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**Non-official translation of the  
Act on the protection and care of monuments in the  
Federal State of Rhineland-Palatinate  
(Monument Protection Act, DSchG)**

**adopted on 23 March 1978**

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**Contents**

**Section One  
Principles**

- Article 1      The duty of monument protection and monument conservation  
Article 2      The obligation to maintain and conserve

**Section Two  
Cultural monuments**

**Subsection One  
General introduction**

- Article 3      The term 'cultural monument'  
Article 4      Immovable and movable cultural monuments, protection of the associated area  
Article 5      Monument zones  
Article 6      Information  
Article 7      Right of access to properties

**Subsection Two  
Protected cultural monuments**

- Article 8      Protected cultural monuments, placement under protection  
Article 9      Public display  
Article 10     List of monuments  
Article 11     Temporary protection  
Article 12     Duty of disclosure and notification requirements  
Article 13     Approval of changes, notification of repairs  
Article 13a    Approval procedure  
Article 14     Restoration and preservation, substitute performance  
Article 15     Free access to cultural monuments

**Section Three  
Finds**

- Article 16     The term 'finds'  
Article 17     Notification  
Article 18     Preservation  
Article 19     Scientific analysis  
Article 20     Treasure trove  
Article 21     Approval of investigations, notification of works, reimbursement of costs  
Article 22     Protected excavation areas

**Section Four**  
**Special provisions for churches and religious communities**

Article 23

**Section Five**  
**Organisation**

Article 24 Monument protection authorities  
Article 25 State Conservation Office  
Article 25a Archival conservation  
Article 26 Monuments Advisory Board  
Article 27 Voluntary monument conservationists  
Article 28 Recognised monument conservation organisations

**Section Six**  
**Financial aid from Rhineland-Palatinate**

Article 29 Principles of funding

**Section Seven**  
**Expropriation, measures triggering compensation, right of first refusal**

Article 30 Expropriation  
Article 31 Measures requiring compensation  
Article 32 Right of first refusal

**Section Eight**  
**Administrative Offences**

Article 33

**Section Nine**  
**Interim and final provisions**

Article 34 Interim provision for protected monuments and the Monument Book  
Article 35 Exemption from fees  
Article 36 Implementing provisions  
Article 37 Protecting cultural monuments in the event of armed conflicts and natural catastrophes  
Article 38 Repeal and amendment of legal provisions  
Article 39 Effective date

## **Section One**

### **Principles**

#### **Article 1**

##### **The duty of monument protection and monument conservation**

- (1) One duty of monument protection and monument conservation is to protect and conserve cultural monuments (Article 3) and in particular to monitor their condition, avert threats posed to them and rescue them.
- (2) Another duty of monument protection and monument conservation is to conduct scientific research on cultural monuments and make any findings accessible to the general public, especially for educational and training purposes.
- (3) Monument protection and monument conservation are intended to help to ensure that cultural monuments are taken into consideration in the context of regional and spatial planning, urban development, nature conservation and landscape preservation and are put to sensible use.
- (4) When discharging their monument protection and monument conservation duties, within the framework of the provisions of this Act the monument protecting authorities and the state conservation office work together in as close a partnership basis as possible with the owners and occupants of cultural monuments, other parties disposing over cultural monuments and the respective local authorities and associations of local authorities.

#### **Article 2**

##### **The obligation to maintain and conserve**

- (1) Owners, occupants and other parties disposing over cultural monuments have an obligation to make every reasonable effort to maintain and conserve them. Other provisions of this Act shall remain unaffected.
- (2) What may be deemed a reasonable effort shall be determined with due consideration of the monument's situation-specific character within the context of the social restrictions on property ownership and its private use. In particular, it is deemed unreasonable for the costs of preservation to constitute an economic burden if this outlay is not offset in the long term by revenue or by the utility value of the cultural monument. In such a scenario the maintenance requirement may be limited to leaving the cultural monument in an unaltered condition, provided that and as long as the special character and significance of the cultural monument demands this, also taking account of the interests of the parties under obligation as per paragraph 1. It shall be incumbent on the parties under obligation as per paragraph 1 to demonstrate that a preservation requirement is unreasonable. Said parties may not invoke the burden of rising maintenance costs prompted by the fact that conservation measures were not taken, contrary to the provisions of this Act or any other public law.
- (3) When implementing or planning measures, especially regarding town and country planning, the federal state of Rhineland-Palatinate, the federal government, local authorities, associations of local authorities and all corporations, institutions and foundations under public law must take account of the interests of monument protection and monument conservation and meet the obligation to conserve cultural heritage in accordance with the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972. For any measures and plans impacting on the interests of monument protection or monument conservation, the state conservation office must be involved from the outset.
- (4) Construction work, technical or economic measures that could pose a threat to or compromise the continued existence, appearance or scientific value of cultural monuments must be limited to bare minimum required. Paragraph 1 sentence 2 shall apply accordingly.

## **Section Two**

### **Cultural monuments**

#### **Subsection One**

#### **General introduction**

#### **Article 3**

#### **The term 'cultural monument'**

(1) Cultural monuments are objects from the past that:

1. a) in particular bear testimony to intellectual or artistic creativity, craftsmanship or technical skill or historical events or developments;
  - b) constitute traces or remnants of human life; or
  - c) are characteristic features of cities, towns or municipalities or
2. whose preservation and conservation or scientific research and documentation is in the public interest for historical, scientific, artistic, or urbanistic reasons.

(2) Cultural monuments are objects from the past that bear testimony to or constitute traces or remnants of the evolution of soil or of flora or fauna and whose preservation and conservation or scientific research and documentation is in the public interest within the meaning of paragraph 1 no. 2.

#### **Article 4**

#### **Immovable and movable cultural monuments, protection of the associated area**

(1) Immovable cultural monuments include, in particular:

1. fixed individual monuments and structures;
2. monument zones (Article 5).

Monument zones may include objects that are not cultural monuments, but are important to the appearance of the whole. Ornaments, fittings and furnishings, open spaces and secondary structures all form part of an immovable cultural monument, provided that they constitute part of it from the monument protection and monument conservation viewpoint. The environs of an immovable cultural monument are also the object of monument protection, provided that they are important to its continued existence, appearance or urban planning impact.

(2) Movable cultural monuments include, in particular:

1. movable individual objects;
2. collections and other assemblages of movable individual objects.

If sentence 1 no. 2 applies, paragraph 1 sentence 2 shall apply correspondingly.

(3) Immovable cultural monuments must feature in the geospatial information provided by the official surveying authority.

#### **Article 5**

#### **Monument zones**

(1) Monument zones include, in particular:

1. building complexes (paragraph 2);
2. characteristic streetscapes, squares and townscapes (paragraph 3 sentence 1) as well as planned quarters and housing developments (paragraph 3 sentence 2);
3. characteristic street plans (paragraph 4);
4. historical parks, gardens and cemeteries (paragraph 5);
5. cultural sites (paragraph 6).

(2) Building complexes include, in particular, groups of buildings that stand out because of their size, the diversity or variety of their constituent elements, castles, fortresses, town fortifications and defensive linear earthworks, abbeys, monasteries and convents, including their green and open spaces and bodies of water.

(3) Characteristic streetscapes, squares and townscapes are those whose overall appearance typifies a specific historical period or trend or characteristic design comprising a uniform style or contrasting styles. Planned neighbourhoods and housing developments are uniformly designed complexes based on a common concept.

(4) A characteristic street plan is one in which the blueprint specifying the configuration of structures typifies a certain historical period or trend, in particular with regard to the shapes of places, street layout and fortifications.

(5) Historical parks, gardens and cemeteries are works of landscape design or memorials to the dead, whose location and architectonic and horticultural design bear witness to the function served by the site as a living environment and manifestation of earlier societies and the culture they represent.

(6) Cultural sites are clearly definable areas of land featuring visible works or traces of human design as well as indications of cultural monuments within the meaning of Article 3 paragraph 2.

## **Article 6**

### **Information**

Owners, occupants and other entitled parties must furnish the monument conservation authorities and the uppermost authority on monuments and their agents with any information they require to fulfil their duties.

## **Article 7**

### **Right of access to properties**

(1) The monument protecting authorities, the state conservation office and their agents shall be entitled to enter sites to make preparations for and implement measures to be taken to comply with this Act, to take measurements, conduct investigations and take photographs. Homes may only be entered against the will of the owner with a view to averting a pressing danger to cultural monuments. This provision limits the basic right to the inviolability of the home (Article 13 of the Basic Law).

(2) Owners, occupants and other entitled parties must be given prior notification that sites will be entered unless such information can only be communicated by public notification or timely notification would be impossible given an imminent danger.

## **Subsection Two**

### **Protected cultural monuments**

#### **Article 8**

##### **Protected cultural monuments, placement under protection**

(1) Protected cultural monuments include:

1. immovable cultural monuments and
2. movable cultural monuments that are protected by an administrative act.

(2) Movable cultural monuments are only protected if:

1. they are especially important or
2. the owner instigates their placement under protection.

Cultural monuments in state-owned collections, in collections designated by the highest monument conservation authority or in public archives are not placed under protection.

(3) Should clarification be required, status as an immovable cultural monument shall be determined:

1. by ordinance for monument zones and
2. otherwise by administrative act.

(4) Decisions on placement under protection pursuant to paragraph 1 no. 2 and determination pursuant to paragraph 3 are taken ex officio by the lower monument protecting authority or at the request of the state conservation office. Such decisions are enacted in consultation with the state conservation office. If the lower monument protecting authority wishes to differ from the position stated by the state conservation office or turn down its request, it must notify the state conservation office accordingly, which shall then be entitled to submit the matter to the upper monument protecting authority. The upper monument protecting authority can take its own decision on the matter or refer it back to the lower monument protecting authority.

(5) Prior to determination pursuant to paragraph 3, the owner and the local authority whose territory is affected by the protective measure must be given a hearing. Where paragraph 3 no. 1 is concerned, this is done in accordance with Article 9.

(6) The owner of the cultural monument must be notified about the administrative act imposing placement under protection pursuant to paragraph 1 no. 2 or determination pursuant to paragraph 3 no. 2. Should it prove impossible or disproportionately difficult or costly to track down the owner, public notification of the administrative act shall be given.

(7) Paragraphs 3 to 6 correspondingly apply to the revocation of the respective decisions.

#### **Article 9**

##### **Public display**

(1) The draft version of an ordinance pursuant to Article 8 paragraph 3 no. 1 shall be displayed for public inspection for one month by the local authorities whose territory is affected by the protective measure. Should the territory of a local community be affected, the ordinance shall be posted by the respective administration of the association of local authorities. A map of the area containing the monument zone shall be displayed together with the ordinance.

(2) The time and place of display must be announced at least one week in advance, whereby any party whose interests are affected by the ordinance must bring any reservations and suggestions to the attention of the lower monument protecting authority or municipal administration, in writing or for

transcription, by the very latest within two weeks of the end of the display period, or to the attention of the administration of the association of local authorities if paragraph 1 sentence 1 second half-sentence applies. Reservations and suggestions may also be lodged with recognised monument conservation organisations for up to two weeks after the end of the display period (Article 28).

(3) No display shall be required if the persons, authorities and bodies whose interests are affected by the ordinance are known, provided that they are given two weeks to inspect the draft ordinance and submit any reservations and suggestions.

## **Article 10**

### **List of monuments**

(1) Protected cultural monuments (Article 8 paragraph 1) are recorded in the list of monuments, which is a register drawn up for information purposes and with no legal consequences. The list is kept and updated by the state conservation office. Monuments are entered in or removed from the list on an ex officio basis, but may also be proposed by the owner, the local authority within whose territory the cultural monument is located, or by the Monuments Advisory Board. Inclusions and deletions are made in consultation with the lower monument protecting authority, which must first give a hearing to the local authority within whose territory the cultural monument is located. Entries shall be removed if the object in question does not or no longer qualifies as a cultural monument or if its placement under protection is revoked. This shall not apply if the restoration of the cultural monument has been decreed.

(2) The lower monument protecting authority must keep an excerpt of the list of monuments for its territory and notify owners about their property's inclusion or removal therefrom.

(3) Anyone may consult the list of monuments. A separate list of protected movable cultural monuments shall be kept and may be consulted by anyone with a justified interest.

## **Article 11**

### **Temporary protection**

(1) The lower monument protecting authority may rule that objects expected to be placed under protection pursuant to Article 8 paragraph 1 no. 2 shall be considered protected cultural monuments if it is feared that the objective of their placement under protection may otherwise not be attained. Article 8 paragraphs 4 and 6 shall apply accordingly.

(2) Provisional placement under protection may last a maximum of six months and may be extended once for three months at the most or for six months, subject to the consent of the upper monument conservation authority. Provisional placement under protection shall be revoked if it is no longer expected that the provisionally protected object pursuant to Article 8 paragraph 1 no. 2 will in fact be protected.

(3) Provisionally protected objects shall be included in the list of monuments (Article 10) for the duration of their provisional placement under protection.

## **Article 12**

### **Duty of disclosure and notification requirements**

(1) Owners, occupants and other entitled parties must immediately notify the lower monument protecting authority of any damage or defects that may jeopardise the preservation of protected cultural monuments. The lower monument protecting authority shall then immediately inform the state conservation office. The same duty of disclosure shall apply if the parties under obligation pursuant to sentence 1 notice particularities that justify its consideration as a cultural monument.

(2) The owner of a protected cultural monument must notify the lower monument protecting authority in good time of any intention to sell it. Before concluding the contract of sale, the owner must advise the buyer that the object up for sale is a protected cultural monument. Once the sale has taken place, the seller must immediately notify the lower monument protecting authority and disclose the identity of the buyer. Paragraph 1 sentence 1 half-sentence 2 shall apply accordingly.

(3) In the event of succession, the inheritor shall immediately notify the lower monument protecting authority of the transfer of ownership.

### **Article 13**

#### **Approval of changes, notification of repairs**

(1) A protected cultural monument may only:

1. be destroyed, demolished, dismantled or disposed of;
2. be converted or otherwise altered;
3. have its appearance not just temporarily blighted; or
4. be removed from its location

subject to approval. Ornaments, fittings and furnishings (Article 4 paragraph 1 sentence 3) of an immovable cultural monument may only be removed on a non-temporary basis subject to approval. Structures in the environs of an immovable cultural monument (Article 4 paragraph 1 sentence 4) may only be erected, altered or disposed of subject to approval.

(2) Approval pursuant to paragraph 1 shall only be granted if:

1. the interests of monument protection are not contravened;
2. other requirements of public interest or private interests override those of monument protection and if there is no other way of taking account of these overriding interests.

(3) Approval pursuant to paragraph 1 may be subject to auxiliary conditions and requirements, which may set out to reduce the impact on the cultural monument as far as possible or restore the monument to its original state once the measure in question has ended. In particular, requirements may be imposed to ensure that if an immovable cultural monument is demolished or dismantled the cultural monument itself will be re-erected or certain parts thereof will be saved or re-used at another site. If need be, some form of surety may be required, though this shall not apply to legal persons under public law. Auxiliary conditions geared towards saving or re-using parts of monuments should indicate the type and scope of required measures. Should the particularity or importance of the cultural monument or the difficulty of the measure so demand, requirements may be imposed on a case-by-case basis to ensure that works necessitating special experience or know-how are overseen or executed by suitable heritage specialists.

(4) The lower monument protecting authority shall be notified immediately of any repairs to a protected cultural monument that are not subject to approval pursuant to paragraph 1 sentence 1 and shall be given a precise description of the planned measure. Such restoration work may begin at the earliest two months after notification has been given, though acting in agreement with the state conservation office the lower monument protecting authority may authorise measures to be implemented sooner. If there is deemed to be an imminent danger, essential repair work may begin without notification being given pursuant to sentence 1 or respecting the deadline set out in sentence 2 half-sentence 1, though notification after the fact must be submitted without delay. Repairs shall be prohibited if they are deemed contrary to overriding interests of monument protection or monument conservation or if no description has been submitted pursuant to sentence 1. Repairs shall not be prohibited if the party in question declares that the measure being implemented is in line with proposals made by the state conservation office. Decisions pursuant to sentences 4 or 5 shall be made by the lower monument protecting authority in consultation with the state conservation office. Article 13 a paragraph 3 sentences 4 and 5 shall apply accordingly.

**Article 13 a**  
**Approval procedure**

(1) Applications for an approval pursuant to Article 13 paragraph 1 shall be submitted in writing to the lower monument protecting authority. Any documentation that may be required to assess the plan and process the application, especially plans, documents, photographs, experts' reports and cost and profitability estimates, must be annexed to the respective application.

(2) Immediately after receiving an application, the lower monument protecting authority should ascertain whether or not the application is complete and whether an interview date needs to be scheduled with the applicant. Any missing annexes and documentation must be specified within two weeks of receiving the application or immediately after the interview date and a suitable deadline for their subsequent submission shall be set. Applications that are incomplete or substantially flawed may be rejected if the applicant fails to submit such additional material within the specified deadline.

(3) Decisions on applications shall be made by the lower monument protecting authority in consultation with the state conservation office. Article 31 paragraph 1 sentence 2 shall remain unaffected. The consultation process shall consist of the lower monument protecting authority submitting the full application and its draft decision to the state conservation office.

Should the state conservation office fail to respond within two months of receiving the documents, the consultation shall be considered to have taken place. Should the lower monument protecting authority wish to deviate from the ruling of the state conservation office, it shall immediately notify the state conservation office, which shall be entitled to submit the matter to the upper monument protecting authority. The upper monument protecting authority may rule on the matter autonomously or refer it back to the lower monument protecting authority.

(4) Should the lower monument protecting authority fail to reach a decision on the approval pursuant to Article 13 paragraph 1 within three months of the submission of the full application, at the latest, approval shall be considered to have been given unless the competent monument protecting authority or the state conservation office informs the applicant prior to the deadline that the application has been rejected.

(5) Approval issued pursuant to Article 13 paragraph 1 shall lapse if the execution of the planned measure has not begun within three years of authorisation being given or if the works have been interrupted for a year. The deadlines pursuant to sentence 1 may each be extended by one to two years upon submission of a written request to this effect, though such extensions may go hand in hand with the imposition of new auxiliary conditions.

**Article 14**  
**Restoration and preservation, substitute performance**

(1) If enjoined by the lower monument protecting authority, anyone causing damage to a protected cultural monument shall initiate corresponding remedial measures and restore the object to its original state. The same shall apply if a measure pursuant to Article 13 paragraph 1 or paragraph 4 sentence 1 is or has been executed without mandatory approval or notification or deviates from the description set out in the notification.

(2) If enjoined by the lower monument protecting authority, owners and other entitled parties who jeopardise the preservation of a protected cultural monument by not taking reasonable measures to remedy existing damage or prevent damage or defects from arising, shall implement the necessary conservation measures. Other authorised persons may be obliged to acquiesce.

(3) The lower monument protecting authority may set an appropriate deadline for the implementation of measures pursuant to paragraphs 1 and 2. Should an order issued pursuant to paragraph 1 or 2 not be heeded or in the case of sentence 1 not be heeded before the stipulated deadline, the lower monument protecting authority may, in accordance with the provisions of the Administrative Enforcement Act of Rhineland-Palatinate (LVwVG), arrange to have the necessary measures implemented by a third party or execute them itself. In the event of imminent danger, the

lower monument protecting authority may take immediate action. The same shall apply if the owner or other entitled parties cannot be identified in time.

(4) Enjoiners pursuant to paragraphs 1 and 2 sentence 1 and decisions on implementation pursuant to paragraph 3 sentence 2 shall be decided by the lower monument protecting authority in consultation with the state conservation office. Article 13 a paragraph 3 sentences 4 and 5 shall apply accordingly. In the scenario set out in paragraph 3 sentence 3, the state conservation office shall be notified immediately.

## **Article 15**

### **Free access to cultural monuments**

Decisions on free access to immovable cultural monuments shall be taken by the lower monument protecting authority, together with the owners, occupants and other entitled parties, as applicable. Access to cultural monuments that are open to the public should be enabled provided that it is economically reasonable, that such public access is compatible with the particularity and significance of the respective cultural monument, and that it is barrier-free within the meaning of Article 2 paragraph 3 of the law of Rhineland-Palatinate promoting equality for the disabled (LBGG).

### **Section Three**

#### **Finds**

##### **Article 16 The term 'finds'**

Finds within the meaning of this Act are objects that, upon discovery, can be assumed to qualify as cultural monuments (Article 3) or their equivalent.

##### **Article 17 Notification**

(1) Finds (Article 16) must be reported immediately, either orally or in writing, to the state conservation office. The lower monument protecting authority, administration of the association of local authorities or municipal administration may also be notified, in which case they shall immediately pass on the information to the state conservation office.

(2) The duty of disclosure applies to the finder, the owner of the land in question, other entitled parties, the occupant of the land and the foreman of the works whose implementation led to the find being made. The submission of notification by one of the aforementioned persons shall relieve the others of their duty of disclosure.

##### **Article 18 Preservation**

(1) The find and the site of the find shall remain unaltered for one week after notification has been given and the site shall be afforded reasonable protection, to the extent possible, from threats to the preservation of the find. Written notification shall be deemed submitted upon receipt. Upon request, the state conservation office may shorten the deadline pursuant to sentence 1 first half-sentence, and it should approve the continuation of the works that had to be interrupted to preserve the find or site thereof if interruption of said works would incur disproportionately high costs.

(2) Movable finds must immediately be surrendered for safe keeping to the state conservation office if there is a risk of them going astray. Article 17 paragraph 1 sentence 2 shall apply accordingly.

(3) Article 17 paragraph 2 shall apply mutatis mutandis.

##### **Article 19 Scientific analysis**

(1) Owners and occupants of the land where the find was made and other entitled parties shall acquiesce to measures required to safely extricate the find and clarify the circumstances under which it was made.

(2) The state conservation office may temporarily take possession of movable finds for scientific analysis.

##### **Article 20 Treasure trove**

(1) Finds that prove to be of special scientific importance or are discovered in excavation protection areas (Article 22) and that are ownerless or have been hidden for so long that their owner can no longer be identified, shall, upon discovery, become the property of the federal state of Rhineland-Palatinate.

(2) The finder shall receive a reward if funds are available from the budget of the federal state of Rhineland-Palatinate. The extent of the reward shall be decided by the state conservation office, bearing in mind the circumstances of the case in question.

**Article 21**  
**Approval of investigations, notification of works, reimbursement of costs**

(1) Investigations, in particular site inspections with metal detectors and excavations with a view to discovering cultural monuments have to be approved by the lower monument protecting authority, which shall decide in agreement with the state conservation office. Should no agreement be initiated, the lower monument protecting authority may deviate from the opinion of the state conservation office provided that the upper monument conservation authority approves this. Article 13 paragraph 3 sentences 1 to 4 and Article 13 a paragraph 4 shall apply accordingly. Investigations conducted at the behest of the state conservation office do not require approval under this Act.

(2) The state conservation office shall be notified in good time of any earthworks or construction work that may be expected to unearth cultural monuments.

(3) Sponsors of public or private construction or land development projects or of plans to extract raw materials or mineral resources and whose total outlay in each case exceeds €500,000 may be obliged, as instigators, to refund reasonable costs of geological or archaeological studies, including the documenting of any findings. This decision, including the determination and requesting of the amount to be refunded, which as a rule may not exceed 1 per cent of the total cost of the projects, shall be taken by the state conservation office. The ministry responsible for monument conservation shall enact the administrative regulation governing the application of this arrangement.

**Article 22**  
**Protected excavation areas**

(1) Delimited areas may be declared excavation protection areas by ordinance if there is just cause to believe that they conceal cultural monuments. Article 6 shall apply accordingly. Article 7 shall apply with the proviso that paragraph 2 shall only apply to built-up or enclosed plots of land, unless the measures planned pursuant to Article 7 paragraph 1 could change the land in question. Article 8 paragraphs 4 and Article 9 shall apply correspondingly for the enactment of the ordinance.

(2) An ordinance may also justify provisional protection. Article 8 paragraph 4 and Article 11 paragraph 1 sentence 1 and paragraph 2 shall apply accordingly.

(3) Projects conducted in excavation protection areas that may pose a threat to hidden cultural monuments must be approved by the lower monument protecting authority. Article 13 paragraph 3 sentences 1 to 4, Article 13 a paragraph 4 and Article 21 paragraph 1 sentence 2 shall apply accordingly.

(4) The location of excavation protection areas has to feature in the geospatial information provided by the official surveying authority.

## **Section Four**

### **Special provisions for churches and religious communities**

#### **Article 23**

- (1) With respect to cultural monuments intended for worship or other ritualistic acts, the monument conservation authorities and the state conservation office shall prioritise due consideration of the cultic and pastoral interests of churches and religious communities. Article 30 shall not apply.
- (2) Measures pursuant to Article 13 paragraph 1 and 4 sentence 1 shall be implemented in consultation with the lower monument protecting authority and the state conservation office by the respective churches and religious communities as well as by the legal persons under their supervision at the cultural monuments falling under their authority. The same shall apply to investigations, works and projects (Article 21 paragraphs 1 and 2, Article 22 paragraph 3) carried out on land owned by churches and religious communities and by legal persons falling under their supervision. Articles 6, 7, 12, 14, 25 a paragraph 2 and Article 30 shall not apply.
- (3) Paragraph 2 shall only apply if the church or religious community in question has its own body fulfilling the duties of monument protection and monument conservation that is recognised by the highest monument conservation authority. Such recognition shall be given if the resources and organisation of the body in question and its application of internal regulations of the church or religious community in question regarding duties of disclosure, conditional approval and potential intervention guarantee the preservation and conservation of cultural monuments. Should a church or religious community not have its own recognised body within the meaning of sentence 1, subject to the approval of the highest monument conservation authority it may avail itself of the services of the recognised body of another church or religious community. Approval shall be given subject to the conditions set out in sentence 2. This recognition or approval may be rescinded if one of the conditions for granting it was not fulfilled or subsequently not just temporarily failed to be met.
- (4) Article 20 shall not apply to cultural monuments for use in religious services or rituals that are discovered in objects owned by churches or religious communities and are directly intended for church use or religious their purposes. Should Article 20 apply to churches and religious communities, the cultural monuments in question shall be left with the respective churches or religious communities upon request as permanent loans.
- (5) Religious orders and fraternities qualify as churches within the meaning of paragraphs 1 to 4.

**Section Five**  
**Organisation**  
**Article 24**  
**Monument protection authorities**

- (1) Unless stipulated otherwise, monument conservation authorities shall be responsible for implementing this Act.
- (2) These monument conservation authorities are:
1. the ministry responsible for monument conservation (uppermost monument conservation authority);
  2. the Supervisory and Services Directorate (higher monument conservation authority);
  3. the district authority and municipal administration of the urban municipality (lower monument protecting authority); rural districts and urban municipalities perform this task on a contractual basis.
- (3) Unless stipulated otherwise elsewhere in this Act, the lower monument protecting authority shall be the responsible body.
- (4) Should more than one monument conservation authority be responsible for a locally implemented measure, the common next highest monument conservation authority shall appoint one of them as the responsible lower monument protecting authority.
- (5) Should a responsible lower monument protecting authority be involved in its capacity as the owner, otherwise entitled party or occupant of a cultural monument, the relevant upper monument conservation authority may declare itself the responsible body, deciding in consultation with the state conservation office.

**Article 25**  
**State conservation office**

- (1) The state conservation Office administers the technical aspects of monument protection and monument conservation. Its duties include the following, in particular:
1. Being involved in implementing this Act in accordance with its individual provisions;
  2. advising the monument protecting authorities and owners of cultural monuments;
  3. promoting the general public's understanding of monument protection and monument conservation;
  4. proposing monument protection and monument conservation measures;
  5. systematically recording cultural monuments subjecting them to scientific analysis;
  6. keeping the list of monuments;
  7. drafting expert reports on issues to do with monument protection and monument conservation;
  8. searching for hidden cultural monuments;
  9. issuing special heritage certificates including certificates to be submitted to the tax authorities.
- (2) The state conservation office is not responsible for cultural monuments covered by Article 8 paragraph 2 sentence 2.
- (3) The state conservation office is the Directorate-General for Cultural Heritage (GDKE), which reports directly to the ministry responsible for monument conservation.

## **Article 25a**

### **Archival conservation**

(1) The Rhineland-Palatinate Archives Administration is the competent state office for documents of lasting value (Article 1 paragraph 1 sentence 3 of the Rhineland-Palatinate Archives Act) that are movable cultural monuments.

(2) The monument protecting authorities may stipulate that documents of lasting value that are movable cultural monuments, are more than 30 years old, are of special importance and are owned by natural or legal persons under civil law undergo due scientific analysis or archival processing the Rhineland-Palatinate Archives Administration may rule that they be provisionally handed over to the public archives for a period of up to a year. If this happens, the privacy rights of the parties involved and of third parties shall be respected. Should the preservation of documents be under threat, it may also be stipulated that the items in question be stored in public archives until the owners have taken the necessary precautions.

## **Article 26**

### **Monuments Advisory Board**

(1) The Monuments Advisory Board advises the uppermost monument conservation authority and the state conservation office, makes suggestions, issues recommendations and drafts expert reports. The Monuments Advisory Board should also take up special monument protection and monument conservation issues on behalf of the general public.

(2) Members of the Monuments Advisory Board shall include monument protection and monument conservation experts, representatives of recognised monument conservation organisations and persons representing other domains affected by monument protection and monument conservation, in particular representatives of churches, municipal authorities and owners. The Monuments Advisory Board shall have no more than 20 members, who will be appointed by the ministry responsible for monument conservation for a four-year term and shall discharge their duties on a voluntary basis.

(3) The Monuments Advisory Board shall elect a Chairman and Deputy Chairman from amongst its members, each to serve a four-year term. The Monuments Advisory Board shall adopt internal rules of procedure that must gain the approval of the ministry responsible for monument conservation.

(4) The ministry responsible for monument conservation shall stipulate the details, in particular regarding members' appointment and compensation, by ordinance. Where members' compensation is concerned, the ordinance shall be drawn up in agreement with the ministry responsible for the budget of the federal state of Rhineland-Palatinate.

## **Article 27**

### **Voluntary monument conservationists**

(1) The lower monument protecting authorities and the state conservation office may call on voluntary monument conservationists to advise and support them in connection with specific tasks. The ministry responsible for monument conservation shall stipulate the details, in particular regarding the appointment and compensation of voluntary monument conservationists, by ordinance. The ordinance stipulating the extent of compensation paid to voluntary monument conservationists shall be drawn up in agreement with the ministry responsible for the budget of the federal state of Rhineland-Palatinate.

## **Article 28**

### **Recognised monument conservation organisations**

(1) Legally responsible organisations whose statutes specify their devotion to monument protection and monument conservation, upholding local character or urban renewal in the federal state of Rhineland-Palatinate shall be recognised by the ministry responsible for monument conservation if their previous activities guarantee the proper fulfilment of their duties and if they undertake to

disclose the results of their work to the monument protecting authorities and the state conservation office. Recognition shall be subject to written applications and shall be revoked if it is subsequently ascertained that one of the conditions for granting recognition is no longer being met or subsequently failed to be met.

(2) Recognised monument conservation organisations may propose measures necessary to comply with this Act to the monument protecting authorities or state conservation office. Upon request, they must be granted a hearing on the proposed measure.

**Section Six**  
**Financial aid from Rhineland-Palatinate**

**Article 29**  
**Principles of funding**

- (1) The federal state of Rhineland-Palatinate promotes monument protection and monument conservation measures within the limits of the funding available in its budget.
  
- (2) Rhineland-Palatinate's promotion of recognised monument conservation organisations (Article 28), non-profit-making sponsors and individuals who perform monument protection and monument conservation tasks shall be tailored to the contribution made by such bodies and persons, within the limits of the funding available in its budget.

**Section Seven**  
**Expropriation, measures requiring compensation, right of first refusal**

**Article 30**  
**Expropriation**

- (1) Expropriation is admissible if no other reasonable means can be found to:
1. safeguard the continued existence or appearance of a protected cultural monument or enable its scientific analysis; or
  2. conduct planned investigations in an excavation-free zone.
- (2) Expropriated property shall defer to the federal state of Rhineland-Palatinate, a district or urban municipality, an association of municipalities or autonomous municipality or a local community, in that order.
- (3) In addition, the Rhineland-Palatinate Expropriation Act (LEntG) shall apply to immovable cultural monuments and excavation protection areas.

**Article 31**  
**Measures requiring compensation**

- (1) Should measures implemented on the basis of this Act lead in individual instances to constraints on the prior lawful use of the property or impose mandatory measures regarding the preservation and maintenance of a cultural monuments that extend beyond the boundaries of social obligation, the federal state of Rhineland-Palatinate shall pay suitable compensation in cash, provided that and insofar as there is no other way of making up for the imposed measures. Decisions on the amount of compensation shall be taken in agreement with the state conservation office at the same time as the reason for the imposed measure, whereby priority should be given to the conclusion of contractual agreements.
- (2) In the event of the payment of cash compensation, for immovable objects the provisions of section two of the Rhineland-Palatinate Expropriation Act (LEnteigG) shall apply accordingly.

**Article 32**  
**Right of first refusal**

- (1) Should a plot of land containing an immovable cultural monument (Article 4 paragraph 1) be sold, the relevant local authority, or for monuments of more than local importance also the federal state of Rhineland-Palatinate, shall be granted a right of first refusal to acquire it. The federal state's right of first refusal shall take precedence over the respective local authority's right of first refusal. The ministry responsible for monument conservation shall exercise the right of first refusal on behalf of the federal state. Said right of first refusal may only be exercised if this is justified by the resulting public benefit, in particular if it will enable the preservation of an immovable cultural monument. Right of first refusal shall be excluded if the owner sells the plot to his or her spouse or civil partner or to a direct relation or in-law or to a relation up to the third degree in the respective collateral line.
- (2) The lower monument protecting authority shall immediately pass on to the relevant local authority any notification given under Article 12 paragraph 2 sentence 1 about a plot containing an immovable cultural monument. Should the owner disclose the contents of the concluded contract of sale in writing, the local authority shall have two months to exercise its right of first refusal. Should the owner desist from such a disclosure, the local authority may require him or her to do so until one month after notification has been received pursuant to sentence 1. The owner has to immediately comply with this demand. Once notification has been received, the same two-month deadline as stipulated in sentence 2 shall apply. Should the local authority fail to issue a demand within the stipulated period, its right of first refusal for the sale in question shall lapse. Articles 463 and 464 paragraph 2, Articles 465 to 468, Article 471, Article 1098 paragraph 2 and Articles 1099 to 1102 of the German Civil Code (BGB) shall apply. The right of first refusal is not transferable. Sentences 1 to 7 shall apply correspondingly to the right of first refusal of the federal state of Rhineland-Palatinate.

## **Section Eight**

### **Administrative Offences**

#### **Article 33**

(1) An offence shall be deemed to have been committed by anyone who deliberately or through negligence:

1. violates Article 6 by failing to provide the monument protecting authorities, the state conservation office or their agents with the information they need to fulfil their duties or by knowingly making false statements or submitting inaccurate plans or incorrect documents in order to prompt or hinder an administrative act in accordance with the provisions of this Act;
2. violates Article 12 paragraphs 1 or 2 by failing to disclose, notify or communicate required information within the stipulated deadline;
3. violates Article 13 paragraph 1 sentence 1 no. 1 by destroying, demolishing, dismantling or disposing of protected cultural monuments without approval;
4. violates Article 13 paragraph 1 sentence 1 no. 2 by converting or altering protected cultural monuments without approval;
5. violates Article 13 paragraph 1 sentence 1 no. 3 by not just temporarily blighting the appearance of a protected cultural monument without approval;
6. violates Article 13 paragraph 1 sentence 1 no. 4 by removing a protected cultural monument from its location without approval;
7. violates Article 13 paragraph 1 sentence 2 by not just temporarily removing ornaments, fittings and furnishings from an immovable cultural monument without approval;
8. violates Article 13 paragraph 1 sentence 3 by erecting, altering or removing structures in the environs of an immovable cultural monument without approval;
9. violates Article 13 paragraph 4 sentence 1 by repairing a protected cultural monument without giving due notification or by deviating from the description appended to the notification;
10. violates Article 17 by not immediately reporting finds;
11. violates Article 18 by failing to meet obligations regarding the preservation of a find;
12. violates Article 21 paragraph 1 by conducting investigations without approval with a view to discovering cultural monuments;
13. violates Article 21 paragraph 2 by not providing notification at all or in good time of any earthworks or construction work that may be expected to unearth cultural monuments;
14. violates Article 22 paragraph 3 by conducting projects without approval in excavation protection areas when said projects may pose a threat to hidden cultural monuments.

An offence falling under sentence 1 nos. 3 to 8, no. 12 or no. 14 shall be deemed to have been committed by anyone who deliberately or through negligence deviates from an issued approval if such a deviation would have necessitated a fresh approval. For offences covered by sentence 1 nos. 3 to 9 the offender shall not be prosecuted until the owner has been duly informed pursuant to Article 10 paragraph 2 or if the owner had no cause to believe or was unaware of the fact that the property was a protected cultural monument.

(2) Offences falling under paragraph 1 sentence 1 nos. 3 and 4 shall be punishable by a fine of up to one million euro. Other offences shall be punishable by a fine of up to one hundred and twenty five thousand euro.

(3) The statute of limitations for offences is five years.

(4) Objects connected with an offence or that were used to prepare to commit an offence may be confiscated. Article 23 of the Administrative Offences Act (OWiG) shall apply.

(5) The administrative authority within the meaning of Article 36 paragraph 1 no. 1 of the Administrative Offences Act (OWiG) is the lower monument protecting authority.

## **Section Nine**

### **Interim and final provisions**

#### **Article 34**

##### **Interim provision for protected monuments and the Monument Book**

Cultural monuments placed under protection prior to 9 December 2008 pursuant to Article 8 paragraph 1 of the Monument Conservation and Restoration Act (DSchPflG) of 23 March 1978 (see p. 159 of the Law and Ordinance Gazette) until the expiry of said Act shall be deemed definitive within the meaning of Article 8 paragraph 3. Accordingly, the lower monument protecting authority shall continue to keep records by updating the Monument Book for its territory pursuant to Article 10 of the Monument Conservation and Restoration Act of 23 March 1978 (see p. 159 of the Law and Ordinance Gazette).

#### **Article 35**

##### **Exemption from fees**

(1) Official acts by monument protecting authorities and by the state conservation office pursuant to this Act shall be exempt from fees regulated by the laws of Rhineland-Palatinate. This shall not apply to requirements imposed by lower monument protecting authorities pursuant to Article 14 paragraphs 1 and 2 or to the drafting of expert reports and issuing of certificates by the state conservation office pursuant to Article 25 paragraph 1 sentence 2 nos. 7 and 9.

(2) Excerpts from the official description of the property, the land registration map and official land register documents shall be exempt from fees regulated by the laws of Rhineland-Palatinate for the monument conservation authorities and the state conservation office.

#### **Article 36**

##### **Implementing provisions**

The administrative regulations required to implement this Act shall be enacted by the ministry responsible for monument conservation, acting in consultation with the relevant ministries.

#### **Article 37**

##### **Protecting cultural monuments in the event of armed conflicts and natural catastrophes**

In the event of armed conflicts and in natural catastrophes the ministry responsible for monument conservation shall be empowered to enact ordinances adopting provisions required to protect cultural monuments, acting in agreement with the ministry responsible for civil protection. In particular, owners, occupants and other entitled parties may be obliged to:

1. mark cultural monuments in the manner specified in international treaties;
2. take a reasonable amount of special measures to secure cultural monuments or tolerate their securitisation;
3. provisionally transfer movable cultural monuments to a safe refuge for storage or tolerate their removal for this purpose.

#### **Article 38**

##### **Repeal and amendment of legal provisions**

(1) (repealing provision)

(2) (repealing provision)

(3) Cultural monuments classified pursuant to Article 8 or registered in the list of monuments pursuant to Article 10 of this Act in connection with monument protection (for the former administrative district of Rheinhessen), are deemed to be protected cultural monuments within the meaning of this Act. If said cultural monuments were entered in the Monument Book by 10 December 2008 pursuant to Article 10 of the Monument Conservation and Restoration Act (DSchPflG) of 23 March 1978 (Law and Ordinance

Gazette p. 159), they shall be deemed conclusively determined within the meaning of Article 8 paragraph 3. Article 34 sentence 2 shall apply accordingly.

(4) Article 25 of the agreement between the federal state of Rhineland-Palatinate and the Evangelical Churches in Rhineland-Palatinate of 31 March 1962 (Law and Ordinance Gazette, p. 173, BS Annex I 20) shall remain unaffected.

**Article 39**  
**Effective date**

This law shall enter into force on 1 May 1978.