**Legislation on Cultural Heritage**

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***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to analyse and investigate Italian Legislation on cultural heritage, with a focus on the Cultural Heritage and Landscape Code - Legislative Decree 42/2004 and further amendments as well as further collateral and supplementary regulations to the Code of Cultural Heritage and Landscape.

In Italy most of cultural heritage is public-owned; therefore, it is essential that anyone approaching the world of culture economy and management is aware of the rules and laws which regulate the most “tangible” side of our cultural heritage.

Furthermore, since these regulations are part of the broader system of Italian public law, the course aims to start with a section dedicated to the introduction of the basic constitutional and administrative categories for the understanding of the different deeds and institutions related to the protection and enhancement of cultural heritage.

At the end of the course, students will be able to:

1. know the fundamental principles of cultural heritage legislation;

2. apply knowledge based on their understanding of the topics covered in the course;

3. collect and interpret data in order to develop independent judgement;

4. communicate information, ideas, problems and solution to specialist and non-specialist interlocutors;

5. advance in the study of Management of cultural heritage with a greater awareness of the legal and administrative aspects underlying it.

***COURSE CONTENT***

After the first introductory part, the course will explore the legislation on cultural heritage through the reading and discussion of the articles of the Urbani Code, with a focus on the topics listed below.

*1. An introduction to public law*

1.1 The Constitution and the fundamental principles (in particular, arts. 7-9)

1.2 Republic, State, territorial autonomies

1.3 The sources of law

1.4 The administrative organisation of the Ministry of Culture

1.5. Administrative activities: power, legitimate interest, proceedings, provisions

*2. The Code of the Cultural and Landscape Heritage - cultural heritage*

2.1 Cultural heritage identification (verification and declaration)

2.2 Circulation within the national territory (cultural public domain, declaration of transfer, pre-emption, expropriation)

2.3 Circulation within international territory

2.4 Fruition and enhancement.

3. *The Landscape*

3.1 Protection and enhancement: general regulations.

3.2 Declaration of notable public interest and landscape planning

4. *Sanctions*

4.1 Administrative sanctions

4.2 Penal sanctions (as amended by the Law 22/2022)

***READING LIST***

1. F. Florian – L. Dellupi (edited by), *Legislazione beni culturali. Materiale normativo*, updated edition, EDUCatt, 2022.

2. C. Barbati – M. Cammelli – L. Casini – G. Piperata – G. Sciullo, *Diritto del Patrimonio Culturale*, 2nd edition, Il Mulino 2020. Or, alternatively, M.A. Cabiddu – N. Grasso (edited by), *Diritto dei beni culturali e del paesaggio*, 3rd edition, Giappichelli, 2021.

3. P. Caretti – U. De Siervo, *Diritto costituzionale e pubblico*, 5th edition, Giappichelli, 2023.

Further information will be made available at the beginning of the course and on *Blackboard*.

***TEACHING METHOD***

Lectures.

***ASSESSMENT METHOD AND CRITERIA***

Oral examination. Further information will be provided during the course and posted on the Blackboard’s webpage.

The above-mentioned syllabus is for students who take the exam for 8 ECTS, whereas students who take the exam for 5/6 ECTS shall not study the parts regarding landscape and sanctions.

Assessment method and course syllabus are the same for attending and non-attending students.

***NOTES AND PREREQUISITES***

Further reading list, notes and materials will be posted on *Blackboard*.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG, or on the Faculty notice board.