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CULTURAL HERITAGE ISSUES WITHIN THE SERBIAN PLANNING SYSTEM

Abstract: Although many critical observations could be addressed to Serbian planning practice, it would be unjust to say that cultural heritage is excluded from the planning process, just on the contrary - planning in Serbia is not possible without taking into account a cultural dimension of a territory on which a planning activity is taking place. If there is an international influence on this approach, then it should be rather found in the Serbian school of planning than in convention-type obligations. However, European documents, such as European Spatial Development Perspective and Guiding Principles for Sustainable Spatial Development of the European Continent will, together with their cultural component, certainly become a framework for future national planning documents and policies.

Key words: Cultural heritage, spatial planning, legal framework, planning practice, Serbia

Извод: Без обзира на чињеницу што се на праксу просторног планирања у Србији могу упутити многе замерке, било би неправедно рећи да је проблематика заштите културног наслеђа у њој занемарена – насупрот, планирање у Србији није могуће без разматрања културне димензије простора за који се ради план. Уколико се уопште може говорити о међународном аспекту ове проблематике, она је више присутна у школама планирања него у позитивним законским прописима. Ипак, Перспективе просторног развоја Европе заједно са Водећим принципа одрживог развоја Европског континента биће несумњиво, са својом културном компонентом, оквир за израду планских докумената и политика на националном нивоу у будућности.

Кључне речи: Културно наслеђе, просторно планирање, правни оквир, пракса планирања, Србија

General context

Would it be a matter of economic prosperity and/or simply of different mentality, generally speaking, there exist a huge gap between developed¹/western and underdeveloped/eastern countries when it comes to the protection and valorization of cultural heritage. While in that second group of countries

¹ Development is here taken in its common but often very unjust sense (material values over spiritual ones, economic and technological advantages, consumption vs. environment...)

there usually exists a set of legal documents designated to deal with cultural heritage, in most of the cases its performance capitulates in front of predominant day-to-day existential needs. Serbia could also be considered belonging to this second context.

On a global scale, an institution that aims at “protecting cultural and natural heritage around the world considered to be of outstanding value to humanity” is, of course, United Nations Educational, Scientific and Cultural Organization (known as UNESCO). Its main objective is embodied in an international treaty entitled *Convention concerning the Protection of the World Cultural and Natural Heritage*, adopted by UNESCO in 1972. The succession of ex-Yugoslavia's signature and so cultural heritage inscribed on the World Heritage List was notified to Serbia and Montenegro on September 11th, 2001. Three of four presently inscribed cultural properties are situated on the territory of the Republic of Serbia, namely Dečani Monastery (inscribed in 2004), Stari Ras and Sopoćani (inscribed in 1979) and Studenica Monastery (inscribed in 1986). A committee for culture within Serbian and Montenegrin Commission for UNESCO was created on June 25th, 2002, and deals so far with cultural heritage situated in the Province of Kosovo and Metohija (the latest information available date back to year 2003).

Several conventions concerning cultural heritage are also brought by the Council of Europe, to be exact: *European Convention on the Protection of the Archaeological Heritage* (brought in London on May 6th, 1969 and revised in Valetta on January 16th, 1992), *Convention for the Protection of the Architectural Heritage of Europe* (brought in Granada on October 3rd, 1985), *European Convention on Offences relating to Cultural Property* (brought in Delphi on June 23rd, 1985), *European Cultural Convention* (brought in Paris on December 19th, 1954), *Council of Europe Framework Convention on the Value of Cultural Heritage for Society* (brought in Faro on October 27th, 2005). Serbia and Montenegro have joined the Council of Europe on April 3rd, 2003, but succession of signatures/ratifications posed by ex-Yugoslavia for some of the above-mentioned conventions was notified already in 2001 (i.e. for Granada and Paris Conventions on February 28th, 2001).

After entering into the process of transition, which should lead to accession into the European Union, Serbia will gradually be faced with adoption of not only legal documents but also instruments and measures to improve protection and proceed to conservation and real economic valorization of its existing cultural heritage. Some basic characteristics of the “western” model that serves as model to all the countries that have already passed through transition or are still within this process are:

- Awareness that cultural heritage is an important part of overall national identity is on a high level;

Cultural heritage issues within the Serbian planning system

- Not only strong cultural and historical value is recognized to cultural heritage but also its economic value;
- Instruments and measures of protection of cultural heritage are well developed;
- Respect of legal provisions, plans and construction rules is guaranteed (also through high penalties and implementation of criminal codes);
- Not only legal authorities but also a number of associations / NGOs is dedicated to protection of the cultural heritage;
- Sophisticated tools and works have been developed in the field of conservation or preservation of the original look of buildings (facades in cities, for instance).

Three out of these six remarks refer, more or less directly, to spatial and town planning (remarks 2 to 4). Although many critical observations could be addressed to Serbian planning practice, it would be unjust to say that cultural heritage is excluded from the planning process, just on the contrary - planning in Serbia is not possible without taking into account a cultural dimension of a territory on which a planning activity is taking place. If there is an international influence on this approach, then it should be rather found in the Serbian school of planning than in convention-type obligations (there are presently no convention on spatial planning, but only Landscape convention adopted in Florence on July 19th, 2000 which Serbia and Montenegro have not yet signed or ratified). However, European documents, such as European Spatial Development Perspective and Guiding Principles for Sustainable Spatial Development of the European Continent will, together with their cultural component, certainly become a framework for future national planning documents and policies.

Regardless of a role that cultural heritage plays in Serbian planning, not many scientific and/or professional papers deal with such a topic. Still, the motive for the authors to propose this article is in addition related to the seminar on “Integrated management tools of the cultural and natural heritage” organized recently by the Council of Europe in Bucharest, Romania. One of the main conclusions brought on that occasion by the participants refer to an unjustly low treatment of cultural heritage through international and national documents in comparison to the natural one. In that sense, the seminar followed the line of the *Ljubljana declaration on the territorial dimension of sustainable development* (brought by the Conference of ministers responsible for regional planning – CEMAT of the Council of Europe during their 13th session in 2003) in which a new understanding of the paradigm of sustainable development was given as “the paradigm of an economic, social, environmental and cultural dimension of sustainability”.

**Cultural heritage within Serbian spatial and town planning system
– legal framework**

An official definition of “cultural properties” is to be found in the *Law on Cultural Properties* adopted by the Serbian Parliament in 1994 (there is no notion of “heritage” in Serbian laws relating to culture). According to this basic legal text “cultural properties consist of material and spiritual cultural objects and creations which are of public interest and which enjoy a special protection defined by this law.” There could be identified two basic types of cultural properties: immovable and movable. The Law, however, focuses on immovable cultural properties *id est* cultural monuments, spatial cultural-historical ensembles, archeological sites and significant sites. Depending on their importance, cultural properties could be ranked as (simply) cultural properties, cultural properties of a great importance and cultural properties of an extraordinary importance.

Regulations concerning identification and maintenance of the cultural properties’ inventories are adopted at the national level, too. The responsibility for their enforcement is delegated to the Ministry of Culture of the Republic of Serbia.

There exist three types of inventories in respect to cultural properties, namely Register of immovable cultural properties (maintained by provincial institutes of Vojvodina and Kosovo and Metohija and regional/inter-municipal institutes for the protection of cultural properties, both having the same competences according to the 1994 Law), Central Register of immovable cultural properties (maintained by the Republic Institute for the Protection of Cultural Monuments) and Records on previously protected cultural properties. Registers are accompanied with three types of additional documentation such as *general documentation* (decision on designation of cultural property, land certificate, decision on categorization), *technical documentation* (layout, ground plan, sections, other important details) and *photographic record* (photograph of the general appearance 18x24 cm, photographs of characteristic details).

How are cultural properties incorporated into planning legal framework?

The *Law on Planning and Construction* has determined following types of spatial planning documents on national, regional and local level: *Spatial Development Strategy of the Republic of Serbia*, *Spatial Development Schemes*, *Spatial Plans for Special Purpose Areas*, *Regional Spatial Plans* and *Municipal Spatial Plans*. Of a special interest for cultural heritage are *Spatial Development Schemes* and *Spatial Plans for Special Purpose Areas*. Schemes are sectoral planning documents elaborated for the entire territory of the Republic, under terms proposed in the Strategy. Among nine schemes, one is to be elaborated for culture. Schemes are adopted by the Government of the

Cultural heritage issues within the Serbian planning system

Republic of Serbia, upon the proposal of competent ministries. *Spatial Plans for a Special Purpose Areas* are adopted for areas which due to their characteristics have a special purpose that requires a special regime of organization, development, use, and spatial protection. They are so adopted also for larger areas of immovable cultural properties (of national interest) and their protected environment with a view of defining spatial conditions for the protection of cultural properties, as well as the rules for development and use of their environment. *Spatial Plans for a Special Purpose Areas* are adopted by the Government upon the proposal of the Republic Agency for Spatial Planning, i.e. by the assembly of the autonomous province for the areas in the territory of the autonomous province.

With respect to all spatial plans there subsist a legal obligation regarding the acceptance of conditions issued for the purpose of plan elaboration by institutions competent for the protection of cultural monuments (for example, the Government of the Republic of Serbia adopts spatial plans within its competence only after having obtained positive opinion from the ministry responsible for the protection of cultural monuments). That is to say that a positive discrimination in favor of cultural and natural heritage is present in all spatial plans.

Following town plans are defined by the *Law on Planning and Construction*:

- General town plans – master plans and plans of general arrangement;
- Regulation plans – general regulation plans and detailed regulation plans.

Town plans define long-term projection of the development and spatial development of different types of settlements. Constituent parts of urban plans are development rules, construction rules and graphic parts. Town plans dealing exclusively with heritage have not been defined by law, but the conditions for the protection, maintenance and use of cultural property (defined by a competent institution) are obligatorily incorporated in all town plans. However, some of the aforementioned urban plans may be developed for an area where there is a priority to protect a piece of heritage.

Protection conditions have significantly gained in importance with entering into force of new regulations under which the conditions for the protection are secured by the drafter of the town plan, already during the preparation of the plan development program. Thus, the conditions for protection are contained in the plan itself and are submitted in the form of excerpt from the plan to an investor, who has to observe these conditions when developing his own project. When giving approval for the construction, the competent authority controls whether the project is in conformity with the excerpt from the plan and the conditions for protection specified therein.

**Cultural heritage within Serbian spatial and town planning system
– practice**

While a lack of Strategy and Spatial development scheme for culture (they both have not yet been elaborated) is certainly seen as an obstacle for conducting coordinated planning policies at national but also lower levels², the *Spatial Plan of the Republic of Serbia* (adopted in 1996 and still in force until replaced by the Strategy) gives a framework when it comes to cultural properties of national importance to be treated through spatial plans.

In the National spatial plan the cultural heritage is to be found under the chapter V untitled “Tourism, environmental protection, natural and cultural heritage”. In this manner not only protective but also economic approach has been determined when considering cultural properties. Basic principals and goals referring so to cultural heritage are the following:

- “Immovable cultural heritage is protected together with the surroundings in which it is located.
- Immovable cultural heritage is treated as a potential development area in which the cultural heritage is located and protected as an integral part of development.
- Cultural heritage may be moved only under exceptional circumstances and in order to save it.
- Protection will be extended to cultural heritage that has not been protected to date – based on a critical revalorization of the categorization criteria.”

According to importance of immovable cultural properties, the *protected heritage categories* specified in the National spatial plan are not in all identical to categories set by the *Law in force on Cultural Properties*. They contain: cultural heritage on UNESCO World Heritage List and those proposed for this list, cultural properties of an extraordinary importance, cultural properties of a great importance and other cultural properties. The Plan proposes more harmonization with the sector of culture for other terms, too. The spatial organisation of cultural heritage within Serbian territory should include: cultural regions, important old towns and church centres, archeological sites as well as rural areas with preserved specificities.

As for cultural heritage to be treated through spatial plans for special purpose areas, a priority list consists of: Romulijana/Gamzigrad archeological site and monasteries Studenica, Gračanica, Pećka patrijaršija, Dečani and Stari Ras with Sopoćani.

² Due to prescribed coordination and hierarchy that exist between certain planning documents.

Cultural heritage issues within the Serbian planning system

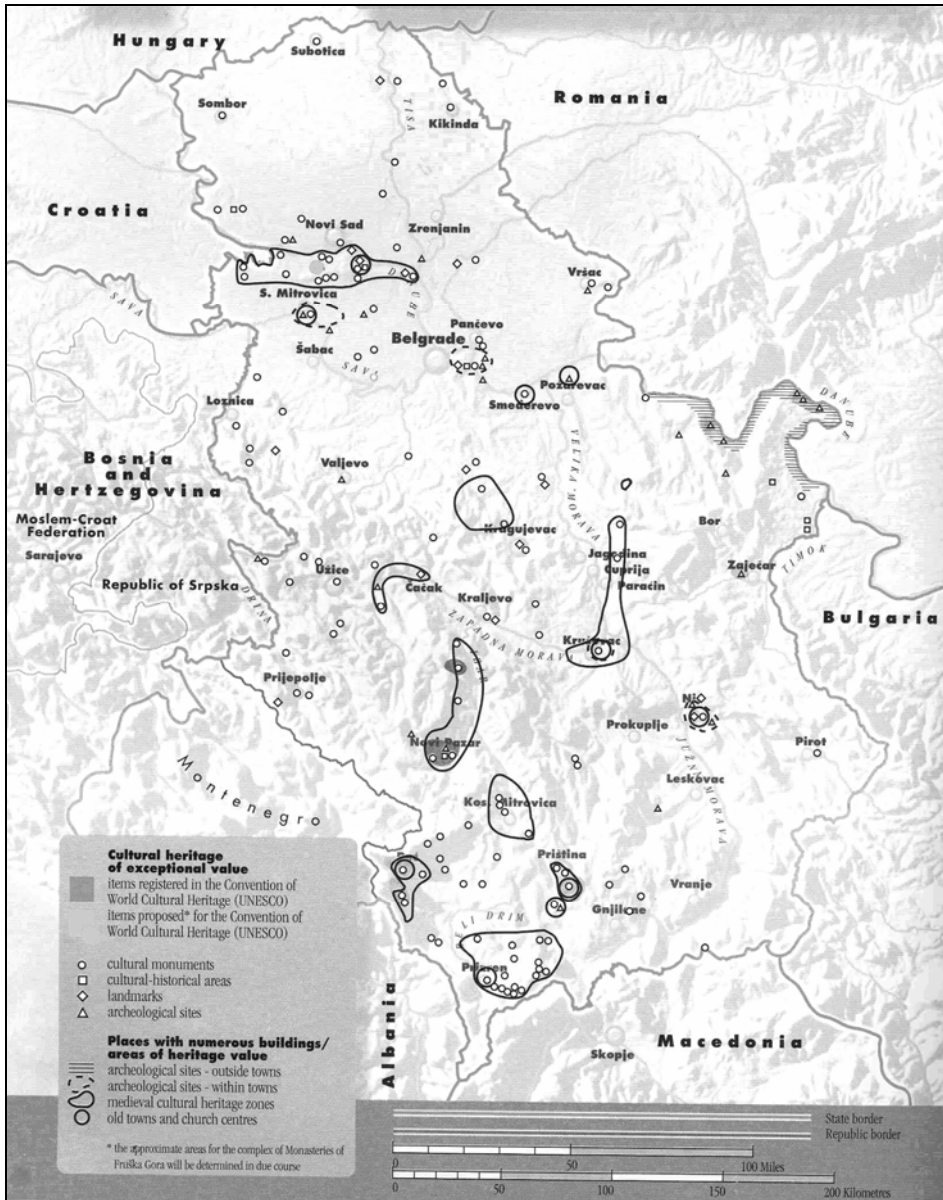


Figure 1. – Protection of cultural heritage

In the Spatial plan of the Republic of Serbia, the priority in developing tourism is, however, given to natural and not to cultural heritage. The following table, chosen from this plan, would be a proper illustration for such observation:

Проблематика културног наслеђа у систему просторног планирања у Србији

Table 1. – Tourist zones and regions

Tourist zones			Tourist regions		Characteristics of zones and regions					
Class	Symbol	Designation and Description	Sublevel	Symbol	Designation and Description	Rank	Main tourist activities	Other tourist activities		
I	E	EASTERN ZONE - with high mountain regions E.1 and E.2	I.1	E.1	STARA PLANINA	International and national	Alpine skiing	Summer recreation, hunting, village		
				E.2	KRAJŠTE AND VLASINA		Tour and alpine skiing	Summer recreation, lake, village		
	C.1	CENTRAL I ZONE - with high mountain regions C.1-1 and C.1-2	I.2	C.1-1	KOPAONIK		Summer recreation, spa, hunting, village			
				C.1-2	GOLJIA		Summer recreation and winter sports	Cultural heritage, hunting, village		
	S	SOUTHERN ZONE - with high mountain regions S.1 and S.2	I.1	S.1	ŠAR PLANINA		Summer recreation, cultural heritage, hunting			
				S.2	PROKLETIJE		Alpine skiing	Summer recreation, cultural heritage, hunting		
II	W	WESTERN ZONE - with medium-sized mountain subregions of region W.1	II.1	W.1	TARA-ZLATIBOR-ZLATAR	National	Summer recreation	Transit, lake, village		
				C.11	CENTRAL II ZONE - with Peripannonian regions C.11-1 to 5,	C.11-1	VALJEVSKE PLANINE			Excursions, spa, hunting, village
						C.11-2	ŠUMADIJSKE PLANINE			
						C.11-3	KUČAJSKE PLANINE			Excursions, cultural heritage, hunting
						C.11-4	DERDAP			Excursions, nautical, cultural heritage
	C.11-5	DELIBLATSKA PEŠČARA	Excursions, nautical							
	N	NORTHERN ZONE - with the Pannonian regions N.1 to 4	II.1	N.1	FRUŠKA GORA			Excursions, nautical, cultural heritage		
				N.2	UPPER DANUBE RIVER BASIN			Nautical, hunting		
				N.3	UPPER TISA RIVER			Nautical, spa, hunting, village		
				II.2	N.4			LOWER TISA RIVER	Excursions, nautical, hunting	

With exception of spatial plans for special purpose areas drafted for cultural heritage, the observation refers to all other planning documents in which cultural heritage is only one among many elements to be taken into account. The thesis on dominance of natural over cultural heritage finds therefore its confirmation within Serbian planning system, too. The reason evidently lies in a wrong interpretation of the notion of environment as referring exclusively to the natural environment in most of the cases.

In respect to regional, municipal and town planning practice, it should be noted that the legal procedure is strictly followed, but that conditions given by competent authorities are often still more protective than heading towards development. Yet, planning activities at present are followed by more attention given to development and sustainable use of the cultural heritage.

Methodology applied for drafting spatial and urban plans in respect to cultural properties consist of designating protection zones (usually three) and prescribing types of activities that can take place in the protected areas. The protection zones are defined by authorities competent for the protection of cultural monuments. These institutions also contribute in determining activities that do not create negative effects on the property in question and its close environment. The *Law on planning and construction* provided spatial plans with a new implementation tool – the *implementation contract*. An agreement on financial resources to be engaged by competent authorities and other

interested partners for a period of usually four years, should strengthen protection and valorization of cultural properties in future.

Two examples of planning documents that treat cultural heritage are presented in the continuation of this text.

Case study 1: Spatial plan for the archeological site Romulijana – Gamzigrad

This spatial plan for a special purpose are was adopted in December 2004 (Official Journal of the Republic of Serbia n°131/04) and is, at present, the only plan of that kind elaborated according to priorities given for cultural heritage in the Spatial Plan of the Republic of Serbia. The plan covers the area of 5.099,7 ha, out of which 2.414 ha belong to protected areas. The cultural property/heritage in question is Felix Romuliana - Gamzigrad - a Roman palace built at the beginning of 4th century A.D. by Gaius Valerius Galerius Maximianus, a Roman imperator (from 293 to 311 A.D.) who received the Purple from the famous Diocletian. Even though the palace was built only when Gaius Valerius Maximianus retrieved from the throne, an influence of Diocletian's *belle époque* seems having left the marks (in terms of artistic aspirations) on this site, too. It is therefore not surprising that Felix Romuliana is proposed for the UNESCO World Heritage List.

The site is located in Eastern Serbia (former Roman Province of Dacia). It enjoyed the status of monument of national importance since 1948 and was classified as "cultural monument of extraordinary importance" in 1979 (Official Journal of the Republic of Serbia n° 14/79), with total archeological site surface 2.685,7 ha. The core of the site consists of two concentric fortifications – an older inner-one that has never been completed and a larger one with 20 towers. Priceless mosaics, frescoes and sculptures are to be discovered in inside palaces and temples even if excavations have not yet been completed.

The main objectives of the Plan are:

- To enable urgent conservation and restoration of the constructions
- To create basic urbanistic, technical, organizational and other conditions that are needed for protection, revitalization, further investigations and presentation of the site
- To resolve land property issue in favor of public property
- To take into account cultural properties situated in nearby settlements
- To define urban planning documents for different parts of protected area
- To encourage inscription of Felix Romuliana into UNESCO World Heritage List
- To internationalize activities on excavations and further investigations, conservation as well as restoration of the site once it is on the World Heritage List.

The plan designated three protection zones, as shown on the figure 2.

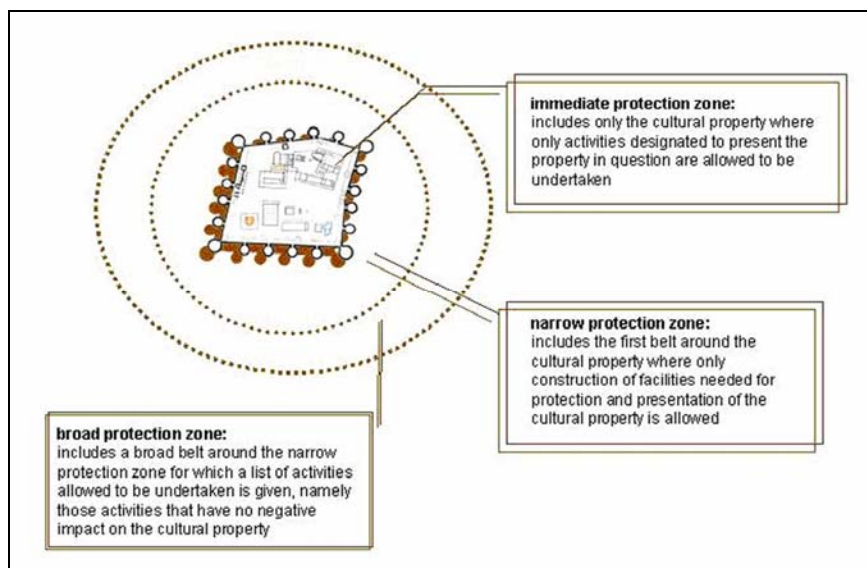


Figure 2. – Protection zones designed by the Spatial Plan

For the implementation of this plan an implementation contract has been drafted (but has not yet been signed). This contract should engage Ministry of culture and media, Ministry of Capital Investment, Ministry of Mining and Energy, Ministry of Science and Environmental Protection, Ministry of Agriculture, Forestry and Water Management as well as the Municipality of Zaječar, for a period of four years. The total amount of money is estimated at 746.250.000 dinars (9.328.125 Euros).

Case Study 2: Master Plan of the City of Smederevo

The City of Smederevo is situated 46 kilometers from Belgrade down the Danube River and it has 62.805 inhabitants according to census conducted in 2002. It is an important industrial center situated in Danube-Sava River Belt with best development potentials in the country. The Master Plan was is presently on public debate.

Somehow in collision with major economic installations of the city, there exist an important cultural property - the Smederevo Fortress, a construction that recalls history not only of the city but of the whole nation. The Fortress was constructed between years 1428 to 1430 by the Serbian Despot Stefan Lazarević. With its accomplishment Smederevo becomes the capital city of Serbia until conquered by Ottomans in 1459. In 1480 Turks had

Cultural heritage issues within the Serbian planning system

enlarged the old city walls up to their present size thus the surface of actual protected site is 11 hectares. Three water flows predisposed a triangle form of the Fortress: rivers Danube and Jezava and Petijeovski stream. The Fortress is divided into a smaller/inner and bigger/outer city with 25 towers in total. The complex was heavily damaged during the Second World War. It was declared the monument of national importance in 1946 and was classified as “cultural monument of extraordinary importance” in 1979 (Official Journal of the Republic of Serbia n° 14/79).

In the Master Plan of the City of Smederevo the Fortress is both treated under the chapter on tourism and city green spaces. Conditions for protection were determined by the Regional Institute for the Protection of Cultural Monuments - Smederevo. The main objectives of the Plan in respect to the Smederevo Fortress are:

- To preserve the original look of the complex (architecture, volume, roofs, construction elements, decorations, original materials and inscriptions)
- To ensure permanent maintenance and follow-up of the complex
- To provide good visibility and access to the Fortress
- To make sure that no inappropriate building or other activity take place within the protected area.

Three protection zones with comment on their state of the art and measures to be taken are defined on the figure 3:

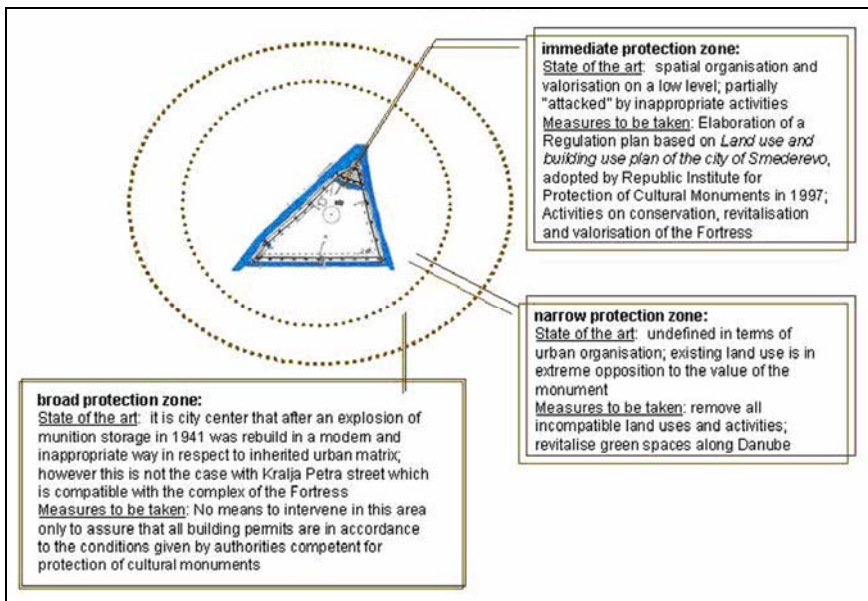


Figure 3. – Protection zones designed in the Master Plan of Smederevo

Проблематика културног наслеђа у систему просторног планирања у Србији

As no implementation contract is provided by the Law to town plans, an implementation of these plans rely on elaboration of town plans and projects for smaller spatial units as well as on well developed building rules. The measures proposed by the Master Plan for the Smederevo Fortress are to be implemented through elaboration of the Regulation Plan for the Complex of the Smederevo Fortress and implementation of specific measures to be brought by that plan.

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ПРОБЛЕМАТИКА КУЛТУРНОГ НАСЛЕЂА У СИСТЕМУ ПРОСТОРНОГ ПЛАНИРАЊА У СРБИЈИ

Резиме

Било да је реч о економском просперитету или напросто о разликама у менталитету, постоји приметна разлика у третману културног наслеђа у тзв. развијеним западним земљама и онима које то покушавају да постану. Србија се још увек у пракси придржава Конвенције УНЕСКО-а из 1972. године на основу које су нпр. Стари Рас са Сопоћанима уврштени у светску културну баштину. Са друге стране, Европска Унија је, почев од 1992. године до данас, донела не мање од 6 Конвенција које на различите начине третирају културно наслеђе, од којих су многе непознате нашој стручној јавности, а ниједна није у пракси планирања и примењена. Са друге стране, без обзира на чињеницу што се на праксу просторног планирања у Србији могу упутити многе замерке, било би неправедно рећи да је проблематика заштите културног наслеђа у њој занемарена – насупрот, планирање у Србији није могуће без разматрања културне димензије простора за који се ради план. Уколико се уопште може говорити о међународном аспекту ове проблематике, она је више присутна у школама планирања него у позитивним законским прописима. Ипак, Перспективе просторног развоја Европе заједно са Водећим принципа одрживог развоја Европског континента биће несумњиво, са својом културном компонентом, оквир за израду планских докумената и политика на националном нивоу у будућности.

Закон о културним добрима из 1994. године (у Србији појам “културног наслеђа” није законски третиран) представља правни основ заштите културног наслеђа у Србији, скупа са Законом о планирању и изградњи из 2003. године, који својим одредницама обавезује да проблематика заштите и валоризације културног наслеђа има статус обавезности у свим просторним плановима. Још је у Просторном плану Републике Србије из 1996. године питање заштите културног наслеђа снажно потенцирано обавезом израде Просторних планова подручја посебне намене за сва културна добра која уживају највише степене заштите, иако се у свим планова без обзира на ниво и тип културно наслеђе третира одговарајућим режимима коришћења простора. У раду су на примерима приказана оба карактеристична случаја из праксе Српског планирања:

Проблематика културног наслеђа у систему просторног планирања у Србији

Просторни план подручја посебне намене Ромулијана – Гамзиград и Генерални план Смедерева, где је позната средњовековна тврђава посебно третирана у оквиру укупног планског концепта. Такође су приказани и предложени кораци које би требало предузети да би се наша законска регулатива осавременила и прилагодила европским стандардима.