

## **Basic competencies attributed by our organisation to the state administration in charge of Cultural Assets, the Ministry for Assets and Cultural Activities and Tourism**

The MiBACT has the role of *identifying, safeguarding and enhancing* the Italian cultural heritage, with the primary aim clearly set out in Art. 1 of the *Code of Cultural Assets* (Legislative Decree 42/2004) :

*The protection and enhancement of cultural heritage contribute to preserving the memory of the national community and of its territory and to promoting the development of culture.*

### **Items protected**

The Code defines a *Cultural asset* as “all that which constitutes a testimony having value of civilization”. The current conception of a cultural asset in national legal sources thus not only privileges aesthetic or historical value, but also testimonial value.

The cultural assets under protection include immovable and movable items, belonging to the State, to regional authorities and to other public territorial bodies as well as to any other not for profit body or public institute or legal subject, which have artistic, historical, archaeological or ethno-anthropological interest; cultural interest is ascertained by the Ministry through a dedicated verification procedure, prior to which items over 70 years old by a non-living creator, belonging to the subjects mentioned above, are automatically protected.

Then protection is granted to immovable and movable items having artistic, historical, archaeological or ethno-anthropological value but belonging to subjects other than those stated – in particular private subjects – but only after ascertaining and formally declaring their particularly important interest.

The above assets are not, however, subject to protection when the work of a living creator or created no longer than fifty (if movable) or seventy (if immovable and belonging to not for profit public or private subjects) or fifty years ago (if immovable and belonging to other private subjects). Works of modern architecture of particular artistic value can however be protected, even if created by a living artist or outside of the age limits above, when that particular artistic value has been formally recognized and declared, as set out in Article 37 and subsequent articles of the Code, which states that the asset cannot be altered without the approval of the creator.

Cultural assets are also those which, following recognition and formal declaration through a special administrative procedure, and independently of their age, are immovable or movable items belonging to whomsoever, having a particularly important interest due to their pertinence to political or military history, the history of literature, art, science, technique, industry and culture in general, that is to say, as testimonies of the identity and of the history of public, collective or religious institutions.

### **Protection**

Protection consists of exerting functions and of the discipline of activities, based on appropriate fact-finding activity, aimed at guaranteeing protection and preservation thus enabling public use.

The exercise of protection functions is carried out also through provisions aimed at harmonising and regulating rights and behaviours concerning cultural heritage.

The State, regional authorities, other public territorial bodies, as well as any other public body or institute are obliged to guarantee the safety and preservation of cultural assets belonging to them; private owners, possessors or holders of cultural assets are required to guarantee their preservation. The Ministry may compel the owner, possessor or holder in any capacity to carry out work needed to ensure the preservation of the cultural asset or arrange to have it done directly.

Cultural assets may not be destroyed, degraded, damaged or used for purposes not compatible with their historical or artistic character or such as to jeopardise their preservation.

Vigilance on cultural assets is under the responsibility of the Mibact, which can carry out inspections aimed at ascertaining the existence or state of preservation or safe-keeping of the cultural assets. The Ministry is also entitled to prescribe the distances, measures and other

regulations aimed at preventing the integrity of immovable cultural assets being put at risk or damage to the perspective or to the light or changes in the environmental conditions or decorum. Removal or demolition of cultural assets, even with subsequent reconstruction, are subordinate to authorisation by the Ministry, and the performance of any type of activity or work is subordinate to authorisation by the superintendence following presentation of plans by the applicant, possibly subject to limitations. Also any change of use of the assets has to be authorised. Maintenance and restoration of movable cultural assets and decorated surfaces of architectural assets may be carried out only by restorers of cultural assets as provided for in the pertinent legislation.

The director in charge of the territory may order the suspension of any work started without authorisation, or not done in compliance with the authorization given.

In the event of extreme urgency, temporary indispensable work may be carried out to prevent damage to the protected asset, as long as it is immediately communicated to the superintendence, to which plans for the definitive works are promptly sent for the necessary authorisation.

The Ministry is entitled to contribute an amount no greater than half of the costs borne by the owner, possessor or holder of the cultural asset for the work done. If the work is particularly extensive or concerns assets used or enjoyed by the public, the Ministry may contribute up to the entire amount.

The Ministry may give interest subsidies for mortgages or other forms of financing granted by banking institutes to the owners, possessors or holders in any capacity of (immovable) cultural assets to carry out authorised conservation work. The maximum contribution given corresponds to the interest calculated at an annual rate of six per cent on the capital lent and is paid directly by the Ministry to the banking institute as established in agreements. The cultural assets restored or subjected to conservation work with partial or full contribution of the State to the cost, or for which interest subsidies have been granted, are made accessible to the public as set out, on a case-by-case basis, in dedicated agreements or conventions.

### **Enhancement**

Enhancement consists of exerting functions and of the discipline of activities aimed at promoting knowledge of cultural heritage, and at ensuring the best conditions of public use and enjoyment of the asset also by differently-able people, in order to promote the development of culture. It also includes the promotion and support of conservation work on the cultural heritage. As regards landscape, enhancement also includes requalification of protected immovable assets and areas that are at risk or degraded, i.e. the creation of new coherent, integrated landscape values.

Enhancement is implemented in ways that are compatible with protection, such as not to jeopardise its needs.

The Republic fosters and supports the participation of private subjects, individuals or associates, in enhancing the cultural heritage.

Sponsoring of cultural heritage is any contribution, even in goods or services, for the planning or implementation of initiatives aimed at protecting or enhancing cultural heritage, with the aim of promoting the name, brand, image, activity or product of the activity of the sponsoring subject. Sponsorship may involve initiatives of the Ministry, of regional authorities, or of other public territorial bodies, as well as other not for profit public subjects or private legal persons, i.e. initiatives by private subjects on cultural assets belonging to them.

### **Protection and enhancement of modern architecture**

The Ex-Directorate General for Architecture and Contemporary Art has in the meantime defined some preliminary requirements and essential features – of critical historical nature, sufficiently documented also by bibliographic sources – to express an initial assessment on the artistic character of late 20th century architecture:

- 
- the building is mentioned in at least one systematic historical study on contemporary architecture at national level;
  - in addition, it is published in at least 2 systematic historical studies on modern architecture at regional level;
-

- it is illustrated in at least two architectural magazines at national level;
  - it has recognised importance on the national or at least regional scene of the years in which it was built, also in relation to contemporary developments of the debate both on national and international architectural research;
  - it plays a significant role in the evolution of the type of building to which it belongs, and offers a progressive interpretation or experiments with distributive or functional innovations;
  - it introduces and experiments with significant innovations in the use of materials and in applying building technologies;
  - it was designed by an eminent figure on the local, national or international scene;
  - it is proposed for its considerable qualitative value within the urban context in which it was built.
-