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RoofOfROCK

Limestone
as the common denominator of natural and cultural heritage
along the karstified part of the Adriatic coast

WP6 – Legislative framework

Appendix 5.1

COMPARISON ANALYSIS OF THE EXISTING LEGISLATION AND STANDARDS

Škocjan, October 2014

The project is co-funded by the European Union
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REPUBLIC OF SLOVENIA
GOVERNMENT OFFICE FOR DEVELOPMENT
AND EUROPEAN COHESION POLICY

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WP6 – Legislative framework

COMPARISON ANALYSIS OF THE EXISTING LEGISLATION AND STANDARDS

Project: RoofOfRock, 2°ord/0033/4

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REPUBLIC OF SLOVENIA
MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY

DELIVERABLE SUMMARY

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Park Škocjanske jame, Slovenija

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MINISTRY OF ECONOMIC DEVELOPMENT
AND TECHNOLOGY

RoofOF ROCK

CONTENT

The legislation and the overall subject matter covered by the RoofOfRock project are extremely wide in their scope and interdisciplinary in nature. Upon the launch of the activities within the Work Package 6 (Legislative Framework) the entire legislative area was divided among four thematic fields, namely:

- legislation governing natural heritage
- legislation governing cultural heritage
- legislation governing architecture, construction and spatial planning
- legislation governing mining

Each participating country (Slovenia, Croatia, Italy and Bosnia and Herzegovina) was required to prepare an overview of the existing national legislation at the state-, regional- and local levels, to prepare a detailed overview and description of the laws/implementing regulations,..., that are relevant for the project, and to prepare a document that will serve as the basis for a comparative analysis of the respective legislation. Based on the data and material acquired from each country, the expert responsible for an individual thematic field (from Slovenia) prepared a detailed comparative analysis of the legislation among the respective countries and compared the legislation as a whole with the applicable laws and standards at the European Union level.

Hereinafter, we present the respective comparative analysis by sector-specific legislation. Chapters introducing a specific field indicate the person responsible for the analysis and the names of contributors from the countries that participated in the preparation of the analysis.

Regrettably, however, the overview of the overall legislation, description of relevant laws and implementing regulations for Bosnia and Herzegovina is incomplete as the responsible partner (HERAG) and/or its external partner failed to prepare and communicate the required data and documents. Consequently, the lack of legislation from BiH is reflected in this document as it was often impossible to include BiH in the comparative analysis.

1. ANALYSIS OF THE STANDING LEGISLATION IN THE PARTNER COUNTRIES IN THE FIELD OF PROTECTION AND CONSERVATION OF NATURE

Prepared by: Sanja Alaber, Lawyer

Contributions by: Karmen Peternelj (Slovenia), Matko Pajčić (Croatia), Viktor Grbavac (Bosnia and Herzegovina), Fabiana Pieri (Italy)

1.1 INTRODUCTION

Nature protection and conservation is the foundation of the future development of our society. Despite the significant contribution of the regulated protection measures, the essential question of the analysis is, whether and to what extent nature protection and conservation legislation constitutes an obstacle to the use of platy limestone.

The comparative analysis represents Slovenian, Italian, Croatian and Bosnian legislation on the protection of natural features, minerals and fossils, protected areas, ecologically important areas and special protected areas (Natura 2000 sites), with an emphasis on the use of platy limestone. In addition to the above, analysis represents the prohibitions and restrictions and rules of conduct in the implementation of interventions or activities and related to that the process of obtaining permits and approvals and the other administrative procedures necessary for interventions or activities in the area with a special status or special regime.

1.2 VALUABLE NATURAL FEATURES

According to the Slovenian *Nature Conservation Act,* valuable natural features include all natural heritages in the territory of the Republic of Slovenia. Valuable natural features are defined as rare, valuable and well-known natural phenomena. The act also defines valuable natural features as a component or a part of a living or non-living nature, a nature area or part thereof, an ecosystem, landscape or a designed landscape. The valuable natural features referred to in the preceding paragraph are in particular geological phenomena, minerals and fossils and minerals and fossils' sites, surface and subsurface karst features, caves, gorges and other geomorphologic phenomena, glaciers and glacial forms, springs, waterfalls, rapids, lakes, bogs, brooks and rivers with banks, the sea-shore, plant and animal species and exceptional specimens and habitats thereof, ecosystems, landscapes and designed landscapes. Valuable natural features are ranked among natural assets which the Slovenian *Environment Protection Act* defines as a part of nature. In addition to the natural features, natural assets also include public natural assets[1] and natural resources[2].

[1] A public natural asset is a component of the environment designated by law as a public asset.

[2] A natural resource is any component of the environment which is subjected to economic exploitation or commercially exploited.

In comparison to Slovenian legislation, Bosnian law defines valuable natural features as parts of nature that need special protection of its specificities, biotic and landscape diversity and public interests (cultural, educational, scientific etc.). The statuses of the protected natural features have natural features which are declared by the competent institutions and registered in the *Register of protected natural features*. Substantively the Bosnian *Environment Protection Act* rank natural features among natural resources[3].

Croatian law defines a natural asset as a part of nature that is exclusively or concurrently a public natural asset, natural resource or natural feature. Compared to Slovenian and Bosnian law, Croatian law does not define the term valuable natural feature.

Italian law does not define the term valuable natural feature. The Italian Republican Constitution does not directly address the issue of the regulation of natural resources, and does not specifically recognize the right to the environment, in fact throughout the text there never appears the word "environment". According to the Constitutional Court (judgment 30 April 1986 n. 121 and judgment 30 December 1987 n. 641), through an evolutionary interpretation of the constitutional provision, the existence in Italian legal system - in addition to the right to work, to health, education - even the right to the environment as a right of personality and of life. In a judgment 30 December1987 n. 641, the Constitutional Court defined the *natural feature* as "a unitary immaterial good, even if it consists of several components, each of which may also constitute, individually and separately, the object of care and protection".

Natural features are included in "State property/*domain*" and "statal unavailable heritage". Both are inalienable and cannot be subject to private rights except in the manner prescribed by law (for example, by concession for quarries). Italian Civil Law (art. 822) lists goods that belong to the state and are part of the "public property/*domain*": the sea shore, the beach, harbours, rivers, streams, lakes, all waters defined by public law - called *natural* state property. In these cases belongings are in the public domain and the property can only be public (state property required). *Artificial* state properties are: roads and highways, aqueducts, buildings of historical and artistic interest, etc. Italian Civil law (art. 826) (...) lists the "statal unavailable heritage": *forests that in accordance with State laws are the State forests, mines,* ***quarries*** *and peatlands when availability is taken away from the owner of the property, things of historical, archaeological, paleontological and artistic by any person in any way found underground*.

1.2.1 Designation of valuable natural features

A speciality of Slovenian legislation is the regulation of natural features. The Bosnian, Croatian and Italian law do not specify natural features as practised in the Slovenian legislation; it even does not regulate the special rules of conduct for natural features without the granted status of a protected area.

According to the Slovenian legislation, valuable natural features are specified in the *Rules on the designation and protection of valuable natural features* on the basis of a professional proposal of the organization competent for nature conservation (The Institute of the Republic of Slovenia for Nature Conservation). The minister classifies valuable natural features into valuable natural

[3] Natural resources are a component of the natural environment, used for the needs of society (excluding artificial environment).

features of national[4] or local importance and prescribes for them protection and development guidelines[5] and guidelines for their use[6].

According to Italian legislation, natural features which are included in "State property /*demanio*" and "statal unavailable heritage" are inalienable and cannot be subject to private rights except in the manner prescribed by law (for example, by concession for quarries).

1.2.2 Carrying-out activities

The Slovenian *Decree on the categories of valuable natural features* ranks platy limestone among geological valuable natural features[7] and minerals and fossils depending on the type of natural values, however, platy limestone is not included in the list of natural values. But the legal regime of the protection of natural values represents a limitation of the use of platy limestone.

The *Rules on the designation and protection of valuable natural features* determine that constructing new facilities (including simple objects) on the surface of geological valuable natural feature can be carried out only when there is no other spatial possibilities outside the zone of the valuable natural feature and only when all technical or other solutions are used with the aim to not damage and to minimize the change to the visible image of the valuable natural feature. The same applies for work on soil (straightening, deepening the land, filling-in of land, backfilling), mineral extraction and for researches before the extraction, because this work must be carried out in a way that preserves the characteristics which define a part of nature as a valuable natural feature and that its visible image is minimal altered.

Taking samples of rocks is permitted only if the physical characteristics of the valuable natural features are not significantly changed or their stability is not threatened, but it is prohibited to break, pound, to dig or carry away parts of valuable natural features in such an extent that would cause the destruction of the findings or the degeneration of the characteristics which define a part of nature as a valuable natural feature. According to the development guidelines, valuable natural features should remain in their current use which must not jeopardize their existence and impede the process of their protection. With this purpose in mind, valuable natural features are primarily intended for experiencing nature, education, the learning process, scientific researches or for nature-friendly physical recreation. Concrete development guidelines are determined in the nature protection guidelines, whereas more detailed development guidelines determine the specific valuable natural features in the minister's decree.

Nature protection guidelines are the most relevant professional document which regulates interventions, activities and the use of valuable natural features. Protection guidelines need to be gained by the state or local communities and other bodies governed by public law in the

[4] Valuable natural features of national importance are those that have an international or great national importance.

[5] Prior to the designation of the valuable natural feature the ministry must inform the competent local community on which the valuable natural feature is located. That local community may express its opinion about the designation of the valuable natural feature.

[6] Concrete protection guidelines and nature protection conditions for carrying-out activities on the valuable natural feature and on the area of influence on the valuable natural feature are designated in the nature protection guidelines.

[7] Geological valuable nature is the part of nature that is in terms of the composition and form of the earth's crust, and processes in its interior and on its surface and in terms of the history of the Earth and the evolution of life on it, great, typical, rare scientific, research or an important witness and occurs naturally as part of nature referred to in the previous indent, the location of minerals or fossils tectonic (fault, rift, tectonic breccia, folds), mineralogy (mineral deposit), petrological, paleontological (fossil locality), stratigraphic (stratigraphic sequence or ~~limit~~), glaciological (glacial lake, moraine, boulder), soil, climate, hydro and sediment logical natural form.

process of obtaining spatial planning and other acts of the use of natural resources. The guidelines are prepared by an organization competent for preserving nature (The Institute of the Republic of Slovenia for Nature Conservation).

According to the Slovenian *Nature Conservation Act,* the use of valuable natural features owned by the state or the municipality is only possible by a concession. The use of natural resources or public natural assets with the status of a valuable natural feature is permitted only if the existence of a valuable nature feature is not threatened nor does it impede its protection. Protection and development guidelines and protection regimes for valuable natural features are a constituent part of the conditions for the special use of natural resources or natural assets and of permits or concessions for special use. The use of valuable natural features is prohibited only in the case of protecting a valuable natural feature.
In contrast to Slovenian legislation, Bosnian and Croatian legislation does not determine prohibitions, restrictions or any other rules or act for valuable natural features that have no status of a protected area.

According to Italian legislation the use of natural features which are included in "State property/*demanio*" and "statal unavailable heritage" are inalienable and cannot be subjected to private rights except in the manner prescribed by law (for example, by concession for quarries). These are listed as "landscape assets" in the *Cultural heritage and landscape code.* The owners, possessors or holders of the title to any property and areas of landscape interest, protected by the law, cannot destroy them, nor introduce changes that adversely affect the landscape values given protection (article 146).

1.3 MINERALS AND FOSSILS

1.3.1 Definition of minerals and fossils

The Slovenian *Nature Conservation Act* defines minerals as elements or compounds which form rock, although mineral raw materials are not included among them since they are regulated in the *Mining Act*. Fossils are petrified remains or imprints of animals or plants which are material evidence of life in the geological past. Slovenian legislation distinguishes between minerals and fossils which are (because of their exceptionality and rarity) defined as valuable natural features and for them special rules of conduct are determined, as it does for minerals and fossils which do not have this status. For those the rules of conduct are laid down in the Decree on the categories of valuable natural features. The term minerals and fossils are mutatis mutandis defined in Bosnian, Croatian and Italian legislation, also the distinction between protected and unprotected minerals and fossils. In Italy, fossils are protected with the *Cultural Heritage and landscape code*.

1.3.2 Prohibitions and restrictions

Because minerals and fossils are the property of the state, Slovenian legislation provides specific rules of conduct in the event of finding, taking from nature, exporting and trading. In the event of finding a mineral or fossil while activity is being carried out, the legal or natural person must stop all work, protect the mineral or fossil finds and immediately notify the organization competent for protecting nature (The Institute of the Republic of Slovenia for Nature Conservation). Within seven days from being notified, the Institute must issue protection

guidelines. After the Institute confirms that safety measures have been taken, the activities can continue. The person who found the mineral or fossil that is a valuable natural feature is obligated to notify the competent organizations about the site. Bosnian and Croatian legislation are regulated the same as Slovenian legislation with the exception that the finder is obligated to notify the find to the competent ministry (hereinafter: competent ministry)[8]. In Italy the finder is obliged to notify the find to the competent ministry (to the regional superintendence if fossils are found).

Placing minerals and fossils with the status of valuable natural features on the market is in Slovenian legislation, prohibited. It is also prohibited to export or take them out of their natural surroundings, except in the case when their use is a part of the museum collection and in accordance with the regulations that regulate cultural heritage. The prohibition of putting minerals and fossils with the status of a valuable natural feature on the market is also regulated in Bosnian legislation, while for minerals and fossils without that status a permit from the competent ministry is needed. In the case of scientific research, education and for the purpose of public exhibition, Bosnian legislation makes an exception. Croatian legislation does not regulate the putting of minerals and fossils on the market.

Slovenian legislation also prohibits the act of taking minerals and fossils with the status of valuable natural feature or from a protected area on the sites. On protected areas it is prohibited to remove minerals and fossils irrespective of the way they were taken, except when it is differently regulated in the particular protection act. Whereas on the areas that have the status of a valuable natural feature, the removal from nature is only permitted if the minerals and fossils exist in nature as an isolated piece of rock or sediment. In that case, they can be taken from nature freely, but without physically altering the rock such as digging, breaking, drilling, crushing, cutting, mining or any other alteration in the rock. An exception is possible in the case of research, education or with the purpose of public exhibition. By way of an exception, a permit from the competent ministry is needed.

Bosnian and Croatian legislation also prohibits taking minerals and fossils from nature with the use of machinery, explosives, propellants and other chemicals means, while taking minerals and fossils with the status of valuable natural feature is prohibited in any case, unless for scientific, educational or with the purpose of public exhibition.

Italian legislation is like the Slovenian one, the only difference is that in Slovenia they have a status of “valuable natural feature”, in Italy they have a status of “landscape assets” and “statal unavailable heritage”. The act of taking minerals and fossils is absolutely prohibited, except with the permission granted for scientific reasons.

1.4 PROTECTED AREAS

1.4.1 Designation of protected areas

Slovenian legislation among the protection measures of valuable natural features includes the protection, temporary protection, contractual protection (contract on protection, contract on stewardship) and restoration. Valuable natural features are protected with an act of protecting, adopted by the government, local bodies or the government together with the competent local

[8] The competent ministry is the ministry responsible for the environment (Republic of Slovenia – Ministry of Agriculture and the Environment (www.mko.gov.si), Republic of Croatia – Ministry of Environmental and Nature protection (www.mzoip.hr), Federation of Bosnia and Herzegovina - Federal Ministry of Environment and Tourism (www.fmoit.gov.ba)).

community. The act of protecting provides detailed rules of conduct or protection regimes and development guidelines for individual valuable natural features, namely on protected areas and zones of influence[9].

The Slovenian *Nature Conservation Act* provides the following protected areas:

1. Large protected areas (a national, regional or landscape park);
2. Small protected areas (strict nature reserve, nature reserve and natural monument).

The protected areas in Croatian legislation are defined as protected parts of nature, for which the law also includes protected plant and animal species and protected minerals and fossils. In comparison to Slovenian legislation, Croatian legislation among protected areas provides:

1. Protected areas of national importance (a strict reserve, national park, special reserve and a natural park);
2. Protected areas of local importance (regional park, natural monument, important landscape, park – forest, monument of landscape architecture).

The protected areas in Croatia are established by parliament, government or the competent bodies of a regional county. Parliament establishes the national and natural park with a law, strict and special reserves are established by the government with a regulation, while all other protected areas are established by the competent bodies of a regional county.

Among protected areas Bosnian legislation ranks the following areas:

1. strict nature reserve
2. area of wilderness
3. national park
4. natural park
5. natural monument and natural resources
6. protected landscapes
7. regional park

Areas of strict nature reserves and areas of wilderness are established by the government of Federal Bosnia and Herzegovina, while other protected areas are established by the competent authority of a canton. If the protected area extends to the land of two or more cantons the law on establishing a protected area is adopted by the parliament of the federation.

The Italian *Cultural heritage and landscape code* provides parks and national or regional reserves, as well as the territories of external protection of the parks. Parks and national reserves are established from the State with a law (the law provides detailed rules of conduct or protection regimes and development guidelines for an individual valuable natural feature). Regional reserves are established by the Regions.

1.4.2 Prohibitions and restrictions

Slovenian law distinguishes between large (national[10], regional[11] and landscape[12] parks) and small protected areas (natural monument, strict nature reserve). Restrictions of activities on

[9] The zone of influence is an area outside the protected area with the protection orientation for such use of the zone that does not threaten the protected area.

protected areas can be regulated with an act on protection on the basis of an expert evaluation of the organization competent for nature conservation. The restriction[13] is permissible only to the extent and in a manner which is necessary for the conservation of the valuable natural feature, for its protection or to restore, to extend and in a manner that is regulated by law. The rules of conduct in the case of activities are specified in the management plan[14].

In the *area of a natural monument* it is prohibited to carry out any activities affecting the natural environment in a manner that would worsen the status, change, damage or destroy the valuable natural feature and to change the conditions or status so that the valuable natural feature is changed, harmed or destroyed or that its aesthetic value is reduced. The law specifically regulates that in the protected areas, taking into account the characteristics of its features and the purpose of the protection; these activities are prohibited or restricted:

- Carrying out activities affecting the physical space,
- Excavating or removing rocks, minerals and fossils,
- Economic exploitation of natural resources,
- Causing vibrations and explosions and all other activities that could significantly endanger protected area.

In the *area of a strict nature reserve* the law prohibits carrying out activities which threaten the conservation of the protected area, intentionally destroy plants and animals and to stay in the area[15] except for persons conducting surveillance.
In the *area of the nature reserve* it is in general prohibited to carry out any activities with the means and in a manner which may cause significant change in the biodiversity and the ecosystems. These activities are also prohibited during the period when the existence of plants or animals might be threatened. Besides the act on protection can prohibit or restrict carrying out any activities which can affect the physical space, economic exploitation of natural resources, researching and removing material for research and all other activities which would significantly threaten the protected area.
For large protected areas, the act on protection can prohibit, restrict or regulate in a different manner the carrying out of activities that threaten the original state of the natural environment, by constructing infrastructures intended for dwelling, hunting, fishing, tourism and sport, except in locations reserved for these purposes; constructing secondary dwellings, constructing new facilities, digging or filling-in of the land, causing explosions and vibrations, economic exploitation of natural resources, except for the purpose of constructing in the protected area, researching and removing of research material from nature and all other activities which would significantly threaten the protected area.

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[10] A national park is a large area possessing numerous valuable natural features and great biodiversity. Nature in its original state, with preserved ecosystems and natural processes, is present in the major portion of the national park. In smaller portions of the park there may be areas where human influence is relatively large, but in harmony with nature. In a national park, at least two protection areas should be defined, so that in the major, usually unbroken, portion the protection area with a more strict protection regime is defined while taking into account international protection standards and criteria. The national park, the purpose of protection, development orientations, protection areas, protection regimes, the manager, etc. shall be laid down by the law.

[11] A regional park is an extensive area of ecosystems and landscapes characteristic of the region with large portions of nature in its original state and areas of valuable natural features interwoven with parts of nature where the human influence is relatively large, but in harmony with it. In the regional park, at least two protection areas shall be defined and the extent of the protection area with a stricter protection regime shall be smaller and locally defined. The detailed rules of conduct in the area of a regional park shall be laid down by the instrument of protection.

[12] A landscape park is an area with an emphasised, high-quality and long-term interaction of people and nature and with a high ecological, biotic and landscape value. The detailed rules of conduct in the area of a landscape park shall be laid down by the instrument of protection.

[13] If the owner of a valuable natural feature or real-estate located in the protected area is injured owing to the restrictions, he is entitled to compensation.
[14] A management plan is obligatory for a national and a regional park.
[15] The ministry may, by way of exception, permit staying in the protected area for the purpose of research and education.

The Croatian *Nature Protection Act* for each individual protected area lays down a rule that allows carrying out economic and other activities, if they don't threaten the essential characteristics of the protected areas, while these activities are prohibited in the area of a strict nature reserve. In the area of a national park the law prohibits the economic exploitation of the natural resources. The detailed rules and concrete measures for protected areas are regulated in the *Rules on the designation and protection of valuable natural features*, while specific measures for protected areas of local importance are specified in the decree issued by the competent bodies of a regional county. The basis for the adoption of the law or decree is the expert opinion of the organization competent for preserving nature and the consent of all statutory consent authorities. According to the rules it is necessary to obtain a permit to carry out any activities on protected areas, in cases for which a building permit is not needed. A permit is issued for a period of two years and only under the condition that the activities do not threaten the protected area. A permit for a protected area of national importance is issued by the competent ministry and for the areas of local importance by the competent bodies of a regional county.

With the purpose of conservation of protected areas, the Bosnian legislation imposes the prohibition of activities affecting the space, constructing infrastructures intended for dwelling, digging or filling-in of land, excavating or removing rocks, minerals and fossils, economic exploitation of natural resources and all other activities, which would significantly threaten the protected area. Before starting to carry out any activities, it is necessary to obtain a permit from the ministry, in the case of activities which are carried out on the basis of management plans on the field of forestry, hunting, fishing, mining and in the water sector, it is necessary to take into account their directions and obtain a permit from the competent ministry.

According to Italian legislation, the owners, possessors or holders of title to any property and areas of landscape interest, protected by the law, cannot destroy them, nor introduce changes that adversely affect the landscape values given protection. Restrictions of activities on protected areas can be regulated with an act on protection on the basis of an expert evaluation by the organization competent for nature conservation (usually the law that established the single park or reserve).

1.4.3 Carrying out activities

Slovenian law lays down the general rule that activities must be carried-out in accordance with the rules of conduct and in accordance with the management plan. The basis for an activity that affects the natural environment is a permit, issued by the administrative unit and in case of constructing facilities, the nature protection conditions and nature protection consent.

Similar conditions regulate the Bosnian *Nature Protection Act,* as carrying-out activities on protected areas and on other protected valuable natural features are permitted, if they do not cause any negative influence. The basis for affecting the natural environment or carrying-out activities is a permit, which is issued by the competent ministry or competent cantonal authority (depending on the type of area or valuable natural feature). If the activities are carried out on the basis of the management plans for forests, hunting, fishing, water management and mining, it is necessary to gain a consensus by the competent bodies. The right for the economic exploitation of natural resources or for carrying out general beneficial activities on protected areas is obtained on the basis of concession, except for a strict nature reserve for which it is legally impossible to obtain a concession. not.

A permit for activities in a protected area is also obligatory according to the Croatian legislation and it is issued for a period of two years under the condition that the activities do not have a negative impact on the characteristics of the protected area. Economic exploitation of natural resources and carrying-out general beneficial activities on a protected area can be carried out only if a concession is obtained (on the basis of a concluded public tender). Similarly, in Bosnian

legislation the law prohibits issuing a concession for the area of a strict nature reserve. For other areas, the prohibition is issued by the government through executive regulations. The concession is issued by the competent government or competent body of the regional self-government. A mandatory component of the act on granting concessions and contracts are the protection measures that provide protection and conservation of a protected area. Croatian legislation allows an exception of issuing concession by public bodies. A concession for legal and natural persons that have a registered craft activity for the economic exploitation of natural resources and other activities for a period of five years is issued through public tender. A ministry permit is needed to be obtained before the concession is issued.

Similar regulations apply to the Italian *Cultural heritage and landscape code,* as carrying out activities on protected areas and on areas of landscape interest is permitted, if they do not cause any negative influence. The basis for affecting the natural environment or carrying-out activities is a permit, which is issued by the regional superintendence. Some activities are not subject to authorization:

- interventions of ordinary and extraordinary maintenance, of static consolidation and restoration that do not alter the state of places and the buildings' exterior appearance;
- interventions related to the exercise of agro-forestry-pastoral activities that do not involve the permanent alteration of the locations with buildings and other civil works, and also in the case of works and activities that do not adversely affect the hydrogeological structure of the territory;
- cutting crops, forestry, reforestation, land recovery, fire protection and conservation to be carried out in the woods and forests of statal importance, provided that they are anticipated and authorized according to the legislation.

1.5 OTHER LEGAL RESTRICTIONS FOR PROTECTING AND CONSERVATION OF NATURE

1.5.1 Habitat types

The Slovenian *Nature Conservation Act* defines that a habitat is a spatially explicit ecosystem unit by its biotope or biotic characteristics. The maintenance of habitat types at a favourable status contributes to the conservation of an ecosystem. The Government with the *Regulation of habitat types* specifies habitat types and prescribes the guidelines for maintaining habitat types at a favourable status, which have to be taken into account in spatial planning and the use of natural assets.

The *Regulation of habitat types* is also mutatis mutandis regulated in Croatian legislation, with a prohibition of using natural resources in the case of the disruption of habitat types. Similarly, Slovenia habitat types are regulated with executive regulations, adopted by the competent minister. Their status is monitored by the institutes (State Institute of the Republic of Croatia for Nature Protection). The prohibition of the use of natural resources is also regulated in Bosnian legislation, but only if the use directly threatens the species or habitat types. The use can be prohibited, restricted or suspended by the decision of the minister.

On 21 May 1992, the European Commission adopted the Directive no. 92/43 / EEC, known as the Habitats Directive on the conservation of natural habitats and of wild fauna and flora. Italy implemented the Directive in 1997 by the Presidential Decree 8 September 1997 n. 357, as amended and supplemented by the Presidential Decree 120 of 12 March 2003. This Decree

specifies habitat types and prescribes the guidelines for maintaining habitat types at a favourable status, which have to be taken into account in the spatial planning and use of natural assets.

1.5.2 Landscape

The Slovenian *Nature Conservation Act* defines a landscape as a spatially explicit part of nature with a specific distribution of landscape components resulting from the characteristics of living and non-living nature and human activity. With the purpose of conserving, developing and restoring the landscape diversity and those landscape features which are important for biodiversity conservation, are planned and carried out in such a way that the conservation of the landscape features and of the landscape diversity are given priority. With that purpose the government specifies the guidelines for conserving landscape diversity which have to be taken into account in the spatial planning and use of natural assets. Different regulation laws provide the landscape with the status of a protected area as a landscape park.

Similar to the Slovenian regulations, Bosnian regulations provide the *Nature Conservation Act*. Landscapes are classified according to their characteristics and values into landscape types, which are determined by the competent minister on the proposal of the Federal Institute. Types of landscape and protection measures are an essential part of planning documents and management plans for natural resources. The *Act* only provides that the exploration and exploitation of mineral resources shall be conducted in a manner to preserve the landscape values of the area, while other restrictions are not prescribed by law. Other restrictions can be regulated in the case of especially valuable landscapes which are protected as valuable natural features.

Unlike Slovenian and Bosnian legislation, Croatian law only provides rules for a significant landscape with the status of a protected area. The Croatian law provides a general rule that the interventions and activities in the area of a significant landscape are allowed only if they do not violate the features of the landscape.

The Italian Constitution "... safeguards landscape and historical and artistic heritage (Art.9); the state has exclusive legislative power in the following matters (…): environmental, ecosystem and cultural heritage protection…" (art.117).

In the Legislative decree 22 January 2004, n. 42 – *Cultural heritage and landscape code*, landscape assets are defined and listed.

Landscape assets are buildings and areas (..) constituting an expression of the historical, cultural, natural, morphological and beauty of the land, and other assets identified by law or under the law (art. 2). In art.136 there are listed the landscape assets:

- the immovable assets that have substantial characters of natural beauty, geological singularity (GEOsites) or historical memory, including the monumental trees;
- the villas, gardens and parks, not protected by the provisions of Part II of this Code (not recognized us a cultural goods), which are distinguished by their uncommon beauty;
- the complex of buildings that make up a characteristic shape which has aesthetic and traditional value, including centres and historical centres;
- the scenic beauties and so those viewing points or belvederes, accessible to the public, from which to enjoy the spectacle of those beauties.

Article 142 - Are still of landscape interest and are subjected to the provisions of the decree:

- coastal areas, including in a hinterland depth of 300 metres from the shore line, even for the high ground above sea level;
- the territories bordering the lakes included in a hinterland depth of 300 metres from the shore line, even for the high lands above the water level;
- rivers, streams, water courses on the lists provided for in the consolidated text of the laws on water and electrical systems, approved by the Royal Decree of 11 December 1933, no. 1775, and their banks or walk the embankments each with a width of land of 150 metres;
- the mountains for the part exceeding 1,600 metres above sea level to the alpine chain and 1,200 metres above sea level to the Apennine Mountains and the islands;
- glaciers and glacial cirques;
- parks and national or regional reserves, as well as the territories of external protection of the parks;
- the territories covered by forests and woodlands, even if passed or damaged by fire, and those undergoing reforestation constraint;
- the areas assigned to universities and agricultural areas beset by civic usage;
- wetlands included in the list provided for by the Decree of the President of the Republic 13 March 1976, n. 448;
- volcanoes;
- Areas of archaeological interest.

Mining sites of historical or ethno-anthropological interest are Cultural heritage sites, according to article 10 of the *Cultural heritage and landscape code*. The *Cultural heritage and landscape code* specifies the guidelines for conserving landscape diversity which have to be taken into account in the spatial planning and use of natural assets. Different regulation law provides for the landscape with a status of a protected area as a landscape park.

1.5.3 Ecologically important area

According to the Slovenian legislation, ecologically important areas are important areas of a habitat type, a part of a habitat type or a large ecosystem unit, which significantly contributes to biodiversity conservation. They are regulated in the *Decree on ecologically important areas*, which among others regulates the protection guidelines to conserve or achieve a favourable status of a habitat type, plant and animal species and their habitats. The prescribed rules of conduct must be taken into account in spatial planning and use of natural assets. According to the regulations of Natura 2000, modifications and activities on the ecologically important areas which are not special protection areas are allowed if they are planned in a way that preserves the natural range of habitat types and the habitat of plant and animal species, their quality and the connection of the habitat population and it enables re-integration. No nature protection conditions and no nature protection consents are needed to conduct activities on ecologically important areas, but it is necessary to conduct all possible technical and other measures to reduce the negative influence on habitat types, plants and animals and their habitats.

Ecologically important areas are also regulated by Croatian law. When an ecologically important area is not a part of the ecological network (Natura 2000 areas), the rules of conduct in the ecologically important areas are prescribed in the plans for the management of national resources and in spatial planning documents. Carrying out activities within the Natura 2000 areas is specifically prescribed on the basis of the European legislation.

1.5.4 Natura 2000 areas

Natura 2000 areas are as a result of the implementation of European legislation in the countries that are involved in the RoofOfRock project, regulated the same. The Natura 2000 area, also known as a special protection area, is an ecologically important area for the conservation or attainment of a favourable status for birds (hereinafter: special protection area) and others animal and plant species, their habitats and habitat types (hereinafter: special conservation area). Their conservation is in the interest of the European Union.

1.5.4.1 Designation of Natura 2000 areas

Natura 2000 areas are determined by the government in an executive regulation that lays down the protection goals, directions and measures. The specific measures are determined with a programme of management that is accepted by the government. The programme of management includes specific protection goals, measures and indicators, which have to be regularly monitored with a purpose of finding out the effectiveness of the measures in reaching favourable status of plant and animal species, their habitat and habitat types, indicating the competent people, deadlines and financial resources. In order to attain protection goals, on the Natura area the use of natural resources and water management is limited.

1.5.4.2 Activities

The legislation does not prohibit activities in the Natura 2000 area, but it only prescribes general protection directions. Conducting activities must be planned in such a way that preserves the natural range of habitat types, the habitats of plant and animal species, the relevant features of the abiotic and biotic components of habitat types, their specific structure and natural process or appropriate use, quality of the habitat of the plant and animal species, especially those parts of the habitats which are relevant for most important phases of life and the connection of the habitat population of the plant and animal species and it enables re-connection, if it has been interrupted. When implementing activities, the time of carrying out the activities must adapt to the life cycles of the plants and animals. If necessary, all possible technical and other measures are to be carried out so the influence on habitat types, plant and animal species and their habitat is favourable.

1.6 PERMITS AND CONSENTS

1.6.1 Permits

Activities affecting nature which may threaten a valuable natural feature or protected area[16] and for which a permit is not required under the regulations on spatial planning and other regulations must be carried out on the basis of a permit. Activities affecting nature for which a permit is needed are those who are specified in the *Rules on the assessment of the acceptability of the execution of plans and activities affecting nature areas* and those for which in the process of preparing plans is found that they could have a significant influence on protected areas. A permit is issued by a competent administrative unit or exceptionally by a competent ministry. The

[16] Also biodiversity.

permit for an activity affecting nature shall be issued on the basis of nature protection consent (the consent of an institute competent for nature conservation).

To carry-out any activities for which a building permit is not necessary, Croatian legislation prescribes that it is necessary to obtain a permit under the regulations on nature conservation. A permit is issued for a period of two years and only in the case, if with carrying out activities the protected area is not threatened. On protected areas of national importance a permit is issued by the competent ministry and on the areas of local importance by a competent administrative body.

The basis for carrying out activities is also, according to Bosnian legislation, a permit issued by a competent ministry.

To carry out any activities for which a building permit is not necessary, Italian legislation prescribes that is necessary to obtain a permit issued by the region.

1.6.2 Assessment

The assessment of carrying out activities in nature is carried out for those activities in nature which are specified in the *Rules on the assessment of the acceptability of the execution of the plans and activities affecting nature areas* and for those for which the influence on the protected areas were not assessed in the process of assessment of the plans. Depending on the size and characteristics of the activities affecting nature, an assessment of those activities is conducted in the process of issuing:

- environmental protection consent for activities affecting the environment
- nature protection consent for activities affecting nature, which are not the activities affecting nature with the influence on the environment,
- a permit for an activity affecting nature and for an activity on the basis of other regulations.

When the activity affecting nature is assessed as favourable, the component administrative unit can issue a permit. Otherwise issuing the permit is refused. If issuing the permit is conditional with conducting countervailing measures, those become an essential component of the permit for the activities affecting nature.

An assessment has to be conducted for every plan or every change of plan which is, according to the law, adopted by the component state or a local body responsible for an area of spatial planning, water management, forest management, hunting, fisheries, mining, agriculture, energy supply, industry, transport, waste and waste water management, public drinking water supply, telecommunications and tourism, that could have a significant impact on the protected area, special protected area and potential special preserving area per itself or within the connection with other plans.

In Bosnian legislation, the assessment is regulated mutatis mutandis. The assessment must be carried out for an ecological network[17] in the stage of planning (in the stage of creating the plan or its modification) and in the case of activities affecting nature (ecological network). If, in the process of assessment, it is found that the activities affecting the ecological network would have a negative impact, the activities cannot be carried on, except in the case when the activity is in the public interest. In this case an interested client begins the assessment procedure of the prevailing public interest before the competent federal ministry. In the decision of the ministry

[17] The Ecological Network is a network of spatially and ecologically related areas due to their biogeographicall significant impact on the conservation of a natural balance and biodiversity.

by which the permit for conducting activities is granted, the compensatory measures are determined.

According to Croatian legislation the assessment of the activities affecting nature (ecological network) has to be carried out before issuing planning information or prior to issuing a permit for activities. The initial and main assessment is carried out by the ministry for activities on protected areas such as activities in a national park, a natural park and special reserves and for those activities for which the competent state body is responsible for the assessment, while in other cases the assessment is carried-out by the administrative body. In the process of assessment, the responsible body must obtain the expert opinion of the institute. In the case when negative impacts are not excluded while carrying-out activities affecting the natural environment, the responsible body shall issue a decision which determines that it is necessary to carry out a major assessment. In the case of negative impacts on the natural environment, the responsible body shall refuse the application for conducting activities. Similarly, in Bosnian legislation, the activities can carry on only in the case of the existence of a predominant public interest. Also in this process the expert opinion of the institute must be obtained. The decision about the existence or non-existence of a predominant public interest is taken by the government and on that basis the ministry issues a decision.

According to Italian legislation the assessment of the activities affecting nature (ecological network) has to be carried out before issuing planning information or prior to issuing a permit for conducting any activities. The impact assessment applies both to the actions that fall within the Natura 2000 areas (or proposed sites to become one), and to those who have developed the outside, may cause a negative effect on the state of the conservation of the natural values protected in the site. The investigation on the impact assessment is carried out by the Service environmental assessments of the FVG Region. Municipalities are involved as qualified subjects on environmental matters.

According to the Decree of the Regional Council 1323/2014 in the Friuli Venezia Giulia Region, some interventions related to the exercise of agro-forestry-pastoral activities may be excluded from the assessment of activities affecting nature.

These activities must be authorized by the Forestry Regional Administration (and in particular by the Inspectorate for Agriculture and Forestry Agency) but do not need a study of impact assessment.

1.6.3 Nature protection conditions and nature protection consent

For constructing a facility on an area that according to the regulations on nature conservation has a special status, a nature protection conditions and final nature protection consent is needed to be gained in a way and through the procedure of obtaining project conditions and consents in accordance with the regulations in the field of constructing facilities. Nature protection consent must also be obtained in cases of constructing a simple object, when a building permit does not need to be obtained, as far as it is specified in the regulations for nature conservation. Nature protection conditions and nature protection consent are issued by the competent ministry. When constructing a facility, the process of environmental impact assessment is prescribed, and the environmental protection consent is issued instead of a nature protection consent. Nature protection conditions expire, if in a period of two years after their issuance an application for nature protection consent is not submitted, while the nature protection consent expires if the activities for which the consent were issued don't start to take place within a period of two years from the issue.

If the application for the issuance of the nature protection conditions for construction of a facility refers to the activities affecting nature for which the assessment needs to be conducted, it is this assessment that is then carried out in the procedure of issuance of the nature protection consent. The basis for the decision on assessment by the ministry is a positive expert opinion from the organization responsible for nature conservation.

Unlike Slovenian legislation, Croatian and Bosnian legislation does not prescribe nature protection conditions and nature protection consent.

In Italy, to construct a facility on an area that according to the regulations on nature conservation has a special status, a nature protection conditions and final nature protection consent is needed to be obtained in a way and through the procedure of obtaining project conditions and consents in accordance with the regulations in the field of constructing facilities. Nature protection consent must also be obtained in cases of constructing a simple object, when a building permit does not need to be obtained, as far as it is specified in the regulations for nature conservation. In the Friuli Venezia Giulia Region it is obtained from the Forestry Regional Administration (and in particular by the Inspectorate for Agriculture and Forestry Agency).

1.7 CONCLUSION

Nature protection and conservation legislation has an important and universally positive role in our future development, but on the other hand, protection and nature conservation represent an obstacle, for example for the use of platy limestone. In terms of nature conservation legislation, platy limestone is not protected directly, but its use is limited if the platy limestone is located in the protected area, an area of valuable natural features, an area of Natura 2000 and other areas that have a special status according to the nature conservation legislation.

The results of the analysis show many similarities between Slovenian, Italian, Croatian and Bosnian legislation with certain peculiarities of the particular legislation. According to Slovenian and Italian law the use of a valuable natural feature (status of “landscape assets” and “statal unavailable heritage” in Italy) owned by a state or a municipality is possible only by a concession. Taking samples of rocks is only prohibited when breaking, pounding, digging or carrying away parts of the valuable natural features to such an extent that would cause the destruction of the findings or the degeneration of the characteristics of a valuable natural feature, while taking in other ways is permitted, but only if the physical characteristics of the valuable natural features are not significantly changed or their stability is not threatened. Unlike Slovenian law, Bosnian and Croatian law does not regulate prohibitions, restrictions or any other rules or act for valuable natural features that have no status as a protected area. The restriction of activities in protected areas is under Slovenian and Italian law only permissible to the extent and in a manner which is necessary for the conservation and protection of the valuable natural feature. The law does not prescribe absolute prohibition, but it depends on the circumstances of each protected area and each intervention or activity. Bosnian and Croatian legislation is regulated in the same way, while Croatian law regulates the absolute prohibition of the economic exploitation of natural resources in the area of a national park and Bosnian law regulates the absolute prohibition on issuing a concession in the area of a strict nature reserve. Placing protected[18] minerals and fossils on the market, exporting or taking them out of their natural environment is under Slovenian law prohibited. Placing protected fossils on the market is under Italian law prohibited. The prohibition of placing protected minerals and fossils on the market is also regulated in Bosnian legislation, meanwhile Bosnian and Croatian legislation also prohibits taking minerals and fossils from their natural environment with the use of machinery,

[18] Protected minerals and fossils have a status of valuable natural feature.

explosives, propellants and others chemical means, while taking protected minerals and fossils is prohibited in any case, unless for scientific, educational or with a purpose of public exhibition. The basis for conducting activities or interventions in the areas with special status is to obtain a permit and an assessment. An assessment is necessary if influences on protected areas were not assessed in the process of assessment of plans. For constructing a facility in the area with a special status, nature protection conditions and final nature protection consent are needed to be obtained, but only under Italian and Slovenian law.

The use of platy limestone is not prohibited automatically and absolutely, but it depends on the effects of the interventions and activities on valuable nature features, protected areas, ecologically important areas and Natura 2000 areas. The main purpose of the statutory prohibition is the realization of the general mission of the nature conservation legislation, protection and conservation of nature.

1.8 LIST OF LEGAL DOCUMENTS CONCERNING THE PROTECTION AND CONSERVATION OF NATURE USED IN THE ANALYSES, RELEVANT FOR THE USE OF PLATY LIMESTONE, AS SUBMITTED BY THE PROJECT PARTNERS

1.8.1 Slovenia

- Constitution of the Republic of Slovenia / Ustava Republike Slovenije (UL 47/2013)
- Nature Conservation Act / Zakon o ohranjanju narave (UL 46/2014)
- Environment protection Act / Zakon o varstvu okolja (UL 97/2012)
- Resolution on the environmental action plan 2005-2012 / Resolucija o nacionalnem programu varstva okolja 2005-2012 (UL 2/2006)
- Decree on Special Protection Areas (Natura 2000) / Uredba o posebnih varstvenih območjih (39/2013)
- Decree on ecologically important areas / Uredba o ekološko pomembnih območjih (UL 33/2013)
- Decree on the categories of valuable natural features / Uredba o zvrsteh naravnih vrednot (UL 67/2013)
- Rules on the designation and protection of valuable natural features / Pravilnik o določitvi in varstvu naravnih vrednor (UL 93/2010)
- Škocjan Caves Regional Park Act / Zakon o regijskem parku Škocjanske jame (ZRPSJ) (UL 46/2014-ZON-C)
- Rules on the activities affecting the environment that may exceptionally be performed in the impact area of the Skocjan Caves Regional Park / Pravilnik o posegih v okolje, ki se izjemoma lahko dovolijo na vplivnem območju Regijskega parka Škocjanske jame (UL 89/2013)
- Cave Protection Act / Zakon o varstvu podzemnih jam (UL 61/2006-Zdru-1)
- Act ratifying the Convention on biological diversity / Zakon o ratifikaciji konvencije o biološki raznovrstnosti (UL 7/1996)
- Act ratifying the European landscape convention / Zakon o ratifikaciji evropske konvencije o krajini (UL 19/2003)

- Rules on the assessment of the acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas / Pravilnik o presoji sprejemljivosti vplivov izvedbe planov in posegov v naravo na varovana območja (UL 3/2011)
- Decree on the categories of projects for which an environmental impact assessment is mandatory / Uredba o vrstah posegov v okolje, za katere je obvezna presoja vplivov na okolje (UL 78/2006)

1.8.2 Croatia

- Constitution of the Republic of Croatia / Ustav Republike Hrvatske (1990)
- Environment Protection Act / Zakon o zaštiti okoliša (NN 80/2013, 153/2013)
- Nature Protection Act / Zakon o zaštiti prorode (NN 80/2013)
- Forest Act / Zakon o Šumama (NN 140/2005, 82/2006, 129/2008, 80/2010, 124/2010, 25/2012, 68/2012, 148/2013)
- National Strategy and Action Plan for the Protection of Biological and Landscape Diversity (NBSAP) / Strategija i akcijski plan zaštite biološke i krajobrazne raznolikosti Republike Hrvatske (NN 143/2008)
- Regulation on the Ecological Network / Uredba o ekološkoj mreži (NN 118/2009)
- Ordinance in the Appropriate Assessment of the Impact of Plans, Programmes and Projects on the Ecological Network / Pravilnik o ocjeni prihvatljivosti plana, programa I zahvata za ekološku mrežu (NN 118/2009)
- Ordinance on the Conservation Objectives and Basic Measures for Bird Protection / Pravilnik o ciljevima očuvanja I osnovnim mjerama za očuvanje ptica u području ekološke mreže (NN 15/2014)
- Ordinance on Kinds of Habitat Types, Habitats Maps, Threatened and Rare Habitat Types and on Measures for the Conservation of Habitat Type (NN 07/2006, 118/2009)

1.8.3 Bosnia and Herzegovina

- Constitution of the Federation of Bosnia and Hercegovina / Ustav Federacije Bosne I Hercegovine (1994)
- Constitution of the Republic of Bosnia and Hercegovina / Ustav Republike Bosne I Hercegovine (1995)
- (Regional) Constitution of the Hercegovsko-Neretvanski County / Ustav HNK (SN HNK, No. 2/98, 3/98, 4/00, 1/04, 7/04)
- (Regional) Constitution of the Zapadno hercegovski County / Ustav ZHK (NN ZHK, No. 1/96, 2/99, 14/00, 17/00, 1/03, 10/04)
- Environmental Strategy of the Federation of Bosnia and Herzegovina 2008-2018 / Strategija zaštite okoliša Federacije Bosne i Hercegovine 2008-2018 (2008)
- Law on Environmental protection / Zakon o zaštiti okoliša (SN FBiH, No. 33/03)
- Law on the Amendments and Supplements to the Law on Environmental Protection / Zakon o izmjenama i dopunama zakona o zaštiti okoliša (SN FBiH 38/09)
- Law on Environmental Protection in West Herzegovina County / Zakon o zaštiti okoliša Županije Zapadnohercegovačke (NN ŽZH, No. 08/13)

- Law on the Protection and Usage of Cultural, Historical and Natural Heritage / Zakon o zaštiti I korištenju kulturno-povijesne I prirodne baštine Županije Zapadnohercegovačke (NN ŽZH, No. 6/99)
- Law on Nature Protection / Zakon o zaštiti prirode (SN FBiH, No. 33/03)

1.8.4 Italy

1.8.4.1 National Laws

- Constitution of the Italian Republic / Costituzione della Repubblica italiana (1947)
- Royal Decree 30 December 1923, No. 3267
- Law 1 June 1971, No. 442
- Law 6 December 1991, No. 394
- D. Pres. September 8th 1997, n. 357 (amended by: D. Pres. March 12th 2003, n. 120 – Implementation rules of directive 92/43/CEE - NATURA 2000)
- Decree Legislative 3 April 2006, No. 152 (16 January 2008, No. 4, 29 June 2010, No. 128) 24th
- Legislative Decree 22 January 2004, No. 42 24 (February 2004, No. 45, 24 March 2006, No. 156 and 157, 24 March 2008, No. 62 and 63)
- Decree of the Regional Council 1323/2014

1.8.4.2 Regional Laws

- Decision of the Regional 6125/1994
- Regional law 20 May 1997, No. 21
- Regional law 15 May 2002, No. 13
- Regional law 14 June 2007, No. 14
- Regional law No. 42/1996
- Regional law No. 9/2007
- Regional law 21 July 2008, No. 7

2. ANALYSIS OF STANDING LEGISLATION IN PARTNER COUNTRIES IN THE FIELD OF CULTURAL HERITAGE

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2.1 INTRODUCTION

The recognition of the value of cultural heritage and its safeguarding reaches far into the history of mankind. The first international document of the modern era (e.g. The Athens Charter) was adopted in the 1930s. After the Second World War, safeguarding was established with international conventions. The signatory states committed themselves to, according to the set methods, identify and protect cultural heritage, which is the property of all mankind or the wider community (UNESCO conventions, Council of Europe conventions etc.). Alongside the conventions, other doctrinarian documents prepared by professional organisations, societies etc. concerning the safeguarding of cultural heritage are also important, such as ICOMOS, EU recommendations and other documents. These are not legally binding, but they provide the theoretical expert basis for identifying, evaluating and safeguarding cultural heritage, thus they are also used by experts (conservationists, restorers etc.) in their daily work.

Through the documents, we can follow the genesis of the definition of cultural heritage, above all the key term of authenticity in the preservation of cultural heritage, which applies to its material and spiritual meaning. The availability and use of local materials, the expansion of the term cultural heritage to cultural landscape, industrial heritage and immaterial heritage, which safeguards local knowledge and crafts – are all integrated in international conventions and documents, which represent an important statutory, but moreover, theoretical basis for the given theme.

The theme of the present analyses is the significance of platy limestone in the cultural heritage. It is a material readily available in the Karst area. In time it became a recognisable feature of all construction activities. It wasn't used only to build dwellings (for everything, from flooring to roof tiles) but also farm houses, boundary walls etc. This is the main value of the material, deemed a low-persistence and relatively poor quality material by other experts, i.e. its availability and authenticity in this specific (karst) area.

The data from the legislature of particular countries used in this analysis were provided by experts from these countries and apply to the theme of this project – the exploitation and use of platy limestone in the context of cultural heritage. Other details from the particular laws were not dealt with.

2.2. INTERNATIONAL CONVENTIONS, ACTS, DOCTRINES, UN CONVENTIONS AND UNESCO

The documents adopted by international organisations (UNESCO, ICOMOS, Council of Europe and others) pertaining to the safeguarding of cultural heritage, can be grouped into several types, i.e. conventions, charters, declarations etc. They can be subdivided into political documents and expert guidelines. Only nationally ratified conventions are legally binding for the

signatory states, while the other documents are the theoretical background and guidelines for safeguarding the cultural heritage.

In the RoofOfRock project all the countries are signatories of these international conventions, whose ratification imposes certain obligations on the countries. Moreover, these conventions establish international standards for the identification, evaluation and safeguarding of cultural heritage.

Ratified convention				
UN Convention	**SLO**	**ITA**	**CRO**	**BIH**
Convention for the protection of cultural property in the event of armed conflict (Hague convention), 1954, 1st protocol, 2nd protocol 1999	yes	yes	yes	yes

The above stated convention was chartered following the experiences of the Second World War and is based on the assumption that cultural heritage is the property of the whole world. In this sense, the text of the convention drew up a detailed definition of the cultural heritage for the purpose of their protection, listing the measures (military too) required and for the execution of the Convention.

The next table shows the UNESCO conventions and the states that ratified them. All the countries are founding members of the UNESCO organisation. By ratifying the conventions they are obliged to safeguard their cultural heritage – on their territories, according to the stipulations of the conventions.

Ratified convention				
UNESCO convention – legally binding	**SLO**	**ITA**	**CRO**	**BIH**
Convention concerning the protection of the World cultural and natural heritage, Paris, 1972; Operational guidelines for the implementation of the World heritage convention.	yes	yes	yes	yes
Convention on the measures, prohibitions and prevention of the illegal import, export and transfer of property of cultural goods (1970).	yes	yes	yes	yes
Convention for safeguarding the intangible cultural heritage, Paris 2003.	yes	yes	yes	yes
Convention for the protection and promotion of cultural diversity, Paris 2005.	yes	yes	yes	yes

The overall convention of the field is the Convention concerning the protection of the world cultural and natural heritage. It was adopted at the General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21

November 1972. It has proved to be the most basic document, which defines the terms cultural and natural heritage, their safeguarding and operation.

Cultural heritage is defined as:

- **monuments**: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
- **groups of buildings: groups of** separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
- **Sites:** works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. (art. 1)

The Convention determines the national and international protection of the cultural and natural heritage, which have to be undertaken by the signatory state "to ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage." These have to be achieved with own funding "where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain." (II/art. 5).

Besides the stated, the signatory states are obliged to ensure general policies for cultural and natural heritage, which will ensure their functional use in society and their integration in spatial planning; according to national governmental arrangements, appropriate offices (agencies) for the safeguarding and presentation of cultural heritage have to be set up (manpower, financing); they have to set up legal, scientific, technical and financial mechanisms for the recognition, safeguarding and preservation of the cultural heritage; they have to maintain education, information and recognition of the significance of cultural heritage amongst the wider public.

Larger deficiencies and gaps between the stipulations in the conventions and the real condition of a particular country were recognised in Bosnia and Herzegovina, and in the other countries the institutional safeguarding of heritage is generally well-organised.[19]

Following the UNESCO Convention concerning the protection of the World cultural and natural heritage, all the countries have set up offices which are responsible for all the types of heritage, specified in the Convention, which enforce particular legislatures for the safeguarding of heritage. All the countries participating in the RoofOfRock project have already done so. Particular national arrangements are described in the chapter dealing with national legislatures (the role of ministries, regional cultural protection agencies etc.). The particular countries have set up registers of cultural heritage, established offices responsible for safeguarding heritage on the national level and adopted necessary laws. Deficiencies have only been noted by J. Antolović in his analyses.

2.2.1 Cultural landscape

The implementation of the conventions is ensured by the operative guidelines: **Operational guidelines for the implementation of the world heritage convention, UNESCO**. In the context of the RoofOfRock project it was crucial that in the 1990s a new category of cultural heritage was

[19] Antolovič, Jadran, Dr. Sc.: Gap analiza zakonodavstva Bosne i Hercegovine u području kulture, Veljača 2012.

listed – **cultural landscape.**

Platy limestone is a material which was widely used for building so called "anonymous architecture" of dwellings, farmhouses, stone walls between fields, plots etc., thus becoming an important feature in the wider cultural landscape. It is also readily available in this landscape – the quarries where it was formerly exploited are part of it and it is still accessible. It is an integral part of the landscape. For this reason the legal definition and arrangements for cultural landscapes will be specially emphasised.

According to the Convention on World heritage, **cultural landscapes** are cultural properties and represent the "combined works of nature and man", designed in article 1 of the Convention. "They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal."(II/47) They fall into three main categories: landscape designed and created intentionally by man, organically evolved landscape with two subcategories: a relict (or fossil) and a continuing landscape, and an associative cultural landscape. "A continuing landscape is one which retains an active social role in contemporary society, closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time." (Annex 3)

The convention and operative guidelines are obligatory documents for units listed on the UNESCO list of world heritage. They are the measure for best safeguarding practices for cultural heritage, thus a goal for experts who in practice try to reach these standards even in the safeguarding of other cultural and natural heritage.

2.2.2 The Council of Europe (CE)

The Council of Europe is a European inter-governmental organisation, which has adopted many documents concerning cultural heritage since 1954. For the signatory states in Europe, the following are legally binding:

Ratified documents				
The Council of Europe (CE)	**SLO**	**ITA**	**CRO**	**BIH**
European Human Rights Convention, Rome 1950, 1984	yes	yes	yes	yes
European Cultural Convention, Paris 1954	yes	yes	yes	yes
European Charter of the Architectural Heritage of Europe, Granada 1985	yes	yes	yes	yes
European Landscape Convention, Florence 2000	yes	yes	yes	yes
European Convention on the Protection of The Archaeological Heritage, London 1969, – Revised 1992	yes	yes	yes	yes
Framework Convention on the Societal Value of Cultural Heritage (2005)	yes	Only signature in 2013 (not yet ratification and entry	yes	yes

		not yet in force)		

Culture and cultural heritage are stated in the constitutions of the participating countries as basic rights. Certain deficiencies have been established in the regional (county) constitutions in Bosnia and Herzegovina concerning ratification, as was established by the local partner.[20]

All the countries have ratified the **European Landscape Convention**, which in the Preamble determines: "Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment, Landscape plays an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to the economic activity and whose protection, management and planning can contribute to job creation." Landscapes are important to "form local cultures, and their quality of life"….

Some of the definitions from the Convention are as follows.

- **Landscape** means an area, as perceived by people, whose character is the result of the action and interaction of natural and human factors (I/1/a)
- **Landscape policy** means an expression by the competent public authorities of the general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes (I/1/b)
- **Landscape quality objective** means for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings (I/1/c);
- **Landscape protection** means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity (I/1/d);
- **Landscape management** means action, from the perspective of sustainable development, to ensure the regular upkeep of a landscape, so us to guide and harmonise the changes which are brought about by social, economic and environmental processes (I/1/e);
- **Landscape planning** means strong forward-looking action to enhance, restore or create landscapes (I/1/f).

By signing the Convention, the states have committed themselves to "… recognise landscapes in the law, establish and implement landscape policies, to establish procedures for the participation of the general public, authorities …to integrate landscape in their town planning, cultural, environmental, agricultural, social and economic policies. (art. II/ 5). Each party also undertakes to increase public awareness, provide training and education, and provide identification and assessment of their own landscapes, to define landscape quality objectives (II/6)

In Chapter III the law determines international policies and mutual assistance and the exchange of information between European countries (art. III/7, 8)

The Parties shall encourage co-operation on local and regional level and, wherever necessary prepare and implement joint landscape programmes (art. III/9)

[20] Antolovič, Jadran, Dr. Sc.: Gap analiza zakonodavstva Bosne i Hercegovine u području kulture, Veljača 2012.

The existing competent Committees of Experts set up under Article 17 of the Statute of the Council of Europe shall be designated by the Committee of Ministers of the Council of Europe to be responsible for monitoring the implementation of the Convention (art. III/10).

The Landscape award of the Council of Europe is granted to those local communities, also non-governmental organisations, whose measures or contributions to safeguarding, managing or planning the landscape is an example of best practices also to other territorial communities in Europe (art. III/11).

For the operative implementation of the Convention, the **Guidelines for the Implementation of the European Landscape Convention** have also been adopted, whereby: "This document contains a series of theoretical, methodological and practical guidelines for the implementation of the European Landscape Convention. It is intended for parties to the convention who wish to draw up and implement a national landscape policy based on the convention" (Introduction).

The general principles of the law are designed to provide guidance on some fundamental articles of the Landscape Convention: consider the territory as a whole, recognise the fundamental role of knowledge, promote awareness, define landscape strategies, integrate the landscape dimension in territorial policies, integrate landscape into sectarian policies, make use of public participation, achieve landscape quality objectives, develop mutual assistance and the exchange of information (I.1)

For the theme of the RoofOfRock project the **Convention for the Protection of the Architectural Heritage of Europe**, adopted in Granada, 3 October 1985 is crucial in its entirety since it provides many definitions concerning cultural heritage and promotes professions and skills, linked to cultural heritage. The latter are often endangered or even lost.

In Slovenia and Croatia regional units (Slovenia) or local offices for safeguarding cultural heritage (Croatia) participate with craftsmen performing traditional crafts (skills). These offices or other public institutions (e.g. museums, occasionally societies or schools) also perform training for local communities or the wider interested publics with such local craftsmen. For example, workshops have been organised with restorers for the execution of facades with limestone plastering (Slovenia: cooperation of the national agency, schools and local communities) or with local craftsmen that still know how to build thatched roofs or Slovene hayracks (Slovenia: national agency in cooperation with local communities), as well as other local handicrafts (Ethnographic museum, Iron forging museum etc.). In Croatia, local craftsmen were commissioned to teach about dry walls. Even in Italy old skills are nurtured (conservation of World cultural heritage), which are clearly evident on sites, but the details on procedure are unknown to me.

The Convention strives to ensure the legacy to future generations, not only architectural heritage but also referring to the system of cultural references, improving the urban and rural environment and thereby fostering the economic, social and cultural development of states and regions.

The definition of cultural heritage in the Convention (article 1) is defined similarly as: monuments, groups of buildings and sites. Monuments thus include not only buildings and structures, with values that are "of historical, archaeological, artistic, scientific, social or technical interest", but also "their fixtures and fittings." Besides the stated values, for "groups of buildings" composition into "topographically definable units" is also important, while "sites" are "combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogeneous to be topographically definable." The law therefore does not only deal with the final product, i.e. architecture as a monument, but also all its values, which stem from its topographical and geographical characteristics.

They are conditioned by locally available materials, climatic particularities, local knowledge and crafts etc., i.e. for the interplay and effects of all factors. Architectural cultural heritage is

similarly defined in international documents, as well as the guidelines for the conservation of cultural heritage.

"Each party undertakes to take statutory measures to protect the architectural heritage"(article 3); each party undertakes to implement appropriate supervision and authorisation procedures"…"to prevent the disfigurement, dilapidation or demolition of protected properties", ensure "legal protection"… (art. 4), "to prevent the removal, in whole or in part, of any protected monument (art. 5)," "to provide financial support", "...to encourage private initiatives"… (art. 6). "In the surrounding of monuments, within groups of the buildings and within sites, each party undertakes to promote measures for the general enhancement of the environment."(art. 7).

To reduce the dilapidation of monuments, "each party will also undertake to support scientific research for identifying and analysing the harmful effects of pollution and for defining ways and measures to reduce or eradicate these effects" (art. 8), which applies to comprehensive areas of cultural heritage, requiring the preparation of "anti-pollution policies." (art. 8). The article on Conservation policies (art. 10) is also important, since it emphasises the significance and integration of architectural cultural heritage into all major cultural and nature conservation legislature, as well as planning policies: "Each party undertakes to adopt integrated conservation policies which"…"foster, as being essential to the future of the architectural heritage, the application and development of traditional skills and materials"(art. 10). Article 12 stipulates the "permitting (of) public access to protected properties", unless the value of the cultural heritage and surrounding environment could be compromised. To achieve the set goals "each Party undertakes to foster, within its own political and administrative structure, effective co-operation at all levels between conservation, cultural, environmental and planning activities."(art. 13). The topic "Information and training"(art. 15) also deals with raising public awareness through modern communication and promotion techniques: "at demonstrating the unity of the cultural heritage and the links that exist between architecture, the arts, popular traditions and ways of life at the European, national and regional levels alike" Furthermore, "Each party undertakes to promote training in the various occupations and craft trades involved in the conservation of the architectural heritage"(art. 16).

Upon the establishment of the European Union in the **Treaty of the functioning of the European Union** - Title XIII – Culture (art. 167.), the following is noted:

"1**.** *The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore;*

2. Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: improvement of the knowledge and dissemination of the culture and history of the European peoples, conservation and safeguarding of cultural heritage of European significance, non-commercial cultural exchanges, artistic and literary creation, including in the audio-visual sector; …

4. The Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures;

5. In order to contribute to the achievement of the objectives referred to in this Article:… the European Parliament and the Council acting in accordance with the ordinary legislative procedure and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States,— the Council, on a proposal from the Commission, shall adopt the recommendations."

The Maastricht Treaty (1993) enabled the European Union (EU), which is historically geared towards economy and trade, to take action in the field of culture in order to safeguard, disseminate and develop culture in Europe. However, the EU's role is limited to promoting cooperation between the cultural operators of the different EU countries or to complementing

their activities in order to contribute to the flowering of the cultures of EU countries, while respecting their national and regional diversity, with a view to highlighting the shared cultural heritage. With this aim in mind, the EU implements measures in support of cultural initiatives such as the Culture Programme and the European Capital of Culture initiative.

2.2.3 Professional guidelines

The Council of Europe has besides the already stated, adopted many recommendations, e.g.:

- Resolution 68 (12) on the active maintenance of monuments, groups and areas of buildings of historical or artistic interest within the context of regional planning (1968);
- the Amsterdam Declaration, which is based on integrated conservation and recognises architectural heritage as an important element of integrated preservation (1975);
- Recommendation No. R (89) 5 of the Committee of Ministers to Member States concerning the protection and enhancement of the archaeological heritage in the context of town and country planning operations (1989).

Other institutions have also provided many recommendations and documents:

UNESCO
- Recommendation on International Principles Applicable to Archaeological Excavation, New Delhi, 1956.
- Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, Paris 1962.
- Recommendation concerning the Preservation of Cultural property Endangered by Public or Private works, Paris 1968.
- Recommendation concerning the Safeguarding and Contemporary role of Historic Areas, Nairobi 1976.
- Recommendation on the Historic Urban Landscape, including a glossary of the definitions, Paris 2011.
ICOMOS[21] *see also* www.icomos.org
- Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter), 1987;
- Charter for the protection and Management of the Archaeological Heritage(Lausanne), 1990;
- The Narra Document on Authenticity, 1994;
- The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance), 1979-1999;

[21] International Council on Monuments and Sites

- Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas, 2005;
- Quebec Declaration on the Preservation of the Spirit of the Place, 2008;
- The Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas, 2011;
- The Paris Declaration on Heritage as a driver of the Development.
- The Athens Charter for the Restoration of Historical Monuments, 1931
- International Charter for the Conservation and Restoration of Monuments and sites (The Venice Charter), 1964

Furthermore, the terms **Authenticity** and **Integrity** were very clearly defined at the conference in Nara, Japan: "Depending on the type of cultural heritage, and its cultural context; properties may be understood to meet the conditions of **authenticity** if their cultural values (as recognized in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes including: form and design, materials and substance, use and function, traditions, techniques and management systems, location and settings, language, and other forms of intangible heritage, spirit and feeling and other internal and external factors." "**Integrity** is a measure of the wholeness and intactness of the natural and /or cultural heritage and its attributes."

Summary of chapter 2

This chapter is important above all for the recognition of the significance of platy limestone and its integration in the wider context of safeguarding cultural heritage. By the conventions and doctrinarian documents we can recognise the significance of platy limestone as an authentic building material, which is of key importance for the safeguarding of cultural heritage in the specific territories, as well as its significance in the wider context of cultural diversity. The significance of platy limestone in the context of cultural landscapes has been well-established, since we can follow the use of platy limestone from its natural manifestation to its exploitation in quarries and finally omnipresent representation in architecture and the form of the cultural landscape (stone walls). Exploitation traditions are still alive, similarly the methods of treatment and building techniques, which imply the immaterial significance of cultural heritage. The conventions and guidelines support geographical and other local characteristics, which have to be preserved in all their diversity, thus enriching the cultural traditions of the World, Europe, i.e. the wider community as such.

Legally binding conventions and documents, which have been ratified at the national level, oblige states to safeguard their monuments and wider cultural heritage. States are obliged to establish adequate conduct within their national legislative frameworks. Non-binding documents and guidelines are especially important for the development of the profession, understanding, expert terminology and guidelines for safeguarding cultural heritage.

2.3 CONSTITUTIONS – CONSTITUTIONAL LAW

Care for culture and cultural heritage is stated in all the statutory documents of the participating countries and is generally positioned among the basic human rights and freedoms. In Slovenia culture is on an equal level with all other rights and freedoms.

State	**Constitution**
Bosnia and Herzegovina	Constitution of the Federation of Bosnia and Herzegovina / Ustav Federacije Bosne I Hercegovine (1994) Constitution of the Republic of Bosnia and Herzegovina / Ustav Republike Bosne I Hercegovine (1995) (Regional) Constitution of the Hercegovsko-Neretvanski County / Ustav HNK (1998) (Regional) Constitution of the Zapadno hercegovski County / Ustav ŽZH (1996)
Croatia	Constitution of the Republic of Croatia / Ustav Republike Hrvatske (1990)
Italy	Constitution of the Italian Republic / Costituzione della Repubblica italiana (1947)
Slovenia	Constitution of the Republic of Slovenia / Ustava Republike Slovenije (1991)

According to the Constitution of the Federation of Bosnia and Herzegovina, rights applying to culture and cultural law in art.4 grant the counties the right to proclaim their cultural policies. Following this article, county constitutions can adopt laws pertaining to their respective territories. In the Constitution of the Hercegovsko-Neretvanski Canton culture is mentioned in art. 15 and 19. Art. 15. directly commits the Canton to prepare its cultural policy, while art. 19 allows the transfer of this right to the municipalities, if they so desire. The Canton has adopted its regulations on cultural heritage. Even the Constitution of the Zapadno hercegovska Canton has introduced its responsibilities for culture and adopted the necessary regulations in the field of culture.

The Croatian Constitution recognises the special interest and safeguarding of, amongst others: "... mineral goods and other natural treasures, as well as land, forests, flora and fauna, other natural features, properties and matters of special cultural, historical, economic and ecological value, which are determined in the laws that are of interest to the Republic of Croatia". The laws determine the way in which goods of interest for the Republic of Croatia can be used and exploited by owners and bearers of the rights of use, as well as compensations to the same for imposed limitations (art. 52). The state safeguards scientific, cultural and artistic goods as spiritual national values (art. 69, pt. 3).

The Italian Constitution "... safeguards landscape and historical and artistic heritage (art.9); the state has exclusive legislative power in the following matters (…): environmental, ecosystem and cultural heritage protection…" (art.117)

In Slovenia, according to the law, care for cultural monuments, as well as natural treasures and rarities is the duty of all citizens. Preservation of natural and cultural heritage is the responsibility of the state and local communities (art. 73). Responsibilities of the latter mainly apply to cultural monuments in public property, while part of the 1st paragraph applies to all cultural heritages. The framework of exploitation of authentic materials – such as platy limestone – and their use in cultural heritage are dealt with in articles 70, 71 and 72, which deal with the public good and natural treasures, protection of the soil and healthy living environments: "Special rights of use can be obtained on public goods, as prescribed by law" (art. 70), whereby the conditions for exploitation of natural treasures is specified by law. The law also allows the use of natural treasures by foreign citizens and determines the conditions (ibid). In view of the rational use of the land, the law determines special conditions for use (art. 71.). It also determines the special safeguarding of agricultural land and care for the economic, cultural and social well-being of inhabitants in hilly and mountainous areas (art. 71). Article 72 deals with ensuring healthy living environments, whereby the law determines the conditions and methods for economic and other activities. Article 74 deals with entrepreneurship and states that the execution of economic activities cannot have an advantage over public interest.

Summary of chapter 3

Safeguarding and preservation of cultural heritage is to various levels defined in all the researched Constitutions.

2.4 NATIONAL LEGISLATURES

All the states participating in the project have adopted overall legal frameworks for safeguarding cultural heritage, which define particular terms, determine safeguarding procedures, responsibilities of local communities, regions and the state, whereby, aligned to governmental arrangements in particular countries, the framework for evaluating cultural heritage is set up.

The RoofOfRock project deals with the integrated conservation of cultural heritage, defined as landscape heritage, which also includes particular cultural monuments.

Within the Federal Ministry for culture and sports in Bosnia and Herzegovina, the Office for protection of monuments is the operational body. According to the Canton laws in Bosnia and Herzegovina, in the two researched counties the responsible bodies for culture are the Ministries for education, science, culture and sports (each for their own territory). The Hercegovsko Neretvanski Canton has established its own Office for the protection of cultural and historical heritage, while the Zapadno hercegovski Canton does not have one as yet.

According to Croatian law, cultural heritage are: "town, village, settlement or its part, buildings and their parts, as well as buildings with their surroundings, elements of historical town furniture, territories, sites, monuments and markings of historical events and people, archaeological sites and archaeological zones, territories and sites including submerged sites

and zones, territories and sites with ethnological and toponymical contents, landscapes or their parts that contain historically characteristic structures, which are witness to the presence of people in a space, gardens, tree-lined alleys and parks, technical objects with machinery and other similar objects."

In Croatia, cultural heritage is also protected by the Penal code: "Illegal construction of buildings in areas that are protected on the national level by regulation or decision of the responsible body and declared cultural goods is a criminal act, as stipulated in art. 212, for which the perpetrator can be sentenced to imprisonment for the duration of six months to five years. The Penal code also protects cultural goods by declaring as criminal acts *damaging and the prohibited export of cultural goods* (art. 319). This is an act committed by a person that damages or destroys cultural goods, mandated with a prison sentence for up to three years. Qualification of such criminal acts is provided in pt. 3, art. 319, namely, if this criminal act has caused significant damage or the subject are cultural goods of national significance; the perpetrator will be sentenced to imprisonment for the duration of six months to five years. We have to point out that even an attempt to commit the crime is seen as a criminal act. Unauthorised undertaking of research activities and the appropriation of cultural goods is also seen as a criminal act (article 320). This is an act committed by a person despite it being prohibited or without the necessary authorisation from a responsible body. The activities are conservation, restoration, research or other activities, archaeological digging or research, which leads to the cultural goods being destroyed, damaged or losing their capacity as cultural goods. If the deed is undertaken on cultural goods of national significance or substantial damage inflicted, we are dealing with a qualified form of the criminal act for which the perpetrator can be sentenced to six months up to five years imprisonment.

In the context of the RoofOfRock project the Italian law defines: "2... cultural heritage sites (are) also the following sites: (…) h) mining sites of historical or ethno-anthropological interest; (…) rural architecture of historical or ethno-anthropological interest as evidence of a traditional rural economy." (art. 10, sub-section 4) The Italian overall law emphasises **safeguarding of cultural landscapes** in particular (art. 131-159), whereby Regions cooperate with the Ministry (of the cultural heritage and landscape) in exercising protection functions by exercising their administrative functions and promoting the landscape knowledge for their public enjoyment objectives and to support initiatives aimed at improving and preserving them.

Regions also submit land use to specific regulations, approving landscape plans or urban-territorial plans with specific consideration of landscape values on the whole regional territory. Regions, finally, ensure the enforcement of this Code by local administrations, identified for the exercising of powers in relation to the landscape. Upon compliance in municipal plans, regional superintendence, grant the required license. In addition municipalities, together with other local authorities and natural heritage park managers, conform and adapt their tools of urban and regional planning with the provisions of the landscaping plans, introducing, where appropriate, any additional provisions that are useful to ensure landscape optimal protection values identified in the plans. Finally, the new code requires all public authorities competent to cooperate with each other, to define guidelines and criteria relating to the activities of protection, planning, recovery, rehabilitation and enhancement of the landscape and related interventions management.

The code aims to achieve:

- The complete recovery of the landscape as part of the "cultural heritage", of which today it forms an integral part, in the same way as other cultural heritage of Italy;
- the recognition of the fundamental nature of the strictly unitary protection of the entire historical artistic heritage and landscape, as provided by the Constitution of the Republic of Italy;

- establishment of a specific cultural context demanding from the broader public property, to which are attached all those goods, which will be safeguarded, proper maintenance in the sphere of public property (state, regional, local), as well as that imposed by the interests of the community;
- The real turning point that will bring planning and urban development strictly subordinated to planning in the field of the landscape, which must always be fully consistent.

The definition of cultural heritage in Slovenia is: "Heritage are goods inherited from the past ... which are defined as the reflection and expression of value, identity, religious and other beliefs, knowledge and tradition. Heritage includes aspects of the environment, which grows from the mutual interaction between people and space in time." (art. I/2)

Heritage is distinguished into tangible and living (intangible) heritage. Tangible heritage consists of movable and immovable heritage (art. I/3). **Integrated conservation of heritage** is implemented by development planning and measures by the state, regions and municipalities, whereby heritage is included in sustainable development with respect to its special nature and social significance (art. I/4) According to the definition (art. 3/5) "Integrated conservation is a set of measures, which ensure the continued existence and enrichment of heritage, as well as its maintenance, restoration, regeneration, use and revitalisation."

"**Landscape heritage – *Cultural landscape***" is immovable heritage, which is an open space with natural and created components, whose structure, development and use are mainly determined by human interventions and activity (art. 3/15). A "**cultural monument**" is heritage which has statutorily been protected as a monument (art. 3/16).

2.4.1 The procedure for establishing safeguarding of heritage

2.4.1.1 Croatia

The characterisation as cultural goods based on evaluation, is determined by the decision of the Ministry of culture, which can be made without the prior consent of the parties involved. Within the decision, which establishes the capacity of immobile cultural good, the spatial boundaries of the protected cultural goods also have to be drawn and delivered to the responsible cadastral body and the Court to be noted in the Land book. The cultural goods are then listed in the Register, i.e. the List of protected cultural goods.[22]

However, to ensure that specific goods enjoy protection based on the stipulations of the Law, it does not have to be declared as cultural goods. Namely, according to art. 10, for goods which are presumed to have the features of cultural goods, temporary decisions for preventive protection can be taken.

[22] http://www.min-kulture.hr/default.aspx?id=6212
GIS: http://195.29.218.202/ISKB/Default.aspx

2.4.1.2 Italy

The characterisation as cultural goods based on evaluation, is determined by the decision of the Ministry of culture (regional superintendence). The "declaration of cultural interest" is sent to the owner and written in the "*Tavolare*" archives (each building and piece of land is registered and associated with the owner – data of sale, agreement and servitudes and also "declaration of cultural interest). Movable properties are listed in a register kept by the regional superintendence. The moveable and immovable property belonging to non-profit public and private legal entities, which have an artistic, historical, etc. interest, date back more than seventy years and the author is no longer living, should be subject to a special procedural verification to assess the existence or not of that interest. Pending verification, such properties are provisionally subject to the regulations of the protection provided by the Code (they are supposed to have a cultural interest).

2.4.1.3 Slovenia

The rationale for the establishment of conservation is the identification of an object as of public interest, which can be: listed heritage, national treasure (dealing with movable heritage), monument, conservation area of heritage or archaeological findings (art. II/1). In Slovenia we have a register of immovable heritage and living heritage (a register of movable heritage is proposed). Immovable heritage is listed in the register as particular property or as an area of heritage, whereby the latter is listed as a "group of buildings, settlement or its part, larger archaeological site or area of cultural landscape, which is valuable in its entirety and is mutually sufficiently interconnected to compose a topographically definable entity of immovable heritage" (art. II/9). Even an immovable monument can be either a particular object or monument area, albeit additional criteria specified by the law have to be observed (art. II/11): "Part of an immovable monument can also be its immediate surroundings and belongings, which form a spatial, functional and signifying entirety with the immovable monument (art. II/11/(3)). The procedure for declaring an immovable monument is explained in art. II/12, while art. II/13 explains the content of the declaration act, whereby monuments of national importance are declared with an act of government, while monuments of local importance are declared by the representation body of the municipalities. The declaration act has to contain: identification of the monument, including accurate borders, the values confirming its declaration as a monument, conservation regime of the monument, influential area, conservation regime in the influential area, possible obligatory public access to the monument, demands concerning management and possible necessary adoption of a management plan and inventory book of the monument, which are part of the monument when necessary. Based on the declaration act the legal status of the immovable monument and its influential area are noted in the land register as an immovable monument (art. II/13/(3)). This is not necessary for monument areas, except in parts that contain archaeological sites or in sites where the demand for notification are determined in the declaration act (art. II/13/(4)). The declaration based on agreement is valid in wider areas with development problems, whereby this is an agreement between the government, local community and possible other subjects (art. II/14).

For cultural landscapes, the following applies: "Areas, which besides exceptional cultural values for the state also have properties which legitimise the granting of the status of a wider conservation area that are based on nature conservation regulations, can be safeguarded as monuments by the same declaration, and as wider nature conservation areas (art. II/15: joint protection of monuments and nature). When declaring monuments of national importance which affect nature conservation, the declaration act has to be prepared by both responsible departments (art. II/16).

2.4.2. The proclamation of monuments and monument areas

2.4.2.1 Italy

In Italy, legislation provides two different procedures to affix protection requirements on goods belonging to public or private entities. For property owned by the regions, provinces, municipalities, other non-profit public and private legal entities (article 10, paragraph 1 of Legislative Decree no. 42/2004), the Code provides the specific procedure of "verification of cultural interest" (art. 12), for property belonging to private entities affixing the "bond" descends from the declaration of cultural interest under art. 13 of the decree.

The verification of cultural interest (art. 12) provides that the moveable and immovable property belonging to non-profit public and private legal entities, which have an artistic, historical, etc. interest, date back more than seventy years and the author is no longer living, should be subject to a special procedural verification to assess the existence or not of that interest. Pending verification, such properties are provisionally subject to the regulations of the protection provided by the Code of Cultural Heritage and Landscape.

Declaration of cultural interest is a bond put in place by the Legislative Decree 42/2004 "Code of Cultural Heritage and Landscape". According to article 128 it defines the criteria concerning the protection of national historic and artistic heritage on private properties. Cultural heritage must be protected and cannot be scrapped, modified or used for purposes not compatible with their historic and artistic character without Ministry permission. Every work on buildings subjected to the protection obligation is always conditioned to hold a special license from the regional superintendence.

2.4.2.2 Slovenia

The law determines the joint articles on the declaration of monuments: temporary declaration (II/21), is a "quick" declaration in case of the endangerment of a monument, but is limited in duration. A twice-repeated declaration (art. 22) for either a monument of national or local importance also signifies the stoppage of status (art. 23). To obtain the status of a monument, evidence has to be provided – **conservation regime**, which should primarily contain: the demands concerning conservation, regular maintenance, renewal and the use of the monument, demands concerning development, measures for safeguarding before natural and other disasters and in the case of armed conflict, limitations on trafficking, management methods, demands concerning research, studies and documenting, demands concerning public accessibility and other specific limitations (art. 24). With the intention of integrated conservation of heritage, conservation heritage areas are determined (art. 25). Thus the possible destruction should be avoided and the value of the heritage in the territory on the national and local level, ensured. The criteria for determining such areas are mainly: historical context, related morphological characteristics and heritage values in the territory and topographical singularity (art. 25). If the area also contains natural values, the conservation regimes have to be mutually harmonised (art. 25/(11)). Archaeological findings, their discovery and a decree on the archaeological site are defined in articles 26 and 27.

For **developments, cultural conservation concordance** has to be obtained, namely for: interventions on a monument, interventions in the influential area of a monument – if so demanded in the declaration act, interventions in conservation areas of heritage, interventions on listed immovable heritage or in a spatial management unit, if so provided in the respective spatial planning document and for research of the heritage (art. III/28/(1)), but is not necessary for e.g. maintenance, "necessary" quick interventions in case of endangerment of heritage etc. (art. III/28/(2)). The article continues with explanations of the issuing of concordance for

monuments, conservation areas, registered movable heritage ... Before the issuing of cultural conservation concordance, except for concordance on research or the quest for archaeological findings, **cultural conservation guidelines** from the **Institute for the protection of cultural heritage of the Republic of Slovenia** (in continuation Institute) (art. III/29), whereby the applicant has to submit the appropriate documentation. By issuing the cultural conservation conditions the Institute defines the demands, which the project has to fulfil in the documentation for the issuing of a building permit or other project documentation needed to undertake the intervention, as well as the demands concerning the expertise demanded from the performers of the specialised work (art. III/29/(3)). The cultural conservation conditions apply to **preliminary research** or the preparation of a **conservation plan**.

2.4.3 Register of cultural heritage

The rules for maintaining a register of cultural heritage are in place in Slovenia (Rules on the Register of immovable cultural heritage) and Croatia (Rules on the form, content and management of the Register of cultural goods of the Republic of Croatia). The Registers are maintained with IT by the responsible ministries. The contents of both registers are harmonised.

The Register of cultural heritage is also maintained in Bosnia and Herzegovina.

In Slovenia the **Register** is established for information support for the implementation of heritage conservation (art. VII/65/(1)). The register and documenting are defined in art. 64-72. Access to the data is semi-public (art. VII/67). Besides identification of the monument, the data provides: conservation documents, description of the conservation, the conservation regime and data on the property owner (art. VII/66/(3)). A component part of information support is also the assessment of the heritage in space. It also contains: guidelines for the integrated conservation of heritage, identification of heritage areas in the territory with definitions of their cultural value, limitations and proposals concerning the spatial development of the heritage and the effects on the heritage and other limitations outside the heritage area (art. VII/71).

For practical purposes of the RoofOfRock project the responsible office[23] in Croatia also manages the evidence of locally significant goods, declared according to article 17 of the Law. If the cultural goods lose the feature deeming it worth protecting, the Ministry can decide to delete the cultural goods from the Register (art. 21). The Register is maintained by the Office for cultural heritage at the Ministry of culture of the Republic of Croatia.

Even in Italy, a Register of cultural heritage is maintained, but there are certain novelties in the pertaining law, which strive for a more individualised approach to safeguarding cultural heritage:

Novelties in the Italian legislature:

1. The new status of "cultural heritage" is no longer focused on the *regime* (for protection and public use) and the extent of public ownership ("inalienable state property") and private goods of high cultural value protective discipline, but instead, on the administrative "regulation" (preservation and circulation) related to cultural heritage, no matter if the ownership is public or private. For immobile and mobile objects in the hands of the public (or private entities of public importance, namely, non-profit

[23] Pravilnik o obliku, sadrzaju i nacinu vođenja registra kulturnih dobara republike Hrvatske, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_07_89_1905.html, z dne 10.10.2014.

organizations) there is no more the "general presumption of culture" related to the practice of the lists of goods compiled by the public, but it asserts the necessity (except for cultural heritage *ex lege* - paragraph 2 of art. 10 and paragraph 1 of art. 91 of the Code of cultural heritage, namely collections of art, documents and books, as well as archaeological finds) to proceed with a specific individual "verification" of cultural interest, which, if negative, may lead to the removal of the goods from the "inalienable state property" (as cultural, without precluding the possibility that it remains otherwise in state property).

2. In the Code we have the assumption of a polycentric "system" of Cultural Property in which the State may decentralize the functions to the regions and local authorities, through "new forms of cooperation" and by agreements and arrangements' policies "case by case". The State can also co-manage museum services of excellence by "associates' foundations" with powers and local economic forces, and, finally, it can keep with the ministerial finance company holding (Arcus spa), control of investments in the sector.
3. The Code establishes the limitation of public management of museums and promotes the use of 'external' managers.
4. The Code marks the abandoning of the term and the concept of "environmental good", and re-use of the term "landscape" (as in art. 9 of the Constitution), and, the waiver of fixing by law the protection obligation to protect the fundamental constituent elements of the landscape, such as the sea coast or lakes, rivers, mountains, forests, natural parks, glaciers, etc.

The Code, however, lacks any reference to environmental goods that are essential in the urban landscape such as the "town centres" and are, as such, protected in other European legal systems.

2.4.4 Rights and duties of owners

2.4.4.1 Croatia

The law determines the obligations and rights of property owners of cultural goods as well as limitations to the enjoyment of property rights on these properties.

The owner of cultural goods is obliged to: a) use the cultural goods with due respect and especially to protect and maintain it regularly; b) undertake safeguarding measures as specified by law and other regulation; c) inform the responsible body about damage or destruction, disappearance or theft of the cultural good immediately or latest the next day; d) allow professional and scientific research, technical and other evidencing as well as the execution of technical protection measures; e) enable public accessibility to the cultural good; f) maintain the comprehensiveness and integrity of the protected collection of mobile cultural goods and g) undertake all other obligations stipulated by the law and other regulation (art. 20).

The basic rights of the owner of cultural goods are established by a special law and, conditioned by the limitations from the above-mentioned law are: a) right to compensation because of the limitations on property rights on the cultural goods; b) right to customs and taxation diminishment according to a special law; c) right for expert help from the responsible body to ensure the safeguarding and protection of the cultural goods, as specified by this law.

The property rights on cultural goods can be subject to numerous limitations. It can be limited concerning out-right ownership, use and market operations. Expropriation of cultural goods can be undertaken and other forms of property laws applied (art. 27).

2.4.4.2 Italy

Cultural heritage must be protected and cannot be scrapped, modified or used for purposes not compatible with their historic and artistic character without Ministry permission. Every work on buildings subjected to the protection obligation is always conditioned to hold a special license from the regional superintendence.

In case of the sale of cultural property belonging to a natural person or a commercial company the State, the Region or the Municipality have the right of pre-emption (art. 60).

2.4.4.3 Slovenia

Cultural heritage has to be managed and treated in a manner which preserves its values for the future (article IV/1/36). Owners have the right to obtain explanations, advice and instructions that have to do with properties, social significance, conservation and maintenance of heritage free of charge (art. IV/1/37), while the responsible agencies have the right to take action in case of endangerment upon the initiative by the owner. The article also defines the duties concerning safeguarding the monument (art. IV/1/38), the right to subsidies (art. IV/1/39), the investment of public resources (art. IV/1/40), and the right for reimbursement in the event of devaluation (art. IV/1/41)). If the development is not permitted, the owner is obliged to pay reimbursement for the devaluation of the heritage (art. IV/1/(41/(1)). If the payee does not ensure funding or does not reimburse the funds for the execution of the measure in the allocated time, the state or municipality which declared the monument can obtain legal mortgage on the property which is the subject of the measure (art. IV/1/42/(2)). Nobody can use the image or name of the monument without prior consent by the owner; they can however, upon concordance by the owner and an adequate compensation determined by the owner (art. IV/1/2/44).

The law also stipulates the ensuring of accessibility and documenting of monuments, which should be balanced with the property owner's capabilities (art. VI/4/54). The owner is obliged to inform the responsible body about any possible damage or deficiencies of the monument, and the possible buyer of the property about its cultural status and ensuing limitations (art. VI/5/56). Immovable monuments can also be marked (art. IV/5/58).

The owner or property manager has to ensure management of the monument according to the declaration act directly or through an agent (art. VI/5/59/(1)). Article 59 determines cases where the management is mandated, who can manage the monument and when (art. VI/5/59/(1). This is valid mainly for monuments and monument areas, which are safeguarded according to international conventions ratified in Slovenia. Conservation is undertaken according to the management plan (art. VI/5/60). In cases where natural values are safeguarded, again inter-departmental cooperation is applied (art. VI/5/61).

The Slovenian law determines the safeguarding of cultural heritage by spatial plans: based on an assessment of threats to the heritage and the opportunities for its development, the Strategy of heritage conservation determines goals, guidelines and measures for integrated heritage conservation (art. VII/73/(1)). It can be part of the national cultural programme or an independent government document (art. VII/73/(2)). The Strategy is the basis for the preparation of documents of development planning and determining cultural policies, spatial management, environmental safeguarding, safeguarding before natural and other disasters, construction, housing and services management, tourism, research and information society, education, training and lifelong learning (art. VII/73/(3)). If an accurate assessment of heritage in space is not available for a specific part of the plan, accurate expert concepts can be prepared (art. VII/74/(4).

2.4.5 Management, concessions

While the laws in Croatia and Italy also determine uses of cultural heritage, the Slovene legislature only specifies its management: "The owner or property manager has to ensure management of the monument according to the declaration act directly or through an agent (article VI/5/59/(1)). Art. 59 determines cases where management is mandated, who can manage the monument and when (art. VI/5/59/(1). This is valid mainly for monuments and monument areas, which are safeguarded according to the international conventions ratified in Slovenia.

The Croatian law on cultural heritage also regulates concessions and concessional permissions on cultural goods (art. 43a). With a concession the benefactor obtains the right to economically exploit immobile cultural goods or the right to perform economic activities on immobile cultural goods owned by the Republic of Croatia, Region, the City of Zagreb, city or municipality. Such a concession is understood as an economic concession on immobile cultural goods according to the Law on concessions. It encompasses the right to build and the right of servitude, when this is necessary to undertake specific projects stated in the concession contract. Other issues related to concessions, which are not specified by the Law, are dealt with according to the Law on concessions. Concessions are granted upon public invitation for offers.

For cultural goods owned by the Republic of Croatia, the notice about the intention of granting a concession is posted by the ministry responsible for culture, while cultural goods owned by regions, the City of Zagreb, cities or municipalities, the posting is done by the respective responsible body, i.e. the conservation departments located in the larger cities, which cover specified parts of the national territory, as well as the conservation department of the City of Zagreb. The notice about a concession to be granted, besides the information required according to the Law on concessions, has to contain the conditions for safeguarding and preserving the cultural goods specified by the responsible body, as well as the method in which the concessioner will undertake them. The conditions for safeguarding and protection of cultural goods are an integral part in the Decision on the choice of the best bidder and the Concession contract. Concessions are granted for a specified period of time, but not longer than 50 years. The granted concessions are listed in a Ledger maintained by the Ministry of culture and the Register of concessions, maintained by the ministry responsible for finance.

In Slovenia, the Law does not cover the field of concessions of cultural goods. Usually concessions for specific fields are adopted as decrees. Concessions as a contractual arrangement on public goods, in this case cultural goods, have not been adopted as yet. However, for the sake of the RoofOfRock project we can mention the Small Business Act, which can be applied to the activity of stonemasonry or other crafts, dealing with stone. It determines what a small business is, the conditions for exercising the activity or similar activity, home crafts and artisan crafts activities, the organisation of the chamber of crafts system and the basic education of the people needed for the execution of the stipulated activities (art. I/1).

In Slovenia this is determined by the Law on small business /crafts, which is the activity involving production or services, based on individual commissions and is carried out in small series, whereby the series do not represent the majority of the commission. The work is constant; the work process is not automatic. A similar activity to crafts is a profit-oriented activity, which is traditionally linked to crafts and is carried out by an individual or small business enterprise (art. I/5). The activity of domestic or artisan crafts is the activity characterised by simple production methods, mainly as handicraft and artistic design industries. This activity is determined by the specific conditions of the law (art. I/4). The right to practise small business activities and crafts as well as artisan activities can be obtained by a crafts' permit and registration in the small business/crafts register (art. I/6). The condition for obtaining this permit is a successfully obtained master's certificate or at least a higher professional degree in a related course and three years of work experience; the article also

provides for other conditions, linked to longer work experience. Compliance to the stipulated obligations are checked by the Chamber of crafts and small businesses following the procedure determined in the Rules on the procedure of issuing crafts permits and Small business register, as stipulated in article 14 (art. I/9). Opinions on whether a product can be considered an object of domestic or artisan activity are granted by the Chamber of crafts and small businesses following the opinions by committees of experts, consisting of ethnologists, art historians and historians, who assess the object (art. III/5). The Chamber of crafts and small businesses also conducts professional education (VI/1).

The most important provisions concerning the use of cultural goods in Italy are stated in the amendments, adopted as decrees: D.Lgs. 24 March 2006, n. 156, D.Lgs. 24 March 2006, n. 157 concerns the rewriting of the provisions of "exploitation" of cultural goods: - confirmation of constitutional law on the division of competence between the State and regions (there is no regional legislative competence, even at the level of detail on the evaluation of assets in institutions and places of culture belonging to the State); I. **strategy identification**, with direct connection between the State, regions and local authorities (in the absence of an agreement, the principle is of the "actual availability of the property") II. **programming** may be entrusted to the consortia in which private owners of cultural and subjective figures involved in private non-profit-making activities [banking foundations or others] may participate. III. **exploitation implementation** also awarded to third parties by a concession. The **Law 24 December 2003, n. 378 –** Provisions for the protection and exploitation of rural architecture has to be applied to buildings used for agricultural purposes. It establishes the technical requirements for buildings that are important for cultural heritage issues.

2.4.6 Integration of cultural heritage into spatial plans

Spatial planning is generally the task of lower tiers of government, i.e. regions and municipalities. Respect for cultural heritage and its integration in planning documents are mandatory.

For example in Italy, the Friuli Venezia Giulia Region has started to prepare the ***Regional Landscape Plan*** (PPR) in order to implement the Cultural heritage and Landscape Code and European landscape Convention. Furthermore the region delivers contributions to restore artistic, historic or environmental buildings (L.R. 18 November 1976, n. 60), as does the Veneto Region (L.R. 30 January 1997 n. 6, art.78, and delivers contributions to restore artistic, historic or environmental buildings.

While the Veneto Region is preparing a single document entitled "Regional Territorial Plan of Coordination", in line with the new policy framework provided by the Regional Development Programme (RDP) and in accordance with the new provisions introduced by the Cultural Heritage and Landscape Code (Legislative Decree no. 42/04), Friuli Venezia Giulia Region, instead, has already approved the "Plan of Government of the Territory" and is now preparing the "Regional Landscape Plan" (PPR).

The Rules on the Conservation plan for renewal in Slovenia define the content, form and method of preparation of conservation plans for renewal and conditions that have to be observed by the performers of conservation plans for renewal (art. 1/1). **Comprehensive renewal** is a sum of the various activities by which suitable spatial planning is applied to improve functional, technical, special, design, living, economic, social, cultural and ecological conditions in an area or part of an area, whereby the distinct spatial character and cultural values of the area are safeguarded (art. 1/3). The conservation plan for renewal is compulsory when a detailed plan is produced for the comprehensive renewal of a heritage area, and part of such an area, but can be also prepared for other areas (art. 1/4).

In the part of the plan that contains the general characteristics of a heritage area, the disposition of the object is defined concerning natural values, infrastructure, relations to neighbouring areas, presentation of the area's development, significance of the heritage in the wider space ... (art. 1/8). The spatial characteristics in the plan are defined by the relations to the environment, including the natural elements in the area (art. 1/9). The characteristics of the components of the heritage area include materials, structures ... (art. 1/9/(4)). The **Spatial planning concept** is produced with respect to the conservation regime of the heritage area, detailed conservation guidelines, possible other guidelines for integrated conservation, renewal goals for the area and findings from the analytical phase (art. 7-11). It contains: the concept of spatial design which follows the assessment of the heritage area's condition in relation to its surroundings, assessment of the heritage area and assessment of particular parts in the heritage area; it determines the preservation of recognised design features of the space and the cultural value of the heritage area and presents possibilities for planning additional or new arrangements, including the planned renewal of degraded areas; the **Content concept**, which follows the estimated condition of content and estimate of use of the buildings and surfaces, determines the conservation of the recognised character of the contents and presents the possibilities for planning additional or new contents (art. 3/12). The **Renewal plan** joins the spatial planning concept and content concept (art. 3/13). Amongst others, the renewal plan contains: solutions and measures for the integrated conservation of heritage and the solutions and measures for preservation of the environment and nature from the aspect of cultural heritage conservation (art. 3/13).

The **Law on the Škocjan Caves Regional Park (Slovenia)** was adopted with the purpose of ensuring the conservation and research of exceptional geomorphologic, geological and hydrological landmarks, rare and endangered plants and animals, paleontological and archaeological sites, ethnological and architectural characteristics and the cultural landscape, as well as to ensure the possibilities for the suitable development for the area of the Škocjan Caves Regional park (I/1), which encompasses a fairly large territory, as defined in art. 2. The law allows the renewal and substitution of extant buildings and the *use of gravel pits and quarries for the personal use of the park's inhabitants* (art. III/9). In the territory of two settlement monuments, Škocjan and Betanja, the buildings should be renewed in the traditional style, according to the standing planning document, as well as the conservation guidelines (III/11/(1)). Buildings and Signs that are monuments have to be conserved in their original form, whereby interventions should be carried out only to conserve the cultural monument or replace inadequate previous constructions (art. III/11/(3)).

In Italy the methods of building and use of local materials is clearly defined in the regional planning laws and consequently plans.

The National legislature (Law 17 August 1942: Piano di Governo del Territorio (PGT)/ Territory government plan (16.4.2013 will enter into force 1 January 2015). One of the priorities of PGT is to protect abandoned mining and quarrying sites as examples of passed local economic activity, highlighting the uniqueness and representativeness with appropriate use functions. The Karst is identified in two landscape areas: Karst of Gorizia and Karst of Trieste. It identifies the 'Karst house' in Repen as an important museum of rural culture. The PGT identifies urban areas and elements of historical and archaeological interest as archaeological sites, churches, historical quarries, etc. It identifies as villages with historical interest: Duino-Aurisina/Nabrežina, Sgonico/Zgonik, Monrupino/Repen, Trieste, San Dorlingo della Valle/Dolina. Local planning legislature in Italy safeguards cultural heritage very well. The General municipal plan of the Municipality of Duino –Aurisina/Nabrežina specially safeguards abandoned quarries, specifies their suitable use, cultural heritage status and exploitation. In particular it specifies safeguarding historical villages within urban areas: The preservation of the characteristics identified by the maintenance, restoration and conservation, and the restoration of the physical elements where, and how, they are recognizable and significant…)

The General plan of the Municipality of Monrupino/Repen establishes a descriptive architectural element *Abaco* for historical villages. It clearly identifies characteristics and materials of: vertical structures, roofs, protruding elements, openings, portals, roofing, chimneys, ground level windows,

gutters and drain-pipes, window frames and door posts composed of cut, shaped and treated stones, coverings and doors and windows. This municipality implements technical standards, established for mining areas. In the Municipality of San Dorlingo della Valle/Dolina the general plan doesn't establish conservation or typological rules for historical villages.

The General plan of the Municipality of Sgonico/Zgonik implements technical standards and requirements, i.e. "Traditional materials must be used for any type of work. Technologically advanced materials and processes are only allowed for static consolidation and where they do not conflict with the whole architectural quality".

The Municipality of Trieste has prepared specific detailed plans for historic Karst villages. They have prepared the most interesting technical standards. Detailed standards concerns guidelines for maintenance: walls, plasters, covering floor, windows, doors, main doors, stairs and galleries. They support the authenticity of materials and wholeness.

The Municipalities of Duino-Aurisina/Nabrežina and Manrupino/Repen, in their municipal general plans, have established interesting technical standards for exploitation areas.

Summary chapter 4

- *The overall legislation for cultural heritage contains **definitions** which are relevant for the context of the project (exploitation and presence of platy limestone in the cultural heritage. These definitions determine: mining sites of historical or ethno-anthropological interest (SLO), rural architecture of historical or ethno-anthropological interest as evidence of a traditional rural economy (IT), integrated conservation (SLO), territory and site with ethnological and toponymical contents, the landscape or its part, which contains historically characteristic structures that are witness to the human presence in a space, technical objects with machinery and other similar objects (CRO).*
- *Slovenian legislature emphasises the **integrated conservation of heritage,** which "... is implemented by development planning and measures by the state, regions and municipalities, whereby heritage is included in a sustainable development with respect to its special nature and social significance".*
- ***In Italian legislature, cultural landscape is completely on an equal level with other cultural heritage (!), and is given special attention: "**The complete recovery of the landscape as part of the "cultural heritage", which today forms an integral part of our country, in the same way as other cultural heritage". Regions cooperate with the Ministry (of cultural heritage and landscape) on exercising protection functions by exercising its administrative functions and promoting the knowledge of the landscape for their public enjoyment objectives and to support initiatives aimed at improving and preserving them. The goal is to "**bring the planning of urban development to a character strictly subordinated to the planning of the landscape, which must always be fully consistent."***
- *The Slovenian and Croatian legislatures are similar and comparable concerning the proclamation of monuments and stipulations related to the Register of cultural heritage. The respective Registers are similar. Italy and Bosnia and Herzegovina also maintain their registers. There are no significant differences between the particular registers, they all gather similar data. The differences are in territorial scope and completeness of data. In Slovenia, Croatia and Italy cultural landscape can be listed as a category.*
- *Italian legislature brings novelties concerning the new status of "cultural heritage", which is no longer focused on the regime of protection, as instead, on the administrative "regulation" (preservation and circulation) related to cultural heritage, no matter if the ownership is public or private. It proceeds from a specific individual "verification" of cultural interest and not the "general presumption of culture" related to the practice of the lists of goods compiled by the public. The State may decentralize the functions to the regions and local authorities, through "new forms of cooperation". The State can also co-manage museum services of excellence by "associate foundations" with powers and local*

economic forces, and, finally, by the ministerial financial holding company (Arcus spa), it can maintain control of investments in the sector.

- *The Slovenian and Croatian laws specify adequate care and the use of cultural heritage, in Croatia also sanctioned in the Penal code.*
- *The Slovenian overall law defines the management of cultural heritage, while crafts are defined in the Small business act. Other countries specify concessions in their pertaining laws on cultural heritage, which is not the case in Slovenia, which makes the mentioned law instrumental for the issue.*
- *The Croatian overall law specifies concessions for the use of cultural heritage, granted by the Ministry of culture.*
- *The overall law in Italy also deals with the rewriting of the provisions of "exploitation" of cultural goods and provisions for the protection and exploitation of rural architecture.*
- *In Slovenian legislature the use/exploitation of cultural heritage (cultural landscape) is allowed and defined only in specific special laws, applying to particular monuments of national significance, e.g. the Škocjan Caves Regional Park.*
- *Concerning safeguarding of cultural heritage, the Italian legislative framework has to be set as an example since it supports the preservation of old quarries and their appropriate (authentic) exploitation, as well as by determining the authentic renewal of cultural heritage (especially historical villages) very precisely and site-specific. The definitions on the preservation of authenticity of Karst villages around Trieste should be showcased. This is a definite example of good practice, which can be elaborated in future recommendations in the RoofOfRock project concerning cultural heritage.*

2.5 CONCLUSIONS

Particular legislations on the level of the European Union should be modified to enable the exploitation, recycling and use of platy limestone for the purpose of preservation and conservation of cultural heritage. With respect to the other analyses, done by experts for particular themes concerning legislature, the obstacles are varied and many, mainly concerning safety and quality standards in the fields of mining, geology, spatial planning, construction and building materials.

All the countries should prepare national proposals (based on the draft proposal stemming from the RoofOfRock project) to introduce exploitation, recycling and use of platy limestone for the purposes of safeguarding cultural heritage and amend their regulatory legal apparatus. In Slovenia and Croatia they are the Rules (by-laws) at the national level, in Bosnia the regulations are at the regional (County) level.

According to the specific laws of each country, probably amendments to by-laws or the enactment of new ones could be sufficient, similarly as in Slovenia, the Rules for the conservation plan for renewal (defining safeguarding of cultural heritage in the context of wider territories: rural, villages, countryside etc.). The proposal is therefore to prepare new rules, which would define the suitable use/exploitation of the natural materials and resources needed for the preservation and maintenance of cultural heritage monuments, support traditional local production and procedures (immaterial aspect), education, raising awareness and, directly, the use of the materials for various purposes on protected buildings in the specified area. In this way and within the context of the integral safeguarding of cultural heritage, care will be given to material and immaterial values and the process will definitely contribute to maintaining the authenticity and integrity of cultural heritage in the wider area.

In Slovenia, the latter applies to the integration of the concrete goals (opening of suggested quarries for the purpose of renovation or renewal of cultural monuments, education, raising awareness, supporting the development and training for local crafts and skills, and the production of a list of concrete buildings for renewal) in the National programme for culture.

All of the stated demands should be integrated in national, regional and local spatial plans and strategies.

The proposals should be sent to the responsible ministries for culture in all the countries and to the members of Parliament responsible for the subject in Parliamentary bodies.

2.6 LIST OF LEGAL DOCUMENTS CONCERNING CULTURAL HERITAGE USED IN THE ANALYSES, RELEVANT FOR THE USE OF PLATY LIMESTONE, AS SUBMITTED BY THE PROJECT PARTNERS

2.6.1. International Conventions, Acts, Guidelines etc.

- UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, Paris (1972).
- Operational Guidelines for the Implementation of the World Heritage Convention, UNESCO (2008).
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) – Hague Convention, 1st Protocol, 2nd Protocol (1999)
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, Paris (2003)
- UNESCO Convention for the protection and promotion of cultural diversity, Paris (2005)
- ICOMOS International Charter for the Conservation and Restoration of Monuments and Sites, Venice Charter, 1964,
- The Maastricht Treaty - Treaty of the functioning of the European Union (1993) - Title XIII – Culture, art. 167
- Council of Europe European Cultural Convention, Paris (1954)
- Council of Europe Bern Convention on the conservation of wildlife and the natural environment in Europe, Bern (1979).
- Council of Europe European Convention for the Protection of the Archaeological Heritage, London (1969)
- Council of Europe Convention on the protection of underground cultural heritage, Paris (2001).
- Council of Europe Convention for the Protection of the Architectural Heritage of Europe, Granada (1985)
- Council of Europe European Landscape Convention, Florence (2000)
- Guidelines for the Implementation of the European Landscape Convention (2008)
- The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, Burra Charter (1999) http://australia.icomos.org/wp-content/uploads/BURRA-CHARTER-1999_charter-only.pdf

2.6.2 National legislature

2.6.2.1 Constitutions

- Constitution of the Federation of Bosnia and Hercegovina / Ustav Federacije Bosne I Hercegovine (1994)
- Constitution of the Republic of Bosnia and Hercegovina / Ustav Republike Bosne I Hercegovine (1995)
- (Regional) Constitution of the Hercegovsko-Neretvanski County / Ustav HNK (SN HNK, No. 2/98, 3/98, 4/00, 1/04, 7/04)

- (Regional) Constitution of the Zapadno hercegovski County / Ustav ZHK (NN ZHK, No. 1/96, 2/99, 14/00, 17/00, 1/03, 10/04)
- Constitution of the Republic of Croatia / Ustav Republike Hrvatske (1990)
- Constitution of the Italian Republic / Costituzione della Repubblica italiana (1947)
- Constitution of the Republic of Slovenia / Ustava Republike Slovenije (1991)

2.6.2.2 Laws, by-laws, programmes, recommendations, etc.

Bosnia and Herzegovina

- Law on safeguarding cultural, historical and natural heritage / Zakon o zaštiti kulturnog, historijskog i prirodnog naslijeda (Službeni list SRBiH, No. 20/85, 12/87; Službeni list RBiH, No. 3/93, 13/94) – *taken over by the Federation of Bosnia and Hercegovina*
- Decree on the Committee for safeguarding national monuments / Odluka o komisiji za očuvanje nacionalnih spomenika (Službeni glasnik BIH, No. 1/02, 10/02) – *taken over after the Dayton Accord*
- Decree on the criteria for declaring goods as a national monument / Odluka o kriterijima za proglašanje dobra nacionalnim spomenikom (Službeni glasnihk BIH, No. 33/02, 15/03) – *taken over after the Dayton Accord*
- Decree on the temporary list of national monuments / Odluka privremenoj listi nacionalnih spomenika (Službeni glasnik BIH, No. 33/02) – *taken over after the Dayton Accord*
- Law on the implementation of decisions of the Committee for safeguarding national monuments, established according to annex 8 of the General framework agreement for peace in BiH / Zakon o provedbi odluka Komisije za zaštitu nacionalnih spomenika uspostavljene prema aneksu 8. opčeg okvirnog sporazuma za mir u BIH (Službene novine FBiH, No. 2/02, 8/02, 6/04)
- Decree on the temporary list of national monuments / Odluka privremenog lista nacionalnih spomenika (Službene novine FBiH, No. 59/02)
- Decree on criteria for declaring goods as national monuments / Odluka o kriterijima za proglašanje dobra nacionalnim spomenikom (Službene novine FBiH, No. 59/02, 03)
- Law on the safeguarding of goods that have been declared national monuments by the Committee for safeguarding national monuments / Zakon o zaštiti dobara koja so odlukama Komisije za zaštitu nacionalnih spomenika proglašena nac. spomenikom (Službene novine FBiH, No. 2/02, 08/02, 27/02, 6/04, 51/07).
- (HNK regional) Law on the safeguarding of cultural-historical heritage / Zakon o zaštiti kulturno-historijskog naslijeda (SN HNK, No. 2/06)
- (HNK regional) Law on spatial management / Zakon o prostornom uredenju (SN HNK, No. 4/04)
- (HNK regional) Building code / Zakon o gradenju (SN HNK No. 5/04).
- (ZHK regional) Law on safeguarding and use of cultural and historical heritage / Zakon o zaštiti i korištenju kulturno povijesne baštine (NN ZHK, No. 6/99)
- (ZHK regional) Law on spatial management / Zakon o prostornom uredenju (NN ZHK, No. 4/04)
- (ZHK regional) Building code / Zakon o gradenju (NN ZHK, No. 5/04)

Croatia

- Law on the protection and safeguarding of cultural goods / Zakon o zaštiti i očuvanju kulturnih dobara (Narodne novine br. 69/1999, 151/2003, 157/2003, 100/2004, 87/2009, 88/2010, 61/2011, 25/2012, 136/2012, 157/2013)
- Rules on the form, content and management of the Register of cultural goods of the Republic of Croatia / Pravilnik o obliku, sadržaju i načinu vođenja Registra kulturnih dobara Republike Hrvatske (Narodne novine 89/2011, 130/2013)
- Rules for the selection and establishment of public need programme in culture / Pravilnik o izboru i utvrđivanju programa javnih potreba u kulturi (NN 69/12, 44/13, 91/13)
- Rules on the co-financing of projects, accepted within the framwork of the EU programme Culture 2007-2013 / Pravilnik o sufinanciranju projekata odobrenih u okviru programa za kulturu Europske unije Kultura 2007. – 2013. (NN 85/12)
- Law on cultural councils / Zakon o kulturnim vijećima (NN 48/04, NN 44/09, NN 68/13)
- Law on small businesses /Zakon o obrtu (Narodne novine 143/2013)
- Penal code / Kazneni zakon: (NN 125/2011, 144/2012)
- Strategy of preservation, protection and sustainable economic use of cultural heritage in the Republic of Croatia for the period 2011-2015 / Strategija očuvanja, zaštite i održivog gospodarskog korištenja kulturne baštine Republike Hrvatske za razdoblje 2011-2015.

Italy

- Legislative Decree 22 January 2004, n. 42 – Cultural heritage and landscape code (*G.U.* n. 45, 24 February 2004 – Ordinary supplement n. 28 - amended by: D.Lgs. 24 March 2006, n. 156, D.Lgs. 24 March 2006, n. 157, D. Lgs. 26 March 2008, n. 62, D.Lgs. 26 March 2008, n. 63).
- Legislative Decree of the Ministry of Heritage and Cultural Activities 6 October2005
- Law 24 December 2003, n. 378 – Provisions for the protection and exploitation of rural architecture.
- Law 9 January 2006, n. 14 – Ratification and implementation of the European Landscape Convention.
- Regional Law / Legge Regionale, 18 November 1976, n. 60, Friuli Veneto Julia – *delivering contributions to restore artistic, historic or environmental buildings* Regional Law / Legge Regionale, 30 January 1997, n. 6, Art.78, Veneto – *delivering contributions to restore artistic, historic or environmental buildings.*

Slovenia

- Cultural heritage protection act / Zakon o varstvu kulturne dediščine (ZVKD-1), UL RS 16/2008
    - Rules on the Conservation plan for renewal / Pravilnik o konservatorskem načrtu za prenovo (Uradni list RS, št. 76/2010)
    - Rules on the Register of immovable cultural heritage / Pravilnik o registru nepremične kulturne dediščine (Uradni list RS, št. 66/2009)
    - Rules on the form and attachment of the immobile monuments and landmarks marking (Uradni list SRS, št. 33/85)
- Return of unlawfully removed cultural heritage objects Act / Zakon o vračanju protipravno

odstranjenih predmetov kulturne dediščine - ZVPOPKD (Uradni list RS št. 34/2004)

  - Rules on the types of unlawfully removed cultural heritage objects / Pravilnik o zvrsteh protipravno odstranjenih predmetov kulturne dediščine (Uradni list RS, št. 34/2004)

- Law on de-nationalisation of cultural monuments in public property / Zakon o privatizaciji kulturnih spomenikov v družbeni lastnini (ZLKSDL), UL RS št. 89/1999
- Act Regulating the Realisation of the Public Interest in the Field of Culture / Zakon o uresničevanju javnega interesa za kulturo (ZUJIK) (Uradni list RS, št. 96/2002 + spr. in dop.)
- Law on the Škocjan Caves Regional Park / Zakon o regijskem parku Škocjanske jame – ZRPSJ (Uradni list RS, št. 57/96, 46/14 - ZON-C)
- Small Business Act / Obrtni zakon (ObrZ-UPB1) (Uradni list RS, št. 50/1994 +)
- National programme for culture / Nacionalni program za kulturo (2010)
- Decree on limit values due to light pollution of the environment / Uredba o mejnih vrednostih svetlobnega onesnaževanja okolja (Ur. l. RS, 81/07), - articles 10, 11 and 13 apply to cultural heritage.

3. ANALYSIS OF THE STANDING LEGISLATION IN PARTNER COUNTRIES IN THE FIELD OF ARCHITECTURE, SPATIAL PLANNING AND CIVIL ENGINEERING

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3.1 INTRODUCTION

There is no direct legislature from the EU, concerning spatial planning or architecture (regulations or directives). Architectural legislature mainly deals with licensing and the right to practice the licensed profession within the EU, including the acknowledgment of university diplomas of all the involved countries. Spatial planning is also not the direct subject of EU regulation. The legislative spatial planning framework of particular member states is within the responsibility of each particular state. The EU does nevertheless exercise indirect control over developments in particular countries through set frameworks in the Operational guidelines for particular programming periods, which directly correspond to EU financial perspectives. Such regulation does not directly influence the subjects of exploitation of natural resources, i.e. natural stone, either in the sense of mining or land use. In the field of construction, however, EU legislature focuses on construction products (materials), seen as marketable commodities, whereby the entire field is directly regulated by the EU and specified regardless of local (national) legislative frameworks. The Regulation No. 305/2011 is directly transferred into national legislature, as are the by-laws (aligned to the integral annexes), and concern various aspects of the field of construction. Enforcement of the law is monitored by respect of standards, which correspondingly apply across the EU (marking EN), with specific national variations, that are covered by national standardization procedures.

The analyses are tied to the exploitation of platy limestone as a natural stone, from the standpoint of spatial planning regulation and legislature concerning construction. Special emphasis in the latter is on the utilisation of natural stone as a building material. Considering the complexity of the question, planning and building legislature in all the analysed countries cannot stand alone, but has to be additionally conditioned by stipulations concerning mining, safeguarding of the natural environment in the widest sense and safeguarding cultural heritage.

Data on legislature was gathered from the project partners and the analyses are based on the delivered material, mostly with direct references to the issue of mining and the utilisation of (platy) limestone in construction.

For the purpose of the analysis, the following rationale was prepared:

1. Mining of platy limestone is seen as a land use, which is specified in local or regional plans as the prime legal planning condition, allowing the use of a territory for the exploitation of a natural resource to produce a building material

2. Architectural considerations, as specified in the implementation stipulations in municipal or regional spatial plans and detailed plans and regulation concerning cultural heritage for safeguarded areas, buildings or cultural landscapes, can be or are the prime legal condition necessitating the use of platy limestone in construction.
3. Use of platy limestone as a building material for construction is tied to the legislature concerning the quality of the material.

3.2 SPATIAL PLANNING

Spatial planning systems directly involve all the activities occurring in space (the physical reality) that are also reflected in and from other specific legislative fields. For example, topics such as the exploitation of mineral resources, mining, safeguarding cultural heritage, safeguarding of nature, construction etc. are directly dealt with in the stipulations of statutory and implementation planning documents at both the national and local level.

Provisions in regional or municipal spatial acts allow or disallow the use of land for activities (specified by the standard classification of activities), whereby even mining is seen as a spatial activity and the territory where the exploitation of mineral resources is allowed, is seen as a land use. This prime legal condition allows the pursuit of economic activities that stem from the primary activity, i.e. mining, implying processing and further economic activities related to the exploited resource. On the other hand, the planning acts also take on board the stipulations of sectarian laws and regulations, i.e. water management, cultural heritage, nature protection etc., which are permissible or not according to the adopted sectarian acts and enacted or conditioned according to the specific sectarian document, e.g. conservation guidelines.

3.2.1 General principles – definition of mining as a land use and activity

The main issue in planning legislature and the corresponding documents is firstly the definition of mining as a land use. The definition primarily conditions the adoption procedures (obligatory public involvement, advantage given to public interest, statutory conduct of public hearing etc.), and in the next instance the permitting procedures. Secondly, the level of government, which sanctions the issue, is also important.

3.2.1.1 Strategic level (government level (state, region, municipality, other) and responsible body (Parliament, regional council, municipal council etc.))

In the Spatial development programme of the Republic of Croatia, mining of non-mineral resources for building purposes is seen as an important economic activity, especially in the coastal area and the islands (chapter 4). The intention is however immediately curtailed in chapter 5, which deals with safeguarding the environment, the protection of the natural and built heritage and the landscape.

In Italy, it is covered by **concurring** legislation by State and regions. According to the **Royal Decree 29 July 1927, n. 1443** – Rules of a legislative framework to govern mining exploitation and development the Kingdom (G.U. 23 August 1927, n. 194), the "first class materials" are of significant or fundamental economic interest and, therefore, of paramount interest to the

country (such as minerals for the extraction of metals, non-metals, fuels, mineral water and thermal springs, etc.) and are extracted at a mine. These mining activities are authorized by the Ministry. The "second-class materials" are of **local interest** (construction materials, peat, etc.) and are extracted in an area classified as a **quarry** – such activities are authorized by Regions.

Quarries, as properties according to doctrine and jurisprudence, are fully included in the planning regulations. These assets, resulting from their particular nature, are subjected to the discipline of two different mutually limiting matters i.e. **balance production needs with environmental ones**. Regions have generally followed the path of using the instrument of planning in order to identify the exploitation of mining areas, by providing various mechanisms to implement the mining in the municipal urban planning. Through this tool, the region can take preventive action, denying or allowing growth, and in the second case can dictate the requirements in order to achieve the most correct implementation of resource recovery mining, as well as those aimed at the environmental arrangement during and at the end of the cultivation for the purposes of the environmental protection of the site.

The Friuli Venezia Giulia Region does not have an exploitation planning instrument, while the Veneto Region has adopted the regional plan on quarries' activities on 4 November 2013.

Mining activities are undertaken on the basis of a specific agreement with the municipality, in which an environmental rehabilitation plan has to be included, which establishes the time and manner of implementation and, for "non-historical" quarries, the corresponding amount of the deposit or other form of guarantee chosen. For "historical quarries" an environmental rehabilitation plan must be presented, which establishes the time as well as the cultural and ethno-anthropological improvements in the site plan.

In Slovenia, the umbrella document for spatial planning is the Spatial Planning Strategy of Slovenia. Similarly to the European Spatial development Perspective, the national document is not implemented directly but by detailed national plans, and municipal spatial plans, since according to the Constitution of the Republic of Slovenia, spatial planning and management are local obligations and responsibilities. The issue of mining is covered directly or indirectly in several chapters, i.e. chapters 3.1: Recognisability of Slovenia from the aspect of the cultural and symbolic significance of the landscape and 3.1.2: Ensuring the safeguarding of recognizable characteristics at the level of particular landscape regions, indirectly condition the continuous use of a specific material to achieve the desired goal. Chapter 3.3: Use of natural resources, and chapter 3.3.4: Self-sufficiency with mineral resources directly affect mining as an activity. The last is important for the Škocjan Caves Park, i.e. pt. 11 states that "*In areas of national recognisability and natural qualities, sites for the exploitation of rare or unique mineral resources, such as granite, tonalite and marble, is permissible, if referring to occasional extraction.*" The provision was readily utilised also in the formulation of the Law on the Škocjan Caves regional park, where mining for local needs was stipulated as a possible legally supported activity.

3.2.1.2 Concrete level (legal basis for various procedures) – regional or local

The contemporary development paradigm of sustainable and balanced development conditions all spatial activities to be checked by environmental influences, i.e. environmental impact reports have to be provided for environmentally demanding developments (even out-of-town shopping malls, large housing estates, industrial parks and economic zones, etc.), as is specified in the environmental legislature.

In Italy for example, all exploitation plans on more than 500,000m^3/year of extracted material or on an affected area exceeding 20 hectares (Annex 2 to Legislative decree n. 152/2006 as amended by the Legislative decree n. 128/2000), are subjected to Strategic Environmental Assessment. Small quarries are subjected to a verification to assess whether they can have a

significant impact on the environment or if the relative changes represent a substantial change (the verification is checked by the Service environmental assessments of the Region).

If a quarry lies on a site conditioned by landscape protection obligations, a special license from the responsible regional body has to be obtained. In such cases the Administration is obliged to balance both interests – the economic significance of the works to be executed and landscape protection – and reach coexistence through provisions designed to eliminate or mitigate negative effects that may result from exploitation activities on surrounding safeguarded territories.

For small quarries, the region issues permits for exploitation activities, followed by the owner **submitting a specific agreement with the municipality**, in which are provided the environmental rehabilitation plan, which establishes the time and manner of implementation and, for "non-historical" quarries, the corresponding amount of the deposit or other form of guarantee chosen. For “historical quarries” must be presented with an environmental rehabilitation plan, which establishes the time as well as a cultural and ethno-anthropological improving site plan.

Similar arrangements can also be observed in Bosnia and Herzegovina, Croatia and Slovenia, whereby mining, even if specified in regional or municipal plans as a land use, still has to be checked through other sectors (agriculture, forestry, water management, cultural heritage, etc.) and an environmental assessment report is required, but the primary development asymptotes are nevertheless set by the governmental body responsible for mining. In Bosnia and Herzegovina for example, a planning concordance has to be obtained before a mining permit is issued or a concession for the exploitation of mineral resources is granted.

In Croatia the specification of mining as a land use in spatial plans was challenged, the argument being that an exploitation field can in time exceed the boundaries of the land use unit, which would “by-the-book” demand changes to the spatial plan before the exploitation activity could proceed. This means that mining, now seen as an economic activity, would be put at unnecessary risk.

3.2.2 Planning subjects

Planning subjects correspond to the administrative – territorial arrangement of a country, as do the responsibilities of subjects at various levels: national – regional (except Slovenia) – local (in Bosnia in Hercegovina also the Federation), which can also have variations. An important aspect is also the application of the principle of subsidiarity, i.e. how do stipulations at one level of decision-making affect the next and at what level of planning is the issue of mining legally defined as a spatial development. Another important aspect, not necessarily directly involving planning, is the definition of property as stated in the national civil code, which prescribes the responsibilities and rights of a property owner and the guaranteed constitutional rights concerning the enjoyment of one’s property as safeguarded by the national government. The definition of planning subjects is important for understanding the necessary procedure, which has to be undertaken to achieve development goals and also to measure the duration from initiative to fruition (completion).

3.2.2.1 Stakeholders in plan preparation at the governmental level of preparation

In Italy, the stakeholders are the Environment Ministry, Cultural heritage and landscape Ministry, region, municipalities, responsible regional body, etc., general public, which are

informed of the procedure and may refer to the technical documentation accompanying the application for the Environmental Assessment SEA-EIA at the Environment Ministry and at the other ministries in which the documentation was deposited. In Croatia and Bosnia and Hercegovina a similar arrangement is followed. In Slovenia the ministry responsible for mining is included, but not the region, since according to the territorial government arrangement, in Slovenia the region does not have any executive functions. The stated stakeholders are involved in the process directly or through their agencies.

3.2.2.2 Involvement of the general public

In Italy anyone who is interested can inspect the project and its environmental study, and submit their observations, providing that the new or additional relevant information and assessment is in writing or by certified mail within sixty days of publication of the newspapers, as shown in the obligations for the proposer.

Public access on environmental information is regulated by the Legislative decree n. 195/2005 - *Implementation of Directive 2003/4/EC on public access to environmental information.* Article.3: "*The public authority makes available, in accordance with the provisions of this Decree, the environmental information held by anyone who requests it, without them having to state an interest*".

In Slovenia, public involvement in spatial planning is sanctioned in art. 5 of the Spatial planning act (2007), as a principle, whereby "*Responsible national and local bodies have to enable the expression of interests of individuals and groups and the participation of interested persons in planning procedures – this also includes the timely submission of initiatives, opinions and other modes for changes and amendments to the planning documents, as well as the ensured review of information of public character (plans, expert guidelines and other documents, tied to spatial planning) and the timely informing of the public about planning matters."* Public involvement is prescribed by law, meaning that any plan being prepared for adoption has to be subject to public exhibition and debate in the preparation procedure. Following an appeal to the Constitutional Court, changes to the Building code were enforced in 2008, indirectly implying the possibility for affected parties to challenge any later administrative decision (e.g. in the permitting procedure) taken according to the stipulations of a spatial plan or detailed plan, adopted in the political arena of Parliament or Municipal Councils.

3.2.3 Planning documents and planning deliverables

Planning documents vary in the position of the planning subject and level of applicability (strategic document, implementation document, detailed document). Considering that planning documents are the main legal document conditioning spatial development (land use, programme, building parameters, plot definition, distances between properties, obligatory presentation of concordances by the prescribed stakeholders etc.), the main question is which document is the legal basis for the preparation of planning documentation or building documentation and corresponding undertaking of permitting procedures including level, i.e. at what level of government and by which administrative body is the procedure undertaken.

Planning stipulations apply to both the public and private sector. Action plans cannot be considered as planning documents but management documents for the implementation of a given development initiative or programme within a given timeframe. Similarly, operational programmes are not the type of planning document which directly conditions the legal

possibilities, but are organisational frameworks that formalise the selected objectives for mostly financing assessment purposes.

The planning deliverables concern the output of a governing body in relation to requests or applications from public or private bodies concerning a given development. These include various concordances, certificates, general information (binding or non-binding, with elements of pre-permission granting confirmation for a given development initiative or without) and are issued by all the planning subjects, as well as stakeholders at the level of administration which is responsible for responding to the issue at hand. In Slovenia and Croatia the governing body is upon request required to issue the so called Location information, which is a document containing all the relevant data from various registers and plans that condition the use of a space for development activities. It is neither a pre-permission nor a guarantee of approval.

An important segment of planning deliverables is also the availability and organisational setup for communicating planning information to the general public (Italy, Croatia and Slovenia). National governments also prescribe the content and format of the planning data, which is a public good, generally managed and provided by the management body where the information is produced. Most municipalities provide a public internet portal where planning data is available.

3.2.3.1 Definition of mining and exploitation of mineral resources in spatial plans

Generally the area is defined as a land use and termed "Productive area for exploitation", "Area for the exploitation of mineral resources" etc. Each particular municipal statutory document establishes specific rules related to the physical reality of the area, as well as regulatory parameters in its implementation part or detailed plans.

3.2.3.2 Types of spatial planning documents

In Bosnia and Herzegovina various planning documents at various levels are required. Despite the Federation also prescribing a spatial plan, for the matter in hand the relevant document is the **Spatial plan of the County**, in some cases also **The municipal spatial plan** (municipalities on the territory of the City of Mostar).

In Italy, two planning levels are required by the national law: a regional level with the *regional territory government plan* and a more detailed plan for each municipality.

In **Friuli Venezia Giulia** the statutory document is the **Territory government plan –** approved on 16 April 2013, will enter into force on 1 January 2015. One of the priorities of TGP is to protect the sites of abandoned mining and quarrying as examples of passed local economic activity, highlighting the uniqueness and representativeness with appropriate use functions, while the concrete document for permitting purposes is the **General municipality plans**.

In Veneto the statutory document is the **Regional territory plan of coordination** adopted on 17 February 2009 and in part amended on 10 April 2013 including some landscape guidelines.

In Slovenia, the relevant document is the **Municipal spatial plan**, which has two parts: the strategic part and the implementation part. Specific sites can also be regulated by detailed plans, so called **Municipal detailed spatial plans**, if intentionally adopted for the purpose.

In Croatia, National parks and Nature protection parks are obliged to produce spatial plans for the settlements lying within their territory. An additional category is also the so called Protected coastal area, pertaining to the sea, which is of vital national interest. The relevant plans for the subject are **Regional spatial plans**.

3.2.3.3 Architecture and the use of building materials

Local and regional spatial planning documents can in their regulatory apparatus specify the use of a particular material or the specific design (style) of particular buildings. The quantity and regulatory limitations of such stipulations necessarily have to be aligned with other standing legislation in the country, mainly dealing with definitions of public good, public interest, understanding of property rights and the enforcement of limitations on the enjoyment of one's property.

Outright sanctioning of styles and materials can be understood as a violation of constitutional rights, as well as unsanctioned intervention on the market of building materials.

Nevertheless, in protected areas, such limitations can be imposed, whether dealing with cultural landscapes or particular historically or otherwise important buildings.

3.2.4 Planning control and sanctions

Control is exercised by the responsible body as decreed by the national, regional or local administrative setup. An important segment of planning control is also in the definition of the stakeholders and subjects, i.e. necessary conditions for the professional conduct of the activity.

Sanctions are mostly dealt with in special laws.

Some violations are also subject to national penal codes.

3.3 CONSTRUCTION

The main objective in building laws is the definition of a building and the safeguarded attributes of a building, which deem it safe for use. The stipulations directly apply to given three-dimensional physical structures. In all the countries, mining (…but not its corresponding buildings) is not considered a building and is regulated by special laws.

3.3.1 General principles

The main distinctions apply to the definitions of what is a building and what is construction (as an activity).

Exploitation activity is **not** subjected to planning permission for construction in any of the countries, the buildings however are. The difference between exploitation permits and building permits is that the former generally require specific descriptions pertaining to the activity, such as: description of the material exploited, annual quantity to be extracted, exploitation project, environmental rehabilitation plan, waste management plan, financial guarantees for rehabilitation (Italy) etc. Building permits apply to buildings. A mine or quarry is not a building.

3.3.2 Basic demands from buildings

The main demands from a building to be deemed safe for use are: mechanical durability and stability, fire safety, hygiene, health and environmental sanity, safety in use and accessibility, noise abatement, energy efficiency and heat preservation and sustainable use of natural building materials.

Protection of buildings against humidity is an important consideration. Generally it is applied for new constructions, but also for reconstruction or renewal, whereby in the latter case, the conditions stated in the conservation acts have to be observed. The rules deal with ground water, atmospheric water and water from the utilities' infrastructure. It does not deal with the diffusion of steam or protection against floods. The rules are provided as technical conditions specifically for: roofs, roofing, openings and connecting elements, sliding of snow or ice, internal and external walls, facades, contact with the ground, hydroinsulation at the contact of the external wall with the ground, building furniture (windows, doors). Other technical conditions apply to: internal surfaces exposed to water, handling rain water, prevention of freezing and condensation, and drainage. Solutions for dealing with humidity have to be presented in the project documentation.

Heat insulation and maintenance of temperature in buildings is a modern consideration. Buildings should be designed to prevent heat losses or to overheat as is proscribed in the by-laws and standards for the performance of building materials.

3.3.3 Types of projects

Projects are defined according to the level of technical detail, i.e. from idea proposals to execution documents, where construction details are specified. Projects also include those for completed developments, which are used for various procedures concerning property management (registration, market operations etc.).

3.3.4 Building permits and permitting bodies

Permitting is done by bodies at various levels of administration, whether national, regional or local, depending on the governmental setup of particular countries and the qualification of the development concerning governmental responsibility or the development's complexity. In any case at least two levels of permitting are proscribed, i.e. the 1st level, where the permit is issued and the 2nd where appeals are made possible. In most cases the second level of government is also the permitting body for specified developments. Some countries demand a single permit, while others demand two – one for approval in respect for the general planning stipulations, the other directly concerning the technical performance of a building. In Italy for example, besides the building permit (*licenza edilizia*), planning permission is required and requires that municipalities must indicate specific regulations relating to the protection of cultural-heritage areas, when a building has to be restored. In Bosnia and Hercegovina an urban planning concordance has to be obtained, while in Croatia a "location permit" is required. In Bosnia and Herzegovina a planning concordance has also to be obtained for a mining or mineral exploration operation before the mining permission is issued or the concession granted. The location permit in Croatia also applies to exploitation fields, the construction of mining buildings and objects, used for the functions of mining operations, which are not considered buildings according to

other regulations. Slovenia does not stipulate such a licence, only a building permit, although in the past a similar arrangement was in force (location permit). However, part of the documentation for issuing a building permit also contains site details, meaning that compliance with the planning regulations is checked in the process of issuing the building permit, which applies to the concrete building. Because of this arrangement some authors claim that the investor is unnecessarily put at risk.

Generally issuing a permit is tied to the right to build, which is directly tied to the right of an investor to enjoy the capital benefits from one's property. In Italy, types of properties are specified in the civil code and can directly affect the possibility of obtaining a permit. In Slovenia they are defined in by-laws to the Building code. Permits have a specified duration of validity, generally two or three years with the possibilities for prolongation.

In all countries exploitation activities are not subjected to planning permission. If fixed structures for exploitation are required, these are subject to building permitting. In Italy, building permits are granted by the municipality (by the region for exploitation activities), in Slovenia by the 1st tier of national government, by the so called administrative units, in Croatia by the 1st tier of national government, represented by an administrative body in large cities and the regional tier and in Bosnia and Hercegovina by the region (County).

A concordance for building, issued by various agencies, has to be submitted by the investor alongside the building documentation, which represents the limitations or constraints on the national, regional or municipal level, such as responsible hydrogeological supervisors, agencies responsible for safeguarding nature and cultural monuments (including landscape protection), water management and flood prevention bodies, public utilities operators etc.
For exploitation activity in Veneto and Friuli the authorization from the Region has to be obtained from the regional authority, where the time, manner of exploitation and manner of implementation of the environmental rehabilitation plan are stipulated. It can be prolonged only once for a time ranging between three and five years (but only with a new verification of impact assessment).

3.3.4.1 Legitimacy of a permit applicant /application (i.e. ownership of land or other civil right on the property etc.)

In Italy, proof of the legal title, availability of the intended exercise of mining, as well as the declaration by which the subject is committed to maintaining the availability for the duration of the execution of the project and for environmental rehabilitation after completion, must be attached to the applications for a mining permit. The applicant is the owner of the land, but can also be the leaseholder or the tenant. Similar restrictions apply in Slovenia and Croatia. In Slovenia, the expression is "right to build" and is the precondition for issuing a building permit. The investor has to provide credible information about the ownership or other legally binding agreement with a landowner (lease, right of use etc.) on a property, which is noted in the Land registry. Even a registered application for noting in the Land registry will suffice.

3.3.5 Use, evidence, maintenance

All countries have to maintain complete bodies of evidence concerning storing and safekeeping of building documentation and granted permits. Setups are different in different countries and are also tied to the responsibilities of the players in the procedure, i.e. the government body,

concordance giver, responsible designer /engineer/project leader (directly responsible physical person) – the guarantor of a building's safety

3.3.5.1 Archiving building documentation

In Italy they are kept in public archives, namely: the municipality's archives, cadastral maps and "*Tavolare*" archives (each building and piece of land is registered and associated with the owner – data of sale agreement and servitudes). In Slovenia, they are kept by the producer of the document (the Land registry by the Courts, the Land cadastre by the National surveying office, planning documents by the municipalities and national governing bodies, permits are kept by the issuer. With respect to the type of administrative document issued, and after the proscribed period of time, the keeper of the documentation is the Municipal or National Archive.

3.3.5.2 Responsible body in the state/region/municipality obliged to archive materials digitally

Each office must archive digitally his/her documents and is responsible for them, in Croatia prescribed by a special law, as is the case in Slovenia, whereby the legal background for the provision is also stated in the Spatial planning act.

3.3.6 Building control and sanctions

Usually building control is organised at the national level, but can have variations concerning priorities and responsibilities and be transferred to lower government tiers.

3.4 BUILDING MATERIALS

The use of building materials is regulated from the level of the European Union, whereby a material is considered a commodity on the market. The performance of building materials is specified in standards. National supplements to standards specify natural stone that can be available on the market, but can be amended and extended upon demand i.e. after the necessary confirmation procedure is completed with the CE tag granted to a specific building material. Conditions for placing a construction material on the market are prescribed in the procedures that can ascertain the quality of the material and its performance under stress. These are prescribed in the EU standards that are taken over by particular national legislatures. Some specific national standards are still in use.

Regulation No. 305/2011 of the European Parliament and the European Council of 9 March 2011 on the regulation of harmonised conditions for the marketing of construction products (replaces Construction products directive (89/106/EEC)) is directly in force throughout the European Union, with specific national variations. The legally binding core of the regulation is listed as follows:

- Article 2: **Definitions** – (described are the most relevant definitions, conditioning the use of a new construction material on the market of the European Union):

- Pt. 1 Construction product: *any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction work with respect to the basic requirements for the construction work.*
- Pt. 4 Essential characteristics: *means those characteristics of the construction product which relate to the basic requirements for construction work.*
- Pt. 5 Performance of a construction product: *means the performance related to the relevant characteristics, expressed by level or class, or in a description.*
- Pt. 16 Making available on the market: *means any supply of a construction product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.*
- Pt. 17 Placing on the market: *means the first making available of a construction product on the Union market.*
- Pt. 28 Life cycle: *means the consecutive and interlinked stages of a construction product's life, from raw material acquisition or generation from natural resources to final disposal.*

- Article 3: Deals with **basic requirements** for construction works and essential characteristics of construction products deals with the basis for the preparation of standardisation mandates and harmonised technical specifications.
- Article 4-7: **Declaration of performance** (…of a construction product)
    - When a construction product is covered by a harmonised standard or conforms to a European technical assessment which has been issued for it, the manufacturer shall draw up a declaration of performance when such a product is placed on the market.
- Article 8: **Use of CE marking**
    - A CE marking is mandatory and should be affixed to any construction product put on the market in the European Union, whereby the material has to have been granted a Declaration of performance. By affixing a CE marking the manufacturer takes responsibility of the performance of the construction material. The rules concerning the CE marking are set out in articles 8-16.
- Article 17-35: **Harmonized standards**
    - Harmonised standards shall be established by the European standardisation bodies.
    - Member states may designate Technical assessment bodies (TAB) for any construction product not covered or not fully covered by a harmonised standard for one or more product areas.
    - Union financing can be granted to the organisation of a TAB for the implementation of tasks specified in art. 31 (organisation and coordination of TABs).
    - Harmonised standards bear the mark EN, the related or mirrored national standards bear the additional marking HRN (Croatia), UNI (Italy) and SIST (Slovenia). The standards in Bosnia and Herzegovina bear the mark BAS.
- Technical details concerning the required activity, responsible bodies and technical matters are laid out in the annexes:
    - Annex I: Basic requirements for construction works (mechanical resistance and stability, safety in case of fire, hygiene, health and the environment … sustainable use of natural resources etc.)
    - Annex II: Procedure for adopting a European assessment document

- Annex III: Declaration of performance – *of the product*
- Annex IV: Product areas and requirements for tabs (e.g. pt. 9. curtain walling/cladding/structural sealant glazing, pt. 17. masonry and related products, pt. 23. road construction products)
- Annex V: Assessment and verification of the constancy of performance

In Italy only articles from 3 to 28, from 36 to 38, from 56 to 63, articles 65 and 66, annexes I, II, III and V have been in force since 24 April 2011, while the rest have been in force since 1 July 2013. In Bosnia and Herzegovina the process of harmonisation began when compliance with EU standards became necessary for the positioning of building materials on the EU market. It is not a requirement for products used domestically.

3.4.1 Standards directly applying to the use of natural stone

<table>
<tr><td>Referential standard - EU</td><td>Name / requirements</td></tr>
<tr><td>EN 1990</td><td>Basis of structural design Eurocode

The standard specifies quantities and factors in all the calculations dealing with structural design, namely:
– Basic requirements
– Reliability management
– Design working life (see indicative design working life table – applies to durability):
<table>
<tr><th>Design working life category</th><th>Indicative design working life (years)</th><th>Examples</th></tr>
<tr><td>1</td><td>10</td><td>Temporary</td></tr>
<tr><td>2</td><td>10-25</td><td>Replaceable structural parts, e.g. gantry girdles, bearings</td></tr>
<tr><td>3</td><td>15-30</td><td>Agricultural etc. structures</td></tr>
<tr><td>4</td><td>50</td><td>Building structures and other common structures</td></tr>
<tr><td>5</td><td>100</td><td>Monumental structures, bridges and other civil engineering structures</td></tr>
</table>
– Basic formulas and limiting values (factors, i.e. variable actions etc.):</td></tr>
</table>

	The standard is complemented by occasional national supplements.
EN 13383-1:2002 EN 13383-1:2002/ AC:2004	*Natural stone for hydraulic structures and other civil engineering works* Applies to the use of aggregates for concrete and reinforced concrete, whereby the most important aspects are block integrity, freezing/thawing ration and salt crystallization. Part 1: Specification Part 2: Testing methods Requires a CE marking for the material, which specifies: – Particle shape, size and density – Resistance to fragmentation, breakage and attrition – Release of dangerous substances – Durability against weathering, freeze/thaw, salt crystal weathering
EN 12326-1:2004	*Natural slates and stone products for roofing and cladding* Specifies thickness of the slates in relation to their carbonate content and SO_2 exposure code, whereby natural slates with a carbonate content higher than 20% are not suitable for roofing or external cladding. Part 1: Specification Part 2: Testing methods The calculation of thickness applies to the longitudinal and transverse thickness, conditioned by the modulus of rupture, which is specified for both thicknesses (longitudinal Rcl, transverse Rct) and varies in different countries. For example in Italy both are set at 1.2, in the UK Rcl is 1.1 and Rct is 0.9, while in France Rcl is set at 1.4 and Rct at 1.25.
EN 1341:2001	*Natural stone slabs for external paving – demands and testing methods* *Performance requirements and corresponding test methods for all natural stone slabs for external paving use* The denomination aligned to EN 12440 (traditional name, petrological family, typical colour and place of origin), whereby the petrographic name shall be declared in accordance with EN 12407. The standard specifies: – Dimensions (EN 13373): – Plan dimensions (thickness, face irregularities, flatness and straightness,

	arrises, faces, requirements for angles and special shapes) – Freeze/thaw ratio – Flexural strength – Abrasion resistance – Slip resistance – Aspects (appearance and reference sample) – Water absorption 85 of mass) – Apparent density and open porosity – Petrographical description – Chemical surface treatment (yes/no) The estimate of conformity applying to the required thickness of the slab is calculated, whereby the formula deals with the breaking load, slab dimensions, lower expected strength value and the combined installation and safety factor for the flexural strength. Breaking load applies to the permissible usage of the stone, whereby the values are: 0.75 – kerbs bedded in mortar for pedestrian areas only 3.50 – pedestrian and cycling areas 6.00 – occasional car, light vehicle, motorcycle access, garage entrance 9.00 – walking areas, market places, occasionally used by delivery vehicles and emergency vehicles 14.00 – pedestrian areas often used by heavy lorries 25.00 – roads and streets, petrol stations Each material has to be marked with a CE marking, which specifies: flexural strength (after the thawing and freezing test in MPa), durability (cycles necessary to initiate rupture), slipperiness, skid resistance and abrasion.
EN 1342:2001	*Natural stone slabs for external paving – demands and testing methods* Specifies materials for building roads and necessary CE marking. Annex B – specifies the calculation of breakloads for slabs and the required slab thickness Annex D – specifies unpolished slip resistance value (USRV)
	Kerb stones from natural stone for external paving – demands and testing methods
	Specifies required strength of the kerbs and the necessary CE marking

EN 1469:2004	*Natural stone products – cladding slabs for walls and ceilings* The standard specifies definition of: – Denomination – Visual appearance (colour, veining, texture) – Flexural strength – Breaking load at a dowel hole – Water absorption at atmospheric pressure – Reaction to fire – Water absorption by capillarity – Apparent density and open porosity – Frost resistance – Thermal shock resistance – Water vapour permeability
EN 12407:2007	*Natural stone test methods – petrographic examination* – doesn't apply to roofing slates A petrographical description of the natural stone is important not only for the purpose of petrographic classification but also in order to highlight the features influencing its chemical, physical and mechanical behaviour. In the same way the determination of the stone's origin could be necessary (e.g. in the case of restoration of historical monuments). It is therefore essential to characterize the natural stones not only from the point of view of their mineral components and of their fabric and structure but also in terms of any feature as: colour, presence of veins, of fossils, of discontinuities etc.) To ensure that the petrographic classification is objective, it is essential that the characterization of the material be, as far as possible, qualitative (method EN 12326-2). Procedure: – Preparation of thin and polished sections – Staining (feldspar staining, carbonate staining) – Macroscopic description (colour, fabric, grain size (coarse, medium, fine), open and refilled macroscopic cracks, pores and cavities (when relevant), evidence of weathering and alternation – staining by sulphide alternation, diffusion of Fe hydroxides, alternation of feldspars (when relevant), presence of macrofossils when relevant), presence of xenolithic and mafic intrusions (when relevant)) – Microscopic description (fabric, constituents (mineral/grains, ground

	mass) – in sedimentary rocks, matrix (microcrystalline pelitic, carbonate or silicic mud which includes grains when present or fills the interstices) and cement (amorphous or crystalline materials partially or completely filling cavities)), organogenic remains), discontinuities and alterations have to be distinguished.
EN 12440:2008	*Natural stone: Denomination criteria* Denomination includes the specification of the name (traditional name), petrological family, typical colour and place of origin. Annex A brings an informative list of traditional names of European natural stones, which is subject to revision in future editions. Heading A 2.17 bears the traditional natural stones quarried. In Slovenia, all in all 15 types of natural stone (petrological families: gabrro, limestone, tufa, lithic greywacke and granite) are listed (even if the quarry is non-operational), while in Friuli Venezia Julia the list includes 26 different stones (petrological families: marble, granite, travertine and limestone). The national appendix to the standard for Croatia was not available, but according to national research documents the Croatian market of natural stone lists 33 types of stone, mainly limestone (also platy limestone), some breccia and a granite (Crnković, 1999). Data from Bosnia and Herzegovina was not available. **Platy limestone is not among the listed stones in the standing standards in Croatia (although mention of the stone was noted in research papers), Italy and Slovenia.**

If platy limestone is to be put on the market in its own right, the prescribed procedure has to be observed and the building material should obtain a CE tag, implying its safe use for building and construction purposes. However, considering the possible quantity of the excavated material needed to meet the present and probably even future market demand, other solutions have to be sought for. Nevertheless, national technical approval can be granted to specific materials upon application by the interested party, whereby the source (of the product) and its intended use are specified. The technical approval also implies use throughout the EU.

3.5 CONCLUSION

A brief analysis of the legislature on planning and construction in the partner countries, carried out from the submitted data, suggests the following conclusions:

- **Mining and exploitation of natural stone as a mineral resource is a land use** as specified in spatial planning documents/plans, which are the prime legal framework and planning condition allowing the exploitation of a natural resource that will be used as a

building material. The opening of a new mine/quarry or reopening an abandoned historical mine/quarry therefore requires not only the undertaking of the procedures related to the concessions and/or the right of exploitation according to the mining regulations, but also the procedures related to the spatial planning laws.

- The responsibilities of the respective governmental/administrative levels concerning the preparation of spatial plans related to mining and or the exploitation of mineral resources correspond to the organisational setup of each particular country.
- Building and architectural considerations are specified in the implementation stipulations in the spatial plans and are conditioned by the regulation concerning the cultural heritage for safeguarded areas, buildings or cultural landscapes, while the goals and principles of spatial management and organisation are generally set up in statutory documents of the corresponding administrative level of government (region, municipality etc.). Since the quest for authenticity and identity are not necessarily values tied to planning, but are values related to heritage protection (monuments and cultural landscape), necessary actions have to be undertaken by the responsible governmental departments to demand the use of a local material for specified legally defined uses. **An outright demand for the use of a specified building material, which is not backed by the necessary required protocols, i.e. listing of protected monuments, proclamation of a cultural landscape etc., can mean intervention on the market and preferential treatment of a certain building product and as such is disallowed.**
- Permissions for development are defined in the procedures as stipulated in the pertaining laws, whereby mining as such is not seen as a construction. However, the construction of complementary buildings which exceed the objects necessary for exploitation as such are buildings, and necessary permits have to be obtained.
- The use of a building material for construction is tied to legislature concerning quality of the material and performance under stress, which have to be established before a material is recognised as a commodity on the market in procedures specified in standards.
- **None of the partner countries recognises platy limestone as a standardised building material, which can be positioned on the market in its own right, meaning that alternative methods (recycling) for providing the stone on the market have to be ensured and permitted by law**.

3.5.1. Unresolved issues

The main unresolved issue in the spatial planning and building legislature concerning the use of natural platy limestone for building purposes are:

- *Can regions and municipalities initiate processes for reintroducing the territories of abandoned mines and quarries into municipal and regional plans and define their land use? If not, how can national legislatures stipulate the reactivation of abandoned quarries, exploitation fields or pits for the mining of natural limestone?*
- *How can national legislatures cope with the issue of recycling natural stone as a building material, especially for safeguarded buildings and in cultural landscapes, where authenticity and identity are the main goals, in areas where mining of formerly used natural stone is prohibited?*

3.6 LIST OF LEGAL DOCUMENTS CONCERNING SPATIAL PLANNING, ARCHITECTURE AND CONSTRUCTION OF THE PARTICIPATING COUNTRIES, RELEVANT FOR THE USE OF PLATY LIMESTONE, AS SUBMITTED BY THE PROJECT PARTNERS

3.6.1 Constitution

3.6.1.1 Bosnia and Herzegovina

- Constitution of the Federation of Bosnia and Hercegovina / Ustav Federacije Bosne I Hercegovine (1994)
- Constitution of the Republic of Bosnia and Hercegovina / Ustav Republike Bosne I Hercegovine (1995)

3.6.1.2 Croatia

- Constitution of the Republic of Croatia / Ustav Republike Hrvatske (1990)

3.6.1.3 Italy

- Constitution of the Italian Republic / Costituzione della Repubblica italiana (1947)

3.6.1.4 Slovenia

- Constitution of the Republic of Slovenia / Ustava Republike Slovenije (1991)

3.6.2 Spatial planning and architecture

3.6.2.1 Bosnia and Herzegovina

- Law on spatial planning and land use on the level of the Federation of Bosnia and Hercegovina / Zakon o prostornom planiranju i korištenju zemljišta na nivou Federacije Bosne i Hercegovine, (Službene novine Federacije Bosne i Hercegovine, broj 2/06 i 72/07, 32/08. 4/10, 13/10 and 45/10)
- Ordinance on the method of converting forests into building land / Odluka o načinu pretvaranja šumskog zemljišta u građevinsko (Službene novine FBiH 108/12)
- Law on spatial management / Zakon o prostornom uređenju ("Narodne novine ŽZH", br. 4/99, 15/01, 10/03 i 18/11; Službene novine HNK", broj: 4/04)[24]

3.6.2.2 Croatia

- Law on spatial planning / Zakon o prostornom uređenju (Narodne novine 153/2013.)
    - Rules on municipalities that can adopt municipal spatial plans of decreased content and general content, scales of cartographic representations and the required supplements to the plan / Pravilnik o općinama koje mogu donijeti prostorni plan uređenja općine smanjenog sadržaja i sadržaju, mjerilima kartografskih prikaza i obveznim prilozima toga plana (Narodne novine br. 135/10)

[24] Regional level

- Rules on content, scales of cartographic representations, the required spatial indicators and standards of the spatial plan document / Pravilnik o sadržaju, mjerilima kartografskih prikaza, obveznim prostornim pokazateljima i standardu elaborata prostornih planova ("Narodne novine", br. 106/98., 39/04., 45/04., 163/2004, 76/2007, 135/2010, 148/2010 i 153/2013)
- Rules on the safety measures concerning elementary disasters and wartime dangers in spatial panning and management / Pravilnik o mjerama zaštite od elementarnih nepogoda i ratnih opasnosti u prostornom planiranju i uređivanju prostora ("Narodne novine", br. 29/83., 36/85., 42/86., 30/1994, 76/2007).
- Decree on the adoption of the Spatial management programme of the Republic of Croatia / Odluka o donošenju Programa prostornog uređenja Republike Hrvatske (Narodne novine 50/1999, 96/2012, 96/2012, 84/2013)
- Decree on the production of the Spatial development strategy of the Republic of Croatia / Odluka o izradi Strategije prostornog razvoja Republike Hrvatske (NN 143/13)
- Rules on the content and required spatial indicators on the state of space / Pravilnik o sadržaju i obveznim prostornim pokazateljima izvješća o stanju u prostoru (NN 48/14)

- Law on the national infrastructure of spatial data / Zakon o nacionalnoj infrastrukturi prostornih podataka (NN 56/13)
- Spatial plan of the canton Dubrovačko-Neretvanska / Prostorni plan Dubrovačko-neretvanske županije (2003, 2005, 2006, 2010, 2012)[25]
- Spatial plan of the canton Istarska / Prostorni plan Istarske županije (2002, 2005, 2008, 2010) [26]
- Spatial plan of the canton Ličko-Senjska / Prostorni plan Ličko-senjske županije (2010, 2011) [27]
- Spatial plan of the canton Primorsko-Goranska / Prostorni plan Primorsko-goranske županije (2013) [28]
- Spatial plan of the canton Splitsko-Dalmatinska / Prostorni plan Splitsko-dalmatinske županije (2003) [29]
- Spatial plan of the canton Zadarska /Prostorni plan Zadarske županije (2001, 2004, 2005, 2006) [30]

3.6.2.3 Italy

- National spatial planning law (1942, No. 1150 (amended 1955, n. 1354; 1967, n. 765; 1968, n. 1187; 1971, n. 291; 1971 (house), n. 865; 1977, n. 10 (soils); 1982, n. 9, converted in law 1982, n. 94; 1985, n. 47; 1985, n. 146, converted in law 1985, n. 298; 1989, n. 122; law 1992, n. 179)
- Friuli Venezia Giulia regional law, 23 February 2007, n. 5 – Planning reform and rules on construction and the landscape[31]
- Piano Urbanistico Regionale Generale del Friuli Venezia Giulia (PURG) /FVG urbanistic regional general plan – approved by DPGR n. 0826/Pres, 15.09.1978[32]

[25] Regional level
[26] Regional level
[27] Regional level
[28] Regional level
[29] Regional level
[30] Regional level
[31] Regional level
[32] Regional level

- Piano Territoriale Regionale di Coordinamento (PTRC) Veneto/Regional coordination territorial plan – approved in 1992[33]
- Veneto regional law, 23 April 2004, n. 11– Rules for the territory government and in the field of the landscape[34]
- Veneto regional law, 29 November 2013, n. 32– New provisions for the support and the redevelopment of the building sector amending regional laws on urban planning and construction[35]
- Piano di Governo del Territorio (PGT) / Territory government plan – approved on 16 April 2013. It will enter into force on 1 January 2015[36]
- General municipal plan – version 24-25, in force since 30 April 2008 and General municipal plan – version 27, adopted on 16 November 2011, not yet in force (Municipality of Duino-Aurisina)[37]
- General municipal plan – version 7, in force since 04 October 2013 (Municipality of Monrupino) [38]
- General municipal plan – version 20, in force since 23 February 2006 (Municipality of San Dorligo della Valle) [39]
- General municipal plan – version 12, in force since 26 March 2009 (Municipality of Sgonico) [40]
- General municipal plan – version 66, in force since 23 September 1997 (Municipality of Trieste) - General municipal plan, adopted on 16 April 2014, not yet in force [41]

3.6.2.4 Slovenia

- Spatial Management Act / Zakon o urejanju prostora (Uradni list 110/2002 – ZureP-1, 8/2003 – popr., 58/2003 – ZZK-1) – *mostly replaced*
    - Ordinance on the Spatial Planning Strategy of Slovenia / Odlok o strategiji prostorskega razvoja Slovenije (Uradni list 76/2004)
    - Decree on the Spatial order of Slovenia / Uredba o prostorskem redu Slovenije (Uradni list 122/2004)
- Spatial Planning Act / Zakon o prostorskem načrtovanju ZPNačrt (Uradni list 33/2007)
    - Rules on the content, format and drawing-up of municipal spatial plans and on the criteria for specifying dispersed-settlement areas in need of restoration and for specifying areas for new settlement / Pravilnik o vsebini, obliki in načinu priprave občinskega prostorskega načrta ter pogojih za določitev območij sanacij razpršene gradnje in območij za razvoj in širitev naselij (Uradni list RS, št. 99/2007)
- Act regarding the siting of spatial arrangements of national significance in physical space / Zakon o umeščanju prostorskih ureditev državnega pomena v prostor (Uradni list RS, št. 80/2012, 106/2012, 57/2012)

[33] Regional level
[34] Regional level
[35] Regional level
[36] Regional level
[37] Local level
[38] Local level
[39] Local level
[40] Local level
[41] Local level

- Law on the Škocjan Caves Regional Park / Zakon o regijskem parku Škocjanske jame (Uradni list RS, št. 57/96 in 46/14 - ZON-C)
- Municipal spatial plan of the Municipality of Divača / Občinski prostorski načrt občine Divača – *in procedure*[42]
- Municipal spatial plan of the Municipality of Hrpelje-Kozina / Občinski prostorski načrt občine Hrpelje-Kozina – *in procedure*[43]
- Municipal spatial plan of the Municipality of Sežana / Občinski prostorski načrt občine Sežana – *in procedure*[44]

3.6.3 Construction

3.6.3.1 Bosnia and Herzegovina

- Construction Act / Zakon o gradnji (građenju), ("Službene novine Federacije BiH'', broj 55/02).
    - Uredba o uređenju gradilišta, obveznoj dokumentaciji na gradilištu i sudionicima u građenju ("Službene novine F BiH", br. 48/09 i 75/09)
    - Pravilnik o tehničkim svojstvima sustava ventilacije, djelomične klimatizacije i klimatizacije u građevinama ("Službene novine F BiH", br. 49/09)
    - Pravilnik o tehničkim svojstvima sustava grijanja i hlađenja građevina ("Službene novine F BiH", br. 49/09)
    - Pravilnik o tehničkim zahtjevima za toplinsku zaštitu građevina i racionalnu uporabu energije ("Službene novine F BiH", br. 49/09)
- Law on management and maintanance of common parts and utilities of buildings / Zakon o upravljanju i održavanju zajedničkih dijelova i uređaja zgrada ("Službene novine HNK", broj: 1/06) [45]
- Construction Act / Zakon o građenju ("Narodne novine ŽZH", br. 4/99, 15/01, 10/03 i 18/11) [46]
    - Pravilnik o načinu zatvaranja i označavanja zatvorenog gradilišta odnosno građevine ("Narodne novine ŽZH", br. 7/00) [47]
- Construction Act / Zakonu o gradnji ("Narodne novine HNK", broj: 5/04) [48]

3.6.3.2 Croatia

- Spatial Planning and Construction Act / Zakon o prostornom uređenju i gradnji (Narodne novine 76/07, 38/09,90/2011, 50/2012, 55/2012, 80/2013, 153/ 2013)
    - Pravilnik o ocjenjivanju sukladnosti, ispravama o sukladnosti i označavanju građevnih proizvoda ("Narodne novine", br. 10320/08, 147/2009, 87/2010, 129/2011)
    - Pravilnik o osiguranju pristupačnosti građevina osobama s invaliditetom i smanjene pokretljivosti ("Narodne novine", br. 78/2013.)

[42] Local level
[43] Local level
[44] Local level
[45] Regional level
[46] Regional level
[47] Regional level
[48] Regional level

- Pravilnik o stručnom ispitu te upotpunjavanju i usavršavanju znanja osoba koje obavljaju poslove prostornog uređenja i graditeljstva ("Narodne novine" br. 24/2008, 141/2009, 87/2010, 23/2011, 129/2011, 109/2012, 153/2013, 2/2014)
- Pravilnik o načinu zatvaranja i označavanja zatvorenog gradilišta ("Narodne novine", br. 42/2014.)
- Pravilnik o tehničkim dopuštenjima za građevne proizvode ("Narodne novine" 103/08)
- Pravilnik o tehničkom pregledu građevine ("Narodne novine", br. 108/04, 76/2007, 153/2013, 43/2014.)
- Pravilnik o vrsti i sadržaju projekta za javne ceste ("Narodne novine", br. 53/02, 175/2003, 76/2007)
- Pravilnik o kontroli projekata ("Narodne novine", br. 32/2014.)
- Pravilnik o uvjetima i načinu vođenja građevnog dnevnika ("Narodne novine", br. 6/00, 175/2003, 76/2007)
- Pravilnik o uvjetima i mjerilima za davanje ovlaštenja za kontrolu projekata ("Narodne novine", br. 32/2014.)
- Pravilnik o materijalno-tehničkim uvjetima za rad građevinskih inspektora ("Narodne novine" br. 42/2014)
- Pravilnik o nostrifikaciji projekata ("Narodne novine", br. 98/1999, 29/2003, 175/2003, 76/2007, 153/2013)
- Pravilnik o jednostavnim građevinama i radovima (NN 21/2009, 57/2010, 126/2010, 48/2011, 81/2012, 68/2013, 153/2013)

- Law on the procedures with illegally constructed buildings / Zakon o postupanju s nezakonito izgrađenim zgradama (NN 86/2012, 143/2013)
- Law on building inspection / Zakon o građevinskoj inspekciji (NN 153/2013)

3.6.3.3 Italy

- President of the Republic Decree 6 June 2001, n. 380 – Single text of laws and regulations regarding buildings (G.U. n. 245 del 20 October 2001 - amended by L. 98/2013)
- Law-decree 13 May 2011, n. 70, art. 5
- Friuli Venezia Giulia regional law, 11 November 2009, n. 19 – *Buildings regional code*[49]
- Regional President Decree 20 January 2012, n. 018/Pres. – Regulation of putting into effect of a regional law 11 November 2009, n. 19[50]
- Veneto regional law, 7 November 2003, n. 27– *General provisions relating to public works of regional interest and for construction in classified seismic areas*[51]
- Veneto regional law, 29 November 2013, n. 32– New provisions for the support and the redevelopment of the building sector amending regional laws on urban planning and construction[52]

[49] Regional level
[50] Regional level
[51] Regional level
[52] Regional level

- Municipal building regulations [53]:
    - Municipality of Duino-Aurisina: last amendments 31 January 1995
    - Municipality of Trieste: last amendments on 29 July 2010

3.6.3.4 Slovenia

- Construction Act / Zakon o graditvi objektov (ZGO-1) (Uradni list RS 110/2002, 97/2003, 41/2004 – ZVO-1, 45/2004, 47/2004, 62/2004, 102/2004 – UPB1, 14/2005-popr.)
    - Decree on the classification of buildings with regard to their complexity / Uredba o razvrščanju objektov glede na zahtevnost gradnje (Uradni list RS 18/2013, 24/2013, 26/2013)
    - Rules on the protection of buildings against humidity / Pravilnik o zaščiti stavb pred vlago (Uradni list RS 29/2004)
    - Rules on the documentation certifying the reliability of a completed construction / Pravilnik o dokazilu o zanesljivosti objekta (Uradni list RS 55/2008)
- Rules on the mechanical resistance and stability of construction work / Pravilnik o mehanski odpornosti in stabilnosti objektov (Uradni list RS 101/2005)

3.6.4 Building material[54]

3.6.4.1 European Union

- Regulation No. 305/2011 of the European Parliament and the European Council of 9 March 2011 on the regulation of harmonised conditions for the marketing of construction products

3.6.4.2 Bosnia and Herzegovina

- Law on building materials / Zakon o građevinskim proizvodima ("Službene novine F BiH", br. 78/09)
    - Rules on assessing the compliancy of building products / Pravilnik o ocjenjivanju usklađenosti građevinskih proizvoda ("Službene novine F BiH", br. 88/10)
    - Rules on marking of construction products / Pravilnik o označavanju građevinskih proizvoda ("Službene novine F BiH", br. 88/10)
    - Rules on technical approval for construction products / Pravilnik o tehničkim odobrenjima za građevne proizvode (“Službene novine FBiH”, 2/11)

3.6.4.3 Croatia

- Law on building products / Zakon o građevnim proizvodima (NN 76/2013)
- *Following: Regulation no. 305/2011 of the European Parliament and the European Council of 9 March 2011 on the regulation of harmonised conditions for marketing construction products*

[53] Local level
[54] Legislation regarding building material is on the EU and national level, except for Bosnia and Herzegovina, where it is only on the national level

- Rules on the attestation of conformity, documents on conformity and marking of construction products / Pravilnik o ocijenjivanju sukladnosti, ispravama o sukladnosti I iznačavanju građevnih proizvoda (NN 103/2008, 147/09, 87/10, 129/11)

3.6.4.4 Italy

- Regulation no. 305/2011 of the European Parliament and the European Council of 9 March 2011 on the regulation of harmonised conditions for marketing construction products

Only articles from 3 to 28, from 36 to 38, from 56 to 63, articles 65 and 66, annexes I, II, III and V are in force in Italy from 1 July 2013.

3.6.4.5 Slovenia

- Construction products Act / Zakon o gradbenih proizvodih (ZGPro) (Uradni list RS 52/2000, 110/2002 – ZGO-1)
- *Following: Regulation no. 305/2011 of the European Parliament and the European Council of 9 March 2011 on the regulation of harmonised conditions for marketing construction products*
  - Rules on the attestation of conformity and marking of construction products / Pravilnik o potrjevanju skladnosti in označevanju gradbenih proizvodov (Uradni list RS, 54/2001),
  - Rules on the procedures for granting European technical approval for construction products / Pravilnik o postopku podelitve evropskega tehničnega soglasja gradbenemu proizvodu (Uradni list RS, 69/2003),
  - Rules on the essential requirements for the construction works to be taken into consideration in determining the characteristics of construction products / Pravilnik o bistvenih zahtevah za gradbene objekte, ki jih je treba upoštevati pri določitvi lastnosti gradbenih proizvodov (Uradni list RS, 9/2001)
  - Decree on the List of standards which, when applied, create the presumption of the conformity of construction products with the Construction products act / Odredba o seznamu standardov, katerih uporaba ustvari domnevo o skladnosti gradbenih proizvodov z zahtevami Zakona o gradbenih proizvodih (Uradni list RS 103/2011)

4 ANALYSIS OF THE STANDING LEGISLATION IN PARTNER COUNTRIES IN THE FIELD OF MINING

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4.1 OBJECTIVES

Based on the analysis of the regulatory framework of the RoofOfRock project, partner countries and the EU will contribute to the establishment of the concept best practice that enables the extraction of platy limestone in Karstic regions by identification of gaps and good practices in the regulatory framework at the EU, national/regional and local levels.

The WP6 – Mining and mineral legislative framework, main objectives are:

- to determine how mineral deposits are, or are not, considered in partner countries;
- to create guidance documents for each partner country that describes how to incorporate the concept of Natural stone-platy limestone sustainable management in Karstic areas within the mineral and land use planning policies.

4.2 BACKGROUND

Most European countries have Minerals Policies, but they seldom deal precisely with the "mineral deposits of platy karstic limestone". This material for construction belongs to the group of natural stones that deserve special treatment. The essential basis to achieve the goal is to adopt a proper legislative framework at the national/local level to enable sustainable exploitation conditions and a sufficient supply which will suit the local demand for local building restoration.

The goal is to determine how mineral deposits are considered in partner countries' legislative frameworks, including where each partner country is in the miming and land use planning cycle with respect to all the possibilities of access to mineral (platy limestone) deposits.

Multi-sectoral Analysis (between Mining, Mineral and land use planning) is particularly important, so as to determine the degree to which integrated planning for all mineral deposits are taking place and where disconnects and inconsistencies exist.

Information should be collected on the status of the land use plans in the relevant sectors, i.e., where the development of different plan components are in the planning process, as it is likely that some aspects of planning are more fully developed than others.

4.3 GENERAL LEGAL AND POLICY FRAMEWORK IN THE EU (MINERALS PLANNING POLICIES AND SUPPLY PRACTICES IN EUROPE, LEOBEN 2004)

All Member States have some form of hierarchical government structure, with the national government at the apex and the legal and administrative structures following the "cascade" principle, i.e. regional, county and local law and practices, which are *consistent* with national law and practice and, especially, European law and practice.

The emergence of environmental protection (EU) legislation/policy has added a number of additional factors that impact on the authorisation process for mineral extraction. The influence of EU-legislation and the policy on national legislation and practice has grown markedly in recent years, especially regarding environmental matters. Many national laws have been amended to implement EU-legislation. While this is having a harmonising effect with regard to environmental matters, it has also had an impact on the extractive industry by increasing restrictions on mineral extraction, and increasing the time and costs required for approval of permit applications. Both aspects have adverse effects on the ability of the industry to exploit the available mineral reserves. Extractive activities depend on geology and the particular location of the mineral deposits. As a result, access to the deposits is of crucial importance for the competitiveness of the extractive industry. Some directives, such as the Habitats Directive, have restricted areas of land which are available to the industry.

4.3.1 Principal Legislation Controlling Mineral Extraction

The mechanisms for controlling mineral extraction in part reflect the historical evolution of the ownership of mineral rights. Three main types of legislation have been identified:

- A Mining Law - Other excavation laws
- A General Land Use Planning Law
- Other laws (especially environmental laws)

In most Member States the extraction of state owned minerals is covered by a specific Mining Law. As far as construction minerals are concerned, there is a trend for the principal legislative control to be exercised under environmental laws. Environmental laws tend to focus on limiting the possible harmful effects resulting from extraction by attaching conditions to mineral extraction licences.

4.3.2 Regulatory Conditions Controlling Mineral Extraction

All Member States require a permit or equivalent for mineral extraction. The permit usually contains a number of general and site specific conditions that have to be met by the permit holder. The specific conditions normally cover the technical aspects of mineral extraction, general health and safety requirements, environmental and land use planning matters, and restoration.

Depending on the site specific circumstances, the various authorities involved in the authorisation process can impose specific conditions. These could either be part of a single comprehensive permit, or in a number of individual (separate) permits, which together constitute the overall permit. An important point is that very often it is only through the *imposition of specific conditions that mineral extraction can actually proceed*.

Mineral extraction, because of its potential to give rise to significant adverse environmental effects, is an activity where the integration of the various aspects of environmental control (in land use planning systems) is crucial. There exist considerable differences between Member States on the extent to which this integration process has taken place. Well integrated systems

have shown significant advantages in streamlining administrative procedures in connection with applications for exploration and exploitation permits.

4.3.3 Restoration and Aftercare

Restoration of mining land and aftercare are seen as vital components for the sustainable extraction of minerals and all have procedures to ensure that restoration takes place. Restoration of exhausted mineral workings is accorded a high priority in most Member States. It is normal practice in most Member States to impose restoration conditions on the extraction permit. As a general rule, after-use of the extraction site is not covered in the mining legislation, except in Denmark. Whereas the principle of after-use of extraction areas and the need for long-term management of the restored land is accepted by Member States, there are considerable differences on *how long-term management of the restored area should be achieved*. A challenge in this regard can be that after-use is usually determined by the characteristics of the *location* of the workings (as provided for in development plans).

An issue which is of concern to most Member States is the *funding* of restoration work. The problem results from the fact that much of the restoration work takes place after completion of the extraction activities, which is when the operating company has no operating income. For this reason most of the Member States provide in their minerals legislation mechanisms for securing the funding of the restoration work. This is achieved through provisions requiring the establishment of closure funds, bank guarantees or other forms of security.

4.3.4 Fees and Compensation

Financial provisions (fees, royalties, taxes, etc.) relating to mineral exploration and extraction are broadly similar across European Community, although amounts vary between the states and between mineral types.

4.3.5. Minerals Policy

The Minerals Policy in many Member States is a *low key issue* and *few* Member States have specific and clearly defined and published mineral policies.

A number of Member States still have minerals legislation which dates back to a time when minerals were considered as important for economic development and therefore had a high legal status as reflected by the category of “free minerals”, i.e. Austria, Germany, Finland, Norway, and Sweden. Some Member States have a principal minerals legislation that is based on the concept of sustainable development. Most Member States delegate the implementation of their minerals policy to lower tiers of government. At this level the instrument to implement the policy is land use planning. Access to and protection of mineral deposits is an important aspect of mineral planning, particularly as far as construction minerals are concerned, which constitute the bulk of the non-energy minerals extracted in Europe.

However, in countries which do *not have clearly defined mineral policies,* minerals’ issues are often allocated a lower priority in land use planning compared to other issues, such as environment protection, nature conservation and water protection. In very few Member States is reference made to minerals being an important consideration in land use planning, e.g. identifying areas which have been set aside for minerals extraction. One of the critical issues is that in most Member States construction minerals are not considered to be of national or high importance. This is despite the fact that the European society is strongly dependent on a sustainable supply of construction minerals, which as far as the interior of Europe is concerned should, for environmental reasons, involve short transport distances.

4.3.6 Legal and Administrative Framework of European Mining and Quarrying industries

All Member States have legislation governing mineral rights, licensing of minerals exploration and exploitation, monitoring and supervising mining activities and mine closure. In most Member States several categories of minerals are defined as explained earlier. With regard to the *principal legislation* controlling mineral extraction, there exists – as discussed in Chapter 3 of the main report – in addition to the specific minerals legislation (i.e. mining act) other forms of legislation, such as an excavation act, planning act or other laws that impact mineral extraction. In some Member States, specific minerals legislation no longer applies (e.g. Belgium) or only applies to minerals that do not belong to the landowner. As a result, minerals of low value (mostly construction minerals) are legislated by other laws, which are either a general land use planning law or an environmental law (e.g. Belgium, France and Germany).

There is an increasing tendency in Europe to regulate minerals extraction through provisions in other legislations, i.e. environmental protection, forestry and water legislation. As most of these provisions are of a prohibitive nature, minerals extraction is adversely affected. This raises the issue of the *effectiveness and efficiency of the administrative processes* governing mineral extraction. The various country reports have shown that different approaches have been adopted by Member States and that the situation can be quite complex with the potential for inefficiencies, time delays and increased costs.

The following table gives an indication of the administrative structure of the authorisation process in some of the Member States. The *analysis* of the various procedures adopted in the different Member States shows that in all instances the authorisation process is such that it is unavoidable for local and/or regional authorities to become involved in the final decision making step. The main difference between the Member States is the role at the national level in the process. In some Member States and for some categories of minerals, the national authority becomes involved in the authorisation process in an operational manner.

4.3.7 Land Use Planning

Land use planning for minerals should be done at a high level (National or regional) and should consider long time periods. Land use planning is an integrative process, in which different claims of utilization are subjected to an evaluation process on the basis of which the land use planning authority identifies areas where in principle no minerals extraction will be allowed; areas where extraction may be allowed but are subject to certain conditions, and areas where in principle extraction would be permitted. For land use planning to be an effective tool it is essential that it is based on a solid and well substantiated data base and that it includes all necessary information. From a minerals' development point of view it is crucial that the information concerning mineral deposits is entered into the land use data bases to ensure that minerals are considered in all land use planning decisions. Incorporation of minerals in land use planning decisions is considered **good practice** and essential for a sustainable minerals supply in Europe.

4.3.8.2 Recommendations

The study of minerals planning policies in the EU- Member States has identified a number of problem areas. These can be divided into problems of a general nature and specific problems:

- *Issue No. 1*: The limited knowledge of the importance of the non-energy extractive industry in Europe.
- *Issue No. 2*: The lack of appreciation of the strategic importance of non-energy minerals and in particular construction minerals (aggregates) for the development of Europe.

- *Issue No. 3*: In most Member States non-energy minerals are allocated a low priority by the governments of the day.
- *Issue No. 4*: In most Member States access to mineral deposits is becoming more difficult.
- *Issue No. 5*: The time required for the authorization of mineral extraction tends to be very long and the outcome is often uncertain.
- *Issue No. 6*: The increasing environmental pressures on the non-energy extractive industries.

4.4 COMPARATIVE ANALYSIS BETWEEN PARTNER COUNTRIES

Partner countries in the RoofOfRock project (Slovenia, Croatia, Bosna and Hercegovina, Italy) have adopted their national Mining Acts and subordinated decrees; each partner country has adopted its national Mineral Resources Management Programme or Mining strategy as well.

Regarding the provisions determined in the national Mining acts, all the mining activities are meant to be synchronized according to the environmental and spatial requirements, (in all partner countries).

4.4.1 Parallels between all partner countries:

- national **Mining Act** and subordinated decrees;
- national **Mineral Resources Management Programme** or Mining strategy;
- all the mining activities are meant to be **synchronized with the environmental and spatial requirements**;
- Mineral resources are state property, but in Italy these are only "first class materials" (such as minerals for the extraction of metals, non-metals, fuels, water mineral and thermal springs, etc.). The mines, designed as first-class “ore deposits”, are owned by the state, that is part of the unavailable heritage of the state. The mere presence of a mineral does not determine the status of the "mine" and its belonging to the state. The mineral should be present in concentrations that make it profitable to extract (namely that the “ore deposit” is recognized). The quarries (second-class mineral deposits) are owned by the owner of the land, who has the ownership rights to the “ore deposit”. Article 840 of the Civil Code states in fact that the ownership of the land extends to the underground.
- mineral extraction/mining activities are permitted exclusively in defined mining and exploration areas regardless of the extracted volume and type of mineral resources (it is the same for platy limestone);
- any mining activity is based on revised Mining projects.
- mineral reserves inside the mining area should be calculated and classified.
- there is no exception for any raw material from any deposit. The mining right is needed in every case.

All mineral resources represent national endowment and belong to the state, therefore, there are some significant uniformities among the national mining policies, such as:

- The ministry for mining (on behalf of the state government) is the only authority to deliver mining rights to concessionaires (SLO, CRO),
- In BA Cantons have the authority,

- In Italy, the mining rights are given to private companies on a temporary concession. The concessionaire, by cultivating the "ore deposits", practices a private activity of public interest. The ore extracted (exploitation product), once separated from the field (physically separated from the rock), becomes the property of the concessionaire. For quarries, the fund owner may engage in the slot (but it is always felt that he may also lease the exploitation of a quarry, give in usufruct, lease, sell products, or give it away).

In all partner countries both the payment for the mining right and for the reclamation are obliged. The payment belongs to the state government and to local communities in a determined ratio.

1) **Payment / tax for the Mining right,** depends on the area and the extracted volume,
2) **Payment for the final remediation.**

Payment / tax for the Mining right is usually shared between the state and the municipality level.

In **Slovenia**, for example, 50% of the financial inflow belongs to the Ministry, 50% to the municipality.

In **Italy,** a tax on mining, which is based on mining surface/area, is obliged (paid to the Region and to the State property office) and a money contribution to the municipality on the extracted materials. A money contribution to the municipality on the extracted materials is obliged for quarries.

For both mining and quarries, a surety (insurance or bank policy) must be paid to ensure the reclamation. The surety shall be given back to the company at the end of the reclamation and the closure of the quarry / mine. If the company does not perform the reclamation, the surety shall be forfeited by the State and used to carry out the environmental rehabilitation works in place of the company.

4.4.2 Significant differences between countries

Some significant characteristics that cause a rather obvious distinction between different partner countries national legislative are present due to their different cultural and historical evolution:

- In Italy, quarries are left to the availability of the owner of the land. The right to exercise the mining activity is attributed to the owner with the limits imposed by the public importance of the asset given by the public to the exploitation of the deposit that is inherent in its very structure.
- in Slovenia and Croatia, all mineral resources are the property of the State and the Government is responsible for delivering the mining rights.
- in Bosnia and Herzegovina there are cantons which deliver the mining rights.

4.4.2.1 Some specifics of Mineral Resource Management and Governance in Italy

According to the **Royal Decree 29 July 1927, n. 1443** – Rules of a legislative framework to govern mining exploitation and the development of the Kingdom (G.U. 23 August 1927, n. 194), the "first class materials" are of significant or fundamental economic interest and, therefore, of

paramount interest to the country (such as minerals for the extraction of metals, non-metals, fuels, water mineral and thermal springs, etc.) and are extracted at the mine – the mine activities are authorized by the Ministry (the same as in other partner's legislations)- , the "second-class materials" are of local interest (construction materials, peat, etc.) and are extracted in the area classified as a quarry – quarry activities are authorized by the Regions-.

4.4.2.2 Mineral "classification" in Italy

Therefore , according to **Royal Decree** from **29 July 1927, n. 1443**

- "first class materials" are of significant or fundamental economic interest (e.g. metals, non-metals, fuels, water mineral and thermal springs, etc.), are extracted at the mining sites – mining activities are authorized by the Ministry **(like in other partner countries)**,
- **"second class materials" are of local interest (e.g.** construction materials, peat **...) and are extracted in the area classified as a quarry – authorized by the Regions authority.**

The quarry, as goods, is clearly divisible into "real estate" (land ownership) and "quarrying" (firm) when the first destination is given in the public interest: mining activity to fulfil a relevant interest of the national economy.

The special regimen of the "ore deposit" (in Italian "giacimento") implies that the destination given in the right allows the transfer of real property from owner availability to unavailable heritage of the region, where such availability has been removed from the same owner in the case of an avocation.

Quarries are left in the management of the owner of the land, although quarries are under region authorities. The "**exclusive right**" on a quarry must be **balanced in order for other public interests** regulated by constitutional and legislative instruments: landscape protection, hydrogeological protection, environmental impact, etc.

The right to execute the mining activity is granted to the owner with the limits imposed by the *public importance* of the asset, given by the public, to the exploitation of the deposit that is inherent in its very structure.

The "exclusive" right on a quarry must be balanced by other public interests introduced from constitutional and legislative elements (and of course from EU directives and recommendations) as nature and landscape preservation, hydrogeological protection obligation, environmental protection, etc.

Since the landowner does not have to pay royalties, but must get the authorization from the Region and sign a specific agreement with the municipality. In this agreement the environmental rehabilitation plan is established if it is a "historical quarry", also a cultural and ethno-anthropological improvement site plan. In order to ensure the correct implementation of the environmental rehabilitation plan, the landowner must present to the municipality a deposit or a guarantee. The municipality will use this money to implement the environmental rehabilitation plan if the owner defaults.

A financial contribution to the municipality for the extracted materials; "second class materials" and a surety for the quarry's reclamation is required.

Since the landowner does not have to pay any royalties/taxes, he must get the authorization from the Region authority and sign a specific agreement with the municipality. In this agreement the environmental rehabilitation plan is established and defined if it is a "historical quarry"

(also a cultural and ethno-anthropological improvement site plan).

In order to ensure the proper implementation of the environmental remediation plan, the landowner must provide a deposit or a guarantee to the municipality. The municipality will use that money to implement the environmental rehabilitation plan if the owner defaults.

4.4.3 Obligation of concessionaires to provide an Environmental Impact Assessment

In Italy, all exploitation areas of more than 500,000m^3/year of extracted material or exceeding 20ha – a Strategic Environmental Assessment is needed.

The SEA is carried out implementing the Service environmental assessments of the FVG Region and the Veneto Region.

Small quarries are subjected to a "verification of subjection" to assess whether they can have a significant impact on the environment or if the relative changes represent a substantial change (the verification is checked by the Service environmental assessments of the FVG Region and also the Veneto Region).

All mining sites that might have a significant impact on the sites of Community importance (SCI) and Special Protection Areas (SPAs) should provide an EIA.

According to jurisprudence, we cannot carry out exploitation activities, unless authorized for the purposes of hydrogeological constraints. In the FVG Region it is issued by the Administration forestry (and in particular by the Inspectorate for Agriculture and Forestry Agency) and contains all the requirements designed to prevent and mitigate the land damage. In the Veneto region, the mining authorization is a unique title.

While a quarry is included in sites with landscape protection obligations it is always conditioned to hold a special license from the responsible regional body.

The Italian legal system, with particular reference to the landscape protection, requires that the governance balances both interests - the economic significance of the work to be executed and landscape protection - to reach coexistence through the provisions designed to eliminate or mitigate any negative effects that may result from the exploitation activities on the surrounding protected territory.

For small quarries , the Region issues permits for exploitation activities and then the owner submits a specific agreement with the municipality, in which are provided environmental rehabilitation plan, which establishes the time and manner of implementation and, for "non-historical" quarries, the corresponding amount of the deposit or another form of surety chosen. For "historical quarries" an environmental rehabilitation plan must be presented, which establish the time as well as a cultural and ethno-anthropological improvement site plan.

In Slovenia, all exploitation areas with mining rights are obligated to provide an Environmental Assessment if it was previously found that they cause an important impact on the environment.

4.5 CONCLUSIONS AND OUTLINES FOR DISCUSSION

The WP6 outcomes will create a guidance document that reflects the situation in each country, and the input of the stakeholder network, but that also identifies land use planning aspects that are applicable and relevant in Karstic areas.

Discussing the differences and similarities and selecting some good practices will be the basis for preparing the recommendations that might be incorporated **into the national and regional minerals policies** as well as **in land use planning policies** through different policy scenarios and what their impacts will be at the national and regional level.

State of the art on the mining, mineral and land use planning policies in partner countries should be changed in favour of sustainable mineral resources management (particularly for platy limestone in Karstic areas) in the short-term:

- mineral extraction is carried out only on strictly defined mining areas,
- time and money consuming procedures are needed to gain Mining Rights and related licenses,
- there is no exception even for small local quarrying of autochtonous rocks for local cultural restoration.

4.6 LIST OF LEGAL DOCUMENTS CONCERNING MINING RELEVANT FOR THE EXCAVATION AND USE OF PLATY LIMESTONE, AS SUBMITTED BY THE PROJECT PARTNERS

4.6.1 Slovenia

- Mining Act (Official Gazette RS, No. 14/14) / Zakon o rudarstvu (Uradni list RS, št. 14/14 - uradno prečiščeno besedilo)
- Decree determining the mining site reclamation payment (Official Gazette RS, No. 91/11 and 57/13) / Uredba o rudarski koncesnini in sredstvih za sanacijo (Uradni list RS št. 91/11 in 57/13)
- Decree on the modification of the Decree determining the mining site reclamation payment (Official Gazette RS, No. 57/13) / Uredba o spremembah in dopolnitvah Uredbe o rudarski koncesnini in sredstvih za sanacijo (Uradni list RS, št. 57/13)
- Rules on marking the boundaries, the method of keeping a land register of the exploration and working areas and on keeping the register of mining right holders (Official Gazette RS, No. 76/03 and 61/10 - ZRud-1) / Pravilnik o označevanju mej in načinu vodenja katastra raziskovalnih in pridobivalnih prostorov ter o načinu vodenja registra nosilcev rudarske pravice (Uradni list RS, št. 76/03 in 61/10 - ZRud-1)
- Rules on mine measurements, measurement records and mining maps (Official Gazette RS, No. 83/03 and 61/10 - ZRud-1) / Pravilnik o rudarskem merjenju, merski dokumentaciji in rudarskih kartah (Uradni list RS, št. 83/03 in 61/10 - ZRud-1)
- Rules on the classification and categorization of crude oil, condensates and natural gas reserves and resources (Official Gazette RS, No. 36/06 and 61/10 - ZRud-1) / Pravilnik o klasifikaciji in kategorizaciji zalog in virov nafte, kondenzatov in naravnih plinov (Uradni list RS, št. 36/06 in 61/10 - ZRud-1)
- Rules on the classification and categorization of solid mineral reserves and resources (Official Gazette RS, No. 36/06 and 61/10 - ZRud-1) / Pravilnik o klasifikaciji in

kategorizaciji zalog in virov trdnih mineralnih surovin (Uradni list RS, št. 36/06 in 61/10 - ZRud-1)

- National Mineral Resource Management Programme (adopted by the Slovenian government in April 2009) / Državni program gospodarjenja z mineralnimi surovinami (sklep vlade z dne 9 April 2009)

4.6.2 Croatia

- *The Official Gazette of the Republic of Croatia "Narodne novine" (hereinafter: NN)*
- Mining Act (Official Gazette No. 56/2013 and 14/2014)
- Republic of Croatia Strategy of mineral resources management
- Criminal Code (Official Gazette No. 125/2011 and 144/2012)
- Regulation on the unique information system of mineral resources and registers (Official Gazette No. 142/13)
- Regulation on conditions and methods for the conduction of the construction register (Official Gazette No. 142/2013)
- Regulation on the content and method of making mining-geological studies (Official Gazette No. 142/2013)
- Regulation on the procedure for the control over extraction (mining) projects (Official Gazette No. 150/2013)
- Regulation on the technical review of mining facilities and installations (Official Gazette No. 142/2013)
- Regulation on the exploration and exploitation of mineral resources (Official Gazette No. 142/2013)
- Regulation on the procedure of evaluation of documents related to the raw mineral reserves (Official Gazette No. 150/2013)
- Pravilnik o prikupljanju podataka, načinu evidentiranja i utvrđivanja rezervi mineralnih sirovina te o izradi bilance tih rezervi (Official Gazette No. 48/92 and 60/92) / Regulation on the collection of data, method of keeping records and identification of the mineral raw materials' reserves and on the creation of the balance of those reserves (Official Gazette No. 48/92 and 60/92)
- Pravilnik o stručnoj osposobljenosti za obavljanje određenih poslova u rudarstvu (Official Gazette No. 9/00.) / Regulation on professional qualifications regarding the performance of certain mining jobs (Official Gazette No. 9/00)
- Regulation on the compensation for the concessions for mineral resources exploitation (Official Gazette No. 31/2014)
- Regulation on the treatment for the excess of excavation materials during construction works that represent mineral raw materials (Official Gazette No. 109/2011)

4.6.3 Bosnia and Herzegovina

- Mining law
- Law on the concessions of Bosnia and Herzegovina / Zakon o koncesijama BIH
- Mining law of the County of West Herzegovina / Zakon o rudarstvu ŽZH

- Law on geological research (Official Gazette of the Socialist Republic of Bosnia and Herzegovina No. 35/79 and 15/90) / Zakon o geološkim istraživanjima (Službeni list SR BiH No. 35/79 and 15/90)
- Law on the unique identification, record keeping and collection of data on mineral raw materials reserves and groundwaters and on the balance of those reserves (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 53/77, 24/86 and 17/90) / Zakon o jedinstvenom načinu utvrđivanja, evidentiranja i prikupljanja podataka o rezervama mineralnih sirovina i podzemnih voda i o bilansu tih rezervi (Službeni list SFRJ No. 53/77, 24/86 and 17/90)
- Regulation on the classification and categorisation of reserves of certain mineral raw materials and their record keeping (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 53/79) / Pravilnik o klasifikaciji i kategorizaciji rezervi pojedinih mineralnih sirovina i vođenju evidencije o njima (Službeni list SFRJ, No. 53/79)
- Regulation on the classification and categorisation of groundwaters and their record keeping (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 34/79) / Pravilnik o klasifikaciji i kategorizaciji podzemnih voda i njihovoj evidenciji (Službeni list SFRJ, No. 34/79)
- Regulation on the classification and categorisation of oil, condensate and natural gas reserves and their record keeping (Official Gazette of the Socialist Federal Republic of Yugoslavia No. 80/87) / Pravilnik o klasifikaciji i kategorizaciji rezervi nafte, kondenzata i prirodnih plinova te o vođenju njihove evidencije (Službeni list SFRJ, No. 80/87)
- Regulation on the content of geological research programmes, projects and studies (Official Gazette of the Republic of Bosnia and Herzegovina No. 25/85) / Pravilnik o sadržini programa, projekata i elaborata geoloških istraživanja (Službeni list R BiH No. 25/85)
- Regulation on the keeping of records and register of the research areas and exploitation fields (Official Gazette of the Socialist Republic of Bosnia and Herzegovina No. 24/78) / Pravilnik o vođenju zbirke isprava i katastra istražnih prostora i eksploatacijskih polja („službeni list SR BiH“ No. 24/78)
- Regulation on the programme and method of taking the professional competence exams by employee geologists (Official Gazette of the Socialist Republic of Bosnia and Herzegovina No. 12/81) / Pravilnik o načinu i programu polaganja stručnog ispita radnika koji rade na poslovima geoloških istraživanja (Službeni list SR BiH No. 12/81)
- Regulation on the method of keeping records and the creation of a register of mineral raw material deposits, geological phenomena and approved research areas / Pravilnik o načinu vođenja evidencije i izrade katastra ležišta mineralnih sirovina, geoloških pojava i odobrenih istražnih prostora.
- Regulation on the classification, categorisation and calculation of groundwater reserves and their record keeping / Pravilnik o klasifikaciji, kategorizaciji i proračunu rezervi podzemnih voda i vođenju evidencije o njima
- Regulation on the programme and method of taking the professional competence exams by employee geologists / Pravilnik o programu i načinu polaganja stručnog ispita zaposlenika geološke struke
- Regulation on the classification, categorisation and calculation of solid mineral raw materials reserves and their record keeping / Pravilnik o klasifikaciji, kategorizaciji i proračunu rezervi čvrstih mineralnih sirovina i vođenju evidencije o njima
- Regulation on the content, drafting and revision of geological research programmes and projects and the method of drafting reports on the conducted geological research / Pravilnik o sadržini, načinu izrade i reviziji programa i projekta geoloških istraživanja i načinu izrade izvještaja o izvršenim geološkim istraživanjima

- Regulation on the content and draftingof a study on the conducted geological research and the procedure of the study revision / Pravilnik o sadržini, načinu izrade elaborata o izvršenim geološkim istraživanjima i postupku vršenja revizije elaborata
- Regulation on the method and conditions of granting approval for the execution of geological research of interests for the Federation of Bosnia and Herzegovina / Pravilnik o načinu i uslovima dodjele odobrenja za vršenje geoloških istraživanja od interesa za Federaciju Bosne i Hercegovine
- Regulations on the method of collecting, keeping records, processing, using and exchanging data for the geological database, formation of a fund of profession-related documents on geological research and the organisation of a geographic information system / Pravilnik o načinu prikupljanja, evidentiranja, obrade, korištenja i razmjene podataka za geološku bazu podataka, formiranje fonda stručne dokumentacije o geološkim istraživanjima i organizacije geoinformacijskog sistema
- The Mining Law of the Federation of Bosnia and Herzegovina was adopted by the Parliament of the Federation of Bosnia and Herzegovina on the sitting of the House of Representatives on 21 April 2010 and on the sitting of the House of Peoples on 28 January 2010 / Zakon o rudarstvu FBiH donio je Parlament FBiH na sjednici Predstavničkog doma April 21th 2010 i na sjednici Doma naroda od January 28th 2010
- Law on geological research of the Federation of Bosnia and Herzegovina (Official Gazette, 18 February 2010) / Zakon o geološkim istraživanjima FBiH (Službene novine 18.02.2010)

4.6.4. Italy

- Civil law
- Royal Decree 29 July 1927, n. 1443 – Rules of a legislative framework to govern mining exploitation and development in the Kingdom (Official Gazette august 23 August 1927, n. 194)
- President of the Republic Decree 9 April 1959, n. 128 – Police rules on mines and quarries (Official Gazette 11 April 1959, n. 87)
- President of Republic Decree 24 July 1977, n. 616 (Official Gazette 29 August 1977)
- President of the Republic Decree 11 July 1980, n. 753 – New rules for the police in policing, security and regulation of the railways and other transport services (Official Gazette 15 November 1980)
- Law 30 July 1990, n. 221 – New rules for the implementation of the mining policy (Official Gazette 7 August 1990, n. 183)
- Legislative Decree 4 August 1999, n.213 – update of the Royal Decree 29 July 1927, n. 1443
- Friuli Venezia Giulia regional law, 18 August 1986, n. 35 – Rules on extractive activities
- Veneto regional law, 7 September 1982, n. 44 – Rules on quarries' exploitation
- Legal Uses of the district of Trieste. From article. 368 to article 377 – Marble and Natural stones