**LAW 9/1993, of 30 September, on Catalan cultural heritage**

[*Diari Oficial de la Generalitat de Catalunya* (official gazette of the Government of Catalonia) no. 1807, of 11.10.1993])

CONSOLIDATED TEXT BY THE CATALONIA LEGISLATION WEBSITE

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Cultural heritage is one of the key indications of the historical background and identity of a national community. Its assets are an irreplaceable legacy that shall be transmitted in the best condition to future generations. One of the fundamental obligations of public authorities is to protect, conserve and increase cultural heritage, to carry out research into it and to disseminate knowledge about it. In accordance with Article 9 of the Statute of Autonomy and without prejudice to the powers that Article 149.1.28 of the Spanish Constitution awards to the Spanish State, the Generalitat (Government) of Catalonia has exclusive powers in this matter. The local administration of Catalonia, in accordance with local law and with the present Law, assumes major responsibilities for the protection of local cultural heritage within the sphere of its powers.4

This Law, which has an illustrious precedent in the Law of 3 July 1934, on conservation of the historic, artistic and scientific heritage of Catalonia, shall be considered the framework within which the various sectoral laws regulating each specific sector shall be placed. Thus, the Law on Archives, the Law on Museums, the Law on the Library System of Catalonia and the Law on Promotion and Protection of Popular and Traditional Culture and Cultural Associations shall take as a reference framework the present Law on Cultural Heritage.

The Law is based on a broad concept of cultural heritage of Catalonia, which includes movable, immovable and intangible heritage assets, whether publicly or privately owned, and manifestations of traditional and popular culture. The Law regulates the power of the Generalitat with regard to the promotion abroad of cultural heritage recognized by the Spanish Constitutional Court Ruling 17/1991 on Law 16/1985, of 25 June, on Spanish Historic Heritage. Given the importance of the heritage of the Catholic Church, express reference is made to the duties of this institution and to the framework in which the collaboration between the Administration of the Generalitat and said Church shall be carried out for compliance with this Law.

Three common categories of protection are determined for movable, immovable and intangible assets: cultural assets of national interest, listed assets and other assets included in the broad concept of cultural heritage defined in Article 1. According to the competence recognized by the Constitutional Court in Judgment 17/1991, the Government of the Generalitat has the power to designate cultural assets of national interest, the highest protection category, which corresponds to that of assets of cultural interest defined by said Law on Spanish Historic Heritage.

The Law creates a second field of protection of cultural heritage assets of lesser importance, listed assets, for which the instruments of protection and control are mainly exercised by municipalities.

These assets are called cultural assets of local interest. For immovable assets of national interest, the Law regulates several types of protection according to the type of asset. The present Law may not only list immovable assets of local interest but also mention the protection mechanisms regulated by the urban planning legislation. In the case of movable assets, the specific regulations emphasize the control of trading. The Law also contains an additional regulation on archaeological heritage, whose main novelty is the introduction of archaeological protection areas.

The measures of promotion and dissemination include the establishment by the Administration of the Generalitat of the "cultural one percent", the creation of the Inventory of Catalan Cultural Heritage and the rules on the management of monuments to facilitate public visits. Thus, the Law does not stop at the objectives of protection and restoration of cultural heritage, but aims to boost its dissemination as a logical consequence of the gradual achievement of these goals, thus fulfilling the provisions of Article 8.2 of the Statute of Autonomy, which establishes the Generalitat’s duty to promote public participation in culture.

The Law also establishes the requirement of professional qualifications and certificates for certain activities and interventions in order to increase the levels of protection of heritage assets.

It also regulates the penalty system by classifying the offences and the corresponding fines and determining the competent bodies for imposing them, in addition to setting preventive and additional measures.

Finally, it provides for the creation of the Catalan Cultural Heritage Advisory Board, an advisory body to the public administrations on matters related to heritage, in order to achieve the objectives laid down by the Law.

**Preliminary Title**

*General provisions*

**Article 1**

*Object*

1. The object of this Law is to protect, conserve, increase, research, disseminate and promote Catalan cultural heritage.

2. Catalan cultural heritage is composed of all the movable or immovable assets related to the history and culture of Catalonia that, because of their historic, artistic, architectural, archaeological, palaeontological, ethnological, documentary, bibliographic, scientific or technical merit, deserve special protection and defence, so that they can be enjoyed by the public and transferred in the best condition to future generations.

3. The intangible cultural assets that comprise popular culture and language particularities also form part of Catalan cultural heritage, in accordance with Law 2/1993, of March 5, on Promotion and Protection of Popular and Traditional Culture and Cultural Associations.

4. The Catalan Ministry of Culture shall ensure the return to Catalonia of assets with values proper to Catalan cultural heritage that are outside its territory.

**Article 2**

*Promotion abroad*

The Administration of the Generalitat shall promote the dissemination abroad of Catalan cultural heritage and cultural exchanges. It shall also promote the establishment of treaties or agreements under the terms laid out in the Statute of Autonomy of Catalonia.

**Article 3**

*Collaboration between public administrations*

1. In the exercise of their respective powers, the Administration of the Generalitat, the county councils and the town councils shall ensure the integrity of Catalan cultural heritage, both public and private, and the protection, conservation, increase, dissemination and promotion of this heritage, and shall stimulate the participation of society, for which appropriate personal and material means shall be provided.

2. The public administrations shall collaborate so that their respective powers are exercised in the best way possible within the scope of this Law.

3. The county councils and town councils shall immediately notify the Administration of the Generalitat of any situation that may threaten the assets of cultural heritage.

4. The Administration of the Generalitat shall inform the corresponding county councils and town councils of any actions that it carries out under this Law.

**Article 4**

*Collaboration of the Catholic Church*

1. The Catholic Church, as a holder of a significant part of Catalan cultural heritage, shall ensure the protection, preservation and dissemination of this heritage and, to this end, shall collaborate with the various public administrations of Catalonia.

2. A joint committee composed of the Administration of the Generalitat and the Catholic Church shall draw up and monitor the framework of cooperation and coordination between the two institutions.

3. Where appropriate, the collaboration with the local administration shall be regulated.

**Article 5**

*Collaboration of individuals*

1. All individuals and legal entities are entitled to demand that the public administrations of Catalonia ensure compliance with the legislation on cultural heritage. Entitlement to appeal to the courts is governed by the laws of the Spanish State and the European Community.

2. Anyone with knowledge of a situation of danger or real or imminent destruction of an asset forming part of Catalan cultural heritage shall immediately notify the relevant local authority or the Catalan Ministry of Culture.

**Article 6**

*Historic and artistic towns*

1. Towns that are considered historic and artistic, as determined by municipal law and local government law of Catalonia, shall create a body for studying and making proposals on the preservation, conservation, protection and monitoring of their cultural heritage. In the case of municipalities with fewer than one thousand inhabitants, this body shall be created by the county council, which shall ensure a significant presence of the municipality concerned.

2. The local authority are responsible for determining the composition and functioning of the bodies referred to in paragraph 1, which shall receive the support of qualified professionals in the field of cultural heritage, with the training and qualifications laid down by law.

3. The bodies referred to in paragraph 1 shall issue a report prior to the adoption of municipal decisions affecting the approval or amendment of urban planning.

4. Historic and artistic municipalities shall draw up a catalogue of the immovable cultural heritage in their territory, which shall specify protective measures, in accordance with this Law and the planning legislation.

5. Municipalities with an important archaeological heritage shall have a municipal archaeologist, whose obligatory nature and general functions shall be specified by regulation. The local authority is responsible for appointing said archaeologist and determining their specific functions.

**Title One**

*Categories of cultural heritage protection*

**Chapter I**

*Cultural assets of national interest*

**Article 7**

*Definition and classification*

1. The most important movable and immovable assets of Catalan cultural heritage shall be designated to be of national interest.

2. Immovable assets are classified as follows:

a) A historic monument: a construction or other material work produced by human activity that forms an outstanding unit.

b) A historic complex: a continuous or dispersed group of immovable assets that forms a coherent and delimited unit its own right, even if each individual asset has no significant value.

c) A historic garden: an enclosed space that is the result of planning by humans of natural elements and may include masonry structures.

d) A historic site: a natural setting in which there is a grouping of immovable assets that are part of a coherent unit for historical and cultural reasons, related to events or memories of the past or containing human works of man with historic or technical values.

e) An area of ethnological interest: a set of remains, possibly including interventions in the natural landscape, buildings and installations, which contain constituent elements of the ethnological heritage of Catalonia.

f) An archaeological area: a place containing remains of human intervention that can only be studied in depth with the archaeological methodology, whether they are located on the surface, underground or under water. If the immovable cultural assets defined in letters a), b), c), d) and e) contain underground remains that can only be studied archaeologically, they will also be considered as archaeological areas.

g) A palaeontological area: a site containing fossilized remains that constitute a coherent unit on their own, even if each individual part has no significant values.

3. Movable assets may be designated to be of national interest individually or as a collection.

**Article 8**

*Designation proceedings*

1. The designation of cultural assets of national interest requires the prior initiation of proceedings by the Administration of the Generalitat, ex officio or at the request of another public body or any natural person or legal entity. Decisions on non-initiation shall be justified.

2. In the investigation of the proceedings referred to in paragraph 1, the interested parties shall be given an audience. If the proceedings are related to immovable assets, an audience shall also be given to the corresponding town council and a term of public information shall be initiated.

3. The proceedings referred to in paragraph 1 shall include a favourable report from the Catalan Cultural Heritage Advisory Board and also from the Catalan Studies Institute or from one of the scientific, technical or university institutions of recognized prestige or competence as determined by regulation.

4. The proceedings referred to in paragraph 1 shall contain historical, architectural, archaeological and artistic reports, accompanied by comprehensive graphical documentation, as well as a detailed report on the state of conservation of the asset.

**Article 9**

*Notification, publication and effects of the initiation*

1. The initiation of the proceedings for designation of a cultural asset of national interest shall be notified to the interested parties and to the town councils of the municipalities in which the asset is located. In addition, though it is effective from the moment of notification, the decision to initiate the proceedings shall be published in the *Diari Oficial de la Generalitat de Catalunya* (official gazette of the Catalan Government) and in the *Boletín Oficial del Estado* (official gazette of the Spanish Government).

2. The initiation of the proceedings referred to in paragraph 1 involves the immediate and provisional application of the regulations to protect cultural assets that have been designated to be of national interest.

3. In the case of immovable assets, the initiation of the proceedings referred to in paragraph 1 involves, from the moment in which the town council is notified, the suspension of the processing of municipal permits of subdivision, construction or demolition in the affected area, and the suspension of the effects of any permits already granted. However, the Catalan Ministry of Culture may authorize the carrying out of works that clearly do not harm the cultural values ​​of the asset. Such an authorization shall be prior to the granting of the municipal permit, except in the case of licences granted before the initiation of the proceedings.

**Article 10**

*Completion of the designation proceedings*

1. The designation of cultural assets of national interest shall be decided by the Government of the Generalitat, at the proposal of the Catalan Minister of Culture.

2. The decision to designate cultural assets of national interest shall be taken within eighteen months from the date on which the proceedings are initiated. The proceedings lapse if after this deadline it is requested that the actions be shelved and no resolution is issued within thirty days. When the proceedings have lapsed, they may not be initiated again until two years have passed, unless the owner of the asset so requests.

**Article 11**

*Content of the designation*

1. The designation of a cultural asset of national interest shall include the following specifications:

a) A clear and precise description of the asset or assets that allows it to be identified, with any appurtenances and accessories that it may have, and that determines, in the case of immovable assets, whether the designation includes the ground below the property and any movable assets linked to the immovable asset, which shall also be considered cultural assets of national interest.

b) In the case of immovable assets, the class assigned to them in accordance with Article 7 and, where appropriate, the establishment of the necessary environment for the appropriate protection of the asset. The environment, which may include the subsoil, is constituted by any space, whether built or not, that provides environmental support to the asset and whose alteration may affect the values, viewing or study of the asset.

2. If the use to which the asset is allocated is incompatible with its preservation, the designation of a cultural asset of national interest shall determine the suspension or modification of such use, in which case it shall set the corresponding compensation.

3. The designation of a cultural asset of national interest may include the determination of basic, specific conditions governing interventions carried out on the asset.

**Article 12**

*Notification and publication of the designation*

The designation of a cultural asset of national interest shall be notified to the interested town councils of the municipalities in which the asset is located. In addition, the designation shall be published in the *Diari Oficial de la Generalitat de Catalunya* (official gazette of the Government of Catalonia) and in the *Boletín Oficial del Estado* (official gazette of the Spanish Government).

**Article 13**

*Register of Cultural Assets of National Interest*

1. Cultural assets of national interest shall be entered in the Register of Cultural Assets of National Interest, in which the initiation of designation proceedings shall also be recorded. The Catalan Ministry of Culture is responsible for managing the Register.

2. The Register of Cultural Assets of National Interest shall reflect all actions carried out on the registered assets if they may affect the content of the designation. It is the duty of the owner, holder or other right holder of a cultural asset of national interest to communicate to the Register all legal and technical events that may affect said asset.

3. The data of the Register of Cultural Assets of National Interest are public, except for information that needs to be protected for reasons of security of the assets or their holders, privacy of individuals, and trade and scientific secrets protected by law.

4. Entries and annotations in the Register of Cultural Assets of National Interest shall be communicated to the General Register of Assets of Cultural Interest of the Spanish State Administration for the appropriate entries and annotations to be made.

5. In the case of historic monuments and gardens, the Catalan Ministry of Culture, or the corresponding town council if it is the owner or other right holder, shall ex officio request the entry in the Property Register of the designation of these assets as cultural assets of national interest.

**Article 14**

*Proceedings to annul a designation*

1. The designation of a cultural asset of national interest can only be cancelled if the same proceedings and requirements that are necessary for the designation are followed, with a prior, express and binding report of the institutions referred to in Article 8.3.

2. Failure to comply with the obligations of conservation and maintenance covered by this Law may not be invoked as determining reasons for cancellation of the designation of a cultural asset of national interest.

**Chapter II**

*Listed assets*

**Article 15**

*Definition*

Assets forming part of Catalan cultural heritage that are significant and important but do not satisfy the conditions for being designated cultural assets of national interest shall be listed in the Catalogue of Catalan Cultural Heritage.

**Article 16**

*Listing of movable assets*

1. Movable assets are listed in the Catalogue of Catalan Cultural Heritage by resolution of the Catalan Minister of Culture. Movable assets may be listed individually or as a collection.

2. The general rules of administrative procedure are applicable to the proceedings of listing of movable assets. Lapse of the proceedings is governed by Article 10, although in this case the term for resolving proceedings is sixteen months.

3. All actions affecting the listed assets that may affect their classification shall be entered in the Catalogue of Catalan Cultural Heritage. It is the duty of the holder of a listed asset to notify the Catalogue of any legal and technical actions that may affect said asset.

4. Entries in the Catalogue of Catalan Cultural Heritage shall be communicated to the General Inventory of Movable Assets of the Spanish State Administration for entry in the same.

**Article 17**

*Listing of immovable assets*

1. Immovable assets are listed through their designation as cultural assets of local interest.

2. The power to declare assets of cultural interest is held by the town council in municipalities of more than five thousand inhabitants and by the plenary session of the county council in municipalities of up to five thousand inhabitants. The designation shall be carried out with a prior processing of the administrative proceedings, which shall include a favourable report by an expert in cultural heritage.

3. The decision to designate a cultural asset of local interest shall be communicated to the Catalan Ministry of Culture for entry in the Catalogue of Catalan Cultural Heritage.

4. The designation of a cultural asset of local interest can only be cancelled if the same proceedings as those prescribed for the designation are followed and a favourable report from the Catalan Ministry of Culture is obtained.

5. All listing of immovable assets shall contain the archaeological sites of the municipality that have been designated archaeological protection areas.

**Chapter III**

*The remaining assets of the Catalan cultural heritage*

**Article 18**

*Definition*

1. In addition to cultural assets of national interest and listed assets, Catalan cultural heritage includes movable and immovable assets that have not been designated or listed but have the values described in Article 1.

2. This notwithstanding, the Catalan cultural heritage includes the following movable assets:

a) Unique collections and examples of zoology, botany, mineralogy and anatomy and objects of palaeontological interest.

b) Assets that are important points of historical reference.

c) The products of archaeological interventions.

d) Assets of artistic interest.

e) Furniture, musical instruments, inscriptions, coins and engraved seals that are over a hundred years old.

f) Movable ethnological heritage.

g) Movable scientific, technical and industrial heritage.

h) Documentary heritage and bibliographic heritage.

**Article 19**

*Documentary heritage*

1. For the purposes of this Law, a document is understood to be any expression in oral or written language, in images or in sounds, natural or codified, that is contained in any kind of material medium, and any other graphic expression that constitutes a testimony to the social functions and activities of humanity and human groups, excluding research works and creative works.

2. Catalan documentary heritage is composed of the documents included in any of the following classes:

a) Documents produced or received, in the exercise of their functions and as a result of their political and administrative activity, by the Generalitat, local government bodies, autonomous bodies, public companies and other entities that depend on them.

b) Documents over forty years old produced or received, in the exercise of their functions, by private legal entities that carry out their activities in Catalonia.

c) Documents over one hundred years old produced or received by any natural person and more recent documents that were produced in a medium designed to last less than one hundred years, such as audiovisual material on photochemical or magnetic media, as determined by regulation.

d) Documents that form part of collections conserved in publicly owned archives of Catalonia.

e) Documents not included in the previous sections that are included by resolution of the Catalan Minister of Culture, with a prior report by the National Archives Council, because of their historical and cultural value.

3. All documents of the bodies of the State Administration, of notaries public and public registers and of the bodies of the Administration of Justice based in Catalonia also form part of the documentary heritage of Catalonia, without prejudice to any legislation of the Spanish State that is applicable.

4. The documents of the bodies of the European Community based in Catalonia also form part of the documentary heritage of Catalonia, without prejudice to any Community rules that are applicable to them.

 **Article 20**

*Bibliographic heritage*

1. For the purposes of this Law, bibliographic assets are understood to be research works or creative works that are handwritten or printed, consist of images or sounds, or are reproduced in any type of medium.

2. The bibliographic heritage of Catalonia comprises the following bibliographic assets:
a) Copies of Catalan bibliographic production that are subject to legal deposit and those that have any important characteristics that distinguish them.

b) Copies of works that form part of Catalan bibliographic production and those that are for any reason related to the Catalan linguistic area, if there is no evidence that there are at least two copies in public libraries in Catalonia.

c) Works that are over a hundred years old, handwritten works and more recent works that were produced on media that were designed to last less than a hundred years, as determined by regulation.

d) All assets that form part of collections conserved in publicly owned libraries.

e) All works and bibliographical collections preserved in Catalonia that are not covered in the previous sections but are included by resolution of the Catalan Minister of Culture because of their uniqueness, their thematic unity or the fact that they were collected by an important personality.

**Title Two**

*Protection of Catalan cultural heritage*

**Chapter I**

*Common regulations on movable and immovable assets*

**Section One**

*Regulations applicable to all assets that form part of Catalan cultural heritage*

**Article 21**

*The duty of conservation*

1. All assets comprising the Catalan cultural heritage shall be conserved by their owners, holders or other right holders. Procedures for identifying and removing certain classes of goods, if they have not been designated to be of national interest and have not been listed, can be determined by regulation.

2. The persons referred to in paragraph 1 shall provide information on the status of the goods and their use if the Administration so requests.

**Article 22**

*First refusal and repurchase rights*

1. The Administration of the Generalitat may exercise the right of first refusal on onerous transfers of property or transfers of any right to cultural assets of national interest, listed movable assets or any other movable assets forming part of Catalan cultural heritage, with preference over any other public administration. County councils and town councils may subsidiarily exercise the same right with respect to immovable assets of national interest.

2. The owners or right holders of the assets referred to in paragraph 1 shall duly notify the Catalan Ministry of Culture of their intention to transfer the assets or rights, and shall state their price, the conditions of transfer and the identity of the acquirer. If the transfer involves a movable asset, the Catalan Ministry of Culture shall notify the county council and town council concerned.

3. Within two months of the notification referred to in paragraph 2, the Administration of the Generalitat, and subsidiarily county councils and town councils, may exercise the right of first refusal. The right of first refusal may be exercised to the benefit of other public institutions or private non-profit organizations under the conditions determined in each case.

4. If the transfer referred to in paragraph 2 is not notified or is not carried out under the notified conditions, the Administration of the Generalitat and subsidiarily county councils and town councils may exercise the right of repurchase, in the same terms as those determined for the right of first refusal, within two months from the time when the Generalitat acquires due knowledge of the transfer.

5. The provisions of this article shall not apply to properties that form part of historic complexes that do not have the status of monuments or to immovable assets that are included in protection areas.

6. The rights of first refusal and repurchase may be exercised by county councils and town councils with respect to listed immovable assets in the same terms as those set out in the previous sections. In cases of competition the town council has preferential right. The owners or other right holders of listed properties shall notify the town council and county council of transfers under the terms determined in this article.

7. The Administration of the Generalitat may exercise the right of first refusal and repurchase with respect to any asset forming part of Catalan cultural heritage that is auctioned in Catalonia. To this end, the auctioneers shall give the Catalan Ministry of Culture prior notice, as determined by regulation, of any auctions affecting said assets. The Government may exercise these rights in favour of another public entity or a private non-profit entity.

**Article 23**

*Suspension of interventions*

1. The Catalan Ministry of Culture may prevent any work or intervention on assets of cultural heritage that have not been designated to be of national interest. To this end, it shall require the corresponding town council to take any measures necessary for the effectiveness of the suspension and, if it fails to do so, the Ministry may take such measures subsidiarily. The Ministry, with a prior report of the town council, shall resolve within two months in favour of the continuation of the suspended work or intervention or in favour of the initiation of proceedings to designate a cultural asset of national interest.

2. In order to preserve the cultural values of an immovable asset, town councils may suspend the procedure of granting a building permit and ask the Catalan Ministry of Culture to initiate proceedings to designate a cultural asset of national interest.

**Article 24**

*Export*

The export or shipment of assets forming part of Catalan cultural heritage is governed by the laws of the Spanish State or the European Community.

**Section Two**

*Regulations applicable to cultural assets of national interest and listed assets*

**Article 25**

*Duty of preservation and maintenance*

1. The owners, holders or other right holders of cultural assets of national interest or listed assets shall preserve and maintain them to ensure the integrity of their cultural value. The use to which these assets are put shall always guarantee their conservation.

2. Cultural assets of national interest and listed assets may not be destroyed.

3. The owners, holders or other right holders of cultural assets of national interest or listed assets shall allow access to them by specialists, so that they can study them and catalogue them properly.

**Article 26**

*First refusal and repurchase rights*

[Not in force]

**Article 27**

*Public deeds*

For the execution of deeds of public acquisition of cultural assets of national interest or listed assets, or of transfer of rights to such assets, prior proof of compliance with Article 22 shall be provided. This proof is also required for registration of the corresponding title deeds.

**Article 28**

*Limitations to transfer*

1. Cultural assets of national interest and listed movable assets owned by the Generalitat or other local government bodies of Catalonia are non-forfeitable and inalienable, with the exception of transfers between government bodies.

2. The transfer of property of religious institutions is governed by the law of the Spanish State.

**Section Three**

*Regulations applicable to cultural assets of national interest*

**Article 29**

*Conservation action programmes*

In compliance with their duty of conservation, the owners, holders and other right holders of cultural assets of national interest shall submit to the Catalan Ministry of Culture, if the proper maintenance of the assets so requires, a programme that specifies any planned actions that are necessary for the conservation of these assets.

**Article 30**

*Access to cultural assets of national interest*

1. The owners, holders and other right holders of cultural assets of national interest are required to allow the following:

a) The examination and study of the assets by researchers recognized by an academic institution, upon presentation of a reasoned request backed by the Catalan Ministry of Culture.

b) The placement of elements indicating their status as cultural assets of national interest.

c) Visit to the assets by the public, under the conditions laid down by regulation, at least four days per month and on the days and times indicated previously.

2. For the purposes of paragraph 1.c), in determining the hours of visits, the type of assets, their characteristics and, in the case of immovable assets, the report of the town council concerned shall be taken into account. When justified, the Catalan Ministry of Culture may dispense entirely or partially with the hours of visits. In the case of movable assets, the Catalan Ministry of Culture may determine, as an alternative to public visits, that the assets be placed in a cultural centre for exhibition in the terms and conditions laid down by regulation.

**Chapter II**

*Regulations on protection of immovable assets*

**Section One**

*Regulations applicable to immovable assets of national interest*

**Article 31**

*Review of planning permits*

When a property has been designated a cultural asset of national interest, within four months the Catalan Ministry of Culture, after consulting the corresponding town council, shall issue a binding report on any planning permits suspended by the initiation of the proceedings. If, as a result of this report, the town council has to amend or cancel a permit, the Catalan Ministry of Culture shall be responsible for paying any corresponding compensation, applying the criteria determined by the urban planning legislation.

**Article 32**

*Prohibition of demolition*

1. Immovable assets of national interest may only be demolished partially or completely if they have lost the cultural values that were taken into consideration when they were designated. Prior to the demolition of the buildings, all the necessary procedures shall have been carried out to leave the designation without effect and, if there are remains of archaeological interest below the property, the mandatory archaeological intervention shall have been carried out.

 2. The provisions of paragraph 1 shall not apply to properties forming part of historic complexes, historic sites, areas of ethnological interest or protected areas, which are governed by the provisions of the planning instrument referred to in Article 33.2. In the absence of this instrument, demolition may only be carried out if it has been previously authorized by the Catalan Ministry of Culture.

**Article 33**

*Urban planning*

1. If a property is designated to be of national interest, the terms of the designation prevail over any urban plans and regulations affecting the property, which shall be adapted before being approved or, if they were already valid before the designation, they shall be amended.

2. In the case of historic complexes, archaeological sites, palaeontological areas, historic sites and areas of ethnological interest, and in the case of protection areas of any cultural asset of national interest, the town council concerned shall draft a planning instrument for protection or amend an existing one. The approval of these planning instruments requires a favourable report by the Catalan Ministry of Culture.

**Article 34**

*Authorization of works*

1. Any intervention on a historic monument, a historic garden, an archaeological area or a palaeontological area of ​​national interest shall be authorized by the Catalan Ministry of Culture within the term laid down by regulation prior to granting of the municipal permit.

2. In the case of interventions on cultural assets of national interest other than those referred to in paragraph 1 and in all areas of protection, the authorization by the Catalan Ministry of Culture is only mandatory when the planning instruments referred to in Article 33.2 have not been approved.

3. Any project involving intervention on an immovable asset of national interest shall include a report on its historical, artistic and archaeological values and on its current state, in addition to an assessment of the impact of the proposed intervention.

4. The power of the Catalan Ministry of Culture referred to in paragraphs 1 and 2 shall be exercised under the basic, general criteria determined by Article 35 and any specific criteria that each designation may contain, notwithstanding the margin of discretionary judgement in each case to assess the compatibility of the planned intervention with the preservation of the cultural values of the asset.

5. The town councils shall notify the Catalan Ministry of Culture, simultaneously to the notification to the interested party, of any planning permits that affect cultural assets of national interest.

6. If, as a result of the poor condition of a property of national interest, the town council concerned has to adopt measures to prevent harm to third parties, the Catalan Ministry of Culture shall be notified of this previously and shall have a term of forty-eight hours to determine the conditions to which this intervention shall be subject.

**Article 35**

*Criteria for intervention*

1. Any intervention on a historic monument, a historic garden, an archaeological area or a palaeontological area of ​​national interest shall respect the following criteria:

a) The preservation, recovery, restoration, improvement and use of the property shall respect the values ​​that provided evidence for the designation; this notwithstanding, the use of elements, techniques and materials for best adapting the asset to its use and for valorizing certain elements or periods may be authorized.

b) The scientific study of the architectural, historical and archaeological characteristics of the asset shall be permitted.

c) The most outstanding typological, spatial, volumetric and morphological characteristics of the asset shall be conserved.

d) It is prohibited to reconstruct all or part of the asset, except in cases in which original parts are used, and to make mimetic additions that distort its historical authenticity.

e) It is prohibited to remove parts of the asset, unless they involve the degradation of the asset or the removal allows a better historical interpretation. In these cases, the parts that have to be removed shall be documented.

f) It is prohibited to place visible advertising, cables, antennas and pipes on the facades and roofs of the asset and to mount installations of public or private services that seriously affect the view of the asset.

2. Interventions on historic sites of national interest shall respect the following criteria:

a) The urban and architectural structure of the whole and the general characteristics of the environment and the landscape silhouette shall be maintained. No modifications of alignment, alterations to the floor area ratio, subdivisions or aggregations of properties are permitted, except those that contribute to the general conservation of the character of the whole.

b) Urban, electrical, telephonic and any other installations, whether aerial or attached to the facade, are prohibited and shall be channelled underground. Television antennas, wave reception antennas and similar devices shall be located in places that do not harm the urban image of part of the whole.

c) It is prohibited to place advertisements and advertising signs. Signs announcing public services, street signs and commercial signs shall be harmonious with the whole.

3. The volumetric, typological, morphological and chromatic characteristics of interventions in protection areas of properties of immovable assets of national interest shall not alter the architectural and landscape nature of the area or disturb the viewing of the asset. In the environment of immovable assets of national interest, it is prohibited to carry out any earthmoving that involves a severe disruption of the geomorphology and topography of the land, and to carry out dumping of garbage, debris or waste.

**Article 36**

*Authorization of changes of use*

Changes of use of a monument shall be approved by the Catalan Ministry of Culture, with a report by the town council concerned, prior to the granting of the corresponding municipal permit.

**Article 37**

*Movement of properties*

Properties of national interest are inseparable from their environment. They may only be raised and moved in the terms determined by Spanish State legislation and require a favourable report by the Catalan Ministry of Culture, with the corresponding planning permit and after completion of any archaeological intervention that is necessary underground.

**Article 38**

*Expropriation*

For reasons of public interest, the administration of the Generalitat and the local authorities may decide to expropriate properties that hinder the use or viewing of cultural assets of national interest, violate their harmony in their setting or involve a risk to their conservation.

**Section Two**

*Regulations applicable to listed immovable assets*

**Article 39**

*Protection system*

The designation of a property as a local cultural asset involves the immediate application of the legal provisions of this Law for listed assets. Any additional standard for the protection of these assets shall be determined by the instruments determined by the planning legislation.

**Chapter III**

*Protection system for movable assets*

**Section One**

*Regulations applicable to all movable assets forming part of Catalan cultural heritage*

**Article 40**

*Duty to inform*

1. The owners, holders and other right holders of movable assets forming part of Catalan cultural heritage who meet the characteristics and conditions determined by regulation shall communicate their existence to the Catalan Ministry of Culture, who shall notify the council concerned of this fact.

2. The Catalan Ministry of Culture may require the persons referred to in paragraph 1 to provide the necessary information about the assets and allow them to be materially examined.

**Article 41**

*Trading*

1. People and organizations that habitually carry out trading in assets forming part of Catalan cultural heritage shall maintain a register legalized by the Catalan Ministry of Culture in which any transactions affecting the assets referred to in Article 40.1 shall be entered. The identification data of the object and the parties involved in each transaction shall be entered in the register.

2. The Catalan Minister of Culture shall keep a register of companies engaged habitually in trading of the objects referred to in paragraph 1. In order to carry out their activities, these companies shall be entered in the register, with the requirements laid down by regulation.

**Article 42**

*Reproduction and restoration*

The Catalan Ministry of Culture and the public administrations of Catalonia shall promote the use of technical means to reproduce the movable assets forming part of Catalan cultural heritage, especially those included in documentary and bibliographic heritage, if their conservation so requires. They shall also take any necessary actions to restore collections that are deteriorated or in danger of being damaged.

**Section Two**

*Regulations applicable to movable assets of national interest and listed movable assets*

**Article 43**

*Conservation*

1. Any modification, repair, restoration or other action on movable assets of national interest or on listed movable assets not provided for in the programme of actions regulated by Article 29 shall be previously approved by the Catalan Ministry of Culture.

2. If the conservation of movable assets of national interest or listed movable assets may be compromised by the conditions of their location, the Catalan Ministry of Culture, with a report by the town council concerned, shall decide to deposit it provisionally in a place that has the appropriate conditions of safety and conservation, with preference for places closest to the original location of the asset. The Ministry shall also decide to deposit such assets provisionally if the owners, holders and other right holders fail to comply with the obligation to preserve them.

**Article 44**

*Notification of transfers*

The Catalan Ministry of Culture shall be notified of the transfer of movable assets of national interest or listed assets for entry in the corresponding register or list. The Catalan Ministry of Culture shall immediately notify the town council concerned of the transfer.

**Article 45**

*Integrity of the collections*

1. Collections designated to be of national interest and listed collections that only have the values of such assets when considered as a unit may not be disaggregated by their owners, holders and other right holders without authorization from the Catalan Ministry of Culture.

2. Movable assets designated to be of national interest because of their relationship to a property, in accordance with Article 11.1, are inseparable from this property without authorization from the Catalan Ministry of Culture.

3. The town councils concerned shall be notified of any disaggregations of collections and separations of movable assets from the property to which they belong.

**Chapter IV**

*Specific rules for the protection of archaeological heritage*

**Article 46**

*The concept of archaeological heritage and protection systems*

1. Catalan archaeological heritage is composed of historic movable and immovable assets that need to be studied by the archaeological methodology. It also includes geological and palaeontological elements related to human beings and their origins and antecedents.

2. The assets referred to in paragraph 1 are protected by their designation as cultural assets of national interest or their listing, subject to the application of the specific regulations laid down in this chapter.

3. In proceedings related to projects of construction, installations or activities that have to be submitted to the environmental impact assessment procedure and that affect assets forming part of the archaeological heritage, a report shall be requested from the Catalan Ministry of Culture.

**Article 47**

*Authorization of archaeological interventions*

1. Archaeological and palaeontological interventions on land or underwater in the territory of Catalonia require prior authorization from the Catalan Ministry of Culture, without prejudice to the municipal permit that is mandatory according to planning legislation. In the absence of a response from the Catalan Ministry of Culture, it shall be understood that authorization has been denied.

2. Archaeological and palaeontological interventions are understood to be studies of rock art and prospections, surveys, excavations, controls and any other intervention, with or without earthmoving, aimed at discovering, documenting and investigating archaeological or palaeontological remains.

3. For the granting of the authorization referred to in paragraph 1, the application shall be accompanied by a scheme that proves the suitability and scientific interest of the action, guarantees the technical and scientific suitability of the directors, and guarantees the financial capacity of the promoters.

4. The types of archaeological intervention, their scope, the requirements that shall be met by applications, the qualifications and technical capacity of the directors and the conditions to which the authorization shall be subject shall be determined by regulation.

**Article 48**

*Interventions arising from works in immovable assets of national interest*

1. If the Catalan Ministry of Culture determines that archaeological intervention is a pre-requisite for carrying out any work that affects an archaeological or palaeontological area or another immovable cultural asset of national interest, the developer shall present an archaeological scheme in accordance with the provisions of Article 47.

2. If the developer referred to in paragraph 1 is a private individual, the Catalan Ministry of Culture shall collaborate in financing the cost of carrying out the scheme.

**Article 49**

*Archaeological protection areas*

1. Archaeological protection areas are understood to be places not designated to be of national interest where, because of material evidence, historical antecedents or other indications, archaeological or palaeontological remains are assumed to exist.

2. Archaeological protection areas are determined by resolution of the Catalan Minister of Culture, after hearing the interested parties and the town council concerned. The town council and the interested parties shall be notified of the resolution, which does not need to be published in the *Diari Oficial de la Generalitat de Catalunya* (official gazette of the Government of Catalonia).

3. Developers of works and other interventions in plots or buildings that are in archaeological protection areas shall submit, along with the application for a building permit, a study of the impact that the works may have on the archaeological remains, drafted by a professional specialized in this subject. A favourable report by the Catalan Ministry of Culture is necessary for the granting of the permit. This report may require, as a condition for carrying out the works, the preparation and implementation of an archaeological project, whose funding is governed by Article 48.2 and in which the council concerned may collaborate.

**Article 50**

*Archaeological interventions by the Administration*

The Catalan Ministry of Culture may directly execute any archaeological interventions that it considers appropriate. Local authorities may also execute them within their powers, with the appropriate scientific and technical guarantees and with prior authorization of the Catalan Ministry of Culture in accordance with the provisions of Article 47. These actions shall be inspired by the principle of the greatest economy in damage that may be caused to individuals. Any compensation that may be applicable shall be governed by the legislation on expropriation.

**Article 51**

*Discovery of archaeological remains*

1. Chance discoveries of remains with archaeological value and exceptional discoveries as a result of archaeological interventions shall be reported within forty-eight hours to the Catalan Ministry of Culture or the town council concerned; in no case shall they be made public before said authorities have been informed. The term for communicating non-exceptional discoveries that are the result of archaeological interventions shall be determined by regulation.

2. A town council that is informed of the discovery of archaeological remains shall notify the Catalan Ministry of Culture of the same within one week. Similarly, the Catalan Ministry of Culture shall notify the council concerned of any discoveries of which it is notified, and shall also notify the owner of the site where the discovery has been made.

3. The discoverer of archaeological remains shall deliver the asset within forty-eight hours to the town council concerned, to a public museum of Catalonia or to the Catalan Ministry of Culture, unless earthmoving is required to extract the asset because of its characteristics or it is an underwater discovery, in which cases the object shall remain in the original location. The regulation of delivery of discoveries resulting from archaeological interventions shall be determined by regulation. In all cases, until the discoverer has made the delivery, the rules of legal deposit are applicable to them.

4. Any economic rights that may correspond to the discoverer of the archaeological remains and the owner of the site where the discovery was made are governed by Spanish State regulations. These rights are satisfied by the Administration of the Generalitat, except when the latter reaches agreements with other public administrations.

5. The Catalan Ministry of Culture is responsible for determining the site of the final deposit of the discovered archaeological remains, taking into account the criteria of greatest proximity to the place of discovery and the suitability of the conditions of conservation and security of the assets, without prejudice to the application of other criteria arising from the needs of general organization of museums.

**Article 52**

*Suspension of works*

1. If, during the execution of a work of any type, remains or objects of archaeological value are found, the developer or site manager of the work shall immediately halt work, take appropriate measures to protect the remains and report the discovery within forty-eight hours to the Catalan Ministry of Culture, which shall convey this notification to the town council.

2. Within twenty days from the notification referred to in paragraph 1, the Catalan Ministry of Culture shall carry out the corresponding testing activities to determine the interest and archaeological value of the findings; in these activities the developer of the work shall collaborate with the means that they have deployed there.

3. The suspension of the works referred to in paragraph 2 does not give rise to compensation. However, the Administration may extend the term of suspension if it is necessary to complete the archaeological investigation, in which case, if the work is a private development, the general rules on liability of public authorities are applicable and the term of two months laid down in Article 23.1 is not applied.

**Article 53**

*Ownership of discoveries*

In accordance with Article 44 of Spanish State Law 16/1985, of 25 June, on Spanish Historical Heritage, assets that are considered public domain and are discovered in Catalonia are part of the heritage of the Generalitat. However, if the economic rights referred to in Article 51.4 are satisfied by another public administration, the assets form part of the heritage of this administration.

**Title Three**

*Promotion and dissemination measures*

**Chapter I**

*Promotion*

**Article 54**

*General rules*

1. Public administration grants for research, documentation, conservation, recovery, restoration and dissemination of assets forming part of cultural heritage shall be granted according to criteria of public announcement, competition and objectivity within the budget estimates.

2. In granting the promotion measures referred to in this chapter, the necessary safeguards shall be determined to prevent speculation in assets that are acquired, conserved, restored or improved with public aid.

3. People and entities that do not comply with the duty of conservation determined by this Law are not eligible for the promotional measures.

4. The Generalitat may encourage the participation of private entities and individuals in the financing of the promotional activities referred to in this chapter.

**Article 55**

*Grants for research, conservation and restoration*

1. The Administration of the Generalitat shall draw up an annual programme of investment and grants for research, documentation, conservation, recovery, restoration and enhancement of cultural heritage, with the corresponding budgetary provisions.

2. If, within eight years from the awarding of the grants referred to in paragraph 1, the Administration acquires the asset, an amount equivalent to the grant or grants, which is considered as a deposit, shall be deducted from the purchase price.

3. The Generalitat shall promote access to official credit to finance works of conservation, maintenance, restoration and excavation made in cultural assets of national interest.

**Article 56**

*Grants for purchase*

The Government of the Generalitat shall take any necessary measures to ensure preferential access to official credit for the financing of the purchase of cultural assets of national interest and listed cultural assets in order to give them a general use that ensures their protection, in the manner and with the requirements determined in the rules that regulate such credit.

**Article 57**

*The cultural one percent*

1. In the budget for public works that it finances totally or partially, the Administration of the Generalitat shall reserve at least one percent of its contribution in order to invest it in the conservation, restoration, excavation and acquisition of assets protected by this Law and in contemporary artistic creation.

2. The reserve referred to in paragraph 1 also applies to the total budget for execution of public works executed by private individuals under concession from the Government.

3. The measures laid out in paragraphs 1 and 2 are not applicable to the following public works:

a) Those in which the contribution of the Generalitat or the licensee is less than one hundred million pesetas.

b) Those that are carried out specifically to meet the objectives of this Law.

c) Those that are financed entirely by transfers of allocated funds.

4. For the purposes of the provisions of letter a) of paragraph 3, any divisions in the contracting of a work that can be considered uniformly or globally are not taken into account.

5. The costs of archaeological interventions referred to in Articles 48.2 and 49.3 are considered as contributions to the one percent.

6. The criteria and form of application of funds obtained under this article shall be determined by regulation. Nevertheless, cultural assets that may be directly affected by the public works in question and those located in its vicinity shall be preferential. The Catalan Ministry of Culture shall issue a report prior to the application of funds.

7. Tenders for construction works shall certify the availability of the necessary credit for complying with the obligation of reserve determined by this article.

8. Cultural investment by the Spanish State in Catalonia in accordance with the cultural one percent determined by the Spanish Law on historical heritage shall be made with a prior report by the Catalan Ministry of Culture on the cultural sectors that are considered a priority at each time.

**Article 58**

*Payments with cultural assets*

Owners of assets forming part of cultural heritage may ask the Administration of the Generalitat and the local administration to accept transfer of ownership of such assets in payment of their debts. Responsibility for accepting the transfer lies, respectively, with the Catalan Ministry of Economy and Finance, with a prior report by the Catalan Ministry of Culture, and with the plenary session of the local council concerned.

**Article 59**

*Tax benefits*

1. Owners and right holders of cultural assets of national interest and of listed cultural assets enjoy the tax benefits determined by the legislation of the Spanish State, the legislation of the Generalitat and the local bylaws, within their respective powers.

2. Cultural assets of national interest are exempt from property tax, under the terms laid out in Spanish State Law 39/1988, of 28 December, regulating local treasuries. *Works whose purpose is to conserve, improve or restore monuments designated to be of national interest also enjoy exemption from tax on constructions, installations and works.* These exemptions do not give rise to compensation from the budgets of the Generalitat in favour of the municipalities.

**Chapter II**

*Dissemination*

**Article 60**

*Inventory of Catalan Cultural Heritage*

1. The Catalan Ministry of Culture shall prepare and maintain the Inventory of Catalan Cultural Heritage, which aims to allow systematic documentation and compilation in addition to research and dissemination of all assets entered therein.

2. The data contained in the Inventory of Catalan Cultural Heritage are public. Exceptionally, by resolution of the Catalan Minister of Culture, data on the legal status, location and value of the goods may be excluded from public consultation.

3. The Administration of the Generalitat shall guarantee the public access to the data contained in the Inventory of Catalan Cultural Heritage through the establishment of a decentralized data transmission network.

4. Museums, libraries, archives and other cultural repository centres that computerize the documentary data of their collections shall ensure and facilitate the viability of the transfer of information to the Inventory of Catalan Cultural Heritage in the medium and format determined by the Catalan Ministry of Culture.

**Article 61**

*Public viewing and dissemination*

1. The Administration of the Generalitat shall ensure that public visits to cultural assets of national interest take place in appropriate conditions of conservation, knowledge and dissemination of the assets and safety of visitors.

2. The Administration of the Generalitat shall promote the making of reproductions and copies of cultural assets of national interest for the purposes of education and the promotion of tourism and shall visibly display their origin and the fact that they are copies, without prejudice to any intellectual property rights.

3. The Administration of the Generalitat shall encourage the use and enjoyment of Catalan cultural heritage as a means to stimulate social life and tourism, while respecting the needs of conservation and protection of the assets and their environment under this Law.

**Article 62**

*Management of monuments by the Generalitat*

1. Monuments and archaeological sites that are open to public visits and administered by the Catalan Ministry of Culture shall be managed according to the principles of decentralization and participation, without prejudice to the application of common guidelines that ensure their global consistency.

2. The management of monuments and sites referred to in paragraph 1 shall ensure their maintenance and conservation and foster their dissemination, so they shall have sufficient elements of signage, guidance and complementary services.

3. The Government of the Generalitat may create boards composed of representatives of the Generalitat and other institutions, organizations and individuals related to the monuments in question in order to cooperate, advise and participate in the management of the monuments and the activities that are carried out therein. The county council and town council concerned shall be represented on these boards.

4. The Government of the Generalitat may determine that certain monuments, archaeological sites and museums managed by the Generalitat are to be administered with financial autonomy in the terms specified by regulation. Each year, the manager of a monument, a site or a museum administered under this system shall submit to the Catalan Ministry of Culture a report on income and the economic management accounts, which are made available to the Comptroller General of the Generalitat, the Public Audit Office and, where appropriate, the Court of Accounts.

**Article 63**

*Granting of use of monuments*

The Government of the Generalitat may decide to grant the use of immovable assets of the Generalitat with cultural values to other public institutions or private organizations, in order to guarantee their conservation and maintenance through a better use.

**Article 64**

*Installation of museums, archives and libraries*

1. The installation of museums, archives and libraries is a reason of public interest for the purposes of expropriation.

2. Within their respective powers, the Administration of the Generalitat, county councils and town councils are competent to carry out the expropriation referred to in paragraph 1.

**Article 65**

*Education*

1. The Government of the Generalitat shall include knowledge of Catalan cultural heritage in the curricula of the various levels of the compulsory formal education system.

2. The Generalitat shall promote the development of specialized courses in the conservation and maintenance of cultural heritage and may set up cooperation agreements with private organizations and specialized training centres.

3. The School of Public Administration of Catalonia and the Police Academy of Catalonia shall ensure that the officers responsible for the administration or custody of cultural heritage have suitable specific preparation.

**Article 66**

*Publications*

The Administration of the Generalitat shall promote the publication of works of research and dissemination on Catalan cultural heritage.

**Title Four**

*Execution of this Law and the penalty system*

**Chapter I**

*Measures for the execution of this Law*

**Article 67**

*Execution of the duty of conservation*

1. In cases of breach of the duty of conservation of cultural assets of national interest or listed movable assets, the Catalan Ministry of Culture may order the owners, holders and other right holders of said assets to carry out any works or actions necessary to preserve them, conserve them and maintain them. These measures may also be adopted by town councils if they are related to immovable listed assets. The Administration may not order the execution of works or actions for an amount exceeding 50% of the value of the asset, as determined by the Catalan Ministry of Culture or by the town council concerned by applying the criteria laid out in the legislation on expropriation.

2. If the parties so obliged fail to carry out the actions referred to in paragraph 1, the Catalan Ministry of Culture or, if necessary, the town council may carry them out subsidiarily, at the expense of the obliged parties. In cases of imminent danger to the property, the competent authority may carry out the necessary works to safeguard the asset without prior request.

3. For carrying out the works of conservation of cultural assets of national interest, the Catalan Ministry of Culture may award a grant in the form of a repayable advance, which in the case of movable assets shall be entered in the Property Register.

4. For the purposes of expropriation, breach of the duties of conservation, preservation, maintenance and protection laid out in this Law and a situation of imminent danger or ruin of a property of national interest are reasons of public interest. The Administration of the Generalitat, county councils and town councils are competent to carry out expropriation within their respective powers.

**Article 68**

*Repair of damage*

The Administration of the Generalitat shall order the people or institutions responsible, without prejudice to any penalties that may be applicable, to repair any damage illicitly caused to cultural assets of national interest or listed movable assets, through executive orders to repair, replace, reconstruct or demolish or through any executive orders that are necessary to restore the asset to its previous state. In the case of damage to listed assets, these measures shall be taken by town councils.

**Article 69**

*Coercive fines*

1. The competent administration may impose coercive fines to achieve effective compliance with the duties imposed by this Law and the administrative resolutions issued pursuant to its provisions.

2. The imposition of coercive fines requires the prior formulation of a written requirement, which shall indicate the term set for fulfilment of the obligation and the fine that may be imposed. The term shall in all cases be sufficient to fulfill the obligation and the fine may not exceed one hundred thousand pesetas.

3. If the breach that led to the imposing of a coercive fine continues, the Administration may repeat it as often as necessary until the obligation is fulfilled, but in no cases may the term for fulfillment be shorter than that set in the first requirement.

4. Coercive fines are independent of and compatible with any that may be imposed by way of penalty.

**Article 70**

*Inspection*

1. The Administration may at any time inspect any works and interventions that are made on assets forming part of the Catalan cultural heritage. The owners, holders or other right holders of these assets shall allow access to them whenever it is necessary for the purpose of inspection.

2. The public servants who are assigned to control and inspect cultural heritage are considered the authority and are empowered to examine the assets, books, documents and, in general, anything that may serve as information for fulfilling and carrying out their tasks.

**Chapter II**

*Penalty system*

**Article 71**

*Classification of offences*

1. Failure to comply with the obligations laid out in this Law shall be considered an administrative offence, unless it is a criminal offence. Offences under this Law are classified as minor, serious or very serious.

2. The following are minor offences:

a) Failure to notify the Register of Cultural Assets of National Interest and the Catalogue of Catalan Cultural Heritage of legal or technical acts and transfers affecting the assets entered therein.

b) Failure to notify the competent administration, under the terms laid out in Article 22, of the onerous transfer of ownership of, or any right to, cultural assets of national interest, listed assets or other movable assets forming part of the Catalan cultural heritage.

c) Breach of the duty to allow access to listed assets by specialists.

d) Breach of the duty to inform the competent administrations of the existence and use of assets forming part of cultural heritage, and obstruction of inspections by the competent administrations.

e) Failure to present a programme specifying the actions for the conservation of assets for approval to the Catalan Ministry of Culture.

f) Breach of the duties set out in Article 41.2 for traders of assets forming part of cultural heritage.

3. The following are serious offences:

a) Failure to notify the Catalan Ministry of Culture of auctions that affect assets forming part of cultural heritage.

b) Breach of the duties to allow access by researchers and to allow public visits to cultural assets of national interest.

c) Breach of the duties of preservation and maintenance of cultural assets of national interest or listed assets.

d) Failure to fulfill the duty to keep a register of transfers and omission or inaccuracy of the data entered therein.

e) Disaggregation of collections designated to be of national interest or listed collections without authorization from the Catalan Ministry of Culture, and separation of movable property related to immovable assets of national interest.

f) Failure to comply with the obligations of communication of the discovery of archaeological remains and delivery of the assets found.

g) Breach of a suspension of work due to the discovery of archaeological remains and of suspensions of work decided by the competent administration.

h) Granting by town councils of building permits and adoption of precautionary measures in breach of the provisions of Article 34.

4. The following are very serious infringements:

a) Total or partial demolition of buildings designated to be of national interest.

b) Destruction of movable assets of national interest or listed assets.

c) Granting by town councils of planning permission to move properties in breach of the provisions of Article 37.

5. The following are minor, serious or very serious offences, depending on the potential or effective damage to cultural heritage:

a) Conducting archaeological interventions without the authorization of the Catalan Ministry of Culture.

b) Carrying out interventions on cultural assets of national interest and on archaeological protection areas without planning permission or in breach of its terms.

c) Actions and interventions on movable assets of national interest or listed movable assets that are not approved by the Catalan Ministry of Culture.

d) Change of use of a monument without authorization from the Catalan Ministry of Culture or maintenance of uses that are incompatible according to the designation.

**Article 72**

*Liability*

1. In addition to the persons who are directly liable for violations of this Law, the following persons are also liable:

a) The developers with regard to works carried out.

b) The site manager with regard to breach of the order to suspend works.

c) Those who under the Criminal Code are considered perpetrators, accomplices or accessories after the fact with regard to the carrying out of unauthorized archaeological interventions.

2. Persons who are aware of the breach of the obligations set forth in this Law and obtain a benefit from it are also liable for such violations.

**Article 73**

*Classification of penalties*

1. If the damage to cultural heritage can be valued economically, administrative offences in the field of cultural heritage are subject to a fine of between one and four times the value of the damage caused. Otherwise, the following penalties are applied:

a) For minor offences, a fine of up to one million pesetas.

b) For serious offences, a fine of between one million and thirty-five million pesetas.

c) For very serious offences, a fine of between thirty-five million and one hundred and fifty million pesetas.

2. The fines laid down in paragraph 1 are set according to the following criteria:

a) Recidivism.

b) The damage caused to cultural heritage.

c) The use of technical means in illegal archaeological interventions.

**Article 74**

*Confiscation of materials and equipment*

The competent body for imposing penalties may decide to impose as an additional penalty the confiscation of the materials and tools used in the illegal activity.

**Article 75**

*Competent bodies*

1. Town councils have the power to punish the offences referred to in Article 71.2.b) and c), 71.3.c) and 71.4.b) with regard to cultural assets of local interest, except in municipalities of less than five thousand inhabitants, in which the power lies with the county councils.

2. Local authorities are responsible for imposing penalties for the offences referred to in Article 71.2.d) and 71.3.g) if they are committed in relation to actions of those authorities.

3. Town councils have the power to initiate and process penalty proceedings for the offences referred to in Article 71.5.b), except in municipalities of less than five thousand inhabitants, in which this power lies with the county councils. In these cases, the penalty system regulated by this Law prevails over the system laid out in the planning regulations.

4. The following authorities have the power to impose fines for infringement of Article 71.5.b):

a) The president of the county council, in cases of fines of up to one million pesetas in municipalities of less than five thousand inhabitants.

b) The mayor, in cases of fines of up to one million pesetas in municipalities of between 5,000 and 50,000 inhabitants or fines of up to thirty-five million pesetas in municipalities of more than 50,000 inhabitants.

c) The Catalan Minister of Culture, in cases of fines of between one and thirty-five million pesetas in municipalities with up to 50,000 inhabitants.

d) The Government of the Generalitat, in cases of fines of over thirty-five million pesetas.

5. If the Catalan Ministry of Culture informs the competent local authority of the existence of evidence of an offence typified in Article 71.5.b) and the local authority fails to notify it of the initiation of penalty proceedings within two months, the Catalan Ministry of Culture may proceed to initiate, process and resolve the penalty proceedings.

6. In offences typified by Article 71 other than those listed in paragraphs 1, 2 and 3 of this article, the director general of the Catalan Ministry of Culture who is competent for the matter has the power to initiate penalty proceedings; the Minister of Culture is responsible for imposing fines of up to thirty-five million pesetas, and the Government of the Generalitat is responsible for imposing fines of over thirty-five million pesetas.

**Article 76**

*Prescription of offences*

The administrative offences referred to in this Law shall prescribe five years after they are committed, with the exception of very serious offences, which shall prescribe after ten years.

**Article 77**

*Precautionary measures*

1. The Administration of the Generalitat shall suspend any work or action on cultural assets of national interest or listed assets that violates the provisions of the legislation on cultural heritage and shall also order the suspension of work in which archaeological remains have been found if the developer has failed to fulfill the obligation laid out in Article 52.

2. The suspensions referred to in paragraph 1 may also be decided by the municipalities in the case of works or actions subject to municipal licence. If the suspension affects a cultural asset of national interest, it shall be communicated to the Catalan Ministry of Culture within forty-eight hours.

3. If there is reasonable suspicion that a serious or very serious offence has been committed, the competent administration for imposing the corresponding fine may decide, as a precautionary measure prior to or simultaneously with the preparation of the penalty proceedings, to immobilize, seal or deposit the materials and tools used in these activities.

4. The Catalan Ministry of Culture may order the precautionary depositing of assets forming part of cultural heritage that are in possession of individuals dedicated to their trade if the latter are unable to prove their lawful acquisition.

**Article 78**

*Publication of penalties*

The penalties imposed under this Law may be made public by the penalizing body, taking into account the criteria laid down by regulation, when they have become final in the administrative procedure.

**Article 79**

*Term for resolving penalty proceedings*

The term for resolving penalty proceedings for offences covered by this Law is one year.

**Title Five**

*The Catalan Cultural Heritage Advisory Board*

**Chapter I**

*Composition and functions*

**Article 80**

*Composition*

1. The Catalan Cultural Heritage Advisory Board is created as a consultative and advisory body to the government on matters related to cultural heritage.

2. The composition and functioning of the Catalan Cultural Heritage Advisory Board, which shall be chaired by the Catalan Minister of Culture, shall be determined by regulation.

**Article 81**

*Functions*

The functions of the Catalan Cultural Heritage Advisory Board are the following:

a) To issue reports and opinions at the request of the competent authorities and of the Parliament of Catalonia.

b) To issue the reports determined by this Law.

c) To advise the management bodies of cultural heritage.

d) To propose any legislative changes and public or private and actions that are necessary for the better fulfillment of the objectives of this Law.

**Additional Provisions**

**First Additional Provision**

1. Assets based in Catalonia that have been designated as of cultural interest or have been included in the General Inventory of Movable Assets, according to Spanish State Law 16/1985, of 25 June, on Spanish Historical Heritage, shall be considered to have the status of cultural assets of national interest and listed assets. Unless they are cultural assets of national interest, immovable assets that at the time of the entry into force of this Law are listed in the catalogues of cultural heritage incorporated in urban planning shall be considered cultural assets of local interest and shall be included in the Catalogue of Catalan Cultural Heritage.

2. The castles of Catalonia are designated to be of national interest. Within three years, the Catalan Minister of Culture shall submit a list of these castles for approval by the Government of the Generalitat.

3. Caves, rock shelters and sites containing rock art manifestations are designated to be of national interest.

4. The information contained in the Archive of the Crown of Aragon is designated to be of national interest.

**Second Additional Provision**

1. Within its territory, the General Council of the Aran Valley has the powers that this Law assigns to the Administration of the Generalitat and that are listed below:

a) Initiation and preparation of proceedings for the designation of cultural assets of national interest and for rescinding a designation, regulated by Articles 8, 9 and 14. If the Catalan Ministry of Culture considers the designation of a cultural asset of national interest in the Aran Valley appropriate, the General Council may request the initiation of the proceedings; if this requirement is not met within two months, the Catalan Ministry of Culture may proceed to initiate the designation proceedings.

b) Approval of programmes of action for the conservation of cultural assets of national interest, regulated by Article 29, in the case of immovable assets.

c) The authorization of interventions on immovable assets of national interest and those for which proceedings have been initiated to declare them as such, and the corresponding compensation in accordance with Articles 9.3, 31 and 34.

d) The mandatory and binding report on the planning instruments referred to in Article 33.2.

e) The authorization of change of use of a monument, regulated by Article 36.

f) The environmental impact assessment report in the proceedings referred to in Article 46.3.

2. For the enforceability of the decisions taken in exercise of the powers described by letters b), c), d) and e) of paragraph 1, the ratification of the Catalan Ministry of Culture is required, and is understood to have been obtained if the latter does not express its opposition within twenty days after it has been notified of the decision by the General Council.

**Third Additional Provision**

The Catalan Government assumes under this Law the powers exercised by the provincial councils regarding the protection, conservation and cataloguing of Catalan cultural heritage. This allocation of powers entails the transfer of the corresponding material and human resources to the services and bodies concerned, in addition to the corresponding financial resources, in accordance with the provisions of Law 5/1987, of 4 April, on the interim system of powers of the provincial councils.

**Fourth Additional Provision**

The Catalan Minister of Culture is responsible for proposing that the Government of the Generalitat accept donations, inheritances and legacies in favour of the Generalitat involving movable assets forming part of Catalan cultural heritage. Processing, preparing and resolving the corresponding proceedings are the responsibility of the Catalan Ministry of Culture, which shall also be responsible for entering the assets acquired in the General Inventory of Assets of the Generalitat of Catalonia.

**Fifth Additional Provision**

The designation of picturesque landscapes initiated or determined in accordance with the procedure regulated by the Spanish State Law of 13 May 1933, on the defence, preservation and increase of national historic and artistic heritage, shall be reclassified within three years in favour of any of the types of protection laid out in Article 7 of the present Law or by the legislation on natural spaces. If the reclassification has not been carried out within this term, the designation is understood to have expired.

**Sixth Additional Provision**

Archives and private documents included in any of the cases of Article 19 of this Law are subject, in addition to the system laid out in this Law, to the provisions of Title Two, Chapter 2 of the Law of Archives and Documents.

**Transitional Provisions**

**First Transitional Provision**

The effects of proceedings on designation of assets of cultural interest initiated before the entry into force of this Law are those that this Law lays down for cultural assets of national interest. The processing of claims shall continue according to the new legal regime.

**Second Transitional Provision**

Until the Government of the Generalitat approves the rules for the implementation and application of this Law, those regulating this matter until the entry into force of this Law shall remain applicable unless they are in opposition to this Law.

**Repeal Provision**

1. Articles 12 and 13 of Law 6/1985, of 26 April, on archives are repealed.

2. Decree 30/1984, of 25 January, which determines the obligatory nature of the report by the Catalan Ministry of Culture regarding municipal cataloguing of monuments, is repealed.

**Final Provision**

The Government of the Generalitat is authorized to update by regulation the fines set out in Articles 69 and 73, in accordance with the increase in the consumer price index.