



# POLITICAL RECOMMENDATION PAPER

GUIDELINES FOR DECISION-MAKERS AND POLICY-MAKERS IN  
THE FIELD OF CREATIVE INDUSTRY AND REVITALISATION OF  
INDUSTRIAL HERITAGE

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## INTRODUCTION

The PURPOSE of the REFREsh project (Rural revitalisation for cultural heritage) is the revival of abandoned industrial heritage sites with the aim of transforming them into sites useful to the community. The REFREsh project has developed a multifunctional approach to the heritage revitalisation process, involving various stakeholders from the creative cultural industries, trade and services.

The project involves 10 partners from five Central European countries who have joined to improve the management of urban areas.

### GERMANY:

- Aufbauwerk Region Leipzig GmbH
- Saxonia - site development and management company

### HUNGARY

- Chamber of Commerce and Industry of Pecs-Baranya
- Local government of Komló

### SLOVENIA

- Institute for the Protection of Cultural Heritage of Slovenia
- Municipality of Piran

### ITALY

- Venetian Heritage Cluster
- Municipality of Castello di Godego

### CROATIA

- County of Primorje and Gorski Kotar
- Municipality of Lokve

In addition to transforming industrial facilities into facilities useful to the community, the project's objectives were to prepare five action plans and five strategies for involving creative industries, to develop different concepts for reusing industrial heritage in pilot cases, to exchange mutual experience of training potential stakeholders and to make small investments in five buildings.

The REFREsh project is co-financed by the European Regional Development Fund and is implemented under the Interreg Central Europe programme.



# 1 OVERVIEW OF LEGISLATION RELATING TO THE PROTECTION OF INDUSTRIAL CULTURAL HERITAGE

## 1.1 European policies and legislation

European documents:

- The International Charter for the Conservation and Restoration of Monuments and Sites, known as the Venice Charter of 1964, was adopted in Venice at the Congress of Architects and Specialists of Historic Buildings. An international charter on restoration was adopted, which contained thirteen resolutions aimed at organising experts in conservation and restoration independently of the already established International Council of Museums (ICOM).
- The Convention for the Protection of the Architectural Heritage of Europe (Granada, 3 October 1985) defines architectural wealth as all buildings and structures of conspicuous historical, archaeological, scientific and even social interest. The Convention imposes an obligation on signatory states to take integrated measures for architectural heritage conservation. Among other things, it includes the protection of architectural heritage as the main goal of urban planning of towns and villages, which ensures that these conditions are taken into account at all stages of the development plans, as well as in the process of issuing permits for any works.
- Nizhny Tagil Charter for the Industrial Heritage (2003)
- The Framework Convention on the Value of Cultural Heritage for Society (2005), of which one of the aims is to highlight the value and potential of cultural heritage as a source for sustainable development and quality of life in a constantly evolving society, requires the parties to ensure that the heritage community is composed of people who value cultural heritage and wish to transmit it to future generations through public action.
- The Dublin Principles of the International Committee for the Conservation of Industrial Heritage - TICCIH (2011) emphasise the need to document and understand industrial heritage structures, sites and landscapes and their values. Furthermore, it aims to ensure effective protection and conservation of industrial heritage structures, sites and landscapes, and raise public and corporate awareness to support training and research in this field.
- The European Heritage Strategy for the 21st Century (2017) advocates a common and unified approach to cultural heritage and its management. The strategy is built around three components. The social component which aims to make heritage a means of promoting diversity and participatory governance. The territorial and economic development component which aims at reinforcing the contribution of heritage to sustainable development based on local resources, tourism and employment. The knowledge and education component which focuses on education and training with



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heritage through the creation of heritage knowledge centres and heritage-related education centres.

The revitalisation of cultural heritage is particularly important in the following two documents:

- European Charter of the Architectural Heritage adopted by the Committee of Ministers of the Council of Europe in Amsterdam in 1975 and
- Council of Europe Convention for the Protection of the Architectural Heritage of Europe.



## 2 PARTNER LEGISLATION

### 1.2 Germany

Heritage conservation as an institutional state-organised activity did not appear in Germany until the last two thirds of the 19th century. For a very long time, the conservation of cultural heritage was focused solely on churches, castles and palaces. Today, the protection of cultural heritage is organised at the level of national federal law in such a way that each federal state has its own legislation that is similar to each other and based on the same principles. The role of the federal states is to create the content and administrative tasks, while the role of the federal government is to provide co-financing. Supervision over the professional work of subordinate services is performed by the state minister. The tasks of local authorities comprise applying for subsidies and the actual conservation of local monuments. In Germany, the National Committee for Cultural Heritage also operates as a central organisation, whose primary role is to coordinate state and municipal representatives, church, professional and private organisations. Heritage conservation funding is provided through various programmes (Federal Funding of Cultural Heritage, Cultural Monuments of National Importance Programme and Special Cultural Heritage Conservation Programme - funding by the Federal Government Commissioner for Culture and Media, Prussian Cultural Heritage Foundation, Heritage Funding by the Federal Ministry of Transport, Construction and Development (BMVB9). In addition culture in Germany is often funded by private funding and donations.

#### NATIONAL LEVEL:

- Germany has ratified the Convention for the Protection of the Architectural Heritage of Europe (Granada, 3 October 1985), which recognises that the architectural heritage constitutes an irreplaceable expression of the richness and diversity of Europe's cultural heritage, bears inestimable witness to our past and is a common heritage of all Europeans.
- The Federal Building Code is the basis for urban development planning, as it stipulates that building plans must take into account issues of protection and conservation of monuments. The law also defines the criteria for redevelopment needs, sets targets for these measures and regulates the participation of involved stakeholders. The law also stipulates cooperation with the private sector.
- The Income Tax Act regulates tax relief for owners of historical monuments and protected cultural heritage, as well as tax relief for donors.



## REGIONAL LEVEL:

- The Saxony Monument Protection Act (Sächsisches Denkmalschutzgesetz) lays down tasks for the protection and conservation of monuments, such as the protection and maintenance of cultural monuments, in particular monitoring their condition, efforts to prevent and rescue cultural monuments, and their recording and scientific research. The act stipulates that this task is performed by the Free State of Saxony, and within their powers by municipalities and districts. Conservation requires cooperation with owners of cultural monuments. The interests of monument protection and conservation must be duly taken into account in all public plans and measures.

### 1.3 Hungary

The protection and management of cultural heritage in Hungary deals with tangible heritage, while intangible heritage is part of the cultural policy. Tangible cultural heritage includes archaeological heritage, architectural heritage, cultural goods and elements of military heritage that can be explored by archaeological methods. Places of great importance in the history of the Hungarian nation are considered national memorial sites. Registered archaeological sites and architectural heritage are protected by law, but archaeological sites and buildings or buildings of exceptional value could also be additionally protected. The Prime Minister's Office is fully responsible for the protection of cultural heritage. The ministry performs tasks related to the preparation and issuance of legislation relating to cultural heritage and supervises The Gyula Forster National Centre for Cultural Heritage Management (the main governmental organisation for tangible cultural heritage), whose task is to provide a legal and structural framework for the evaluation of architectural heritage, archaeological sites and movable cultural heritage. It also prepares scientific documents for the protection of monuments, conservation areas and archaeological sites. It keeps a national register of archaeological sites and values of built heritage. In Hungary, the Cultural Heritage Inspectorate operates as part of the national public administration system and the district offices of the government offices of districts and the Capital City of Budapest. Local governments also play a role in the protection of cultural heritage by issuing local orders on the protection of archaeological sites and historical monuments in their area. Funding the restoration and conservation of a monument is the responsibility of its owner.

## NATIONAL LEVEL:

- The LXXVII World Heritage Act of 2011
- The CXL Museums, Public Libraries and Cultural Community Services Act of 1997. This act sets out the protection of movable and tangible cultural property, including tasks related to the protection of historic buildings.



- The LXIV Cultural Heritage Protection Act of 2001 emphasises that the built heritage should be regulated at the international, national and local levels and protected, conserved and used accordingly.
- The LXXVIII Act of 1997 (Building Construction Act) sets out the general framework for construction, which also includes heritage protection.

#### REGIONAL/LOCAL LEVEL:

Particularly important at the local level are the rules or regulations relating to local construction, which regulate heritage protection areas, restrictions on general environmental protection and other restrictions, as well as the issuance of permits and supervision.

The protection and management of tangible cultural heritage is regulated by legislation, i.e. by the LXIV Cultural Heritage Protection Act of 2001. Regulations include many aspects and provisions of the Council of Europe cultural heritage conventions, such as the Granada and Valletta conventions.

#### 1.4 Slovenia

The issue of cultural heritage protection is defined in the Slovenian Constitution. The protection of cultural heritage in Slovenia is organised by the Ministry of Culture, i.e. at the national level. Professional tasks are performed by the Institute for the Protection of Cultural Heritage of Slovenia (ZVKDS), established by the Government, which acts within the Ministry of Culture. The tasks of the ZVKDS include:

- identification, evaluation and documentation of cultural heritage;
- preparation of proposals for the entry of heritage in the register kept by the Ministry of Culture;
- preparation of conservation plans and restoration projects;
- supervision of construction, research and protection activities and their implementation;
- supervision and implementation of archaeological research;
- providing advice to cultural heritage owners, education and popularisation.

In addition to the Ministry of Culture, the Ministry of the Environment and Spatial Planning is also in charge of implementing the cultural policy and preparing legislation relating to spatial planning and construction.

The local level is also responsible for carrying out the tasks of cultural heritage conservation in a manner that complies with national legislation and adopting legislation at the local level, such as ordinances and regulations. Municipalities, i.e. the local self-government, also compile lists of monuments of local importance,



prepare management plans for monuments of local importance and exercise the pre-emption right in the sale of monuments of local importance. The latter often depends on the financial situation of the municipality.

Cultural heritage is funded from the state budget and EU funds.

#### NATIONAL LEVEL:

- The Cultural Heritage Protection Act (2008) sets out the methods of protection of cultural heritage and the competences for its protection in order to enable the comprehensive conservation of heritage. The act regulates the establishment of protection, intervention, use, management and other activities, expropriation, funding, public service tasks and the role of non-governmental organisations relating to cultural heritage protection.
- The Building Act (2017) regulates the conditions for building construction and other issues related thereto.
- The Exercising of the Public Interest in Culture Act (2007) defines the public interest in culture, the bodies responsible for it and the mechanisms for its realisation.
- The Public-Private Partnership Act (2006). This act regulates the purpose and principles of private investment in public projects and/or public co-financing of private projects in the public interest, ways of promoting public-private partnerships, and institutions responsible for its promotion and development, and the conditions, procedure, forms and manner of implementation of a public-private partnership.

#### REGIONAL/LOCAL LEVEL:

As Slovenia does not have regions, the conservation of monuments is also carried out by municipal regulations, such as ordinances governing the conservation of cultural and historical monuments of local importance. Municipalities have the option of pre-emption rights.

### 1.5 Italy

Cultural heritage is mentioned in the Italian Constitution. Article 9 of the Italian Constitution stipulates: “The Republic promotes the development of culture and of scientific and technical research. It safeguards natural landscape and the historical and artistic heritage of the Nation.” Responsibilities in culture are shared by four levels of government (state, regions, provinces and municipalities). The Ministry of Cultural Heritage and Tourism (MiBAC) is primarily responsible for national property, while provinces and municipalities are responsible for the areas of local importance. Regions, municipalities and provinces cooperate with the ministry in carrying out its functions.





## NATIONAL LEVEL:

- Codice dei beni culturali e del paesaggio, ai sensi dell'articolo 10 della legge 6 luglio 2002, n. 137 Decreto Legislativo 22 Gennaio 2004, n. 42. The code relating to cultural heritage and landscape regulates the basic regulations regarding cultural heritage and sets conservation and use as the main goal. It also contains information regarding the use and re-use of cultural heritage and its management of both public and private property. Furthermore, it regulates the obligations of private individuals in the protection of cultural heritage and promotes public-private partnerships. It also explicitly stipulates that public cultural heritage must not pass into private ownership.
- D.L. 31 maggio 2014, n. 83 Convertito in legge, con modificazioni, dall' art. 1, comma 1, L. 29 luglio 2014, n. 106. Disposizioni urgenti per la tutela del patrimonio culturale, lo sviluppo della cultura e il rilancio del turismo. The law sets out urgent measures relating to the protection of the nation's cultural heritage and cultural development, promotes the employment of young people in the cultural heritage sector, and regulates tax relief for donations in the field of culture.

## REGIONAL LEVEL - VENETO

- Legge regionale 16 Maggio 2019, n. 17. The law regulates the role of the Veneto region in the strengthening of cultural heritage and the promotion and organisation of cultural activities.
- La Legge Regionale of 23 April 2004, n. 11 regulates the protection of historical and cultural identities and the quality of urban and non-urban settlements through renovation and construction and environmental renovation, with special emphasis on the protection and improvement of historic centres.

### 1.6 Croatia

Cultural heritage is extremely important and has special protection in the Constitution of the Republic of Croatia. Cultural heritage protection is regulated at the national level, which is the responsibility of various public institutions under the auspices of the Ministry of Culture, i.e. the Directorate for the Protection of Cultural Heritage, which consists of two divisions, the Cultural Heritage Protection Division and the Conservation and Inspection Division. Current legislation (the Protection and Conservation of Cultural Heritage Act) defines all categories and types of cultural heritage. The Register of Cultural Heritage of the Republic of Croatia is a public book of cultural documents kept by the Ministry of Culture. By early February 2018, as many as 9,414 cultural goods had been entered in this list. The heritage on the list takes priority in funding. The funding of cultural goods in the Republic of Croatia may be carried out by the owner or custodian of cultural goods or the legal guardian. Co-financing is possible from several different sources (the owner, state budget, EU funds, donations, concessions, budgets of counties, municipalities).



## **NATIONAL LEVEL:**

- The Protection and Conservation of Cultural Heritage Act determines the types of cultural goods, the establishment of protection over cultural goods, the obligations and rights of owners, protective and conservation measures, the work of the inspection, funding and the scope of work of the Cultural Heritage Council.
- The Rules on the form, content and manner of keeping the Register of Cultural Heritage of the Republic of Croatia
- The Rules on the conditions for natural and legal persons to obtain a license to perform activities in the field of protection and conservation of cultural heritage
- The strategic plan of the Ministry of Culture highlights the importance of support, both administrative and financial, to entrepreneurship in the cultural and creative industries and the revitalisation of cities.
- The strategy for the protection, conservation and sustainable economic use of the cultural heritage of the Republic of Croatia for 2011-2015
- Articles 16 and 19 of the Building Construction Act allow for deviations in any interventions in protected sites, such as accessibility for people with disabilities.
- Article 6 of the Spatial Planning Act stipulates that one of the objectives of spatial planning is the protection of cultural heritage.
- Other adopted laws, conventions and regulations of the EU and UNESCO

## **REGIONAL LEVEL - COUNTY OF PRIMORJE AND GORSKI KOTAR**

- The SWOT analysis of the development strategy of the County of Primorje and Gorski Kotar for 2016-2020 highlights the rich cultural heritage as an opportunity for the development of creative industries and their revitalisation.
- The conservation of monuments is also carried out by municipal regulations governing the conservation of cultural and historical monuments of local importance; in addition, municipalities have the option of pre-emption rights.



### 3 FINDINGS

Central Europe is rich in material cultural heritage, but obtaining funds is a special challenge, as public funds are becoming increasingly difficult to access and/or are decreasing. In all aforementioned countries, the care and funding of state-owned monuments, which is regulated by national regulations, is the responsibility of the Government.

In Germany, the Government has the role of the financier, while the federal states are responsible for the protection, recording and development of cultural heritage.

In Hungary, the protection of cultural heritage is fully organised at the national level, while local governments are responsible for the regulation in their respective area. Funding however, is the responsibility of the owner.

In Slovenia, cultural heritage is primarily regulated at the national level, as is the funding of state-owned monuments. Monuments with the status of local importance are protected and funded by the local self-government. Anything privately owned is the responsibility of the owner.

In Italy, the respective ministry is responsible for state property and funding, while at the local level responsibility falls on the provinces and municipalities.

The Republic of Croatia regulates cultural heritage with national regulations, while the regions or counties develop strategic documents and are in charge of supervision and implementation.



## 4 GUIDELINES

### 4.1 EU and NATIONAL LEVEL

- To provide additional funds for the purposes of redevelopment and revitalisation of abandoned buildings. Since 2007, there has been a lack of direct EU funds for the protection and conservation of cultural heritage. In 2014-2020, the European Commission did not provide for priority investment in cultural heritage protection. It should be noted that the redevelopment or investment in monuments is both financially and logistically more difficult to implement than new construction.
- To provide financial resources for medium and long-term business plans with a clear financial structure. The management of abandoned and/or revitalised industrial buildings requires multi-skilled individuals with the aim of preparing an effective business model with clearly defined expenses and revenue. Therefore, it is necessary to provide funds for the development of medium and long-term business and management plans.
- To simplify procedures for obtaining the required documentation. Bureaucratic procedures have to be simplified, and above all it needs to be ensured that priority is given to matters related to funding from EU sources and national tenders.
- To reduce bureaucratic procedures in allocating funds to culture. To simplify tendering procedures and introduce rapid financing and interest-free lending in the field of culture.
- To reduce the gap between institutional and non-institutional culture. This means that politics should change with culture and not culture because of politics.
- Climate change. To allow deviations in investment interventions due to unfavourable climate conditions and increase people's awareness of cultural heritage.
- To introduce new instruments such as tax relief, differential tax rates, public-private partnership schemes, new funding models of architectural heritage (risk distribution, shares in generated revenue, etc.).
- To create a European network of industrial heritage and centres of the creative cultural industry with the aim of achieving greater visibility and developing a common strategy of entry and marketing communication in foreign markets.

### 4.2 REGIONAL/LOCAL LEVEL

- To establish better cooperation/dialogue between managers and cultural heritage protection.
- To restructure financial resources for medium and long-term business plans with a clear financial structure and minimum risks.



- To assign/determine the role of public institutions at the local level for the establishment of a common creative cultural industry platform and their management.
- To provide for mandatory participation of various stakeholders in the process of renovation, placement of content and a public-private partnership.
- To promote a more active role of regional and local self-governments in interdisciplinary integration of culturally creative players.
- To encourage/promote cross-sectoral projects bringing together various creative cultural industries.
- To carry out activities for the protection and evaluation of industrial heritage by including technology and research.
- To cooperate with educational institutions.

All findings and recommendations are also result of outputs of the project REFREsh we encountered in the implementation phase of the project REFREsh. In particular the possibilities of financing the renovation of industrial facilities and lack of responsibility of the owners of the industrial heritage sites. We see great importance in the preparation of management, business and financial plans and the obligation to include them in the initial phase. Preparation of management, business and financial plan and involvement of business experts should also be legally required. This requirements also proved to be deficient in the project REFREsh.



## SOURCES

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Joint ICOMOS - TICCIH Principles for the Conservation of Industrial Heritage Sites, Structures, Areas and Landscapes

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<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3370>

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