

# **CULTURAL HERITAGE ACT**

*In force from 10.04.2009*

*Prom. SG. 19/13 Mar 2009, amend. SG. 80/9 Oct 2009, amend. SG. 92/20 Nov 2009, amend. SG. 93/24 Nov 2009, amend. SG. 101/28 Dec 2010, amend. SG. 54/15 Jul 2011, amend. SG. 15/21 Feb 2012, amend. SG. 38/18 May 2012, amend. SG. 45/15 Jun 2012, amend. SG. 77/9 Oct 2012, amend. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, amend. SG. 66/26 Jul 2013, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 16/26 Feb 2016, amend. and suppl. SG. 52/8 Jul 2016, suppl. SG. 74/20 Sep 2016, amend. and suppl. SG. 96/1 Dec 2017, amend. SG. 7/19 Jan 2018, amend. and suppl. SG. 77/18 Sep 2018, amend. and suppl. SG. 89/26 Oct 2018, amend. SG. 98/27 Nov 2018, amend. and suppl. SG. 1/3 Jan 2019, amend. and suppl. SG. 62/6 Aug 2019, amend. SG. 21/13 Mar 2020, amend. and suppl. SG. 44/13 May 2020, amend. SG. 17/26 Feb 2021*

## **Chapter one. GENERAL PROVISIONS**

Art. 1. (1) This Act shall regulate the conservation and protection of cultural heritage of the Republic of Bulgaria

(2) The state shall provide the protection of the cultural heritage notwithstanding of its location.

Art. 2. (1) The cultural heritage shall cover the non-material and material immovable and movable heritage as combination of cultural assets which bear the historical memory and national identity, and are of scientific or cultural value.

(2) The cultural assets shall be social possession and shall be protected by state and municipal bodies in the interest of the citizens of the Republic of Bulgaria.

(3) (amend. – SG 54/11) The cultural assets may be public and private property. They may be ownership of the state, the municipalities, the Bulgarian Orthodox Church and other registered religions, as well as to natural and legal persons.

Art. 2a. (new – SG 54/11) (1) Cultural assets, archeological sites within the meaning of Art. 146, par. 1, originating from the territory and the aquatic area of the Republic of Bulgaria are public state property.

(2) Cultural assets, the right of ownership of which has been acquired according to the provisions of the Municipal Property Act, are municipal property.

(3) Cultural assets, the right of ownership of which have been acquired by natural persons or legal entities through a legal transaction, by prescription or through other acquisition procedures and which are not public state or municipal property, shall be private property.

Art. 3. (1) This Act has the objective of creating conditions for conservation of the cultural heritage, sustainable development of the policy of its conservation and to guarantee equal access of the nationals to the cultural assets while observing the following principles:

1. equality of the various types of cultural heritage while ensuring its preservation;

2. decentralization of the governance and financing the activities on conservation of the cultural heritage;

3. publicity and transparency while governing the activities on conservation of the cultural heritage.

(2) The right to access to cultural heritage is an opportunity to use cultural assets, while providing physical and intellectual access to them, without damaging them or placing them at risk.

(3) The state, municipalities and private persons shall create conditions and guarantee every person to have equal access to cultural heritage.

Art. 4. (amend. – SG 54/11) The state policy of conservation of the cultural heritage shall be carried out by the Minister of Culture in cooperation with the relevant competent state and municipal bodies, the Holy Synod of the Bulgarian Orthodox Church and the central direction of the other registered religions, and with the civil society.

Art. 5. (1) (Suppl. – SG 54/11, amend. - SG 89/18) The state shall organize the conservation of the cultural heritage in cases of disasters and armed conflicts. The activities for the conservation of the cultural assets owned by the Bulgarian Orthodox Church or by the other registered denominations shall be carried out with their involvement.

(2) (amend. – SG 93/09, in force from 25.12.2009) Conservation of the cultural heritage in the cases under Para. 1 shall be carried out under the procedure, determined by an ordinance of the Council of Ministers upon proposal of the Minister of Culture, the Minister of Defence and the Minister of Interior.

Art. 6. Cultural heritage shall be:

1. ground, underground and underwater archaeological sites and reserves;
2. historical sites and complexes;
3. architecture sites and complexes;
4. ethnographic sites and complexes;
5. models of park art and landscape architecture;
6. (suppl. – SG 54/11) natural heritage(landmarks), including anthropological remains, discovered during field research, and remains of paleozoology and cultivated plants;
7. industrial heritage;
8. works of art and applied arts;
9. folk crafts;
10. documentary heritage;
11. audio-visual heritage;
12. oral tradition and tongue;
13. literary and fiction heritage;
14. customs, rituals, feasts, rites and beliefs;
15. music, songs and dances;
16. folk music;
17. cultural ethnologic traditions;
18. folk games and sports.

Art. 7. (1) Cultural assets shall be non-material or material evidence for human presence and

activity, natural fact or phenomenon, which is of importance for the person, community or society, and has scientific or cultural value.

(2) Cultural assets may also be non-material or material evidence for human presence and activity which has scientific or cultural value, and is of importance for the Bulgarian Orthodox Church and the other registered denominations.

(3) (new – SG 54/11) Cultural assets are also fragments of archeological or other objects which are in a damaged condition, represent a small part of authentic integrity of the object, they are de-identified to a high degree, do not have got significant cultural, scientific or artistic value and may be described as a mass material. They are not subject to identification but are included in the scientific additional fund of museums, where appropriate.

(4) (prev. par. 3, amend. – SG 54/11) Within the meaning of this Act, the following shall not be deemed cultural heritage:

1. Machine-mintage coins and coin-like items without particular importance for the scientific studies and the exposition value, except for exceptionally rare and valuable items, identified pursuant to the provisions of this Act as cultural assets;

2. Machine-made items, not bearing a signature or a sign of their authors or are produced in large quantities, do not have got significant cultural, scientific or artistic value or are not connected with a particular historical person or event;

3. (amend. - SG 89/18) pieces of art owned by their authors, or such which are less than 50 years old;

4. antiquities which are not pieces of art, which are not more than 100-year old, except for some particularly rare and valuable items, identified pursuant to the provisions of this Act as cultural assets;

5. remaining material – waste substance, produced as a result of human activity which do not have got functional or artistic intended use.

(5) (new – SG 54/11) Upon a proposal of the Minister of Culture or of an official authorized by him/her, items with important historical, cultural or scientific importance referred to in par. 4 may be identified pursuant to the provisions of this Act as cultural assets.

Art. 8. (1) (amend. – SG 54/11) Conservation of the cultural heritage shall be a systematic process of searching, studying, identification, documentation, registration, conservation-restoration and adaptation.

(2) Preservation of cultural heritage shall be a system of measures to ensure its protection in the interest of society.

Art. 9. (amend. and suppl. – SG 54/11) The immovable cultural heritage shall cover cultural assets which have been permanently fixed to the earth, including under water, as well as their belonging environment.

Art. 10. The movable cultural heritage shall cover all other cultural assets, including under water, with the exception of those under Art. 9 and 42, whose significance does not change in reference to their location.

## **Chapter two.**

## NATIONAL SYSTEM FOR CONSERVATION OF THE CULTURAL HERITAGE

Art. 11. (1) The national system on conservation of the cultural heritage shall include the state and social bodies for governance and control of the conservation of the cultural heritage activities, museums, cultural organizations in the meaning of the Protection and Development of Culture Act, as well as the Holy Synod of the Bulgarian Orthodox Church and the central directions of the other registered religions.

(2) The bodies and organizations under Para. 1 shall perform their activity in cooperation with the Bulgarian Academy of Sciences, higher schools, creative unions, professional associations and other Non-governmental Organizations (NGOs).

(3) The bodies and organizations under Para. 2 shall perform their activities in compliance with the objectives of this Act and the national strategy for cultural heritage, adopted by the Council of Ministers.

Art. 12. (1) The state policy in the area of the cultural heritage shall be governed and realized by the Council of Ministers.

(2) (amend. – SG 54/11) The strategic objectives for management and conservation of the cultural heritage shall be included in the strategy referred to in Art. 2a of the Protection and Development of Culture Act following wide public discussion with the participation of the interested scientific and cultural organizations, non-profit legal entities and registered denominations.

(3) The Council of Ministers shall:

1. (revoked – SG 54/11);
2. adopt plans for conservation and governance of the immovable cultural assets;
3. (revoked - SG 96/17, in force from 02.01.2018)
4. create state cultural institutes upon proposal of the Minister of Culture.

(4) (new – SG 54/11) By a decision of the Council of Ministers:

1. immovable archeological cultural assets – public state property, shall be provided free of charge for management to administrations and municipalities to carry out activities related to conservations and provision of cultural assets for a period of up to 10 years upon a proposal of the Minister of Culture;

2. exchange of a property having a status of an immovable cultural asset of "worldwide importance" or "national importance", declared or registered pursuant to the provisions of this Act, where it is a property of natural persons or legal entities, with an adequate property which is a private state property or with the right of construction on properties which are private state property. Based on the decision of the Council of Ministers the head of the respective administration shall issue an order and shall conclude an exchange agreement.

(5) (new – SG 54/11) Based on the decision of the Council of Ministers referred to in par. 4, item 1 the Minister of Culture shall conclude an agreement regulating the rights and obligations of both parties.

(6) (new – SG 54/11) The activities, related to conservation of immovable cultural assets referred to in par. 4, item 1 and the implementation of other scientific, cultural, educational and tourist activities shall take place subject to compliance with the provisions of this present Act by an archeological or specialized historical museum with a head office on the territory of the respective municipality, and where there is no such – by the nearest regional museum, whereby the relationships between the museum and the administration or the municipality shall be regulated by an agreement.

(7) (new – SG 54/11) Based on the decision of the Council of Ministers the delivery and the acceptance of the property shall take place by a certificate in a standard form, approved by the Minister of Culture. The term of delivery and acceptance of the property shall be determined by the decisions of

the Council of Ministers.

(8) (new – SG 54/11) The immovable cultural assets, submitted to management pursuant to the provision of par. 4, item 1 may not be used for a different purpose neither may be provided to third persons for management.

(9) (new – SG 54/11) In case of violation of the prohibitions under par. 8 or in case of violations related to non-fulfillment of obligations under this present Act, the right of management shall be withdrawn.

(10) (new – SG 54/11) Revenues from cultural activities shall be deposited to the budget of the respective administration or municipality and shall be spent for activities for preservation of cultural assets, conservation and restoration, for museum and other activities, related to cultural heritage preservation.

Art. 13. (1) The Holy Synod of the Bulgarian Orthodox Church and the central directions of the other registered religions may make proposals to the Minister of Culture for registration of cultural assets which are significant for the Bulgarian Orthodox Church and the central directions of the other registered religions in compliance with the provisions of this Act.

(2) The bodies under Para. 1, after coordination with the Minister of Culture shall adopt rules for the cultural assets governed by them and shall establish bodies for their governance in compliance with the relevant regimes for their conservation.

(3) Every year by 30 June the Holy Synod of the Bulgarian Orthodox Church and the central directions of the other registered religions shall produce to the Minister of Culture a report about their activity on conservation of the cultural assets for the previous year.

Art. 14. (1) (prev. art. 14 – SG 54/11, suppl. - SG 77/18, in force from 01.01.2019) The Minister of Culture or an official appointed from the staff of the ministry shall:

1. make proposals for registering immovable cultural assets in the List of the world heritage;
2. provide statute of the immovable cultural assets;
3. provide statute of the national wealth of movable cultural assets;
4. issue permissions for conducting archaeological researches on site;
5. issue permissions for establishing private museums;
6. issue certificates for registration of persons, who perform commercial activity with cultural assets;
7. issue permissions for making copies and replicas of cultural assets;
8. issue permissions for exhibition of cultural assets on national and international exhibitions;
9. assign and adopt plans for conservation and governance of the immovable cultural assets;
10. (amend. - SG 96/17, in force from 02.01.2018) performs the powers of a concession-granting authority for immovable cultural assets - state property;
11. (amend. – SG 92/09, in force from 20.11.2009) issue permissions for export, as provided by Council Regulation (EC) No 116/1992 of 18 December 2008 on the export of monuments of culture (OB, L 39/1 of February, 10 2009), called hereinafter "Regulation 116/2009", and permission for temporary removal of movable cultural assets;
12. (amend. – SG 92/09, in force from 20.11.2009) coordinate, organize and control the activity related to:
  - a) return of unlawfully exported movable cultural values which are part of national treasure;
  - b) preservation of cultural heritage, related to Bulgarian history and culture outside the territory of the Republic of Bulgaria;
  - c) monitoring of immovable cultural values;

d) methodology and defining of regimes for preservation of immovable cultural assets and their environment;

e) (new - SG 89/18) digitalization of cultural heritage;

13. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) coordinate:

a) (amend. – SG 82/12, in force from 26.11.2012) engineering inquiries, plans for preservation and management, development plans, their amendments, specific regulations and standards thereof and investment projects – for single and group immovable cultural assets in their borders and security zones in cases provided by this Act;

b) (amend. - SG 89/18) project assignments for museum buildings, permanent exhibitions of museums and the conditions for conducting competitions for directors of regional and municipal museums;

c) (suppl. – SG 82/12, in force from 26.11.2012) investment projects for construction and installation of monuments, monumental decorative structures and components of public spaces in urbanized and non-populated areas, and their relocation and removal;

14. (amend. – SG 54/11) exercise the state ownership rights over cultural assets;

15. (new - SG 89/18) order the temporary storage of movable cultural assets by national, regional and municipal museums and public collections in the funds of other museums - in the absence of conditions for their preservation, as well as upon closure of the museum or public collection;

16. (previous item 15, amend. - SG 89/18) keep registers of movable cultural assets-national wealth, intangible cultural heritage, museums and other registers provided for in this Act;

17. (previous item 16 - SG 89/18) perform also other functions provided by the law.

(2) (New - SG 89/18) The expert councils provided for in this Act with activities in the field of cultural heritage shall be appointed by the Minister of Culture. The compositions, activities and organization of their work shall be governed by regulations issued by the Minister of Culture. The meetings of the councils shall be broadcast in real time through [the website of the Ministry of Culture](#).

(3) (New – SG 54/11; suppl. – SG 82/12, in force from 26.11.2012, previous Para. 2 - SG 89/18) Projects and initiatives referred to in par. 1, item 13, letter "c" shall be coordinated following a decision of the Specialized expert council for fine arts, set up to the Minister of Culture.

Art. 15. (1) (amend. – SG 92/09, in force from 20.11.2009) Inspectorate for Preservation of Cultural Heritage shall be established under the Minister of Culture.

(2) The Inspectorate shall control the observation of the requirements of this Act and the acts, issued on the basis of it, related to:

1. conducting ground and underwater archaeological researches;

2. territorial-structure preservation of the immovable cultural assets;

3. conservation of the movable and immovable cultural assets in the museums;

4. conservation and restoration of the movable and immovable cultural assets;

5. implementation of the signed concession contracts;

6. (new – SG 54/11) preservation of librarian and literature cultural assets stored in libraries and archive collections – manuscripts, archive documents and black-letter books;

7. (new – SG 54/11) carrying out of transactions with movable cultural assets.

(3) The Inspectorate shall also control the implementation of the requirements of this Act by the natural and legal persons under the terms and conditions of the legislation in force.

Art. 16. (1) The Inspectorate shall consist of central management and regional inspectorates on conservation of the cultural heritage.

(2) (amend. - SG 21/20, in force from 13.03.2020) The regional Inspectorates shall be

established in every level 2 planning region in the meaning of the Regional Development Act.

(3) (amend. - SG 21/20, in force from 13.03.2020) The powers of the Inspectorates in the regional units shall be performed in the level 2 planning region, under Para. 2.

(4) (revoked – SG 92/09, in force from 20.11.2009)

(5) (amend. – SG 54/11) The regional Governors of the territory of the region under Para. 2 shall provide material and organization-technical conditions for the activity of the inspectors.

(6) (suppl. – SG 92/09, in force from 20.11.2009; amend. – SG 15/12) The structure, functions and number of the central management and the regional inspectorates shall be determined by the Rules of Procedure of the Ministry of Culture, while the minimum requirements for holding the positions "inspector" - by the Classifier of Positions in the Administration.

Art. 17. (1) The Mayors of the municipalities shall organize and coordinate the realization of the policy on the conservation of the cultural heritage on the territory of the relevant municipality, where they shall:

1. (suppl. – SG 52/16) assist the performance of the actions on searching, studying, conservation and popularization of the cultural assets according to their powers, and also shall carry out other activities, determined by this act;

2. create social council for preservation of the cultural heritage as consultative body under the municipality;

3. (new - SG 96/17, in force from 02.01.2018) performs the powers of a concession-granting authority for immovable cultural assets - municipal property.

(2) The Municipal councils shall:

1. adopt strategy for conservation of the cultural heritage on the territory of the relevant municipality in compliance with the national strategy under Art. 12, Para. 2;

2. (revoked - SG 96/17, in force from 02.01.2018)

3. create municipal fund "Culture" under the terms and conditions of the Protection and Development of Culture Act;

4. adopt rules of procedure and activity of the municipal museums, after coordination with the Minister of Culture;

5. provide financing through the target means in the municipal budget of the activities under Para. 1, p. 1.

(3) (new – SG 52/16, amend. - SG 21/20, in force from 13.03.2020) For carrying out the activities under par. 1, item 1 within the approved number of municipal administration staff, units shall be set up in the level 2 planning regions determined by the Regional Development Act:

1. for the South-West region – Sofia municipality;

2. for the South Central region – Plovdiv municipality;

3. for the South-East region – Burgas municipality;

4. for the North-East region – Varna municipality;

5. for the North Central region – Veliko Tarnovo municipality;

6. for the North-West region – Pleven municipality.

(4) (new – SG 52/16) The units referred to in par. 3 shall consist of minimum three persons, meeting the requirements of Art. 164, par. 1 and 2.

(5) (new – SG 52/16, amend. - SG 21/20, in force from 13.03.2020) The units referred to in par. 3 can issue written opinions under Art. 84, par. 2, item 2 for immovable cultural heritage which are not under the categories of "world" and "national" importance, situated in the municipalities of the respective level 2 planning region.

(6) (new – SG 52/16) The units referred to in par. 3 shall work under the methodological management of NINCH a representative of which shall be involved in the selection of experts in

preservation of immovable cultural heritage working therein.

Art. 18. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) (1) The National Institute of Immovable Cultural Heritage (NIICH) is a state cultural institute of national importance and carries out activities in the area of preservation of the immovable cultural heritage, including research and development activity for exploring and studying of the immovable cultural heritage.

(2) (amend. SG 15/13, in force from 01.01.2014) The National Institute of Immovable Cultural Heritage is a legal entity on a budget support which under the Minister of Culture.

(3) For the fulfillment of its functions NIICH may set up territorial units.

Art. 18. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) (1) The National Institute of Immovable Cultural Heritage (NIICH) is a state cultural institute of national importance and carries out activities in the area of preservation of the immovable cultural heritage, including research and development activity for exploring and studying of the immovable cultural heritage.

(2) (amend. SG 15/13, in force from 01.01.2014) The National Institute of Immovable Cultural Heritage is a legal entity on a budget support which under the Minister of Culture.

(3) For the fulfillment of its functions NIICH may set up territorial units.

Art. 19. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) The National Institute of Immovable Cultural Heritage shall:

1. assist the Minister of Culture while exercising his/her competences in conducting the state policy in the area of conservation of the immovable cultural heritage;

2. carry out activities for exploration and studying of the immovable cultural heritage, including Research activity related to exploration and studying of immovable cultural heritage;

3. (amend. – SG 52/16) prepare preliminary and final assessments and justified proposals for declaration and for granting a status of immovable cultural assets;

4. issue a proposal to the Minister of Culture for determination of regimes of preservation of immovable cultural assets;

5. provide for the specialised records of immovable cultural assets and the digitization of the available information for them;

6. (suppl. – SG 52/16) keep public register of immovable cultural assets, including electronically, according to a procedure determined in the ordinance under art. 50, par. 2, maintain a national documentary archive fund, including electronically, and set up an information centre;

7. produce and maintain specialized map and registers in the meaning of Art. 32, par. 1, item 2 of the Cadastre and property register Act of immovable cultural heritage;

8. issue documents and transcripts, provide references and copies of archive documents;

9. maintain and develop an information system of immovable cultural heritage;

10. produce draft programs of preservation and management, expert opinions, scheduled inquiries, pilot projects and others related to the immovable cultural heritage upon request of natural persons and legal entities;

11. also carry out other activities, provided by an Act.

(2) For the implementation of the activities referred to in par. 1, item 8 NIICH shall collect fees in amounts, determined by a tariff of the Council of Ministers.

Art. 20. (amend. – SG 92/09m in force from 20.11.2009) The structure and activity of NIICV shall be determined by Rules of procedure, adopted by the Council of Ministers.

Art. 21. (1) The Center for underwater archaeology shall be state cultural institute in the area of conservation of the underwater archaeological heritage of the Republic of Bulgaria.

(2) (amend. SG 15/13, in force from 01.01.2014) The Centre for underwater archaeology shall be budgetary legal person with central office in Sozopol under the Minister of Culture.

Art. 22. The Centre for underwater archaeology shall:

1. assist the Minister of Culture while exercising his/her competences in conducting the state policy in the area of conservation of the cultural heritage under water;
2. (new - SG 89/18) seek, study, identify, preserve and present cultural assets found under water, with a cognitive, educational and aesthetic purpose;
3. (previous item 2 - SG 89/18) coordinate the activities, related to the governance and investigation of the underwater archaeological heritage;
4. (previous item 3 - SG 89/18) keep a register of the underwater cultural assets.

Art. 23. (amend. – SG 54/11) The structure and activity of the Centre for underwater archaeology shall be determined with Rules of procedure, issued by the Minister of Culture.

Art. 24. (amend. – SG 54/11) The museum shall be a cultural and scientific organization, which shall search, study, protect and present cultural assets, natural samples and anthropological remainings with cognitive, educational and aesthetic purpose.

Art. 25. (amend. – SG 54/11) (1) A museum shall be established in case of availability of:

1. cultural assets identified pursuant to the provision of Art. 107, par. 1 which may be exhibited in the form of a museum exposition;
2. building fund, providing conditions for preserving the movable cultural assets determined by the ordinance referred to in Art. 34, par. 6 and conditions for presentation of movable cultural assets, determined by the ordinance referred to in Art. 185;
3. permanent source for financing the museum activity (support of the building and of the employees and funds for activities for exploration, studying, preservation and presentation of movable cultural and natural assets and landmarks);
4. specialists with the needed qualification in compliance with the classifier referred to in Art. 37, par. 2.

(2) Museums may be set up:

1. for promotion of persons, activities, events and happenings, and also with subject-specific groups of pieces of arts, objects and species, not having the features of movable cultural assets or not having acquired such quality, but in aggregate they can be regarded as being of scientific, cultural, public, religious or tourist interest;
2. where there are available building assets providing conditions for storage and presentation of the items referred to in item 1;

(3) Setting up of museums under par. 2 and presentation of their assets in exhibitions shall be regulated by a procedure, determined by an ordinance, issued by the Minister of Culture.

Art. 26. (1) Thematically, the museums shall be:

1. general – whose activity covers thematically various areas of knowledge and art, and is realized on the basis of cultural assets various in their classification, included in their major fund;

2. specialized – whose activity covers on area of knowledge and art, specified part of it or specified topic of the social development or nature and is realized on the basis of cultural assets included in its major fund, which in their classification define its thematic scope.

(2) In territorial scope of activity, the museums shall be:

1. national - which realize their activity on the territory of the whole country;

2. regional - which realize their activity on the territory of two or more municipalities;

3. local – which realize their activity on the territory of one municipality.

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

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

Art. 27. (1) According to their form of ownership, the museums shall be state, municipal, private and with local participation.

(2) The state museums shall be established and perform their activity on the basis of cultural assets provided by the state, building fund and annual state subsidy.

(3) The regional museums shall be established and perform their activity on the basis of cultural assets provided by the state or the municipality, building fund and shall be financed, as provided by Art. 40.

(4) The municipal museums shall be established and shall perform their activity on the basis of cultural assets provided by the municipality, building fund and shall be financed by the municipal budget.

(5) Archaeological cultural assets, as well as other movable cultural assets – state ownership, may be paid or given free to be used by the regional and municipal museums.

(6) The private museums shall be established and financed by natural or legal persons on the basis of legally acquired by them movable cultural assets.

(7) The state and the municipalities may establish jointly or with natural or legal persons museums with joint participation. These museums shall be cultural organizations in the meaning of the Protection and Development of Culture Act, registered under the Non-Profit Legal Entities Act for performing activity in public benefit – museum activity.

(8) In museums with joint participation, the relations between the parties shall be provided by constituent act, which shall determine their rights and duties under the conditions of Art. 25. The draft of the constituent act shall be coordinated with the Minister of Culture within 3 months after the request.

Art. 28. (1) The state, regional and municipal museums shall be cultural and scientific institutes, which shall be established, governed, financed, reorganized and closed under the terms and conditions of this Act and the Protection and Development of Culture Act.

(2) The museums may have branches, which shall be established, governed, financed, reorganized and closed under the terms and conditions, provided for the relevant museum. The structure and activity of the branches shall be determined by the Rules of the museums, under which they were established.

(3) The state museums, which have the characteristics under Art. 7, Para.1 of the Protection and Development of Culture Act, may acquire status of state cultural institutes of national significance.

(4) (amend. – SG 101/10; suppl. – SG 54/11) Scientific groups of specialists with scientific degree or occupying academic positions shall be established in the museums. The scientific groups shall

be submitted in methodical relation to the specialized scientific institutions. The procedure for their establishment and functioning shall be determined by an ordinance of the Minister of Culture.

(5) (new – SG 54/11) A Director of a state-owned, regional or municipal museum may be a person, who:

1. has higher education diploma with acquired education and qualification degree of a "master" majoring in the respective professional field and

2. has got professional experience:

a) for state-owned and regional museums – 5 years of professional experience in the respective professional field;

b) for municipal museums – three years of professional experience in the respective professional field.

(6) (new – SG 54/11; amend. – SG 77/12, amend. - SG 89/18) Employment relationships with museums Directors referred to in par. 5, shall arise following a competition procedure for a period of 5 years, unless otherwise provided by a special regulation. The Contest for Director of the State Museum to the Ministry of culture shall be conducted by the order provided in the Ordinance by Art. 5, para. 4 from Protection and Development of Culture Act, and for regional or municipal museums - by a commission, appointed in compliance with the provisions of the Labour Code, containing as members three representatives of the respective municipality, three directors of national and/or regional museums, and one representative of the Ministry of Culture.

Art. 29. (amend. – SG 54/11) (1) The structure and activity of the museums shall be determined by Rules of procedure:

1. issued by the Minister of Culture – for the state-owned museums, subordinated to the Minister

2. issued by the head of the administration – for the state-owned museums, subordinated to administrations;

3. adopted by the municipal council – for regional and municipal museums and museums with joint participation;

4. approved by the owner of the museum – for private museums.

(2) In cases referred to in par. 1, item 2 and 3 the Rules of procedure shall be issued after the approval of the Minister of Culture or of a Deputy Minister authorized by him/her.

Art. 30. (1) The private museums shall be cultural organizations in the meaning of the Protection and Development of Culture Act, registered under the Non-Profit Legal Entities Act for performing an activity in public benefit – museum activity. They shall perform the activity after receiving permission by the Minister of Culture.

(2) The permission for performing museum activity shall be issued on the basis of an application, which shall also contain:

1. (repealed - SG 89/18)

2. (repealed - SG 89/18)

3. (suppl. - SG 74/16, in force from 01.01.2018, amend. - SG 89/18) a certificate for judicial registry, if there is no entry in the register of non-profit legal entities;

4. (amend. – SG 54/11, amend. - SG 89/18, amend. – SG, 62/19, in force from 06.08.2019) documents, certifying the requirement availability under Art. 25, Para. 1, item 1 – 4:

a) a plan for a museum building with designated exhibition spaces, storage facilities, sanitary facilities for staff and visitors, workplaces and a laboratory;

b) availability of alarm and security equipment, fire alarm system and fire safety means;

c) draft budget for the maintenance of the building and personnel and funds for activities for the search, study, conservation and presentation of movable cultural values and natural specimens;

d) a list of museum positions with the necessary qualification, according to the classifier under Art. 37, Para. 2;

5. draft of Rules of procedure for the museum activity.

(3) (New, SG, 62/19, effective from 06.08.2019) The documents under Para. 2, item 4, certifying the requirement under Art. 25, Para. 1, item 1, shall be verified ex officio, stating in the application the name of the museum, which carried out the identification of the cultural property and the number and date of the certificate under Art. 98, Para. 3.

(4) (New, SG, 62/19, effective from 06.08.2019) In case of finding irregularities or incompleteness in the documents, the applicant shall be notified in writing, giving him a term of 10 working days for elimination of the irregularities or incompleteness, stating that if they are not removed, production will be discontinued.

(5) (Former Para. 3, amend. – SG, 62/19, in force from 06.08.2019) Within two months from receipt of the application, the Minister of Culture shall issue or with a reasoned order - refuse to issue a permit.

(6) (Former Para. 4, amend. – SG, 62/19, in force from 06.08.2019) The permission for performing museum activity may be taken away with a grounded order by the Minister of Culture, upon motivated proposal of the Director of the Inspectorate, in cases, where the private museum violates permanently the requirements of this Act.

(7) (New, SG, 62/19, effective from 06.08.2019) The acts of Para. 5 and 6 shall be subject to appeal under the Administrative Procedure Code.

Art. 31. The museums shall be governed notwithstanding of the type of organization and the form of ownership:

1. methodically – by the Ministry of Culture;

2. in administrative-organizational relation – by the Mayor of the municipality or the owner;

3. in the scientific-research activity – by the Bulgarian Academy of Sciences and the relevant institutional and scientific-research institutes and establishments.

Art. 32. (1) The Ministry of Culture shall create and keep a register of the museums, in which shall be registered officially:

1. the national, regional and municipal museums – on the basis of the act of their establishment;

2. the private museums – on the basis of the permission, issued by the Minister of Culture;

3. the museums with joint participation – on the basis of court decision for entry in the relevant register.

(2) The circumstances, which are subject to registering under Para. 1, as well as the procedure for registering shall be determined by an ordinance of the Minister of Culture.

Art. 33. (revoked – SG 54/11)

Art. 34. (1) The museums shall form basic, exchanging and scientific-assisting fund.

(2) (amend. – SG 54/11) The movable cultural assets – national wealth shall form National Museum fund. The activities, related to management of the fund are set out in the Ordinance referred to in par. 6.

(3) The basic fund shall contain the acquired by the museum movable cultural assets and those granted to it for free usage, which have exclusively great scientific and cultural significance – national wealth, as well as those, which correspond to its thematic scope.

(4) The exchange fund shall have included movable cultural assets which do not correspond to its thematic scope, as well as repeatable cultural assets of the basic fund.

(5) The scientific-assisting shall have included items and other materials of significance for the research, display and educational museum activity.

(6) (amend. – SG 54/11) The procedure of formation, management and of museum funds shall be set out in an ordinance, issued by the Minister of Culture.

Art. 35. (1) The basic museum activity shall be conservation and exposition of movable and immovable cultural assets.

(2) The museum shall issue scientific, scientific-popular and advertising materials, as well as realize evaluation activity of cultural assets - ownership of other legal or natural persons.

(3) The museum may also perform other business activity, in cases where it is related to its basic activity.

Art. 36. (amend. – SG 54/11, amend. and suppl. - SG 89/18) The national and regional museums, in reference to their thematic scope shall provide methodical assistance to the municipal and private museums, the museums with joint participation and to the public collections.

Art. 37. (1) (amend. – SG 54/11) The activities under Art. 35, Para. 1 and Art. 36 shall be carried out by persons with relevant professional qualification according to the requirements contained in the classifier referred to in par. 2.

(2) The Minister of Culture shall confirm classifier of the major museum positions and the requirements for their occupation.

Art. 38. (1) The directors and staff of the national, regional and municipal museums and in the museums with joint participation shall not have the right to acquire collections or single cultural assets of the museum thematic scope, unless inherited, which shall be declared within 1 month term after accepting the inheritance.

(2) The directors and staff under Para. 1 shall file a declaration according to a form, confirmed by the Minister of Culture, for the possessed by them cultural assets when occupying the position.

(3) The persons under Para. 1 shall not have the right to perform commercial activity with cultural assets of the museum's thematic scope.

Art. 39. The museums shall be financed by means from:

1. (amend. SG 15/13, in force from 01.01.2014) the state budget and the municipal budgets;
2. their founders;
3. own revenues;
4. collected state fees for performing services and for issuing documents and duplicates;
5. protected projects in international and national programmes;
6. donations, testaments, sponsorship.

Art. 40. (1) (amend. SG 15/13, in force from 01.01.2014) The state museums shall be financed by the state budget from the budget of the institution, under which the museum was established.

(2) The regional museums shall be financed by:

1. (amend. SG 15/13, in force from 01.01.2014) the municipalities, on whose territory their head office is; for their subsidy additional target means shall be allocated from the state budget;

2. contributions, made in their budgets by the municipalities, on whose territory the regional museums develop their activity, where their amount shall be determined annually by a decision of the relevant municipal councils.

(3) Municipal museums shall be financed by the budget of the relevant municipality.

(4) Private museums shall be financed by means of their founders.

(5) (amend. SG 15/13, in force from 01.01.2014) Museums with joint participation shall be financed by means from the state budget, or the budget of the relevant municipality and own funds of their founders.

Art. 41. (1) (amend. SG 15/13, in force from 01.01.2014) The state and municipal museums shall be legal persons on budgetary subsidy, second level budget administrator.

(2) (revoked – SG 54/11)

### **Chapter three.**

#### **NON-MATERIAL CULTURAL HERITAGE**

Art. 42. (1) Non-material cultural heritage shall be:

1. oral traditions and forms of expressions, including the language as bearer of non-material cultural heritage;

2. artistic-performance art;

3. social customs, rituals and feasts;

4. knowledge and customs, related to nature and universe;

5. knowledge and skills, related to traditional crafts.

(2) The Ministry of Culture shall keep a register of non-material cultural heritage in a procedure, determined by an ordinance of the Minister of Culture.

Art. 43. (1) National council for non-material cultural heritage shall be established under the Minister of Culture, which shall:

1. assist the development of a strategy for conservation and popularization of the traditional Bulgarian culture and folklore;

2. propose measures for applying international acts in the area of non-material cultural heritage, to which the Republic of Bulgaria is a party;

3. propose measures for improvement of the systems for conservation of the non-material cultural heritage;

4. give recommendations on issues, related to the problems of conservation, preservation and popularization of the non-material cultural heritage;

5. propose for confirmation by the Minister of Culture the elements of the non-material cultural heritage, which should be included in a national representative list of non-material cultural heritage.

(2) The staff, functions and activity of the council shall be determined by Rules of procedure, issued by the Minister of Culture.

Art. 43a. (new - SG 1/19) The identification of non-material cultural heritage is a research activity by which it is determined whether an non-material evidence complies with the criteria of cultural value with regard to its classification and categorization, Chapter Six, Section II, applies respectively.

Art. 44. The cultural organizations, created for conservation of the non-material cultural heritage and acquired status of UNESCO centres, shall have the right to subsidies from the state budget.

#### **Chapter four.** **MATERIAL CULTURAL HERITAGE**

Art. 45. The qualification of the immovable cultural assets shall be done on the bases of:

1. their belonging to a certain historical period;
2. the scientific and cultural area, to which they refer;
3. (amend. – SG 54/11) their spatial structure and territorial scope;
4. level of jeopardy.

Art. 46. According to their belonging to certain historical period, the immovable cultural assets shall be: pre-historical, antique, mediaeval, of the Renaissance and of the modern and most-modern times.

Art. 47. According to the scientific and cultural area, to which they refer, the immovable cultural assets shall be:

1. archaeological: material traits for human activity, inseparable from the environment, I which they were created, which are identified trough archaeological research;
2. historical: buildings, equipments, other structures and memorable places, related to significant historical events and personalities;
3. architectural-construction: buildings, equipment, constructions, parts or combinations of them, which have historical, aesthetical, technical, cultural and production-technical, spatial and functional value;
4. artistic: works of fine and applied arts – inseparable elements of the spatial environment, in which, or for which they were created;
5. urban: isolated parts of settlement territory and settlement formations, whose elements have been connected spatially and may be distinguished topographically;
6. (amend. – SG 54/11) cultural landscape: combination of spatially isolated sustainable cultural levels, as a result of interrelation between the human being and the natural environment, characterizing cultural identity of certain territory;
7. park and garden art: historical parks and gardens of significance for the development of the park-structure art and science;
8. ethnographic: material evidence for the way of life, crafts, skills, customs and beliefs, which are related with the spatial environment;
9. (new – SG 54/11) cultural route: combination of historical path of a traditional road with the included therein objects of the immovable cultural heritage and landscapes.

Art. 48. (amend. – SG 54/11) According to the spatial structure and territorial scope, the immovable cultural assets shall be:

1. single;

2. group:

a) ensemble – territorial isolated structure of sites of the immovable cultural heritage, whose elements are situated in defined logical, spatial and aesthetic connections between them and with the belonging environment;

b) complex – variety of the ensemble, whose elements have been connected functionally;

c) (new SG 16/16, in force from 26.02.2016) series - consisting of two or more sites of immovable cultural heritage, regardless of their location and united by clear cultural, temporal, social and/or functional relationships;

d) (former letter “c” - SG 16/16, in force from 26.02.2016) historical settlement – urban structure with cultural-historical assets of one or several epochs;

e) (former letter “d” - SG 16/16, in force from 26.02.2016) historical zone – isolated settlements, outside of the settlement, underground territory or part of aquatory with cultural and historical assets of one or several epochs;

f) (amend. - SG 54/11, former letter “e” - SG 16/16, in force from 26.02.2016, amend. - SG 89/18) archaeological reserve – a territory able to be isolated, or part of an aquatory, packed with archaeological cultural heritage discovered during archeological research or subject to discovery, under the surface or above it, including archaeological structures, levels, and cultural layers.

Art. 49. According to the level of threat for them, the immovable cultural assets shall be:

1. cultural assets at risk – which are potentially threatened to be damaged or destroyed, because of:

a) location on earthquake zones, zones of vast construction projects, close to territories with great risk of flooding or progressive changes of geological, climate and other natural factors;

b) danger of armed conflict and territorial attacks;

2. threatened cultural assets – for which there is real danger of damages, vandalism, destruction or serious violation of their entirety, because of:

a) fast destruction of their original substance, leading to serious change in the structure;

b) fast worsening of the environment conditions;

b) visible loss of the authentic appearance.

Art. 50. (1) According to their cultural and scientific value and social significance, the immovable cultural assets shall be included into the following categories:

1. "world significance" – those included into the List of the world heritage;

2. "national significance" – archaeological reserves, as well as other cultural assets with exceptional value for the country's culture and history;

3. "local significance" – those, related with the culture and history of settlements, municipalities or districts;

4. "ensemble significance" – those, maintaining the spatial characteristics and architecture typology of the group asset, to which they belong;

5. (new – SG 54/11) "for information" – individual items of low individual value – sources of information for the scientific and cultural field to which they belong.

(2) (amend. – SG 54/11) The procedure for defining the category of the immovable cultural assets under Para. 1 shall be determined by an ordinance of the Minister of Culture.

(3) (amend. – SG 54/11) The archaeological reserve status under Para. 1, p. 2, shall be

determined by this Act whereby they are itemized in a list according to the attachment.

Art. 51. Classification of the movable cultural assets shall be performed on the bases of:

1. their belonging to a certain historical period;
2. the scientific and cultural area, to which they refer.

Art. 52. According to their belonging to certain historical period, the movable cultural assets shall be: pre-historic, antique, mediaeval, of the Renaissance, of the modern and most-modern time.

Art. 53. According to the scientific and cultural area, to which they refer, the movable cultural e shall be:

1. archaeological: movable items, found in the earth, on its surface or under the water, and evidencing about epochs and civilizations, subject to archaeology;

2. ethnographic: movable items, which evidence for the way of life and work, traditions, customs, rituals, beliefs and crafts, and give opportunity to study the ethnical characteristics and changes in the material and non-material culture;

3. historical: movable items, related to historical events and to the life and activity of prominent personalities;

4. (suppl. – SG 54/11) artistic: works of fine arts in all their techniques and varieties, including philately pieces;

5. natural: samples of the flora, fauna, paleontological and mineral formation;

6. technical: works of technical culture;

7. archive: documents of cultural and scientific significance, notwithstanding the time, place, carrier and technique of creation;

8. literary: handwritten cultural assets by the end of 18 C., old printed rare and valuable editions, with scientific, cultural, polygraphic or bibliographic value;

9. fiction: documentary and material cultural assets related to the whole history of literature.

Art. 54. (1) According to the scientific and cultural value, the movable cultural assets may acquire status of national wealth.

(2) National wealth shall be any cultural asset with exceptional significance for science, culture, nature or technical progress, whose destruction, damage or loss is an irreparable loss for society, and which responds to at least one of the following criteria:

1. to be unique, most characteristic or rare example for human activity or creative work for the period, to which belongs;

2. to have proved authenticity and to have high scientific and artistic value;

3. to be related, or to represent an evidence for ideas, beliefs, events or prominent personalities, who have had decisive importance for society's development.

## **Chapter five.**

### **CONSERVATION OF IMMOVABLE CULTURAL HERITAGE**

#### **Section I.**

## **Identification**

Art. 55. (amend. – SG 54/11) The identification of the pieces of immovable cultural assets shall be a systematic process of discovering, studying and preliminary evaluation of the piece subject to study as an immovable cultural asset.

Art. 56. (amend. – SG 54/11) The identification of the pieces of immovable cultural heritage shall include:

1. searching – localization and establishing the major typological belonging of the site through visiting and monitoring on site or studying of archive and material evidence;
2. (amend. – SG 54/11) studying – interdisciplinary scientific-research process, covering studying on site, revealing the scientific and cultural characteristics of the site and documentation;
3. (amend. – SG 54/11) preliminary evaluation – identification of features of the piece subject to study as an immovable cultural valuable.

Art. 57. (1) (amend. – SG 92/09, in force from 20.11.2009) Searching and studying immovable cultural assets, with exception of the archaeological ones, shall be performed by the NIICH, by scientific organizations, higher education schools, museums, natural and legal persons, on:

1. annual territorial programmes, confirmed by the Minister of Culture or
2. proposals of the municipal bodies, the regional Governors, natural and legal persons.

(2) (new – SG 54/11) Searching and studying of immovable archeological assets shall be carried out by persons, having obtained a permit for field surveys following the procedures of this Act.

(3) (amend. – SG 92/09, in force from 20.11.2009; prev. par.2, amend. – SG 54/11, suppl. - SG 89/18) The preliminary evaluation under Art. 56, p. 3 of the immovable cultural assets, except for archeological pieces discovered during rescue field surveys shall be performed by NIICH, based on scientific assessment issued by the persons under Para. 1 and 2 according to the procedures set out by the Ordinance referred to in Art. 50, par. 2. For archaeological sites discovered underwater, the preliminary assessment shall be made following an opinion of the Center for Underwater Archeology.

(4) (new – SG 54/11, amend. - SG 89/18) The preliminary assessment of the archeological pieces discovered during rescue field surveys shall be done by an expert commission, appointed pursuant to the procedure of Art. 158a, Para. 1.

## **Section II. Declaring**

Art. 58. (1) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11, amend. SG 16/16, in force from 26.02.2016) Declaring of sites which may be defined as immovable cultural assets, and also refusal to declare them, shall be done by an order of the Minister of Culture or an authorized by him/her deputy-minister upon a proposal of the Director of NIICH, based on the preliminary evaluation referred to in Art. 57, par. 3 and 4. The proposal shall include preliminary categorization, classification and provisional regime for preservation of these sites.

(2) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) By the order referred to in par. 2 the preliminary classification and category of the object of immovable cultural heritage, as well as the temporary regimes for its conservation shall be determined.

(3) (new – SG 54/11) In cases where from the preliminary assessment under Art. 57, par. 3 it is identified that the piece subject to study does not have the features of an immovable cultural valuable,

the Director of NIICH shall issue a justified proposal to the Minister of Culture for refusal of declaration.

(4) (amend. – SG 92/09, in force from 20.11.2009; prev. par. 3 – SG 54/11, amend. - SG 89/18) Any natural and legal person may make a proposal to the Minister of Culture to declare sites as immovable cultural assets. The proposal shall be submitted through the NIICH or through the respective Regional Inspectorate for the preservation of cultural heritage to the Ministry of Culture.

Art. 59. (1) (amend. – SG 92/09, in force from 20.11.2009, amend. - SG 89/18) The orders for declaring, declining to declare and terminating temporary conservation regimes shall be stored at the NIICH, copies of which are sent to the respective municipal administrations to fill the local archives of immovable cultural heritage, and to the Center for Underwater Archeology as a competent body- for immovable archeological cultural assets discovered under water.

(2) (amend. – SG 92/09, in force from 20.11.2009; suppl. – SG 54//11, amend. - SG 89/18) The orders under Para. 1 shall be communicated under the conditions and pursuant to Art. 61 of the Administrative-Procedure Code.

(3) (amend. – SG 54/11) The temporary regime for conservation of the immovable sites shall enter into force on the date of their owner's notification under Para. 2 and shall be obligatory for all natural and legal persons.

(4) (amend. – SG 54/11) The declared immovable sites shall have the status of immovable cultural assets up to their determination as such following the procedure of this Act.

Art. 60. (amend. – SG 92/09, in force from 20.11.2009; suppl. – SG 54/11, repealed - SG 89/18)

Art. 61. (1) (amend. – SG 92/09, in force from 20.11.2009; prev. Art. 61, amend. – SG 54/11) The declared immovable sites shall be subject to final evaluation in relation with their registration as cultural assets, which shall be performed by the NIICH in cooperation with specialized institutions and competent persons.

(2) (new – SG 54/11) By the final assessment referred to in par. 1 determination of the cultural and scientific value and the public significance of the site, as well as of its authenticity, degree of conservation and interfacing with the environment and the public shall be done.

(3) (new – SG 54/11) The immovable archeological sites, granted with a status of immovable cultural assets pursuant to the provisions of this Act, shall be subject to final assessment. Where the immovable archeological sites are located in the territory of group archeological assets, they shall be subject to final assessment for granting them with a status of single immovable cultural assets.

(4) (new – SG 54/11) To discovered and studied immovable pieces of cultural heritage, for which there is enough information for issuing a final assessment, the provisions of Art. 58, par. 1 and 2 shall not apply and granting or refusal to grant a status of an immovable cultural valuable shall be done following the provisions of Chapter five, Section III.

(5) (new – SG 54/11) The final assessment of the pieces referred to in par. 1, 3 and 4 shall be done following a procedure, set out by the Ordinance under Art. 50, par. 2.

Art. 62. (1) (amend. – SG 92/09, in force from 20.11.2009; suppl. – SG 54/11, amend. and suppl. SG 16/16, in force from 26.02.2016, amend. - SG 89/18) When the final assessment finds that a declared immovable property does not possess any qualities of an immovable cultural asset, the Minister

of Culture or a Deputy Minister empowered by him, following a proposal by the NIICH examined under Art. 64, Para. 3, shall issue an order terminating the temporary preservation regime as per Art. 59, Para. 3.

(2) (new – SG 54/11, suppl. SG 16/16, in force from 26.02.2016) Where the final assessment under Art. 61, par. 3 identified, that an immovable archeological site does not have the properties of a cultural valuable, its status shall be withdrawn by an order of the Minister of Culture or an authorized by him/her deputy minister.

(3) (amend. – SG 92/09, in force from 20.11.2009; prev. par. 2, suppl. – SG 54/11) The Ministry of Culture shall notify the municipality administrations and the relevant regional Inspectorate for conservation of the cultural heritage, and in competence – the Centre for underwater archaeology about the issued act under Para. 1 or 2, within 7 day-term.

(4) (prev. par. 3, amend. – SG 54/11) The municipal administrations shall notify in writing the owners of the immovable sites within 7 days after receiving the act under Para. 3.

Art. 63. (amend. – SG 92/09, in force from 20.11.2009, amend. SG 16/16, in force from 26.02.2016, amend. - SG 77/18, in force from 01.01.2019, amend. - SG 89/18) The orders for declaring, refusing to declare, termination or for refusal to terminate temporary preservation regimes shall be appealed within 14 days of their notification under the order of the Administrative-Procedure Code.

### **Section III.**

#### **Granting a status of immovable cultural valuable (Title amend. – SG 54/11)**

Art. 64. (1) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) In cases, where the final evaluation under Art. 61, par. 1, 3 and 4 has established, that the pieces of immovable cultural heritage have qualities of immovable cultural assets, the director of the NIICH shall make proposal to the Minister of Culture about their classification, categorization and regimes of conservation in terms of granting a status of immovable cultural assets thereto.

(2) (amend. – SG 92/09, in force from 20.11.2009, suppl. - SG 89/18) Specialized expert council for the preservation of immovable cultural assets shall be set up under the Minister of Culture. The director of NIICH, the director of the Centre for underwater archaeology, the director of the Inspectorate and one representative of each of the specialized institutes of the Bulgarian Academy of Sciences, of the Chamber of Architects, as well as experts on restoration and conservation, listed in the register under Art. 165, also other specialists, selected by the Minister of Culture shall be included in the council staff.

(3) (amend. – SG 54/11, amend. - SG 89/18, amend. - SG 98/18, in force from 27.11.2018) The proposals of the NIICH under para. 1, Art. 58, Para. 1 and 3 and Art. 62 shall be included in the agenda for consideration by the Council under Para. 2 within one month of their entry into the Ministry of Culture.

(4) Upon request of the Minister of Culture, the council may also examine other issues on conservation of the immovable cultural assets, preparing statements about this.

(5) The procedure, the operation organization and the financing of the council shall be determined by Rules of the Minister of Culture.

Art. 65. (1) (prev. Art. 65 – SG 54/11) Status of immovable cultural assets shall be granted to:

1. immovable cultural assets in the category "world significance" – with their entry into the List of world heritage by the Committee for World heritage under UNESCO, upon proposal by the Minister

of Culture;

2. (amend. – SG 54/11; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. SG 16/16, in force from 26.02.2016) group immovable cultural assets in the category "national significance" – by an order of the Minister of Culture or an authorized by him/her deputy minister, following an approval of the Minister of the Regional Development and Public Works, and where within the boundaries of the immovable cultural valuable there are protected territories according to the Protected Areas Act or protected zones in the meaning of the Biological diversity Act – also of the Minister of Environment and Waters;

3. (amend. – SG 54/11, suppl. SG 16/16, in force from 26.02.2016) all remaining categories of immovable cultural assets – by an order of the Minister of Culture or an authorized by him/her deputy minister.

(2) (new – SG 54/11, amend. SG 16/16, in force from 26.02.2016) The orders under para. 1, items 2 and 3 shall be promulgated in the State Gazette.

Art. 66. (1) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) The Minister of Culture through the respective regional inspectorate for conservation of cultural heritage shall notify the municipal administrations of any issued acts as per Art. 65 within 14 days.

(2) (amend. – SG 54/11, repealed - SG 89/18)

(3) (amend. – SG 54/11, suppl. - SG 77/18, in force from 01.01.2019) The acts for granting status under Art. 65, par. 1, item 2 and 3, as well as the refusals may be appealed before the relevant administrative court as provided by the Administrative-procedure Code.

Art. 67. (1) (amend. – SG 54/11) Proposal in the cases under Art. 65, par.1, item 1 shall be done for registered immovable cultural assets of national significance, included in the Indicative list for cultural and natural heritage of the Republic of Bulgaria.

(2) (amend. – SG 92/09, in force from 20.11.2009) Any natural or legal person may send request to the Minister of Culture for including any immovable cultural assets into the Indicative list. The municipalities may send requests under sentence one only for immovable cultural heritage on their territory.

(3) The examination of the request under Para. 2 shall be done under the procedure of Art. 64.

(4) The Indicative list shall be approved by:

1. the Minister of culture – in the part for immovable cultural assets, or

2. the Minister of Culture and by the Minister of Environment and Water – in the part for mixed natural and cultural assets.

(5) (suppl. - SG 77/18, in force from 01.01.2019) The acts under Para. 4, as well as the refusals may be appealed before the relevant administrative court as provided by the Administrative-procedure Code.

Art. 68. (1) (amend. – SG 92/09, in force from 20.11.2009, amend. - SG 89/18) The National Institute for Immovable Cultural Heritage shall keep a public National register of the immovable cultural assets, in which are to be entered the acts under Art. 58, Para. 1, Art. 62, Para. 1 and 2, and Art. 65, Para. 1.

(2) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) Information about the status of the property as an immovable cultural valuable, described with its identifier according to the Cadastre and the Property Register Act shall be provided by NIICH to the Agency of geodesy within 14 days in compliance with the provision of Art. 6, par. 1 of the Cadastre and the Property Register Act.

(3) Within 14 days after the notification under Para. 2, the Registry Agency shall indicate in the file of the relevant property that it has received the status of immovable cultural asset.

(4) (amend. – SG 92/09, in force from 20.11.2009) In case of transferring deals and in inheriting properties–immovable cultural asset, the Registry Agency shall notify within 14 days the NIICH about this fact.

Art. 69. (1) (amend. – SG 54/11, amend. - SG 89/18) The termination of the temporary regimes for preservation of declared sites and the updating of the status of the immovable cultural assets shall be carried out following the order of their declaration and granting of status.

(2) (amend. – SG 54/11) The procedure of identification, declaration and granting of status to immovable cultural assets shall be determined by the Ordinance under Art. 50, Para. 2.

(3) The Ordinance under Para. 2 shall also determine the access to the register under Art. 68, Para. 1 and the circumstances, subject to registry.

(4) (new – SG 54/11; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The terms and conditions and the procedure of production and maintenance of specialized maps registers of the immovable cultural heritage shall be set out by an ordinance of the Minister of Culture and of the Minister of Regional Development and Public Works.

#### **Section IV.**

##### **Rights and obligations of the owners or beneficiaries if immovable cultural assets**

Art. 70. The owners, concessionaries and beneficiaries of immovable cultural assets shall have the right to:

1. consultations, expert advice and recommendations, given by the competent bodies for conservation of the cultural assets;

2. realize revenues from entrance fares, advertising materials, as well as from reproduction of the cultural assets in photographic, computer, video and other reproduction under the terms and conditions of this Act;

3. apply for assistance under programmes, funded by the state, municipal budgets and by other sources for performing emergency, conservation and restoration works, needed for conservation of the cultural assets;

4. collect and receive voluntary monetary and other assistance and donations from certain persons or institutions.

Art. 71. (1) Owners, concessionaires and beneficiaries of immovable cultural assets shall be obliged to:

1. take the needed efforts for their conservation, preservation and maintenance in good condition while observing the provisions of this Act and the acts on its implementation;

2. (amend. – SG 92/09, in force from 20.11.2009, suppl. - SG 89/18) notify immediately NIICH, and in the cases under Art. 84, Para. 2, item 2 - also the units as per Art. 17, Para. 3, the regional Inspectorates for conservation of the cultural heritage and the municipal bodies about any damages on them or about acts towards them in violation of this Act;

3. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) coordinate pursuant to Art. 84, para 1 and 2 the projects under Art. 80, Para. 3 and Art.. 83;

4. produce the needed documents and to provide access and assistance to the competent bodies while performing their powers, indicated by the law;

5. provide public access, when the usage of the immovable cultural assets is connected with exposition activity;

6. provide free public access to the immovable cultural assets for scientific-research activity, under the condition, that its normal usage has not been obstructed and the legal interests of the owner, concessionaire or beneficiary have not been violated.

(2) (new – SG 54/11) In case of destruction of an immovable cultural valuable due to non-fulfillment of the obligations under par. 1, item 1 and 2, the persons referred to in par. 1 shall be obliged to recover it in its initial state – with the original 3D parameters and architectural and art parameters. The recovery term shall be set out by the Minister of Culture.

(3) (prev. par. 2, amend. – SG 54/11) Owners, concessionaires and beneficiaries of an immovable property, on which it is discovered or there is information about an existing immovable archaeological site, shall be obliged to provide access to the competent authorities for inspection of its physical condition and to follow the prescription for its conservation.

(4) (new – SG 54/11) Owners, concessionaires and beneficiaries of an immovable property, in which an immovable archeological cultural valuable is saved and exposed, shall be obliged to provide public access subject to the terms and conditions, laid down by the Ordinance referred to in Art. 185.

Art. 72. (amend. – SG 92/09, in force from 20.11.2009, amend. – SG 54/11) (1) In case of existing circumstances, threatening the immovable cultural valuable from damage or destruction, the owner, concessionaire or beneficiary of the property shall be obliged to notify the mayor of the municipality, the director of the regional museum and the regional Inspectorate for conservation of the cultural heritage at the location of the immovable valuable and to undertake immediate actions for its security.

(2) (Amend. - SG 89/18) In case of occurrence of circumstances referred to in par. 1 for immovable archeological cultural assets, including the cases referred to in Art. 160, par. 2, the owner, concessionary or the beneficiary of the property, in which the cultural valuable is located, shall notify the bodies under par. 1 and the director of the regional museum.

(2) The municipality mayor or a person authorized by him/her and the regional Inspectorate for conservation of cultural heritage shall issue immediately relevant instructions for emergency temporary strengthening and shall set a term for their implementation.

(4) In case of non-fulfillment of the obligations under par. 1 and 2 of the respective instructions referred to in par. 3 within the set term, the municipality shall carry out adequate securing and emergency temporary strengthening at the expense of the person referred to in Art. 71, par. 1 within 14 days after the expiration of the term under par. 3.

(5) The head of the regional Inspectorate shall immediately notify the Minister of Culture of the existing circumstances under Para. 1, as well as about the issued instructions under par. 3.

Art. 73. (1) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11, suppl. - SG 89/18) Within 14 days after issuing the respective instruction under Art. 72, par. 3 for immovable cultural assets, except for the archeological ones, the municipality mayor shall appoint a commission, including an inspector from the Regional Inspectorate for conservation of cultural heritage, representatives of NIICH, and in the cases under Art. 84, Para. 2, item 2 - also the units as per Art. 17, Para. 3, of the regional directorate of national construction supervision and of the municipality. For artistic, ethnographic and historical immovable assets the commission shall include also a representative of a museum in the respective field, and for operating sites with religious purpose – also a representative of the respective registered denomination.

(2) The commission shall establish by a protocol the condition of the immovable cultural asset,

as well as the type and volume of the needed fortifying, conservation-restoration and repair works. The protocol shall contain detailed description of the cultural valuable according to the data about its identification and registration and date about the owner.

(3) (amend. – SG 54/11) On the basis of the protocol, the Mayor of the municipality shall within 14 days issue an order, which shall oblige the persons under Art. 71, Para. 1 to perform on their account within a certain period of time the needed strengthening, conservation, restoration and repair activities in compliance with engineering documentation, approved according to the provisions of Art. 84, par. 1 and 2. The order shall be announced to the persons interested and may be appealed according to the procedures laid down in the Administrative-Procedure Code, whereby the appeal shall not interrupt the implementation.

(4) (new – SG 54/11) The provisions of Art. 160, par. 3 shall apply to the archeological immovable assets.

Art. 74. (amend. and suppl. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) Where the commission referred to in Art. 73, par. 1 proposes dismantling and subsequent reconstruction based on authentic data about the immovable cultural valuable, its owner shall prepare and submit to the Ministry of Culture graphical, written and photo documentation sufficient for the implementation of the reconstruction. Upon a positive opinion of the Minister of Culture or of officials authorized by him/her, the municipality mayor shall issue an order for dismantling of the immovable cultural valuable.

(2) (suppl. - SG 77/18, in force from 01.01.2019) The order referred to in par. 1 shall be notified to the interested persons and may be appealed before the relevant administrative court following the procedures of the Administrative-Procedure Code. The appeal of the order shall not suspend its execution.

(3) The immovable cultural valuable shall be reconstructed based on the presented documentation under par. 1 and an investment project, approved pursuant to the provisions of Art. 84.

Art. 75. A copy of the orders under Art. 73, Para. 3 and Art. 74 shall be sent to the regional Inspectorate for conservation of the cultural heritage in the location of the property.

Art. 76. (1) (amend. and suppl. – SG 54/11) In cases, where the orders under Art. 73, Para. 3 and Art. 74 have not been implemented within the set term, the needed engineered fortifying, conservation restoration and repair activities or reconstruction on authentic data of the immovable cultural valuable or part of it shall be performed by the state, respectively – the municipality.

(2) The activities under Para. 1 shall be performed on the basis of an order by:

1. (suppl. - SG 77/18, in force from 01.01.2019) The Minister of Culture or an official appointed from the staff of the ministry – for immovable cultural assets of category "world significance" or "national significance";

2. the Mayor of the municipality – in the remaining cases.

(3) The order under Para. 2 shall indicate the cost of the expenses for performing the activities under Para. 1, which shall be determined on the basis of an expert evaluation by independent valuers.

(4) An appeal of the order shall not stop its implementation.

(5) On the basis of the order under Para. 2, the property shall be mortgaged in favour of the state, respectively the municipality, for guaranteeing their receipts for the expenses made by them.

(6) The state, respectively – the municipality may request for the costs, made by it, the court to order an immediate execution and to issue an executive order, as provided by Art. 418 of the Civil Procedure Code.

Art. 77. In cases of permanent failure to implement the obligation under Art. 71, Para. 1, p.1, established in a due procedure, the provisions of Art. 73-76 shall be applied.

## **Section V. Territorial-planning preservation**

Art. 78. The territorial-planning preservation of the immovable cultural heritage shall cover:

1. regimes of conservation;
2. (revoked – SG 82/12, in force from 26.11.2012)
3. structural plans of protected territories for conservation of the immovable cultural heritage and specific rules and norms for them;
4. plans for conservation and management of the immovable cultural assets;
5. design, coordination and approval of the structural plans and of the project documentations (investment initiatives and projects for intervention) in the protected territories for conservation of the immovable cultural heritage and control on their application and implementation;
6. financing and performing activities in the immovable cultural assets and in their security zones for the purpose of their conservation and exposition.

Art. 79. (1) The regime for conservation of the immovable cultural assets shall be determined by the act for its declaration or for granting status.

(2) With the regime for conservation of the immovable cultural valuable, the territorial scope shall also be indicated, as well as the prescriptions for conservation of the immovable cultural valuable and its environment.

(3) (Amend. - SG 89/18) The territorial scope shall be determined by the borders and area of the immovable cultural asset and its security zone. The security zone shall be determined as guarantee when there is need for more effective territorial development preservation of the immovable cultural asset, and shall cover the immediate area around the property, important visual surroundings and other territories or elements with a bearing on its cultural and historical significance, and therefore its preservation. Security zone shall not be established in exceptional cases, the reasons for which must be stated in the preliminary assessment under Art. 56, item 3 or in the final assessment under Art. 61, Para. 1. For the preservation of single immovable cultural assets situated within the territorial range of a group immovable cultural asset, no security zones shall be defined, but the prescriptions for the preservation of the group immovable cultural assets shall be applied.

(4) When a single cultural valuable has not determined territorial scope in the act for declaration or for granting status, for its borders shall be considered the borders of the property, and for security zone – the territory, covering the neighboring properties, and in case of streets up to 14 m., also, the opposite properties across the street, as well as the street area between them.

(5) (New - SG 89/18) Prescriptions for the preservation of immovable cultural assets shall be determined on the basis of the results of the preliminary, respectively of the final assessment of the analysis of the impact of interventions carried out and of the degree of endangerment from anthropogenic and natural-geographic factors. The conservation prescriptions shall specify the permissible interventions in immovable cultural heritage, the organization or conditions for the use of the territories within their borders and security zones in order to ensure their full preservation and presentability.

(6) (Previous Para. 5 - SG 89/18) The single and group immovable cultural assets with their

borders and security zones shall form protected territories for conservation of the immovable cultural heritage, which shall be indicated in the cadastre maps, as provided by the Cadastre and Property Register Act and in the general and detailed structural plans, as provided by the Spatial Development Act.

(7) (Previous Para. 6 - SG 89/18) Protected areas shall also be the archaeological sites, situated in the earth layers, on their surface, on the land and under water, where their temporary borders and security zones shall be determined by the permission for terrain study.

(8) (Amend. – SG 54/11, previous Para. 7 - SG 89/18) In cases where in certain zones there is information for availability of archaeological sites, the Minister of Culture may, by an order declare them according to the provision of Art. 64 for protected territories, according to the tenor of par. 6.

(9) (Repealed - SG 92/09, in force from 20.11.2009; previous Para. 8 - SG 89/18) In case of request of the religious institutions, the Council of Ministers, respectively the municipal council, may permit in the immovable cultural assets under Art. 88, p. 4 – state or municipal ownership, to be performed rituals and liturgies, while observing the regimes of their conservation.

Art. 80. (1) (amend. – SG 82/12, in force from 26.11.2012) The objectives, tasks and ways for structure of the protected territories for conservation of the immovable cultural heritage shall be determined by the structural plans, bound with the regimes for conservation.

(2) General and detailed structural plans for the protected territories and the specific rules and norms with them shall be developed in compliance with the regimes for conservation of the immovable cultural assets.

(3) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11; amend. – SG 82/12, in force from 26.11.2012) Development plans under Art. 78 and specific rules and regulations thereto and the assignments for their development and the outline drawings with the proposals under Art. 135, par. 2 of the Spatial Development Act prior to their approval shall be coordinated as provided by Art. 84.

(4) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) Development plans and specific rules and provisions referring to such, which do not comply with the regimes for preservation of immovable cultural assets may not be approved.

Art. 81. (1) (New, SG, 62/19, effective from 06.08.2019) The subject of the plan for conservation and management shall be the activities for the preservation and sustainable development of the immovable cultural value within its boundaries and the protection zone, determined by the act of granting the status, in application of the principles of integrated conservation, where territories without the status of a protection zone, but in connection with the protected territory for the protection of the real cultural heritage, may be included at the request of the contracting authority and in case it is needed.

(2) (Suppl., SG, 54/11, previous Para 1 – SG, 62/19, effective from 06.08.2019) In the plans for protection and management of single or group immovable cultural values shall include the regimes, specific rules and regulations of Art. 78, items 1 and 3 and the following shall be determined:

1. general characteristics of the protected territory for conservation of the immovable cultural heritage;
2. objectives and organization of management;
3. (amend. – SG 54/11) long-term and short-term programmes of the activities for preservation of an immovable cultural valuable and for the plan application;
4. financing the activities of the plan;
5. participation of the partners in the process of the plan application;
6. conditions and recommendations for performing the activities of the plan application;
7. monitoring system of the protected territory and providing urgent emergency rescue actions

in it;

8. control system in the plan application.

(3) (New, SG, 62/19, effective from 06.08.2019, amend. - SG 21/20, in force from 13.03.2020) Conservation and management plans shall be developed and implemented in conjunction with the forecasts of the municipal integrated development plans and the spatial plans for the territorial coverage of the single or group real cultural values.

(4) Former Para. 2, amend. – SG, 62/19, in force from 06.08.2019) For preservation and management shall be developed obligatorily for:

1. immovable cultural assets included in the Indicative list for the cultural and natural heritage of the Republic of Bulgaria;

2. archaeological reserves;

3. group immovable cultural assets of national significance;

4. (amend. - SG 96/17, in force from 02.01.2018) the single immovable cultural assets of national significance – in the cases, where they are granted to concession.

(5) (Former Para. 3, amend. – SG, 62/19, in force from 06.08.2019) Plans for preservation and management may also be developed for other immovable cultural assets upon initiative and in assignment and financing from their owner, beneficiary or concessionaire, or the municipality, on whose territory they are located.

(6) (amend. – SG 54/11, former Para. 4, amend. – SG, 62/19, in force from 06.08.2019) The plans for conservation and management of single or group immovable cultural assets shall be subject to public discussion according to a procedure, determined by the ordinance under Para. 7.

(7) (Former Para. 4, amend. – SG, 62/19, in force from 06.08.2019) The scope, structure, contents and methodology for the plan development for preservation and management shall be determined by an Ordinance of the Council of Ministers.

Art. 82. (1) The plans for conservation and management shall be assigned and financed by:

1. (amend. – SG, 62/19, in force from 06.08.2019) the Minister of Culture or by the persons under Art. 67, Para. 2 – in the cases under Art. 81, Para. 4, item 1;

2. (amend. – SG, 62/19, in force from 06.08.2019) the Minister of Culture - in the cases under Art. 81, Para. 4, items 2 and 4;

3. (new - SG 89/18, amend. – SG, 62/19, in force from 06.08.2019) the municipality, when the immovable cultural asset is given for management - in the cases under Art. 81, Para. 4, item 2,

4. (previous item 3 - SG 89/18, amend. – SG, 62/19, in force from 06.08.2019) the municipality, on whose territory is the group immovable cultural assets – in the cases under Art. 81, Para. 4, p. 3.

5. (new - SG 89/18, amend. – SG, 62/19, in force from 06.08.2019) the concessionaire - in the cases under Art. 81, Para. 4, item 4, when there is no prepared conservation and management plan before the signing of the concession contract.

(2) (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) The preservation and management plans and the assignments for their development shall be agreed upon:

1. with the Minister of Culture pursuant to the provisions of Art. 84, par. 1 and 2;

2. with the respective municipality, which is the contracting authority of the plan, and also with interested institutions.

(3) The plans for conservation and management of immovable cultural assets shall be adopted by:

1. (amend. – SG, 62/19, in force from 06.08.2019) the Council of Ministers – in the cases under Art. 81, Para. 4, p. 1 and 2;

2. (amend. – SG, 62/19, in force from 06.08.2019) the Minister of Culture – in cases under Art.

81, Para. 4, p. 3 and 4;

3. (amend. – SG, 62/19, in force from 06.08.2019) the municipal council of the respective municipality, on whose territory the cultural asset is located – in the cases under Art. 81, Para. 5.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The plans under Para. 3q p. 1 shall be introduced to the Council of Ministers upon proposal of the Minister of Culture after coordination with the Minister of the Regional Development and Public Works, and where in the borders of the immovable cultural assets there are protected territories under the Protected Areas Act and the Biological Diversity Act – with the Minister of Environment and Water.

(5) (new – SG 54/11) Adoption acts referred to in par. 3 of the conservation and management plans of immovable cultural assets shall be promulgated in the State Gazette.

Art. 83. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) (1) The investment projects and requests for intervention in protected territories for preservation of the cultural heritage shall be approved and the constructions are implemented under the Spatial Development Act, following a coordination pursuant to Art. 84, para 1 and 2, as follows:

1. in single cultural assets and their borders:

a) programmes, assignments, engineering visas, investment projects for: conservation, restoration, adaptation, exhibition, reconstruction based on authentic data, adding constructions, raising additional storey, structure strengthening, division, change of purpose of use, repairs and reconstructions, colour facade solutions, artistic lights, garden landscaping and public works;

b) (amend. and suppl. – SG 52/16) engineering visas and investment projects for the civil engineering of new basic and additional construction, and in case of existing archeological immovable cultural assets – also the engineering design of building structures, and also the projects of transport and technical infrastructure, including for the building joining connections to the networks and facilities;

c) requests and documentation for performing current and urgent repairs and fortifying works;

d) schemes and projects for moving sites, including pavements, fences, fountains, street lights, and other elements of the city furniture, advertising, information and monument-decorating elements, and also electrical and gas supply boards, outside air-conditioning facilities, mobile operators antennas;

2. in security zones of single cultural assets and in the borders of group cultural assets, unless otherwise provided by the conservation regimes:

a) (amend. and suppl. – SG 52/16) engineering visas and investment projects of civil engineering of: new basic and additional construction, reconstruction, raising additional storey, extension, repairs and reorganizations with change of the outside appearance of the constructions, and in case of archeological immovable cultural assets – also the engineering projects of building structures, and also projects of transport and technical infrastructure, including for buildings joining connections to the networks and facilities;

b) visas for design and investment projects for garden and public works;

c) schemes and designs for moving sites, including pavements, fences, fountains, street lights, and other elements of the city furniture, advertisements, information and monument-decoration elements, and also electrical and gas supply boards, outside air conditioning facilities, mobile operators antennas;

d) requests and documentation for performing outside current and urgent repairs, requiring modification of buildings architectural and/or artistic characteristics;

3. (amend. and suppl. – SG 52/16) in the security zones of group cultural assets, if not otherwise provided in the preservation regimes – engineering visas and investment projects for civil engineering of: new basic construction, raising additional storey and extensions and in case of archaeological immovable cultural assets also the engineering designs of building structures, and also the projects of transport and technical infrastructure, including for the buildings joining connections to

the networks and facilities of the technical infrastructure.

(2) (revoked – SG 52/16).

(3) (amend. – SG 52/16) Commissioning of constructions under Para. 1, item 1 beyond the cases referred to in Art. 83a, par. 2 shall take place after a positive opinion issued by the Minister of Culture or of officials authorized by the latter, and the as-built documentation in the meaning of the Spatial Development Act shall be endorsed pursuant to Art. 84, para 1 and 2.

(4) In the cases, where to a detailed development plan of the territory or of a part of territory of the cultural heritage there is no agreed detailed structural plan, a 3D structural study shall be submitted, which covers the property, subject to the engineering design, as well as the immediately neighbouring properties.

(5) (amend. – SG 52/16) Moving of and immovable cultural assets, as well as removal of vegetation and park elements in immovable cultural assets – garden and park art, shall be permitted as provided by the Spatial Development Act, after a positive statement under conditions, determined by the body referred to in para 3. Sentence one shall also apply in the cases under Art. 59, Para. 4.

(6) Change of the function of a land property, in whose scope there are immovable cultural assets or their security zones, shall be endorsed pursuant to Art. 84, para 1 and 2.

Art. 83a (new – SG 54/11) (1) Pursuant to the provisions of the Spatial Development Act shall not be commissioned immovable cultural assets on which have been carried out:

1. (suppl. – SG 52/16) facade conservation and restoration work, and repair of roofs;

2. (amend. – SG 52/16) conservation and restoration of art components and murals;

3. (revoked – SG 52/16, new - SG 89/18) conservation of archaeological immovable cultural assets.

(2) (Suppl. - SG 89/18, amend. and suppl. – SG, 62/19, in force from 06.08.2019) The acceptance of the execution of activities referred to in par. 1 shall be done by a commission, the members of which shall be determined in consideration of the type and scope of the carried-out activities. The commission shall be appointed by an order of the Minister of Culture or of an official authorized by him/her. Representatives of the NIICH, the Inspectorate for the Preservation of Cultural Heritage and of the relevant Municipal administration shall be mandatory members of the commission.

(3) The commission under par. 2 shall study the submitted project documentation, shall identify the quality of the accomplished conservation and restoration works and shall propose to the Minister of Culture to accept or to refuse with adequate justification the acceptance of the execution.

(4) The Minister of Culture shall issue an order for the acceptance of the accomplished conservation and restoration works within one month after presentation of the certificate by the commission.

(5) The contracting authority shall submit a copy of project documentation to the NIICH for completing the file of the immovable cultural valuable.

(6) In cases where the commission under par. 2 proposes refusal of acceptance of the accomplished works, the certificate should contain instructions and should nominate a person in charge and indicate a term for their accomplishment.

(7) (New, SG, 62/19, effective from 06.08.2019) The contracting authority of the activities under Para. 1 shall be obliged to notify in writing the municipality at the location of the site, the Ministry of Culture and NIICH about:

1. the starting of the implementation;

2. finalization of the implementation – in 10 day term from its finalization.

Art. 84. (suppl. – SG 82/09, in force from 20.11.2009; amend. – SG 54/11; amend. – SG 52/16)

The endorsement according to this Section shall be done by a written opinion and certification by a stamp on the graphic materials within four months after the date of filing of relevant documentation in the NIICH or in the municipality, determined under Art. 17, par. 3. Investment projects and requirements for interfering in protected territories for cultural heritage preservation shall be submitted:

1. for immovable cultural assets of categories of “world importance” and “national importance” within their area and security zones – to the NIICH;

2. for immovable cultural assets of categories of “local importance”, “ensemble importance” and “for reference” within their area and security zones – to the respective unit under Art. 17, par. 3.

(2) The endorsement under par. 1 of investment projects and requests for interfering under Art. 83 shall be done by the Minister of Culture or by officials authorized thereby for:

1. single and group immovable cultural assets of categories of “world importance” and “national importance” within their areas and security zones - upon a written opinion issued by the NIICH;

2. single and group immovable cultural assets of categories of local importance”, “ensemble importance” and “for reference” – upon a written opinion of the respective municipal unit under Art. 17, par. 3.

(3) In cases under par. 2 where single immovable cultural assets of categories of “local importance”, “ensemble importance” and “for reference” fall within the area and security zones of group immovable cultural assets of categories of “world importance” and “national importance”, the endorsement under par. 2, item 2 shall take place upon a written opinion issued by the NIICH.

(4) The draft plans of preservation and management, planned works, pilot projects and others related to the immovable cultural heritage, produced by the NIICH, shall be agreed upon according to the provisions of par. 1 and 2 following an opinion of the Specialized expert council under Art. 64, par. 2.

(5) For agreeing upon referred to in par. 2 and 3 an application shall be filed to the Minister of Culture through the Director of NIICH, respectively through the manager of the unit under Art. 17, par. 3 in a standard form approved by the Minister of Culture. One copy of the documentation shall be submitted to the NIICH for completing the archive fund.

(6) (New, SG, 62/19, effective from 06.08.2019) In case of finding irregularities and incompleteness in the documents, the applicant shall be notified in writing, giving him 10 working days for elimination of the irregularities or incompleteness with an indication that failure to do so will result in termination of production.

(7) (Former Para. 6 - SG, 62/19, effective from 06.08.2019) The Director of the NIICH, respectively in the cases of par. 2, item 2- the manager of the unit under Art. 17, par. 3 shall issue a written opinion within two months after the date of filing of the application.

(8) (New, SG, 62/19, effective from 06.08.2019) For development plans under Art. 78, item 3 and the specific rules and norms thereto, as well as for the tasks for their preparation, coordination or refusal for coordination, shall be performed on the basis of verification of compliance with the requirements of Art. 80.

(9) (New, SG, 62/19) For investment projects and requests for interventions in protected territories for the preservation of the cultural heritage under Art. 83, coordination or refusal of coordination shall be carried out on the basis of verification of compliance with the requirements of the Ordinance under Art. 171, a coordinated planning and design visa or layout scheme and the conservation regimes for the territory concerned.

(10) (New, SG, 62/19, effective from 06.08.2019) For the plans for preservation and management of single or group immovable cultural property and the tasks for their preparation, coordination or refusal of coordination shall be carried out on the basis of verification of compliance with the requirements of Art. 81, Para. 1, 2 and 3, the Ordinance under Art. 81, Para. 7 and after the opinion of the Specialized Expert Council under Art. 64, Para. 2.

(11) Former Para. 7, amend. - SG, 62/19, effective from 06.08.2019) Written opinion under Para. 7 shall be sent to the Minister of Culture within three days after the expiration of the term under Para. 7 for their preparation.

(12) (New, SG, 62/19, effective from 06.08.2019) The written opinion under Para. 1 and 2 shall be communicated to the applicant by the Minister of Culture or officials, authorized by him under the conditions and in accordance with Art. 61 of the Administrative Procedure Code.

(13) Former Para. 8, amend. - SG, 62/19, effective from 06.08.2019) The refusal of coordination under this Section shall be grounded in writing.

(14) (suppl. - SG 77/18, in force from 01.01.2019, former Para. 9, amend. - SG, 62/19, effective from 06.08.2019) The refusal under Para. 13 may be appealed before the relevant administrative court, as provided by the Administrative-procedure Code.

(15) (Former Para. 10, amend. - SG, 62/19, effective from 06.08.2019)) For the preparation of written opinions under par. 2 by the NIICH, respectively by the municipality under Art. 17, par. 3 a fee shall be collected in an amount, fixed by the tariff under Art. 19, par. 2 and by the respective ordinance under Art. 9 of the Local Taxes and Fees Act.

Art. 85. The control on the application and implementation of the measures of the territorial planning preservation of immovable cultural assets shall be performed by the Inspectorate under the Ministry of Culture, jointly with the competent state and municipal bodies.

## **Section VI.**

### **Concession on the immovable cultural assets**

Art. 86. (amend. - SG 96/17, in force from 02.01.2018) (1) The immovable cultural assets—state and municipal property may be granted to concession under the terms and conditions of the Concessions Act and in compliance with the requirements of this Act.

(2) When awarding and executing a concession for immovable cultural property the regimes for preservation of the cultural valuable shall be abided, as well the conditions for conducting integrated conservation.

(3) Subject to concession may be one or more single or group cultural assets or parts thereof.

(4) The grantor determines a concession area which covers the territorial scope of the object of the concession, insofar as the properties included in this scope are state or municipal property respectively. A support area may be included in the concession object as an accessory, which is an area necessary for carrying out the concession activities insofar as the properties included in it are state or municipal property respectively.

(5) The concession area and the area of the support zone are defined with a detailed development plan subject to the regimes for preservation of the specific immovable cultural valuable.

Art. 87. (amend. - SG 96/17, in force from 02.01.2018) (1) In concession for immovable cultural valuable may be carried out construction of technical infrastructure, buildings or facilities on the concession area and/or on the support zone.

(2) Construction can only be done only if it is compatible with the regimes for preservation of the respective immovable cultural valuable and is necessary for the concession activities.

(3) Where the construction is awarded by the grantor, the concession is defined as a concession for construction and the grantor determines the type and volume of construction and the requirements for its implementation.

(4) Regardless of the subject of the concession, the implementation of the concession contract, the concessionaire may place on the concession area and on the support zone movable objects, related to the execution of the concession in compliance with the requirements of this Act.

Art. 88. (amend. - SG 96/17, in force from 02.01.2018) Concession for immovable cultural assets shall not be awarded:

1. in the category of world significance;
2. (suppl. – SG 54/11) archaeological reserves or parts thereof, with the exception of the indicated ones in a list, confirmed by the Minister of Culture, as provided by Art. 64;
3. museum buildings and complexes;
4. which are religious temples and have been related on their function with the practical needs for holding rituals and liturgies by certain religious institution in the meaning of the Religions Act.

Art. 89. (amend. - SG 96/17, in force from 02.01.2018) (1) When carrying out the preparatory actions and in committees to conduct a procedure for designation of a concessionaire for the concession for immovable cultural valuable shall include at least one representative of NINCH and when the object of the concession also includes archeological immovable cultural assets - and a representative of the National Archaeological Institute and Museum at BAS (NAIM at the Bulgarian Academy of Sciences).

(2) The procedure for designation of a concessionaire for the concession for immovable cultural valuable shall be opened after a positive opinion on compliance with the requirements of this Act by the Ministry of Culture, and for archaeological immovable cultural valuable - and by NAIM at the Bulgarian Academy of Sciences. To the request for expression of opinion the grantor shall apply the rationale of the concession.

Art. 90. (1) The concession contract cannot change the regimes of conservation of the immovable cultural asset, subject of the concession, defined by this Act.

(2) (amend. – SG 54/11, amend. - SG 96/17, in force from 02.01.2018) The concessionaire shall be obliged to provide annually means for preservation and maintenance of the immovable cultural assets in the concession area, and in case of archeological site of value, or information about archeological sites – also funds for archaeological research until the complete study of the concessioned zone. The concessionaire may build relevant infrastructure, buildings and assistant equipments only on part of the archaeological terrain within the frames of the supporting zone.

(3) (amend. - SG 96/17, in force from 02.01.2018, amend. - SG 17/21) The concession shall be granted for the term of up to 20 years. The modification of the concession contract, including the term of the concession may be carried out only under the terms and conditions of the Concessions Act as well as in compliance with the requirements of this Act.

Art. 91. (1) (amend. – SG 45/12, in force from 01.09.2012, amend. - SG 96/17, in force from 02.01.2018) Fifty percent of the monetary receipts from concession fees for state concessions shall be transferred to the budget of the municipality at the location of the concession site.

(2) (revoked – SG 45/12, in force from 01.09.2012)

(3) (amend. - SG 96/17, in force from 02.01.2018) The monetary receipts from concession fees for municipal concessions and from guaranties and compensations shall be spent as follows:

1. (amend. – SG 54/11) 30% - for research and conservation of immovable cultural assets;
2. 30% - in revenues of the municipal fund "Culture";

3. 40% - in revenues of the municipal budget.

**Chapter six.**  
**CONSERVATION OF THE MOVABLE CULTURAL HERITAGE**

**Section I.**  
**Search**

Art. 92. (1) Searching of movable cultural assets shall cover receiving and documentation of information of various sources, including terrain study.

(2) (amend. – SG 54/11) Field studies shall be carried out in compliance with the provisions of Chapter Seven.

Art. 93. (1) (suppl. – SG 54/11) Any person, who has found an object in the cases under Art. 88 and 91 of the Ownership Act shall be obliged to inform within 7 days the closest state, regional or municipal museum.

(2) This person shall be obliged to keep the object in the mode and state, in which it was found until it is delivered to the competent authorities.

(3) Any person, who fails to fulfill the requirements under Para. 1, shall not have the rights under Art. 111 and shall not be able to acquire the right to ownership over the found object upon legal prescription.

Art. 94. (1) An authorized representative of the museum, informed about the found object, shall be obliged to view the object and to undertake its preservation.

(2) (suppl. – SG 54/11) The identification shall be done by the museum, which has undertaken the preservation, and in cases, where the object does not respond to its thematic scope – by the closest state, regional or municipal museum with the relevant thematic scope.

(3) Movable items, state or municipal property on the basis of Art. 89, Para. 1 and Art. 91, Para 1 of the Ownership Act, if they are identified as cultural assets, shall be included into the museum fund.

(4) When the movable property has been identified as cultural valuable of national wealth, it shall be registered in the National museum fund.

Art. 95. (1) Persons, who have delivered object under Art. 93 or have given valuable information about such items, shall be remunerated. The person shall not be remunerated, if he/she has failed to fulfill any of the obligations under Art. 93.

(2) The amount of the remuneration shall be defined in reference to the significance of the object and the contribution of the person for its preservation under the terms and conditions, defined in an ordinance of the Minister of Culture.

**Section II.**  
**Identification and registration**

Art. 96. (1) (amend. - SG 1/19) The identification of movable cultural heritage is a research activity, through which it is determined, whether an item corresponds to the criteria for cultural valuable, as well as its classification and categorization, as provided by this Act.

(2) (amend. - SG 1/19) The identification of cultural assets shall be done by the national and regional museums alone, or together with other scientific or cultural institutes and higher schools. Municipal and private museums designated by an order of the Minister of Culture have the right to carry out the identification.

(3) (amend. – SG 54/11) Identification of cultural assets shall be done by a commission, appointed by the director of the museum. The commission shall include 3 museum experts, and where necessary other experts in the relevant field may be involved, who are registered in the register under Para. 4, as well as persons, registered in the register under Art. 165.

(4) (amend. – SG 54/11) The Ministry of Culture shall create and maintain a register, which shall have entered the persons under Para. 3, who have Master educational - qualification degree, and at least 5 years of experience in the relevant professional field. The procedure of keeping the register shall be determined by an ordinance of the Minister of Culture.

Art. 97. (1) (amend. – SG 54/11) The state, regional and municipal museums shall obligatory perform identification when receiving an object which may be determined as a cultural asset. Identification shall be carried out according to the provisions of Art. 34, Para. 6.

(2) (suppl. – SG 54/11) The state and municipal bodies and institutions, possessing items, which may be determined as cultural assets, shall be obliged to request their identification from the relevant state owned or regional museum of their thematic scope.

(3) (amend. – SG 54/11, amend. - SG 1/19) Any natural and legal persons, possessing items or collections of items, which may be determined as cultural assets, may request its identification by the order of art. 96, para. 2.

(4) (amend. – SG 54/11) A trader having obtained a permission to carry out commercial activity with cultural assets, may carry out identification of cultural assets offered by him/her for sale. Identification shall take place before holding the announced auction or another sale.

(5) (new – SG 54/11, amend. - SG 1/19) No subject to identification for the purposes of subsequent sale are the works of Bulgarian fine arts and crafts in all varieties created after 1900, as well as Bulgarian printed books published after 1805.

(6) (new – SG 54/11) Shall not be subject to identification archeological items, coins and coin-like items and pieces of fine arts, imported in the territory of the country, originating from other states, in cases where they are accompanied by a document of origin and of way they have been acquired.

(7) (prev. par. 5, amend. – SG 54/11) The persons' request for identification under Para. 2, 3 and the trader under par. 4 shall contain an attached document, certifying the right to ownership or holding and a declaration for the origin and way of acquiring the object. For false data, the declarer shall bare responsibility under Art. 313 of the Penal Code.

(8) (new – SG 54/11) Identification under par. 2, 3 and 4 shall be carried out according to the procedure laid down in the Ordinance referred to in Art. 107.

Art. 98. (1) An expert conclusion about the results of the identification shall be issued, signed by all the commission members. The commission shall indicate in the expert conclusion, that:

1. the object does not correspond to the requirements for a cultural valuable, or
2. the object corresponds to the requirements for a cultural valuable;
3. there is sufficient data about the object correspondence to the criteria for national wealth – in the cases under p. 2.

(2) The expert conclusion shall be announced to the persons under Art. 97, Para. 2, 3 and 4 within 7 days after its signing.

(3) On the basis of the expert conclusion under Para. 1, p. 1 and 2, the museum director shall within 1 month term issue a certificate. The certificate of the cultural asset shall also contain prescription for its conservation, and when it was acquired from the museum, the director shall order its entry into the museum book.

Art. 99. (1) In the cases under Art. 98, Para. 1, p. 3, the director of the relevant museum shall make a proposal to the Minister of Culture for granting the statute of national wealth within 7 days after the signing of the expert conclusion.

(2) Statute of national wealth shall be granted by the Minister of Culture on the basis of the expert conclusion, prepared by a specialized expert council.

(3) (amend. – SG 101/10; amend. – SG 54/11) The specialized expert council under Para. 2 shall consist of 11 permanent members – three representatives of the Ministry of Culture and 8 representatives of various state scientific and cultural organizations on conservation of cultural heritage, at least one of them a specialist with a qualification "supervisor in an art gallery" with a minimum experience of 5 years in the field of art pieces market. If relevant, experts in the respective field can be involved.

(4) The Specialized expert council permanent members shall be appointed by the Minister of Culture for the term of 5 years. The attracted members shall be determined by the council decision for each case of granting statute of national wealth. The structural staff and the operation organization of the council shall be determined with Rules of procedure by the Minister of Culture.

Art. 100. (1) The specialized expert council shall examine and pronounce on the proposal under Art. 99, Para. 1, within 3 months after its receiving.

(2) The specialized expert council shall pronounce with an expert conclusion, signed by two thirds of all the members, that the cultural valuable:

1. responds to the criteria of national wealth, or
2. does not respond to the criteria of national wealth.

(3) The expert conclusion shall be submitted to the Minister of Culture within 7 days after its signing.

(4) Based on the expert conclusion under Para. 2, p. 1, the Minister of Culture shall issue an order for granting statute of national wealth and shall order the cultural asset to be registered as national wealth in the register of the movable cultural assets.

(5) The expert conclusion under Para. 2, p. 1 shall be announced within 14 day term to the persons under Art. 97, Para. 2, 3 and 4 and to the museum, which has made the proposal for granting statute of national wealth.

Art. 101. (amend. - SG 1/19) The Minister of Culture shall not issue order in the cases under Art. 100, Para. 4, and the museum director shall not issue certificate under Art. 98, Para. 3, or under Art. 100, Para. 5, if there is information to presume, that the items for identification have been acquired unlawfully or falsify a work of painting, sculpture, graphics or archaeological artefacts. In such cases they shall inform the Ministry of Interior and the prosecution.

Art. 102. (1) (amend. – SG 54/11) The Ministry of Culture shall create and keep a register of the movable cultural assets having acquired a status of national treasure according to the provision of Art. 100.

(2) (amend. – SG 54/11) The register under Para. 1 shall have in it entered the cultural assets being national treasure which are:

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

(3) The entry of the cultural assets in the register shall be done by an official, appointed by the Minister in the cases under Art. 100, Para. 4, or by a person, determined by the director of the relevant museum under Art. 98. The cultural valuable, entered in the register shall receive a register number.

(4) In case of a change of the property over the registered cultural valuable, within 7 days after its occurrence, its owner, or a person, authorized by him/her shall inform the persons under Para. 3 for indicating the new circumstance in the register.

(5) (new – SG 54/11) Registers of movable cultural assets identified by the museums shall be set up and kept by those museums. Information from the registers shall be provided to the Ministry of Culture according to the provisions of the Ordinance referred to in Art. 107.

Art. 103. (amend. – SG 54/11) The Minister of Culture or an official authorized by him/her shall issue a passport for the cultural assets under Art. 102, Para. 1, which must contain the following minimum identification data about the cultural asset–national wealth:

1. a photo or other image;
2. information for the type, dimensions and weight, material and technique of creation, special features;
3. name and author, if they are known;
4. date and place of fining;
5. short description;
6. (amend. – SG 54/11) prescriptions for preservation.

Art. 104. (1) (suppl. - SG 77/18, in force from 01.01.2019) The issued individual administrative acts, according to this Act, shall be disputed before the relevant administrative court as provided by the Administrative-procedure Code.

(2) In case of a dispute on administrative procedure, competent for examining the complaint or claim against the act of granting statute of a cultural valuable, shall be the Minister of Culture.

Art. 105. (1) The relations between the persons under Art. 97, Para. 3 and the museum, performing the identification, shall be settled by a written agreement.

(2) The expenses on identification of a cultural valuable shall not be paid:

1. in cases, where the person under Art. 97, Para. 3 and 4 gives it as a gift to the museum, which has performed the identification;
2. (revoked – SG 54/11).

(3) (amend. – SG 54/11) For issuing an identification certificate of movable items as cultural assets, the persons under Art. 97, Para. 3 shall pay a state fee, determined by the Tariff under Art. 4, Para. 2, p. 4 of the Protection the Development of Culture Act.

(4) (new – SG 54/11) Where in the course of identification of cultural assets it is possible to set up a group of two or more cultural assets with very close characteristics, make, periodization, or other similar parameters, it shall be considered as one subject for identification purposes, whereby one expert conclusion shall be issued and a single fee shall be paid thereof.

Art. 106. The results of the identification of cultural assets owned by natural or legal persons may be published after receiving a written consent from the owners.

Art. 107. (1) The procedure for performing identification shall be determined by an ordinance of the Minister of Culture.

(2) The ordinance under Para. 1 shall determine the procedure of keeping the register of the movable cultural assets and maintaining the database, as well as the circumstances and the changes, that might occur, subject to entry.

### **Section III. Collections (Title amend. – SG 54/11)**

Art. 108. A collection shall be combination of movable cultural assets which in their entirety and thematic relation have scientific and cultural value.

Art. 109. (amend. - SG 1/19) Collector shall be a natural or legal person, owner or holder of cultural assets, identified as collection and entered into the register under Art. 102.

Art. 109a. (new – SG 54/11, suppl. SG 16/16, in force from 26.02.2016) State bodies, administrations, higher education establishments, non-profit legal entities and registered denominations may set up public collections, which in their entirety have public importance, and also to provide for their presentation in exhibitions. Setting up and management of public collections shall be done according to a procedure, determined by an ordinance of the Minister of Culture.

Art. 110. The collector shall keep a register, which must contain descriptive and photographic catalogue of each of the cultural assets in the collection, information about its conservation, as well as a certificate or passport, issued under Section II of this Chapter.

### **Section IV. Rights and obligations of the owners of movable cultural assets (title amend. - SG 1/19)**

Art. 111. (1) (amend. - SG 1/19) Legal or natural persons, owners or holders of identified movable cultural assets and/or collections of such values shall have the right:

1. (amend. – SG 54/11) to free consultations, expert advice and recommendations by competent bodies for conservation of the cultural assets;
2. to give them for temporal preservation in a museum, if because of objective reasons they cannot provide correct preservation;
3. to exhibit them temporarily in state, municipal and private museums; the relations between the parties shall be regulated by written contracts;
4. to receive remuneration from giving them for participation in national and international exhibitions;
5. to apply in international and national programmes for financial aid for their conservation;
6. to request assistance from the competent authorities for their restoration or returning, in case

that they were stolen or unlawfully removed;

7. to tax relieves, provided by law.

(2) (amend. - SG 1/19) The museum, where the movable cultural assets have been identified, may accept them in the cases under Para. 1 and 2 if there are conditions for their preservation. The relations between the owner or holder and the museum shall be regulated by a written contract.

Art. 112. (amend. - SG 1/19) Legal and natural persons, owners or holders of identified movable cultural assets and/or collections of such values, shall have the following obligations:

1. to keep them on their expense with the care of a good owner, as well as to fulfill the prescriptions for their conservation and security;

2. in case of change of the ownership for inform the buyer, that the movable cultural assets have been protected by the law;

3. to provide access and to assist the control bodies to perform their duties, provided by the law;

4. to inform the competent bodies in case of damage and criminal acts.

## **Section V.**

### **Deals with movable cultural assets**

Art. 113. (1) Paid transfer deals with movable cultural assets shall be performed only if they have been identified and registered, as provided by this Act.

(2) Paid transfer deals with movable cultural assets—national wealth shall be performed after written notification of the Minister of Culture. In this case the state has the right to acquire them as the first buyer through the Minister of Culture under the same conditions. If in 7-day term after the notification the state has not exercised its right under the second sentence, the deal may be done with another person.

(3) Deals concluded in violation of Para. 1 and 2 shall be void.

Art. 114. (1) Museums may perform deals with cultural assets under the terms and conditions of this Act.

(2) (In force from 10.04.2010) The national, regional and municipal museums and museums with joint participation may perform legal deals with cultural assets only from their exchange fund after permission from the Minister of Culture or by the head of the institution, where they belong, respectively, by the Mayor of the municipality.

(3) Private museums may perform legal deals with cultural assets of the basic and exchange fund, as provided by Art. 113, Para. 2.

(4) The revenues under Para. 2 and 3 shall remain in the budget of the relevant museum and shall be sent only for acquiring, conservation and restoration of cultural assets.

(5) The museums may receive donations from legal and natural persons of items, which may be defined as cultural assets and have not been identified and registered as provided by this Act.

Art. 115. (Amend. - SG 89/18, suppl. - SG 1/19) Commercial activities with cultural assets may be performed by persons registered under the Commerce Act or under the Cooperatives Act and entered in the register under Art. 116, para. 1, such circumstances being reflected in the application under Art. 116, Para. 2 and being checked ex officio.

Art. 116. (1) The Ministry of Culture shall establish and keep a register of persons, performing commercial activity under Art. 115.

(2) The Minister of Culture shall issue a certificate for registration after filing and application. The application shall also contain:

1. documents, certifying the availability of appropriate conditions for preservation of the cultural assets – subject to the commercial activity;

2. (repealed - SG 89/18)

3. declaration according to a form, confirmed by the Minister of Culture, that the person exercises profession, related to conservation of cultural assets.

(3) The Minister of Culture shall issue a certificate for registration within one month after filing the application under Para. 2.

(4) The Minister of Culture, within the term under Para. 3 shall refuse to issue a certificate for registration, if the person does not respond to the requirements for performing commercial activity with cultural assets or the filed documents are incomplete or incorrect.

(5) (suppl. - SG 77/18, in force from 01.01.2019) The refusal of the Minister of Culture may be appealed before the relevant administrative court, as provided by the Administrative-procedure Code.

(6) In case of change of the circumstances, entered into the register, the person shall be obliged to inform the Minister of Culture within 14-days after occurrence of the change.

(7) (new – SG 54/11) The conditions of storage of cultural assets under par. 2, item 1 shall be set by the ordinance referred to in Art. 127.

Art. 117. (1) The person, who has received certificate for registration of commercial activity with cultural assets shall be obliged to keep own register, which shall contain:

1. certificate for identification or passport of the cultural asset, as well as registration number, under Art. 102, Para. 3;

2. the 3 names of the former and the new owner;

3. price and date of the deal;

4. a certificate for the right of the first buyer in deals with cultural assets–national wealth.

(2) The persons under Para. 1 shall be obliged to provide access and to assist the competent authorities in performing their duties.

Art. 118. (amend. – SG 54/11) Preservation of cultural assets and performing commercial activity with them may not be performed in the same premises with other items, which are traded, except for the cases where the items are of a similar nature with the cultural assets.

Art. 119. (1) Commercial activity with cultural assets may be performed through an auction.

(2) Auction is selling with public character, in which the proposal is made to unlimited number of persons and the bidding proposals of the participants in the auction have been directed to the person, who leads the bidding. When the auction is lead by a third person, chosen by the seller, he/she must be authorized.

(3) The participants in the bidding have been committed by their proposals according to the conditions of the auction. The person, leading the bidding shall give the object to the participant, who has given the highest price.

(4) The sale shall be concluded with giving the object and the buyer acquires the right to ownership over it. He/she is obliged to pay immediately the price, unless otherwise provided by the

auction conditions.

(5) In case that the buyer fails to pay the price under Para. 4, the seller may disclaim the contract. In this case Art. 87 of the Obligations and Contracts Act shall not be applied.

(6) Sale on an auction, concluded as a result of actions, contradicting an Act or good morals, may be declared as void upon request of any interested party within 10 days of the giving.

Art. 120. (1) The commercial activity through an auction shall be done by a trader, entered into the register under Art. 116 and possessing permission by the Minister of Culture for performing commercial activity with subject – cultural valuable.

(2) Application for issuing permission under Para. 1 shall be filed to the Minister of Culture and shall contain internal rules for auction activity, as well as a list of the legally competent persons, registered under Art. 96, Para. 4.

(3) The permission shall be issued for the term of 5 years.

(4) The Minister of Culture shall issue the permission under Para. 1 within 1 month after the application under Para. 2 has been filed.

(5) The Minister of Culture, within the term of Para. 4 shall refuse to issue permission, if the person fails to fulfill the conditions under Para. 1 and 2.

(6) (suppl. - SG 77/18, in force from 01.01.2019) The refusal of the Minister of Culture may be appealed before the relevant administrative court, as provided of the Administrative-procedure Code.

(7) In case of change of the circumstances, under which the permission under Para. 1 was issued, the person shall be obliged to notify the Minister of Culture within 14 days after occurrence of the change.

Art. 121. (1) The Minister of Culture, with a motivated order shall take away the permission under Art. 120, Para. 1 in cases of:

1. organizing an auction in violation of Art. 122, Para. 1.

2. failure to fulfill the requirements under Art. 120, Para. 2 or 7;

3. declaring an initial simulative price of the items in the catalogue under Art. 122. Para 1.

(2) If a permission has been taken away under Para. 1, the person shall not have the right to apply for issuing and identical permission for the term of 1 year from the date of its deprivation.

(3) (suppl. - SG 77/18, in force from 01.01.2019) The order under Para. 1 may be appealed before the relevant administrative court as provided by the Administrative-procedure Code.

Art. 122. (1) The auctioneer shall notify the Minister of culture about each auction at least 45 days before its holding and shall produce a catalogue with cultural assets offered for sale.

(2) (amend. – SG 54/11) The catalogue shall certify the carried out identification of the cultural assets, and it shall contain information, determined by the Ordinance referred to in Art. 107.

(3) (new – SG 54/11) The provision of par. 2 shall not apply to cultural assets which are national treasure.

(4) (new - SG 1/19) In case of sufficient data that the certificate under Art. 98 para. 3 was issued on the basis of a false expert's opinion or in the presence of alerts on the authenticity of the object - subject to identification, the Minister of Culture or an official authorized by him shall issue a reasoned order to suspend the auction and inform the bodies of the Ministry of Interior.

Art. 123. After the notification under Art. 122, the auctioneer shall publish an announcement about the auction on his internet page and in two central daily newspapers at least 15 days before the auction.

Art. 124. (1) The state shall have the right to acquire as first buyer the cultural assets-national wealth, offered for sale at an auction on the first offered price.

(2) The right under Para.1 shall be exercised within 1 month after producing the catalogue under Art. 122.

Art. 125. An authorized by the Minister of Culture official, who shall follow the procedure of the auction, may be present at every auction.

Art. 126. (In force from 10.04.2010) The museums may participate in an auction, after permission by the Minister of Culture, presenting a list of the cultural assets which will be offered.

Art. 127. (amend. – SG 54/11) The procedure for issuing the permissions under this Section, the terms and conditions for storage of cultural assets and the procedure of carrying out commercial activity, as well as for keeping the register under Art. 116, shall be determined by an ordinance of the Minister of Culture.

## **Section VI.**

### **Export and temporary export of movable cultural assets**

Art. 128. (1) (amend. - SG 1/19) The export and the temporary export of movable cultural assets from the territory of the country shall be done by a permission or license for export. Export of cultural goods acquired outside the territory of the country under Art. 97, para. 6 to the countries of the European Union is done with their documents of origin with which they have been imported.

(2) (amend. – SG 92/09, in force from 20.11.2009) The export and the temporary export of movable cultural assets from the customs territory of the Community shall be done by permission for export in compliance with Regulation 116/2009 and Commission Regulation (EEC) № 752/93 of 30 March 1993, on establishing provisions for application of Council Regulation (EEC) № 116/2009 on export of cultural goods.

(3) The export and temporary export of movable cultural assets from the territory of the Republic of Bulgaria to other Community Member States shall be done with an export license.

(4) A register of the issued permissions under Para. 2, of the licenses under Para. 3, as well as the refusals for issuing of such shall be created and kept under the Minister of Culture.

Art. 129. (1) Export is not allowed from the Community customs territory and export from the territory of the Republic of Bulgaria to other EU Member States of movable cultural assets which:

1. represent national wealth, or

2. have been registered in the museums basic fund.

(2) the movable cultural assets under Para. 1 may be only temporary exported for:

1. exhibition in front of foreign public, under the condition that there are guaranties for their security;

2. realizing conservation-restoration works, under the condition, that they cannot be realized on the territory of the country.

(3) (amend. – SG 54/11) The term under Para. 2 may not be longer than 4 years. In case of a motivated need, this term may be extended once with not more than 6 months.

(4) (amend. – SG 54/11) In the cases under Para. 2, p. 1, the relevant financial guaranty shall be provided through an insurance policy or shall be paid by the state with permission of the Council of Ministers, upon proposal of the Minister of Culture.

Art. 130. (1) Export license, as provided by Regulation N 3911/92 or for temporary export of movable cultural assets under Art. 129, Para. 2 shall be issued by the Minister of Culture or by an official authorized by him/her.

(2) The licenses under Para. 1 shall be issued within one month term.

(3) (suppl. - SG 77/18, in force from 01.01.2019) Refusal for issuing an export license or for temporary export may be appealed before the relevant administrative court as provided by the Administrative-procedure Code.

(4) The procedure for issuing export licenses or for temporary export under Para. 1, shall be determined by an ordinance of the Minister of Culture or of the Minister of Finance.

Art. 131. (amend. – SG 54/11) The export license under Art. 128, Para. 3 shall be issued by the Minister of Culture or by officials authorized by him/her. The terms and conditions for its issuing shall be determined by the ordinance under Art. 130, Para. 4.

## **Section VII.**

### **Returning of unlawfully removed movable cultural assets (title amend. SG 16/16, in force from 26.02.2016)**

Art. 132. (amend. SG 16/16, in force from 26.02.2016) (1) Movable cultural property, exported illegally from the country and found on the territory of another Member State of the European Union, hereinafter referred to as "Member State", as well as those who are illegally removed from the territory of a Member State and discovered on the territory of Bulgaria, shall be returned.

(2) To be returned under the terms and provisions of this section shall be subject movable cultural assets which:

1. before or after their illegal export from the country, have acquired the status of "national wealth", gained under Bulgarian legislation;

2. form an integral part of a public collection, owned by the bodies of state or local authority, or by an institution, funded largely by the organs of state and local government, or are part of the collections of museums, libraries and of an archive fund;

3. are included in the collections of the Bulgarian Orthodox Church and other registered religions.

(3) The provisions of this section shall also apply to illegally exported movable cultural assets which do not fall under the scope of par. 1, but meet the criteria under par. 2, in the event where not more than 30 years have gone from the date of their illegal export.

Art. 133. (1) (former text of Art. 133 amend. - SG 16/16, in force from 26.02.2016) The Minister of Culture shall be the central authority, who shall coordinate, organize and control the activity of returning of unlawfully removed movable cultural assets under Art. 132, para. 2 and 3, in cooperation with the central authorities of other Member States, which coordinate this activity on their territory.

(2) (New – SG 16/16, in force from 26.02.2016) The Minister of Culture shall notify the European Commission of its functions under Para. 1 within the term under Art. 145.

Art. 134. (revoked - SG 16/16, in force from 26.02.2016)

Art. 135. (1) (amend. SG 16/16, in force from 26.02.2016) All bodies and persons shall be obliged immediately to inform the Minister of Culture in case that they have information about unlawfully removed from the territory of the Republic of Bulgaria movable cultural assets under Art. 132, para. 2 and 3.

(2) (amend. SG 16/16, in force from 26.02.2016) The Minister of Culture:

1. in case of available information about movable cultural assets and objects under para. 1, shall check its authenticity;

2. shall start a procedure on the return under the terms of this section, addressing a request to the respective Member State and

3. shall immediately inform the respective central authority of the Member State.

(3) The state and municipal bodies, according to their competence, as well as the persons, shall be obliged to assist the Minister of culture in implementing his/her competences in compliance of this Section.

Art. 136. (1) (amend. SG 16/16, in force from 26.02.2016) Every Member State may send a request to the Minister of culture for searching of movable cultural assets under Art. 132, para. 2 and 3, unlawfully removed from its territory and for establishing the identity of its owner or holder. The request must contain the whole information, needed for facilitation the search, where the real or suggested location of the object must be indicated especially.

(2) (amend. SG 16/16, in force from 26.02.2016) After receiving the request, the Minister of Culture shall inform about this the relevant bodies, in whose competence is the establishment of the location of the movable cultural asset, as well as the identity of its owner or holder.

(3) The bodies under Para. 2, in compliance with their competences shall cooperate with the Minister of Culture, where they shall:

1. (amend. SG 16/16, in force from 26.02.2016) inform about the search and about the suggested or real location of the relevant movable cultural asset, as well as about all other facts and circumstances, related with its illegal export;

2. search and establish the object location under p. 1 and the identity of its owner or holder.

(4) In case that the request has been sent to the bodies under Para. 2, they shall be obliged immediately to send it to the Minister of Culture.

Art. 137. (amend. SG 16/16, in force from 26.02.2016) (1) The Minister of Culture shall:

1. at the request of the requesting Member State, take action with the help of the relevant authorities in tracing a particular movable cultural property, unlawfully exported from Member State's territory, by establishing the identity of its possessor and/or holder;

2. notify the concerned Member States at the uncovering of movable cultural asset on the country's territory, for which there are reasons to believe was unlawfully exported from the territory of another Member State;

3. enable the competent authorities of the requesting Member State to check whether the wanted object is a moveable cultural valuable, provided that the check is made within six months of submission of the notification under par. 2; if a check is not made within the prescribed period, items 4 and 5 shall not apply;

4. in collaboration with the Member State concerned, take all necessary measures for the physical preservation of the movable cultural valuable;

5. take any necessary temporary measures to prevent any action to thwart the return procedure;

6. act as intermediary between the possessor and/or holder and the requesting Member State with regard to the return, contributing to the conduct of arbitral proceedings in accordance with Bulgarian legislation, provided that the requesting Member State and the possessor or the holder give their formal consent.

(2) The Minister of Culture shall use the Internal market Information (IMI) system, introduced with a Regulation (EU) № 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal market Information (IMI) system and repealing Decision 2008/49/ EC (OJ, L 316/1 of 14 November, 2012) for:

1. the purpose of cooperation and consultation with other Member States;

2. dissemination of information, related to specific cases to do with movable cultural assets, which have been stolen or unlawfully exported from the territory of the Republic of Bulgaria.

Art. 138. (1) (amend. SG 16/16, in force from 26.02.2016) The requesting Member State may start a legal procedure, laying a claim against the owner or holder for returning the unlawfully removed from its territory movable cultural assets under Art 132, par. 2 and 3.

(2) The claim shall contain:

1. document, describing the object, whose return is requested;

2. (amend. SG 16/16, in force from 26.02.2016) confirmation, that the object is movable cultural valuable under Art 132, par. 2 and 3;

3. declaration by the competent body of the relevant Member State, that it has been unlawfully removed from its territory;

4. information about the identity of the person, against which the claim is laid;

5. information about the value of the object, determined by the date of the claim, in BGN.

Art. 139. (1) (amend. SG 16/16, in force from 26.02.2016) The claim under Art. 138 may be laid not later than three years after the moment, in which the requesting Member State has become aware of the location of the movable cultural valuable and the identity of its owner or holder.

(2) (amend. SG 16/16, in force from 26.02.2016) In all cases legal procedure under Art. 138 shall not be formed, and the formed one shall be interrupted, if more than 30 years have been gone after the illegal export of the movable cultural assets from the territory of the requesting Member State.

(3) (amend. – SG 92/09, in force from 20.11.2009, amend. SG 16/16, in force from 26.02.2016) For items, forming part of public collections within the meaning of Art. 132, para. 2, item 2, and items, included in the collections of churches or other registered religions, return proceedings may be brought within 75 years unless bilateral agreements between Member States provide for a period, exceeding 75 years.

(4) (amend. SG 16/16, in force from 26.02.2016) Legal procedure shall not be started, and a started one shall be interrupted, if the removal of the movable cultural assets from the territory of the requesting Member state has become legal at the moment of the claim.

Art. 140. (1) (former text of Art. 140 - SG 16/16, in force from 26.02.2016) The central body of the requesting Member State shall immediately inform about the started legal procedure the Minister of Culture, who on his part shall inform about this the central bodies of the other Member States.

(2) (new - SG 16/16, in force from 26.02.2016) The exchange of information shall be carried

out through IMI in accordance with the applicable legal provisions on data protection and privacy or other means of communication in addition to IMI.

Art. 141. (1) The legal procedure under Art. 138 shall be conducted as provided by the Civil Procedure Code.

(2) The court shall order the return of the object, in cases, where:

1. (amend. SG 16/16, in force from 26.02.2016) falls into the categories under Art. 132, par. 2 and 3;
2. the object has been unlawfully removed from the territory of the requesting Member State;
3. the claim has been laid within the terms under Art. 139;
4. the object has been exported from the territory of the requesting Member State on 1 January 1993, or after this date;
5. The defendant owns or holds the object at the moment of laying the claim.

Art. 142. (1) (former text of Art. 142 - SG 16/16, in force from 26.02.2016) When the court orders return of the movable cultural valuable – national wealth, it shall award fair financial compensation of the defendant, if he/she has given due care and attention at its acquisition and after having in mind all the circumstances of the case.

(2) (new - SG 16/16, in force from 26.02.2016) The court shall, in order to determine whether the possessor has exercised due care and attention, take into account all the circumstances surrounding the acquisition, in particular the documentation on the origin of the property, the export licenses required under the legislation of the requesting Member State, the nature of the parties, the paid price, whether the possessor has researched for reference in the available records of stolen movable cultural property and whether the possessor has made himself/herself familiar with the relevant information which could reasonably be expected to receive, and whether he/she has taken any other actions in view of the circumstances.

(3) (new - SG 16/16, in force from 26.02.2016) In the case of a donation or inheritance, the possessor shall not find himself/herself in a more favorable position than the person, from whom he/she has acquired in this way the property.

Art. 143. (1) The requesting member State shall pay compensation under Art. 142 after the return of the object.

(2) (amend. SG 16/16, in force from 26.02.2016) The expenses on the implementation of the decision for return of the movable cultural assets–national wealth, as well as the expenses, related to applying the measures under Art. 137, Para. 1, item 4, shall be paid by the requesting Member State.

Art. 144. (1) (amend. SG 16/16, in force from 26.02.2016) The court decision for return the movable cultural valuable under Art. 132, par. 2 and 3, and for the compensation and expenses under Art. 143 shall not exclude the right of the requesting member State for start an action for refunding these sums against the persons, responsible for its illegal export from its territory.

(2) The provisions of this Section shall not exclude the indicting penal or civil responsibility in compliance with the Bulgarian legislation.

(3) (amend. SG 16/16, in force from 26.02.2016) In reference to the right to ownership over the movable cultural valuable under Art. 132, par. 2 and 3 after its return, the provisions of the national legislation of the requesting member State shall apply.

Art. 145. (amend. SG 16/16, in force from 26.02.2016) Every five years the Minister of Culture shall send a report to the European Commission on the application of the provisions of this Section.

## **Chapter seven.**

### **ARCHAEOLOGICAL CULTURAL HERITAGE**

Art. 146. (1) (amend. – SG 54/11) Archaeological objects shall be all movable and immovable material traits of human activity of past epochs, located or discovered in the earth layers, on their surface, on land and under water, for which main sources of information are terrain researches.

(2) (revoked – SG 54/11).

(3) The immovable and movable archaeological objects shall have the statute of cultural assets with the category – respectfully – of national significance or national wealth till their establishment as such as provided by this Act.

Art. 147. (1) The archaeological objects shall be searched and studied as cultural assets through terrain researches.

(2) The terrain research of the archaeological assets are performed in the earth layers, on its surface, on the land and under water.

(3) The terrain research of the archaeological assets are performed by destructive and non-destructive methods. The non-destructive methods of research shall be applied in every possibility.

(4) (amend. – SG 54/11) In methodical aspect, the terrain research of the archaeological assets are:

1. searching of archaeological objects – non-destructive method and initial stage of archeological survey, through which archeological assets are recognized;

2. archeological excavations – a destructive method of field archeological survey, through which basic characteristics of archeological sites are clarified – chronology, type and boundaries;

3. archeological monitoring – identification of the existence of archeological structures in a particular place.

(5) In organizational aspect the terrain research of the archaeological assets shall be:

1. (amend. – SG 54/11) regular – planned for solving a certain scientific task and for the purposes of integrated conservation;

2. rescue – performed if needed a partial or thorough usage of the terrain of an immovable archaeological valuable, in case of risk of its destruction, including those, which are performed in unpredicted finding of archaeological valuable, which imposes an immediate study.

(6) The terrain research shall be performed in a procedure, determined by an ordinance of the Minister of Culture.

Art. 148. (1) (suppl. – SG 54/11) The terrain research of the archaeological assets shall be performed after a permission of the Minister of Culture or an official authorized by him/her, based on an expert opinion of the Council for terrain research.

(2) (amend. – SG 54/11, suppl. - SG 89/18) In cases, where the terrain researches are rescue ones or are carried out for searching of archeological sites by non-destructive methods, the permission for them, except for the cases referred to in par. 3, shall be issued by the chairperson of the Council for terrain research, or by a member of the Council authorized thereby with an order. The chairperson shall

notify immediately the Minister of Culture about the issued permission.

(3) (amend. – SG 54/11, amend. SG 16/16, in force from 26.02.2016) Terrain researches in the Republic of Bulgaria included into international scientific research projects or planned with involvement of a person referred to in Art. 150, Para. 3 shall be approved by a permission thereof issued by the Minister of Culture based on an expert opinion of the Council for terrain research.

(4) (amend. – SG 54/11, amend. SG 16/16, in force from 26.02.2016) Funds for performing of terrain research archaeological research shall be provided every year by the Act on the State Budget of the Republic of Bulgaria. Funds for carrying out terrain archeological surveys may be provided also in the budgets of municipalities and administrations, and also to be provided by foreign cultural, scientific or university institutions for involvement in scientific research projects under par. 3 and in cases referred to in Art. 150, par. 3 or from other sources.

(5) (amend. – SG 54/11) The funds for rescue terrain researches by the thorough study of the terrain shall be provided by the assigner, in relation to whose investment initiative the rescue research is performed.

Art. 149. (1) The Council of terrain research shall consist of chairperson – the director of the National Archaeological Institute and Museum (NAIM) in BAS, and members:

1. (amend. – SG 92/09, in force from 20.11.2009; amend. – SG 54/11) two representatives of the Ministry of Culture, one of them also being a representative of the inspectorate as per Art. 15;
2. (amend. – SG 54/11) four representatives of NAIM in BAS;
3. 1 representative of the Centre for underwater archaeology;
4. (amend. – SG 92/09, in force from 20.11.2009) a representative of NIICH;
5. 2 representatives of higher schools in whose structures there are cathedras on archaeology;
6. (amend. – SG 54/11) two archaeologists of the state and municipal museums in the country.
7. (new - SG 89/18) one of the national administrators of the Automated Information System "Archeological Map of Bulgaria".

(2) The Council members under Para. 1, p. 2, 5 and 6 shall be with academic ranks in the scientific subject "archaeology".

(3) The council staff shall be appointed by the Minister of Culture, upon proposal of the relevant bodies and organizations, representing it.

(4) The Council for terrain research shall give:

1. expert opinions for giving and taking away permission for performing archaeological terrain researches;
2. (amend. – SG 54/11) opinions for concluding international agreements, related to field archaeological surveys.

(5) The Council shall take decisions with two third majority of the members.

Art. 150. (1) (amend. - SG 16/16, in force from 26.02.2016) Permission to perform field archaeological research shall be issued to a person who:

1. holds a Master's degree in Archeology or a Master's degree in Archaeometry after having obtained a Bachelor's degree in Archeology or
2. holds a science degree in Archeology or holds an academic position in Archeology;
3. has at least two years professional experience as a deputy head of an archaeological terrain research;
4. has a contract with a Bulgarian cultural, scientific or academic institution, whose activity is related to the preservation of the archaeological heritage;
5. submits a written recommendation by an academically ranked person responsible for the

corresponding profile in the archaeological science in cases where the applicant is not habilitated and when applying for permission for archaeological field research for the first time.

(2) (new - SG 16/16, in force from 26.02.2016, amend.and suppl. - SG 89/18) Persons who meet the requirements under par. 1, item 1-3, shall be registered with the Ministry of Culture.

(3) (former par. 2 - SG 16/16, in force from 26.02.2016, amend. - SG 89/18) When the contractual relationship under par. 1, item 4 are with a foreign cultural, scientific or academic institution in the field of archeology, terrain research shall be carried out under the supervision of a person, authorized under par. 1.

Art. 151. (amend. – SG 54/11) (1) Permission for performing terrain research shall be issued on the bases of an application by a person under Art. 150, Para. 1.

(2) For carrying out an archeological survey the following shall be attached to the application:

1. (amend. - SG 89/18) a copy of a contract with a Bulgarian cultural and / or scientific institute or a higher education school whose activity is related to the preservation of the archaeological heritage;

2. work programme for the terrain research and a document, verifying its funding

3. a request for using special technical equipment, a document for their registration, as well as the name of the person, who will operate them or a declaration that no use of such equipment is provided.

(3) For carrying out archeological excavations the following shall be attached to the application:

1. description of the subject of survey and justification;

2. (amend. - SG 89/18) a copy of a contract with a Bulgarian cultural and / or scientific institute or a higher education school whose activity is related to the preservation of the archaeological heritage;

3. work programme for the terrain research and a document, verifying its funding, and also for field conservation;

4. a request for using special technical equipment, a document for their registration, as well as the name of the person, who will operate them or a declaration that no use of such equipment is provided;

5. a written consent of the owner, concessionary or beneficiary of the property;

6. a declaration, that the person does not participate in a concession for the immovable cultural valuable subject to survey.

(4) In cases, where the application is for performing rescue terrain research, the applicant shall provide also a motivated opinion of the regional inspectorate for preservation of cultural heritage or of the director of the relevant museum, and in cases referred to in Art. 160, par. 2 also an approved protocol issued by the commission under Art. 160, par. 3 shall be attached.

(5) To the application for issuing permission for terrain research the applicant shall also present:

1. a document for submission of archaeological finds from previous terrain research, issued to the applicant, to a state, regional or municipal museum;

2. a certificate for produced terrain documentation under Art. 153, Para. 2;

3. (amend. SG 16/16, in force from 26.02.2016) a document, certifying the presence of security at the archeological site for the duration of the actual presence at the researched area.

Art. 152. (1) (amend. – SG 54/11) The permission shall have a term of validity within the calendar year in which it has been issued and shall contain:

1. the 3 names of the persons, approved for scientific head;

2. the 3 names of the persons, approved for his/her deputies;

3. individualization and identification of the object of researches;
4. major scientific objectives of the research;
5. method of the research;
6. possibility for using special technical equipment in a procedure, determined by the ordinance under Art. 147, Para. 6.

(2) (amend. – SG 92/09, in force from 20.11.2009) The owners of the equipment under Para. 1, p. 6 shall be obliged to register it in the Ministry of Culture within 14 days after acquiring them. The procedure for registration of special technical tools shall be defined by the ordinance as per Art. 147, para 6.

(3) The registered special technical equipment under Para. 2 shall be used only for performing terrain researches or for other specialized activity, explicitly provided by a legislative act.

Art. 153. (1) The person, received permission for performing terrain research shall be obliged to:

1. apply modern methods of research;
2. prepare terrain documentation;
3. provide security of the archaeological object and of the finds during the terrain research;
4. (amend. – SG 54/11) provide financially and organizationally terrain conservation, through which to prevent damage or destruction of the finds, as well as loss of information, related to them, which shall be done with the participation of a relevant expert, registered in the register of Art. 165, par. 1;

5. (amend. – SG 54/11) provide restoration of the outer appearance of the archaeological object, where the terrain archeological survey will not continue, unless in the cases, where a different decision has been taken according to the provisions of this Act;

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

7. present a detailed scientific report on the results by March of the following year.

(2) (amend. – SG 92/09, in force from 20.11.2009; suppl. – SG 54/11) A copy of the terrain documentation, including of the accomplished terrain conservation, shall be sent obligatory to the National archive of the terrain archaeological researches in NAIM in BAS, NIICH and in the relevant museum, on whose territory the research was performed, before the beginning of the following archaeological season.

(3) The person, received permission for terrain research, shall have exclusive right to the first publication of the received results.

(4) The right to first publication is for the term of 10 years, which starts from the moment of interrupting the terrain research.

Art. 154. The Inspectorate under the Ministry of Culture shall exercise control under Art. 15, Para. 2, p. 1.

Art. 155. (amend. – SG 92/09, in force from 20.11.2009) (1) (Amend. - SG 89/18) The information from the field archaeological research shall be included in the Automated Information System "Archaeological Map of Bulgaria" in the year of their conduct. The information shall be kept in the NAIM in BAS, the NIICH and in the Ministry of Culture.

(2) The procedure for creating and giving the information under Para. 1 shall be determined by an ordinance of the Minister of Culture.

Art. 156. (1) Permission for terrain research shall not be issued in cases here:

1. the requirements of Art. 150 and 151 have not been fulfilled;
2. the permission for terrain researches has been taken away and the term for its deprivation has not expired;
3. a person, who is concessionaire of the immovable cultural assets.

(2) The issued permission for terrain researches shall be taken away by the Minister of Culture in case of failure to observe the requirements of this Act, established in a due procedure. The permission shall be taken away for a year.

Art. 157. (amend. and suppl. - SG 77/18, in force from 01.01.2019) The decision for refusal or for taking away permission for terrain researches may be appealed before the relevant administrative court as provided by the Administrative-Procedure Code.

Art. 158. (1) The movable archaeological assets found in terrain researches shall be given to the state or municipal museum, which has initiated the terrain research, or in the closest to the location of their finding state or municipal museum, in which there are conditions for their conservation.

(2) The delivery of the archaeological finds shall be defined by a protocol, signed by the head of the terrain research and by the director of the relevant museum.

Art. 158a. (new – SG 54/11) (1) For acceptance of accomplished terrain archeological surveys or of an accomplished stage thereof, including in case of occurring need of temporary suspension of terrain surveys on the entire terrain, determined by the decision referred to in Art. 148, or on a part thereof, the Minister of Culture or an official authorized by him/her shall appoint an expert commission.

(2) The commission under par. 1 shall be appointed upon request of the survey manager or of the director of the respective museum.

(3) The survey manager shall submit to the commission under par. 1 a report containing a scientific assessment of the discovered archeological structures. Based on the report and on the carried out visual inspection the commission under par. 1 shall issue a protocol, by which it shall suggest further actions and temporary preservation measures.

(4) Depending on the exploration degree of the archeological object the commission may suggest by the protocol issuance of a preliminary assessment according to Art. 57, par. 3 or a final assessment under Art. 61, pr. 1.

(5) In case of rescue field archeological surveys the commission based on the report containing scientific assessment of the survey manager shall issue preliminary assessment of the discovered immovable archeological structures. Where from the issued assessment it is found out that the archeological structures:

1. have properties of immovable cultural assets – by the protocol under par. 3 the commission shall suggest to proceed with a declaration procedure;

2. do not have properties of immovable cultural assets – by the protocol of par. 3 the commission shall suggest to the Minister of Culture to issue an order for withdrawal of the status of the object under Art. 2a, par. 1 and freeing of the terrain.

(6) The protocol under par. 3 shall be approved by an order of the Minister of Culture or by a deputy minister authorized by him/her. The proposed by the protocol actions and temporary measures for preservation of the archeological valuable shall be subject to obligatory execution.

(7) The terms and conditions for acceptance of the terrain archeological surveys are determined in the ordinance under Art. 147, par. 6.

Art. 159. (amend. – SG 54/11) (1) Discovered archaeological objects shall be subject to

declaring according to the provision of Art. 58 and granting of a status of cultural assets pursuant to the provision of Chapter Five, Section III.

(2) The regimes of preservation of the objects under par. 1 shall be suggested by an inter-departmental commission, appointed by an order of the Minister of Culture, and shall be determined pursuant to the provision of Art. 64. The commission shall include representatives of the Ministry of Culture, NIICH, NAIM of BAS, the respective regional museum, regional and municipal administrations and all interested administration.

Art. 160. (1) (suppl. – SG 54/11) For movable archaeological objects, and also anthropological remains found by chance, Art. 93- 95 shall be applied.

(2) (amend. – SG 54/11) In cases of performing construction or public works or agriculture activities, in research or extraction of ores and minerals and other activities, related with impact on the earth surface, bowels of the earth and under water, structure and finds are found, which have signs of cultural assets, the activity shall be immediately stopped and the provision of Art. 72 shall be applied.

(3) (new – SG 54/11, suppl. - SG 89/18) Within 14 days after the notification under Art. 72, par. 5 the Minister of Culture, or a Deputy-Minister athesized by him, shall appoint a commission which is supposed to suggest further actions. By approving the protocol of the commission the Minister of Culture, or a Deputy-Minister athesized by him, shall issue obligatory prescriptions of the required activities for research and preservation of the structures and of the finds.

Art. 161. (1) (Amend. - SG 89/18) Performing investment projects by natural and legal persons on territories, about which there is information that there are archaeological objects, there must be preceded - prior to the commencement of the construction works - by rescue field archaeological research to determine whether archeological sites will be affected or damaged.

(2) During the construction works, observation by archaeologists should be organized. In case of finding archaeological objects, Art. 148 and 160 shall be applied.

Art. 161a (new – SG 54/11) (1) The owners and the beneficiaries of land properties, in which archeological objects are located, where relevant shall provide access to the competent state bodies and to persons, having obtained a permit for carrying out a field survey for carrying out activities for survey and conservation of the objects.

(2) In cases under par. 1 the state bodies or the person having obtained a permit for carrying out a field survey, shall notify in writing the property owner minimum 7 days prior to initiation of the activities. Where the owner's address is unknown or he/she has not been found at his/her address, the notification shall be displayed in a visible place in the property and in the building of the municipality or of the mayoralty, in the territory of which the property is located.

(3) The owners and the beneficiaries of the properties shall be entitled to compensation for the time, during which the activities referred to in par. 1 have been carried out, if their activity, carried out legitimately in the property, has been hindered or terminated. The terms and conditions for provision of access under par. 1 and the amount of the compensation shall be determined by a written agreement, concluded with the owner or the beneficiary of the property and shall be covered by the budget of the field survey.

Art. 162. (1) (amend. – SG 54/11) In the cases under Art. 160, Para. 2, and also in case of discovered as a result of field surveys archeological cultural assets, the Minister of Culture and the

owner of the land may conclude an agreement for establishing property right to the land, on which archeological cultural assets have been discovered.

(2) In case of failure of an agreement under Para. 1, the Minister of Culture may undertake acts on expropriation of the property, as provided by the State Property Act.

(3) (new – SG 54/11) Where the regimes of preservation of immovable archeological cultural assets determined according to the provision of Art. 64 do not allow carrying out construction, public, agricultural or other works, involving impact on the earth surface and the earth basis, the provisions of par. 1 and 2 shall apply.

## **Chapter eight.**

### **CONSERVATION AND RESTORATION OF CULTURAL ASSETS**

Art. 163. (suppl. – SG 54/11) Conservation and restoration, and also adaptation of cultural assets is a system process of activities, which aim at prevention of the destruction, stabilization of their condition, as well as facilitation their perception and evaluation in maximum preservation of their authenticity.

Art. 164. (1) (suppl. – SG 54/11) The activities for conservation and restoration, and also for adaptation of immovable cultural assets, shall be done by persons, or under the permanent direction of persons, entered into the register under Art. 165.

(2) The register under Para. 1 shall contain persons who have a Master's Degree in:

1. (amend. – SG 54/11) a subject in the field of conservation and restoration, and have three years of professional experience in this field;

2. (new – SG 54/11) majoring in "Architecture" with specialization for conservation and restoration in the field of immovable cultural heritage and three years of professional experience in this field or majoring in "Architecture" and 5 years of professional experience for conservation and restoration in the field of immovable cultural heritage;

3 (prev. item 2, amend. – SG 54/11) other subject with specialization in the relevant area of conservation and restoration or applicable in the process of conservation and restoration and have minimum 5 years of professional experience in the same field.

(3) (Amend. - SG 89/18) Persons who do not meet the requirement for professional experience may perform activities on conservation and restoration only under the immediate direction of the persons under Para. 1.

(4) (Amend. and suppl. - SG 89/18) Conservation and restoration of movable cultural heritage in the museums, higher schools, scientific and cultural organizations and institutions, as well as independently by persons, registered into the register under Para. 1 shall be done only if the needed conditions for the relevant activity are present, determined by the ordinance under Art. 168.

Art. 165. (1) the Ministry of Culture shall create and keep a public register of the persons, who have the right to perform activities on conservation and restoration in the relevant area under the terms and conditions, determined by an ordinance of the Minister of Culture.

(2) In application of request for registration, documents on the circumstances under Art. 164, Para. 2 shall also be enclosed, determined by the ordinance under Para. 1.

(3) (amend. – SG 54/11) Within one month after receiving the request, the Minister of Culture or an official, authorized by him/her shall order entering into the register or shall refuse to register the person, if he/she fails to fulfill the conditions under Art. 164, Para. 2. The person, registered shall be

issued a certificate for registration.

Art. 166. (1) The museums, higher schools, scientific and cultural organizations may perform activities on conservation and restoration of movable cultural assets only under the direction of a person, entered into the register under Art. 165.

(2) The relations between the owner of the cultural object and the museum, higher school, scientific or cultural organization, or the registered person under Art. 165 shall be provided by a written agreement.

(3) Persons, performed the activities on conservation and restoration may publish the results of this activity after receiving a written consent of the owner.

Art. 167. (1) Activities on conservation and restoration of movable cultural assets – national wealth shall be performed with permission by the Minister of Culture.

(2) (Amend. – SG, 62/19, in force from 06.08.2019) The Minister of Culture shall issue the permission, or with a grounded order refuse its issuance within 30 days after filing the request in a procedure, determined by the Ordinance under Art. 168.

(3) (New – SG, 62/19, in force from 06.08.2019) The procedure under Para. 1 shall not apply to museums with a laboratory or atelier for conservation and restoration activities.

(4) (New, SG, 62/19, effective from 06.08.2019) In cases, where a museum does not have the conditions under Para. 3, the activity is carried out in a laboratory or atelier of a person, entered in the register under Art. 165, and after conclusion of a written contract.

Art. 167a. (New, SG, 62/19, effective from 06.08.2019) (1) For issuing a permit under Art. 167, Para. 1, an application shall be submitted to the Minister of Culture, in writing or electronically, according to a model form in accordance with the Ordinance under Art. 168. In cases, where the application is submitted electronically, the requirements of the Electronic Document and Electronic Certification Services Act shall be complied with and the documents shall be enclosed in the form of scanned copies, signed by an electronic signature.

(2) The application under Para. 1 shall have attached:

1. draft contract for performing activities for conservation and restoration of the movable cultural value;
2. preliminary accepting protocol;
3. a statement protocol, accompanied by detailed photo documentation of the status of the cultural property at its acceptance;
4. design for conservation and restoration intervention;
5. activity budget plan;
6. information proving the necessary conditions for carrying out the activity in a laboratory or atelier.

Art. 167b. (New, SG, 62/2019, effective from 06.08.2019) (1) The application under Art. 167a, Para. 1 with the documents attached to it shall be considered within 14 days from its receipt by the Specialized Expert Council under Art. 177b, Para. 1.

(2) Where the application and the documents, attached to it do not meet the requirements, the applicant shall be notified in writing to eliminate the irregularities or incompleteness within 10 working days of the notification, stating that, if they are not eliminated, the proceedings will be terminated.

(3) The term under Art. 167, Para. 2 shall begin to run after the irregularities or imperfections have been eliminated.

(4) In case the irregularities or incompleteness are not eliminated within the term of Para. 2, the proceedings on the submitted application shall be terminated.

(5) After considering the submitted documents, the Specialized Expert Council under Art. 177b, Para. 1 shall prepare a reasoned opinion with a proposal to the Minister of Culture for granting or refusing permission.

Art. 167c. (New, SG, 62/19, effective from 06.08.2019) The Minister of Culture, with a reasoned order, shall refuse to grant a permit in the cases where:

1. the applicant's request is contradicting the aims of this Act;
2. performing conservation and restoration activities will violate the conditions for maintaining the optimal regime for the conservation of the cultural value and / or may lead to its physical damage.

Art. 167d. (New, SG, 62/19, effective from 06.08.2019) The issued permit shall be withdrawn with a reasoned order by the Minister of Culture for violations of this Act, upon a proposal of the Inspectorate for Preservation of Cultural Heritage.

Art. 167e. (New, SG, 62/19, effective from 06.08.2019) The acts of Art. 167c and 167d shall be subject to appeal in accordance with the Administrative Procedure Code.

Art. 168. The terms and conditions for realization of the activities on conservation and restoration of movable cultural assets shall be determined by an ordinance of the Minister of Culture.

Art. 169. (1) (amend. – SG 54/11) The designs for conservation, restoration and adaptation of single or group architecture sites – immovable cultural assets shall be developed by designers under Art. 230, Para. 1 of the Spatial Development Act, which fulfill the requirements of Art. 164.

(2) (suppl. – SG 52/16) The designs for conservation and restoration of archaeological sites shall be developed by the persons under Para. 1 and with obligatory participation of the persons, who have received permission for performing archaeological researches, certified by a signature on graphics.

(3) (amend. – SG 54/11) The designs for conservation and restoration of artistic cultural assets, of immovable cultural assets – park and garden art and of cultural landscape shall mandatorily be developed by the persons, registered for the relevant conservation-restoration activity.

(4) (revoked – SG 54/11).

(5) (new – SG 54/11) The construction supervision for the implementation of the investment projects under Para. 1 and 2 shall be carried out with the participation of persons, included in the register referred to in Art. 165.

Art. 170. (amend. – SG 92/09, in force from 20.11.2009) The tasks for preparing the designs for conservation and restoration of immovable cultural assets shall be coordinated with the NIICH, as provided by Chapter Five, Section V.

Art. 171. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The scope and contents of documentation on performing conservation-restoration activities of immovable cultural assets shall be determined by an ordinance of the Minister of Culture and the Minister of Regional Development and Public Works.

## **Chapter nine.**

### **REPRODUCTION AND DISSEMINATION OF CULTURAL ASSETS**

Art. 172. (1) The cultural assets may be reproduced in copies, replicas and objects with

commercial purposes.

(2) All the actions on preparing of copies, replicas and objects with commercial purposes shall be done under conditions, guaranteeing physical preservation and protection from violation on the cultural assets.

(3) The actions on making copies, replicas or objects with commercial purposes, which impose immediate contact or impact on the cultural assets, shall be done by the persons under Art. 164.

Art. 173. (1) The copy shall be a newly made object which reproduces to a maximum level the visual and size characteristics of the cultural asset.

(2) The copies shall be obligatory marked by a sign, indicating them as a copy.

Art. 174. (1) The copies shall be made only for museum purposes.

(2) A copy of a cultural asset may be made:

1. in cases where this is made for security reasons;
2. in lack of conditions for its presenting in exhibition;
3. in case of no conditions for its conservation, because of which it is given to another museum;
4. if it is needed to be exhibited in more than one museum;
5. in interest of exhibition of a cultural asset – ownership of a natural or legal person.

(3) The number of the copies of one cultural valuable shall not be larger than:

1. 3 – for the movable cultural valuable;
2. 1 – for immovable cultural valuable.

(4) Paragraphs 1-3 shall be applied in making copies of a part of an immovable cultural valuable.

Art. 175. (1) The replica shall be a newly made object, which reproduces visually the characteristics of a cultural valuable, but obligatory shall be different from it in size of at least 1/10th.

(2) The replica shall be marked by a sign, indicating it as a replica

(3) Replica may be made for representative or educational purposes.

Art. 176. (1) An object with commercial purposes shall be one, which is different from the cultural valuable in size not less than 1/10th and details, which may contain new elements.

(2) Under the conditions of Para. 1 may be made objects with commercial purposes, reproducing separate elements of the cultural valuable.

Art. 177. (1) (amend. - SG 1/19) Copies, replicas and objects with commercial purposes may be made only after consent of the owner of the immovable cultural asset, respectively by the person to whom the right to management is granted, and for cultural assets stored in museums, libraries, and archives - by the director of the respective institution. The relationship between the owner, respectively the person to whom the right to management is granted, and the museum, library or archive shall be settled by a contract against consideration in compliance with the requirements of the Copyright and Related Rights Act.

(2) Copies and replicas of cultural assets with world and national significance or national wealth shall be made only after permission by the Minister of Culture. The permissions shall be entered in the register under Art. 68, and Art. 102.

(3) (Suppl. – SG, 62/19, in force from 06.08.2019) The copies of the movable cultural values – national wealth shall be included in the scientific – assistant fund of the relevant museum.

(4) (new – SG 54/11) Movable cultural assets owned by the Bulgarian Orthodox Church and other registered denominations, shall be reproduced in copies, replicas and items with commercial purpose of use according to the canon of the respective denomination.

Art. 177a. (New, SG, 62/19, effective from 06.08.2019) (1) For issuing a permit under Art. 177, Para. 2, an application shall be submitted to the Minister of Culture, in writing or electronically, according to a model form under the Ordinance under Art. 178. In cases, where the application is submitted electronically, the requirements of the Electronic Document and Electronic Certification Services Act shall be complied with, and the documents shall be enclosed in the form of scanned copies, signed by electronic signature.

(2) The application under Para. 1 shall have attached:

1. historical reference about the cultural value;
2. a written consent of the owner, or of the Director of the museum;
3. specialized capture of the real cultural value, detailed photo documentation and a design for making a copy or replica of it;
4. a description of the technological process of the making and the manner, in which the copy or replica of the cultural property is made.

Art. 177b. (New, SG, 62/19, effective from 06.08.2019) (1) A Specialized Expert Council for the reproduction of cultural values of global and national significance and national wealth in copies, or replica shall be established under the Minister of Culture.

(2) The structure and organization of operation of the Council shall be determined by Rules, confirmed by the Minister of Culture.

Art. 177c. (New, SG, 62/19, effective from 06.08.2019) (1) The application under Art. 177a, Para. 1 with the documents, attached to it shall be considered within 14 days from its receipt by the Specialized Expert Council under Art. 177b, Para. 1.

2) Where the application and the documents, attached to it do not meet the requirements, the applicant shall be notified in writing to eliminate the irregularities or incompleteness within 10 working days of the notification, stating that, if they are not eliminated, the proceedings shall be terminated.

(3) The term under Para. 1 shall begin to run after the irregularities or incompleteness have been eliminated.

(4) In case the irregularities or incompleteness are not eliminated within the term of Para. 2, the proceedings on the submitted application shall be terminated.

(5) After consideration of the submitted documents, the Specialized Expert Council under Art. 177b, Para. 1 shall prepare a reasoned opinion with a proposal to the Minister of Culture for granting or refusing the permit.

(6) Within one month of the submission of the application, the Minister of Culture shall issue the permit or refuse to issue it by reasoned order.

(7) The permit shall be issued for the term of one year.

(8) In cases, where prior to the commencement of the construction, a procedure for approval under this Act and approval of a development plan and / or an investment design under the Spatial Development Act is required, the construction deadline shall start from the date of issuance of the building permit and shall correspond to the term under Art. 153 of the same Act.

Art. 177d. (New – SG, 62/19, in force from 06.08.2019) The Minister of Culture shall refuse to grant a permit in cases where:

1. the request of the applicant is contradicting the aims of this Act;
2. the request of the applicant for performing a copy does not meet the conditions of Art. 174,

Para. 2;

3. the request of the applicant for performing a replica does not meet the conditions of Art. 175,  
Para. 3;

4. there is already a permissible number of copies of the relevant cultural value - when requesting a permit to make a copy;

5. making a copy or replica will violate the conditions for maintaining the optimum regime for the conservation of the cultural value and / or may result in its physical damage.

Art. 177e. (New, SG, 62/19, effective from 06.08.2019) An issued permit shall be withdrawn with a reasoned order by the Minister of Culture for violations of this Act, found upon a proposal of the Inspectorate for Cultural Heritage Protection.

Art. 177f. (New, SG, 62/19, effective from 06.08.2019) The acts under Art. 177c, Para. 6 and Art. 177e shall be subject to appeal in accordance with the Administrative Procedure Code.

Art. 178. The terms and conditions for making copies, replicas and objects with commercial purposes shall be determined by an ordinance of the Minister of Culture.

Art. 179. (amend. – SG 54/11) (1) (Suppl. - SG 89/18, amend. - SG 1/19) Production, distribution and use of images of cultural assets for personal use, with representative, educational and scientific purpose, including the creation, publication and dissemination of scientific papers and publications, shall be free.

(2) Production, distribution and use of an image of a cultural valuable or of elements thereof in photographic, computer, video and any other image for commercial purposes, including using the image or parts thereof for production of goods, labels and design solutions or for advertising shall be done according to the terms and conditions and following a procedure, determined by the ordinance referred to in Art. 178, on the bases of a contract, concluded with the owner of the cultural assets, and for the museum cultural assets – with the director of the relevant museum.

(3) (new - SG 1/19) The creation of images of archaeologically immobile cultural values with mosaics, frescoes or rock paintings shall be carried out in compliance with the conditions, laid down by the prescriptions for their preservation.

(4) (new - SG 1/19) Reproduction in whole or in part in an image or otherwise of newly discovered and/or newly explored archeological cultural assets shall be carried out in compliance with the requirements of the Copyright and Related Rights Act. The surveyor can not refuse consent to reproduction if it is necessary for design work within the meaning of Chapter Five, Section V, in observance of his/her copyright.

## **Chapter ten.**

### **PRESENTATION AND DOCUMENTATION OF CULTURAL ASSETS**

Art. 180. (1) Presentation of cultural assets shall be activity on exposure and popularization of their cultural and scientific values before the society.

(2) Presentation of cultural assets shall be done under the conditions and mode, which shall not threaten the physical entirety and condition of the cultural assets and shall not be threatened by violations.

Art. 181. (1) (suppl. – SG 54/11) The state shall provide permanent marking of the immovable cultural assets registered into the List of the world heritage, in identification signs, bearing the mark of the world heritage and UNESCO logo, and also the date of registration of the cultural valuable.

(2) The owners of immovable cultural assets of national significance shall provide their permanent marking.

(3) Upon own initiative, the owners of the rest of the categories immovable cultural assets may put marks of them.

(4) The type and contents of the mark of the identification signs under Para. 1 and signs for marking under Para. 2 and 3 shall be made by a sample, confirmed by the Minister of Culture.

(5) (new – SG 54/11) Installation of identification boards within the boundaries of the secured zones of cultural assets shall take place upon agreement following the procedure of Art. 84.

Art. 182. (1) The museums shall perform the presentation of movable cultural assets through permanent or temporary expositions.

(2) The museums shall be obliged to give clear information for the exposed movable cultural assets through their marking, signs, issuing guide books and catalogues for the expositions and other information materials.

(3) (amend. – SG 54/11) In cases, where the exposition is related to transportation, measures shall be obligatorily taken in view to insurance or provision of a state guarantee, special package and security of the movable cultural assets.

(4) (new – SG 54/11) State guarantee for temporary exhibitions, presenting movable cultural assets in the country and abroad, shall be granted by a decision of the Council of Ministers upon a proposal of the Minister of Culture on a case by case basis. On the grounds of the decision of the Council of Ministers, the Minister of Culture shall sign a guarantee letter.

Art. 183. (1) Every museum may include temporarily its own expositions of cultural assets from other museums or of natural or legal persons, as well as to organize presentation of expositions of other museums and persons, or joint expositions with them.

(2) The museums may organize temporary expositions or may temporarily loan movable cultural assets from their basic fund for presentation abroad, under the conditions of Chapter Six, Section VI.

(3) The Minister of Culture may oblige any state or municipal museum to dispose movable cultural assets for participation in temporary exhibitions in the country and abroad. Where a museum gives its own cultural assets for presentation abroad, it must receive a part of the agreed price for the presentation corresponding to its participation.

(4) The relations between the parties under Para. 1, 2 and 3 shall be governed by a contract.

Art. 184. (1) The natural and legal persons, owners of registered movable cultural assets, may organize their presentation temporarily or permanently.

(2) In presenting movable cultural assets under Para. 1 abroad, the provisions of Chapter Six, Section VI shall apply.

Art. 185. The terms and conditions for presenting cultural assets shall be determined by an ordinance of the Minister of Culture.

Art. 186. (1) (suppl. - SG 44/20, in force from 14.05.2020) Museums shall provide visiting days and hours, coordinated with the free time of various types and categories of visitors as well as in

implementation of anti-epidemic measures, determined by law or introduced by an act of a state body.

(2) The museum shall announce the visiting days and hours to the public.

(3) the museums shall provide suitable conditions for access to the museum expositions to disabled people.

Art. 187. (1) For individual or group visits of a museum expositions entrance fee will be paid.

(2) The prices of the entrance fees in the state and municipal museums shall be determined by their director, coordinated with the body, financing the museum.

(3) The act for establishing the museum, or the decision of the financing body, or of the owner of the museum, may provide free entrance for visit of the expositions.

(4) (Amend. - SG 89/18, amend. - SG 44/20, in force from 14.05.) Every state or municipal museum shall provide free entrance for categories of visitors, defined in the rules for the structure and activity of the respective museum.

(5) (Amend. and suppl. - SG 89/18) Children, school children, students, disabled people and their attendants shall pay lower fees, or shall enter free in the museums.

Art. 188. (1) Any activity on the conservation and presentation of cultural assets shall be documented.

(2) (amend. – SG 92/09, in force from 20.11.2009) In cases, where an activity on conservation is done by experts – external persons, they shall send a free copy of the prepared during the work documents to NIICH or the relevant museum.

Art. 189. The created documents under Art. 188 shall form:

1. (amend. – SG 92/09, in force from 20.11.2009) national documentary archive at the NIICH – for immovable cultural assets;

2. scientific archive at the relevant museum – for the movable cultural assets.

Art. 190. (1) The archives under Art. 189 shall be constant combination of documents, reflecting the stages in the process of implementation of the activities on conservation and presenting them, in spite of the time, way and place of their creation, as well as of the type of their carrier.

(2) The creation, maintenance, contents, preservation and usage of the archives under Para. 1 shall be determined by an ordinance of the Minister of culture.

Art. 191. (1) The scientific archive at the relevant museum shall include:

1. the documents on the searching, identification, study, preservation, conservation, restoration, movement and presentation of the movable cultural assets;

2. the reported documents for the movable cultural assets kept by them permanently or temporarily: documents for origin, acceptance or acquiring by the museum, evaluation protocols, stock books, etc.

3. the documents for the performed terrain archaeological researches;

4. scientific and reference documentation: scientific passports and card-indexes.

(2) The scientific archive shall be kept for unlimited term in the museum of origin and shall not be subject to the bodies of management of the National archive fund, unless the museum is closed without succession.

## **Chapter eleven.**

### **CONTROL**

Art. 192. (1) (amend. – SG 54/11) In the course of exercising of control activity by the inspectorate under Art. 15, par. 2 the inspectors shall:

1. conduct checks on site or on documents;
2. (amend. – SG 54/11) apply obligatory administrative measures for prevention and termination of violations under this Act, and also for elimination of the harmful subsequences thereof, by:

- a) (new - SG 16/16, in force from 26.02.2016) give written instructions to prevent or stop violations of this law and to eliminate their harmful consequences within a specified period;

- b) (former latter "a" - SG 16/16, in force from 26.02.2016) suspension of construction, commissioning and use of projects, installations, devices and facilities;

- c) (former latter "b" - SG 16/16, in force from 26.02.2016) suspension of other activities, generating dangers or damaging immovable and movable cultural and historical heritage;

3. prepare acts for establishing committed administrative breaches.

(2) (new – SG 54/11, suppl. - SG 77/18, in force from 01.01.2019) The application of obligatory administrative measures referred to in par. 1, item 2 shall be done upon inspectors' direction. The obligatory administrative measures shall be appealed before the relevant administrative court pursuant to the provisions of the Administrative-Procedure Code.

(3) (new – SG 54/11) The obligatory administrative measures referred to in par. 2 shall be subject to preliminary execution, unless otherwise ruled by the court.

(4) (prev. par. 2 – SG 54/11) The inspectors shall have the right to access to the sites, subject to cultural heritage, as well as to require the needed documents in relation to exercising their competences as provided by this Act.

(5) (prev. par. 3 – SG 54/11) The inspectors shall be obliged:

1. to reflect the exact facts of the conducted check in the act of violation;
2. to observe the official and commercial secret, become known to them in relation to the conducted checks;
3. not to announce the information of the conducted checks;
4. to use the information from the checks only for the purposes of the administrative – penal procedure.

Art. 193. The checked persons under Art. 192, Para. 1 shall be obliged to:

1. provide free access to the checked sites;
2. assist the officials while exercising their competences;
3. produce the required by the official documents and proofs.

Art. 194. (1) While conducting their activity, the inspectors may communicate with the bodies of the Ministry of Interior, the Customs Agency, the National Security State Agency, prosecution, other state and municipal bodies, as well as with natural and legal persons.

(2) The ways of interrelation with the bodies under Para. 1 shall be provided by instructions by the Minister of Culture and the heads of the relevant bodies.

Art. 195. (1) (amend. – SG 92/09, in force from 20.11.2009) The inspectors, officials of NIICH and of the museums shall send a declaration according to a form, confirmed by the Minister of Culture for commercial, financial or other business interest, which they, or connected with them persons have in relation to their functions, as provided by this Act.

(2) The declaration under Para. 1 shall be sent every year by 30 March to the body of appointment and the employer.

(3) (amend. – SG 54/11) In case of change of the declared particulars after filing of the declaration under Para. 2, the persons under Para. 2 shall be obliged within 7 days to inform the body of employment or the employer.

(4) (amend. – SG 54/11) The persons under Para. 1 shall be obliged to declare before the appointing body or before the employer the existence of a private specific interest related to implementation of their power or employment duties. The declaration shall be filed before the commencement or during the implementation of the power or the employment duty.

(5) (new – SG 54/11) Any person under par. 1 shall be suspended from execution of an employment duty, where there is a private specific interest.

(6) (new – SG 54/11) Any person holding a public office, may be suspended from execution of an employment duty also by the appointing body or by the employer, if the latter considers there is a private specific interest. The existence or lack of conflict of interests shall be considered on a case by case basis.

(7) (prev. par. 5 – SG 54/11) In case of failure to implement the obligation under Para. 2, 3 and 4, or in case of established conflict of interests in a court procedure, the body of appointment or the employer shall impose disciplinary punishment under Art. 90, Para. 1, p. 5 of the Civil Servants Act, respectively, under Art. 188, Para. 3 of the Labour Code.

(8) (prev. par. 6 – SG 54/11) There is conflict of interests when commercial, financial or other business interest raises reasonable doubts in the impartiality of the persons under Para. 1 in the due implementation of their functions or exercising their competences.

(9) (prev. par. 7 – SG 54/11, amend. - SG 7/18) For unsettled issues, the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property shall be applied.

## **Chapter twelve.**

### **ADMINISTRATIVE PENAL PROVISIONS**

Art. 196. (1) Any official who fails to send declaration in the term under art. 38, Para. 1 and 2 shall be punished by a fine of BGN 500 – 1000.

(2) (Repealed - SG 89/18)

Art. 197. (1) (Amend. and suppl., SG, 62/19, effective from 06.08.2019) Who fails to fulfill an obligation under Art. 71, Para. 1, item 1 for immovable cultural property of category "national significance" or "local significance", as well as for declared real sites under Art. 59, Para. 4, shall be punished by a fine in the amount of BGN 5,000 to 10,000, and a sole proprietor and legal person shall be imposed a pecuniary sanction in the amount of BGN 15,000 to 30,000, if the act does not constitute a crime.

(2) (New, SG, 62/19, effective from 06.08.2019) Who fails to fulfill an obligation under Art. 71, Para. 1, item 1 for immovable cultural value, included in the Indicative List for the cultural and natural heritage of the Republic of Bulgaria, or for immovable cultural value with a category of "world importance", shall be punished by a fine of from BGN 15 000 to 30 000, and a sole proprietor and a legal person shall be subject to a pecuniary sanction of between BGN 25,000 and BGN 50,000, if the act does not constitute a crime.

(2) (new – SG 54/11, former Para. 2 – SG, 62/19, in force from 06.08.2019) Whoever fails to

implement the obligation under Art. 71, Para. 1, item 2, 4, 5 and 6 shall be punished by a fine of BGN 500 – 1000, and one- man trader and legal person shall be imposed by a property sanction of BGN 1000 – 1500.

(4) (prev. par. 2, amend. and suppl. – SG 54/11; amend. – SG 52/16, former Para. 3 – SG, 62/19, in force from 06.08.2019) The person failing to fulfill an obligation under Art. 71, par. 3 and 4 shall be punished with a fine from BGN500 to 1000, and is this is a single trader and a legal entity a I property sanction from BGN 1000 to 1500 shall be imposed.

(5) (prev. Para. 3, suppl. – SG 54/11, former Para. 3 – SG, 62/19, in force from 06.08.2019) Where the deed referred to in Para. 3 and 4 is repeated, the fine shall be from BGN 3000 to 5000, and the proprietary sanction shall be from BGN 3500 to 5500.

Art. 198. Whoever fails to undertake immediate action for security of immovable cultural assets or fails to notify the competent authorities under Art. 72, Para. 1, shall be punished by a fine of BGN 500 to 1000, and one-man trader and legal person shall be imposed by a property sanction of BGN 3000 to 5000.

Art. 199. (amend. – SG 54/11) Any official who fails to implement his/her obligations under Art. 72, Para. 3 shall be punished by a fine of BGN 150 to 1500.

Art. 200. (1) (amend. – SG 92/09, in force from 20.11.2009) Whoever realizes investment project or intervenes protected territories for conservation of cultural heritage without coordination with NIICH, violating Art. 83, shall be punished by a fine of BGN 5000 to 10000, one-man trader and legal person shall be imposed by a property sanction of BGN 15000 to 30000, if the deed is not a crime.

(2) (new – SG 54/11) Any person failing to fulfill the instructions under Art. 83a, par. 6 shall be penalized with a fine from BGN500 to 1500, and where this is a single trader and legal entity, a proprietary sanction from BGN2000 to 6000 shall be imposed, unless the deed is a crime.

(3) (prev. par. 2 – SG 54/11) In cases where the deed under Para. 1 has been repeated, the fine shall be from BGN 10000 to 15000, and the property sanction shall be from BGN 30000 to 50000.

Art. 200a. (new – SG 54/11; prev. art. 200a – SG 52/16, amend. – SG, 62/19, in force from 06.08.2019) Any person having destroyed or damaged a cultural valuable, unless the deed is a crime, shall be penalized with a fine from BGN 15000 to 30000, and if this is a single trader or a legal entity, a proprietary sanction from BGN 25000 to 50000 shall be imposed.

(2) (new – SG 52/16) Any person having failed to fulfil their obligation under Art. 71, par. 2 within the set term, shall be penalized with a fine from BGN5000 to 10 000, and if this is a single trader or a legal entity, a proprietary sanction from BGN15000 to 30 000 shall be imposed.

Art. 200b. (new – SG 54/11, amend. – SG, 62/19, in force from 06.08.2019) Any official, having permitted or allowed destruction or damaging of a cultural valuable, unless the deed is a crime, shall be penalized with a fine from BGN 3000 to 6000.

Art. 200c. (new – SG 54/11) (1) Any person having destroyed or damaged archeological objects in the meaning of Art. 146, par. 1, unless the deed is a crime, shall be penalized with a fine from

BGN3000 to 10000, and a single trader or a legal entity shall be penalized by a sanction from BGN5000 to 20000.

(2) Where for perpetrating the violation under par. 1 are used special technical devices or earth excavation equipment, the penalty shall be from BGN7000 to 15000, and the proprietary sanction – from BGN7000 to 20000. In these cases the used special technical devices or the earth excavation equipment shall be seized in favor of the state.

Art. 200d. (new – SG 52/16) (1) (Amend. – SG, 62/19, in force from 06.08.2019) Any official failing to fulfill within the legally set term their obligations under Art. 84, par. 7 shall be penalized with a fine from BGN 500 to 3000.

(2) Where the act under par. 1 has been repeated, the fine shall be from BGN5000 to 10 000.

Art. 200e. (new – SG 52/16, amend. - SG 98/18, in force from 27.11.2018) Any person implementing investment projects for construction and installation of monuments, monumental and decorative structures and component in public spaces in urbanized and non-residential areas, as well as their relocation or removal without agreeing it upon with the Minister of Culture based on a decision of the Specialized expert council of fine arts under Art.14, par. 3 shall be penalized with a fine from BGN5000 to 10 000, and if this is a sole trader or a legal entity – a proprietary sanction from BGN15000 to 30 000 shall be imposed.

Art. 201. Any official under Art. 94, Para. 1, who after having been informed about a found object, he/she fails to perform inspection and fails to take its preservation, shall be punished by a fine of BGN 300 to 500, if the deed is not a crime.

Art. 202. (1) (prev. text of Art. 202 - SG 1/19) Any official who fails to issue a certificate within the term provided by Art. 98, Para. 3, or fails to make a proposal within the term of Art. 99, Para. 1, shall be punished by a fine of BGN 500 to 1000.

(2) (new - SG 1/19) Who, as a member of the commission under Art. 96, para. 3 or a person entered in the register under Art. 96, para. 4, in writing gives a false expert's opinion under Art. 98 para. 1 shall be liable to a fine of BGN 10,000 to BGN 20,000 if the act does not constitute a crime and shall be deleted from the register under Art. 96, para. 4.

Art. 203. Whoever fails to inform about a change in the circumstances of a registered cultural asset within the term under Art. 102, Para. 4 shall be punished by a fine of BGN 100 to 300.

Art. 204. Any collector who fails to fulfill an obligation under Art. 110 shall be punished by a fine of BGN 100 to 300.

Art. 205. Anyone who fails to fulfill his/her obligations under Art. 112, p. 1 shall be punished by a fine of BGN 300 to 1000, and one-man trader and legal person shall be imposed by a property sanction of BGN 1000 to 3000, if the deed is not a crime.

Art. 206. (1) Anyone who performs payment transfer deals with unidentified and not registered movable cultural assets shall be punished by a fine of BGN 5000 to 10000, and one-man trader and legal person shall be imposed by a property sanction of BGN 10000 to 15000, if the deed is not a crime.

(2) The object of the violation under Para. 1 shall be taken away in favour of the state.

Art. 207. (1) Anyone who performs payment transfer deals with movable cultural assets—national wealth, without informing the Minister of Culture, shall be punished by a fine of BGN 30000 to 50000, and one-man trader and legal person shall be imposed by a property sanction of BGN 40000 to 60000, if the deed is not a crime.

(2) The object of the violation under Para. 1 shall be taken away in favour of the state.

Art. 208. Anyone who does legal deal with movable cultural assets not listed in the inventory of the basic or exchange fund of the relevant museum, or in the inventory in the basic or exchange fund, violating Art. 114, Para. 2 and 3, shall be punished by a fine of BGN 3000 to 10000, if the deed is not a crime.

Art. 209. Any person who performs commercial activity with movable cultural assets without registration under Art. 116, Para. 1, shall be imposed by a property sanction of BGN 20000 to 100000.

Art. 210. Any person, who fails to inform about change of the circumstances, entered into the register under Art. 116, Para. 6 shall be imposed by a property sanction of BGN 100 to 300.

Art. 211. Any person, who fails to fulfill an obligation under Art. 117, shall be imposed by a property sanction of BGN 500 to 1000.

Art. 212. On any person who performs trade with movable cultural assets through an auction without permission by the Minister of culture under Art. 120 shall be imposed a property sanction of BGN 20000 to 100000.

Art. 213. Any person, who fails within the term under Art. 120, Para. 7, to inform about a change in the circumstances, in which permission has been issued for performing trade via auctions, shall be imposed by a property sanction of BGN 500 to 1000.

Art. 214. On any person who organizes an auction with movable cultural assets without informing the Minister of Culture under Art. 122, shall be imposed a property sanction of BGN 20000 to 50000.

Art. 215. Any person, who within the term of Art. 123 fails to publish an announcement for the auction, shall be imposed by a property sanction of BGN 1000 to 3000.

Art. 216. An official, who admits participation of a museum in an auction without permission by the Minister of Culture, shall be punished by a fine of BGN 100 to 500, if the deed is not a crime.

Art. 217. (1) Anyone who exports outside the borders of the country movable cultural assets without permission or certificate for export shall be punished by a fine of BGN 5000 to 10000, and one-man trader and legal person shall be imposed by a property sanction in the amount of BGN 10000 to 20000, if the act does not constitute a crime.

(2) The object of the violation under Para. 1 shall be seized in favour of the state.

Art. 218. Anyone, who violates the provision of Art. 129, Para. 3 shall be punished by a fine, correspondingly – by a property sanction in the amount of BGN 5000 to 10000.

Art. 218a (new – SG 54/11) (1) Anyone who performs field research of archeological assets without a permit under Art. 148, if the act does not constitute a crime, shall be penalized with a fine from BGN5000 to 15000, and a legal entity or a single trader shall be imposed with a proprietary sanction from BGN12000 to 25000.

(2) Where for the perpetration of violation under par. 1 special technical facilities, earth excavation equipment or transport vehicles have been used, the fine shall be from BGN5000 to 15000, and the proprietary sanction – from 15000 to 30000. In these cases the special technical devices and equipment shall be seized in favor of the state.

(3) In case of repeated perpetration of the violation under par. 1, the fine shall be from BGN12000 to 25000, and the proprietary sanction – from BGN15000 to 30000.

(4) In case of repeated perpetration of the violation under par. 2, the fine shall be from BGN15000 to 50000, and the proprietary sanction – from BGN25000 to 50000.

Art. 219. (1) (prev. Art. 219 – SG 45/11) Anyone, who fails to perform registration under Art. 152, Para. 2 shall be punished by a fine in the amount of BGN 300, and one-man trader or legal person shall be imposed by a property sanction in the amount of BGN 500 to 1000.

(2) (new – SG 54/11) Special technical devices subject to the violation under par. 1 shall be seized in favor of the state.

Art. 220. Anyone, who violates the provisions of Art. 153, Para. 1, items 3, 4 and 6, shall be punished by a fine in the amount of BGN 1000 to 3000.

Art. 221. (suppl. – SG 54/11) Anyone, who fails to take measures for preservation of found structures and finds and fails to inform immediately the relevant body under Art. 160, par. 1 and 2 shall be punished by a fine in the amount of BGN 3000 to 5000, and one-man trader and legal person shall be imposed by a property sanction in the amount of BGN 5000 to 10000.

Art. 221a. (new – SG 54/11) (1) A person carrying out investment projects in the territories under Art. 161, par. 1, sentence first, without carrying out preliminary archeological survey, shall be penalized with a fine from BGN1000 to 3000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN5000 to 15000.

(2) A person carrying out construction works on archeological sites, discovered during

archeological surveys, without carrying out field archeological surveys under Art. 161, par. 1, sentence two, shall be penalized with a fine from BGN12000 to 25000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN20000 to 40000.

(3) A person carrying out construction works without archeologists' supervision under Art. 161, par. 2 shall be penalized with a fine from BGN5000 to 15000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN10000 to 25000.

Art. 222. (1) Anyone, who performs activities on conservation and restoration or develops projects for conservation and restoration, without being entered into the register under Art. 165, Para. 1, shall be punished by a fine in the amount of BGN 500 to 1500.

(2) The punishment under Para. 1 shall be imposed on a person, who performs activities on conservation and restoration, without the immediate direction of a person, entered into the register under Art. 165, Para. 1

Art. 223. (1) (prev. Art. 223 – SG 54/11) Anyone who performs activities on conservation and restoration of movable cultural assets–national wealth, without permission by the Minister of Culture, shall be punished by a fine in the amount of BGN 1000 to 2000.

(2) (new – SG 54/11) Where the deed under par. 1 has resulted in a damage of a cultural valuable, the fine shall be from BGN10000 to 50000.

Art. 224. Anyone who performs acts on making copies, replicas and objects with commercial purposes, which impose immediate contact or impact on the cultural assets, without being entered into the register under Art. 165, Para. 1, shall be punished by a fine in the amount of BGN 1000 to 3000, and one-man trader and legal person, shall be imposed by a property sanction in the amount of BGN 5 000 to 10 000.

Art. 225. (1) Anyone who makes copies of cultural assets in violation of the requirements of Art. 173 and 174 shall be punished with a fine in the amount of BGN 1000 to 3000, and one-man trader and legal person, shall be imposed by a property sanction in the amount of BGN 5000 to 10000.

(2) The punishment under Para. 1 shall be imposed also to a person, who makes replicas in violation of the requirements of Art. 175.

(3) The means for performing violations under Para. 1 and 2 shall be deprived in favour of the state.

(4) The objects under Para. 1 and 2 shall be taken away in favour of the state.

Art. 226. Anyone who makes copies, replicas and objects with commercial purposes without consent of the owner of the cultural assets, or the director of the relevant museum, shall be punished with a fine in the amount of BGN 1000 to 3000, and one-man trader and legal person, shall be imposed by a property sanction in the amount of BGN 5000 to 10000.

Art. 226a (new – SG 54/11) A person, who with a commercial purpose produces, uses and distributes images of a cultural valuable or of elements thereof in a photographic, computer, video or other images or uses the image as a trade mark in the meaning of Art. 9, par. 1 of the Trademarks and

Geographical indications Act for production of goods, labels and design solutions or for advertising without a concluded contract with the owner of the cultural valuable or with the director of the respective museum, shall be penalized with a fine from BGN5000 to 15000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN20000 to 50000.

Art. 227. Anyone who makes copies or replicas of cultural assets of world or national significance, or national wealth, without the permission of the Minister of Culture, shall be punished by a fine in the amount of BGN 10 000 to 20 000, and one-man trader and legal person, shall be imposed by a property sanction in the amount of BGN 50 000 to 100 000.

Art. 228. Anyone, who fails to undertake the needed measures under Art. 182, Para. 3, shall be punished by a fine in the amount of BGN 500 to 1500.

Art. 228a (new – SG 54/11) (1) A person carrying out activity as a museum without a permit under Art. 30, par. 1, shall be penalized with a fine from BGN1000 to 3000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN3000 to 5000.

(2) Where the violation under par. 1 is repeated, the fine shall be from BGN1000 to 1500, and the proprietary sanction – from BGN1500 to 2000.

Art. 228b. (new – SG 54/11) A person failing to fulfill the applied compulsory administrative measure referred to in Art. 192, par. 1, item 2, shall be penalized with a fine from BGN2000 to 5000 – for a natural person, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN5000 to 10000.

Art. 228c. (new – SG 54/11) For any other violations of this Act and of the acts related to its application, unless the deed is a crime, the penalty shall be from BGN200 to 2000, and a single trader or a legal entity shall be imposed with a proprietary sanction from BGN300 to 5000.

Art. 229. (1) The acts for establishing the violations under this Act shall be made up by officials – inspectors, and in the cases under Art. 217 – by the customs authorities.

(2) (amend. – SG 54/11, amend. - SG 98/18, in force from 27.11.2018) The penal orders shall be issued by the Minister of Culture or by an official, authorized by him/her.

(3) (amend. – SG 38/12, in force from 01.07.2012) Fifty percent of the amounts of fines and property sanctions shall come into the accounts of the National fund "Culture" for projects, related to conservation of the cultural heritage, and the rest of the 50% - into the budget of the Ministry of Culture.

Art. 230. The establishment of the violations, issuing, appeal and execution of the penal orders shall be done as provided by the Administrative Violations and Penalties Act.

### **Additional provisions**

§ 1. The state and municipal art galleries shall have the statute of museums.

§ 2. (suppl. - SG 16/16, in force from 26.02.2016) This Act shall introduce the provisions of Directive 93/7/EEC of the Council of 15 March 1993 on the return of cultural objects, unlawfully removed from the territory of a Member State, and of Directive 2014/60/EU of the European Parliament and of the Council of May 15, 2014 for the return of cultural objects, unlawfully removed from the territory of a Member State, and amending Regulation (EU) № 1024/2012 (OJ, L 159/1 of 28 May 2014).

§ 2a. (new - SG 16/16, in force from 26.02.2016) The provisions of Chapter Six, Section seventh shall apply only to movable cultural property, unlawfully removed from the territory of a Member State, as of 1 January 1993.

§ 3. (1) The Ministry of Culture, jointly with the Ministry of Interior, the Customs Agency and other institutions, determined by the Council of Ministers shall build up and maintain National system for exchange of information for the issued permissions for export of cultural assets, as well as for the refusals for issuing of such, which shall provide realization of interrelation and exchange of information, related to conservation of cultural assets.

(2) The management, control and usage of the system under Para. 1 shall be performed in a procedure, determined by the Council of Ministers.

(3) The funds for introduction, maintenance, exploitation and development of the system shall be provided by the budgets of the ministries and institutions under Para. 1.

§ 4. In the meaning of this Act:

1. "Indicative list for the cultural and natural heritage of the Republic of Bulgaria" shall be the list of assets under Art. 11, Para. 1, of the Convention on conservation of the world cultural and natural heritage.

2. (amend. – SG 54/11) "Special technical equipment" shall be geo-physical apparatus and other technical equipment, used during the terrain archaeological researches for discovering of immovable and movable archeological cultural assets on the ground and under the water.

3. "Public collections" shall be those, which are ownership of the Member State, of the body of local or regional authority in a Member State or of institution, located on its territory, which has been determined as public in compliance with its national legislation and is property of, or is financed to a great extend by the Member State or by the body of the local or regional authority.

4. "Unlawfully removed from the territory of the Member State" shall be cultural assets–national wealth which:

a) (suppl. - SG 16/16, in force from 26.02.2016) have been removed from the territory of a Member State in violation of the rules for conservation of the national wealth or in violation of Regulation (EC) № 116/2009;

б) have not been returned after expiry of the term for lawful temporary removal or violation of other condition, providing such temporary removal.

5. (amend. - SG 16/16, in force from 26.02.2016) "Requesting Member State" shall be a Member State, from which territory a movable cultural valuable under Art. 132, par. 2 and 3 has been unlawfully removed.

6. (amend. - SG 16/16, in force from 26.02.2016) "Member State, to which a request has been directed" shall be the Member State, on whose territory the unlawfully removed from the territory of other Member State a movable cultural valuable under Art. 132, par. 2 and 3 is located.

7. (amend. - SG 16/16, in force from 26.02.2016) "Return" shall be an actual return of the movable cultural valuable under Art. 132, par. 2 and 3 on the territory of the requesting Member State.

7a. (new – SG, 62/19, in force from 06.08.2019) "Event" is a happening, incident, commemoration, episode, related to a specific time and place and with documented historical significance.

8. (amend. - SG 16/16, in force from 26.02.2016) "Possessor" is the person who actually holds the movable cultural property at their own expense.

8a. (new - SG 16/16, in force from 26.02.2016) "Holder" is the person who actually holds the movable cultural property for third persons.

9. "Unlawfully acquired cultural assets" shall be those which have been acquired through:

a) researches, and excavation works, made without the relevant permission;

b) crime;

b) unlawful import.

10. "Integrated conservation" shall include various measures, aiming to immortalize the cultural heritage as part of the relevant environment, created by humans and nature, where the usage and adaptation of the heritage objects shall be for the needs of society.

11. "Terrain conservation" shall include indirect and direct activities, which aim prevention of damage and destruction of excavations and loss of related to them information through providing optimal regime of finding, field conservation, packing, transportation and depositing.

12. "Coin objects" shall be coins and coin forms, stamps, seals and other objects of sigilography.

13. "Repeated" shall be violation, perpetrated within one year after the enforcement of the penal order, with which the perpetrator shall be imposed by a punishment for the same violation in kind.

14. "Systematically" shall be the violation, perpetrated 3 times or more within one year after the enforcement of the first penal order, with which the perpetrator shall be imposed by punishment for the same violation in kind.

15. (new – SG 54/11; amend. – SG 82/12, in force from 26.11.2012) "Reconstruction of immovable cultural valuable based on authentic data" is full or partial rebuild on the basis of graphics, text, photographic documentation and other sources that give information about form and design, materials and substance, use and function, traditions and techniques, location and setting, spirit and mood / feeling, and other internal and external factors.

16. (new – SG 54/11) "Accomplished stage of field surveys" is an exhausted stratigraphic layer, part thereof or a part of a territory allocated by the decision for field archeological studies.

17. (new – SG 54/11) "Properties identifying an object as an immovable cultural valuable" are primary data about the existence of cultural and scientific value and public importance.

18. (new – SG 54/11) "Pieces of art" in the meaning of Art. 7 shall be movable items with esthetic properties, created by the skills and imagination of their authors with the option to be shared. As pieces of art shall be regarded also decorative elements, murals, and other parts of buildings with significant esthetic properties, produced with the means of graphic arts.

19. (new – SG 54/11) "Adaptation" is preservation of immovable cultural assets by providing for their contemporary use in consideration of the conservation and restoration techniques.

20. (new - SG 16/16, in force from 26.02.2016) "Institution, funded largely by the organs of state and local authorities" within the meaning of Art. 132, para. 2 ,item 2, is any legal person with the statute of budget organization under the Public Finances Act.

21. (new - SG 89/18) "Digitization of cultural heritage" is a process of creation of metadata and digital content for cultural assets in accordance with established standards and formats, with suitable electronic devices, for their processing, storage and distribution.

## Transitional and concluding provisions

§ 5. (1) (amend. and suppl. – SG 92/09, in force from 20.11.2009) Within 6 months after the enforcement of the law, the persons, which have established factual hold over movable archaeological objects or movable archaeological monuments of culture by the enforcement of this Act shall be obliged to request their identification and registration as movable cultural assets by the National Historical Museum or by the respective regional museum pursuant to Art. 97, para 5. Declaration shall be attached to the request, which shall contain the list of the objects under sentence one, indicating their origin and the way they were acquired. For declaring untrue circumstances, the person shall bear responsibility under Art. 313 of the Penal Code. The director of the relevant museum shall issue to the person a certificate for implementation of his/her obligations under sentence one and two. Art 101 shall be applied in such-like cases.

(2) (declared anti-constitutional by constitutional court decision No. 7 from 2009 – SG 80/09) *In the identification of the movable cultural assets – national wealth, the right to ownership shall be established by an official document, where the persons under Para. 1 may not call upon expired acquired prescription.*

(3) (declared anti-constitutional by constitutional court decision No. 7 from 2009 – SG 80/09) *Persons, who within the term under Para. 1, have requested identification and registration, but have not established their right to ownership over the movable archaeological cultural assets – national wealth, shall be considered as their holders. The Minister of Culture shall establish their capacity of holders under this Act, and shall issue them a certificate for establishing this circumstance.*

(4) (revoked – SG 92/09, in force from 20.11.2009)

(5) (amend. – SG 92/09, in force from 20.11.2009) The persons under Para. 1 shall have the rights under Art. 111, Para. 1, p. 1 and the obligations under Art. 112, p. 1, 3 and 4.

(6) Deals of disposal with movable archaeological cultural assets under Para. 1, identified as provided by this Act as national wealth, shall be void.

(7) The identified under this Act movable archaeological cultural assets which are not national wealth, shall be sold only on auctions, as provided by Art. 119, the person, who has been issued a permission for organizing an auction, shall be obliged to request the certificate for their identification.

(8) In organizing an auction with non-identified under this Act movable cultural assets, the Minister of Culture shall withdraw the permission under Art. 120.

§ 6. (1) (amend. – SG 92/09, in force from 20.11.2009) Persons, who by the enforcement of this Act have established factual hold over movable archaeological objects – coins or coin-like objects, shall be obliged within a year after its enforcement to request their identification and registration.

(2) identification and registration of the objects under Para. 1 shall be performed by numismatic companies, entered into the register under the Minister of Culture and received certificate for this. The request shall also contain a statute and a certificate for court registration.

(3) The request shall be send to a numismatic company under Para. 2 and it shall contain a declaration, which shall have the described objects under Para. 1, with indication of their origin and the way they were acquiring, as well as photos. For declaration of untrue circumstances, the person shall bear responsibility under Art. 313 of the Penal Code. The chairperson of the numismatic company shall issue the person a certificate for implementation of the obligation under sentence one.

§ 7. (1) The identification and registration of the objects under § 6, Para. 1 shall be done by a commission, appointed by the general meeting, upon proposal of the Managing board of the numismatic company. The commission shall consist of 3 experts with higher education, who shall have at least 5

years company membership.

(2) The commission shall prepare an expert conclusion, signed by all the members for the results of the identification. The members shall not have the right to make public the information, become known to them in relation to the identification.

(3) Where in identification it is established, that there are data about the object for correspondence with the criteria of national wealth under Art. 54, the commission shall send a proposal to the Minister of Culture for granting statute of national wealth, as provided by Art. 99.

(4) (amend. – SG 92/09, in force from 20.11.2009) In the cases under Para. 3, when statute of national wealth has been granted, § 5, Para. 5 and 6 shall be applied.

(5) The identified coins and coin-like objects shall be registered in a numismatic company, made the identification.

(6) The relations between the persons under § 6, Para. 1 and the numismatic company shall be provided by a written contract.

§ 8. Payment transfer deals with identified and registered coins and coin-like objects may be done apart under § 5, Para. 7, also between the members of the numismatic company.

§ 8a. (new – SG 92/09, in force from 20.11.2009) (1) Movable archaeological sites, movable archaeological monuments of culture and movable archaeological objects - coins and coin-like objects may be exported with the permission of the Minister of Culture following identification and registration pursuant to § 5 and respectively § 6 and 7.

(2) (new – SG 92/09, in force from 20.11.2009) Property, referred to in para 1, which is considered national treasure except for the cases and in the manner of Art. 129, para 2, 3 and 4, may not be exported from the customs territory of the Community from the territory of the Republic of Bulgaria to other Member States of the European Union.

§ 9. With the enactment of the Act, the movable cultural assets—state ownership which have been placed in the inventory of the funds of the municipal museums, shall become ownership of the municipalities, with the exception of the archaeological cultural assets.

§ 10. (1) (suppl. – SG 54/11) The declared under the status quo procedure immovable monuments of culture shall keep their statute and category of cultural assets in the meaning of this Act.

(2) (revoked – SG 54/11) .

(3) Within 3 months after entry into force of the Act, the Minister of Culture shall confirms by an order the list under Art. 88, Para. 1, p. 2.

§ 11. (1) Within 3 months after enforcement of the Act, NICICV shall sent to the Registry Agency a list of the declared and announced immovable monuments of culture, which are status quo.

(2) The Registry Agency shall note the statute of the cultural valuable on the lots of the objects within 2 months after sending the list under Para. 1.

§ 12. (1) (amend. – SG 54/11) The declared in the present procedure immovable monuments of culture of status quo shall keep their statute as declared objects under this Act.

(2) (amend. – SG 92/09, in force from 20.11.2009) Within 3 years after enforcement of this Act, the director of NIICV shall propose under Art. 64 for registration or for withdrawal the declared immovable monuments of culture with status quo.

(3) (amend. – SG 92/09, in force from 20.11.2009) Within 6 months after enforcement of this Act, the Agency of Geodesy, Cartography and Cadastre, the State Agency of Forests, the Ministry of Agriculture and Foods and the Mayors of municipalities shall give information to NIICV for the implementation of the obligation under Para. 2.

(4) List of the sites under Para. 2 shall be sent to the Registry Agency.

§ 13. Within 1 year after enforcement of this Act, the Council of Ministers shall adopt the strategy and the plan under Art. 12, Para. 2.

§ 14. (amend. – SG 92/09, in force from 20.11.2009; amend. and suppl. – SG 54/11) Within 5 years after enforcement of this Act, the Minister of Culture and/or the municipality mayors, exercising the right of management or use shall develop plans for management of the declared immovable monuments of culture of world significance with status quo.

§ 15. (1) The national, regional and municipal museums within 1 year after enforcement of this Act, shall conduct inventory of the movable monuments of culture, inverted in the museum funds.

(2) Within the term of Para. 1, the museums shall conduct obligatory identification of the acquired by them objects, which have not been inverted in the museum funds.

§ 16. Within 3 months after enforcement of this Act, the owners of specialized technical equipment shall be obliged to request their registration by the Minister of Culture, as provided by this Act.

§ 17. Within 3 months after enforcement of this Act, the Minister of Culture, the Minister of Interior and the General Prosecutor, in coordination with the Minister of Finance and the chairperson of the State Agency "National Security" shall issue jointly an instruction for interaction against crimes aiming at cultural assets.

§ 18. The directors and the employees in the national, regional and municipal museums, within 2 months after enforcement of this Act, shall send the declaration under Art. 38, Para. 2.

§ 19. (1) The NIICV shall be grantee of the assets and liabilities if the national Institute for Monuments of Culture.

(2) With the enforcement of this Act, the official legal relations of the civil servants status quo shall be kept, as provided by Art. 87a of the Civil Servants Act.

(3) With the enforcement of this Act the labour legal relations of the persons status quo, working on labour legal relation shall not be interrupted, as provided by Art. 123 of the Labour Code.

§ 20. Within 14 days after the promulgation of the Act in "State Gazette", the Minister of culture shall confirm the register and the form of the certificate under § 6, Para. 2.

§ 21. (amend. – SG 92/09, in force from 20.11.2009) The Minister of Culture shall finalize the procedures status quo for coordination under the present procedure.

## **ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CULTURAL HERITAGE ACT**

(PROM. – SG 92/09, IN FORCE FROM 20.11.2009)

§ 38. In the rest of the texts the words "Regulation No 3911/1992" shall be replaced by "Regulation No 116/2009".

### **Transitional and concluding provisions TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE CULTURAL HERITAGE ACT**

(PROM. – SG 92/09, IN FORCE FROM 20.11.2009)

§ 39. The Ministry of Culture and NIICV are the legal successors of the assets and the liabilities of the National Institute for Conservation of Immovable Cultural assets.

§ 40. (1) From the date of entry into force of this Act the competences of the Director of the National Institute for Conservation of Immovable Cultural assets shall be terminated.

(2) The legal relations of the persons from the National Institute for Conservation of Immovable Cultural assets shall be settled according to Art. 123 of the Labour Code and Art. 87a of the Civil Servants Act in compliance with the structure and number of staff set out by the Structural Regulations of the Ministry of Culture and of the NIICV.

§ 41. (1) Within a year from the entry into force of this Act the NIICV shall provide the Registry Agency with a list of the existing immovable cultural monuments that have been declared and announced.

(2) The Registry Agency shall mark the status of the cultural assets in the respective lots of the sites within 2 months from submission of the list under para 1.

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§ 48. The Act shall enter into force from the date of its promulgation in the State Gazette.

### **Transitional and concluding provisions TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE MINISTRY OF INTERIOR ACT**

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The Act shall enter into force within a month from its promulgation in the State Gazette except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the date of its promulgation in the State Gazette.

### **Transitional and concluding provisions TO THE CULTURAL HERITAGE ACT**

(PROM. – SG 54/11)

§ 118. (1) The persons, who at the time of entering of this Act into force do not meet the requirements of Art. 164, par. 2, but have minimum 10 years of professional experience in the field of conservation and restoration of cultural assets, shall be entered into the register under Art. 165 according to the provisions of this Act.

(2) When filing an application for registration the person shall attach documents regarding the particulars referred to in par. 1, determined by the ordinance under Art. 165, par. 1.

(3) As a professional experience in the meaning of Art. 164, par. 2 the experience acquired as a professor, engineer, expert or inspector in the field of preservation of cultural heritage in a higher school, in a state owned cultural or research institute or administration, specialized in this field shall also be recognized.

§ 119. (1) The museum collections of cultural assets registered in the Ministry of culture prior to entering of this Act into force shall obtain a status of collections of public importance of legal entities. The non-inventoried items of the collections shall be subject to identification according to the provision of Art. 97.

(2) The movable cultural assets registered in the museum funds prior to entering of this Act into force shall be subject to returning only after proving the ownership of person, claiming to be their owners, by an enforced court decision.

§ 120. (1) Within two years after entering of this Act into force the municipalities shall provide to the National Institute of Immovable Cultural Heritage the actual addresses and identifications under the Cadastre and Property Register Act of the existing announced and declared immovable cultural monuments, located in the territory of the respective municipality.

(2) Within two years after entering of this Act into force the National Institute of Immovable Cultural Heritage shall provide to the Registry Agency a list of the existing at that time declared and announced cultural monuments.

(3) The Registry Agency shall mark the status of a cultural valuable in the batches of the objects within two months after the presentation of the list referred to in par. 2.

§ 121. The applications filed by administrations and municipalities prior to entering of this Act into force for granting of the right of management of immovable cultural assets which are public state property free of charge according to the provisions of the State Property Act shall be considered under the existing procedure.

§ 122. (1) The acts announcing the reserves referred to in Art. 50, par. 3, as historical, historical and archeological, archeological and museum reserves, by which location, territories, boundaries, security zones are regulated, and instructions for their preservations are issued, shall keep their validity up to adoption of new acts.

(2) For archeological reserves under items 27 through 31 of the attachment under Art. 50, par. 3 a complex assessment shall be prepared and the preservation regimes shall be reviewed within two years after entering of this Act into force.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT**

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month after the promulgation of this Act in the State Gazette:

1. The Council of Ministers shall adjust the Classified of positions in administration to the provision of this Act;

2. the competent bodies shall adjust the structural acts of the respective administration to the provisions of this Act.

§ 85. (1) The legal relationships with the persons from administrations under the Radio and the Television Act, Independent Financial Audit Act, Electronic Communications Act, Financial Supervision Commission Act, ct on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Confiscation by the State of Proceeds of Crime Act, Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Support Act, and the Roads Act shall be regulated subject to compliance with the provisions and following the procedure of § 36 of the Transitional and Conclusive Provisions of the Act amending and supplementing the Civil Servants Act (SG 24/06).

(2) By the act of appointment of a civil servant:

1. the minimum rank for the occupied position shall be conferred, as determined in the Classified of positions in the administration, unless the servant hold a higher rank;

2. individual monthly salary shall be fixed.

(3) Additionally required funds for insurance contributions of the persons under par. 2 shall be provided within the cost of salaries, remunerations and insurance contributions within the budgets of the respective administrators of budget credits.

(4) Council of Ministers must make necessary adjustments in the out-of-budget account of State Fund "Agriculture", arising out of this Act.

(5) Managing bodies of National Social Insurance Institute and of National Health Insurance Fund must make necessary adjustments in the respective budgets, arising out of this Act.

(6) The non-used leaves regulated in the employment agreement shall be kept and shall not be compensated with a financial benefit.

§ 86. (1) Within one month after entering of this Act into force the individual basic monthly salary of the employee shall be determined in such a way that the salary after the due tax and the obligatory insurance contributions chargeable to the insured person, where they have been payable, shall

not be less than the gross monthly salary received by that time after the due obligatory insurance contributions chargeable to the insured person, where they have been payable, and the due tax.

(2) The gross salary under par. 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;
2. additional payments payable permanently together with the payable basic monthly salary or basic monthly remuneration and depend solely on the hours worked.

§ 87. The Act shall enter into force from 1 July 2012, except for § 84, which shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE PUBLIC-PRIVATE PARTNERSHIP ACT**

(PROM. - SG 45/12, IN FORCE FROM 01.01.2013)

§ 16. This Act shall enter into force from 1 January 2013, except § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which shall enter into force from 1 September 2012.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

§ 149. This Act shall enter into force 30 days after its promulgation in the "State Gazette" with the exception of § 16, § 35, item 2 and § 39, which shall enter into force on 1 January 2016.

**Transitional and concluding provisions  
TO THE PUBLIC FINANCE ACT**

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. SG 66/13, IN FORCE FROM 26.07.2013)

§ 117. The Act shall enter into force from the day of its promulgation in State Gazette.

**Transitional and concluding provisions  
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE CULTURAL HERITAGE ACT**

(PROM. - SG 16/16, IN FORCE FROM 26.02.2016, AMEND. - SG 89/18)

§ 28. (1) Applications for issuing permits for field archaeological research, submitted prior to the entry into force of this Act, shall be considered under the order prevailing hitherto.

(2) The documents under par. 1 for holding an academic and qualifications degree, degree in science and for an academic position, shall be submitted for entry in the register under Art. 150, para. 2.

§ 29. (1) (Previous text of Paragraph 29, amend. and suppl. - SG 89/18) Persons who, prior to the entry into force of this Act, have been authorized to perform field archaeological research, but do not meet the requirements of Art. 150, para. 1, may apply for authorization under Art. 150 and for entry in the registry under Art. 150, Para. 2, if they have a Master's degree in a specialty in the professional area of History and Archaeology, with specialization or profile in Archaeology, or have 10 years of professional experience as an archaeologist which can be demonstrated, including with 10 permits for field archaeological research.

(2) (New - SG 89/18) Persons under Para. 1, who have not participated in a field archaeological research as deputy-managers but who have been Heads of field archaeological researches, shall apply for entry in the register under Art. 150, Para. 2, these circumstances being reflected in the application under Art. 151, Para. 1 and being checked ex officio.

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§ 31. This Act shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE CULTURAL HERITAGE ACT**

(PROM. - SG 52/16)

§ 10. (1) The units under Art. 17, par. 3 shall be set up within one year after entering of this act into force.

(2) Before setting up the respective municipal unit under Art. 17, par. 3 the applications to be endorsed under Art. 84, par. 2 shall be filed and the endorsement shall be done following the existing procedure, where the opinion shall be issued by the NIICH.

(3) Applications for endorsement under Chapter Five, Section V filed before entering of this act into force shall be considered and finalized according to the existing procedure.

(4) For immovable cultural monuments declared and announced according to the provisions of § 10 and 12 from the Transitional and Concluding Provisions which have not been categorized before entering of this act into force, the activities under Art. 83 and the endorsement shall be done according to the existing procedure.

§ 11. Updating of the register under Art. 19, par. 1, item 6, the production and maintenance of a specialized map and registers under Art. 19, par. 1, item 7 shall be subject to target financing from the state budget, subject to compliance with the electronic government strategy, following annual programs, approved by a decision of the Council of Ministers upon Minister of Culture's proposal.

§ 12. The activities under Art. 19, par. 1, item 6 related to updating and keeping of the public register of immovable cultural assets and of the national document archive pool in electronic form shall be carried out within up to two years after entering of this act into force.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE NON-PROFIT LEGAL ENTITIES**  
**ACT**

(PROM. - SG 74/16, IN FORCE FROM 01.01.2018)

§ 40. This Act shall enter into force on January 1, 2018.

**Transitional and concluding provisions**  
**TO THE CONCESSIONS ACT**

(PROM. - SG 96/17, IN FORCE FROM 02.01.2018)

§ 41. The Act shall enter into force within one month from its promulgation in the State Gazette with the exception of:

1. Article 45, Para. 5, which enters into force within 12 months of the promulgation of the Act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on 31 January 2019.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE**  
**CODE**

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE FILM INDUSTRY ACT**

(PROM. - SG 98/18, IN FORCE FROM 27.11.2018)

§ 29. The Act shall enter into force on the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE CULTURAL HERITAGE ACT**

(PROM. - SG 1/19)

§ 15. Persons who have requested the identification and registration of movable cultural assets by the National Museum of History or by the relevant regional museum before the entry into force of this Act and the museum did not do the identification and registration, may request their identification and registration by another museum in accordance with Art. 96, para. 2.

**Transitional and concluding provisions**

## **TO THE ACT, AMENDING AND SUPPLEMENTING THE CULTURAL HERITAGE ACT**

(PUBL. – SG, 62/19, IN FORCE FROM 06.08.2019)

§ 15. Applications for conciliation under Chapter Five, Section V, submitted prior to the entry into force of this Act, shall be considered in accordance with the procedure of this Act.

§ 16. Coordination or refusal to agree on coordination of common development plans and specific rules and regulations to them for protected areas of immovable cultural heritage, for which no category and / or conservation regimes have been defined until the entry into force of this Act, by determination of such, they shall be done in accordance with the procedure of Art. 84 based on:

1. an agreed assignment for the development of the general development plan with the reflected requirements for the protection and sustainable development of the protected territories of the immovable cultural heritage - subject of the plan;

2. the characteristics and potential for sustainable development of the territories of the real cultural heritage, reflected in the design documentation;

3. supporting plan for the existing location, type and category (when determined) of the sites of the immovable cultural heritage;

4. proposal and plan for conservation and sustainable development of the immovable cultural heritage, as the design documentation is accompanied by a historical reference for the development of the territory, archival cadastral plans, silhouette plans.

§ 17. Coordination or refusal to agree with detailed spatial plans and specific rules and regulations to them for protected areas of immovable cultural heritage, for which no category and / or conservation regimes have been defined until the entry into force of this Act, by determination of such, shall be done in accordance with the procedure of Art. 84 based on:

1. compliance with the predictions of a common general development plan, agreed upon in accordance with this Act, if any;

2. a coordinated assignment with reflected requirements for the protection and sustainable development of the protected areas of the immovable cultural heritage - the subject of the plan;

3. historical reference for the development of the territory, archival cadastral plans, archaeological cadasters, real cultural values, photo documentation of the real cultural values and their environment, reflected in the design documentation;

4. a support plan for the existing location, type and category (when defined) of the single and group immovable cultural property with their borders and protection zones.

§ 18. The coordination or refusal to coordinate investment projects and requests for interventions under Art. 83 for protected territories of the immovable cultural heritage, for which until the entry into force of this Act no categories and / or conservation regimes have been defined, until such zones are designated, shall be performed in accordance with Art. 84, on the basis of verification of compliance with an agreed development plan for the respective territory, with the requirements of the Ordinance under Art. 171 and the proposal for conservation and sustainable development of the immovable cultural property, reflected in the project documentation.

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§ 20. The Act shall enter into force on the day of its promulgation in the State Gazette.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE REGIONAL DEVELOPMENT ACT**

(PROM. - SG 21/20, IN FORCE FROM 13.03.2020)

§ 56. The Act shall enter into force on the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. - SG 44/20, in force from 14.05.2020)

§ 44. The Act shall enter into force on 14 May 2020, with the exception of § 33, 34 and 35, which shall enter into force on the day of promulgation of the Act in the State Gazette.

**Attachment to Art. 50, par. 3**

(new – SG 54/11, amend. - SG 16/16, in force from 26.02.2016)

**List of archeological reserves**

| No  | Description, location                                                                                                                                       |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Ancient and medieval structures of Momina krepost, Tsarevets and Trapezitsa, municipality of Veliko Tarnovo, region of Veliko Tarnovo                       |
| 2.  | Ancient town of Nesebar, Municipality of Nesebar, region of Burgas                                                                                          |
| 3.  | Early medieval town of Pliska, municipality of Kaspichan, region of Shumen                                                                                  |
| 4.  | Early medieval town of Preslav, municipality of Preslav, region of Shumen                                                                                   |
| 5.  | Pre-historical, ancient and medieval structures near Madara, municipalities of Shumen and Kaspichan, region of Shumen                                       |
| 6.  | Ancient town of Hisar, municipality of Hisar, region of Plovdiv                                                                                             |
| 7.  | In-rock churches near the village of Ivanovo, municipality of Ivanovo, region of Ruse                                                                       |
| 8.  | Medieval town of Cherven, municipality of Ivanovo, region of Ruse                                                                                           |
| 9.  | “Orlova chukka” cave, municipality of Dve mogili, region of Ruse                                                                                            |
| 10. | Varosha medieval fortress and quarter, municipality of Lovech, region of Lovech                                                                             |
| 11. | Ancient town of Martsianopolis, municipality of Devnya, region of Varna                                                                                     |
| 12. | Ancient town of Nikopolis ad Istrum, municipality of Veliko Tarnovo, region of Veliko Tarnovo                                                               |
| 13. | Thracian and ancient town of Kabile, municipality of Yambol, region of Yambol                                                                               |
| 14. | Ancient and Medieval town “Durostorum – Drastar”, municipality of Silistra, region of Silistra                                                              |
| 15. | Ancient town of Odesos – Varna, municipality of Varna, region of Varna                                                                                      |
| 16. | Ancient Sedika and Medieval Sredets, municipality of Sofia, region of Sofia city                                                                            |
| 17. | Ancient and medieval town of Pautalia – Velbazhd, municipality of Kyustendil, region of Kyustendil                                                          |
| 18. | Ancient and medieval town “Augusta Trayana – Vereya”, municipality of Stara Zagora, region of Stara Zagora                                                  |
| 19. | Augusta ancient fortress, municipality of Kozloduy, region of Vratsa                                                                                        |
| 20. | Ancient and medieval town of “Deultum – Debel”, municipality of Sredets, region of Burgas                                                                   |
| 21. | Pre-historical, ancient and medieval structures in the locality of Sboryanovo and near the village of Sveshtari, municipality of Ispirih, region of Razgrad |
| 22. | Pre-historical, ancient and medieval structures in the locality of Yaylata, municipality of Kavarna, region of Dobrich                                      |
| 23. | Islands “Sveti Ivan” and “Sveti Petar”, municipality of Sozopol, region of Burgas                                                                           |
| 24. | Ancient town of “Ulpia Eskus”, municipality of Gulyantsi, region of Pleven                                                                                  |
| 25. | Kaliakra ancient and medieval fortress, municipality of Kavarna, region of Dobrich                                                                          |
| 26. | Ancient town of Abritus, municipality of Razgrad, region of Razgrad                                                                                         |
| 27. | Ancient town of Nove, municipality of Svishtov, region of Veliko Tarnovo                                                                                    |
| 28. | Ancient town of Nikopolis ad Nestum, municipality of Garmen, region of Blagoevgrad                                                                          |
| 29. | Ancient town of Appoloniya, municipality of Sozopol, region of Burgas                                                                                       |
| 30. | Ancient town of Filipopol and Old Plovdiv, municipality of Plovdiv, region of Plovdiv                                                                       |
| 31. | Ancient, medieval and Renaissance town of Melnik, municipality of Sandanski, region of Blagoevgrad                                                          |
| 32. | Early medieval settlement of Kabiuk – municipality of Shumen and municipality of Hitrino, region of Shumen                                                  |
| 33. | Thracian tombs complex, municipality of Kazanlak, region of Stara Zagora                                                                                    |