

G) Protection of Monuments

1. Act to Protect German Cultural Assets against Removal from the Country - Cultural Assets Protection Act (Gesetz zum Schutz deutschen Kulturgutes gegen Abwanderung - Kulturgüterschutzgesetz - KultGSchG)

of 6 August 1956 (Federal Law Gazette [BGBl.] Part I p. 501), in the version of the proclamation of 8 July 1999 (BGBl. Part I p. 1754), last amended by Ordinance of 29 October 2001 (BGBl. Part I p. 2785)

Section 19 [Cultural Assets Owned by the Churches]

(1) This act shall not apply to cultural assets and archived assets owned by the churches or by another religious society recognised as a public-law corporation and their church-supervised facilities and organisations, where by internal public-law provisions the sale of valuable cultural assets and archived assets has been made dependent on the approval of a supervisory church body or because of statutory provisions has been made dependent on the approval of a state body. An expert agency must however be heard from the point of view of this act prior to a decision being taken on approval of sale.

(2) The churches and the religious communities recognised as corporations under public law may register works of art and other cultural assets which they own within the meaning of this act for inclusion in the "List of cultural assets valuable to the nation". The highest Land authority shall decide on inclusion in accordance with this act.

2. Act to Protect and Care for Cultural Monuments in the Free State of Saxony - Saxon Monument Protection Act (Gesetz zum Schutz und zur Pflege der Kulturdenkmale im Freistaat Sachsen - Sächsisches Denkmalschutzgesetz - SachsDSchG)

of 3 March 1993 (Law and Ordinance Gazette [GVBl.] of Saxony p. 229), last amended by Act of 28 June 2001 (GVBl. of Saxony p. 426)

Section 18 Cultural Monuments Serving the Practice of Religion

(1) The monument protection authorities shall as a matter of priority adhere to the concerns of religious service which are to be determined by the superior church authority or the appropriate agency of the religious community in question in respect of cultural monuments serving the practice of religion.

(2) Decisions and measures of the monument protection authorities with cultural monuments owned by the church shall be taken in agreement with the superior church authorities or the appropriate agency of the religious community in question.

(3) Sections 11 and 12⁴⁷ shall not apply to cultural monuments owned by the churches and used for religious services where the churches issue their own provisions to protect these cultural

⁴⁷ Note: Section 11 concerns those measures to be taken by a monument conservation authority. Section 12 stipulates amongst other things that a cultural monument is only to be restored or repaired, its appearance or

monuments in agreement with the highest monument protection authority. Prior to implementation of projects within the meaning of section 12 subsection (1), agreement shall be reached with the competent superior Land authority. If no agreement can be reached either with it or with the higher monument protection authority, the highest monument protection authority shall decide, in agreement with the highest church authority.

(4) Sections 27 to 34 shall not apply to cultural monuments owned by the church and to other cultural monuments serving the practice of religion.⁴⁸

substance changed or impaired, equipped with fittings, writings or signs or advertising, removed from an environment, destroyed or disposed of with the approval of the monument conservation authority.

⁴⁸ Note: Sections 27 to 34 govern the preconditions for expropriation and compensation for such.