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In focus: Law on Cultural Heritage

The Law on Cultural Heritage (“Official Gazette of the RS”, no. 129/2021) (hereinafter: the “**Law**”) was published on 28 December 2021, entered into force on 5 January 2022 and will be applied as of 5 January 2023. From the day of the Law’s application, the Law on Cultural Goods (“Official Gazette of the RS”, no. 71/94, 52/11 – state laws, 99/11 – state law, 6/20 – state law and 35/21 – state law) shall be terminated.

Subject and application of the Law

The Law was adopted with the intention to reinforce protection of cultural heritage that represents a collection of tangible and intangible resources inherited from the past. To that effect, the Law defines **cultural goods** as objects of cultural heritage that have been evaluated and recorded in accordance with the Law and for which it has been explicitly determined to enjoy special protection. The Law further establishes and determines the jurisdiction of the **institutions for protection**, which perform all activities regarding the protection and preservation of cultural heritage. Finally, the Law defines the specifics of utilizing cultural heritage, namely what are the rights and obligations of the owner, i.e. holder of the cultural good (hereinafter only the “**Owner**”, since the holder’s position is identical to the one of the Owner).

Cultural heritage

Cultural heritage can be tangible and intangible. **Tangible** cultural heritage is made up of movable (museum, archival, old and rare library material, film and other audio-visual material) and immovable objects (cultural

landscapes, spatial cultural and historical units, cultural monuments, archaeological sites and landmarks) that are assumed to have or are found to have the values necessary to obtain the status of a cultural good. **Intangible** cultural heritage represents creations which communities, groups and individuals recognize as part of their cultural heritage (oral traditions and expressions, language, performing arts, social customs, rituals and festive events, knowledge and skills, traditional crafts).

Utilization of Cultural Heritage

Cultural heritage can be used by everyone on equal terms, for participation in cultural life, its enjoyment, in education, scientific research, as well as to contribute to its enrichment, protection, and preservation. Owners may also commercially utilize cultural goods. **Commercial use** generates financial gain but must not impair the cultural value and integrity of the cultural good being used.

Previous protection and safeguards

To the same extent as cultural goods, protection is also enjoyed by the objects and creations presumed to possess the values of a cultural good (previous protection). **Previous protection** begins with the process of identifying the cultural good, namely the process of evaluating cultural heritage by Institutions for protection. Cultural goods are registered in the Register of Cultural Goods based on the results of the identification process. Institutions may also enact **safeguards** that determine closer conditions for the preservation, maintenance, and use of

cultural goods, ensure the availability of cultural goods to the public, etc.

The Owner's rights

The Owner is entitled to use the cultural good, its name and characters. Additionally, the Owner has the right to compensation in the event of prohibition of use or any form of its use restriction of the cultural good, including compensation for damage due to safeguards ensuring the good's availability to the public. The Owner shall also be exempt from payment of certain taxes and other duties, and shall be refunded for all paid customs and other import duties on the permanent import of cultural goods to the Republic of Serbia.

The Owner's obligations

The Owner is obliged to preserve and maintain the cultural good and to ensure its availability to the public, to implement established safeguards, to immediately notify the institution for protection of all legal and physical changes to the cultural goods, as well as to allow scientific and professional research, and the fulfilment of technical safeguards.

The Owner is prohibited from using the cultural good for purposes that do not comply with its nature, purpose, and significance or in a way that may cause damage to the cultural good. Dismantling, demolishing, rewriting, refining, or the performance of any works that may violate the properties of a cultural good shall be executed only with the competent authority's consent, and such a consent is also needed for splitting up collections and funds of cultural goods, changing the appearance, properties, and purpose of a cultural good.

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