

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Subsidiarity	<p>Legislative decree 42/2004 Cultural Heritage Code</p> <p>CULTURAL HERITAGE</p>		<p>Art. 1.C 2. The protection and valorisation of cultural heritage contribute to preserving the memory of the national community and of its territory and to promoting the development of culture.</p> <p>Art. 1 C 3. The state, regions, metropolitan cities, provinces and town councils ensure and support the preservation of the cultural heritage and foster public enjoyment and enhancement.</p> <p>Art. 5 Cooperation of the regional authorities and other public territorial bodies concerning the protection of the cultural heritage.</p>	<p>Regional Land Use Plans Provincial Land Use Plans, Ivrea Land Use Plan (regulation concerning historic fabrics, old town boundaries, identification of buildings of historical/architectural /landscape interest, specific technical regulations for implementing interventions and use.</p> <p>(e.g. QUALITY CHARTER included in Ivrea Land Use Plan and in the attachment to Ivrea building regulations concerning the safeguard of IVREA MODERN ARCHITECTURE</p>
		<p>Regional law 3 of 25 March 2013</p>	<p>Art. 1 bis. (Joint planning, participation and sustainability)</p> <p><i>1. The planning processes of the territory are implemented applying the principles of subsidiarity, differentiation and adequacy, through comparison</i> and the joint planning processes between</p> <p>a) the regional authority;</p> <p>b) the provinces and, where applicable, the metropolitan city, as attributed by provisions concerning local bodies;</p> <p>c) town councils and associations that carry out the function concerning town planning.</p>	

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Identification of the cultural asset and protection	Legislative decree 42/2004 Cultural Heritage Code		Articles 10, 11 and 12. Assets over 70 years old belonging to public bodies are automatically subject to protection, which may be confirmed after verification of cultural interest	<ul style="list-style-type: none"> - Indication of protection on Land Use Plan maps - Transcription of protection in land registry documents
			Articles 10, 11, 13, 14 and 15. Assets over 70 years old belonging to other (private) subjects: protected through procedure of subjection to protection, declaration and notification to the proprietor	<ul style="list-style-type: none"> - Indication of protection on Land Use Plan maps - Transcription of protection in land registry documents
Identification of the cultural asset and subjection to protection	Legislative decree 42/2004 Cultural Heritage Code		Art. 10 c. 3 d. Immovable and movable items, to whomsoever they belong, and without any limit of age, having a particularly important interest due to their pertinence to political or military history, the history of literature, art, science, technology, industry and culture in general: protected through procedure of subjection to protection, declaration and notification to the proprietor	<p>Indication of protection on Land Use Plan maps</p> <p>Transcription of protection in land registry documents</p>
			Art. 11 Items subject to specific protection provisions [...] e) works of contemporary architecture having special artistic value	<p>Indication of protection on Land Use Plan maps</p> <p>Transcription of protection in land registry documents</p>

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
		Regional law 3 of 25 March 2013	<p>Art. 24. (General rules for historic settlements and for cultural and landscape heritage)</p> <p>[1] The Land Use Plan identifies the cultural and landscape heritage to be safeguarded in the whole municipal area, even if not identified and protected according to current legislation, including:</p> <ol style="list-style-type: none"> 1) urban settlements having historical/artistic and/or landscape features and appurtenant external areas with historical and landscape interest; 2) smaller settlements, isolated monuments and single civil or rural buildings and artefacts, with appurtenant areas, having historical/artistic and/or landscape or documentary value; 3) areas having landscape interest, referred to in Art. 13, paragraph 7, letter a) of this law must be shown on the land use plan maps; in particular buildings, public areas, artefacts, groups of buildings and smaller centres having considerable interest, as well as the external areas that integrate them into the historical/landscape setting. 	Indication of protection on Land Use Plan maps

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Conservation obligations	Legislative decree 42/2004 Cultural Heritage Code		<p>Art. 30. Conservation obligations</p> <p>1. The state, regions and other public territorial bodies, as well as any other public body or institute, are required to guarantee the safety and conservation of cultural assets belonging to them.</p> <p>3. Private owners, possessors or holders of cultural assets are obliged to guarantee their conservation.</p>	<p>Inspection, town planning and municipal building vigilance activities.</p>

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Conservation	Legislative decree 42/2004 Cultural Heritage Code		<p>Art. 31 Voluntary conservation interventions</p> <p>1. Restoration and other conservation interventions on cultural assets by the owner, possessor or holder in any capacity are authorised according to article 21.</p> <p>Art.32 Compulsory conservation interventions</p> <p>1. The Ministry may compel the owner, possessor or holder in any capacity to carry out interventions needed to ensure the preservation of cultural assets, or carry out such interventions itself.</p> <p>2. The provisions of paragraph 1 are also applicable to the obligations referred to in Article 30, paragraph 4.</p> <p>Art. 35 Financial contribution by the Ministry</p> <p>The Ministry shall be entitled to contribute to the cost borne by the owner, possessor or holder of the cultural asset to carry out work provided for by article 31, paragraph 1, for a sum not exceeding half of the same.</p> <p>[...]</p> <p>Art.37 Interest subsidies</p> <p>1. The Ministry may grant interest subsidies for mortgages or other forms of financing by banking institutes to the owners, possessors or holders [...] of cultural assets to carry out conservation work.</p> <p>N.B. SUSPENDED BY THE LATEST ANNUAL FINANCIAL LAWS</p>	Obtainment of authorisation by protection body prior to issue of building permit

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Conservation	Legislative decree 42/2004 Cultural Heritage Code		<p>Art. 45 Indirect protection rules</p> <p>1. The Ministry shall be entitled to prescribe the distances, measurements and other regulations aimed at preventing the integrity of immovable cultural assets from being jeopardised, or its prospective or light being damaged or its environmental conditions or decorum being changed.</p> <p>2. The prescriptions shall immediately be enforceable.</p>	<p>Indication of the indirect protection on the Land Use Plan.</p> <p>Obtainment of authorisation by protection body prior to issue of building permit</p>
Vigilance	Legislative decree 42/2004 Cultural heritage code		Articles 18 and 19. Vigilance functions are attributed to the Ministry for cultural assets and activities, also directly through inspections.	Town planning and municipal building vigilance activities.
		Regional law 3 of 25 March 2013	<p>Art. 59 (Vigilance over transformations)</p> <p>1. The municipality shall carry out vigilance on changes in town planning and building in the territory</p> <p>2. The head of the competent department provides the functions referred to in this article, using municipal officials and agents and implementing the forms of vigilance deemed most efficient.</p> <p>3. The officials, agents or persons charged with vigilance and checking must be able to access building sites, buildings and land with a warrant from the head of the competent department.</p>	

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Check on interventions on the cultural asset	Legislative decree 42/2004 Cultural heritage code		Art.20 Prohibited interventions 1. Cultural assets shall not be destroyed, degraded, damaged or designated uses not compatible with their historical or artistic nature or such as to jeopardise their conservation.	Town planning and municipal building vigilance activities.

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Check on interventions on the cultural asset	Legislative decree 42/2004 Cultural heritage code		<p>Art. 21 Interventions subject to authorisation. Ministerial authorization must be obtained for:</p> <p>a) the removal or demolition, even with subsequent rebuilding, of cultural assets (1);</p> <p>b) the moving, even temporary, of movable cultural assets, except for the provisions of paragraphs 2 and 3 (2);</p> <hr/> <p>4. Apart from the cases provided for in the previous paragraphs, the carrying out of any type of work on cultural assets is subordinate to authorisation by the superintendent. A change in intended use of an asset must be communicated to the superintendent for the purposes stated in article 20, paragraph1 (6).</p> <p>5. Authorisation is granted based on the design or, when sufficient, on a technical description of the intervention presented by the applicant, and may contain prescriptions.</p> <p>Art. 28 Cautionary and preventive measures</p> <p>The superintendent may order suspension of work started in contrast with the provisions of articles 20, 21, 25 , 26 and 27, that is to say, not in compliance with the authorisation.</p> <hr/>	Obtainment of authorisation by protection body prior to issue of the building permit

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
			<p>Art. 27 Urgent situations</p> <p>In the event of extreme urgency, temporary indispensable work may be done to prevent damage to the protected asset, as long as the superintendence is immediately informed.</p>	<p>Obtainment of authorisation by protection body prior to issue of building permit or attachment declaring that the activity is exempted from municipal authorization.</p>
		<p>Regional law 3 of 25 March 2013</p>	<p>Art. 24 c. 3] Within the scope specified in the previous paragraphs it is, as a general rule, prohibited to alter the landscape features of the road or building layout and of artefacts, even isolated, which testify to history, culture or tradition.</p>	<p>Indication on Land Use Plan maps</p> <p>Town planning and municipal building vigilance activities.</p>
		<p>Regional law 3 of 25 March 2013</p>	<p>Art. 91 bis. <i>Regional commission for settlements of historical/artistic, landscape or documentary interest.</i> A regional commission has been set up for settlements of historical/artistic, landscape or documentary interest as an advisory body of the Regional Council and Committee in culture and landscape heritage matters. In addition, it gives the opinions referred to in articles 40, 41 bis and 77 bis of the regional law.</p> <p>The commission also includes a MIBACT representative.</p>	<p>Obtainment of opinion of the 91 bis commission, prior to issue of building permit.</p>

<p>Check on interventions on fabric having historical architectural value</p>		<p>Regional law 3 of 25 March 2013</p>	<p>Art. 41 bis. (Reclamation Plan of existing building heritage)</p> <p>[1] In reclamation areas identified according to Art. 12, i.e. for municipalities having town planning tools, in the reclamation areas identified through a resolution of the Town Council, municipalities may set up reclamation plans according to the law of 5 August 1978, No.457.</p> <p>[2] In identifying the reclamation areas or subsequently, in the same way as for approving the resolution referred to in the previous paragraph, the municipality specifies the buildings, building complexes, blocks and areas for which issue of a building permit is subordinate to setting up the reclamation plan.</p> <p>[3] The reclamation plan regulates interventions of maintenance, conservative restoration and renovation, refurbishing, building replacement and urban renewal need to reclaim buildings, building complexes, blocks and areas within reclamation zones.</p> <p>[4] The reclamation plan contains:</p> <ol style="list-style-type: none"> 1) the boundaries of the area involved; 2) specification of the intended use of the properties, areas and buildings, with details of the urban infrastructure works already existing and to be done as prescribed by the Land Use Plan; 3) an analysis of the state of the buildings and of their degradation and of primary and secondary urban infrastructure works with specification of the reclamation interventions proposed; 4) the planning specification of the above-mentioned interventions with a rough cost estimate; 5) the identification of buildings to be expropriated to build public infrastructure or, in any case, works for which the municipality is responsible; 6) the estimated times for implementing the plan, 	<p>Indication on Land Use Plan maps of areas subject to the reclamation plan.</p> <p>Drawing up and approval of the reclamation plan</p>
--	--	---	--	--

			<p>with priorities.</p> <p>[5] Reclamation plan documents are as set out by Art. 39 for the detailed plan.</p> <p>Specifically, for urban settlements and smaller groups of buildings identified by the Land Use Plan by points 1) and 2) of paragraph 1 of Art. 24:</p> <ul style="list-style-type: none">- the analyses should document the historic/landscape values, hygiene and health conditions and the static condition of the buildings and of their structures;- the plan should document the building interventions planned with the type of buildings and their intended uses with layouts, profiles and sanctions, in a scale able to show the features of the interventions and demonstrate their feasibility. <p>6. The reclamation plan is drawn up applying article 40; if the reclamation plan includes buildings in urban settlements and smaller groups of buildings identified by the Land Use Plan by article 24, paragraph 1, numbers 1) and 2) or buildings protected according to Legislative Decree 42/2004, article 40, paragraph 10 is applied. [...]</p> <p>[8] For properties, areas and buildings within the reclamation area [...] but not subject to the reclamation plan [...] building work for ordinary and extraordinary maintenance, restoration and renovation as set out by paragraph 3 of article 13 in letters a), b), c), d) and e) is allowed, unless more restrictive regulations are laid down for single buildings and complexes by the Land Use Plan.</p> <p>The restoration and renovation building work concerning whole buildings made up of several apartments with the same intended use is allowed, as long as regulated by an agreement or by unilateral obligation undertakings [...].</p>	
--	--	--	---	--

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Check on adequate functions	Legislative decree 42/2004 Cultural heritage code		Art.20 Prohibited interventions 1. Cultural assets shall not be destroyed, degraded, damaged or designated uses not compatible with their historical or artistic nature [...]	Obtainment of change of intended use authorisation prior to issue of building permit. Town planning and municipal building vigilance activities depending on the intended uses stated in the Land Use Plan.
Properties - alienation SAFEGUARD	Legislative decree 42/2004 Cultural heritage code		Obligation to declare changes in ownership Art. 60 Purchase with pre-emption 1. The Ministry or, in the case provided for by article 62, paragraph 3, the regional or other public territorial bodies involved, shall be entitled to purchase, with right of pre-emption, cultural assets alienated whether in return for payment or transferred to companies, respectively, at the same price	Transcription of changes in ownership in land registry documents for buildings, land and constructions
	Legislative decree 42/2004 Cultural heritage code		Art. 95 Expropriation of cultural assets 1. Immovable and movable cultural assets may be expropriated by the Ministry for purposes of public use, when expropriation corresponds to an important interest in improving the conditions of protection for the purposes of public enjoyment of the assets.	Transcriptions of changes of ownership in land registry documents for buildings, land and constructions

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
<p>Properties - alienation</p> <p>SAFEGUARD</p>	<p>Legislative decree 42/2004</p> <p>Cultural heritage code</p>		<p>The alienation of assets by public or private bodies, whenever possible non-profit (assets not property of the state cannot be alienated), is subject to authorisation after verification of the new purchaser, of the future intended uses, of the compatibility with the asset and the possibility of continuing public enjoyment.</p> <p>Articles 55 and 56: alienations subject to authorisation</p> <p>1. The Ministry must give authorization in the case of:</p> <p>a) alienation of cultural assets belonging to the state, to regions or other public territorial bodies</p> <p>b) alienation of cultural assets belonging to other public bodies or to non-profit legal persons</p> <p><i>The prescriptions and conditions in the authorisation are specified in the alienation deed.</i></p> <p><i>Authorisation may be granted when the assets are not of interest to public collections and their conservation is not damaged by the alienation or public enjoyment jeopardised.</i></p> <p>5. Property of private non-profit legal persons, Authorisation may be granted <i>when the conservation of the assets is not seriously damaged by the alienation or public enjoyment jeopardised.</i></p>	<p>Transcriptions of changes of ownership in land registry documents for buildings, land and constructions</p>

Protection of CULTURAL HERITAGE	National law	Any other local regulation	Functions and activities	Method for implementation in territorial governance tools
Enhancement	Legislative decree 42/2004 Cultural heritage code		<p>Art. 6 c 3. The Republic fosters and supports the participation of private subjects, individuals or associates, in the enhancement of the cultural heritage.</p> <p>Art. 112 Enhancement of publicly-owned cultural assets</p> <p>1. The state, regions and other territorial public bodies ensure the enhancement of assets.</p> <p>Art.113 Enhancement of privately-owned cultural assets</p> <p>1. Enhancement activities and structures of privately-owned cultural assets, by private initiative, may benefit from the public support of the state, of regions and of other public territorial bodies.</p>	Program agreements. Memoranda of understanding between State-Regions-Local bodies
Sanctioning activities	Legislative decree 42/2004 Cultural heritage code		Articles 167, 169, 172, 173 and 180. Also carries out administrative or penal sanctioning with monetary sanctions and imprisonment for violation of legal obligations	<ul style="list-style-type: none"> - Town planning and municipal building vigilance activities. - Communication of infringements - Issue of sanctions

