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ΣΥΛΛΟΓΟΣ ΣΥΝΤΗΡΗΤΩΝ ΑΡΧΑΙΟΤΗΤΩΝ
& ΕΡΓΩΝ ΤΕΧΝΗΣ ΤΡΙΤΟΒΑΘΜΙΑΣ ΕΚΠΑΙΔΕΥΣΗΣ

ΠΡΑΚΤΙΚΑ ΣΥΝΕΔΡΙΩΝ/ΗΜΕΡΙΔΩΝ

ACAWA-GR CONFERENCE PROCEEDINGS

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Ensuring high quality in safeguarding Cultural Heritage

The vital importance of protecting the title
and regulating the profession of
Conservation-Restoration in Europe

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Regulation of the profession Restorer in Slovakia

Michal Hutta, Barbara Davidson

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Michal Hutta^a, Barbara Davidson^b

^a University of Economics in Bratislava, Faculty of Commerce, Slovakia

^b Komora reštaurátorov, Slovakia

ABSTRACT

The Slovak Republic decided to regulate access to the execution of the profession "restorer" by establishing the Chamber of Restorers (original name in Slovak: "Komora reštaurátorov"). The Chamber of Restorers was established by law in 1994 as a so-called professional chamber with compulsory membership. It gathers physical persons executing the profession "restorer" in Slovakia. As far as we know, it is the only country in the EU where the attempts for self-regulation of the professionals executing the liberal profession "restorer" have been successfully transformed into the creation of a so-called professional chamber. The idea and initiative came from the restorers themselves. At the beginning of the process of preparation of a proposal on how to structure the law, the Slovaks cooperated with their former federal partners from the already split up Czech and Slovak Federative Republic. However, the Czech situation developed differently. The article explains the restorers' chamber system and its historical preconditions in the Czechoslovak organisation of the profession's execution.

1. THE HISTORY OF THE PROFESSION RESTORER IN SLOVAKIA

Slovakia practically started to exist within Czechoslovakia 104 years ago, in 1918. After the war in 1945, we became the Czechoslovak Socialistic Republic, with its capital in Prague. Let us look at the creation of the official restoration education as it still exists based on the tradition set up after the war. In 1945 the Academy of Fine Arts in Prague established the department of restoration under the auspices of the Prague National Gallery's restorer Bohuslav Slánský and Professor Karel Veselý. Then the establishment of the restoration department followed in the Slovak Republic, in Bratislava, at the Academy of Fine Arts. This was carried out under the leadership of the already mentioned Prof. Karel Veselý. The study was from the beginning set as 6 years with obtaining the Academic Painter or Academic Sculptor title since the studies are based on artistic education. Currently, the title Bachelor or Magister Artis is awarded (4+2years), or Artis Doctor (equivalent to PhD). To be able to do research, you had to learn natural sciences within the scope of chemistry and physics. One of the courses was of course, photography, containing the processing of photographs on your own. Accompanying special skills could be learned from masters employed at the schools, helping you with woodwork or making casts or moulds of sculptures or even welding.

The socialistic school system supported lower levels of specialised education too. So as a young pupil, you could choose to become an artisan learning the skills required for helping or even becoming an independent craftsman after doing a three-year study. The secondary education level, finishing with graduation at 18 years of age, was also provided for arts and crafts. In 1988 the Bratislava Arts and Crafts Secondary School (which was established by the Chamber of Commerce in 1928, based on the German Bauhaus system) started to offer two-year courses aimed at conservation-restoration. These courses then grew and became a full 4-year study programme called Conservation and Resto-

Restoration which survives until today. There were just two schools in Slovakia offering this program at the secondary school level until the 90ies and the university level for Restorers only at the Academy in Bratislava.

In the 1950ies came three decisive impulses in the field of heritage maintenance and restoration: the first academically educated students graduated from the school of Prof. Veselý, in the year 1951, the Heritage Institute with the restoration and technological department was established, and finally, in the year 1958 the Act on cultural heritage became valid. The Act also dealt with the conservation and restoration of heritage, while besides others, it codified the group of persons and organisations which could perform restoration: "Conservation and restoration of heritage artworks such as painting, sculpting and applied art can be executed only by specialised qualified restorers". This fulfilled the Prof. Slánský's requirement for professional training of a restorer. The restorers of that era performed their work either independently via the Slovak Fund of Fine Arts and its enterprise "Dielo", either within the Heritage Institute or in the ateliers of galleries or museums.

The 1970ies and 1980ies were signed by turbulences in the legislative adjusting the execution of the restoration activity in Slovakia (prohibition of restoration as a freelance profession, establishing of the State Restoration Ateliers and the Centre of Arts and Crafts). This unfavourable situation for restorers and also for the heritage lasted till the year 1990. [1]

In 1989, after the Velvet Revolution, Czechoslovakia left the communist ideology and with the renaissance of the public society and the need for more decision power within the two republics of Czechs and Slovaks, we approached the path to the final split of the Czech and Slovak Federation Republic in 1992.

The change of the system opened the possibility of the reorganisation of the free profession of restorers. Being organised in the Association of Restorers of Slovakia (original name in Slovak: "Obec reštaurátorov Slovenska") helped with the gathering of future members for the Chamber. Knowing the actual situation meant the time was ripe for action. My dear older colleagues, still in cooperation with the Czech partners, started to prepare a proposal to establish chambers of restorers for both the Czech and Slovak Restorers. Using the organisational rules of the American AIC and the kind help of a governmental legislation lawyer, the law proposal for the Chamber was handed to parliament members and delivered for consideration to the Slovak parliament. The Slovaks succeeded, and the Czechs did not. Chamber of Restorers was established by the Act the National Council of the Slovak Republic No. 200/1994 Coll. (Act on the Chamber of Restorers and about the restoration activity of its members) was established on September 1st, 1994.

2. THE ACTS REGULATING THE PROFESSION IN SLOVAKIA

2.1 Act the National Council of the Slovak Republic No. 200/1994 Coll. on the Chamber of Restorers and about the restoration activity of its members.[2]

This Slovak Act established the Chamber of Restorers and directly regulated the profession Restorer in Slovakia.

The Chamber of Restorers

The Chamber of Restorers is an independent self-administrative professional organisation, currently associating more than 180 restorers with an active practice. The Chamber of Restorers is a legal entity, a so-called professional chamber with compulsory membership, which has the task of gathering and keep the list of physical persons executing the profession “restorer” in the area of the Slovak Republic. The seat of the Chamber of Restorers is in the capital of the Slovak Republic, Bratislava, and operates within the whole area of the Slovak Republic.

The essential mission of the Chamber of Restorers is to act as public authority in two main areas.

1. The first area is the authority of the chamber to decide about the ability to execute the liberal profession “restorer” in the relevant specialisation of restoration and, for that purpose, to keep the list of its members. The chamber, in this area of its activity, has the position of public authority, which decides which natural person with which specialisation in restoration will carry out business activities in the Slovak Republic in the field of restoration activity on national cultural heritage and collection items of works of art.

2. The second area is the realisation of the chamber's law duty to continuously monitor that its members carry out their profession in accordance with the professional, expert and ethical principles and rules which are related to the execution of the liberal profession “restorer”. For this purpose, the law entrusted the chamber on one side with the authority to issue internal (corporative/professional) rules and regulations which are legally binding for its members and, on the other side, it accredited the chamber with disciplinary authority over its members, which manifests in the chamber's right to impose disciplinary measures on its members (written warning, monetary fine, or deletion from the list of the members of the chamber) in cases when they have committed misconduct fulfilling the features of disciplinary offence.

Besides these two areas in which the Chamber of Restorers as the authority of the so-called interest self-government, fulfils tasks in the field of public administration from the position of its executor. Its duty is also to promote and protect the rights of the professional, social and economic interests of its members, as well as to protect the professional honour of its members.

The task of the Chamber of Restorers is also to cooperate with the providers of university level education with restoration specialisation in the Slovak Republic and to propose measures leading to improvement of the quality of the education in this field and the preparation for the professional restorer.

The Chamber of Restorers, in the interest of providing the highest possible protection and the widest accessibility of the cultural heritage to the public cooperates with the government bodies, local self-government with the domestic and foreign partner professional associations acting in the field of restoration activity and related activities.

COMPETENCE OF THE CHAMBER OF RESTORERS



The Chamber of Restorers governing bodies are as follows:

- General Assembly
- Managing Board
- Supervision Council
- Disciplinary Committee

Each member of the Chamber is automatically a member of the General Assembly. The members of the Managing Board, Supervision Council and Disciplinary Committee are elected by the General Assembly for a period of two years. In addition to these bodies, there is also an Examination senate, which is the executive body of the Managing board. The Examination senate organizes specialized and authorized examinations.

The Restorer

Conservation and restoration is a regulated profession whose performance is conditional upon the completion of the qualification requirements of the education and professional practice stipulated in the Act and which, based on the membership of the Chamber, is associated with the use of the title of "Restorer". A restorer is a person who has met all the legal requirements stipulated in the latter Act and has been duly admitted to the Chamber of Restorers.

The restorer is entitled to render conservation and restoration services in the whole Slovak Republic territory

- a) **on the national cultural monuments** and
- b) **on the artworks of painting, sculpture or applied art, which are collection objects in Museums and Galleries.**

Conservation and restoration of national cultural monuments are regulated by Act No. 49/2002 Coll. on the Protection of Monuments and Historic Sites.[3] The scope of this Act is to govern conditions for the protection of cultural heritage monuments, historical sites, archaeological finds and archaeological sites in accordance with scientific knowledge and on the basis of international conventions in the field of European and world cultural heritage to which the Slovak Republic has acceded. This Act further regulates the organisation and competence of state administration authorities, as well as the rights and duties of owners and other legal entities and natural persons, and the imposition of fines for unlawful conduct in the field of the protection of monuments and historic sites which form an important part of cultural heritage and the conservation of which is in the public interest. The state administration authorities for the protection of monuments and historical sites are The Monuments Board of the Slovak republic in Bratislava and Eight (8) Regional Monuments Boards. They shall perform specialised stated administration activities for the protection of monuments and historic sites (for example, they monitor the status and use of monuments and execute state supervision over the protection of monuments and historical sites, take decisions in administrative proceedings on the methodology of conservation and approves Proposals for restoration, monitor compliance with this Act and take measures to remedy deficiencies in the protection of monuments and historic sites - State supervision in the field of the protection of monuments and historic sites, impose fines etc.). For completeness, restoration documentation and the conservation and restoration may be carried out by except Restorers just only University or Academy within the frame of the study program Restoration creation performed in the study specialisation Restoration.

Conservation and restoration of the artworks of painting, sculpture or applied art, which are collection objects in Museums and Galleries, are regulated by Act No. 206/2009 Coll. on Museums and Galleries and on the Protection of Objects of Cultural Value.[4] Museums and Galleries are institutions creating collections. Their role is to collect, preserve and interpret artworks of painting, sculpture or applied art, which are collection objects. For completeness, restoration documentation and the conservation and restoration may be carried out by except Restorers (on the basis of a contract with a museum or gallery) also, museums or galleries workers (employees) and the University or Academy within the frame of the study program Restoration creation performed in the study specialisation Restoration.

The requirements for the practice of the profession of Restorer are defined in the Act of the National Council of the Slovak Republic No. 200/1994 Coll. and in the Chamber's internal rules and regulations. The main requirements are:

- a) education
- b) (professional) practice
- c) specialized examination (authorization)

The minimum requirements for restoration education are a second-degree (MA) university artistic education in restoration graduated with a successful final state examination at a training institution located in a Member State of the European Union, Switzerland, Liechtenstein, Norway and Iceland which has lasted at least five years in a full-time course or at least six years of full-time study, including at least four years of full-time study. Education requirements for restoration education are also fulfilled by university artistic restoration education of second degree (MA) obtained in an educational establishment located in a third country if it satisfies these requirements, and the Applicant has three years of professional experience. In the case of education but not complying with requi-

rements years of professional experience. In the case of education but not complying with requirements, its recognition in the Slovak Republic shall be possible based on the application of the compensation measure (the Adaptation period of up to three years or taking an aptitude test).

Professional practice is the execution of restoration activities after the end of education under the supervision of a Restorer. Professional practice may be carried out in any State. The professional practice must last at least 3 years.

To become a member of the chamber, besides the proof of your education and practical qualification, you must take the specialized examination (authorization). The aptitude examination also contains the test on legislation, which contains questions based on all three of these Acts. The Board of the Chamber decided to add this requirement to the examination procedure since it became obvious that our members many times do not know their rights and duties and are vulnerable if they do not defend themselves or are prone to misconduct, in case they are not well-oriented in the laws. However, this is the least liked and most feared part of the examination. The successful completion of the procedure is followed by the candidate giving the oath on the performance of the profession into the hands of the president of the Chamber. He/she receives decrees on membership and specialisations and a round stamp, which is necessary to mark official documents like invoices.

A special mention deserves the understanding of the term "Conservator". In the current Slovak legislation, only the profession's activity appears, but the qualification requirements are missing or are not equal – meaning much lower than the requirements for a Restorer. This allows for deep misinterpretations. Since we understand how this thread was tangled, we try to get it right, and while relying on the help of European standardisation we point out what is already mentioned in the Act on the Chamber of Restorers: § 4 (1) Restoration activity under this Act means a *"specific artistic activity which is a summary of the work performed on national cultural monuments or collection items that are works of art of painting, sculpture or applied arts (hereinafter referred to as "restoration")". The aim of restoration is to avoid material decay of the work as much as possible, making available its spiritual, substantive value, with the utmost respect for its originality and physical, historical and aesthetic integrity of the material nature and art form of the work. Restoration mainly includes research of the work, its conservation, interpretation of the aesthetic value of the work and the documentation"*.

2.2 Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) [5]

Besides the execution of the liberal profession Restorer under the Act the National Council of the Slovak Republic No. 200/1994 Coll. where restoration activity means a specific artistic activity, which is a sum of works performed on national cultural monuments or collections' objects, which are artworks of painting, sculpture or applied art, there is also the regulation to perform restoration in the form of a bound trade. It authorizes the restoration of cultural items that are not declared national cultural monuments and are not artworks of painting, sculpture or applied art, which are collection objects in Museums and Galleries. So, it is about the protection of less important objects of cultural heritage or private collections.

The respective Act No. 455/1991 Coll. regulates Bound Trade No. 55. "Restoration, except for national cultural monuments and collection objects that are works of fine art". The legal requirements for the practice in the Bound Trade No. 55 are secondary education in the field of restoration and 2 years of experience in the field of restoration, or complete secondary education in a related field and 4 years experience in restoration, or - university degree in restoration or a related field of study and six months experience in the field of restoration.

REFERENCES

[1] I. Rusina, "I. The art of restoration" in *Umenie reštaurovania II.*, catalogue from the exhibition, I. Rusina, Ed. Bratislava: Komora reštaurátorov, 2011, pp. 6 - 16., ISBN 978-80-969779-4-9

[2] Act the National Council of the Slovak Republic No. 200/1994 Coll. on the Chamber of Restorers and about the restoration activity of its members.
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1994/200/20160701>

[3] Act No. 49/2002 Coll. on the Protection of Monuments and Historic Sites.
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/49/20220330>

[4] Act No. 206/2009 Coll. on Museums and Galleries and on the Protection of Object of Cultural Value.
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2009/206/20220330>

