivated plants and domestic animals in the environment in which they have developed their specific characteristics; conservation of geological phenomenon is protection at the place of occurrence or finds of minerals/rocks and fossils;
14. Habitat shall mean the characteristic environment where certain species may be found within the frames of its natural distribution. It also consists of nonliving environment such as soil type, climate, and others; and living environment such as species that may live with the given species and may have important function in the living cycle of that very species;
15. Habitat type shall mean specific habitat, defined by the specific content of species, in which concrete species are inhabited, with regard to the natural habitats; certain type of habitat which is not defined by the site;
16. Favourable status of species or type of habitat shall mean a state, which may in foreseeable future provide the survival of the species or type of habitat. The status shall be considered favourable when:

- The natural distribution of the given habitat type or species and areas covered thereby within the frames of such distribution are stable or expanding;
- It is characterized by specific structure and specific functions necessary for its/their long-term endurance, and when it is probable that such functions and structure will continue to exist in foreseeable future;
- The state of conservation of its characteristic species is favourable, according to this definition;

17. Endangered habitat type shall mean a habitat that is not in a favourable status, or is threatened with extinction;

18. Ecosystem shall mean spatial, more or less limited dynamic complex of biocenosis and non-living environment that interact as functional entirety;

19. Biocenosis shall mean a functional sum of all populations of organisms including microorganisms, plants and animals, that inhabit certain biotope;

20. Biotope shall mean the non-living part of the ecosystem and its characteristics and processes like soil, rocks, water, air, climate, relief, and others;

21. Habitual characteristics shall mean the external (morphologic) characteristics of a specimen of certain species;

22. Flooded plains shall mean plains which periodically, but on regular basis are flooded, and which are characterized with specific vegetation and rich biological diversity;

23. Natural wealth shall mean every authentic component of nature like plant, fungi, animal, mineral, fossil, water, soil, and others;

24. Natural resource shall mean every component of nature used by man for economic purposes, natural wealth within the meaning of this Law;

25. Natural balance shall mean the state of mutually harmonized relations and influences of living organisms among themselves and with the biotope;

26. Wild species shall mean species or sub-species of plant, fungi or animal which was not generated under human influence as a result of breeding;

27. Indigenous species shall mean species naturally occurring in certain ecosystems on certain area;

28.

Non-indigenous species shall mean alien, non-authentic species in certain ecosystems in certain area, introduced intentionally or un-intentionally in most cases by man;

29. Population shall mean a sum units of same species linked in space and time that can freely crossbreed;

30. Extinct species shall mean species whose presence and existence has been proven, but in the meantime, despite of intensive search, has not been found, therefore the suspicion that its population has vanished is justified;

31. Species endangered from extinction shall mean species whose population state and scale has been brought to a critical condition through long-term and strong withdrawal due to the disturbance of the living conditions, was brought to a critical condition;

32. Endangered species shall mean species whose population decreases regionally or locally or has locally vanished;

33. Vulnerable species shall mean species that is not critically endangered or is endangered, but is nevertheless facing a great risk of extinction in nature in mid-term future;

34. Endemic species shall mean species or sub-species whose distribution is limited to certain area;

35. Stenoendemic species shall mean species or sub-species whose distribution is limited to a very narrow area (mountain peak, canyon, etc.)

36. Rare species shall mean species found at less than 5 sites in the Republic of Macedonia, usually of small area in the frames of its wider area; Relict species shall mean species that has

persisted at a certain area (mostly refugium) of some past geological epoch, where it used to be much more represented and characteristic;

38. Monitoring shall mean measuring, monitoring, assessment and control of the state of nature, i.e. the components of biological and landscape diversity;

39. Soil degradation shall mean any action or impact on the soil that deteriorates its quality, i.e. its production potentials;

40. Nature degradation shall mean a state of nature when human activities have changed natural processes in such a degree that the natural balance is disturbed, biological diversity is decreased or the natural wealth is destroyed;

41. Nature disturbance shall mean all activities or impacts on the nature that cause changes in the structure of the nature components, as well as processes that occur therein;

42. Living conditions shall mean the conditions in the environment (all ecological factors) in certain habitat/ecosystem;

43. Introduction shall mean the placing of non-indigenous species or sub-species to an area where the environmental conditions are almost equal to the ones in its natural habitat. Breeding of non-indigenous species under controlled conditions, which prevent introduction in nature, shall not be deemed as introduction.

44. Reintroduction shall mean the introduction of indigenous species or subspecies in an area where it previously disappeared from, and the ecosystem still has almost the same environmental conditions as before;

45. Genetic diversity shall mean the diversity of genes among the units, populations, species and higher taxonomic categories;

46. Environmental corridor is the connector or system of ecological links that enable movement of species from one site/habitat to another;

47. Mineral shall mean a natural homogeneous body in crystallized or amorphous form of persistent chemical composition that could be expressed through chemical formula. Minerals within the meaning of this Law shall not be deemed as mineral resources;

48. Fossil shall mean remaining from animal or plant origin or traces of former life forms from former geologic periods preserved in the lithosphere;

49. Body responsible for the execution of expert works in the area of nature protection shall be the body that executes the expert works of monitoring, records keeping in the area of nature protection, as well as other expert issues and shall be established by virtue of a law.

### **Principles of nature protection**

#### **Article 7**

Nature protection shall be based on:

1. Principle of high level of protection – When undertaking or performing activities all shall be obliged to provide for a high level of protection of the biological and landscape diversity and of the natural heritage, as well as the conservation of the common beneficial role of nature;

2. Principle of integration -The measures and activities of nature protection shall be integrated in all development strategic, planning and programme documents, plans for spatial development and use, as well as in the plans for natural wealth management and use;

3. Principle of sustainable development -For the purposes of satisfying the needs of nature protection, as well as the social and economic needs of the present generations, without jeopardizing the rights of the future generations to satisfy their needs, the non-renewable natural wealth shall be used in a rational manner, while the renewable resources shall be used in a sustainable manner;

4. Principle of precaution – If based on the modern scientific and technicaltechnological knowledge, it is concluded that certain activity or action could damage nature, the necessary measures and activities shall be undertaken prior to obtaining the scientific proof that damages could occur;
5. Principle of prevention – It shall be the right and obligation of individuals and legal entities to undertake measures and activities for nature protection before damages occur;
6. Principle - user pays – when using the nature, the user of the nature is obliged to compensate the costs for maintenance of the natural balance and for enjoying the natural heritage, as well as for recovery of the nature degradation that occurs when using the nature and enjoying the natural heritage;
7. Principle of public participation – The public shall have the right to an unhindered access to information on the state of the nature, the right to be informed in timely manner about damages in nature and about activities undertaken for elimination of the damages, as well as the right to participate in the decision-making process concerning nature protection; and
8. Principle of cooperation -The competent state bodies and the bodies of the local self-government units, as well as other organizations and institutions shall, when performing the activities within the scope of their competence, be obliged to comply with the principles, objectives, measures and activities for nature protection, while closely cooperating among each other and internationally.

## **II. PROTECTION OF NATURE**

### **II.1. GENERAL MEASURES**

#### **Restriction of the property right and other related rights for the purpose of nature protection**

##### **Article 8**

For the purpose of implementation of the specified measures and activities for nature protection, the owner or the user of the land shall allow a free passage of other persons as well as other use of his/her land in accordance with the provisions of this and other law.

#### **Limitation of nature protection**

##### **Article 9**

(1) The provisions of this Law referring to nature protection shall not be applied in the following cases:

1. Elimination of direct threat to human life and health;
2. Rescuing people and property; or
3. Implementation of emergency measures related to the defence of the Republic of Macedonia.

(2) The provisions of paragraph (1) of this Article shall be applied only during the period of the state.

#### **General ban for using motor vehicles in nature**

##### **Article 10**

(1) In order to prevent degradation of nature, it shall be forbidden to drive motor vehicles in nature except in settlements and at all types of roads, paths and driving test ranges.

(2) The ban referred to in paragraph (1) of this article shall not be applied in the following cases: performance of an official, agricultural, forest-economy, scientific, professional, conservation or other licenced activities, when it is in compliance with this Law.

**Restriction of the change in land use**  
**Article 11**

For the purposes of nature protection, change in the use of land shall be allowed under conditions determined by this and other law.

**Ban of the use of nature**  
**Article 12**

It shall be forbidden to use nature in a manner that causes:

1. Damage to or destruction of biological and landscape diversity;
2. Damage of soil and loss of its fertility;
3. Damage of surface or underground geo-morphological values;
4. Water pollution and change in water regime;
5. Air pollution.

**Ban of the use of plant protection chemicals**  
**for the purpose of nature protection**  
**Article 13**

For the purpose of protection of habitats and endangered, rare, endemic and relict species, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may propose to the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, to ban the use of certain plant protection chemicals in certain area.

**Restriction or prohibition of use of natural resource**  
**Article 14**

(1) In case when the favourable conservation status of certain species or habitat types is endangered due to unreasonable use of the natural resource, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall limit or fully prohibit the use of the natural resource for as long as the state of danger is lasting.

(2) With regard to the limitation or prohibition referred to in paragraph (1), the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall notify the Minister managing the body of public administration responsible for the execution of the works in the field of the management of the natural resource the use of which has been limited or prohibited.

**II.1.1. Nature impact assessment of certain strategies, plans and programmes**  
**Nature impact assessment of certain strategies, plans and programmes**  
**Article 15**

(1) When drafting development, strategic, plan and programme documents by the public administration bodies or the Councils of the Municipalities, the Councils of Municipalities within the City of Skopje and the Council of the City of Skopje, which may have significant

effect on nature, it shall be necessary to perform a possible nature impact assessment of the measures and activities anticipated by these strategies, plans or programmes.

(2) The nature impact assessment referred to in paragraph (1) of this article shall be done in accordance with the provisions of this and other applicable laws.

### **Spatial development and use and nature impact assessment**

#### **Article 16**

(1) The spatial development and use shall be implemented in accordance with the spatial and urban plans and conditions, measures and activities for nature protection.

(2) The documents in the domain of spatial development and use shall, when being adopted, undergo a nature impact assessment procedure and shall include measures and conditions for nature protection as prescribed by this Law.

(3) For the purpose of nature protection, the documents on spatial development and use shall include, inter alia:

1. Overview map of protected areas, habitats of strictly protected or protected species, finds of characteristic minerals and fossils and speleological objects having the status of natural heritage and environmentally important areas with their characteristics and assessment of the condition;

2. Overview map of objects which are expected to be awarded the status of natural heritage, as well as the manner of treatment when discovering and awarding the status; and

3. Cartographic presentation of natural habitats as prescribed by this Law.

(4) Documents referred to in paragraph (2) of this article referring to protected areas shall be adopted upon prior opinion issued by the body of public administration responsible for the execution of the works in the field of nature protection.

### **Management plans for protected areas and nature impact assessment of certain strategies, plans and programmes**

#### **Article 17**

(1) A procedure for assessment of the impact on nature shall be carried out for the management plans of protected areas, in accordance with the Law on Environment.

(2) The annual programmes adopted for the purpose of implementation of the management plans of protected areas shall be subject to a procedure for assessment of the impact on nature, in accordance with the Law on Environment, in case when the programme is not in compliance with the management plan of the protected area.

### **II.1.2. Nature impact assessment of certain public and private projects**

#### **Nature impact assessment**

#### **Article 18**

(1) For the planned activities in nature, which independently, or in joint action with other activities might disturb the natural balance, a nature impact assessment shall be performed in accordance with the stipulations of this or other laws.

(2) The procedure for assessment of the impact on nature of the planned activities in nature shall be carried out in order to avoid or minimize the degradation of the nature.

(3) The degradation of nature referred to in paragraph (2) of this article shall be: extinction and reduction of species; change of character and composition of biocenosis; deteriorated function of ecosystems; conservation, breaking, damaging, destroying, cutting, uprooting, filling in, exploitation of stone, sand, gravel, soil and mineral resources; pollution of the air,

soil and water and other similar activities, as well as introduction of alien species in the nature on the territory of the Republic of Macedonia.

**II.1.3. Compensatory measures**  
**Compensatory measures**  
**Article 19**

(1) Depending on the anticipated or caused degradation of nature, as well as on the possibility for compensation thereof, compensatory measures shall be -prescribed.

(2) The compensatory measures shall be activities that compensate or mitigate the degradation of nature.

(3) When choosing the compensatory measures, priority shall be given to the compensation in terms of a new area (compensatory area), that has the same or similar characteristics as the degraded area for which a compensation procedure is conducted, which will provide for coherence and integrity of the ecosystems.

(4) Types of compensatory measures referred to in paragraph (1) of this article shall be:

1. Establishment of a compensatory area that has the same or similar characteristics as the degraded area;
2. Establishment of another area that is important for the conservation of biological and landscape diversity, i.e. for protection of the natural wealth; and
3. Payment of monetary compensation in the amount of the estimated and/or inflicted damage on nature.

(5) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall by means of a decision prescribe the type of compensatory measures to be undertaken in nature, as well as the manner in which they will be implemented.

(6) A complaint against the decision referred to in paragraph (5) of this article may be lodged to the Commission of the Government of the Republic of Macedonia, competent for deciding over administrative issues at the second instance in the area of nature protection, within 8 days from the date of receipt of the decision. The complaint shall not delay the execution of the decision.

**II.2. PROTECTION OF BIOLOGICAL DIVERSITY**

**II.2.1. Species**

**II.2.1.1. General Measures**

**Species and subspecies**

**Article 20**

The wild species and subspecies of plants, fungi and animals are composed of:

1. Live and dead specimens of growing wild plants, fungi and animals;
2. Their development forms;
3. Their parts; and
4. Easily recognizable products obtained therefrom.

**Prohibited activities**

**Article 21**

It shall be prohibited:

1. Extermination of indigenous wild species;

2. Reduction of the populations of wild species, destruction of their habitats, or modification of their living conditions to an extent that would cause a state of danger;
3. Deliberate disturbance of wild animals, especially during mating, breeding or hibernation, as well as capturing, hurting or shooting of wild animals;
4. Deliberate removal of wild plants and fungi from their habitats, reduction of their population, or destruction in any way;
5. Deliberate damaging or destruction of habitats of wild species.
6. Using the non-selective means for wild species collection and hunting.

**Integration of the measures for nature protection  
within the plans for natural resources management  
Article 22**

If the use of plants, fungi and animals is performed according to the natural resource management plans, the sustainable management of wild species shall be provided by integrating protection measures in the plans concerning the protection of the characteristics of the ecosystem and to the bio-geographic characteristics of the species or number and density of population that are of importance for the conservation of the favourable conservation status of the species.

**Collection of endangered, rare, endemic and relict species  
Article 23**

(1) Collection of endangered, rare, endemic and relict species of plants, fungi and their parts shall be conducted upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(2) Shooting of wild animals shall be conducted upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of hunting, and upon prior opinion issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(3) The procedure for issuance of the license referred to in paragraph (1) of this article, the amount of the fee, the quantity and the manner of use of the endangered, rare, endemic and relict wild species shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of forestry and hunting.

**Performance of scientific research in nature  
Article 24**

(1) The scientific researches in nature in the Republic of Macedonia shall be performed only upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(2) For the performance of a scientific research in nature, on the territory of the protected areas, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall issue the license referred to in paragraph (1) of this article, in cooperation with the entity responsible for the management of the protected area.

(3) The scientific research in nature, on the territory of the protected area shall be performed upon prior notification to the entity responsible for the management of the protected area.

(4) The form and the content of the application for issuing a license, the procedure for its issuing, as well as the form and content of the license referred to in paragraph (1) of this article, shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(5) Individuals and legal entities, performing the scientific research in nature, shall inform the body of public administration responsible for the execution of the works in the field of nature protection on the results of the research activities referred to in paragraph (1) of this article, within 60 days from the day of completion of the research.

(6) For the purposes of scientific research, the plants, fungi and animals, as well as their parts, which are declared strictly protected or protected wild species, can be exported from or imported in the Republic of Macedonia, upon previously obtaining a license from the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection in accordance with this Law.

### **II.2.1.2. Introduction and reintroduction Introduction of species in nature Article 25**

(1) It shall be prohibited to introduce species in nature on the territory of the Republic of Macedonia.

(2) Notwithstanding paragraph (1) of this article, if the introduction is based on a scientific research and is acceptable from nature protection and sustainable use point of view, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection upon prior consent by the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery, and the Minister managing the body of public administration responsible for the execution of the works in the field of culture, shall issue the license for carrying out the introduction.

(3) The license referred to in paragraph (2) of this article shall be issued upon completed procedure for nature impact assessment by certain public and private projects by the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the Law on Environment.

(4) The form and the content of the application for issuing the license referred to in paragraph (2) of this article, as well as the license referred to in article 27, paragraph (1), shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(5) The expenses for the development of the study on assessment of impact on nature of the introduction shall be borne by the individual or legal entity that has submitted the request for introduction.

### **Prevention of accidental and deliberate introduction Article 26**

(1) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery shall prescribe the measures for prevention of accidental introduction of non-indigenous species on the territory of the Republic of Macedonia, and for preventive protection when performing certain activities.

(2) In case of deliberate introduction of non-indigenous species on the territory of the Republic of Macedonia, or if there is a justified suspicion that such introduction might occur, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall order measures and activities for destruction of the introduced species or for prevention of the introduction of new species.

### **Reintroduction of species in nature**

#### **Article 27**

(1) Reintroduction of extinct wild species in nature on the territory of the Republic of Macedonia may be performed on the basis of license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection upon prior consent issued by the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery and the Minister managing the body of public administration responsible for the execution of the works in the field of culture.

(2) The license for reintroduction of extinct wild species shall be issued following a completed procedure of assessment of impact on nature by the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the Law on Environment.

(3) The expenses for completion of the study on nature impact assessment shall be borne by the individual or legal entity that has applied for a reintroduction license.

### **II.2.1.3. Protection of internationally protected wild species**

#### **Protection of internationally protected wild species**

#### **Article 28**

The favourable conservation status of animal, fungi and plant species protected by virtue of international conventions ratified by the Republic of Macedonia, shall be provided by protection of the natural habitats and by measures for protection of certain species in accordance with the provisions of this Law.

### **2.1.4. Trade in endangered and protected wild species**

#### **Trade with endangered and protected wild species of plants, fungi and animals**

#### **Article 29**

(1) Trade in endangered and protected wild species of plants, fungi and animals, protected on the basis of international agreements ratified by the Republic of Macedonia, shall be carried out in a manner, under conditions and in a procedure as stipulated by this Law and in accordance with the ratified international agreements.

(2) Trade in endangered and protected wild species of plants, fungi and animals, shall be each import in the Republic of Macedonia, export, transit and re-export rising from the import, utilization, movement and transfer of the ownership in the Republic of Macedonia and in the country the species are exported to.

(3) Trade in endangered and protected wild species of plants, fungi and animals shall include trade with live or death specimens, any part or derivative, as well as a product obtained through processing of endangered and protected wild species.

**License for trade in endangered and protected wild species of plants, fungi and animals**  
**Article 30**

(1) Trade in endangered and protected wild species of plants, fungi and animals may be carried out only upon prior license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(2) The form and the content of the application for issuing the license for trade in endangered and protected wild species of plants, fungi and animals, and the form and the content of the form of the license shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

**Procedure for issuing license and procedure**  
**for trade in wild species**  
**Article 31**

(1) The Government of the Republic of Macedonia, at proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, shall prescribe the list of internationally endangered and protected species complied with the international agreement ratified by the Republic of Macedonia and systemized according to the customs tariff.

(2) The Government of the Republic of Macedonia shall by the act referred to in paragraph (1) of this article, prescribe the conditions, the manner and the procedure for issuing the license referred to in paragraph (1) of article 31 of this Law.

(3) The Government of the Republic of Macedonia shall by the act referred to in paragraph (1) of this article, prescribe the actions when trading in endangered and protected wild species by the customs authorities, other competent departments at the boarder crossing points and the authorized scientific and professional institutions, as well as the authorized depositories of confiscated species in case of illegal trade.

(4) The Government of the Republic of Macedonia shall determine the boarder crossing points where the trade in endangered and protected wild species can be carried out.

(5) The import or export of certain strictly protected wild specie of plants, fungi or animals for the purpose of carrying out scientific research, exchange or public exhibition shall be performed in the manner and through the procedure specified in article 30 of this Law.

**II.2.1.5.Keeping and breeding of wild animal species**

**Conditions for keeping and breeding of wild animal species in captivity**  
**Article 32**

(1) It shall be prohibited to keep and breed wild animal species in inappropriate conditions in captivity.

(2) The Government of the Republic of Macedonia, upon prior opinion obtained from the National Council for Nature Protection, prescribe the conditions for keeping wild species in captivity.

**Keeping and breeding of wild species in captivity for the purpose of public exposure**  
**Article 33**

(1) Individual or legal entity can keep and breed in captivity indigenous and nonindigenous

wild animal species for the purposes of public exhibition for scientific, educational and commercial purposes, in a Zoo, aquarium, terrarium or a similar facility subject to license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(2) The license referred to in paragraph (1) of this article, shall be issued if the conditions set down in article 32, paragraph (2) of this Law are met.

(3) The form and content of the application form for issuing the license referred to in paragraph (1) of this article, shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(4) A complaint against the decision for denial for issuing the license referred to in paragraph (3) of this article may be submitted to the Commission of the Government of the Republic of Macedonia, competent for deciding over administrative issues at the second instance in the field of nature protection, within 8 days from the date of receipt of the decision.

#### **II.2.1.6. Special protection of wild species Red list and Red book Article 34**

(1) The wild plant, fungi and animal species shall be listed in accordance with the following categorization regarding the extent to which they are endangered:

1. Extinct species;
2. Species endangered from extinction;
3. Endangered species;
4. Vulnerable species; and
5. Rare species.

(2) The Government of the Republic of Macedonia shall, at proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, following prior opinion issued by the National Council on Nature Protection, specify the endangered species referred to in paragraph (1) of this article.

(3) The act referred to in paragraph (2) of this article shall consist of:

1. List of species in accordance with the categorization referred to in paragraph (1) of this article (red list); and
2. Descriptions, distribution and other characteristics of the species from the red list, as well as measures for improvement of the status of the endangered species (red book).

(4) The act referred to in paragraph (2) of this article shall be compiled and updated in accordance with the results from the completed scientific analyses.

#### **Strictly protected wild species and protected wild species Article 35**

(1) The endangered wild species may be proclaimed strictly protected wild species and protected wild species.

(2) With the proclamation of the endangered wild species for strictly protected and protected, they acquire the status of natural heritage.

(3) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, on the basis of a scientific analysis of the level of danger to certain species and the obligations arising from the international agreements ratified by the Republic of Macedonia, after acquiring an opinion from the National Council for Nature Protection, shall proclaim the strictly protected wild species and the protected wild species.

(4) The measures and activities for protection prescribed by the act referred to in article 34, paragraph (2) of this law, as well as the other measures and activities for protection provided for by this Law, shall apply to the endangered wild species determined in accordance with paragraph (2) of this article.

(5) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the procedure prescribed on the basis of paragraph (3) of this article, may repeal the protection of a certain wild species that is no longer endangered, or may transfer certain species from one into another category of protection.

### **Temporary protection of endangered wild species**

#### **Article 36**

(1) The wild species referred to in article 35, paragraph (1) which are under procedure for declaring as strictly protected and protected wild species, shall be placed under temporary protection.

(2) The act for placing under temporary protection of endangered wild species shall be promulgated by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, upon prior opinion obtained from the National Council for Nature Protection.

(3) The temporary protection shall last until the proclamation of the endangered wild species for strictly protected and protected wild species or not more than six months from the date of enactment of the act for placing under temporary protection.

### **Strictly protected wild species**

#### **Strictly protected wild species**

#### **Article 37**

(1) Strictly protected wild species shall be:

1. Wild species endangered from extinction within the territory of the Republic of Macedonia;
2. Endemic species with a narrow natural range;
3. Wild species for which the regime of protection is prescribed by international conventions ratified by the Republic of Macedonia.

(2) Certain wild species may be strictly protected within the whole territory of the Republic of Macedonia or within certain sites thereof.

### **Prohibited activities for strictly protected species**

#### **Article 38**

(1) It shall be prohibited to destroy, cut or uproot the strictly protected plants and fungi.

(2) The following behaviour with regard to the strictly protected animals shall be prohibited:

1. Deliberate capture, keeping and shooting;
2. Deliberate damaging or destruction of their developmental forms, nests, homes, as well as of their habitats or parts of habitats;
3. Deliberate disturbing, especially during the breeding and gestation period, raising of the cubs, migration, hibernation, if that disturbance threatens their future survival;
4. Deliberate destruction or taking of eggs from the nature or keeping of dead eggs; and
5. Hiding, keeping, raising, selling, buying and transferring or any other form of acquiring and stuffing.

**License for execution of prohibited activities  
for strictly protected species  
Article 39**

(1) By exception, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may allow the execution of certain activities prohibited on the basis of article 38 of this Law, for the following purposes:

1. Protection of the plants, fungi and animals;
2. Prevention of significant damages on the crops, cattle, forests, fisheries, waters and other forms of property;
3. Protection of the safety and health of the people, as well as some other higher public interest; and
4. Education and necessary reproduction.

(2) The license for the execution of the activities that are prohibited on the basis of article 38 of this Law, for the purpose of scientific research shall be issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(3) For the purpose of preserving a favourable conservation status of species, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner and the procedure under which a limited and selective taking, keeping and other kind of use of certain strictly protected wild species in small populations is done, in conditions of a strict supervision.

**Permitted activities for strictly protected wild animal species  
Article 40**

(1) It shall be permitted to remove from the nature and to deliver to the authorized legal entities or individuals:

1. Dead specimens of strictly protected wild animal species that were found;
2. Specimens of strictly protected wild animal species that are sick or injured to the extent that they are not capable of surviving on their own in the nature.

(2) The person that found a dead, sick or injured specimen of strictly protected wild animal species shall be obliged to report such an event immediately to the body responsible for the execution of professional works in the field of nature protection.

(3) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, on the basis of the reporting by the person that found the specimen, shall decide on the further treatment of the found specimens of strictly protected species referred to in paragraph (2) of this Article.

**Protected wild species**

**Protected wild species  
Article 41**

Protected wild species shall include:

1. Indigenous wild species that are endangered or rare, but are not threatened by extinction within the territory of the Republic of Macedonia;
2. Wild species that are not endangered, but could be easily taken for some endangered wild species because of the way they look; and

3. Wild species for which the appropriate way of protection has been prescribed by the international conventions ratified by the Republic of Macedonia.

**Use of protected wild specie**  
**Article 42**

(1) The use of the protected wild species shall be carried out in a manner and to the extent that will not put in danger their favourable conservation status.

(2) The measures and activities for protection of the protected wild species and the manner and extent of use of protected wild species shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of forestry, hunting and fishery, in accordance with the provisions of this or other law.

(3) The measures and activities referred to in paragraph (2) of this article shall be in accordance with the provisions for protection of the migratory wild animal species determined by international conventions ratified by the Republic of Macedonia.

(4) On the basis of the data from the records kept by the body of public administration responsible for the execution of the professional works in the field of nature protection in accordance with this law, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may prohibit or limit the use of a certain protected wild species.

**Unselective devices for capturing or shooting protected wild animal species**  
**Article 43**

It shall be prohibited to use unselective devices for capturing or shooting protected wild animal species, as well as devices that could cause local disappearance or serious disturbance of the populations of those species, and devices prohibited in accordance with the international conventions ratified by the Republic of Macedonia, especially:

1. Leg hold traps;
2. Live animals, blinded or mutilated animals that are used as decoys;
3. Electrical devices for killing or stunning;
4. Artificial light devices;
5. Mirrors and other dazzling devices;
6. Audio devices (tape recorders, tape players etc.) that emit calling or pain sounds;
7. Devices for illuminating targets;
8. Sighting devices for night shooting comprising an electronic image magnifier or image converter;
9. Explosives;
10. Poisons and stunning preparations, and poisonous and anesthetic baits;
11. Semi-automatic or automatic weapons with a magazine that can hold more than 2 rounds of ammunition;
12. Flying devices;
13. Moving motor vehicles;
14. Other devices laid down in international conventions that have been ratified by the Republic of Macedonia.

**II.2.1.7. Genetic diversity**  
**Taking of genetic and biological material from nature**  
**Article 44**

- (1) The taking of genetic and biological material from the nature for the purpose of its use shall not endanger the survival of the habitats or of the types of populations in their habitats.
- (2) Genetic material shall be part of a plant, fungi, animal or microorganism that contains heritage information.
- (3) Biological material shall include micro organisms, viruses, cell cultures and tissue cultures.
- (4) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, following previously acquired opinion of the National Council for Nature Protection, shall prescribe the conditions, the mode and the procedure for taking and use of genetic and biological material from the nature.

**Gene banks**  
**Article 45**

- (1) Gene banks shall be established for the purposes of preservation of the species or of their genetic material, and shall be constituted by the controlled or cultivated populations or parts of fungi, animals or plants, especially seeds, spores, reproductive cells and other biological material.
- (2) Gene banks can be established and managed by accredited bodies and other accredited legal entities in accordance with law.

**II.2.1.8. Genetically modified organisms**  
**Genetically modified organisms**  
**Article 46**

- (1) A genetically modified organism shall be an organism, with the exception of human beings, in which the genetic material is modified in a way not occurring in the nature -by coupling and/or by natural restructuring.
- (2) In order to prevent the negative impact of the genetically modified organisms on the conservation and the sustainable use of the biological diversity, as well as on human health and environment, measures and activities shall be implemented as stipulated by law.

**II.2.2. Habitats and ecosystems**  
**Implementation of protection of habitats and ecosystems**  
**Article 47**

- (1) The protection of the ecosystems and habitats shall be carried out by way of implementing measures and activities for nature protection, by using the natural resources in a sustainable manner and by spatial planning and spatial development.
- (2) The body responsible for the execution of professional works in the field of nature protection shall monitor the state of endangered and important habitats in the ecosystems in accordance with the provisions of this Law.

**Favourable conservation status**  
**Article 48**

(1) The protection of the ecosystems shall be provided by way of preserving the types of habitats in a favourable conservation status.

(2) The type of habitat shall have a favourable conservation status if:

1. Its natural range and areas it covers within that range are stable or increasing;
2. The specific structure and functions which are necessary for its long-term survival exist and are likely to continue to exist in the foreseeable future; and
3. The favourable conservation status of its typical species is guaranteed.

**Monitoring of the state of the types of endangered habitats**  
**Article 49**

(1) The types of endangered habitats shall be marked on a map, and their state of being endangered shall be assessed and monitored.

(2) The way of developing, maintaining and marking on the map referred to in paragraph (1) of this article, the way of assessing the status of the types of habitats and the extent to which they are endangered, the types of habitats, as well as the endangered and rare types of habitats shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

(3) The monitoring of the status of the habitats and the extent to which they are endangered shall be done by the body responsible for the execution of the professional works in the field of nature protection, and accredited legal entities.

**Measure for preservation of habitat types into favourable conservation status**  
**Article 50**

(1) The measures for preserving the types of habitats in a favorable conservation status shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, upon prior opinion obtained from the Minister managing the body of the public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery.

(2) The measures for preserving the types of habitats in a favorable conservation status shall be incorporated in the development of the spatial and urban plans.

(3) Individuals and legal entities that perform activities within the area of the types of habitats spreading shall be obliged to enforce the prescribed measures referred to in paragraph (1) of this article.

**Environmentally important area**  
**Article 51**

(1) Environmentally important area shall be an area, which contributes to a large extent to the protection and conservation of the biological diversity in the Republic of Macedonia.

(2) Environmentally important areas shall be in particular:

1. Areas with types of habitats characterized by an exceptional biological diversity and/or well preserved;
2. Areas with habitats with endangered or endemic species;
3. Areas with types of habitats that contribute significantly to the conservation of the natural balance;
4. Areas with rare or endangered types of habitats;

5. Areas with preserved forest entireties;
  6. Areas with habitats of species protected on the basis of an international convention ratified by the Republic of Macedonia;
  7. Areas covering routes and resting areas of migratory species;
  8. Areas that contribute to the genetic interconnection of the populations of certain species; or
  9. Areas contributing to the conservation of the biological diversity in other way.
- (3) Environmentally important areas may become part of the ecological network.

### **International environmentally important area**

#### **Article 52**

- (1) An international environmentally important area shall be the area that is important at international level for the conservation or for achieving a better status of the species, their habitats or types of habitats.
- (2) The international environmentally important areas and the manner of their management within the territory of the Republic of Macedonia shall be specified by the Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in accordance with the international agreements of nature protection ratified by the Republic of Macedonia.
- (3) The manner of management of the international environmentally important area referred to in the act of paragraph (2) of this article shall provide for the conservation and improvement of the features of relevance for the conservation of the favourable status of the type of habitat or of the wild species.

### **Ecological network**

#### **Article 53**

- (1) For the purposes of conservation, maintenance or restoration to a favourable conservation status of the environmentally important areas, a coherent ecological network of special areas of conservation shall be established.
- (2) The ecological network shall represent the system of interconnected or spatially close to each other environmentally important areas, which significantly contribute to the protection of the natural balance and the biological diversity through their balanced biogeographical distribution.
- (3) The Government of the Republic of Macedonia shall determine environmentally important areas, the ecological network and the system of ecologic corridors, as well as international environmentally important areas and the manner of their management on the territory of the Republic of Macedonia, in accordance with international conventions ratified by the Republic of Macedonia referred to in article 52, paragraph (2) of this law, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion obtained from the National Council for Nature Protection.
- (4) The ecological network, by its characteristics, principles, measures and scope of protection shall be fully compatible with the Coherent European Ecological Network "NATURA 2000".

**Forest habitats and ecosystems**  
**Article 54**

The conservation of the biological diversity of the forest ecosystems shall be carried out by way of protecting the forests within the frames of the protected areas, as well as through the general and specific plans for management and protection of forests, in accordance with the provisions of this law and other law.

**Waters and water habitats and ecosystems**  
**Article 55**

- (1) The waters and the water habitats shall represent a natural wealth within the meaning of this Law and shall be preserved in their natural state.
- (2) The water habitats shall include lakes, ponds, swamps and other water areas, as well as springs, streams, rivers and other waterways with the coastal area not smaller than 10 meters from the shore line set at the highest water level.

**Biological minimum of water habitats**  
**Article 56**

- (1) For the purposes of protecting the survival of the natural wealth and conserving the biological and landscape diversity in the water habitats, partition of the waterways in a way contributing to habitat degradation, reduction of the quantity of water below the biological minimum, drying, and encumbering of the springs, swamps and other water habitats, shall be prohibited.
- (2) Biological minimum shall be the lowest quantity of surface water which must be provided throughout the year, except in cases when the natural flow is lower than the determined biological minimum, which enables the preservation of natural balance of the water habitats and of the landscape characteristics of water courses, and do not decrease the surface water environmental state parameters.
- (3) The quantity of water in the water habitats referred to in paragraph (2) of this article needed for the survival of its wild species as well as for the conservation of the biological and landscape diversity shall be determined according to the methodology adopted in accordance with the Law on Waters.

**Prevention of pollution of water habitats**  
**Article 57**

- (1) In order to protect the biological and landscape diversity of water habitats, measures and activities shall be undertaken for preventing the pollution of the water habitats and of the waters entering into the water habitats, in accordance with the provisions of this or other law.
- (2) The competent authorities within their area of competence as regulated by law, as well as the legal entities and individuals performing certain economic or other activity, shall be obliged to provide treatment of the municipal and industrial wastewater discharged into the waters of the water habitats.

**Prohibition of structures building or economic management of costal areas of water habitats**  
**Article 58**

It shall be prohibited to build structures or to perform economic activities involving natural resources near the natural springs, along the coast of the natural waterways, the coastal area of the natural or artificial lakes, as well as the flooding plains of the waterways, unless it is regulated by a law or another regulation or determined in the planning documentation.

**Limitation of fishing or other use of water habitats**  
**Article 59**

In order to protect certain strictly protected species or types of water habitats, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection can, upon prior consent of the Minister managing the body of the public administration responsible for the execution of the works in the field of fishery, restrict fishing and other use on parts of water habitats on a temporary or permanent basis.

**Pasture habitats and ecosystems**  
**Article 60**

- (1) In order to protect the biological and the landscape diversity, the pastures and grass areas shall be economically managed by using them in a traditional manner.
- (2) The manner of use and the protection of the environmentally important or endangered types of pastures shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of agriculture and forestry.

**Boundary habitats and ecosystems**  
**Article 61**

- (1) In order to protect the biological and landscape diversity of the plowed fields, the environmentally important boundary habitats shall be protected in a manner provided for by this Law.
- (2) During redistribution of fields, it shall be ensured to preserve the existing or to create new habitats referred to in paragraph (1) of this article, and to plan their distribution and size in a way that safeguards the important values of habitats in terms of biological and landscape diversity.

**High-mountain habitats and ecosystems**  
**Article 62**

- (1) In order to protect the biological and landscape diversity of the high-mountain habitats and ecosystems, any anthropogenic activity except the one related to the traditional stockbreeding shall be forbidden.
- (2) Construction of facilities, except those necessary for the performance of the traditional stockbreeding, partition or digging supply or drainage channels, as well as introduction of indigenous species on/in the high-mountainous glacial lakes, shall be forbidden.
- (3) The exploitation of rocks and minerals from the rocky high-mountainous habitats shall be forbidden.

### **Urban area habitats and ecosystems**

#### **Article 63**

In order to protect the biological and landscape diversity of an urban area, it shall be ensured when developing urban plans, depending on the type of the plan, to provide for an interlink of the same types of habitats and conservation of the existing and creation of green areas, tree lined paths, waterways and stagnant water bodies, as well as other habitats, by giving priority to the indigenous species and habitats.

### **Habitats and ecosystems of speleological objects**

#### **Article 64**

- (1) Speleological facilities representing habitats of endemic species may acquire a status of a natural heritage.
- (2) The speleological facilities, within the meaning of this Law, shall be naturally formed underground premises longer than 5 meters in which a man may enter, and their dimensions at the entrance are smaller than the depth and the length of the facility (caves, cavities, abysses).

## **II.3. PROTECTED AREAS**

### **System of protected areas**

#### **Article 65**

- (1) The system of protected areas shall be established for the purpose of protection of the biological diversity within the frames of the natural habitats, the processes occurring in the nature, as well as the abiotic features and the landscape diversity.
- (2) By proclamation of the area as protected, it shall acquire status of natural heritage.
- (3) The system of protected areas referred to in paragraph (1) of this article shall represent part of the international networks of protected areas, in accordance with the international agreements ratified by the Republic of Macedonia.

### **II.3.1. Categories of protected areas**

#### **Categorization of protected areas**

#### **Article 66**

- (1) Categories of natural heritage, within the meaning of this Law shall be:
  1. Strict Natural Reserve;
  2. National Park;
  3. Natural Monument;
  4. Nature Park;
  5. Protected Landscape;
  6. Multipurpose Area.
- (2) The protected areas shall comprise natural habitats, ecosystems, geological and physical and geographical formations characteristic within the territory of the Republic of Macedonia.
- (3) The proclamation of new protected areas shall first of all provide for a representative coverage of the habitat types and ecosystems that exist on the territory of the Republic of Macedonia.
- (4) The monuments of culture within the protected areas shall enjoy the protection appropriate to their status in accordance with law.

**Cross-border connection of protected areas**  
**Article 67**

(1) The categories of protected areas referred to in article 66 of this Law can be connected across the borders with the protected areas on the territories of the neighbouring countries of the Republic of Macedonia.

(2) The plans for management of protected areas referred to in paragraph (1) of this article shall be adopted by the competent bodies for protected areas management of both states by mutual agreement.

**II.3.1.1. Strict Natural Reserve**  
**Category of Strict Natural Reserve**  
**Article 68**

(1) Strict Natural Reserve shall be an area, which, because of its significant or characteristic ecosystems, geological or physical and geographical features and/or species, as well as originally preserved wilderness, acquires the status of natural heritage, primarily for the purpose of carrying out scientific surveys or monitoring of the protection.

(2) The space of the area of the Strict Natural Reserve shall provide integrity and achievement of the objectives for which it acquired the status of natural heritage.

(3) The conservation of the biological diversity within the frames of the Strict Natural Reserve shall be achieved through protection, with no deliberate influence whatsoever on the natural processes in the habitat or on the species populations.

**Strict Natural Reserve Management Plan**  
**Article 69**

For the purpose of management of the Strict Natural Reserve, the body of the public administration responsible for the execution of the works in the field of nature protection shall oblige the body responsible for the execution of professional works in the field of nature protection to prepare Strict Natural Reserve Management Plan.

**Manner of Strict Natural Reserve Management**  
**Article 70**

The Strict Natural Reserve shall be managed in a manner that shall provide:

1. Conservation of the habitats, ecosystems and species in their natural state;
2. Maintenance of the genetic resources in a dynamic and evolving state;
3. Maintenance of the naturally established environmental processes;
4. Protection of the structural landscape characteristics;
5. Protection of the authentic nature for the purpose of scientific studies, monitoring or educational activities;
6. Decrease in nature degradation through careful planning and implementation of scientific surveys and other permissible activities; and
7. Limitation of the access for the public.

**Prohibited activities in Strict Natural Reserves**  
**Article 71**

(1) It shall be prohibited to undertake activities within Strict Natural Reserves except for:

1. protection and control of the Strict Natural Reserve;
2. study visits for the purpose of performing a scientific research;
3. movement of people on designated paths for educational purposes;
4. collection of seeds and seedling materials, wild plants, fungi and animals for the purpose of scientific research, as well as for the renewal of the populations in another area, in a manner and in the period that will not cause degradation of the ecosystem.

(2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall issue a license for the implementation of the activities referred to in paragraph (1) items 2, 3 and 4 of this article.

**II.3.1.2. National Park**  
**Category of National Park**  
**Article 72**

(1) The National Park shall be a large, mainly unchanged area of land or water with particular multiple natural values, which encompasses one or more, preserved or insignificantly changed ecosystems, primarily designed for the conservation of the original natural, cultural and spiritual wealth.

(2) The National Park shall be intended for scientific-research, cultural, pedagogic-educational and tourist-recreational purposes.

**Management Plan of National Park**  
**Article 73**

(1)

The public institution-National Park shall adopt a Management Plan for the National Park, upon a prior approval by the body of the public administration responsible for the execution of the works in the field of nature protection.

(2) The Management Plan of the National Park shall prescribe specific measures and activities for the protection of the characteristic natural values and the original state thereof, owing to which it had acquired the status of protected natural heritage.

**Manner of National Park Management**  
**Article 74**

The National Park shall be managed on its whole territory in an integrated manner that shall provide the following:

1. Protection of the natural areas of national and international importance for cultural, scientific, educational, tourist and recreational purposes;
2. Stability of the environmental processes and diversity through sustainable conservation of the representative physical and geographical regions, biocenosis, genetic resources and species in an authentic state;
3. Creation of conditions for tourism development in accordance with the principle of sustainable development;

4. Achievement of cultural, scientific, educational and recreational objectives, which at the same time maintains the natural state of the area.

**Prohibited Activities in National Park**  
**Article 75**

(1) It shall be prohibited to carry out activities, which endanger the authenticity of the nature in the national park, as well as lighting fire on the territory of national park, except at specially determined places defined by the National Park Management Plan.

(2) Tourist-recreational activities shall be allowed in the national park, as well as extensive agricultural activities and fishery performed in a way that does not endanger the survival of the species and their natural balance, in accordance with the provisions of this Law.

**II.3.1.3. Natural Monument**  
**Category of Natural Monument**  
**Article 76**

(1) Natural Monument shall be a part of nature with one or more natural characteristics and specific, threatened or rare features, characteristics or forms, and have special scientific, cultural, educational and spiritual, aesthetic and/or tourist value and function.

(2) Natural Monuments shall include: lakes, rivers, gorges, waterfalls, springs, caves, rocks formations, geological profiles, minerals and crystals, fossils, rare or indigenous trees and bushes characterized by great age and specific habitual characteristics, as well as limited small areas of endemic and rare animal or plant communities significant for their scientific value.

(3) Undertaking activities in or near the Natural Monuments, which may endanger the features thereof and the values owing to which they have been proclaimed Natural Monuments, shall not be allowed.

**Natural Monument Management Plan**  
**Article 77**

(1) The entity which in accordance with the proclamation act is responsible for the management of the Natural Monument shall adopt a Management Plan for Natural Monument stipulating the special measures and activities for protection.

(2) The measures and activities for protection of the Natural Monuments, the form and content of the application form for obtaining license for carrying out special measures and activities for protection and renewal of the natural monument, shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

(3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, with reference to the act referred to in paragraph (2) of this article, shall issue a license for implementation of the special measures and activities for protection and renewal of the Natural Monument.

**Manner of Natural Monument Management  
Article 78**

The Natural Monument shall be managed in a manner that shall provide:

1. Sustainable conservation and protection of the natural characteristics and the specific, endangered or rare features, characteristics or forms;
2. Conditions for carrying out scientific surveys and educational activities related to their natural characteristics; and
3. Prevention of activities that have adverse impact on its natural characteristics.

**II.3.1.4. Nature Park  
Category of Nature Park  
Article 79**

(1) Nature Park shall be an area that has one or more authentic, rare and characteristic components of nature (plant, fungi and animal species and communities, relief forms, hydrological values etc.).

(2) Nature Parks may be botanical, zoological, geological, geo-morphological and hydrological.

**Nature Park Management Plan  
Article 80**

For the purpose of Nature Park management, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Nature Park.

**Manner of Nature Park Management  
Article 81**

The Nature Park shall be managed in a manner that shall provide:

1. Maintenance of the conditions needed for the protection of the significant species, populations and communities or of the physical-geographical characteristics;
2. Facilitated implementation of scientific research and monitoring of conditions as primary activities connected with the sustainable use of resources;
3. Designation of special zones within Nature Parks for the purpose of carrying out educational activities on the characteristics of the area and management of wild species;
4. Elimination and prevention of the exploitation and degradation of the nature in the area proclaimed a Nature Park.

**Prohibited activities in Nature Park  
Article 82**

Undertaking activities involving inappropriate land use in the Nature Park, as well as activities of inappropriate character and intensity, which could interfere with the properties owing to which it has acquired the status of Nature Park, shall be prohibited.

**Measure and activities for Nature Park protection**  
**Article 83**

- (1) The entity responsible for the management according to the proclamation act, shall define within the Nature Park Management Plan the measures and activities needed for the protection of the important species, populations and communities or physical and geographical characteristics owing to which the area acquired the status of national heritage.
- (2) The measures and activities referred to in paragraph (1) of this article shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

**II.3.1.5. Protected Landscape**  
**Category of protected landscape**  
**Article 84**

- (1) Protected Landscape shall be an area where the interaction of the people with the nature has created over time a landscape with particular characteristics and aesthetic, environmental, cultural and historical or ethnographical importance, characteristic for that area only, which at the same time has a significantly high biological diversity.
- (2) The protection of the integrity of the traditional manner of land use and organizing the populated areas, customs and beliefs shall be of a special significance for the protection, maintenance and evolution of the Protected Landscape.

**Protected Landscape Management Plan**  
**Article 85**

For the purpose of management of protected landscape, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Protected Landscape.

**Manner of Protected Landscape Management**  
**Article 86**

The Protected Landscapes shall be managed in a manner that shall provide:

1. Maintenance of the harmonic interaction of nature and culture through protection of the landscape and continuation of the traditional way of land use, construction and social and cultural events;
2. Support for the life style and economic activities which are harmonized with the nature and for the protection of the social and cultural basis of the communities living on that area;
3. Maintenance of the diversity of the landscapes and habitats, as well as of the species and ecosystems;
4. Prevention of land use activities which are not appropriate for the protection by their scope, intensity or character; and
5. Organization of public visits, tourist and recreational activities, as well as educational and scientific research activities in accordance with the degree of protection, and in relation to the existing characteristics of the area.

**Protection of protected areas of other categories within Protected Landscape  
Article 87**

The protected areas of another category located within the frames of an area proclaimed a Protected Landscape shall enjoy the protection in accordance with the category of protected area, which it had been proclaimed for.

**II.3.1.6. Multipurpose Area  
Category of Multipurpose Area  
Article 88**

(1) Multipurpose Area shall be an area, which is usually spreading on a relatively wide territory of land and/or water, rich in waters, forests or meadows, and may be used for hunting, fishing or tourism, or reproduction of wild animals.

(2) As an exception from paragraph (1) of this article, the Multipurpose Area as a protected area within the meaning of this Law shall be an area rich in waters, forests or meadows, and which has exceptional significance for the defence of the country.

(3) The Multipurpose Area may be changed by anthropogenic activities, or cover settlements as well.

(4) The Multipurpose Area does not need to cover environmentally significant areas or other values of national interest.

**Establishment of Multipurpose Area  
Article 89**

(1) The Multipurpose Area shall be established in accordance with the needs for nature protection, and carrying out economic activities and use of natural wealth, and especially for the purpose of providing completeness of the environmental network, as an environmental corridor.

(2) In order to provide lasting and sustainable use of the natural wealth, within the frames of the multipurpose area, protection and zoning to a reasonable extent may be allowed.

(3) The implementation of the defence activities in the Multipurpose Area referred to in article 88, paragraph (2) of this Law, shall be performed in a manner that provides for the protection of nature, and the economic management and use of the natural wealth.

**Multipurpose Area Management Plan  
Article 90**

For the purpose of managing the Multipurpose Area, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Multipurpose Area.

**II.3.1.7. Acquisition of international protection status  
Acquisition of international protection status  
Article 91**

(1) The protected areas may be nominated for acquiring an internationally recognized status of natural heritage in accordance with the international agreements ratified by the Republic of Macedonia.

(2) The Decision on the nomination referred to in paragraph (1) of this article shall be adopted by the Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion obtained from the National Council for Nature Protection.

### **II.3.2. Procedure for proclamation of protected area**

#### **Manner of proclamation of protected area**

##### **Article 92**

(1) Strict Natural Reserves, National Parks and Natural Monuments shall be proclaimed as protected area by law.

(2) Nature Parks, Protected Landscapes and Multipurpose Areas shall be proclaimed protected areas by the Government of the Republic of Macedonia.

(3) By its proclamation the protected area shall acquire the status of natural heritage.

(4) The proclamation act for the protected area shall contain: title of the protected area, category of protection, geographical characteristics and other basic features, the boundaries of the area, zoning of the protected area, regime of protection, management entity and other issues stipulated by the proclamation act.

#### **Zoning of protected area**

##### **Article 93**

(1) By the act for proclamation referred to in Article 92, the following zones may be established in the protected area:

1. Zone of strict protection;
2. Zone of active management;
3. Zone of sustainable use; and
4. Buffer zone.

(2) The activities and actions that may be carried out within the zones established in accordance with paragraph (1) of this article shall be stipulated by the Proclamation Act of protected area referred to in Article 92 and the Management Plan for Protected Area.

#### **Submission of a proposal for proclamation of protected area**

##### **Article 94**

(1) The proclamation of certain area as Strict Nature Reserves, National Parks and Natural Monuments may be proposed by the bodies of the public administration, the Council of the Municipality, the Council of the Municipality within the City of Skopje and the Council of the City of Skopje on the territory of which they are situated, scientific institutions, other bodies, organizations and institutions.

(2) The proclamation of Nature Parks, Protected Landscape, and Multipurpose Areas for protected area may be proposed by individuals and legal entities as well, besides the authorized proponents referred to in paragraph (1) of this article.

(3) The proposals referred to in paragraphs (1) and (2) of this article shall be submitted to the body of the public administration responsible for the execution of the works in the field of nature protection, and shall contain, inter alia: the basis for submitting the proposal, cartographic overview, as well as technical study justifying the proposal.

**Acceptability of the proposal for proclamation of  
protected area  
Article 95**

- (1) The body of the public administration responsible for the execution of the works in the field of nature protection, having considered the proposal for proclamation of protected area, and the opinion from the National Council for Nature Protection shall propose to the Government of the Republic of Macedonia to adopt a decision on the acceptability of the proposal and on the further procedure for proclamation.
- (2) The body of the public administration responsible for the execution of the works in the field of nature protection shall, following the Decision of the Government of the Republic of Macedonia, carry out the public hearing on the proposal.

**Deciding over the final proposal for proclamation of protected area  
Article 96**

- (1) After the completion of the public hearing for the proposal, the body of the public administration responsible for the execution of the works in the field of nature protection shall prepare the final proposal for proclamation of the protected area and shall submit it to the Government of the Republic of Macedonia.
- (2) The final proposal for proclaiming protected area contains the opinion from the completed public hearing and a Proclamation Act of protected area.
- (3) The Government of the Republic of Macedonia shall consider and adopt the proposal for proclamation of protected area and shall decide on further actions with regard to the proposal.

**Temporary protection  
Article 97**

- (1) The parts of nature for which a procedure for proclamation of protected area is carried out, shall be put under temporary protection.
- (2) The decision for placing the parts of nature referred to in paragraph (1) of this article under temporary protection shall be adopted by the Government of the Republic of Macedonia.
- (3) The temporary protection shall last for one year from the date on which the decision referred to in paragraph (2) of this article was adopted, or not later than the enactment of the act for proclamation of protected area.

**II.3.3. Management Plans for Protected Areas  
Adoption of Management Plans for Protected Areas  
Article 98**

- (1) For the purpose of protection of protected areas, the entities responsible for the execution of management and protection activities shall adopt Management Plans and Annual Programmes for protection of nature.
- (2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the content of management plans for natural heritage and the annual programmes for nature protection.
- (3) The management plans for natural heritage shall be in accordance with the Spatial Plan of the Republic of Macedonia and with the provisions of this Law and shall contain all the prescribed measures and activities for nature protection, in particular:

1. Preparation of overview of the protected natural heritage and the ecologically important areas therein, with their characteristics and status assessment;
2. Protection measures and developmental guidelines for the protected area and the ecologically important areas;
3. Measures for protection of biological diversity, especially measures for conservation of natural habitats;
4. Measures for protection of characteristic landscapes;
5. Establishment of a system of measures and activities for protection against fires and other natural disasters;
6. Cartographic presentation of natural habitats.

(4) The Management Plans referred to in paragraph (1) of this article shall be adopted by the entity responsible for the execution of management and protection activities, according to the proclamation act, upon prior consent of the body of the public administration responsible for the execution of the works in the field of nature protection.

(5) The Annual Programmes for Nature Protection referred to in paragraph (1) of this article, shall be adopted by the entity responsible for the execution of the management and protection activities, according to the proclamation act, upon prior consent of the body responsible for the execution of expert works in the field of nature protection.

(6) Consent on the part of the Management Plans referred to in paragraph (1) of this article, which regulates the system of measures and activities for protection against fires and other natural disasters, shall be given by the competent public administration authority stipulated by law.

#### **Management plans validity Article 99**

(1) The Natural Heritage Management Plans shall be adopted within 2 years at the latest since the date of proclamation of the protected area, for a period of ten years.

(2) The entities which in accordance with the provisions of this Law and proclamation act are responsible for the execution of the works of management of the protected areas shall assess the results achieved by the implementation of the Management Plan no later than the day of expiry of the seventh year from the adoption of the Plan.

(3) The entities referred to in paragraph (2) of this article shall commence with the preparation of a new Management Plan for the Protected Area, no later than the start of the last year before the expiry of the period for which they have been adopted.

#### **Harmonization of management plans with protection measures and activities Article 100**

The Natural Heritage Management Plans shall be harmonized with the objectives, measures and activities for protection and management of the protected area as determined by this Law, the act for protected area proclamation and the international standards and international agreements ratified by the Republic of Macedonia, as well as the spatial planning documentation.

#### **Procedure for adoption of management plans for protected areas Article 101**

(1) Within the procedure for adoption of the Management Plans for Protected Areas, the body of the public administration responsible for the execution of the works in the field of nature

protection, as well as the entities entrusted with the management of the protected area, shall organize a public hearing.

(2) The opinions, proposals and recommendations stated at the public hearing shall be taken into account during the development of the Management Plans for Protected Areas.

### **Control over the implementation of the management plans for protected areas**

#### **Article 102**

The control over the implementation of the Management Plans for Protected Areas shall be executed by the body of the public administration responsible for the execution of the works in the field of nature protection.

### **II.3.4. Protection regime**

#### **Spatial plans for protected areas**

#### **Article 103**

(1) For the purposes of space development and space use of the categories protected areas, a spatial plan shall be enacted as required. Spatial plan shall obligatorily be enacted for the national parks.

(2) The spatial plan of a protected area shall, in accordance with the provisions of this Law, include:

1. Textual part:

- Size, boundaries and geographical situation of the park;
- The status of the natural environment;
- The status of the existing spatial development, organization and protection;
- Objectives and tasks concerning the spatial development;
- Spatial distribution of the population, settlements and tourist sites;
- Spatial distribution of infrastructural systems; and
- Guidelines and measures for implementation of the plan; and

2. Graphical part:

- Relief and geomorphological forms;
- Pedological map;
- Vegetation map;
- Hydrography;
- Existing spatial organization; and
- Extent to which the space is equipped and built up.

### **Zone of strict protection**

#### **Article 104**

(1) Zone of strict protection shall be part of the protected area of highest interest for protection, characterized by authentic, unchanged ecosystem characteristics, or slightly changed as a result of the traditional management practices.

(2) Within the strict protection zone it shall be distinguished:

1. Authentically natural areas, with no human interventions at all; and
2. Areas with limited intervention, where the traditional manner of management is still present and serves the maintaining of the natural values of the zone.

(3) Scientific research activities shall be allowed in the strict protection zone, unless they are in contradiction with the primary objectives of the protection of the area.

(4) The entity responsible for the natural heritage management shall provide for constant monitoring for the purpose of maintaining the characteristics of the strict protection zone.

**Zone for active management**  
**Article 105**

(1) Zone for active management shall be a zone of high interest for the protection, in which some major management interventions are needed for the purpose of restoration, revitalization or rehabilitation of the habitats, ecosystems and other elements of the landscape.

(2) Within the zone for active management, management activities may be carried out with regard to:

1. Manipulation with habitats; and
2. Manipulation with species.

(3) It shall be allowed to carry out economic activities that have no adverse impact on the primary objective of the protection in the zone for active management, such as ecotourism or traditional extensive agriculture.

(4) The successful management of this zone, as well as the further permanent maintenance thereof, may lead to the zone acquiring characteristics of a strict protection zone.

**Zone for sustainable use**  
**Article 106**

(1) The zone for sustainable use shall be a significant part of the protected area with no high values for protection, with infrastructure facilities, objects of cultural heritage, types of forest plantations that are not characteristic for the area, as well as inhabited places with the surrounding agriculture land.

(2) Long-term undertaking of interventions and measures may lead to it acquiring the characteristics of zone for active management.

**Buffer zone**  
**Article 107**

(1) Buffer zone in principle shall be an area outside the natural heritage and shall have the role to protect the zones referred to in articles 104, 105 and 106 of this Law, with an interest in protection against the threats coming from outside of the natural heritage area.

(2) When economic activities are carried out within the frames of the buffer zone, the measures for protection provided for by this Law shall be applied.

(3) A buffer zone shall also be established within the frames of the protected area between the zones the regime of protection and management of which exclude each other.

**II.3.5. Implementation of protection measures**  
**Direct protection of protected areas**  
**Article 108**

(1) The direct protection of the protected areas shall be carried out by ranger service established or designated by the entities which in accordance with the provision of this Law and the proclamation act are responsible for the management of the protected area.

(2) The rangers in the national park shall be appointed by the managerial body of the public institution that manages the national park.

(3) A person with a secondary school specialist's training can be appointed a ranger of protected area, in a procedure and manner prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of interior.

(4) After being appointed a ranger of protected area, the person shall take a professional exam. The ranger of protected area shall take the professional exam according to a programme prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

(5) The manner and procedure for taking the exam referred to in paragraph (4) of this article shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

(6) The ranger of protected area shall take the professional exam before a committee composed of two representatives of the body of the public administration responsible for the execution of the works in the field of nature protection and one from the entity responsible for the management of the protected area according to the proclamation act.

### **Official uniform and weapons of the rangers' service**

#### **Article 109**

(1) The members of the ranger service shall, while performing their official duty, wear an official uniform and carry official weapons, and they shall prove their identity with an official badge.

(2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the design of the official uniform and the content and the form of the official badge, as well as the way of issuing the badge and the conditions under which it can be repealed.

(3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of interior shall prescribe the conditions and the way of using and keeping the firearms possessed by the members of the ranger service, in accordance with this and other law.

### **Implementation of direct protection**

#### **Article 110**

The ranger service shall provide the direct protection of the protected area by way of:

1. Planning, organizing and conducting educational walks around the protected area;
2. Environmental training for the visitors of the protected area and the local population;
3. Observation and monitoring of the status of the plant, fungi and animal species, as well as of the other values of the protected area;
4. Cooperation with the leaders of scientific, research and other projects allowed in the protected area;
5. Cooperation with the owners and with the holders of the right to use real estate in the protected area for the purpose of nature protection;
6. Supervision over the implementation of the allowed activities in the protected area; and
7. Taking care of the maintenance of infrastructural facilities in the protected area.

**Authorization of rangers' service when implementing direct protection**  
**Article 111**

When carrying out protection, the ranger services shall, inter alia:

1. Protect the habitats and species from illegal use and illegal activities;
2. Monitor the enforcement of the provisions on management of protected areas contained in the act for proclamation, as well as in the Management Plans;
3. Control all licenses for use, other activities and movement within the boundaries of the protected areas;
4. Monitor the enforcement of the provisions on fire protection and other natural disasters protection within the boundaries of the protected area;
5. Monitoring of the waters and the soil pollution with different types of waste;
6. Control the transport of wood, forest, agricultural and other products within the boundaries of the protected area;
7. Accompany visitors' groups, provide information, as well as assistance to visitors;
8. Participate in activities connected with the re-establishment of habitats and wild species; and
9. Perform other activities as well, in accordance with the act for proclamation, this or other law.

**Authorization of rangers' service when performing official duty**  
**Article 112**

(1) When performing their official duty, the members of the ranger service shall have both the right and the responsibility, inter alia, to:

1. Request personal identity card or another public document for the purpose of ascertaining the identity of the persons;
2. Check the luggage, as well as the vehicle;
3. Temporarily restrict the movement within a certain area;
4. Charge on-the-spot fines;
5. Temporarily subtract an usurped part of the living or non-living world belonging to a protected area, as well as the devices used for the usurpation;
6. Request restoration of the previous state, i.e. order prevention and removal of the harmful consequences;
7. Bring misdemeanor and criminal actions.

(2) The funds collected through the fine referred to in paragraph (1) item 4 of this article shall be revenues of the budget.

**II.3.6. Limitations in legal relations and limitation of the right to property**  
**Duties of the owner or user towards protected area**  
**Article 113**

(1) The holder of the right to use or the owner of property in the protected area shall be obliged to preserve the natural heritage, to take care of its maintenance and to undertake the prescribed technical and protective and other measures prescribed, necessary for the protection and maintenance, in a timely manner, in accordance with the provisions of this Law.

(2) The holder of the right to use or the owner of property in the protected area shall be obliged to apply for consent for all investment activities of use or enjoyment of the property in the protected area by the entity responsible for the protected area management.

(3) The rights and responsibilities the holder of the right to use or of the owner of property in the protected area shall be specified in the act for proclamation.

**Compensation for the limitation of use**  
**Article 114**

If the use of the Natural Heritage protected area is limited or prohibited, the owner or the user shall be entitled to a compensation for the limitation of the use in accordance with the regulations for compensation of damage.

**Providing for monitoring of nature**  
**Article 115**

The holder of the right to use a property or the owner of property in protected area shall allow the person who has obtained license from the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection to perform monitoring, research and study the natural heritage in protected area for scientific purposes.

**Expropriation of private property for the purpose of nature protection**  
**Article 116**

For the purpose of carrying out the protection of the property of the private owner where the Natural Heritage is located or that is part of a proclaimed Natural Heritage, a procedure for expropriation in accordance with law may be initiated.

**II.4. LANDSCAPE PROTECTION**  
**Protection of landscape diversity**  
**Article 117**

(1) The activities in the nature shall be planned and carried out in a way that will provide for protection of the landscape diversity and of the characteristic features of the landscape to the maximum extent possible.

(2) The use of the natural wealth and the spatial planning and spatial development shall provide for conservation of the characteristic features of the landscape, and for maintenance of the biological, geological and cultural values that determine its importance and the related aesthetic experience.

(3) The protection of the landscape shall be provided also through protection of habitats and ecosystems, in accordance with the provisions of this Law.

**Landscape types**  
**Article 118**

(1) Landscapes, in accordance with their characteristics and values, shall be classified into landscape types.

(2) Landscape types shall be classified according to the particular and characteristic features that express the diversity of the cultural and natural heritage.

(3) Landscape types shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

### **Monitoring of landscape types**

#### **Article 119**

- (1) Landscape types shall be studied; their features, sensitivity and the extent to which they are endangered shall be analyzed and monitored, and the changes in the particular and characteristic features shall be registered.
- (2) Particular and characteristic features of the landscape shall mean the parts of the nature characteristic of certain landscape types or the man-made components of the landscape that have natural, historical, cultural, scientific or aesthetic value.
- (3) The monitoring of the status of the particular and characteristic features of the landscape shall be performed by accredited legal entities in cooperation with the body responsible for the execution of the expert works in the field of nature protection.

### **Assessment of landscape types**

#### **Article 120**

- (1) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall evaluate the landscape types, taking into account the special values attributed by the population, as well as by other interested individuals and legal entities.
- (2) The especially valuable landscapes, as well as the measures for protection of the landscape types, shall be specified by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in cooperation with the Minister of managing the body of the public administration responsible for the execution of the works in the field of agriculture and forestry and the Minister managing the body of the public administration responsible for the execution of the works in the field of culture.
- (3) The especially valuable landscapes might be proclaimed as protected areas by which they acquire the status of natural heritage in accordance with the provisions of this Law.
- (4) The landscape types, as well as the measures referred to in paragraph (2) of this article shall be implemented in the space development documents and in the protected area management plans.

### **Diminishing the damages to landscape**

#### **Article 121**

- (1) The exploration and exploitation of mineral resources and other activities that may cause changes to the landscape shall be performed in a way that provides for protection of the landscape values of the space to the maximum possible extent.
- (2) The harmful effects on the landscape, resulting from exploration and exploitation of mineral resources, shall be removed through rehabilitation of the excavation, or arrangement of the whole exploitation field, and restoration of the landscape in its natural state.

### **Protection of speleological structures**

#### **Article 122**

- (1) For the purpose of the underground forms, cave flora and fauna, archeological and paleontological findings in the speleological structures, the speleological structures can be proclaimed as protected areas or can acquire other form of status of natural heritage.
- (2) The speleological structures shall be registered in the Cadastre of Protected Areas.

(3) The following data shall be recorded in the Cadastre concerning the speleological structures:

1. Data on the abundance of underground forms and biological characteristics;
2. Cadastre designation;
3. Data on the owner, i.e. the Manager;
4. Evaluation from the point of view of nature protection;
5. Assessment of the current status and level of danger;
6. The protected above-ground area, as well as the limitations related to those areas; and
7. Other characteristics and data of relevance for the protection of the speleological structure (description of the structure, morphological type, origination, hydrological characteristics, hydro-geological function, access to the structure, photographic documentation, basic literature etc.).

(4) The discovery of any new speleological structure and of parts of an already discovered speleological structure shall be reported to the body of the public administration responsible for the execution of the works in the field of nature protection within 15 days.

### **Conditions and measures for speleological structures protection**

#### **Article 123**

(1) It shall be prohibited to damage, destroy and take away cave decorations and underground living world, paleontological and archeological findings from speleological structures.

(2) As an exception of paragraph (1) of this article, for the purpose of performance of scientific research, the Minister managing the body of the public administration responsible for the execution of the work in the field of nature protection may allow taking away underground living world, paleontological and archeological findings from speleological structures.

(3) The license for taking away underground living world, paleontological and archeological findings from speleological structures shall be a part of the license for performance of scientific research in the nature in the Republic of Macedonia, referred to in article 24, paragraph (6) of this Law.

(4) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the measures and activities for protection of the speleological structures.

### **Implementation of protection of speleological structures**

#### **Article 124**

(1) For the purpose of providing protection of speleological structures or of parts thereof, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall issue licenses for:

1. Use or arrangement of a speleological structure or part thereof;
2. Closing of the entry or of some part of the cave, as well as for construction, refurbishment or rehabilitation of any underground structures;
3. Conducting of research or experiments, or collection of plants, fungi and animals in the speleological structure or in a part thereof;
4. Shooting films or taking photographs with electronic equipment in the speleological structure; and
5. All other activities that would have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area.

(2) The Decision by means of which the license referred to in paragraph (1) of this article shall be issued shall include both the conditions and the measures for protection.

**Use of speleological structures**  
**Article 125**

(1) The use of speleological structures for allowed purposes shall be performed upon having received a license from the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

(2) The License shall be issued on the basis of a previously submitted program for visiting and seeing around the speleological structure, which includes the measures for protection of the speleological structure, the conditions for seeing around and the measures for protection of the visitors.

**Limitation of property right over speleological structures**  
**Article 126**

(1) It shall be forbidden for the owner or the user of the land on which a speleological structure is located to endanger or damage the latter, to block the entry, or to prevent its use in an allowed manner.

(2) The owner or the user of the land on which a speleological structure is located shall allow access and observation of the structure for allowed purposes.

(3) The owner of the speleological structure shall have the right to compensation for the limitations regarding the use of the speleological structure, in proportion with the profit lost. The amount of the compensation shall be determined by mutual consent, and in a case of dispute, it shall be rendered by a competent court. The compensation shall be paid out of the state budget.

**II.5. MINERALS AND FOSSILS**

**II.5.1. General Measures**

**General protection of minerals and fossils**

**Article 127**

(1) Minerals and fossils shall be property of the Republic of Macedonia.

(2) It shall be forbidden to destroy minerals and fossils, as well as to damage their finds.

(3) When performing activities or constructing structures of public interest, the contractor shall be obliged to take all the necessary measures and activities for protection of the find of minerals and fossils at his/her expense.

**II.5.2. Protected minerals and fossils**  
**Minerals and fossils as natural heritage**

**Article 128**

(1) The minerals and fossils that are important because of their rarity, exceptional size, appearance or extraordinary and universal educational and scientific importance, shall acquire status of natural heritage.

(2) The minerals and fossils that represent natural heritage shall be specified by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

**Protection of minerals and fossils**  
**Article 129**

- (1) The minerals and fossils that have acquired the status of natural heritage shall be kept at the place of their finding, and the find shall be proclaimed a natural heritage.
- (2) If the minerals and fossils cannot be protected at the place of their finding, they shall be delivered for keeping to an institution that will provide for the expert protection thereof and will enable that they are used for scientific and educational purposes, as well as for nature protection purposes.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner and content of the expert protection of minerals and fossils, as well as the manner for exploration of the deposit and the way of protection thereof, in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of education and science and of the Minister managing the body of the public administration responsible for the execution of the works in the field of economy.

**Implementation of protection of minerals and fossils**  
**Article 130**

- (1) It shall be forbidden to take from nature minerals and fossils that have acquired the status of natural heritage or are located in a protected area.
- (2) As an exception of paragraph (1) of this article, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection may allow the taking from the nature of minerals and fossils that have the status of natural heritage or are located in a protected area, for the purposes of scientific and expert research, education, displaying at exhibitions etc.

**II.5.3. Discovery of minerals and fossils and exploration of finds**  
**Exploration of deposits of minerals and fossils**  
**Article 131**

- (1) The finder shall be obliged to report to the body responsible for the execution of the expert works in the field of nature protection the minerals and fossils referred to in article 128, paragraph (1) of this Law, within 8 days from the discovery.
- (2) The body of responsible for the execution of the expert works in the field of nature protection shall inform the body of the public administration responsible for the execution of the works in the field of nature protection on the received report of minerals and fossile referred to in article 128, paragraph (1) of this Law.
- (3) The Minister managing the body of the public administration responsible for the execution of the work sin the field of nature protection shall decide on the further exploration of the find of minerals and fossils within 30 days at the latest as of the day when the discovery of the find was reported. The Decision on undertaking of an exploration in the find shall also prescribe the measures for temporary protection thereof.
- (4) If the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection fails to adopt a Decision on exploration within the period specified in paragraph (2) of this article, it shall be considered that exploration and protection of the find are not necessary.
- (5) Unless the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection decides otherwise, the finder shall not

be allowed to perform any activity on the site of the find that may result into destruction or damaging of the find.

(6) The owner of the land on which a mineral or fossil has been discovered, or the individual or legal entity performing the works during which it has been discovered, shall enable that exploration of the deposit takes place in accordance with the Decision of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

(7) The exploration of the find shall be carried out by an authorized individual or legal entity, on the basis of the license issued by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in a manner and procedure prescribed by the act referred to in article 129, paragraph (3) of this Law.

(8) In case of a probability of further discoveries of minerals or fossils, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, on the basis of completed surveillance, decide on the continuation of the works.

### **License for exploration of finds of minerals and fossils** **Article 132**

In case the legal entity or individual intends to explore a find of minerals or fossils, it shall apply for a license to the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection within 30 days at the latest before the start of the planned exploration.

## **III. ORGANIZATION OF THE PROTECTION OF NATURE**

### **III.1. COMPETENCIES IN THE FIELD OF NATURE PROTECTION**

#### **Body of the public administration holding the competence for the execution of the works in the area of nature protection** **Article 133**

The body of the public administration responsible for the execution of the works in the field of nature protection, in accordance with the provisions of this Law, shall perform the works relating to: policy making and implementation in the field of nature protection, protection of biological and landscape diversity and protection of natural heritage, management of biological and landscape diversity and of the natural heritage; and control and supervision over the enforcement of the provisions of this Law.

#### **Competent body for the execution of the expert works in the area of nature protection** **Article 134**

The body responsible for the execution of the expert works in the field of nature protection, in accordance with the provisions of this Law, shall perform the works relating to: keeping a cadastre of protected areas, register of natural heritage and records of trade and other activities relating to protected species, monitoring of nature status, and other activities in accordance with the provisions of this Law.

**III.2. MANAGEMENT OF PROTECTED AREAS**  
**Management of protected areas**  
**Article 135**

- (1) The management, supervision and protection of protected areas, except for the strict natural reserves and national parks, shall be carried out by entities under conditions and in a manner specified in the act for proclamation and this Law.
- (2) The management, supervision and protection of the strict natural reserves shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection in accordance with the provisions of this Law.
- (3) The body of the public administration responsible for the execution of the works in the field of nature protection, may decide to award the execution of the works of management and protection of the strict natural reserve to other body, institution or organisation.
- (4) The management and protection of the national parks shall be carried out by public institutions – National Park in accordance with the provisions of this Law and the act for proclamation of the national park.
- (5) The management and protection of the multipurpose area referred to in article 88, paragraph (2) of this Law, shall be carried out by a Public Enterprise established by the Government of the Republic of Macedonia, in accordance with a law.
- (6) The entities in charge for management of protected area, shall manage integrally the entire territory of the protected area. For the purpose of achieving the integral management, the entities in charge for the management of the protected area, shall conclude agreements for the regulation of their mutual rights and obligations with the entities performing activities within the protected area, to which the Government of the Republic of Macedonia shall give consent.
- (7) The supervision over the management and the protection of the national parks shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection.

**III.2.1. Management of National Parks**  
**Public Institution – National Park**  
**Article 136**

- (1) The Government of the Republic of Macedonia shall establish public institutions “National Parks” for the purpose of performing activities related to the management and protection of the national park.
- (2) The founding act of the public institutions shall closely regulate:
  1. the manner of performance of the activity of public interest, mutual rights and obligations between the Government of the Republic of Macedonia and the public institution – National Park;
  2. the rights of the public institution;
  3. the conditions providing for continuity in the performance of the activity of public interest;
  4. the conditions for a proper quality performance of the activity of public interest;
  5. the conditions for the fulfillment of all foreseen obligations regardless of the possible occurrence of and impact from any unpredictable circumstances and conditions;
  6. the type of users and the territory on which the activity is performed;
  7. the conditions under which the founder can unilaterally modify the conditions following the establishment for the purpose of achievement and protection of the public interest;
  8. other specific conditions and obligations that the public institutions is obliged to fulfill for the purpose of performing the activity of public interest.

**Management of Public Institution – National Park**  
**Article 137**

- (1) The management of the public institution National Park shall be based on the principles of expertise and competence, in accordance with law.
- (2) The bodies of the public institution National Park shall include the Management Board, the Director, the expert collegium, and the board for control of the financial operations.

**Management Board of the Public Institution – National Park**  
**Article 138**

- (1) The body managing the National Park shall be the Managerial Board, consisting of 5 members: 2 representatives of the founder, 1 representative of the municipality on the territory of which the National Park is located, and two representatives of the expert body.
- (2) The members of the Management Board shall be appointed and dismissed by the Government of the Republic of Macedonia.
- (3) The composition, the manner of election of the Management Board members, its mandate and the manner of making decisions shall be regulated by the Statute of the public institution - National Park.
- (4) The function of “member of the Management Board” or “Director” of a National Park shall exclude the execution of any other public office.
- (5) The members of the Management Board shall be paid a compensation for the traveling costs for their participation in the work of the Management Board.

**Competencies of the Managing Board**  
**Article 139**

- (1) The Management Board of a National Park shall perform the following activities:
  1. Enactment of the Statute of the public institution -National Park;
  2. Adoption of National Park management plan, as well as other acts of the institution and monitoring of the enforcement thereof;
  3. Election of a President from among its members;
  4. Proposal to the Government of the Republic of Macedonia that the Director be dismissed;
  5. Development of the financial plan and preparation of the balance sheet;
  6. Performance of other activities stipulated by law, by the founding act and by the Statute of the public institution - National Park.
- (2) The Government of the Republic of Macedonia shall give its consent to the Statute of the National Park referred to in paragraph (1) item 1 of this article.

**Director of the Public Institution – National Park**  
**Article 140**

- (1) The public institution - “National Park” shall be managed by a Director.
- (2) The Director of the public institution -“National Park” referred to in paragraph (1) of this article shall organize and manage the process of labor and the operation of the national park, make decisions, represent and act for the national park towards third parties, and shall be responsible for the legality of the operations of the national park.

**Procedure for appointment of a director**  
**Article 141**

- (1) The Director shall be appointed by the Government of the Republic of Macedonia through a public announcement in accordance with this Law.
- (2) As Director of the public institution -National Park may be appointed a person fulfilling the following conditions:
1. has completed university level of education and acquired the titles: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, doctor of veterinary medicine, bachelor of economics, bachelor of laws; and
  2. has at least 10 years of experience in the field, out of which at least 4 years in the area of nature protection.
- (3) The mandate of the Director shall last 4 years.
- (4) Same person can be re-appointed Director of the public institution - National Park.

**Board for the control of the financial operations of the public institution - National Park**  
**Article 142**

- (1) For the purpose of control of financial operations of the public institution - “National Park”, a Board for control of financial operations shall be established, consisting of a President and 3 members.
- (2) The President and the members of the Board referred to in paragraph (1) of this article shall be appointed and dismissed by the Government of the Republic of Macedonia.
- (3) Individuals that are not employed by the public institution National Park, with University level education and with knowledge and experience in the areas of financial operations and accounting shall be eligible to be appointed a President and members of the Board for control of financial operations.
- (4) The President and members of the Board for control of financial operations shall be entitled to daily and travel expenses reimbursement with regard to their participation in the work of the Board.

**Expert collegium of the Public Institution – National Park**  
**Article 143**

- (1) The public institution -National Park shall have an expert collegium (hereinafter: expert collegium).
- (2) The composition, the manner of organization and the mandate of the expert body shall be specified in the Statute of the public institution - National Park.
- (3) The expert body shall perform the following activities:
1. Responsible for the expert aspects of the operations of the public institution – National Park;
  2. Decides about the expert issues within the authorizations stipulated by the law, the statute and other acts of the public institution - National Park;
  3. Establishes expert basis for the work programme and its development;
  4. Provides the Director with opinions and suggestions concerning the organization of the work and the conditions for work, as well as for development of the activity;
  5. Proposes the representatives in the management body of the public institution National Park in conformity with the principles of expertise and competence;

6. Organizes and provides for the implementation of training programmes for the rangers service on the manner of coping with fires and other natural disasters;  
and
7. Performs other activities specified by law and by the Statute of the public institution - National Park.

**Forms of joint execution of certain activities**  
**Article 144**

- (1) In order to perform the activities in a rational manner, the public institutions National Park, upon prior consent by the Government of the Republic of Macedonia, organize various forms of joint activities or put in place institutional or other type of work and cooperation.
- (2) The activities performed by the form organized by the public institutions National Park shall be specified in the agreement for the linkage.
- (3) The form organized by the public institutions National Park shall have the status of a legal entity, unless the linkage agreement specifies otherwise.

**III.3. NATIONAL COUNCIL FOR NATURE PROTECTION**  
**Establishment and composition of the**  
**National Council for Nature Protection**  
**Article 145**

- (1) For the purposes of monitoring, achieving and promoting the protection and the use of natural wealth, a National Council for Nature Protection shall be established, as an advisory body to the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (2) The National Council for Nature Protection shall consist of a President and 8 members appointed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall be, in line of duty, the President of the National Council for Nature Protection.
- (4) The members of the National Council for Nature Protection shall be appointed in conformity with the following structure:
  1. One representative from the association of municipalities;
  2. Two representatives of the Macedonian Academy of Science and Arts;
  3. Four representatives from among prominent scientists and experts in the area of nature protection in the Republic of Macedonia; and
  4. Two representatives of civil associations that are active in the area of nature protection.
- (5) The members of the National Council for Nature Protection may be appointed for a period of 4 years and can be re-appointed.
- (6) The National Council for Nature Protection shall enact Rules of Procedure for its work.

**Competencies of the National Council for Nature Protection**  
**Article 146**

The National Council for Nature Protection shall issue opinion on:

1. the list of internationally protected and endangered species, the procedure for issuance of the license and the conditions to be fulfilled for it to be issued, as well as the conduct at

- import, export or transit of protected and endangered wild species by the customs administration and other competent services at border crossings;
2. the conditions for keeping wild species in captivity;
  3. the proclamation of endangered species, i.e. the adoption of the list of endangered species (red list) and the measures for improvement of the status of endangered species (red book);
  4. the act for putting the endangered species under a temporary protection for which a procedure for proclamation of strictly protected and protected wild species is underway.
  5. the proclamation of strictly protected and protected wild species;
  6. the conditions, manner and procedure for taking genetic material from the nature;
  7. the identification, proclamation, manner of management and measures and activities for protection of the environmentally important areas, ecological network and the system of ecological corridors;
  8. the acceptability of the proposal for proclamation of protected area;
  9. the enactment of the National strategy for nature protection; and
  10. other issues in accordance with this Law.

**Execution of administrative works for the Council**  
**Article 147**

The administrative works of the National Council for Nature Protection shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection.

**III.4. PERFORMANCE OF EXPERT AND SCIENTIFIC ACTIVITIES FOR NATURE PROTECTION AND MONITORING OF NATURE**  
**Conditions for awarding the execution of scientific and expert works for nature protection and monitoring of nature**  
**Article 148**

- (1) The body of the public administration responsible for the execution of the works in the field of nature protection may award the performance of expert and scientific activities for nature protection and monitoring of nature to accredited legal entities.
- (2) The accredited legal entities referred to in paragraph (1) of this article shall have employed or engaged at least 5 persons with higher education, of whom at least one is holder of scientific degree of a doctor of philosophy, with the following titles: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, doctor of veterinary medicine.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the conditions regarding the equipment and business premises that need to be fulfilled by the accredited legal entities.

**IV.**  
**RECORD-KEEPING IN THE AREA OF NATURE PROTECTION**  
**IV.1. CADASTRE OF PROTECTED AREAS**  
**Cadastre of protected areas**  
**Article 149**

- (1) The protected areas shall be registered in a Cadastre of protected areas.
- (2) The body responsible for the execution of expert works in the field of nature protection shall maintain the Cadastre referred to in paragraph (1) of this article.

(3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the data registered in the Cadastre of protected areas, the manner of maintaining the Cadastre and the form of the Cadastre of protected areas.

(4) The act referred to in paragraph (3) of this article shall regulate the manner and the possibilities for use of the Cadastre data.

(5) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issue of abstracts of the Cadastre of protected areas.

(6) The data from the Cadastre of protected areas shall be part of the Environmental Information System.

## **IV.2. REGISTER OF NATURAL HERITAGE**

### **Register of natural heritage**

#### **Article 150**

(1) The strictly protected and protected species, fossils and characteristic minerals shall be registered in a Register of natural heritage.

(2) The body responsible for the execution of expert works in the field of nature protection shall maintain the Register referred to in paragraph (1) of this article.

(3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, by means of a special regulation, prescribe the data that shall be registered in the Register of natural heritage, the manner of maintaining and the form of the Register of natural heritage.

(4) The act referred to in paragraph (3) of this article shall also regulate the possibilities of the use of the Register data.

(5) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issuance of abstracts of the Register of natural heritage.

(6) The data from the Register of natural heritage shall be part of the Environmental Information System.

### **Matriculation in the register**

#### **Article 151**

(1) The strictly protected and the protected species, the characteristic minerals and fossils or the speleological structures that acquire the status of natural heritage shall be matriculated in the Register of natural heritage.

(2) The data on the specimens and the collections of the zoological gardens, botanical gardens, the scientific and other similar institutions shall be matriculated in the Register of protected species as whole, according to the Inventory of items i.e. collections included in the application submitted by the relevant institution to the body responsible for the execution of expert works in the field of nature protection.

(3) The acquisition and the change in the status of the natural heritage shall be matriculated in the Register of natural heritage.

(4) The abolition of the status of a natural heritage shall result into deletion of the species from the Register.

### **IV.3. RECORDS ON THE TRADE AND OTHER ACTIVITIES WITH PROTECTED SPECIES**

#### **Records on the trade and other activities with protected species**

##### **Article 152**

- (1) Records shall be kept on the trade and other activities with protected species.
- (2) The body responsible for the execution of expert works in the field of nature protection shall keep the records referred to in paragraph (1) of this article.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, by means of a special regulation, prescribe the data that shall be recorded in the records on trade and other activities involving protected species, the manner of keeping the records and the form of the records on trade and other activities with protected species. (7) The act referred to in paragraph (3) of this article shall also regulate the possibilities for use of the records on trade and other activities with protected species.
- (4) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issuance of abstracts of the records on trade and other activities with protected species.
- (5) The data from the records on trade and other activities with protected species shall be part of the Environmental Information System.

### **IV.4. SUBMISSION OF INFORMATION FOR THE DATA FROM THE RECORDS ON NATURE PROTECTION**

#### **TO THE ENVIRONMENTAL INFORMATION SYSTEM**

#### **Submission of information on the data from the record-keeping**

##### **Article 153**

The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner, procedure and the form or submission of data from the Cadastre of Natural Heritage, Register of Natural Heritage and the Records kept on the trade and other activities involving protected species to the Environmental Information System.

## **V.**

### **MONITORING**

#### **Monitoring of nature status**

##### **Article 154**

- (1) The body responsible for the execution of expert works in the field of nature protection shall monitor and organize the monitoring of the status of nature in accordance with the methodology for monitoring of the status of nature.
- (2) The methodology for monitoring of the status of nature shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection at the proposal of the body of the public administration responsible for the execution of the works in the field of nature protection.
- (3) Monitoring of the nature protection can be performed by accredited legal entities, which fulfill the conditions prescribed with the provisions of this Law.
- (4) The monitoring of the status of nature protection shall be performed through:
  1. Measuring, monitoring, assessment and control of the status of the species, their habitats, types of habitats, environmentally important areas, ecosystems and landscape types;

2. Measuring, monitoring, assessment and control of the change in geological values (occurrences of sheds, erosion, new sources etc.), which includes the development of special geological maps as basis for conducting further explorations and monitoring; and
  3. Monitoring of the status of natural heritage.
- (5) The monitoring data shall be public, except for the cases determined by law.

**Access to information concerning nature protection and  
access to justice with reference to access to information on nature protection  
Article 155**

Access to information concerning nature protection and access to justice with reference to access to information on nature protection shall be provided for in accordance with the Law on Environment.

**Public participation in decision-making  
in the area of nature protection  
Article 156**

- (1) Public participation in the preparation of the regulations and documents deriving from the provisions of this Law shall be ensured, and especially with regard to: the acts for proclamation of protected area, the plans for protected areas management, the plans and projects for use of the natural wealth that have an impact on the nature.
- (2) The public shall be notified by means of a public announcement or by individual notification to all stakeholders about the act or activity that could have an impact on the status of nature.
- (3) The notification of the public shall be obligatory in the cases prescribed by this Law.

**Education activities for nature protection  
Article 157**

- (1) The Republic of Macedonia shall be obliged to provide favorable conditions for implementation of educational activities related to nature protection at all levels of the educational system.
- (2) The educational activities related to nature protection shall be implemented through performance of activities of ex-situ protection, such as museum-related activity, activities of zoological gardens, aquariums and other institutions.

**Activities for public information on nature protection  
Article 158**

- (1) The bodies, institutions, institutes and organizations competent for the execution of administrative, expert and other works in the field of nature protection, in accordance with the provisions of this or other law, shall inform the public on nature protection and nature conservation through the media, lectures, and publishing activities, as well as to notify the public about the existence of natural heritage and the possibility to visit it for the purposes of education, seeing around and recreation.
- (2) The public institution -National Park, as well as institutions involved in museum, educational and scientific and expert activity shall train staff for the purpose of performing the activities provided for in paragraph (1) of this article.

**VI.**  
**NATIONAL STRATEGY FOR NATURE PROTECTION**  
**Adoption of a National Strategy for Nature Protection**  
**Article 159**

- (1) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion issued by the National Council for Nature Protection, shall adopt a National Strategy for Nature Protection.
- (2) The National Strategy for Nature Protection shall be adopted for a period of 10 years, and shall include long-term foundations of the policy of nature protection.
- (3) The National Strategy for Nature Protection shall be adopted through a procedure that provides public participation in the decision-making.
- (4) The strategies for protection and use of the natural wealth and natural heritage shall be harmonized with the National Strategy for Nature Protection.
- (5) The funds for the development of the National Strategy for Nature Protection shall be provided from the Budget of the Republic of Macedonia.

**Implementation of the National Strategy for Nature Protection**  
**Article 160**

- (1) Within the National Strategy for Nature Protection, for the purpose of its full implementation, five year plans and annual programmes for nature protection shall be adopted.
- (2) The five year plans for nature protection shall be adopted by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, through a procedure providing for the public participation in the decision-making process, and upon prior obtained opinion issued by the National Council for Nature Protection.
- (3) The annual programmes for nature protection shall be adopted by the body responsible for the execution of the expert works in the field of nature protection, through a procedure providing for the public participation in the decision-making process, and upon prior consent issued by the body of the public administration responsible for the execution of the works in the field of nature protection.

**VII.**  
**FINANCING**  
**Finances for nature protection**  
**Article 161**

Finances for nature protection shall be provided from:

1. the Budget of the Republic of Macedonia;
2. compensation for entry into and visit of protected area;
3. compensation for parking in protected area;
4. compensation for visiting of special objects in protected area;
5. compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits;
6. compensation for stay in protected area; and
7. other sources (donations, grants, loans, gifts, legates and etc.).

**Funds from the Budget of the Republic of Macedonia**  
**Article 162**

(1) The Budget of the Republic of Macedonia shall allocate funds for the protection on nature according to a programme adopted by the Minister responsible for the execution of the works in the field of nature protection.

(2) The funds referred to in paragraph (1) of this article shall be used for the implementation of the goals set in the National Strategy for Nature Protection, for the preparation and implementation of the plans and programmes for nature protection, the management plans for protected areas, as well as other plans and programmes adopted on the basis of this Law.

**Persons under obligation to pay the compensation**  
**Article 163**

(1) Persons under obligation to pay the compensation for entry into and visit of protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the protected area.

(2) Persons under obligation to pay the compensation for parking in protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the protected area, as well as the entities that for the purpose of execution of their normal every day work transit through the protected area.

(3) Persons under obligation to pay the compensation for visit of special objects in protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the special object in the protected area.

(4) Persons under obligation to pay the compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits shall be all legal entities and individuals that collect wild species in protected area, i.e. nature on the territory of the Republic of Macedonia.

(5) Persons under obligation to pay the compensation for stay in protected area shall be individuals that stay in protected areas.

**Obligation to pay the compensation**  
**Article 164**

(1) The obligation to pay the compensation for entry into and visit of protected area is due at the moment of entry in the territory of the protected area.

(2) The obligation to pay the compensation for parking in protected area is due at the moment of entry in the territory of the protected area.

(3) The obligation to pay the compensation for visit of special objects in the protected area is due at the entry in the special object on the territory of the protected area.

(4) The obligation to pay the compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits is due at the day of the issuing of the license referred to in article 23 of this Law.

(5) The obligation to pay the compensation for stay in protected area is due at the day of the stay registration at the entity performing the catering service of accommodation in protected area, and shall be paid each fifteenth day of the month, by individuals and legal entities performing catering service of accommodation on the territory of protected area.

### **Distribution of paid compensation**

#### **Article 165**

(1) The funds collected as paid compensation referred to in article 161, items 2, 3 and 4, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used for the execution of the works of nature management and protection in the protected area in which they have been collected.

(2) The funds collected as paid compensation referred to in article 161, item 5, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used for the execution of the works of nature management and protection in accordance with the programme referred to in article 162, paragraph (1) of this Law.

(3) The funds collected as paid compensation referred to in article 161, item 6, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used in the following manner:

1. 80 % of the total amount of the collected compensation for stay in protected area, from the current year, for the execution of the works of nature management and protection in the protected area in which it has been collected;
2. 20 % of the total amount of the collected compensation for stay in protected area, from the current year, for the execution of the works of nature management and protection in accordance with the programme referred to in article 162, paragraph (1) of this Law.

### **Setting the level of the compensation**

#### **Article 166**

(1) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, items 2, 3 and 4, of this Law.

(2) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, item 5, of this Law, based on the following criteria:

1. Species, number and weight of shot wild animal species; or
2. Species and quantity of collected wild species plants and fungi and other forest fruits.

(3) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, item 6, of this Law, based on the following criteria:

1. Category of protected area in which the catering service of accommodation is performed; and
2. Type and category of the facility in which the catering service of accommodation is performed.

### **Authorized entities for the compensation collection**

#### **Article 167**

(1) The collection of the funds from the compensation referred to in article 161, items 2, 3 and 4, of this Law shall be carried out by the entities responsible for the execution of the works of protected areas management.

(2) The collection of the funds from the compensation referred to in article 161, item 5, of this Law shall be carried out by the body competent for the issuance of the license referred to in article 23 of this Law.

(3) The collection of the funds from the compensation referred to in article 161, item 6, of this Law shall be carried out by the body of the public administration responsible for the execution of the works in the field of public finance – Public Revenue Office.

## **VIII. SUPERVISION**

### **VIII.1. SUPERVISION OVER THE APPLICATION**

#### **Supervision over the application**

##### **Article 168**

The supervision over the application of this Law and regulations adopted on the basis of this Law shall be performed by the body of the public administration responsible for the execution of the works in the field of nature protection.

### **VIII.2.INSPECTION SUPERVISION**

#### **Inspectors for nature protection**

##### **Article 169**

(1) The inspection supervision over the enforcement of this Law and regulations adopted on the basis of this Law shall be carried out by the State Inspectorate for Environment, through inspectors for nature protection.

(2) The inspectors for nature protection when performing the activities for the execution of the inspection supervision may ask for cooperation with the representatives of the body of the public administration responsible for the execution of the works in the field of interior.

#### **Persons eligible for appointment as inspectors**

##### **Article 170**

Inspectors for nature protection can be appointed persons that fulfill the following conditions:

a. completed university education and acquired title of: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, graduated horticulture engineer and doctor of veterinary medicine;

b. At least 3 years working experience in the field.

#### **Rights and duties of the inspectors**

##### **Article 171**

The inspectors for nature protection shall have right and duty when carrying out inspection supervision in accordance with the provisions of this Law, to inspect the natural heritage, as well as other natural wealth that enjoys protection, in accordance with this Law, the relevant documentation, working papers, business premises and equipment.

**Responsibilities of inspectors**  
**Article 172**

During the supervision of the application of the measures for nature protection, the Inspectors for nature protection shall be authorized to determine:

1. The state of nature conservation;
2. Use and utilization of the natural heritage and natural wealth;
3. Application of the conditions and measures for nature protection, specified in this Law, as well as in other regulations adopted on the basis of this Law;
4. Implementation of the spatial and urban plans and the plans for natural heritage use with regard to the measures and conditions for nature protection;
5. Implementation of the Management Plans and the Programmes for the natural wealth protection, conservation and use;
6. Performance of activities that may cause changes and damages of the natural heritage or the natural wealth;
7. Carrying out of direct protection, conservation and use of the natural wealth;
8. Carrying out of measures for protection of the protected plant, fungi and animal species and other natural wealth;
9. Export, import and transit of plants, fungi and animals limited or prohibited by this Law;
10. Introduction and reintroduction of wild species in the nature;
11. Public information on the state of nature conservation;
12. Application of other prescribed measures and conditions for nature protection defined by this Law, or by the regulations provided for on the basis of this Law.

**Authorizations of inspectors**  
**Article 173**

During the performance of the activities, the Inspectors for nature protection shall, in accordance with the provisions of the Law, be authorized to:

1. Prohibit collection of protected plant and fungi species and their parts;
2. Prohibit chasing, capturing, breeding, hunting and stuffing protected animals and their development forms;
3. Collect mandatory fine;
4. Prohibit removal of nests and broods of protected wild species;
5. Prohibit introduction and reintroduction;
6. Prohibit trade in the natural wealth;
7. Prohibit trade in specimen of plant, fungi and animal species protected on the basis of international agreements ratified by the Republic of Macedonia;
8. Prohibit import, export and transit of the natural wealth;
9. Prohibit scientific research in the protected areas; and
10. Prohibit scientific research concerning certain protected species;
11. Repose samples from plant, fungi and animal species, their parts and derivatives and products of such species that are subject of a crime or misdemeanor.

**Procedure for inspection supervision**  
**Article 174**

The Inspectors for nature protection shall manage the procedure of inspection supervision in accordance with the provisions of the Law on Environment.

**IX. PENALTY PROVISIONS**

**IX.1.**

**CRIMES AGAINST NATURE**

**Extermination of indigenous wild specie**

**Article 175**

(1) Anyone that shall, non-compliant to the provisions of this Law, undertake activities to shoot, cut, dig or in any other way destroy specimen or populations of indigenous wild species, and thus cause extermination of the indigenous wild species at the territory of the Republic of Macedonia, shall be sentenced for a criminal act extermination of indigenous wild species with imprisonment, for a duration of one to three years.

(2) In case of the actions referred to in paragraph (1) of this article by which the doer thereof causes endangerment of extermination of the indigenous wild species at the territory of the Republic of Macedonia, He/she shall be sentenced with imprisonment for a duration of six months to one year.

**Introduction of wild species in nature**

**Article 176**

(1) Anyone that shall, contrary to the provisions of this Law and regulations adopted on the basis of this Law, carry out introduction of wild species in nature at the territory of the Republic of Macedonia without a license, shall be sentenced for a criminal act introduction of wild species in nature with imprisonment, for a duration of six months to one year.

(2) In case of the actions referred to in paragraph (1) of this article by which the doer thereof has caused serious disturbing in the natural balance, or disturbing of the biological diversity of the Republic of Macedonia, he/she shall be sentenced for with imprisonment, for a duration of one to three years.

(3) If the action referred to in paragraph (1) of this article has been carried out by not complying to the measures for preventive protection when carrying out certain activities, the doer shall be fined from 150.000,00 to 250.000,00 denars, or shall be sentenced with imprisonment, for a duration from six months to one year.

(4) The one who prepares the actions referred to in paragraph 1 of this article shall be fined from 100.000,00 to 150.000,00 denars.

**Reintroduction of wild species in nature**

**Article 177**

Anyone that shall, contrary to the provisions of this Law and the regulations adopted on the basis of this Law, carry out re-introduction of wild species in nature at the territory of the Republic of Macedonia without a license, shall be fined for a criminal act re-introduction of wild species in nature from 50.000,00 up to 100.000,00 denars, or shall be sentenced with imprisonment, for a duration from six months to one year.

**Unauthorized taking and use of genetic and biological material**  
**Article 178**

(1) Anyone that shall, contrary to the provisions of this Law, take or use genetic and biological material, shall be fined for a criminal act unauthorized taking or use of genetic and biological material from 150.000,00 up to 250.000,00 denars, or shall be sentenced with imprisonment, for a duration one to three years.

(2) The same punishment shall apply for the doer of the act referred to in paragraph 1 of this article taking genetic and biological material for the purpose of its storing and further treating.

**Unauthorized damage and destruction of speleological structures**  
**Article 179**

Anyone that shall, contrary to the provisions of this Law, undertake activities that may damage or destroy the speleological structures, as well as activities resulting in taking away of cave decorations, underground living world, paleontological and archeological findings from the speleological structures, shall be fined for a criminal act unauthorized damage and destruction of speleological structures from 150.000,00 to 250.000,00 denars, or shall be sentenced with imprisonment, for a duration from six months to one year.

**Damage and destruction of finds of minerals and fossils**  
**Article 180**

Anyone that shall, contrary to the provisions of this Law, undertake activities that may damage or destroy finds of minerals or fossils, shall be fined for a criminal act damage and destruction of minerals and fossils find from 100.000,00 to 150.000,00 denars or sentenced with imprisonment, for a duration from six months up to one year.

**IX.2. OFFENCES**  
**Article 181**

(1) A fine of 200.000 denars to 300.000 denars shall be imposed for an offence upon the legal entity if it:

1. undertakes activities involving use of natural resources whose use has been limited or forbidden (Article 14);
2. undertakes activities involving use of natural resources in a scope that is not in accordance with the limitation prescribed by the Minister of Environment and Physical Planning (Article 14);
3. introduces into trade specimens without license (Article 30);
4. introduces into trade specimens with false, forged or license that is void (Article 30);
5. introduces into trade specimens with false, falsified or non-valid license (Article 30);
6. transports live specimens that have not been prepared in a manner to minimize the risk of injury, health damage or cruel treatment (Article 31);
7. uses samples that have been introduced into trade for different purposes than the ones stated in the license (Article 31);
8. keeps indigenous wild species in captivity (Article 32);
9. keeps alochthonous wild species that may be dangerous for human life and health (Article 32);

10. keeps alochthonous and indigenous wild species in captivity for the purposes of public exposure, scientific, educational or commercial purposes, in zoological gardens, aquariums, terrariums or similar structures without a license (Article 33);
11. undertakes activities of cutting or uprooting or otherwise destructing the strictly protected plants and fungi (Article 38, paragraph 1);
12. undertakes activities of intentional capture, keeping and shooting the strictly protected animals (Article 38, paragraph 2, item 1);
13. undertakes activities that may result in damaging or destruction of the development forms of strictly protected animals (Article 38, paragraph 2, item 2);
14. undertakes activities that may result in damaging or destruction of nests, broods, habitats and parts of habitats of strictly protected animal species (Article 38, paragraph 2, item 2 );
15. undertakes activities involving deliberate disturbance of strictly protected animal species (Article 38, paragraph 2, item 3);
16. undertakes activities involving deliberate disturbance of strictly protected animal species during the period of reproduction, raising of the young ones, migration or hibernation (Article 38, paragraph 2, item 3);
17. undertakes activities that may result in destruction or taking eggs from the nature or keeping deaf eggs of strictly protected animal species (Article 38, paragraph 2, item 4);
18. hides, keeps, raises, sells, buys and transfers or in any other way acquires and stuffes strictly protected animal species (Article 38, paragraph 2, item 5);
19. uses protected wild species in a manner and in scope that endangers their favourable conservation status (Article 42);
20. uses unselective devices for capturing or shooting protected wild animal species, as well as devices that could cause local disappearance or serious disturbance of the populations (Article 43);
21. undertakes activities of structures building near the natural springs, along the coast of the natural water flows and artificial lakes, as well as the flooding plains of the water flows, contrary to the provisions of this Law (Article 58);
22. undertakes activities for use of the natural wealth near the natural springs, along the coast of the natural water flows, the coastal land of the natural or artificial lakes, as well as the flooding plains of the water flows contrary to the provisions of this Law (Article 58);
23. conducts fishing and other use on parts of water habitats contrary to the prescribed temporary or permanent restriction (Article 59);
24. organizes unauthorized study visits for the purpose of conducting a scientific research (Article 71, paragraph 1, item 2);
25. organizes unauthorized movement of people outside designated paths for not allowed purposes within the strict natural reserve (Article 71, paragraph 1, item 3);
26. sets fire within the strict natural reserve (Article 71, paragraph 1, item 4);
27. collects seeds and seed material, wild plants, fungi and animals for scientific research without a license (Article 71, paragraph 1, item 5);
28. collects seeds and seed material, wild plants, fungi and animals for renewal of the populations in another area, without a license (Article 71, paragraph 1, item 5);
29. collects seeds and seed material, wild plants, fungi and animals for renewal of populations in another area in a manner and in the period that may cause degradation of the ecosystem without a license (Article 71, paragraph 1, item 5);
30. undertakes activities that endanger the authenticity of the nature in the national park (Article 75, paragraph 1);

31. lights fire on the territory of national park in places which are not determined as places for lighting fire by the plan for management of national park (Article 75, paragraph 1);
  32. performs tourist and recreation activities, as well as extensive agriculture and fishing in a manner that endangers the survival of the species and their natural balance (Article 75, paragraph 2);
  33. undertakes activities that endanger the features and values, owing to which they have been proclaimed Natural Monuments (Article 76);
  34. undertakes activities involving inappropriate use of the land in the Nature Park (Article 82);
  35. undertakes activities of inappropriate character and intensity that could destroy the characteristics, owing to which the area has been proclaimed Nature Park (Article 82);
  36. uses or arranges a speleological structure or part of it without a license (Article 124, paragraph 1, item 1);
  37. closes the entry or some part of the cave, without a license (Article 124, paragraph 1, item 2);
  38. performs construction, renewal or rehabilitation of any underground structures without a license (Article 124, paragraph 1, item 2);
  39. explores or carries out experiments in speleological structures without a license (Article 124, paragraph 1, item 3);
  40. collects plants, fungi or takes away animals from speleological structures or part thereof without a license (Article 124, paragraph 1, item 3);
  41. undertakes activities to close the entry, prevent the use or other activities that might endanger or damage the speleological structure located on the property of private owner (Article 126, paragraph 1);
  42. when undertaking activities or construction of public interest fails to undertake all the necessary measures and activities for protection of finds of minerals and fossils (Article 127, paragraph 2);
  43. takes in an unallowed manner from the nature minerals and fossils that have acquired the status of natural heritage or that are located in protected area (Article 130);
- (2) With regard to the offences referred to in paragraph 1 of this Article, a fine of 30.000,00 to 50.000,00 denars shall be imposed upon an individual as well.
  - (3) With regard to the offences referred to in paragraph 1 of this Article, a fine of 30.000,00 to 50.000,00 denars shall be imposed upon the responsible person in the legal entity as well.
  - (4) With regard to the offences referred to in paragraph 1, items 1, 11, 12, 13, 14, 15, 16, 17, 18, 23, 26, 31, 36, 37 of this article, a sentence of imprisonment shall be imposed upon individual.
  - (5) With regard to the offences referred to in paragraph 1, items 11, 12, 13, 14, 15, 16, 17, 18, 23, 26, 31, 36, 37 of this article, a safety measure Prohibition of execution of duty or activity for a period of six months to one year shall be imposed upon the responsible person in the legal entity as well.
  - (6) With regard to the offences referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 27, 28, 29, 40 and 41 of this article, a safety measure expropriation of objects shall be imposed upon the legal entity as well.
  - (7) With regard to the offences referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 27, 28, 29, 40 and 41 of this article, a safety measure expropriation of objects shall be imposed upon an individual as well.

**Article 182**

(1) A fine of 100.000 denars to 200.000 denars shall for an offence be imposed upon the legal entity if it:

1. prevents a free passage of other persons and other use of his/her land for the purpose of implementation of the anticipated measures and activities for nature protection (Article 8);
2. organizes movement of motor vehicles or drives motor vehicles in the nature except for the settlements and all types of roads, regulated tracks and test ranges for driving (Article 10);
3. changes the use of the land of his/her property without a license (Article 11);
4. undertakes activities to use the nature in a way that causes damage or destruction of the biological diversity (Article 12, item 1);
5. undertakes activities to use the nature in a way that causes degradation of the soil and loss of its fertility (Article 12, item 2);
6. undertakes activities to use the nature in a way that causes damage on the surface or underground geo-morphological formations (Article 13, item 3);
7. uses forbidden plant protection chemicals (Article 13);
8. fails to undertake activities for implementation of the determined compensation measures (Article 19);
9. undertakes activities of gathering endangered, rare, endemic and relict species of plants, fungi and their parts without a license (Article 23);
10. undertakes activities for capturing or shooting animals without a license (Article 23);
11. conducts scientific research in nature at the territory of the Republic of Macedonia without a license (Article 24);
12. conducts scientific research in nature, on the territory of the national park without prior notification (Article 24);
13. fails to report to the Ministry of Environment and Physical Planning for the obtained results of the performed research (Article 24);
14. fails to report dead, sick and hurt units from the strictly protected animal species to the Ministry of Environment and Physical Planning (Article 40);
15. partitions the water flows or reduce the quantity of water below the biological minimum, dry or encumber the springs, swamps and other wetlands (Article 56);
16. undertakes activities to manage and use pastures and grassland areas in a nontraditional way (Article 60);
17. during arondation destroys or damages boundary habitats (Article 61);
18. fails to preserve or take care of the natural heritage that is in his/her property (Article 113);
19. fails to allow research or monitoring of the natural heritage located on the property of private owner for which a license has been obtained (Article 115);
20. during exploration and exploitation of mineral resources or other activities that might cause change of the landscape, fails to remove or decrease as much as possible the harmful effects on the landscape (Article 121);
21. organizes shooting of films or taking of photographs with electronic equipment in the speleological structure without a license (Article 124, paragraph 1, item 4);
22. undertakes activities that could have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area. (Article 124, paragraph 1, item 5);
23. fails to allo access and seeing around the speleological structure, located on the property of the private owner, for allowed purposes (Article 126); and
24. fails to report the discovery of minerals and fossils that represent a natural heritage (Article 131);

- (2) With regard to the offences referred to in paragraph 1 of this article, a fine of 10.000 to 30.000 denars shall be imposed upon the individual as well.
- (3) With regard to the offences referred to in paragraph 1 of this Article, a fine of 10.000 to 30.000 denars shall be imposed upon the responsible person in the legal entity as well.
- (4) With regard to the offences referred to in paragraph 1, items 4, 5, 6, 9, 10, 16 and 20 of this article, a safety measure Prohibition of execution of duty shall be imposed upon the responsible person in the legal entity.
- (5) With regard to the offences referred to under paragraph 1, items 2, 7, 9, 10, 11, 12 and 21 of this article, a safety measure expropriation of objects shall be imposed upon the legal entity.
- (6) With regard to the offences referred to in paragraph 1, items 2, 7, 9, 10, 11, 12 and 21 of this article, a safety measure expropriation of objects shall be imposed upon the individual.

### **Article 183**

- (1) A mandatory fine up to 100.000 denars shall for an offence be imposed upon the legal entity if it:
1. prevents a free passage of other persons and other use of his/her land for the purpose of implementation of the anticipated measures and activities for nature protection (Article 8);
  2. organizes movement of motor vehicles or drives motor vehicles in the nature except for the settlements and all types of roads, regulated tracks and test ranges for driving (Article 10);
  3. undertakes activities involving use of the natural resources whose use has been forbidden (Article 14);
  4. undertakes activities involving use of the natural resources in a scope that is not in accordance with the limitation prescribed by the Minister of Environment and Physical Planning (Article 14);
  5. conducts scientific research at the territory of the National Park without a license (Article 24);
  6. fails to report to the Ministry of Environment and Physical Planning on the obtained results of the performed research (Article 24);
  7. uses unselective devices for capturing or shooting protected animals, as well as devices that could cause local disappearance of the populations of those species (Article 43);
  8. organizes study visits for the purpose of conducting a scientific research without a license (Article 71, paragraph 1, item 3);
  9. organizes movement of people outside designated paths for not allowed purposes within the strict natural reserve without a license (Article 71, paragraph 1, item 3);
  10. lights fire within the strict natural reserve (Article 71, paragraph 1, item 4);
  11. collects seeds and seed material, wild plants, fungi and animals for scientific research without a license (Article 71, paragraph 1, item 5);
  12. collects seeds and seed material, wild plants, fungi and animals for renewal of the populations in another area, without a license (Article 71, paragraph 1, item 5);
  13. collects seeds and seed material, wild plants, fungi and animals for renewal of populations in another area in a manner and in the period that may cause degradation of the ecosystem without a license (Article 71, paragraph 1, item 5);
  14. undertakes activities that endanger the authenticity of the nature in the national park (Article 75, paragraph 1);
  15. lights fire on the territory of national park in places which are not determined as places for lighting fire by the plan for management of national park (Article 75, paragraph 1);

16. performs tourist and recreation activities, as well as extensive agriculture and fishing in a manner that endanger the survival of the species and their natural balance (Article 75, paragraph 2);
  17. undertakes activities that might endanger the features and values, owing to which they have been proclaimed Natural Monuments (Article 76);
  18. undertakes activities involving inappropriate use of the land in the Nature Park (Article 82);
  19. undertakes activities of inappropriate character and intensity that might destroy the characteristics, owing to which the area has been proclaimed Nature Park (Article 82);
  20. fails to preserve or take care of the natural heritage that is in his/her property Article 113);
  21. prevents research or monitoring of the natural heritage located on the property of private owner for which a license has been obtained (Article 115);
  22. uses or arranges a speleological structure or part of it without a license (Article 124, paragraph 1, item 1);
  23. closes the entry or some part of the cave, without a license (Article 124, paragraph 1, item 2);
  24. performs construction, renewal or rehabilitation of any underground structures without a license (Article 124, paragraph 1, item 2);
  25. explores or carries out experiments in the speleological structures without a license (Article 124, paragraph 1, item 3);
  26. collects plants, fungi or takes away animals from the speleological structures or part thereof without a license (Article 124, paragraph 1, item 3);
  27. organizes shooting films or taking photographs with electronic equipment in the speleological structure without a license (Article 124, paragraph 1, item 4);
  28. undertakes activities that could have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area. (Article 124, paragraph 1, item 5);
- (2) With regard to the actions referred to in item 1 of this Article, a mandatory fine up to 10.000 denars shall be imposed for an offence upon an individual as well.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 184**

- (1) The protected areas that have been under protection before the the commencement of the application of this Law, as natural rarities, shall continue to enjoy the protection as protected areas in accordance with the provisions of this Law.
- (2) With regard to the Decisions for putting under temporary protection adopted before the the commencement of the application of this Law, the term referred to in article 97 of this Law, shall start from the moment of the commencement of the application of this Law.

### **Article 185**

- (1) The institutions for nature protection the establishment of which is provided according to this Law, shall be established within the term of 6 months from the date of the commencement of the application of this Law.
- (2) With the establishment of the institutions referred to in paragraph 1 of this article and their matriculation in the register, the existing organizations of associated labor “Administration of national park” shall cease the work and be deleted from the register.
- (3) From the date of matriculation into the register and the start of work of the institutions, in accordance with this Law, the new established institutions overtake the premises and the

technical equipment, and the employees of the existing entities in accordance with the acts for the internal organization and systematization of the works and duties.

(4) The Public Enterprise referred to in article 135, paragraph 5, of this Law, shall be established within the term of one month from the date of the commencement of the application of this Law.

#### **Article 186**

(1) With the date of the commencement of the application of this Law, the Administration of National parks and Hunting sites shall be deleted from the register. The body of the public administration responsible for the execution of the works in the field of nature protection shall shall overtake the means, the premises and the equipment of the Administration of National parks and Hunting sites, and the employees in accordance with the acts for the internal organization and systematization of the works and duties.

(2) With the date of the commencement of the application of this Law, the competencies related to the economic management of hunting sites shall be transferred for performing to the body of the public administration responsible for the execution of the works in the field of agriculture, forestry and water economy.

(3) The means, premises and equipment of the Administration of the Forest Reserve "Jasen" as an Basic Organisation of Associated Labor to the Administration of National parks and Hunting sites, shall be overtaken by the Public Enterprise, referred to in article 135, paragraph 5, of this Law, and the employees in accordance with the acts of internal organization and systematization of the works and duties.

#### **Article 187**

(1) Within 3 years after the date of the commencement of the application of this Law, the body responsible for the execution of the expert works in the field of nature protection shall revalorize the protected areas that have been under protection since before the enactment of this Law, and shall draft new acts of proclamation in accordance with the provisions of this Law.

(2) Untill the adoption of the Management Plans, the entities entitled for the works of management of protected area, shall adopt acts that contain the basis of the plan, for temporary regulation of the management.

#### **Article 188**

(1) The adoption of the regulations provided for by this Law shall be done within 1 year from the date of the commencement of the application of this Law.

(2) Untill the adoption of the regulations provided for by this Law, the existing acts shall be applied.

(3) The list of endangered species (red list) and the measures for the promotion of their conservation status (red book) referred to in article 34 of this Law shall be adopted within 3 years from the date of the commencement of the application of this Law.

(4) The National Strategy for Nature Protection referred to in article 159 of this Law shall be adopted within 5 years from the date of the commencement of the application of this Law.

#### **Article 189**

(1) The strategies, programmes and plans that referre to the development of certain sectors of economic and social activities, shall be harmonized with the provisions of this Law within 3 years from the date of the commencement of the application of this Law.

(2) Within the term referred to in paragraph 1, of this article, the Spatial Plan of the Republic of Macedonia and the separate spatial plans shall be harmonized with the provisions of this Law.

#### **Article 190**

(1) Within 1 year from the date of the commencement of the application of this Law, all the entities performing activities on the territory of protected area on the basis of license shall harmonize their activities with the provisions of this Law and shall conclude the agreements for the regulation of the mutual rights, duties and obligations, referred to in article 135, paragraph 4, of this Law, with the entity which in accordance with the provision of this Law and the act for proclamation of shall be responsible for the execution of the works of management of the protected area.

(2) The entities referred to in paragraph 1, of this article, that perform activities on the territory of the protected area and fail to harmonize their activities with the provisions of this Law, shall have their license for activity performance withdrawn.

#### **Article 191**

On the date of the commencement of the application of this Law , the following laws shall cease to apply: the Law on the Protection of Natural Rarities (Official Gazette of the Republic of Macedonia number: 41/73; 42/76; 10/90; 62/93) and the Law on the Protection of National Parks (Official Gazette of the Republic of Macedonia number: 33/80; 10/90; 62/93).

#### **Article 192**

The Law on the Protection of the Ohrid, Prespa and Doyran Lake shall cease to apply within the term referred to in article 187, paragraph 1, of this Law, and not later than the adoption of the act for their proclamation for protected areas.

#### **Article 193**

(1) On the day of the commencement of the application of this Law, the following provisions from the articles: 4, 11, 12, 15, 16, 17 and 55 of the Law on Hunting shall be abolished.

(2) On the day of the commencement of the application of this Law, the following provisions from the articles: 34, 40 and 44 of the Law on Fishery shall be abolished.

(3) On the day of the commencement of the application of this Law, the article 15, paragraph 2 of the Law on Forests shall be abolished.

#### **Article 194**

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of RM", and shall apply as of the day of constitution of the Councils of the Municipalities and of the City of Skopje and the election of Mayors of the Municipalities and of the City of Skopje, following the completion of the first next local elections in accordance with the Law on Local Elections ("Official Gazette of the Republic of Macedonia" No. 46/96, 12/2003, 35/2004, 52/2004 and 60/2004).

### **3. LAW ON MANAGING THE WORLD NATURAL AND CULTURAL HERITAGE IN THE REGION OF OHRID**

Official Gazette of the Republic of Macedonia, no. 75 dated 07.06.2010

#### **I. GENERAL PROVISIONS**

##### **Article 1**

##### **Scope**

(1) This Law regulates the management of the natural and cultural heritage in the region of Ohrid as inscribed in the World Natural and Cultural Heritage List from the Convention Concerning the Protection of the World Cultural and Natural Heritage of the United Nations within the United Nations Educational, Scientific and Cultural Organization (hereinafter, the UNESCO Convention).

(2) This Law regulates the rights and obligations of the Republic of Macedonia, of the municipalities of Ohrid, Struga and Debarca, in addition to the rights and obligations of the legal and physical persons pertaining to the management of the world natural and cultural heritage in the region of Ohrid as inscribed in the World Natural and Cultural Heritage List from the UNESCO Convention (hereinafter, world natural and cultural heritage in the region of Ohrid).

##### **Article 2**

##### **Implementation and Enforcement of the Law**

(1) The provisions of this Law are implemented in the region of Ohrid that contains natural and cultural heritage inscribed as world natural and cultural heritage.

(2) The management of the world natural and cultural heritage is of public interest and is in conformity with the provisions hereunder and the regulations adopted on the basis of this Law.

(3) The implementation of measures stipulated for the management of the world natural and cultural heritage as envisaged by this Law may not, either directly or indirectly, lead to a deterioration of the state of the world natural and cultural heritage in the region of Ohrid.

(4) All measures, standards and objectives pertaining to the environment, to the protection and conservation of the natural and cultural heritage are implemented as minimum requirements which are to be met when managing the world natural and cultural heritage in the region of Ohrid.

(5) Provided that certain measures, standards and objectives pertaining to the environment, to the protection and conservation of the natural and cultural heritage are prescribed by this or another law, then the stringiest of measures and standards shall apply for the purpose of protecting the environment and preserving the natural and cultural heritage.

##### **Article 3**

##### **Objectives of the Law**

The objectives of the Law are the following:

- Creating conditions for the discovery, conservation, popularization and promotion of the state concerning the world natural and cultural heritage in the region of Ohrid,
- Instilling the outstanding values of the world natural and cultural heritage in the region of Ohrid on future generations as a segment of the collective heritage of mankind,
- Conducting scientific research and educational activities,

- Creating conditions for sustainable development of the Republic of Macedonia and the municipalities of Ohrid, Struga and Debarca through adequate deployment of the world natural and cultural heritage in the region of Ohrid,
- Preventing activities that adversely affect the outstanding values of the world natural and cultural heritage in the region of Ohrid, and
- Accession of the Republic of Macedonia and the municipalities of Ohrid, Struga and Debarca to the international system of cooperation and assistance for the purpose of conservation of the world natural and cultural heritage.

#### **Article 4**

#### **Implementation and Enforcement of other Regulations**

- (1) Apart from the provisions envisaged hereunder, the provisions from the UNESCO Convention and other documents adopted by the Convention bodies shall apply when managing the world natural and cultural heritage in the region of Ohrid.
- (2) Any other issues that are not regulated by this Law, but, nonetheless, pertain to the conservation of the natural heritage, are regulated by the provisions from the Law on the Conservation of Nature and the regulations adopted on the basis of that Law.
- (3) Any other issues that are not regulated by this Law, but, nonetheless, pertain to the conservation of the cultural heritage, are regulated by the provisions from the Law on the Conservation of Cultural Heritage and the regulations adopted on the basis of that Law.
- (4) Any other issues that are not regulated by this Law, but, nonetheless, pertain to the planning, governing and managing (cultivating, conserving and deploying) of forests and game in game parks and hunting grounds, are regulated by the provisions from the Law on Forests and the Law on Hunting.

#### **Article 5**

#### **Definitions**

In the context of this Law, certain expressions have the following meanings:

1. Endangered world natural and cultural heritage is any natural and cultural heritage threatened by severe and specific dangers, such as threat of destruction due to accelerated deterioration caused by carrying out major public and private projects, urban and touristic development, destruction due to transformation or change of land ownership, significant changes derived from unidentified reasons, negligence of any kind, imperilment due to military actions, climate changes, fires, changes in water levels, floods and the occurrence of natural disasters.
2. The holder of the world natural heritage in the region of Ohrid is any legal or physical person, state or local government bodies, private or public institutions that manage the land which contains the natural heritage or which manage the state and population of a given kind or species and the state of its habitat, and
3. The holder of the world cultural heritage in the region of Ohrid is any legal or physical person that is the owner, bearer of tenure and any other legal or physical person that makes use of the patronized cultural goods in the region of Ohrid on any legal grounds.

**Article 6**  
**Principle of Due Conservation**

The Republic of Macedonia and the local self-government units and bodies are to undertake measures for the discovery, conservation, popularization and bequeathing of the exceptional world cultural and natural heritage in the region of Ohrid to future generations so as to protect it as a segment of the collective heritage of mankind.

**Article 7**  
**Principle of International Cooperation**

The Republic of Macedonia and the local self-government units and bodies are actively engaged in bilateral, regional and wider international cooperation for the purpose of the conservation of the world cultural and natural heritage on a permanent basis and in conformity with modern scientific methods. Additionally, they provide assistance in the determination, conservation and popularization of the cultural and historical heritage as collective heritage of mankind and are actively involved in the international system of cooperation and assistance aimed at enabling international protection of the world natural and cultural heritage.

**II. WORLD NATURAL AND CULTURAL HERITAGE IN THE REGION OF OHRID**

**Article 8**  
**Borders**

(1) The borders in the region of Ohrid that define the natural and cultural heritage as world heritage range and extend from the Sveti Naum border crossing, whence they extend to the east and north-east along the borderline between the Republic of Macedonia and the Republic of Albania all the way to the boundary stone F 11/I. At this point, the border takes a northbound direction, to an elevation of 1 102 m above sea level at Mt. Stara Galichica, continuing to move higher to an even greater elevation above sea level, and finally lowering along the dry ravine and ending at the site known as Lipova Livada, at an elevation of 1 568 m above sea level. At this point, the border turns eastbound and extends along the asphalt road all the way to the site known as Dolna Plos, where it takes a northbound turn, ascending to the Tomoros Peak – a trigonometric point at 1 673 m. From this point, the border continues in the same direction to the elevations Preseka – a trigonometric point at 1 633 m, Tumba – a trigonometric point at 1 605 m, Shagon – a trigonometric point at 1 622 m, Samar – a trigonometric point at 1 657 m, Crven Kamen – a trigonometric point at 1 660 m, Garvanov Kamen, Samernica – a trigonometric point at 1 346 m, Bajchinov Rid – a trigonometric point at 1 380 m, then intersects the Ohrid – Resen motorway and continues at the elevation Prchishta – a trigonometric point at 1 184 m, all the way to Stogovo – a trigonometric point at 1 327 m and to Kalipadinje – a trigonometric point at 1 372 m. From here, the border takes a northbound turn, lowering to an elevation point of 1 268 m, passing through Nikotinec Hill – a trigonometric point at 1 131 m and further lowering to the site known as Privja Voda at 899 m above sea level. From here, the border changes direction and starts to move northbound, ascending to Gradishte Hill – a trigonometric point at 1 086 m. Further on, the border lowers and passes through the southern parts of Debarca, through Gorica Hill – a trigonometric point at 877 m, intersects the Sateska, further passes through the site known as Gorna Tumba and the elevation of 1 270 m, all the way to the Kodra Mare elevation – a trigonometric point at 1 436 m and an elevation point at 1 522 m, moves down to the site known as Grikovec, passes through the village of Toska all the way down to an elevation of 971 m.

At this point, the border changes direction, moving southbound, intersects the Crni Drim, passes through Suvo Pole, and from there, at the trigonometric points at 754 m and 714 m, goes through Dolna Krasta Hill, further intersects the road connecting the villages of Vranishta and Oktisi, passes through an elevation point of 752 m, whence it passes through the eastern parts of Sinje Brdo, passes through an elevation of 864 m, intersects the road connecting the town of Struga with the village of Vishni, passes through an elevation of 1 026 m, passes through the sites known as Bango and Conga, through an elevation of 1 165 m and the trigonometric points of 1 144 m (Karalishte), 1 103 m (Krasje) and 1 179 m, all the way to the Kjafa San border crossing at the Macedonian - Albanian border. At this point, the border takes an eastbound direction and extends 2.2 km to the shore of Lake Ohrid along the border leading to Albania, extends across Lake Ohrid and finally ends at the Sveti Naum border crossing. The overall area of the natural and cultural heritage of the region of Ohrid covers an area of 833.5 km<sup>2</sup>.

(2) The Agency for Real Estate Cadastre marks the borders of the world natural and cultural heritage in the region of Ohrid under Paragraph (1) hereunder on a geodesic base on a scale of 1:1000.

### **Article 9 Manner of Management**

The management of the world natural and cultural heritage in the region of Ohrid is conducted in a manner that secures and provides for:

- Discovery, conservation, popularization and promotion of the state concerning the natural and cultural heritage in the region of Ohrid,
- Instilling the outstanding values of the world natural and cultural heritage in the region of Ohrid on future generations as a segment of the collective heritage of mankind,
- Conducting scientific research and educational activities,
- Preventing activities that adversely affect the outstanding values of the world natural and cultural heritage in the region of Ohrid, and
- Accession to the international system of cooperation and assistance for the purpose of conservation of the world natural and cultural heritage.

### **Article 10 Commission for the Management of the World Natural and Cultural Heritage in the Region of Ohrid**

(1) For the purpose of coordinating the activities stipulated under Article 9 hereunder, a Commission for the Management of the World Natural and Cultural Heritage in the Region of Ohrid is established in the capacity of both a coordinating and advisory body (hereinafter, the Commission).

(2) The Commission is comprised of a president, vice-president and 21 members appointed by the Government of the Republic of Macedonia on the basis of a joint proposal submitted by the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature and the Minister in charge of the state administration body dealing with activities pertaining to the area of culture. This Commission is established pursuant to the principles of adequate and due representation of the citizens of the other ethnic communities residing in the Republic of Macedonia.

(3) The members of the Commission are elected as follows:

- 1) One member on the proposition of the Government of the Republic of Macedonia;

- 2) One member on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of the environment from the order of the employees in the body or from the order of eminent researchers that specialize in the area of conservation of the natural heritage;
  - 3) One member on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of culture from the order of the employees in the body or from the order of eminent researchers that specialize in the area of conservation of the cultural heritage;
  - 4) One member on the proposition of the National Sustainable Development Council of the Republic of Macedonia;
  - 5) One member from the Institute of Biology at the Faculty of Mathematics and Natural Sciences within Ss. Cyril and Methodius University in Skopje from the order of eminent researchers that specialize in the area of conservation of the natural heritage;
  - 6) One member from the Institute of History and Archeology at the Faculty of Philosophy in Skopje from the order of eminent researchers that specialize in the area of conservation of the cultural heritage;
  - 7) One member on the proposition of the Environment Office from the order of the employees in the Administration that handle issues pertaining to the conservation of the natural heritage in the region of Ohrid or from the order of eminent researchers that specialize in the area of conservation of the natural heritage;
  - 8) One member on the proposition of the Cultural Heritage Protection Office from the order of the employees in the Office Administration that handle issues pertaining to the conservation of the cultural heritage in the region of Ohrid or from the order of eminent researchers that specialize in the area of conservation of the cultural heritage;
  - 9) One member on the proposition of the Mayor of the Municipality of Ohrid;
  - 10) One member on the proposition of the Mayor of the Municipality of Struga;
  - 11) One member on the proposition of the Mayor of the Municipality of Debarca;
  - 12) One member on the proposition of the Public Scientific Institution Hydro-Biological Institute in Ohrid;
  - 13) One member on the proposition of the Public Institution National Park Galichica;
  - 14) One member on the proposition of the Public Institution Institute of Ecology and Technology in Struga;
  - 15) One member on the proposition of the Macedonian Orthodox Church;
  - 16) One member on the proposition of the Islamic Religious Community;
  - 17) One member as a representative of the Tourist Association in the region of Ohrid;
  - 18) One member as a representative of a non-governmental organization engaged in the conservation of the natural heritage in the region of Ohrid;
  - 19) One member as a representative of a non-governmental organization engaged in the conservation of the cultural heritage in the region of Ohrid;
  - 20) One member as a representative of the National Institution for the Conservation of Monuments and Culture and Museum - Ohrid;
  - 21) One member as a representative of the National Institution – “D-r Nikola Nezlubinski” Museum - Struga;
  - 22) One member as a representative of the National Institution – National Conservation Centre - Skopje;
  - 23) One member as a representative of the National Commission for UNESCO;
- (4) On the proposition of the Minister in charge of the state administration body dealing with activities in the area of conservation of nature, the Minister in charge of the state administration body dealing with activities in the area of culture, the Mayor of the

Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca, other experts may be proposed to participate in the activities of the Commission, without the right to vote. They may be representatives of other scientific, educational or technical institutions that act in the area of conservation of the natural and cultural heritage in the region of Ohrid.

(5) The president, vice-president and the members of the Commission are elected for a three-year term of office with the right to be re-elected, but not more than two terms of office in succession.

(6) The president of the Commission may be elected from the order of the proposed members under Paragraph 3 of this Article provided that he/she has at least five years of experience in managing the natural and cultural heritage in the region of Ohrid.

(7) The work of the Commission is public and other representatives of the scientific, educational or technical institutions or other stakeholders, representatives of the media, the public and representatives of the Assembly of the Republic of Macedonia may participate in its activities without the right to vote.

### **Article 11** **Scope of the Duties of the Commission**

(1) The Commission performs the following activities:

- 1) Reviews and gives an opinion on the draft report under Article 30 hereunder;
  - 2) Reviews and gives an opinion on the implementation of laws and other ordinances that govern issues pertaining to the area of protection of the world natural and cultural heritage in the region of Ohrid;
  - 3) Reviews and gives an opinion on the plan concerning the management of the world natural and cultural heritage in the region of Ohrid;
  - 4) Reviews and gives an opinion on other plans concerning the management of the world natural and cultural heritage in the region of Ohrid;
  - 5) Reviews and gives an opinion on the spatial and urban plans for the region of Ohrid;
  - 6) Monitors and gives an opinion on the state of the world natural and cultural heritage in the region of Ohrid;
  - 7) Reviews the state and proposes measures for improvement of the state of the world natural and cultural heritage in the region of Ohrid at its own initiative and/or at the request of another legal or physical person or state or local government body; and
  - 8) Reviews and gives an opinion on other issues pertaining to the management of the world natural and cultural heritage in the region of Ohrid;
- (2) For the purpose of monitoring the realization of the management plan regarding the world natural and cultural heritage in the region of Ohrid as stipulated under Article 13 hereunder, the Commission may establish an independent body comprising of scientific and educational institutions, and other technical organizations proposed in conformity with Article 10, Paragraph (4) herein.
- (3) For the purpose of realizing the activities under Paragraph (1) of this Article, the Commission gives opinions, determines attitudes and proposals and further proposes the adoption of ordinances and the undertaking of measures concerning the management of the world natural and cultural heritage in the region of Ohrid;
- (4) The Commission adopts decisions with a majority of votes from the total number of Commission members.

**Article 12**  
**Rulebook, Remuneration and Performance of Administrative and  
Technical Activities**

- (1) The Commission adopts a Rulebook concerning its activities.
- (2) The Commission members are entitled to remuneration for their work in the Commission;
- (3) The Government of the Republic of Macedonia, on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature and the Minister in charge of the state administration body dealing with activities pertaining to the area of culture, determine the amount of the remuneration under Paragraph (2) of this Article depending on the scope and the complexity of the duties performed by the Commission members.
- (4) The amount of the remuneration and expenses for the work of the Commission are secured from the budget of the state administration body dealing with activities pertaining to the area of conservation of nature and the budget of the state administration body dealing with activities pertaining to the area of culture respectively. Each of these aforementioned bodies bears one half of the remuneration and the expenses for the work of the Commission.
- (5) The research, administrative and technical activities required for the work of the Commission are performed by the state administration body dealing with activities pertaining to the area of conservation of nature and the state administration body dealing with activities pertaining to the area of culture.

**III. PLANNING AND MANAGEMENT OF THE WORLD NATURAL AND  
CULTURAL  
HERITAGE IN THE REGION OF OHRID**

**Article 13**  
**Management Plan for the World Natural and  
Cultural Heritage in the Region of Ohrid**

- (1) For the purpose of managing the world natural and cultural heritage in the region of Ohrid, the Government of the Republic of Macedonia, on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature and the Minister in charge of the state administration body dealing with activities pertaining to the area of culture, and following a prior opinion by the National Commission of UNESCO, adopts a Management Plan for the world natural and cultural heritage in the Region of Ohrid, along with an Action Plan (hereinafter, the Plan).
- (2) The Plan is adopted for a two-year period.
- (3) In particular, the Plan contains the following: an introduction containing information about the values, significance, uniqueness, borders presented both textually and in a map, methodology of preparation, state and evaluation criteria for the natural and cultural heritage; management covering the objectives, requirements, status, legal basis and preparation of the plan; the historic development of the region of Ohrid and the manner of its management and deployment; the values comprising of outstanding universal values, the cultural, natural and socio-economic values and zones where these values are present; the factors and risks that jeopardize the values of the world natural and cultural heritage in the region of Ohrid; the potentials; the vision; the key objectives of the Plan; the key issues concerning the management comprising of both political and legal issues, the cooperation among the state and local government bodies and institutions, the ownership, management, financing, urban development, state of the environment, infrastructure, tourism, education, raising public

awareness, human resources, public services and maintenance; an action plan for the implementation of the plan comprising of measures and actions and a time framework for their implementation; the manner of implementation of the plan and the state and local government bodies, legal and physical persons, public and private figures and the holders of the natural and cultural heritage that are obliged to implement the plan, as well as other activities required in the drafting and implementing of the plan.

(4) The Plan comprises of an action plan, a summary, references and other enclosures.

#### **Article 14 Cooperation in the Drafting of the Plan**

(1) The Plan is drafted by the Environment Office and the Cultural Heritage Protection Office.

(2) When drafting the plan, the Environment Office and the Cultural Heritage Protection Office are obliged to take into consideration the opinions and proposals of the Commission stipulated under Article 10 herein, to involve scientific and educational institutions and other research organizations, as well as other public institutions or legal persons that shall directly or indirectly affect the natural and cultural heritage in the region of Ohrid.

#### **Article 15 Public Debate**

(1) Prior to submitting the Plan to the Government of the Republic of Macedonia, the Environment Office and the Cultural Heritage Protection Office are obliged to organize one or several public debates concerning the draft plan.

(2) Pertaining to the Plan, a strategic assessment of the impact on the environment is made in conformity with the Law on the Environment.

#### **Article 16 Implementation of the Plan**

The Plan is implemented by the Environment Office and the Cultural Heritage Protection Office, the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca, the holders of the natural and cultural heritage and other entities, in conformity with their competences and authorizations and in compliance with the activities stipulated in the Plan.

#### **Article 17 Urban Development Planning**

(1) Prior to initiating any public debate, the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca are obliged to submit the urban plans or modifications to the existing urban plans for an opinion to the state administration body dealing with activities in the area of conservation of the environment and the state administration body dealing with activities in the area of culture, as well as to the Commission stipulated under Article 10 herein.

(2) The Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature, the Minister in charge of the state administration body dealing with activities pertaining to the area of culture and the Commission stipulated under Article 10 herein, are obliged to submit their opinion to the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca

within a period of 15 days upon the receipt of the urban plans and modifications to the existing urban plans.

(3) The Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca in the urban plans or modifications to the existing urban plans are obliged to integrate the opinions obtained from the state administration body dealing with activities in the area of conservation of the environment and the state administration body dealing with activities in the area of culture, as well as the opinions obtained from the Commission stipulated under Article 10 herein.

(4) Provided that the state administration body dealing with activities in the area of conservation of the environment, the state administration body dealing with activities in the area of culture and the Commission stipulated under Article 10 herein do not produce their respective opinions within the deadline stipulated under Paragraph (2) of this Article, it shall be deemed that they have no remarks to make concerning the submitted urban plans or their modifications.

### **Article 18 Scientific Research**

The state administration body dealing with activities in the area of conservation of the environment, the state administration body dealing with activities in the area of culture, the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca, in conformity with their respective competences, are obliged to undertake measures aimed at promotion of research activities for the purpose of conservation of the world natural and cultural heritage in the region of Ohrid.

### **Article 19 Educational Programs**

(1) The state administration body dealing with activities in the area of conservation of the environment, the state administration body dealing with activities in the area of culture, the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca, in conformity with their respective competences, are obliged to undertake measures aimed at promoting and fostering education and implementing informative programs for the purpose of raising public awareness concerning respect and esteem for the world natural and cultural heritage in the region of Ohrid.

(2) The entities under Paragraph (1) of this Article are obliged to inform and familiarize the public with the values of the world natural and cultural heritage in the region of Ohrid, the threats jeopardizing the natural and cultural heritage, as well as the measures undertaken for the purpose of conservation of the natural and cultural heritage in the region of Ohrid.

## **IV. MANAGEMENT OF THE WORLD NATURAL AND CULTURAL HERITAGE**

### **Article 20 World Natural Heritage List in the Region of Ohrid**

(1) Every six months, the Government of the Republic of Macedonia, on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature is obliged to review the World Natural Heritage List in the region of Ohrid as inscribed on the World Natural Heritage List from the UNESCO Convention.

(2) The holders of the world natural heritage in the region of Ohrid as inscribed on the World Natural Heritage List stipulated under Paragraph (1) of this Article are obliged to display the world heritage emblem adopted by the UNESCO Convention on a prominent position on the natural heritage site.

(3) The Environment Office keeps the aforementioned List.

(4) The Government of the Republic of Macedonia, on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature, the Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca nominate outstanding natural heritage that is to be inscribed on the World Natural Heritage List from the UNESCO Convention.

### **Article 21**

#### **Ownership of the World Natural Heritage**

(1) The land containing world natural heritage in the region of Ohrid may be property of the Republic of Macedonia, of the local self-government units or property of other legal and physical persons.

(2) The species and its habitat are property of the Republic of Macedonia regardless of the ownership of the land containing the world natural heritage.

(3) The owner of the land containing the world natural heritage is obliged to tend to and look after the species and their habitats in a manner stipulated by this Law and the provisions from the Law on the Conservation of Nature and other ordinances adopted on the basis of this Law.

(4) The holder of the world natural heritage in the region of Ohrid may use the natural heritage in a manner and under the conditions stipulated herein or stipulated by another law.

(5) The private owner is entitled to compensation in compliance with the Law on the Conservation of Nature in case the owner incurs additional costs or suffers losses due to the necessity of using the land in a manner that is different from the customary one as a result of tending to and looking after the species and their habitats.

### **Article 22**

#### **Accessibility to the Public**

(1) The world natural heritage in the region of Ohrid and the related scientific and technical documentation are available to the public in conformity with the provisions herein or from other laws.

(2) In the event of organizing and holding educational, research and cultural events, the holder of the world natural heritage in the region of Ohrid is obliged to make the said available for that purpose.

### **Article 23**

#### **Usage and Deployment of the World Natural Heritage**

(1) The world natural heritage in the region of Ohrid is used and deployed in a manner and to the extent as stipulated in the Plan under Article 13 herein.

(2) The world natural heritage in the region of Ohrid is used and deployed in a manner that provides for its preservation in its original state, conservation and regeneration of the existing biological and regional diversity in a state of natural balance and provision of sustainable usage and deployment of the natural heritage in the interest of the current and subsequent development.

## **Article 24**

### **Temporary or Permanent Conservation**

In the event when the population of a given species or habitat inscribed on the List stipulated under Article 20 herein is endangered, thus jeopardizing the state of the natural habitat, the Minister in charge of the state administration body dealing with activities pertaining to the area of conservation of nature is obliged to undertake special measures and a management regime for the purpose of providing and ensuring temporary or permanent conservation of that particular species in cooperation with other state or local government bodies and in compliance with the Law on the Conservation of Nature and the other ordinances adopted on the basis of this Law.

## **Article 25**

### **World Natural and Cultural Heritage List in the Region of Ohrid**

(1) Every six months, the Government of the Republic of Macedonia, on the proposition of the Minister in charge of the state administration body dealing with activities pertaining to the area of culture is obliged to review the World Cultural Heritage List in the region of Ohrid as inscribed on the World Natural and Cultural Heritage List from the UNESCO Convention.

(2) The Cultural Heritage Protection Office keeps the aforementioned List.

(3) An individual conservation act is adopted for each and every individual cultural good inscribed on the World Cultural Heritage List in the region of Ohrid from the UNESCO Convention. This act is adopted in proceedings which are in compliance with the Law on the Conservation of Cultural Heritage.

(4) The Government of the Republic of Macedonia, in proceedings which are in compliance with the Law on the Conservation of Cultural Heritage, nominates a new individual cultural good to the UNESCO Convention which is to be inscribed as outstanding cultural heritage on the World Cultural Heritage List in the region of Ohrid.

(5) The world cultural heritage emblem is used as stipulated in the Rulebook on the usage of cultural heritage emblems determined by an international agreement.

## **Article 26**

### **Ownership of the World Cultural Heritage**

(1) The tangible and intangible world cultural heritage in the region of Ohrid may be property of the Republic of Macedonia, of the local self-government units or of other legal and physical persons.

(2) The cultural heritage and goods assumed to be cultural heritage and found on land or water, regardless of the fact whether they have been extracted or not, shall be regarded as property of the Republic of Macedonia.

## **Article 27**

### **Accessibility to the Public**

(1) The world cultural heritage in the region of Ohrid and the related scientific and technical documentation are available to the public in conformity with the provisions herein or from other laws.

(2) In the event of organizing and holding educational, research and cultural events, the holder of the world cultural heritage in the region of Ohrid is obliged to make the said available for that purpose.

**Article 28**  
**Usage and Deployment of the World Cultural Heritage**

- (1) The world cultural heritage in the region of Ohrid is used and deployed in a manner and to the extent as stipulated in the Plan under Article 13 herein.
- (2) The world cultural heritage in the region of Ohrid is used and deployed in a manner that provides for its conservation in its original state, preservation of its integrity and for the purpose of meeting the cultural, research, education, aesthetic, religious, economic, touristic and other requirements of both the citizens and society as a whole.
- (3) Special acts for the conservation of the cultural heritage are adopted concerning the individual cultural goods within the boundaries of the world natural and cultural heritage in the region of Ohrid as stipulated under Article 8 herein.
- (4) The appropriate regime concerning the conservation of the world cultural heritage in the region of Ohrid is regulated and governed by the conservation acts stipulated under Paragraph (3) of this Article.

**Article 29**  
**Implementation of Measures and Conservation Activities**

- (1) The Municipalities of Ohrid, Struga and Debarca and their respective bodies and public services along with the state administration body dealing with activities pertaining to the conservation of nature and the state administration body dealing with activities pertaining to culture, within the framework of their respective competences stipulated herein or by another law are accountable for the management and implementation of measures and activities targeted at the conservation and promotion of the world natural and cultural heritage in the region of Ohrid.
- (2) The holders of the world natural and cultural heritage in the region of Ohrid are accountable for the maintenance, upkeep, respect and proper use and deployment of the natural and cultural heritage.
- (3) The national institutions – National Conservation Centre – Skopje and the National Institution for the Conservation of Monuments and Culture and Museum - Ohrid, within their competences, are responsible for undertaking preservation-conservation measures targeted at the world cultural heritage in the region of Ohrid.
- (4) The “D-r Nikola Nezlobinski” Museum - Struga is accountable for undertaking measures for the preservation of the tangible and intangible natural heritage which is an integral part of the collection in the museum.
- (5) The Public Scientific Institution Hydro-Biological Institute in Ohrid is responsible for proposing and undertaking measures aimed at the preservation of the world natural heritage in the region of Ohrid, its scientific exploration and promotion and provision of genetic material from the species.
- (6) The Public Institution National Park Galichica is in charge of and accountable for undertaking measures aimed at the preservation of the world natural heritage within the area of the National Park Galichica and the prevention of degradation of the natural heritage and the area of the national park caused by activities by other legal and physical persons on the sites of the national park.

## **V. REPORT ON THE STATE OF THE WORLD NATURAL AND CULTURAL HERITAGE IN THE REGION OF OHRID**

### **Article 30**

#### **Preparation of the Report**

(1) The Environment Office and the Cultural Heritage Protection Office are obliged to prepare a report on the state of the world natural and cultural heritage in the region of Ohrid (hereinafter, the Report) every six months. This Report contains information about the degree of threat to the world natural and cultural heritage, the degree of concern, i.e. the degree of encroachment of the world natural heritage, the degree of preservation of the world cultural heritage in its original state, the measures undertaken, as well as the changes incurred concerning the state of the world natural and cultural heritage since the issuance of the last report. This Report further contains an assessment of the measures undertaken stipulated in the Action Plan as an integral part of Article 13 herein.

(2) Additionally, the Report envisages recommendations about the measures which are to be undertaken for the purpose of overcoming those states.

(3) In the course of preparing the Report, the Environment Office and the Cultural Heritage Protection Office are obliged to include research and educational institutes, as well as other professional organizations, representatives from the Municipalities of Ohrid, Struga and Debarca, in addition to other public institutes or other legal entities whose operations either directly or indirectly exert influence on the natural and cultural heritage in the region of Ohrid.

### **Article 31**

#### **Threat Assessment**

(1) In the Report stipulated under Article 30 herein, the Environment Office and the Cultural Heritage Protection Office are obliged to assess whether a given segment or the overall world natural and cultural heritage in the region of Ohrid is endangered.

(2) The Environment Office makes the aforementioned assessment on the basis of the following criteria:

1) Confirmed threat is when the natural heritage encounters a specific or validated potential threat, such as:

- Grave decrease in the population of endangered species or other species of outstanding universal value inscribed on the List stipulated under Article 20 herein, either due to natural factors, such as diseases, or due to human factors, such as poisoning,
- Considerable deterioration of the natural beauties or scientific values of the natural heritage, inflicted by human settlements, erection of reservoirs that flood considerable segments of the natural heritage, industrial and agricultural development, including usage of pesticides and fertilizers, major public and infrastructural work, mines, pollution, illegal logging, etc.
- Endangerment/ infringement of the boundaries or of the adjacent areas that jeopardize the integrity of the natural heritage and inflicted by man, and

2) Potential threat is when the natural heritage encounters perils that may lead to the deterioration of its outstanding values by:

- Change in legal status pertaining to area preservation,
- Planned population or execution of developmental projects within the area of natural heritage, or beyond the area of natural heritage provided that they are established in a way that may lead to natural heritage imperilment,
- Encroachment or imperilment due to military conflicts or acts, and
- Lack of or an unsuitable management plan or incomplete implementation of the management plan.

(3) The Cultural Heritage Protection Office makes the world cultural heritage assessment stipulated under Paragraph (1) hereunder on the basis of the following criteria:

1) Confirmed threat is when the cultural heritage encounters a specific or validated potential threat, such as:

- Accelerated deterioration of the material that the cultural goods are made of,
- Grave changes to the structure or decoration,
- Serious alterations to the architectonic and urban interconnection of the urban and rural area or the environment,
- Marked loss of historic authenticity,
- Uncontrollable urbanization of the area,
- Grievous distortion of their cultural significance,
- Considerable alterations due to unidentified or unknown reasons, and
- Renaming of toponyms, and

2) Potential threat is when the cultural heritage encounters perils that may lead to the deterioration of its outstanding values due to:

- Break-out or a threat of break-out of an armed conflict,
- Natural catastrophes, in particular, earthquakes, floods, landslides, fires or progressive modifications due to geological, climatic or other natural factors,
- Any abandonment, and
- Lack of, unsuitability or insufficient implementation of the protection plans and programs or the protection regime which is not compatible with the preservation and legal status of the cultural heritage.

### **Article 32** **Public Perusal of the Report**

(1) Within 15 days upon the preparation of the Draft Report stipulated under Article 30 hereunder, the Environment Office and the Cultural Heritage Protection Office are obliged to submit the Report for opinion to the Mayor of the Municipality of Ohrid, to the Mayor of the Municipality of Struga and to the Mayor of the Municipality of Debarca, and to other scientific and educational institutions and research organizations, as well as making it available for public perusal.

(2) The Mayor of the Municipality of Ohrid, the Mayor of the Municipality of Struga and the Mayor of the Municipality of Debarca, the scientific and educational institutions and the research organizations and the public are entitled to express their opinions concerning the Draft Report to the Environment Office and/or the Cultural Heritage Protection Office in a period not shorter than 30 days and not exceeding 60 days upon their receipt, i.e. upon the publication of the Report.

(3) Within 8 days upon the publication of the Draft Report, the Environment Office and the Cultural Heritage Protection Office are obliged to announce the commencement of the public perusal in at least two daily newspapers available on the whole territory of the Republic of Macedonia, stipulating the deadline and venue of public perusal.

### **Article 33** **Adoption of the Report**

(1) In the final version of the Report, the Environment Office and the Cultural Heritage Protection Office are obliged to adequately incorporate the opinions obtained in the course of the public perusal and submit them to the Minister in charge of the state administration body dealing with activities pertaining to the area of the conservation of nature and the Minister in

charge of the state administration body dealing with activities pertaining to the area of culture, to the Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid and to the National Commission and the National Committee for UNESCO of the Republic of Macedonia. This Report is to be submitted within 30 days at the latest upon the preparation of the final version of the Report.

(2) Upon the adoption of the Report by the National Commission and the National Committee for UNESCO of the Republic of Macedonia, and by the Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid, the Minister in charge of the state administration body dealing with activities pertaining to the area of the conservation of nature in cooperation with the Minister in charge of the state administration body dealing with activities pertaining to the area of culture are obliged to submit the Report for adoption to the Government of the Republic of Macedonia.

#### **Article 34 Notification**

Within 30 days upon the day of receipt of the Report, and in the event that the Report, stipulated under Article 30 herein, confirms that the world natural and/or cultural heritage in the region of Ohrid is in jeopardy, the Minister in charge of the state administration body dealing with activities pertaining to the area of the conservation of nature and/or the Minister in charge of the state administration body dealing with activities pertaining to the area of culture are obliged to notify the National Commission for UNESCO of the Republic of Macedonia.

#### **Article 35 Submission of Reports to UNESCO**

The National Commission for UNESCO of the Republic of Macedonia is in charge of and responsible for the submission of reports in compliance with the provisions of the UNESCO Convention, including the Report under Article 30 herein.

### **VI. FINANCING**

#### **Article 36 Sources of Finances**

(1) The sources required for the implementation of this Law are provided from:

- 1) the budget of the Republic of Macedonia;
- 2) the budget of the Municipality of Ohrid, the budget of the Municipality of Struga and the budget of the Municipality of Debarca;
- 3) assets acquired by usage and deployment of the natural and cultural heritage in the region of Ohrid, and
- 4) other sources (donations, grants, loans, gifts, legates, etc.).

(2) The assets stipulated under Paragraph (1) point 1 hereunder are used to finance the work and operations of the Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid, in addition to the drafting of the plan under Article 13 herein and the Report on the state of the world natural and cultural heritage in the region of Ohrid.

(3) Moreover, the assets stipulated under Paragraph (1) point 2 hereunder are used to finance the work and operations that the Municipalities of Ohrid, Struga and Debarca are in charge of in compliance with the law.

(4) Additionally, the assets stipulated under Paragraph (1) point 3 hereunder are used to finance the work and operations that the holders of the world natural and cultural heritage in the region of Ohrid are in charge of in compliance with the law.

(5) Finally, the assets stipulated under Paragraph (1) point 4 hereunder are used to finance all other activities that they are intended for.

## **VII. SUPERVISION**

### **1. Supervision of the Implementation of the Law**

#### **Article 37**

#### **Competence over the Supervision of the Implementation of the Law**

(1) The supervision of the implementation of this law and the regulations adopted on the basis of this law in the area of the world natural heritage is carried out by the state administration body dealing with activities pertaining to the area of the conservation of nature through the Environment Office.

(2) The supervision of the implementation of this law and the regulations adopted on the basis of this law in the area of the cultural heritage is carried out by the state administration body dealing with activities pertaining to the area of culture through the Cultural Heritage Protection Office.

#### **Article 38**

#### **Supervision of the Work and Operations of the Municipalities of Ohrid, Struga and Debarca**

For the purpose of carrying out the supervision of the implementation of this law, the competent bodies under Article 37 supervise the work and operations of the bodies within the Municipalities of Ohrid, Struga and Debarca pertaining to the execution of their competences stipulated by this law.

#### **Article 39**

The supervision of the work and operations of the Municipalities of Ohrid, Struga and Debarca is based on the principles of lawfulness, accountability and independence in the realization of their competences.

#### **Article 40**

#### **Procedure for Carrying Out Supervision of the Work and Operations of the Municipalities of Ohrid, Struga and Debarca**

In the supervision of the work and operations of the bodies within the Municipalities of Ohrid, Struga and Debarca, the state administration body dealing with activities pertaining to the area of the conservation of nature and the state administration body dealing with activities pertaining to the area of culture execute the following activities:

- 1) Establish whether the Municipalities of Ohrid, Struga and Debarca manage the world natural heritage within their competences pursuant to the manner prescribed by Article 9 herein;
- 2) Evaluate whether the Municipalities of Ohrid, Struga and Debarca have submitted the adopted urban plans and modifications to the existing urban plans for opinion to the Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid in conformity with Article 17 herein;

- 3) Evaluate whether the Municipalities of Ohrid, Struga and Debarca have submitted the adopted urban plans and modifications to the existing urban plans for opinion to the state administration body dealing with activities pertaining to the area of the conservation of nature, i.e. to the state administration body dealing with activities pertaining to the area of culture in conformity with Article 17 herein;
- 4) Evaluate whether the Municipalities of Ohrid, Struga and Debarca, in the capacity of holders of world natural heritage, i.e. holders of world cultural heritage, have displayed the world heritage emblem on a prominent position on the natural, i.e. cultural heritage site in conformity with Article 20 Paragraph (2) herein, i.e. in conformity with Article 25 Paragraph (5) herein;
- 5) Evaluate whether the Municipalities of Ohrid, Struga and Debarca undertake measures aimed at promotion of research works for the purpose of conservation of the world natural and cultural heritage in the region of Ohrid;
- 6) Evaluate whether the Municipalities of Ohrid, Struga and Debarca undertake measures targeted at promoting and fostering education and implementing informative programs for the purpose of raising public awareness concerning respect and esteem for the world natural and cultural heritage in the region of Ohrid;
- 7) Evaluate whether the Municipalities of Ohrid, Struga and Debarca, in the capacity of holders of world natural heritage, i.e. holders of world cultural heritage in the region of Ohrid, use and deploy this heritage in a manner and under the terms stipulated by this law or by any other law (Article 21 Paragraph (4) and Article 28);
- 8) Evaluate whether the Municipalities of Ohrid, Struga and Debarca, in the capacity of holders of world natural heritage, i.e. holders of world cultural heritage in the region of Ohrid, have enabled and provided for its use when organizing and holding educational, scientific and cultural events (Articles 22 and 28);
- 9) Evaluate whether the Municipalities of Ohrid, Struga and Debarca intend to or undertake activities or actions concerning the world natural heritage in the region of Ohrid that may or enable usage and deployment of the natural heritage contrary to Article 23 Paragraph (2) herein;
- 10) Evaluate whether the Municipalities of Ohrid, Struga and Debarca use and deploy the world natural, i.e. world cultural heritage in a manner and to the extent as stipulated in the Plan under Article 13 herein (Article 23 Paragraph (1) and Article 28 Paragraph (1)), and
- 11) Evaluate whether the Municipalities of Ohrid, Struga and Debarca implement measures and activities targeted at the conservation and promotion of the world natural and cultural heritage in the region of Ohrid (Article 29).

#### **Article 41**

##### **Revocation of Competences**

(1) In the case that, despite the points stipulated by Article 40 herein and the measures and activities undertaken, the Mayors and/or the Councils of Ohrid, and/or Struga and/or Debarca do not provide for the execution of the works that are within their competences pursuant to this Law and that they are accountable for, their competences are revoked by force of law. In such an event, the execution of the aforementioned works is performed respectively by the state administration body dealing with activities pertaining to the area of the conservation of nature and/or the state administration body dealing with activities pertaining to the area of culture, for a period of time that does not exceed more than one year since the day of their undertaking.

(2) The competent body under Paragraph (1) herein performs the works within the competences of the Municipalities of Ohrid and/or Struga and/or Debarca on behalf of and for the account of the Municipalities of Ohrid and/or Struga and/or Debarca.

(3) The competent body under Paragraph (1) herein notifies the state administration body dealing with activities pertaining to the area of local self-government and the state administration body dealing with activities pertaining to the area of finances concerning the undertaking of the works.

## **2. Inspection Supervision**

### **Article 42**

#### **Competence for Inspection Supervision**

(1) The inspection supervision concerning the implementation of this law and the regulations based on this law in the area of natural heritage is performed by the State Environmental and Nature Protection Inspectorate through the state inspectors in charge of nature protection.

(2) The inspection supervision concerning the implementation of this law and the regulations based on this law in the area of cultural heritage is performed by the Cultural Heritage Protection Office through the inspectors in charge of cultural heritage.

### **Article 43**

#### **Scope of Jurisdiction of the State Inspector for Nature Protection**

(1) In the performance of inspection supervision, the inspector in charge of nature protection, apart from the actions stipulated in conformity with the Law on the Environment and the Law on the Conservation of Nature, is entitled to undertake the following actions as well:

- To determine whether the holder of the world natural heritage manages the natural heritage in compliance with the Plan stipulated under Article 13 herein (Article 16),
- To control and check as to whether the holder of the world natural heritage has displayed the world heritage emblem in a manner that is stipulated by Article 20 Paragraph (3) herein, and
- To control and check as to whether the world natural heritage is used and deployed in a manner and to the extent as stipulated in the Plan under Article 13 herein (Article 23 Paragraph (1)).

(2) In the performance of inspection supervision, the state inspector in charge of nature protection may order:

- Elimination of deficiencies ascertained during the inspection supervision and shall determine a deadline for their elimination,
- Undertaking of measures for the purpose of securing proper management of the natural heritage and shall determine a deadline for their undertaking,
- Displaying of the world heritage emblem and shall determine a deadline for its display,
- Undertaking of measures for the purpose of securing proper usage and deployment of the world natural heritage and shall determine a deadline for their proper undertaking,
- Undertaking of the measures that derive from the Plan stipulated under Article 13 herein and shall determine a deadline for their proper undertaking,
- Banning of implementation of activities or actions that are not in conformity with the Plan stipulated under Article 13 herein.

(3) In the performance of inspection supervision under Paragraph (1) hereunder, the state inspector in charge of nature protection may request the presence of an employee from the Environment Protection Office.

**Article 44**  
**Scope of Jurisdiction of the State Inspector for Cultural Heritage**

(1) In the performance of inspection supervision, the inspector in charge of cultural heritage, apart from the actions stipulated in conformity with the Law on the Conservation of Nature, is entitled to undertake the following actions as well:

- To establish whether the world cultural heritage is used and deployed in a manner and to the extent as stipulated in the Plan under Article 13 herein (Article 28), and
- To control and check so as to determine whether the holder of the world cultural heritage manages the cultural heritage in compliance with the Plan stipulated under Article 13 herein (Article 29).

(2) In the performance of inspection supervision, the state inspector in charge of cultural heritage may order:

- Undertaking of measures for the purpose of securing proper usage and deployment of the world cultural heritage and shall determine a deadline for their proper undertaking,
- Undertaking of the measures that derive from the Plan stipulated under Article 13 herein and shall determine a deadline for their proper undertaking,
- Banning of implementation of activities or actions that are not in conformity with the Plan stipulated under Article 13 herein.

**Article 45**  
**Responsibilities of Legal and Physical Persons during Supervision**

For the purpose of performing the inspection supervision, the legal and physical persons are obliged to enable the inspectors competent under Articles 43 and 44 herein access and insight into the premises and documentation kept by the legal or physical person, to present them the requested data and information, explanations and notifications, to allow them to take measurements and samples, as well as to collect sufficient evidence in compliance with this Law, the Law on the Environment, the Law on the Conservation of Nature and the Law on the Conservation of the Cultural Heritage.

**VIII. PENALTY PROVISIONS**

**Article 46**  
**Penalty Sanctions for Physical Persons**

(1) A fine in the amount of 100 Euros in the value of denars is imposed on the very spot for the physical person that has committed an offence, provided that

- the physical person has not displayed the world heritage emblem on a prominent position (Article 20 Paragraph (2)).

(2) Having ascertained that the offence under Paragraph (1) herein has been committed, the state inspector in charge of nature protection shall impart the offender a written notice for payment of the fine, which he/she is obliged to settle within eight days upon the imparting of the said notice.

(3) If the offender does not voluntarily settle the fine in the prescribed time period, the state inspector in charge of the conservation of nature shall submit a request for instigating offence proceedings to the Offence Commission within the Ministry of the Environment and Physical Planning established in conformity with the Law on the Environment.

### **Article 47**

A fine in the amount of 400 Euros in the value of denars will be imposed on the physical person provided that:

- 1) The management of the natural and cultural heritage is done in a manner that is contrary to the manner stipulated under Article 9 herein;
- 2) The use of the world natural heritage is done in a manner and to an extent that is contrary to what is stipulated in the Plan under Article 13 herein (Article 23 Paragraph (1));
- 3) The use of the natural heritage in the region of Ohrid is contrary to Article 23 Paragraph (2) herein, and
- 4) The use of the world cultural heritage is done in a manner and to an extent contrary to what is stipulated in the Plan under Article 13 herein (Article 28 Paragraphs (1) and (2)).

### **Articles 48**

#### **Penalty Sanctions for Legal Persons**

(4) A fine in the amount of 200 Euros in the value of denars is imposed on the very spot on the legal person that has committed an offence, provided that:

- the legal person has not displayed the world heritage emblem on a prominent position (Article 20 Paragraph (2)).

(5) A fine in the amount of 100 Euros in the value of denars is imposed on the person in charge on behalf of the legal person for the offence committed under Paragraph (1) herein.

(6) Having ascertained that the offence under Paragraphs (1) and (2) herein has been committed, the state inspector in charge of nature protection shall impart the offender a written notice for payment of the fine, which he/she is obliged to settle within eight days upon the imparting of the said notice.

(7) If the offender does not voluntarily settle the fine in the prescribed time period, the state inspector in charge of the conservation of nature shall submit a request for instigating offence proceedings to the Offence Commission within the Ministry of the Environment and Physical Planning established in conformity with the Law on the Environment.

### **Article 49**

(1) A fine in the amount of 3.000 Euros in the value of denars will be imposed on the legal person provided that:

- 1) The management of the natural and cultural heritage is done in a manner that is contrary to the manner stipulated under Article 9 herein;
- 2) The use of the world natural heritage is done in a manner and to an extent that is contrary to what is stipulated in the Plan under Article 13 herein (Article 23 Paragraph (1));
- 3) The use of the natural heritage in the region of Ohrid is contrary to Article 23 Paragraph (2) herein, and
- 4) The use of the world cultural heritage is done in a manner and to an extent contrary to what is stipulated in the Plan under Article 13 herein (Article 28 Paragraphs (1) and (2)).

(2) A fine in the amount of 800 Euros in the value of denars is imposed on the person in charge on behalf of the legal person for the offence committed under Paragraph (1) herein.

**Article 50**  
**Settlement Procedure**

- (1) With reference to the offences stipulated under Articles 47 and 49 herein, the state inspector in charge of the protection of the environment, i.e. the inspector in charge of the cultural heritage, is obliged to propose a settlement procedure to the offender prior to filing a request for instigating offence proceedings.
- (2) The settlement procedures instigated by the state inspector in charge of the protection of the environment are performed pursuant to the provisions from the Law on the Environment.
- (3) The settlement proceedings instigated by the inspector in charge of the cultural heritage are performed in compliance with the provisions from the Law on the Conservation of Nature.

**Article 51**  
**Instigating Offence Proceedings**

The competent court has the jurisdiction to impose penalty sanctions concerning the offences stipulated under Articles 47 and 49 herein.

**IX. TRANSITIONAL AND FINAL PROVISIONS**

**Article 52**  
**Commission on Management of the World Natural and Cultural Heritage in the Region  
of  
Ohrid**

The Commission on Management of the World Natural and Cultural Heritage in the Region of Ohrid shall be established in a period of three months since the coming of this Law into force.

**Article 53**  
**Plan on Management of the World Natural and Cultural Heritage in the Region of  
Ohrid**

The Plan concerning the management of the world natural and cultural heritage in the region of Ohrid shall be adopted in a period of six months at the latest since the coming of this Law into force.

**Article 54**  
**Final Provisions**

This Law comes into force on the eighth day from its publication in the “Official Gazette of the Republic of Macedonia”.

**4. LAW ON PROCLAMATION OF THE OLD URBAN CORE OF OHRID AS CULTURAL HERITAGE OF EXCEPTIONAL SIGNIFICANCE** *"Official Gazette of the Republic of Macedonia" no. 47 of 08.04.2011*

(Nonofficial translation!)

**I. GENERAL PROVISIONS**

**Article 1**

- (1) The old urban core of Ohrid, representing a monumental ensemble, is hereby designated as a cultural heritage of exceptional significance, subcategory – great significance.
- (2) With the proclamation of the monumental ensemble “Old urban core of Ohrid” as cultural heritage of exceptional significance, it is enabled to:
  - permanently protect the historical, artistic, architectural, urban, ambiance, ethnological, spiritual, sociological and other scientific and cultural values, as well as the authenticity, the uniqueness, rarity, diversity, integrity, the ancient character and other properties, contents and functions;
  - create favorable conditions for the survival and maintenance of the integrity of the data that embedded in the property as testimony;
  - spreading of the knowledge on its values, significance and role in cultural identification;
  - serve the cultural, scientific, educational, aesthetical, economic, tourist and other needs of the citizens.
  - Prevent the actions, phenomena and influences that are detrimental to the well-being of the property.
- (3) The monumental ensemble “Old urban core of Ohrid” dating from different eras starting with the 4<sup>th</sup> century BC until today, as a cultural heritage of exceptional importance, is an asset of general interest for the Republic of Macedonia and enjoys special protection as stipulated by this law, the Law on the Protection of Cultural Heritage and the Law on the Management of the World Natural and Cultural Heritage of the Ohrid Region, as well as other laws.

**Article 2**

The monumental ensemble “Old urban core of Ohrid” (in the following text: Old urban core of Ohrid) is located in the area that is a part of the municipality of Ohrid and occupies the space between the following coordinates:

- the eastern-most point: Y 41,110582; X 20,806259
- the southern-most point: Y 41,109430; X 20,804770
- the western-most point: Y 41,114546; X 20,787277
- the northern-most point: Y 41,119025; X 20,790586
- highest elevation (794 above sea level) Y 41,115360, X 20,791330 and with total surface area of 85 Ha 08 a 74 m<sup>2</sup>.

**Article 3**

The old urban core of Ohrid has the following boundaries:

- East: the eastern boundary begins at the point “A”, that is at the intersection of the “Makedonski prosvetiteli” street and “Turisticka” boulevard, it moves south by the axis of the “Makedonski prosvetiteli” street (KP 17.266) until its intersection with “Partizanska” street, it moves east by the axis of “Partizanska” street (KP 17.330) until its intersection with “Jane Sandanski” street and moves south by the axis of “Jane Sandanski” street (KP 17.331) until its intersection with “Quay Marshal Tito” street and the shore of the Ohrid lake.
- South: the southern boundary begins at the intersection of “Jane Sandanski” street with the “Quay Marshal Tito” street and moves to the west up the “Quay Marshal Tito” street (KP 17.328) and the walking area at the shore of the lake that includes the harbor (KP 17.350) and moves along the shore of the Ohrid lake until the shore under the church “St. John the Theologian – Kaneo”.
- West: the western boundary begins at the shore of the Ohrid lake under the church “St. John the Theologian – Kaneo” and moves north by the lake’s shore until the drainage of river Grashnica in the Ohrid lake and moves up north by the axis of the river Grashnica’ bed until its intersection with “Goce Delcev” street.
- North: the northern boundary begins at the intersection of the river “Grashnica” bed with the “Goce Delchev” street and moves east by the axis of “Goce Delchev” street (KP 17.270) until its intersection with “Abas Emin” street, then moves up north by the axis of “Abas Emin” street (KP 17.222) until its intersection with the boulevard “Turistichka”, turning east by the axis of boulevard “Turistichka” and ends at the intersection of “Makedonski prosvetiteli” street and “Turistichka” boulevard at the point “A”.

#### Article 4

The old urban core of Ohrid has one buffer zone with total surface area of 777 ha 06 a 238 m<sup>2</sup> with the following boundaries:

- On the east side, the boundary begins at the intersection of “Zheleznichka” street (KP 17.225/1) with “Bejbunar” street (eastern transit street) KP 7.236 and moves towards the south along “Bejbunar” street (KP 7.236) until the intersection with “Stundenchishta” canal (KP 2.720).
- On the south side, the boundary begins at the intersection of “Bejbunar” street (7.236) with the “Stundenchishta” canal and moves to the west along the axis of the “Stundenchishta” canal (KP 7.220) until the intersection with the lake shore from where it moves in the north-western direction following the coast of the lake until the intersection with the western boundary of KP 17.044 and moves north following the western boundaries of KP 17.044, 17.043, 17.042, 17.041, 16.983, 16.985, 16.986, 16.987, it intersects the “Jane Sandanski” street and moves towards west following the southern boundaries of KP 16.557, 16.556, 16.555, 16.554, 16.551, 16.550, 16.542, 16.521, 16.519, 16.518, 16.489/1, 16.490/1, 16.490/2, 16.494, 16.495, 16.488, 15.616, 15.617, 15.618, 15.620, 15.621, 15.623 until the intersection with the western boundary of KP 15.623 from where it moves towards the north, following the western boundary of KP 15.623, 15.602, 15.599, it intersects “Dimitar Vlahov” street (KP 17.304), continues north following the western boundary of KP 15.381, 15.382/2, 15.383, 15.355, 15.353/2, it intersects “Dame Gruev” street (KP 17.290) and moves north again following the western boundary of KP 14.471, 14.472, 14.473 14.478, 14.479, 14.353, 14.352, it intersects boulevard “Turistichka” from where it moves west following the south boundaries of KP 14.345, 14.341, 14.340, 14.339, 14.338, 14.337, 14.335, it intersects “Abas Emin” street (KP 17.222) from where it moves

south following the eastern boundaries of KP 13.714, 13.717, 13.715, 14.131, 14.132, 14.133, 17.282/1, 14.137, 14.139, from where it moves west following the southern boundaries of KP 14.139, 14.146, 14.147, 14.148, 14.149/3, 14.149/2, 14.149/1, 14.152, 14.109, 14.108, 14.107, 14.106, 14.105, 14.104, 14.103, 13.102, it intersects “Pirin Planina” street (KP 17.269) and moves towards the west following the southern boundaries of KP 14.092, 14.091, 14.090, 14.089, it intersects “Stiv Naumov” street (KP 17.214) from where it moves west following the southern boundaries of KP 14.085, 14.084, 14.083, 14.082, 14.073, 14.072, 14.070, 14.069, 13.788, 13.789, 13.790, 13.794, 13.793, 13.860, 13.862, 13.863, 13.864, 13.865, 13.857, 13.866, 13.867, 13.854, 13.850, 13.849, 17.270, 13.811, 13.812, it intersects “Goce Delchev” street (KP 17.270) and moves towards southwest following the eastern boundaries of KP 13.833, 17.189, 13.836, 13.874, 13.875, 13.876, 13.877, 13.879, 13.880, 13.881, 13.883, 13.884, 14.011, 14.012 until the intersection with the shore of the lake Ohrid from where it moves northwest following the shore of the lake until the intersection of “Andon Dukov” street (KP 3.274).

- On the west side, the boundary starts at the intersection of the shore of the lake Ohrid with “Andon Dukov” street and moves up northeast on the axis of “Andon Dukov” street (KP 3.274) until the intersection with “Zheleznichka” street.
- On the north side, the boundary starts at the intersection of “Andon Dukov” street with “Zheleznichka” street and moves towards northeast on the axis of “Zheleznichka” street (KP 17.225/1) until the intersection with “Bejbunar” street.

#### **Article 5**

- (1) The boundaries of the old urban core of Ohrid and its buffer zones in the sense of articles 3 and 4 of this Law (in the further text: protected area), are applied on a geodetic base in a scale of 1:1000 by the Agency for Cadastre of Real-estate.
- (2) The institution from paragraph (1) of this article marks each cadastre plot that is within the limits of the protected area into the Cadastre registry and documentation, noting that it is a part of the Old Urban Core of Ohrid as Cultural Heritage of Exceptional Significance and for each individual property within the borders of the protected area that it has a status of cultural heritage in the adequate category determined with its proclamation act.
- (3) The boundaries of the protected area of paragraph (1) of this article can not be changed by spatial or urban plan or with any other act except an act for protection or an act of amendment in accordance with the regulations for the protection of cultural heritage.

#### **Article 6**

- (1) For the purposes of protection, maintenance, revitalization and rational use of the Old urban core of Ohrid, the Municipality of Ohrid adopts a detailed urban plan for the boundaries of the Old urban core of Ohrid of the article 3 of this law.
- (2) The municipality of Ohrid adopts detailed urban plan for the buffer zone of article 4 of this law.
- (3) The plans from paragraphs (1) and (2) of this article are made on the basis of the protective-conservation bases prepared by the National Institution – Institute for the Protection of Cultural Monuments and Museum – Ohrid.

- (4) The protective-conservation bases of the monumental ensemble the Old urban core of Ohrid contain a compulsory list of permitted and restrictive measures for every single part of the monumental ensemble.
- (5) The approved protective-conservation bases of paragraphs (3) and (4) of this article are embedded in the detailed urban plans as special conditions for construction on any parcel individually.

### **Article 7**

- (1) In the Old urban core of Ohrid it is prohibited:
  - 1) To change the existing urban structure, population density, boundaries of the urban blocks and parcels as part of the organic urbanism, the street network, the roads towards the lake and all the open-air and green surfaces;
  - 2) To change the height and the façade appearance of the protected assets and ambiance buildings;
  - 3) To change the size of the protected assets;
  - 4) To construct new structures with a gallery or attic, with or without roof windows or covered with a flat terrace;
  - 5) The point of the ground floor should not be less than 10cm or higher than 90cm above the level of the approaching street or the designated point "A", if the structure exits on two streets or more;
  - 6) The height of the ground floor should not be less than 2,40 cm and no more than 2,80 cm. For the complex "Charshija" and the complex "Chinarot" it should not be more than 3,20 cm.
  - 7) The height of the floors should be more than 3,00 cm.
  - 8) To conduct construction or other type of work without previous archaeological research in the area.
  - 9) To construct an oriel larger than 50 cm in the complex "Charshija", and for every other structure in the Old urban core of Ohrid, to construct an oriel smaller than 50 cm and larger than 80 cm and to have lesser height than 3,60 m from the street level that has automotive traffic.
  - 10) To build parking garages as separate structures on the parcel.
  - 11) To enlarge the size and the height of auxiliary structures.
  - 12) To introduce new purposes of use that causes noise, pollution and environment pollution.
  - 13) To park next to the protected properties and to form parking spaces in their vicinity.
  - 14) To change the material of the walking area of the streets to granite cubes and stone plates.
  - 15) To use new pavement elements (concrete tiles) for the pedestrian areas.
  - 16) To place television antennas, receivers, relays, large commercial billboards and similar.
  - 17) To damage the Old urban core of Ohrid especially through inappropriate use.
- (2) In the Old urban core of Ohrid, the protection regime is practiced according to the detailed parameters in the detailed urban plans from article 6 of this law that are adopted for the monumental ensemble, as well as the special protective-conservation conditions that refer to:
  - 1) Controlled interpolation of new locations of free spaces.

- 2) Conservation of the protected assets in their original form through a process of conservation, protection and in special cases, with facsimile reconstruction.
- 3) Protection by conservation of the ambience structures that contribute to the value and the ambience environment of the whole area in its original condition, especially the exterior appearance of the buildings. It also includes the facsimile reconstruction of the typical appearance of the facades of the structures that have significant damage.
- 4) Retrieving of the lost fund of structures on the places that are unoccupied and have the original blueprints, urban plans, physical remains, technological or photo documentation through their reconstruction or typological renewal.
- 5) Retrieving of the original appearance of the facades of the structures that have lost it and that have a sufficient documentation about their primary condition.
- 6) Rearrangement of the properties on the base of their use during their reconstruction or typological reconstruction.
- 7) Keeping of the ambient structures in their present displacement with a possibility of small interventions that will not significantly change the ambience.
- 8) Keeping or constructing the structures with hipped roofs with soft fall (max. 220 to 240). The structures that are lined up next to each other and have a gabled roof and soft fall will be re-constructed with red ceramic tiles as a covering material.
- 9) Keeping the façades on the ground floors and the high ground floors that are made of broken stones. The arches on the openings should be made of brick and the floors should be painted with lime.
- 10) Keeping of the original color of the structures as it was in the period between the two world wars.
- 11) Keeping the harmonious rhythm of placement of the wooden windows with wooden borders, the characteristic wooden borders of the façade, as well as the wooden jambs and the typical sills.
- 12) Keeping and maintaining of the existing, basic functions of the Old urban core of Ohrid and retrieving of certain original functions such as the old handicrafts, or giving new, contemporary functions to certain structures if such functions are compatible with the nature and the character of the monumental ensemble.
- 13) All types of infrastructure and installations are to be invisible in the area of the Old urban core of Ohrid as well as the facades looking towards the streets.
- 14) Keeping of the asphalt of the frequented motor roads that are already asphalted.
- 15) Incorporation of the shop signs, billboards, other types of public commercial promotion, neon and other types of advertisements, traffic signs, monumental signalization, lighting, urban equipment for the public spaces, etc.
- 16) Taking preventive and corrective measures against the destructive effects of the noise, physical impacts, vibrations, etc.

### **Article 8**

- (1) Inside the buffer zone of the Old urban core of Ohrid it is prohibited to:
  - 1) Conduct construction works or other type of earth-works without archaeological supervision.

- 2) To construct new buildings or roads or do other type of earth-work or construction work without previously conducting protective archaeological research on the sites that are known to contain archaeological remains.
  - 3) To change the size, height, façade appearance, etc., of the protected asset.
  - 4) To conduct interventions that can endanger the integrity of the individual protected assets in a radius of 15 meters around them.
- (2) The buffer zone of the Old urban core of Ohrid has a specific protective regime that has detailed and defined parameters in the detailed urban plan from article 6 of this law (referring to the buffer zone), as well as special protective-conservation conditions such as:
- 1) Maintaining of the protected assets in their original condition through conservation, repair and in exceptional cases – a facsimile reconstruction.
  - 2) Maintaining of the hipped roofs by using red ceramic tiles on the individually protected assets.
  - 3) Bringing the height and size of the new structures in line with the goal of not closing down the vista towards the monumental ensemble. Inside the monumental ensemble, the parameters are: GF + 4 floors and GF + 5 floors for the buffer zone that is beyond 1000 m radius (by air) from the monumental ensemble.
  - 4) The architectural modeling of the structures with large sizes into characteristic proportions and measures.

#### **Article 9**

- (1) The municipality of Ohrid and its institutions and public services are responsible for enforcing the measures and conducting the activities in the protected area within their jurisdictions determined by this and other laws.
- (2) The owners of cultural heritage inside the protected area are responsible for its maintenance, safekeeping, respecting and proper usage.
- (3) The national institution – Institute for the protection of cultural monuments and Museum – Ohrid, is responsible for protective measures inside the protected area in line with the Law on the protection of cultural heritage.

#### **Article 10**

- (1) The old urban core of Ohrid is administered (in the name of Republic of Macedonia) by the National institution – Institute for the protection of cultural monuments and Museum – Ohrid. In the name of the local community it is administered by the municipality of Ohrid.
- (2) In order to achieve the conditions necessary for permanent protection of the monumental ensemble and removal of the factors that are detrimental to it, as well as for better coordination of the joint activities, initiatives, projects for protection, landscaping, use and revitalization of the monumental ensemble Old urban core of Ohrid, the National institution – Institute for the protection of cultural monuments and Museum – Ohrid and the mayor of municipality of Ohrid are obliged to produce a plan for integrated protection of the Old urban core of Ohrid (in the further text: Plan for integrated protection).
- (3) The Plan is adopted by the management board of the National institution – Institute for the protection of cultural monuments and Museum – Ohrid, on the proposal of its director after previous acceptance of it by the municipality of Ohrid.

(4) The plan for integrated protection contains:

- Overview (number, size, current use, valorization/revalorization, future use) of the immovable cultural heritage inside the monumental ensemble.
- Overview and grade of the conditions of certain parts or buildings inside the monumental ensemble.
- Suggestion for repairs, protection, construction, future use of the buildings inside the monumental ensemble.
- Overview of the funds necessary for the completion of the plan.
- Overview of the organization and the dynamics of the implementation of the activities on the communal infrastructure.
- Planning of the urban development and urban rehabilitation.
- Identification of potential detrimental factors and risks to the values of the cultural asset.
- Development of activities for raising the awareness for the importance of the cultural heritage.
- Developing guidelines for development of the cultural tourism in accordance with the principle of sustainable development.
- Development of activities for publishing of scientific, expert and informative publications.

(5) The plan is to be presented for public debate before it is adopted.

(6) The plan is adopted for a period of 5 years.

### **Article 11**

(1) Valuation and observance of the implementation of the Plan for integrated protection is done by supervisory board consisting of nine members that are appointed by the Minister of culture. The board has to include one representative from the following institutions:

- Ministry of Culture,
- Cultural Heritage Protection Office,
- Ministry of Environment and Spatial Planning,
- Ministry of Local Self-government,
- National institution – National Conservation Center – Skopje,
- International council for monuments and sites - ICOMOS,
- National committee for UNESCO,
- Organization of tourist workers of municipality of Ohrid.

(2) The Supervisory board (in the further text: the board) has a mandate of four years.

(3) The board from paragraph (1) of this article is to deliver an annual report for the conducted activities for the realization of the plan to the Minister of culture.

(4) The report from paragraph (3) of this article contains the evaluation of the conducted activities and the recommendations for the improvement of the conditions.

## **II. OVERSIGHT**

### **Article 12**

(1) The oversight of the implementation of this law is done by the Ministry of Culture.

(2) The inspection oversight over the implementation of this law is done by the Ministry of Culture through the inspectors for culture in accordance with the Law on Culture, as

well as by the Cultural Heritage Protection Office in accordance with this law and the Law on the Protection of Cultural Heritage.

- (3) Concerning the application of the regulations for construction and spatial and urban planning – the oversight is conducted by the institutions responsible for the works concerning spatial landscaping.

### **III. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 13**

- (1) The detailed urban plans from article 6 of this law are to be adopted within one year from the day this law comes into force.
- (2) The Plan for integrated protection from article 10, paragraph (2) of this law is to be adopted within six months from the day this law comes into force.
- (3) The board from article 11 of this law is to be convened within one year from the day this law comes into force.

#### **Article 14**

This law enters into force on the 8<sup>th</sup> day of its publication in the Official Gazette of the Republic of Macedonia.