



Twinning Project MD 13 ENPI OT 01 16 (MD/26)
*Support to promote cultural heritage in the Republic of Moldova
through its preservation and protection*

Component 1

Cultural heritage legislative and regulatory framework adequate to the current needs of Moldova is elaborated, leading to improved governance of the cultural heritage sector

Activity 1.3

Development of action plan to revise legislative and regulatory framework in close cooperation with all partners

Component 2

The administrative and management capacity of the Agency for Inspection and Restoration of Monuments and of the National Archaeological Agency, as well as Ministry of Culture's cultural offices and other relevant stakeholders are increased

Activity 2.2

Support the preparation of strategic work plan to strengthen the implementing agencies, including through the strengthening of budget and coordination with stakeholders

**STRATEGIC PLAN DRAFT WITH TIME FRAME AND LIST OF
ACTIONS**

**ACTION PLAN WITH LISTS OF LAWS, BY-LAWS, REGULATIONS
TO BE REVISED OR INTEGRATED**

PRIORITIES FOR REVISIONS, SUGGESTED TIMEFRAME

July 2018 – update July 2019

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LIST OF ABBREVIATIONS

AAP	Agency of Public Tenders (Agenția Achiziții Publice)
AIRM	Agency of Inspection and Restoration of Monument
AST	Agency for Technical Supervision (Agenția pentru Supraveghere Tehnică)
BC	Beneficiary Country
CoE	Council of Europe
HR	Human Resources
ICH	Institute of Cultural Heritage
LPA	Local Public Authority
MECR	Ministry of Education, Culture and Research
MEI	Ministry of Economy and Infrastructure
MS	Member State
NAA	National Archaeological Agency
NAMSI	National Agency for Monuments and Sites Inspection
NCHM	National Council of Historical Monuments
NCMC	National Committee of Museums and Collections
NCMPS	National Council for Monuments in the public space
NDS	National Development Strategy Moldova 2020
NGO	Non-Governmental Organizations
NICH	National Institute of Cultural Heritage
NMSIA	National Monuments & Sites Inspection Agency
STE	Short-Term Expert
TwP	Twinning Project

T.O.R. OF THE DOCUMENT

The present document is realized for the **EU Twinning Project** between Italy and Moldova **MD 13 ENPI OT 01 16 (MD/26)** *“Support to promote cultural heritage in the Republic of Moldova through its preservation and protection”* within **Component 2** *“The administrative and management capacity of the Agency for Inspection and Restoration of Monuments and of the National Archaeological Agency, as well as Ministry of Culture’s cultural offices and other relevant stakeholders are increased”*, as deliverable of **Activity 2.2** *“Support the preparation of strategic work plan to strengthen the implementing agencies, including through the strengthening of budget and coordination with stakeholders”*. The Strategic Plan is meant to strengthen the action of the Agencies implementing protection of cultural heritage and is prepared in parallel and coordination with activity 1.3 *“Development of action plan to revise legislative and regulatory framework in close cooperation with all partners”*.

The Plan identifies spheres where action is needed and contains a logical and time frame for implementation to strengthen the action of implementing agencies, with standardization and details of administrative procedures, guidelines and standards required. The plan identifies the needs for ad-hoc training of the technical and administrative staff of the implementing agencies. It is expected that is examined by the BC representatives and endorsed by them by the 12th month of implementation of the project (September 2018).;

The present document is based on the results of activity 2.1, and 1.1, 1.2 integrates the deliverable for activities 1.3 and 2.2 is a basis for 1.4 – drafting an overall report outlining of the scope of reforms required (sectors and specific laws).

Since the deliverables envisaged for activity 1.3 and activity 2.2 contemplate the preparation of an action plan, it has been decided to merge the two deliverables into one single Action Plan.

The detailed list of Laws, regulations and bylaws that need revisions is provided in the document produced as a deliverable of Activity 1.1 and 1.2. In the present document will be only addressed the priorities.

EXECUTIVE SUMMARY

The Strategic Plan resulting from Activity 2.2 “Support the preparation of strategic work plan to strengthen the implementing agencies, including through the strengthening of budget and coordination with stakeholders” and Activity 1.3 “Development of action plan to revise legislative and regulatory framework in close cooperation with all partners” defines a comprehensive strategy articulated in main targets, sub-objectives and specific actions to strengthen the capacity and effectiveness and efficiency of the main institutional Actors the Cultural heritage sector. The actions are prioritized and need to be implemented in the short, mid and long term by, primarily, the relevant State institutions in the field but also more generally by central government administrations and subsequently local governments, in order to correctly address the issues emerged in the analysis phase of the cultural heritage sector in Moldova, carried out under the activity 2.1 “*Assessment of the current situation of the implementation agencies*” of the Twinning Contract and in activity 1.1 “Comparative review of the Moldova’s present legislation regulating cultural heritage sector governance and of the required framework”.

In particular, the present strategic plan stems from the review deskwork on the Moldovan legislation and regulations governing the sector (Activity 1.1) and the functioning of the institutions operating in the Sector complemented by interviews realised with representatives of the main institutional actors of the Sector and aims at defining objectives and actions. The desk and the field work have allowed to build a comprehensive picture of the competences of the institutions, their organisation, their cooperation and their capacity.

The elaboration of the present strategic workplan has taken into consideration also the Strategic document “Culture 2020” adopted by the Government in 2014 and ratified by the Parliament to support the culture sector through the identification and prioritization of ad- hoc objectives and actions.

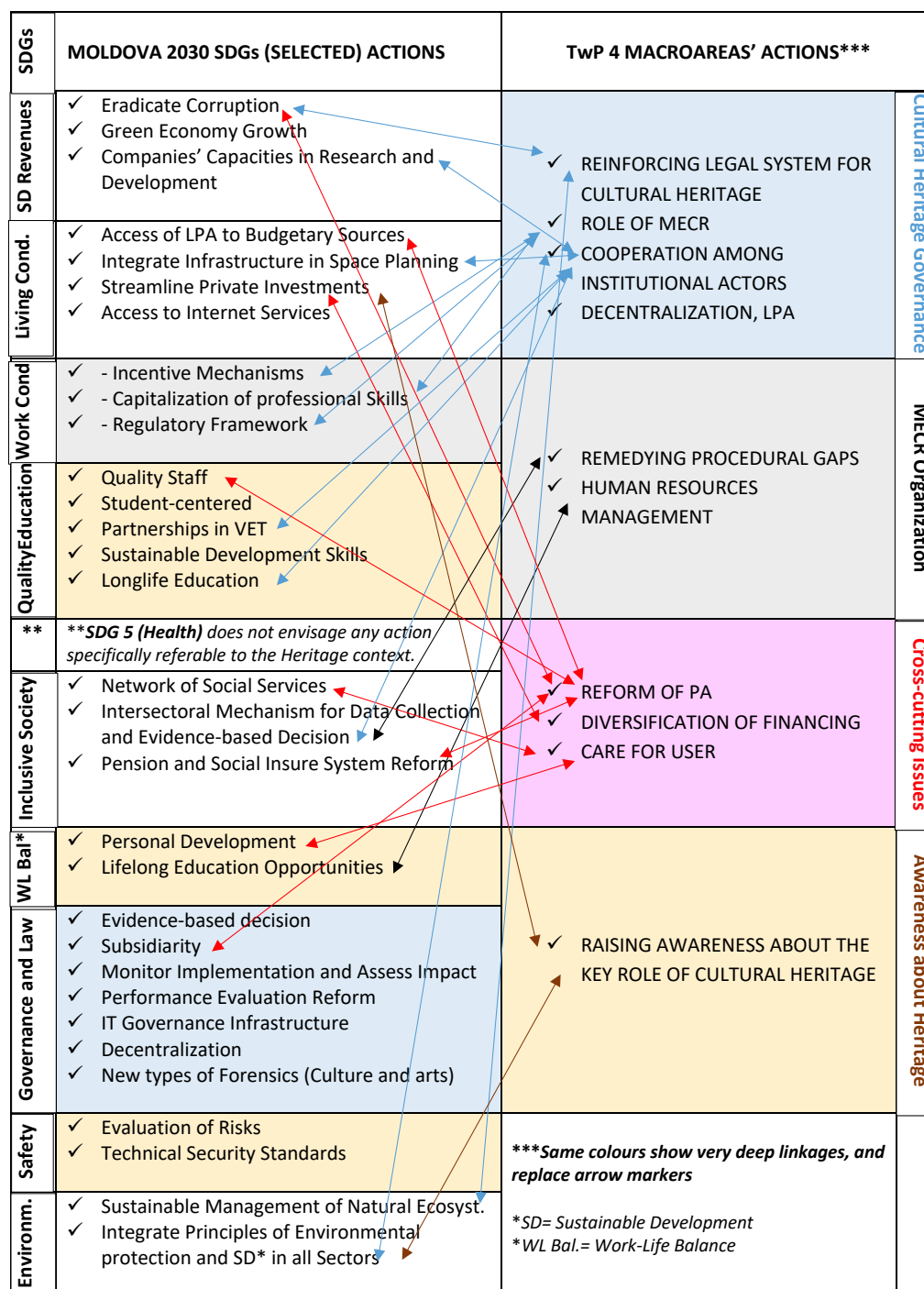
The present Strategic Plan is conceived in a way that can be easily integrated into the Strategy “Culture 2020” and in its Action Plan, so as to strengthen and detail the actions with regard to institutional reinforcement, which is only limitedly addressed by the Strategy and its action plan (similar approach is used to develop the strategic plan for the revision of the legal framework, under activity 1.3).

An analysis of the Strategy “Culture 2020” is offered in the “Introductory report” prepared under Component 1: such review has allowed to identify several strengths in the Strategy but also some key shortcomings that deserve being addressed, particularly in what it concerns the identification of targets, objectives and related actions necessary to respond to the needs identified in the analytical part of the same Strategy. The present Strategic Plan can therefore represent a useful opportunity for revising the Core Targets of the Strategy Culture 2020 as well as its specific objectives and actions.

The needs identified through the analytical work carried out in Activity 2.1 and outlined in the related Report have been translated into objectives and actions which are grouped under common main goals and under an overall theme or MACROAREA.

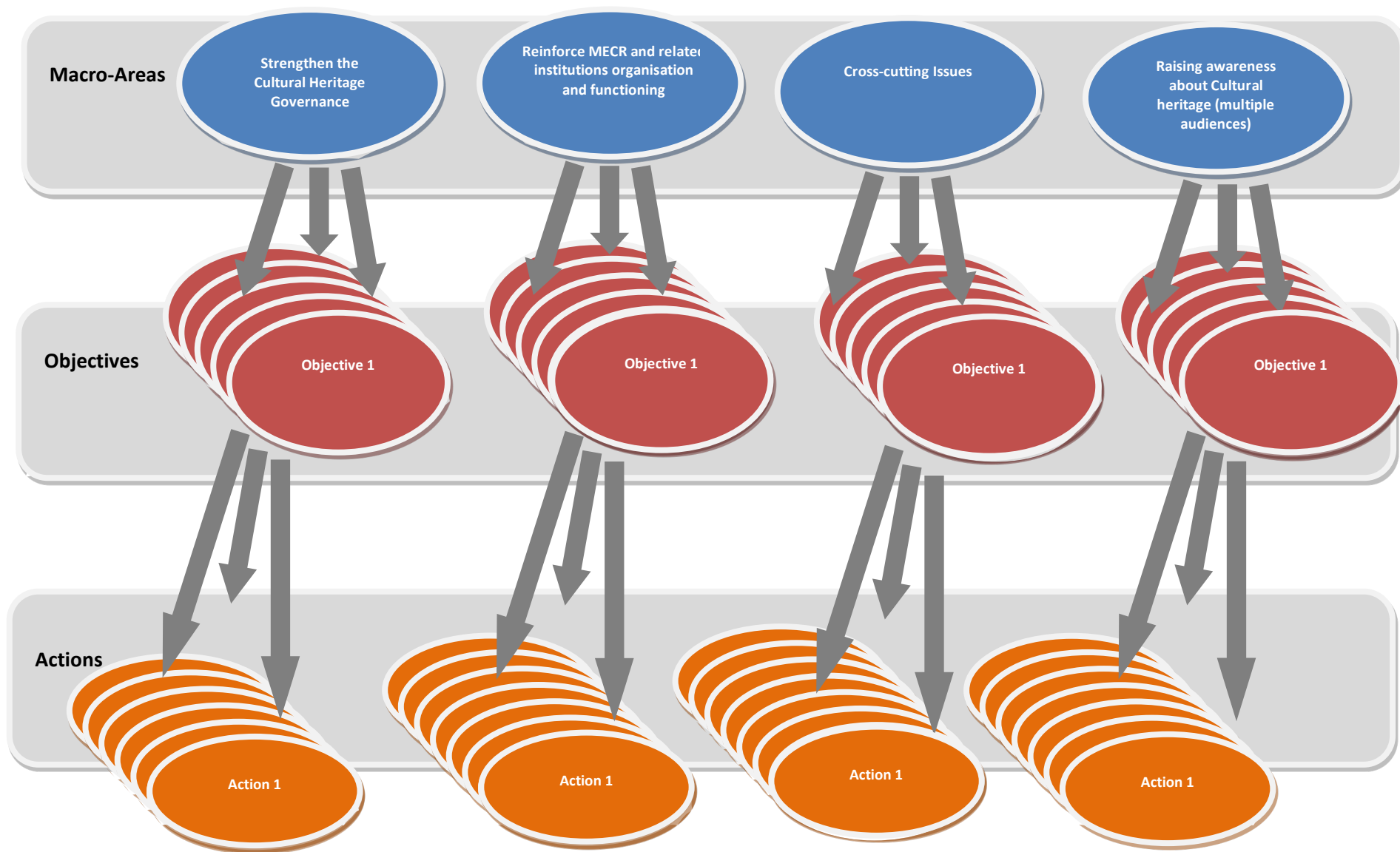
With regard to international sectoral documents, the present Plan also recognises the CoE *Recommendation to member States on the European Cultural Heritage Strategy for the 21st century*,

adopted by the Committee of Ministers on 22 February 2017, in turn consistent with the inspiring principles of the 2005 *Faro Convention on the Value of Cultural Heritage for Society*. According to it, cultural heritage is a long-term asset, that constitutes a powerful factor in social and economic sustainable development.



Finally, as illustrated in the graphic above, the envisaged actions of the present workplan also consider the National Development Strategy “Moldova 2030”, responding to the sustainable development framework set by the UN *Agenda 2030* as well as to the European integration path defined through the *Republic of Moldova and European Union Association Agreement*. The vision of the “Moldova 2030” Strategy is to increase the quality of life in the whole country, so the document is considered a strategic benchmark for all national, regional and local policies.

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The identified MACROAREAS are four:

- MACROAREA 1 “STRENGTHENING THE CULTURAL HERITAGE GOVERNANCE”: it refers to the processes of interaction and decision-making among the actors involved in the culture sector in Moldova.
- MACROAREA 2 “REINFORCING MECR INTERNAL ORGANISATION AND IMPROVING ITS FUNCTIONING”: it refers to the backbone of MECR (and of linked Agencies) structure, that is to say, the functions and related procedures form one side, HR called to implement them from the other one.
- MACROAREA 3 “CROSS CUTTING ISSUES”: it refers to matters that are not directly related to the Culture sector, but that, if correctly addressed, would foster also the cultural system.
- MACROAREA 4 “RAISING AWARENESS ABOUT THE KEY ROLE OF CULTURAL HERITAGE FOR SOCIETY (MULTIPLE AUDIENCES)”

Within each macro-area, **objectives** and corresponding **actions** have been identified as well as a detailed timeframe for the implementation of the proposed actions in the short, mid or long term is also prepared.

MACROAREA 1 “STRENGTHENING THE CULTURAL HERITAGE GOVERNANCE”

Macro-area 1 aims at strengthening the entire cultural heritage governance in the country. The proper governance of cultural heritage sector can be achieved through a balanced combination of the different models of governance, according to the situation and the progressive increase of capacity of local administrations and the social – economy sector, involving at any stage the MECR as the main leading actor of the sector but progressively increasing the capacity of the other state institutions and of the local authorities. Establishing a good governance of the cultural heritage also implies a strong effort aimed at the involvement of citizens and local authorities in form of participatory governance, encouraging citizen participation practices and procedures so as to generate a sense of awareness and responsibility (see MACROAREA 4).

In order to ensure that MECR is able to perform such a crucial leading role, three objectives, and related actions, have been identified.

The first objective aims at strengthening the role of MECR by increasing its operational capacity; reinforcing its coordination and guiding role in respect to its Agencies; acquiring and taking on the burden to update the Strategy Culture 2020 and its action plan, and to ensure its implementation and monitoring (to be performed together with other actors and stakeholder).

The second objective is to foster the cooperation among MECR and the agencies between them and all other actors of the cultural heritage sector.

The cooperation with central and local administration needs to be improved. At the central level the creation of permanent working groups to address transversal or trans-sectorial challenges (e.g. improving expenditure performance in public works, developing a strategy for fiscal incentives and facilitation for the private sector to support cultural heritage conservation and promotion, preparing action plan for raising awareness, revising the requirements and procedures for certifying professionals and enterprises in the conservation of cultural heritage, revising the technical norms for the elaboration of projects for protected monuments, revising / updating the estimations of costs for conservation works) should be able to transfer from the political and high administrative level of the discussion within the inter-ministerial

working group at the State Chancellery to the technical – administrative level and thereby improving the dialogue and the coordination between interested institutions. At the level of local authorities, the key objective is achieving a clear identification of competences and of areas of inter-institutional coordination to achieve effective decentralisation and delegation of competences and inter-institutional cooperation, where necessary or useful. The objective is related to the support the administrative decentralization. The correct governance of the cultural heritage at local level can be carried out only through the definition of specific tasks, and through the increase of: the capacity to implement cultural heritage promotion and safeguard policies; the degree of financial capacity and autonomy; the inter-institutional cooperation; the promotion of participatory management.

MACROAREA 2 “REINFORCING MECR INTERNAL ORGANISATION AND IMPROVING ITS FUNCTIONING”

While Macro-area 1 addresses mainly the “external dimension” of the culture system, Macro-area 2 addresses its operationalisation from within MECR and its related institutions, and the envisaged actions are aimed at improving the gaps that seem to hinder the correct and smooth working of the structure.

The daily work of an organisation is mainly based on two aspects: the first one is linked to the tasks to be performed, and, consequently, to the procedures that make possible their implementation according to established rules and organisational structures and distribution of functions and specific tasks. The second aspect is linked to the HR whose work is indispensable to perform the above-mentioned procedures so as to reach the organisational goals. The third aspect is related to the financial, material and technical resources which an organisation can rely on to implement its tasks.

Consequently, the Objective 1 of Macro-area 2 is envisaged to improve the procedural path, and to set new mechanisms that are needed in order to make the whole system more effective.

On the other hand, Objective 2 aims at ensuring a correct management of the HR, both in the short term and in the long run, including an overall assessment of the needed HR for each branch of the ministerial culture – related institutions and identification of institutions where staff is insufficient as well as those where it is redundant (e.g. at the Institute of Cultural Heritage) to achieve an efficient distribution of HR for the ministerial organisation to be effective. Objective 2 also implies the need to sustain the increase of competences and capacities to cope with the reform and in the long run. It requires investments on the part of MECR and of the Government. Furthermore, objective 2 has to address also the need to foster internal communication through established communication channels but also by creating a communicative environment within and among the institutions forming the ministerial system.

Objective 3 looks at the improvement of the infrastructural, material and technical resources of the ministerial organisations for the implementation of their functions. This include a more decided use of electronic means (e.g. use of legal mail system for the Ministry and its institutions, use of digital signature) as well as support of and contribution to the development of an effective system based on the principle of one-stop shop to facilitate the relationship with ‘users’ of public services.

MACROAREA 3 “CROSS CUTTING ISSUES”

As explained earlier, the analysis has identified some general shortcomings in the legislation related to administrative procedure and to the status of civil servants that affects the performance and effectiveness

of public administrations. Therefore, this strategic plan identifies also some objectives which are cross-cutting in nature and should be addressed at the inter-ministerial level.

The obstacles to the efficiency and effectiveness in implementing the tasks of the relevant institutions rely also on a group of factors, as the legal framework regulating administrative procedure, the role of the civil servant, the conflict of interest, and transparency. The identification of potential improvements for the relevant provisions (see also report for activity 1.3) can have a positive impact on the entire Public Administration, and particularly on the cultural heritage sector, which deals with collective interests which are still poorly understood and recognised by the majority of private and public stakeholders in the Republic of Moldova.

The objectives and consequently the actions are connected mainly to the reform of Public Administration, with regard to fragmentation of procedures and lack of sufficient motivations supporting administrative decisions, and the introduction / clarification in the law of the individual administrative responsibility of civil servants and of employees of publicly funded agencies, institutions, entities.

Revision of primary and secondary legislation may assist in mitigating the fragmentation of the responsibilities among different branches of the administration, which in some cases is purposely sought in order to avoid that important decisions are made by one single entity / person making the whole process prone to corruption (e.g. the creation of Councils within MECR), and of the absence, in the legislation, of the notion of individual administrative responsibility of civil servants and public employees in the implementation of their functions. While transparency in terms of publication of decisions is increasing, transparency in terms of providing clearly, logically, fact- and principle- grounded and consistently motivated decisions is still far to be achieved. This is more than evident by reading the extremely slim arguments presented in the opinions of the Councils. This needs to be acted upon by the MECR and its Councils but need to be backed up by clearer provisions in the legislation, to guarantee that not only private interests but also collective interests and goods are respected likewise the obligations of public administrations to justify their decisions, especially when fundamental collective interests and rights, like the safeguard of cultural and natural heritage, are at stake.

The current legislation does not seem to outline any clear -cut profile of individual administrative responsibility for civil servants and employees of publicly funded agencies or bodies: this aspect also needs clarification, to ensure that civil servants are aware of the consequences of their behaviour, activity and decisions and that they must be governed by professionalism and independence. This should reduce the lack of responsibility and support civil servants in resisting external and internal pressures, because they can be held responsible for the decision made.

Clarifications concerning the conflicts of interest are also needed – currently the legislation focuses almost exclusively on the conflict with private interests, but there exist a variety of conflicts deriving, for instance from the affiliation with associations, political parties, etc. These ties are also powerful elements that may undermine independence and professionalism of judgements when decisions are to be taken. Provisions in the legislation exist but they are from being clear, do not seem to be extended to all type of employees working in publicly funded agencies or entities and, above all do not seem to be particularly applied.

A last objective is the care of beneficiaries and users of public services. A Public Administration Reform Strategy cannot do without a new attitude towards the user. Caring for beneficiary/customer means being on citizen's side: that is seeing the administration as a service, from citizen's point of view. There is a need for a new right of citizenship which, thanks to such a new attitude of the Administration through listening and dialoguing, as well as through new technologies, could start to re-design the relationship between the Administration and the community.

MACROAREA 4 “RAISING AWARENESS ON THE IMPORTANCE OF CULTURAL HERITAGE FOR SOCIETY (MULTIPLE AUDIENCE)”

The analysis of the legal and of the institutional framework suggests that there is a dire need for raising awareness on the importance of cultural heritage and particularly for the built heritage to be reserved and used as a key element for human development, enjoyment and source of creativity and well-being.

The fundamental role played by heritage in sustaining social resilience and socio-economic and environmental sustainability has to be logically combined with the need to protect it and to prevent its destruction, as an act against human needs and rights.

Objectives and actions identified in the context of MACROAREA 4 largely correspond to the rationale of the CoE *European Cultural Heritage Strategy for the 21st century*, based on three components:

- a “social” component, harnessing the assets of heritage in order to promote diversity, empowerment of heritage communities and participatory governance;
- a “territorial and economic development” component, strengthening the contribution of heritage to sustainable development, based on local resources, tourism and employment;
- a “knowledge and education” component, focusing on education, research and lifelong training issues.

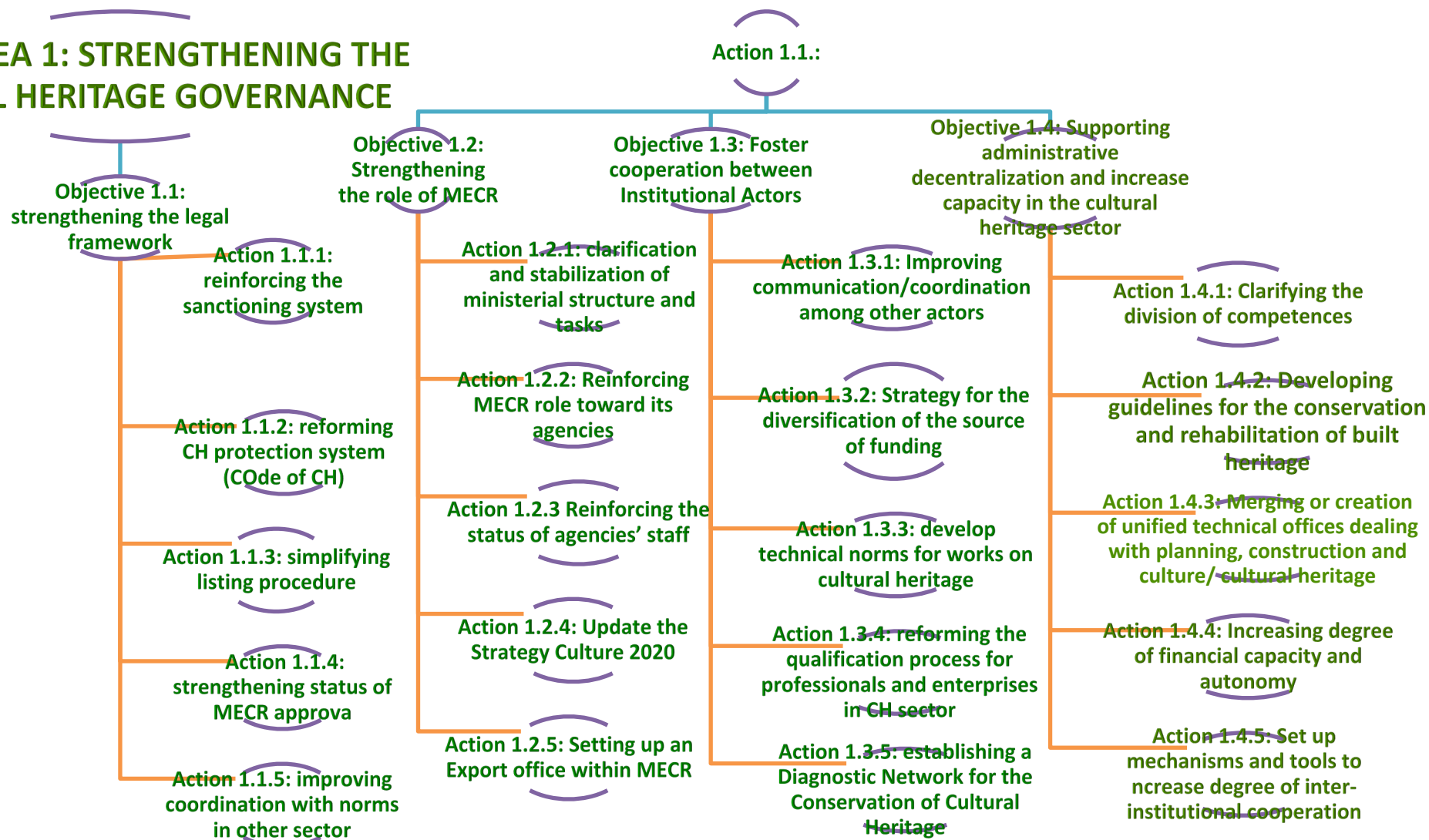
The target audience for such a raising awareness strategy has to be multiple and should target policy makers, decision-makers, law enforcement sector, heritage professionals, economic agents including tourism operators, civil society organisations, kids and teachers.

A detailed outline of such a strategy has been developed in the framework of TwP Activity 4.3, *Development and support to public awareness raising on the importance of protection of the cultural heritage*, in particular through the related *Action Plan on a Strategy for public awareness and involvement of citizens in heritage stewardship*.

BIBLIOGRAPHIC REFERENCES

John Graham, *Governance Principles for Protected Areas in the 21st Century*. A discussion paper (2002), accessed at https://www.files.ethz.ch/isn/122196/PA_governance.pdf on 20 April 2017.

MACROAREA 1: STRENGTHENING THE CULTURAL HERITAGE GOVERNANCE



MACRO -AREA 1: STRENGTHENING THE CULTURAL HERITAGE GOVERNANCE

The stated mission of the “Strategy Culture 2020” is both protecting and valuing the country’s cultural heritage as national priority by providing the cultural heritage sector with a coherent, efficient and pragmatic policy framework, based on priorities in order to create a system for the preservation and promotion of the cultural heritage and to improve culture management. For cultural heritage, this include defining the national regulatory framework on the protection of cultural heritage; completing the national institutional framework for the protection of cultural heritage; creating a market for services of preservation/restoration of cultural heritage built; creating the cultural heritage protection system in the administrative-territorial units.

MACROAREA 1 aims at strengthening the entire cultural heritage governance in the country.

A variety of definitions of governance exist. The Institute on Governance’s definition reads *Governance involves the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have their say. Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable*¹.

It should be noted for this report that the concepts of ‘Governance’ and ‘Management’ have distinct meanings; governance describes the framework within which power is used and decisions are made, while management describes the process and actions by which an organisation sets and achieves goals (Planning, organising, staffing, directing controlling)² (Graham, 2002; Appleton, 2016).

In other words, governance indicates who has the power to make decisions - and establishes who is involved in making decisions or who has input into decision. In extreme synthesis, governance is about who decides, and management is about how what has been decided should be done.

Governance has increasingly become an important aspect to be considered when dealing with responsibilities cultural and natural heritage and protected areas, the main goal being their sustainability together with a number of related objectives. Further, “In order to meet these objectives, those responsible for Protected Areas exercise a number of different types of powers [...] regulatory and planning powers, spending powers, revenue-generating powers, and the power to enter into agreements. [...] The elements of sound regulatory governance might include: a legislative

¹ John Graham, Governance Principles for Protected Areas in the 21st Century. A discussion paper (2002), accessed at https://www.files.ethz.ch/isn/122196/PA_governance.pdf on 20 April 2017.

² Mike Appleton, Protected Landscape Governance. Examples from European Protected Areas and World Heritage Properties, oral presentation at 5th Management Planning Workshop, Lin, Albania 22- 23 June 2016

base; program design that balances educational, monitoring, enforcement and appeals and redress activities; adequate resources and support; understanding of the regulated group; identification and enlistment of supporters; and ongoing program evaluation”³.

Different models of governance exist and are applied in the cultural heritage sector: centralised state/public governance, when one single entity takes all decisions and decides how management is implemented, shared governance, when responsibility in decision-making and management are shared, community – led governance, where community takes the lead in decision-making and management.

The current governance model for cultural heritage sector in the Republic of Moldova is centralised and state-driven; despite the transfer of certain competences to local authorities, the lack of resources and decision-making power on their side makes the system fully reliant on the State intervention and budget.

However, the State is less and less able to cope with the variety of missions it is entrusted with, due to limited financial, human and institutional resources. Therefore, a change of paradigm has been called upon by the Strategy “Culture 2020” and the promotion of a balanced combination of models which diversifies the governance, opens to shared governance and prepares the ground for community-led governance in specific cases is necessary. In the first stages, the MECR has to continue to play a crucial role, as it is called to support and guide the change in the approach, in cooperation with other branches of the central government and the associations of local authorities, e.g. Congress of Local Authorities of Moldova (CALM).

In order to ensure that MECR is able to perform such a crucial role, three objectives, and related actions, have been identified.

The first objective aims at **reinforcing the legal system for the protection of cultural heritage**, which suffers from several shortcomings, the most important being its current fragmentation and insufficient sanctioning and law enforcement. The most urgent intervention on the legal framework is the strengthening of the whole sanctioning system – civil, contraventional, penal – which is currently highly insufficient to deter from misbehaviours, neglect, crimes and poor response from the whole of the public administration. The second issue to be addressed is the reduction of the fragmentation of the legal instruments: the production of sectorial laws on different categories of cultural heritage does not serve well the purpose of an enhanced protection of cultural heritage, as it creates overlappings, gaps and ambiguities in the application of the provisions.

However, at the moment the most urgent step is the reform of the Law n. 1530/1993, in order to ensure the update protection of historic monuments. The existing draft still needs further work to make it adequate to its aim, but it should be possible to improve it. The other urgent step is the final revision of the draft of the regulation on the circulation of cultural goods. Finally, the revision of specific provisions in the Law on the protection of archaeological heritage n. 218/2010, of the law on

³ Ibid.

the protection of movable cultural goods n. 280/2011 and of the Law on museums (see for details Report on TwP Activity 1.1 and 1.2, where the list of suggested amendments is provided).

The reinforcement of the legal system for cultural heritage needs to come also with a reform of the individual responsibilities of civil servants and staff of publicly funded bodies in the performance of their duties (see MACROAREA 3).

The second objective aims at **strengthening the role of MECR** by increasing its operational capacity; reinforcing its coordination and guiding role towards its implementing institutions; guiding the decentralisation process of its bodies and the transfer and delegation of competence in the field of cultural heritage to local authorities; updating the Strategy “Culture 2020” and its action plan, and work to achieve a shared vision and understanding of cultural heritage as a key priority for the government and to ensure its implementation and monitoring in a shared and cooperative manner, that is to say creating the conditions for a variety of stakeholders to engage with the implementation of the Strategy.

The third objective is to **foster the cooperation among the implementing institutions of MECR and between them and other actors relevant to sustain the cultural heritage sector**. The cooperation between central and local administration needs to be improved. At the central level mainly through technical tables and cooperation agreement, which allow the adequate level of coordination between interested institutions. These tables need to be created to respond to operational objectives and activities. The revision of the Strategy “Culture 2020” to achieve a really integrated and diversified system calls upon a number of objectives and actions that are not currently included in the Strategy or in the Action plan and that need inter-ministerial dialogue and collaboration.

OBJECTIVE 1.1: REINFORCING THE LEGAL SYSTEM FOR THE PROTECTION OF CULTURAL HERITAGE

The actions, and the rationale supporting their proposal, under this objective are described in detailed in the TwP Report on Activity 1.1 and 1.2. Here a general outline of the proposal is provided, in order not to weigh down the Action Plan.

A sound governance system is based on a solid legal framework; although this is not sufficient to achieve good governance, it is indispensable. The legal framework of the cultural heritage sector, as a whole, need to be strengthened. Its reinforcement can be achieved through some key actions.

One of the most important and urgent is reinforcing the sanctioning system by augmenting the sanctions on the one side, since at the moment they are rather mild compared to the gravity of the offences and the key importance of cultural heritage for society, and decidedly improve law enforcement by all actors involved. This implies reaching out other ministries and administrations, namely Ministry of Interior, Ministry of Justice, Police departments, public prosecutors. The improvement of the sanctioning aspect can be supported by raising awareness and training activity for the above-mentioned audiences, in order to trigger a process of ‘prise de conscience’ by public actors beyond the cultural heritage sector.

Very important is also to proceed to achieve a more advanced level of reform, by promoting a more holistic approach to cultural heritage understanding and protection, through the initiation of the path for the creation of a Cultural Heritage Code. This Action is crucial but can only be achieved in a mid –

term timeframe – that is say within five years. Since it requires a thorough reflection on basic concepts and on the functioning of the recently approved sectorial laws. This would need to pass also through a thorough revision and streamlining of all definitions on cultural heritage and its categories, taking into account the international definitions, especially when these relate to international obligations. It might be useful to use broader definition, clarifying the specific situations where international obligations apply.

On the other hand, it is urgent to proceed to a simplification of the listing procedure and to a reconsideration of the role attributed to the Government and to the Parliament in this sector, since listing is a specific technical – administrative act and does not seem appropriate that it is assigned to political organs. The administrative Code approved in July 2018 may contain useful principles for sound administrative procedures and provide guidance in this regard.

It is also crucial and urgent to revise the approval procedure for interventions on protected objects/monuments and within protected areas and give a higher status to the ministerial approval, comparable to an authorisation, given the specific risks that such an authorisation would address, namely the damage and loss of the cultural significance of protected cultural – historic properties. At the moment the procedure does not seem properly designed as it gives an external relevance to the opinion of an advisory body to the ministry rather than to an implementing body.

Finally, equally urgent is the coordination of the norms in the cultural heritage sector with those in other relevant sectors: particularly important in this regard are urban and spatial planning, construction and administrative sectors.

OBJECTIVE 1.2: STRENGTHENING THE ROLE OF MECR

The role of MECR needs being strengthened in many ways: this has not only to deal with increase of HR and of their capacity but also with regard to what is its role and functions in the governance of the cultural heritage sector. The reform undertaken for the ministries in 2017 was designed to lighten their role and reduce it to policy making. However, it should be noted that the draft law on historic monuments (version January 2018) envisaged several functions for the ministry structure that cannot be ascribed to policy making only.

This approach is common in post-soviet countries where there is an effort to lighten the financial and institutional burden of impoverished state budgets and make more flexible and adaptive public administrations. Notwithstanding this orientation, MECR has realised that there are still several functions that need to be performed by the ministerial structures in order to ensure a smooth transition on a model of cultural heritage protection relying on subordinated bodies enjoying forms of autonomy and flexibility compared to a ministerial structure. In other words, there is a need for accompanying the process of the transformation of the profile of the MECR, in order to avoid gaps in capacity and in implementation of the law. In this regard, it is crucial that the selection of the staff of subordinated bodies to the MECR is based on high- standards and highly selective, with credible career prospects and competence development opportunities to ensure that the system of subordinated bodies be able to support the MECR in the implementation of the law and its mandate.

At the regulatory level, it is important that MECR clarify and make known to the citizens and to the other public and private stakeholders what are the tasks to be performed by its directorates. The

Government Decision does not address the entire organisation of the Ministry but only the figures playing a political role (the Minister, the General Secretary of State) or a role as political – administrative junctions (the sectorial State Secretaries). It appears there is a need to adjust this situation in order to ensure transparency, accountability and stability of the ministerial structure.

The reform of the MECR is also a good opportunity to re-balance the role of the MECR in relation to its implementing Agencies and the ICH. After some years of activity of the two agencies, NAA and AIRM, it appears beneficial that the MECR can play a more stringent role in governing and monitoring their activity in order to ensure a more stringent coordination and cooperation among the key actors of heritage protection.

It is also important that MECR identifies the implementing entity – the MS STEs would suggest the future unified NAMSI, given their envisaged tasks – that will take over the tasks (or at least part of them) that were previously performed by the department dealing with projects and investments, since its functions have been either terminated or absorbed by another directorate, which is in charge of far too many other duties, making such investment functions almost residual.

The MECR should at least keep as a key function the finalization of the procedure of Listing new monuments into the Register approved in 1993 – currently this is entrusted to the Parliament but it is not the role of the Parliament, which deals with general laws, to adopt administrative decisions, such as the Listing of monuments into the Register.

MECR should also reinforce its status with regard to other Ministries. This can be achieved by underlining and demonstrating the key role of cultural heritage in the socio – economic life of country, making known to all parties the obligations that derive from the signature of international conventions and the need for the MECR and its subordinated entities to be equipped to cope with these obligations.

Actions to be taken:

ACTION 1.1.1: CLARIFICATION AND STABILIZATION OF MINISTERIAL STRUCTURE AND TASKS

The regulatory framework of MECR does not clarify the functions of its directorates, this should be addressed with the maximum urgency in order to ensure that the functions and tasks of each directorate is set out in a stable manner and known to everybody. At present, only the functions of the Minister and of the Secretaries of State are defined in the Government Decision n. 691/2017. This weakness hinders the operational capacities, as the organisation is not set out clearly for each element of the ministerial structure.

ACTION 1.1.2: REINFORCING MECR ROLE TOWARD ITS AGENCIES

The expected reform of the implementing entities of the MECR for the cultural heritage sector offers a not-to-be-missed opportunity to clarify better the role of MECR through its Directorate of Cultural Heritage as well as other relevant directorates (e.g. HR, Institutional management, etc.), towards a more stringent coordination and monitoring role. It would be particularly beneficial with regard to the annual programme of activity, provisional budget breakdown and final balance, selection of the staff in order to accompany the Agencies (or unified Agency) in the process of change of status of the staff

and of the consequent change of status of the Agency. The same type of coordination and monitoring is suggested to be adopted for the Institute of Cultural Heritage, which has been under the Academy of Science until 2017 and is awaiting to be fully reformed and modernised. Close coordination and monitoring will be necessary

ACTION 1.1.3: REINFORCING THE STATUS OF AGENCIES' STAFF

At present the employees of the two Agencies do not enjoy the status of civil servants. This situation not only affects their salary, which is far too low for the required educational background and the responsibilities to deal with, but also their ability to perform delicate functions, such as inspecting building sites, reporting illegal activities, issuing suspension of works in case of threat to the integrity for the protected property and to its cultural significance, etc. the change of status also would guarantee that the selection of the Staff for the Agencies will follow more stringent procedures and criteria, and the employees will be more accountable for their behaviour. Also, the current rules related to conflict of interest will apply also to them, which at the moment is not clear if they do. The reinforcement of the status of the staff of the Agency should result in more effective performance and higher standards in the profile of the staff itself.

ACTION 1.1.4: UPDATE THE STRATEGY "CULTURE 2020"

MECR will coordinate the elaboration of a shared and strong vision depicting the role of cultural heritage in Moldovan society supported by the different sectors of the Government as well as by society at large. This target could be achieved in conjunction with the update of the "Culture 2020" Development Strategy and with the development of the Strategy "Moldova 2030", which seeks the adaptation of the Sustainable development goals of the UN *Agenda 2030* to the Moldovan context.

Objectives of the Strategy "Culture 2020" would benefit from a review and updating, whilst the related actions need to be made more consistent with the ambitions of the Strategy, as at present a number of key strategic actions are missing to ensure the take-off of a culture / cultural heritage system that responds to the challenges identified in the analytical part of the Strategy.

The present Action Plan identifies a number of objectives and actions that are coherent with those of the Strategy "Culture 2020" and therefore could be usefully integrated in the strategy, or form the basis for its updating and further integration into a global development strategy for the country.

ACTION 1.1.5: SETTING UP AN EXPORT OFFICE WITHIN MECR

One more reform to be implemented in parallel those mentioned above, is the one related to the creation of an **Export Office** within the MECR. Such a reform will imply the following actions:

- *amendments to the law on mobile goods;*
- *amendments to regulations on cultural goods;*
- *new regulations on the new structure to be created*

The proposed Export Office would have the role to screen all objects that any subject intends to export from the Republic of Moldova towards any other country and decide, based on clear criteria, whether the export can be authorised or not, depending on the cultural value of the object and on whether its expatriation may represent a loss for the Moldovan cultural heritage. For further detail, please see Annex 1 to the present Strategic Plan.

OBJECTIVE 1.2: FOSTER COOPERATION AMONG INSTITUTIONAL ACTORS

The coordination between the MECR with its Agencies and with other Ministries seems to be scarce. Communications and dialogue are sporadic and have no systematic base with the result that one ignores the others' activity with pitfalls suffered primarily by the cultural heritage sector, which is usually the weakest and more exposed to threats.

This lack of communication, cooperation and consultation applies to legislation that may have an impact on cultural heritage, to new regulations and norms as well as to the establishment or reform of new entities (it is indicative the experience with the creation of the AST, the draft regulations of which included initially the tasks of inspecting monuments, a function assigned to AIRM and the lack of awareness by the representatives of the Ministry of what was going on) up to the lack of communication and information with other relevant stakeholders in the daily activity (e.g. the opinions of the Council of Monuments are not forwarded with the approved project to the Municipality, thus preventing the prompt information to the relevant technical office of the decisions taken by the council).

In other words, emerges a strong necessity of more robust team work between the MECR and other institutional actors of the other sectors. The current sectorialisation must give room to joint activities and regular periodic meetings to improve the functioning of the sector as a whole. The current situation allows for the creation of permanent working groups engaged in concrete key activities.

ACTION 1.2.1: IMPROVING COMMUNICATION/COORDINATION WITH OTHER ACTORS

A number of actions which should be urgently undertaken to strengthen the cultural heritage protection sector implies the interaction with other ministries and agencies. This represents a unique opportunity to develop interinstitutional technical working groups that, while addressing specific topics, also build the human and professional trust that is necessary to ensure long-term communication and cooperation grounds. Actions that would need interinstitutional cooperation include the following topics and it is suggested that MECR takes the lead in asking for interinstitutional cooperation for the strategic actions indicated below:

- **the diversification of the sources of funding** for cultural heritage through:
 - the **establishment of fiscal incentives, tax relief system** and facilitations, **earmarked taxes** or earmarked percentages of budgets for large scale infrastructures and development projects to create funds specifically dedicated to cultural and natural heritage conservation and for preventive archaeology (with Ministries of Finances, Infrastructure and Regional Development)

- **support and facilitate the creation of foundations** (e.g. bank foundations, insurance foundations, etc.) that include in their mission support to conservation and promotion of cultural and natural heritage in Moldova.
- **Address the shortcomings of the construction sector** by developing a specific chapter of technical norms for works on cultural heritage
 - **Elaborating ad – hoc technical norms for the design of conservation works** for cultural heritage (with Ministry of Economy and infrastructure – Construction sector)
 - **Elaborating specific estimations for conservation/repair treatments/ interventions** (with Ministry of Economy and infrastructure – Construction sector)
- **Reforming the qualification process for professionals** dealing with protected monuments and **establishing a qualification process** for enterprises
- **Addressing the status of the opinion of the Council of Monuments** and **strengthen the status of ministerial approval** of projects for protected monuments and protected areas
- **Clarifying the functions of local authorities in the cultural heritage field,**
- **Establishing areas for coordination and cooperation** with local administrations and their associations and **tools/ mechanisms** for this coordination and cooperation to happen

The objective aims to support the administrative decentralization and make it effective in the long term, through accompanying measures implemented with the full participation of the central government. The correct governance of the cultural heritage at local level can be carried out only through the definition of specific tasks, and through the increase of: the capacity to implement cultural heritage promotion and safeguard policies; the degree of financial capacity and autonomy; the inter-institutional cooperation, the development of forms of participatory governance.

Joint activities with local administrations may start with the revision and adoption of the detailed plan for the historic centre of Chisinau, which is awaiting approval since long and it is more than urgent.

ACTION 1.2.2: STRATEGY FOR THE DIVERSIFICATION OF THE SOURCE OF FUNDING

The improvement of fiscal incentives measures in Moldova has been considered relevant since they are increasingly used in Europe to support cultural heritage. Indeed, tax policy can be considered the backbone of the encouragement of private investment in the cultural sector and, among the different tax measures, tax incentives are specifically aimed at the encouragement of desirable behavior towards the arts and culture.

Notwithstanding the central role played by the State in the field of cultural heritage, which is considered as primarily or exclusively a public task, the intrinsic importance of preserving its social and economic significance calls for a wider development of special measures to attract Private Funding. A strategic relation with the Ministry of Finance can strengthen the whole sector, providing tools, through new fiscal measures, for the involvement of the public and private actors and stakeholders in the cultural heritage sector development. The target of this activity is jointly elaborating with the Ministry of Finances a strategy and the design of fiscal measures in order to facilitate the involvement of the private sector in the conservation and promotion of cultural heritage. Such an involvement is also strictly related to the development of a sense of awareness and responsibility toward the heritage among the communities (MACROAREA 4).

ACTION 1.2.3 DEVELOP A SPECIFIC CHAPTER OF TECHNICAL NORMS FOR WORKS ON CULTURAL HERITAGE

The Ministry of Economy and Infrastructure (MEI) is responsible, through its related institutions and entities of developing the technical norms for construction. There is a dire need to develop norms that do not exist, e.g. on the content and phases of projects for conservation / restoration and maintenance of historic monuments, built heritage and archaeological sites, or to revise norms that are not the most appropriate for historic traditional buildings, e.g. those related to structural reinforcement or seismic retrofitting, as well as regulations guiding how conservation works should be evaluated / estimated and estimation of costs for conservation, repair and maintenance treatment/ interventions which are currently missing from the approved technical documentation existing for the sector. This would call for the establishment of inter-ministerial and interagency working group, with MEI, INCERCOM, Agencies, University relevant departments to develop the above, according to a more detailed plan.

ACTION 1.2.4: REFORMING THE QUALIFICATION PROCESS FOR PROFESSIONALS AND ENTERPRISES IN THE CULTURAL HERITAGE SECTOR

Currently in the Republic of Moldova there exist a system of qualification for professionals under different categories, including one - A4 – which relates to professionals entitled to prepare and submit projects for conservation / rehabilitation of historic buildings. The qualification system requires that aspirants to get the category have to participate in a training course, which end with an examination. The training course generally lasts one week and concerns mostly legislation and technical norms and their update. Every five years the habilitated professionals have to participate again in a training and sit again an exam to see their category confirmed. Unfortunately, for category A4 no involvement of the former Ministry of Culture or from the culture sector of the MECR is envisaged, and this limits substantially the effectiveness of these training courses to address specific topics related to conservation of historic monuments and built heritage in general. The reform of the qualification system for professional needs to be envisaged and this requires the joint work of different Ministries and related institutions. Furthermore, a qualification system of the enterprises working in the sector needs to be developed and this again call for inter-institutional working group to be established.

ACTION 1.2.5: ESTABLISHING A DIAGNOSTIC NETWORK FOR THE CONSERVATION OF CULTURAL HERITAGE

In many occasions it has been complained by representatives of the public institutions dealing with cultural heritage and of the private sector alike that the Republic of Moldova lacks laboratories for the preliminary investigations to perform scientific analyses, which are necessary to develop a correct diagnosis of the degradation problems suffered by cultural heritage: when indispensable, samples need to be sent abroad, the closest diagnostic centre being in Romania, otherwise as far as Austria, Germany.

However, it seems that there is potential in the Republic of Moldova to set up a network of already existing laboratories, belonging to research departments in University of within the Academy of

Science. An outline of the first steps to be undertaken has been shared by the Twinning with the Academy of Science in June 2018.

In Annex 2 to this report- *Exploring potential of Republic of Moldova for a Pole for diagnostics on cultural heritage*, the details of the scope, objectives and steps to be undertaken for such a network to be developed are outlined.

OBJECTIVE 1.3: SUSTAINING ADMINISTRATIVE DECENTRALIZATION AND INCREASE CAPACITY AT LOCAL ADMINISTRATIONS

The local administrations in the Republic of Moldova are very dispersed and fragmented: this poses viability challenges to local administrations and limit very much their capacity to cope with basic tasks. While transfer or delegation of matters pertaining culture and cultural heritage should be regarded as a positive step towards achieving a governance and management which is closer to citizens and to the territories, of which cultural heritage is part, this process needs to be accompanied and sustained through coordination, guidance, capacity building of local staff, transfer of funds and capacity to spend, interinstitutional cooperation.

The decentralization process of Moldova has a significant impact on the capacity of Local Authorities to participate meaningfully to the implementation of a coherent and effective policy on culture. An administrative reform, even if necessarily distributed on a long-time span, could heal many of the inefficiencies found but could also lead to even worse inefficiencies and gaps.

The actions that need to be undertaken in response to the identified needs can be grouped as follows.

ACTION 1.3.1: CLARIFYING THE DIVISION OF COMPETENCES

It seems necessary to clarify the distribution of the competences of level 1 and 2 local authorities in regard to tangible and intangible cultural heritage and their functions with regard to cultural heritage protection. It is desirable that a compilation of the duties and functions set out in the relevant specific legislation be developed in order to facilitate local administrations to be aware of their tasks.

ACTION 1.3.2: DEVELOPING GUIDELINES FOR THE CONSERVATION AND REHABILITATION OF BUILT HERITAGE

Given the size of the country and the homogeneity of the territory and of the built assets throughout the entire country, they can be envisaged for the entire country, possibly articulated in morpho-typologies and construction techniques (the main divide being the use of reinforced concrete versus traditional masonry or other more ephemeral materials). They would provide an invaluable tool for local authorities and, if accompanied by capillary training and capacity building to use them, would substantially improve the project proposal and facilitate / simplify the authorisation process – if guidelines are applied, then approval/ authorisation is almost certainly secured with much less back and forth.

The guidelines need to have a practical and technical approach, providing guidance on compatible and non-compatible interventions (complementary to regulations) but also offering technical advice and indications on the technical steps for implementing interventions and treatments. They will particularly be helpful both for professionals, to assist them in elaborating their project proposal, and to beneficiaries, who will be facilitated in understanding what interventions are acceptable and what would be likely to be rejected by the responsible authorities (MECR, Council of Historic Monuments, Agency for Restoration and Inspection of Monuments). Simple guidelines would also be crucial in rural areas, where in many cases interventions are carried out directly by the owners, to assist them in choosing appropriate materials for maintenance and rehabilitation of their house and rural annexes, especially if they aspire to develop rural tourism.

Recommended references of well- tested practical guidelines include:

https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=37

https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=42

<https://historicengland.org.uk/advice/technical-advice/>

<https://www.nps.gov/subjects/historicpreservation/standards.htm>

<https://www.nps.gov/tps/how-to-preserve/briefs.htm>

<https://www.pc.gc.ca/en/agence-agency/bib-lib/politiques-policies>

https://www.parc-naturel-chevreuse.fr/sites/default/files/media/pratique/guide_couleur.pdf

The Twinning has provided examples of technical guidelines to the Beneficiary Country, which are further attached to this document, and which can be considered among the references for developing such tools.

An ideal pilot area for such a type of guidelines would be the Biosphere Reserve Prutul de Jos, inscribed in the UNESCO programme Man and Biosphere in 2018. The region preserves a coherent built environment and the population is well aware of the values of their territory and, in general households and farms preserve their character and are generally nicely cared of. Working with local actors to develop guidelines for repair, maintenance, recovery of traditional character, in-kind compatible additions for accommodation purposes would be highly beneficial for the region and at the national level alike: it would increase and expand the sensitivity towards traditional built heritage and landscape among inhabitants, local administrators and technicians/ professionals and would serve as a test case for other regions. The exceptional values of the region, recognised internationally by UNESCO, would also need a special attention on the national authorities' part. The existence of a Local Action Group (GAL) gathering nine municipalities represents a strength for this proposal, as the area can be addressed as a whole.

ACTION 1.3.3: MERGING OR CREATION OF UNIFIED TECHNICAL OFFICES DEALING WITH PLANNING, CONSTRUCTION AND CULTURE / CULTURAL HERITAGE

The creation of unified offices serving more than one commune (level 1 local authority) particularly where communities are very small and their administrations have limited capacities and resources

would be useful and improve efficiency as far as it is not understood as a way to reduce services rather to aggregate them and make them more effective.

The process needs to be accompanied by the State as well as by the districts or by future, reformed and enlarged regions, if the reform of local authorities and decentralisation continues.

A test case may be envisaged in Southern Moldova, Cahul Region, Prutul de Jos area, where nine small municipalities have formed a Local Action Group (GAL), with the support of EU funds and UNDP operationalisation. The GAL is active and enjoys cohesion among its partners, this suggests that proposal for a joint technical office for the issuing of building permits and the elaboration and monitoring of local plans. As an area of international recognition under the UNESCO programme Man and Biosphere, Prutul de Jos needs specific attention in enhancing governance conditions and inter-institutional cooperation

ACTION 1.3.4: INCREASING DEGREE OF FINANCIAL CAPACITY AND AUTONOMY

Own resources of local governments, especially level 1 governments, are insufficient to sustain even the basic administrative structures. Therefore, local authorities are highly reliant on transfers from the state budget in order to deliver public services. The system to calculate the amount of transfers from the state has been recently reformed, however Moldovan local governments remain extremely poor as most of their revenues come from transfers from the central government, which also has budgetary constraints. Local authorities' revenues cannot be set discretionally by mayors and district councils but, rather, are to be set on the basis of limits imposed by national law. In this regard, more flexibility in the allocation of the resources may be beneficial; similarly, the introduction of taxes and payment for services that only pertain to local authorities would help, so as to link directly the payment with the enjoyed service, thereby increasing the willingness to pay. This would also repay the virtuous administrations from their efforts in delivering services to citizens.

The TwP has prepared a focus on the range of fiscal instruments and mechanisms that could be set up to increase the diversification of the source of funding and foster the involvement of the private sector in sustaining cultural heritage conservation and protection. This can be found in Annex 4 to this report.

ACTION 1.3.5: SET UP MECHANISMS TO INCREASE DEGREE OF INTER-INSTITUTIONAL COOPERATION

The law on decentralization (Law 435/2006) envisaged the possibility of establishing cooperation between different levels of government for specific objectives. However, no specific instruments have been conceived through secondary legislation and this has not supported inter-institutional cooperation, in a country where this is not a tradition and this 'culture' still awaits to be built. Also, genuine cooperation between local governments and the central government remains limited. Relationships between these two levels of government appear to be characterized by a conception of a hierarchical structure, with the central state in a position above local governments, reminiscent of the centralized soviet system. To overcome this situation, it is crucial to set up structured forms of cooperation. These could be long-term, for instance in relation to assisting local administrations in the development of project proposals for conservation, maintenance or rehabilitation works or with regard to monitoring/patrolling functions for monuments or archaeological sites that can be assigned

to local administrations and communities, or ad-hoc, e.g. established to carry out specific projects for conservation, promotion of cultural heritage.

In this sense, it would be necessary to develop appropriate and effective administrative and legislative tools to practically implement the cooperation envisaged by the Law on Decentralization. Examples that can be useful for developing these instruments points could be the Italian “Accordo di Programma” and the French “Conference territoriale d’action publique”.

A focus on these two instruments can be found in the Report on TwP Activity 2.1.

MACROAREA 2: REINFORCING MECR INTERNAL ORGANISATION AND IMPROVING ITS FUNCTIONING

Objective 2.1: Remedying procedural gaps and setting adequate structures and mechanism

Action 2.1.1: updating and strengthening the Register of Protected Monuments (L. 1531/1993, 2010)

Action 2.1.2: stablishing effective procedures

Action 2.1.3: Reforming the implementing agencies

Action 2.1.4: Develop coordination between MECR and its agencies

Action 2.1.3: Setting up effective project implementation and monitoring mechanisms for conservation work

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Objective 2.2: Improving human resources management

Action 2.2.1: Addressing staffing shortages

Action 2.2.2: Increasing staff competences

Action 2.2.3: Ensuring internal communication

MACROAREA 2: REINFORCING MECR INTERNAL ORGANISATION AND IMPROVING ITS FUNCTIONING

When speaking about MECR internal structure, this has to be understood as including also the Agencies subordinated to the Ministry and the ICH, which, together with MECR, constitute the state level institutional Moldovan system for Cultural Heritage.

This system, whose “external dimension” was addressed under the Macro-area 1 of the present document, need to be supported in its daily functioning, and the actions that will be presented under this Macro- area are aimed at improving the gaps that seem to hinder the correct and smooth working of the structure.

The daily work of an organisation is broadly based on two aspects: the first one is linked to the tasks to be performed, and, consequently, to the procedures that ensure their implementation in an orderly, regulated and consistent manner that guarantees the respect of the principles of and the involved organisational structures. The second aspect is linked to the HR whose work is indispensable to perform the above-mentioned procedures so as to reach the organisational goals.

This is why the following objectives, and the related actions, are envisaged to improve the procedural path and the HR management.

OBJECTIVE 2.1: REMEDYING PROCEDURAL GAPS AND SETTING ADEQUATE MECHANISMS

The analysis performed under the Twinning project showed a strong need for the resetting or development of the main procedures linked to the Cultural Heritage sector so as to make them smoother and more effective. In some cases, it seems also necessary to set new mechanisms to ensure the achievement of the organisational goals. The following actions illustrate both the procedures to be amended and the new mechanisms to put in place.

ACTION 2.1.1: UPDATING AND STRENGTHENING THE REGISTER OF PROTECTED MONUMENTS (L. 1531/1993, 2010)

This action is urgently needed and is already envisaged by the Strategy “Culture 2020”. The analysis carried out by the Twinning Project has highlighted the need to cross- reference the Register with the cadastral data of each protected monument, in order to guarantee its univocal identification, the identification of the owner and its effective protection, as in this way all stakeholders will be informed about the protected status of the asset.

The twinning has outlined a specific action plan to be further developed with the assistance of the Beneficiary Country. The outline can be found in Annex 3 of the present report.

ACTION 2.1.2: ESTABLISHING EFFECTIVE PROCEDURES

As said above, setting correct procedures is fundamental to ensure the effective functioning of the structure as a whole, and it is as well a key aspect to fully reach the expected institutional goals set for the culture sector. But speaking of procedures is meaningless if we don't take into consideration the institutional actors that are called to implement them.

This is the reason why, in the present action, the proposal for the reform of the procedures is presented together with the reform of the related implementing agencies, that, clearly, will be positively affected not only with regard to the concerned procedures, but to their whole functioning.

The procedures to be revised/ improved include:

- *New listing in the Register of Historic Monuments*
The law currently states that the Register is to be updated every three years. It seems that this never happened, nor has a clear and detailed procedure been established, a situation which is likely to have contributed to prevent the updating of the Register. It appears indispensable to modify the provision of the Law n. 1530/1993, through the reform of the law itself, and define a procedure which allows for the progressive inclusion in the Register of individual monuments, instead of lists. This would enhance protection and facilitate the work of the responsible offices.
- *approval of projects on protected monuments*
it is necessary to reinstate the approval process from the Ministry (art. 16 c. 2 L. 1530/1993) and to give back to the opinion of the Council its advisory role. The approval of the Ministry should be understood as an administrative procedure, with administrative consequences, and should be based on technical administrative judgement. It should not be issued by the political level (Minister, State Secretaries) but by head of administrative structures (e.g. Directorate of Cultural Heritage, or, if preferred, by the Agency).
The recourse to the opinion of the NCHM should be limited to major interventions in order to reduce the burden of its work. A clear list of what is meant by major work should be envisaged and should form the content of a Governmental Decision (e.g. the definition and the list of works in need of NCHM's opinion could be an annex to the revised regulation of the functioning of NCHM)
- *approval of projects within protected areas*
different type of documentation and different criteria would be needed for the approval of construction projects within protected areas: therefore, a slightly different procedure, with different documentation to be requested to the applicants, is useful to ensure clear and effective application.
- *opinion of the NCHM*
the way in which the opinion of the NCHM is issued needs complete revisions in term of procedure, motivations and status. It should be given back its meaning as a scientifically/ disciplinary based advice rather than the ambiguous status that it has acquired through implementation over the last years. It should be coordinated with the preliminary assessment

made by the Agency in conjunction with the Secretariat of the NCHM and with the finalisation of the procedure by and administrative body within the Ministry or by the subordinated relevant Agency.

A new procedure should be adopted, also if requiring modifications in the primary laws regulating monuments (law 1530/1993) and archaeology (218/2010). Such a new procedure could imply the following steps:

- *the preparation of a written preliminary report and draft decision on project from AIRM and Secretariat of NCHM (as a capacity building measure);*
- *the discussion of NCHM on such draft decision and project;*
- *the issue by NCHM of a motivated opinion based on written motivated opinion of member – it can confirm or disconfirm the draft decision issued by AIRM;*
- *the final issue of the Approval from a technical- administrative body of MECR (either Directorate of Cultural Heritage or Agency): it can confirm NCHM's opinion or disconfirm it, provided that sufficiently well-grounded motivations are presented.*

Moreover, the Approval by MECR or Agency need to be given sufficient strength by inserting it in the list of permissive acts annexed to law n.160-2012. It should be noted that the approval of the Administrative Code in July 2018 may have an impact on the Law n. 160/2012 that need to be fully assessed.

Until the law reform will be completed it should be applied as it is, re-establishing the approval of the project by MECR based on the opinion of NCHM.

Remedies pass through actions such as:

- *identification of the body responsible for the approval;*
- *preparation of the models for authorization;*
- *possibly improvement of the project documentation to be requested;*
- *-specification of the criteria inserted in NCHM regulation through a specific order of the Minister;*
- *joint work with MEI for regulating the contents of conservation projects on protected properties.*

The documentation to be annexed to the Aviz should also be better defined. In particular, the primary law (e.g. law 163/2010) should contain better indications and a clear definition of content and documents to be annexed to the proposed projects at the two levels of *schita de proiect* and *proiect de executie*. This should apply to both monuments (amendment of technical norms and dialogue with Minister of Economy and Infrastructures) and to projects in protected zones.

Finally, also the timeframe should be revised since it currently envisages a maximum of 10 days only.

The number of sent and received copies of each project whose approval is pending must increase so that all project copies are transmitted / received simultaneously from all Agencies and MECR. An one stop / one shop mechanism should be created for all public authorities

(both central and local) that need to issue and receive the Aviz or other forms of authorizations.

Alternatively, a different system has to be established in order to similarly facilitate both applicants and related institutions in circulating the relevant information.

In particular, it is necessary a formal transmission of NCHM decisions to:

- *AIRM. The formal transmission must contain all the relevant documentation of the approved projects. In case the approval is to be issued by MECR based on opinion of NCHM (as stated by law 1530/1993), then such approval complete with the opinion of NCHM shall be transmitted.*
- *MUNICIPALITY. This in order to avoid that the one requested to forward the approval/ aviz to the municipality is the owner / applicant.*

Then the owner should formally communicate to AIRM the beginning of works and severe sanctions should be envisaged for offender.

Compulsory inspections by AIRM or any future Agency should also be introduced: at least one at the beginning, one during the works and one at the end of works.

The procedures to be set up include:

- *Procedure regulating Concessions and related regulations and templates*
- *procedure for the exercise of the right of pre-emption and related templates*
- *procedure for transfer of ownership or other real rights and related templates*
- *procedure of declassification and related regulations and templates*
- *procedure for the sale of publicly owned (non- state) protected immovable and related regulations and templates*
- *procedure for inspection and related templates*

These procedures seem to be missing either in terms of juridical profile (not mentioned in the law) or in terms of definition of a clearly phased/ regulated process.

Proposals for the definition of these procedures are included in the deliverable document for Activity 2.3.

ACTION 2.1.3: REFORMING THE IMPLEMENTING AGENCIES

As underlined by the analysis performed under Activity 2.1, several issues have been revealed in the working methods of the NCHM, of MECR and of the implementing Agencies, especially AIRM, where the lack of HR is particularly problematic and prevents it from fulfilling its duties.

Some of these issues suggests that wider changes are necessary - e.g. regulating the content of the projects for protected monuments, clarifying that the staff of the agencies is entitled to stop illegal or unlawful works on protected monuments - other ones need for detailed specifications of the steps to be undertaken in the main procedures, in order to guarantee that channels of communication between the different branches of the administration are fully operational and thereby allowing for effective implementation.

The main objectives of the short-term actions are connected to the reduction of the redundant and overlapping roles and functions of the main Cultural Agencies so as to raise the technical standards and adopt smoother evaluation procedures through the:

- *unification of the Agencies (NAA and AIRM) into one single Agency (as proposed by MECR) and reform of their functions (revision of the draft law on Historic Monuments ver. 11-Jan-2018)*
- *completed reform of the ICH and potentially unification of all functions into one single body subordinated to the MECR encompassing both the existing and new function of ICH and of the Agencies (in order to ensure sound governance)*
- *reform of NCHM and, in parallel, of all other councils and commissions, with a view to reduce their number and the related functional costs*
- *detailing of the content of the projects for protected monuments (see also inter-institutional cooperation)*
- *definition of the content of the projects for intervention on protected monuments and areas to be included into the revised draft law for historic monuments*

The most urgent of such reforms is that related to the structure and functions of the NCHM but all the other reforms here described can be tackled with in parallel to it in order to maximize its effectiveness.

Even if the list of procedures to be revised or elaborated set up has been highlighted under the previous action, they will be again indicated under the description of the suggested organisational reform.

2.1.2.1. REFORM OF NATIONAL COUNCIL OF HISTORICAL MONUMENTS (NCHM)

The role of NCHM is currently ambiguous: some of the members have right to vote but should not be part of it (Municipality, Ministry of Economy). A possible risk related to their presence is that they may be there with the only purpose on influencing the vote and not for heritage protection's sake. The Council meeting is not and should not be intended as a Public agencies meeting (the Italian *conferenza di servizi*) where each public stakeholder carries on the interest of its own administration: its core is technical evaluation aiming at cultural heritage protection and not policies or lobbying. It should be a precise duty of the Council to transmit the approved Projects to the Municipality and to the Agency in the adequate number of copies (4) when they currently transmit only 2.

Some of the issues NCHM could be modified through a modification to secondary legislation that regulates its structure, functioning and procedures. In particular:

- *Composition: the number of members should be drastically reduced (e.g. from 14 to 7);*
- *Status of members: The right to vote to representatives of other ministries, administrations or agencies should be removed since these administrations have other channels to express their will (e.g. legal opinion, authorisations). The voting right should be granted instead to representatives of the academic world and cultural heritage sector representatives;*
- *Working methods: The vote should be based on a motivated opinion, individual and given in writing. In any case, the NCHM opinion should be confirmed / ratified by a technical-administrative body (e.g. AIRM or Cultural Heritage Directorate at MECR), which can be allowed to disconfirm the opinion of the NCHM if motivations are strong enough to invalidate those expressed by the NCHM.*

2.1.2.2: REFORM OF NATIONAL INSTITUTE OF CULTURAL HERITAGE (NICH)

The envisaged functions for NICH as of January 2018 are several – at the expense of the role of the Agency which seem to be confined to inspection work, thus limiting too much its scope of work and in the mid- term, the capacity of the staff to perform effectively their inspection role, which should not be limited to administrative check-listing.

In particular, tasks and functions of both Agencies and NICH need to be redefined through the revision of the law on historic monuments, in order to maintain the integrity of the “heritage cycle”:

1. identification
2. documentation
3. legal protection
4. conservation
5. monitoring / inspection

NICH should be given methodological functions, e.g. it shall develop the principles, criteria and standards for the correct implementation of the tasks, while the Agency(ies) shall be entrusted with the implementation the whole ‘heritage cycle’. Moreover, given its role of keeper of the national Cultural Heritage registers, the competences of NICH should be better defined. As keeper of the national database, NICH should grant a continuous support to the Agencies that should be involved in the inventory activity.

Inventorying activity, in particular, should receive a higher level of standardization so that shared principles, criteria and standard setting, technical regulations and templates are adopted for cataloguing and listing. All these standardized procedures should be tested and commented by all Agencies before receiving a final approval from MECR.

2.1.2.3: REFORM OF AGENCY FOR INSPECTION AND RESTORATION OF MONUMENTS (AIRM)

Also, the reform of the Agencies of the Cultural heritage sector should be faced as a whole, in strict conjunction of those above mentioned and keeping in mind the reorganization of the entire sector in order to grant higher levels of effectiveness in implementing the provisions established by law.

This set of reforms involves directly the second tier (e.g. regulations of Agencies) but, potentially, also the first tier (e.g. primary laws). At first place, it is deemed necessary to reduce the wide range competences, functions and duties currently attributed to AIRM. In particular, only the operational functions should be maintained while strategic ones (e.g. international agreements) should be dismissed. In other words, the role of AIRM should be operational only and deal strictly with:

1. surveys on Cultural Heritage;
2. update of catalogues and databanks;
3. inspections to building sites;
4. inspections aimed at verifying the state of conservation;
5. proposals for urgent interventions to prevent losses;
6. conservation works.

With reference to point n.3, the inspections on building sites, it must be reminded that the law n. 1530/1993 provides for the possibility to appoint a person that can stop works but this faculty/role seems not to be implemented. Even in case problems or irregularities are found, no one has the

authority or strength to **interrupt the authorization process**. AIRM officers ideally could interrupt the works but, in practice, they cannot, since this faculty is envisaged by the law – and it has not been perfected through a ministerial order - but not by the regulations.

At present moment, the Agency seems to be lacking a **monitoring system** of the performed inspections so that it is hard to determine who performed them, how many and how. As a matter of fact, only the inspections that discover irregularities are occasionally recorded, while there's no tracking of those with positive outcome so that the reasons behind the positive evaluation cannot be verified later by third parties. This could be addressed by adopting computerized formats also granting the possibility of remote entries from smartphones or other portable devices. With relation to this, two draft formats already exist plus a further format proposal drafted from AIRM.

An immediate step to be taken rises from the finding that AIRM is currently not operational due to a lack of technical staff. Regular surveys should be carried out by to identify cultural objects needing an intervention but this rarely happens. Currently AIRM **is not in conditions to perform surveys or inspection activity** because of a lack of human and financial resources. As anticipated at the very beginning of this section, AIRM greatly suffers from a lack of architects – as of July no architect employed by the Agency - so that the inspecting activity is badly compromised. Moreover, at present moment it is not clear if the Agency budget sets out any specific allocation of resources for inspections. Given this situation, an interim solution is deemed urgent and necessary in order to enable AIRM to fulfill with this crucial role.

A further level of improvement is also related to the third tier (e.g. definition of procedures) since aims at fostering the working methods and communications between MECR, NCHM, AIRM and municipalities. Better communication, cooperation and shared procedures could pave the way to the proposed actions:

- *to increase the cooperation of the other relevant actors with AIRM in order to find an urgent joint solution aimed at optimising the work of HR currently working for the Agency so as to identify the staff that can be dedicated to surveys and inspections*
- *to verify the availability of staff, within the MECR, to cover the positions needed at AIRM*
- *to envisage an ad hoc training to transfer the competences which are necessary to perform the requested tasks*

Such a suggestion is aimed at a quite rapid solution of the identified problem, provided that an indispensable support should come in this case from the HR sector of MECR, that should assist its Culture Directorate (and its Secretary of State) in individuating the appropriate candidates to cover the needed positions at AIRM.

ACTION 2.1.4: DEVELOP COORDINATION BETWEEN MECR AND ITS AGENCIES / INSTITUTIONS

It has been identified a strong necessity of more robust team work between the MECR and its Agencies. A better definition of the relative tasks, activities and having regular periodic exchange of information will improve the entire cultural heritage sector, together with the efficiency of MECR. Among the other agencies, immediate attention is required by AIRM, which cannot work properly due to the insufficient communication with MECR and NCHM: procedures are fragmented and not under one single responsible entity.

ACTION 2.1.5: SETTING UP EFFECTIVE PROJECT IMPLEMENTATION AND MONITORING MECHANISMS FOR CONSERVATION WORKS

As reported in the Analytical Report for Activity 2.1, after the 2017 reform, MECR is no longer meant to act as a contracting authority or procuring entity with autonomous spending capacity and its function is now mainly focused on drafting policies. The newly created AAP (Agentia Achizitii Publice) under the Authority of the Ministry of Finance now represents the centralised agency for all public works, thus also comprising public works for monuments and protected heritage. The issues concerning the specificities of works impacting on Cultural Heritage, need instead the development of *ad hoc* regulations. This would suggest measures granting more permeability among directorates within the same sector and a multitasking and trans-sectorial staff capable of granting support to weaker sectors.

Each Direction of the Ministry of Culture, as well as each one of the 150 institutions under its authority, provide the Direction of Institutional Management with action plans which describe priority actions complemented with costs and indicators. The proposing Directions/Institutions form working groups to discuss their action plans with the Direction of Institutional Management, which eventually cut some costs and adjust the indicators before passing them to the Ministry of Finance.

Planning, implementing and monitoring capacities must then be improved, even to prevent the Ministry of Finance from further reducing the amounts to be allocated for MECR. These are the suggested actions:

- *to create a small pool of experts at MECR dedicated to support, follow and monitor projects implementation after their approval. This staff could be the same individuated for carrying out the surveys with the support of HR sector in order to verify the availability of personnel, within the MECR, to cover the needed position, and to set out an ad hoc training to transfer the competences which are necessary to perform the requested tasks*
- *to envisage training for the cultural institutions to improve their planning, implementing and monitoring capacities and related budget*

OBJECTIVE 2.2: IMPROVING HUMAN RESOURCES MANAGEMENT

ACTION 2.2.1: ADDRESSING STAFF SHORTAGES

The current staff allocations for the MECR – 103 units only – out of which only five dedicated to cultural heritage, appears to be dramatically insufficient to fulfil with its duties. The AIRM cannot be considered operational and until recently was severely limited in its capacity to perform its tasks, the NAA seems to be better placed but it also suffers from shortage of staff and seems to be focusing more on research and carrying out directly preventive archaeology at the expenses of the protection and inspection duties. MS STEs cannot but underline that in these conditions, the Republic of Moldova is not able to fulfil the obligations assumed by signing international Conventions related to cultural heritage protection and promotion. It is extremely urgent that a rationalisation of HR is carried out and that MECR – cultural heritage sector and Agencies' staff is substantially increased in order to re-establish a functional situation. Perdurance of lack of staff in the above – mentioned institutions would indicate the political unwillingness to comply with self -contracted obligations towards the international community for the documentation, protection, preservation and promotion of cultural heritage.

It is therefore indispensable and urgent to proceed with a dramatic increase of staff in terms of number, skills and motivation also providing for an increase in wages, at least for the key roles.

In order to improve the outlined situation, long-term adjustments are needed, that will require a reform of the laws actually regulating the civil service regulating the status, the salary, the turnover, the assignments and the selection procedures of civil servants.

To tackle the lack of motivation of public officers it is also strongly suggested the introduction of responsibility measures addressed at defining a set of sanctions in case of misbehaviours as well as at introducing the individual administrative responsibility for civil servants (see what indicated within the section "MACROAREA 3: CROSS CUTTING ISSUES" of the present document).

With regard to the staff shortages, immediate attention is required by the AIRM, which is currently not operational due to its shortage of technical staff.

When speaking about the rationalisation of HR it must be quoted the case of the ICH, which appears to be overestimated in relation to the functions and tasks it has to fulfil: a number of persons working for the Institute (which counts 125 employees) could be validly redistributed at MECR and at the AIRM that, as said above, is severely understaffed. In this sense, the reform foreseen by the MECR for the Institute (envisaging its downsizing) it is strongly advocated.

Such a suggestion is aimed at a quite rapid solution of the identified problem, provided that an indispensable support should come in this case from the HR sector of MECR, that should assist its Culture Directorate (and its Secretary of State) in individuating the appropriate candidates to cover the needed positions. This is valid to achieve a "quick fix" both to AIRM situation, and more generally to the whole MECR and Agencies' system.

ACTION 2.2.2: INCREASING STAFF COMPETENCES

It appears that the approach to the training of MECR and related agencies is not structured: that means that it is not based on the systematic analysis of the training needs and on the updating of the staff competences.

« Training question » is directly and strictly linked to competence management: if it is not clear which are the “key competences” of the organisation, and, more specifically, the key competences for each organisational unit, it becomes difficult to perform a comprehensive training needs’ analysis. That is an analysis addressed at detecting which domains of “knowing”, “Knowing how to do”, “knowing how to be” should be developed and reinforced so as to effectively reach each one’s objectives, unit’s objectives and organisational ones.

It is thus suggested to set up a complete path that determines the key competences of the organisation; passes through the analysis of the training needs’ and of professional updating; continues with the realisation of the courses and arrives up to the evaluation of the personnel and to the associated reward mechanisms linked to career development.

It must be underlined that the absence of a direct cause-effect system between evaluation criteria and reward mechanisms can, from one hand, affect the level of transparency of the evaluation itself and, from the other one, reduce the satisfaction level of the employee, who becomes demotivated towards a better professional performance.

Such a kind of system could surely reinforce the possibilities to develop staff competences, and so to develop the whole organisation.

In this case it would become central the role of the HR sector of MECR, in which a major investment there should be done, by giving it the HR, competences, methodologies, instruments and authority, that are needed to perform a complex, and in the meanwhile potentially gratifying and surely strategic, role.

ACTION 2.2.3: ENSURING INTERNAL COMMUNICATION

Internal and external communication must be developed, supported and structured so as to become an internal attitude of each staff unit. To achieve this, it is necessary to establish clear rules of behavior and institutionalized dialogue and moment of exchanges. A key element of internal communication is a climate of mutual trust among staff members, which is based on fairness, transparency, merit – based approach.

MACROAREA 3: CROSS CUTTING ISSUES

Objective 3.1: Promoting Administrative Reform of Civil Service

Objective 3.2: Caring for the beneficiary/user

Action 3.1.1: Clarifying Status and assignments of Civil servants

Action 3.2.1: User care

Action 3.1.2: Adopting Responsibility Measures for Civil Servants

MACROAREA 3: CROSS CUTTING ISSUES

Some of these Strategic Plan objectives have a crosscutting nature.

The objectives, and consequently the actions, are mainly connected to the Public Administration reform of civil servants.

From a corrected implementation of current regulation and sectorial reform could arise the possibility to mitigate the fragmentation of the responsibilities among different branches of the administration, and of the absence of individual responsibility of the civil servants in the implementation of their functions. An increasing of transparency and in the diffusion of information to institution and more in general to the stakeholders is a further improvement area to develop.

The obstacles to the efficiency and effectiveness in implementing the tasks of the relevant institutions rely also on a group of factors, such as the legal framework concerning administrative procedure, the role of the civil servant, the conflict of interest, and transparency. The identification of potential improvements for the relevant provisions can have a positive impact on the entire Public Administration, but also on the cultural heritage sector.

A last objective is the care of beneficiaries and users of public services. The increase of consciousness of the users' satisfaction and needs of services will clearly bring benefits to the cultural heritage together with the other Moldavian public sectors.

Cross-cutting actions are characterised by their potential simultaneous impact on most of the above-mentioned areas. Once taken, they could spread their benefits widely across the sectors of interventions. That is why they should be considered of uttermost urgency and implemented as fast as possible. Some of the objectives discussed so far have such a crosscutting nature:

OBJECTIVE 3.1: PROMOTING ADMINISTRATIVE REFORM OF CIVIL SERVICE

The general Public Administration Moldavian system seems so far to have most of the instruments allowing in share information and the decision-making process with the public. This is true particularly in the context of the legislative procedure.

From the interviews performed, it seems that the participation and the possibility to influence the administrative procedure is more advanced in some fields (the territorial planning) but not developed in other administrative sectors fully managed by public institutions.

Furthermore, it seems that internal mechanism and administrations tools to grant the evaluation and eventually assess the responsibility of the civil servants exist, although it is unclear if they are applied and effective and based on fact- finding.

With regard to the administrative procedure, the public administration is still considered collectively responsible but without a clear indication of the individual responsibility. This does not allow the users and interested parties to identify a civil servant in charge of the procedure.

The publication of the procedure motivation, integrated part of the transparency frame, is not yet part of the regular procedure. Additionally, until the approval of the long-awaited Administrative Code (July 2018 – enforcement April 2019), the law was unclear regard to the obligation to motivate in a rational, objective and intelligible way the administrative decisions. This has not allowed the public to receive complete information on the procedure in order to let their right or collective interests respected.

Despite an existent regulatory frame, a clearer definition of the civil servant accountability should be developed. In particular, it is suggested that the law envisages the identification of a public officer in charge of the public procedure (and not only of informing about the progress of the procedure), and the mandatory issuance and publication of the procedure motivation, would support a more transparent process. The appointment of a figure ‘responsible for the procedure’ seems to be crucial particularly with regard to transparency, participation in the procedure and accountability of civil servants.

ACTION 3.1.1: CLARIFYING STATUS AND ASSIGNMENTS OF CIVIL SERVANTS

A first one is the mentioned reform of administrative procedures that, by changing the laws actually regulating the civil service, may spread their benefits on all the HR involved in the sector.

- the establishment of an equivalence between the status of public agencies employees and civil servants;
- the establishment of an equivalence between the wages of public agencies employees of and MECR officers;
- easing the turnover by prohibiting the cumulation of assignments (and related wages) and by preventing retired public administration officers from maintaining their old assignments (and related wage);
- introduce as safeguard measure (for both employees and institutions) a vacancy period for resignation and dismissal (e.g., notice need to be due three months in advance, to ensure the office finds someone to replace and the employee finds another job).
- public administration managers should not be enabled to maintain their functions whilst holding an elective office – at the moment the legislation is not sufficiently clear in this regard;
- selection procedures for public sector personnel should be transparent and oriented to select the most suitable figures for the position.

ACTION 3.1.2: ADOPTING AND APPLYING RESPONSIBILITY MEASURES FOR CIVIL SERVANTS

In order to tackle the lack of motivation that affects large sector of the public sector officers it is also strongly suggested the introduction of responsibility measures such as:

- the individual administrative responsibility for any public officer;
- a robust set of contraventional sanctions in case of misbehaviors.

OBJECTIVE 3.2: CARING FOR THE BENEFICIARY/USER: FROM A BUREAUCRATIC CULTURE TO A SERVICE-ORIENTED CULTURE

This objective needs to be streamlined in the framework of the Public Administration Reform Strategy, and to be further developed to identify specific actions to be implemented. It is also coherent with the development of participatory governance forms (MACROAREA 1) and, in particular, with cultural policies aimed at enhancing the value of the heritage for the development of local communities and raising awareness of it among them (MACROAREA 4).

According to the CoE European Cultural Heritage Strategy for the 21st century, the heritage-related issues at the beginning of our century are no longer “why” or “how” we should preserve, restore and enhance the heritage, but rather “who should we be doing this for?” Such a people-centred approach is also consistent with the UN Agenda 2030 one, “leave no one behind”, in turn accepted by the National Development Strategy “Moldova 2030”, that introduces ten strategic goals for sustainable development in the country, having at their basis lifecycle, life quality and human rights.

If we look at the organisational culture as the set of values, symbols and habits shared by the members of the organisation, shaping both the way to manage internal activities and the way to interact with the beneficiaries, it appears to be clear that a cultural change is needed, in order to overcome the bureaucratic model in favour of a new, service-oriented culture.

A bureaucratic culture implies an immovability that is usually detrimental to the needs of an innovative process and, therefore, to any kind of change. The generic features of this bureaucratic tendency are an authoritarian management style, with high degree of control; little communication, with usually a top-down approach; centralized decision-making process; limited space for initiative of individuals; high degree of conformity; reluctance to start innovative processes. This kind of attitude is no more sustainable nor functional, since today public institutions are evaluated as ‘policy makers’, ‘regulators’ and ‘providers’ of public services to citizens.

Changing the organisational culture is a cross-cutting process requiring time and commitment; the present Plan indicates a possible pathway, starting from a bottom-up reform as a first step to move towards the above issue “who should we be doing this for?”.

With regard to the cultural field, the main sector to be subject of further work in this regard may be the Museums one. In fact, the new law approved at the end of 2017 offers opportunities to rethink how the Administration responsible for cultural heritage protection and promotion can elaborate a people-centred approach to the benefit of the whole society of the Republic of Moldova.

ACTION 3.2.1: PROMOTING A CITIZEN-ORIENTED APPROACH – THE EXAMPLE OF THE ONE-STOP-SHOP

Caring for beneficiary/customer means being on citizens’ side: that is seeing the Administration from the citizen’s point of view. The main purpose of this very wide cross-cutting objective is to transform the citizens from inactive beneficiaries of the information and communication actions into active and motivated actors. So, if the Administration’s beneficiary is the citizen and the final objective is the service provided to him, to reach the objective the whole State organisation is involved – not just a single institution.

There is a need for a new right of citizenship, which, thanks to new technologies and to the listening and dialoguing, starts to re-design the relationship between the Administration and the community.

Beneficiary's care should favour many different processes. Each of them can constitute a single action and would deserve to be widely exploited.

- *Listen to citizens' needs*
- *Recover ethics and values*
- *Give an identity to citizens and to employees*
- *Simplify administrative procedures*
- *Rationalise the use of administrative forms*
- *Simplify language*
- *Raise clear perception of the services offered, and not merely of the providing institution*
- *Improve communication with citizens and widen the communication channels*

With regard to the latest point, caring for beneficiary could be intended only as "communicating to him". This aspect is fundamental, but communication cannot replace poor or not existing services. In this view, communication means in-depth examination of questions raised by citizens' needs. It also means being able to explain the delays in the service provision, as well as Administrations' weaknesses. Public communication has to transform inactive citizens, who are the beneficiaries of information and communication actions, into active actors motivated by specific interests.

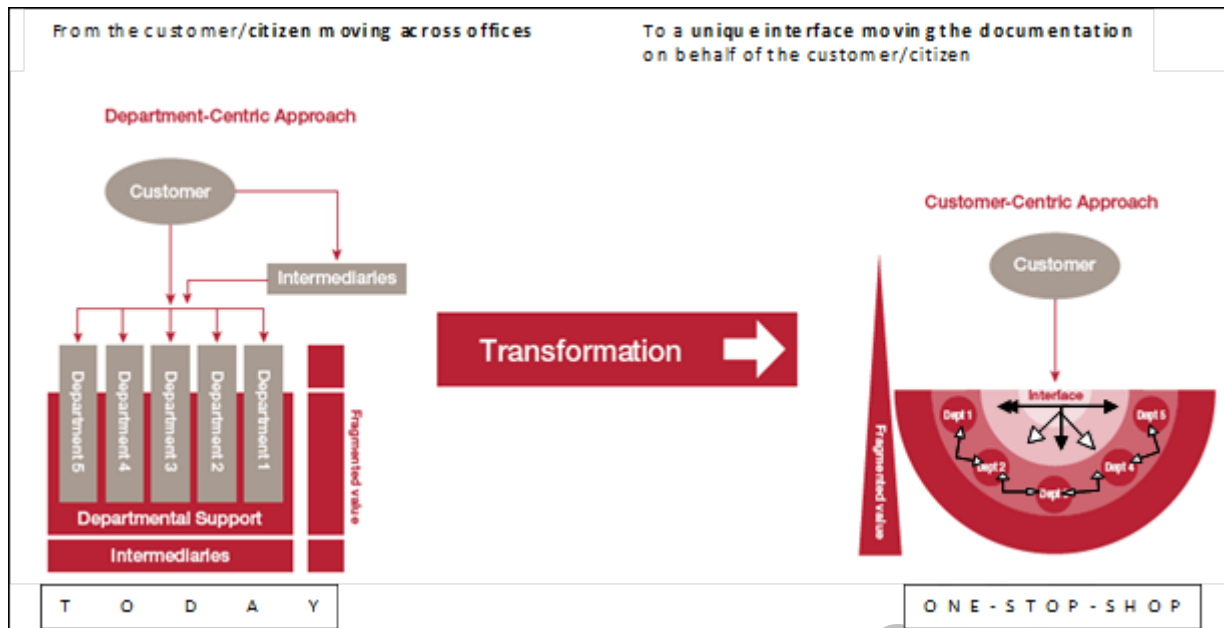
3.2.1.1 GOOD PRACTICE: THE ONE-STOP-SHOP MODEL

Often there is a disconnection between the policy regulating a sector and the delivery of services related to the same sector. The consequence is that policy is developed without proper consideration of how it will impact service delivery. Leaders of public sector Institutions need to recognise this issue by becoming more involved in service design and delivery.

Current pathways of access to government services often vary between central and local services, and across Departments and Agencies. For the citizens, the various systems and points to access government and ministerial services can often be confusing and unclear, and to obtain the right information seems sometimes to be impossible. In this view, the One-Stop-Shop solution seems to be effective so as to avoid the above-mentioned difficulties.

The basic principle of the One-Stop-Shop lays in the fact that the citizen/customer has the chance to deal with only one interface when running administrative practices whose performance process requires the intervention of several offices/institutions. With the One-Stop-Shop the citizen deals only with the front-office operator, who will care about forwarding the dossier to the concerned offices/institutions. Once the documentation has been submitted, the way it is treated is no more matter of the citizen, and possible existing fragmentation in performing the procedure will not affect him.

The rationale for setting up a one-stop shop is to facilitate access to guidance and model documentation as well as legal information, to provide regular updates, links to dedicated helpdesks or e- environments, on-the-spot consultations and periodic newsletters.



With specific regard to MECR, it is recommended to start activating a one stop shop dealing with procedure of building permit/authorisation in protected areas or on protected monuments, which has a particularly complicated course.

The first key for the success of such an operation depends on the effective collaboration of the Ministry with the Agencies involved in carrying out the procedure, since the smooth functioning of the one stop shop depends obviously on the degree of integration of various government agencies, which ensures dynamic and uniform information and process flows. So the issue is strongly connected to MACROAREA 2.

Some practical suggestions:

- Provide comprehensive and practical content
- Keep it up-to-date
- Make it user-friendly and intuitive
- Monitor the quality and utility of the service
- Raise awareness
- Involve stakeholders in both the preparation and the implementation/feedback phase
- Provide adequate training of the officers of the one-stop shop
- Sustain commitment from the top and constructive cooperation from the bottom
- Integration is not a cure for inadequate resources and funding. Integrating activities into a new system cannot be continued indefinitely without the system as a whole being better resourced. The costs of any sort of reform – both in the reform's implementation phase and in the course of the regular operations of the reformed organisations afterwards – should therefore be explicitly taken into consideration

3.2.1.2 “GOVERNMENT WINDOWS”: ONE-STOP SHOPS FOR ADMINISTRATIVE SERVICES IN HUNGARY

A Structural Reform Programme was introduced in Hungary in 2010. It established Government Offices in Budapest City and 19 counties. The Government Offices are strictly controlled by the Central Government, integrate a diverse set of special and general administration services and can be seen as an effort to supersede sectoral lines of authority and accountability and to reinforce hierarchical control by the centre. In 2011, integrated service contact centres or one-stop shops, called “Government Windows” started to operate as front offices. They dealt with 30 different types of administrative procedures, and their task portfolio was constantly broadening.

The task portfolio of Government Windows is broad but shallow and the delegated tasks embrace the whole public sector: immigration, industry, agriculture, employment and welfare benefits, environment protection, customer protection, national-register tasks etc. This case description reviews the context, process and immediate results of this on-going coordination effort.

The establishment of Government Windows was mandatory and based on formal arrangements among institutional partners. Technological issues were central to the reform, especially in view of its future stages (integration of separate ICT systems, new call-center service system etc.).

Main characteristics of the practice:

The Government Windows, operating with the extended and standardised opening hours (from 8 a.m. to 8 p.m.), wish to contribute to the establishment of business- and customer-friendly service, where the client is able to access public services by a single point – situated within a short distance from where he lives and works – even in the late hours.

The responsibilities and activities of current Government Offices can be distinguished in three categories (according to Government Decree 288/2010. (XII. 21.) specified as follows:

- *Providing direct access to the central government services both physical and on e-platform (Client Gate) and helping clients fill in forms, also electronic ones (such as the declaration of entrepreneurial activity)*
- *Informing and advising citizens on the process of the different types of administrative procedures*
- *The clients’ requests and attached documents are received and forwarded by the Government Window officers (in 39 types of procedure, e.g. the authorisation of construction activities)*

The One-Stop-Shop has been realised under the COCOPS project (Coordinating for Cohesion in the Public Sector of the Future) financed by European Union, as a replicable good practice. For further information and other good practices see the COCOPS website: <http://www.cocops.eu/>.



MACROAREA 4 “RAISING AWARENESS ON THE IMPORTANCE OF CULTURAL HERITAGE FOR SOCIETY (MULTIPLE AUDIENCE)”

This Macroarea is of crucial importance to support the reforms in the sector. Raising awareness, as well as capacity building, are key aspects that need to be strengthened in the Republic of Moldova.

The value of cultural assets for society, and people’s awareness of this value, are firstly activated thanks to integrated policies, taking into account all the three components as follows: the social, the territorial and economic, and the knowledge and educational one. So, with regard to this Macroarea, are especially fitting many of the CoE *Cultural Heritage Strategy for the 21st century* recommendations, based on a similar analysis. The present document identifies main objectives and actions in line with these recommendations.

A more detailed outline of actions addressing the present issue has been developed in the framework of TwP Activity 4.3, *Development and support to public awareness raising on the importance of protection of the cultural heritage*, in particular through the related *Action Plan on a Strategy for public awareness and involvement of citizens in heritage stewardship*. It is also expected to develop objectives and related planned actions concerning this Macroarea through cooperation with local NGOs in the next six months.

OBJECTIVE 4.1: PROMOTING PARTICIPATORY MANAGEMENT OF THE HERITAGE

To encourage the involvement of local authorities and citizens in capitalising on their everyday heritage, a real interinstitutional coordination is needed, according to the measures recommended in MACROAREA 1, so as to create a consistent cultural heritage protection system in the administrative-territorial units. Heritage must be made accessible as much as possible to all citizens categories, making it a vehicle for intercultural and intergenerational dialogue; citizen participation in practices and procedures must be encouraged and assessed, as well as heritage rehabilitation initiatives by local communities and authorities; public-private partnerships in cultural heritage promotion and conservation projects must be promoted.

ACTION 4.1.1: PROMOTE CITIZENS AWARENESS AND PARTICIPATION

In order to raise awareness of the heritage and pave the way to forms of participatory management:

- *Organise discovery visits run by local inhabitants and heritage professionals: to neighbourhoods, villages, towns, craft workshops, museums, libraries, etc.*
- *Encourage demonstrations by local craftworkers to discover and promote local skills and know-how*
- ***Introduce a publications policy in several languages: booklets, brochures, advertising, scientific works***

- Produce audiovisual and digital programmes involving the population: television and radio programmes, sharing of projects online or competitions
- **Encourage remote virtual discovery of heritage using the latest technologies and social networks**
- Carry out improvements to enhance site safety and to enable, as far as possible, access by visitors with physical or sensory disabilities
- Introduce access incentives for specific groups (young people, not frequent users, etc.)
- **Improve signage**
- Develop heritage experiences combining different forms of cultural expression (dance, music, traditional or new skills, gastronomy, etc.)
- **Develop narratives highlighting the intercultural values to be found in the movable, immovable and intangible heritage**
- **Encourage the drafting of regional development and planning documents based on heritage as an asset, with the involvement of the population**
- Train inhabitants to be “ambassadors” of their territory so that they can share their knowledge and communicate their pride and their attachment to the heritage
- Expand learning experiences where children and young people can learn from their elders and vice versa: site surveys, stone cutting, dry stone building and roofing, stained glass, photography, history workshops, digital reuse of heritage resources, etc.
- **Encourage financial contributions from citizens for heritage projects** affecting them in order to instill a sense of responsibility and strengthen links with cultural institutions and public authorities (e.g. crowdfunding)

OBJECTIVE 4.2: STRENGTHENING THE CONTRIBUTION OF HERITAGE TO SUSTAINABLE DEVELOPMENT OF THE TERRITORY

Cultural heritage can be a means of giving a region a distinctive character, making it more attractive and better known. Authorities must ensure that heritage is taken into account in development policies, especially spatial planning and environmental and energy policies, promoting it as a resource and facilitating ad-hoc financial investments, so as to create jobs and business opportunities. Cultural heritage is especially relevant in development of sustainable tourism policies: the use of traditional knowledge and practice must be encouraged and supported, and heritage skills and professionals must be promoted. As a further recommendation, the use of new technologies must be taken into account and promoted, both to protect, restore and enhance the heritage and to communicate it to the public. New management models must be developed to ensure heritage to benefit from the economic spinoffs it generates on the territory. Finally, every intervention involving the territorial dimension must take into account the principle of integrated conservation of the heritage.

ACTION 4.2.1: PROMOTE AN INTEGRATED, HERITAGE-CENTERED APPROACH TO SUSTAINABLE DEVELOPMENT OF THE TERRITORY

In order to fully exploit the value of the heritage as a resource for sustainable development and for improving the community's quality of life:

- ***Inform public, tax-payers, elected representatives and decision makers about the economic and social impacts of heritage***
- ***Give systematic consideration to heritage in spatial planning and environmental management documents at all levels of authority***
- ***Support relations between the heritage sector and the bodies in charge of the economy and employment***
- *Open excavation and restoration sites (monuments, gardens, archives, works of art, artefacts, etc.) to the public and arrange for the opening of workshops, laboratories and for demonstrations*
- *Introduce heritage impact studies on a wider scale*
- ***Verify and encourage an analysis of the expediency of conserving and enhancing heritage assets rather than carrying out new construction works***
- ***Introduce incentives for heritage upkeep and maintenance***
- ***Encourage the reuse of heritage for new purposes while respecting its values***
- *Draw up culture-heritage-tourism agreements at national level*
- *Organise consultations with local populations to promote sustainable and responsible tourism, based on the values of cultural heritage*
- ***Inform and raise the awareness of those involved in tourism (professionals, suppliers) regarding the heritage, its potential and its vulnerability***
- *Define optimal access or visiting conditions and find solutions to achieve them*
- *Involve local stakeholders and residents in the establishment of innovative facilities*
- *Retain or relocate traditional economic activities*

OBJECTIVE 4.3: FOSTERING KNOWLEDGE, EDUCATION, LIFELONG TRAINING, RESEARCH DISSEMINATION AND COMMUNICATION OF THE HERITAGE

Awareness is based on knowledge. So, heritage education must be more effectively incorporated in school curricula, and measures to encourage young people to practice heritage and creativity must be implemented. Training systems – diversified for different categories of heritage professionals – must be implemented to guarantee the competences of professionals working on the listed heritage. The training system must also ensure that the knowledge and skills involved are passed on. Study and research programmes reflecting the needs and findings of the heritage sector must be both supported and shared among the community and through heritage networks, also exploring heritage as a source of knowledge, inspiration and creativity.

ACTION 4.3.1: PROMOTE THE KNOWLEDGE OF THE HERITAGE AND ITS VALUES FOR THE SOCIETY

In order to identifying, preserving, transmitting and sharing heritage knowledge and skills, and raising awareness of the values conveyed by heritage:

- ***Establish a dialogue between the education sector and the departments responsible for heritage, museums, archives, libraries, etc.***
- *Invite heritage specialists to schools and develop outside activities: visits, trips, interviews*
- *Introduce culture or heritage passes for specific age groups, and assess the success*

- **Highlight the interrelations between heritage and state-of-the art technologies in the fields of archaeology, conservation and restoration**
- *Organise multidisciplinary events (live entertainment, street art, visual arts, etc.) based on and expressing the heritage value of a site*
- *Juxtapose heritage and contemporary objects*
- *Use heritage sites as artist residencies*
- *Organise training and incentives for local guides, seasonal workers, trainees, service providers*
- **Enhance co-operation between universities, schools and training centres**
- *Ensure co-ordination between training systems and professional networks*
- *Support exchanges of good practices and mobility, both national and international: apprentices, young professionals, lifelong training*
- *Create dedicated places for the conservation of knowledge and know-how, both traditional and those generated by heritage management*
- **Support master craftworkers to ensure transmission of knowledge and skills**
- *Support the creation and expansion of training centres for heritage crafts*
- **Introduce arrangements to verify the competences of professionals working on listed assets and adopt support measures (from local authorities) for high-quality companies**
- *Encourage an interdisciplinary and international approach to heritage*

TIME FRAME

							2018	2019				2020				2021				2022				2023			
N.	Macroareas	N.	Timeframe	Objectives	N.	Actions	Q	Quarterly				Quarterly				Quarterly				Quarterly				Quarterly			
							4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	Strengthen the Cultural Heritage Governance	1.1	SHORT TERM	Strengthening the legal framework	1.1.1	reinforcing the sanctioning system																					
			MID -LONG TERM		1.1.2	reforming the CH protection system (Code of Cultural heritage)																					
			MID TERM		1.1.3	Simplifying the Listing procedure																					
			SHORT TERM	Foster cooperation the between Institutional Actors	1.2.1	strengthening the status of MCCR Approval																					
			MID TERM		1.2.2	improving coordination with norms in the other sector																					
		1.2	SHORT TERM	Strengthening the role of MCCR	1.1.1	Improvement of operative capacities																					
			MID TERM		1.1.2	Reinforcing MCCR role toward its agencies																					
			MID TERM		1.1.3	Update the Strategy Culture 2020																					
			SHORT TERM	Foster cooperation the between Institutional Actors	1.2.1	Improving communication/coordination among other actors																					
			MID TERM		1.2.2	Setting up inter-ministerial working groups																					
		1.3	LONG TERM		1.2.3	Setting common strategy with the Ministry of Finance																					
			MID TERM		1.2.4	Develop the coordination with its agencies																					
			MID TERM	Remedying the effects of Administrative Decentralization	1.3.1	Clarifying the division of competences																					
			LONG TERM		1.3.2	Increasing capacity to implement policies for cultural promotion and safeguard																					
			LONG TERM		1.3.3	Increasing degree of financial capacity and autonomy																					
		LONG TERM		1.3.4	Increasing degree of inter-institutional cooperation																						
2	Reinforcing MCCR internal organization and improving its functioning	2.1	SHORT TERM	Remedying procedural gaps and setting adequate structures and mechanism	2.1.1	Establishing effective procedures																					
			LONG TERM		2.1.2	Reforming the implementing agencies																					
			LONG TERM		2.1.3	Setting up effective project implementation and monitoring mechanism for conservation work																					
			LONG TERM		2.1.4	Setting up an expert office within MCCR																					
		2.2	MID TERM	Improving human resources management	2.2.1	Addressing staffing shortage																					
			LONG TERM		2.2.2	Increasing staff competences																					
			SHORT TERM		2.2.3	Ensuring internal communication																					
3	Cross cutting issues	3.1	LONG TERM	Promoting administrative reform of civil service	3.1.1	Clarifying status and assignments/civil servants																					
			LONG TERM		3.1.2	Adopting responsibility measures for civil servants																					
		3.2	MID TERM	Caring for the beneficiary/user	3.2.1	Overcare																					
4	Raising Awareness on th importance of CH for society		LONG - TERM																								

PROPOSAL FOR ESTABLISHING AN EXPORTATION OFFICE COMPETENT IN THE FIELD ON THE MOVEMENT OF MOBILE CULTURAL GOODS ABROAD

Twinning STE Experts: Paola Traversone and Paolo Giorgio Ferri (MIBAC)

New exclusive competences have been created by the Law no. 280 of 27.12.2011 on protecting the national cultural heritage and by the new draft Regulation on the movement of mobile cultural goods.

The Twinning Project believes that an Export Office devoted at protecting the Moldavian cultural heritage in one of its crucial moments, such as that of its exportation and importation operations, is not only welcomed but also necessary. With regard to this, it is important to stress that many international normative tools are requiring special competences to the Central Administration of each Member States either of administrative character and of technical/scientific expertise. This international legal system is, in fact, encouraging States to give particular attention to the issue, form and security of the export certificate and to ensure close liaison between the customs authorities, heritage managers and police officers for its control and reliability.

To do it properly, it is of utmost importance to create a body having specific powers and obligations. This administrative body requires trained officers full employed in the field. In fact, it is useful for certificates authorizing the exportation/importation of cultural goods, to be as detailed and clear as possible in depicting and describing the item, its dimensions, characteristic, origin or provenance and its cultural and economic value. Obviously, all this implies officers either specialized in the field and well trained. In other words, the training of personnel of this Exportation Office and the preparation of adequate economic instruments appear to be necessary.

The knowledge of procedures, laws and technical aspects is very important and must be emphasized. It will also be advisable for this Office to be properly staffed with a reasonable number of specialized persons. It would definitely be an advantage if the unit were placed functionally under the MECR. This in order to enable more efficient performance of their myriad functions and to use continuously and with greater facility the contribution (often indispensable during the phases of the corroboration operations) of public institutions technicians cooperating with the said Ministry, whose competencies and professional capacities can immeasurably support the activities carried out by the Exportation Office. For this Office, it would be possible to suggest the making of prompt provisions also to upgrade the normative and economic instruments. It is highly advisable for rules and regulations to be drawn up to ensure that in the national context it could act as a centre of information and analysis in the particular sector of the all exportation aspects related to cultural heritage.

Special attention should be given to recruiting professional personnel for the Office. Personnel should be selected on a voluntary basis from those who have at least four or five years' experience in the MECR, as many of the operative skills is cross-relevant. Factors of motivation of the individual officer to perform this specific type of work and knowledge of foreign languages must be given due consideration. Properly calibrated selection interviews should be conducted. As soon as the staffing components have been formed,

the individual members must be provided with and allowed to participate in training activities on an ongoing basis. These training activities are targeted at:

- (i) Increasing their administrative and technical-professional preparation;
- (ii) Providing information on the variegated cultural panorama; and
- (iii) Illustrating the detailed background necessary for them to become properly oriented in this particular sector.

It would be also important to develop online or self-directed training modules so that training would always be available to incoming officers. Emphasis should be also on follow-up after these activities occur.

The personal of this Office should also be able to lead projects to institutionalize training about illicit exportation operation and modalities to fight it into training for customs staff. There is, in fact, a great need for arranging and organizing periodic meetings between the members of the Exportation Office and Customs personnel. These contacts should become a permanent feature and conducted in synergy between the two organizations. This will facilitate controlling the import and export of cultural objects in a more effective manner. Such collaboration will enable more thorough and conscientious checks to be made on the working processes and relevant documentation, while maintaining the operations of the different organizations within their own specific spheres of competence.

In order to ensure the continuity of the staff and to guarantee that their specialization will be effectively utilized, it would be advisable that individual personnel should be guaranteed a certain period of posting time in the Exportation Office. This in order to facilitate the development of the experience of the staff, useful both in the administrative activity and in the various other sectors of intervention characterizing the activity of the Office itself.

It is furthermore hoped that the Exportation Office could establish an easily accessible and publicly promoted portal. It could be easily identified through links and accessed by network users such as exporters and owners that could on line require exportation/importation certificates according to standardized procedures. On this portal, content of interest could be conveniently inserted. Pages dedicated to the obligations for owners of cultural goods could be created with others aimed at providing information on legislation in the field or rules and regulations applicable to exportation/importation procedures.

The individual officers of the exportation office can be subdivided, taking into account the various requirements, in order to verify the different value of the heritage and antiques. Different protocols are, in fact, required to check the exportation phenomena, and -inter alia- archaeologists, historians, art historians, archivists, librarians experts are of fundamental importance to make proper evaluations of the cultural goods proposed for exportation purposes. In this respect, it is not appropriate to have recourse to external experts, even if they are to be accredited by the Ministry. Delicate issues can require independent judgement, and private experts may be biased because of their relationship with dealers, galleries and collectionists.

The Exportation Office shall have a series of specialized competences. In particular, due to its importance in fighting trafficking, a model export certificate has to be implemented by the Exportation Office, constantly updating the international models so far created.

Accompanying documentation is frequently due, requiring specific contracts and their clauses to be standardized, for instance ruling on indemnity schemes and immunities to be granted.

Responsible Officer of the Exportation Office could be called to check closely the authorization import-export operations to verify the respect of the terms imposed and avoid inter alia forgery and corruption.

The Exportation Office could also be a contact point for foreign authorities, checking the legal provenance of that apparently issued. To foreign authorities, it shall be even possible to send the released authorizations to exportation, if agreements were to establish such opportune exchange of information.

The Exportation Office should also update and publicize their export control list for cultural goods and communicate it to other States in order to enhance international cooperation.

Other competence of the Export Office is the following. It should include the creation and management of a Portal for on-line dealing of import/export operations, for processing the certificates released and denied; and for storing in this Portal all the legal and illegal operations with regard to cultural goods movement abroad. As statistics can improve the law enforcement bodies responses and in the end the effectiveness of recovery of illegal traded cultural items, the Exportation Office could establish risk analysis in coordination with customs officer to prevent the illicit import and export of cultural property, as well as exchange of information and best practices to be implemented.

The Exportation Office could even be a reference point and communicate its data to the Governmental authorities for promoting commercial and customs agreements with border, transit and destination nations finalized to enhance protection. In fact, in the present Moldovan legal system, there is not any provision on concerted international efforts, including emergency import agreements and bans to be adopted when the cultural heritage of a State Party is in jeopardy from pillage of archaeological or ethnological materials.

In conclusion and to achieve what mentioned above, the staff of Exportation Office should be -as said- trained in the export control checks and their specific issues, having frequent coordination meetings with other even foreign authorities so that they well understand services' processes.

ACTION PLAN FOR UPDATING THE REGISTER OF PROTECTED MONUMENTS (L.1531/1993, 2010) AND PROPOSAL FOR IMPROVING THE PROCEDURE FOR NEW LISTING

SUMMARY AND OBJECTIVES OF THE PROJECT

This report summarizes the current situation in Moldova about the system of protection of cultural heritage and in particular the listing procedure, the current state of knowledge about the assets included in the Register, the problems concerning the Registry and its updating and, on the basis of a parallel with the Italian case, it proposes operative modalities in the matter of recognition of the cultural interest of the immovable goods and of the archaeological areas to render more efficient the activity of updating the Register of protected property.

The aim is to define, for both the thematic areas identified below, a standardized procedure that has legal effect, public evidence and that can support all those involved in the protection of cultural heritage (Public Administrations, Public Owners and private individuals, freelancers, businesses) to help strengthen the concept of cultural heritage.

The report also addresses the problems related to updating basic information concerning already protected monuments.

The actions to be taken essentially concern two major thematic areas:

- 1) Actions and procedures related to real estate and archaeological areas that have already been recognized as of cultural interest in the Register published in 2010 (Old Classification)
- 2) Actions and procedures related to real estate and archaeological areas that will be object of the recognition of cultural interest in the future (New Classification)

THE CURRENT SITUATION

In order to develop possible solutions to the problems identified in the following paragraph 3, the procedures currently used in Moldavia and those operating in Italy were compared in general: a profoundly different picture emerged between the two countries, whose essential characteristics are summarized in this paragraph.

2.1 The process of declaring cultural interest in Moldova

During the meetings, the MECR officials illustrated the procedures that led to the formulation of the Register published in 2010, pursuant to Law 1530/1993.

The elements of main interest to be emphasized are the following:

- 1) The Register of 2010 (Registrul monumentelor Republicii Moldova ocrotite de stat), published in the Official Gazette, has been approved by Parliament and includes buildings of historical and artistic interest and areas of archaeological interest, of Local (L) or National (N) and is a single comprehensive act that retrospectively collects the protected assets before Independence and confirms the legal validity of what had been submitted to protection in the previous political order;
- 2) The current Register is in fact formed by the monuments that were protected during the period when Moldova was part of the USSR and, according to the law, can be updated on the basis of proposals, being subject to periodic reviews that must also be they have been approved by Parliament as indicated below

Art. 4 c.1 della l. 1530/1993:

(1) The Register of Monuments shall be constituted on the basis of multidisciplinary investigations carried out by the Ministry of Culture and the institutions subordinated to this Ministry, the Ministry of Constructions and Regional Development, the Ministry of Environment, the State Archives Service **, the Academy of Sciences, the higher education institutions , public foundations, scholars, museum and library workers, private individuals.

(2) The register of monuments shall be specified, approved and proposed for approval by the Parliament by the Ministry of Culture.

- 1) The Register is only descriptive (Building, location by address and house number, time of construction of the property, type of property) and does not include any connection to the land registry data, nor any reference to the existing map;
- 2) the participation of private owners in the procedure that led to the compilation of the Registry or to its revision was not envisaged;
- 3) according to the legislation currently in force, a subdivision of the Register into further Registers is under way, also subject to further approval by the Parliament, formed according to the type of asset; this procedure appears to be excessively burdensome, both from the point of view of timing and the complexity of the procedural process.

Finally, the procedures currently in progress were described to arrive at the recognition of additional categories of assets, according to the legislation currently in force.

THE PROCESS OF DECLARING CULTURAL INTEREST IN ITALY

During the meetings with the two main bodies responsible for the protection of immovable cultural heritage (AIRM - Agency for Inspection in Restoration of Monuments and NAA - National Agency for Archeology), as well as with MECR officials, the procedures relating to the declaration of cultural interest currently applied in Italy and a Power Point has been delivered that summarizes the main phases of the procedure.

The Italian system does not provide for the existence of a Register in the form of a legal list approved by the Parliament, the Government or the Minister, each asset is subject to protection independently from others, thereby increasing the Italian protected heritage. For management reasons, the data relating to the

protected asset are ordered in databases, which are now computerized, that can be compared to 'lists' or 'catalogues' or 'registers' but only for management purposes.

In the Italian system, the declaration of cultural interest was originally approved by the Minister, and subsequently this power was delegated to the Director-General of the competent management and more recently to the regional director, head of a general but peripheral management office. Today, following the abolition of the regional directorates, the declaration of cultural interest is ratified by the regional secretary, who has replaced the regional director but has no general managerial status, on the basis of the examination of the regional commission, in which all the heads of the peripheral institutes of MiBACT present in the territory of a given region.

Before being discussed by the regional commission, proposals for declarations of cultural interest follow a procedure regulated by primary legislation, secondary legislation and internal circulars that define the steps and the timing of the process of declaring cultural interest.

With regard to privately owned assets, the main points of interest to be emphasized are the following:

- 1) the start of the proceedings must be preceded by the
 - a) correct land registry identification of the property
 - b) full certainty of the property regime involved
 - c) adequate technical-scientific investigation (drafting of historical-artistic relationship);
- 2) The proceeding is an administrative act with public evidence that provides for participation by the interested subjects on the basis of law n. 241/1990, the so-called law on transparency that establishes the obligation for the citizen to know the proceedings concerning him and to be able to participate;
- 3) The final provision (declaration) is an administrative deed issued by a Public Administration - Peripheral Institute of MiBACT on a regional scale - which produces obligations and duties both for the owners of the property and for the bodies responsible for protecting the cultural heritage;
- 4) The final provision (declaration) assumes public evidence, both following the online publication on the website of the Administration that issued it and, above all, following the transcription of the provision to the competent office of the Territory Agency (Cadastrre));
- 5) The final provision may be repealed at the request of the Administration that produced it only by resorting to a further administrative act that follows the same process, or following cancellation by the competent organs of justice, normally upon request of part of the owners.

DOCUMENTATION SHARED WITH MOLDOVAN EXPERTS

reception administrative documents

Ritiro atti amministrativi

Data	Firma
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Trasmissione proposta

[illegible]

Content of the administrative Act (Declaration of Cultural interest) establishing legal protection

[illegible]

Trascrizione

[illegible][illegible]

Documentation shared with Moldovan representatives

Examples of the forms were also provided for the agreements signed between the MiBACT and the other Administrations that allow the completion of the procedure (Agreements with the Offices of the Territorial Agency).

Agreement with Territorial Agency (Cadaster)

Example of Agreement with Cadastre Agency

With regard to assets owned by public entities, the following elements are of particular interest:

- 1) The assets of public ownership are however subject to an automatic protection regime that guarantees their conservation and are the subject of different procedures, as shown in the following box:

D. Lgs, 42/2004, Articolo 10 Beni culturali

1. Sono beni culturali le cose immobili e mobili appartenenti allo Stato, alle regioni, agli altri enti pubblici territoriali, nonché ad ogni altro ente ed istituto pubblico e a persone giuridiche private senza fine di lucro, che presentano interesse artistico, storico, archeologico o etnoantropologico.

D. Lgs, 42/2004, Articolo 12 Verifica dell'interesse culturale

1. Le cose immobili e mobili indicate all'articolo 10, comma 1, che siano opera di autore non più vivente e la cui esecuzione risalgia ad oltre settant'anni, sono sottoposte alle disposizioni del presente Titolo fino a quando non sia stata effettuata la verifica di cui al comma 2.
2. I competenti organi del Ministero, d'ufficio o su richiesta formulata dai soggetti cui le cose appartengono e corredata dai relativi dati conoscitivi, verificano la sussistenza dell'interesse artistico, storico, archeologico o etnoantropologico nelle cose di cui al comma 1, sulla base di indirizzi di carattere generale stabiliti dal Ministero medesimo al fine di assicurare uniformità di valutazione.

- 1) The assets of public ownership, made for at least seventy years, are automatically subject to the provisions of protection of Legislative Decree 42/2004 until the conclusion of the verification procedure pursuant to art. 12; the verification process can be concluded with the Declaration of Cultural Interest or with the Declaration of Non-Interest;
- 2) For the verification of cultural interest, the existing boards are used on the dedicated website www.benitutelati.it, the main entries of which are attached in Box 7 below, or the proceedings may

be initiated by the Office following the same procedures as those of privately owned cultural heritage.

Basic content of a sample template

ITEMS to be included in a “TYPE FICHE”

Catalogue nr. (or Register nr.)

OBJECT

REGION/ DISTRICT

TOWN

VILLAGE

LOCALE

ADDRESS AND CIVIC NUMBER

TYPE OF BUILDING

CONSTRUCTION EPOCH

GEOREF COORDINATES

CADASTRAL DATA

DELIMITATIONS/ BOUNDARIES

TYPE OF OWNERSHIP (PUBLIC/ PRIVATE)

KNOWN NAME OF THE PROPERTY

CURRENT USE

ORIGINAL USE

HISTORICAL DESCRIPTION

MORPHOLOGICAL DESCRIPTION

NOTES

DATE OF FILLING IN OF FICHE

NAME OF COMPILATOR

NAME VALIDATOR

ANNEXES

CADASTRAL MAP (EXTRACT)

PHOTOGRAPHIC DOCUMENTATION

The items indicated in the previous box, with the exception of the historical and morphological and optional annexes, represent the minimum elements for the preparation of an inventory card to be used for the census of the buildings (with the number of photos reduced to 4).

THE EMERGING PROBLEMS AND THE ACTIONS TO BE UNDERTAKEN

The meetings were useful to understand the main problems that exist today, some of which can be resolved immediately, according to a project that includes successive phases of work in the short / medium term (Short-term Actions - Short-term Actions and Medium Shares) period - Medium-term Actions) while others envisage a radical transformation that involves both the methodology and the legislative aspects with medium / long application times (Long-term Actions - Long-term Actions).

The main problems that emerged are the following:

- 3.1 Fragmentation of the documentation/ digitisation action
- 3.2 Ineffectiveness or inadequacy of current protective measures (Old Classification)
- 3.3 The absence of a unitary cataloging system and a centralized database
- 3.4 Complexity of the current process of declaration of cultural interest (New Declaration)

For each of the issues described above, the following actions are indicated, the timing, the subjects deemed useful to invest in such Shares and the subject deemed most suitable for Coordination.

In general, it is considered that the Shares relating to Old Classification are more rapid application (Short-Term Shares - Short-term Actions and Medium-Term Shares - Medium-term Actions), while those relating to New Classification (Medium-term Shares - Medium-term Actions and Long-term Actions - Long-term Actions) are to be carried out evidently with more delayed timing.

3.1 Fragmentation of the documentation/ digitisation action

DESCRIPTION

During the meetings, carried out both jointly and separately with the single MECR, AIRM and NAA officials, an approach to the theme of profoundly different documentation emerged, both at the level of procedures currently existing in the various structures of the Ministry, and at the level of individual agreements signed between these structures and other bodies involved.

The MECR officials are proceeding with the revision of the Register (Old Classification) with additions and limited updates (New Classification), as well as the relative division of the Register into further lists, as foreseen by the current provisions of law, without however providing, at the moment, any possible connection with the cadastral data, despite having entered into an agreement with the Land Registry (ALRC), which would allow at least an alignment of the data.

The AIRM officials make a comparison between the Registry, the data of the Cadastre of the site www.cadastru.md, with which an agreement was stipulated allowing the simple consultation of the data and finally with those that can be deduced from the Portal www.geoportal.md, whose cartography is the same made available to the Land Registry.

In addition, for the city of Chisinau alone, for the correct identification of the property they also use the filing done at the time for the creation of the site www.monument.sit.md, whose reference cartography is however devoid of any cadastral reference.

The activity, which in any case appears to concern only the Old Classification sector, seems to be a non-systematic comparison with a purely occasional nature, mainly linked to the single verification requests coming from external users.

There does not appear to be any initiative on New Classification.

The NAA officials have instead entered into a special agreement with the portal www.geoportal.md which allows them to graphically perimeter the archaeological areas at risk - which are constantly increased and annotated in a further list - in order to create a new database of the character descriptive but that also includes the correct geo-referencing with GPS, both for the Old Classification and the New Classification.

Also in this case the connection with the cadastral data is not foreseen and the NAA officials point out that, outside the urban centers but in some cases even within the same, the Catasto has not yet provided for the attribution of the cadastral data for both land and buildings.

This implies the need to resort in any case to geo-referencing with GPS operated on site, in the absence of other reliable data.

The existence of entire areas (land and buildings) that, to date, are not formally registered in Cadastre can certainly be a problem, both for the Old Classification and the New Classification.

NAA officials are currently working solely on the identification and consequent perimetration of the archaeological areas at risk but not on the preparation of new declarations of cultural interest (New Classification).

In any case there seems to be a lack of data transmission between the various agencies and certainly no effective coordination action, as well as planning of activities and timing.

Highlighted Problems:

- Lack of or limited communication among agencies and MECR
- Poor effectiveness of the protection action
- Lack of fundamental data for the univocal identification of the product

The lack of communication between the Agencies entails a fragmentation of the protection activity and the absence of interchange both of the ongoing actions and of the existing Conventions with the external subjects is counterproductive and uneconomic.

The risk of duplication of work is also increased and the protection action is ineffective.

Actions to be taken

For this thematic area the following intervention proposals are foreseen:

- Short-term actions - Short-term Actions S.A. NUM. 1 - Establishment of the MECR Working Group
- Short-term actions - Short-term Actions S.A. NUM. 2 - MECR / ALRC collaboration enhancement

Synoptic table

Issues	Actions	Activity	Subjets	Timeframe
Fragmentation of the documentation work	S.A. NUM. 1 – working group MECR	<ul style="list-style-type: none"> • Screening agreements • Screening activities • Screening procedures • Screening templates 	MECR (Coord.), AIRM, NAA	starting: within 1 month result: by 3 months
Fragmentation of the documentation work	S.A. NUM. 2 – strengthening collaboration MECR/ALRC	<ul style="list-style-type: none"> • Otpimising agreements • Regularise Old Classification • Inserire New Classification • Regulamentare trasferimento/ Incremento dati 	MECR (Coord.), ALRC, AIRM, NAA	starting: within 1 month result: by 6 months

S.A. NUM. 1 - Establishment of the MECR working group

objectives:

Increase the level of communication and the exchange of data

Improve coordination between MECR and agencies

Standardize the procedures

Subjects involved: MECR, AIRM, NAA

Coordination: MECR

This action provides for the establishment of a permanent working group among the various subjects involved in the protection in order to facilitate the exchange of information, skills and knowledge, as well as the tools available for georeferencing.

It is an action that has absolute priority and is propaedeutic to all subsequent ones.

The coordination of this Action is entrusted to the MECR.

Activities

• Screening Conventions

Provide an evaluation and any suggestions on the type of Conventions to date stipulated with the Cadastre and with the Geoportal by the various agencies and then proceed, within the sphere of competence of the **S.A.NUM.2**, to optimize the level of these Conventions (presumably the one stipulated by the NAA that is more advanced).

• Screening Activities in the area

Share between NAA / AIRM the knowledge on the available and in use geo-referencing equipment (GPS) and promote, if necessary, appropriate training courses. The activity must also include special exercises on site with the formation of operational groups composed of technicians from both agencies

• Screening Procedures and forms

Share the procedures for the protection actions between NAA / AIRM / MECR and prepare uniform forms for the protection and protection of the assets at risk.

• Screening Templates cataloging

Determine the minimum scientific criteria for the creation of a unique model for cataloging, the subject of the subsequent Action **S.A.NUM.4** and for the creation of a unit database, the subject of the subsequent Action M.A.NUM.3, also identifying the needs of personnel and IT equipment (equipment and software)

Timing:

- Action to be started within a month. Results within three months.

S.A. NUM. 2 - MECR / ALRC collaboration enhancement

objectives:

- **Regularize the Old Classification and insert the New Classification**
- **Participate actively in updating the Cadastre software**
- **Establish the basis for all actions following the legislative changes of the L.A. NUM. 1**

Subjects: MECR, ALRC, AIRM, NAA

Coordination: MECR

This action provides for the strengthening of relations between the MECR and ALRC officials and is preparatory to all the subsequent ones concerning the Declaration of cultural interest.

It is, in fact, a necessary basis for any further action aimed at giving exact consistency to previous statements of cultural interest (Old Classification) and to facilitate the transcription of future declarations (New Classification) in the context of a standardized procedure that could, however, take on a form completely innovative with LA-type actions NUM. 1.

The action provides for the immediate request for involvement of MECR in the update of the Cadaster software, based on a project in collaboration with Norway, which should allow an increase in functions (presumably ready by the end of 2018) and the possibility to quickly transcribe the Old Classifications.

It is necessary to define with the Land Registry if there are planned stacking operations for the land and buildings that, to date, are still lacking; depending on the response, further actions may be taken.

The coordination of this Action is entrusted to the MECR.

Activities

• **Optimize operational conventions**

Uniform, based on preliminary investigations under Action S.A. NUM. 1, the Conventions for consultation and operation on the Cadastre and the GeoPortal, increasing at the highest possible level the possibility of transfer / consultation of data; Expanding the methods of research to the Cadastre by accredited officials because today, according to the Convention, it is possible to carry out the same by address and by name, but it should also be possible to do it according to the Fiscal Code. However, since the Land Registry serves as the Revenue Agency, this type of research, for reasons of privacy, is only allowed to police forces or other particular accredited subjects; it should be possible to request inspections also on the basis of the tax code with the possible limitation only to buildings and land and not to other properties.

• **Define procedures for the Regularization of Old Classification**

Define (Agree?) With ALRC the possibility of associating the declaration of cultural interest of the goods / areas of the Register with a specific field, without further interim actions, as it will be then developed in the subsequent Actions S.A.NUM.3 (Old Classification) and M.A.NUM.1 (New Declaration), so that this remains unequivocally linked to it, regardless of the variation of toponymy or house number.

- **Define procedures for entering the New Classification**

Define exactly which documents will be requested by ALRC for the completion of the New Classification transcription transaction, especially if the procedure was the subject of a total legislative review if the provisions of the subsequent L.A.NUM.1.

- **Regulation for data transfer and increment**

Define the possibility - and if so - the modalities for the transfer of newly acquired data (for example the archaeological risk areas identified by NAA with areal boundary and georeferentiation) both in the Cadastre and on the Geoportal (which exploits the same cartography), as well as those to report the exact perimeter of the goods included in the Register. This mapping, if implemented, could only be accessible with specific accreditation.

timing

- Action to be started within a month. Results within six months.

3.2 Ineffectiveness or inadequacy of current protective measures (Old Classification)

Description

It emerged from the beginning that the first problem to be solved is the lack of connection between the data inferable from the Register of Monuments (Old Classification) and the numerical data of the Land Registry which constitutes, locally, a certain and probative element of the property as in it records all the deeds (trades, new buildings, mortgages).

This non-alignment of the data entails a wasteful job of identifying the asset which, in Chisinau, could be done by the MECR offices using what has already been achieved, as part of a specific project funded by the Soros-Moldova Foundation and closed today. creation of the site www.monument.sit.md - subject to agreement with the owners of the site for the use of the information contained therein - and to the relative publication of the Catalog, but that in the remaining part of the country can only be carried out with appropriate visits of the Officials or, possibly, using the collaboration of local administrations.

This operation must have absolute priority, in order to proceed to the definitive and unambiguous land registry identification of the assets present in the Register (Old Classification).

Secondly, the lack of an administrative act, in support of the Registry, which can be transcribed to the competent office of the Land Registry and have immediate legal effects against the owners is another problem encountered: this fact affects both the Old Classification and the New Classification and, therefore, the solutions identified in the previous S.A.-type action must be applied NUM. 2.

Highlighted Problems:

- Poor effectiveness of the protection measure for incorrect or incomplete identification of the asset
- Absence of effective protection provision for absence of transcription of official registers

The lack of connection between the existing data (of a descriptive type those of the Register, of numerical type those of the Cadastre) exposes the good to a high-risk of loss because its identification is today based solely on the street name and the house number (which can both change over time).

The absence of the reference to the provision of protection in a database normally available to users, such as the Land Registry, risks making the protection provision itself almost useless, even if published in the Official Gazette.

Actions to be taken

For this thematic area the following intervention proposals are foreseen:

- Short-term actions - Short-term Actions **S.A.NUM.3** - Refinement Register 2010 - Chisinau
- Medium-term actions - Medium-term Actions **M.A.NUM.1** - Improving Register 2010 - Extra Chisinau

Synoptic Table

Issues	Actions	Activity	Subjects	Timeframe
Insufficient information of the existing documentation files (Old Declaration)	S.A. NUM. 3 – Update/refinement of the Register 1993/ 2010 - Chisinau	<ul style="list-style-type: none"> • Screening existing data • Definition of the content of the minimal dossier • Transcription in the Cadaster of Old Declaration 	AIRM (Coord.), MECR, NAA, MBACT	Starting: within 1 month result: within 6 months
Insufficient information of the existing documentation files (Old Declaration)	M.A. NUM. 1 – Perfectioning of the Register 1993/ 2010 – Extra Chisinau	<ul style="list-style-type: none"> • Screening existing data • Definition of the content of the minimal dossier • Transcription in the Cadaster of Old Declaration • Activate cooperation with local authorities 	NAA (Coord.), MECR, AIRM	Starting: within 3 months result: within 9 months

S.A. NUM. 3 – Update/ Refinement Register 2010 - Chisinau

objectives:

- **Associate the descriptive data of the Registry with the cadastral data**
- **Set up minimum file per area / building**
- **Regularize the Old Classification**

Subjects: MECR, AIRM, NAA, MIBACT

Coordination: **AIRM**

This action foresees the completion by successive stages of the current Register with the cadastral data deducible from the Cadastre in the context of the already active Conventions (or on the basis of the new ones stipulated following the previous Action **S.A.NUM.2**).

We suggest the creation of a specific "Dossier" for each individual asset that also includes the extract of the cadastral map on orthophotos deriving from the Cadastre, the verification of the exact positioning of

the identified point on the portal www.geoportal.md (currently existing for the only centers of Chisinau, Orhei, Balti, Soroca, Bascalua and other municipalities of the South) and the correspondence with the extract deriving from the Portal www.monument.sit.md (only for the city of Chisinau).

The data can be inserted progressively into the unit database, to be carried out in the context of the subsequent Action **M.A.NUM.3**.

The coordination of this Action is entrusted to AIRM.

Activities

• Screening of existing data

First of all, verify which assets of the Registry are already associated with land registry data and those for which certain identification has already been carried out, even during previous projects; verify the existence of partial "Dossiers" of the different agencies for each individual good / area;

• Set up a minimum dossier for identification of Chisinau goods

Realize, if missing, a dossier containing the minimum information on the asset (Type of property, location, cartographic extract, photographic documentation, risk level) at least for Chisinau, also incorporating the indications under Action S.A. NUM. 1, requesting the possibility of re-use / reprocessing of the data contained on the websites specifically dedicated and carrying out on-site surveys, also with MIBACT Experts;

• Transcription Old Declaration Chisinau goods

Proceed to the Transcription of the Old Declarations, only at the end of the operations referred to in Action **S.A.NUM.2**

timing

- Action to be started within a month. Results within six months.

MA. NUM. 1 - Improving Register 2010 - Extra Chisinau

objectives:

Associate the descriptive data of the Registry with the cadastral data

Set up minimum file per area / building

Regularize the Old Classification

Subjects: MECR, AIRM, NAA

Coordination: NAA

This action foresees the completion by successive stages of the current Register with the cadastral data deducible from the Cadastre in the context of the already active Conventions (or on the basis of the new ones stipulated following the Action **S.A.NUM.2**).

We suggest the creation of a specific "Dossier" for each individual asset that also includes the extract of the cadastral map on orthophotos deriving from the Cadastre, the verification of the exact positioning of the identified point on the portal www.geoportal.md (currently existing for the only centers of Orhei, Balti, Soroca, Bascalua and other towns in the South).

This Action, due to logistical problems and work organization, needs much longer operational times.

The data can be inserted progressively into the unit database, to be carried out in the context of the subsequent action **M.A.NUM.3.**

The coordination of this Action is entrusted to NAA.

Activities

- Screening of existing data

First of all, verify which assets of the Registry are already associated with land registry data and those for which certain identification has already been carried out, even during previous projects; verify the existence of partial "Dossiers" of the different agencies for each individual good / area;

- Set up a minimum Dossier for identification of extra Chisinau assets

Realize, if missing, a Dossier containing the minimum information on the asset (Type of property, location, cartographic extract, photographic documentation, risk level), also incorporating the indications under Action **S.A.NUM.1**, requesting the possibility of re-use / processing of the data contained on the dedicated websites and carrying out on-site surveys;

- Activate local administrations cooperation

Activate cooperation with local authorities for the creation of the minimum Dossier for goods / areas located in inconvenient locations;

- Old Declaration transcription of extra Chisinau assets

Proceed to the Transcription of the Old Declarations, only at the end of the operations referred to in Action **S.A. NUM.2.**

timing

- Action to be started within three months. Results within nine months.

3.3 Lack of a unified cataloguing system and of a centralised database

Description

At present, there are some models of inventory fiches, differentiated according to the type of property, which find different application depending on the offices that operate on protection. The MECR officials have been working on a new model of fiche which, with appropriate additions and modifications, could be immediately applied. NAA officials have also elaborated and are already using updated card models based on files similar to those that were prepared for the Passport, including also the correct geo-referencing with GPS but missing the cadastral data. AIRM officials conserve examples of previous "Passport" cards, many of which are only partially filled in: they prove to be inadequate for a proper census of the assets because some fundamental data are not included in them. It is necessary to prepare a model of rapid inventory fiche, valid both for the architectural and archaeological heritage, starting from the existing MECR and NAA models, inserting the missing data and eliminating the ones that can generate a burden in the compilation. In any case it is necessary that the models for the two types are as similar as possible, present common fields and are based on a pre-defined glossary.

In order to compensate for staff shortages and difficulties in transferring personnel on site for the compilation of the form, collaboration with the University and local administrations could be increased.

Highlighted Problems:

- **dishomogeneity of cataloguing**
- **Dispersion of human and economic resources**
- **Difficulty in activating new protection procedures**

The lack of a standardized cataloguing model that, while accepting the data collected so far and respecting the specifications of the different types of goods, is able to use a common language and can bring the data into a single database, constitutes a serious dispersion of resources and may lead to an objective difficulty in launching new protection actions.

Actions to be taken

For this thematic area the following intervention are proposed:

Short-term actions - Short-term Actions **S.A. NUM. 4 - Preparation of the cataloguing model**

Medium-term actions - Medium-term Actions **M.A. NUM. 2 - Collaboration MECR / University for systematic cataloguing**

Medium-term actions - Medium-term Actions **M.A. NUM. 3 - MECR / University collaboration for unit database creation**

Synoptic table

Issues	Actions	Activity	Subjects	Timeframe
Lack of a unified cataloguing system and of a centralised database	S.A. NUM. 4 - Preparation of the cataloguing model	<ul style="list-style-type: none"> Identifying cataloguing entries Preparing glossary Testing in the field Training and capacity building for staff 	MECR (Coord.), AIRM, NAA, Twinning Project	start: within one month results: within six months
	M.A. NUM. 2 - Collaboration MECR / University for systematic cataloguing	<ul style="list-style-type: none"> Agree on the topics of research Establish training modalities Begin training of external resources Begin cataloguing 	MECR (Coord.), Universită, Twinning Project	start: within 6 months results: within 12 months
	M.A. NUM. 3 - MECR / University collaboration for unit database creation	<ul style="list-style-type: none"> Begin database development/ update Establish training modalities 	MECR (Coord.), University, ICH	start: within 6 months results: within 12 months

S.A. NUM. 4 - Preparation of new models for cataloguing

Objectives:

- **Facilitate the inventory of cultural heritage**

- **Ensure more effective protection**

Subjects: MECR, AIRM, NAA, Twinning Project

Coordination: **MECR**

The activity of inventoried buildings already under protection and those worthy of protection but not recognized cultural interest could reduce the risk of loss of goods and facilitate all subsequent procedures for the declaration of cultural interest.

It is therefore envisaged to prepare new inventory models in collaboration with the Twinning Project, starting from those developed by the MECR for architectural heritage and conforming to those prepared by NAA for the archaeological heritage and those now outdated used by AIRM for architectural heritage.

It is also a priority to prepare a pre-defined glossary that can be partly borrowed from the Italian one: the models prepared will have to be tested in the field with two border cases (a very simple building and a complex one), by the Office officials in collaboration with the Twinning Project.

These models can then be distributed to external operators, subject to appropriate training, as part of the subsequent Action **M.A. NUM.2** or even to Local Administrations. *The coordination of this Action is entrusted to the MECR.*

Activities

- **Identify Items / Essentials Cataloging**

Based on the scientific criteria established in the previous **S.A. NUM.1**, with the help of the Twinning Project, identify the essential elements of cataloging, starting from the existing models;

- **Prepare glossary**

With the help of the Twinning Project, prepare the glossary to ensure uniform data entry;

- **Experience in the field**

With the help of the Twinning Project, check the prepared models on the field;

- **Start up internal operators training activities**

After verifying the model, start the training of internal operators, also for the purpose of carrying out external teaching activities, both with regard to local administrations, and in the context of the subsequent **M.A. NUM. 2**.

timing

- Action to be started within a month. Results within six months.

M.A. NUM. 2 - Collaboration MECR / University for systematic cataloging

objectives:

- **Comply with the lack of staff**
- **Training operators in the field of cultural heritage**
- **To increase the cataloging of cultural heritage**

Subjects: MECR, University, Twinning Project

Coordination: **MECR**

This action provides for the strengthening of institutional relations between MECR officials and the University, in order to establish the methods of collaboration for the systematic cataloging of protected assets or to provide study material on agreed topics.

During the execution of the Twinning, the MECR Officials will have to activate Conventions with the University to guarantee - in the context of specific monographic degree courses on specific topics to be identified - the contribution of the students (in History of Art, Architecture, Engineering, Design, etc.) to the study activities of the cultural heritage or of the cataloging of goods / areas in exchange for the recognition of training credits or other rewarding forms with respect to the university path.

It is also suggested the activation of post-graduate training internships of a compulsory nature (with payment by the University of the Insurance only, as it happens in Italy).

The coordination of this Action is entrusted to the MECR.

Activities

• Agree topics of study

With the help of the Twinning Project, identify study topics (unitary urban areas, sectors at risk of loss) on which to start monographic study courses to collect documentation (art history, surveys, projects);

• Establish traineeship procedures

With the help of the Twinning Project, identify the best modalities for the direct execution of the student traineeships at MECR, AIRM, NAA;

• Start external training activities

Following the training activities referred to in the previous **S.A.NUM.4**, start that of external operators (teachers, students) for the use of the new models previously verified;

• Start systematic cataloging activities

Following the preparation of the new cataloging models to which the previous Action **S.A. NUM. 4**, start the scheduling on the territory.

timing

- Action to be started within six months. Results within twelve months.

M.A. NUM. 3 - MECR / University collaboration for unit database creation

objectives:

Comply with the fragmentation of knowledge

Optimize human and instrumental resources

Subjects: MECR, University, Academy of Sciences, Institute of Cultural Heritage

Coordination: MECR

This action provides for the strengthening of institutional relations between MECR officials and the University, in order to prepare the single database of the assets subject to protection, also on the basis of the indications coming from the **S.A.NUM. 1** and **S.A. NUM. 4**.

During the execution of the Twinning, the MECR Officials will have to activate Conventions with the University to favor the realization of the database using the most technologically advanced sectors of the University, also in the context of specific degree courses (Computer Science) , Engineering, etc.).

In this case, too, the activation of post-graduate training internships of a compulsory nature is suggested (with payment by the University of the Insurance only, as in Italy).

The coordination of this Action is entrusted to the MECR.

Activities

• Start database setup

Following the indications referred to the previous **S.A.NUM.1** and **S.A.NUM.4**, start the preparation of the database, after checking the IT equipment of the MECR and the operational potential of online domains.

• Establish traineeship procedures

With the help of the Twinning Project, identify the best modalities for the direct execution of the student traineeships at MECR, AIRM, NAA.

timing

- Action to be started within six months. Results within twelve months.

3.4 Complexity of the current process of declaration of cultural interest (New Declaration)

Description

The current legislation provides, for the recognition of cultural interest, the formation of Registers, similar to the one published in 2010, which must be submitted to Parliament for approval; the subdivision into further registers is currently underway, based on the type of assets and the subdivision in National (N) and Local (L) assets remains.

This type of problem requires a more radical structural intervention at the legislative level: it is considered, in fact, not very productive for an effective protection of cultural heritage and for a more incisive action on the part of the Public Administration and the declaration mechanism linked to the drafting lists periodically updated, both the need for ratification by the Parliament, and the maintenance of the subdivision into goods of type N or L.

It is also necessary to ensure participation in the process of declaration of cultural interest to the owners of the assets object of the start of the procedure which, at the moment, is not allowed.

Highlighted Problems:

- **Poor effectiveness and incisiveness of the protection measure**
- **Excessively delayed timing of procedures**
- **Fragmentation of the action of protection**
- **Poor transparency and participation in the procedure**

The current mechanism of declaration of cultural interest is absolutely inadequate and presents considerable critical issues related both to the timing and to the subjects identified for approval, and to excessive fragmentation in lists and types of assets.

All this can favor the loss (due to destruction or transformation) of cultural assets, especially if there are no precautionary safeguard measures between the identification of the asset to be protected and the approval of the Registry.

It also presents serious gaps in the transparency of the action of the Public Administration, not providing for participation in the proceedings by the parties involved in the procedure.

It does not provide for the possibility of automatic protection for certain categories of goods such as those of public ownership), which would, however, at least safeguard them.

Actions to be taken

For this thematic area the following intervention proposal is foreseen:

Long-term actions - Long-term Actions **L.A. NUM. 1 - New cultural interest declaration procedure**

Synoptic Table

Issues	Actions	Activity	Subjects	Timeframe
Complexity of the current listing procedure (New Declaration)	L.A. NUM. 1 – establish a revised procedure for Listing in the Register	<ul style="list-style-type: none"> Abandon the mechanisms of approval of registrars/ lists Introduce the automatic protection of historic buildings in public ownership Envisage forms of participation in the procedure (see new Administrative Code) 	MECR (Coord.), Twinning Project	Starting: under development & reform of the law) Results: within 12/18 months

LA-1 - New cultural interest declaration procedure

Objectives:

- *Greater effectiveness and incisiveness of the declaration of cultural interest*
- *Elimination of mechanism for approving supplementary lists of the Registry*
- *Greater transparency of administrative action*

Subjects: MECR, Twinning Project

Coordination: **MECR**

As part of the project currently underway, a complete review of the process of declaration of cultural interest is required.

It is suggested to apply the mechanism of the Declaration of an individual asset operated directly by the MECR or its offices and not by the whole Parliament, or at most by the Government's decision; in the same way it appears necessary to eliminate the mechanism of the Registry and, even more so, that of fragmentation into further Registers.

It is certainly necessary to provide for greater participation in the procedure by private owners.

We suggest the insertion of an automatic protection mechanism for public property assets (perhaps with a time span of 50 years instead of the 70 expected in Italy), while the same mechanism for private property assets is considered difficult to apply.

It is suggested to deepen the methods of interaction / collaboration with the local Registry offices for the fastest retrieval of the personal data of the owners.

Activities

- **Eliminate listing mechanism by Parliamentary approval of Registry and of additional lists,**

To define the procedures for declaring cultural interest of goods / individual areas and not of lists from a legal and regulatory perspective; incorporate the indications deriving from the previous S.A. NUM. 2 for standardizing procedures with ALRC;

- **Introduce automatic protection of public goods**

To define from the legislative point of view the methods for the automatic protection of public goods realized for over 50 (70) years;

- **Provide form of participation in the proceeding**

Define from the legislative point of view the methods of participation in the protection proceedings by the interested parties;

Timing

- **Action to be started within six months. Results within twelve / eighteen months.**

Actions to be taken (theoretically as early as May 2018)

On the basis of what is indicated in the Project, all SA NUM Shares should be launched immediately. SA NUM. 1 and all those of SA NUM. 2, some of the SA NUM. 3, some of the SA NUM. 4 at different levels.

At the administrative level:

- 1) MECR: Immediately start the actions to be officially involved in the upgrading of the ALRC software and to foresee the possibility of the transcription;
- 2) MECR: To screen the existing agreements with the different agencies and bring them "to the maximum power";
- 3) MECR / University: check the possibility of a "summer internship" to test the card;
- 4) MECR / University: verify the possibility of an immediate logistical support from an IT point of view by card and / or database;
- 5) MECR / AIRM identify area on which to test the fiches.

At the technical level:

- 1) MECR / AIRM / NAA: Immediately start the screening of the catalog cards used by the different agencies, also on the basis of the indications given in the project concerning the number of "minimum items";

- 2) AIRM: check whether there exists (and with which models) the Scheduling of properties in Chisinau;
- 3) NAA: check if there exists (and with which models) the Area planning in Chisinau;
- 4) NAA: to explain to the AIRM colleagues the functioning of the GPS;
- 5) NAA: show the new database (in Excel) that are increasing (to see if it can be base for new common database)
- 6) MECR / AIRM / NAA: Arrange model of card to try to use in immediately.

ANNEX 3 - EXPLORING POTENTIAL OF REPUBLIC OF MOLDOVA FOR A POLE FOR DIAGNOSTICS ON CULTURAL HERITAGE

OBJECTIVES

To verify the possibility of creating a network of competence in the field of technique and science for the conservation and restoration of architectonic buildings and artefacts, in order to acquire - by the application of diagnostic methodologies - all the necessary information to realize a correct intervention and maintenance.

PREMISE

The study of an artwork is not regardless to considering all the materials it is constituted of. The acquisition of information about the origin of these materials, in facts, allows us to achieve many fundamental dowels to the general knowledge of the building or artwork itself, and furnishes determinant indications about:

- HISTORY OF THE OBJECT: when it was realized, in how many phases, how it was worked and finished etc.
- STATE OF CONSERVATION OF THE OBJECT: which reactions and mechanisms of degradation are more commonly involved, in consideration both of the nature of the piece of art and of the environment it's located in;
- RESTORATION OF THE OBJECT: according to the results of the previous analyses on materials and site, it is possible to identify the most correct procedure aimed to respect contemporary both the conservative values and the needs of usability.

Such a deep knowledge can be reached only through a strictly scientific approach involving all the necessary professional competencies: chemists, physicians, geologists, biologists, engineers etc.

Their contribution is a fundamental step in the diagnostic process aimed to achieve a general knowledge of the building or artwork itself, and furnishes determinant indications about identification and characterization of:

- CONSTITUENT MATERIALS and their properties;
- MECHANISMS OF DEGRADATION and their effects;
- POSSIBLE MATERIALS AND METHODOLOGIES OF INTERVENTION and their effectiveness, durability and compatibility.

This purpose necessarily imposes a real and advantageous collaboration between different scientific institutes, each one involving its specific training, which have to be connected through a common finality of research.

STATE OF THE ART OF SCIENTIFIC INVESTIGATION ON CULTURAL HERITAGE IN MOLDOVA

Following the collapse of the Soviet Union and independence, due to economic, political and social crisis, the Moldovan world of restoration and conservation of cultural heritage has lost its experience in the field of diagnostics applied to art and architecture.

Nevertheless, professionals working in the field of conservation need scientific data and information, above all as far as architectonic sites are concerned: so, it often happens that they call on external expertise, most of all coming from Romania. This induces either high costs or simplified campaigns. The need for developing some laboratory dedicated to the application of sciences to cultural heritage within the country has been highlighted by many professionals in the private and public sector.

From a survey on the web, it was possible to identify some institutes that could give a contribution to scientific studies applied to restoration and conservation of architectural surfaces, but the research projects are not always so clear and above there is no information about the instrumental equipment at disposal.

Besides a collection of Moldovan literature (monographic or articles) with regards at any level to diagnostics applied to cultural heritage has not been found, nor any data bank of analytical results about the same subject.

It is possible to deduce that at the present there's no active research in the field, and so the first step is trying to create the groundwork.

UTILITIES

Considering the Moldovan artistic production, materials which have the main feedback in the theme of the project itself concern in particular architectonic artefacts; they can be grouped in: natural stone materials (granite, marble, stones, travertine...), artificial stone materials (mortars and plasterworks, bricks, concretes, pottery e glasses), wood, metals and alloys, other materials – original or not– in some ways introduced into the artwork itself (pigments, binders, adhesives, consolidating or fixing or protecting materials). The national material cultural heritage counts as well many other kinds of support (tapestry and textiles, paintings on wood and on canvas, furniture, jewelry, silverware, various mobile objects etc.), but in the first phase of the project there is no urgency of facing directly with them, above all because the normative and technical apparatus seems to be already quite solved.

For these reasons, the starting research for experimental skills and equipment in diagnostics applied to the study of cultural heritage will be focused on tests and instrumentation useful for the characterization of architectonic and building materials more commonly used in the area, as well as the identification of all their degradation phenomena and products.

To this purpose, a very important aspect is verifying whether or not are there studies, researches and publications concerning the mineralogical and petrographic composition of the most commonly used building materials (sands from rivers, lakes or seas, mines and quarries). In any case, it would be necessary to create a data bank in order to compare raw and applied materials.

a. X-Rays diffraction analyses - they furnish a diffractogramme with peaks peculiar of the crystallo-chemical species composing the sample;

b. Preparation both of thin and of cross sections (sample must be embedded in resin, preferably under vacuum, then applied on a glass slide and grinded using smoother and smoother disk wheels) and observation under optical microscope (magnifications from 5x up to 1000x under reflected and transmitted light, also polarized and UV light, in order to determine not only clasts but also many other possible materials, sometimes even organic ones, whose presence is due for example to consolidating or finishing treatments).

2 *CHEMICAL SKILLS AND EQUIPMENT*

a. Scanning electron microscope with microprobe (EDS, EDX EDAX...) – it furnishes a spectrum with peaks peculiar of the chemical elementary composition; besides, it allows to observe the sample at a level of magnification far higher than the one that can be reached with optical microscopes (up to 1.000.000x), so to put in evidence significant microstructural characteristics and to perform chemical identifications not only on selected areas but also in specific spots, which determine the presence even of impurities and elements in traces

b. Spectroscopic techniques (FTIR, Raman According to equipment at disposal) – they allow to achieve knowledge about the real molecular nature of compounds, thanks to the interpretation of a spectrum with bands at different wavelengths, peculiar of the chemical groups of atom and type of bonds. This analytical technique is very useful for the characterization both of the organic (binders, varnishes, natural or artificial polymeric films etc.) and of the inorganic (silicates, carbonates, nitrates, sulphates, oxalates, pigments etc.) components.

As far as these two techniques are concerned, the most delicate aspect is not simply the availability of instruments but above all the reference to trusted data banks for the identification of chemical species (which, in the case of FTIR, can be mainly realized through comparison between the spectra obtained from the sample and reliable standard spectra), in addition to the operator's interpretation practice (in the case of SEM-EDS, the result of the analysis is an elemental spectrum, that is a graph with peaks of single elements, that must be "coupled" and interpreted by specifically trained personnel). For these reasons it is really necessary to create reference data banks and to train specialized competences that must be not only very experts in their specific analytical field, but also able to understand the huge variety of issues involved in the scientific approach to the study of cultural heritage, facing the questions of an unavoidable multidisciplinary approach and continuous need of dialog between different professionals.

3 *OPTICAL AND PHYSICAL INVESTIGATIONS*

It will be necessary to verify which equipment are at disposal in the various laboratories with particular reference to physical and optical investigations, better if portable, considering the simple possibility of cameras for micro and macro photography and of lamps in the field of UV, up to more complex systems such as cameras shooting in IR field, thermal imaging cameras, humidity detectors, endoscopic probes etc. In case this equipment is at disposal in the involved laboratories, even if used in different fields of application, the possibility of adapting its use to the study of architectonical surfaces could be evaluated and shared.

4 MECHANICAL PROPERTIES TESTS

In this case as well, it will be necessary to verify which equipment are at disposal in the various laboratories with particular reference to mechanical properties tests. According to the equipment of laboratories, even if used in different fields of application, the possibility of adapting their use to the study of architectonical surfaces could be evaluated and shared, also in accordance to the UNI - Normal guidelines.

WHAT TO DO

Using the information obtained through research and all the existing direct acquaintance, it is necessary to make contacts with all the scientific laboratories, professors, technicians which in some way could be involved in the project

Suggested time frame for the preliminary steps:

DEADLINE	ACTIVITY	DOCUMENTATION
Within the end of May 2018	Contacts with Academia de Stiintea Moldovei to verify provision of personal and first recognition of equipments at disposal in different departments.	List of interested departments names and equipment
Within the end of June 2018	Meetings with Academia de Stiintea Moldovei and Universitatea de Stat din Moldova USM to verify the state of art and the definition of minimum requirements	List of useful equipment at disposal and integration of lacks
Within the end of September 2018	Tuning of a proposal of master or PhD course of study and identification of main topics, recipients, teachers and realistic start times	Drafting of a proposal for a final training course (master or PhD)
Within the end of December 2018	Trials of application and definition of a new and more well defined chrono programme for the creation of a integrated and shared laboratory	List of problematic aspect and hypothesis of polo statute

- A chrono - programme might be elaborated at a later stage, as soon as real availabilities of personnel and equipment will be detected.

HOW TO DO IT

It is absolutely necessary an immediate contact with the superior training Institutes in order to create effective networks.

The first active vehicle for the links has been identified in Academia de Stiinte a Moldovei: it is important to stress some significant parts of their declared mission:

(...)training of scientific personnel of high qualification supporting and promoting the autochthonous scientific schools and of scientific and cultural national and world values (...) relations of scientific collaboration on internal and external level and of the activity of cooperation and integration In the European and world sphere (...) edification of the state of law and capitalization of the cultural and historical patrimony of Moldova in the context of European integration (...) A special attention is paid to the extension and improvement of the relations of collaboration with local universities, profile ministries and departments, respective agreements being concluded and the forms of cooperation being diversified (...).

Through their provision, identification of the necessary expertise should be easier and faster. Besides, they should have the structure and the scientific relevance to coordinate inter-departments and even inter-university collaborations.

Involvement of Universitatea de Stat din Moldova USM may be considered as well, because of the scientific competences it owns and in consideration of the recent directions of main researches (quoted in file attached A), which put as first priorities

(...) the identification of values of cultural heritages (...) and (...) the production of innovative materials and technologies (...).

Contribution of such institutes should come first of all from the good provision of deans and, as a relapse, of professors and technicians which has been identified because of their previous researches and their interest in the project. Anyhow, one of the first step to develop the startup is to canalize students on the subject: thesis and doctorate studies are always very productive moments for bibliographic research and data bank preparation.

As a longer term prevision, it will be worth define where to carry all the competences, skills, and maybe equipment useful for the research and study in the field of scientific diagnostics applied to cultural heritage. The same center should then become also the point of reference for the new training master and PhD courses, oriented to establish and consolidating forms of a common dialogue between all the different experts involved: art historians, archaeologists, architects, engineers, chemists, physics, biologists, geologist and, why not, local administrators, each one bringing his needs, but each one in awareness and respect of other's request.

After that, there should really be a specialized pole that could act directly with reference to public and private, internal, external, national and even international requests, relating to the various stakeholders through partnership or third-parties contracts, conventions or spin-off business, partly subsidizing this way the pole itself.

OPERATIVE PROGRAMME

The first steps to be undertaken concern the collection of key preliminary information in three areas: verification of interest of eligible institutes, verification of the competences held, verification of the equipment available and its functionality.

In order to acquire information about the real disposability in participating to the network from all the identified Institutes, a general approach divided into different topics has been realized, as well as some schedules for interviews where all the data can be collected and compared.

Once the interest and the willingness of such Institutes to such a collaboration has been verified, it will be possible to identify the necessary skills and equipment for the project launch.

Later on, the existence of minimal requirements has to be checked: if they're not present, it will be necessary to find the way for their optimization and improvement, in order to reach the final target, that is the creation of an integrated laboratory, useful as a diagnostic pole.

TOPIC 1 - VERIFICATION OF INTEREST

At the moment there's no information about already existing forms of collaboration between the identified Institutes. So, their willingness to create such a network on the theme of scientific diagnosis and research has to be assessed.

Further on, the administrative form to create or to adapt such collaborations must be found, as well as the determination of specific roles for each involved Institute.

Academia de Științe a Moldovei appears to have the structure and the scientific relevance to coordinate inter-departments and even inter-university collaborations, but it will be necessary to make sure that their coordination activity will be well accepted from all the other administrations.

Anyway, a leader partner must be identified, together with all the resulting logistic aspects, such as where to establish laboratories (either each institute makes available its own skills and equipment in its own sites, or a new seat has to be identified) and how to calibrate the contribution of each partner as far as budgets and roles are concerned.

The meeting with ASM, held on 06.06.2018, has ascertained their key role in research field and their interest in the project has been underlined and asserted.

Below the format of a questionnaire to be compiled to gather the necessary information about the potential interest in the project for a network for diagnostics for cultural heritage in Moldova is presented.

TOPIC 1 - VERIFICATION OF INTEREST

1.0	Is there an interest to be involved into diagnostics applied to Cultural Heritage?		
	FILL IN		

1.1	Are there any existing forms of collaborations with other Universities or different Institutes?		
	YES	Which ones?	
		FILL IN	
		How to improve them?	
		FILL IN	
	NO	How to create them?	
		FILL IN	

1.2	Is there a real interest into participating to the project of creating a network for the creation of a integrated diagnostic laboratory?		
	FILL IN		

1.3	Could your Institute take the role of leader partner?		
	YES	How?	
		FILL IN	
		When?	
		FILL IN	
	NO	Why?	
		FILL IN	

			Who could? FILL IN
--	--	--	------------------------------

1.4h	How to manage the network?	
	What about the site?	FILL IN
	What about the sharing of personnel?	FILL IN
	What about the sharing of equipment?	FILL IN
	What about the budget?	FILL IN

TOPIC 2 - VERIFICATION OF COMPETENCE

During the previous visit, many institutes and laboratories have been identified inside the different universities, with reference to the various skills the project must involve.

In particular:

- Academia de Stiinte a Moldovei
 - Institute of Ecology and Geography
 - Institute of Chemistry
 - Institute of Applied Physics
- Universitatea de Stat din Moldova USM
 - Faculty of Biology and Soil Science
 - Faculty of Chemistry and Chemical Technology
 - Faculty of Physics and Engineering
- Universitatea Tehnică a Moldovei
 - Faculty of Architecture and Urban Planning

Two meetings have been already organized with Prof. Aurelia Carpov, head of the Department of Architecture at the Faculty of Architecture and Urban Planning of Universitatea Tehnică a Moldovei, and her staff. From these meetings, aimed above all to the analysis of the training programs it has been possible to point out the shortage of specific courses on artworks restoration dedicated to build knowledge and competences on raw and applied materials, their properties and their mechanism of degradation. The lack of specialized experts able to hold such courses or eventually to prepare teachers and personnel already in their staff has been reiterated in different occasions.

It has not been possible to contact Prof. Sergiu Bejan, Dean of the FUA and head of the Department of Roads, Construction Materials and Machinery, yet, but it is important to do it, in order to verify the contribution that department can bring into the project.

During the mission in June 2018, one meeting has been held at Academia de Stiinte a Moldovei: the general idea of creating a network of scientific skills and equipment, in order to face the problem of diagnostics applied to Cultural heritage materials has been explained and participants in the meeting showed great interest in the idea. The Academia de Stiinte a Moldovei might be acting as the coordinator of this project, considering its dimension, size and capacity.

Below the format for the interviews to be performed concerning the competences is presented:

TOPIC 2 - VERIFICATION OF COMPETENCE

2.0	Which are the Departments that should be involved in the project? Are the ones identified in the report correct or not?
FILL IN	

2.1	Is there any previous experience in the field of diagnostics on materials, in general, and on Cultural Heritage in particular?	YES	Which ones? FILL IN
			Is it possible to have documentation? FILL IN
		NO	How to start? FILL IN

2.2	Recognition of skills	How many professors, researchers, technicians? FILL IN
		How many of them have been or could be involved on the theme? FILL IN
		How many students at a final level or PhD? FILL IN
		How many of them have been or could be involved on the theme? FILL IN

2.3	Is it possible to have direct contact with them?	
	Names of Departments	FILL IN
	Names of Personnel	FILL IN
	Direct contacts	FILL IN
	Names/numbers of students and PhD	FILL IN

TOPIC 3 - VERIFICATION OF EQUIPMENT

A fundamental condition is that the identified Institutes (departments and laboratories) own the minimal necessary equipment to do analyses on materials applied in the field of Cultural Heritage. Analytical techniques must be present at least in each institute according to the competence it is involved for. For any analytical technique, it will be necessary to acquire many information: starting from the technical specification of equipment, how long it has been used and to study what, how many personnel is

authorized to its use and which is their background, existence of data banks for reference and about which material.

Even economic considerations have to be faced up, such as how much the various analyses cost, if the internal budget is sufficient for their use or if there are chances for possible funding or third-parties contracts.

The provision of equipment should be verified at Academia de Stiinte a Moldovei. In particular, analytical techniques that must be possessed are, at least:

- FOR MINERALOGIC AND PETROGRAPHIC ANALYSES (probably at Institute of Ecology and Geography)
 - X-Rays diffraction analyses;
 - Preparation both of thin and of cross sections;
 - Optical microscopy

- FOR CHEMICAL AND PETROGRAPHIC ANALYSES (probably at Institute of Chemistry)
 - Scanning electron microscope with microprobe (EDS, EDX EDAX...);
 - FTIR Spectroscopy

- FOR PHYSICAL AND OPTICAL ANALYSES AND MECHANICAL PROPERTIES TESTS (probably at Institute of Applied Physics)
 - cameras for micro and macro photography;
 - lamps in the field of UV;
 - cameras shooting in IR field;
 - thermal imaging cameras;
 - humidity detectors;
 - endoscopic probes;
 - mechanical tests equipment.

TOPIC 3 - VERIFICATION OF EQUIPMENT

3.1	Mineralogic and petrographic analyses		
	X Rays diffractometer	YES	Technical specifications
			FILL IN
			How long it's being used and for what?
			FILL IN
			How many persons do they use it? Which is their position?
			FILL IN
			Are there data banks? For which materials?
			FILL IN
			Is budget sufficient? How to improve it?

			FILL IN
Preparation of thin and cross sections	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN	
Optical microscope	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN	
Something else? Any suggestions?	WHAT?	FILL IN	

3.2	Chemical analyses		
	Scanning electron microscope with microprobe	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN
	X-Ray fluorescence	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN

			Is budget sufficient? How to improve it? FILL IN
	FTIR Spectrophotometry	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN
	Something else? Any suggestions?	WHAT?	FILL IN

3.3	Optical and physical investigations and mechanical tests		
	Micro and macro photographic techniques	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN
	UV lamps	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN Are there data banks? For which materials? FILL IN Is budget sufficient? How to improve it? FILL IN
	Cameras shooting in IR field	YES	Technical specifications FILL IN How long it's being used and for what? FILL IN How many persons do they use it? Which is their position? FILL IN

			Are there data banks? For which materials? FILL IN
			Is budget sufficient? How to improve it? FILL IN
	Humidity detectors	YES	Technical specifications FILL IN
			How long it's being used and for what? FILL IN
			How many persons do they use it? Which is their position? FILL IN
			Are there data banks? For which materials? FILL IN
			Is budget sufficient? How to improve it? FILL IN
	Endoscopic probes	YES	Technical specifications FILL IN
			How long it's being used and for what? FILL IN
			How many persons do they use it? Which is their position? FILL IN
			Are there data banks? For which materials? FILL IN
			Is budget sufficient? How to improve it? FILL IN
	Mechanical tests equipment	YES AND WHICH ONES	Technical specifications FILL IN
			How long it's being used and for what? FILL IN
			How many persons do they use it? Which is their position? FILL IN
			Are there data banks? For which materials? FILL IN
			Is budget sufficient? How to improve it? FILL IN

FOLLOW UP

- ✓ Transfer immediately ASM the following documents: schedule for interviews (see file attached C), in order to verify skills and equipment; presentation of the project; basic nomenclature in the field of science applied to Cultural heritage;

- ✓ Organize a study visit to Italian institutes of research related to cultural heritage (e.g., CNR departments in Rome, Florence, Trento) to show how these research institute work in the field;
- ✓ Transfer as soon as possible some bibliography on the subject;
- ✓ Explore the possibility for “training the trainers” through future meetings or intensive courses to be held in Chişinău or in Italy;
- ✓ Arrange a new meeting aimed to the common evaluation of the state of art, after the compilation of the schedules from all the identified institutes, and to the definition of first levels of start up.

IDENTIFICATION OF INSTITUTES TO BE INVOLVED

However, there are superior training institutes including the necessary professionals that must be involved in the project: their reconnaissance has been conducted from the web.

Universitatea de Stat din Moldova USM www.usm.md

Faculty and contacts

Faculty of Biology and Soil Science

www.usm.md/?mode=657

Str. M. Kogălniceanu, Nr. 65A, bloc 3, MD-2009, Chişinău

Tel (+373 22) 24 43 24; email biologie@usm.md

Departments:

- Biology and Ecology
- Soil Sciences, Geography, Geology, Forestry and Design

Faculty of Chemistry and Chemical Technology www.chimie.usm.md

Str. Alexei Mateevici, Nr. 60, bloc 4, MD-2009, Chişinău

Tel (+373 22) 24 43 55; email fctc1946@gmail.com

Departments:

- Chemistry
- Industrial and Environmental Chemistry

Faculty of Physics and Engineering www.phys.usm.md

Alexei Mateevici Str., Nr. 60, building 4, MD-2009, Chişinău

Tel (+373 22) 24 43 86; email fctc1946@gmail.com

Departments:

- "Iu. Perlin" Department of Theoretical Physics
- Applied Physics and Informatics

Scientific Laboratories:

- Physics of Semiconductors
- Physics of Materials Engineering and Synergy
- Photo-Thermoplastic Recording
- Photonics and Physical Metrology

Universitatea Tehnică a Moldovei

www.utm.md

Mission declared: provide quality education by combining education, research and innovation, to the younger generation that will contribute to building a society and sustainable economy based on knowledge and to form the student personality of a creative and critical type.

General contacts Universitatea Tehnica a Moldovei 168, Stefan cel Mare Bd., MD-2004, Chisinau
Tel (+373 22) [23 78 61](tel:37322237861); Fax (+373 22) 23 85 04
email rectorat@adm.utm.md

Faculty and contacts

Faculty of Architecture and Urban Planning <http://utm.md/en/university-subdivisions/faculties/faculty-of-architecture-and-urban-planning>

39, Dacia bd., block of study nr. 9, Chişinău

Tel (+373 22) 77 44 11; email decanat@fua.utm.md

Nine departments, among which:

- Department of Architecture
- Department of Roads, Construction Materials and Machinery

Scientific Investigations <http://utm.md/en/university-subdivisions/departments-and-services/scientific-investigation-direction>

168, Stefan cel Mare bd., of. 1-313, Chişinău

Academia de Stiinte a Moldovei

www.asm.md

General contacts Academia de Stiinte a Moldovei, 1 Stefan cel Mare bd., Chisinau
Tel (+373 22) 27 14 78; Fax (+373 22) 54-28-23;
email consiliu@asm.md

Departments and contacts

Natural and Life Sciences

http://www.asm.md/?go=sectii&sec=11&conss=1&struct2=1&general=1&new_language=1

bd. Ştefan cel Mare 1, bir.321, 338, 330 Chişinău

Tel (+373 22) 27 27 38 – 21 05 02;

email sectiamed@asm.md - sbiochim@asm.md

Institutes:

Institute of Chemistry <http://chem.asm.md>

- Centre of Physical and Inorganic Chemistry
- Centre of Ecological Chemistry and Environment Protection

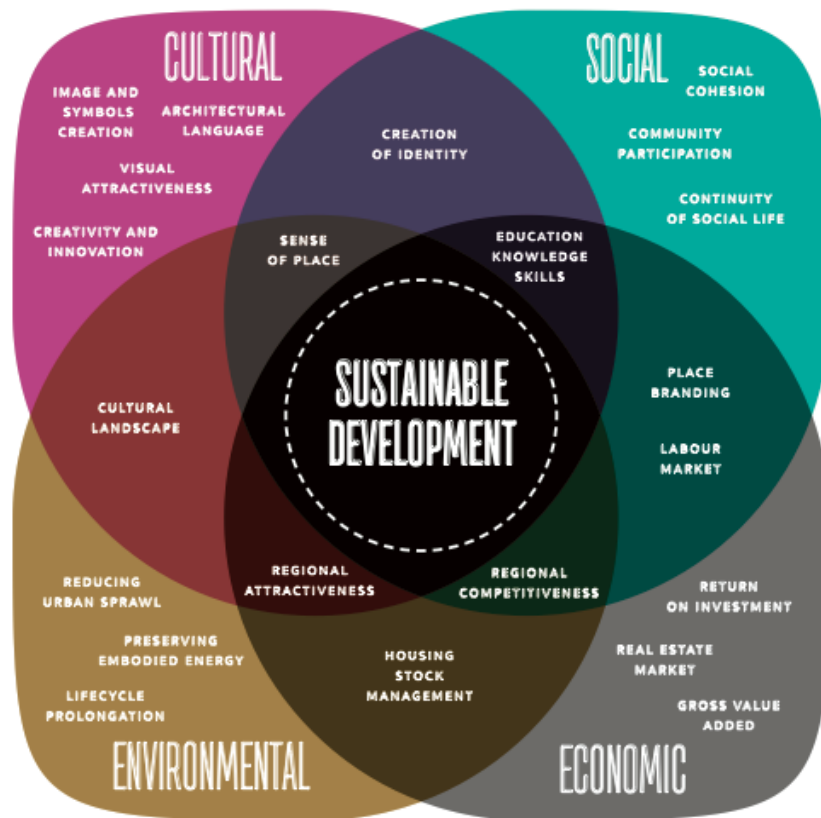
Institute of Ecology and Geography <http://www.ieg.asm.md>

- Laboratory of Geomorphology and Ecopedology
- Laboratory of Landscape Geography

Institute of Applied Physics <http://www.phys.asm.md>

- Laboratory of Optoelectronics
- Laboratory of Mechanical Properties of Materials

ENCOURAGING PRIVATE SUPPORT TO CULTURAL HERITAGE IN THE REPUBLIC OF MOLDOVA



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SUMMARY

The document has been drafted by analysing information gathered through desk analysis of relevant laws and documents, as well as through interviews carried out with employees from the Ministry of Finance.

The document intends to provide:

- The state of the art of fiscal incentives and philanthropic activities, with particular reference to foundations. It describes the main actors and laws related to the field and how the improvement of fiscal incentives is connected to the main strategic documents of the Country.
- A short overview of EU policy related to the field. It underlines that the EU perceives the multi-funding principle of arts and culture as a model of financial sustainability.
- A presentation of the main incentives for encouraging private investments and of the main features of foundations in Italy, France and the United Kingdom. The comparison of their administrative settings and indirect interventions in the cultural sector highlights a relevant distinction between countries with a centralised organization, such as Italy and France, and those with a more decentralised one, the United Kingdom.
- Description of possible actions to improve the sector on the basis of the main criticalities that emerged from the analysis of the above-mentioned picture. The proposed actions appear to be feasible in the short/medium period and therefore they could be supported by the ongoing Twinning Project.

Coming to the main criticalities and suggested actions, it appears that there is a strong need to improve the legislative framework with regard to incentives. Indeed, current legislation does not contain the provisions (or they are ambiguous and not expressly connected to cultural heritage) required to set up a national co-ordinated and integrated regulatory system able to strengthening the funds available to support the cultural heritage sector: this integrated system should include tax reduction (e.g. VAT reduced for maintenance and conservation works of protected heritage objects or for a specific list of materials necessary for conservation, including those that have to be imported), tax deduction and other on fiscal incentives targeted for cultural heritage preservation and promotion.

The possibility of benefitting from fiscal incentives could be introduced in various laws, including the draft law on the protection of historic monuments, the draft law “Monuments of history and culture. The way and principles of designing the restoration of constructions”, which at the moment are being elaborated. The subsequent step should be to amend the Tax Code. It is suggested to introduce only general issues in the Code and to specify the functioning of different incentives in specific regulations.

Referring to the suggested types of incentives, from a first survey, it appears that it would be welcomed the introduction of 1) financial incentives granted to owners and managers of built cultural heritage assets, 2) VAT relief on building materials related to restoration of listed buildings and 3) other types of incentives.

INTRODUCTION

The multi-funding principle of arts and culture is generally perceived as a model of financial sustainability and is therefore one of the central topics of discussion in cultural policy.

Below a table summarising the most common forms of financial supports for cultural heritage and cultural sectors is presented.

Type of incentive	Description
<i>fiscal instrument meant to generate funds targeted to specific objectives</i>	
<i>Earmarked tax</i>	An earmarked tax is a tax collected whose revenues (by law) are used for a specific purpose.
<i>Lottery-based private funding</i>	Lottery funds for culture are an important source of private investment in culture. These funds are often connected to earmarked taxes and are thus earmarked for specific cultural purposes. Decision making about the distribution of lottery funds to culture is either the responsibility of existing government agencies, newly established public agencies, non-profit organizations, the government itself, or the lottery company itself.
<i>Percentage legislation</i>	The central idea of percentage legislation is that taxpayers may designate a certain percentage of their income tax paid to a specific non-profit, non-governmental organization, and in some cases to other organizations. This measure is characterized by: (i) Taxpayers themselves that individually decide on how a portion of their tax paid will be allocated; and (ii) The use of the designated funds that is restricted to supporting certain beneficiaries
<i>Tax relief for individual donations (Art Bonus - Mecenat)</i>	Donations can be made in cash or in kind for specific activities identified by the law.
<i>Tax relief for corporate donations (art Bonus - Mecenat)</i>	These donations can be made in cash or in kind for specific activities identified by the law.
<i>Tax relief for sponsorship</i>	Sponsorship is another way of financing cultural entrepreneurs through external private capital. It can be encouraged through attractive tax incentive schemes. However, whereas sponsorship (or “patronage”) is part of a commercial strategy, which includes quantifiable returns, no financial return is expected when making donations (or “mécénat”) except in terms of promoting the donor’s corporate image. Sponsorships still represent a small portion of the budgetary incomes of cultural organizations. The advantages of sponsorship (in comparison to the classic means of advertisement) are: (i) addressing the target group(s) in non-commercial situations; (ii) associating with a noble mission; (iii) using mass media as a multiplier for sponsoring messages; (iv) supporting public relations policy, event marketing and corporate image; and (v) increasing of the awareness of the social position of the company.
<i>Digital approach (Crowd funding)</i>	From the point of view of the cultural sector, the internet can be used for a variety of purposes as a platform for developing new artistic projects. E-commerce, fundraising, advertising, sponsoring, and branding are explored as potential revenue models. Business model innovations benefit from integrating the digital space into the organizations’ overall business strategies, thus allowing online and offline activities to cross-promote each other.
<i>Vouchers</i>	New tool to stimulate private investment in culture are grants such as “vouchers”. Such a grant is particularly innovative in that it does not cover costs for general activities but rather the costs of specific activities that can improve the cultural

	sector company's professionalization. In the culture sector, vouchers are used as a manner of stimulating demand for cultural products
<i>Indirect (the instrument does not generate direct fund rather stimulate the private expenditure on cultural heritage or culture)</i>	
<i>Banking schemes:</i>	Banking plans can include loan schemes that give a preferable interest rate to cultural activities.
<i>Venture Philanthropy</i>	Cultural sector businesses still make very limited use of equity finance. An emerging form of private investment in the cultural sector is venture philanthropy. The Venture Philanthropy is a form of venture capital and is in fact also known as social venture capital, which involves investments of venture capital and the provision of managerial skills in business initiatives that require innovative solutions to social and environmental problems. Peculiar characteristics of VP are: (i) active partnership, or the involvement of donors, volunteers and professionals in the philanthropic activities of the investment; (ii) the use of a wide variety of financial instruments in addition to donations, such as multi-year funding, loans or other; (iii) the ability and opportunity to provide professionalism and expertise; the desire to put in condition donors to make the most profit from investment in terms of money as well as time or expertise. In measuring their results, VP organizations are focused on outcomes rather than outputs. Investors are more actively engaged in the operation and financing of the projects of grantees and demand stricter monitoring of grantees' operations.
<i>Arts and business forums</i>	The establishment of specialized agencies, which encourage engagement between business companies and cultural organizations.
<i>Tax incentives on the consumption of culture</i>	measures in which a subject of taxation is any form of cultural consumption (e.g. buying music, paintings, sculpture). More general forms of such measures are VAT reductions for buying cultural goods, tax deductions for buying cultural objects, and other measures, such as transfer of art in lieu of payment of tax. The VAT reductions for buying cultural goods and services represent one of the main implicit subsidies for cultural industries

They have been successfully experimented in the Italian system, and the proposal is to foresee similar mechanisms also for the Moldavian culture sector.

While different policies can be implemented to support the supply of cultural heritage funds, this document is dedicated to the so called “**indirect support**”, when it is the private sector to allocate funds, but the government stimulates donations via tax incentives. Moreover, a particular focus is devoted to the role of **Foundations**.

The improvement of fiscal incentives measures in Moldova has been considered relevant since they are increasingly used in Europe to support cultural heritage. Indeed, tax policy can be considered the backbone of the encouragement of private investment in the cultural sector and, among the different tax measures, tax incentives are specifically aimed at the encouragement of desirable behaviour towards the arts and culture. The focus on Foundations is pivotal to valorise one of the instrument that already exists and working in the Country.

WHY DEVELOPING SPECIAL MEASURES TO ATTRACT PRIVATE FUNDING IN MOLDOVA

Notwithstanding the central role played by the State in the field of cultural heritage, which is considered as primarily or exclusively a public task, the intrinsic importance of preserving its social and economic significance calls for a wider development of special measures to attract **Private Funding**.

Yet, from a 2013 study by the Regional Monitoring and Capacity Building Unit of the Eastern Partnership Culture Programme emerges that both public and private culture actors operating in Moldova mentioned the **introduction of tax incentives and appropriate state policy to encourage investments in culture among the main needs and priorities for reforming the cultural sector** (source: (Analytical Base-Line Report on the Culture Sector and Cultural Policy of the Republic of Moldova).

The implementation of innovative funding mechanisms is also one of the issues identified in the Culture Strategy 2020, which highlights the need of an **efficient reform of the cultural sector in terms of funding**, management, protection of culture heritage as well as in terms of the decentralization of culture institutions and expansion of the market for cultural products. Moreover, the Strategy sets as a priority the **identification of mechanisms to increase the number of partnerships with private business**.

Lastly, The Action Programme of the Government for 2016-2018 underlines the strategic relevance of:

- promoting cultural heritage and to integrate it in the system of European values;
- implementing models of competitive financing in order to support cultural policies and culture people.

STATE OF THE ART IN MOLDOVA

MAIN ACTORS INVOLVED

The main actors involved in the public finance management devoted to cultural heritage are:

- **The Ministry of Finance**, by means of its subdivisions and subordinate institutions, ensures the performance of the Public Finance Management functions: overall coordination of the budgetary process, development and coordination of the budgetary and fiscal policy, development and coordination of Medium-Term Budgetary planning, management of the component budgets of the National Public Budget, State budget management, and the monitoring of the execution of other component budgets of the National Public Budget. In addition, it manages other processes or systems, like the Treasury System (State Treasury), the Fiscal Administration System (Main State Tax Inspectorate), the Public Procurement System (Public Procurement Agency), the Customs Administration System (Custom Service), the Public Internal Financial Control System, and the audit function (Financial Inspection).
- **The Ministry of Education, Culture and Research** is in charge of budgetary planning based on policy documents and of the development of mid-term sector expenditure strategies within the Medium-Term Budgetary Framework, of the annual budgets development, execution and reporting according to the law.
- **Ministry of Economy and Infrastructure**, which is the main responsible for the construction sector.

- **The Local Public Authorities** develop, approve and manage the local budgets in line with the principles and rules established by the law.

AN OVERVIEW OF THE LEGAL FRAMEWORK IN MOLDOVA ON FISCAL INCENTIVES

Moldova is a very centralised country and the highest source of financing for culture in is the state budget with the main document of budgetary policy of the Ministry of Culture, the Medium-Term Budget Framework (MTBF). The main expenses in the field are salaries and maintenance of the infrastructure, while the protection of the national culture heritage only receives a fraction of the necessary funding (National Strategy for the Development of Culture of the Republic of Moldova / Culture 2020).

Below are described the main laws on 1) fiscal incentives for private funding in the cultural sector and 2) Foundations.

1. Tax Code 1163/1997.

Article 6 of the Tax Code describes the “**taxes and fees and their types**”.

- state taxes include:
income tax; value added tax; excise duties; private tax; customs duty; road taxes, wealth tax.

It is worth specifying that the income tax is presented in the Annual Budget and that the value added tax is approved through Government Decision.

- local taxes and fees shall include:
real estate tax; private tax, fees on natural resources; land-use tax, fee for organization of auctions and lotteries on the territory of administrative-territorial unit; fee for placement of advertisements; fee for use of local symbol; fee for commercial units and/or social service provision; market fee; accommodation fee; resort fee; fee for provision of passenger road transport services on municipal, city and village (commune) routes; parking fee; fee charged to dog owners; parking lot fee; waste disposal fee; fee for advertising devices.

Referring to potential **changes to the existing taxes**, it is specified that it can be done by amending the Tax Code along with the introduction of the appropriate amendments to the state budget and budgets of administrative-territorial units (article 7).

Coming to **tax deduction**, resident economic agent is entitled to deduct any donations made by him during the tax period for philanthropic or sponsorship purposes, but not more than 5% of the taxable income. (art 36, other deductions). This does not apply to companies (art. 60).

It is worth mentioning that the Code foresees an instrument that is similar to the Italian 8‰, i.e. the percentage of the income tax on physical persons that each individual is allowed to decide to devolve to specific subjects.

At the moment, the Fiscal Code does not mention other specific tax incentives specifically connected to private funding in the culture sector.

2. Law on Philanthropy and Sponsorship 1420/2002.

The law regulates philanthropic and sponsorship activities including the establishment and operation of philanthropic organizations, state guarantees for philanthropic and sponsorship activities, and determines forms of support and incentives ensured by central and local public authorities.

Interestingly, while the purposes of the sponsorship activities expressly mention the financing of programmes and actions in the field of culture sector (article 3), **the purposes of philanthropic activities do not include any action related to the cultural field** (article 2).

Referring to the establishment and operation of philanthropic organizations, the law also defines the legal form of **Foundations** (article 8). Foundations are philanthropic organization whose heritage is constituted by the financial or other assets of the founders and carries out activities in the interest of the entire society or certain categories of persons, but not in the interest of its founders or its governing body.

Lastly, the law specifies that persons carrying out philanthropy or sponsorship activities documentary confirmed shall benefit from the **fiscal facilities** provided by the tax legislation in force (article 21) that are set in the Tax Code (article 22).

BOX 1. Examples of cultural activities supported by Foundations in Moldova

A small number of **Foundations** have constantly supported and invested in developing the cultural sector.

One example is the Soros Foundation-Moldova (SFM)¹, which has invested in several projects, such as the project TRIO - Hub for Rural Cultural Development 2011-2013. The project ran from November 2011 to December 2013 with the financial support of the European Cultural Foundation, the Open Society Foundation and Soros Foundation-Moldova (FSM). The goal was to create models for the reorganisation of houses of culture in centres that provide cultural services for the population on the basis of partnership and cooperation between cultural institutions, organisations representing the civic sector and public administration institutions. Another successful project of the Soros Foundation-Moldova in 2012 was TANDEM project, implemented in partnership with the European Cultural Foundation (Amsterdam), MitOst (Berlin), European Cultural Action (Brussels) and the Centre for Cultural Management (Lviv). The project activities were implemented with the financial support of the European Commission and the Robert Bosch Stiftung Foundation. The organisers intended to provide a breeding ground for cultural cooperation with the European Union countries, also to combat stereotypes that exist on both sides of the border, and facilitate implementation of artistic cooperation projects. Likewise, professionals from the cultural field from the European Union countries and from the Republic of Moldova and Ukraine had the opportunity to create new networks and collaborative partnerships.

In 2013 "Edelweiss" Foundation supported and promoted talented persons from the Republic of Moldova through sponsorship of six cultural projects.

Broadly speaking, it can be said that partnerships and relationships between business and the cultural sector are weakly developed and the legal framework and tax benefits are still not sufficiently incentive for serious investment in this sector.

Even if the Republic of Moldova has shown a growing interest in private support to culture, as witnessed by the programmes lead by the Government is the Public-Private Partnership (PPP), there are very limited cases of public-private partnerships connected to build cultural heritage, which can be cited as examples of good practice (COMUS, 2015).

In the Republic of Moldova the matter is regulated by Public-Private Partnership Law 179-XVI of 10 July 2008, recently complemented by the Government Decision 245/2012 on National Council for Public-Private Partnership and Government Decision 476/2012 on private partner selection. Concessions are

governed by the Concessions Law 534/1995. In addition, the Law on Administration and Privatisation of Public Property 121/2007.

Moreover, the current legislation does not provide the possibility for financial support from budgetary sources or other public funds to NGOs and private owners of built cultural heritage and, respectively, for any interventions on their built cultural heritage (COMUS, 2015).

Indeed, current legislation do not contain the provisions (or they are ambiguous and not expressly connected to cultural heritage) required to set up a national co-ordinated and integrated regulatory system to introduce fiscal incentives for cultural heritage preservation. It has also emerged that national legislation in the field of culture is fragmented and tends to include procedures in the body of the laws instead of relying on specific regulations.

EU FISCAL POLICY FOR CULTURAL HERITAGE

At the EU level, several documents underline the importance of encouraging private investments in culture. In 1986 already, the potentials of a combination of public and private support to cultural activities were discussed within the Council (86/C320/02). In their view, culture can benefit from a strengthened support from a plurality of sources, including different forms of both private and corporate sponsorship.

The 2015-18 Work Plan for Culture, adopted by EU Culture Ministers in December 2014⁴ envisages the objective of “Focus on the financial ecosystem for the cultural and creative sectors. Examination of financial instruments, such as loans and equities. Overview and analysis of alternative financing, such as public-private funds, business angels, venture capital, crowdfunding, sponsorship, donations and philanthropy”.

Again in 2014, the European Parliament has expressly called the Commission, in its resolution “towards an integrated approach to cultural heritage for Europe”⁵ to strengthen the newly established principle of multi-funding and encourage public-private partnerships.

Indeed, the general orientation of EU institutions is that funding of cultural heritage should be flexible and adaptable. Even though the complete privatization of the sector is definitely undesirable, financing cultural heritage exclusively through public funding risks to jeopardize sustainability and to reduce accessibility of heritage.

INCENTIVES FOR ENCOURAGING PRIVATE INVESTMENTS: SELECTED COUNTRIES

In order to offer practical examples of different patterns aimed fostering private support to the cultural heritage sector, an overview of possible incentive mechanisms that have been successfully experimented in other countries is illustrated.

⁴ [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1223\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1223(02)&from=EN)

⁵ http://ec.europa.eu/assets/eac/culture/library/publications/2014-heritage-communication_en.pdf

It has been decided to analyse more in depth three Countries that are emblematic of three different systems of managing cultural policies: **Italy, France** and the **United Kingdom**.

The comparison of their administrative settings and indirect interventions in the cultural sector highlights a relevant distinction between countries with a centralised organization, such as Italy and France, and those with a more decentralised one, the United Kingdom.

Italy, is a hybrid system that is experimenting a process towards a more decentralised mechanisms to involve the private sector. The Italian case shows that, while the state plays a central role in supporting culture, there is a wide array of initiatives, incentives and systems for encouraging private support of culture.

More in details, **France** is characterised by a top-down and state-driven system, in which also private funding of cultural sector are influenced by the state.

The **United Kingdom** is considered to be a 'tripod economy' whereby each source of income (public, private, earned) accounts equally for the total income. In the UK, autonomous bodies that enjoy a degree of independence from political distribute funds among various projects and applicants. The "arm's length principle" regulates the way these bodies operate, their organisation and their interaction with the government. The idea behind the principle is to prevent political interference in decision making.

This paragraph describes the main types of fiscal incentives for private investments in cultural heritage in Italy, France, and United Kingdom. The list of incentives presented below does not intend to be exhaustive, since other incentives could be specifically designed for the Moldavian system.

ITALY

In Italy, there is in place a mix of administrative, economic and arm's-length models. The responsibilities for culture are split between various bodies on four levels: state, regional, provincial and municipal.

Referring to the **sponsorship** activities and donations, fiscal incentives become the object of tax reduction in two ways:

- Tax credit: when the donated amount can be directly subtracted from the amount due (applies only to physical persons up to 19% and for a small amount - 2000 euros);
- Tax deduction: when the donated amount can be subtracted from the income amount to reduce the overall income sum on which income tax regimes apply (it applies to physical and legal entities) (Law 342/2000).

For donations to no –profit sector, donations could be financial or in kind (that is goods, which need to be detailed in description and value) and are the object of deduction from the overall income. There is a limit in the Italian legislation: 10% deduction or no more than 70.000 euros for physical persons and 2% of the enterprise income (according to DL 14/3/2005). Moreover, advertisement expenses and representation costs totally deductible from company income (Law DPR 917/1986—TUIR).

There are obligations for the donors and the beneficiaries in terms of how the donations are documented and accounted, in order to ensure the traceability of these funds. In particular, for donations for cultural heritage, physical donors are requested to stipulate agreements with the beneficiaries, complying with

obligations pertaining protection of cultural properties. For enterprises, a project proposal for the cultural activities that is meant to be funded must be submitted for approval to the Ministry of Culture.

Other important fiscal facilitations concern the **owners of immovable properties** that are protected according to the law, which are related to:

Renovation and maintenance of cultural heritage. In particular, it is foreseen that:

- Costs accrued in the renovation of buildings under monument protection can be deducted from the taxable incomes of the building owners. (article 37 of the Code of Cultural Heritage and Landscape).
- Investments in the renovation and maintenance of cultural heritage can be deducted from the annual taxation due.

The entry of properties into the register that are considered relevant to cultural heritage:

- lower taxes for entries of buildings that are proclaimed cultural heritage sites, if the new owner, who is obliged to pay taxes on the building, accepts the duty of the maintenance of the building value (article 10 D.Lgs. n. 23/2011 and article 26 del D.L. n. 104/2013).

Moreover, it is possible to have the reduction of taxes on the income obtained from the use of immovable protected properties and the complete exemption if these are used as museums or publicly accessible (article 38 of the Code of Cultural Heritage and Landscape); reduction of taxes for cadastral, ownership or mortgage registration, reduction of inheritance tax (now it has been abolished for all immovable up to a certain amount), reduction of municipality tax on immovable properties. Fiscal facilitation on works conducted on protected monuments need to be certified by the competent body of the Ministry of Culture (soprintendenza), which also has to authorize the works and certifies the successful and respectful implementation of the works (article 31 of the Code of Cultural Heritage and Landscape).

- **Transfer of art in lieu of tax payment:** this system acts as a tax credit system. It is possible to cede cultural goods as well as works of living authors not older than 50 years to the state instead of paying taxes (Decree of the President of the Republic No. 603/73). A special measure is providing the favourable tax treatment of old (listed) buildings.
- **Percentage legislation in favour of the arts:** citizens can decide about the destination and use of a small fraction of their income tax, without implying donations: these instruments are known as “otto per mille” or 8‰ - eight per thousand and “cinque per mille” or 5‰ – five per thousand.
- **European funding sources,** including the Community structural funds through which multi-annual Community grants are allocated; the framework programs dedicated to culture; loans from the European Investment Bank, granted to public and private entities.
- **Sponsorship of cultural heritage:** "any form of contribution in goods or services by private individuals
- **Deductions from business income:** allows companies to deduct from the taxable income so-called social utility charges, including donations for cultural purposes.
- **Lower taxes on heritage and gifts:** gifts are not taxable if transferred to the state, regions, provinces or municipalities, public organisations, foundations or associations in the field of education, research or NPOs that execute social activities (D.Lgs. 31/10/990 n. 346). Cultural goods as **testamentary gifts** are not subject to tax payment or tax reductions.

- **Tourist tax:** D.L. 23/2011 establishes that resources from tourist tax shall be used for tourism and cultural projects.
- **VAT relief on the selling of immovable properties:** The transfer of immovable properties of historical, artistic and archaeological interest is taxed at a 3% rate (lower than the ordinary 7%). As far as the Value Added Tax is concerned, even though transfers of immovable properties subject to historical and artistic constraints are taxed according to the ordinary 20% rate, services typical of libraries, discos, museums, galleries, picture-galleries, monuments, villas, palaces, parks and botanic and zoological gardens are exempted from taxation (sect. 10, D.P.R. 633/1972).
- **National lottery:** Law 662/1996 establishes that resources from lottery funds to cultural purposes (up to EUR 155 million annually). This sum represents a fixed ceiling amount. The funds are allocated to the Ministry of Heritage and Cultural Activities for the restoration and preservation of cultural, archaeological, artistic, archival and library goods, based on triennial plans.

THE ART BONUS

Among the measures adopted at national level in Italy, the so-called Art Bonus deserves a specific mention. The Art Bonus is a set of emergency measures contained in article 1 of the Decree Law 83 of May 31, 2014²⁷. The objective is to favour cultural patronage by setting a tax credit equal to 65% for all private entities that wish to support projects of maintenance, protection and restoration of public cultural heritage; public museums, archaeological sites, archives and libraries; public theatres and lyric foundations.

It works through a simple mechanism: beneficiaries register on a website (www.artbonus.gov.it) and donors use different way of money transfer (through a bank, post office, debit or credit and debit cards, bank checks), and save the receipt of the Art bonus transaction to take advantage of the tax benefits.

Below are indicated the most important pieces of legislation related to Art Bonus:

- Art Bonus Law (+ Regulation by Fiscal Agency)
- Act on guidelines for cultural sponsorships (march, 2013), MiBACT.
- Regional Law n.21/2010, Tuscany Region.
- Regional Law n. 45/2012, Tuscany Region.

It is particularly interesting because it aims at facilitating the meeting between demand for funding and potential offers from donors. It is also a way to stimulate project capacity in the public administrations, as they need to set out clearly the financial needs for any intervention they propose on the platform for obtaining the donations.

FRANCE

The French law - namely the Law on the development of sponsoring (1987) and the Law on the Development of Sponsorship, Mécénat Law (2003) - envisages fiscal facilitations devoted to incentivise **sponsorship** activities. Sponsor companies may deduct from their taxable earnings value of gifts of a cultural nature to charities or organisations of general interest, up to a maximum of 0.225% (or, under certain conditions, 0.325%) of their turnover.

In France, the sector that receive the most important part of the cultural sponsoring budget are build and landscape heritage conservation, music and museums/ exhibitions. The main motivation to engage in cultural sponsorship is to contribute to the attractiveness of a territory/place (40%). Other important incentives are advocacy for culture inside the company (22%) and development of public relations (20%), (Compendium Report - France, 2016).

Other important fiscal incentives concern the enhancement of **renovation and maintenance of cultural heritage**. In particular, it is foreseen that:

- private individuals who own old buildings can deduct maintenance expenses incurred in respect of such property from their taxable income (art 199 of the General Tax Code). Different rules apply according to the building's classification.
- Investments in the renovation and maintenance of cultural heritage can be deducted from the annual taxation due.

Fiscal incentives to support owner-occupiers of listed properties.

It is possible to deduct expenses relating to the property (their share of the cost of any subsidised work, loan interest, property tax, etc.) from taxable income within the following limits:

- 100% for properties listed or registered as historic monuments, provided these are open to the public;
- 50% for such properties not open to the public;
- 50% for properties granted ministerial approval, by definition open to the public.

A third group of incentives are related to taxes reliefs on **inheritance and gift**.

- Heirs or beneficiaries can benefit from tax deductions if the protected building or artwork will be at least partially open for public or used to benefit cultural heritage (same as in United Kingdom).
- Possibility of tax payment on inheritance in the form of gifts of inherited artworks to museums and galleries that are open to the public.

Lastly, facilitation and reductions also apply to **VAT**. In particular, a special VAT scheme is applicable to persons who trade used goods and works of ancient art with the aim of avoiding repeated taxation on goods that are supplied to a taxable person for subsequent resale after they have been purchased.

UNITED KINGDOM

The UK cultural sector is usually regarded as the archetypal "arm's-length" model, as governmental funds for culture are administered by non-departmental public bodies that distribute money to the final beneficiaries.

Fiscal incentives are foreseen only for **sponsorship** given to a registered charity, as many arts organisations are.

Referring to **renovation and maintenance of cultural heritage**, the UK zero VAT rate is foreseen for certain types of construction expenditure. For instance, occupants of qualified listed property who carry out

‘approved alterations’ can benefit from the zero rate. The register of goods and services that benefit from the zero VAT rate in the UK could not be widened due to restrictions in European VAT legislation. With the implementation of BREXIT, things might change in this regard in the future.

Coming to the **taxes on heritage and gifts**, the system is similar to the one described for France. Tax reliefs under the condition that the protected building or artwork will in some other way be used to benefit cultural heritage.

Other important incentives in the UK are:

- **Payroll Giving** allows anyone who pays income tax to give regularly and on a tax-free basis to the charities and good causes of their choice. Payroll Giving donations are deducted before tax.
- **Income tax relief for donation of shares, land and buildings to a charity** or to sell them to a charity at a price lower than their market value. The advantage of this scheme is that neither the donor nor the arts charity receiving the assets is liable for any Capital Gains Tax and, furthermore, the donor can claim income tax relief. Businesses are also encouraged to donate money, land, building and shares. Donations of money should be paid in gross and are then deductible from the total profits of businesses when calculating Corporation Tax.
- **Tax measures for buying and selling protected properties:** relief from VAT payment is offered for selling, or renting out for an extended period of time, the protected building if the building was reconstructed or renovated with money from the seller or renter.
- **Transfer of art in lieu of tax payment:** allows people to offer items of specific cultural and historical importance to the State in full or part payment of their inheritance tax, capital transfer tax or estate duty. Cultural objects are in this way acquired for public ownership and distributed to museums, galleries, etc. in the UK. **National Lottery** - For every GBP 1 spent on Lottery tickets, 28 pence goes to the Lottery’s good causes: arts, charities and voluntary groups, heritage, health, education, environment and sports. The money is allocated to funders who then redistribute said funds for specific projects. The UK Government is committed to increasing the shares of the National Lottery Distribution Fund to 20% for each of the good causes of sport, heritage and the arts as a way of compensation for some of the cuts to the arts sector budgets. During 2009-2010 the Museum, Libraries and Archives Council (MLA), responsible for administering the scheme on behalf of the government, dealt with a total of 33 cases for a value of GBP 15.7 million, resulting in a tax settlement of GBP 10.8 million (Museum, Libraries and Archives Council, 2010)

MAIN FEATURES OF FOUNDATIONS: SELECTED COUNTRIES

In most countries, the fund and foundation sector has been booming for the last two to three decades, a sign that the philanthropic culture is continuing to make progress and the result of changes to legal and fiscal frameworks.

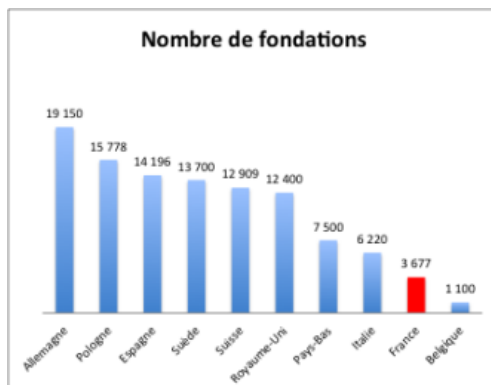


Figure 1 Number of Foundation in Europe. Source CERPhi – April 2015.

FOUNDATIONS IN ITALY, FRANCE AND THE UNITED KINGDOM

ITALY

In Italy, between 1995 and 2005, the number of foundations grew by 133% (Observatoire de la Fondation de France / CERPhi – April 2015, An overview of philanthropy in Europe) and art and culture is the priority of private foundation support (European Parliament, Financing the arts and culture in the European Union culture and education).

The Civil Code set the basic condition to set up a foundation. It is possible for individuals as well as legal entities but in all cases an endowment proportionate to the foundation's purposes is required. According to Decree n. 361/2000, a foundation reached legal personality by enrolling in a legal entity register.

Foundations fall under the supervision of prefectures or regional administrations depending on the type of foundation. Foundations established before autumn 2000, however, fall under the supervision of the competent Ministry (the Ministry of Interior or, in some cases, the Ministry of Education) and there is special supervision of foundations that pursue cultural purposes (see Decree no. 368/1998). Foundations of banking origin fall under the supervision of the Ministry of Economy until all of them divest controlling shareholdings in banks (see Art. 52 of Decree no. 78 of 2010 and State Council (Consiglio di Stato) no. 5118/2011).

Foundations can pursue both public and private benefit purposes, however **fiscal reliefs are only provided for some kinds of foundations which pursue public benefit.**

The Italian law provides significant tax benefits for foundations, including:

- Total exemption from tax and regional tax only in what concerns the institutional activities and related (non-business) activities.

- VAT exemption for hospital services, nursing, education and training, and social and health services in general.
- Exemption from stamp duty and the obligation to issue receipts (only for institutional activities).
- Simplification of accounting.
- Exemptions and concessions from various municipal taxes, and provincial, regional and capital income.

FRANCE

According to the French law, “a foundation is the deed by which one or several persons decide to assign irrevocably some goods, rights, or resources to the fulfilment of a public interest and not-for-profit purpose.” (July 23, 1987 Development of Philanthropy Act, as modified by the July 4, 1990 Corporate Foundations Act)⁶.

Foundations must have their own patrimony. This attribute distinguishes them from associations, which are simply groupings of individuals or legal entities with a common goal. Since all foundations must serve a public benefit purpose, private interest foundations are not permitted.

There are three main types of foundations: public utility foundations; sheltered foundations; corporate foundations.

All foundations, except for corporate foundations, are entitled to tax credits for their donations to NPOs with general interest or public utility status. Legal entities may receive tax credits worth up to 0.5 percent of their annual income for donations, while individuals may receive tax credits worth up to 20 percent of their annual taxable income for donations.

In 2008, it has been introduced the endowment fund (Law No. 2008-776 of August 4, 2008). This fund is characterised by its administrative flexibility with initially no start-up capital requirement, now amended to a low minimum threshold, and has led to the creation of more than 600 funds in the two years since the act modernising the French economy introduced this new type of foundation. In France, 4% of the total expenditures of foundations is spent on arts and culture.

Lastly, it is worth mentioning three legal developments – the January 4, 2002 Act on the Museums of France; the August 1, 2003 Act on Philanthropy, Associations, and Foundations; and the *Conseil d'Etat's* implementation of standard by-laws for public utility foundations – have all contributed to a more flexible process for creating and administering foundations.

THE UNITED KINGDOM

In the UK foundations are not a special form of charity: all registered charities, whether called “foundations” or “trusts” and whatever their funding source or activities, have the same character in law.

⁶ <https://www.cof.org/content/france>

Charitable status in the UK is not achieved through the adoption of a particular legal constitution or form but through compliance with “charitable purposes” as set out by the charitable regulators, namely – the Charity Commission for England and Wales, Office of the Scottish Charity Regulator (OSCR) and Charity Commission for Northern Ireland. The charitable purpose was defined in the 1601 Act, modified and widened in the Charities Act 2006, now superseded by the Charities Act 2011.

In the UK, the support of the grant-making charitable trust to the arts and culture was 9% of their total budget in 2002. For the period 2001-2004, funding increased by an average of 30%, and then decreased almost by 15% in 2004-2005. The largest share (up to 78%) goes to London art organisations.

POSSIBLE IMPROVEMENTS IN MOLDOVA

The main challenge that emerged is that current legislation does not contain provisions (or they are ambiguous and not expressly connected to cultural heritage) required to set up a national co-ordinated and integrated regulatory system to introduce fiscal incentives for cultural heritage preservation. It has also emerged that national legislation in the field of culture is fragmented and tends to include procedures in the body of the laws instead of relying on specific regulations.

However, according to what emerged from the desk analysis and from the interviews, it appears that the introduction of fiscal incentives is envisaged by strategical documents and it is welcomed by institutional and non-institutional actors.

The introduction of fiscal incentives requires first of all the improvement of the current **legal framework**. This will require to:

1. Involve the relevant actors:
 - a) The Ministry of Education, Culture and Research, the Ministry of Finance and Ministry of Economy and Infrastructure should cooperate in order to amend/introduce the relevant laws and bylaws. It is suggested to ***create an interministerial “task force” to set up the regulatory system in the field.***
2. Create the regulatory framework:
 - b) The possibility of benefitting from fiscal incentives could be ***inserted in the draft law “Monuments of history and culture. The way and principles of designing the restoration of constructions”, which at the moment is being elaborated.***
 - c) The subsequent step should be to amend the Tax Code. ***It is suggested to introduce only general issues in the Code and to specify the functioning of different incentives in specific regulations.***
 - d) Identify the most interesting incentives to be introduced in Moldova.

From the preliminary survey conducted to compile this report, it appears that it would be welcomed the introduction of:

- financial incentives granted to ***owners and managers of built cultural heritage assets***
- **VAT relief on building materials and specific categories of works** related to conservation/restoration of listed buildings.
- **National Lottery related incentives**

- **Stimulating the creation of bank foundations** through appropriate fiscal incentives and facilitations, given the high number of banks present in Moldova
 - The Tax Code describes “taxes and fees and their types” (Article 6). It is necessary to identify the type of taxes that can be reduced. *From a first survey, it appears that facilitation and reductions could be applied to **income tax and to VAT**.*

A strategy for the diversification of the sources of funding needs to be made up of different coordinated measures and, to be effective, needs to be accompanied by a robust and convincing promotion campaign.

The analysis of the existing laws has shown some criticalities.

- At the moment, the Tax Code includes:
 - a. tax deductions for philanthropic and sponsorship activities (article 36). *However, the purposes of philanthropic activities do not include any action related to the cultural field (article 2).*
 - b. an instrument that is similar to the Italian 8‰, i.e. the percentage of the income tax on physical persons that each individual is allowed to decide to devolve to specific subjects (*Law 2%*). *It is not specified that it can be devolved to cultural activities.*

As a first preparatory step, it is suggested in that respect to:

- *Amend the Tax Code to expressly insert that tax deductions and earmarked percentages of income taxes can be related to the cultural field, in order to facilitate donations for cultural heritage without too many changes in the legislation.*