

Country report on the legal framework on Public-Private Partnership (PPP): SLOVAKIA

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1. INTRODUCTION

Slovakia, officially the Slovak Republic, is a landlocked country in Central Europe. The republic was established on 1st of January 1993 after Czechoslovakia split into two countries: the Czech Republic and Slovakia. It is bordered by the Czech Republic and Austria to the west, Poland to the north, Ukraine to the east and Hungary to the south. Slovakia's territory spans about 49,000 square kilometers and is mostly mountainous. The population is 5.4 million and comprises mostly ethnic Slovaks (86%). There is a large Hungarian minority (10%) in the South of Slovakia, the second largest ethnic group is Romany. The capital and largest city is Bratislava. The official language is Slovak. Bratislava with 430,000 inhabitants is the largest city and the capital at the same time.

The Slovak landscape is noted primarily for its mountainous nature, with the Carpathian Mountains extending across most of the northern half of the country. To the north, close to the Polish border, are the High Tatras which are a popular hiking and skiing destination and home to many scenic lakes and valleys as well as the highest point in Slovakia, the Gerlachovský štít at 2,655 meters and the country's highly symbolic mountain Kriváň. Tatras, with 29 peaks higher than 2,500 meters, are the highest mountain range in the Carpathian Mountains. Slovakia has hundreds of caves and caverns under its mountains, of which 15 are open to the public.

Slovakia features natural landscapes, mountains, caves, medieval castles and towns, folk architecture, spas and ski resorts. More than 5 million tourists visited Slovakia in 2016, and the most attractive destinations are the capital of Bratislava and the High Tatras. Most visitors come from the Czech Republic (about 26%), Poland (15%) and Germany (11%).

The former communist country went through deep social changes and huge economic reforms when it had to transform the centrally planned economy to a market-driven economy. Slovakia currently has a high-income advanced economy with a very high Human Development Index, a very high standard of living and performs favorably in measurements of civil liberties, press freedom, internet freedom, democratic governance and peacefulness. The country maintains a combination of market economy with a comprehensive social security system. The country joined the European Union in 2004 and the Eurozone on 1 January 2009. Slovakia is also a member of the Schengen Area, NATO, the United Nations, the OECD, the WTO, CERN, the OSCE, the Council of Europe and the Visegrád Group. The Slovak economy is one of the fastest growing economies in Europe and 3rd fastest in Eurozone.

Although Slovakia's GDP comes mainly from the tertiary (services) sector, the industrial sector also plays an important role within its economy. The main industry sectors are car manufacturing and electrical engineering. Since 2007, Slovakia has been the world's largest producer of cars per capita, with a total of 1.040.000 cars manufactured in the country in 2016 alone.

PUBLIC-PRIVATE PARTNERSHIP (PPP) PROJECTS

Today, PPP projects become one of the most discussed issues in Slovakia in connection with the public sector development. In fact, the private sector has taken part in provision of public services for a long time, for example in construction of buildings such as hospitals, schools or offices, or in provision of services for the operation and maintenance of these objects.



SOURCE: ANALYSIS: REGIONAL DEVELOPMENT, TRANSPORT/ PPP projects: Slovakia can learn from the experiences of the others

It is important to use PPP projects for the protection of cultural heritage. The Slovak Republic is abundant in national cultural monuments, conservation areas, monument zones and archaeological localities. They represent not only the valuable cultural property, but also an important element of the economic development. The renovation of the monuments and their appropriate use helps to increase the quality of life, employment rate and brings new work places. As an essential component of tourism, mainly so called cultural tourism, they can serve as a source of business activities and as an important developing factor of Slovak regions and villages. The protection of cultural monuments represents a public interest, on the other hand it shall respect the proprietary rights guaranteed by the Constitution of the Slovak Republic. While the collections of items in museums, libraries and archival documents can be concentrated, preserved and conserved in conditions that guarantee their preservation and protection, the situation with the monument fund is more complicated. Because of its distinctive character, the matter of its protection and maintenance is one of the most difficult and most problematic issues of the society.

SOURCE: https://www.centire.com/sites/default/files/nkp_mail_a5_v1_0.pdf

PROTECTION OF CULTURAL MONUMENTS

The cultural monuments represent our ancestors' heritage, which they left to us by their work and way of life. The monuments are part of the spiritual and material heritage of the Slovak Republic, source of identity, education, historical consciousness and patriotism of the citizens.

Up to 1 April 2014, there have been 15607 immovable cultural monuments in Slovakia. Most of them are recorded in the region of Prešov with 3 918 monuments, and in the region of Banská Bystrica.

BRATISLAVA REGION	1772
BANSKÁ BYSTRICA REGION	2646
KOŠICE REGION	2006
NITRA REGION	1289
PREŠOV REGION	3918
TRENČÍN REGION	1099
TRNAVA REGION	1183
ŽILINA REGION	1694

SOURCE: <https://www.pamiatky.sk/sk/page/evidencia-narodnych-kulturnych-pamiatok-na-slovensku>

The extent of protected cultural monuments does not represent the fixed number, it changes as a result of continuing process of addition of newly identified monuments, in connection with itemization of areas for individual objects, but also in consequence of cancellation of monument protection in case of inevitable termination of monument values. In 2011, 9 681 immovable cultural monuments were registered, which further consist of 14 818 monument objects. The monitoring of construction-technical condition of cultural monuments most precisely depicts their preservation.

SOURCE: https://www.centire.com/sites/default/files/nkp_mail_a5_v1_0.pdf

Although the legislation of the Slovak Republic imposes an obligation for every citizen to care for the cultural heritage, most of cultural monuments are in serious disrepair or even in dilapidated condition.



The main reason is lack of funds for their reconstruction. It is in this respect that we see the opportunity to use PPP projects that would be beneficial for the restoration of cultural heritage and would be brought to attention of the society.



2. NATIONAL CONTEXT OF PPP

2.1 LAWS AND STANDARDS GOVERNING PPP

Recently, in spite of a significant effort of the Slovak government for the implementation of PPP projects and positive steps in flexible adoption of law changes, it is necessary to note that existing absence of comprehensive legislative policy for PPP projects application represents, to a certain extent, an obstacle for effective feasibility of these projects. Professional discussions have been held for a long time about the possibility of individual legislation on PPP projects. Dispute regarding adoption of a special PPP or concession law takes or took place in every state in which PPP projects implementation was considered by reason that a preparation of an appropriate legislative setting is a condition for each successful effort in any field, mainly in the financing area.

All countries' experiences correspond with experiences from the projects that are under way in Slovakia and they point to the fact that not only legislative solution is a condition of project effectiveness. Political support is also important, as well as the quality and readiness of the project together with effective coordination of all participating sides. Some European countries, such as the Czech Republic, Greece, Poland, Ireland or Belgium, have set about special concession legislation or even PPP legislation in an individual law. Other countries, such as Great Britain or France, did not do so, nevertheless they implement PPP projects even more successfully than in the countries where the individual law has been approved. It is therefore obvious that special legislation is not the decisive factor - it is more likely the overall legal and political environment in a given country, what confirms a study of EBRD.

Absence of a special law for PPP projects in Slovakia is not a barrier for their feasibility. Even passing such law would not solve all problems that can occur in practical application, but an undisputed advantage of the law would certainly be the clarity and simplification of legislation in the field of PPP projects and concessions. In case that this method is preferred, it would be necessary to resolve its relationship to the law on public procurement based on subsidiarity, especially referring to certain general provisions of this law. Even this kind of adjustment would not be sufficient and, in connection with this law on PPP, it would be necessary to adjust legislatively the wording of other laws, especially for certain economy areas. Moreover, if this special law would contain unrelated issues lifted out of context of its general or special legislation, it could lead to unwanted duplication and legal uncertainty.

The special law is not as important as comprehensive and conceptual removal of legislation obstacles and problems that hinder the effective application of PPP projects in practice. The legislation should support the pragmatism during the process of choosing the private partner in including the private law principles, mainly contractual freedom, in contrast to the strict procedure according to the law on public procurement.

SOURCE: Legislation analysis, 2010 <http://www.finance.gov.sk/Default.aspx?CatID=6679>

In terms of legislation in force, PPP projects issues related to choice of the private partner are legally regulated by Act no. 25/2006 Coll. on Public Procurement and on Amendments to certain laws as amended. This act also regulates the concession for public works, which is one of the PPP forms. The rules for concluding concession for construction works, in relation to possible impacts on public debt,



are regulated by the Act no. 523/2004 Coll. on the Public Administration's Budgetary Rules and on Amendments to certain laws as amended and Act no. 583/2004 Coll. on the Financial Rules of Local Self-Government and on Amendments to certain laws, as amended by Act no. 611/2005 Coll.

SOURCE: https://is.bivs.cz/th/13920/bisk_m/Diplomova_praca.pdf

Since 1st January 2010 (amendment of the Act on Public Procurement), it is possible in Slovakia to put PPP into practice by means of a concession contract. In particular, the Act on Public Procurement regulates the concession for public works and concession for services.

SOURCE: <http://www.asociaciappp.sk/?a=oppp>

Definition of the concession is regulated by the bill on public procurement, which was approved by the government resolution no. 735 on 28 September 2005, and it is in agreement with the European legislation: "Public works concession is a contract of the same type as a public works contract except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the work or in this right together with payment." (Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004).

SOURCE: https://is.bivs.cz/th/13920/bisk_m/Diplomova_praca.pdf

For the big-scale projects, so called special purpose vehicles can be created, where several companies involved in the project meet in a consortium (for example a construction company, a bank, a management company, or a public partner).

In practice, PPP implementation usually means that private sector (non-state company or a group of companies) builds, operates and provides certain public investment or service, rather than the public sector (state, region or municipality). The private partner finances the construction and operates the work, and as a counter value he can provide services connected with this work for a payment from its users or public partner. Then, the public sector plays the role of a manager and controller of the private providers.

SOURCE: <http://www.asociaciappp.sk/?a=oppp>

2.2 PUBLIC INSTITUTIONS AND OTHER ORGANISATIONS SUPPORTING THE PPP

Ministry of Finance of the Slovak Republic

The PPP projects are extensive and they influence the state budget significantly, therefore the Ministry of Finance (MF SR) co-operates with the Statistical Office of the Slovak Republic on issuing statements to designs of contracts for PPP projects with respect to their influence on reporting of the public administration debt in the uniform methodology ESA 2010 applicable to the European Union.

On the 16 September 2008, MF SR became one of the founding members of a specialised centre EPEC (European PPP Expertise Centre). It is a collective activity of EIB, member and candidate states of the EU and European Commission and it represents communication platform for state institutions that apply the PPP policy. It enables the working groups from the EU member and candidate states to exchange experiences and best practices on the implementation of the state policy in the PPP area, to analyse and professionally consider the PPP projects.

SOURCE: <http://www.finance.gov.sk/Default.aspx?CatID=6649>



The PPP Association

Association for the Support of Public-Private Partnership Projects (the PPP Association) has come into existence in 2007 on the initiative of the private sector as a citizens association in accordance with the Act no. 83/1990 Coll. on the Association of Citizens.

It joins companies interested in PPP, many of which have implemented the PPP projects abroad. The members of the PPP Association are attorney's offices, financial, developer, consulting, construction and technical companies.

The main aim of the PPP Association is to support and develop the PPP projects in the Slovak Republic as well as to raise public awareness of the PPP projects, their specification and possibilities of their use for securing public needs. The PPP Association works as a professional partner in all issues concerning PPP and it co-operates with the public sector on creation of high-quality legislation and regulatory framework to establish convenient environment for application of many different PPP projects. Considering the extensive experiences with the PPP projects abroad, the PPP Association desires to act as a propagator of the best practice in the PPP area. The Association will also focus on educational activities for both private and public sector in the PPP area. At the same time, it provides a platform for experiences and exchange of opinions for companies that deal with the PPP issues.

SOURCE: www.asociaciappp.sk/

2.3 INCENTIVES AND FUNDING MECHANISMS OF THE PPP

Payments and financial flows in the PPP

In case of a typical PPP, the private partner finances the project fully or partially. Funding is usually ensured with the combination of sources from the banks, investors and own capital. As a counter value for providing the service, during the pre-arranged date the private partner is granted with:

- payments from the users (so called direct charging)
 - the private partner takes the risk of demand: if the demand for the service is lower than expected, the incomes are smaller;
 - for example: toll collection on highways, entrance fees for cultural events.
- payments for availability from the public partner (so called indirect charging)
 - payments directly from the public partner set in advance;
 - the private partner takes the risk of availability: if the service is not available in arranged extent or quality, public partner charges the deductions;
 - for example: payment for availability of hospital or school
- combination of these payments
 - part of payments from the public partner, part directly from the users;
 - for example: a PPP project for operation and maintenance of a sport stadium. The private partner accepts payments for availability from the public partner and at the same time collects entrance fees from the visitors at certain events.



Financial model

While preparing a project, it is necessary to work out a detailed financial model, which shall contain transparent calculation of payments that should flow from the public sector. Basic financial model inputs usually are:

- investment costs,
- payment calculation from the public sector (as for direct charging and expected payments from the users),
- operating revenues/costs,
- drawing and repayment of the loan,
- reserve of the project.

When preparing the financial inputs, it is also necessary to estimate an impact of possible penalties and fines in the meaning of the concession contract, which can influence the project significantly. It is also necessary to work out a mechanism of the project value enumeration in case of public-private partnership break-up during its existence.

Investing of the investor's own funds or of the public subject into the project has an important influence on funding and securing the project because it decreases the credit burden of the plan, diversifies risks and increases the private partner's motivation to consider invested assets. In case of public-private partnerships, the funding structure stands on the project basis - the liability is the implemented investment, the assets of the project company, or other private partner's guarantee.

In relation to this, it is necessary to secure the project in the form of the public sector's guarantees, for instance in project taking in case of negative circumstances, during which the fulfilment of obligations under the PPP project could be threatened.

One of reasons of using the PPP model is that when certain rules are followed, project investment costs do not have to be included neither in the state budget, nor in the debt of the contracting authority (cities, municipalities, self-governing regions). Only the annual payment for availability from the public partner or other similar payments that contracting authority undertook to pay to the private partner are included to the debt. Ministry of Finance of the Slovak Republic cares for assessing the impact on debt.

Financing the project outside the budget should not be the motivation of entering the PPP. Determinative factors for the public partner who decided to enter the PPP project should be higher effectiveness, shorter construction time, higher innovativeness, simply higher added value of services thanks to higher competition in their provision. Anyway, the public partner or end user repays the project debt by their payment for the service.

SOURCE: http://www.asociaciappp.sk/upld/brozura/000001/PPP_brozura_090115.pdf

2.4 RELEVANT MANUALS AND GUIDES FOR PPP

The Ministry of Finance of the Slovak Republic issued several methodological documents with the aim to guide persons interested in PPP:

Guide on selecting an advisor for preparation and implementation of a PPP project: a methodological document that is intended for PPP project contracting authorities and it aims to provide all of these contracting authorities with practical aids in public procurement for selection of an advisor, regardless of whether they get consulting and financial support from the Technical Assistance Scheme for PPP. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)

Feasibility Study and Public Sector Comparator - content and requirements: a methodological document which determines compulsory requirements of the feasibility study for a PPP project. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)

Process of PPP project preparation and implementation and control process: a methodological document which offers an overview of the systematic PPP project preparation and implementation process. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)



Content of Project Proposal and Criteria for its Selection: contains a mechanism of selection of project objectives, contracting authorities which apply for consulting and financial support from the Technical Assistance Scheme for PPP. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)

Codex for Management of PPP Project: intended for all contracting authorities of PPP projects regardless of whether they get consulting and financial support from the Technical Assistance Scheme for PPP. This document contains organisation security and PPP project preparation rules worked out on the basis of international experiences. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)

Approach to Management of Risks in PPP Projects: a basic methodological tool for identification, evaluation and optimal allocation of risks in PPP projects. (<http://www.finance.gov.sk/Default.aspx?CatID=6678>)

The report on creating conditions for implementation of projects with private partnership: the first government document which dealt more complexly with the PPP projects and analysed main benefits and risks of this method. (<http://www.finance.gov.sk/Default.aspx?CatID=6676>) (<http://www.finance.gov.sk/en/Default.aspx?CatID=513>)

The policy for implementation of public-private partnership projects (PPP): principles that PPP projects should comply with and setting of PPP regulation that should reduce the risk for the budget of the public administration. (<http://www.finance.gov.sk/default.aspx?CatID=4732>)

The proposal of the innovative financial instruments for the National strategic reference frame 2007-2013 (II. stage): definition of providing financial help for building the public infrastructure via PPP projects as one of the innovative financial instruments. (<http://www.finance.gov.sk/default.aspx?CatID=4732>)

The proposal of the implementation of the Technical Assistance Scheme for public-private partnership (PPP): definition of the Technical Assistance Scheme for PPP function and specification of individual phases of the PPP projects preparation and implementation process, of institutional security of this process and functions of individual subjects. (<http://www.finance.gov.sk/default.aspx?CatID=4732>)

The proposal of the basic methodological and implementation documents relating to the management of the Technical Assistance Scheme for PPP: the “first pack” of methodological documents for contractive authorities of PPP projects. (<http://www.finance.gov.sk/Default.aspx?CatID=6520>)

SOURCE: Ministry of Finance of the Slovak Republic

Manual for right use of PPP projects: this manual is intended for those who approach the governance responsibly and want to know about this matter as much as possible. Besides possible contracting authorities, it is intended also for applicants and representatives of public authorities responsible for regulation of public procurement and PPP projects in Slovakia. The manual contains basic information about PPP concept and highlights its benefits and risks. The aim of the manual is to decrease the possibility of implementation of a PPP project which would not be the best solution for securing a certain public service. (<http://transparency.sk/wp-content/uploads/2010/01/PriruckaPPP.pdf>)

2.5 EARLIER AND CURRENT EXPERIENCES WITH PPP

In the Slovak Republic, the concept of PPP began to apply relatively late in comparison to other European countries. Despite this, the PPP projects implementation has made a distinct progress in recent years. PPP is used mainly for the motorway (infrastructure) construction projects. The fastest progress can be seen in limited-access highway construction.

The biggest and, at the same time, the longest of proposals is the first package. It includes construction of selected parts of motorway D1 connecting cities Martin and Prešov. It is 75 kilometres long and the public procurement for a private partner (tender) began in the end of 2007. Completion of construction was planned for year 2010. The second package, limited-access highway R1 connecting the city of Nitra with the village Tekovské Nemce and northern bypass of Banská Bystrica is 51 kilometres long and completion



of construction should have been realised in the second half-year of 2011, although the public procurement for private partner began in the end of 2007. The shortest of proposals was the third package and it included 29 kilometres of selected parts of motorway D1 in the surroundings of Žilina. The tender was announced for the year 2008 and completion of construction was planned for the year 2012

All the three PPP projects packages were implemented on the basis of DBFO model (Design - Build - Finance - Operate). It is specific for the Slovak PPP projects that the private sector is not allowed to work out a project (Design) because the public sector elaborates project documentation for longer time and routes that are to be build are already defined. On one hand, the investor saves significantly on the documentation; on the other hand, they cannot fully use technologies that could decrease the project risks.

SOURCE: https://is.bivs.cz/th/13920/bisk_m/Diplomova_praca.pdf

AREAS OF PPP PROJECTS APPLICATION:

LOCAL GOVERNMENTS

Development of parking in Prešov via PPP partnership

Project type: OM (Operation and Maintenance)

Project aim: City area of paid parking

Contract form: Tenancy

Contract length: 5 years

An amendment to the law imposed a ban which states that the town hall cannot collect parking fees. Therefore, the city opened a public tender for renting city parking spaces. In 2008, the company VINCI Park Slovakia, Ltd. won the competitive tendering for foundation and running of the paid parking. Currently, according to the conditions of the concession contract, the city has no income from the partnership project implemented this way. Fixed income of VINCI Park Slovakia is contractually stipulated at 24 232 Euro a month, regardless of the height of parking fee. If the parking fee exceeds stated limit, the city is according to the concession eligible for 75%. In the monitored period, sales were between 10 888 - 14 771 Euro a month. In the past, annual sales from parking fees were on the level of 83 000 Euro, monthly income was approximately 6 915 Euro. In 2009, sales reached on the average 13 277 Euro a month. The municipal authority currently tries to obtain a guaranteed income throughout the project duration. Concession with the company was signed for 5 years, with the operator committing to to achieve incomes that the city reached before signing the contract within at least two years.

SOURCE: https://is.bivs.cz/th/9864/bisk_m/Vyuzitie_PPP_projektov_v_SR_-_2011_-_MARTISIK_7rsa4.pdf

PUBLIC HEALTH

Hospital with a health centre in Malacky

Project type: BOO (Built-Own-Operate)

Project aim: improvement of the hospital's economic situation, investments in the facility

Contract form: Tenancy

Contract length: 9 years and 11 months

Within the process of the public administration decentralisation, establishment competencies and management responsibility of the Ministry of Health of the Slovak Republic concerning hospitals of the second type were transferred to self-governing regions, which later obtained the right to rent those facilities. In 2001, the hospital with a health centre in Malacky went under the authority of Bratislava self-governing region which rented it on the 1st of January 2004 without announcing the public tender. The hospital showed enormous economic deficits with increasing loss and low occupancy of beds. The self-governing region had to compensate the loss from its own sources, what lead to searching for a solution through public-private partnership. The city of Malacky gained 5% share and one position in the board of directors in the company Nemocničná plc, which promised to spend 150 million Slovak crowns on



investments in renovation of the hospital, to increase the quality of provided health care and to improve the overall economic activities. The management staff of the hospital had to face the fact that up to 70% of hospital costs created salaries and employees' contributions.

The project can be considered as PPP partnership also from the point of view of the concession duration (9 years and 11 months) between public and private sector. Nemocničná plc ensures operation and provides investment, for what it earns payments for the services from the end users of the facility. We can state that in spite of non-transparent decision of Bratislava self-governing region to choose a private partner without the public competition, the partnership is more profitable for the public sector from the point of view of risk distribution. The public sector takes at least three of basic risks that are usually considered in PPP definition, i. e. construction risk, risk of availability and risk of demand. The only option of the private investor is to increase quality and effectiveness of hospital operation, so that the attractiveness increases together with the higher profit.

PUBLIC SERVICES

Outsourcing of public services in Šaľa

Project type: OM (Operation and Maintenance)

Project aim: Investment in reconstruction and building of city infrastructure (pedestrian zone, construction of playgrounds, lighting and the like), improvement of property administration, providing public services to the private partners

Contract form: Concession

Contract length: 15 years

In 2005, the city of Šaľa announced a public tender on 15-years contract with the private sector in the form of concession contract because of lack of funds. The aim of the partnership should be extensive investments in city's infrastructure together with renovations and improvement of property administration. After announcing the public tender, the competition was stalled several times and cancelled at the very end.

The city announced the second tender that was cancelled too (on March 2006), and choosing the private partner continued through the method of negotiating procedure with the public. The association of three companies won the competition creating one legal person Brantner Šaľa, Ltd, which became contractual partner of the city. After municipal elections in 2006, the City Council filed a lawsuit on invalidity of the contract, against which the company Brantner Šaľa appealed. The city chose an option of public-private partnership as the only possible way out of the insolvable situation of own lack of funds and limited access to credits because of exceeding the maximum state limit of 60% of the volume of current revenue for the previous financial year. In this case, the risk distribution was disproportionately transferred onto the public partner, since the private partner only had to bear the construction risk. The contract had to ensure the private partner with the extent of services and public resources, but the quality of public services and their effectiveness was not a subject matter of adjustment (in the meaning of guarantees and risk).

The opponents described as irrelevant the fixed payments, which took no account of real costs of public services providing, as well as stated contract length of 15 years that, together with conditions set, did not motivate the increase of services effectiveness.

According to performed supervision of compliance with the Public Procurement Act, it was found out that the contracting authority, i. e. the city of Šaľa, violated the provision of this act and it is threatened with sanctions from the Public Procurement Office.

SOURCE:

https://is.bivs.cz/th/11821/bisk_m/PPP_projekty_ako_alternativna_moznost_financovania_vo_verejnom_sektore.pdf



3. NATIONAL CONTEXT FOR REVITALISATION AND CULTURAL HERITAGE

3.1 REVITALISATION LEGISLATION

We understand revitalisation of the cities and villages, their residential environment and parts, as a systematic effort in the area of planning, reconstruction and construction, as well as social, economic, cultural and environmental life standards with the aim to protect, improve, restructure the residential environment, so that it would meet current requirements. From this point of view, the strategic documents play an important role.

SOURCE: Methodological guide for restoration and modernisation

Among the strategic documents are local plans and Program of economic and social development.

The local plan is a basic tool for guiding the revitalisation process of historical urban structures. On the basis of specific documents in position of territory planning data, it deals with and directs all socio-economic activities in the territory with the aim of a rescue and reanimation of all surviving cultural and historical values. Protection of historical, architectural and archaeological heritage should be based on cultural, as well as economic consideration. It demands appropriate law instruments and its goals have to be taken into account on different levels of territory planning activity.

SOURCE: http://147.213.211.222/sites/default/files/2004_3_142_146_berkova.pdf

Continuous and comprehensive territory planning solves spatial arrangement and functional territory use, defines its principles, proposes factual and temporal coordination of activities influencing the environment, ecological stability, cultural-historical territory values, territorial development and landscape creation in accordance with sustainable development principles. Territory planning creates conditions for sustainable harmony of all activities in the area with special care for the environment, achievement of the ecological balance and provision of the sustainable development, for careful use of natural resources and preservation of natural, civilisation and cultural values. The aim of the territory planning is to create conditions for sustainable development via continuous and complex solution of the spatial arrangement and functional use of the territory. The territory planning determines economic use of built-up area and protects undeveloped territory in the public interest. Territory planning authorities project specific intentions into the territory and coordinate public interests.

SOURCE: <http://www.uzemneplany.sk/co-je-to-uzemny-plan>

Program of economic and social development

The purpose of the Program of economic and social development is to create a territory development program which expresses economic and social interests of its inhabitants and it is simultaneously in accordance with accepted superior conceptions of higher level. The aim of the Program is to process the summary of goals and measures that help secure the territory sustainable development and head towards satisfying current generation needs without threatening satisfying future generation needs. Within the Program, village inhabitants plan revitalisation of objects that are in bad or unsuitable condition.

SOURCE: Program of economic and social development

Several acts are important for revitalisation:

Act no. 24/2006 Coll. on the Environmental Assessment Impact



The act regulates the procedure of professional and public assessment of expected environmental impacts, competences of the state administration bodies and municipalities in the assessment of impacts, as well as rights and obligations of the participants of the impact assessment process.

Act no. 343/2015 Coll. on the Public Procurement

The act regulates placing of orders for the supply of goods, orders for development of construction works, provision of services, competition of proposals, placing of concessions for construction works, concessions for services and administration in public procurement.

Act no. 50/1976 on the Territory Planning and Building Regulations (Building law)

The law is effective from 1st of October 1976 and legally defines basic tasks and obligations of construction participants.

The building law consist of nine parts divided into individual sections:

- First section: Territory planning
- Second section: Building regulations
- Third section: Sanctions
- Fourth section: Appropriation
- Fifth section: Construction authorities, special construction offices and municipalities
- Sixth section: Protection of personal interests
- Seventh section: Information system and evidence
- Eighth section: Common provisions
- Ninth section: Temporary and final provisions
- Attachment: Seats and territorial districts of building inspectorates

3.2. LEGISLATION ON THE PROTECTION OF HERITAGE

Cultural heritage is a sum of tangible and intangible documents connected with humans' activity and proving development of human society from the oldest times to the present day. We can perceive it as a message of past generations to the future generations. That is also why the cultural heritage is protected by the Constitution of the Slovak Republic and its laws.

Constitution of the Slovak Republic

- (Act no. 460/1992 Coll. as amended) as a legislation of the highest legal force, in its preamble it demonstratively refers to the spiritual heritage of Constantine and Method and historical message of Great Moravia.

The article 44 paragraphs 2 and 3 of the Constitution deals with the issue of the cultural heritage, according to which everybody is obliged to protect and improve cultural heritage and no one is allowed neither to threaten nor to damage the environment, natural resources and cultural sights above the degree established by the law. Beside the above mentioned articles, the Constitution refers to the cultural sights as part of the cultural heritage in the article 20 paragraph 3, according to which the exercise of property rights must not damage human health, nature, cultural sights and environment above the degree established by the law. The article 43 paragraph 2 adjusts the right of access to cultural wealth, which is guaranteed by the Constitution under the conditions laid down by the law.

Declaration of the National Council of the Slovak Republic on the Protection of Cultural Heritage

- (resolution of the National Council of the Slovak Republic no. 91/2001 Coll.) The declaration has a declarative character, by which the legislature claimed allegiance to the need of cultural heritage protection, and at the same time it states that the protection of cultural heritage is a public interest.



Acts

Act no. 575/2001 Coll. on the Organisation of Government Activities and the Organisation of the Central State Administration, as amended, is a law establishing the position of the Ministry as a central authority of the state administration for the protection of monument fund, cultural heritage and library science.

The basic legislation in the area of the monument fund protection is Act no. 49/2002 Coll. on the Protection of the Monument Fund, as amended. It continues in the tradition of Czech-Slovak legislation, which subject matter was protection of cultural heritage (Act no. 7/1958 Coll. of the Slovak National Council on Cultural Sights and Act no. 27/1987 Coll. on the State Monument Care).

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

While the Act on the Protection of the Monument Fund adjusts also conditions of monumental researches, the Act no. 200/1994 Coll. on the Chamber of Restorers and the Performance of Restoration Activities of its Members, as amended by the Act no 136/2010 Coll.

Other important documents:

Act no. 206/2009 Coll. on Museums and Galleries and on the Protection of Objects of Cultural Value and on the Amendment of the Act of the Slovak National Council no. 372/1990 Coll. on Offenses as amended, Act no. 207/2009 Coll. on the Conditions of Export and Import of the subject of cultural value and on amendment of Act no. 652/2004 Coll. on State Administration Bodies in the Customs Field and on amendments and supplements to some laws as amended, and Act no. 416/2002 Coll. on the Return of Illegally Exported Cultural Objects.

An illegal activity that results in damage or destruction of whichever cultural heritage part may be referred to as a criminal offence, according to the Act no.300/2005 Coll.

Act no. 434/2010 Coll. on the Provision of Subsidies within the Competence of the Ministry of Culture of the Slovak Republic influences also the monument fund protection, mainly in relation to the external environment. One of the main purposes of the provision of subsidy is protection, revitalisation and development of the cultural heritage.

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

By-laws

The most important by-law for the monument fund protection and its research is the Decree of the Ministry of Culture of the Slovak Republic no. 253/2010 Coll., by which the law on the monument fund protection is performed.

Protection of parts of cultural heritage in museums is the subject matter of the Decree of the Ministry of Culture of the Slovak Republic no. 523/2009 Coll., by which the details of basic professional activities in museum or gallery and evidence of cultural value objects are established.

Decree of the Ministry of Culture of the Slovak Republic no. 503/2010 Coll. on Details on the Purpose of the Grant follows the Act no. 434/2010 Coll.

Regulations of the Government of the Slovak Republic, no. 596/2001 Coll. on Monument Reservations Bardejov, Bratislava, Kežmarok, Levoča, Prešov, Spišská Kapitula and Spišská Sobota; regulation of the Government of the Slovak Republic no. 108/2004 Coll. on Monument Reservations Banská Bystrica and Kremnica, and regulation of the Government of the Slovak Republic no. 188/2011 Coll. on Monument Reservations Vlkolínec, Špania Dolina and Osturňa.

Conceptual and strategic materials

Cultural heritage in crisis situations is a subject matter of the monument fund and cultural heritage protection (Resolution of the Government of the Slovak Republic of 28 March 2007 no. 303/2007). It is at the same time the only partially processed topic in the area of the monument fund protection.

Supranational legislation



Besides regulations adopted at the national level, the Slovak Republic shall obey also following supranational legislation in the area of cultural heritage protection:

European Communities/European Union:

Council Regulation (EC) no. 116/2009 from 18 December 2008 on the export of cultural goods (codified version).

Commission Regulation (EEC) no. 752/93 from 30 March 1993 laying down the implementing rules for Council Regulation (EEC) no. 3911/92 from 9 December 1992 on the export of cultural goods, as amended by Commission Regulation (EC) no. 1526/98 and Commission Regulation (EC) no. 656/2004.

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

Council of Europe

European Convention on the Protection of the Archaeological Heritage (revised) - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 344/2001 Coll.

Convention on the Protection of the Architectural Heritage of Europe - Communication of the Ministry of Foreign Affairs of the Slovak Republic no 369/2001 Coll.

European Landscape Convention - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 515/2005 Coll.

UNESCO:

UNESCO Convention on the Protection of the Underwater Cultural Heritage - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 210/2009 Coll.

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 68/2007 Coll.

UNESCO Convention on the Protection of the World Cultural and Natural Heritage - Communication of the Federal Ministry of Foreign Affairs no. 159/1991 Coll.

UNESCO Convention on the Protection of Intangible Cultural Heritage - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 375/2006 Coll.

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property - Decree of the Minister of Foreign Affairs no. 15/1980 Coll.

Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) - no. 94/1958 Coll.

First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 304/2004 Coll.

UNIDROIT:

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects - Communication of the Ministry of Foreign Affairs of the Slovak Republic no. 416/2003 Coll.

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

3.3 INVOLVEMENT OF THE PUBLIC IN REVITALISATION AND PROTECTION OF THE HERITAGE

It is inevitable to involve the public, young people, students and unemployed people in revitalisation of objects. Projects such as *Involvement of the unemployed in cultural heritage revitalisation* have met in



past 5 years with a positive response and they are a good example of co-operation among state authorities, self-government, non-profit organisations, villages, cities and other subjects.

123 employers have joined the cultural heritage revitalisation in recent years and created 1 763 work places giving work to 2 084 unemployed people. Central Office of Labour, Social Affairs and Family have spent approximately 7 288 000 Euro on the investments. The unemployed carried out ancillary works, such as cleaning and sorting rubble, grounds cleaning, export of waste, treatment of roads and greenery, educational walkways revitalisation etc. Other types of works were professional works, such as archaeological research, garden architecture, craft and mason's works etc. The unemployed people can help with cultural monuments revitalisation in Slovakia also in the future years. The state will earmark 15 million Euro from the Human Resources Operational Program for these purposes.

SOURCE: <https://www.employment.gov.sk/sk/informacie-media/aktuality/obnova-hradov-bude-pokracovat-aj-dalsich-rokoch.html>

Students of architecture from the Slovak University of Technology in Bratislava also participate in the heritage protection. One of them proposed registration as a national cultural monument of a historical town building named the banana storehouse according to its use. In the past, the building was offered to sale but no one wanted to buy it, so it fell into disrepair. Within the semester assignment, the student worked out an architectural study of revitalisation and subsequent use of the dilapidated building. He put forth his proposal to the city and it met with a positive response. The Commission supported the intention to join the banana storehouse to national cultural monuments. The professors and the director of Pohronske museum in Nová Baňa also encouraged the student.

Many other buildings would need a reconstruction, for Nová Baňa is former royal town, as the student says.

SOURCE: <https://nasziar.sme.sk/c/20132231/chatrajucu-bananaren-chce-student-architektury-zachranit-pozrite-sa-ako.html#ixzz4erZfkTqy>

Ministry of Culture's annual competition "Cultural Monument of the Year - Phoenix award"

The aim of the competition is to support responsible approach of national cultural monuments owners and cities and villages self-government representatives to the protection of Slovak cultural heritage.

From the point of view of benefits for the protection of cultural values, the competition awards:

- preparation and implementation of revitalization/restoration of cultural monuments,
- preparation and implementation of revitalization of cultural environment on the territory of monument zones and reservations.

A condition for sign up for the competition is finishing the complex revitalization/restoration of a tangible/intangible cultural monument, finishing the revitalization/restoration of a complete part of an intangible cultural monument or finishing the revitalization of a complete monument zone. It is possible to register tangible/intangible cultural monuments and monument zones on which the revitalization/restoration was finished in the previous calendar year.

SOURCE: <http://www.culture.gov.sk/vdoc/597/sutaz-kulturna-pamiatka-roka-1a8.html>

3.4. PUBLIC INSTITUTIONS AND SUPPORTIVE ORGANIZATIONS FOR REVITALIZATION AND CONSERVATION OF THE HERITAGE

The protection of our monuments is based on the heritage of the so called Vienna School and c. Commission for research and preservation of monuments from 1850 which was base for organized structure of subjects and organizations in former Hungary monarchy and later in Czechoslovakia. In 1951 the Monument Institute was built, gradually going through the reforms and changes in its scope of operation. Since 2002, the Monument institute was transformed to a specialized state government management: The Monument Office of the Slovak Republic and regional monument boards responsible



for management on regional level. The structure of the regional monuments boards and their workplaces adequately covers the whole area of Slovakia.

The state administration is managed by the Ministry of Culture of the Slovak Republic as the central state administration body for the protection of the monument fund, in whose organizational structure are functionally competent Departments of the cultural heritage and Monumental inspection.

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

Formulating professional methodical approaches for protection of the monument fund is based on cooperation with certain institutions of the Slovak Academy of Science (mainly The Archeological Institute and Institute of Construction and Architecture, Institute of History of Art) and schools (mainly Faculty of Archeology and Construction faculty of Slovak Technical University in Bratislava), Philosophy faculty of Comenius University in Bratislava, Philosophy faculty of Trnava University in Trnava, University of Art in Bratislava, Construction faculty of Technical University in Zilina). Cooperation with Municipality monuments conservation institute in Bratislava, Academia Istropolitana n.o. etc. is also important.

SOURCE: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

Priorities of Ministry of Culture of the Slovak Republic for the monuments fund:

- Building favorable legislative environment by implementing the law no. 49/2002 Coll. on Protection of the Monument Fund and later amendments as well as in frame of changes in legislation on land-use planning, building law, tax incentives, etc.;
- Transfer of socio-economic protection of the monument fund from the economic superstructure to the economic base as the development potential of tourism, services, attractive housing stock, etc. with positive impact on development of employment rate mostly in area of SME;
- Change of restrictive model of monuments protection to the motivational and development-targeted, mostly through a system of reliefs granted to owners of monumental objects and effective supportive programme in scope of funds for grants funding mainly from the programme "Renew your house", as well as preparation of a system of multisource financing of protection and renewing of monumental fund;
- Improvement of quality of professional arrangements of government management actions in area of conservation of the monument fund by operation of specialized government institutions: The Monument Office of the Slovak Republic and regional offices;
- Improvement of scientific, technical and technological level of tasks fulfillment, identification, evidence, documentation, protection and presentation of the monuments fund with emphasis on implementation of modern IT technology;
- Stepping up cooperation with foreign countries and with international governmental and non-governmental organizations with emphasis on involvement in organizational structures of the European institutions (Council of Europe), UNESCO, ICOMOS etc., including ratification of international documents and conventions in force on conservation of the heritage fund and cultural heritage;
- Improvement of school and afterschool education with an aim of strengthening relationships of the youth with cultural values of the past, improving level of informational and promotional activities focusing on conservation and presentation of the monuments fund.

SOURCE: <http://www.culture.gov.sk/posobnost-ministerstva/kulturne-dedicstvo-/ochrana-pamiatok/priority-d6.html>



3.5 INCENTIVES AND FUNDING MECHANISMS AVAILABLE FOR REVITALIZATION AND HERITAGE PROTECTION

According to § 28 par. Article 2 A) of Act no. 49/2002 Coll., the Monuments fund is the owner of national cultural monuments obliged to perform at his own expense basic conservation of national monuments while according to § 34, par. 1) of the Act it is entitled to apply for subsidies to the municipality or the Ministry of Culture of the Slovak Republic.

The budget of the municipalities in majority of Slovak towns and villages is not sufficient to cover all expenses connected with the tasks coming from the Act on General Settlement, and it is therefore understandable that cultural heritage is at the edge of interest.

Renewing and protection of the monuments fund is possible to perform just by the support of the state, searching for grants and supporting donations. This activity can only be performed by the municipalities on the objects they own. A big issue is project preparation which is covered by the municipalities from their own sources. Preparation of long-term concept of monuments protection is complicated mainly because of unsure financing, changing of legislative conditions, bureaucracy, functional use of historic objects and operational costs.

SOURCE:

https://www.bardejov.sk/images/stories/o_meste/unesco/problematika_mest_pam_centier/zbornik_prednasok_bardkontakt_2012.pdf

Support from the state

The Ministry of Culture SR provides financial sources for renewing and restoration of national cultural monuments through the dotation system "Renew your house". It supports the projects prepared according to the Law no. 434/2010 Coll. on donations provided in connection with the Ministry of Culture SR as amended and the Decree of the Ministry of Culture of the SR no. 503/2010 Coll. on details of aim of donation, template of application, signature of the project and overall budget of project and other details and necessities of application.

Foreign sources of investments

Structural funds

The aim of structural and regional policy of European community is to decrease differences between rich and poor regions in the EU Member States. This policy is based on financial solidarity between the regions and is significant by financial help for regions which do not reach needed level of economic and social development. The support is performed by the structural funds and the Cohesion Fund which are the main financial tools of European regional policy. Use of sources from EU funds is possible by Slovak National Strategic Reference Framework for 2007-2013.

Source: <http://old.culture.gov.sk/kulturne-dedicstvo/ochrana-pamiatok/financovanie-pamiatok>

3.6 RELEVANT GUIDELINES AND DOCUMENTS ON REVITALIZATION AND HERITAGE PROTECTION

In the communist regime, sufficient professional materials for effective protection of historical monuments were missing. These professional materials - Principles for the conservation of monuments- were prepared by towns and villages with historical downtowns declared as monument reserves. Even there some protected areas were not included. The first monument reserves were prepared just after 1987 by the adoption of the Land Conservation Act, on the basis of which towns



with smaller amount of cultural heritage and with partly or totally devastated historical structure were added to the preservation reserves. The process of declaring the monument zones started in early 90. of the 20th century, but is not closed and not taken into account in many land planning documents.

Issues related to protection of cultural and natural heritage need special attention. The Convention on the Protection of the World Cultural and Natural Heritage was adopted internationally in Paris in 1972, more than 40 years ago. The Slovak government ratified it only after the transformation and adopted in 1991. At that time, the Law on Cultural Heritage was also being prepared. The concept of cultural and natural heritage has also been enshrined in our constitution. The protection of cultural and natural heritage is currently enshrined in our legislation in two separate laws. The Act of the National Council of the SR no. 49/2002 Coll. on Protection of the Monument Fund and the Act of the National Council of the Slovak Republic no. 287/1994 Coll. on Nature and Landscape Protection, (Act No. 261/2002). Comprehensive protection can only be ensured by understanding that will stimulate formation of a new culture at the level of cultural and historical potential of the state and the countryside. It is the preservation of quality: natural heritage, cultural heritage, aesthetic quality, spatial psychological - ecological values. Urban planning in the country is a process of architectural, landscape and ecological harmonization of the bonds: nature as a global environment, architecture as an artificial environment and man as an identical part of the ecotope. According to the Convention, "the cultural heritage is considered a creation of man, as well as the combined works of nature and man and areas of exceptional value from a historical, aesthetic, ethnological or anthropological point of view."

Source: ĽUBOŠ KAČÍREK - KULTÚRNE DEDIČSTVO SLOVENSKA - Vysokoškolské skriptá / Bratislava - http://www.muzeologia.sk/index_htm_files/Kulturene_dedicstvo_Slovenska.pdf

Examples of methodological manuals and guidelines on revitalization and heritage protection in Slovakia:

- Methodological manual no. 2 Categorization of objects entering the digitization process:

The document contains basic information, principles and characteristics of the process of categorizing the objects entering the digitization process to be applied in practice, especially during the preparation and implementation of partial digitization projects of cultural objects.

http://www.opis.culture.gov.sk/uploads/c2/b2/c2b2ccf8f577456b2a6d082ce0a0b050/02_metodicky_manual_pre-kategorizaciu-objektov-vstupujucich-do-procesu-digitalizacie.pdf

- Methodological manuals - Basic strategical documents on digitalization and on activities connected to digitiation

Developing methodological manuals for the acquisition, processing, protection and exploitation of knowledge and digital content.

- Guideline on allocation of IUCN management categories of protected areas

Guidance on assessment of the protected areas and allocation of management categories according to the IUCN methodologies developed for the State Nature Conservation of the Slovak Republic within the project *Development of Nature Conservation and Protected Areas in Slovak Carpathians*, funded by the Swagger-Slovak Cooperation Program in 2014.

<http://www.sopsr.sk/dokumenty/chu.pdf>



- Update of the systematic renewal of the audiovisual handicraft of the Slovak republic for 2013-2015 The Slovak Republic declared its interest in protecting its audiovisual heritage as part of the European audiovisual heritage in 2001 by signing the European Convention for the Protection of Audiovisual Heritage and the Protocol on the Protection of Television Productions to the European Convention on the Protection Audiovisual heritage.

<http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-151487?prefixFile=m>

3.7 PREVIOUS AND CURRENT EXPERIENCE IN REVITALIZATION AND HERITAGE CONSERVATION

Budatín - Strumień: Revitalization and development of cultural heritage

Project completed

Starting date: 01.05.2009

Completion date: 30.06.2011

The project involved measures aimed at preserving the natural and cultural heritage. A local park was revitalized in the historic castle in Budatín in Žilina, becoming one of the most popular places for walks among the inhabitants of Žilina and its surroundings and a favorite place for photographing of young marriage couples. In addition, information signs and tables about the park and its flora, as well as a folding scene with a viewpoint were placed in the park. On the Polish side of the border, in Strumień, the underground parts of the historic Baroque Town Hall were thoroughly modernized. The underground spaces were renovated, and the showcases, pedestals, and professional lighting was added. A "Gallery under the Town Hall" was set up, where an exhibition of craftsmen's works of Slovak darter was held.

Project partners: Žilina self-governing region, village of Strumień

Financial support from the EU fund for regional development: 920 569,96 €

Webpage: www.strumien.pl

<http://www.zask.sk/sk/info-zurnal-zsk/aktualitky-z-odborov-uradu-zsk/aktuality-z-uradu-zsk/budatin-strumien.html>

Source: <http://sk2007-2013.plsk.eu/index/?id=0a113ef6b61820daa5611c870ed8d5ee>

The Halič castle

The Halič castle dated from 1386 was reconstructed in 1897, when the French park was added. During the communism the castle was used as an agricultural building and significant parts of it were devastated. After that, the center for the youth with mental diseases was situated in the building. Since 1993 the castle was abandoned. In 2005 it was bought by a private IMET Company together with the surroundings which are together declared as national cultural heritage.

The owner made big investments and the castle operates currently as the Castle hotel Galicia Nueva.

Source: <https://zamockyhotelgalicianueva.sk/o-hoteli/historia/>

Restoration of Povazsky castle - cultural and national heritage (cnh)

The aim of this project was to make cultural heritage available to the public in the city of Považská Bystrica. The project focused on revitalisation of Povazsky castle along with archeological research, installation of safety elements (railings, bridge) and rebuilding the chapel. Also, nature trail elements were installed such as information system, landscape staircase, outdoor telescope, metal model of the castle, banner, trash bins, rest areas and stands for bicycles.



The total eligible costs of this project were 537 864 EUR, from which 457 184 EUR were received from a grant and 80 680 EUR was co-financed.

The partners included in this project were Association Agreement Bystrica Castle, Upper Považie OOCR.

The promotion of the project was ensured thanks to opening and closing conference, an information day held at the castle, advertising on the project website, cooperation with the Inclusion Resource Centre, TV commercials, publishing and distributing brochures, leaflets and souvenirs related to the castle.

Source: http://www.povazska-bystrica.sk/?id_menu=107424&limited_level=1&stop_menu=29849



4. PPP IN REVITALIZATION AND HERITAGE PROTECTION: CASE STUDIES

4.1. CASE STUDY DESCRIPTION

Public lighting in the city of Liptovský Mikuláš

Subject: modernization of public lightening in city

Description of the stakeholders: city of Liptovský Mikuláš, private company FIN. M. O. S., a. s., Public services Liptovský Mikuláš and Municipality company.

Budget: 1, 5 mil. Eur

The division of the tasks: Risk for construction and access takes private partner and risk of demand takes public partner

The benefits for both parties: modernization of lightening will save for the city 20-30 % of electric energy, from this money is city paying back the investment of private partner, private partner is also administrator of lightening system in the city in advantageous conditions.

Benefit for community: New lightening, it was in critical status, 15 streets without light

The aim of the project was to modernize public lighting in the city. Under the terms of the contract, the municipality pays out investments from the funds saved on the operation of the modernized public lighting system. For the reconstruction of public lighting, the city decided that the lighting was no longer satisfactory, and in many places it was already in critical condition, and there was no lightening on 15 streets of the city. Originally, the city considered rebuilding, modernization and completion, which would finance from its own resources over four years. Due to a lack of own financial resources, the city had to consider other funding options for this project, so they decided for partnership with the private partner. In addition to the lack of own financial resources, the PPP model also gave rise to the impossibility of using credit financing because it would exceed the debt limit set by the local authorities' financial law. A private partner provides financing and project implementation, while ensuring that publicity is provided by the city without requiring additional resources in the city budget without the need for additional resources. Modernization of the public lighting of the city will save approximately 20 to 30 percent of electricity. After the termination of the contractual relationship, the city may acquire the built-up work for the residual book value. The city receives funds for repayment using savings to maintain public lighting without incurring any additional costs. The principle of funding is that the self-government, in the form of reimbursement for the project, becomes a shareholder of the private company FIN. M. O. S., a. S., In the way that the self-government gradually acquires shares in value corresponding to the paid payments at the end of the accounting period. After paying the full contract price for project implementation, the municipality has 100% of its shares available. In this case, the municipality has a choice of two options for the further operation of public lighting, which are:

- if the municipality is no longer interested in staying in a joint stock company, the local government shares are bought back for an agreed (usually minimum) price, and the re-established public lighting network will be transferred back to the self-government. Thus, any subsequent savings resulting from the operation of the public lighting network will flow to the municipal budget.
- The second option is that a private company will operate a public lighting for the municipality (if municipality agrees on it) on preferential terms, which consists of purchasing electricity for shareholders. Public - Private Partnership appears to be a profitable alternative to the public sector in



terms of risk spreading. The risk of construction and availability is thus taken by a private partner that the public sector - Liptovský Mikuláš does not need any free resources to implement and modernize the project and does not enter into financial risk. In the contract between the public and the private sector, the repayment of the investment stemmed from the savings generated from the operation of the modernized public lighting network. The city acquired a partner through the PPP model, which has financed the full scope of the project and until the agreed contractual price of the project, and a partner who together with the city operates a public lighting.

Source: https://is.bivs.cz/th/13920/bisk_m/Diplomova_praca.pdf



5. CONCLUSIONS AND PERSPECTIVES FOR FUTURE REVITALISATION PROJECTS USING PPP SCHEMES

The implementation of PPP projects in Slovakia started in the area of motorway projects, the most advanced of which was the construction of the expressway R1. The situation has been compounded by the global financial crisis, which has an impact on the change in financing conditions, therefore funding remains a major problem in the implementation of PPP projects. However, in the PPP model, parking zones, garage construction as well as revitalization of brownfields are being prepared.

In Slovakia PPP is connected with a great distrust. The reason for it is misleading information that appears in the media, especially in connection with highway PPP projects, where they are criticized for their overflow. For that reason, it is necessary to ensure that all processes are transparent and under the supervision of the public.

The preparation of a PPP project is extremely complicated and time-consuming. The project must be approved by the Government of the Slovak Republic and the opinion of the Ministry of Finance of the Slovak Republic should be taken into consideration. In the meantime, it is necessary, among other things, to expedite a concessionaire and to draw up a project plan and a follow-up feasibility study.

However, despite the complex and demanding process, it is necessary to use PPP projects also in the context of the revitalization of cultural monuments.

The renovation of immovable cultural heritage as part of the systematic protection and preservation of cultural heritage for future generations is often at the expense of the financial interests of the public and private sectors. Lack of funding is more than a characteristic feature for this area. In many cases, owners and administrators of real estate sites only carry out the necessary remediation work to avoid total landfill impairment, and for the more complex renovation projects they rely on external funds.

PPP projects in revitalization of historical and cultural heritage could bring better risk spreads, stable and long-term cooperation with the private partner, better distribution of payments to the public sector, effective way of construction, access to skills, experience and technologies, possibility of co-financing of PPP projects from EU funds, higher quality of products and services.



References

- ASOCIÁCIA PRE PODPORU PROJEKTOV. www.asociaciappp.sk
- ASOCIÁCIA PRE PODPORU PROJEKTOV. Verejno-súkromné partnerstvá alebo public-private partnerships. http://www.asociaciappp.sk/upld/brozura/000001/PPP_brozura_090115.pdf
- BARDKONTAKT. 2016. Profesijná zodpovednosť aktérov ochrany pamiatok. https://www.pamiatky.sk/Content/Data/File/podujatia/BARDKONTAKT_bulletin2016.pdf
- BARDKONTAKT PROBLEMATIKA MESTSKÝCH PAMIATKOVÝCH CENTIER. 2012. Kultúrne dedičstvo a spoločnosť. https://www.bardejov.sk/images/stories/o_meste/unesco/problematika_mest_pam_centier/zbornik_prednasok_bardkontakt_2012.pdf
- BERKOVÁ. A. Revitalizácia kultúrneho dedičstva v európskom kontexte. http://147.213.211.222/sites/default/files/2004_3_142_146_berkova.pdf
- CENTIRE 2011. KP 01 Národné kultúrne pamiatky, význam ich obnovy a možnosti jej financovania. https://www.centire.com/sites/default/files/nkp_mail_a5_v1_0.pdf
- EUROKOMPAS - Časopis úradu vlády SR o štrukturálnych fondov. 2017. Kultúrne dedičstvo a tradície priblížia aj mladej generácii. http://www.partnerskadohoda.gov.sk/data/files/1311_eurokompas-1-2017-web.pdf
- INFORMAČNÝ SYSTÉM. PPP projekty ako alternatívna možnosť financovania vo verejnom sektore. <https://is.bivs.cz/th/11821/bisk_m/PPP_projekty_ako_alternativna_moznost_financovania_vo_verejn_om_sektore.pdf>
- JIRÁK. J., 2012. Diplomová práca. PPP projekty - výhody a nevýhody, možnosti a rizika. https://is.muni.cz/th/257098/pravf_m/diplomka.pdf
- KAŇA, P. 2013. Diplomová práca. Public - private partnership (PPP) projects and their role in providing public infrastructure and public services in the Slovak Republic. https://is.bivs.cz/th/13920/bisk_m/Diplomova_praca.pdf
- KAČÍREK. Ľ. 2016. Vysokoškolské skriptá. Kultúrne dedičstvo Slovenska. http://www.muzeologia.sk/index_htm_files/Kulturne_dedicstvo_Slovenska.pdf
- MARTIŠIK. S., 2011. Diplomová práca. Využitie PPP projektov v SR. https://is.bivs.cz/th/9864/bisk_m/Vyuzitie_PPP_projektov_v_SR_-_2011_-_MARTISIK_7rsa4.pdf
- MESTO POVAŽSKÁ BYSTRICA. 2016. Obnova NKP Považský hrad. http://www.povazska-bystrica.sk/?id_menu=107424&limited_level=1&stop_menu=29849
- METODIKA. 2016. Program hospodárskeho a sociálneho rozvoja.
- MINISTERSTVO DOPRAVY A VÝSTAVBY SLOVENSKEJ REPUBLIKY. Projekty verejno-súkromného partnerstva. <http://www.parlamentnykurier.sk/kur215a216-13/54.pdf>



MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Legislatíva.

<http://www.finance.gov.sk/Default.aspx?CatID=6679>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Materiály schválené vládou.

<http://www.finance.gov.sk/Default.aspx?CatID=6676>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Metodické dokumenty.

<http://www.finance.gov.sk/Default.aspx?CatID=6678>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Politika pre realizáciu projektov verejno-súkromných partnerstiev (PPP). <http://www.finance.gov.sk/default.aspx?CatID=4732>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Návrh implementácie schémy technickej pomoci pre verejno-súkromné partnerstvá (PPP). <http://www.finance.gov.sk/Default.aspx?CatID=6062>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Návrh základných metodických a implementačných dokumentov súvisiacich s riadením schémy technickej pomoci pre verejno-súkromné partnerstvá (PPP). <http://www.finance.gov.sk/Default.aspx?CatID=6520>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. Návrh inovatívnych finančných nástrojov pre Národný strategický referenčný rámec 2007-2013 (II. etapa.)

<http://www.finance.gov.sk/Default.aspx?CatID=5351>

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. PPP projekty.

<http://www.finance.gov.sk/Default.aspx?CatID=6649>

MINISTERSTVO KULTÚRY SLOVENSKEJ REPUBLIKY. 2011. Financovanie obnovy a reštaurovania národných kultúrnych pamiatok. <http://old.culture.gov.sk/kulturne-dedicstvo/ochrana-pamiatok/financovanie-pamiatok>

MINISTERSTVO KULTÚRY SLOVENSKEJ REPUBLIKY. Metodický manuál č. 2 Kategorizácia objektov vstupujúcich do procesu digitalizácie.

http://www.opis.culture.gov.sk/uploads/c2/b2/c2b2ccf8f577456b2a6d082ce0a0b050/02_metodicky_manual_pre-kategorizaciu-objektov-vstupujucich-do-procesu-digitalizacie.pdf

MINISTERSTVO KULTÚRY SLOVENSKEJ REPUBLIKY. 2012. Priority Ministerstva kultúry Slovenskej republiky v oblasti ochrany pamiatkového fondu. <http://www.culture.gov.sk/posobnost-ministerstva/kulturne-dedicstvo-/ochrana-pamiatok/priority-d6.html>

MINISTERSTVO KULTÚRY SLOVENSKEJ REPUBLIKY. 2016. Súťaž Kultúrna pamiatka roka. <http://www.culture.gov.sk/vdoc/597/sutaz-kulturna-pamiatka-roka-1a8.html>

MINISTERSTVO PRÁCE A SOCIÁLNYCH VEČÍ A RODINY SLOVENSKEJ REPUBLIKY. 2016. Obnova hradov bude pokračovať. <https://www.employment.gov.sk/sk/informacie-media/aktuality/obnova-hradov-bude-pokracovat-aj-dalsich-rokoch.html>

PAMIATKOVÝ ÚRAD SLOVENSKEJ REPUBLIKY. 2014. Evidencia národných kultúrnych pamiatok na Slovensku. <https://www.pamiatky.sk/sk/page/evidencia-narodnych-kulturnych-pamiatok-na-slovensku>

PROGRAM CEZHRANIČNEJ SPOLUPRÁCE POĽSKO - SLOVENSÁ REPUBLIKA 2007 - 2013. 2011.

Budatín - Strumień: Revitalizácia a rozvoj kultúrneho dedičstva. <http://sk2007-2013.plsk.eu/index/?id=0a113ef6b61820daa5611c870ed8d5ee>



PROTIMONOPÓLNY ÚRAD SLOVENSKEJ REPUBLIKY. 2017. Ide o štátnu pomoc? Ak áno, je potrebné ju notifikovať Európskej komisii? (Príručka koordinátora pomoci).

http://www.antimon.gov.sk/data/files/717_prirucka-koordinatora-pomoci_ide-o-statu-pomoc.pdf

ROKOVANIE VLÁDY SLOVENSKEJ REPUBLIKY. 2012. Aktualizácia projektu systematickej obnovy audiovizuálneho dedičstva Slovenskej republiky na roky 2013 - 2015. Návrh.

<http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-151487?prefixFile=m>

ROKOVANIE VLÁDY SLOVENSKEJ REPUBLIKY. 2011. Konceptia ochrany pamiatkového fondu.

<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20286>

SVITKOVÁ L. 2016. Chátrajúcu bananáreň chce študent architektúry zachrániť: Pozrite sa ako.

<https://nasziar.sme.sk/c/20132231/chatrajucu-bananaren-chce-student-architektury-zachranit-pozrite-sa-ako.html#ixzz4erZfkTqy>

ŠTÁTNA OCHRANA PRÍRODY. 2014. Príručka k pridelovaniu manažmentových kategórií chránených území podľa IUCN. <http://www.sopsr.sk/dokumenty/chu.pdf>

TRANSPARENCY INTERNATIONAL SLOVENSKO. 2008. Príručka pre správne používanie projektov PPP.

<http://transparency.sk/wp-content/uploads/2010/01/PriruckaPPP.pdf>

ÚZEMNÝ PLÁN. Čo je to územný plán? <http://www.uzemneplany.sk/co-je-to-uzemny-plan>

ÚZEMNÝ PLÁN. PPP projekty: svetlá budúcnosť napriek zmenám v štruktúre financovania

<http://www.uzemneplany.sk/sutaz/ppp-projekty-svetla-buducnost-napriek-zmenam-v-strukture-financovania>

ZÁKON č. 24/2006 Z.z. o posudzovaní vplyvov na životné prostredie

ZÁKON č. 343/2015 zákona o verejnom obstarávaní

ZÁKON 50/1976 o územnom plánovaní a stavebnom poriadku (stavebný zákon)

ZÁMOCKÝ HOTEL GALICIA NUEVA. 2017. História Haličského zámku.