

“Regional Co-operation for Cultural Heritage Development” Project

Mission to Tbilisi – Georgia 28th January - 1st February 2014

Report

The Terms of Reference for the undersigned was to provide International consultancy work within the project “Regional Cooperation for Cultural Heritage Development” with particular regard to national cultural heritage protection and management policy development.

The field trip had the purpose to meet the Georgian leading partners of the project and other relevant stakeholders, in particular members of the National Agency for Cultural Heritage Protection, which is the newly created operational branch of the Ministry of Culture, and collect information on the ongoing policy development process and the organizational chart of the national and peripheral structure of the Ministry of Culture or of the agency to implement the provisions of the heritage protection law.

Based on the results of the information collected during the mission and on a preliminary review of the current legal framework in force, I hereby submit a report containing information on aspects relevant for the setting up of a legal framework that can be a valid basis for the implementation of an effective protection and enhancement of cultural and landscape heritage.

The report contains in particular indications concerning:

- 1) The institutional organization and regulatory framework for the implementation of cultural heritage protection and stewardship in Italy;
- 2) Specification for
- 3) Legal instruments at the national level for the safeguard of historic urban centres;
- 4) the financial incentives and tax relief in Italy

INSTITUTIONAL ORGANISATION AND REGULATORY FRAMEWORK FOR THE IMPLEMENTATION OF HERITAGE PROTECTION AND STEWARDSHIP IN ITALY

In Italy the protection of cultural heritage and landscape is a responsibility held by the State and stems from the Constitution (art. 9) which has been issued in 1948, when the capillary organization of the state structure for the protection of cultural heritage was already in place (the Soprintendenze have been created since 1907, the first organic law for the protection of cultural heritage goes back to 1909).

It is important to understand that in Italy the protection of cultural heritage has been performed for the last century by the superintendences that became the peripheral articulation the Ministry of Cultural Heritage only in 1974, when this was established.

This means that effective protection of cultural heritage can only be achieved through a capillary system of technical offices able to provide advice and exercise control over the use, conservation, adaptation and transformation of cultural heritage and landscape. These offices need to refer to clear criteria ad guidelines so as to reduce arbitrary judgment and include well trained staff with adequate salary. Joint offices with municipalities and regions may also be considered to ensure capacity building at the regional and local level. Honorary inspectors may also be useful especially in remote areas.

In 2001 amendments to the Italian Constitution have changed the legal framework by recognizing the role also of the regions, of the municipalities and metropolitan areas in the documentation and valorization of cultural heritage. These amendments have increased the number of subjects that are charged with responsibilities in cultural heritage matter – this however is also a response to the requests of (certain)

Regional Administrations to have their share (with a view to future autonomy) in the cultural heritage preservation and promotion.

In 2004 the legislation in Italy underwent a substantial reform and a new comprehensive law has been issued: the Code of the Cultural and Landscape Properties. This law consolidated existing provisions in one single instrument but also provided substantial innovation, especially in the field of landscape properties.

In the initial articles of the Code, definitions (i.e. cultural heritage includes both cultural and landscape properties, what is protection, conservation valorization, etc.), responsibilities, principles for inter-institutional cooperation are set out. Stewardship is defined as the exercise of the functions and in the discipline of activities directed, on the base of an adequate knowledge, to identify the properties forming the cultural heritage and to guarantee its protection and conservation with a view of public enjoyment.

The relationships between the State and the Catholic Church in the matter of religious cultural heritage is regulated by a bilateral agreement (the most recent one was signed in 2005) which is originated by amendments to the Concordat. Similar agreements have been stipulated with other religious confessions.

The Agreement with the Catholic Church – the most powerful in Italy - foresees measures of cooperation between the central and peripheral articulation of both the Ministry and the Church, including meetings aimed at the exchange of information on conservation needs and works of the religious cultural heritage, joint establishment of principles for conservation that takes into account also the functions performed by religious heritage, heritage inventory, in situ conservation – to the maximum possible extent – of religious movable object to grant that their worship function is not undermined, etc.

The law for the protection of cultural heritage in Italy has always implied a double regime with regard to protection: cultural properties owned by public bodies and other bodies assimilated to public sector (i.e. the church, or the NGOs) have always been considered protected by law (that is to say, in the absence of any formal declaration of interest, immovable properties older than 50 years – today 70 years – have been considered as protected) while an obligation to proceed to a formal declaration to limit the ownership or possession rights does exist for properties in private ownership. No compensation is due when the cultural interest is detected and declared. This because according to the Italian law, the cultural interest is considered to be inherent to the property and not attributed from the outside. It is worth being mentioned that in Italy no compensation is due to any owner – be they private or public – when the cultural interest is acknowledged.

Before the 1998 in Italy publicly owned protected cultural assets could not be alienated or sold, however, in 1998 a law was passed and since then several others, that allowed the sale and securitization of public immovable properties protected for their cultural interest. Then, a necessity to carry out what is called ‘verification’ of the existence of the cultural interest emerged in relation to the possibility – before impossible - to alienate cultural properties owned by the state or other public entities.

Sale of protected properties publicly owned (principles and guidelines)

To ensure that the change of ownership (from public to private) guaranteed improved conditions for conservation and enjoyment, in 2000 regulations were issued that set out conditions and criteria to allow the privatization (DPR 283/2000). The alienation is subject to authorization and cannot concern archaeological heritage, national monuments, monuments relevant for the history and the identity of the country. The alienation permission request should contain the following: the identification data of the property, a programme describing the safeguard and enhancement objectives achievable through alienation, and specifically: the conservation measures, the current and future use of the property, the modalities for the public use of the property also in relation to the preceding uses, the implementation schedule. In case the alienation concerns parts of large compounds, it should be described the impact of the foreseen programme on the entire compound of which the property is part.

Recently, due to the financial weakness of the state and its articulation and the need to obtain revenue from its assets and grant the use of state cultural heritage, the law has made possible the transfer to territorial public entities of properties included in the domain of the State, including cultural and artistic

immovables (i.e. historic fortifications, large compounds, etc.). Such transfer however should occur under the conditions that the safeguard and the public accessibility of the properties transferred be ensured and enhanced.

Transfer of properties from the Heritage State Domain to territorial entities domain

Criteria to allow the transfer include:

- subsidiarity, adequacy, territoriality (that is to say first consider the municipality where the property is located, then the province, then the region);
- financial capacity to ensure the requirements for protection, management and valorization;
- correlation between the mission of the body that requires the transfer and the function to be performed by the property;
- environmental valorization.

Implementation of the transfer is subject to the signing of a formal agreement between the territorial agency of the state domain, the regional directorates for cultural properties and the receiver. Guidelines for the valorization define the content of such programmes:

Section 1): description and cultural interest of the property (identity card, description of the property including its history and cultural – artistic attributes, descriptive technical documentation, declaration of interest and the reasons for the declaration, current use);

Section 2): valorization programme (synthetic description, aims, objectives, contents and strategies to achieve the aims, future uses, medium – long term and short term objectives, expected results, requirements for the safeguard and public enjoyment of the property; strategic plans of cultural development, means of implementation; economic sustainability; implementation time – frame).

This measure is very recent, plus at the moment municipalities suffer a substantial lack of resources due to changes to the taxation system imposed by recent government provisions, therefore it is too early to assess whether the transfer will be practiced widely or it will remain on paper. It should also be noted that requisites above apply only to built heritage properties and not to landscape domain areas (i.e. beaches, coastal areas, etc).

For publicly owned properties the assessment of the existence of cultural interest passes through a procedure called 'verification'. This should be activated by the owner who has the responsibility to fill in on-line an inventory card that describes and documents the property to be assessed. All the documentation feeds an on-line catalogue - www.benitutelati.it not accessible to the public - which is progressively growing.

The ministry has also set up a GIS system which provides information on immovable protected properties and areas for their landscape values (url: <http://151.1.141.125/sitap/>; <http://sitap.beniculturali.it/>; http://www.liguriavincoli.it/vincoli_paesagg.asp) now most of the regions, provinces and many municipalities share these territorial information through their cartography webgis.

However, the on-line catalogue and system are still far from being usable to promote the knowledge and appreciation of cultural heritage, like in Canada with the Historic Places Initiative <http://www.historicplaces.ca/en/home-accueil.aspx>. In Italy this type of information is mainly used by professionals and public administrations but not yet as an instrument for valorization promotion and awareness raising among citizens and the global public.

Some experiences have been also initiated in the Lombardy region (in Italy, the most advanced region with regard to cultural heritage) where the inventory of the protected cultural heritage of the region is accessible on line and provides useful information to all users, playing in this manner a sensitization and promotion function (see this URL: <http://www.lombardiabeniculturali.it/percorsi/ville-parco-monza/> or http://www.cultura.regione.lombardia.it/cs/Satellite?c=Page&childpagename=DG_Cultura%2FDGLayout&c_id=1213349695035&p=1213349695035&pagename=DG_CAIWrapper).

In France is better organized but similar to Italy (that is information is limited and not descriptive) http://www.culture.gouv.fr/public/mistral/mersri_fr?ACTION=CHERCHER&FIELD_1=REF&VALUE_1=PA00118114

Further databases are those related to the risk map for cultural properties:

- <http://www.cartadelrischio.it/eng/index.html>
- <http://www.lombardiabeniculturali.it/sirbec/>

Suggestion: Using the catalogue and ICT to promote the dissemination and knowledge of cultural heritage among citizens and tourists is a strategic measure that Georgia should pick up as an opportunity, by commencing to make available to the public information, history, values, problems and needs of the property for its conservation (this may be associated to forms of crowd-funding).

Development of risk maps may be useful only if they can be compiled in a relatively short time. A first level of assessment based on a territorial approach that considers the hazards present in various regions due to their natural morphology and anthropic features (i.e. human density, industry, etc.). would be useful but any more detailed forms of assessment should be carefully designed to get the maximum information and assessment by the time spent in documenting the state of conservation of the properties. Any risk mapping strategy should also be coupled with regular programmes for maintenance and intervention as well as financial resource allocation.

Authorization to any type of work on protected properties is issued by the competent superintendence, having examined the project. The ministry has recently issued a circular letter which establishes which are the minimal contents of conservation project to be assessed (see attachment), based on the law for public works which has defined the type and contents of the documents forming each level of design (preliminary, definitive, operational) and on research made by the central offices of the MIBACT.

The law foresees also the possibility of (partial) demolition of heritage protected under the law. The request should be submitted with a project and the reasons why it would be necessary the partial or total demolition of the property. Due to flood risk, it has increased substantially the request of demolishing old bridges (which being publicly owned are usually protected by law): these are the most frequent heritage items that are proposed for integral demolition; in other cases generally requests concern parts of heritage properties (substantial parts since during conservation works it may happen the need to remove small portions of walls, paving, old damage windows, or other components, and in this case no demolition procedure is activated). The issue of old bridges is becoming more and more problematic in that no sufficient knowledge is held by the staff of the ministry of culture to oppose these proposal through alternative hydraulic safety measures to be put in place (we have been facing this issue in Cinque Terre after the 2011 flood). Often in cases of unavoidable demolition, previous documentation and controlled dismantling is required, however, it is very difficult to obtain this because the staff to control that required measured are implemented is insufficient.

It is important to remind that the law for public works (the previous one l. 109/1994 and related bylaw d.p.r. 554/1999; today d.lgs. 163/2006 and dpr 207/2010) contains a specific chapter for the projects concerning cultural heritage, which recognizes the specific nature of projects on immovable cultural properties and sets different provisions (see section REQUISITES AND STANDARDS FOR CARRYING OUT WORKS). Following the agreement with the Catholic Church, requirements for professionals and conservation companies established for public properties also apply for the Church's cultural assets.

Due to the high archaeological potential of the whole country, the law for public works (d.lgs. 163/2006 artt. 95 and 96; operational regulations DPR 207/2010 artt.) has introduced the obligation to carry out preventive investigation on potential archaeological finding. This investigation is carried out at two levels: preliminary and definitive.

Preventive Verification of existence of archeological interest (preliminary and definitive)

The procedure consists of investigations and additional documentation to the project. It implies two phases of progressive deepening of the research. The execution of the second phase is subordinate to the emergence of elements of knowledge or findings that justify further exploration.

Preliminary phase: historical analysis, photointerpretation, probing, geophysical and geochemical prospectings; archaeological tests and sampling;

Second phase (integration of the definitive and operational phase of the project: extensive testing and excavations.

The procedure ends with the archaeological report which contains an analytical description of the investigations carried out, providing information on: the archaeological contexts for which the archaeological excavations complete the safeguard exigencies, contexts that do not provide evidence of findings which cannot be considered a unitary structural complex, with low level of conservation, for which it is possible reburial, either dismantling and reassembling/ musealisation in a different location; contexts which include complexes the conservation of which must be ensured on site (with the consequent change/ cancellation of the project). The Archeological report should be approved by the competent superintendent. Costs for these investigation and archaeological report are charged on the project proponent.

National guidelines concerning heritage conservation and protection:

- Seismic retrofitting methodology and guidelines for cultural built heritage (**doc1**)
- STOP technical guidelines for emergency safety measures of seismic damaged buildings (**doc2**)
- Inventory for damaged buildings (**doc3**).

HERITAGE AND LANDSCAPE PROTECTION AND URBAN PLANNING

The specificity of the urban planning in Italy is that, at least in theory, the safeguard of the territory and of the valuable immovable historic centres and areas was one of the objective of the planning system. This has held true in most cases only ideally but at least this theme was mentioned and it was possible to check the consistency between the goals pursued and the measures adopted to pursue it.

Initially urban planning was governed by the State through the ministry of Public works (today of Infrastructure, safeguard of the territory and of the sea)<, since 1972 urban planning has been transferred to the regional govt and today the management of the territory is in their hands and in those of municipalities.

The reconstruction after World War II coupled with the economic boom caused severe damages to the landscape and historic heritage. The risks were evident and, thanks to the sensitivity and cultural background of several urban planners, who proposed to deal with historic urban centres considering them as 'monuments' and developing specific methodologies to study, document and ensure their conservation.

To stop the uncontrolled transformations that started occurring in the historic centres in the 1950s and 1960s, Italy approved law n. 765/1967 which introduced several important provisions to ensure a controlled transformation of the territory and of cities, among which worth being mentioned: all the territory under the responsibility of a municipality should be covered by the master-plan (and not only the built parts); no transformation except ordinary and extraordinary maintenance could be made to the territory and the buildings – and particularly to historic centres - until their boundaries were delimited and detailed plans developed and approved; detailed plans concerning areas that include buildings protected as cultural properties (even if these were individual buildings) should be submitted for approval to the soprintendenze. The rationale was to consider the areas surrounding the protected building as a non-formalized 'buffer zone' of protected buildings.

Today almost all master plans contain safeguard measures for their historic parts and building regulations for historic areas usually provide for an acceptable level of protection and conservation measures – particularly since when historic areas have attracted the affluent social strata for their location and liveability in respect to peripheral areas.

CONTENT OF DETAILED PLAN FOR IMPELEMENTATION OF MASTERPLANS:

- road network and main height data
 - masses and heights of the buildings along the main streets and squares,
 - spaces allocated for works of public interest
 - measures for each building comprised in the area (maintenance, restoration, rehabilitation, modification, remolition, reconstruction)
 - plot subdivision for construction purposes
 - cadastral list of the properties to be listed and preserved and those to be expropriated
 - depth of the areas adjacent to public works occupation of which integrate the public goals pursued with the public work considered or for future foreseeable exigencies
- Each plan should be illustrated through a report and have a business plan.

Since the reform that transferred to the regional governments urban and territorial planning, different experiences have evolved in Italy, with regions more sensitive towards this theme and others much less careful. Below some links interesting for the experiences developed in documenting the traditional built heritage and providing guidelines for its safeguard:

<http://sardegnaterritorio.it/cittacentrstorici/manualirecupero.html> (very interesting - the most complete and detailed documentation on the traditional built heritage in Sardinia – could be considered to make something similar for Georgia).

Further analysis of urban planning history, laws and examples could be collected and provided if requested.

The Code for Cultural and landscape properties foresees first of all that specific plans for landscape value recognition and conservation should be elaborated jointly by the Ministry of Culture and the Regional Government. The content of the landscape Plan is fixed by the law – this makes the structure of the landscape plans rather rigid but this could be explained as a reaction to the excessive flexibility of municipal masterplans and the frequent changes to previous landscape plans.

CONTENT OF LANDSCAPE PLANS (according to d.lgs. 42/2004)

Minimum content:

- Analysis of the landscape features derived from nature, history and their interrelation;
- Inventory of protected areas, delimitation and representation at the appropriate scale;
- identification of further contexts eligible for formal protection;
- analysis of the territorial transformation dynamics to identify risk factors and vulnerability elements of the landscape and comparison with planning, programming tool;
- identification of degraded areas susceptible of reclamation / rehabilitation intervention and other valorization interventions compatible with landscape protection;
- identification of the necessary measures to ensure the correct insertion of transformation projects in protected landscape contexts aiming at the sustainable development of that territory;

The plan may also foresee:

- identification and delimitation areas for which the landscape authorization is not needed;
- identification and delimitation of degraded areas subject to reclamation projects for which landscape authorization is not required;
- development of priority guidelines for conservation/recovery/ rehabilitation/ valorisation projects.

As a support to assess the impact on protected landscape, a Landscape Report is required whenever a project is proposed for authorization. In 2005 guidelines have been approved and issued through ministerial decree (D.M.12.12.2005) to develop this report. The guidelines

CRITERIA AND CONTENTS OF THE LANDSCAPE REPORT

The landscape report should describe through appropriate documentation of the state of the place (landscape context and target area) before the execution of the planned works and of the project features. Therefore the landscape report should provide information on:

Current state of the landscape area; valuable components and character defining elements as well as cultural properties, impacts of proposed transformations on the landscape; mitigation and compensation elements; further information so as to allow the ministry to ascertain project compatibility with the landscape values, congruence with management criteria established for the area, consistency with the landscape quality objectives established by the landscape plan.

The content of the landscape report should include the following:

- Analytical documentation of the current state of the property: description of the landscape characters, also using historic and current cartography,
 - geomorphological configurations, natural systems, historical settlement systems, rural and agrarian landscapes, historic territorial fabric (historical road network, centuriatio), panoramic routes or views, symbolic dimensions, etc. the description should include a historic summary, cartographic documentation to highlight functional, visual symbolical relationships among the landscape component as well as the possible degraded features;
 - indications of legal and planning – based protection measures and of the existence of cultural protected properties;
- photographic representation of the target area, of panoramic views and routes and of the setting of the proposed project so as to clarify the impact of the project on its setting. In areas particularly visible, special care should be ensured to colours, existing materials, technological solutions, etc. choice and representation of adequate architectural solutions should be envisaged with regard to shape, colour, technical and buildign solutions, volume ratio, etc.
- Detailed list of technical drawing at different scales is also envisaged according to the type and site of the project.
- Further details are requested for large projects or specific intervention (linear infrastructure, energetic infrastructure ,etc.)

Recently the protection of the rural and traditional agrarian landscape has become a priority for Italy, due to the abandonment of agricultural activities and to the agrarian soil eroded by building speculation.

Interesting measures established include the setting up of an Observatory of agrarian landscapes and of a register of traditional agrarian landscapes. A commission is expected to be constituted for the evaluation of requests for inclusion in the national register of agrarian landscapes. It is planned that this status may give priority in the access to the EU Rural Development Plan in the future. The measure is very recent and has not resulted yet in any concrete activity. However it is very interesting the preliminary research that has identified several traditional rural/ agricultural landscape units in each region: “Paesaggi rurali storici per un catalogo nazionale”. The coordinator of this work has been prof. Mauro Agnoletti (see Annex **doc6**)

Suggestion: In order to improve the effectiveness of protection of cultural heritage and landscape, it would be very important that Environmental Impact Assessment and Strategic Impact assessment procedures be inserted within the Georgian legislation in order to grant: a thorough assessment of impacts as well as stimulate and improve public participation in the planning process, as expected by the aim of the EU directives concerning EIA and SEA, which, by the way, include also cultural heritage within the notion of ‘environment’ as a natural – social construct. However, while specific methodologies have been developed to assess impacts on natural values, the same cannot be said for cultural values and heritage, for which no specific methodologies have been elaborated. On the other hand, the Landscape report required by the Italian legislation may in fact represent a useful instrument that assists in this task. ICOMOS HIA may also be useful although it requires some revision and clarification.

REQUISITES AND STANDARDS FOR CARRYING OUT WORKS

Following European directives, the legislation on public works has been revised. In general, new provisions do not facilitate the small – medium size enterprises or professionals. While technical requirements to ensure that contractors of works on protected properties possess adequate skills, the whole system seems designed on the organizational structures of large building companies and engineering societies. This makes difficult to traditional artisans who may be very skilled but might not have the organizational capacity of a large company to keep up with the changes in the sector and several traditional practitioners can no longer remain in the market as independent professionals. However, the obligation to possess educational and practice qualifications has increased the number of professionals in the field of conservation with specific educational background.

As mentioned before, the law regulating public works and contracts, recognizes that projects and works on protected cultural heritage exhibit a specificity that need to be taken into account since the project level. A specific chapter for projects and works on cultural properties has been inserted into the legislation. It

provides for specific requirements for project documentation. In particular it is important to underline that for conservation works on 'decorated surfaces', that is on paintings, stuccoworks or stone works and reliefs, specific conservation cards should be prepared by a professional who possess the qualification of restorer / conservator. These cards provide details on the materials, techniques, state of conservation and necessary interventions to overcome conservation problems (examples are provided as annex).

To carry out works on cultural properties any enterprise should demonstrate to have gained the appropriate requisites both at the technical and organizational level. These include the qualification of the permanent staff, the experience in the field (years and contract amount).

Further information may be provided if requested.

FINANCIAL INCENTIVES AND TAX FACILITATION FOR HERITAGE CONSERVATION

Protected Cultural Heritage

Direct intervention of the ministry of Culture consists of conservation projects and works carried out by the central and peripheral offices of the Ministry of Culture and traditionally it concerns mainly publicly owned monuments / protected buildings or works of art and only exceptionally protected landscapes.

The budget is formed at the central level collecting proposals from the peripheral level of the Ministry of Culture (this is articulated in regional branches and comprise the regional directorates – recent reform very criticized – coordinating the superintendences (soprintendenze) for architectural and landscape properties, for artistic movable properties, for archaeological properties).

The Code for public works establishes criteria for defining the priority list. These are:

- Maintenance works;
- Rehabilitation of existing building stocks;
- Completion of work already initiated;
- Detailed scheme projects already approved;
- Projects for which majority of the funds for implementation is private

The Ministry of Culture each year issues a circular letter setting up further priorities (I will provide examples), deadlines and budget ceilings. The proposed priority list should include the level of the project scheme available, percentage and source of co-funding, if any, ownership status (only public or church properties may be funded directly and priority is given to state-owned and ministry-of-culture-run properties).

Italy tried to develop a risk map as a programming tool but this was never been implemented fully and extensively since it was quite complicated (too many details and too expensive to be used extensively). Such type of tool is much needed to set up priorities in interventions but need be simple enough so as to facilitate its extensive use (as many monuments or protected buildings as possible should be inventoried in relation to their conservation conditions).

This ordinary budget programme has ensured over decades emergency intervention and small – medium sized restoration interventions but it has not been able to ensure the timely implementation of large projects due to the inability of most of the peripheral offices of the Ministry of Culture to handle the complexity of project elaboration and tender management. Therefore new funding schemes have been elaborated with specific criteria and requisites to be met in order to improve implementation and expenditure pace.

Special national funding programmes that concern specifically protected heritage include:

- Lottery Fund (“Proventi Gioco del Lotto” L. n. 662/1996): initiated as a triennial programme for large conservation/ valorization schemes – funds come from the lottery game. It has worked well for several years (despite the slow pace of ministerial offices in spending funds) recently due to budget restrictions, funds available have been reduced.
- “8x1000” of Fund (l. 222/1985 and subsequent amendments). the funds come from the taxation system and concern taxes imposed on the personal income of individuals: any citizen is allowed to decide which purpose 0,8% of their personal tax amount should be spent for is managed by the Council of Ministers and cultural heritage is one of the targets (disasters, humanitarian missions, cultural heritage conservation): each year there is a call for proposals and a deadline containing also the specific objectives of the call, the content and documentation required for proposals to be accepted and criteria for qualification and selection. Funds may be given both to public administrations and private no-profit organizations. Requisites and criteria concern both the organizational stability of the petitioner, the adequate educational background of the staff, and the quality of the project proposals.

8x1000 IRPEF Fund (funds from the percentage of personal taxation left to the State for humanitarian or cultural actions) regulation and requisites.

As for the proponent’s requisites, they include: being without criminal record, not being declared bankrupt, being up to date tax and social insurance payers, being constituted since at least three years, having a statute with aims in line with the aims of the funding law, demonstrating adequate technical capacity, including adequate organisational structure and staff with appropriate professional requisites,

As for the documentation of the project proposals, it shall include the following:

- Identification of the property being conserved (name and address);
- Ownership status, existence of urban limitations, geological, landscape or other types of zoning, current and future use, if different;
- Description of the aims and objectives of the initiative;
- Description of the state of conservation of the property and possible hazardous situations that may lead to the loss of the property or to the public safety;
- Detailed description of the intervention and of the each implementation phase;
- Precise implementation time schedule of each phase and of the completion of the intervention (calculated since the date of the first tranche of fund received)
- Specific indication of the total cost of the intervention articulated in the main classes of works (building works, installations, consolidations, etc. design and conduction of works costs, etc.) accompanied by a detailed provisional budget;
- Amount of the financial resources requested on the 8x 1000 fund and of any other fund accessed, requested or available;
- Articulation of the 8x1000 fund requested according to the main foreseen classes of works;
- Specification concerning whether the intervention allows the completion of a work or it is just a functional tranche;
- Certification that the property is protected as cultural heritage item under the national relevant law;
- Authorization issued by the relevant peripheral office of the ministry of culture for the specific project;
- Declaration concerning the project scheme level (preliminary, definitive, detailed/ operational) accompanied by the necessary graphic, technical and financial documentation (see code of public works for the detailing of the project documentation required);
- Report on the historic and artistic development and transformation of the property;
- Detailed and updated photographic documentation aiming at describing the property (interiors and exteriors), its heritage values and conservation conditions and clarifying the reasons of the designed intervention.

Preference is given to properties belonging to homogenous systems of properties (i.e. fortifications, theatres, abbeys and convents, libraries, archives, etc.) or to complex properties (i.e. villas with their parks, painting gallery with library, etc.)

A monitoring activity is foreseen by the law: every six months the proponent shall provide an updated report on the state of implementation of the project.

Concerning tax incentives, there is also an additional possibility to devote one additional 0,5% of personal tax amount to NGOs, research or philanthropic institutions, and also to the ministry of culture to carry out conservation projects.

- ARCUS s.p.a. Funds: this type of funds is managed by a society owned by the ministry of culture. Funds come from the budget of the ministry of infrastructure (3% of the year budget

dedicated to infrastructure): a bylaws issued by both the Ministry of Infrastructure and by the Ministry of Culture regulates the use and distributions of these funds (**cross – sectorial initiative**).

The rationale was double: 1) the government wanted to reinforce the idea that cultural heritage should be considered as part of the ‘infrastructure’ of the country; 2) to associate the rehabilitation of cultural or landscape heritage sites located close to an infrastructure to be upgraded (mainly roads or highway but could also be other types of infrastructure) as a sort of compensation measure.

Preferably complex rehabilitation and valorization projects are financed. Each year a new directive is issued that determines the amount of financial resources that are allocated to implement the programme and a call for proposal is open. The documentation required should comprise: a detailed strategic report illustrating the coherence with the aims of the law establishing the funding programme, the technical and economic feasibility of the proposal on the base of a comprehensive provisional budget and fund allocation and programming, technical, graphical and photographic documentation. (a detailed list will be provided in the final report).

ARCUS society has been highly criticized for the way in which selected projects (prone to politics), however in my view there are also positive aspects in this funding scheme: accurate project design is required, management plans for archaeological areas are funded (be they or not WH properties), a global vision need to be developed for the property selected for rehabilitation. Funds are not given all at once but in progressive tranches, upon receipt of the certification of regular expenditure of earlier tranches. The first one is transferred upon receipt of first implementation phase (i.e. documentation tender prepared). Co-funding is expected but not compulsory.

- World Heritage property Fund (L. 77/2006): objectives of this special law are the following:

The law establishes that any intervention concerning the protection, safeguard and conservation of WH properties in Italy enjoys priority status when they apply for public funding. The law also introduces the notion of the management plan which was not present in our legislation – not even in urban planning or environmental protection (we have park plans which are zoning plans). The following definition of MP is provided for Italy: MPs define intervention priorities and the associated implementation measures, the actions to be put in place to collect the necessary private and public financial resources along with the appropriate coordination measures with programmes or implementation instruments that pursue complementary aims, i.e. local touristic systems (need explanation – I will provide) and protected areas plans.

Areas eligible for funding according to this law:

Elaboration of preliminary study for the development of the management plans and drafting of management plans and their adjournment; Cultural assistance services, cleaning and garbage collection, control and security services, realization of parking areas, alternative mobility systems for the WH sites, communication and dissemination of the knowledge of the Italian WH site among schools; valorization and communication of the traditional wine, agro-forest-pastoral and food patrimony of the WH properties.

The commission for the evaluation of the proposal and of the management plans includes representatives also from the Ministry of Environment and from the Ministry of Agricultural Policies (three each).

A minimum of 10% of the global amount of the project proposal is compulsory. Funds are transferred upon regular certification of project steps advancement (a monitoring system is in place: every each six months a monitoring form must be filled in and submitted along with technical and financial documentation).

Each year a call for proposal is open and each year is fixed the budget for each of the above mentioned measures.

Suggestion: in case a specific law for World Heritage is envisaged, development of a Tentative List of possible properties to be nominated should be the most urgent measure with adequate funding to ensure: 1) inventory and documentation of eligible properties and their protection and conservation; 2) allocation of adequate budget for point 1 and 3) determinations concerning properties already inscribed on the WH list. An article within the general law for natural and cultural heritage protection concerning the respect of the provisions of the international conventions that have been ratified by Georgia is of utmost importance, in order not to split heritage in 'national or local' and 'international' heritage, following different protection standards. This in the end would weaken protection of all heritage in Georgia – reducing as a consequence the chance to see more Georgian properties on the WH List. An adaptation of the notion of management plan included in the environmental law to be extended to cultural properties - i.e. through an articulation of the conservation plan for heritage protection zones defined by the cultural heritage protection law – could also be very important – this would disseminate the notion of management from the nature conservation field to the cultural conservation one.

Grants or facilitated loans to owners of protected properties willing to restore / rehabilitate directly coming from the Ministry of Culture budget

- Direct reimbursement of expenses for conservation works (only after completion of the works – this might be a limitation if one does not have the money): up to 50% of the amount (usually for private owners 30-40% maximum): a request for reimbursement eligibility is preliminarily submitted to the peripheral office of the ministry of culture; the soprintendenza evaluates the request and issues an admissibility declaration for a certain amount – this is communicated to the petitioner and to the central ministry for budget planning (each year there is a deadline). When conservation works are completed a final ex-post budget is laid down: on this basis and after a technical assessment of the quality of the work done by the soprintendenza, the latter issues a certification that works have been correctly executed with the exact amount that can be reimbursed. Each year a circular letter is issued informing on the budget ceiling for the current or incoming year and on the priority list for reimbursement (criteria are mainly based on request arrival order).
- Contributions covering loan interests: in this case the grants is paid directly to the bank that has granted the loan to the owner or possessor of the protected property to be restored. In this way the interests to be paid for the loan could be entirely or partially covered by the state funds (it depends on the rate of the loan interests).

Facilitations for the rehabilitation of all types of built assets

- Tax reduction (up to 50% of the rehab cost (max ceiling 96.000 euros of expenses) can be detracted by the income amount subdivided in quotas along ten years. The amount can reach up to 65% for specific measures – works done to improve energy efficiency and seismic retrofitting (this apply to all type of existing built asset – for protected properties guidelines are necessary)-
 - Suggestion: this measure would require some adaptation for protected or heritage buildings: i.e. a higher percentage of deduction from income or a higher ceiling for heritage protected buildings – eligibility also of ordinary maintenance and not only extraordinary maintenance) or heritage categories of the built assets (i.e. traditional rural buildings, pre-modern or pre-concrete technology housing, etc.): guidelines for intervention to which adhere to so as to avoid bad quality of work.
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Not only full owners can enjoy this facilitation but also: 'nude' owners (in Italy ownership can be split into two separated rights: 'nude' ownership without the right of use, only right of use or ownership with right of use); holders of right of surface; renters or users, members of cooperatives, individual entrepreneurs (only for immovable that are not part of their instrumental properties, i.e. a factory, for which different regime applies), commercial societies (only some of the simplest and smallest types).

The upgrading of built heritage for energy efficiency purposes can be very dangerous for historic buildings, as it may lead to the replacement of valuable building components that do not meet the established efficiency requirements (i.e. wooden windows, removal of historic plasters to be replaced with insulating materials, roof morphology alteration due to the insertion of insulating materials, etc.)

In Italy a strong pressure on this aspect – related mainly or open new markets in the building sector – is not accompanied by general guidelines suggesting respectful interventions and tips to ensure compatibility. Some guidelines exist but are local initiatives that do not have any compulsory or statutory role – in this regard any step undertaken to sustain the use of renewable resources and energy efficiency in the historic built heritage and protected areas should be preceded by clear guidelines and strong relation between the obligation to follow such guidelines with incentive system, in order to avoid uncontrolled proliferation of these devices.

Annex: MIBAC guidelines for wind power plants (**doc4**)

Tuscany Region Guidelines for wind power plants (**doc5**)

VAT reduction

In Italy, VAT reduction applies to all extraordinary maintenance works carried out on existing buildings – be they protected or not. VAT is reduced to 22% to 10 % (it was originally 4%), however, it does not concern archaeological investigations and works. In my view, this should be extended also to ordinary maintenance works so as to encourage periodic maintenance of building components and fittings.

Suggestion: VAT exemption should be thought for publicly carried out conservation works on protected buildings and not only WH properties.

Sponsorship

In the urban sector there are further financial programmes that can contribute to urban heritage rehabilitation. In many cases the absence of guidelines for protected urban areas or valuable urban areas has caused the loss of original fabric in that funds were given despite the quality of the projects (in terms of quality of the conservation/ rehabilitation works). A detailed review of these measures will be provided with the final report.

Tbilisi, 31 January, 2014

Genoa, 1 march 2014

Luisa De Marco
