

ALCUNE CONSIDERAZIONI IN MATERIA DI NORME E PROCEDURE

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Abstract.

The contribution offers a reflection, certainly not exhaustive, concerning both the regulatory framework and some procedures related to interventions on cultural heritage. Paradoxically, despite these areas not requiring urgent and radical updates, the criterion of 'scheduled conservation' has never reached a prescriptive level, as has also happened for other fundamental principles outlined in the 2004 code, including the one regarding the forms in which to define the relationship between protection and valorization. Considering the current events and the succession of regulations on public procurement and contracts, alongside the legislation governing specific provisions for the cultural sector contained therein, the contribution will examine the latest version of the Procurement Code (DPR 36/2023), also emphasizing that, despite the specificity acquired over time by legislation on cultural heritage having completely merged within Annex II.18 - which has incorporated the text of the repealed D.M. 154/2017 containing the Regulation on public procurement of works on cultural heritage - it is nevertheless important to highlight the absence of a specific norm, 'aimed' in some way at making the criteria of scheduled conservation compulsory in the resource planning cycle, which it is hoped will receive greater critical and regulatory attention in the envisaged final Regulation. Alongside these topics, the contribution will then recall some norms concerning the planning of resources allocated to the implementation of public interventions on cultural heritage, norms that already provide for differentiated funding for projects, considering this a positive tool developed precisely to limit the frequent and widespread financing of 'unplanned' interventions. Finally, it is emphasized how the new regulatory text has instead better specified the phases of the Works Programming activity (contained in Annex I.5), with the aim of optimizing and making investment planning transparent, prescribing administrative requirements aimed at selecting priorities based on a punctual *ex-ante* evaluation of projects (see D.Lgs. 228/2011).

Keywords: *conservation, rules, investment planning, "unplanned" interventions*